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RETHINKING THE INTERAGENCY SYSTEM

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Rethinking the Interagency System

by Michael Donley

It is time to consider new directions for the interagency system in which the National Security Council (NSC) plays a primary role. Established in the National Security Act of 1947 to advise the President on the integration of domestic, foreign and military policies, and to enable effective cooperation between the military services and other governmental departments and agencies, the NSC's advisory and policymaking process is now confronting new challenges brought on by lessons learned in interagency operations and a dramatically changing security environment.

Twice in the past three years, Congress has created new or substantially revised national security structures - a Homeland Security Council and Director of National Intelligence - to join the interagency space between departments and agencies and the President which the NSC previously occupied alone. In addition, the NSC's policymaking process is under pressure to incorporate broader responsibilities such as more detailed planning and oversight of interagency operations in response to the problems of failed states, post-conflict stabilization, proliferation of nuclear and other WMD technology, and international terrorism.

The 9/11 Commission Report highlighted the President's fundamental challenge in governing the Executive Branch: integration of effort. While focused on improving the coordination and management of intelligence, the Commission's broader message is the need for fundamental reforms in the interagency system supporting the President. Other recent studies of US and coalition performance in complex contingency operations are reaching the same conclusion: the US needs new ways of coordinating, overseeing, and implementing policies and operations in the national security community across individual departments and agencies.

This paper explores how the scope and functions of the interagency system are being redefined through the introduction of new organizations and activities. It then discusses the results of several boards, commissions, and task forces that over the past year have been making a case for further changes. The summary and conclusion identifies key interagency problems, challenges and emerging needs.

Redefining the Interagency System

A conventional definition of the interagency system would describe the structures and processes supporting the NSC framework outlined in section 420 of Title 50, U.S.C. While the NSC has evolved over time, three structural elements have remained relatively constant:

- statutory members (President, Vice President, Secretary of State, Secretary of Defense) and advisors (Chairman, Joint Chiefs of Staff and Director of Central Intelligence¹) augmented by other White House or cabinet officials as directed by the President;
- a staff to support the council; and
- a hierarchy of interagency groups beginning with Principals and Deputies committees, and supported by working-level regional and functional groups composed of Assistant or Deputy Assistant Secretaries from participating departments and agencies.

In its most senior configurations, the NSC Principals and Deputies committees operate at or above the cabinet level, where in the absence of consensus the President is clearly the decision maker. The NSC's regional and functional working groups operate below the level of heads of departments and are often led by senior NSC staff. The effectiveness of working groups is difficult to measure and often dependent on the skill and experience of their individual leadership. Policy differences in the working groups are elevated for decisions by the Deputies, Principals, or if necessary the President; but even consensus decisions if sufficiently important may require Presidential approval. In this respect, the freedom and legitimacy of decision making at the sub-cabinet level is a significant issue.

The NSC process involves chairing and directing the work of interagency groups and applying procedures through which inputs (defined as events or circumstances requiring response or presenting opportunities) are converted into outputs. The three basic elements of this process include: 1) understanding the circumstances, intelligence and other information underlying a given issue; 2) precisely defining US interests and selecting desired goals and outcomes; and 3) evaluating and selecting from among alternative means and risks the most effective path to achieve the desired outcomes (i.e. strategy). The outputs range from informal, verbal consensus on next steps to formal presidential decisions which restate the context for the decision, outline goals and priorities, and direct courses of action for implementation by departments and agencies.

Components of this system include Federal departments and agencies, and the separately organized NSC staff operating within the Executive Office of the President (EOP). The system has long been overseen and directed by the Assistant to the President for National Security Affairs (otherwise known as the National Security Advisor).

The NSC system receives limited attention in statute. Reconfirmed through directives by each incoming President, its methods of operation are considered Presidential

¹ Recently changed to Director of *National* Intelligence.

prerogatives and generally given a wide berth in Congress. Only limited congressional efforts have been made to codify the NSC's interagency group structures in law and these are generally ignored in practice.² Congress provides for the salary and expenses of NSC staff (other than those on detail from departments and agencies) through appropriations for the EOP, while broader system support in areas such as travel, telecommunications, and studies and analyses has relied heavily on department and agency resources.

