

SELECT COMMITTEE ON
INTELLIGENCE

UNITED STATES SENATE



Additional Prehearing Questions for

John L. Ratcliffe

Upon his nomination to be

Director of National Intelligence

Responsibilities of the Director of National Intelligence

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

A. What do you envision for your role as DNI, if confirmed? Do you consider the position of DNI to be the *director* of national intelligence, a *coordinator* of national intelligence, or would you characterize it differently?

Answer: I see the DNI as the leader of our nation's intelligence enterprise, with the authorities to direct and promote the integration of foreign, military, and domestic intelligence through precision analysis, technological superiority and the unified efforts of the ODNI and 16 elements across the IC. By successfully optimizing enterprise resources through innovation and coordination and aligning them with administration priorities, the DNI has the unique ability and duty to deliver independent, timely, objective, and relevant intelligence to the right people at the right time.

B. What is your understanding of the following responsibilities of the DNI:

1. Serving as the principal adviser to the President, the National Security Council, and the Homeland Security Council for intelligence matters related to national security?

Answer: I believe the DNI has a responsibility through integration and collaborative analysis to deliver intelligence that is independent, timely, and objective so that policy makers can make properly informed decisions. Similarly, the ability to identify intelligence gaps is also fundamental to the job as DNI to ensure the IC is taking proactive actions to narrow or eliminate those challenges and keep our customers informed of these intelligence needs.

I intend to deliver unvarnished, fact-centric, and candid information to the President, his team, and Congress to identify advantages or vulnerabilities where they may exist in order to make critical policy decisions that impact the national security of the United States.

2. Overseeing and directing the implementation of the National Intelligence Program (NIP)?

Answer: The DNI has well-established authorities to help oversee the NIP. This begins with issuing guidance and direction to the IC elements on NIP resource allocation based on the President's intelligence priorities and monitoring execution of the NIP within the levels Congress authorized and appropriated. Additionally, the DNI works closely with the Secretary of Defense in developing the Military Intelligence Program to ensure complementary capabilities and avoid duplication of effort. Any element of the IC that seeks to spend funds for a different purpose would, among other things, need proper review and approval of the DNI in accordance with applicable law.

3. Managing the Office of the Director of National Intelligence (ODNI)?

Answer: I believe the DNI has a responsibility to lead the ODNI through its current and future challenges and opportunities. In managing the patriotic work of the men and women of the ODNI to further integrate, coordinate, and oversee the IC, I believe it's vital to give them the tools, resources, and guidance needed to execute their mission to deliver policy and mission critical information to our customers. Setting short and long-term priorities for ODNI to further their mission is vital to the day-to-day management of the office.

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

A. The Office of the Under Secretary of Defense for Intelligence and Security and the Department of Defense (DoD) intelligence components.

Answer: The DNI works closely with the Secretary of Defense and primarily through the Under Secretary of Defense for Intelligence and Security (USD(I&S)) on proper guidance on IC priorities to inform DoD's budgetary decisions within the Military Intelligence Program (MIP). Coordinating closely to make sure our efforts are integrated to meet the IC's needs is a fundamental role of the DNI in this relationship.

With respect to acquisitions, the DNI is the primary decision authority if NIP needs are involved. This helps ensure that IC and DoD systems are complementary and non-duplicative. The DNI also consults on possible nominations of some DoD IC element heads in the event of vacancies.

B. The Central Intelligence Agency (CIA).

Answer: Under the National Security Act, the DNI recommends to the President an individual to be nominated as the Director of the CIA. Since the beginning of the ODNI, the CIA has been a vital foundational partner, including providing much of the staff that helped stand up the office and continue there to this day. If confirmed, I look forward to a close working relationship with Director Haspel to continue our important missions and make sure the CIA has the tools and resources it needs to achieve its objectives.

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

Answer: It is important for the DNI to work collaboratively with the appropriate department heads of IC elements. The National Security Act requires the head of the department or agency containing an IC element to consult with the DNI, and in many cases, obtain the DNI's concurrence, before appointing an individual to be nomination for such a position. Addressing IC-wide problems in conjunction with the other department heads within the NIP is fundamental to the responsibilities of the DNI.

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

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

Answer: If confirmed, I would want to fully assess from our IC element leaders what they believe is working well in the broader effort of IC integration, coordination, and collaboration as well as what is not working.

I have always felt effective leadership and management requires one to show confidence in your people and give them the flexibility and independence to identify and find solutions to everyday problems via open dialogue and cooperation. I would expect to take the same approach when leading the IC and the ODNI. Making sure our management structures flowing downward are properly staffed and with the resources they need to make informed and decisive decisions to further integrate and provide policymakers the information they need to make decisions will be my everyday mission.

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

Answer: Given the depth and breadth of the challenges to our national security, how the IC responds is critical to its success. Our intelligence professionals currently provide policymakers with a significant advantage against our adversaries. The community must maintain that competitive advantage. It must become more agile and apply the most advanced technologies to that purpose.

First and foremost, the IC must be integrated, to harness the full talent and tools from across the IC. The IC must further unify and focus resources with precision, to gather information against the hardest targets and most pressing threats. The IC has made progress in its effort to operate as one team, but there is still room to improve. Integration is critical to make the best use of all IC capabilities. It brings to bear the full power of the IC, working in harmony to get the right information, to the right people, at the right time.

The IC must become more agile in how it employs staff internally, and how it brings new talent onboard.

The IC must also continue to improve its tools. Technology is the heart of much of what the IC does. It is a constant struggle to process data, analyze it, and convert it into knowledge and understanding to support national leaders. This is one of the IC's greatest perennial challenges.

To this end, my understanding is that the IC is embracing artificial intelligence and machine learning. This powerful technology will better enable the IC to gain additional, critical insight and advantage from the massive set of data available.

To do this, the IC must continue to expand and strengthen partnerships outside its “fence line,” to leverage the talent, and unique skillsets that exist beyond the federal government. I hope to work with my partners at OMB, OPM, and Congress on modernizing the pay, benefit, and advancement structures needed to attract the very best talent for all the specific short and long-term needs of the IC. I look at this as critical to our national security and something that I have had keen interest in during my time in Congress, as well as the critical needs in the cybersecurity space.

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

Answer: At this time, I am not aware of any needed changes to improve IC acquisition management and believe that current authorities are sufficient to meet IC needs. If, after review, I realize that changes are needed to properly execute ODNI’s mission, I will work to support those changes.

QUESTION 4: Based on your professional experience:

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

Answer: Yes. I believe the PDB is fundamental for the President, his national security team, and the most senior policymakers and military officers to have the most current intelligence insights and analysis from the IC to inform their decision-making for national security. Delivery of this in a timely and tailored manner helps the President formulate areas of focus and need in the national security space.

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

Answer: Although I am familiar with the current organizational structure, it is premature for me to assess the optimization of the agencies in totality. If confirmed, I look forward to addressing this topic as needed with the IC’s customers to ensure we are fulfilling our mission.

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

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

Answer: IRTPA and its related statutes and executive orders created the DNI as an agile agency to lead the IC and provided an array of authorities to manage, budget, and oversee the IC. If and until I am confirmed, though, I will not have the opportunity to get a sense of whether additional authorities or legislative changes are needed. If, after review, I realize that changes are needed to properly execute ODNI's mission, I will work to support those changes.

B. Do you believe that granting the DNI more control over the intelligence agencies' personnel, training programs, and business systems would accelerate the integration of the IC? What would be the downside to such a step? What do you consider the highest priority leadership and management challenges facing the IC at this time? If confirmed, what will you do to address these challenges?

Answer: If and until I am confirmed, I will not have the opportunity to review fully the different personnel, training, and business system challenges of the IC's 17 elements. I believe the DNI has sufficient authorities needed to continue to integrate the IC but if, after review, I realize that changes are needed to properly execute ODNI's mission, I will work to support those changes.

Qualifications

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

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

Answer: During almost ten years of federal government service, I have gained extensive experience on national security and intelligence issues that will be particularly beneficial in being an effective Director of National Intelligence, if confirmed.

During my four years in the Justice Department, I served for more than a year as the U.S. Attorney for the Eastern District of Texas. As the top federal law enforcement official for an area covering more than 35,000 square miles, I experienced and learned a great deal about leading and managing federal offices and employees, about communicating and coordinating with other federal agencies, state, local and tribal partners, and about being an important voice and spokesperson on law enforcement and national security issues to the more than 3 million Americans living in that federal district.

