

**SELECT COMMITTEE
ON INTELLIGENCE**

**UNITED STATES
SENATE**



**Additional Prehearing Questions for
Avril D. Haines
Upon her nomination to be
Director of National
Intelligence**

Responsibilities of the Director of National Intelligence

QUESTION 1: The role of the Director of National Intelligence (DNI) can differ depending on what the President has requested. If confirmed, you would be the seventh DNI.

A. What guidance has President-elect Biden provided you for the role of the DNI? Specifically, is the vision that the position be a director, coordinator, or something else?

The President-elect has said that he wants me to be a fierce advocate for telling the truth and levelling with decision makers. Beyond that, if I am confirmed, my role would be to serve as the principal intelligence adviser to the President and his senior advisers, including military advisers, in order to inform their consideration of critical national security issues; to lead the Intelligence Community to effectively integrate intelligence analysis; to establish objectives and priorities for the collection, analysis, production, and dissemination of national intelligence across the community; to be a responsible steward of our nation's resources in the execution of an annual budget for the National Intelligence Program; to drive resource and capability decisions and ensure resources are allocated appropriately and responsibly across the community; and to oversee relationships with the intelligence services of foreign governments and international organizations. In accomplishing these objectives, I am committed to doing so free from political influence, and with a focus on increasing coordination across the IC. I also believe that the President-elect envisions a DNI who is committed to facilitating robust oversight of the IC by Congress as well as enhanced transparency with the American public.

B. How will you reaffirm that the Intelligence Community's (IC's) role is that of an apolitical, honest broker charged with disseminating the truth?

It is essential that the Intelligence Community workforce and the American people understand and believe that the IC's role is to provide honest, apolitical analysis and advice, regardless of whether it is convenient or expedient. If confirmed, I intend to reaffirm that vital role for the IC by communicating it consistently and demonstrating it personally. The IC workforce will hear me emphasize, from my first day on the job, that politics must end where intelligence work begins and that, moreover, the IC's responsibility is to offer honest, high-quality analysis without concern for whether the message is likely to be well received. I will lead by example, providing -- in public where appropriate, as well as in private -- intelligence work that reflects professional expertise and candid conclusions, and overall a steadfast commitment to truth.

C. Do you intend that the DNI will deliver and brief the President's Daily Brief (PDB) or will you leave it to the PDB staff? Do you anticipate having Central Intelligence Agency (CIA) personnel accompany personnel from the Office of the Director of National Intelligence (ODNI) for PDB briefings?

Central to the success of any DNI is ensuring that the Intelligence Community is delivering its important analysis to the President and other senior policymakers. As President-elect Biden assumes the presidency, I am confident that he will determine the format and participation for PDB sessions that best suit his needs; and, if confirmed, I will look forward to ensuring that the products of the IC workforce are delivered in a manner that maximizes their utility to the President.

D. What qualities will you want in a principal deputy?

If confirmed, I want to ensure that a principal deputy reflects and amplifies my commitment to a number of key values. First is a commitment to the Intelligence Community workforce itself, which is the IC's greatest asset: a principal deputy should share my view of the importance of supporting and empowering that workforce. Second is a commitment to the apolitical nature of the IC's work: a principal deputy should amplify and extend my insistence, if confirmed, that the IC deliver the highest possible quality intelligence products without regard to politics. Third is a commitment to tighter coordination and synchronization across the IC: a principal deputy should assist me in day-to-day efforts to improve collaboration across IC elements so that the IC maximizes the utility and efficiency of its work. Fourth is a commitment to being a responsible steward of our nation's resources in the execution of an annual budget for the National Intelligence Program: a principal deputy should assist me in driving resource and capability decisions and ensuring resources are allocated appropriately and responsibly across the community. And fifth is a commitment to transparency with the public and cooperation with Congressional oversight, to ensure support for the IC's mission.

E. How will you enhance the morale of an ODNI workforce that has experienced significant disruption in the last two years?

First and foremost, it is imperative for the incoming DNI to publicly and privately acknowledge the hardworking and dedicated ODNI workforce and to demonstrate respect for their expertise and commitment to the American people. Early communication with the workforce will be critical to repairing morale, as will the resumption of regular town hall meetings with the ODNI workforce. The Intelligence Community's ability to best address today's national security challenges depends on an empowered and trusted workforce. Key early actions will be to reaffirm the incoming administration's trust in the IC, reinforce a commitment to non-politicized intelligence, emphasize the protection for whistleblowers, and ensure that the IC is fulfilling its traditional role of informing policy deliberations.

F. Because the DNI is the government's security executive agent, what priority will you give to security clearance reform, and how will that be reflected in ODNI's efforts as a whole?

Security clearance reform will be a high priority for me, if confirmed as the next DNI. It is apparent that the current system is perceived as moving too slowly, which costs the IC talent -- talent that we need in order to provide the best possible intelligence to policymakers as they

confront a complex array of national security challenges. If I am confirmed, I will seek rapidly to understand the extent and nature of the problems with the existing processes and the status of ongoing reform initiatives, and I will ensure that the Committee is kept informed of our efforts to improve the system.

G. How do you see the DNI's relationship with the Director of the CIA and the Under Secretary of Defense for Intelligence and Security (OUSD(I&S))?

The DNI's relationships with the leadership of all Intelligence Community components and, where appropriate, the agencies within which they reside are critical to advancing the integration of intelligence analysis and successfully executing the DNI's coordination role.

Of particular importance are the relationships between the DNI and the Director of the CIA (DCIA), as well as the Undersecretary of Defense for Intelligence and Security (USD(I&S)). Each is a critical partner for a successful DNI. While operating with due deference to the distinct authorities of DCIA and USD(I&S), the DNI should strive to cultivate a working relationship with both officials that is grounded in a transparent and frank dialogue, which will be required to work through issues of shared concern. The foundation of such a dialogue is rooted in strong personal relationships, and I intend to work to build that foundation from day one.

By statute, the DCIA "shall report to the Director of National Intelligence regarding the activities of the Central Intelligence Agency," which should enable a DNI to have a current and holistic understanding of the CIA's current activities. I envision that dialogue being rooted in clear communication and regular information sharing to work through issues of common concern, such as covert action or the status of HUMINT operations.

The relationship with USD (I&S) is different but no less important in coordinating the IC's DOD elements and the Military Intelligence Program (MIP) funding. If confirmed, I would seek to better integrate USD (I&S) into the DNI's work of integrating and coordinating the IC, relying on them to assist in achieving effective coordination and to facilitate work on issues of shared interest across the community, including MIP/National Intelligence Program (NIP) cost shares, critical DOD collection programs and platforms, and intelligence support to combat elements.

H. What do you see as the DNI's role in covert action vis-à-vis the CIA and the White House?

The authority and responsibility for formulating and executing covert action programs rests with the President and the CIA. However, the DNI is charged by statute with ensuring that the CIA complies with the Constitution and laws of the United States, including in covert action programs. In addition, under Executive Order 12333 the DNI has the responsibility to oversee and provide advice to the President and the National Security Council with respect to covert action programs. So, while the DNI does not have operational covert action authorities, she has a significant role to play in helping to ensure that covert action programs are lawful and effective.

I. Please describe your understanding of the following responsibilities of the DNI:

- 1. Serving as the principal adviser to the President, the National Security Council, and the Homeland Security Council for intelligence matters related to national security.**
- 2. Overseeing and directing the implementation of the National Intelligence Program (NIP).**
- 3. Managing the ODNI.**

The DNI serves as the head of the IC and principal intelligence adviser to the President. In that role, the DNI must provide the best possible intelligence analysis without being influenced by politics. Additionally, Congress established the DNI to oversee and to coordinate the activities of the other elements of the Intelligence Community. That includes establishing objectives and priorities for the collection, analysis, production, and dissemination of national intelligence; ensuring maximum availability of and access to intelligence information within the IC; developing and ensuring the execution of an annual budget for the National Intelligence Program; and overseeing the coordination of relationships with the intelligence or security services of foreign governments and international organizations. The DNI must also foster an organization well-suited to carry out the DNI's coordination and integration of the IC, composed of IC officers with the necessary experience to work effectively across the IC. In my experience, the DNI has played an indispensable role in integrating and setting priorities for the IC, leading the ODNI, and in providing intelligence advice to senior policymakers, including the President, and to the Congress.

QUESTION 2: What is your view of the role and responsibilities of the DNI in overseeing IC agencies and integrating them into an effective intelligence enterprise? Please answer separately for each of the following:

A. The OUSD(I&S) and the Department of Defense (DoD) intelligence components.

The DNI shares responsibility for the defense intelligence components with the Secretary of Defense and the Undersecretary of Defense for Intelligence and Security (USD(I&S)). The relationship between the DNI and USD(I&S) is critical in coordinating the work of the DoD elements and the Military Intelligence Program funding.

B. The CIA.

The DNI is charged by statute with ensuring that the CIA complies with the Constitution and laws of the United States, among other responsibilities for overseeing the CIA's work and its coordination with other elements of the Intelligence Community.

C. The intelligence agencies that reside in other departments of the federal government.

The responsibilities of the DNI include synchronizing and prioritizing collection, analysis, and counterintelligence efforts across Intelligence Community elements.

QUESTION 3: If confirmed as DNI, what steps will you take to improve the integration, coordination, and collaboration among IC agencies?

A. What do you believe are the top IC management priorities for the DNI at present? If confirmed, how would you address each one?

A top management priority, especially right now, is to ensure that the IC workforce is supported, effective, and has a DNI who understands their role and keeps politics out of their work. If confirmed, I will make clear to them that they will be protected from any inappropriate influence, so that they can do their job of speaking truth to power. And I will make clear that they will be protected from retaliation if they deliver a message that is unwelcome to policymakers. Moreover, I will seek to recruit and retain diverse talent, promote innovation in every aspect of our work, and foster a culture that is ethical, nonpartisan, accountable, and aligned with the values we share as a country.

B. What do you believe are the greatest threats to the IC's continued effectiveness in performing its mission?

It is essential to protect the Intelligence Community's critical work from politicization or even the perception of politicization. It is also essential for the Intelligence Community to effectively focus and prioritize its work on the threats of today and tomorrow, and keep pace with, and leverage, technological developments in a rapidly developing environment.

C. What areas of improvement need to be made in terms of IC acquisition?

If confirmed, I look forward to studying the current state of IC acquisition to understand how it can be improved for efficiency and performance. I also look forward to engaging the Committee on this issue.

QUESTION 4: Based on your professional experience:

A. Do you believe in the utility of the PDB to ensure the President has the most current information on pressing national security challenges facing the nation?

Yes.

B. Do you believe the current organizational structure of U.S. intelligence agencies is optimal to support the needs of the President, our warfighters, and other policy makers? If not, what changes would you recommend to the current structure?

If confirmed, I look forward to seeing in action and studying carefully the current IC organizational structure. In the event I identify issues with the current structure, I will consider whether changes can be made to fulfill more effectively the needs of the President and others who rely on the IC's work, and I will consult with the Congress to understand your views as well.

QUESTION 5: The Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) was an effort intended to improve the management and coordination of the IC to meet current and future national security challenges.

A. Does the DNI have sufficient legal authorities, budgetary and otherwise, to effectively execute the DNI's IC management role? If not, what are your recommended enhancements or changes to IRTPA's authorities?

The IRTPA provides significant authority to the DNI to execute on the DNI's IC management role. If I am confirmed, I will have an opportunity to better understand how those authorities are exercised in practice and whether they have been effective. I look forward to engaging the Committee on this issue.

B. Do you believe that granting the DNI more control over the intelligence agencies' personnel, training programs, and business systems would accelerate the integration of the IC? What would be the downside to such a step?

If I am confirmed, I look forward to exploring the current relationship between the DNI, on the one hand, and other intelligence agencies' personnel, training programs, and business systems, on the other hand, in order to determine whether alterations to that relationship would help to advance the Intelligence Community's fulfillment of its essential mission.

C. What do you consider the highest priority leadership and management challenges facing the IC at this time? If confirmed, what will you do to address these challenges?

One of the greatest challenges to be faced by the next DNI -- internally and externally, including with the workforce, this Committee, and the public -- is building the trust and confidence necessary to effectively protect the American people. To be effective, it is essential that the Intelligence Community workforce and the American people understand and believe that the IC's role is to provide honest, apolitical analysis and advice, regardless of whether it is convenient or expedient. If confirmed, I intend to reaffirm that vital role for the IC by communicating it consistently and demonstrating it personally. The IC workforce will hear me emphasize, from my first day on the job, that politics must end where intelligence work begins

and that, moreover, the IC's responsibility is to offer honest, high-quality analysis without concern for whether the message is likely to be well received. I will lead by example, providing -- in public where appropriate, as well as in private -- intelligence work that reflects professional expertise and candid conclusions, and overall a steadfast commitment to truth.

If confirmed, I would also seek to support and elevate the workforce and the mission, setting a strategic vision for the work of the IC that looks beyond the immediate horizon to ensure we are well postured to address developing threats while also taking advantage of new opportunities as they arise, promoting national resilience, innovation, competitiveness, and shared prosperity.

Qualifications

The 2004 IRTPA requires that, "Any individual nominated for appointment as Director of National Intelligence shall have extensive national security expertise." 50 U.S.C. § 3023(a)(1).

QUESTION 6: Please describe the specific experiences you have had in your professional career that will enable you to serve effectively as the head of the IC. What lessons have you drawn from the experiences of former DNIs?

