

**OPEN HEARING:
ON THE NOMINATION OF AVRIL D. HAINES
TO BE DIRECTOR OF NATIONAL INTELLIGENCE**

HEARING
BEFORE THE
SELECT COMMITTEE ON INTELLIGENCE
OF THE
UNITED STATES SENATE
ONE HUNDRED SEVENTEENTH CONGRESS
FIRST SESSION

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JANUARY 19, 2021
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CONTENTS

JANUARY 19, 2021

OPENING STATEMENTS

	Page
Rubio, Hon. Marco, a U.S. Senator from Florida	1
Warner, Hon. Mark R., a U.S. Senator from Virginia	3

WITNESSES

Coats, Dan, Former Director of National Intelligence	5
Haines, Avril D., nominee to be Director of National Intelligence	7
Prepared Statement for the Record	10

**OPEN HEARING: ON THE NOMINATION OF
AVRIL D. HAINES TO BE DIRECTOR OF NA-
TIONAL INTELLIGENCE**

TUESDAY, JANUARY 19, 2021

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC.

The Committee met, pursuant to notice, at 10:10 a.m., in Room SD-215, Dirksen Senate Office Building, Hon. Marco Rubio, Acting Chairman of the Committee, presiding.

Present: Senators Rubio (presiding), Warner, Collins, Blunt, Cornyn, Sasse, Feinstein, Wyden, Heinrich, King, Bennet, and Reed (ex officio).

**OPENING STATEMENT OF HON. MARCO RUBIO, A U.S.
SENATOR FROM FLORIDA**

Chairman RUBIO. Our hearing will come to order.

I want to welcome our witnesses today. Avril Haines is President-elect Biden's nominee to be the next Director of National Intelligence.

Congratulations on your nomination.

It goes without saying, we are meeting today under unique circumstances, not just because of a pandemic, obviously. I want to thank our staff on both sides of the aisle who worked incredibly hard on the logistics of pulling this off. I want to thank our Members. And I want to thank our witnesses for their cooperation to navigate through all of this real estate, which is at a premium in this building in terms of finding even a room to meet. And so they did some excellent work to make that happen, and our Members as well have been very accommodating, and I thank everyone.

As I think you saw from our public statement, and I think you can tell from our actions, that the Vice Chairman and I strongly agree that we need to proceed, to move forward with the process to ensure that the full Senate gets the opportunity to consider these critical national security positions as early in the new Administration as possible. For our enemies, our adversaries, for those that seek to do us harm—this is no transition period. They are ongoing. At 12:01 p.m. tomorrow they will be just as intent on harming us as they were at 11:59 a.m. So it is important that we move as quickly as possible on issues of national security.

Following the conclusion of this open hearing, we're going to reconvene in our normal hearing room, which we have not seen much

of in almost a year now, for a closed session so we can discuss items that we can't talk about here.

Ms. Haines has a Bachelor's degree in something I never even took as a course, which is physics, from the University of Chicago, and then went to law school and graduated from Georgetown University Law Center. Just reading through her professional background, it's an array of experiences. Deputy Director of the CIA. Deputy National Security Advisor. On the staff of the Senate Foreign Relations Committee. At the Office of White House Counsel. At the U.S. Department Office of Legal Advisors. Clerk for the 6th Circuit Court of Appeals. And, she studied judo in Japan and won the Baltimore City Paper award for best independent bookstore. So, I'm not sure what else you are going to do the rest of your life after all that, and this new position, but it's an impressive array of varied accomplishments and experiences. And, since leaving government last, she's held multiple roles at multiple academic institutions and think tanks, most recently and principally as a senior research scholar at Columbia University.

Ms. Haines, you've been asked to lead the Intelligence Community through the Office of Director of National Intelligence, which was founded after the painful lessons of September 11th, 2001. In essence, the mandate of the ODNI is to integrate and coordinate the activities of our numerous intelligence agencies and the entire Intelligence Community, and then specifically to focus on areas of cybersecurity, which are more important than ever: counterintelligence, counterterrorism, and counter-proliferation. And as we've seen all too many times since the inception of the Agency, not one among that list is anything less than no-fail-mission.

For my part, I want to seek your commitment that if you are confirmed as DNI you will orient the Intelligence Community to comprehensively address the multi-faceted, unprecedented national security and counterintelligence challenges and threats posed by the Chinese Communist Party. So I hope we can hear a little bit today about your goals, your ideas about how we can continue to refine and improve on that.

I think it's important to note for everyone that the current tensions in our relationship with China is not because we as a Nation have done something wrong. It is because we had a flawed bi-partisan consensus for almost two decades, and that China once they got rich and prosperous, would become like us—or more like us. And then we woke up to the reality that they steal our trade secrets and intellectual property; they used students at our universities to spy on us and steal research; that they've made massive and impressive military gains, some of it through technology they've stolen from us, and frankly some of it funded by American investors through the stock market.

They obviously cheat on trade and on commerce. Their businesses want to operate freely here, but they restrict what our businesses can do there. And then, to top it all off, they put Muslims into detention camps where they re-educate them away from their identity. Their horrific treatment of Tibet—the lack of any religious liberty, and the like. And their support of elements around the world that are a danger and a threat to peace and freedom.

A particular area of interest for me is the Western Hemisphere and Latin America, and so I hope that we can get your commitment to sustain and enhance the focus and the collection priorities on the threats and challenges that we face, primarily from authoritarian regimes in our hemisphere in Cuba and Nicaragua and Venezuela. These countries openly welcome cooperation in intelligence and military matters with adversaries of our country, including Russia, China, and Iran. And they allow their territory to be used to collect against us and our interests.

The Committee may also be interested in your time as the Principal Deputy National Security Advisor to President Obama, and your role in some of these consequential policy decisions made under that Administration. This job is not a policy-making position, but your judgment and the role and insights that you gain, the role you play and the insights you have in formulating policies I imagine will be of interest and concern to this Committee and ultimately to the Senate.

I also want to make a point that to satisfy and meet this Committee's oversight obligations requires transparency and responsiveness from your office at all times. And we will ask difficult questions of you and your staff, and we expect honest, complete, and timely answers. It's the only way we can do our job and frankly it improves your ability to do your job. And so I hope you will at the same time understand this is a very unique Committee. It does most of its work without cameras, and therefore there isn't the need for some of the preening and posturing that becomes all-too-typical in American politics today. It is a Committee that all of us who are part of it are very proud of the work product and the way we operate. And so, I hope you view us not just as overseers, but also as partners and an asset. And, as such, we expect you will feel free to come to the Committee with situations that you believe warrant our partnership.

With that, I do want to thank you, all of you, for your patience in getting us here to this point today. Also, for your years of service to our country and for your willingness to resume that service. You certainly had other options, and we appreciate your willingness to come back into the service of our country.

Mr. Vice Chairman.

**OPENING STATEMENT OF HON. MARK WARNER, A U.S.
SENATOR FROM VIRGINIA**

Vice Chairman WARNER. Thank you, Mr. Chairman. Let me thank you very much for being willing to move this hearing quickly and efficiently, and I want to thank all my colleagues for their cooperation as well. It's really important.

Welcome, Miss Haines. It's good to see you again. We would normally welcome your family members, but since we are operating under slightly different circumstances, we're going to allow Dan Coats to step in and serve as your surrogate family today. He's a good friend of this Committee, and it's always good to see you Dan.

Congratulations on your nomination to be the next Director of National Intelligence, a position of great responsibility for the national security of the United States. And echoing what the Chairman said, I thank you again for agreeing to serve our country.

You'll have a lot on your plate, and if confirmed—and I believe you will be—I know you will hit the ground running. I believe the top of the list will be to reinforce the prime imperative for our Nation's Intelligence Community: to find the truth and to speak truth to power, without fear of political retribution. The dedicated men and women of the Intelligence Community have been through a lot over the last four years. Our intelligence professionals have been unfairly maligned; their expertise, knowledge, and analysis has often been ignored or even sometimes ridiculed by a President who seems oftentimes uninterested in facts. Those who bravely spoke the truth were vilified, reassigned, fired, or retaliated against.

Miss Haines, it will be your task to ensure the IC recovers from this period. As the Chairman mentioned, the DNI was created after the horrific events of 9/11. Congress gave the DNI three principle missions:

To serve as the President's principal intelligence advisor.

To lead the Intelligence Community.

And to develop, determine, and execute the National Intelligence Program.

We need to return to those basic principles. You will need to inspire a workforce that has unfortunately been hollowed out by years of firings, and remind them that their mission is critical—and still noble. You'll need to exercise leadership of the IC's now 18 different agencies. I have to acknowledge that during my first few years on this Committee, I didn't even know we had at that point 17 agencies that made up the IC. Now, with the Space Command, 18. And to make sure those 18 agencies work together so that their whole is greater than the sum of their parts, you'll need to demonstrate to the American people that the Intelligence Community deserves their utmost confidence as a source of truth and insight. You'll need to assure allied intelligence services around the world that America is a reliable partner in our shared cause to promote democracy, advance human rights, fight terrorism and extremism, and resist authoritarian movements.

This is going to be no small task. But we will be your partner in this endeavor. One of the first things you can do—at this hearing, even—is to make a strong statement of support for professionalism in the IC and pledge that you will not tolerate politics influencing the analytical process.

With all this said, we also need to discuss the kind of world in which we find ourselves in 2021 and the threats that you see on the horizon. We're still in the midst of a global pandemic, one that I believe could have and should have been taken more seriously, that has taken thousands of lives and literally the livelihoods of millions of Americans. Terrorism remains a real and major threat, especially as violent extremists groups, whether Islamists, ANTIFA, or white nationalism, are increasingly mutating, fracturing, regrouping, and radicalizing on the internet and through social media.

An emboldened Russia has harnessed the inexpensive asymmetric tools of cyber-attacks and disinformation. To reach out and touch us in ways that have gone around much of our multi-million dollar defense industry. And echoing what the Chairman has said, perhaps the greatest challenge facing you as the DNI will be a ris-

ing China that is committed to surpassing and eclipsing the U.S. militarily, economically, and technologically. I think it's important, at least for me, that we constantly make clear that our beef with China is with the Communist Party and Xi Jinping, not with the Chinese people, or especially not with Chinese-Americans.

Miss Haines, you will not have an easy job, but I know that you know this, and I commend you for signing up for it. I look forward to discussing these and other issues with you today.

My understanding is that your husband is here, and I didn't get a chance to meet him, so David, I look forward to getting to know you as well. I know Avril will correct my mistake, though it's still alright to have Coats as part of your surrogate family up there.