Additionally, during three years as the district's anti-terrorism chief, I handled sensitive matters and priorities of national security on a daily basis and also served as the federal coordinator to the FBI's Joint Terrorism Task Force (JTTF) on terrorism related matters arising in the district with responsibility for conducting quarterly 315 case reviews of international terrorism matters, including the use of Foreign Intelligence Surveillance Act authorities.

In those roles, my job responsibilities included the coordination and integration of terrorism threat information and prevention strategies between federal, state, local and tribal authorities. The lessons learned in my time at DOJ, including the importance of and experiences from having responsibilities for the effective integration, coordination and sharing of national security threat information to prevent another 9/11 type of terrorist attack is a complementary foundation for the DNI's role in integrating efforts across the components of the IC.

Additionally, now in my sixth year as a member of the House of Representatives, I have worked on legislation on national security and intelligence issues while serving on the Intelligence, Homeland Security, and Judiciary committees. As Chairman of the Homeland Cybersecurity Subcommittee for four years, I authored bipartisan national security and cybersecurity bills enacted into law during both Democratic and Republican administrations. As a member of the House Permanent Select Committee on Intelligence, I have authored bipartisan election security legislation and have gained considerable knowledge of sensitive intelligence issues and programs through classified briefings, open and closed hearings and other congressional oversight activities of the 17 elements of the IC.

Similar to recent intelligence nominees like former DNI Coats and Director Pompeo, I bring experience that is different from career intelligence, military or diplomatic officials. If confirmed as the sixth DNI, I would be only the second with a legal background, and the first with experience as a national security prosecutor. Because every intelligence activity must be authorized by the Constitution, statute or executive order, my prior experiences in both enforcing the law and legislating on national security issues will enhance and aid my dedicated efforts to lead the IC as DNI, should I be confirmed.

Each of the prior DNIs have made distinct contributions to the overall mission of better integration and coordination of efforts to collect and analyze intelligence across the IC. In my discussion with DNI Coats about the position, he stressed why changing the organizational chart and structure of ODNI was necessary to better distribute responsibilities and better delegate authority to prevent bottlenecks of decision-making by the DNI. In exercising his authorities across a massive intelligence enterprise, DNI Mike McConnell was careful to avoid a “jack of all trades, master of none” approach by focusing on what he determined to be the IC’s most pressing issues or deficiencies at the time. If confirmed, my approach would likely similarly be to identify areas of intelligence collection or analysis performance or capabilities in need of more specific, different or urgent attention or investment.

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

Answer: For much of the past 15 years, I have handled national security-related issues, both as a federal prosecutor and an elected legislator and policymaker. During that time and through those experiences, I have a background which reflects not just extensive national security experience and expertise, but also the judgment, discretion, temperament and dedication necessary to serve as the next Director of National Intelligence.

As a Member of Congress over the past six years, I have been legislating on national security and intelligence-related issues as the elected representative from Texas' Fourth Congressional District, while serving on the Intelligence, Homeland Security, and Judiciary committees. For four years, I served as the Chairman of the Homeland Security Subcommittee on Cybersecurity and Infrastructure Protection. One of our country's greatest national security threats arises from the cyber capabilities of our adversaries. Nation states, terrorists and transnational criminals are engaging in cyberattacks and operations against the United States and our citizens with increasing frequency and severity in order to gain political, economic or military advantages.

During my time as Chairman, I conducted nearly 30 hearings on emerging cybersecurity threats and matters related to homeland and national security. I held hundreds of meetings and roundtable discussions with national security experts, national security agency officials, and countless national security stakeholders. Throughout that tenure, I gained the considerable national security experience and expertise necessary to effect, direct and lead a series of successful legislative actions and initiatives in the cybersecurity and national security space.

This included traveling to Israel for a series of meetings with government national security officials, including Prime Minister Netanyahu, and which resulted in my authoring the *United States-Israel Advanced Partnership Act of 2016*, a bill signed into law by President Obama that encourages cooperative programs and research development with Israel to enhance cybersecurity capabilities and technologies for national security purposes. I also worked closely with then-Homeland Security Chairman Michael McCaul to introduce the *National Cybersecurity Protection Advancement Act*.

Also signed into law by President Obama, this legislation authorized the sharing of cyber threat indicators and information between government and the private sector through DHS' National Cybersecurity Coordination and Integration Center.

While Cybersecurity Subcommittee Chairman, I also introduced the *Support for Rapid Innovation Act of 2017*, which would have amended the Homeland Security Act of 2002 to direct the DHS Under Secretary for Science and Technology to support the research, development, testing, evaluation, and transition of cybersecurity technologies, and was passed unanimously in the House of Representatives. Along with now-Homeland Security Committee Chairman Bennie Thompson, I also authored and introduced the *Leveraging Emerging Technologies Act of 2017*, which encourages engagement between DHS and emerging technology developers and firms to help get our government's cybersecurity defense and response capabilities up to speed with the challenges of the digital age.

Another cyber-related bill that I introduced, Congress passed, and President Trump signed into law was the *Strengthening State and Local Crime Fighting Act of 2017*. This law authorized the National Computer Forensics Institute within the U.S. Secret Service to disseminate information related to the investigation and prevention of cyber and electronic crime and related threats.

I also authored and introduced the *Advancing Cybersecurity Diagnostics and Mitigation Act*, which seeks to codify the Cybersecurity Diagnostics and Mitigation (CDM) program at DHS and expand CDM capabilities to additional agencies at the federal, state, and local levels while also mandating that DHS develop a strategy to ensure the program continues to adjust to the cyber threat landscape.

Other national security-related measures that I have introduced include H.R. 6034 *Classified Information Protection Act of 2016*, H.R. 5222 *Iran Cyber Sanctions Act of 2016*, H.R. 4930 *Transportation Security and Redress Act (TSARA)*, and H.R. 3578 *DHS Science and Technology Reform and Improvement Act*.

Additionally, included in the FY20 NDAA was my amendment to boost the U.S.-Taiwan cyber partnership, which passed the House in July 2019. The amendment would require DoD to look into the feasibility of establishing a high level, interagency U.S.-Taiwan working group for coordinating responses to emerging issues related to cybersecurity and to counter Chinese cyber attacks.

As a member of the House Permanent Select Committee on Intelligence, I serve on the Strategic Technologies and Advanced Research (STAR) and the Intelligence Modernization and Readiness (INMAR) Subcommittees. Election security is one of the most pressing national security concerns. To help address this threat, I have authored and introduced, along with Congressman Jim Himes (D-CT), the *Defending the Integrity of Voting Systems Act*, which would broaden the definition of “protected computer,” for purposes of computer fraud and abuse offenses, to include a computer that is part of a voting system.

Currently, as Ranking Member of the Crime, Terrorism, and Homeland Security Subcommittee on the House Judiciary Committee, our jurisdiction and hearings have allowed me to further expand my national security experiences and expertise on terrorism matters, drug trafficking, transnational crime, and other national security issues. Previously, in 2015, I served as a member of the Task Force on Combatting Terrorist and Foreign Fighter Travel. The task force assessed the U.S. government’s efforts to obstruct terrorist travel and how to better keep violent extremists from entering the United States. As a member of the task force, I gained considerable knowledge, experience and expertise from many meetings with national security officials and agencies, as well as national security experts both inside and outside of the government to develop policy solutions to address these issues.

Prior to running for Congress, I served as a federal prosecutor from 2005-2008. While at the Justice Department, I held top secret security clearances and had primary responsibility for anti-terrorism and national security investigations and cases in various roles at the Office of the U.S. Attorney for the Eastern District of Texas, including as U.S. Attorney, First Assistant U.S. Attorney, and as the Section Chief of Anti-Terrorism and National Security.

Please see my answers to No. 6 above, Nos. 8-9 below, as well the Annexes submitted herewith, which provide the expanded details about my national security experience and expertise reflected by those roles and responsibilities, which included keeping America safe from both domestic and international terrorist threats, cybercrimes, drug and human traffickers, and illegal immigration.

I gained considerable national security experience and expertise while managing a docket of 34 national security and terrorism related matters (see annex for corresponding Department of Justice information). As noted in responses to Nos. 8 and 9 below, additional information may be forthcoming subject to interagency review.

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

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

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

Answer: During my four years in the Justice Department, I served for more than a year as the U.S. Attorney for the Eastern District of Texas. As the top federal law enforcement official for an area covering more than 35,000 square miles, I experienced and learned a great deal about leading and managing federal offices and employees, about communicating and coordinating with other federal agencies, state, local and tribal partners, and about being an important voice and spokesperson on law enforcement and national security issues to the more than 3 million Americans living in that federal district. Prior to serving in that role, I served for an additional 18 months as the First Assistant U.S. Attorney, the district's second in command with responsibilities for the day-to-day operations of six district offices, personnel of more than 100 federal employees, and financial oversight of a \$12 million annual operating budget.

