Terms of Reference

Civil Applications Committee (CAC)
Blue Ribbon Study

8 June 2005

(U) **Objective:** The objective of this study is to conduct an independent review of the future role of the Civil Applications Committee (CAC) for the facilitation, management and oversight of Intelligence Community capabilities for applications that are civil and/or domestic in nature and involve the use of Intelligence Community capabilities and products. This study is predicated upon the realization that many of these applications have taken on increased importance, and the CAC construct that was put in place several years ago should be evaluated to determine whether it meets current and future needs. In addition to applications where the CAC has traditionally been involved, which include natural disaster recovery, environmental applications and support of civil agency special requirements, the study will address management and processes associated with leveraging Intelligence Community capabilities against homeland security and law enforcement missions. It will consider and balance the concerns of all stake-holders, including Intelligence Community elements, and weigh the benefits, drawbacks, and legal and policy imperatives associated with a CAC-like construct and alternatives. Recommendations will be developed to improve the effectiveness, timeliness, and efficiency of Intelligence Community support to civil, homeland security and law enforcement users, and will address the future role of the CAC in the overall process. Study findings and recommendations will assist the Government in charting a way ahead and making decisions related to the future of the CAC.

(U) **Scope:.** The study will investigate all considerations and trades related to the role of the CAC and the processes

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by which civil, homeland security and law enforcement communities gain access to Intelligence Community capabilities and products. Recommendations:

- Will focus on improving the effectiveness, timeliness and efficiency of the overall process;

- Will ensure the overall process is widely accessible to all categories of civil/domestic users, regardless of organizational stature and mission importance;

- May include policy, or policy interpretation, changes; and,

- Must be actionable within existing legal constraints. Legal constraints that do not allow an effective and efficient arrangement will be identified.

(U) <u>Independent Study Group and Senior Steering Group</u>: A non-government Independent Study Group (ISG) will be established to conduct this study under the oversight and guidance of a Senior Steering Group (SSG). The ISG and SSG relationship is illustrated in the figure below.

Senior Steering Group (SSG)

Co-Chairs

Membership

The SSG sets study objectives and scope, and provides guidance to ISG on execution of the study.

- Co-Chaired by DDNI/C and Chair/CAC
- Membership composed of senior Government personnel from stakeholder organizations

Independent Study Group (ISG)

Chair

Executive Secretariat

Membership

The ISG executes the study and reports to SSG.

- Chair:
  - Selected by DDNI/C and Chair/CAC
  - Provides study leadership
- Membership:
  - Up to 8 independent consultants
  - Experience and expertise spanning interests of stakeholder organizations
- Executive Secretariat:
  - Supports ISG and SSG activities
  - Managed by ISG Chair

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(U) The SSG will be co-chaired by the Deputy Director of National Intelligence for Collection (DDNI/C) and the Chairman, CAC. The SSG will be composed of senior Government officials, with membership selected by the co-chairs to ensure adequate and balanced representation of all stakeholder viewpoints. The SSG will review ISG plans and status, and provide guidance on issues relating to study objectives, scope, schedule, and boundary conditions.

(U) The ISG chair will be selected by the SSG co-chairs. Up to eight ISG members, plus alternates, will be nominated by the ISG chair to ensure adequate and balanced representation of all stakeholder viewpoints. Criteria for the selection will be technical, political, and legal experience and knowledge related to the issues that the study will address. Final ISG membership will be approved by the SSG co-chairs.

(U) An Executive Secretariat will be formed to provide direct support to the ISG. It will be composed of a staff member from the Intelligence Community and CAC, and up to two contractor personnel. The secretariat will be responsible for:
- Making arrangements for ISG and SSG meetings;
- Assisting ISG members in research and information gathering;
- Recording ISG and SSG deliberations;
- Managing action items; and,
- Supporting the preparation of ISG products.

(U) **Security**: It is anticipated that the highest security level that will be encountered during the execution of the study will be TOP SECRET/SI/TK. The study may be conducted up to this level when necessary, but the goal is for study results to be unclassified as much as possible. All ISG and SSG members must be appropriately cleared. The facilities in which the ISG and SSG will conduct its work, and the associated information processing equipment, must be approved for the security level of information being handled.

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(U) **Tasks**: (TENTATIVE, This section will be fully determined by the Chairman of the ISG and approved at the first status report to the SSG.)

- Provide two interim status reports to the SSG (one within two weeks of study kick-off, the second at an appropriate mid-point of the study);

- Review the CAC charter, the civil requirements that are managed by the CAC, and other functions provided by the CAC.

- Review requirements for Intelligence Community support to the homeland security and law enforcement communities and the processes by which this support is obtained.

- Research and identify applicable legal and policy constraints;

- Identify relevant considerations and formulate the trade-space for evaluation of the CAC construct and alternatives;

- Conduct interviews as needed at stakeholder organizations;

- Develop alternatives to the CAC construct;

- Compare and evaluate the CAC construct and options;

- Develop key findings;

- Make recommendations on the best over-all approach for the facilitation, management and oversight of Intelligence Community capabilities for applications that are civil and/or domestic in nature and involve the use of Intelligence Community capabilities and products;

- Describe at a top-level how the recommended approach would operate and be managed;

- Identify where there should be exceptions to the recommended approach;

- Make recommendations on the future role of the CAC;

- Document findings and recommendations in a Final Report and Final Briefing; and,

- Report findings and recommendations to the SSG.

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(U) **Participation of Government Agencies and Departments**:
The offices of the DDNI/C and Chairman, CAC, will assist as
needed to ensure the ISG has access to the information it
needs to conduct the study.

(U) **Schedule and Deliverables**: The study will be conducted
over a 90-day period with the following milestones:

- Contractual Authorization to Proceed by 19 May.

- The ISG membership will be finalized by 27 May.

- The SSG membership will be finalized by 17 June.

- The ISG kick-off will occur by 20 June. The ISG
  will nominally meet as a group for 1 to 2 days every
  other week.

- The ISG will provide a Progress Review to the SSG
  twice during the study to discuss plans, status, and
  issues that require guidance. The first Progress
  Review will be within 3 weeks of ISG kick-off. The
  second Progress Review will be approximately at the
  mid-term of the study.

- The ISG will brief findings and recommendations to
  the SSG at the end of the study period. The SSG co-
  chairs will determine further distribution of the
  results of the ISG's findings and recommendations,
  and will assign actions as appropriate to initiate
  the implementation process for recommendations that
  are adopted by the SSG.

Civil Applications Committee Blue Ribbon Study
Senior Steering Group
Membership

Dr. Phillip Leahy	Co-Chair; Acting Director, USGS
Mary Margaret Graham	Co-Chair; Deputy Director of National Intelligence for Collection
Jason Freihage	Office of Management and Budget
Phillip Ritcheson	National Security Council
Dr. Peter R. Jutro	Environmental Protection Agency
Robert Thomas Weimer	Dept of Interior
Gregory W. Withee	National Oceanic and Atmospheric Administration
Brooks Altshuler	Federal Emergency Management Agency
████████████	Dept of Homeland Security
████████	Dept of Homeland Security
████████	Dept of Homeland Security
RADM Fred Rosa	United States Coast Guard
████████	Dept of Homeland Security
████████	Office of the Director of National Intelligence
William R. Grundman	Defense Intelligence Agency
Letitia Long	Dept of Defense

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██████████   National Security Agency

██████████████   National Reconnaissance Office

██████████   National Geospatial-Intelligence Agency

Kerry Haynes   Federal Bureau of Investigations

Larry R. Parkinson   Dept of Interior

Patrick Philbin   Dept of Justice

CAC BLUE RIBBON STUDY
INDEPENDENT STUDY GROUP

ISG MEMBERS BIOGRAPHIES

Keith Hall (ISG Chairman)
Keith R. Hall joined Booz Allen Hamilton on May 1, 2002 following a distinguished career in the federal government.   From February 1996 to December 2001 he served as Acting Director and Director of the National Reconnaissance Office.   In March 1997, he was appointed by the President and confirmed by the Senate as Assistant Secretary of the Air Force (Space).   As NRO Director, he was responsible for the acquisition and operation of all U.S. space-based reconnaissance and intelligence systems.   Within the Air Force, he was responsible for overall supervision of space matters, with primary emphasis on policy, strategy, and planning.

Mr. Hall has worked in various capacities in U.S. intelligence since 1970 when he received his Commission as an officer in the United States Army. He served nine years in Army intelligence including two tours in which he commanded overseas operational intelligence units. He left the Army in 1979 after being selected a Presidential Management Intern and appointed to the Office of Management and Budget where he served as budget examiner for the Central Intelligence Agency program.

In 1983 Senator Barry Goldwater appointed him a member of the professional staff of the U.S Senate Select Committee on Intelligence where he served until 1991. He had primary responsibility for supporting the Committee in the annual intelligence budget authorization process and, as Deputy Staff Director, supported all Committee oversight activities as well as formulation of intelligence related legislation.

From 1991 to 1995, Mr. Hall served as Deputy Assistant Secretary of Defense for Intelligence and Security in the Office of the Secretary of Defense. In addition to his responsibilities for policy development, resource management, and counterintelligence, and security oversight, he was Chairman of the National Counterintelligence Policy Board and Co-Chairman of the Intelligence Systems Board.

Prior to his Presidential Appointment, he served as Executive Director for Intelligence Community Affairs and Director Community Management Staff from May 1995 to February 1996 at the Central Intelligence Agency. In this capacity he had responsibility for overall policy and resource management of National intelligence activities and was the principal architect and co-chairman of the Intelligence Program Review process, co-chaired the Security Policy Forum, and co-chaired the study group that created the National Imagery and Mapping Agency.

CAC BLUE RIBBON STUDY
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Mr. Hall holds a Bachelor of Arts degree in History and Political Science and an Honorary Doctorate from Alfred University in New York. He also earned a Masters Degree in Public Administration from Clark University in Worcester, Massachusetts.

Mr. Hall has received many prestigious awards throughout his career, including the Professional Achievement Award from the Office of Management and Budget, the CIA Director's Award, the Intelligence Community Distinguished Service Medal, and several awards of the Distinguished Civilian Service Medal from both the Department of Defense and the U.S. Air Force. He has also received awards from each of the agencies that make up the U.S. intelligence community as well as the American Astronautical Society's Military Astronautics Award in 1999, and in 2000 the National Space Club's most prestigious award, the Dr. Robert H. Goddard Memorial Trophy.

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Mr. Hall resides in Virginia with his wife of 34 years ████ . ████████ ████████████████████ .

Edward Anderson
Experienced at strategic planning, organizing and managing complex organizations. Headed the Army staff organization responsible for developing the Army's modernization strategy and funding priorities, 1994-1996. Commanded the Army Space and Missile Defense Command, 1996-1998. Served as Director for Strategic Plans and Policy, Joint Staff, 1998-2000. Served as Deputy Commander, United States Space Command, 2000-2002 and Vice Commander, US Element, North American Aerospace Defense Command, 2000-2004. And served as the Deputy Commander, United States Northern Command, the first and only Department of Defense joint organization totally dedicated to homeland defense and homeland security. In these capacities, communicated and interacted with multiple organizations including the White House staff, the National Security Council, the Office of the Secretary of Defense, Congress, Department of Homeland Security, the intelligence community, the law enforcement community to include the FBI, the Joint Staff, all military departments to include the US Coast Guard, the National Guard Bureau, industry, media and first responders at the state and local levels. Retired from the United States Army on 31 July 2004 as a Lieutenant General.

Jeff Baxter
Mr. Baxter currently serves as an advisor to the Missile Defense Agency, (MDA), Rep. Dana Rohrabacher, (Chairman Investigations & Oversight Sub-Committee, House International Relations Committee, Senior member House International Relations Committee), Rep Curt Weldon, (Vice-Chairman, HASC, Chairman Tactical Air, Strategic Forces, House Committee on Homeland Security), Specialist Reserve Officer for the Anti-Terrorist Division of the Los Angeles

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Police Department and member Terrorist Early Warning Group, (TEW), Los Angeles County Sheriff's Dept. Consultant/contractor for NGA, (National Geospatial Intelligence Agency), Consultant at the Lawrence Livermore National Laboratory and a member of their Technical Review Committee, as well as holding current consulting agreements with SAIC, Northrop-Grumman/TASC, General Atomics and Anteon Corp. He is a member of the Board of Regents at the Potomac Institute for Policy Studies as well as a consultant at the NASIC, (National Air & Space Intelligence Center), AFRL, (Air Force Research Laboratory) and serves on the HSIPB, (Homeland Security Information Policy Board) at DHS, (Dept of Homeland Security) and NASA's Exploratory Systems Advisory Committee.

Tom Conroy

Prior to joining TASC in June 2001, Mr. Conroy served for more than thirty-three years in the U. S. Government

Mr. Conroy graduated from the University of Maryland with a BS in Electrical Engineering and MS in Electrical Engineering with a minor in Business. He was senior executive and technical program manager with the CIA and the NRO. He formulated, advocated, initiated, and directed state-of-the-art technical collection and communications programs. Tom is experienced in program management, problem solving, systems engineering, program planning and development, budget management, human resource administration, all source intelligence analysis, clandestine collection, and clandestine operations. Throughout his government career he interacted extensively with decision-makers across senior levels of the Intelligence Community (IC), State Department, the military, and with Congress. Mr. Conroy currently provides strategic guidance to TASC's business development activities, he represents the company on numerous government panels and studies, and he supports senior level engagement between Northrop Grumman Corporation and the Intelligence Community.

His selected accomplishments include:
- Served as a member of the 2001 Remote Sensing Strategy Panel under Dr. Don Kerr to define needs for the Intelligence Community (IC) and the Department of Defense (DOD) over the next decade. During the same period, also served as a member of the National Security Presidential Directive–5 (NSPD-5) Sub-Panel on Commercial Imagery to recommend an overall strategy for collection and use.
- Championed and successfully established two major new reconnaissance collection systems.
- Brought major new space-based communications system into full operation and re-engineered existing system to dramatically reduce cost and enhance capability for rapid launch and operation.

- In multiple assignments oversaw or directly managed many clandestine technical collection activities within CIA. Brought together multiple offices and agencies to expand capabilities.
- Directed two major organizational consolidations, one in the Directorate of Intelligence (DI) and one in the Directorate of Science and Technology (DS&T) with significant efficiency and staffing benefits.

He is on the Board of Directors, Northwest Federal Credit Union serving as Chairman from 1995 to 2000. During his Chairmanship, Northwest Federal experienced asset growth of 50 percent, they began electronic banking, privatized their workforce, recapitalized their IT infrastructure, acquired a new building, and they achieved and maintained for the last four years the highest possible rating for safety and soundness from their federal regulators for the first time in the Credit Union's history.

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Tom Conroy and his wife█████████████ and they █████████████

Paul Gilman

Dr. Gilman assumed the position of Founding Director of the Oak Ridge Center for Advanced Studies (ORCAS) in December of 2004. ORCAS is a new consortium of research universities, government, industry and non-governmental organizations focused on critical issues with strong science and technology content. ORCAS Founding Members are Battelle Memorial Institute, Duke University, Florida State University, Georgia Institute of Technology, North Carolina State University, Oak Ridge Associated University, Oak Ridge National Laboratory, University of Tennessee, University of Virginia, and Virginia Tech.

In November 2001, Dr. Gilman was nominated by President Bush to serve as the Assistant Administrator for the Office of Research and Development which is the scientific and technological arm of the Environmental Protection Agency. After his confirmation in that position he was also named Science Advisor to the Agency. Before this nomination, he was Director, Policy Planning for Celera Genomics in Rockville, Maryland. Celera Genomics, a bioinformation and drug discovery company, is known for having decoded the human genome. In his position Dr. Gilman was responsible for strategic planning for corporate development and communications. Prior to joining Celera, Dr. Gilman was the Executive Director of the life sciences and agriculture divisions of the National Research Council of the National Academies of Sciences and Engineering. Before joining the National Research Council, Gilman was the Associate Director of the Office of Management and Budget (OMB) for Natural Resources, Energy, and Science. Dr. Gilman served as Executive Assistant to the Secretary of Energy for technical matters before joining the OMB. Gilman has 13 years of experience working on the staff of the United States Senate. He began that time as a Congressional Science Fellow sponsored by the American Association for

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the Advancement of Science in the office of Senator Pete V. Domenici. He then served as the Staff Director of the Subcommittee on Energy Research and Development and finally as the chief-of-staff for Senator Domenici. Dr. Gilman matriculated at Kenyon College in Ohio and received his A.B., M. A., and Ph.D. degrees in ecology and evolutionary biology from Johns Hopkins University, Baltimore, Maryland.