With that, Mr. Chairman, I yield back.

Chairman RUBIO. Thank you, and likewise to your husband: thank you. We know these things take tremendous support from family to be able to assume a role such as this.

I also understand that, as has already been mentioned, one of our former Senate colleagues, a Member of this Committee, and a respected predecessor of yours as Director of National Intelligence, is here to introduce you. The Honorable Dan Coats will be speaking. It says here "remotely" but he came in person. Somehow he found an Uber ride that delivered him here. Anyway, thank you. It's great to see you. And why don't you go ahead and proceed.

REMARKS BY HON. DAN COATS, FORMER DIRECTOR OF NATIONAL INTELLIGENCE

Director COATS. Mr. Chairman and Mr. Vice Chairman and former colleagues, it's an honor for me and a privilege to be asked by Avril Haines to introduce her to this Committee, as President-elect Biden's choice for the Director of National Intelligence. And it's also an honor for me to be back with former colleagues, having had the opportunity to serve with you, and recognizing the challenges ahead that I know you will be addressing.

As a former Member of this Committee, and with your support, and as a former Director of National Intelligence, I'm well aware of the weight of responsibility of this position that Avril will be inheriting. It is a consuming job, and a daunting challenge that she will inherit if confirmed. After several conversations and personal meetings with Avril, there is no doubt in my mind that President-elect Biden has chosen someone who has all the capabilities, qualities, experience, and leadership to be the next Director of National Intelligence.

Avril's résumé and career defines a remarkable individual. Allow me to name just a few of her unique and impressive achievements, some of which were mentioned by the Chairman.

After graduating from high school, Avril spent a year in Japan at what has been called the elite Kodokan Judo Institute. I liked to use as DNI a model that said: seek the truth and speak the truth. Among the many mottos that could be used to define Avril, perhaps the best one would be: Don't mess with Avril.

Avril received her B.A. degree from the University of Chicago, where she studied theoretical physics, a highly-competitive department. And if confirmed, Avril will significantly boost the DNI brain pool.

In addition to her studies at the UC, she worked in an automobile repair shop—a little difference there between that and theoretical physics. I'll let her describe that difference. She bought a used Cessna plane and learned to fly. She loved rebuilding cars. And she took that Cessna plane with her flight instructor and, putting together a rebuilding of the avionics by Avril, set out to fly across the Atlantic Ocean. The flight ended in an emergency landing on the coast of Newfoundland, but the best result of all of that was her flight instructor is now her husband.

Moving on, Avril then received, as was mentioned, a Juris Doctorate from Georgetown School of Law, and began her work in government. And I was going to mention some of her government service engagements, but in the interest of time, the Chairman has already noted the extensive experience she has had in a number of major government roles. And in addition to her government service résumé, Avril has engaged in numerous private service activities, too many for me to identify given the interest of time.

Mr. Chairman and Committee Members, given the recent state of affairs in regard to the role and integrity of the Intelligence Community, Avril has a clear recommendation and recognition of the most needed responsibilities for the next Director of National Intelligence, which she will address in her testimony today.

But most important to me, as a former DNI, is her commitment to bringing non-politicized truth to power in restoring trust and confidence in the Intelligence Community and the American public.

Mr. Chairman, thank you for the opportunity to provide an introduction to this exceptional choice for the next Director, if confirmed, of National Intelligence.

Chairman RUBIO. Thank you very much for that. Ms. Haines, let's begin by my swearing you in as a witness. Would you please stand and raise your right hand.

[Witness stands.]

Do you solemnly swear to give this Committee the truth, the full truth, and nothing but the truth, so help you God?

Ms. HAINES. I do.

Chairman RUBIO. Thank you. Please be seated.

Before I move to your statement, I want to ask you the five standard questions that the Committee poses to each nominee who appears before us, and they require simple yes or no answers, for the record, if you so choose.

Number one: Do you agree to appear before the Committee here or in other venues when invited?

Ms. HAINES. I do.

Chairman RUBIO. If confirmed, do you agree to send officials from your office to appear before the Committee and designated staff when invited?

Ms. HAINES. Yes.

Chairman RUBIO. Do you agree to provide documents or any other materials requested by the Committee in order for it to carry out its oversight and its legislative responsibilities?

Ms. HAINES. Yes, I do.

Chairman RUBIO. Will you ensure that your office and your staff provide such material to the Committee when requested?

Ms. HAINES. Yes.

Chairman RUBIO. And finally, do you agree to inform and fully brief to the fullest extent possible all Members of the Committee, of the intelligence activities and covert actions rather than just only the Chairman and Vice Chairman?

Ms. HAINES. Yes.

Chairman RUBIO. Thank you very much. We'll now proceed to your opening statement, and then after that, I'll recognize Members by seniority for up to five minutes each.

The floor is yours.

STATEMENT OF AVRIL D. HAINES, NOMINEE TO BE DIRECTOR OF THE OFFICE OF NATIONAL INTELLIGENCE

Ms. HAINES. Thank you Chairman Rubio, Vice Chairman Warner, and Members of the Committee. It's an honor to be here before you today as the President-elect's nominee to be Director of National Intelligence.

I particularly appreciate your holding this hearing today in the light of the searing events of the last two weeks. The fact that you have not allowed those events to interrupt the work of the Committee on behalf of the American people and that you continue to operate on a bipartisan basis—something this Committee I know is known for—is a testament to all of you and an example I profoundly admire.

I am also very grateful to Senator Coats for his kind introduction, for his extraordinary service, and for his wise counsel during this period, and for standing with me in support of an institution and a community that we both love.

And finally, I want to say how eternally grateful I am to my husband, David, who is with me today—for his love, his support, his wisdom, his patience, and perhaps most of all, his sense of humor for the last 29 years we've been together.

If I have the honor of being confirmed, I look forward to leading the Intelligence Community on behalf of the American people, to safeguarding their interests, advancing their security and prosperity, and to defending our Democracy, our freedom, and our values. This role comes with clear responsibilities:

Advising the President and his senior advisors to inform their consideration of critical national security issues.

Synchronizing and prioritizing collection, analysis, and counter-intelligence efforts across the Intelligence Community.

Ensuring that our intelligence work is effectively integrated and focused on the threats of today and tomorrow.

Responsibly stewarding and allocating our resources.

Promoting strong national security relationships with both our allies abroad and with our partners here at home.

And engaging directly and regularly with the Senate and House Intelligence Committees on each of these priorities.

All of these responsibilities are essential to a strong and effective national intelligence program. But perhaps the greatest challenge 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 protect the American people. To be effective, the DNI must never shy away from speaking truth to power, even—especially—when doing so may be inconvenient or

difficult. To safeguard the integrity of our Intelligence Community, the DNI must insist that when it comes to intelligence, there is simply no place for politics—ever.

The DNI must prioritize transparency, accountability, analytic rigor, facilitating oversight, and diverse thinking—not as afterthoughts, but as strategic imperatives that bolster our work and our institutions. And to be trusted, the DNI must uphold our Democratic values and ensure that the work of the Intelligence Community, mostly done in secret, is ethical, is wise, is lawful, and effective.

And I commit to you, if confirmed, that I will live in accordance with these principles and the ethos they represent, with the aim of restoring trust and confidence—both within the Intelligence Community and among those we serve and protect.

I will also seek to support and elevate the workforce and the mission. The Intelligence Community is made up of people with unparalleled dedication and expertise. Public servants who are mission-focused and who play an indispensable role in protecting the country from the most dangerous threats, without fanfare or fame but simply through diligence.

I've had the great honor to work with them before, to see their extraordinary skill, bravery, and patriotism up close, and it would be the honor of a lifetime to lead them. My intention would be to sustain and build on the tremendous work of intelligence professionals 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.

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 well postured to address developing threats and take advantage of new opportunities as they arise: promoting national resilience, innovation, competitiveness, and shared prosperity.

This means ensuring that the Intelligence Community has the capacity to understand, warn, protect, and defend the United States against the threats we face. This includes threats from traditional state actors as well as evolving and critical transnational threats, including climate change, cyber-attacks, terrorism, global organized crime and corruption, disinformation campaigns, and more. Our capabilities must be aligned, strategically prioritized, and integrated to be effective. For instance, we should provide the necessary intelligence to support long-term bipartisan efforts to out-compete China: gaining and sharing insight into China's intentions and capabilities, while also supporting more immediate efforts to counter Beijing's unfair, illegal, aggressive, and coercive actions, as well as its human rights violations, whenever we can.

And at the same time, the DNI should see to it that the Intelligence Community's unique capabilities are brought to bear on the global COVID-19 crisis around the world, while also addressing the long-term challenge of future biological crises, enabling U.S. global health leadership and positioning us to defend and detect future outbreaks before they become pandemics.

And here at home, we must strengthen our cybersecurity, safeguard our critical infrastructure, and turn the ongoing technological revolution from a threat to an advantage by integrating new technologies to improve the capacity and superiority of our intelligence into the future.

And of course, none of these aims can be achieved without a foundation of trust, which requires accountability—including through support of the Inspector General function, the protection of whistleblowers, and transparency.

I believe deeply that the American people should know as much as possible about what their intelligence agencies are doing to protect them, consistent with the need to safeguard sensitive sources and methods. And if I am confirmed, I will strive to achieve that.

Mr. Chairman, Mr. Vice Chairman, Members of the Committee: If afforded the opportunity to serve as the Director of National Intelligence, I vow to be a true partner to you, to respect your critical oversight role, and to cultivate a relationship of trust. It is a promise that I extend not only to this Committee and your colleagues, but also to the American public—to the American people—every one of whom deserves a Government worthy of their trust.

And I look forward to earning that trust, and to answering your questions today.

Thank you.

[The prepared statement of Ms. Haines follows:]

Testimony

Chairman Rubio, Vice Chairman Warner, and Members of the Committee — it's an honor to appear before you today as the President-elect's nominee for the Director of National Intelligence.

I particularly appreciate your holding this hearing today in light of the searing events of the last two weeks. The fact that you have not allowed those events to interrupt the work of the Committee on behalf of the American people and that you continue to operate on a bipartisan basis — something this committee is known for — is a testament to all of you and an example I profoundly admire.

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Finally, I just want to say how eternally grateful I am to my husband, David, who is with me today — for his love, his support, his wisdom, his patience and perhaps most of all, his wonderful sense of humor over the last twenty-nine years.

If I have the honor of being confirmed, I look forward to leading the Intelligence Community on behalf of the American people — to safeguarding their interests, advancing their security and prosperity, and to defending our democracy, our freedoms and our values.

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Engaging directly and regularly with the Senate and House Intelligence Committees on each of these priorities.