While responsibilities for a single federal district pale by comparison to the scope and breadth of the responsibilities of the DNI, I do think my ability to successfully lead and manage federal offices and employees on national security priorities in a nonpartisan and apolitical position are reflected in my time and experiences at the DOJ. Additional information may be forthcoming subject to interagency review.

QUESTION 9: You served as Chief of Anti-Terrorism and National Security (2004-2007) and subsequently as interim U.S. Attorney for the Eastern District of Texas (March 2007 to April 2008).

A. Please describe all cases involving matters of terrorism or national security in which you played a significant role.

Answer: From 2005 to 2008, I had various roles and responsibilities for terrorism and national security matters. As chief of anti-terrorism, I handled the majority of both domestic and international terrorism matters that arose in or involved the federal district. According to the Department of Justice's LIONS (Legal Information Office Network System) case management records, there were 34 matters either opened by or assigned to me under the program category "Terrorism/National Security Critical Infrastructure." I do not have access to those case files and records. Attached as part of the Annex is a letter from the Department of Justice confirming my docket of terrorism and national security matters.

Generally, all such matters were opened and predicated on the prevention of terrorism, which was the overarching priority of the Department of Justice following 9/11, and my docket of cases included both domestic and international terrorism matters. Additional information may be forthcoming subject to interagency review.

B. Please detail your contributions to the Holy Land Foundation Case and the Pilgrim's Pride Case.

Answer: Holy Land Foundation Case – Please see annex for additional details.

Pilgrim's Pride – In December 2007, as U.S. Attorney, I announced the indictment of 24 individuals arrested at the Pilgrim's Pride facility in Mount Pleasant, Texas. Pilgrim's Pride is a poultry processing company headquartered in the Eastern District of Texas but with operations nationwide in multiple states. Based upon our indictments and prosecutions, a continuing investigation into the company's operations on a nationwide basis was coordinated with Immigration Customs and Enforcement officials. For the next several months, I met regularly with the ICE Special Agent in Charge for the planning of a large multi-state worksite enforcement action against Pilgrim's Pride.

In April 2008, a multi-state worksite enforcement action in Pilgrim's Pride facilities resulted in the arrest of nearly 300 individuals believed to have committed Social Security fraud and identity theft to live and work illegally in the United States. All of the arrests originated from the investigation and prosecutions initially brought by my office, and I was the only Department of Justice official requested to participate in the press conference and press release announcing the arrests (see Annex for additional details).

C. Please list any matters that you worked on involving the Foreign Intelligence Surveillance Act. Please provide a classified annex, if necessary.

Answer: Please see annex for additional details.

QUESTION 10: Please describe your work as a Member of the House Permanent Select Committee on Intelligence (HPSCI), including your voting record, attendance record, leadership on specific intelligence legislation, any travel, and subcommittees that you lead.

Answer: Since being named to the House Permanent Select Committee on Intelligence (HPSCI) in January 2019, I have served on the Intelligence Modernization and Readiness Subcommittee and the Strategic Technologies and Advanced Research Subcommittee.

The vast majority of my work on HPSCI over the past year has related to investigations of the President on matters relating to Russian interference in U.S. elections, the Mueller Report, the Ukraine investigation and the impeachment inquiry.

I played a leading role for the HPSCI minority members in the briefings, discussions, and drafting of bipartisan FISA renewal legislation. I also remain concerned about election security issues and have authored bipartisan legislation with Democratic HPSCI colleague Jim Himes.

With very few exceptions, I have been present for HPSCI GOP caucus meetings and HPSCI open hearings. I attended all public HPSCI impeachment inquiry proceedings and 14 of the 18 transcribed interviews, and depositions conducted in closed sessions. As one of only a few House members to serve simultaneously on four committees, I have done my best to balance my responsibilities to all of my committees.

There have been limited travel opportunities during my tenure on HPSCI as a result of travel embargoes and the extended impeachment inquiry. My international travel since joining the HPSCI includes travel to the Columbia/Venezuela border, Brazil and Argentina. Along with my Democratic HPSCI colleague, Peter Welch, I received classified briefings in Colombia, Brazil and Argentina.

QUESTION 11: What have your topics of focus been while on the HPSCI?

Answer: As noted in response to No.10, a significant portion of my work on HPSCI over the past year has been related to investigations of the President on matters relating to Russian interference in U.S. elections, the Mueller Report, the Ukraine investigation and the impeachment inquiry. Additionally, I have been a leader on FISA-related issues and legislation and election security legislation. Based on classified briefings, I have also focused on issues involving China, 5G, and quantum computing.

Shape, Size, and Function of the ODNI

The DNI has three core responsibilities: serving as the President's principal intelligence adviser, leading the IC, and overseeing and directing implementation of the NIP.

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

QUESTION 12: Do you commit to executing these responsibilities and maintaining the complete operation of all these functions and offices as prescribed in law?

Answer: Yes.

QUESTION 13: Do you believe that the ODNI's current mission is appropriately scoped? Do you believe that aspects of its mission should be carried out by other parts of the IC? If so, which missions should be transitioned to the component agencies and why?

Answer: I believe the ODNI needs to be in a position to lead the IC as a collective, and work to solve the problems that a managing entity like ODNI can achieve.

At this juncture, it is premature for me to assess which missions could or should be transitioned to other parts of the IC or federal government. I look forward to studying this issue and working to support any necessary changes.

QUESTION 14: If confirmed, what goals do you have for the IC as its leader?

Answer: If confirmed, I would support an IC that provides independent, objective, and timely intelligence to policymakers across the government. In doing so, the IC must remain innovative in its thinking, diverse in its approaches to its mission, and unmatched in its capabilities.

The men and women of the IC possess some of the most sought after talent and skills, and I share the goal of maintaining a world class workforce.

The means by which the IC executes its mission – whether in collection platforms, analytic tradecraft, scientific advancement, or business processes – must remain its strength and as DNI, I will bring my skills to keeping us on the cutting edge.

QUESTION 15: Do you believe the ODNI should play a larger or smaller role as leader of the IC? Why?

Answer: To be an effective leader of the IC, the ODNI must stay true to its core mission of integration and coordination. I support an ODNI that maintains its leadership role without impinging on the missions of the elements of the IC. The ODNI is well-positioned to drive community-wide progress on intelligence problems and provide meaningful oversight to the work of the IC.

QUESTION 16: There has been considerable debate in the past concerning the appropriate size and function of the ODNI. The IRTPA specifically prescribed a number of offices and functions to the ODNI to ensure they were performed and to promote clear accountability to the Congress. In answering this question, please address the staff functions of the ODNI and the specific components of the ODNI, where appropriate, such as the National Counterterrorism Center, the National Counterproliferation Center, the National Counterintelligence and Security Center, and the Cyber Threat Intelligence Integration Center.

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

Answer: ODNI is assigned a variety of diverse functions, whether by the President or by Congress. In order to effectively carry out those functions, the office requires appropriate staffing to carry out these missions. The majority of the staffing at ODNI is resident in the mission centers like NCPC, NCSC, NCTC, and the Mission Integration function.

From my time on the HPSCI, and in the most recent Intelligence Authorization Act, Congress asks much of the ODNI by way of tasking and reports.

If confirmed, I will work to review each office and component to find opportunities to improve efficiency, as appropriate, and look forward to collaborating with our stakeholders to prescribe any actions.

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

Answer: If confirmed, I look forward to evaluating the ODNI resources to make sure we are staffed properly to carry out our statutory functions as efficiently as possible to achieve ODNI's mission.

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

Answer: If confirmed, I will respect the authority of each IC element's leadership while executing the DNI's mission of effective integration and oversight. I see the leadership of the IC as partners in successfully driving the IC and will work to maintain relationships with the IC elements based on results and respect. ODNI's role is best achieved when its mission focuses on extensive integration of the various IC elements, rather than in the daily decision-making of individual IC agencies.

QUESTION 17: What is your understanding of the responsibilities of the following officers, and for each of them, how would you ensure that each officer is performing the mission required by law?

A. The General Counsel of the ODNI.

Answer: As the chief legal officer of the ODNI, I believe the general counsel provides his/her legal insights and legal advice on the often complex, difficult, Constitutional, and new legal issues impacting the ODNI, DNI, and the IC as a whole. If confirmed, I look forward to working closely with the General Counsel and to work as a team to perform the missions required by law.