I have worked for close to two decades on a wide array of national security, intelligence, and foreign policy matters; and, through those experiences, I developed extensive national security expertise. I have served in all three branches of the U.S. government; what's more, I have worked as a lawyer, a policymaker, and in the Intelligence Community, and have worked in several different executive branch entities. That diverse set of experiences have given me a rich understanding of how to leverage different parts of the U.S. government to serve U.S. national security interests and the various legal and policy frameworks through which the United States promotes its national security and intelligence interests. I have, in particular, both worked within the Intelligence Community and been a customer of the Intelligence Community, and thus have a sense not only of how the community operates but also of the expectations of the national security community outside of the Intelligence Community and how best to serve their national intelligence needs. Moreover, I have worked with budgets in and out of government, have management experience, and have worked with international partners to achieve results for the United States. I look forward to drawing on those experiences, as well as on consultation with former DNIs, to fulfill the responsibilities of the DNI, if confirmed.

QUESTION 7: Please explain, and provide corresponding evidence, how your background fulfills the requirement that a DNI nominee have "extensive national security expertise."

Please see answer to Question 6.

QUESTION 8: The DNI is one of the most important national security jobs in the U.S. government, overseeing 17 agencies with disparate capabilities, authorities, and workforces across six federal departments and two independent agencies, deployed around the globe, accountable to multiple committees of Congress.

A. What experience do you have running a federated enterprise?

While the DNI is a relatively unique position in government, I gained important experience as Deputy National Security Advisor. In that role, I coordinated the work of a variety of different departments and agencies across a range of unique and wide-ranging issues.

B. What experience do you have leading and managing intelligence activities?

As Deputy Director of the Central Intelligence Agency, I helped to lead and manage that agency's critical intelligence activities around the world.

Shape, Size, and Function of the ODNI

The DNI has three core responsibilities: serving as the President's principal intelligence adviser, leading the IC, and overseeing and directing implementation of the NIP. IRTPA prescribes a number of other responsibilities, including management of the NIP budget, IC acquisition, setting analytic integrity and standards, oversight of foreign relations, tasking, information sharing, protection of sources and methods, maintenance of uniform procedures for classified information, and coordination of relations with foreign governments. It also specifies a number of offices, including the National Intelligence Council; Office of General Counsel; IC Chief Information Officer; IC Chief Financial Officer; Civil Liberties, Privacy, and Transparency Office; National Counterintelligence Executive; National Counterterrorism Center; National Counterproliferation Center; and a Principal Deputy DNI and up to four Deputy DNIs.

QUESTION 9: Do you commit to executing these responsibilities and maintaining the complete operation of all these functions and offices as prescribed in law?

Yes.

QUESTION 10: Do you believe that the ODNI's current mission is appropriately scoped? If not, please describe the reasons for your response. Do you believe that aspects of its mission should be carried out by other parts of the IC? If so, which missions should be transitioned to the component agencies and why?

If confirmed, I look forward to studying carefully the role played by ODNI and the roles played by other elements of the Intelligence Community, as well as the relationship among them, to determine the current strengths and weaknesses and where improvements are possible and to avoid duplication of effort as between the ODNI and other IC elements. I also look forward to engaging the Committee on this issue.

QUESTION 11: If confirmed, what goals do you have for the IC as its leader?

If confirmed, I will seek to support and elevate the workforce and the mission, including by recruiting and retaining diverse talent, promoting innovation in every aspect of our work, and fostering a culture that is ethical, nonpartisan, accountable, and aligned with the values we share as a country--all with the intent of empowering us to take on the critical external challenges ahead. The DNI must also, in my view, set a strategic vision for the work of the Intelligence Community that looks beyond the immediate horizon to ensure we are prepared and well postured to address developing threats and take advantage of new opportunities.

QUESTION 12: Will you commit to appearing before the Senate Select Committee on Intelligence for its annual Worldwide Threats hearing?

Yes.

QUESTION 13: Will you commit to appearing before the Senate Armed Services Committee for its annual Worldwide Threats hearing?

Yes.

QUESTION 14: Do you believe the ODNI should play a larger or smaller role as leader of the IC? Why?

If confirmed, I look forward to studying carefully the role played by ODNI and the roles played by other elements of the Intelligence Community, as well as the relationship among them, to determine the current strengths and weaknesses and where improvements are possible.

QUESTION 15: There has been considerable debate in the past concerning the appropriate size and function of the ODNI. The IRTPA specifically prescribed a number of offices and functions to the ODNI to ensure they were performed and to promote clear accountability to the Congress. In answering this question, please address the staff functions of the ODNI and the specific components of the ODNI, where appropriate, such as the National Counterterrorism Center, the National Counterproliferation Center, the National Counterintelligence and Security Center, and the Cyber Threat Intelligence Integration Center.

A. What is your view of the ODNI's size and function?

I believe the ODNI's size must be sufficient to accomplish the responsibilities assigned to it but no bigger than what is necessary to fulfill its critical mission. If confirmed, I look forward to reviewing the size and functions of the organization.

B. Do you believe that the ODNI has sufficient personnel resources or more personnel than required (including ODNI cadre and IC detailee personnel) to effectively carry out its statutory responsibilities?

If confirmed, I look forward to examining the staffing posture of the ODNI.

C. What in your view is the appropriate balance between the ODNI's community-management responsibilities and providing flexibility to the daily decision-making authorities of individual IC agency directors?

If confirmed as the next DNI, I am committed to reviewing the organization from all angles, including Community management, to determine how best to deliver on ODNI's vital mission.

QUESTION 16: What is your understanding of the responsibilities of the following officers, and for each of them, how would you ensure that each officer is performing the mission required by law?

A. The General Counsel of the ODNI.

Consistent with 50 USC § 3028, the ODNI General Counsel is the chief legal officer of the ODNI and shall perform such functions as the DNI prescribes. It is essential that those include ensuring that intelligence activities comply with the Constitution and laws of the United States.

B. The Inspector General of the IC.

Consistent with 50 USC § 3033, the responsibility of the Inspector General of the Intelligence Community is (1) to create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independent investigations, inspections, audits, and reviews on programs and activities within the responsibility and authority of the DNI; (2) to provide leadership and coordination and recommend policies for activities designed to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and activities and to prevent and detect fraud and abuse in such programs and activities; (3) to provide a means for keeping the DNI fully and currently informed about problems and deficiencies relating to the administration of programs and activities within the responsibility and authority of the DNI and the necessity for, and the progress of, corrective actions; and (4) to ensure that the congressional intelligence committees are kept similarly informed of significant

problems and deficiencies relating to programs and activities within the responsibility and authority of the DNI and the necessity for, and the progress of, corrective actions.

C. The ODNI Privacy, Civil Liberties, and Transparency Officer.

Consistent with 50 USC § 3029, the ODNI Privacy, Civil Liberties, and Transparency officer shall (1) ensure that the protection of civil liberties and privacy is appropriately incorporated in the policies and procedures developed for and implemented by the ODNI and the elements of the intelligence community within the National Intelligence Program; (2) oversee compliance by ODNI with requirements under the Constitution and all laws, regulations, Executive orders, and implementing guidelines relating to civil liberties and privacy; (3) review and assess complaints and other information indicating possible abuses of civil liberties and privacy in the administration of the programs and operations of the Office and the DNI and, as appropriate, investigate any such complaint or information; (4) ensure that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information; (5) ensure that personal information contained in a system of records subject to section 552a of title 5 (popularly referred to as the “Privacy Act”), is handled in full compliance with fair information practices as set out in that section; (6) conduct privacy impact assessments when appropriate or as required by law; and (7) perform such other duties as may be prescribed by the DNI or specified by law.

D. The individual assigned responsibilities for analytic integrity under Section 1019 of IRTPA (50 U.S.C. § 3024).

Consistent with Section 1019 of IRTPA, the individual or entity assigned responsibility for analytic integrity shall perform, on a regular basis, detailed reviews of finished intelligence products or other analytic products by one or more elements of the Intelligence Community covering a particular topic or subject matter; shall be responsible for identifying on an annual basis functional or topical areas of analysis for specific review; and may draft lessons learned, identify best practices, or make recommendations for improvement to the analytic tradecraft employed in the production of the reviewed product or products.

E. The individual assigned responsibilities for safeguarding the objectivity of intelligence analysis under Section 1020 of IRTPA (50 U.S.C. § 3024).

Consistent with Section 1020 of IRTPA, the individual assigned responsibilities for safeguarding the objectivity of intelligence analysis shall counsel, conduct arbitration, offer recommendations, and, as appropriate, initiate inquiries into real or perceived problems of analytic tradecraft or politicization.

QUESTION 17: Do you believe 50 U.S.C. § 3024(h) and Intelligence Community Directive (ICD) 203 (regarding analysis and analytic standards) need to be strengthened and its implementation made more vigorous? In what ways?

I believe that objectivity in intelligence analysis is critical to maintaining the integrity and credibility of the Intelligence Community. If confirmed, I look forward to studying carefully how the statutory provision and the Intelligence Community Directive are being implemented in practice to determine whether alterations are advisable.

Management of the ODNI

QUESTION 18: How many Deputy DNIs do you believe are necessary?

If confirmed, I look forward to considering whether the current number of Deputy DNIs best facilitates the execution of ODNI's critical mission.

QUESTION 19: What do you believe is the appropriate grade structure for the ODNI?

If confirmed, I look forward to studying in detail the current ODNI grade structure to determine whether alterations are advisable.

QUESTION 20: What do you believe is the appropriate balance between government employees and contractor employees in the ODNI?

There are legal and regulatory limitations on the use of contractors that the IC must continue to abide by. With regard to the value of a workforce mix that includes both contractors and government employees, both play a critical and complementary role in ensuring that the Intelligence Community performs its mission. Questions to consider when deciding whether to hire contractors include: whether the work is inherently governmental; whether an effort is temporary or enduring; what presents the most cost-effective option; and whether the skill set is unique or a surge requirement requiring a quick solution. If I become the next DNI, I will closely examine the reliance on a contract workforce both at ODNI and throughout the IC with an eye to ensuring that such contracts are in the best interest of the Community and prudent from a resource perspective.

QUESTION 21: What do you believe is the appropriate balance between ODNI cadre employees and those on detail or assigned from other government agencies?

If confirmed as the next DNI, I am committed to reviewing the organization from all angles, including staffing. I am also committed to the Joint Duty Assignment program and believe it is a critical tool to develop IC officers across the Community. Accordingly, I am equally committed to

encouraging ODNI cadre officers to take details to IC elements and to recruiting JDA officers to work at the ODNI.

QUESTION 22: Will you commit today that if confirmed you will, to the best of your abilities, seek to recruit, attract, and retain a diverse workforce and uphold principles of fairness and equity when hiring new staff?

If confirmed, I will, to the best of my abilities, seek to support and elevate the workforce and the mission, including by recruiting and retaining diverse talent and upholding principles of fairness and equality in hiring new staff.

QUESTION 23: Should the authorities for intelligence be vested through the Director of National Intelligence?

If confirmed, I look forward to studying carefully the manner in which intelligence authorities are currently allocated and what their exercise looks like in practice, so that I can consider whether any changes should be recommended. I also look forward to engaging the Committee on this issue.

QUESTION 24: Should the resources appropriated for the IC be separate from those appropriated for defense?

If confirmed, I look forward to studying carefully how the appropriations process is operating today so that I can consider whether any changes should be recommended.

Filling High-Level ODNI Positions

In the recent past, many top positions in the ODNI were vacant for sustained periods or performed by Acting officials or officers “performing the duties of” the position. Such positions include Principal Deputy DNI, Deputy DNI for National Security Partnerships, General Counsel, Director of the National Counterterrorism Center, the Inspector General for the IC, and Program Manager Information Sharing Environment.

QUESTION 25: What characteristics do you believe are required for appointments to each of these positions?

While the particular statutory requirements and other characteristics differ among these positions, common to them all is the need for integrity and commitment to providing policymakers with the best possible intelligence analysis free from political influence.

QUESTION 26: What is your plan for advising the President on nominating or appointing personnel to fill these positions on a permanent (i.e., not temporary or “acting”) basis? What criteria will you consider in providing this advice?

I believe in the importance of filling these critical positions, as expeditiously as feasible, on a permanent rather than temporary basis. I also believe in the importance of filling these positions with individuals who share my commitment to high-quality intelligence work free from political influence.

QUESTION 27: Do you believe political appointee positions at the ODNI should be filled by individuals who are apolitical, committed to congressional engagement obligations, and committed to the IC’s role to deliver objective and independent analysis and intelligence? Are you committed to staffing the ODNI positions with individuals who meet these criteria?

Yes, anyone who takes one of these critical positions should be prepared to put politics aside and fulfill ODNI’s mission of providing the best possible intelligence work free of political influence.

Obligations to Congress - Keeping the Congressional Intelligence Committees Fully and Currently Informed

QUESTION 28: What is your understanding of the obligations of the DNI under Title V of the National Security Act of 1947?

A. What steps should the DNI take to ensure that all departments, agencies, and other entities of the U.S. government involved in intelligence activities in general, and covert action in particular, comply with the reporting requirements?

B. Under what circumstances do you believe notification may and should be limited to the Chairman and Vice Chairman or Ranking Member of the congressional intelligence committees? In those circumstances, if any, what is the obligation of the DNI to subsequently notify the full membership of the committees as expeditiously as possible?

C. The law establishes a separate category of notification for covert action. Given the specificity of the law, do you believe the Executive Branch could ever limit notification on matters other than covert action?

Under Title V of the National Security Act, the DNI has the responsibility to ensure that the congressional intelligence committees are kept fully and currently informed of intelligence activities. Although Section 502 provides that congressional notification must be made “[t]o the extent consistent with due regard for the protection from unauthorized disclosure of classified

information relating to sensitive sources and methods or other exceptionally sensitive matters,” I believe that this phrase does not limit the obligation to keep the intelligence committees fully informed but rather provides the DNI with a degree of latitude in deciding how she will bring extremely sensitive matters to the committees’ attention. In certain rare circumstances, I believe it could be appropriate to brief the Chairman and Vice Chairman of the intelligence committees on particularly sensitive matters. Limited notification should be undertaken only in the most exceptional circumstances, by analogy to the provision of Section 503 that permits limited briefing on covert actions “to meet extraordinary circumstances affecting the vital interests of the United States.” Even in those circumstances, however, I expect that, if confirmed as DNI, I would discuss concerns about further briefings with the Chairman and Vice Chairman and have an ongoing dialogue with them about how and when the full committee membership should be briefed on the matter.