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But perhaps the greatest challenge 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 protect the American people.

To be effective, the DNI must never shy away from speaking truth to power — even, **especially**, when doing so may be inconvenient or difficult.

To safeguard the integrity of our Intelligence Community, the DNI must **insist** that, when it comes to intelligence, there is simply no place for politics — **ever**.

The DNI must prioritize transparency, accountability, analytic rigor, facilitating oversight and diverse thinking — not as afterthoughts, but as strategic imperatives that bolster our work and our institutions.

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I look forward to earning that trust — and to answering your questions today.

Thank you.

Chairman RUBIO. Thank you. Let me just begin with something that's important to address at the outset. From the public financial disclosure report, obviously you served as a principal or a consultant at the WestExec Advisors. And so did you ever consult on behalf of any foreign entities?

Ms. HAINES. No, not through WestExec. I was on the advisory board of a French private company, but not of any foreign governments.

Chairman RUBIO. To the best of your knowledge, have you ever consulted for any company that's done business in Xinjiang or has taken a position against the Uyghur Forced Labor Prevention Act or the Hong Kong Autonomy Act?

Ms. HAINES. No, I have not.

Chairman RUBIO. Have you consulted for any company on the Department of Defense's list of Chinese communist military companies?

Ms. HAINES. No, Senator.

Chairman RUBIO. Have you ever consulted for a company under the Department of Commerce's entity list? Or export controls?

Ms. HAINES. No, Senator.

Chairman RUBIO. Thank you.

Chairman RUBIO. You touched on this first. Let me just ask you this because it's important I think for our Members to get back to the regular course of business.

Can we get a commitment from you to testify annually at this Committee's worldwide threats hearing?

Ms. HAINES. Yes, Chairman.

Chairman RUBIO. Thank you. And if this Committee requests your assistance in de-classifying for public release any future reports or studies that we do, can we also get a commitment from you to aid in the expeditious production of de-classified Committee products?

Ms. HAINES. Yes, Chairman. I absolutely commit to working with you to de-classify information. Obviously I'm mindful of sensitive sources and methods that we need to protect. But otherwise, working with you to—

Chairman RUBIO. Where it comes into play is when we do a report and then we ask for a de-classification review so we know which parts have to be compartmented, classified, or public—

Ms. HAINES. I see.

Chairman RUBIO. And obviously the faster that process moves, the quicker—the decision as to what to leave classified is obviously up to the Intelligence Community, but our ability to produce those products is dependent on those decisions.

There is so much going on, but one of the areas that we've talked about in our conversation is the Chinese Communist Party. And as we've seen, it's a multi-faceted challenge without, I think, precedent. Given, it touches virtually every aspect of American life: commerce, trade, academia, immigration, obviously military, finance sector, and the like. But one of the areas that's of concern is they are developing longstanding and increasingly-robust influence operations to target American political figures for cultivation, from the local level all the way up. They are very patient in that effort. They'll view someone who might be a mayor or even a council

member that one day might be a Member of a Committee. But in essence, what they are trying to do is create a stable of American policy makers and influencers who share or will promote China's narrative of events around the world. And some of these touch into areas frankly that because they are domestic—are not entirely within the Intelligence Community purview. And other cases—the Vice Chairman, Senator Burr, and myself and others participated in a series of road show type events with different sectors of our country to create a level of awareness about this that I think in many cases was lacking. And I think that was quite productive.

Have you thought about or what do you view in light of that, in the light of those influence efforts—have you given thought to what the Intelligence Community's role can be in providing counterintelligence support such as awareness training to state and local governments and other sectors of our country, so that people sort of understand that when you are being approached by someone who does business in China or is here under the guise of academia or the like, they are not James Bond? But they operate in a way that is trying to influence you toward narratives that are favorable to China that ultimately will influence public policy?

So have you given some thought to what the Intelligence Community's roles would be in countering and confronting that sort of threat?

Ms. HAINES. Thank you so much.

Obviously the counterintelligence challenge with China is a very important one, and a priority and something that I will need to focus on. And I haven't had a chance to get the kind of in-depth classified briefing that I'd like to on these issues, to provide you with a more considered opinion. But I absolutely agree with your overall view that we need to do more training in this space, and I noted obviously in the work that the Committee has done on Russia that one of your recommendations relates to more training in respect to counterintelligence. I think that makes sense in the context of China as well, and something that we should focus on. And I know that prior Directors of National Intelligence have emphasized the importance of having those partnerships with local and state actors, and I think that's a space where I would like to further engage with you on this issue. But I think having a plan for how we can increase training and education of various leaders in state and local authorities so they understand the threat that is facing them would be perfectly sensible.

Chairman RUBIO. And somewhat in line with that, but on a broader—if you look at recent events in this country, we know that one of the goals of our adversaries is to sow division, dissent within the country, to sow preexisting challenges in our country, and because they obviously—it's very difficult for a house divided to stand, and they understand this. And obviously that poses a real challenge—and I'm making no claims here about recent events, other than to say that common sense would tell you that these are times that lend themselves perfectly to foreign adversary efforts to stoke fires and drive divisions and/or to take advantage. But it's difficult because often those efforts become domestic efforts, and therefore they begin to touch on Americans, U.S. citizens, at which

point the lines of the Intelligence Community become more blurred—domestic versus foreign target.

Have you also given some thought to this challenge that we now face where I don't think any of us expect these efforts to continue to get us to fight with each other—not that we don't do a pretty good job of it on our own—but none of us expects that these efforts to get us to fight against each other beyond the normal is not going to continue for the foreseeable future, and what the IC's role would be in that?

Ms. HAINES. Thank you, Senator. Obviously I absolutely agree with you in terms of the concern about efforts from foreign adversaries to ultimately exacerbate divisions that exist in the United States, and that one of the key issues that we are going to have to be facing as a country is the malign influence of such actors and how that is working into our system. It is obviously a whole-of-government activity and something that I hope the Intelligence Community can appropriately support, particularly in terms of the link and the understanding of the foreign influence that is being conducted.

I know that in a recent law that has been passed that there was the direction to establish a Foreign Malign Influence Center within the Office of the Director of National Intelligence, and I look forward to working on that. I think that could be part of the support that would be useful in this context.

Chairman RUBIO. Great. Thank you very much. The Vice Chairman.

Vice Chairman WARNER: Thank you, Mr. Chairman. And I want to start building off of what the Chairman said in his opening comments. That, I would argue, for a number of decades, we had a bipartisan consensus about China—that the more they came into the world order, the closer they would move to some level of international norms. I'll be the first to acknowledge I was part of that that consensus, and I think I was wrong. This Committee over the years under both the Obama Administration and the Trump Administration has seen China move extraordinarily aggressively. The Chairman made reference to their efforts to influence American policy makers. We've seen the move aggressively militarily. We've seen them move aggressively economically. I've been particularly concerned about their efforts to dominate new technologies. And we've seen them use tools from stealing intellectual property to treating their own people extraordinarily poorly, whether they be Uighurs or the people of Hong Kong.

So I think it is important that we are clear-eyed about China. I do think it's important as well to recognize that our beef is not with the Chinese people but with the Chinese Communist Party. So I'm just going to ask you straight up: Ms. Haines, is China under the rule of the Chinese Communist Party? An adversary of the United States?

Ms. HAINES. Thank you, Vice Chairman. I couldn't agree more with the priority you are attaching to China and the need, I think, for the Intelligence Community to focus on this issue. I think in the context of China—China is adversarial on some issues, and in other issues we try to cooperate with them, whether in the context of climate change or other things. And ultimately the frame that

the President-elect has identified for thinking about this is as a global competitor.

But I think that doesn't, to your point, in any way mitigate the fact that when it comes to espionage or a variety of areas that I'll be focused on if I'm confirmed in the Director of National Intelligence position. They are an adversary and we have to work on those issues, in particular countering their illegal, unfair, aggressive actions in these spaces.

Vice Chairman WARNER. Thank you.

I'm going to hit a couple of different topics. On January 6th, as we all know—and we're living with the effects of it—this Capitol was stormed by insurrectionists, which included a whole series of violent right-wing extremist groups: Proud Boys, Oath Keepers, Three Percenters, and other so-called "omilitia groupso" who were trying to overthrow the results of a national election in our country. We know this is not a problem that is unique to America. We've seen similar right-wing groups spring up across many European nations, and some level of networking between what's happening in Europe and what's happening in this country.

What role do you believe the IC should play in addressing violent threats originating from extremist groups such as the Proud Boys and other groups operating within the United States?

Ms. HAINES. Thank you, Senator. And I just want to say how eerie it was even coming here today to see the National Guard out across Washington and in these halls. And my first reaction in watching the events was really concern and obviously empathy for all of you for friends and colleagues who worked in the Senate and in the House and across the Capitol and how truly disturbing it was to see what was done to these sacred halls, frankly, and the heart of our democracy. And how proud I was to be part of a country where I saw all of you not let it affect your work. Not let you miss a beat. And come back in and do the work of the American people in that context. Truly, remarkable.

In any event, if I am confirmed as Director of National Intelligence, obviously the Intelligence Community is not in the lead in managing these events. It's the FBI and the Department of Homeland Security. But the Intelligence Community I hope will have an important role in supporting their work, and ultimately in particular looking at any connections there are between folks in the United States and externally abroad or connections or influence that might have been appropriately identified as a context of the Intelligence Community.

Vice Chairman WARNER. Thank you. I want to get you—and I think you addressed this in your opening statement—but I think one of the most important jobs you are going to have is to restore both the morale within the IC, and the public trust and confidence that the IC will provide honest, non-biased policy analysis.

Can you speak to that for the record?

Ms. HAINES. Yes, absolutely.

I think this is fundamental to the work of the Intelligence Community. That we provide objective analysis, that we don't let politics play a role in our work, is critical, and it has been my experience that that is what the institution is designed to do and intended to do, and it's fundamental to good policy decision-making.

Because if policy makers like yourself and others throughout the Government don't have that unvarnished analysis, they don't have sufficient information, they don't have the best information that we can provide them in order for them to make the decisions they need to make in order to protect the country and pursue our interests.

So, I am absolutely committed to this, and I know many of you have spoken on this issue with eloquence and passion and I am grateful for that, frankly, and it is something I intend to focus on coming into the Office of the Director of National Intelligence, if I am confirmed.

Chairman RUBIO. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman.

Ms. Haines, I am one of the four principle authors of the 2004 law that created the Director of National Intelligence. Your endorsement by former DNI Director Dan Coats means a great deal to me because he was the model of how that office should be run in a completely nonpartisan, professional way. So let me follow up on the questions that you've just been asked by the Vice Chairman.