B. The Inspector General of the IC.

Answer: The Inspector General has a statutory responsibility to conduct broad oversight of the Intelligence Community. The IG conducts their business via independent audits, inspections, reviews, and investigations to provide insight on how the community is operating as an enterprise. If confirmed, my goal is to establish a working relationship with the IC IG that provides the adequate resources and support needed for the IC IG to perform its important work.

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

Answer: The Office of Civil Liberties, Privacy, and Transparency (CLPT) has statutory responsibility to help ensure that the IC protects civil liberties and privacy as it carries out its important intelligence mission. CLPT also helps perform the vital balancing act of transparency while also protecting our sources and methods. The ability of the IC to protect civil liberties and privacy while providing appropriate sunlight into our important national security work helps show the American people that the IC is committed to lawfully and responsibly using the tools and authorities provided to keep our country safe. If confirmed, I look forward to working with the CLPT to ensure our mission of ensuring civil liberties, privacy, and transparency are carried out appropriately and as required by law.

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

Answer: My understanding of the Analytic Integrity and Standards Group (AIS) aligns closely with the way former Director Coats characterized the position during his confirmation. The AIS improves the quality of analysis by promoting analytic standards across the IC and facilitates an integrated analytic enterprise by evaluating adherence to the analytic tradecraft standards in IC products. As mandated by IRTPA, AIS provides an important annual report to Congress as well as briefing agency heads on the annual findings from its studies. Analytic integrity is invaluable and critical to the IC's credibility as a "truth teller."

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

Answer: The chief of Analytic Integrity and Standards (AIS) is designated as the Analytic Ombudsman for the IC under Section 1020 of IRTPA. The ability of IC analysts to raise concerns about adherence to existing standards within analytic products provides accountability for all in our mission. The Ombudsman can help respond to concerns raised by analysts with dialogue, fact finding, problem solving, conflict resolution, counseling, and specific recommendations to move forward. If confirmed, I look forward to supporting the chief of AIS in the performance of his duties to further strengthen our enterprise.

QUESTION 18: Do you believe 50 U.S.C. § 3024(h) and IC Directive (ICD) 203 (regarding analysis and analytic standards) need to be strengthened and its implementation made more vigorous? In what ways?

Answer: Not at this time; however, I do support additional standards for the use of data science in the IC. Analysis of large collection data sets are becoming increasingly important to both collection and to analytic judgments across a number of topics. Many sophisticated data science tools and techniques are being applied. We need to make sure that these techniques are explained and understood in order to maintain credibility with analytic consumers. The IC is already working on new standards for data science tradecraft, and I would support and emphasize this advancement.

Management of the ODNI

QUESTION 19: How many Deputy DNIs do you believe are necessary?

Answer: The IRTPA allows the ODNI no more than four Deputy Directors, as reflected in the current ODNI structure. If confirmed, I will review the role of the Deputy Directors to ensure maximum effectiveness of this structure.

QUESTION 20: What do you believe is the appropriate grade structure for the ODNI?

Answer: Given the ODNI's mission to oversee the Community, I recognize that many roles will require senior officials with the appropriate experience to oversee community-wide functions, provide sound guidance, and represent the DNI.

That said, not all positions at ODNI may need senior-most representation, and I am encouraged by the work done by ODNI in recent years to reflect a greater diversity of grades based on the mission assigned. I will continue to review ODNI's grade structure if confirmed.

QUESTION 21: What do you believe is the appropriate balance between government employees and contractor employees in the ODNI?

Answer: The mix of government and contractor professionals at ODNI provides for a diverse workforce to address the broad mission of the ODNI. There are clear places where contract expertise is well-utilized, and I appreciate what they bring to the work of the ODNI. In recent years, I was happy to support Congress' provision of more authority for the entire IC to review and assess its contractor base and make smarter decisions in support of missions that were best performed by government or contract employees. I look forward to learning how ODNI has implemented this new authority, and how it is reflected in its workforce planning for the future.

QUESTION 22: What do you believe is the appropriate balance between ODNI cadre employees and those on detail or assigned from other government agencies?

Answer: The IC is blessed with a level of talent, skills, and abilities across its various agencies that is unmatched anywhere in the federal government. In order for ODNI to be effective in reflecting those agencies, and understanding how best to integrate their various missions, individuals serving detail assignments provide great value to the work of the ODNI.

Maintaining an appropriate balance of cadre and detailee personnel is crucial to ODNI's ability to effectively and efficiently carry out its statutory missions. I understand that previous DNIs have considered a variety of different ratios between cadre and rotational employees at the ODNI, and if confirmed, I will review each of these prior experiences to understand the lessons learned from such efforts.

Filling High-Level ODNI Positions

At present, many top positions in the ODNI are vacant or are being performed by Acting officials or officers “performing the duties of” the position. This includes Principal Deputy DNI, Deputy DNI for National Security Partnerships, General Counsel, Director of the National Counterterrorism Center, and Program Manager Information Sharing Environment.

QUESTION 23: What characteristics do you believe are required for appointments to each of these positions?

Answer: Principal Deputy Director of National Intelligence: The PDDNI is a critical partner to the DNI. I see the PDDNI as a complement to my skills and expertise, and someone whom I will look to for counsel and advice. I understand the PDDNI plays a critical role in the management of the ODNI as an IC element, so I will rely on the PDDNI to make recommendations specific to ODNI in support of my goal of an effective and efficient ODNI.

Deputy Director of National Intelligence for National Security Partnerships: The Deputy Director of National Security Partnerships is currently the senior military advisor to the DNI. This role supports the DNI’s integration with the Department of Defense and engagement with portions of the IC that are DoD elements. I recognize the value that a senior uniformed military officer brings to the IC’s mission, and I look forward to working with them if confirmed.

General Counsel: The General Counsel is the chief legal officer of the ODNI. I expect the person selected for this role will not only provide legal advice on the complex, challenging, and novel legal issues affecting the responsibilities of the DNI and the ODNI, but also serve as a trusted counsel and senior leader in the agency. To that end, the individual selected for this position should have legal experience advising and counseling senior leaders on a wide range of issues, including national security matters, and be an individual with the utmost integrity who is comfortable providing his or her unvarnished legal advice.

Director of the National Counterterrorism Center: I am encouraged by the President's nomination of Chris Miller to be Director of the National Counterterrorism Center. While I do not know him personally, Mr. Miller's reputation—of collaboration, expertise, and talent—precedes him. I look forward to working closely with him on the challenges facing the counterterrorism mission if confirmed.

Program Manager for the Information Sharing Environment: I believe this position requires a re-look for efficacy and responsibility. I understand that this role, beyond the IC and to whole of government, was included in the IRTPA, and it may be time to reassess whether these responsibilities are being effectively performed through the IC, or if it would be better aligned elsewhere in government.

QUESTION 24: What is your plan for advising the President on nominating or appointing personnel to fill these positions on a permanent (i.e., not temporary or “acting”) basis?

Answer: Key positions across the IC are best served with Presidentially-appointed, Senate-confirmed individuals in leadership positions. I will work with the Administration to support the confirmation of talented officers in leadership positions.

QUESTION 25: Do you believe political appointee positions at ODNI should be filled by individuals who are apolitical and committed to congressional engagement obligations and the role of the IC to deliver objective and independent analysis and intelligence? Are you committed to staffing the ODNI positions with individuals who meet these criteria?

Answer: Key positions across the IC are best served with Presidentially-appointed, Senate-confirmed individuals in leadership positions. I will work with the Administration to support the confirmation of talented officers in leadership positions.

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

QUESTION 26: What is your understanding of the obligations of the DNI under Title V of the National Security Act of 1947?

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

Answer: My understanding aligns closely with the way former Director Coats characterized the obligation during his confirmation. Under Section 502 of the National Security Act, the DNI and the heads of the departments and agencies involved in intelligence activities shall keep the Congressional intelligence committees fully and currently informed of intelligence activities. Previous DNIs have issued IC-wide directives on the subject of Congressional notifications to ensure timely reporting to Congress consistent with Section 502. In keeping with these directives, I expect all IC elements to follow both laws and policies. As a member of the House Permanent Select Committee on Intelligence (HPSCI), I have first-hand experience in this area and believe that when the IC satisfies its obligations to inform Congress, and proper oversight can be conducted, both the IC and the American people will benefit.

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

Answer: My understanding aligns closely with the way former Director Coats characterized the issue during his confirmation. Under the law, congressional notifications must be made with due regard for the protection from unauthorized disclosure of classified intelligence sources and methods and other exceptionally sensitive matters.

In my experience on the HPSCI, if there were exceptional circumstances that required limited congressional notifications, it was often the case that committee leadership would work with the Executive Branch to determine when to expand access to the information to the full Committee.