This conventional description of the NSC system has become complicated by the addition of new activities established in response to failures in interagency coordination and/or new vulnerabilities or needs associated with the changing security environment. Over the past ten years, national "centers" have been established for counterintelligence (CI), critical infrastructure protection, and counterterrorism. Created in Presidential decision directives or executive orders through the NSC system, these centers are chartered as "national" activities with cross-agency responsibilities. They have been located and funded in a specific lead agency and staffed by personnel detailed from other agencies within their respective community.

- The National Counterintelligence Center, led by the National Counterintelligence Executive, was established under PDD-24 (May 1994) to coordinate and improve the effectiveness of CI activities across the US government. This center was created under the Director of Central Intelligence in response to the CIA and FBI's failure to discover that long-time CIA employee Aldrich Ames had been selling secrets to the Soviet Union. It develops CI strategy and sets priorities for CI collections, investigations and operations.³ In 2002 the National CI Executive was codified in law and its "center" renamed as an "office"; and it is now being realigned under the new Director of National Intelligence.⁴
- A complex web of interagency relationships for cyber security and critical infrastructure protection was established through PDD-63 in May 1998. Led by a "National Coordinator" on the NSC staff, it included a National Infrastructure Protection Center within the FBI and a Critical Infrastructure Assurance Office (CIAO) at the Department of Commerce among several other elements. These elements were established in response to the findings of a Presidential commission tasked with assessing the vulnerabilities of critical infrastructure and developing strategies for response.⁵ PDD-63 not only set national policy in this new area, it established mechanisms for the real-time management of operations such as warning and coordinating responses to cyber attacks. Within PDD-63's broad national framework, particular agencies had interagency responsibilities and decision making was tied back to the NSC system.⁶

² For example, Congress created an NSC Committee on Transnational Threats in 1996, a Committee on Foreign Intelligence in 1992, and a Board for Low Intensity Conflict in 1988.

³ See www.nacic.gov

⁴ Sec. 103, P.L. 108-458, Intelligence Reform and Terrorism Prevention Act of 2004.

⁵ The President's Commission on Critical Infrastructure Protection was established in E.O. 13010, July 1995.

⁶ Summary of Presidential Decision Directives 62 and 63, White House Fact Sheet, May 22, 1998.

The Clinton Administration's PDD-63 framework has been substantially revised with some activities reassigned and renamed under the Department of Homeland Security.⁷ Nonetheless, in terms of the institutional development of the interagency system, PDD-63 stands out as an ambitious attempt to create a distributed, operationally-centered interagency program with hands-on management and oversight based in the NSC.

- Among the responses to the 9/11 intelligence failures, the Terrorist Threat Integration Center was established by the President in January 2003. Combining elements of the CIA, FBI, DHS and DoD, it was intended to fuse and analyze all-source information on terrorism and ensure a structure for maintaining shared databases and sustaining information sharing. Reestablished as the National Counterterrorism Center (NCTC) in E.O. 13354 (August 2004), it will also “conduct strategic operational planning for counterterrorism activities integrating all elements of national power, including diplomatic, financial, military, intelligence, homeland security, and law enforcement activities within and among agencies... and assign operational responsibilities to lead agencies...” The NCTC does not itself conduct or direct the execution of counterterrorism operations but functions as the operational planner and coordinator. If agencies have objections to the designations or assignments made by NCTC, they are directed to inform the NSC and Homeland Security Council. Following enactment of the Intelligence Reform Act of 2004, NCTC will report to the Director of National Intelligence.⁸

Creation of an Assistant to the President for Homeland Security and a Homeland Security Council (HSC) in October 2001 has also added new dimensions to the management and oversight of national security issues.⁹ Membership of the NSC and HSC is similar, especially considering the conventional practice of adding participants (for example, NSC adding the Attorney General, or HSC adding the Secretary of State) whenever necessary to meet the needs of the particular issue under consideration. Both functioning within the EOP, the two Assistants to the President (Homeland Security and National Security Affairs) are required to coordinate on numerous matters such as counterterrorism, WMD matters, border, maritime and aerospace security, the readiness and deployment of federal response teams, incident management and continuity of government.¹⁰ From the outside looking in, agencies are now required to function effectively within both channels and keep each informed of related activities.