QUESTION 29: The IC can perform its mission properly only with close partnership from and accountability to Congress.

A. What is the DNI’s role in ensuring Congress is kept fully and currently informed, as required by law, including 50 U.S.C. § 3091 and ICD 112? How do you intend to fulfill those duties?

As reflected in the law, the Director of National Intelligence has a responsibility to ensure that the congressional intelligence committees are kept fully and currently informed of U.S. intelligence activities, including any significant anticipated intelligence activity, so as to allow the committees to fulfill their oversight responsibilities. In fulfilling this role, I will need to build trust with the Committee and establish open lines of communication between the ODNI and Committee Members. I will also need to establish regular meetings with the Committee. I furthermore believe in restoring open, unclassified Annual Threat Assessment Hearings. I am committed to being transparent and communicative with this Committee.

B. Are there circumstances that would justify delaying notification of Congress of important intelligence assessments, or not notifying Congress at all? Do you believe the National Security Council (NSC) should play a role in these decisions? If so, what should that role be?

I am committed to ensuring that Congress is able to perform its essential oversight function and, moreover, to benefit from the vital work of the Intelligence Community in considering national security policy. In general, Congress should be notified of important intelligence assessments. While the National Security Council has a role to play in coordinating legislative engagement across national security departments and agencies, the NSC has no role to play in determining the substance of the IC’s intelligence analysis, which should be produced by the IC alone.

C. Under what circumstances do you believe notification of Congress can or should be

limited to the Gang of Eight? What should the role of the NSC be in determining what information should be limited?

In certain rare circumstances, I believe it could be appropriate to brief the Chairman and Vice Chairman of the intelligence committees on particularly sensitive matters. Limited notification should be undertaken only in the most exceptional circumstances, by analogy to the provision of Section 503 that permits limited briefing on covert actions “to meet extraordinary circumstances affecting the vital interests of the United States.” Even in those circumstances, however, I expect that, if confirmed as DNI, I would discuss concerns about further briefings with the Chairman and Vice Chairman and have an ongoing dialogue with them about how and when the full committee membership should be briefed on the matter. While the National Security Council has a role to play in coordinating legislative engagement across national security departments and agencies, the NSC has no role to play in determining the substance of the IC’s intelligence analysis, which should be produced by the IC alone.

D. If confirmed, do you commit to complying with statutory deadlines set forth in the Committee’s legislation, specifically the Intelligence Authorization Act for each fiscal year?

Yes, to the maximum extent possible. I also commit to informing the Committee of the reasons for any delays.

E. How would you work to prevent the abuse of classification authorities? Do you believe critical information on election security threats, pandemics like coronavirus, or other topics of critical importance to the American people ought to be classified? If so, why? In what circumstances should the information be declassified?

The over-classification of information not only undermines critical democratic objectives, such as increasing transparency to promote an informed citizenry, but also negatively impacts national security objectives because it can increase the challenges associated with sharing information to address threats and furthermore undermines the basic trust that the public has in the government. If confirmed, I will look for ways to improve the classification system so as to, among other things, minimize over-classification.

QUESTION 30: The Committee and its Members rely on their staff for assessments of the policy, budgetary, and legal implications of intelligence activities. Will you commit to ensuring that all staff, including Member designees, are read into IC programs and assessments consistent with protecting sources and methods?

I believe strongly in the importance of facilitating this Committee’s vital oversight role and I know how important staff is to achieving that purpose. If confirmed, I commit to working with the Committee to ensure that the Committee and its Members are able to rely on their staff to facilitate meaningful oversight.

QUESTION 31: Would you consider a finished intelligence product to be “privileged” in any way such that you would not release it to Congress? Please explain.

From my previous experience in the Intelligence Community and in other national security roles, I know that Congress receives many finished intelligence products. If confirmed as DNI, I would expect that to continue and look forward to ensuring that Congress benefits from the important work of the Intelligence Community workforce, including through finished intelligence products.

QUESTION 32: Will you commit to provide the Committee intelligence reports, such as FBI and DoD Intelligence Information Reports (IIRs), National Security Agency (NSA) reports, and CIA “TDs,” in support of the Committee’s intelligence oversight duties, upon request? Will you commit to provide the congressional intelligence committees National Intelligence Council products, e.g., Major Issue Studies or National Intelligence Estimates, in support of their oversight duties?

I believe strongly in the importance of facilitating this Committee’s vital oversight role. If confirmed, I will ensure that Congress is provided intelligence reports to the maximum extent possible.

QUESTION 33: If confirmed, will you fully support the Committee’s Audits and Projects Team, and allow team members to have access to the people and information throughout the IC that is required for their functions, upon the Committee’s request?

I believe strongly in the importance of facilitating this Committee’s vital oversight role. If confirmed, I look forward to working with the Committee to ensure that its Audits and Projects Team is able to inform the oversight work of the Committee.

QUESTION 34: If confirmed, will you fully support the Committee’s Technical Advisory Group (TAG) studies and allow the TAG members to have access to the people and information throughout the IC that is required for their studies upon the Committee’s request?

I believe strongly in the importance of facilitating this Committee’s vital oversight role. If confirmed, I look forward to working with the Committee to ensure that its Technical Advisory Group is able to inform the oversight work of the Committee.

QUESTION 35: Will you keep the Committee fully and currently informed of the personnel, resources, facilities and authorities from the National Intelligence and Military Intelligence Program that are necessary to implement the recent DNI and Secretary of Defense memorandum designating the Space Force as the 18th member of the IC?

Yes.

Analytic Integrity and Objectivity

A principal reason the ODNI was created was to ensure objectivity and independence in intelligence analysis so that cognitive and political bias does not interfere with the IC's overriding purpose of conducting and furnishing objective assessments.

QUESTION 36: How do you view the importance of intelligence agencies' freedom to present their assessments objectively to decisionmakers in both the executive and legislative branches, regardless of what a particular policy might be, even if their assessments may be unwelcome or inconvenient?

Analytic objectivity, which consists of intelligence officials writing and saying what they believe to be the truth without consideration for policy or politics, is fundamental to U.S. national security. To safeguard the integrity of our Intelligence Community and to promote better decision-making, the DNI must insist that politics ends where intelligence work begins.

QUESTION 37: How do you propose enhancing the IC's objectivity and independence to maintain its insulation from political influence?

Our intelligence professionals are dedicated patriots who have devoted their careers to ensuring the Intelligence Community can provide accurate, apolitical, and expert intelligence and analysis to inform the President and other national security policymakers. My first mission, if I am confirmed, will be to ensure the workforce feels they have a DNI who understands their role, supports them in that role, and keeps politics out of their work. I will make clear to them that they will be protected from any inappropriate influence, so that they can do their job of speaking truth to power. And I will make clear that they will be protected from retaliation if they deliver a message that is unwelcome to policymakers.

QUESTION 38: Would you ever request, encourage, or support an intelligence professional's adjusting his/her assessment to avoid criticism from the White House or political appointees? Would you ever change or remove content in an intelligence assessment for political reasons, or at the behest of political leadership?

No.

QUESTION 39: If intelligence agencies or analysts are discouraged from providing objective analytic assessments, how would this harm national security?

American national security is advanced by the President and other policymakers having the best possible objective intelligence analysis to inform their consideration of options. Good policy

decisions require fact-based, objective, and rigorous analysis. Discouraging intelligence analysts from providing objective analytic assessments, would mean depriving policymakers of the information they need to be as informed as possible in weighing the pros and cons of different options and thus selecting wisely.

QUESTION 40: What recourse should intelligence analysts have if they believe their objective assessments have been downplayed, diminished, or overruled? How would you ensure that career IC professionals have protected channels to address their concerns that objective assessments may have been downplayed, diminished, or overruled?

Analysts should be able to raise concerns regarding analytic objectivity without fear of reprisal at every level. In every component under IC guidelines, someone should be designated as responsible for responding to concerns raised about adherence to analytic standards in analytic products. If confirmed, I will ensure this requirement is being implemented, ensure that career IC professionals have protected channels to raise relevant concerns, and be a strong supporter of an independent Inspector General, which is another channel through which such concerns can be raised, who is allowed to do his or her work free from improper influence.

QUESTION 41: Do you believe the DNI has an obligation to address analysts' concerns that objective assessments may have been downplayed, diminished, or overruled, because a policy maker may disagree with the analysis or conclusion being presented? Please provide examples from your career of times when you have told the truth, even when that position was uncomfortable or unpopular.

If confirmed as DNI, I will take seriously allegations that objective assessments have been downplayed, diminished, or overruled, and address such allegations as appropriate. I have consistently provided candid advice in my career that the President and others knew would remain protected as appropriate, but I can assure this Committee that I have exhibited a steadfast commitment to telling the truth at every turn, even if that message was uncomfortable or unpopular.

QUESTION 42: Personnel decisions can affect analytic integrity and objectivity.

A. Would you consider an individual's personal political preferences, to include "loyalty" to the President, in making a decision to hire, fire, or promote an individual?

No. Decisions about hiring, promoting, or firing career IC staff should be based on their professional qualifications; partisan and political factors should play no role.

B. Do you commit to consider professional qualifications in IC personnel decisions exclusively, without consideration of partisan or political factors?

Yes, partisan and political factors should play no role in decisions about hiring, firing, or promoting career IC staff.

C. If you were to receive credible evidence as DNI that an individual was undermining IC objectivity and furthering a political agenda, would you immediately remove that individual?

Yes, to the extent consistent with the authorities of the DNI and all other applicable laws.

D. Will you or any of your staff impose a political litmus test for IC employees? Is a political litmus test ever appropriate in determining who can or should work in the IC?

No and no.

E. If confirmed, will you reassure your workforce that “loyalty tests” are not allowed within the IC? If you receive credible allegations that ODNI employees or others in the executive branch are seeking to fire or force out IC employees because of their perceived political views or loyalty to the President, will you commit to informing the Congressional Intelligence Committees and immediately stopping such efforts?

Yes, decisions about hiring, firing, or promoting career IC staff should be based on their professional qualifications; partisan and political factors, such as a “loyalty test,” should play no role.

QUESTION 43: How would you approach communicating IC analytic conclusions to the public if the analysis and conclusions did not align with the President’s views and political objectives?

The decision of what IC analysis to communicate to the public should be based solely on the importance of public disclosure and the need to protect sensitive sources and methods. Politics should play no role in that decision.

National Security Threats and Challenges Facing the IC

QUESTION 44: What in your view are the principal threats to national security with which the IC must concern itself in the next five years? In the next twenty years?

A. What are the highest priority questions that the IC should address in its collection activities and assessments?

B. In your opinion, how has the IC performed in adjusting its policies, resource allocations, planning, training, and programs to address these threats? How will you further adjust?

It is clear that U.S. national security faces a number of key threats in the coming years. Those include more traditional state-actor threats posed by China, Iran, North Korea, and Russia, as well as evolving and critical transnational threats, including climate change, cyber attacks, terrorism, pandemics, global organized crime and corruption, disinformation campaigns, and more. If confirmed, I look forward to reviewing the current analysis of the great professionals of the Intelligence Community to understand today's most urgent priorities, to assess how the IC is performing in relation to those priorities, and to determine where adjustments are warranted.

Election Security

QUESTION 45: Do you commit to maintain election security as a top priority for the IC?

Yes.

QUESTION 46: What would you do to ensure election security efforts are appropriately resourced?

Election security requires a whole-of-government approach, and involves not just the federal government but also state and local officials, the private sector, and civil society. If confirmed, I would ensure that threat information associated with election security is communicated to those who require it in order to defend against such threats, and I would collaborate with partners and support the efforts of the Department of Homeland Security and the Federal Bureau of Investigation to defend our elections.

QUESTION 47: How would you ensure our intelligence efforts on election security remain apolitical, and avoid the perception or reality of political influence?

Foreign interference in the U.S. electoral process represents an assault on the American people and their constitutional right to vote. This is not a partisan issue, but a national security issue. I will ensure that intelligence analysis on this issue is focused on the foreign threat to our democratic institutions, period.

QUESTION 48: Will you commit to keep the Election Threats Executive Office in place to ensure continuity of efforts, and build on the successes of recent elections?

If confirmed, I will undertake a review of recent successes in safeguarding U.S. elections from

foreign interference, as well as how to implement outstanding statutory obligations like the Foreign Malign Influence Center while building on the work of the Election Threats Executive Office, to ensure the Intelligence Community is best positioned to identify and analyze foreign threats to elections and provide policymakers with the information they need to formulate responses.

QUESTION 49: Do you commit to provide the congressional intelligence committees with complete and timely information regarding election threats, as required by statute?

Yes.

QUESTION 50: A number of states still use paperless voting machines, in which the only record of a voter's ballot choices is held in digital memory. How confident are you in the security and integrity of paperless voting machines, particularly those that are connected to the internet, whether directly or indirectly?

If confirmed as DNI, I will ensure that policy makers are provided whatever foreign intelligence information is relevant to that question.

QUESTION 51: Election cybersecurity experts universally recommend that states adopt hand-marked paper ballots for most voters and routine, post-election risk limiting audits. Do you agree? If not, please explain why.

If confirmed as DNI, I will ensure that policy makers are provided whatever foreign intelligence information is relevant to that question.