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

Answer: My understanding aligns closely with the way former Director Coats characterized the issue during his confirmation. Under the law, congressional notifications must be made with due regard for the protection from unauthorized disclosure of classified intelligence sources and methods and other exceptionally sensitive matters. In my experience on the HPSCI, if there were exceptional circumstances that required limited congressional notifications, it was often the case that committee leadership would work with the Executive Branch to resolve the matter.

QUESTION 27: The IC can perform its mission properly only with close partnership from and accountability to Congress.

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

Answer: If confirmed, I will be uniquely positioned to stress the importance of IC elements satisfying these requirements based on my time serving on the HPSCI.

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

Answer: Congressional notifications must be made with due regard for the protection from unauthorized disclosure of classified intelligence sources and methods and with due consideration for other exceptionally sensitive matters.

In my experience on the HPSCI, if there were exceptional circumstances that required limited congressional notifications, it was often the case that committee leadership would work with the Executive Branch to resolve the matter.

C. Under what circumstances do you believe notification of Congress can or should be limited to the Gang of Eight? What should the role of the NSC be in determining what information should be limited?

Answer: Congressional notifications must be made with due regard for the protection from unauthorized disclosure of classified intelligence sources and methods and with due consideration for other exceptionally sensitive matters. In my experience on the HPSCI, if there were exceptional circumstances that required limited congressional notifications, it was often the case that committee leadership would work with the Executive Branch to resolve the matter.

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

Answer: It is my understanding that the IC has an established set of policies that conform to executive orders on classification and that each element develops approved Security Classification Guides that document what should be classified, the level of classification, and the harm to national security if that information is revealed.

I believe that IC elements provide appropriate transparency while ensuring that they protect sources and methods so that they can continue to perform their essential national security missions. It is my understanding that the IC has established processes to declassify and release information to the public. Consistent with the Principles for Intelligence Transparency, the IC should consider the public interest to the maximum extent feasible when making classification determinations, while continuing to protect information as necessary to maintain intelligence effectiveness, protect the safety of those who work for or with the IC, or otherwise protect national security.

QUESTION 28: The Committee and its Members rely on their staff for assessments of the policy, budgetary, and legal implications of intelligence activities. Will you commit to ensuring that all staff, including Member designees, are read into IC programs and assessments consistent with protecting sources and methods?

Answer: If confirmed, I would work with the Committee to accommodate its legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch, including the protection from unauthorized disclosure of classified intelligence sources and methods.

QUESTION 29: Would you consider a finished intelligence product to be “privileged” in any way such that you would not release it to Congress? Please explain.

Answer: If confirmed, I would work with the Committee to accommodate its legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch.

QUESTION 30: Will you commit to provide the Committee intelligence reports, such as FBI and DoD Intelligence Information Reports (IIRs), NSA reports, and CIA “TDs”, in support of the Committee’s intelligence oversight duties, upon request? Will you commit to provide the congressional intelligence committees National Intelligence Council products, e.g., Major Issue Studies or National Intelligence Estimates, in support of their oversight duties?

Answer: If confirmed, I would work with the Committee to accommodate its legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch, including the protection from unauthorized disclosure of classified intelligence sources and methods.

QUESTION 31: If confirmed, will you fully support the Committee’s Audits and Projects Team, and allow team members to have access to the people and information throughout the IC that is required for their functions, upon the Committee’s request?

Answer: If confirmed, I would work with the Committee to accommodate its legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch, including the protection from unauthorized disclosure of classified intelligence sources and methods.

QUESTION 32: If confirmed, will you fully support the Committee’s Technical Advisory Group (TAG) studies and allow the TAG members to have access to the people and information throughout the IC that is required for their studies upon the Committee’s request?

Answer: If confirmed, I would work with the Committee to accommodate its legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch, including the protection from unauthorized disclosure of classified intelligence sources and methods.

Analytic Integrity and Objectivity

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

QUESTION 33: How do you view the importance of intelligence agencies’ freedom to objectively present their assessments to decision makers in both the executive and legislative branches, regardless of what a particular policy might be, even if their assessments may be unwelcome or inconvenient?

Answer: As Director of National Intelligence, I would be responsible for compliance with E.O. 12333 guidance (Sections 1.1 (e) and 1.3 (b) (7)) and by the Intelligence Reform and Terrorism Prevention Act of 2004 (Sections 1017, 1019 and 1020) to ensure rigorous analytic standards, diverse viewpoints and independent analysis. I believe these values are of paramount importance to the effectiveness, credibility, and integrity of the ODNI and the IC.

The unique value of IC assessments is based on the IC's ability to provide analysis that adheres to analytic tradecraft standards. IC Directive 203, which spells out the standards in detail, provides the IC with nine analytic tradecraft standards which help to identify and decrease biases, and five analytic standards – the first two of which are “objective” and “independent of political considerations.”

QUESTION 34: How do you propose enhancing the IC's objectivity and independence to maintain its insulation from political influence?

Answer: The Intelligence Reform and Terrorism Prevention Act of 2004 (Section 1020: Safeguard of Objectivity in Intelligence Analysis) requires that the DNI identify an individual within the ODNI who shall be available to analysts to "counsel, conduct arbitration, offer recommendations, and, as appropriate, initiate inquiries into real or perceived problems of analytic tradecraft or politicization, biased reporting, or lack of objectivity in intelligence analysis."

ODNI already has such an ombudsman, currently in the Directorate of Mission Integration, Mission Performance, Analysis, and Collection (MPAC). In accordance with E.O. 12333 and IRTPA, as well as to convey my personal commitment to an avenue for analysts to pursue unbiased analysis, I plan to support the ombudsman and his work with analytic ombudsmen from each agency to ensure concerns about objectivity are identified and addressed by management. I will also continue to ensure high-quality training for all these ombudsmen throughout the IC. I will ensure the continued function of the Analytic Integrity and Standards (AIS) staff in leading the effort to evaluate intelligence products across the community for adherence to the Analytic Tradecraft Standards. These standards are spelled out in detailed implementation language in IC Directive 203.

QUESTION 35: Would you ever ask, encourage, or support an intelligence professional adjusting his/her assessment to avoid criticism from the White House or political appointees? Would you ever change or remove content in an intelligence assessment for political reasons, or at the behest of political leadership?

Answer: If confirmed, I will work to ensure that ODNI does everything possible to ensure that our analytic products are grounded in the facts.

QUESTION 36: If intelligence agencies or analysts are discouraged from providing objective analytic assessments, how would this harm national security?

Answer: Policymakers depend on the IC for its focus on providing objective, unbiased assessments that adhere to IRTPA and ICD 203 tradecraft standards. These standards provide analysts with a framework to rigorously examine sourcing, alternatives, how the analytic line on a particular issue changes over time and argumentation. These standards were put in place in 2007 to address some of the shortfalls identified by the 9/11 Commission and WMD reports. Discouraging analysts from following the standards inherent in the profession would have a profoundly negative impact on national security.

QUESTION 37: What recourse should intelligence analysts have if they believe their objective assessments have been downplayed, diminished, or overruled? How would you ensure that career IC professionals have protected channels to address their concerns that objective assessments may have been downplayed, diminished, or overruled?

Answer: My understanding is that ODNI has an Analytic Ombudsman in place. The Ombudsman serves as a confidential resource and provides protected channels for analysts to address their concerns that objective assessments may have been downplayed, diminished, or overruled. The Ombudsman works closely with the Inspector General, who also has protected channels in which analysts, or any member of the IC, can raise similar concerns.

In addition, intelligence agencies have analytic ombudsmen who are specifically focused on addressing such cases. The ombudsman is a confidential resource for intelligence analysts to use if they feel that their analysis or the analytic line has been in some way manipulated or compromised.

QUESTION 38: Do you believe the DNI has an obligation to address their concerns that objective assessments may have been downplayed, diminished, or overruled when a policy maker may disagree with the analysis being presented? Please provide examples from your career of times when you have told the truth, even when that position was uncomfortable or unpopular.

Answer: In my career as a prosecutor, there were many occasions where I was asked or even pressured to exercise prosecutorial discretion with favor to political or community positions or based upon personal relationships. I never did.

As a legislator, there are many times on record in the proceedings of the House where I have spoken on a range of issues that were certainly unpopular with my colleagues, or when the situation was uncomfortable, including intelligence matters.

QUESTION 39: Personnel decisions can affect analytic integrity and objectivity.

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

Answer: Personnel decisions should be based on qualifications, skills, merit, and other standards which demonstrate the ability, dedication and integrity required to support the central IC mission of providing unvarnished intelligence to policymakers.