Pat Hughes
Lieutenant General Patrick M. Hughes, U.S. Army (Retired), joined L-3 Communications, Inc. as the Corporate Vice President for Homeland Security on 1 April 2005. In that position, he is responsible for developing and enhancing Homeland Security and related business activities throughout L-3 Communications.

Lieutenant General Hughes most recently served as Acting Under Secretary for Information Analysis and Infrastructure Protection and Assistant Secretary for Information Analysis, at the Department of Homeland Security. He assumed Assistant Secretary duties on 17 November 2003 and departed from the Department of Homeland Security as Acting Under Secretary on 15 March 2005.

From 1 October 1999 until 16 November 2003 he was the President of PMH Enterprises LLC, a private consulting firm specializing in intelligence, national security and international relations.

He retired from the U.S. Army on 1 October 1999 after more than 37 years of military service, beginning as an enlisted soldier and combat medic on 2 January 1962. His last active duty assignment was Director, Defense Intelligence Agency (DIA), U.S. Department of Defense, a position he held for 3 and ½ years. Other positions of responsibility included Director of Intelligence (J-2), Joint Staff and DIA; Director of Intelligence (J-2), U.S. Central Command; Commanding General, U.S. Army Intelligence Agency, and Commander, 501st Military Intelligence Brigade.

Kemp Lear
During his 33 years of US Government service, Kemp Lear served as a military intelligence officer, imagery analyst, senior staff officer, manager, policy analyst, international programs negotiator, and a foreign disclosure and release expert in an increasingly complex and diversified Intelligence Community (IC) environment. He is a recognized leader, problem solver, manager, and team player with extensive experience in developing, coordinating, and promulgating imagery and geospatial policy on behalf of the D/NGA, DCI and SECDEF. Mr. Lear has a strong working knowledge of the organizations, programs and policies of the Department of Defense (DoD) and IC as result of more than 20 years as a CIA and NGA employee and manager, having held key CIA, CIO, and NGA

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positions involved in the development of policy focusing on the utility of imagery and geospatial information associated with US national reconnaissance systems as an intelligence tool, force multiplier, and civil resource. He has a thorough understanding of the requirements, issues, regulations, and policies associated with the use of national geospatial intelligence products. He has been active in supporting and shaping the strategic direction of national imagery intelligence policy. Mr. Lear holds a Bachelor's degree in Forestry & Wildlife from Virginia Polytechnic Institute and State University and a Masters degree in Strategic Intelligence from the Joint Military Intelligence College. Retired from USG service in January 2004, he is currently an Associate with Booz Allen Hamilton, Incorporated, and supporting development of International Programs NGA.

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Kemp lives in ███████████████████████████████.

Kevin O'Connell
Kevin O'Connell is the Director of the Center for Intelligence Research and Analysis (CIRA) in Washington, D.C. and Vice President for Intelligence Community Programs with the Defense Group Incorporated. His professional interests include national security decision-making, intelligence and intelligence policy issues, and the policy, security, and market issues related to commercial remote sensing. Mr. O'Connell serves on a number of senior government panels, including the DHS Information Policy Board and a DARPA-NGA panel. He is also the Chairman of NOAA's Federal Advisory Committee on Commercial Remote Sensing (ACCRES) and previously served as the staff Director of the Independent Commission on the National Imagery and Mapping Agency (NIMA) (1999-2000). Mr. O'Connell also served as the first Director of RAND's Intelligence Policy Center (2001-2004) during almost a decade at RAND.

Joe D. Whitley
Joe D. Whitley was the first General Counsel of the Department of Homeland Security, serving in that capacity from August 2003 to May 2005. Mr. Whitley served as Associate Attorney General under President George H.W. Bush, as well as being the only person ever appointed U.S. Attorney in two different federal districts. Under President Ronald Reagan, he was U.S. Attorney in the Middle District of Georgia in Macon, and under President George H.W. Bush, Mr. Whitley served as U.S. Attorney in the Northern District of Georgia in Atlanta.

Prior to joining the Department of Homeland Security, Mr. Whitley was a partner at Alston & Bird, where he served as head of its Government Enforcement & Investigations Group, his practice concentrating on government investigations, environmental and health care fraud and complex civil litigation. Mr. Whitley received his undergraduate and law degrees from the University of Georgia.

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Mr. Whitley is a former member of the Criminal Justice Section Council of the American Bar Association. He served as Vice Chair for Governmental Affairs of the ABA Criminal Justice Section. In 2002-2003 he also chaired annual seminars and institutes for Georgia ICLE on White Collar Crime, Health Care Fraud, and Cyber crime. He is currently with the law firm of Alston and Bird.

CAC Blue Ribbon Study
Methodology

The study will be modeled after the Defense Science Board (DSB) study methodology that includes plenary sessions, sharing of information, background analysis, formulating a consensus, and developing actionable recommendations. The study will address management processes associated with leveraging Intelligence Community capabilities against homeland security and law enforcement missions. It will consider the concerns of relevant stakeholders, presented through a stakeholder briefings to the ISG and reported to the SSG. Analysis will weigh the benefits, drawbacks, and legal and policy imperatives associated with a CAC-like construct and alternatives. Recommendations will focus on improving effectiveness, timeliness and efficiency of the overall management process, and will ensure that the process is widely accessible to all categories of civil/domestic users, regardless of organizational stature and mission importance. Recommendations consider potential policy changes or policy interpretation, and will be actionable within existing legal constraints – legal constraints that do not allow an effective and efficient arrangement will be identified.

(3)

Study Leadership

Senior Steering Group (SSG)

The SSG sets study objectives and scope, and provides guidance to ISG on execution of the study.

- Co-Chairs
  - Co-Chaired by DDNI/C and Chair/CAC
- Membership
  - Membership composed of senior Government personnel from stakeholder organizations

Independent Study Group (ISG)

The ISG executes the study and reports to SSG.

- Chair:
  - Selected by DDNI/C and Chair/CAC
  - Provides study leadership
- Membership:
  - Up to 8 independent consultants
  - Experience and expertise spanning interests of stakeholder organizations
- Executive Secretariat:
  - Supports ISG and SSG activities
  - Managed by ISG Chair

Study Methodology

- Modeled after the Defense Science Board Methodology
  - Plenary sessions
  - Sharing of information
  - Background analysis
  - Formulating a consensus
  - Developing actionable recommendations

- ISG Meetings
  - Focused Two Day Sessions (Jun – Sept)
  - Analyze Data
  - Develop Findings, Conclusions, Options
  - Make Actionable Recommendations
  - Write Report
  - Interim and Final Briefings to SSG
  - Out Briefs to Stakeholders

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CHARTER

Committee on Civil Applications of Classified Overhead Remotely Sensed Data

The mission of the Committee on Civil Applications of Classified Overhead Remotely Sensed Data (CAC) is to facilitate the appropriate civil uses of overhead remote technology and data collected by classified military and intelligence overhead systems and provide to Federal civil agencies pursuant to the Economy Act, 31 U.S.C. Section 1535.[1]

Responsibilities

The Committee will have the following responsibilities:

To assist in ensuring the effective application of data collected by classified overhead systems to support the appropriate worldwide production, analysis, and research programs of Federal civil agencies.

To facilitate the use of such data to derive basic information for civil applications, including mapping, disaster assessments, monitoring environmental changes, supporting other scientific research activities relative to improving our knowledge of the earth's environment, and for deriving other information needed to support national policies and objectives.

To assist in economizing on the costs of collecting and using such remotely sensed data to support the above activities and encourage research and development of remote sensing technology.

To oversee Federal civil agencies' requests for the collection of classified remotely sense data to ensure the Constitutional and other legal rights of U.S. persons are not violated and that such requests and the use of such data are consistent with the authorities and responsibilities of such agencies and are in accordance with authorized programs.

To ensure that CAC uses of collected data adhere to guidelines established by the Director of Central Intelligence (DCI) for the protection of intelligence sources and methods and other security requirements.

To carry out additional responsibilities as assigned.

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[1] As used in this charter, reference to "civil uses" or to the use of data by "Federal civil agencies" means by executive branch agencies or departments for non-intelligence and non-military purposes. Generally, such "Federal civil agencies" are not part of the Intelligence Community or the Department of Defense.

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Goals and Principles

Economy of effort - - making efficient use of existing national resources - - is a major goal. National resources include sensing systems that are carried on both space and airborne vehicles.

Technology that has been developed for military and intelligence purposes will be used to support current national policy objectives and contemporary problems that transcend national boundaries, such as global change and environmental monitoring.

Intelligence sources and methods must be protected.

Federal civil agencies will efficiently and lawfully use the data in support of their mission responsibilities and, where feasible and appropriate, consistent with applicable law and procedures for the protection of intelligence sources and methods and other classified information, also make data available to state and local governments and the scientific community.

Organization

The Secretary of the Interior will provide facilities and administrative support required to conduct the activities of the Committee. The Department of the Interior representative will chair the Committee. The Committee will include representatives from the Departments of Agriculture, Commerce, Energy [2] , and Transportation, the Army Corps of Engineers, Federal Emergency Management Agency, Environmental Protection Agency, National Science Foundation, and National Aeronautics and Space Administration. Membership may be extended to other Federal organizations with civil responsibilities at the discretion of the Committee. The DCI representative will be an ex officio member.

Functions

The Committee's functions will include:

> Receiving, evaluating, consolidating, and prioritizing requirements for classified remotely sensed data from Federal civil agencies and transmitting them to the DCI representative for collection. The Committee will also transmit requests by such agencies for access to previously collected remotely sensed data from classified systems. Classified collection system managers and operators will not

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[2] The Department of Energy is a principal member of the National Foreign Intelligence Board (NFIB) the DoE Senior Intelligence Officer has oversight of all the Department's uses of classified remotely sensed data, including uses by DoE's "civil users."

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judge the priorities established by the Committee, except to ensure that Committee collection requests do not interfere with the classified systems' primary mission of meeting national security needs and requirements.

Facilitating uses of classified system data by Federal civil agencies and coordinating the incorporation of such data and technology in performance of civil agency missions.

Supplying information to Federal civil agencies so that they may knowledgeably formulate requests for classified remotely sensed data and reach compromises between collection requests and collection capabilities.

Acting as the interface between Federal civil agencies and intelligence collectors, recognizing that the DCI will not be involved in judgments concerning Federal civil agencies needs or priorities and that collection for their needs will remain secondary to foreign intelligence collection.

Representing the Federal civil agencies in defense and intelligence forums and activities relative to requirements, capabilities, research needs, and data applications of current and future systems.

Overseeing Federal civil agency uses of classified remotely sensed data in a manner designed to avoid concerns that such data are being used improperly.

Making arrangements for defense and intelligence agencies to provide technical and analytical support, where necessary and appropriate, to the activities of the Committee.

Preparing an annual report of activities, plans, and recommendations.

The DCI representative's functions will include:

Serving as a liaison on classified overhead remotely sensed data and technology with the intelligence and military communities.

Assisting in obtaining classified remotely sensed data requested by the Committee.

Addressing issues concerned with the use of classified remotely sensed data.

Facilitating the acquisition of security clearances for Federal civil agency personnel, as necessary.

Serving as an intermediary on Federal civil agency questions concerning classification controls. Security guidance will be provided to the Committee as to which specific aspects of requesting, collecting, and using classified remotely sensed data require national security classification controls and which aspects can be handled at the unclassified level.

Signed

George J. Tenet
Director of Central Intelligence   June 4, 1998

Bruce Babbitt
Secretary of the Interior   August 2, 1998

Sylvia M. Mathews for Jacob J. Lew
Director of Office of Management and Budget   April 27, 2000

Samuel R. Berger   October 2, 2000
Assistant to the President for National Security Affairs

CIVIL APPLICATIONS COMMITTEE

★ Department of the Interior ★ Department of Agriculture ★ Department of Commerce
★ Department of Transportation ★ Department of Energy ★ U.S. Environmental Protection Agency
★ Federal Emergency Management Agency ★ National Aeronautics and Space Administration
★ National Science Foundation ★ U.S. Army Corps of Engineers

The Civil Applications Committee

July 2001

Background

The Civil Applications Committee (CAC) is an inter-
agency committee that coordinates and oversees the
Federal civil use of classified collections. The CAC
was officially chartered in 1975 by the Office of the
President to provide Federal civil agencies access to
National Systems data in support of mission responsi-
bilities. In recent years, CAC activities have expand-
ed beyond traditional mapping applications to a broad
range of environmental and remote sensing applica-
tions central to Federal agency missions. Examples
include monitoring volcanoes; detecting wildland
fires; coordinating emergency response to natural dis-
asters, such as hurricanes, earthquakes, and floods;
monitoring ecosystems; and mapping wetlands.

The CAC provides a forum through which the
Federal civil agencies coordinate data requirements,
develop tasking strategies, certify the proper use of
data, and track and plan for the progress and evolu-
tion of National Systems. The CAC coordinates the
use of imagery exploitation and application resources
and supports remote sensing research and develop-
ment activities at special facilities, such as the U.S.
Geological Survey (USGS) Advanced Systems Center
(ASC). At these facilities, appropriate capabilities and
exploitation tools are available for CAC members to
use for end-to-end data processing and developing
custom products. Through the CAC, arrangements
can also be made for technical support from military
and intelligence community agencies.

Oversight

Oversight responsiblities of the CAC include dissemi-
nating information to Federal users on policies related
to the proper nonintelligence use of the data and the
protection of intelligence sources and materials. The
CAC receives, reviews, and approves all civil
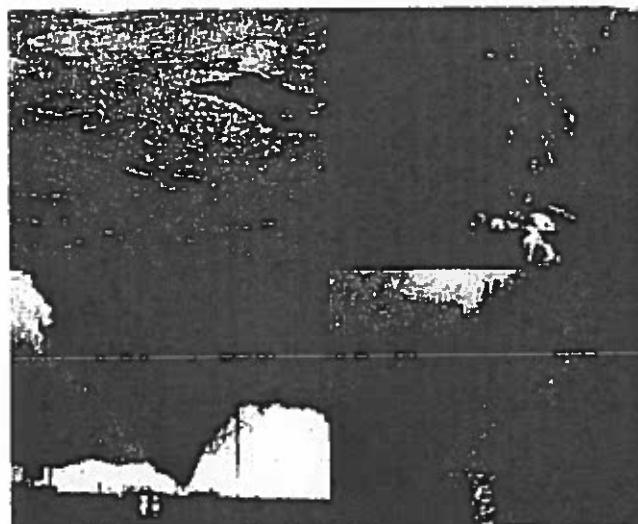
requests, assigns priorities to such requests, and acts
as the interface between the Federal civil agencies
and the intelligence and military communities.
Through the CAC, pertinent knowledge on the use of
remote sensing capabilities is distributed to the civil
community members. The CAC also represents the
civil community in national security forums and
serves as an advocate for policies and technology of
common benefit to the civil, military, and intelligence
communities.

Source Management

The CAC Data Acquisition and Management Team
processes all classified imagery requests approved by
the CAC and ensures that domestic imagery require-
ments are submitted and processed according to
established policies and procedures. Data acquisition
resources are provided by the USGS at the ASC. This
team helps agencies define their imagery require-
ments, develops the collection parameters, forwards

USGS Advanced Systems Center - MS562
12201 Sunrise Valley Drive
Reston, VA 20192

Phone: 703-648-7888
Fax: 703-648-7873
E-mail: cac@usgs.gov

those requirements to the appropriate policy offices for approval, and distributes the acquired imagery to the requesting organization.

Forums

CAC meetings are held once each month, usually at the USGS ASC in Reston, Va., to provide informational briefings and conduct routine business. CAC working groups are established to address specific CAC programs and issues and meet as needed.

Membership

The CAC is made up of voting representatives from the Federal civil community, including the following:

U.S. Department of the Interior
U.S. Department of Agriculture
U.S. Department of Commerce
U.S. Department of Energy
U.S. Department of Transportation
U.S. Environmental Protection Agency
Federal Emergency Management Agency
National Aeronautics and Space Administration
National Science Foundation
U.S. Army Corps of Engineers

Nonvoting associate members include the following:

National Imagery and Mapping Agency
National Reconnaissance Office
Director of Central Intelligence Environmental and
  Societal Issues Center (DESC)
Department of State

Contacts

For more information on the CAC, contact:

CAC Secretariat
USGS, Advanced Systems Center, MS 562
12201 Sunrise Valley Drive
Reston, VA 20192
Phone: 703-648-7888
Fax: 703-648-7873
E-mail: cac@usgs.gov

For more information on imagery requirements and collection, contact the CAC Data Acquisition and Management Team at the address indicated on the front of this page, or telephone 703-648-7822.