As you know, there are some Members of this Committee and this Senate who viewed Director Ratcliffe as being too political in his approach. Others felt that former CIA Director Brennan was too partisan in his approach to the job. You are going to be responsible for determining what goes into the President's daily brief.

Do you commit to publishing analytic products in the President's daily brief even if those products do not match the views or the policy positions of this incoming Administration?

Ms. HAINES. I do, absolutely, Senator. And thank you for the question.

I think, frankly, it's incredibly important to do that. I've seen that in the past. It's fundamental. It's what the President-elect, I believe, will expect from us because he will want to know what information we have that actually conflicts with his policy positions.

Senator COLLINS. Thank you. I want to switch to another issue, and that is the Iranian nuclear deal, commonly referred to as the JCPOA. Many in the Senate, myself included, did not support this agreement because it did not provide for anytime/anywhere inspections. It did not sufficiently constrain the development of ballistic missiles, and it would leave Iran in a stronger, wealthier position because of all the sunsets that were included in the agreement. President-elect Biden has indicated his intention to rejoin the JCPOA.

I would like to know whether you have any reservations about your strong support for the agreement and how the threat of the Iranian's developing nuclear weapons fits in with your priorities.

Ms. HAINES. Thank you, Senator.

So it's true, obviously, the President-elect has indicated that if Iran were to come back into compliance, that he would direct that we do so as well. I think, frankly, we're a long ways from that, and I think there is going to be an opportunity to consult with Congress and with Members like yourself on these issues as we look at that. But the President-elect has also indicated—and I agree with this—that in doing so, we have to also look at the ballistic missile issues that you've identified, and there are other obviously destabilizing activities that Iran engages in.

If I am confirmed to be the Director of National Intelligence, my hope and my role, I think, would be to provide all of you with the best possible information about the status, for example, of Iran's program, about their activities. Give you information that would allow you to make the best judgment under the circumstances for what is the appropriate act to be taken.

Senator COLLINS. Thank you.

Both the Chairman and the Vice Chairman have mentioned China, and I want to chime in, as well, that China clearly is a key geopolitical adversary and poses a threat to our interests in terms of the theft of intellectual property and also potential spying through its telecommunications companies.

Do you have any concerns about how the Obama Administration approached China when you served in your capacity in that Administration?

Ms. HAINES. Thank you, Senator.

I think our approach to China has to evolve and essentially meet the reality of the particularly assertive and aggressive China that we see today. China is a challenge to our security, to our prosperity, to our values across a range of issues, and I do support an aggressive stance, in a sense, to deal with the challenge that we're facing. So I think that's the place that we are now, and one that is more assertive than where we had been in the Obama-Biden Administration. And if I'm confirmed, I think frankly the Intelligence Community can do a lot to help in that respect.

I think keeping our focus, putting our resources and effort into making sure that we understand the intentions and capabilities of China, but also that we are actually recognizing and holding them to account, in effect, by identifying where they are taking actions that are inconsistent with our interests will be part of what I hope to focus on.

Senator COLLINS. Thank you.

Chairman RUBIO. Senator Heinrich.

Senator HEINRICH. Ms. Haines, as we witnessed, and many of us—frankly, firsthand on January 6—the most serious threat to our democracy came from within. We've seen the current President as he has done his utmost to stoke some of those grievances, those divisions, that really fueled this threat, but his departure from office tomorrow is certainly not going to eliminate it.

On December 8, I wrote a letter along with a number of other Senators, to FBI Director Wray and also the Acting Director of DHS's Intelligence and Analysis Office, simply asking for a public written assessment of the threat that QAnon poses to our country. We have not received a response to that letter. I just wanted to ask you that, if confirmed, if you would commit to simply working with the FBI and the DHS intelligence and analysis office to provide us with a written assessment as requested?

Ms. HAINES. Yes, Senator.

Thank you very much. I have seen the letter and I absolutely if confirmed would work with the FBI and the Department of Homeland Security to get you an answer to that question. I know in particular you asked about foreign influence operations and how those are affecting QAnon and—and how they are exacerbating, you know, the message that is being provided and the misinformation.

So I will.

Senator HEINRICH. Would you expound a little bit on the question that Senator Warner asked you about the particular role of the IC with respect to domestic radicalized groups in the United States? For example, we have a very specific process internationally through the State Department to designate foreign terrorist organizations. We don't have any sort of process for domestic terrorist organizations.

What are your thoughts on the proper role of the Intelligence Community in supporting law enforcement, the FBI in particular, Department of Homeland Security, with respect to threats to the homeland?

Ms. HAINES. Thank you, Senator.

So obviously, the Intelligence Community is focused on foreign intelligence and on foreign threats, in effect, but there is I think a critical role that it can play, and does play, in supporting the work that is done by others—led by others—in the Government. So the FBI and the Department of Homeland Security, obviously, are critical and in the lead on much of this.

But there are ways in which we can support, both by identifying where there are connections to international organizations, for example, and threats, to domestic threats, and also in just providing information about lessons learned for how organizations work internationally and to the FBI and to the Department of Homeland Security. And of course, through the National Counterterrorism Center established in law. You gave it, in effect, a mandate that allows it to pull from domestic intelligence information holdings, as well as foreign intelligence information holdings, in order to be able to provide trends and reviews of issues that cross the seam in effect and make sure that those who are in the lead such as the FBI and the Department of Homeland Security have that information as they pursue these issues.

Senator HEINRICH. I suspect I'm probably going to run out of time before I have a chance to get to the bottom of all of these things, but you and I have spoken quite a bit about the Committee's Detention and Interrogation Report and the aftermath of all of that. You wrote in your prehearing responses to questions about interrogation methods that, even if a technique involving cruel, inhuman, or degrading treatment were determined to be effective, I would not endorse its use. Those are your words.

I also wanted to go a step further and just ask you to be very specific on whether you agree that the specific techniques that were used in that program—waterboarding, a number of other so-called enhanced interrogation techniques, were not effective. Do you understand the distinction I'm asking?

Ms. HAINES. I think so, Sir.

So, I believe that waterboarding is in fact torture—constitutes torture under the law. And I do believe that all of those techniques, including techniques that involve cruel and human-degrading treatment, are unlawful from both domestic and international perspective and should not be engaged in regardless, as I said, of whether or not they are effective.

Senator HEINRICH. One of the outcomes of our report was we found that these were not—in addition to being unlawful under

current law—they weren't effective because people were so desperate to make things stop that they would tell us almost anything. Do you agree that those techniques were not effective in their—

Ms. HAINES. Yes, Senator, I think that your report does an excellent job, essentially, of identifying how there are actually better alternative methods to get true, accurate information and that that is a reality. My point was only to say that even if they were effective, from my perspective, I would not allow them to be engaged in.

Senator HEINRICH. Thank you.

Chairman RUBIO. Senator Blunt needs to run for the inauguration—so I'm going to recognize you. I apologize to Senator Feinstein. I skipped her. She's going to go right after you.

Senator BLUNT. Thank you, Chairman.

Ms. Haines, you and I have had a chance to talk already about the challenge of this job. When we put the job together, we talked a lot about stove piping and the importance of having somebody in the Government whose job it was to be sure that information was shared as effectively and quickly as it could be.

I think one of the challenges here, and I'm sure Director Coats understands this better than anybody in the room, is the person in your job having confidence in the material you're sharing—but also, needing to share that material quickly when you do have confidence in it.

Would you talk about that a little bit, where we don't allow this job to become a job where everybody else's job is redone before it can be shared with others?

Ms. HAINES. Yes, Senator.

I think, this is obviously a critical issue with the national security communities and I think there is—there is a number of aspects to it. I would relish engaging with you further on this issue, too, to see if there are ways we could break this down.

I think, in part, we have to ensure that we actually have the ability to share information across the Intelligence Community so that we can all take advantage of it and leverage it appropriately, and that we're not recreating the wheel in each of our different elements, as you've identified.

I also think that there are opportunities with technology to actually promote mechanisms that allow us to use each other's work so that we don't have to do it ourselves in some spaces, and I think that's an important piece of it. But I think, as you also mentioned to me in our discussions, I think there is a concern—and I've heard this from other Members as well—that the Director of National Intelligence and that the Office does not replicate work that's being done in elements. That it itself is supposed to coordinate and to synchronize but not to do it itself in a sense. And I think that's a very fair concern. And obviously, I have to, if confirmed, get into the job and understand how we're structured and whether or not we are, in fact, well-allocated in effect to do what our mission is—without replicating.

Senator BLUNT. Thank you. I think the replication process, while some of that is almost always going to have to be done, could be the moment when things are slowed up just enough that the whole purpose for the job failed because you're trying to figure out: Okay,

can we verify this information from the CIA or whoever? My sense is that's not your job.

I think a job that we also talked about that I believe was not done in December with the cyber-attack, the SolarWinds attack, I don't think anybody in this Committee was ever notified by anybody in the Community. I don't think we had a report from the CIA or a report from the NSA or anyone else who would have known.

At what point do you think the Director of National Intelligence needs to be sure that information is being shared?

Your principle client is clearly the President. You're nominated by the President, confirmed by the Senate. The President's your client. You work for the President but you report to the Congress. I think that's clearly the structure that was set up in the early '70s—why this Committee is in place.

In that reporting process, how do you ensure that somebody who should be reporting to us has, in fact, reported to this Committee and others in the Congress that they're required to report to?

Ms. HAINES. Yes, thank you, Senator.

Obviously, a major part of the job as I've indicated is, in fact, working with all of you and this Committee and the House Intelligence Committee, as well, and making sure that you're fully informed of significant intelligence activities and certainly of events such as SolarWinds as they come on our radar.

What I would hope to do in working with you is to really establish regular channels of communication and to ensure that we are providing you with the information that you need for oversight responsibilities and to ensure that we have somebody who is on point, so to speak, in making sure that as part of my senior leadership team and reporting to you on the issues that are coming up as we are experiencing them and recognizing how significant they are.

Senator BLUNT. Well, I do think every opportunity you have to share—every opportunity you're asked to come in—really creates credibility for that moment when we all need it. Director Coats went to the job with a lot of credibility on this Committee, where he and I sat side by side for several years. But every time you can find a time to share—even if you almost have to look for that to be part—and I think should look for that—to be part of your regular schedule, that's helpful.

I have one other question. The Secretary of the Treasury's also at a hearing right now. You know, we have in the Treasury Department a financial intelligence unit. The question I'd ask, is your commitment and your idea of being sure that that unit is properly funded, and how you think it fits into our overall intelligence effort as we keep track of our adversaries?