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

Answer: Personnel decisions should be based on qualifications, skills, merit, and other standards that demonstrate the ability, dedication and integrity required to support the central IC mission of providing unvarnished intelligence to policymakers.

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

Answer: It is my understanding that the ODNI carefully monitors analytic objectivity through its IC Analytic Ombudsman and network of agency analytic embeds. The ODNI Analytic Integrity Standards organization conducts a detailed annual objectivity survey and reports results to the Congress. These tools can identify cases of analytic distortion to serve a political agenda, and I will use them to inform any necessary corrective personnel actions.

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

Answer: The IC workforce is composed of professionals with a broad spectrum of political beliefs. I believe this diversity is an IC strength. Personnel decisions should be based on qualifications, skills, merit, and other standards that demonstrate the ability, dedication and integrity required to support the central IC mission of providing unvarnished intelligence to policymakers.

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

Answer: The IC workforce is composed of professionals with a broad spectrum of political beliefs. I believe this diversity is an IC strength. Personnel decisions should be based on qualifications, skills, merit, and other standards that demonstrate the ability, dedication and integrity required to support the central IC mission of providing unvarnished intelligence to policymakers.

QUESTION 40: How would you approach communicating IC analytic conclusions to the public if the analysis did not match the President's views?

Answer: The IC's job is to inform the President with analysis that is objective and meets IC standards of analytic integrity. It is ultimately the President's decision as to whether intelligence findings are communicated to the public.

National Security Threats and Challenges Facing the IC

QUESTION 41: What in your view are the principal threats to national security with which the IC must concern itself in the next five years? In the next twenty years?

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

Answer: Based on my experience with the HPSCI, the United States will face a diverse array of threats in the coming five years, including great power competition with China and Russia; persistent terrorism threats; attacks on our democratic institutions; and global economic challenges—exacerbated by the ongoing pandemic—to our interests and values around the world.

The IC focuses its collection and analysis to support policymakers, the military, and diplomatic officials in dealing with these threats.

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

Answer: Based on my experience on the HPSCI, the IC has taken significant steps to address current and future threats. The ODNI has made tremendous strides in leading intelligence integration, providing a solid foundation to shape the IC's posture in the future. If confirmed, I will further review IC policies, resource allocations, planning, training, and programs to see if changes are appropriate.

Election Security

QUESTION 42: Do you commit to maintain election security as a top priority for the IC?

Answer: The IC's role is to provide timely, accurate, and actionable intelligence to the FBI, DHS, and other departments and agencies who are in charge of securing our elections.

QUESTION 43: What would you do to ensure election security efforts are appropriately resourced?

Answer: Foreign adversaries continue to challenge our democracy through influence campaigns designed to affect the views of voters and cyber operations that target our election infrastructure. If confirmed, I will work with IC leaders and ODNI officials, including the IC Chief Financial Officer, to ensure that the NIP provides the appropriate level of resources to address the election security threats facing our Nation.

I will also use all available mechanisms to maintain situational awareness and actively seek to mitigate any gaps in our posture. In addition, I will press the IC to ensure that we are committing resources to red teaming our analysis and using technology to best meet the demands of this evolving topic.

QUESTION 44: How would you ensure our intelligence efforts on election security remain apolitical, and avoid the perception or reality of political influence?

Answer: The core values that guide the ODNI are excellence, courage, respect and integrity. If confirmed as the Director of National Intelligence, I will uphold these values. I will provide the best possible intelligence advice to give the United States a decisive national security advantage regardless of political climate or consequence.

QUESTION 45: Would you commit to keep the Election Threats Executive Office in place to ensure continuity of efforts, and build on the successes of the 2018 midterms?

Answer: If confirmed, I will work with IC leaders and ODNI officials to ensure the IC is well-positioned to address the election security threats facing our Nation.

QUESTION 46: Do you commit to provide the congressional intelligence committees with complete and timely information regarding election threats, as required by statute?

Answer: If confirmed, I would work with the Committee to accommodate its legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch, including the protection from unauthorized disclosure of classified intelligence sources and methods.

QUESTION 47: A number of states still use paperless voting machines, in which the only record of a voter's ballot choices is held in digital memory. How confident are you in the security and integrity of paperless voting machines, particularly those that are connected to the internet, whether directly or indirectly?

Answer: The IC provides support to DHS as the federal lead for critical infrastructure. As the federal government has repeatedly stated, the election system is resilient. The diversity of state election systems, multiple checks and redundancies in those systems and post-election auditing, all make it difficult for adversaries to change vote tallies.

QUESTION 48: Election cybersecurity experts universally recommend that states adopt hand-marked paper ballots for most voters and routine, post-election risk limiting audits. Do you agree? If not, please explain why.

Answer: Paper ballots are an effective way to reduce the risk of malicious actors compromising the integrity of votes cast in elections. They are, however, just one part of the electoral process. Voter register databases, e-poll book tools, and tabulation and reporting mechanisms also demand a whole of society effort to promote resilient practices.

QUESTION 49: Twenty-four states currently permit overseas and military voters to transmit their marked ballots directly to local election officials over the internet, mostly via email. These ballots are electronically delivered to local election offices' email servers, for which there are no mandatory federal cybersecurity standards. In close races, where the margin of victory is less than the number of overseas and military ballots, the outcome of the election can be determined by ballots submitted over the internet. Do you agree that the use of the internet to deliver marked ballots poses a serious threat to the integrity of American elections? If not, please explain why.

Answer: The goal of our system is to be resilient. In today's age, no system is truly invulnerable to an aggressive and capable threat. However, resilience built on audits, redundancies and expertise minimizes the impact any threat can have even if using the internet to deliver some portion of ballots. The IC will continue to support DHS and FBI in their work to support the states in their leadership role on securing elections.

Russia

QUESTION 50: Based on intelligence you have seen as a HPSCI Member, do you believe Russia interfered in the 2016 U.S. presidential election in any way? If so, how?

Answer: Yes. As I have consistently stated throughout, Russia interfered in the 2016 elections. As publicly reported, active measures by the Russian government included successful hacking and attempts to compromise computer networks of political targets. The Russians also engaged in an extensive disinformation campaign through social media accounts.

QUESTION 51: Do you believe Russia is continuing its efforts to interfere in the U.S. political system?

Answer: As has been publicly reported, Russia continues to use social media, Russian-controlled or influence English-language media, false flag personas, and other tools to inflame positions on both ends of issues, amplify divisive issues, promote conspiracy theories, and question the foundations of democracy. Russia's goal is to pit Americans against Americans because Moscow believes a divided America is in their strategic interest.

QUESTION 52: Do you believe Russia poses a threat to U.S. elections? If so, please describe the threat as you see it.

Answer: Russia is one among many actors that have an interest in interfering in the U.S. elections in order to advance their interests. The objectives and methods may vary widely among the actors, but as the IC understands threat as a joining of intent and capability, Russia as well as other state and non-state actors pose a threat to U.S. elections. Russia's goal is to pit Americans against Americans because Moscow believes a divided America is in their strategic interest.

QUESTION 53: Do you commit to immediately notifying policymakers and the public of Russian attempts to meddle in U.S. democratic processes, to include our elections?

Answer: If confirmed, I would work with the Committee to accommodate its legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch, including the protection from unauthorized disclosure of classified intelligence sources and methods.

QUESTION 54: Do you commit to work with the Committee on its ongoing investigation into Russian interference in the 2016 presidential election, including expediting classification review of any remaining Committee reports related to its investigation?

Answer: If confirmed, I would work with the Committee to accommodate its legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch, including the protection from unauthorized disclosure of classified intelligence sources and methods.

China

QUESTION 55: How do you view the threat from China, and where would China fall in terms of your priorities if confirmed as DNI?

Answer: Based on what I have seen as part of the HPSCI and on public information, I believe China is continuing its longstanding effort to influence U.S. public perceptions, elite sentiment, and policies. Through my work as a member of HPSCI, I have focused on issues involving China and 5G, and look forward to continuing to support the IC's work in these areas if confirmed as DNI.

QUESTION 56: How would you allocate staff and budget resources to support the effort to counter Chinese influence?

Answer: If confirmed, I will review the National Intelligence Priorities Framework (NIPF) and other budget and strategic planning documents to ensure budgetary resources and personnel are adequately allocated to countering Chinese influence.

QUESTION 57: What would you do to prevent discrimination against Asian Americans, and ensure that community is an ally in the fight against Chinese espionage?

Answer: It is critical to remember that the threat posed by China stems from the People's Republic of China (PRC), not the Chinese people and certainly not Asian Americans. Our intelligence activities to counter this threat must in each and every case be based upon objective intelligence, not racial prejudice. If confirmed, I will ensure that the IC follows the law and remains focused on the challenge presented by the actions of the PRC.