⁷ “Ridge Creates New Division to Combat Cyber Threats”, Press Release, Department of Homeland Security, June 6, 2003.

⁸ “Strengthening Intelligence...”, White House Fact Sheet, January 28, 2003. Executive Order 13354, “National Counterterrorism Center,” August 27, 2004. Both E.O 13354 and the Intelligence Reform Act of 2004 envision additional “National Intelligence Centers” of various types.

⁹ Executive Order 13228, “Establishing the Office of Homeland Security and the Homeland Security Council,” October 8, 2001.

¹⁰ Ibid. Looking forward, the intelligence coordination also called for between the two Assistants to the President and the two councils is likely to be affected by creation of the Director of National Intelligence and Joint Intelligence Community Council.

Beyond these structural changes, PDD-56 (Managing Complex Contingency Operations, May 1997) introduced new procedures and more explicit political-military planning responsibilities for the NSC.¹¹ In response to lessons learned in Somalia, Bosnia, and Haiti, this directive sought to institutionalize a more rigorous interagency planning, review and oversight process in advance of operations involving multiple departments and agencies. This process was overseen by an Executive Committee through which assistant secretary representatives were held personally accountable to the President for designated portions of an operation. They were not only representatives to the interagency process, but also “program managers” for specific areas of the pol-mil plan.

PDD-56 fell short of its intent, reportedly due to a lack of NSC staff follow-up and enforcement with domestic agencies combined with some agency resistance; but it nonetheless raised awareness of problems in coordination and did result in a useful series of interagency education and training events.¹² PDD-56 was rescinded by the incoming Bush administration in 2001, but reemerged in 2003 as an ‘interagency handbook’ published by NDU.¹³

Important conclusions emerge from these developments. First, it is clear that the limited statutory framework for the NSC and Presidential directives describing the NSC system may no longer reflect the scope of activities now occurring in the interagency space above the level of individual departments and agencies, or across agencies below the policy making level. Yet new organizations and activities are being created piecemeal, so far without discussion of the broader interagency framework in which they operate. A broader definition of the interagency system is called for to incorporate these new activities; and their roles, functions and relationships to the NSC need to be described in the context of a new interagency architecture.

Second, the policy scope of national security is being defined more broadly, incorporating more domestic security issues than in the past. In addition, the lines between domestic and foreign security concerns are increasingly blurred. Yet, though breaking down boundaries between domestic and foreign security matters has been a theme in intelligence reform, their separateness remains perpetuated in parallel “Homeland” and “National” Security Councils within the EOP. In the context of a new interagency architecture, this suggests that Congress and the President should re-think the need for two separate councils.

Third, policy coordination in the NSC has been seen as insufficient to ensure adequate coordination of operations across agencies with common functions or missions, so new mechanisms such as ‘interagency centers’ or the use of ‘lead agencies’ have been necessary at the operational level. However, having inherited a stronger NSC role in operational coordination for infrastructure protection, the current administration moved it

¹¹ See “Interagency Complex Contingency Operations Handbook”, at <http://www.au.af.mil/au/awc/awcgate/ccoh/index.htm>

¹² *Transforming for Stabilization and Reconstruction Operations*, Hans Binnendijk and Stuart Johnson, eds. Center for Technology and National Security Policy, NDU Press, April 2004. p. 108.

¹³ See http://www.au.af.mil/au/awc/awcgate/ndu/interagency_complex_crisis.doc

out of the NSC to DHS. Inheriting a stronger NSC role for coordinating complex contingency operations, the administration set PDD-56 aside. The role of the NSC itself in planning and coordinating interagency operations for broad, complex missions thus appears uncertain.