CAC BLUE RIBBON STUDY
INDEPENDENT STUDY GROUP
20-21 June 2005

(b)(6)

AGENDA for 20 June 2005
CAC Overview

0730-0800	Arrival and Check-in; Hot Breakfast	
0800-0815	Administrative/Security Issues	USGS Security
0815-0830	Welcome and Opening Remarks	Keith Hall
0830-0900	Study Co-Sponsors Opening Remarks	Dr. Patrick Leahy
0900-0930	Review and Discussion of Study TOR, Scope and Boundaries	

0930-1200   CAC Background Briefings
0930-1000..... "What is the CAC"   Keith Elliott/CAC Ex Dir
1000-1015..... "What is a "Civil Application"
1015-1030..... Break
1030-1130..... "CAC Walk Around and Demo"   TBD
1130-1200.... "CAC History/Policy Issues" Marty Eckes/USGS

1200	Working Lunch Served

1215-1315   NGA Process to Support CAC Requirements
                  1215-1245   NGA Process
                  1245-1315   NTM Collection Process

1315-1330	Break	
1330-1400	NASA	
1400-1430	Dept of Agriculture	US Forest Service
1430-1500	National Science Foundation	
1500-1530	Global Fiducials Working Gp	

CAC BLUE RIBBON STUDY
INDEPENDENT STUDY GROUP
20-21 June 2005

AGENDA for 20 June 2005
CAC Overview

1530-1545   Break

1545-1645   Discussion of the Information Presented Today
             Additional Discussion of TOR (if needed)
             Key Questions for the ISG to Answer
             Study Plan of Attack
             Schedule of Meetings
             Other Issues
                     Stakeholder Analysis

1645-1700   Wrap-up and Set-up for Next Day's Session

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**CAC BLUE RIBBON STUDY
INDEPENDENT STUDY GROUP**
20-21 June 2005

AGENDA for 21 June 2005
Civil Community Briefings

0730-0800	Arrival and Check-in; Hot Breakfast
0800-0815	Discussions Regarding Yesterday's Activities and Set up Today's Agenda
0815-0845	DHS/U.S. Coast Guard
0845-0915	DHS/FEMA
0915-0930	Break
0930-1000	Dept of Commerce ▮, NOAA
1000-1030	Dept of Interior ▮ ▮ Bureau of Land Management
1030-1100	U.S. Army Corps of Engineers ▮USACE Ops Div
1100-1115	Break
1115-1145	Environmental Protection Agency
1145	Working Lunch Served
1200-1430	Open Discussion by ISG of Agency Presentations
1430-1445	Break
1445-1545	Open Discussion by ISG
1545-1645	Discussion of Initial Report to the SSG (Executive Session)
1645-1700	Discuss Next Steps

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17 Jun 05, 1200

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CAC BLUE RIBBON STUDY
INDEPENDENT STUDY GROUP
11 – 12 July 2005

AGENDA for 11 July 2005
Homeland Security Day

Time	Item	Presenter
0730-0800	Arrival and Check-in; Hot Breakfast	
0800-0810	Administrative/Security Issues	Booz Allen Security
0810-0830	Welcome, Opening Remarks	Keith Hall
0830-0930	SSG Feedback; Initial Observations	Keith Hall
0930-0945	Break	
0945-1145	Discussions London Scenario Possible Process Options	
1145	Working Lunch Served	
1200-1700	Discussions	

Final Report Format
Key Questions
Role of Commercial Imagery, if any
Agenda and goals for 28-29 Jul meeting

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CAC BLUE RIBBON STUDY
INDEPENDENT STUDY GROUP
11 – 12 July 2005

AGENDA for 12 July 2005
Law Enforcement Day

0730-0800	Arrival and Check-in; Hot Breakfast	
0800-0815	Discussions Regarding Yesterday's Activities and Set up Today's Agenda	
0815-0915	Dept of Justice	Patrick Philbin
0915-1015	ISG Discussions	
1015-1030	Break	
1030-1200	ISG Discussions	
1200	Working Lunch Served	
1215-1315	DEA	▇▇▇
1315-1345	Dept of Interior	▇▇▇
1345-1415	U.S. Marshals Service	▇▇▇
1415-1430	Break	
1430-1500	Law Enforcement Working Group	▇▇▇
1500-1700	ISG Discussions	

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Overall ISG Agenda

Meeting 1: Kick-Off and Civil Community   2 Days: 20-21 June 2005

Day 1:
- Kick-Off and CAC Brief
- NGA Process to Support CAC Requirements
- NASA, Agriculture, Nat'l Science Foundation Briefings

Day 2:
- Briefings by CAC Members
  - Interior, Commerce, FEMA, EPA, USCG, Corps of Engineers
- Discussion of Initial Report to the SSG (8 July 05)

Meeting 2: Support to DHS & LE   2 Days: 11-12 Jul 05

Day 1:
- Panel Discussions

Day 2:
- Law Enforcement Briefings

Meeting 3: Intelligence Support and Homeland Security   2 Days: 28-29 July 2005

Day 1:
- Briefings by NGA, DIA, NSA, NRO, NCTC
- Report Discussions

Day 2:
- DHS Briefings

Meeting 4: Analysis and Legal/Policy Discussions   2 Day: 8-9 Aug 2005

Day 1:
- Report Options Discussions
- Follow-up Briefings – FBI

Day 2:
- Legal/Policy Discussions
- IPSCOM Briefing

SSG Meeting: **11 Aug 05**

Meeting 5: DoD Day   1 Day; 16 Aug 2005
- Briefings by USDI, ASD HS, NORTHCOM, NMIC

Meeting 6: Final Report Review and Approval   2 Day; 7 – 8 Sept 05

SSG Meeting: **28 Sept 05**

Senior Steering Group

8 Jul 2005

Civil Applications Committee

BLUE RIBBON STUDY

SSG Agenda

Time	Item	Presenter
1000-1015	Welcome	Ms. Graham Dr. Leahy
1015-1100	ISG Interim Report	Keith Hall
1100-1130	Discussion	
1130	Adjourn	

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Senior Steering Group

8 Jul 2005

Civil Applications Committee

BLUE RIBBON STUDY

Interim Report of the Independent Study Group

Civil Applications Committee
BLUE RIBBON STUDY

ISG Briefing

- Why Do this Study?
- Our Plan
- Scope
- Key Questions
- Deliverables
- ISG Schedule
- Initial Reactions (from the first meeting)
- What we need the SSG to do

Why do a CAC Study?

- Post 9/11 Global War on Terrorism

- CAC established in 1975

- Focused on Civil Community

- Does not include Homeland Security or Law Enforcement Communities

- Currently multiple paths to acquire Intelligence Community (IC) support

- Need to improve the Effectiveness, Timeliness and Efficiency of IC support to civil, homeland security and law enforcement communities

- Improve the security of the United States

Our Plan

Civil Applications Committee

BLUE RIBBON STUDY

Senior Steering Group (SSG)

The SSG sets study objectives and scope, and provides guidance to ISG on execution of the study.

- Co-Chaired by DDNI/C and Chair/CAC
- Membership composed of senior Government personnel from stakeholder organizations

Co-Chairs

Membership

Independent Study Group (ISG)

The ISG executes the study and reports to SSG.

Chair:
- Selected by DDNI/C and Chair/CAC
- Provides study leadership

Membership:
- Up to 8 independent consultants
- Experience and expertise spanning interests of stakeholder organizations

Executive Secretariat:
- Supports ISG and SSG activities
- Managed by ISG Chair

Chair

Executive Secretariat

Membership

8 July 2005

Our Plan

- Modeled after the Defense Science Board Methodology

  - Plenary sessions

  - Sharing of information

  - Background analysis

  - Formulating a consensus

  - Developing actionable recommendations

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Our Plan

- ISG Meetings
  - Focused Two Day Sessions (Jun – Sept)
  - Analyze Data
  - Interview Stakeholders (if required)
  - Develop Findings, Conclusions, Options
  - Make Actionable Recommendations
  - Write Report
  - Interim and Final Briefings to SSG
  - Out Briefs to Stakeholders

ISG Membership

Keith Hall, Chair .... Vice President; Booz Allen Hamilton

Jeff Baxter .... Independent Consultant

Tom Conroy .... TASC

Dr. Paul Gilman .... Oak Ridge National Laboratory

Ed Anderson .... Booz Allen Hamilton

Joe Whitley .... Alston and Bird

Lt Gen Pat Hughes .... L3 Communications, Vice President-
Homeland Security

Kemp Lear .... Booz Allen Hamilton

Kevin O'Connell .... Center for Intelligence Research and
Analysis

SCOPE

The study will investigate all considerations and trades related to the role of the CAC and the processes by which civil, homeland security and law enforcement communities gain access to Intelligence Community capabilities and information.

Key Questions
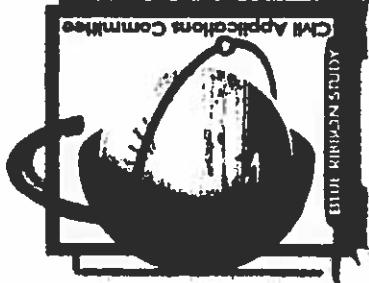
- What are the needs of the Civil, Homeland Security and Law Enforcement Communities for access to IC capabilities and information?

- What capabilities, today and in the future, does the IC have that will benefit the Civil, Homeland Security and Law Enforcement Communities?

- What current laws and/or policies that govern or influence how IC support is currently provided unnecessarily prohibit, constrain or limit the IC?

- What is the best way to ensure wide access of civil and domestic users to the IC's capabilities?

Key Questions (2)

- Is a common mechanism for Civil, Law Enforcement and Homeland Security Community access to National Systems desirable/needed?

- Is a centralized CAC-like business model an effective and efficient approach to manage and facilitate access of Civil, Homeland Security and Law Enforcement Communities to IC capabilities?   If not how should it be done?

- How should time critical, operational issues be handled?

Key Questions (3)

- Is the current CAC business model adaptable to a post 9/11, Global War on Terrorism reality?

- What business model should we move toward? If this construct includes a "CAC", what should its role be?

- What should be the role of the DNI in the overall process for supporting the Civil, Homeland Security and Law Enforcement Communities?

- What potential changes to legal and or policy constraints would improve IC support?

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DELIVERABLES

- The ISG will provide two Status Reports to the SSG to discuss plans, status, and issues that require guidance.

  – The first Interim Status Report is today

  – The second Interim Status Report will be 11 Aug 05

- The ISG will brief the final report to the SSG at the end of the study period: 16 Sept 05

  – The SSG co-chairs will determine further distribution of the results of the ISG's findings and recommendations

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ISG Schedule

Civil Applications Committee
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- Meeting # 1: **Background**   20 – 21 Jun 05
  - Kick-Off
  - CAC Background Briefing
  - NGA Process to Support CAC Requirements
  - CAC Member Briefings

- Meeting # 2: **DHS & LE**   11 – 12 Jul 05
  - DHS Briefings
    (I-Staff; HSOC; ICE; State and Local Liaisons; Customs & Border Protection; Secret Service; Inter-Agency Imagery Gp)
  - Law Enforcement Briefings
    (DOJ; FBI; DOI; U.S. Marshals Service; LAPD & NYPD Liaisons to DHS; Law Enforcement Working Group)

ISG Schedule

- Meeting # 3: **Intelligence Agencies**   28 – 29 Jul 05
  Legal/Policy Discussion

  – Briefings by NGA, CIA, DIA, NSA, NRO & USCG

  – Discussions on Legal and Policy Constraints
  (Panel of IC legal & policy experts lead by OGC DNI)

- Meeting # 4: **DoD Day**   8 – 9 Aug 05

  – Briefings by USDI, ASD HS; NORTHCOM, ASD
  SO/LIC, Joint Staff

  – Develop Findings, Options, Recommendations

ISG Schedule

- Meeting # 5: **Final Report**   16 Aug 05
  - Develop Final Report
- Meeting # 6: **Follow-up**   7 - 8 Sept 05 ?
  - Finalize Report and SSG Briefing

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Initial Reactions

- CAC users are very sophisticated
  - Scientists vs. analysts
  - Know systems capabilities in detail

- The CAC is a valuable forum for cross fertilization of issues & new intel capabilities

- Nature of the request has a major impact on whether IC capabilities are used (this is the geospatial vs. spy data question)

- Training of the civil, homeland security and law enforcement communities on IC capabilities needs to be improved

Initial Reactions

- Must resolve issues of historical data access and subsequent use for other purposes

- There are currently multiple process paths (work-a-rounds) to get what users need – and there is very little consistency

- In the ongoing GWOT, the system needs to be more proactive (and predictive) than reactive

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SSG Support

- Endorse our approach

- Provide support, as needed, to the Study

- Manage potential public interest until Study is completed

- Questions ???

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Senior Steering Group
ISG Interim Report

11 Aug 2005

Civil Applications Committee

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SSG Agenda

Time	Item	Presenter
1000 - 1010	Welcome	Dr. Leahy Mrs. Graham
1010 - 1100	ISG Interim Report	Keith Hall
1100 - 1130	Discussion	
1130	Adjourn	

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Outline

- **Working Definitions**
- **ISG Activities**
- **Current Access Domains**
- **Factors Affecting Domestic Use**
- **Preliminary Findings**
- **Process Characteristics**
- **Potential Models**
- **Factors Affecting Panel Recommendations**
- **Next Steps**

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Working Definitions

- **Domestic Users:** includes civil, homeland security and law enforcement domains

- **Domains:** refers to the customer community
  - **Civil**
  - **Homeland Security** (e.g. more than DHS)
  - **Law Enforcement** (Federal, State, Local, Tribal, Private)

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Applicable Technical IC Capabilities

- **Technical collection capabilities (archival, current, future)**
  - DoD and National satellite sensors
  - DoD and other airborne sensors
  - NSA worldwide assets
  - Military and other MASINT sensors

- **Sophisticated exploitation/analytic capabilities**

> These capabilities could enhance domestic users' mission accomplishment and current application of commercial remote sensing and exploitation

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Summary of ISG Activities to Date

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- **20-21 Jun 05**
  - Briefings from the CAC and its members: DOI, USCG, USDA, USACE, FEMA, EPA, NSF, NASA, DOC and Global Fiducials Working Group

- **11-12 Jul 05**
  - Briefings from DOJ, DEA, DOI, U.S. Marshals Service and the Law Enforcement Working Group

- **28-29 Jul 05**
  - Briefings from NGA, DIA, NSA, NRO, NCTC and the Department of Homeland Security

- **8-9 Aug 05**
  - FBI and Legal/Policy Issues Discussion Panel

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Remaining ISG Meetings

- **16 Aug 05 - Dept of Defense briefings to include NORTHCOM and the National Guard**

- **7-8 Sep 05 – CAC ISG Study Final Report Review**

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Potential Advantages of IC Technical Capabilities

- Robust end-to-end infrastructure in place
- IC capabilities can provide a more timely response to urgent requirements
- Collection can occur without any obvious signature
- Capabilities beyond the civil and commercial satellite architecture – current and planned
- Access to large, remote regions/areas
- Economic advantage of leveraging existing resources

These capabilities are applicable to civil, homeland security and law enforcement

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Examples of Current Domestic Use

Use of IC technical capabilities for domestic support occurs, under current policy, when no other means are available or feasible

- **Civil Applications**
  - Wetlands Study on Louisiana Coast
  - National disaster preparedness and response such as Forest Fires, Hurricanes, Flooding
  - Trans-Alaska Pipeline (environmental impact assessments)

- **Special Security Events – DHS and LE (NSSE and SSE)**

(b)(3)
(b)(7)(E)

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Examples of Current Domestic Use (cont'd)

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- **NGA Support to homeland security at DHS**

- **Law Enforcement**

(b)(3)
(b)(7)(E)