North Korea

QUESTION 58: North Korea continues to take provocative steps like missile testing, despite U.S. efforts to convince them to stop. How do you interpret North Korea's continued missile testing in the context of attempts to reach a nuclear agreement with the United States?

Answer: Based on what I have seen as a member of HPSCI and on briefings, I believe that North Korea continues to view nuclear weapons as essential to protect the regime from military action and to gain standing in the international community. North Korea may be willing to trade some nuclear and missile concessions for sanctions relief and other political and security benefits.

Iran

QUESTION 59: After the United States withdrew from the JCPOA, Iran has gradually rolled back its observance of the limitations set forth in the JCPOA. Is Iran closer today to having the materials it needs to develop a nuclear weapon than it would have been at this point under the JCPOA? Does this make the world more, or less safe?

Answer: From what I understand, since June 2019, Iranian officials have taken steps to reverse some of its JCPOA commitments and resume nuclear activities limited by the JCPOA. If confirmed, I look forward to supporting the IC's work with respect to Iran.

IC Missions and Capabilities

QUESTION 60: What is your assessment of the quality of current IC intelligence analysis? If confirmed, would you pursue additional steps to improve intelligence analysis, and, if so, what benchmarks will you use to judge the success of future IC analytic efforts?

Answer: From what I understand, the overall quality of IC intelligence analysis is good, and it has shown some improvements over the past 15 years. Agencies across the IC have redoubled training to focus close attention on improving intelligence analysis and I expect to encourage agencies to keep focused on these areas.

QUESTION 61: What is your view of strategic analysis and its place within the IC? Please include your views about what constitutes such analysis and what steps should be taken to ensure adequate strategic coverage of important issues.

Answer: Strategic analysis plays a critical role in helping U.S. policymakers understand the context for current events and look over the horizon to identify changes in the global landscape and emerging threats and opportunities.

The National Intelligence Council (NIC) plays a leading role in producing strategic intelligence, through National Intelligence Estimates and other ad hoc and in-depth products. It also encourages and supports broader IC efforts in this area; for example, by sponsoring outreach events to private sector and academic experts who can provide insights not only on high profile issues but on topics that are not traditional for the IC, such as the impact of demographic trends.

There is a tension between producing current intelligence and conducting the research and other expertise building that provides the foundation for good strategic intelligence. I look forward to working with IC members to get the balance right.

QUESTION 62: What are your views concerning the quality of intelligence collection conducted by the IC and your assessment of the steps that have been taken to date by the ODNI to improve that collection? If confirmed, would you pursue additional steps to improve intelligence collection and, if so, what benchmarks will you use to judge the success of future collection efforts by the ODNI?

Answer: ODNI's role in setting priorities and dynamically engaging with collectors to adjust the focus of collection in a changing environment helps to ensure limited resources are being applied to the most important and relevant topics. The IC has developed collaborative strategic approaches across all intelligence disciplines to improve collection capabilities and is working to develop new strategies for attacking emerging and future requirements. If confirmed, I am committed to continuing to advance intelligence integration and partnerships that leverage commercial technologies while protecting those exquisite capabilities that make our intelligence services unique.

I will also ensure we continue to develop and implement new approaches to Augmenting Intelligence using Machines (AIM) to leverage open source and commercially available data and will challenge the IC to develop strategies to tackle outstanding gaps and continually reassess our capabilities against our highest priority issues.

QUESTION 63: The IC has designated functional managers for Geospatial Intelligence, Open Source Intelligence, Measurement and Signature Intelligence, Signals Intelligence, and Human Intelligence. Do you think ODNI's administration of the IC's analytic enterprise would benefit from a Functional Manager for Analysis?

Answer: At this time, I am not aware of any needed changes that requires creating a separate functional manager for analysis. If, after review or upon a change in circumstances, I realize that changes are needed, I will work to support those changes.

QUESTION 64: Are there additional analytic standards, to include analytic tradecraft standards, not presently contemplated under ICD 203, that you feel should be added as measures for governing the production and evaluation of the IC's analytic products?

Answer: Analysis of large collection data sets are becoming increasingly important to analytic judgments across a number of topics. Many sophisticated data science tools and techniques are being applied. We need to make sure that these techniques are explained and understood in order to maintain credibility with analytic consumers. I understand the IC is already working on new standards for data science tradecraft, and I would support and emphasize this advancement.

QUESTION 65: Beyond the current system of reviews, evaluations, and surveys, are there further measures that you believe should be implemented by the Analytic Integrity and Standards Group to gauge the quality and accuracy of IC analysis?

Answer: Not at this time; however, this is something I would review further if confirmed as DNI. I understand the IC is already working on new standards for data science tradecraft to help ensure data science techniques are understood and the IC maintains credibility with analytic consumers, and I would support and emphasize this advancement.

IC Information Technology Environment

QUESTION 66: The IC Information Technology Environment (IC-ITE) is a significant accomplishment to better integrate the IC and reduce long-term costs by sharing services. With IC-ITE operation, it may be time to consider a larger role for ODNI in other “back office” support activities, such as financial management, human resources, asset management, and procurement to force increased integration and efficiencies.

A. What are your thoughts on integrating these activities?

Answer: As I said in some of my other responses, I believe the value of the ODNI is in solving cross-community problems that ODNI is uniquely situated to address. The IC-ITE program is a prime example of ODNI taking on a hard problem – in this case, interoperable IT systems – and using a corporate approach to drive the IC to a better solution. As a member of the HPSCI, I’m aware of the challenges that IC-ITE faced, both technical and cultural. Business and support activities across the IC are further optimized as a result of IC-ITE, and I look forward to using the lessons learned from this challenge to solve other problems.

B. Does the DNI have the authority to manage these functions as a shared service for the entire IC?

Answer: Yes. The DNI can establish shared services via the Service of Common Concern (SoCC) designation, which has primarily used for IC ITE services, as well as some other enterprise functions. SoCCs are an established and successful mechanism to enable efficiencies and more integrated approaches.

QUESTION 67: Are there additional initiatives that need to take place in order to capitalize on existing efforts? If so, please explain.

Answer: While I cannot currently assess what additional initiatives there may be, I will review any potential opportunities if confirmed.

ODNI Personnel

QUESTION 68: The Committee's most recent Intelligence Authorization Act, as part of the Fiscal Year 2020 National Defense Authorization Act, included provisions supporting IC employment of those with science, technology, engineering, and mathematics (STEM) backgrounds and expertise. If confirmed, how would you undertake outreach, recruitment, and retention of employment candidates with STEM experience?

Answer: I believe a robust STEM workforce is crucial to the mission of the IC. Many of the IC's most critical tasks require a highly skilled workforce in areas like cyber and data science and we must remain competitive and continue to offer enticing benefits to retain and attract top talent. If confirmed, I will instruct our agencies to make use of the authorities granted to them to recruit and retain vital STEM talent.

QUESTION 69: What is your view of the principles that should guide the IC in its use of contractors, rather than full-time government employees, to fulfill intelligence-related functions?

A. Are there functions particularly suited for the use of contractors?

Answer: The mission of the IC spans many areas of expertise, with contractors playing a key role in advancing aspects of the mission. From my time on the HPSCI, I have seen that contractors bring talent in some of the most technologically advanced areas of the IC mission, like information technology, systems development and engineering, and highly advanced capabilities. While I would need to consider the broader application of contractors if confirmed, functions such as these appear well supported by contract partners.

B. Are there some functions that should never be conducted by contractors, or for which use of contractors should be discouraged or require additional approvals by the DNI?

Answer: The bedrock principle remains that our government workforce leads the way, with contractors playing an appropriate supportive role. For example, the government workforce should make decisions related to resources or prioritization of work.

C. What consideration should the IC give to the cost of contractors versus government employees?

Answer: Each IC element must weigh the needs of the mission against the available talent to achieve that mission. An appropriate mix of government and contract employees, within a responsible resource framework, can be well utilized to meet requirements. If confirmed as the DNI, I would work with the IC leadership to adjust, as necessary, its resources between government and contract talent.

D. Does the IC need any legislation or administrative policies or practices to facilitate the replacement of contractors by full-time government employees?

Answer: At this time, I do not anticipate the IC needing any additional legislation to facilitate the balance of contract and government employees. Recent legislation allowed for more flexibility in how the entire IC can apply its resources, specifically directed at the workforce. I look forward to learning how the IC is implementing this authority before requesting anything additional.

QUESTION 70: What do you believe is the appropriate mix in the ODNI between cadre employees and detailees from other government entities?