At the same time, operational experience since 9/11 is reviving calls for a stronger interagency system, which requires thinking through the responsibilities of coordinating mechanisms like the NSC and individual departments and agencies.

Recent Reports Reinforce the Need for Further Changes

Further impetus for strengthening interagency relationships has emerged from US experience in the pre-9/11 management of intelligence and US and coalition stability operations in Afghanistan and Iraq. Interagency problems and lessons learned have been highlighted during the past year by various commissions and task forces; and their conclusions and recommendations are summarized chronologically below.

CSIS *Beyond Goldwater-Nichols Phase 1 Report*. Improving interagency and coalition operations was one of several themes in the Center for Strategic and International Studies' March 2004 report. The report concluded that recent experience reflects "a consistent US inability to effectively integrate political, military, economic, humanitarian and other dimensions of complex contingency operations." This problem was attributed to several factors, including:

- the lack of government-wide procedures for developing integrated strategies and plans;
- the lack of a "planning culture" outside DoD;
- limited NSC staff capacity dedicated to integrating agency strategies and plans;
- the inability of designated "lead" agencies to speak for the President;
- lack of deployable experts and capabilities in civilian agencies; and
- the absence of standardized mechanisms for coordinating the planning and conduct of complex operations among coalition partners.

The CSIS report outlined several recommendations. The President was urged to issue guidance establishing standard operating procedures for the planning of complex operations; to designate within the NSC system a Deputy Assistant to the President for Stability Operations; and to designate for each operation a senior official to be in charge of and accountable for integrating interagency operations on the ground. Civilian agencies should establish planning offices to facilitate their participation in the interagency planning process. Congress was urged to create a new Training Center for Interagency and Coalition Operations and to fund both national and international training and exercise programs to promote cross-agency experience within the US government, and between the US and potential coalition partners.¹⁴

¹⁴ "Beyond Goldwater-Nichols: Defense Reform for a New Strategic Era", Phase 1 Report, Center for Strategic and International Studies, March 2004. pp. 60-68.

9/11 Commission. As a part of its investigation into the terrorist attacks of September 11, 2001, the Commission recommended a number of improvements to US counterterrorism capabilities. Of equal importance, however, is the broader context in which these recommendations were made. The commission called for “a different way of organizing the government” that recognized the need for coordination of operational matters, not just policy.¹⁵

The Commission outlined two reasons why past efforts at interagency coordination have not worked.

1. When interagency coordination is attempted or ‘homed’ in a single agency, and representatives or liaison officers are brought in from other agencies to participate, a gap between information sharing and coordination of an operational response is often left unaddressed because a single agency lacks authority to direct the activities of the government as a whole.
2. When operational planning and direction is attempted at the NSC staff level, the staff becomes overwhelmed and too focused on day to day issues at the expense of advising the President on larger policy issues.¹⁶

The “different way” envisioned by the Commission for counterterrorism is at its core a proposal for a stronger interagency system. Their proposal would merge the responsibilities and benefits of information sharing with the authority for operational planning and direction. New interagency institutions would be created, separate from the NSC system but operating within the Executive Office of the President, empowered to not only coordinate sharing of information but also to jointly plan operations and then oversee execution by other agencies. This would strengthen joint interagency planning, put someone in charge to ensure unity of effort, and enhance efficiency in the use of limited resources. The NSC, meanwhile, would remain focused on policy direction.

The Commission pointedly concludes that this new approach “will test whether the US government can fashion more flexible models of management needed to deal with the twenty-first century world.”¹⁷

Defense Science Board 2004 Summer Study. The DSB Summer Study on Transition to and from Hostilities was tasked to assess DoD’s approach to this problem in the context of an international environment with a “high likelihood” of the US and its allies having to deal with failed states, or hostile regimes harboring terrorists or endangering neighboring states. The study noted that achieving political objectives, not just military objectives, depends on preparation years in advance and stabilization and reconstruction activities years after major military campaigns are complete; and it proposed a substantially stronger interagency process to provide the coordinating mechanism to do this.

¹⁵ The 9/11 Commission Report, p. 399.