Ms. HAINES. Thank you, Senator.

I think frankly the Treasury unit is critical because I believe that illicit financing is one of the critical transnational organized crime issues that we need to face. And it obviously affects not just that, but terrorism, a variety of other transnational threats that are relevant and we need to work with that part of the Department of Treasury to make sure that we're actually following that effectively. I think we haven't necessarily invested as many resources

in that as we need to. And that's something that I would make a focus.

Senator BLUNT. Thank you, Ms. Haines. Thank you, Chairman.

Chairman RUBIO. Senator Feinstein, I apologize. Let's give her six minutes. It's like a gift card. (Laughter.)

I apologize for skipping you.

Senator FEINSTEIN. Thank you. I've asked previous nominees for DNI, something I've been very concerned about and tried to address for years. We made a big push when I was Chairman to ensure that all government functions of the IC were performed by government employees and not contractors. And it's my understanding that that effort continues today—that we have made substantial progress over the decades.

Could you comment on your view of the use of contractors as the DNI?

Ms. HAINES. Yes, Senator. Thank you very much, and it's very nice to see you.

So yes, I know this has been an issue that you've shown leadership on, and there have been a number of communications between Congress, obviously, and the Executive Branch on this issue. I believe it is critical to ensure that contractors are not performing inherently governmental functions. And that is something that we need to manage obviously in the context of our work. We obviously also rely on contractors for a lot of important work and expertise in the Intelligence Community. But it is a balance and we have to ensure that they are fulfilling an appropriate role, as you identify.

Senator FEINSTEIN. Thank you. And I'd appreciate being kept advised. It's an issue I've long been interested in and I've seen the growth figures change. And it's, I think, been beneficial for the Agency's concern. So I appreciate that.

The world has seen firsthand the radicalization of significant numbers of Americans who now believe that the election was rigged. And some have sought to reverse its legitimate results by force. I, for one, am concerned about the threat in D.C. and across the country.

How would you, if confirmed, approach the issue of right-wing domestic terrorism?

Ms. HAINES. Thank you, Senator.

I recognize that this is a major issue for the country. The Intelligence Community, of course, would not be in the lead on an issue such as solely domestic terrorism. This is something that I would expect the FBI and the Department of Homeland Security to be focused on. But the Intelligence Community I think can provide them with support on these issues—critical support, I hope.

Support both in terms of identifying connections between domestic terrorist actors and international terrorist actors. And in the context of white nationalism, for example, as you pointed out, we have seen—as I understand it—some connections. I need, if confirmed, to get in the job and actually get better informed based on classified information that's available on these questions, I think. But I do understand that there are some international connections and that this is an issue that we can provide some support to them on.

Senator FEINSTEIN. Thank you for that.

I believe it was a mistake to pull the U.S. out unilaterally of the JCPOA with Iran. At the same time, Iran remains a threat in the region—and especially now that it has increased its civilian nuclear program.

How will you approach the threat from Iran, especially in the wake of the killings of the IRGC commander Soleimani a year ago and the founder of Iran's nuclear program this year?

Ms. HAINES. Thank you, Senator.

So, I absolutely agree that Iran is a threat and a destabilizing actor in the region. And I think that this is an issue that we need to focus in on. From the Intelligence Community perspective, if I'm confirmed, what I would hope to do is provide the best, most accurate intelligence that we have on the threat being posed and allow policy makers, therefore, to have that information as they make decisions about what actions to pursue with respect to Iran in the future.

Senator FEINSTEIN. Final question.

What priorities do you assume for the agencies that you will provide oversight on? And how strong a Director do you see yourself being?

Ms. HAINES. Thank you, Senator.

I see myself as a strong Director, I hope, in the future. Look, I think in order to set the priorities which I know is part of the vision for what the Director of National Intelligence does, I both have to consult with my policy leaders, in a sense, and work through a framework that's aligned with what the policy priorities are. But also work with my partners essentially across the Intelligence Community, and the different elements of the Intelligence Community, to ensure that we have things correctly prioritized.

But I agree that prioritization is necessary. And although I think we can do more than one thing at a time, in a sense, I think we do have to make some choices about how we allocate our resources. And that's going to be part of the hard job that I see being performed by the Director of National Intelligence.

Senator FEINSTEIN. Quickly, could you just give me your top three priorities again?

Ms. HAINES. Sure.

To be honest, my priorities are institutional at this moment for the Office of Director of National Intelligence. And the way that I would describe the top three are basically strengthening the institution, the workforce, and ensuring that we have promoted trust and credibility throughout. That is a first priority. And I believe that involves many of the things that we've already talked about in the context of analytic objectivity; in actually promoting workforce retention and recruitment and talent; and in promoting transparency, in many respects, both with the Committee and with the American people on these issues.

A second priority is really in aligning our work, our efforts, our resources in the Intelligence Community to the major threats that we're facing today—and also the ones that we expect to be facing tomorrow. And that involves, as indicated, really focusing in on some of the traditional threats that we've identified such as China, but also identifying the transnational threats being there to work

on things like public health, and transnational organized crime, and corruption, and disinformation, and issues along those lines.

And then I'd say the third priority, in effect, is in building the partnerships that are so critical to the Intelligence Community. And that's partnerships with the Committee, but it's also partnerships with academia, with the private sector, with state and local actors, and a variety of partnerships around the world—obviously our foreign liaison partnerships. And all of those I think are crucial to making us effective.

Senator FEINSTEIN. Thank you, Mr. Chairman.

Just one request. I might ask you to report periodically to us on the progress on the three priorities that you mentioned. I think they were significant and important and I'd be most interested in your progress in that area.

Thank you.

Ms. HAINES. I'd welcome that, Senator. Thank you.

Senator FEINSTEIN. Thanks, Mr. Chairman.

Chairman RUBIO. Thank you.

Senator CORNYN.

Senator CORNYN. Thank you, Ms. Haines. Congratulations on your nomination.

Ms. HAINES. Thank you.

Senator CORNYN. I know you support the re-entry of the United States into the Joint Comprehensive Plan of Action.

Do you believe Iran should ever be allowed to get nuclear weapons?

Ms. HAINES. No, Senator. I don't believe that Iran should ever be allowed to get a nuclear weapon. Thank you.

Senator CORNYN. And I think Senator Feinstein was asking about right-wing extremist groups. There's a story reported today by STRATFOR that describes Russia's experience in tradecraft in terms of encouraging right and left-wing extremist groups to create problems for democracies like the United States.

Do you acknowledge that is an aspect of Russian, in particular, tradecraft?

Ms. HAINES. Yes, Senator.

I've certainly seen Russia's use of active measures and a variety of influence campaigns in order to exacerbate some of the divisions in this country and to promote extremism, in a sense.

Senator CORNYN. Well, I, for one, am going to ask the FBI Director to brief us on any foreign intelligence or other actors that may have been involved in the January 6th events that we were all a witness to and look forward to hearing what he has to say. Of course as DNI you will be working very closely with the FBI. Maybe that's a subject we can revisit at a later time.

You and I discussed the Foreign Agent Registration Act and the Lobbyist Disclosure Act—the LDA and FARA—and I expressed to you my concern that it's possible under the current state of the law for foreign governments to hire Americans to help influence Congress and other domestic policy makers.

Is that a concern that you share?

Ms. HAINES. Thank you, Senator.

We did discuss this and I think I understand why you'd be concerned in certain circumstances. I am of the view that there are

certain circumstances in which it may be appropriate and even useful to the United States to have former government officials work with other foreign governments and companies. But I recognize the concern that you have.

Senator CORNYN. Well, shouldn't that be disclosed?

Ms. HAINES. Absolutely, Senator. I believe in disclosing information that is of relevance, obviously, to the ethics.

Senator CORNYN. Right now, under the current state of the law it is possible to use a law firm or some other cutout to obscure the relationship between a foreign government and people lobbying Congress to make policy unbeknownst to Congress. Isn't that true?

Ms. HAINES. Senator, I take your word for it. I just I don't know the law well enough in this area.

Senator CORNYN. Well, I know you're a smart lawyer. That's a topic that I hope you will work with us on because when we passed the Justice for State Sponsors of Terrorism Act, the JSSTA Act, I became aware of the fact that the Saudi Arabians were hiring lobbyists on K Street to try to get Congress to not pass that change in sovereign immunity law to allow the 9/11 families to get justice in American courts for any action by a foreign government to finance that terrorist attack. And, of course, that ended up passing unanimously in the Senate. We passed it over President Obama's veto.

But as you and I talked about, I'm very—was very—disturbed by that, and it demonstrated a real opportunity, unbeknownst to Members of Congress, to advance the interests of foreign governments—not the U.S. Government, not the American people—but foreign governments in the halls of Congress. And that's something that I'm absolutely committed to trying to close those loopholes, and I hope you'll work with us on that.

Finally, for now, you and I discussed your role at West Executive Advisors, West Ex, however you pronounce that. How do you pronounce it?

Ms. HAINES. WestExec.

Senator CORNYN. WestExec Advisors.

Ms. HAINES. Well done.

Senator CORNYN. And I noticed in your disclosures that at one point, you mentioned that you were a contractor, and in another place you mentioned you were a principal. To me, those are very different. Do you recall why you made that disclosure?

Ms. HAINES. Yes. So my title was "Principal," but I was a consultant, which is under contract, essentially, for the entire time that I was with WestExec.

Senator CORNYN. Well, if you're a Principal, then presumably you would have access to the client lists of WestExec, and you would receive income and report that income on your tax returns as wages. But if you were a contractor, presumably you would report that on your tax returns differently, on a 1099 where the FICA and withholding would not be taken out of your check. That to me is an important difference between the role as a principal versus a contractor.

Can you explain that?

Ms. HAINES. Sure.

So Senator, I worked for WestExec less than a day a month on average during the entire time I was with them, and I was as a consultant. I realize that the title of principal may sound as if it's more involved than it is, but that was my entire relationship with them, and—sorry.

Senator CORNYN. Well, I think the term principal has legal significance, don't you?

Ms. HAINES. No, Sir. It was just a title.

Senator CORNYN. You don't? Just a title? And you, if necessary to resolve any questions, you have offered in your written responses to make your last three years of tax returns available, correct?

Ms. HAINES. Yes, Sir.

Senator CORNYN. I appreciate that.

Ms. HAINES. No, of course.

Senator CORNYN. Thank you for now.

Ms. HAINES. Thank you, Senator.

Chairman RUBIO. Senator Wyden.

Senator WYDEN. Hey, Mr. Chairman.