QUESTION 52: Twenty-four states currently permit overseas and military voters to transmit their marked ballots directly to local election officials over the internet, mostly via email. These ballots are electronically delivered to local election offices' email servers, for which there are no mandatory federal cybersecurity standards. In close races, where the margin of victory is less than the number of overseas and military ballots, the outcome of the election can be determined by ballots submitted over the internet. Do you agree that the use of the internet to deliver marked ballots poses a serious threat to the integrity of American elections? If not, please explain why.

If confirmed as DNI I will ensure that policy makers are provided whatever foreign intelligence information is relevant to that question.

QUESTION 53: Previous administrations have been stymied in their efforts to handle effectively foreign election interference owing to an array of reasons, to include the novel and audacious character of the threat. How would you endeavor to ensure future instances of foreign election interference are met with swift, decisive, and deterrent policy response?

If confirmed as DNI I will ensure that policy makers have timely and complete intelligence information to enable them to make decisions on this important issue.

QUESTION 54: Do you agree that there should be federally mandated minimum cybersecurity standards for election systems?

If confirmed as DNI, I will ensure that policy makers are provided whatever foreign intelligence information is relevant to that question.

QUESTION 55: Do you believe that moving state and local election related agencies to .gov domains will improve the government's ability to detect and prevent cyber intrusions?

If confirmed as DNI, I will ensure that policy makers are provided whatever foreign intelligence information is relevant to that question.

Russia

QUESTION 56: Do you believe Russia interfered in the 2016 U.S. presidential election in any way? If so, how?

Both the Intelligence Community and this Committee concluded that Russia interfered in the 2016 election, and I agree with those conclusions.

QUESTION 57: Do you believe Russia presents a continuing interference threat with respect to the U.S. political system?

Yes.

QUESTION 58: Do you believe Russia poses a threat specifically to the integrity of U.S. elections? If so, please describe the threat as you see it.

Yes. Foreign interference in the U.S. electoral process represents an assault on the American people and their constitutional right to vote. Numerous unclassified intelligence assessments, as well as this Committee's own investigation, have underscored the significant activities that Russia in particular has taken, employing a range of tools in an attempt to sway voters' preferences, sow political discord, undermine public faith in the U.S. democratic process, and keep voters away from the polls.

QUESTION 59: Do you commit to immediately notifying policymakers and the public of Russian attempts to meddle in U.S. democratic processes, to include our elections?

Yes. I will follow statutory requirements to notify Congress of significant foreign cyber intrusions or active measures campaigns intended to influence an election. I will also publicly report on attempts by any foreign actors to interfere in U.S. democratic processes, consistent with statutory requirements and President-elect Biden's commitment to transparency, with the goal of building public resilience against interference operations.

China

QUESTION 60: How do you view the threat from China, and where would China fall in terms of your priorities if confirmed as DNI?

China has been growing more authoritarian at home and more assertive abroad, and is challenging our security, prosperity, and values in significant ways. If confirmed, I would ensure that the collection and analysis of information relating to the full scope of China's activities is a top priority for the entire Intelligence Community.

QUESTION 61: How would you allocate staff and budget resources to support the effort to counter Chinese influence, both globally and inside the United States?

If confirmed, I will ensure that the Intelligence Community has the resources necessary to inform efforts to counter China's influence, both globally and inside the United States. I look forward to working with Congress on this challenge.

QUESTION 62: What would you do to prevent discrimination against Asian Americans, and ensure that community is an ally in the fight against Chinese espionage?

If confirmed, I will make it a priority to prevent and counter discrimination against Asian Americans in the Intelligence Community. I will engage Asian Americans in the IC workforce and civil society to work toward transparency, gain mutual understanding and trust, and engage in inclusive dialogue.

North Korea

QUESTION 63: North Korea continues to take provocative steps like missile testing, despite U.S. efforts to convince them to stop. How do you interpret North Korea's continued missile testing in the context of the previous administration's efforts to negotiate a nuclear agreement with North Korea?

Understanding the capabilities and intentions of a country like North Korea is a critical responsibility of the Intelligence Community. If confirmed, I look forward to reviewing the latest intelligence and analysis by IC professionals on North Korea's continued missile testing.

Iran

QUESTION 64: With the United States' withdrawal from the JCPOA, Iran has gradually rolled back its observance of the limitations set forth in the JCPOA. Is Iran closer today to having the materials it needs to develop a nuclear weapon than it would have been at this point under the JCPOA? Does this make the world more, or less safe?

If confirmed, I look forward to ensuring that the Intelligence Community provides the best possible intelligence and analysis to the President and other policymakers as they assess options for addressing the threat posed by Iran's nuclear program.

IC Missions and Capabilities

QUESTION 65: What is your assessment of the quality of current IC intelligence analysis? If confirmed, would you pursue additional steps to improve intelligence analysis, and, if so, what benchmarks will you use to judge the success of future IC analytic efforts?

If confirmed, I look forward to ensuring that the Intelligence Community provides the best possible intelligence and analysis to the President and other policymakers as they assess options for addressing today's complex array of national security threats, as well as to determining how best to assess the success of those efforts.

QUESTION 66: What is your view of strategic analysis and its place within the IC? Please include your views about what constitutes such analysis and what steps should be taken to ensure adequate strategic coverage of important issues.

U.S. Government policymakers, on behalf of the American people, expect the Intelligence Community to provide insight into both specific, often imminent threats and longer-term analysis

of foreign actors' strategic intent. In turn, it is a responsibility of the IC to be able to deliver both forms of analysis to policymakers so that they understand both near-term, as well as and longer-term challenges and opportunities.

QUESTION 67: What are your views concerning the quality of intelligence collection conducted by the IC and your assessment of the steps that have been taken to date by the ODNI to improve that collection? If confirmed, would you pursue additional steps to improve intelligence collection and, if so, what benchmarks will you use to judge the success of future collection efforts by the ODNI?

My previous service in the Intelligence Community and in other national security roles left me deeply impressed by the diligence, patriotism, and commitment of the Intelligence Community workforce, which represents the IC's most precious asset. If confirmed, I look forward to assessing firsthand the state of U.S. intelligence collection and analysis and, based on that, determining steps to improve U.S. intelligence collection efforts.

QUESTION 68: The IC has designated functional managers for Geospatial Intelligence, Open Source Intelligence, Measurement and Signature Intelligence, Signals Intelligence, and Human Intelligence. Do you think ODNI's administration of the IC's analytic enterprise would benefit from a Functional Manager for Analysis?

If confirmed, I look forward to studying this question carefully and determining whether a Functional Manager for Analysis would advance the Intelligence Community's critical mission.

QUESTION 69: Are there additional analytic standards, to include analytic tradecraft standards, not presently contemplated under ICD 203, that you feel should be added as measures for governing the production and evaluation of the IC's analytic products?

I believe that objectivity in intelligence analysis is critical to maintaining the integrity and credibility of the Intelligence Community. If confirmed, I look forward to studying this question carefully, including asking any additional questions needed to understand fully the recent report of the analytic ombudsman, and determining whether additional analytic standards would be beneficial.

QUESTION 70: Beyond the current system of reviews, evaluations, and surveys, are there further measures that you believe should be implemented by the Analytic Integrity and Standards Group to gauge the quality and accuracy of IC analysis?

The Analytic Integrity and Standards Group has done vital work in assessing analytic quality but accuracy is often the most difficult analytic standard to evaluate. Most of the data we have on analytic accuracy comes from the IC Prediction Market, managed by ODNI and used by all IC elements. As I understand it, it has evaluated the accuracy of half a million intelligence judgments on hundreds of topics. If confirmed, I would like to see the IC Prediction Market and similar tools

used more widely, so that we can better understand analytic accuracy, what we get right, what we get wrong, and where we can improve.

IC Information Technology Environment

QUESTION 71: The IC Information Technology Environment (IC-ITE) is a significant accomplishment, intended to better integrate the IC and reduce long term costs by sharing services. With IC-ITE operation, it may be time to consider a larger role for ODNI in other “back office” support activities, such as financial management, human resources, asset management, and procurement to force increased integration and efficiencies.

- A. What are your thoughts on integrating these activities?
- B. Does the DNI have the authority to manage these functions as a shared service for the entire IC?

I believe it is important to find ways to better integrate the IC and reduce long term costs by sharing services. If confirmed, I look forward to studying the IC-ITE carefully and determining which functions could be securely and cost-effectively centralized under existing authorities.

QUESTION 72: Are there additional initiatives that need to take place in order to capitalize on existing efforts? If so, please explain.

If confirmed, I look forward to assessing whether additional shared service or other initiatives should be put in place to capitalize on existing IC efforts.

ODNI Personnel

QUESTION 73: The congressional intelligence committees’ *Intelligence Authorization Act for Fiscal Year 2021*, incorporated in the *Consolidated Appropriations Act for Fiscal Year 2021* (Public Law 116-260), and the *Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Year 2020*, incorporated as Division E to the *National Defense Authorization Act for Fiscal Year 2020* (Public Law 116-92), both included provisions supporting IC employment of those with science, technology, engineering, and mathematics (STEM) backgrounds and expertise. If confirmed, how would you undertake outreach, recruitment, and retention of employment candidates with STEM experience?

It is critical for the IC to have a strong STEM workforce. If confirmed, I look forward to studying the current efforts underway to undertake outreach and enable recruitment and retention of STEM talent and to identify ways in which those efforts can be enhanced. I also look forward to engaging the committee on this issue.

QUESTION 74: What is your view of the principles that should guide the IC in its use of contractors, rather than full-time government employees, to fulfill intelligence-related functions?

- A. Are there functions particularly suited for the use of contractors?
- B. Are there some functions that should never be conducted by contractors, or for which the use of contractors should be discouraged or require additional approvals by the DNI?
- C. What consideration should the IC give to the cost of contractors versus government employees?
- D. Does the IC need any legislation or administrative policies or practices to facilitate the replacement of contractors by full-time government employees?

There are legal and regulatory limitations on the use of contractors that the IC must continue to abide by. Contractors should not conduct inherently governmental functions. Examples of inherently governmental functions are judgments related to monetary transactions, resources, entitlements, exerting control over acquisitions, and developing IC policies. With regard to the value of a workforce mix that includes both contractors and government employees, both play a critical and complementary role in ensuring that the Intelligence Community performs its mission. Questions to consider when deciding whether to hire contractors include: whether the work is inherently governmental; whether an effort is temporary or enduring; what presents the most cost-effective option; and whether the skill set is unique or a surge requirement requiring a quick solution. If confirmed, I will take a close look at the reliance on a contract workforce both at ODNI and throughout the IC with an eye to ensuring that such contracts are in the best interest of the Community, appropriately limited, and prudent from a resource perspective.

QUESTION 75: What do you believe is the appropriate proportionality in the ODNI between cadre employees and detailees from other government entities?

If confirmed as the next DNI, I am committed to reviewing the organization from all angles, including staffing. I am also committed to the Joint Duty Assignment program and believe it is a critical tool to develop IC officers.

QUESTION 76: What is your assessment of the personnel accountability system presently in place both at the ODNI and within the other IC elements? What actions, if any, should be considered to strengthen personnel accountability as well as ensure fair process in the IC, including matters related to allegations of serious misconduct?

I believe strongly in personnel accountability. If confirmed as DNI, I am committed to reviewing the organization and the Intelligence Community as a whole from all angles, including personnel

accountability, and thus to determining what actions might strengthen personnel accountability and ensure fair process.

Information Access

QUESTION 77: What is your view of the IC's current efforts to enable the IC to operate like a true "information enterprise," where information is accessible by all IC elements? If confirmed, how would you pursue this goal?

If confirmed, I look forward to studying in detail how information is accessed by Intelligence Community elements and understanding current plans to operate more like an "information enterprise," then determining the best approach for facilitating the IC's fulfillment of its critical mission.

QUESTION 78: What in your view are the appropriate steps that should be taken to allow for increased interagency access to sensitive intelligence information? If confirmed, how would you pursue these efforts?

If confirmed, I look forward to studying in detail how information is accessed by Intelligence Community elements, then determining the best approach for facilitating the IC's fulfillment of its critical mission.

QUESTION 79: Section 103G of the National Security Act of 1947 (50 U.S.C. § 3032) establishes the authorities of the Chief Information Officer of the IC (IC CIO), including procurement approval authority over all information technology items related to the enterprise architectures of all IC components.

- A. What is your view of the authority of the IC CIO to create an integrated national intelligence and military intelligence information sharing enterprise?
- B. If confirmed, how do you intend to achieve true integration of national intelligence and military intelligence information sharing enterprises?

If confirmed, I look forward to studying in detail the authority and work of the Intelligence Community Chief Information Officer, then determining the best approach with respect to handling national intelligence and military intelligence information sharing enterprises.

Cybersecurity

QUESTION 80: The National Security Agency and United States Cyber Command are currently led by a single uniformed military officer in a "dual-hat" arrangement, due to their intertwined missions, which has allowed them to share many of the same resources and

capabilities.

A. What is your opinion on this arrangement?

B. Do you believe that the National Security Agency and U.S. Cyber Command should be dual-hatted?

If confirmed as DNI, I will work with DoD to review the current status of the relationship between U.S. Cyber Command and NSA, Cyber Command's maturity, and, in particular, how a separation might affect the functioning of both, operational risk, and overall effectiveness.

QUESTION 81: The ODNI has a central role to play in coordinating cybersecurity efforts, particularly with the respective roles of the Director of the NSA and the head of U.S. Cyber Command.

A. Are there any changes that you would recommend for the DNI's and IC's roles within the nation's cybersecurity infrastructure?

If confirmed, I look forward to reviewing in detail the DNI and IC's roles within the national cybersecurity infrastructure, then determining any changes that might be beneficial. I look forward to consulting with the Committee after my review.