¹⁶ Ibid. pp. 402-3.

¹⁷ Ibid. p. 406.

The DSB urged the Secretary of Defense to support establishment of a National Center for Contingency Support and institutionalization of long-term, rigorous, and sustained pan-government Contingency Planning and Integration Task Forces. These Task Forces, comparable to the Joint Interagency Task Forces for counter-drug operations and with stronger authorities and more resources than current interagency groups, would orchestrate interagency planning and execution of stability and reconstruction activities requiring the integrated use of multiple elements of national power.

Department and Agency Activities. Confirming that these reports reflect views shared in some degree by government officials, departments and agencies have continued to move forward with their own interagency reforms and proposals.

Defense. The DSB Summer Study is only the latest of several DoD efforts dating back to at least 1994 (e.g. draft *Joint Doctrine for Interagency Operations*) to improve its performance and that of interagency partners in contingencies other than war. During the past three years the US Joint Forces Command (JFCOM) has emphasized the Combatant Commander's need to incorporate interagency perspectives and capabilities required from outside DoD in the development of new operational concepts; and JFCOM's work has led to the establishment of Joint Interagency Coordination Groups (JIACGs) in Combatant Command headquarters.

The National Defense University also published a monograph which not only endorsed the JIACGs at the operational level, but also proposed a strategic-level National Interagency Contingency Coordinating Group and standing, on-call teams of civilian experts capable of rapid deployment for stability and nation-building operations.¹⁸

In response to the DSB Summer Study, DoD began work on a new Joint Operational Concept for Stability Operations, and is preparing a DoD Directive assigning various roles and responsibilities for stability operations to DoD components. Further study of interagency roles and functions will also be featured in DoD's 2005 Quadrennial Defense Review.

State. In July 2004, following a decision of NSC Principals and in response to draft legislation pending in the Senate, the State Department established the Office of the Coordinator for Stabilization and Reconstruction to oversee and coordinate the US government's civilian responses to post-conflict contingencies. The office is intended to harmonize resources and actions of multiple civilian agencies supporting stabilization and reconstruction operations abroad while at the same time leaving project and program management responsibilities with individual agencies and major policy decisions with the NSC.¹⁹

¹⁸ Binnendijk and Johnson, op.cit.

¹⁹ "Establishing a Coordination Function at State for Civilian Post-Conflict Operations", internal State Department memorandum, June 9, 2004.

In addition, the Vice Chairman, Joint Chiefs of Staff, General Peter Pace, echoing earlier statements of SACEUR General James Jones, publicly asked in September whether “a Goldwater-Nichols-like event” was needed to reform the interagency system.²⁰ General Pace observed that the current system “does a great job of teeing up the issues of the day for the President...but once the President decides to do something, then our government goes back into stovepipes for execution.” He suggested the future possibility of “Joint Interagency Task Forces” directed by a department head or senior official selected by the President to coordinate and direct all US government efforts pursuant to the assigned mission. While noting that this might require cabinet-level officials to give up some of their day-to-day authorities, General Pace argued that even greater empowerment would result from “lead agency” authorities assigned from the NSC level.

Retired General Anthony Zinni has offered a somewhat different proposal: an independent interagency organization to coordinate military and civilian planning.²¹ Under General Zinni’s proposal the new organization would not have departmental-level status, nor would it operate within an existing government body, but instead would have representatives from different departments and agencies who make recommendations to the NSC, which would resolve any differences. While noting that “the time has come” for an interagency reorganization, General Zinni also concluded that “it’s going to take somebody from the legislative side to impose this on the executive side.”²²

Congress Acts on Intelligence Reform. Congressional and Presidential approval of the Intelligence Reform and Terrorism Prevention Act of 2004 was the last major event concerning interagency restructuring in 2004. Key decisions for the purposes of this paper are summarized as follows.