Ms. Haines, welcome, and as interested as I am in your former bookstore ownership, I'm going to save those questions for another day.

Ms. HAINES. Excellent, Senator.

Senator WYDEN. Let me start with the fact that you'll have an opportunity, if confirmed, to immediately turn the page on the excessive secrecy and lawlessness of the outgoing Administration. The Congress, as you know, passed a law requiring the DNI to submit to the Congress an unclassified report on who was responsible for the brutal murder of Jamal Khashoggi.

If you are confirmed, will you submit to the Congress the unclassified report required by the law?

Ms. HAINES. Yes, Senator. I absolutely will follow the law.

Senator WYDEN. Thank you.

Back in 2014 the CIA accessed the shared drives of this Committee that we were using to write the torture report, and even read Committee emails.

Do you acknowledge that this was wrong?

Ms. HAINES. I do, Sir. I believe that it was wrong that the Intelligence Community had access to SSCI staff emails, and I know Director Brennan apologized for it, and I agreed with that apology.

Senator WYDEN. All right.

In 2013, after reviewing the Committee's torture report, the CIA acknowledged significant shortcomings with regard to accountability, including management failures. CIA recommended that accountability reviews should be broadened to include systemic failures and accountability for individuals who were responsible for the failures.

Do you agree with this recommendation, and if you're confirmed, would you seek to apply it to the Intelligence Community?

Ms. HAINES. Yes, Senator. I agree with the 2013 recommendation that the Central Intelligence Agency indicated and to broaden the approach of Accountability Review Boards, as you identified.

Senator WYDEN. Good.

Now I want to ask a question with respect to transparency—I thought our conversation was helpful—and get into the issue of surveillance—Senator Heinrich and I have been very involved in this—and I’m particularly troubled by the Intelligence Community’s purchases of Americans’ private data. It’s almost like getting around the whole question of people’s privacy rights. And so transparency is crucial.

And my question here is if you are confirmed, would you agree to inform Americans about any circumstances in which the Intelligence Community purchases their data, and the legal basis for doing it?

Ms. HAINES. Thank you, Senator.

I know I’m not up to date at this point but would be, if confirmed obviously, on the degree to which we are purchasing commercially-available information. But I would seek to try to publicize essentially a framework that helps people understand the circumstances under which we do that and the legal basis that we do that under. I think that’s part of what’s critical to promoting transparency generally so the people have an understanding of the guidelines in which the Intelligence Community operates.

Senator WYDEN. I want to work with you on that. The abuses here take your breath away, and it really is a dodge on all the legal protections Americans have. So we’re going to follow that up with you quickly, if confirmed.

Let’s go now to the whistleblower issue where you and I talked, I thought constructively, about what the challenge is.

Now when the Intelligence Community Inspector General determines that a whistleblower complaint is an urgent concern, the law is clear. The DNI shall send that complaint to the Congress. The Trump Administration violated this all the time, specifically by withholding the Ukraine whistleblower complaint.

Do you agree, one, that the law is clear? And if confirmed, you would send those whistleblower cases, to the Congress?

Ms. HAINES. Thank you, Senator. I agree that the DNI must transmit credible whistleblower complaints on matters of urgent concern to the Congress, and I commit that I would do so.

Senator WYDEN. Good.

Finally, we’ve had a hearing on this. The classification system is just broken. It is a broken mess, and it’s gotten to the point where members of the community, the IC, apparently spend so much time carrying it out, some days they practically have to pack a lunch to just go from agency to agency getting sign off. Senator Moran and I have introduced bipartisan legislation to authorize the DNI to finally fix this dysfunctional mess.

Do you agree that a serious problem exists and that DNI should fix it?

Ms. HAINES. Yes, Senator.

Over-classification and the classification system generally has been a perennial issue I have found in government in my experience, and one that does require some work. And I commit to you, if confirmed, that I would have an opportunity to try to come up with a plan and to engage with you further on these issues and to see whether or not technology, for example, might not help us in

some aspects of this problem. But I recognize it is a broader issue than just technology.

Senator WYDEN. Thank you, Ms. Haines.

Chairman Rubio, I have had almost as much time as Senator Cornyn, our friend, and I'm going to stop. I do want to make clear to the Chair and the Ranking Members, I'm going to need a bit of time to discuss this nomination on the floor, and Ms. Haines knows that to discuss some of the other issues that are pending, but that will be appropriate for now.

Thank you.

Chairman RUBIO. Senator Sasse.

Senator SASSE. Thank you, Mr. Chairman.

Ms. Haines, thank you for your willingness to serve again. Congratulations on your nomination, and I appreciate the time that you have taken with me and with other Members en route to this open hearing. And you know there are number of things that I want to talk about in our closed hearing. So I will follow the precedent of the last two Members and stick to time here. But just admitting that this is more of a preview for where we're headed in the closed session.

I want to talk about China policy and I want to flag the important. I think many times, people throw around the word "bipartisan" here. But what I think what you heard from Chairman Rubio and from Vice Chairman Warner was really singing off the exact same song sheet: that the American people shouldn't view China policy and the need to upgrade the China policy of the IC as a partisan cudgel. There were bipartisan failures for a decade and a half and there's been nearly bipartisan agreement for pushing half a decade on the fact that dealing with the Chinese Communist Party is the number one issue the national security community faces.

The National Security Strategy of 2017 that this Administration wrote was very good and it builds on things that the Obama Administration had been saying going all the way back to 2012 about the need to pivot to Asia. And I think Mark Warner also said—and I'm sure Chairman Rubio, would agree—we need the American people to understand that our opponent is not the Chinese people. Our opponent is not Chinese Americans. But our opponent is the Chinese Communist Party. And when you do the around-the-world tour of national security threats that we face and that the IC and the DOD and the larger national security bureaucracies and infrastructure need to be focused on, we always talk about China, Russia, Iran, North Korea, and a grab bag of Jihadis. There are five big threats around the world.

And yet, if we look at the resources of the Intelligence Community, it still doesn't show a primary focus on China that I think is the bipartisan consensus in this Committee. So I would love to have you—and again, this is not blaming anybody in a previous Administration two ago or the one that ends tomorrow—but the reality is the IC is still way too slow to pivot toward the primary focus that we need to have in the community on China.

Can you help us understand why the slowness persists and what you're going to do about it?

Ms. HAINES. Thank you, Senator.

And I know we talked about this and you've obviously demonstrated quite a bit of leadership on this. And I heard from a number of Members a concern over this issue. And, if confirmed, I will absolutely make it a priority from my perspective to ensure that we are allocating the right resources and addressing this issue, because I think it's critical to us actually having then the information on which we can base a policy that will actually effectively address the questions that you have raised.

In terms of why it would, obviously, I prefer to answer that after I have had a chance to get in and to hear from folks. But we talked together a little bit about some of the things that I had seen previously that were challenges in trying to actually affect the kind of rebalance of Asia policy that the Obama-Biden Administration engaged in. And I think it is true that there is a natural focus on issues that the Intelligence Community has been focusing on for some time, by career folks who have spent a lot of time working on those issues.

And if you are in the senior leadership of the Intelligence Community, most of you have spent time on counterterrorism, on some of the war zones that we have been in, and on Middle East issues and a variety of things in those spaces. But there isn't the same level of experience across the Intelligence Community with respect to Asia. And so that's another aspect of how sometimes it is challenging to get folks to focus on new issues and to actually make sure that they are being prioritized in the way that we all believe that they should be. And I agree that I have seen it on a bipartisan basis, and I think that gives us an opportunity to really address this, hopefully, in the most effective way possible.

Sorry, Sir.

Senator SASSE. No, that's good. I didn't mean to cut you off but I do want to nitpick a little bit about our articles. It isn't a policy priority; it needs to be the policy priority. And it seems to me that we need to change the IC's perspective from a burden of proof for the status quo, or the assumption that the status quo is normal and the burden of proof is on those who want to change. The policy should be—inertia of motion—should be toward ramping up our hiring pipeline of Mandarin speakers and it should be the burden of proof put on those who would say: No, how we are doing it works. Because how we are doing it doesn't work.

We have said year-over-year—I have been here for, I guess, just now ticking six years—and every year we hear our leaders tell us we are going to pivot toward Asia, but it isn't actually playing out in our hiring policy. It isn't playing out in the sort of senior briefings we are getting. There isn't a mind share shift toward Asia.

So I guess I would ask you as I am at-time precisely, could you commit to us that by June 30 you would report back to the SSCI with a strategic plan toward actually increasing the hiring pipeline, particularly of Mandarin speakers, and that we would get to a place where in the IC we would see a majority—or that we would see a larger number of officers and analysts focused on China than on CT.

Counterterrorism simply is not as great a threat as our long-term China issues are, and so I think a number of us in this Committee would love to know that by six months into the job, or how-

ever long it takes post-confirmation, that you could give us a strategic plan of how China actually becomes in reality, not merely in rhetoric, the number one priority of our IC.

Ms. HAINES. Thank you, Senator.

I absolutely am happy to commit to you that within six months of being confirmed that I come back to this Committee on this issue. And I think if you will allow me I would work with you on what are the right metrics by which to think that through and to demonstrate that we have correctly prioritized it. But I take your point both on the articles and on the fact that we should be looking at the kind of metrics that you describe. So, I will endeavor to do so.

Senator SASSE. Thank you.

Ms. HAINES. Thank you.

Chairman RUBIO. All right. Senator King, virtual?

Senator KING. Yes, Sir.

Mr. Chairman thank you very much.

Chairman RUBIO. Are you in the space station? It sounds—there he is. Look at that. There you go. (Laughter.)

International space station.

Senator KING. I am—

Chairman RUBIO. I told him to get rid of that Huawei but—

Angus, are you there?

Senator KING. [Inaudible.]

Chairman RUBIO. I think you said you saved a bunch of money by switching to Geico, but I couldn't—

(Laughter.)

Senator KING. But I am not driving. Okay.

Chairman RUBIO. There it is.

Senator KING. Ms. Haines, my first quick question is when you took off on that purported transatlantic flight, where in Maine did you depart from? I just have to know.

Ms. HAINES. Yes, Senator. Bangor, Maine. Bangor, sorry.

Senator KING. You took off from Bangor.

Ms. HAINES. Senator Collins corrected me.

Senator KING. When I heard you had left from Maine, I had to have the answer.

More seriously, you have talked extensively today about your concern about the politicization of intelligence, and I wholeheartedly agree with you.

What do you believe should be done structurally to ensure the integrity of the analytic process? In other words, just saying it's going to be non-compromised needs to be buttressed by structural and institutional supports, it seems to me, like additional support for the Ombudsman Program in the CIA and throughout the community.