B. What is your view regarding the proposals to end the "dual-hat" relationship between the NSA and U.S. Cyber Command?

See response to Question 80.

C. What should be the IC's role in helping to protect U.S. commercial computer networks? What cyber threat information (classified or unclassified) should be shared with U.S. private sector critical infrastructure entities to enable them to protect their networks from possible cyber-attack?

If confirmed as DNI, I will work hard to facilitate a robust data sharing and information exchange relationship as between the Intelligence Community and the private sector. And, if confirmed, I look forward to engaging with IC experts on what information is currently being shared and identifying areas where improvements can be made to optimize the public-private cybersecurity partnership.

D. What is your view of the role of the ODNI's Cyber Threat Intelligence Integration Center within the national cybersecurity efforts?

If confirmed, I look forward to studying in detail the role currently played by ODNI's Cyber Threat Intelligence Integration Center to determine the best approach for that Center in fulfilling ODNI's critical mission.

QUESTION 82: Do you agree that encryption keys of the kind necessary to implement a statutory mandate for government access to encrypted communications would be targets of foreign cyber adversaries?

While not an expert on the technical aspects of encryption, yes, I think that session keys, like any other key capable of providing potentially useful information to adversaries, would be targets for criminal and foreign intelligence adversaries.

QUESTION 83: Do you agree that the existence of any such keys generally undermines U.S. corporate and government cybersecurity as well as the security of Americans' communications?

The encryption of data is essential. Strong encryption promotes cybersecurity, thwarts criminals and preserves privacy. At the same time, encryption has also presented challenges for law enforcement investigations, leading to law enforcement calls for lawful access capabilities to be required of encryption technologies. I do not have the answer for how to approach this incredibly challenging issue but if confirmed, I commit to you that I will do everything I can to support a pragmatic and constructive discussion among policy makers on these issues by ensuring they receive unvarnished answers to any questions they put to the intelligence community..

QUESTION 84: Do you agree that the communications of IC and other U.S. government personnel, including through their own devices and accounts, poses a target for foreign cyber adversaries and should be protected?

Yes, I do believe they pose a target and that we should endeavor to protect them.

QUESTION 85: SolarWinds was an attack on the country's cyber supply chain. What steps should be taken to prevent a recurrence of this kind of attack?

While we are still learning about the extent of the SolarWinds breach and the vulnerabilities that have been exposed, it is apparent that it is a grave risk to our national security. To prevent a recurrence of this kind of attack, we need to close the gap between where our capabilities are now and where they need to be in order to deter, detect, disrupt, and respond to such intrusions far more effectively in the future. If confirmed as DNI, I will review the expert conclusions from the SolarWinds incident and the current intelligence about supply chain vulnerabilities and what steps may be taken to address any vulnerabilities.

QUESTION 86: Do you agree that the hacking of databases with large amounts of information on Americans, either controlled by the government or the private sector, poses a national security threat to the United States? If yes, how should the U.S. seek to strengthen the security of those databases?

Yes. If confirmed, I will examine the current data infrastructure and seek to address any vulnerabilities.

QUESTION 87: The NSA has identified internet ads as a vector through which malware can be delivered, and has recommended that agencies block all ads. If confirmed, would you require all IC agencies to adopt the recommendations of the NSA and block ads?

If confirmed, I look forward to fully understanding this potential vector for the delivery of malware and assessing NSA's recommendation.

QUESTION 88: Federal law requires civilian agencies to encrypt data stored on their computers, but this requirement exempts the IC. If you are confirmed, will you agree to require that the IC encrypt all data, unless there is a specific operational necessity for the data to not be encrypted?

I believe strongly in ensuring the protection of data stored by the Intelligence Community. If confirmed, I look forward to understanding fully the use of encryption in the Intelligence Community and the proposal for a presumptive encryption requirement.

QUESTION 89: The recently announced, indiscriminate supply-chain breach of numerous government and private sector computer networks by an advanced persistent threat cyber actor represents a serious national security threat. Furthermore, the disclosure of the breach occurred from a private sector cybersecurity company, rather than from the government, which raises significant questions regarding the government's ability to detect and respond to cybersecurity threats.

A. What is the role of the IC in detecting and warning against nation-state efforts targeting U.S. networks and infrastructure?

I believe that the IC plays an integral role in detecting and warning against nation-state targeting of U.S. networks and infrastructure. If confirmed, I will examine how better collaboration between the IC and the rest of the U.S. government, coupled with closer partnerships with the private sector and our international allies, can enhance our ability to deter, detect, and mitigate cyber attacks.

B. How will you prioritize IC resources to improve its ability to detect sophisticated

foreign efforts to breach U.S. networks?

If confirmed, I will examine how the Intelligence Community is postured to address the prevailing threat. I look forward to engaging the Committee on this issue as I learn more.

C. Does the IC and the DNI have the authorities it needs to adequately monitor and protect U.S. cyber infrastructure? If not, what additional authorities are needed?

If confirmed, I will examine the IC's current authorities to ensure that our agencies and components have the ability and the agility to support the Community's cybersecurity mission.

D. The ODNI recently reorganized and consolidated some of its cyber centers under the Cyber Executive. Do you agree that this change was necessary?

1. Do you think additional reorganization of cyber resources in the ODNI is necessary? If so, how would you organize ODNI's cyber responsibilities?
2. What additional cyber intelligence resources are required, either within ODNI or in the broader IC?

If I am confirmed, cybersecurity will be a priority for me. I will study the recent changes to the cyber elements of ODNI and determine whether any additional adjustments are needed. I look forward to consulting with the Committee on this issue.

QUESTION 90: One of the shortcomings the Committee has observed in the aftermath of the recent breach is a lack of mandatory threat information sharing between the private sector and government. Any information sharing occurring pursuant to this breach has been voluntary from the private sector's perspective.

A. How do you intend to improve information sharing – in both directions – between the IC and the private sector?

Information sharing between the IC and the private sector is increasingly important to ensure that our data systems and networks are secure. If confirmed as DNI, I look forward to reviewing the Intelligence Community's data sharing and information exchange relationship with the private sector, to engaging with IC experts and private sector leaders on what information is currently being shared, and to examining the efficacy of the current framework for sharing threat information.

B. What types of cybersecurity intelligence information should be transmitted from the private sector to the government?

If confirmed as DNI, I will ensure that we have a robust data sharing and information exchange relationship with the private sector, and look forward to studying current information sharing to determine how it can be improved and what types of information can be shared to enhance cybersecurity protections. The private sector has unique insight and expertise on malicious activity occurring within its networks. Real-time integration of private sector and government data could lead to more effective prevention and mitigation outcomes.

QUESTION 91: The private sector often has unique insights about network infrastructure and software that are potential targets of interest for foreign adversaries.

A. Do you think that the IC should improve communications channels with the private sector in order to receive inputs that can help with foreign intelligence collection?

Yes.

B. If so, how will you do so?

If confirmed as DNI, I will ensure that we have a robust data sharing and information exchange relationship with the private sector, and look forward to studying current information sharing to determine how it can be improved and what types of information can be shared to enhance cybersecurity protections. The private sector has unique insight and expertise on malicious activity occurring within its networks. Real-time integration of private sector and government data could lead to more effective prevention and mitigation outcomes.

Science & Technology and Research & Development

QUESTION 92: How do you assess the state of science and technology (S&T) activities within the IC? If confirmed, how would you improve S&T activities in the IC?

It is vital for the IC to be at the leading edge of science and technology. If confirmed, I will review the state of such activities in the IC and seek to improve these efforts.

QUESTION 93: The Committee has a strong interest in IC research & development (R&D). If confirmed, what would be your top priorities with respect to R&D in the IC? What should be the appropriate size of the research and development budgets as a percentage of the total NIP?

If confirmed, I look forward to reviewing the IC's research and development programs and gaining a better understanding of the resource allocation and reasoning.

QUESTION 94: What should be the future role and mission of the Intelligence Advanced

Research Projects Activity (IARPA)?

IARPA focuses on long-range research, pursuing breakthrough technologies that are typically more than five years from being fielded. It is essential that IARPA continue to focus on leap-ahead intelligence advantage by drawing on the best minds in academia and industry.

Financial Intelligence

QUESTION 95: The IC's ability to investigate and disrupt the illicit financial and commercial networks that enable nefarious actors is central to addressing national and international security threats. Please describe your strategy for improving the IC's collection and analysis efforts regarding financial intelligence, including the use of open source and proprietary commercial information, and obtaining the cooperation of other countries.

I completely agree that the IC's ability to understand illicit financial and commercial networks is critical to our national security. If confirmed, I look forward to reviewing ongoing Intelligence Community efforts to understand illicit financial and commercial networks and to assessing how the IC might improve those efforts.

Management, Infrastructure, and Classification of Information

QUESTION 96: Are there any changes you see as necessary to improve IC acquisition management?

If confirmed, I look forward to studying carefully IC acquisition management to understand current practices and assess where improvements might be possible.

QUESTION 97: What is the appropriate balance between classified and unclassified capabilities in IC acquisition programs?

If confirmed, I look forward to carefully studying IC acquisition programs to understand the current balance between classified and unclassified capabilities and assess whether that balance is appropriate.

QUESTION 98: The IRTPA assigned certain budget authorities to the DNI to include developing a consolidated NIP.

A. Do you see a need to modify financial management of the NIP?

B. What should be the relationship between the IC and the Defense Department and Services

in the management and execution of all NIP resources?

If confirmed, I look forward to carefully studying financial management of the National Intelligence Program to assess whether modification is advisable and what the optimal relationship is between the IC and the Defense Department and Services in the management and execution of all NIP resources.

QUESTION 99: Please explain your understanding of Section 102A(i) of the National Security Act of 1947 (50 U.S.C. § 3024(g)(1)(G)), which directs the DNI to establish and implement guidelines for the classification of information, and for other purposes.

A. If confirmed, how would you implement this section of the law?

B. What approach would you take to the systematic review and declassification of information in a manner consistent with national security, including the annual disclosure of aggregate intelligence appropriations?

I have a deep and genuine commitment to transparency. At the same time, I recognize the importance of appropriately protecting the nation's secrets. If confirmed, I look forward to facilitating as much transparency as possible while protecting national security, including through systematic review and declassification of information where appropriate.

ODNI Relationship with the Department of Defense

QUESTION 100: Please explain your understanding of the need to balance the requirements of national and military intelligence consumers, specifically between establishing a unified national intelligence effort that includes intelligence elements housed within DoD with the continuing requirement that combat support agencies be able to respond to the needs of military commanders.

A. What is your assessment of the national intelligence effort to satisfy the needs of military commanders for human intelligence collection, and what steps would you take to address any deficiencies?

If confirmed, I look forward to reviewing the national intelligence efforts to satisfy the needs of military commanders for human intelligence collection.

B. What is your assessment of the military intelligence gathering effort, and what role do you see for the DNI in addressing programs funded by the Military Intelligence Program (MIP)?

The DNI participates in the Secretary of Defense's development of the annual MIP budget and provides guidance for the development of the annual budget for each element of the Intelligence Community that is not within the NIP. If confirmed, I will review the military intelligence gathering effort and look forward to consulting with the committee.

C. What should be the relationship between the ODNI and the OUSD(I&S) in the management and coordination between the NIP and the MIP resources?

The ODNI and OUSD(I&S) must work closely in managing and coordinating NIP and MIP resources, particularly due to the blending and overlapping nature of many of the requirements they support. This is a critical relationship. If confirmed, I would strive to establish and sustain a close and collaborative relationship between these offices.

D. What is your understanding of the different roles that the DNI and the Secretary of Defense should play with respect to intelligence elements within DoD?

The DNI and Secretary of Defense have important shared and statutory responsibilities regarding intelligence elements within the DoD. As such, the DNI must work closely with the Secretary of Defense to achieve unity of effort and the best effect in employing DoD intelligence elements within the law in support of the National Security Strategy.

E. What is the relationship between the DNI and the heads of the individual intelligence agencies residing within DoD?

The intelligence agencies residing within DoD are individual members of the Intelligence Community managed by the DNI. As such, their input is sought and they are included in IC-wide initiatives and activities. To ensure integration and synchronization of intelligence activities across the Defense Intelligence Enterprise, the USD(I&S) manages these agencies' activities on the DNI's behalf by functioning as the DNI's Director of Defense Intelligence.

F. Does the DNI now have visibility over the full range of intelligence activities conducted by DoD?

If confirmed, I will work with the Secretary of Defense and USD(I&S) to ensure the DNI has appropriate visibility into these DoD activities.

G. Are there additional authorities that the DNI should have regarding the full range of intelligence activities conducted by DoD?

If confirmed, I will review the DNI's current authorities in this regard and how they work in practice. I will seek additional authorities should I identify such a requirement and commit to consulting with the committee as I develop my views on the proper authorities of the DNI.

H. Is the USD(I&S) subject to the authority of the DNI? If so, to what extent?

The relationship between the DNI and USD(I&S) is critical in coordinating the work of the DoD elements and the Military Intelligence Program (MIP) funding; indeed the USD(I&S) is cross-designated as the Director of Defense Intelligence, indicating the importance of that relationship. If confirmed, I would reaffirm the USD(I&S) as my Deputy for Defense Intelligence and seek to work closely with USD(I&S) to support my role of integrating and coordinating the IC, relying on them to assist in achieving effective coordination and facilitating work on important issues of shared interest across the community, including MIP/NIP cost shares, critical DOD collection programs and platforms, and intelligence support to combat elements.

QUESTION 101: What is your understanding of the responsibilities of the USD(I&S) regarding the different intelligence elements within the DoD?

