

MEMORANDUM FOR THE RECORD

Event: Melvin Dubee

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Special Access Issues: None

Prepared by: Col. Lorry Fenner and Melissa Coffey

Team Number: 2

Location: Commission's K Street office

Participants – non-Commission: Melvin Dubee

Participants – Commission: Kevin Scheid and Col. Lorry Fenner

BACKGROUND

Mr. Dubee stated that he does not represent the Senate or any Member. Mr. Dubee is currently the Deputy Minority Staff Director for the Senate Select Committee on Intelligence (SSCI). In 1987 he was the DOD/IG Presidential Management Intern. In 1989 he worked for Senator Byrd on a legislative rotation, he was later offered a job with Sen. Byrd. In 1994 he was hired by John Kerrey as a designee as a new member of SSCI to SSCI staff. Around 1997, Mr. Dubee was converted to core professional staff and liaison of Senator. He focused on counternarcotics, counterterrorism, organized crime, Latin America, East Asia. In 1998 he became Director of Legislative Affairs for the ONDCP under Barry McCaffrey. In 1999 he was a stay-at-home father for a year. In 2000 he became Deputy Minority Staff Director under Al Cummings, the Vice-Chair was Dick Bryan(?). In 2001 he became Budget Director (under Graham), the when Rockefeller became minority leader, he again became Deputy Minority Staff Director (Minority Counsel).

Mr. Dubee said the US is running the war on supplementals and the SSCI had no role in supplemental appropriation. Informally they let their views be known to the appropriators. After the fact, they'd do an authorization. They had one person on appropriations for intelligence. For Space they had a second but they did not do CT.

- 1996 first big supplemental for CT.
- 1999 big one for NFIP
- 2000 maybe (he can't remember that one)
- 9/11 was big

When the process moves from debating the base budget to supplementals, the Committee can offer insights but has little to no influence. There is questionable effectiveness of Congressional oversight under these conditions.

In the broader context, Mr. Dubee does not think Congressional Oversight is as effective as it could be. In his mind, effectiveness equals the ability of Congress to examine Intelligence Community programs, to judge effectiveness, to apply resources and to support the goals of National Security Strategy. They have a good, capable staff with expertise, but the Committee needs members who have at least some expertise.

The top three issues he count as the fact that members of Intelligence Committee are term limited to 8 years. This is difficult – there are many hearings and meetings. These are held in classified settings, and they have to travel and read a lot of arcane and technical information – some members lose interest. They know they have “no future.” Sometimes members have virtually no experience on either side of the aisle. Graham was extended and Rockefeller took over with only 2 years experience.

#4 issue is that this is a Select B committee – it has less authority/is second tier. (A – Commerce, Environment, B – Intelligence, Native Americans), Super A Committee – Appropriations, Finance, SASC, Foreign Relations, C – maybe one or two). Members can only serve on one Super A, 2 A, and then Bs for a total of three unless they get a waiver. Mr Dubee thinks Intelligence should be an A or Super A Committee, whatever the history, it is more important now.

#5 issue is shared jurisdiction – For the National Foreign Intelligence Program the SASC, Judiciary, and Foreign Relations all have a say (Energy and Treasury don't care). The Intel Committee doesn't have jurisdiction over the Joint Military Intelligence Program or TIARA (Tactical Intelligence and Related Areas). They all put classified budget lines in the authorization and make recommendations. In the House the Intel Committee is the sole arbiter of NFIP; and they share JMIP and TIARA with the HASC.

#6 issue is sequential referral of the budget to the SASC. The enacting Resolution – Resolution 400 - in the 1970s. The SASC generally does not change the CIA numbers but often change, amend, or delete Defense agencies' (NSA, NRO, NGA) budget items. If they did not like what the Intel Committee gave them, SASC would just freeze the bill – it wouldn't come to the floor. Ultimately it is really up to the appropriators. Section 504. Actually the Committees work closely together on the Classified Annexes on the schedule of authorization and narrative. SASC has an annex to voice their disagreements. Then they conference and it goes to appropriators formally. 80% goes to support military operations and defense requirements. As DHS is emerging there are tensions that might be additive.