Can you talk to me about how to put into practice your concern about the politicization of intelligence?

Ms. HAINES. Yes, Senator, thank you and fully appreciate also your leadership on these issues.

I don't have specific structural recommendations at this stage. I do think it is reasonable to consider whether or not the ombudsman has sufficient support. I think that one of the first things I would like to do is send the clear message to the Intelligence Com-

munity that we are expected to produce apolitical, unvarnished intelligence to the President-elect, to his senior advisors, and that the President himself expects that and will expect the Intelligence Community to provide information regardless of whether or not he wants to hear it. And that initial message is only a piece of it, as you've identified.

I think we also need to ensure that we have an ombudsman in place that is capable of doing the kind of reviews that are necessary, would want to make sure that they are fully resourced. I also think it may be useful for us to do a climate survey coming in, in order to really understand what is the experience of analysts that is being had right now? What are the challenges and the pressures that they are experiencing?

I obviously read the recent ombudsman's report and I have a number of questions that were raised by that report and want to fully understand the various types of politicization that may be occurring within the analytic community in order to try to support them. But I would commit, Sir, to come back to you on these issues once I've had an opportunity, if confirmed, to dig in, in a sense. And also to get your advice on these questions.

Senator KING. Has the President-elect ordered you to tell him the truth?

Ms. HAINES. The President-elect has just about done that. I'm not sure he is—he hasn't put it in writing that way, but he has made it absolutely clear that he expects that the Intelligence Community will provide him with a political truth-to-power analysis, and truly has been adamant about this because I think he really understands and recognizes the importance of that to the health of the decision-making process within Government.

Senator KING. Well, I think the danger—the good news is you have a long and positive relationship with the President-elect. You have his confidence, obviously. The bad news is that that long relationship could create a kind of friendship that would inadvertently or unconsciously skew your advice. Not that you wouldn't tell him something he needs to hear, but you might not want to tell him something he doesn't want to hear. So I hope that you will continue to maintain a positive, confident relationship, but at the same time be prepared because there are going to be moments when you—in your analysis—your agency's analysis is going to differ from the policy proclivities of the Administration.

Another question is how do you overcome, or how do you go about, overcoming the parochialism of the agencies which you are called upon to lead? I'm not sure the community has ever fully embraced or accepted the Office of the Director of National Intelligence.

Do you view that as an ongoing project and a priority?

Ms. HAINES. I do, Sir.

So, on both questions, I think they're ones I've thought a lot about. On the first one, on the relationship piece, I absolutely take your point and I do think it's one of those things where I am going to have to absorb and ensure that I'm projecting and living the fact that the relationship that the President should have with his Director of National Intelligence is quite different than the relationship he should have with, for example, his National Security Advi-

sor. And I intend to try to live essentially what I believe to be the right role institutionally for the Director of National Intelligence—to be in a sense at arm's length in that way so that it is absolutely clear that my intention there is to provide analysis, regardless of whether it's what he wants to hear or not.

The second point that you make, I also agree with. One of the great challenges is helping the Intelligence Community to see the value of the Office of Director of National Intelligence. And I believe that the way to promote a less—what's the right word—sort of tribal approach to each of these institutions is to demonstrate how through synchronization, coordination, and through the vision in effect that the Office of the Director of National Intelligence can promote—that every element is going to benefit. In a sense, all of us are going to be stronger together than we are apart. And if we can work together, we can actually help each other to be the best that we can be from each of these elements, points. I realize that's a lot easier to say than to do, but I intend to try—and I believe it, for what it's worth.

Senator KING. Well, don't forget the basic purpose was that we realized we had really good stovepipes, but they were still stovepipes. So, that's your mission.

Ms. HAINES. Yes.

Senator KING. One final comment, not a question. I know I'm almost out of time. And, that is I hope you'll bring some attention to the question of cultural intelligence of understanding our adversaries in a long-term cultural, economic, and strategic way as opposed to just the tactical, what are they likely to do next week?

I often feel that we make mistakes in foreign policy by not understanding the long history of our adversaries and expecting them to think and act just as we would.

Ms. HAINES. Thank you, Senator. I will endeavor to do so. That makes an awful lot of sense to me and something I've seen the value of in the past.

Chairman RUBIO. All right, thank you, Senator King. So, we have Senator Bennet, Senator Reed, and then I think our intention is, after we finish, is to do, like, a 30 to 40-minute, 30-minute, transition over to the closed hearing. 30, 29-minute transition over to the other space.

Senator COLLINS. Are you providing lunch?

Chairman RUBIO. No. No, we can't even get food in here. You kidding me? We're waiting for some sort of food drop. I guess they're going to fly over.

All right, Senator Bennet.

Senator BENNET. Thank you. Thank you, Mr. Chairman. Thank you very much for lunch. We all appreciate it.

Senator Coats, I want to thank you for being here today, and it's a great sign, I think, of things to come and maybe what this Committee can do.

Ms. Haines, thank you very much for your willingness to serve. Can you hear me okay?

Ms. HAINES. Yes.

Senator BENNET. Democracy is a tough, tough business even when it's working well. I would argue that ours is not working very well and it is—at the moment. And that's why I so much appre-

ciate Senator Coats being here, because we've got—we have to figure this out.

And, it's leaving us exposed on the one hand to anti-democratic forces in our own country that are using social media in ways that they were not when you were last serving in Government, but are today in a way that's really, I think, threatening to corrode our democracy in very, very fundamental ways. This is not just one more technology. This is not just radio. It's something else and we need to figure this out. And we need to figure it out with a through-line that goes from Republican Administrations to Democratic Administrations to Republican Administrations.

The same is true, in my view, for China. I know others have talked about that here today, but when you and I had a chance to talk earlier in the last couple weeks, I mentioned one of my real concerns about China, which is that they benefit from having a system that can look out 20 years and 25 years and 50 years. And, we're lucky if we can get through a single 24-hour cycle on cable television and still be thinking about the same thing we were thinking about yesterday.

And, so my first question to you is to ask you whether you've given any thought to how we think about—as the Intelligence Community in this country and you as being the leader here—a way of thinking out in 20 year terms, in 30 year terms, not that we're not going to change our approach, but that we can create a discipline, a way of thinking about these challenges, and China in particular, as a challenge so that we're not just collateral damage in their wake.

I wonder if you've given that some thought.

Ms. HAINES. Yes, Senator, thank you very much.

I know, first of all, on your first point about social media, that the Committee's done quite a bit of work in this area and has been thinking about it and I look forward, if confirmed, to digging in on these questions and——

Senator BENNET. Unfortunately, we haven't yet figured out any of the answers.

Ms. HAINES. Fair enough. I think you're not alone in this.

It is an area where I agree we need to focus and I understand that the Foreign Malign Influence Center that you have established in law and that we're responsible, I think, for promoting if I'm confirmed and establishing—is maybe a place where we can start to think through how the Intelligence Community can support some of those efforts, which I think will have to be whole-of-government efforts, obviously, because it's not just in the Intelligence Community that we'll need to work on this. So I completely agree with that and would look forward to working with you further on these issues.

The second one about China, I also very much agree with and I see this in—China is oddly, I think, capable and focused on a very long-term horizon, where the United States frequently is not, and that this is an asymmetry that challenges us. And I've seen the challenge even within government, that I know many of you experience, which is that the urgent tends to crowd out the important; and that it's very hard to manage the inbox and to actually do the

kind of strategic thinking and analysis that's critical to actually addressing the challenges that we're facing in the future.

And, that there's sort of no place else other than the Intelligence Community, in a way, that is well positioned to even begin to do this for the President and his advisors. If confirmed, I would very much hope to do this. And I know the National Intelligence Council is obviously a place where that has generally been an area of focus, in a sense. But I think that there is now a recognition—at least, I recognize the President-elect talks about the need to think about these challenges strategically—to have these kind of whole-of-government and long-term plans and to promote them in a way that allows them to be sustainable through different political Administrations. And I believe the Intelligence Community can be part of that.

I definitely don't have all the answers at this point, but I absolutely agree with you on the challenge and I hope to work on it, and I welcome your advice on these questions.

Senator BENNET. I appreciate that and I think that it's likely to require some sort of structural change in the way we approach it. It probably has implications for our oversight as well. You know, I think we ought to work together to make sure we're upholding our end of the bargain, too.

The last point I just wanted to address: I know it may sound parochial because Colorado is the epicenter for space in our national defense. But we do know the threat has become more and more real in the time that you've been out of government, and I just want to hear you talk a little bit about how you view threats in space, how you assess it, how much of a priority will this be for the Biden Administration? To their credit, I've almost never said anything good about the Trump Administration, but they made space a priority, and it's my hope that that's only going to be more so in this new Administration.

Ms. HAINES. Yes. Thank you, Senator.

I think space is an absolutely critical issue that we need to focus on. It's obviously an entire domain, but it also is an area where I think we have the potential to be at asymmetric risk, in a sense. And you know, we have obviously very high-value assets that can be held at-risk at relatively low cost at times from adversaries in these areas.

And it's an area where I think at least during my time in the Obama-Biden Administration, we sort of increasingly recognized the importance and also the changes that were occurring in space, the increasing private sector development and potential in those areas, and how that interacted with our national security interests. And trying to develop the kind of norms that are necessary in order to promote what is in our interest more generally was—began to be a focus—and I think is even more so now.

And if confirmed, I would in the Intelligence Community expect to facilitate that work, to promote this issue, to really try to understand it as best we can. And I think with the addition of the Space Force element, obviously the Intelligence Community will have an opportunity to do so even more so than before.

Senator BENNETT. Thank you.

Thanks, I apologize to my colleagues for going over. Sorry, Jack.

Ms. HAINES. Thank you.

Chairman RUBIO. Senator Reed.

Senator REED. Thank you, Mr. Chairman. Let me congratulate you Ms. Haines for your nomination. I have every confidence in you. And let me also recognize Senator Coats for his extraordinary work at the DNI. Thank you, Dan.

Recently, we witnessed the greatest cyber intrusion in the history, I think, perhaps of the world—by the Russians. I know you are still trying to evaluate—the Intelligence Community—the effects, but it has sort of found its way off the front pages. But my feeling is this could be one of the most significant events that have transpired in the last several months, and we have to get our arms around it. Each day we find out more and more discouraging and demoralizing details of what they have done and what they may do in the future.

Could you put this in context for us? Am I being too alarmist?