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Current Domains

DNI

Intelligence Community

NGA	CIA	DIA	NSA	NRO		DoD
USA	USN	USAF	USMC	USCG		JS
FBI	DOS	Treasury	DHS	DOE		DOJ

Law Enforcement Domain

Counter-Narcotics

Investigate, Arrest, Prosecution, Regulatory

Homeland Security Domain

Preparedness, Protection, Prevention, Respond, Recovery
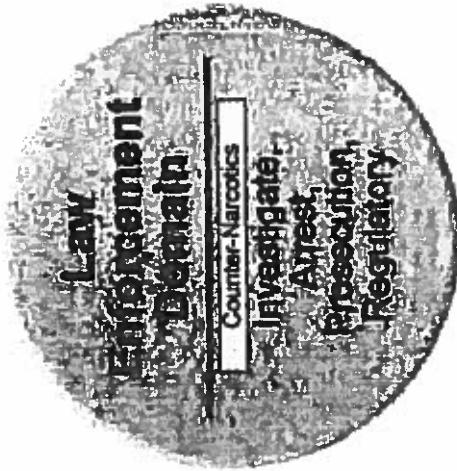
Civil Domain

Scientific, Environmental, Natural Disasters & Hazards

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Current Civil Community Domain
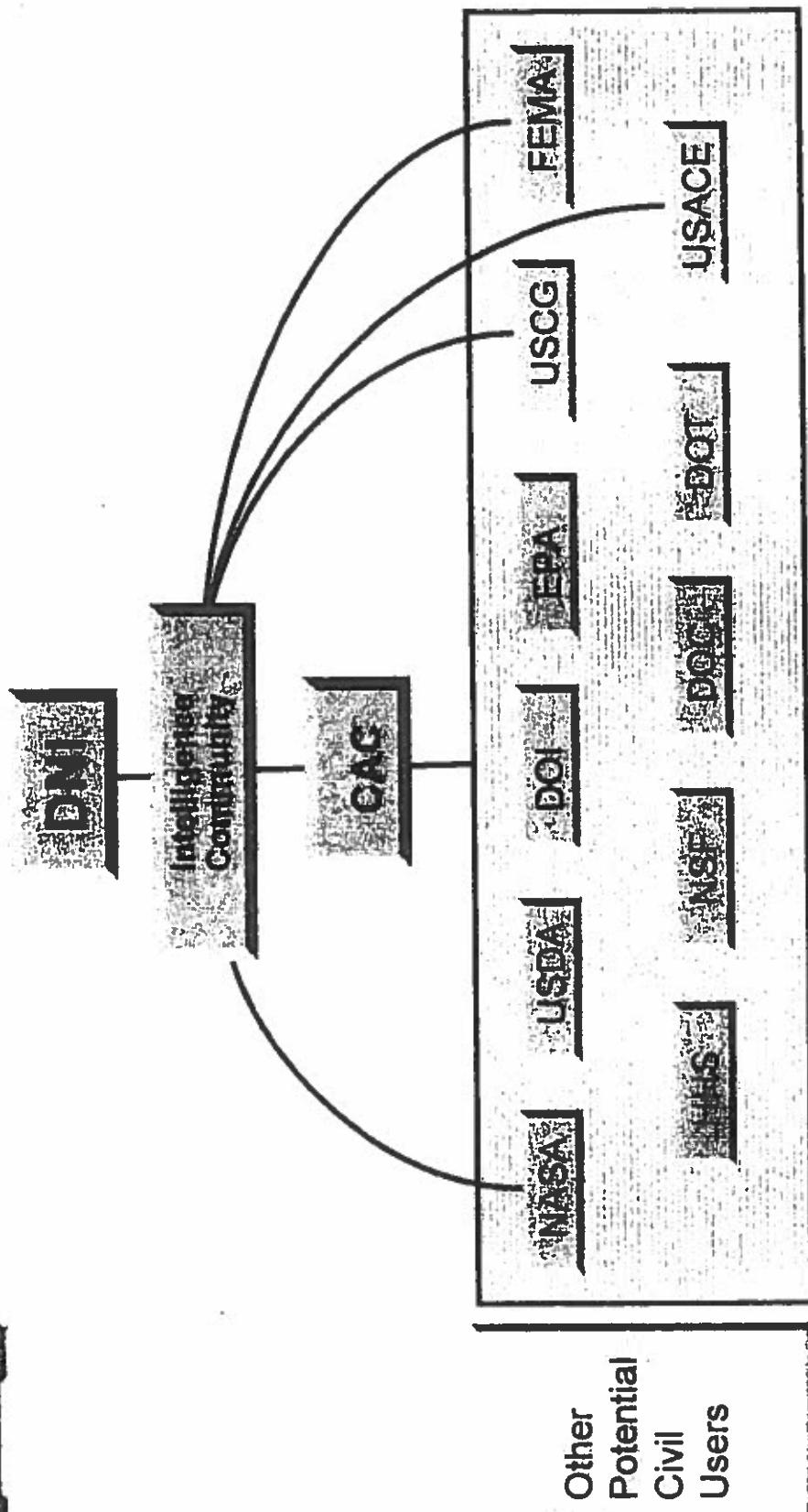
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DNI

Intelligence Community

CAC

NASA USDA DOI EPA USCG FEMA

DHS NSF DOC DOI USACE

Other
Potential
Civil
Users

Current Homeland Security Domain
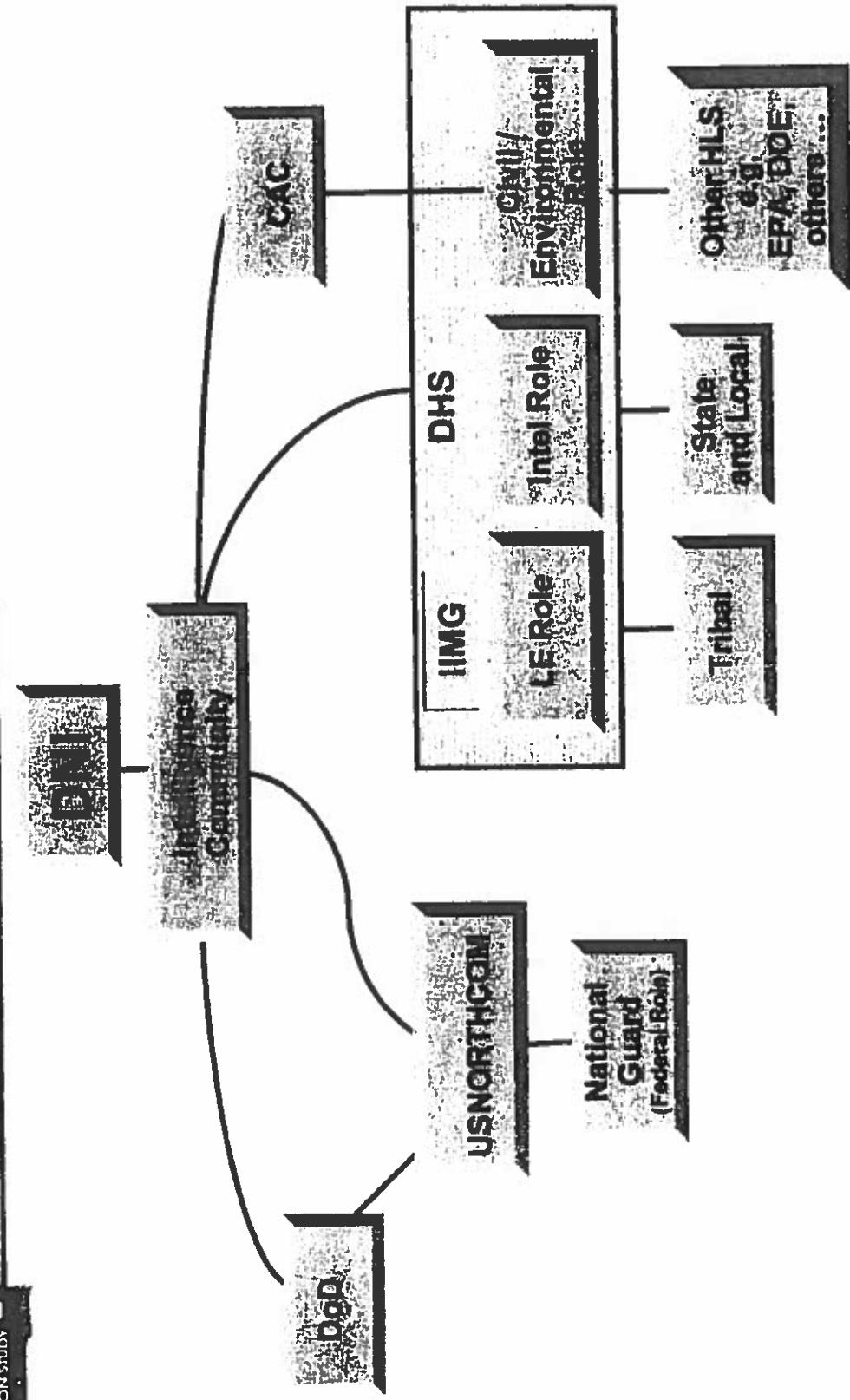
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Current Law Enforcement Domain
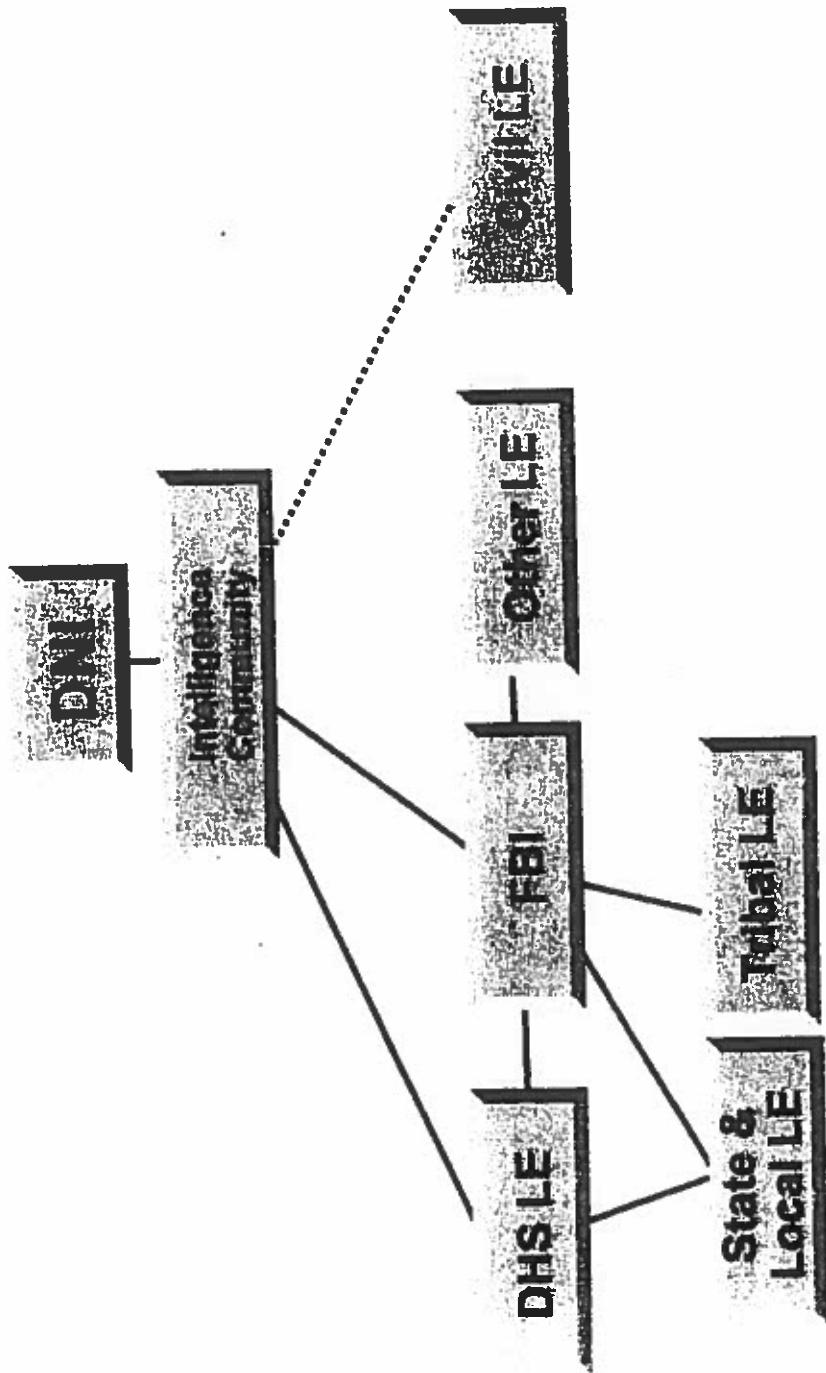
DNI

Intelligence Community

DHS LE

FBI

Other LE

ONI LE

State & Local LE

Tribal LE

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Factors Affecting the Domestic Use of Intelligence Capabilities

- **Degree of familiarity with capabilities and processes**
  - Civil CAC users are well informed
  - DHS knowledge is evolving
  - LEA users are generally not familiar with the capabilities
  - State, local and federal relationships need to evolve further before any significant progress in policy, standards and training can occur

- **Availability of the means for accessing the capabilities**
  - Civil users have access via the CAC and in some cases have arranged for direct access (FEMA, NASA)
  - DHS has access via its IC role and CAC
  - Theoretically, LEA has access via DHS, FBI or state military organizations (not clear that it has been used)

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Factors Affecting the Domestic Use of Intelligence Capabilities (cont'd)

- **Priority of need**
  - Customer priorities may not align with provider priorities
  - Perceived low collection priorities for domestic use

- **The extent to which relationships have been established between IC providers and domestic users**
  - Liaison officers from the IC are particularly effective
  - Workarounds and direct relationships have been developed at the federal, state and local level

- **The volume and diversity of the needs at the state and local level**

- **The ability to handle different classification levels and categories of information**

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Factors Affecting the Domestic Use of Intelligence Capabilities (cont'd)

- **Perceptions of legal and policy constraints**
  - A risk avoidance vs. risk management process and approach

- **Degree of focus and advocacy**
  - FBI and DHS access and advocacy facilitated by their membership in the IC
  - State/local access and advocacy is in the early stage

- **Availability and capacity of exploitation/analytic resources inside and outside the IC**
  - Resources required to accommodate a dramatic increase in support is clearly a bigger issue than collection

- **Degree of interoperability and connectivity between federal, state and local communities**

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Civil Applications Committee
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Preliminary Findings

- No "burning platform"—no one has said they are failing at their mission due to lack of access to IC capabilities
  - But, there are many broken elements
  - Many opportunities to improve

- Overlapping federal organizational responsibilities complicate effective access to IC capabilities, e.g. law enforcement roles, border protection, federal support to state and local
  - DHS has broader authorities to share information than others

- Lack of a means to coordinate law enforcement domain collection requirements

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Preliminary Findings (cont'd)

- The use of technical IC capabilities within the United States for other than civil purposes will cross a threshold that cannot be ignored

- While major legislative changes affecting these domains have occurred (HLS Act, IC Reform Act, Patriot Act), major policy documents of the IC and related areas pre-date 9/11 (EO 12333, EO 12356, USSID 18, and DCIDs)

  - The absence of updated policy documents four years after 9/11 may be inhibiting the IC's ability to support homeland security and law enforcement

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Preliminary Findings (cont'd)

- **The legal and policy framework governing access for many intelligence sources is unsettled due to a lack of definitive case law**

  – Procedures for governing domestic SIGINT are well established (e.g. Attorney General guidelines, Minimization rules and FISA procedures/experience and use of FISA for access to NSA databases)

  – Imagery is significantly different --civil use only--little or no domestic law enforcement support

  – Inconsistencies between interpretation of Title 3 and FISA

  – MASINT is the least mature in terms of procedures

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Preliminary Findings (cont'd)

- **Implications for R&D, acquisition and TPED for these new users needs to be addressed**

- **The exploitation, integration, storage and sharing of certain domestic information is complicated and may require special handling, policy and legal protections**

- **Imagery handling issues**
  - Declassification of "fact of" certain sensors
  - Half-meter IDP declassification and dissemination
  - Policies on declassification driven by resolution miss the point— the real issue may be metric accuracy

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Preliminary Findings (cont'd)

- **Original CAC membership has been eroded by**
  - Exceptions to the Charter (NASA)
  - DHS standup and incorporation of FEMA, Coast Guard and participating elements of HHS and DOT
  - DOE and DOS moved to IC side of the table
  - CAC Charter is out of date

- **Civil agency holdings are extensive but uncoordinated**
  - May represent less sensitive source of data for experimentation and use
  - Possible first use source for all three domains

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Preliminary Findings (cont'd)

- Not all intelligence sources require the same degree of protection--may be more of a FOIA issue

- Need more rapid transmission of US person data on US air travelers where time is of the essence

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Effective Process Characteristics