My understanding of the responsibilities of the USD (I&S) is threefold. First, the USD (I&S) represents the principal staff assistant and advisor to the DoD leadership on intelligence, counterintelligence, security, sensitive activities, and other intelligence-related matters. Second, the USD(I&S) exercises the Secretary of Defense's authority, direction, and control over Combat Support Agencies, Defense Agencies and DoD Field Activities regarding defense intelligence, counterintelligence, and security components. Finally, the USD (I&S) exercises planning, policy, and strategic oversight over all DoD intelligence, counterintelligence, and security policy, plans, and programs.

QUESTION 102: If confirmed as DNI, what issues do you believe require the attention of the DNI and the Secretary of Defense regarding the role of the Office of the USD(I&S)?

If confirmed, I will collaborate closely with the Secretary of Defense on issues surrounding intelligence and security, particularly critical national security issues, and on funding for the IC's DOD elements and the Military Intelligence Program (MIP). If confirmed, I would seek to better integrate USD (I&S) into the DNI's work of integrating and coordinating the IC, relying on them to assist in achieving effective coordination and to facilitate work on issues of shared interest across the community, including MIP/National Intelligence Program (NIP) cost shares, critical DOD collection programs and platforms, and intelligence support to combat elements. I would also ensure coordination and collaboration between other elements of the IC and DoD where defense equities are concerned. This collaboration will be critical as I seek to integrate and coordinate U.S. national intelligence.

ODNI Relationship with the Central Intelligence Agency

QUESTION 103: What is your view of the DNI's responsibility to supervise, direct, or

control the activities of the CIA?

A. What do you see as the DNI's role in the supervision, direction, or control of the conduct of covert actions by the CIA?

By statute, the DCIA "shall report to the Director of National Intelligence regarding the activities of the Central Intelligence Agency," which should enable a DNI to have a current and holistic understanding of the CIA's current activities. I envision that dialogue being rooted in clear communication and regular information sharing to work through issues of common concern.

B. What level of notification about covert action activities should the DNI receive?

If I am confirmed as DNI, I look forward to reviewing the level of notification the DNI receives about covert action activities and determining whether any adjustments are necessary.

C. What role should the DNI have with respect to the Director of the CIA's responsibilities to coordinate the relationships between IC elements and the intelligence and security services of foreign governments or international organizations?

By statute, the DNI is responsible for overseeing the coordination of relationships between IC elements and the intelligence and security services of foreign governments and international organizations. In my experience, DNI's role in doing so did not conflict with the Director of the CIA's role in managing liaison relationships with foreign services. If I am confirmed as DNI, I would expect to work closely with the Director of the CIA on these matters.

D. What role should the DNI have with respect to the CIA's management of its national human intelligence responsibilities?

The DNI should establish objectives, priorities, and guidance for the Intelligence Community, including the CIA, to ensure timely and effective collection, processing, analysis, and dissemination of intelligence, including national human intelligence.

ODNI Relationship with the Department of Justice and the Federal Bureau of Investigation

QUESTION 104: What is your view of the role of the Federal Bureau of Investigation (FBI) within the IC?

The intelligence components of the FBI are part of the Intelligence Community, with specific authorities defined in Executive Order 12333, particularly with respect to activities within the United States. It is essential that the Intelligence Community respect and abide by legal and

policy constraints that place domestic matters in law enforcement's purview.

QUESTION 105: What is your understanding of the relationship between the FBI and the DNI, particularly regarding collection priorities and information sharing?

The FBI, as a component of the Department of Justice and a member of the IC, serves as a vital link between intelligence and law enforcement communities. If confirmed, I will review the current relationship to understand if any adjustments are warranted.

QUESTION 106: What is your understanding of the different roles and responsibilities of the FBI, the Attorney General, and the DNI, with respect to U.S. counterterrorism efforts?

The DNI, the Attorney General, and the Director of the FBI have complementary roles and responsibilities with respect to the U.S. Government's counterterrorism efforts and effective collaboration is critical to an effective counterterrorism approach. The Department of Justice, led by the Attorney General, and the FBI investigate possible violations of criminal law, including counterterrorism matters. The DNI is charged with integrating all counterterrorism intelligence analysis of the federal government, to provide an IC-wide view of the terrorism threat. In addition, the National Counterterrorism Center, an integral part of the ODNI, has a statutory responsibility to, among other things, integrate all intelligence possessed or acquired by the federal government and provide all source intelligence analysis on terrorism threats to its customers.

QUESTION 107: What is your understanding of the different roles and responsibilities of the FBI, the Attorney General, and the DNI, with respect to U.S. counterintelligence efforts?

The Department of Justice, led by the Attorney General, and the FBI investigate potential violations of criminal law, including counterintelligence matters. As directed in statute, the National Counterintelligence Executive (Director of the ODNI's National Counterintelligence and Security Center) serves as the head of the U.S. government counterintelligence activities, including setting operational priorities, developing strategies and policies, and delivering to the President the U.S. counterintelligence strategy.

ODNI Relationship with the Department of Homeland Security and Other Departments of the United States Government

QUESTION 108: What is your view of how well the intelligence elements of the Departments of Homeland Security, Treasury, State, and Energy are integrated within the IC? Do you believe that there are changes that should be made to the organization, mission, or resource level of any of these agencies?

If confirmed, I look forward to exploring in detail the current relationship among the intelligence elements of the Departments of Homeland Security, Treasury, State, and Energy, and then to identifying any changes that might facilitate more effective fulfillment of the Intelligence Community's mission.

QUESTION 109: Please describe your understanding of the different roles and responsibilities of the DNI and the following officials, regarding the IC elements within their departments:

A. The Director of the Office of Management and Budget

Several authorities of the DNI are exercised subject to the approval of the Director of the Office of Management and Budget (OMB). For example, the authority of the DNI with regard to the transfer or reprogramming of National Intelligence Program funds is subject to the approval of the Director of OMB. In addition, the ODNI, like other federal agencies, complies with applicable OMB guidance and policies for implementation of various Federal laws.

B. The Secretary of Energy

C. The Secretary of Homeland Security

D. The Secretary of State

The intelligence elements of the Departments of Energy, Homeland Security, and State are responsible for supporting both national and departmental missions, in addition to other missions specifically assigned to them by Executive Order 12333. These elements play an important role both within the IC and within their respective departments.

As the head of the IC, the DNI has responsibility for the overall effectiveness of the national intelligence effort and has specific authorities to guide elements--most of which reside in other government departments--in meeting this responsibility. For example, the DNI provides budget guidance to these elements. The DNI is also entitled by law to be consulted on the appointment of heads of the intelligence elements, including those in these departments.

As the heads of the departments that contain IC elements, the Secretaries of Energy, Homeland Security, and State have responsibility for ensuring that these elements support the overall effectiveness of their respective departmental missions.

E. The Secretary of the Treasury

The DNI, Treasury Secretary, and Treasury Assistant Secretary for Intelligence and Analysis

work together to ensure effective economic security and financial intelligence support. This integration is critical given the direct intelligence support required within the Department of the Treasury and across the U.S. Government on anti-money laundering, counterterrorism finance, economic and trade sanctions, financial system integrity, investment security and international economics. Collaboration between our organizations is necessary to ensure coordinated acquisition, budgeting, burden sharing, information sharing, and prioritization for Treasury's Office of Intelligence and Analysis and the broader IC.

Defense Intelligence Agency

QUESTION 110: The Defense Intelligence Agency (DIA) is the “Defense HUMINT Manager” under DoD directives, with the responsibility for managing human intelligence activities across the DoD, including those activities undertaken by the military intelligence agencies. Do you believe that DIA should, in both its Title 10 and Title 50 roles, have the authority and ability to manage, direct, and oversee all DoD human intelligence and counterintelligence activities?

If confirmed, I will assess the activities and authorities of the Defense Intelligence Agency and, to the extent necessary, discuss them with the Secretary of Defense.

Privacy and Civil Liberties

QUESTION 111: Section 102A(f)(4) of the National Security Act (50 U.S.C. § 3024(f)(4)) provides that the DNI “shall ensure compliance with the Constitution and laws of the United States by the [CIA] and shall ensure such compliance by other elements of the [IC] through the host executive departments that manage the programs and activities that are part of the National Intelligence Program.”

A. What are the most important subjects concerning compliance with the Constitution and laws of the United States that the DNI should address in fulfilling this responsibility?

I believe that the DNI should work to ensure compliance with the Constitution and laws of the United States across all of the activities of the Intelligence Community.

B. What do you understand to be the obligation of the DNI to keep the congressional intelligence committees fully and currently informed about matters relating to compliance with the Constitution and laws of the United States?

The DNI has the responsibility to keep the congressional intelligence committees fully and currently informed of intelligence activities, and is specifically required to report any illegal intelligence activities.

IC Whistleblowers

QUESTION 112: Do you support a strong Inspector General of the IC to provide independent oversight for the IC?

Yes.

QUESTION 113: Do you support the statutory rights of IC whistleblowers and intend to honor the anonymity of whistleblowers who come forward? Are there aspects of the IC whistleblower statute with which you disagree?

Yes, I support the statutory rights of IC whistleblowers and, if confirmed, I intend to rigorously protect whistleblowers from reprisal at every level and will honor their anonymity in accordance with the law.

QUESTION 114: Do you believe the subject of a complaint, even if the subject is the President, should be told about the complaint? If so, under what circumstances?

Whether the subject of a complaint should be notified of the complaint must be decided on a case by case basis, while protecting the integrity of the IG mission and any investigations.

QUESTION 115: On October 22, 2019, the Council of the Inspectors General on Integrity and Efficiency (CIGIE) sent a letter, signed by the inspectors general of sixty-eight government departments and agencies, to the Assistant Attorney General, disagreeing with the Office of Legal Counsel's opinion permitting the DNI to withhold from Congress a whistleblower complaint determined by the IC Inspector General to be an "urgent concern." The CIGIE letter, whose signatories included inspectors general from across the IC, noted that the Intelligence Community Whistleblower Protection Act does not grant the DNI discretion, but rather states that the DNI "shall" transmit such complaints to Congress. It further warned that the opinion "could seriously undermine the critical role" of whistleblowers, chill whistleblower disclosures, and undermine the independence of inspectors general. Do you agree with the CIGIE and the inspectors general, inside and outside the IC, that the DNI is required to transmit to Congress whistleblower complaints determined by the Inspector General to be "urgent concerns"?

If confirmed, I commit to transmitting to Congress whistleblower complaints determined by the Inspector General to be an urgent concern.

QUESTION 116: IC whistleblowers have the statutory right to provide their complaints directly to Congress. The law states that whistleblowers must obtain from the DNI, through the

IC IG, “direction on how to contact the congressional intelligence committees in accordance with appropriate security practices.” Do you agree that this provision does not permit the DNI to deny that direct access to Congress altogether?

If confirmed, I commit that I will not deny the IC IG direct access to the Congress..

QUESTION 117: Do you agree that any monitoring of IC personnel for purposes of detecting insider threats must protect the confidentiality of protected whistleblower communications? If so, how should that protection be assured?

If confirmed, I intend to study the current whistleblower procedures to determine whether any changes are appropriate.

QUESTION 118: Do you believe that IC whistleblowers who request access to an attorney with appropriate security clearances should have that access?

I believe firmly in the role of lawful whistleblowers in raising legitimate concerns, and in the importance of legal representation in such matters. If confirmed, I intend to study the current whistleblower procedures to determine whether any changes are appropriate.

QUESTION 119: The Intelligence Authorization Act for Fiscal Year 2014 prohibited revocation of security clearances as a reprisal against whistleblowers. The same law required the DNI, in coordination with the Attorney General and the Secretary of Defense, to issue policies and procedures for when a whistleblower needs to adjudicate an adverse security clearance decision. Will you ensure that these policies and procedures are issued as required by the law?

Yes.

Inspectors General of IC Agencies

The independence and integrity of inspectors general is critical to ensuring the accountability of the executive branch.

QUESTION 120: If confirmed, how would you ensure the IC’s IGs maintain their independence?

A Senate-confirmed Intelligence Community Inspector General is critical to providing an appropriate avenue for whistleblowing consistent with the need to protect classified information. If I am confirmed, I intend to make it very clear to the IC workforce that I will respect the IC IG

as well as the IGs of other IC elements and protect them from political or other untoward influence.

Captured IC Personnel

QUESTION 121: Do you commit to doing everything within your powers to ensure U.S. persons captured in the line of duty are returned home?

Yes. If confirmed, I will ensure that policymakers have all of the relevant intelligence to help inform them in ensuring the return of captured Americans.

Interrogation

QUESTION 122: Section 1045 of the National Defense Authorization Act for Fiscal Year 2016 prohibits the use of any interrogation technique or approach or treatment related to interrogation not authorized by the Army Field Manual. Is this provision of law absolutely binding on the IC and the President?

Yes.

Classification & Transparency

QUESTION 123: Executive Orders 13526 states, “In no case shall information be classified, continue to be maintained as classified, or fail to be declassified in order to: (1) conceal violations of law, inefficiency, or administrative error; (2) prevent embarrassment to a person, organization, or agency; (3) restrain competition; or (4) prevent or delay the release of information that does not require protection in the interest of national security.” Executive Orders 12958 and 13292 prohibit classification for these same factors.

A. Do you commit to fulfilling both the letter and the spirit of these standing Executive Orders?

Yes.

B. What role do you believe IC Inspectors General should play in investigating possible violations of these prohibitions?

Inspectors General can play an important role in investigating possible violations of these prohibitions. Their precise role can depend on the nature of the alleged violation and how it is reported or discovered.

C. What accountability do you believe is appropriate for violations of these prohibitions?

I believe that if it is determined that someone has classified, or failed to declassify, information for impermissible reasons, some form of discipline is appropriate, depending on the circumstances.