Ms. HAINES. You know, Senator, I agree with you. This is a major concern and my sense is consistent with what you have just said: obviously, I have a lot more to learn about what we know about this at this stage. I haven't had a full classified briefing on this at all. But I think the Department of Homeland Security already indicated publicly that this is a grave risk to our Government systems, to our critical infrastructure, to the private sector across a range of things. And it does seem to be quite extraordinary in its nature and its scope. I think this is an area where we obviously have to focus in order to protect the country.

Senator REED. Another issue is trying to discern their motivation and their intent to exploit this. Again, I presume since you haven't been fully briefed yet that you are not aware of it, but that is one issue you pursue dramatically.

I think another aspect of this—and we are like a broken record here when you talk about stove piping—is the Russians learned a great deal from 2016 when they were buying web services with rubles, when they were having—we could fairly easily identify their servers in St. Petersburg, etc.

As I understand this operation was launched from American servers, that that is why we didn't find out for many, many months; and in fact it wasn't our intelligence services, it was a private security firm.

As a result it exposes once again the stove piping we have. CYBERCOM cannot, because of legal and Constitutional issues, be as open with their information to Homeland Security. We have FBI and we have the Congress. If we are trying to deal with a remedy to this situation, it would be this Committee, probably the Defense Committee, because of CYBERCOM. Also the Judiciary Committee, etc., etc., etc. But I think the challenge you are going to face is we need some type of more coherent, cohesive, integrated approach to deal with the threat that is much more sophisticated than four or five years ago.

Ms. HAINES. I absolutely share your concern that we make sure that we are actually able to detect these because that is obviously critical to us protecting against them and I think to your point, it was pretty alarming that we found out about it through a private

company as opposed to our being able to detect it ourselves to begin with.

Senator REED. I think that is one of the major task you should face. And again the irony is this seems to have receded from public interest but it could be the most critical issue you face.

Just one final question that is there has always been a debate about the responsibilities for kinetic operations between military special forces and, generally, the Central Intelligence Agency operatives. How would you define it? There are some people that urge that any kinetic operation be reserved for Special Forces. But it's a very, I think, complicated issue.

Any thoughts? And I have just a minute left.

Ms. HAINES. Thank you, Senator. I think it's—as you say, it is a complicated issue and I'm not sure it's hard to talk about publicly in open session and it may be something that we can reserve for the closed session, if that's acceptable from your perspective.

Senator REED. Right no—no I completely understand. If you would like to defer—thank you.

Ms. HAINES. Thank you, Sir.

Senator REED. Thank you, Mr. Chairman.

Chairman RUBIO. All right. Just for follow-up we have Senator Warner, Senator Cornyn and then we are going to break for about 30 minutes and reconvene in the closed session.

Vice Chairman WARNER. Well thank you, Mr. Chairman. Two quick comments and one quick question.

I want to echo what Senator Reed has said about the SolarWinds hack. I think it's been fairly stunning to me how one part of our Government doesn't seem to know what the other part is doing, and as you pointed out, we had to rely upon the good graces of a private sector company to even reveal this hack.

I think also one of the things that has been clear from the Intelligence Community, every part of the Intelligence Community that I've talked to on SolarWinds, that we saw, unfortunately again, this White House underplay the attribution on Russia. And that is extraordinarily concerning to me and something I hope that you will correct.

Second, I mentioned this to Senator Cornyn on the way out—I'm not familiar with the structure of the firm that you worked with, but I would say I think in the consultant business the term “principal” is used fairly willy-nilly, not necessarily reflecting an equity stake. And I think it's been used by McKinsey. I think it's been used by DLA Piper, Ernst & Young—and no reflection upon I think probably the great work you did—but it is a way to give someone an elevated status without necessarily the power that goes along with that terminology. But John and I mentioned the fact that sometimes truth in advertising out of the consulting world is a little gray.

The question I want to raise, and I want to give again credit to our good friend Dan Coats—we've never had an introducer stay as long for testimony. Now the fact that he can't get off the Hill without your escort may be a part of that answer. But one of the things that Senator Coats worked with this Committee on, something the current Administration should get some credit on, was security

clearance reform, and he and Sue Gordon did a great, great job at the beginning of Senator Coats's tenure.

We had backlogs in security clearance that was above 250,000. People were taking six months to a year—actually, I'm sorry, we had it above 750,000—and we were taking six months to a year to even longer getting clearance, and we were losing really good quality people.

Under Dan's leadership, we brought that down to about 200,000 today. There is still some challenges around adjudication, and you may not be fully familiar with, but the current Administration worked on this effort under the framework of Trusted Workforce 2.0, 2.0 Initiative.

There was great consensus from the IC. Unfortunately, President Trump was never willing to sign the executive order to fully implement that. I think the work has all been done, and there was complete consensus from the IC. I'm not sure if you've had a chance to look at this, but security clearance reform, for bringing in good folks into the IC in governmental roles—as Senator Feinstein mentioned in terms of agencies like the CIA, but also in the contractor community—is really important. I'd like you to briefly speak to that.

Ms. HAINES. Thank you very much, Senator, and I know this is, Vice Chairman, something that you've exercised some leadership on, and you talked to me when we discussed privately about this question and noted the terrific work that Director Coats had done on this question, and I understand that it has stalled a bit in the last few years.

This is something that I will absolutely prioritize in coming in. I recognize the importance of it, frankly, to getting talent into the Intelligence Community, the talent that we need at the time that we need it in the critical moments that we're facing. This is not a challenge that we should be dealing with.

So absolutely would be committed to addressing this.

Chairman RUBIO. Senator Cornyn.

Senator CORNYN. Thank you, Mr. Chairman.

I appreciate Senator Reed's questions about cyber issues. Seems like we still haven't quite figured out how to deal with that domain and what the appropriate doctrine is.

I guess George Kennan was given credit for coming up with the concept of containment of the Soviet Union, and particularly dealing with the nuclear threat that Russia posed and still poses to the United States and the rest of the world. And the concept of deterrence plays a very important role in that.

What do you think the appropriate role of deterrence is in terms of constraining cyber actors like Russia and others who may be not as sophisticated as they are?

It seems to me that we are sitting ducks from cyber-attacks. Whether it's the Office of Personnel Management, the acquisition by the Chinese Government of all the personnel records of people including the ones who have security clearances. And now the latest one is deterrence. The objective—how would you define it?

Ms. HAINES. So, thank you, Senator.

I think—obviously this is a critical issue and as you say we clearly have not solved it yet. And I think one of the great challenges

that we face in the United States in particular is the asymmetry of the threat in cyber. I think it is relatively easy for adversaries to hold at-risk what are high value assets to the United States given how much we rely on cyber and digital work for our economy, for our security, for so many different issues, at relatively low risk to them in an unconventional way. And as you point out, deterrence has been discussed as a way to in a sense affect risk management in this space. I think Professor Nye has written some very interesting articles on this point that I found were very perceptive, and indicates a theory of deterrence and a way to approach this issue that I saw in government and that I think in some respects the Trump Administration has been trying to pursue.

Which is that you approach it on a—through a different—through a whole series of different tools, in a sense. So, one is the President-elect has indicated that there should be an imposition of costs, for example, with respect to SolarWinds. And when you have an imposition of cost, you can deter, obviously, actors from engaging further in that activity if the cost is sufficient—that it actually has an impact on them and their decision making in that context.

I think that working with allies and partners in order to impose costs can actually raise the costs essentially and therefore help to promote deterrence and, again, push back. There's also obviously in the theory of deterrence the idea that if you build up resilience that you can also affect deterrence.

So if we are better at protecting ourselves and defending ourselves from such attacks and breaches in the future, that it makes it less worthwhile in a sense for the adversary to engage in these issues.

And I also think that in the context of work that would be well outside of the Intelligence Community, but in the policy community, and hopefully work that we could support if we are capable of building up norms and frameworks for managing this, and that if we do so with the private sector—which is absolutely critical obviously to these issues—that we have an opportunity to also promote deterrence more effectively.

And you know, I think the private sector relationships—something I know for years we have talked about the importance of them in this space—it hasn't obviously gotten any easier, and these partnerships are critical to us working together on these questions. I think it's something like 85 percent of our critical infrastructure is owned by the private sector in this area, and we need to work with them in order to ensure that we are all pushing in the same direction to promote the deterrence that we'd like to promote. But I wish I had all the answers, but I look forward to working on this, if confirmed, and trying to provide to you some answers.

Senator CORNYN. Well, just like we negotiate treaties to hopefully curtail the availability of nuclear weapons, do you believe that there is an opportunity to negotiate treaties with other countries to establish international norms in cyber?

Ms. HAINES. So, Senator, I don't know that a treaty would be the most useful way to do it—at this stage, certainly. I think that it is possible to promote norms through a variety of means. So, for example, setting up activity that is sanctionable and identifying what activity is unacceptable, for example, and doing so with your

partners and allies and therefore, being sort of aligned in what the response would be to such unacceptable activity. And giving notice, in effect, to adversaries as to what will happen, should they engage in that activity, is a way to promote a norm without a treaty, but nevertheless, to promote deterrence.

So I think that's a way that I would support, for example, or have supported in the past, building out that work. But if confirmed, I mean, I think from the Director of National Intelligence perspective and the IC perspective, I think it's—something we can do is promote the ability to detect when adversaries are engaging in such activities so as to then provide information about attribution, for example, and then hold adversaries to account through that.

Senator CORNYN. One last question about WestExec Advisors.

Ms. HAINES. Yes.

Senator CORNYN. Before July, the WestExec website touted its work helping major American universities court donations in China without jeopardizing Pentagon-funded research grants. That reference was eliminated after—sometime between July 26 and August 2nd. The website continues to say it helps—the company helps—clients navigate China-related risks in an era of strategic competition.

Did you, in the time you were affiliated with WestExec, ever—were you ever involved in a conversation about how the company would hold itself out or what the activities they might conduct relative to China?

Ms. HAINES. No, Sir. I'm not even aware of the reference on the website that you're describing. And I did no consulting activity vis-a-vis China at all and I don't—Yes. I mean, I suspect that the risk issue is more about companies that might have been interested in doing business in the global market, but I don't—I just don't have any knowledge of that work.

Senator CORNYN. Thank you.

Ms. HAINES. Thank you.

Chairman RUBIO. All right, thank you. So we're going to break here for about 30 minutes. And I would say about—to reconvene for our closed hearing around 12:35.

I just want to state this for the record, for planning purposes, if any Members of the Committee wish to submit questions for the record after today's hearing, they need to do so by the close of business on Thursday, January 21. We'll see you in a minute.

Thank you.

Ms. HAINES. Thank you.

[Whereupon, at 12:06 p.m. the open portion of the hearing was adjourned.]