- Supports routine, ad hoc and crisis requirements
- Ensures visibility, flexibility and ease of use
- Validates requirements and establishes priorities
- Assures timely legal and policy adjudication
- Processes *"sensitive"* requirements discreetly
- Protects sensitive database information
- Delegates decision making authority to the lowest level
- Provides efficient, effective and sustained infrastructure support
- Provides clear delineation of budgetary responsibilities

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Effective Process Characteristics (cont'd)

- Leverages exploitation, product generation and dissemination capabilities

- Uses metrics to monitor performance and improve the system

- Ensures information sharing supports mission outcomes – creates a culture where information sharing is the rule, not the exception

- Ensures opportunity for access to full range of civil, homeland security and law enforcement users

- Domain experts with access to IC capabilities at critical points throughout the process

- Promotes interoperability through two-way training and standardization (within the IC and the domestic users)

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Civil Applications Committee

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Models Under Consideration
OPTION: A (Centralized Broker - Committee)

Civil Applications Committee

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DNI & DoD Assets

- Technical collection capabilities (archival, current, future)
  - DoD and National satellite sensors
  - DoD and other airborne sensors
  - NSA worldwide assets
  - Military and other MASINT sensors
- Sophisticated exploitation/analytic capabilities

Means of direct access by any entity for urgent requirements (VFR Direct)

Domestic Applications Committee

Civil Community

Homeland Security Community

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Models Under Consideration

OPTION: B (Centralized Broker – Executive Agent o/s IC)

DNI & DoD Assets

- **Technical collection capabilities (archival, current, future)**
  - DoD and National satellite sensors
  - DoD and other airborne sensors
  - NSA worldwide assets
  - Military and other MASINT sensors
- **Sophisticated exploitation/analytic capabilities**

Means of timely access by any entity for specific requirements (11-R-1556)

DHS
- Civil
- HS
- LE

Homeland Security Community

Civil Community

Enforcement Community

11 Aug 2005

Civil Applications Committee

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Models Under Consideration
OPTION: C (Centralized Broker – Executive Agent w/i IC)

Civil Applications Committee
AERIAL REGION STUDY

DNI & DoD Assets

Means of direct access by advent of relevant technologies (VFR Direct)

DNI Executive Agent Ops Center
(e.g. NGA, DIA, CIA, NSA, NCTC)

Civil

HS

LE

Homeland Security Community

Civil Community

Enforcement Community

- Technical collection capabilities (archival, current, future)
- DoD and National satellite sensors
- DoD and other airborne sensors
- NSA worldwide assets
- Military and other MASINT sensors
- Sophisticated exploitation/analytic capabilities

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Models Under Consideration
OPTION: D (Option B Variant)

Civil Applications Committee

BLUE RIBBON STUDY

DNI & DoD Assets

- Technical collection capabilities (archival, current, future):
  - DoD and National satellite sensors
  - DoD and other airborne sensors
  - NSA worldwide assets
  - Military and other MASINT sensors
- Sophisticated exploitation/analytic capabilities

Means of direct access by any entity with relevant requirement (VTR Direct)

Civil Community

Homeland Security Community

DHS

Civil

HS

FBI

LE
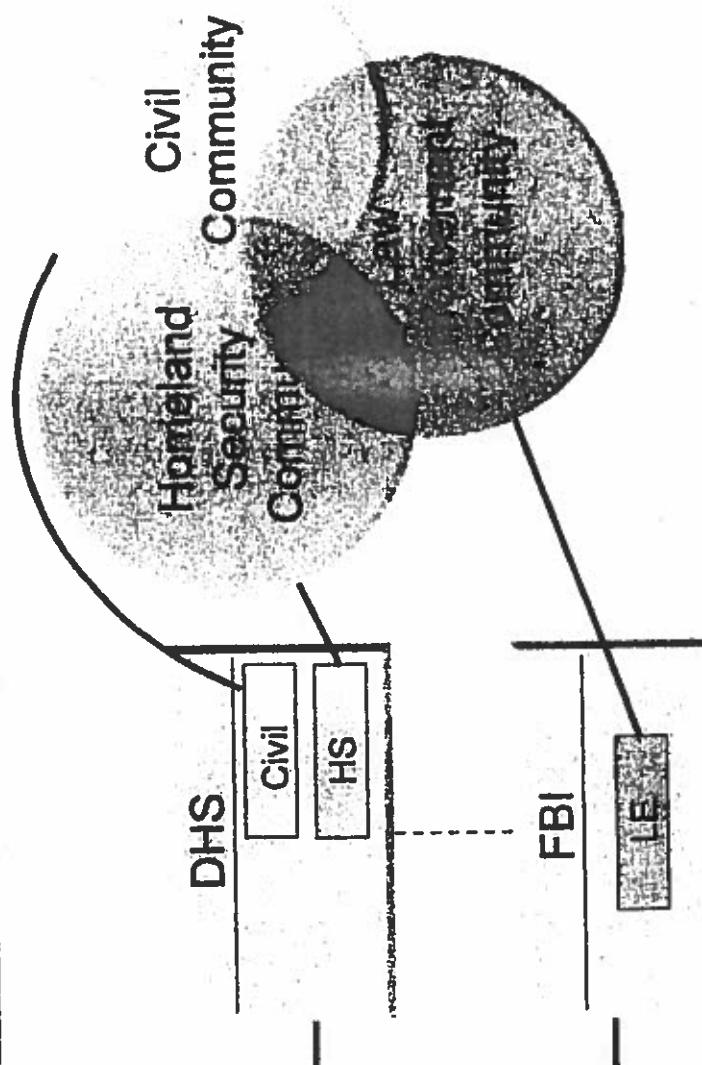
11 Aug 2005

Models Under Consideration
OPTION: E (Distributed Brokers – Executive Agents)

Civil Applications Committee

BLUE RIBBON STUDY

DNI & DoD Assets

Means of direct accessibility/payability for unique requirements (MTF Prime?)

Civil Community

Homeland Security Community

CAC
Civil
...

DHS
HS
...

FBI
LE

- Technical collection capabilities (archival, current, future)
- DoD and National satellite sensors
- DoD and other airborne sensors
- NSA worldwide assets
- Military and other MASINT sensors
- Sophisticated exploitation/analytic capabilities
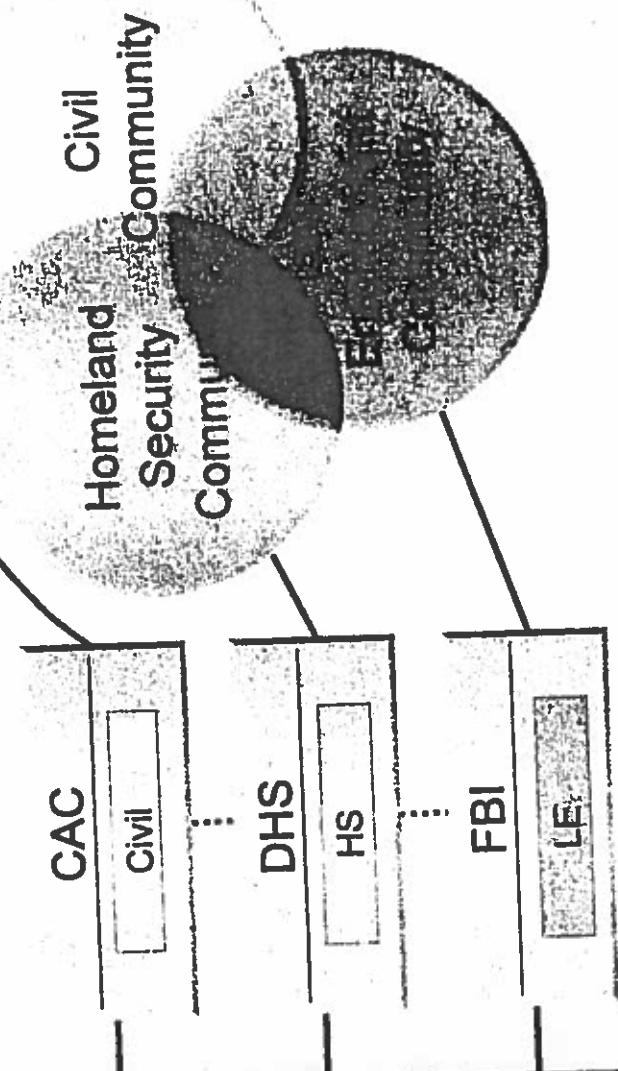
11 Aug 2005

Not for Use Outside the CAC Blue Ribbon Study

Factors Affecting Panel Recommendations

- Do no harm
- Relative cost
- Cross-fertilization
- Public perception
- Ease of transition
- Budget sustainment
- Ease of adjudication
- Opportunity for access
- Mission accomplishment
- Protection of civil liberties

- Validation process efficiency
- Degree of process complexity
- Prioritization process efficiency
- Protection of sources and methods
- Education and training process efficiency

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Civil Applications Committee
BLUE RIBBON STUDY

Next Steps

- Obtain SSG concurrence with ISG direction
- Develop final ISG report during 7-8 Sep 05 meeting
- Distribute read-ahead o/a 12 Sep 05
- Final Briefing on 16 Sep 05

Civil Applications Committee

BLUE RIBBON STUDY

11 Aug 2005

Not for Use Outside the CAC Blue Ribbon Study

Final Report of the Independent Study Group

CAC Blue Ribbon Study

Mr. Keith Hall, Chairman
28 Sept 2005

Civil Applications Committee

BLUE RIBBON STUDY

Summary
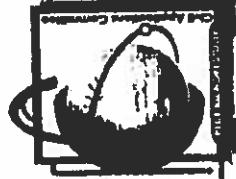
- ISG reached unanimous agreement on all findings and recommendations

  - *The ISG believes there is an urgent need for action*

- **Objective today:**

  - Review Participants and Definition of Terms

  - Review Findings and Recommendations

  - Discuss Next Steps

ISG Members
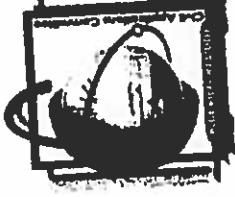
Keith Hall
Chairman, Vice President, Booz Allen Hamilton

Edward G. Anderson
LTG US Army (Ret), Principal, Booz Allen Hamilton

Jeff Baxter
Independent Consultant

Thomas W. Conroy
Vice President, Northrop Grumman/TASC

Dr. Paul Gilman
Director, Oak Ridge Center for Advanced Studies

Patrick M. Hughes
LTG US Army (Ret), Vice President, Homeland Security, L-3 Communications

Kemper Lear
Intelligence Policy Analyst, Booz Allen Hamilton

Kevin O'Connell
Director, Center for Intelligence Research and Analysis

Joseph D. Whitley, Esq.
Independent Consultant

Participating Agencies

Civil Community

- CAC
- NASA
- Department of Agriculture
- National Science Foundation
- Global Fiducials Working Group
- US Coast Guard
- FEMA
- Department of Commerce
- Department of Interior
- US Army Corps of Engineers
- Environmental Protection Agency

Law Enforcement Community

- Department of Justice
- Law Enforcement Working Group
- FBI
- DEA
- Department of Interior
- US Marshals Service

Intelligence Agencies

- NGA
- NSA
- DIA
- NRO
- NCTC

Dept of Homeland Security

- DHS I-Staff
- DHS HSOC
- DHS IP
- DHS IA
- DHS Office of General Counsel
- DHS State and Local Liaison Office
- Immigration, Customs & Enforcement
- Federal Protective Service
- Customs and Boarder Protection
- Transportation Security Agency
- DHS Inter-Agency Imagery Group

Legal & Policy Issues

- NGA: IPSCOM/Imagery Policy
- NGA/OGC
- NGA Policy
- NSA OGC
- NRO OGC
- FBI OGC
- DHS OGC
- DOJ OLC
- DOJ OIPR
- DoD DGC (Intel)
- DIA OGC
- CIA OGC
- NCTC Policy

Dept of Defense

- NORTHCOM
- National Maritime Intelligence Center
- USD(I)
- ASD(HS)

Definition of Terms
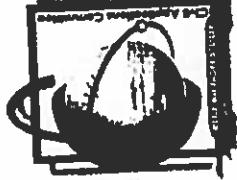
- **Domestic Users:** Includes all civil, homeland security and law enforcement domains

- **Domains:** Refers to a customer community that might use intelligence capabilities in support of their respective missions. There are three such domains:

  - The "Civil Domain" (Civil) – Involves government activities in scientific or environmental research to include monitoring and recovery from natural disasters and related hazards. This domain includes the current members of the Civil Applications Committee as well as other relevant elements of the government (e.g., General Services Administration, Department of Health and Human Services, etc.).

Definition of Terms (Cont'd)
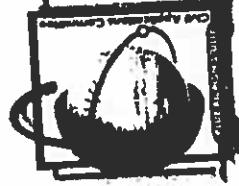
- The "Homeland Security Domain" (HLS) - Encompasses those elements of the government involved in the preparation, prevention, response and recovery to attacks on the homeland. This domain includes the Department of Homeland Security (DHS) and its various subcomponents, and other federal, state, local and tribal elements involved in these activities.

- The "Law Enforcement Domain" (LE) - Includes Federal, State, Local, and Tribal activities aimed at investigation, arrest and prosecution of criminal activity, to include regulation enforcement.

- **Intelligence Capabilities** (as used in this report) includes: national satellite sensors; technical collection capabilities; NSA (archival, current & future) of the DoD; airborne sensors; military and other MASINT sensors; and worldwide assets; sophisticated exploitation/analytic capabilities

The Bottom Line

- Need for action on an urgent basis – **opportunities to better protect the nation are being missed**
- **New management scheme and process model** is required to assure effective use of intelligence capabilities in support of domestic needs
- Domestic users should have a **"seat at the table"** to influence IC policy as well as investment in R&D and acquisition programs
- **Training and Education** will be a prerequisite for a successful program
- **"A Process of Discovery"** will need to unfold over the next several years to determine how best to employ intelligence capabilities in support of specific domestic objectives
- **Policies** governing the use of intelligence capabilities in support of domestic requirements need to be **changed from discouraging use to encouraging use**
- **Classification policies need to be modified** to promote and facilitate information sharing

Need for Action on Urgent Basis
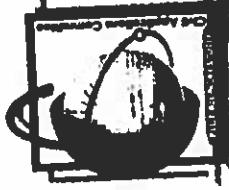
- Opportunities to better protect the nation are being missed.
  - *Current risk averse policy coupled with a general lack of knowledge of IC capabilities and user needs, create a situation where existing capabilities are not being utilized in defense of the nation.*

- Four years after 9/11, the dialogue between providers and users on how intelligence capabilities might be employed to better protect the nation has been sporadic and inadequate.

- As the Intelligence Community deploys new and better capabilities, domestic users will fall farther behind.

- Current procedures imposing handling caveats are placing sources and methods at risk.
  - *Other procedures unnecessarily impede the timely sharing of information with those that need it.*

- The effectiveness of the one process that has worked (CAC) is eroding.
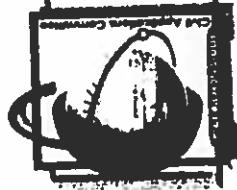
Our Findings

Fall into four categories:

- Need for a New Model

- Need for Policy Changes

- Need for Improved Information Sharing

- Additional Findings

Need for a New Model
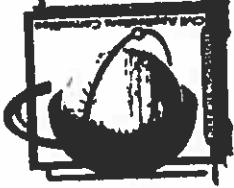
Finding #1: At present, LE and HLS users lack a coherent, organized, efficient process to access IC capabilities. As a result, opportunities to provide critical support are being missed.

- LE use of IC capabilities is rare. In addition, many IC capabilities are not understood across the LE domain
  - The IC has been reluctant to support LE based on concern that the judicial process would compromise sources and methods.
  - This relationship is further complicated by legal boundaries, cultural differences, operational priorities and a lack of awareness.
- DHS utilization of IC capabilities is emerging as the Department continues to build it's structure. Much of the use is based on pre-existing relationships and is difficult to coordinate across the Department

Need for a New Model (Cont'd)
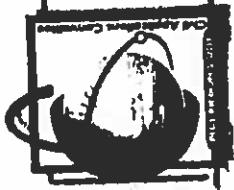
Finding #2: The CAC has provided an efficient and effective means to meet civil users' needs and should serve as a model for other domain processes and procedures.

- The CAC has proved the value of a central authority for coordinating civil use of intelligence capabilities by:

  - Facilitating the appropriate use of intelligence capabilities by Federal civil agencies.

  - Providing a means for communication between the civil users of IC capabilities and the providers.

  - Sharing technology developments and novel applications of data and sensors across the civil domain and with the IC.