QUESTION 124: In his August 16, 2019, letter to President Trump, the Director of the Information Security Oversight Office (ISOO) described a “deluge” of classified information that “will continue to grow unabated,” referring to the current framework as “unsustainable.” He called for the “investment, adoption, and use of advanced technologies” as well as “new policies and practices” to address the problem. He further wrote: “The Government has not invested in the technologies needed to support electronic information management and information security.” Similarly, the Public Interest Declassification Board (PIDB), in its June 2016 report, called for “the adoption of a government-wide technology investment strategy for the management of classified information.”

A. Do you agree with the assessments and recommendations of the ISOO and PIDB with regard to the failure of the current framework to manage the increasing amount of classified information?

I agree that current policies, practices, and technologies cannot keep pace with the amount of classified information generated each year. If confirmed, I look forward to examining these challenges and identifying what changes may be warranted.

B. What should be the role of the DNI in developing, promoting, or mandating the use of advanced technologies to address the problem? Should the DNI prioritize investments in this technology? What new policies and practices are necessary to address the problem?

I believe the DNI should support the strategic investment of resources in developing and implementing technologies that help reduce the challenges associated with the increasingly large amounts of classified information generated each year. If I am confirmed as DNI, I would look forward to giving close consideration to how classification practices may be innovated across the Intelligence Community.

QUESTION 125: Executive Order 12333 procedures and guidelines, as they apply to IC entities, are publicly available. Do you commit to continuing to post these procedures and to make public any modifications, superseding policies and procedures, or significant interpretations?

Yes, to the extent consistent with the protection of sensitive intelligence sources and methods.

QUESTION 126: Implementing procedures under PPD-28 for IC entities are publicly available. Do you commit to continue to post these policies and procedures and to make public any modifications, superseding policies and procedures, or significant interpretations?

Yes, to the extent consistent with the protection of sensitive intelligence sources and methods.

QUESTION 127: If you or another ODNI official were to say something pertaining to national security that was factually inaccurate in public, would you correct the public record?

I believe strongly in transparency and in ensuring that the American public has an accurate sense of the work of the Intelligence Community. If a factually inaccurate statement were made, I would work to correct any inaccuracy while also protecting information that is properly classified.

Security Executive Agent

The DNI is designated by law to serve as the U.S. government's Security Executive Agent.

QUESTION 128: What is your view of the effectiveness of the governance framework for personnel and credentialing vetting reform established by the OMB led Performance Accountability Council?

If confirmed, I look forward to reviewing this governance framework and determining whether any changes are advisable.

QUESTION 129: Do you believe the Trusted Workforce 2.0 personnel vetting reforms are prudently scoped? Would you seek to modify them? How would you accelerate reforms?

If confirmed, I look forward to reviewing the Trusted WorkForce 2.0 personnel vetting reforms and determining whether any changes are advisable.

QUESTION 130: How would you improve reciprocity in the recognition of clearances across the government?

If confirmed, I look forward to reviewing the current handling of reciprocity of clearances and determining whether any changes are advisable.

QUESTION 131: What are your views on the interagency security clearance process? If

confirmed, what changes, if any, would you seek to make to this process?

Security clearance reform will require my immediate attention if I am confirmed as the next DNI. It is apparent that the current system is perceived as moving too slowly, which costs the IC talent--talent that we need in order to provide the best possible intelligence to policymakers as they confront a complex array of national security challenges. If I am confirmed, I will seek rapidly to understand the extent and nature of the problems with the existing processes and the status of ongoing reform initiatives, and I will ensure that the Committee is kept informed of our efforts to improve the system.

National Intelligence Priorities Framework (NIPF)

QUESTION 132: The NIPF guides priorities for the IC. Do you believe there is adequate interagency participation in the development of the President's Intelligence Priorities? How would you change or update the current procedures?

If confirmed, I look forward to studying in detail the current process for development of the National Intelligence Priorities Framework, including the current forms of interagency participation in that development process, to determine whether changes or updates are advisable.

Foreign Intelligence Surveillance Act (FISA)

Title VII of FISA expires on December 31, 2023. In a February 8, 2012, letter to Congress from then-DNI Clapper and then-Attorney General Holder, they stated, "We look forward to working with you to ensure the speedy enactment of legislation reauthorizing Title VII, without amendment, to avoid any interruption in our use of these authorities to protect the American people." And in a September 7, 2017, letter to Congress from then-DNI Coats and then-Attorney General Sessions, they stated, "We look forward to working with you to ensure the speedy enactment of legislation reauthorizing Title VII, without amendment beyond removing the sunset provision, to avoid any interruption in our use of these authorities to protect the American people."

QUESTION 133: Do you agree with these statements regarding FISA Title VII's reauthorization in 2023, including removing the sunset provision? Please explain the basis for your response.

Title VII of FISA provides some of the most critical intelligence to protect our national security. I understand that there are a variety of proposals to modify Section 702 and if confirmed as DNI I would work with elements of the Intelligence Community, the Department of Justice and the

Congress to determine whether any changes can be made that would improve the protection of privacy and civil liberties without compromising national security.

QUESTION 134: The USA Freedom Act of 2015 reauthorized legal authorities – namely, Business Records, Roving Wiretap, and Lone Wolf – that subsequently expired on March 15, 2020. Congress sought to reauthorize these important national security authorities in early 2020, but the Senate was unable to obtain final passage. Do you support a clean reauthorization (without further sunset) of these authorities? Please explain the basis for your response.

I support reauthorization of the expired provisions, which have bipartisan support and provide tools to protect Americans while protecting their rights. If confirmed as DNI, I will make it a priority to ensure that intelligence collection is carried out with due respect for Americans' rights. . If confirmed, I would welcome the opportunity to provide additional information to allow Congress to consider reauthorizing the expired provisions.

QUESTION 135: Title 50, Section 1812 provides for exclusive means by which electronic surveillance and interception of certain communications may be conducted. Do you agree that this provision of law is binding on the President?

I agree that the President must take care that the law be faithfully executed and Title 50, Section 1812 is no exception.

QUESTION 136: What would you do if the IC was requested or directed to conduct collection in conflict with the limitations of Section 1812? Would you notify the full congressional intelligence committees?

I will not authorize any surveillance of any sort that is not consistent with the Constitution and laws of the United States, and I will notify the Committees of any illegal intelligence activities.

QUESTION 137: Do you agree that the FISA Court *amici* play an important role in raising significant matters of law with the Court? If yes, do you believe that granting the *amici* access to all FISA information, as provided for in the Section 215 reauthorization legislation passed by both houses of Congress, helps the *amici* fulfill its role of raising issues with the Court?

I believe that FISA Court amici play an important role. If confirmed, I will work to ensure that they have access that allows them to play the role envisioned for them by statute.

QUESTION 138: The Department of Justice has published policy guidance on the use of cell-site simulator technology, often referred to as stingrays. The guidance requires law enforcement to obtain a probable cause warrant for the use of stingrays, other than in emergencies. Do you believe that the IC should obtain a FISA probable cause warrant for the domestic use of stingrays consistent with the conduct of electronic surveillance under FISA?

If confirmed, I look forward to studying this issue carefully. If confirmed I will ensure that all intelligence activities are conducted in conformity with the Constitution and laws.

QUESTION 139: In December 2020, the Department of Justice Office of the Inspector General released its Audit of the Federal Bureau of Investigation’s Strategy and Efforts to Disrupt Illegal Dark Web Activities. The audit described Network Investigate Techniques (NITs) which “require computer exploits that the FBI is increasingly developing for national security purposes but not for criminal investigations.” If confirmed, will you agree to make public annual statistics on the number of times the FISA Court has authorized the use of computer exploits against Americans’ phones and computers?

If confirmed, I look forward to studying this issue carefully to determine whether additional transparency is possible, consistent with the need to protect national security.

QUESTION 140: In June 2018, in the case of *Carpenter v. U.S.*, the U.S. Supreme Court found that the government’s collection of cell-site locational records was a Fourth Amendment search. In November 2019, the government acknowledged that it was not collecting cell-site or GPS information pursuant to Section 215 of the USA PATRIOT Act, which does not require a warrant. In 2019, both houses of Congress passed legislation reauthorizing Section 215 that prohibited such collection, although the legislation was not passed into law.

A. Do you agree that, should Section 215 be reauthorized, it should not be used to collect cell-site and GPS information?

If confirmed, I look forward to studying this issue and will ensure that all intelligence activities are conducted in conformity with the Constitution and laws.

B. Do you agree that the constitutional principle enunciated in *Carpenter* and reflected in the government’s decision with regard to collection under Section 215 applies generally to the IC’s collection under other provisions of FISA and EO 12333?

If confirmed, I look forward to studying this issue and will ensure that all intelligence activities are conducted in conformity with the Constitution and laws.

C. If confirmed, will you commit to issuing controlling guidance on the application of *Carpenter* to the IC and making that guidance public?

If confirmed, I commit to reviewing with IC lawyers whether such guidance would be useful and furthermore to seek opportunities to be increasingly transparent regarding the frameworks within which we collect information while protecting sources and methods.

QUESTION 141: During his confirmation process, Director Ratcliffe was asked whether the IC can purchase information related to U.S. persons if the compelled production of that information would be covered by FISA. His response read, in part, that “not all intelligence activities are governed by FISA, and it is my understanding that in appropriate circumstances elements of the IC may lawfully purchase information from the private sector in furtherance of their authorized missions.”

A. Do you believe that the privacy interests of Americans should depend on whether their information is purchased or compelled?

I believe strongly in protecting the privacy interests of Americans. If confirmed, I look forward to understanding fully current methods of obtaining information and intelligence to understand this issue better and determine whether changes are advisable.

B. If you are confirmed, will you ensure that the IC is transparent about the type of information on Americans that it purchases and the legal basis for that collection?

If confirmed, I will seek to articulate and make public the circumstances under which the IC purchases commercially available information and the legal basis for doing so, consistent with the protection of sensitive sources and methods.

QUESTION 142: Section 103 of the FISA Amendments Reauthorization Act of 2017 prohibited the collection, under Section 702 of FISA, of communications that contain a reference to, but are not to or from a target (“abouts” collection) while laying out processes for the resumption of such collection in emergency situations and following congressional notification. Do you agree that any resumption of “abouts” collection should be announced to the public?

If confirmed, I will ensure that the Congress is informed of any resumption of “abouts” collection, and to the degree possible consistent with the protection of sensitive sources and methods, would make such information public.

QUESTION 143: Do you believe that the government can collect purely domestic communications under Section 702 of FISA?

Under Section 702, the government may not target any person known at the time of acquisition to be in the United States, any person reasonably believed to be outside the United States if the purpose is to target a particular, known person reasonably believed to be in the United States, or any United States person, and may not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

QUESTION 144: Under Section 702 of FISA, the government can direct an electronic communications service provider to provide “assistance necessary to accomplish the acquisition.” Under Section 702(h)(5), if the provider does not comply with a directive, the government may seek an order from the FISA Court to compel compliance. Prior to the reauthorization of Section 702 in 2018, the government stated that it had “not to date sought an order pursuant to Section 702(h)(5) seeking to compel an electronic communications service provider to alter the encryption afforded by a service or product it offers.”

A. Do you believe that the government should inform the FISA Court should it issue a directive to a provider to alter the encryption afforded by a service or a product, regardless of whether the government files a motion to compel compliance?

B. Will you commit to notifying Congress of any such directive?

C. Do you believe the public should be informed should the facts underlying the government’s public statement related to Section 702(h)(5) change?

If confirmed, I look forward to studying these issues carefully and consulting with Intelligence Community lawyers. I believe in the greatest possible transparency consistent with the need to protect sensitive sources and methods, and if confirmed I will ensure that the law and the Rules of the FISA Court with respect to notifications are followed.

QUESTION 145: During his confirmation process, Assistant Attorney General for National Security John Demers was asked about the prohibition on reverse targeting in Section 702 of FISA. He responded:

“As I understand it, determining whether a particular known U.S. person has been reverse targeted through the targeting of a Section 702 target necessitates a fact specific inquiry that would involve consideration of a variety of factors. For example, as the Privacy and Civil Liberties Oversight Board noted in its 2014 report, if a Section 702 tasking resulted in substantial reporting by the Intelligence Community regarding a U.S. person, but little reporting about a Section 702 target, that might be an indication that reverse targeting may have occurred.”

If you are confirmed, how would you seek to implement this “fact specific inquiry” through the Section 702 nominations and querying processes of IC entities?

If confirmed, I look forward to studying this issue carefully and consulting with Intelligence Community lawyers and the Attorney General to ensure that all collection activities are conducted in accordance with the Constitution and the law.

QUESTION 146: Do you believe the IC can collect Americans' web browsing or internet search history without a probable cause warrant? If yes, under what authorities, in what circumstances and with what limitations?

I am committed to ensuring that all intelligence activities are conducted in accordance with the Constitution and the law, and that when it is necessary to seek a probable cause warrant, we comply.

Saudi Arabia

QUESTION 147: The Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020, which was passed into law, required that the DNI submit to Congress an unclassified report on the death of Jamal Khashoggi. The law required that the report include the identification of those who carried out, participated in, ordered, or were otherwise complicit in or responsible for the death of Khashoggi. The Consolidated Appropriations Act, 2021, found that that the DNI's failure to product such unclassified report was "contrary to the unambiguous and lawful command of Congress," called for full accountability for the murder, and expressed the Sense of the Congress that the IC's determinations can be included in an unclassified report "without putting sources and methods at risk." If confirmed, do you commit to submitting to Congress the unclassified report on the murder of Jamal Khashoggi required by law?

Yes.

QUESTION 148: A declassified August 2019 FBI Intelligence Bulletin concluded that "Saudi Officials Almost Certainly Assist Saudi Citizens Flee the United States to Avoid Legal Issues, Undermining the US Judicial Process."