#7 issue is that supplementals reflect the strengths of the Appropriations Committee and weakness of authorization committees. This is more of a problem for the Community than it is for the Senate.

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Mr. Dubee thinks that now would be a good time to normalize the base intelligence budget. [redacted]

[redacted] should have been in the base rather than in the DCI's war on terrorism. But he understood [redacted]

[redacted] Still the infrastructure should be in the base. He maintained that the SSCI could, if outraged, go to appropriators but the item still would probably go through. It is much the same with research and development that is connected to CT, but that should be in base too.

For intelligence funding, Mr Dubee believes Congressional oversight has "little impact." The Budget Director of the Committee makes sure to deconflict the base and supplemental. But there is "not enough oversight." After the DCI and DDCI/CM testified the Chair and Vice Chair railed against OMB and the Administration. The Committees do not have Steve Cambone, the USDI, come up to testify. They do have shared jurisdiction but they do not have insight into his role yet. He has not seen yet that this will be a "train wreck" as Gen Hayden, NSA, predicts.

If the Intel Committee finds savings they could have an agreement with SASC to get the money back for intel rather than having it go back to the treasury or defense. When Defense takes a cut does it mean intelligence cuts? Mr. Dubee said there is a historical coupling. When Defense was cut, Intelligence should have grown (to get more warning). He was not sure whether this was a policy problem or mechanics (602 B allocation) but was probably a "combination of the two."

It appeared to Congress that terrorism was declining. They did see the changing nature of it from state sponsorship to the goals of Islamic radicals. Until 1996/1997 there were really just loose groups. In 1997 there was a hearing on Usama bin Laden - Mr. Dubee staffed it. The transcript and briefing book were closed [redacted]

[redacted] They took an innovative approach. Rather than the oversight typical hearings, they talked to working analysts who gave a 45 minute briefing to the members. There were no FBI people there (even after terrorism preparation for the Atlanta 1996 Olympics and the 1995 NIE). When UBL moved from being considered just a "financier" to head of a transnational organization (loosely affiliated groups but not yet "al Qa'ida") in the late 1990s, did the Committee hold any hearings on CT? Mr. Dubee recalls papers prior to the 1996 Olympics which looked at coordination between agencies. Until then their domestic role had been limited but they wanted to insure there was a lash up particularly with the NIE and FBI products.

He also may have been part of another hearing to discuss the Olympics. After the Khobar attack there were open and closed hearings: 5-8 on Terrorism and Saudi Arabia; there was a Staff Report (Spector) after Khobar; and a Cole Report (Committee) after 2 hearings. After-action reports are not done in the Intelligence Community like Defense. Last year the Committee required an IC "lessons-learned" report on the Iraq intelligence

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by putting it in the authorization. The Committee would like to see after-actions done better and on regular basis.

PERFORMANCE/STRUCTURE

DDCI/CM vacant but the USDI position is filled so this creates an imbalance. The emphasis stays on Iraq. Mr Dubee understands that SECDEF wants USDI to pull JMIP/TIARA together rather than impacting on NGA, NSA, NRO. Larry Kindsvater (nominee for DDCI/CM) is a CIA careerist has a strong community view who can stand up to Cambone.

What about the IC's performance as an enterprise? Mr Dubee thinks the agencies perform well in their mission areas, but the IC structure is not a good one. He does not like the DNI idea. He feels the Joint Inquiry just looked at and 9/11 so were not in a good position to make broad recommendations. CT is one small part of the IC's mission. This is the reason the largest part of intelligence is in DOD. Cosmetic changes make things worse. If you have an Intelligence Czar, enhancing authorities is a must. Whether he's in the Cabinet is really tied to administration/political issues. The alternative Kindsvater proposal gives DCI power more like CJCS with the collection agencies like the Services. He would create true Community Centers with analysts and operators with a Matrix structure.

As to the CTC before 9/11, Mr. Dubee thinks the DCI did not have the authority to make it real. Mr. Dubee would make a different proposal, a spinoff. For the Clandestine Service, the Directorate of Operations and Directorate of Science and Technology would become the collection agency for HUMINT and Close Access with a separate agency head. The DCI is too tied to the DO now. The CIA would just be a "Holding Company" for the Centers.