- Evolution of capabilities and their potential application to civil and other domestic users has made the CAC charter obsolete.

- CAC membership has been eroded by changes in government organization and exceptions to use of the CAC.

- Any new process model should capture the successes of the CAC in fostering innovation and unique applications of IC capabilities to meet civil problems.

Need for a New Model (Cont'd)

Finding #3: *Potential Law Enforcement users, and to a lesser extent, Homeland Security users do not understand how intelligence capabilities might be applied to further their missions and functions.*

– A period of "discovery" would be beneficial, to include all forms of imagery, MASINT, SIGINT, and other forms of technical support.

– Given a similar situation in the military in the mid 70s a program for Tactical Exploitation of National Capabilities (TENCAP) was established. This program developed means for the military services to use overhead capabilities in direct support of tactical operations.

– There are applications that could be used for research, prevention, preparation, response and recovery and should be aggressively pursued. Some unique NTM capabilities may be used to support LE in appropriate situations.

– Methods to protect sources and methods remains essential.

Need for a New Model (Cont'd)
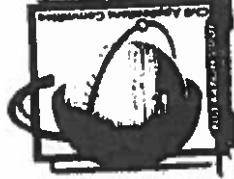
Finding #4: *Implications for R&D, acquisition, and TCPED resulting from expanded IC support to civil, LE and HLS domains must be addressed in any solution.*

- Expanded access to current IC <u>collection and processing</u> capabilities by domestic users can be accommodated without major impact.

  - Exploitation and <u>dissemination</u> requirements could be extensive and more difficult to accommodate.

- At present, most domestic users are absent from DNI, IC, and DoD requirements and systems development fora.

Management and Process Model Recommendations
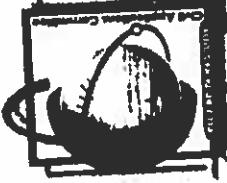
- **Recommendation 1:**
  - Establish a Domestic Applications Office (DAO) employing a "CAC-like" process with the Department of Homeland Security as Executive Agent for access to Intelligence Capabilities by Civil, HLS and LE users.

- **Recommendation 2a:**
  - The CAC's experience and expertise should form the basis for standup of the DAO.

- **Recommendation 2b:**
  - The DNI oversee the establishment of a training and education program to ensure domestic users of IC capabilities are aware of the capabilities, security guidelines, examples of uses and of the capabilities, security guidelines, examples of uses and the process to access these capabilities. (Build on CAC success in training.)
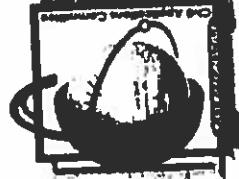
Management and Process Model Recommendations (Cont'd)

- **Recommendation 3:**
  - The ISG recommends that a Domestic Application of National Capabilities (DANCAP) Program be established to facilitate a "process of discovery" for domestic users in support of their missions and functions.

- **Recommendation 4a:**
  - DNI should place a higher priority on the needs of domestic users in the allocation of resources in existing and future TCPED architectures.

- **Recommendation 4b:**
  - System requirements development process should provide a "seat at the table" for domestic users to influence R&D, acquisition of new systems and policy.

The Recommended Model

Rationale

- Places the user community (Civil, Homeland Security, and Law Enforcement) at the forefront of the solution in a "coalition of the willing."
- Provides a streamlined, organized and workable approach (CAC Model) that can address the needs of users.
- Incorporates domain "buy-in" to create a more invested environment.
- Employs a "TENCAP-like" discovery process.

Intelligence Capabilities
(DNI & DoD Assets)
- Technical collection capabilities (archival, current, future)
  - DoD and National satellite sensors
  - DoD and other airborne sensors
  - NSA worldwide assets
  - Military and other MASINT sensors
- Sophisticated exploitation/ analytic capabilities

Civil Experts

HS Experts

LE Experts

Homeland Security Domain

Law Enforcement Domain

Civil Domain

Roles of DoD, DNI, and DHS

DHS

Domestic Applications Office

- Program Functional Management
- Implementation of Policies/Procedures
- Budget Planning and Execution
- Training & Education

DNI

Information and Data Provider

- Principal Provider of National Technical Capabilities
- Overall Policy
- Program Funding
- Oversight
- Training & Education Program Manager

Executive Agent

Domestic Applications Executive Committee

DoD

Homeland Defense Role

- Provider of specialized ISR and related services
  - DoD Mission Rationale
  - Reimbursable
  - Upon Executive Direction
- Compatible Policies
- Training & Education

Roles aimed at facilitating use

Governance

Functions

- Community Forum of Producers & Customers
- Advocate for the Process
- Advise DNI & DHS
- Monitor Program
- Foster Innovation
- Initial Multi-Agency Issue Resolution

- Day-to-Day Management & Operations (24/7)
- Assessment & Evaluation
- Cross Domain Fertilization
- Training & Education
- Collaborative Infrastructure
- Process Requirements (24X7)
  - Adjudicate
  - Request Support

- Domain Forum of Producers & Customers
- Recommend Broad Priorities
- Advocate
- Cross Fertilization
- Promote Best Practices
- Foster Innovation

Domestic Applications Executive Committee

Co-Chairs: oDNI — DHS

Providers: NRO/DDNS, DOJ/OLC, ASD/HD, DOJ/ASWS, FBI/NSB

Users: NGA/OIP, NSA/PAO, Civil Domain WG Chair, HS Domain WG Chair, LE Domain WG Chair

Advisors: DNI CMI Liberties Protection Officer, DNI OGC

DHS

Domestic Applications Office

Chief (Plus staff)

Civil Domain Working Group

HS Domain Working Group

LE Domain Working Group

Requirements Flow

Request Support
- Lead Agency
- Supporting Agencies

Adjudication
- Capability to Support
- Proper Use Review
- Set Relative
  Importance, if needed
- Provide for
  proactive needs
- Multi-INT View

Collection Management
- Resource Allocation
- Task Appropriate Asset
- Legal Review

Time Sensitive Legal Policy Review

DOJ DNI DHS DOD Requesting Agency

Collection, Processing & Exploitation (as necessary)

Disseminate Data/Products (at appropriate classification)

Customer Requirement & Priority

Feedback Loop

Resources Process

DNI

- DNI pays for Domestic Applications Program (DAP)
  - DAP in Community Management Account
  - Activities of Domestic Applications Office
  - Domestic Applications of National Capabilities Program (DANCAP)
- DNI provides resources oversight

DHS

- DAP Manager
- Program Planning and Execution
- DHS pays for facilities/admin/ infrastructure support for DAO & DAEC
- Oversight

Intelligence Community

- Agencies Pay for:
  - National Collection
  - Some or all of the exploitation (based on volume & priorities)
  - Sustainment as appropriate

Domestic Applications Office (DAO)

Prototype – Proof of concept – New Applications

- Solicit Requirements
- Prioritize ideas
- Fund Initiatives*

- Solicit Requirements
- Prioritize ideas
- Fund Initiatives*

- Solicit Requirements
- Prioritize ideas
- Fund Initiatives*

*Agencies pay for agency-specific staff; hardware / software acquisition and sustainment; training/education and agency-specific DANCAP

Need for Policy Changes
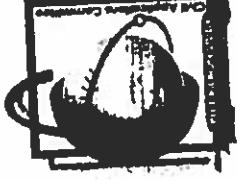
Finding #5: *Current policies governing use of IC capabilities to support domestic users have not been updated to reflect post 9/11 priorities, new legislation and threats to the Nation. These policies and inconsistent interpretation of these policies continue to promote use of national assets only as a last resort with a highly risk averse approach to approval.*

- No clear domestic intelligence policy exists. Existing policies pre-date 9/11.

- Conflicting legal opinions and policy regarding the domestic role of the IC have delayed or prevented the use of IC capabilities.

- 20 years of pre 9/11 conservative, risk averse interpretation of EO 12333 has limited the use of NTM for domestic users.

- The ISG did not have sufficient time to fully consider the merits of the conflicting legal opinions that were heard. The ISG would note that there may be a need to adjust EO 12333 and the report contains identification of potential problem areas.

Legal & Policy First Look: Executive Orders
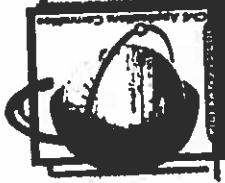
- EO 12333's principal focus is foreign intelligence. It does not articulate a national policy for domestic use of IC capabilities. Thus when national capabilities are engaged for domestic use, it appears to be a "pick up game." Minimally the following changes should be considered:

  – Domestic geospatial products should be recognized as a class of information generally publicly available for purposes of collection, analysis and dissemination (Para. 2.3.(a)).
    - Why: Current process requires elaborate approval and review by policy and legal offices in more than one agency, unnecessarily delaying collection and dissemination. Rarely, if ever, are requests denied.

  – EO 12333 states "…no foreign intelligence collection…may be undertaken for the purpose of acquiring information concerning the domestic activities of U.S. persons." This should be amended to permit such collection in appropriate circumstances (Para. 2.3.(b)).
    - Why: Elaborate reviews, at times with strained justifications are done to "fit" the request into current policy.

  – EO 12333 permits "…collection, dissemination, and retention of…information acquired by overhead reconnaissance not directed at specific US persons." Such collection should be permitted consistent with AG Guidelines (Para. 2.3. (h)).
    - Why: Much time spent in an elaborate review process to determine whether collection is "directed at US persons". Rarely are requests denied on this basis…justifications "strained" to fit within policy.
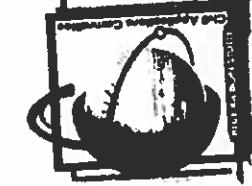
Legal & Policy First Look:
Executive Orders (Cont'd)

- Definition of "US person" should be reexamined in light of an articulated national policy for domestic use of IC capabilities.
  - Why: Definition too broad in context of a domestic intelligence mission.

- To assure effective oversight of domestic intelligence activities and to protect the civil liberties of US persons EO 12333 should articulate the role and "lines of communication" for the Privacy and Civil Liberties Oversight Board established in the IRTPA.

- EO 12591 authority of the DNI to declassify information from national space based imagery systems should be delegated to the D/NGA. (Sec. 2.)

Legal & Policy First Look: Other Impacts
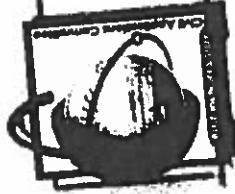
- Proposed amendments will have impacts on agency implementing regulations, e.g.:

  - DCID 1/8 <u>Management of National Imagery Intelligence</u> (2001)

  - DOD Directives directly impacted

    - DODD 5105.60 <u>National Imagery and Mapping Agency</u> (1996)

    - DOD 52401-r <u>Procedures Governing the Activities of DOD Intelligence Components that Affect US Persons</u> (1982)

    - DODD 5525.5 DOD <u>DOD Cooperation with Civilian Law Enforcement Officials</u> (1986)

  - Other component specific regulations

    - USSID 18 <u>United States Signals Intelligence Directive</u>

    -

    - Attorney General Guidelines regarding US persons information (IC components)

(b)(3)
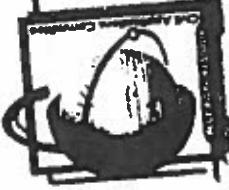
Case Law Confusion

- U.S. Supreme Court decisions have caused confusion regarding when, if ever, a warrant is required to gather information through remote sensing and whether the Foreign Intelligence Surveillance Act (FISA) applies.

- The Court has permitted warrantless aerial searches of private property:
  - Aerial search of an enclosed yard adjacent to a private residence
  - Use of highly sophisticated mapping camera from 1000 ft. to photograph the interior of an industrial facility w/o warrant was lawful
  - Low altitude helicopter search of a greenhouse missing a roof panel permitted

- The Court held use of a hand-held thermal imaging device to scan a private residence without a warrant to be a violation of the 4th Amendment's reasonable expectation of privacy (purpose was to determine if heat emanating from residence was consistent with growing marijuana). (Kyllo v. US)

- Unresolved issues:
  - Is remote sensing a "search" under Kyllo thus requiring a warrant?
  - Is remote sensing a "search" and/or "electronic surveillance" subject to the FISA?

Policy Recommendations
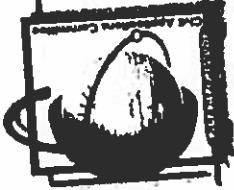
- ## Recommendation 5a:

  - DNI promptly convene a policy review, including the legal basis for policy, across all agencies with the eye towards promoting a more permissive, efficient, and effective use of intelligence capabilities for domestic support.

- ## Recommendation 5b:

  - Specific attention needs to be provided to any executive orders that in the view of the DNI prevent needed change and if appropriate seek changes in those executive orders.

- ## Recommendation 5c:

  - If necessary, amend EO 12333 to provide clear guidance on the role of the IC in support of domestic users.

    - Provide Executive guidance to encourage effective use of intelligence capabilities for civil, homeland security and law enforcement purposes and enable flow-down of this guidance through departmental directives.
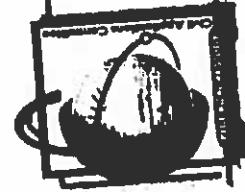
Policy Recommendations (Cont'd)

- **Recommendation 5d:**

  – DNI, in coordination with the DOJ, DOD and DHS, establish a fast-track process for authoritative legal guidance and policy review.

- **Recommendation 5e:**

  – DNI should publish policy governing access and use of domestic IMINT and MASINT.

- **Recommendation 5f:**

  – DNI should delegate approval authority for domestic user tasking of imagery collection, processing, exploitation and dissemination to the D/NGA.

Need for Improved Information Sharing

Finding #6: *The timely and efficient provision of geospatial intelligence support to domestic users is impeded by policy barriers, classification issues and culture.*

- Protection of "sources and methods" is fundamental reason for classification of NTM and products.

- 30 years of policies restricting domestic use of IC capabilities have generated an IC culture averse to domestic collection.

- Imagery from all systems except for those systems declassified in 1995 are SECRET by EO 12951.

- Release of imagery may make it impossible to keep related information from compelled release pursuant to FOIA.

- During Hurricane Katrina 0.6 meter commercial imagery was provided by the government but national data was disseminated at 1 meter resolution.

Need for Improved Information Sharing (Cont'd)

Finding #7: *Effective IC support to federal, state, tribal, local and private sector authorities is complicated by overlapping jurisdictions and barriers to information sharing.*

- "Ownership of information" remains a significant impediment to information sharing.

- Overlapping jurisdictions can make it difficult to know "who is in charge." This is particularly problematic in IC support to law enforcement since no single entity is responsible for processing requirements and each organization has its own unique process to do so.

Need for Improved Information Sharing (Cont'd)

Finding #8: *The exploitation, fusion, storage and sharing of "domestic information" is complicated because current rules require extensive special handling protections.*

- Protection of sources and methods is a critical requirement regarding use of information developed from National Technical Means (NTM) (or from any national intelligence or information gathering function).

- In the domestic context, use of intelligence capabilities heightens concern requiring technical, procedural and legal monitoring because of possible violations of constitutional and legal rights of US persons.

- Difficulties arise in fusing information because of the different restrictions, based on privacy, that each agency is currently allowed to place on the data.

- During Hurricane Katrina domestic imagery access rules were relaxed to allow imagery to be posted on SIPRnet and JWICS for broad, easy access.

Information Sharing Recommendations
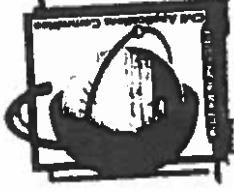
- **Recommendation 6a:**
  - Set threshold resolution of Imagery Derived Products at 0.5 meter

- **Recommendation 6b:**
  - DNI develop the ability to provide NTM imagery at 0.5 meter resolution without the burden of classified handling to the domestic user community.

- **Recommendation 7a:**
  - DHS information sharing authorities be exploited to their fullest.

- **Recommendation 7b:**
  - The IC should provide information and data in a form that permits sharing with state, tribal and local law enforcement entities, i.e., "write for release".

Information Sharing Recommendations
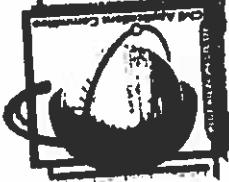
- **Recommendation 8a:**
  - DNI in conjunction with the Attorney General promulgate guidelines to promote as appropriate the effective exploitation, fusion, storage and sharing of domestic information.

- **Recommendation 8b:**
  - Assess the need for legislative solutions to ensure a rational policy framework is implemented to meet the requirements of a post 9/11 environment.

- **Recommendation 8c:**
  - Issue a DNI Directive for the emergency disclosure of classified intelligence information consistent with the provisions of EO 12958.