A. If confirmed, will you make Saudi efforts to undermine the U.S. judicial process a collection and analytic priority?

If confirmed, I look forward to understanding the resources currently being invested in understanding this issue and determining whether additional resources are appropriate.

B. The FBI further assessed that "KSA officials are unlikely to alter their practice of assisting the flight of Saudi citizens in legal trouble from the United States in the near term unless the USG directly addresses this issue with the KSA." If confirmed, do you agree to raise this concern directly with your Saudi counterparts?

If confirmed, I look forward to providing the best possible intelligence to support policymakers as they determine how best to approach this issue.

Foreign Influence Campaigns

QUESTION 149: In the recommendations accompanying Volume 3 of its Report on Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, the Committee stated: “In the event that [a foreign influence] campaign is detected, the public should be informed as soon as possible, with a clear and succinct statement of the threat, even if the information is incomplete.” If confirmed, will you ensure that a mechanism is established for the timely declassification and public release of information related to foreign influence campaigns, and that this mechanism is established well in advance of the next election?

I very much support this recommendation and agree that addressing foreign influence campaigns effectively is critical. If confirmed, I look forward to ensuring that we can release such information as soon as possible, while also doing so responsibly and more generally, exploring carefully how the Intelligence Community can best assist the broader U.S. Government efforts to address foreign influence campaigns.

QUESTION 150: If confirmed, will you review the Committee’s Report on Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, in particular Volume 5, for additional declassification?

Yes, if confirmed, I will order a review of the Committee’s report to determine whether additional declassification is possible consistent with the need to protect national security.

QUESTION 151: If confirmed, will you review intelligence related to foreign interference in the 2020 U.S. election, including with regard to Russian agents referenced in the Treasury Department’s September 10, 2020, sanctions announcement, for additional declassification and public release?

Yes, if confirmed I will order a review of these materials to determine whether additional declassification is possible consistent with the need to protect national security.

Executive Order 12333

QUESTION 152: According to a chart posted by the ODNI, only the Department of Treasury Office of Intelligence and Analysis does not have finalized Attorney General approved EO 12333 procedures. Will you prioritize the completion and public dissemination of those procedures?

Yes.

QUESTION 153: NSA Director Nakasone has stated that, absent consent of the U.S. person or certain emergency situations, U.S. person queries of communications collected under Executive Order 12333 “normally must be approved by the Attorney General on a case-by-case basis after a finding of probable cause.”

A. To what extent should this requirement apply to other IC entities?

B. What is the role of the IC in developing and documenting the case for probable cause in this context?

C. Please describe any exceptions to this requirement.

If confirmed, I will review carefully how this requirement is implemented to consider its appropriate application.

Outsourcing Intelligence

QUESTION 154: Please describe what you believe to be the appropriate limitations on the IC’s receipt of, use, retention and dissemination of communications as well as communications or geolocation records on U.S. persons collected by a foreign partner or entity. How should those limitations address instances in which the foreign partner specifically targeted U.S. persons who are not the subject of a warrant in the United States or instances in which the foreign partner has collected bulk communications or bulk communications or geolocational records known to include those of U.S. persons?

If confirmed, I look forward to studying this issue carefully and consulting with Intelligence Community lawyers and the Attorney General. I am committed to ensuring that all intelligence activities are conducted in compliance with the Constitution and laws.

QUESTION 155: Do you agree that no element of the IC can request that a foreign entity conduct any activity that it is not authorized to undertake itself?

Executive Order 12333 requires all intelligence activities to be consistent with the Constitution and laws and provides that no element of the Intelligence Community may participate in or request any person (including a foreign entity) undertake activities it forbids.

Surveillance Against the U.S.

QUESTION 156: Over the past year, media reports have revealed how data brokers are indiscriminately selling location data collected from Americans’ phones. Do you believe that the sale of Americans’ location data, including data from U.S. government officials’ phones, to

foreign governments could harm U.S. national security?

Yes.

Privacy and Civil Liberties Oversight Board

QUESTION 157: Do you believe that the mandate of the Privacy and Civil Liberties Oversight Board (PCLOB) should be expanded beyond counterterrorism?

If confirmed, I will consult with the Privacy and Civil Liberties Oversight Board about the effectiveness of its current mandate and assess whether changes to it should be requested of Congress.

QUESTION 158: If confirmed, will you ensure that the IC fully cooperates with the PCLOB, both with regard to the Board's formal reviews and its information exchanges with the IC?

Yes.

QUESTION 159: Will you commit to ensuring that the PCLOB is provided full access to any information it requests?

I believe in the importance of the PCLOB's work and, if confirmed, look forward to facilitating the PCLOB's access to information to ensure that it can play its critical oversight function.

QUESTION 160: Do you agree that the PCLOB's reports should be made public?

Yes, to the extent consistent with the protection of sensitive sources and methods.

QUESTION 161: If confirmed, will you ensure that the IC fully cooperates with the PCLOB, both with regard to the Board's formal reviews and its informal exchanges with the IC? Will you commit to ensuring that the PCLOB is provided full access to any information it requests?

I believe in the importance of the PCLOB's work and, if confirmed, look forward to facilitating the PCLOB's access to information to ensure that it can play its critical oversight function.

Lethal Authorities

QUESTION 162: Please describe your view of the legal and policy implications of targeting or otherwise knowingly killing a U.S. person in a U.S. Government lethal operation. What additional public transparency do you believe would be warranted in that situation?

I believe strongly in transparency, including about the U.S. Government's use of force and especially in relation to U.S. persons. If confirmed, I will be an advocate for the maximum amount of transparency about national security matters consistent with the need to protect national security.

QUESTION 163: On July 1, 2016, President Obama issued EO 13732, "United States Policy and Pre- and Post-Strike Measures to Address Civilian Casualties in U.S. Operations Involving the Use of Force." Section 3 of the EO directed the DNI to publicly release an annual report on strikes undertaken by the U.S. Government against terrorist targets outside areas of active hostilities. President Trump revoked Section 3 on March 6, 2019. Section 1723 of the Fiscal Year 2020 National Defense Authorization Act included a similar reporting requirement.

A. Will you advocate for a new or revised Executive Order that includes reporting on strikes taken by and civilian casualties caused by all U.S. Government agencies?

Yes.

B. Will you ensure compliance with Section 1723, including the requirement that the report be submitted in unclassified form?

Yes.

C. Would you support making Section 1723 permanent?

Yes.

Transparency

QUESTION 164: Will you support the declassification and public release of any interpretation of law that provides a basis for intelligence activities but is inconsistent with the public's understanding of the law?

Yes, to the extent consistent with the protection of sources and methods.

Chief of Mission Authority

QUESTION 165: If a U.S. ambassador directs the IC to cease a particular program or operation in the country where the ambassador is serving, is the IC obligated to do so,

absent or pending intervention by the President?

If a U.S. ambassador directs the IC to cease certain activities within the country for which they are the U.S. representative, in my view, the IC should either elevate the issue or cease such activities. During my time serving as Deputy Director of the CIA, I built a strong working relationship with the State Department, including my counterpart there as Deputy Secretary of State. That experience taught me that conflicts between departments generally can be worked out through consultation and negotiation, making it possible to avoid such scenarios.

QUESTION 166: ICD 402 states that “[i]n all cases the Central Intelligence Agency (CIA) Chief of Station shall serve as the DNI Representative [redacted].” If the situation described above occurs, what would be your direction to the DNI Representative?

In the situation described, I would direct the DNI Representative to report to my senior staff the conflict in the field between departments so that we could resolve it at a leadership level with our State Department colleagues.

Detention and Interrogation

QUESTION 167: Do you believe that any of the CIA’s former enhanced techniques are consistent with the Detainee Treatment Act, the U.S. statutory prohibition on torture, the War Crimes Act, or U.S. obligations under the Convention against Torture or Common Article 3 of the Geneva Convention?

I believe that the CIA’s interrogation program’s enhanced interrogation techniques included torture, which violates U.S. commitments and obligations.

QUESTION 168: Executive Order 13491 prohibits the CIA from operating any detention facilities other than “facilities used only to hold people on a short-term transitory basis.” Do you support this prohibition?

Yes.

QUESTION 169: Section 1045 of the National Defense Authorization Act for Fiscal Year 2016 requires the Secretary of Defense, in consultation with the DNI, the Attorney General, and the Director of the FBI, to complete a “thorough review” every three years of Army Field Manual 2–22.3 (Human Intelligence Collector Operations) (“AFM”).

A. Do you agree to advocate for a timely review of the AFM?

Yes.

B. Do you agree that the CIA’s former enhanced interrogation techniques should be prohibited under the AFM?

The AFM constitutes the totality of permissible interrogation techniques. Anything not permitted by the AFM, including all forms of torture and cruel, inhuman or degrading treatment, are forbidden.

C. Section 1045 requires that the High-Value Detainee Interrogation Group (HIG) submit a report on best practices for interrogation and states that the review of the AFM may include recommendations for revisions based on HIG research. After reviewing the science, the HIG concluded that, “[b]ased on the comprehensive research and field validation studies detailed in this report, it is concluded that the most effective practices for eliciting accurate information and actionable intelligence are non coercive, rapport-based, information-gathering interviewing and interrogation methods.” Do you agree that the review of the AFM should be consistent with these scientific best practices?

Yes, and even if a technique involving cruel, inhuman, or degrading treatment were determined to be effective, I would not endorse its use.

QUESTION 170: If confirmed, will you review the options for making the full, unredacted Study, or relevant portions thereof, available to appropriately cleared defense counsel at the military commissions at Guantanamo Bay and report to Congress on that review?

If confirmed, I will review the Study to determine whether there are options for releasing it, in whole or in part, to appropriately cleared military commissions defense counsel.

QUESTION 171: If confirmed, will you review the options for ensuring that medical personnel at Guantanamo Bay have access to any information in the Study relevant to the health of detainees?

If confirmed, I look forward to reviewing the Study to determine its suitability for possible access by relevant medical personnel.

QUESTION 172: On August 6, 2014, CIA Director John Brennan convened an Agency Accountability Board in response to the CIA Office of Inspector General’s (OIG) July 18, 2014, Report of Investigation, “Agency Access to the SSCI-Shared Drive on RDINet.” The Board was authorized to investigate the conduct of five individuals named in the OIG report, and provide recommendations regarding their individual accountability and any system failures. On September 8, 2014, Director Brennan recused himself from the portion of the Board’s work related to any accountability for the five individuals and directed the Board to report its findings and recommendations to you.

A. What role, if any, did you play in convening, scoping, guiding, or overseeing the Accountability Board prior to the Board's completion of its report in December 2014?

None.

B. Please describe the discussions, communications and other consultations you undertook in connection with your decision to accept the Accountability Board's recommendation that disciplinary action not be imposed.

I reviewed and accepted the Board's report when it was completed, in coordination with ODNI.

QUESTION 173: Intelligence Community Offices of Inspectors General play a critical role in identifying waste, fraud, abuse and violations of law. Their reports provide the bases for necessary changes in policies and practices, as well as individual accountability.

A. As a general matter, what is the responsibility of an IC entity to accept the factual findings of an Inspector General?

B. What should the process or standard be for disregarding or overriding the factual findings of an Inspector General? Should factual differences arise, what is the proper channel for reconciling those differences with the IGs?

I believe strongly in the independence of the Intelligence Community Inspectors General. If confirmed, I look forward to discussing with you the appropriate treatment of an IC IG's factual findings.

QUESTION 174: On June 27, 2013, Director Brennan submitted to the Committee a letter acknowledging that, with regard to the CIA's Detention and Interrogation Program, the CIA "[f]ell short when it came to holding individuals accountable for poor performance and management failures." The CIA then made the following recommendation:

"Broaden the scope of accountability reviews. Direct that the Executive Director ensure that all memoranda establishing and laying out the scope of an accountability review board, including directorate level boards, explicitly call on the board to assess and make recommendations to address any systemic issues revealed by the case, and to expand the scope of the review as warranted to include officers responsible for those systemic problems."

The 2014 Accountability Board did not expand its scope beyond the five individuals, nor did it address accountability for officers responsible for systemic problems.

A. As a general matter, if confirmed, how would you improve accountability within the IC?

B. Do you believe that accountability reviews, at the CIA and at other elements of the IC, should be broadened to consider officers responsible for systemic problems?

C. If confirmed, will you review accountability review processes across the IC to ensure that they address systemic problems and include officers responsible for those systemic problems as well as management failures?

I believe strongly in accountability. If confirmed, I look forward to exploring ways to improve accountability within the Intelligence Community, including broadening accountability reviews and ensuring that accountability review processes address systemic problems.

QUESTION 175: On February 7, 2014, the Acting General Counsel of the CIA filed a crimes report with the Department of Justice containing allegations against Committee staff. The OIG investigation “determined that the factual basis for this referral was unfounded and the author of the letter had been provided inaccurate information on which the letter was based.” The Accountability Board did not dispute this finding.

A. Who should be responsible for ensuring that crimes reports filed with the Department of Justice are factually accurate?

Those authorized to file such reports must be responsible for ensuring their accuracy.

B. If confirmed, will you seek to ensure that there are safeguards in place, at the CIA and elsewhere in the IC, to ensure this doesn’t happen again?

Yes.

QUESTION 176: The OIG found that RDINet IT officers “were not forthcoming in their initial interviews with OIG.” The Accountability Board determined that “[u]nder the circumstances, where the alleged transgression is a lack of completeness not lying, more is needed to conclude that the individuals were unreasonable in their initial responses.” As a general matter, do individuals who are interviewed by Inspectors General and who become aware that their statements may have been incomplete have an obligation to contact the relevant OIG and seek to expand on their previous interview(s)?

I believe strongly in candor to Inspectors General, and believe that those interviewed by IGs should ensure that their answers are accurate and complete to the best of their ability.