1. In establishing the DNI, Congress and the President determined that interagency coordination of intelligence should be and is a significant and complex function unto itself and should be separated from management of the CIA or any other particular agency. All interagency functions and activities formerly assigned to the DCI, including the National Intelligence Council, the Community Management Staff and the new centers have been rolled up under the DNI.
2. It was specifically determined that the DNI, a Senate-confirmed position, would *not* reside in the Executive Office of the President.
3. The DNI has responsibilities for providing intelligence to the President and other senior officials, developing an integrated national intelligence program, setting priorities and tasking, and operational planning. The DNI also has broad community-wide responsibilities for information sharing, personnel and security standards, and training.
4. A new cabinet-level coordinating body chaired by the DNI, the Joint Intelligence Community Council, was established in law. Its members include the Secretaries of

²⁰ Remarks to the Marine Corps Association & Naval Institute Forum, September 7, 2004.
http://www.dtic.mil/jcs/vice_chairman/MCANavalInstituteFORUM2004.html

²¹ “Former Commander Calls for New Military-Civilian Planning Organization”, Chris Strohm, GovExec.com, December 7, 2004.

²² Ibid.

State, Treasury, Defense, the Attorney General, and Secretaries of Energy and Homeland Security (and such others as the President may designate).

Congress left authority for the actual direction of intelligence operations of all kinds to the respective departments and agencies and tasked the President to develop implementation guidelines “in a manner that respects and does not abrogate the statutory responsibilities of the heads of departments...”²³ The Act referenced several statutory authorities as examples of those to remain inviolate, including sections of Title 10 outlining the Secretary of Defense’s authority, direction and control over all components of DoD (sec.113b) and the chain of command (sec.162b).²⁴

Many new interagency relationships outlined in the 2004 Act and matters of execution and procedure remain to be determined through various implementation plans owed to Congress over the next year.

Summary and Conclusions

The new security environment requires the integration of national power in new ways. Recent proposals for change in the interagency system reflect changing national security needs and lessons learned in three different areas (intelligence, homeland security, and complex contingency operations) but they share a common, overarching problem: integration of effort.

Recommendations from the CSIS, 9/11 Commission, and Defense Science Board studies reinforce the need for closer integration of effort in both horizontal and vertical dimensions: Horizontally across all elements and agencies of national power; and vertically up and down all levels of government -- not just the senior cabinet level committees of the current NSC process, but also down through the mid-level agency leadership and front line experts who execute US policies on the ground.

Their common focus is the need move beyond the existing policy development and decision making paradigm of the NSC process to more effective planning, execution and oversight of truly interagency operations. These studies also share a broadly held view (especially in the intelligence and defense communities) that new or substantially modified interagency structures or procedures are necessary to support this work; but they differ on tools and mechanisms and the role of the NSC itself in the mix.

Creation of interagency “centers” in the 1990s had already called into question conventional definitions or descriptions of the interagency system. Since then, the Homeland Security Council, Director of National Intelligence and Joint Intelligence Community Council have been added to the mix. More recent proposals for change are moving in a similar direction, challenging the NSC and other elements in the national security community to recognize and incorporate new interagency functions and responsibilities aimed at improving operational effectiveness.

²³ Sec. 1018, P.L. 108-458 op.cit.

²⁴ Ibid.

It is no longer possible simply to equate the interagency system with the NSC policy making process. The NSC policy making process still functions at the core of interagency decision making for national security but no longer defines in itself the scope or depth of the national security interagency environment. The interagency system is both more complex and more crowded; it has outgrown the NSC and is now lacking an overarching framework.

A new national security architecture is required to incorporate the roles and functions of new organizations and processes that reside in the interagency space between the President and individual departments and agencies. It will be important within this new framework to define the relationship of new interagency elements to the NSC, to determine department and agency responsibilities for interagency matters, and especially to determine the NSC's future roles and responsibilities in a new interagency system.

Part 2 of this paper will assess alternative approaches for how to improve horizontal and vertical integration of effort in the interagency system, such as giving broader responsibilities to the NSC, creating new organizations or structures within or outside the EOP, and/or assigning interagency responsibilities to 'lead agencies.' This assessment would inform future consideration of what a new interagency architecture should look like, what resources would be required to support it, and how it might be achieved.

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