Additional Findings
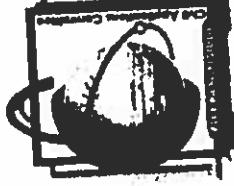
Finding #9: *Civil agency archival holdings are extensive, but uncoordinated. They may represent an important source of data for research and potential new applications within the civil, law enforcement and homeland security domains.*

– Civil agency geospatial and other data gathered under substantially different legal authorities and with few sources and methods sensitivities are currently not being fully exploited, even for research, within the law enforcement and homeland security communities.

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Finding #9 Recommendations
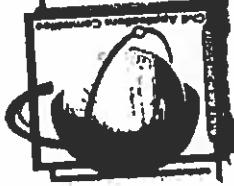
- **Recommendation 9a:**
  - DOI create a master list of remote sensing holdings.

- **Recommendation 9b:**
  - DHS spearhead a multi-disciplinary effort to understand the holdings, identify uses, and develop methods to demonstrate utility of the holdings.

- **Recommendation 9c:**
  - DNI, DOD, and civil agencies should collaborate to better optimize national collection holdings for improving domestic use.

Additional Findings
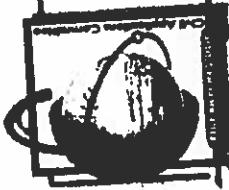
Finding #10: *There is a distinct need for change in the procedures for reporting of U.S. person data including more rapid transmission of identity in specific threat situations.*

– Lack of rapid transmission of personal identification information to appropriate law enforcement organizations in a timely manner is a problem.

– Perishable information concerning the commission of a crime in the U.S. is not always reported in a timely fashion to law enforcement organizations.

– SIGINT reporting of U.S. person information does not provide a unique IDEN for an individual to allow correlation.

Finding #10 Recommendations

- **Recommendation 10a:**

  – The ISG recommends that careful thought and design be given to a U.S. person information template that includes an assured identification of the context in which the information has been collected and processed, and the limits on distribution and use of this information.

- **Recommendation 10b:**

  – A unique identification number to permit tracking of an individual should be assigned when the provision of the identity is not appropriate.

Additional Findings
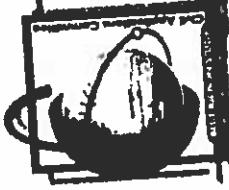
Finding #11: *Although the ISG has not identified the need to change law, it is inevitable that certain recommendations will cause concern among some segments of the body politic. A concerted effort is needed to assure a balanced discussion of the benefits & risks associated with to assure a balanced discussion of the benefits & risks associated with expanded domestic use of IC capabilities.*

- The ISG believes that the benefits of employing these capabilities against today's modern threats could be substantial, particularly in their ability to provide timely, accurate, and precise information.

- There are clear and present dangers — terrorism and crime with national (homeland) security implications, and natural and man-made disasters, that must be mitigated, precluded or interdicted because these threats are too great to absorb.
  the possible blows from these threats are too great to absorb.

- By virtue of the fact that we have not found a need to change any law, we believe that enhanced domestic use of IC capabilities can be accomplished in a manner "consistent with the Constitution and applicable law and respectful of the principles upon which the United States was founded."

Additional Findings (Cont'd)

- ## Finding #11: (cont'd)

  - Key to managing the risks associated with the enhancement of domestic intelligence activities, is the need to assure that these activities are subjected to a rigorous system of oversight.

  - The public debate about the future of U.S. intelligence is well underway. The Administration, the Congress, and the Intelligence Community must inform this debate.
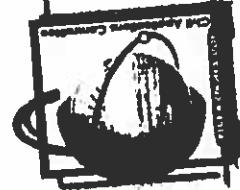
Finding #11 Recommendations

- **Recommendation 11a:**

  - The DNI, senior leaders of the intelligence community, and others in the Executive Branch, should look for opportunities to inform the public on the intelligence challenges associated with the war on terror.

- **Recommendation 11b:**

  - Provide for the oversight of domestic intelligence activities by the Privacy and Civil Liberties Oversight Board, established in the IRTPA (potential amendment to EO 12333).

- **Recommendation 11c:**

  - Domestic Applications Executive Committee should include the DNI Civil Liberties Protection Officer as an advisor.

Keys to Success

- Strong Senior government leadership (buy-in). Need for a "coalition of the willing."

- A funded program with clear ownership responsibilities.

- A fundamental policy change in how the U.S. views domestic intelligence collection, sharing and storage.

- Clear legal and policy guidance on the use and limits of IC capabilities in the domestic arena.

- A robust training and education program between the IC and domestic users coupled with a program of "discovery."

Questions?

Civil Applications Committee

BLUE RIBBON STUDY

BACK UP

Civil Applications Committee

BLUE RIBBON STUDY

For Official CAC Study Use Only

Next Steps

- **Obtain necessary senior level approval**
  - DNI and the Intelligence Community
  - Executive Steering Group of CAC
  - Department of Homeland Security and FBI
  - Others?

- **Appoint Implementation Program Manager (Flag or SES)**.
  - Establish budget for FY06 and FY07 to achieve:
    - IOC: 1 March 06
    - FOC: 1 October 06
  - Establish a Policy Task Force to rewrite and harmonize policy across agencies
  - Draft DNI-DHS MOA to provide Charter for DAO
  - Establish appropriate Program Implementation Teams
  - Incorporate Katrina/Rita lessons learned as appropriate

- **Brief Congressional Committees as appropriate**

TOR Review

- **OBJECTIVES:**
  - What is the future of the CAC?
    - Review charter, civil requirements managed by CAC, other functions provided by CAC
    - Develop alternatives to the CAC construct
  - Compare and evaluate CAC construct and options
- **SCOPE:**
  - Role of CAC and processes by which civil, homeland security and law enforcement communities gain access to Intelligence Community capabilities and products
  - Review requirements for IC support to HLS and LE and processes by which support is obtained
  - Identify applicable legal and policy constraints
  - Formulate the trade-space for evaluation of the CAC and alternatives
- **RECOMMENDATIONS:**
  - Recommend best over-all approach for the facilitation, management and oversight of IC capabilities for applications that are civil or domestic in nature
    - Identify circumstances for exceptions to the recommended approach
    - Develop high level description of how recommended approach would operate and be managed
  - Recommend future role of the CAC

Study Leadership

Senior Steering Group (SSG)

The SSG sets study objectives and scope, and provides guidance to ISG on execution of the study.

- Co-Chaired by DDNI/C and Chair/CAC
- Membership composed of senior Government personnel from stakeholder organizations

Co-Chairs

Membership

Independent Study Group (ISG)

The ISG executes the study and reports to SSG.

Chair:
- Selected by DDNI/C and Chair/CAC
- Provides study leadership

Membership:
- Up to 8 independent consultants
- Experience and expertise spanning interests of stakeholder organizations

Executive Secretariat:
- Supports ISG and SSG activities
- Managed by ISG Chair

Chair

Executive Secretariat

Membership

Study Methodology

- Modeled after the Defense Science Board Methodology
  - Plenary sessions
  - Sharing of information
  - Background analysis
  - Formulating a consensus
 - Developing actionable recommendations

- ISG Meetings
  - Focused Two Day Sessions (Jun – Sept)
  - Analyze Data
  - Develop Findings, Conclusions, Options
  - Make Actionable Recommendations
  - Write Report
  - Interim and Final Briefings to SSG
  - Out Briefs to Stakeholders

ISG Meetings and Themes

20-21 Jun 05 — CAC Overview & briefings by CAC members (Civil Community)

11-12 Jul 05 — Law Enforcement Briefings & ISG Deliberations

28-29 Jul 05 — National Intelligence Agencies & Department of Homeland Security Briefings

8-9 Aug 05 — FBI Briefing & Legal/Policy Issues Discussions

16 Aug 05 — Dept of Defense Discussions

7-8 Sep 05 — ISG Final Report Development

Study Team
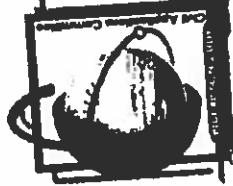
- **Booz Allen Hamilton:**
  - Mr. Greg Jay
  - Mr. Bob Evans
 - Mr. Chuck Symes
  - Mr. Ed Obloy
  - Ms. Robin Saenz

- **Government:**
  - Mr. Keith Elliot, USGS
  - Mr. Marty Eckes, USGS
  - Mr. Randy Soderholm, ODNI

Policy/Legal Boundaries Process

DOJ
Legal Opinions

DOJ/DNI/DoD
Fast Track
Process

DNI
- DNI Priorities
- DNI Policies & Directives
- DNI Legal Guidelines

DHS
- Implementing Policy & Legal Guidelines

Domestic Applications Office
- Applies Policies
- Compliance Review
- DAO Lawyer facilitates resolution of key policy issues

Presidential Priorities
Executive Orders
Laws

Guidance

Guidance

Intelligence Agencies

Civil, HS, LE Users

Issue on the boundary or not covered by policy
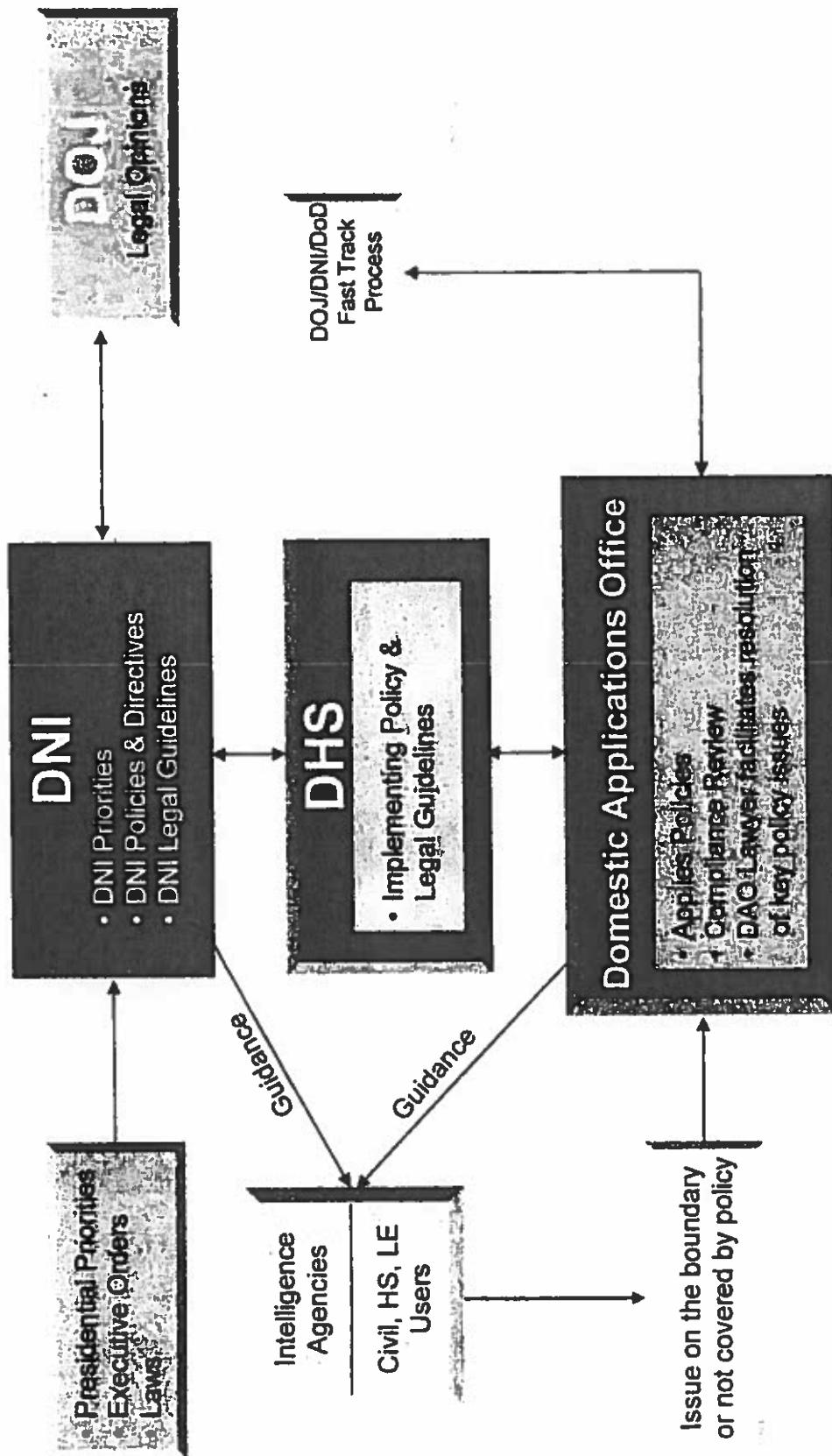
Cross Fertilization Process
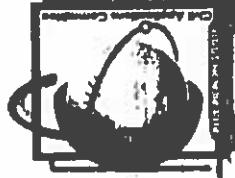
Domestic Applications Executive Committee

DDNI

DHS

CO-CHAIRS

providers

NRO/DDNS

DOJ/OLC

ASD/HD

DOJ/ASNS

FBI/NSB

NGA/OIP

NSA/DO

Civil Domain WG Chair

HS Domain WG Chair

LE Domain WG Chair

DHS

Domestic Applications Office

Intel Agencies

DOI

DEA

DOT

EPA

U.S. Marshal Service

Civil Expert

HHS

NOAA

State & Local Reps

Many More

Cross Fertilization

PRIMARY:
Governmental-ness
Fertilization

SECONDARY:
Inter-Agency

PRIMARY:
Inter-Agency
Cross-Domain

SECONDARY:
Intra-Domain

PRIMARY:
Intra-Domain

SECONDARY:
Cross Domain

Civil Domain Working Group

HS Domain Working Group

LE Domain Working Group

Models Under Consideration

OPTION: A (Centralized Broker - Committee)

Civil
Community

Homeland
Security
Comm...

Domestic
Applications
Committee

DNI & DoD Assets

- **Technical collection capabilities (archival, current, future)**
  - DoD and National satellite sensors
  - DoD and other airborne sensors
  - NSA worldwide assets
  - Military and other MASINT sensors
- **Sophisticated exploitation/analytic capabilities**
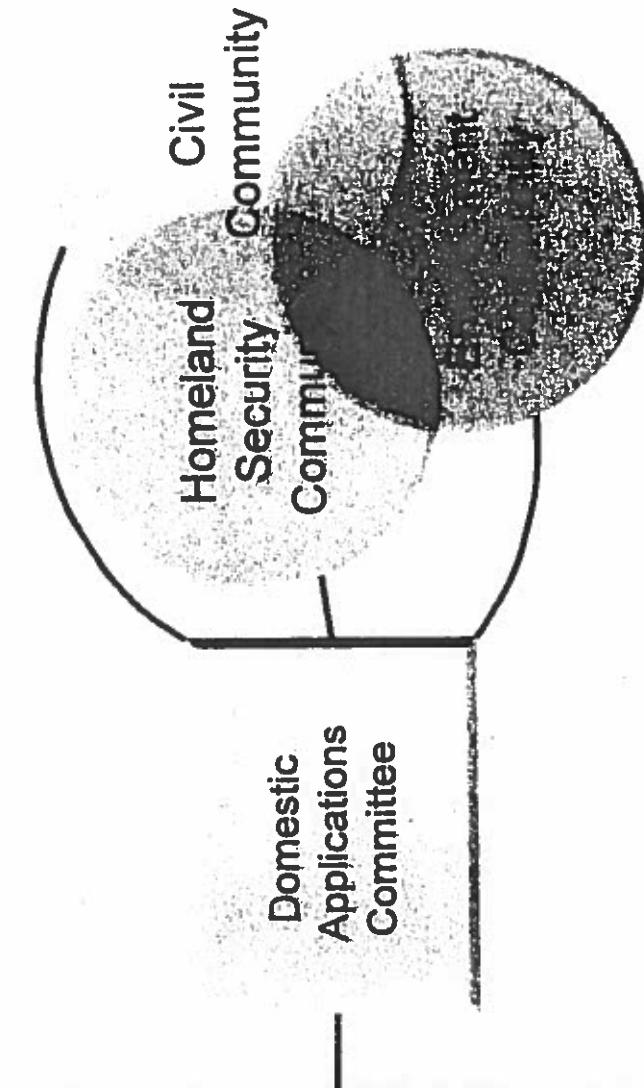
Option A Discussions

OPTION: A (Centralized Broker - Committee)

PROS:

- Expands on existing process
- Encourages info sharing and cross fertilization
- Clear ownership
- Low political sensitivity
- Single process – "One Stop shopping"
- One authority to approve & prioritize
- Provides a forum for customer education

CONS:

- Without direct DNI support it may not be sustainable
- Requires additional people and dollars
- Committee management

Models Under Consideration

OPTION: B (Centralized Broker – Executive Agent o/s IC)

DNI & DoD Assets

- **Technical collection capabilities** (archival, current, future)
  - DoD and National satellite sensors
  - DoD and other airborne sensors
  - NSA worldwide assets
  - Military and other MASINT sensors
- **Sophisticated exploitation/analytic capabilities**

DHS

Civil

HS

LE

Civil Community

Homeland Security Community
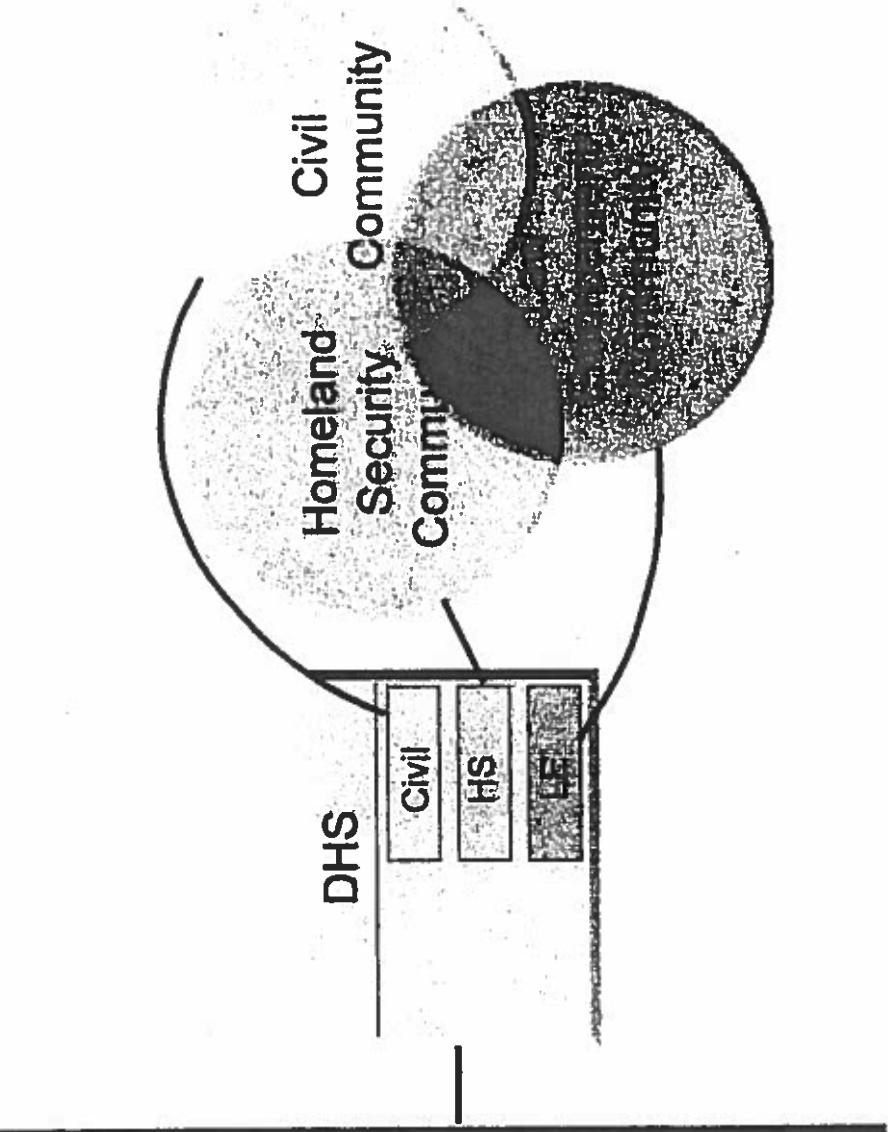
Selected Model

(Centralized Broker – Executive Agent o/s IC)

PROS:

- Creates an Executive Agent
- Encourages information sharing and cross fertilization
- Clear ownership
- Greater public support
- Customers don't have to understand IC capabilities
- Leverages all IC Community capabilities
- Single process – "One Stop shopping"
- Takes advantage of DHS information sharing authorities
- Easier budget sustainment
- Minimizes disruption of current CAC processes

CONS:

- DHS still evolving – ability to accept new mission uncertain
- Concern about Non-Homeland Security requirements and priorities

Models Under Consideration

OPTION: C (Centralized Broker – Executive Agent w/i IC)

DNI Executive Agent Ops Center

(e.g. NGA, DIA, CIA, NSA, NCTC)

- Civil
- HS
- LE

Civil Community

Homeland Security Community

Law Enforcement Community

DNI & DoD Assets

- Technical collection capabilities (archival, current, future)
  - DoD and National satellite sensors
  - DoD and other airborne sensors
  - NSA worldwide assets
  - Military and other MASINT sensors
- Sophisticated exploitation/analysis capabilities
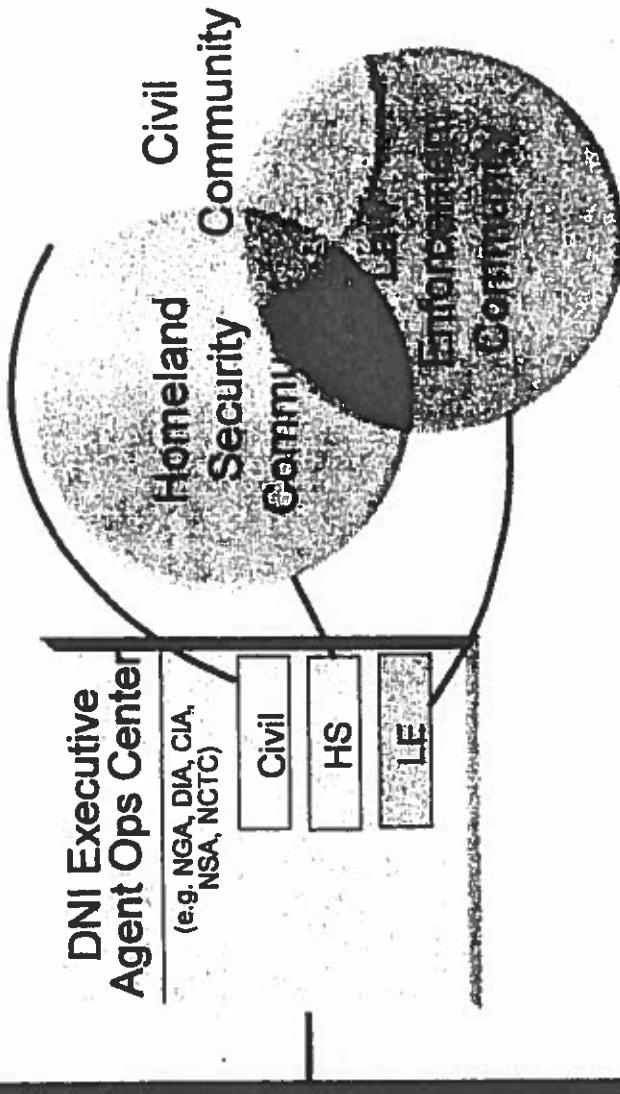
Option C Discussions

(Centralized Broker – Executive Agent w/i IC)
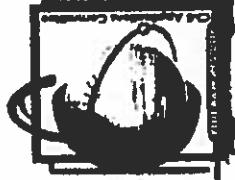
PROS:

- Creates an Executive Agent
- Encourages info sharing and cross fertilization
- Clear ownership
- Custom doesn't have to understand IC capabilities
- Leverages IC Community capabilities
- Single process – "One Stop shopping"
- Easier budget sustainment
- One authority to approve & prioritize

CONS:

- High political sensitivity – IC spying on citizens
- Concern about Domestic priorities vs. foreign (really all National)
- Implies a "Push" model
- Reduces process transparency to customer

Models Under Consideration

OPTION: D (DHS/FBI Model)

DHS

| Civil |
| HS |

FBI

LE

Civil Community

Homeland Security Community

DNI & DoD Assets

- **Technical collection capabilities (archival, current, future)**
  - DoD and National satellite sensors
  - DoD and other airborne sensors
  - NSA worldwide assets
  - Military and other MASINT sensors
- **Sophisticated exploitation/analytic capabilities**
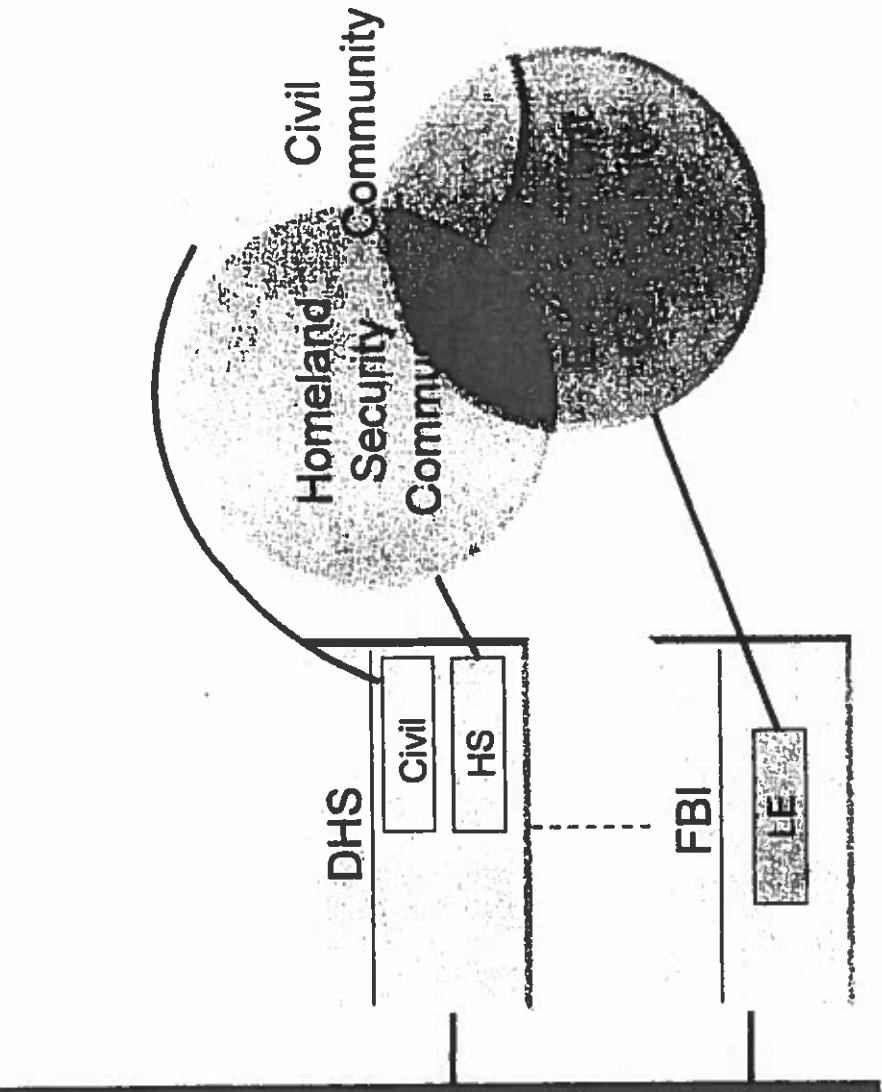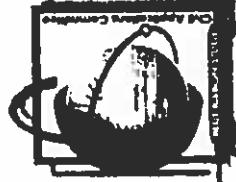
Option D Discussions
(DHS/FBI Model)

PROS:

- Breaks out unique law enforcement requirements

- Takes advantage of DHS info sharing authorizes

CONS:

- Civil domain may not get equal priority

- Two duplicative centers

- Pre 9/11 view

- No clear requirements path

- Strong potential for duplication

- Reduced information sharing

Models Under Consideration
OPTION: E (Distributed Brokers)

DNI & DoD Assets

CAC
- Civil

DHS
- HS

FBI
- LE

Civil Community

Homeland Security Community

- **Technical collection capabilities** (archival, current, future)
  - DoD and National satellite sensors
  - DoD and other airborne sensors
  - NRA worldwide assets
  - Military and other MASINT sensors
- **Sophisticated exploitation/analytic capabilities**
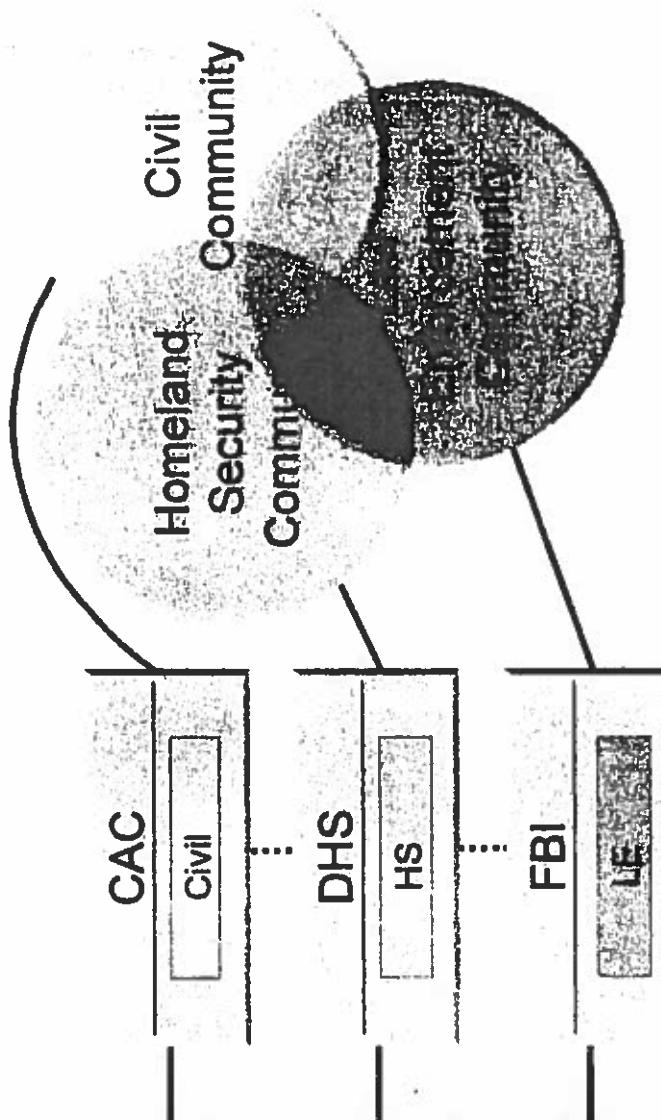
Option E Discussions

(Distributed Brokers)

PROS:

- Domain experts process requirements

CONS:

- Civil domain may not get equal priority
- Three duplicative centers
- Pre 9/11 view
- No clear requirements path
- Strong potential for duplication
- Minimal information sharing
- Encourages stovepipe solutions
- Uneven budget sustainment
- Three priority processes

GLOSSARY

AGI	Advance Geospatial Intelligence
CAC	Civil Applications Committee
Civil	Civil Domain
CIA	Central Intelligence Agency
DANCAP	Domestic Applications of National Capabilities Program
DAO	Domestic Applications Office
DAP	Domestic Applications Program
DCI	Director of Central Intelligence
DDNI/C	Deputy Director of National Intelligence for Collection
DEA	Drug Enforcement Administration
DNI	Director of National Intelligence
DOI	Dept. of Interior
DOT	Dept. of Transportation
FEMA	Federal Emergency Management Administration
FBI	Federal Bureau of Investigation
GEO-INT	Geospatial Intelligence
HLS	Homeland Security Domain
HSPD	Homeland Security Presidential Directive
HHS	Dept. of Health and Human Services
IC	Intelligence Community
IMINT	Imagery Intelligence
ISG	Independent Study Group
LE	Law Enforcement Domain
LIMDIS	Limited Distribution
MASINT	Measures and Signals Intelligence
NASA	National Aeronautics and Space Administration
NGA	National Geospatial-Intelligence Agency
NCTC	National Counter Terrorism Center
NOAA	National Oceanographic Atmospheric Administration
NSA	National Security Agency
NTM	National Technical Means
ORCON	Originator Controlled
SCI	Sensitive Compartmented Information
SIGINT	Signals Intelligence
SSG	Senior Steering Group
TCPED	Tasking, Collection, Processing, Exploitation and Dissemination
TENCAP	Tactical Exploitation of National Capabilities Program
USG	United States Government

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