Answer: The ODNI's workforce needs to be capable of satisfying the many tasks it is provided by law or the President. Historically that has meant use of cadre employees, detailed employees from around the IC, and contract talent. If confirmed, I would work with the IC leadership to adjust, as necessary, its resources between government, detailee, and contract talent.

QUESTION 71: What is your assessment of the personnel accountability system in place at the IC, both at the ODNI and within other IC elements? What actions, if any, should be considered to strengthen personnel accountability as well as ensure fair process in the IC, including matters related to allegations of serious misconduct?

Answer: I have not yet had the opportunity to assess the systems in place. If confirmed, I will be committed to having strong, but fair accountability processes in place throughout the IC.

Information Access

QUESTION 72: What is your view of the IC’s current efforts to enable the IC to operate like a true “information enterprise” where information is accessible by all IC elements? If confirmed, how would you pursue this goal?

Answer: The United States learned a hard lesson on 9/11 about the importance of ensuring the right information gets to the right people at the right time. In today’s big data world, we must continue to achieve the goals set out in ICD 501, which are intended to:

- foster an enduring culture of responsible sharing and collaboration;
- provide improved capacity to warn and disrupt threats to the United states homeland and US persons and interests; and
- provide accurate, timely, and insightful analysis to inform decision-making are even more critical than they were when the ICD was drafted in the aftermath of that terrible day.

The IC, in context of implementing these precepts of ICD 501 to ensure information is discoverable by and accessible to all with a critical mission need to access information, has made tremendous strides in getting data to the right people at the right time. The IC published its IC Information Environment Data Strategy in 2017 to “treat all data as an IC asset” and initiatives are underway to deliver capabilities and common data services to improve how the IC captures, organizes and shared its data as part of the larger IC ITE. Each IC element now has a formal Chief Data Officer to focus attention on information and data matters.

If confirmed as DNI, I will continue to work with the 17 IC elements to achieve the vision of the Data Strategy to manage all Data as an IC Asset.

QUESTION 73: What in your view are the appropriate steps that should be taken to allow for increased inter-agency access to sensitive intelligence information? If confirmed, how would you pursue these efforts?

Answer: If confirmed as DNI, I will continue to work with the IC leadership to explore possible opportunities in this area.

QUESTION 74: Section 103G of the National Security Act of 1947 (50 U.S.C. § 3032) establishes the authorities of the Chief Information Officer of the IC (IC CIO), including procurement approval authority over all information technology items related to the enterprise architectures of all IC components.

A. What is your view of the authority of the IC CIO to create an integrated national intelligence and military intelligence information sharing enterprise?

Answer: In my view, the IC CIO position currently possesses the appropriate and sufficient authorities to create and sustain an increasingly integrated national intelligence and military intelligence information sharing enterprise. While authorities are certainly important, recent experience indicates that the linchpin of progress has been the IC CIO's ability to lead and coordinate a federated enterprise through large-scale technology transformation. If confirmed, I commit to supporting the IC CIO's mission.

B. If confirmed, how do you intend to achieve true integration of national intelligence and military intelligence information sharing enterprises?

Answer: If confirmed, I will ensure that the broader intelligence enterprise continues the strong collaboration that has been established to date, with an eye towards even greater transformation in areas like cloud and hybrid computing, data discoverability and sharing, and protection of our classified systems and data.

Most importantly, I will make certain that my team maintains a relentless focus on providing our officers the most modern technologies to achieve mission success, with a continued emphasis on eliminating any seams between the national and military information sharing enterprises. I recognize that this cross-enterprise effectiveness has not occurred naturally, and I will keep this topic among our foremost interagency priorities, leverage the best industry has to offer, and build on what we have learned over the past several years. I will direct the IC CIO to further strengthen the inter-connective tissue between the national and military enterprises, from the granular standards and architectures to the broader joint strategies, so as to ensure that our hard-won intelligence information—enriched by the latest compute technologies and protected by effective cybersecurity measures—can always reach the “last tactical mile,” wherever that might be.

Cybersecurity

QUESTION 75: The ODNI has a central role to play in coordinating cybersecurity efforts, particularly with the respective roles of the Director of the National Security Agency and the head of U.S. Cyber Command.

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

Answer: The IC is responsible for collecting, analyzing, producing and disseminating intelligence on foreign cyber threats at the appropriate level of classification. The IC will continue to provide intelligence in support of whole of government efforts to counter and deter cyber adversaries.

B. What is your view regarding the proposals to end the “dual-hat” relationship between the National Security Agency and U.S. Cyber Command?

Answer: If confirmed, I look forward to studying this question and providing my recommendation to the President.

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

Answer: The IC provides a source of information to the comprehensive public/private effort to enable private sector critical infrastructure entities to improve their ability to protect their networks. However, the IC's view from a foreign intelligence perspective is just one of many key sources of information. As part of significant outreach by DHS, FBI, DoD, Sector-Specific Agencies, and others, the IC does perform classified and unclassified functions. While classified briefings are useful to provide strategic context, the vast majority of the effort to secure networks will always be done by cybersecurity operators in the private sector that are not cleared. Our focus must be on sharing the indicators of compromise and information through our federal partners that can be directly applied to cybersecurity operations at the unclassified level. It is important to note that the public/private partnership requires significant information sharing in both directions.

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

Answer: If confirmed, I will work with IC leaders and ODNI officials to ensure the IC is well-positioned to address the cybersecurity threats facing our Nation.

Science & Technology and Research & Development

QUESTION 76: How do you assess the state of science and technology (S&T) activities within the IC? If confirmed, how would you improve S&T activities in the IC?

Answer: The IC is focused on S&T activities that will maintain U.S. intelligence and decision advantage. This is especially critical given the ongoing global competition in S&T. The speed of innovation and agility of the workforce must be increased. We need to provide IC collectors and analysts with S&T tools that will enable the IC to inform countermeasures and protection strategies in advance of our adversaries to avoid surprise.

If confirmed, I will focus on ensuring agencies have the resources needed to meet mission requirements. Additionally, I will work with our ODNI staff to ensure, to the greatest extent possible, S&T investments are rationalized and de-duplicated across the IC. Finally, the greatest strength of the IC is its workforce. If confirmed, I will make the recruitment and retention of a strong STEM workforce a top priority.

QUESTION 77: The Committee has a strong interest in IC research & development (R&D). If confirmed, what would be your top priorities with respect to R&D in the IC? What should be the appropriate size of the research and development budgets as a percentage of the total NIP?

Answer: I am concerned about technological advances of potential future great-power adversaries like China and Russia, who continue to steal technology from both our public and private sectors. To ensure the most effective utilization of R&D resources, the IC needs to maintain a close partnership with academia, the private sector, National Labs, and associated infrastructure. This will allow the IC to assess how less mature technologies can enable a capability that may address a vulnerability in a U.S. military system, intelligence system, S&T program, or policy. The priorities for IC R&D should be those areas not sufficiently covered by the National Security Industrial Base, as well as applied R&D that must be done at a classified level. By working closely with industry, the IC will be better able to prioritize R&D it must procure from the private sector and what it must do on its own. Overall, I see four areas of unique, priority interest to IC R&D activities: artificial intelligence; biological sciences; advanced sensor technologies; and advanced computing, to include quantum. These four areas have the potential to change the fundamentals of how the IC prosecutes its mission.

Beyond our own capabilities, our adversaries have an increasing interest in many of these same technical areas. We must have strong investments in these four priority areas to ensure both our own strategic advantage and our ability to understand and counter our adversaries' capabilities. If confirmed, I will examine the size of R&D budgets to ensure the IC R&D spending is right-sized to accomplish its critical mission.

QUESTION 78: What should be the future role and mission of the Intelligence Advanced Research Projects Activity (IARPA)?

Answer: IARPA should continue to sponsor high-risk, high-payoff research with the potential to provide the U.S. with an overwhelming intelligence advantage over its adversaries.

Financial Intelligence

QUESTION 79: The IC's ability to investigate and disrupt the illicit financial and commercial networks that enable nefarious actors is central to addressing national and international security threats. Please describe your strategy for improving the IC's collection and analysis efforts regarding financial intelligence, including the use of open source and proprietary commercial information, and obtaining the cooperation of other countries.

Answer: The IC has a critical role in the collection, analysis, and dissemination of financial intelligence to identify, investigate, and disrupt the financial and commercial networks of terrorists, proliferators, foreign intelligence services, transnational criminals, and rogue regimes. A robust financial intelligence posture is also needed for an effective investment security, sanctions, and supply chain posture. The IC shares these goals with a broad range of allies. Where possible, the IC should collaborate and burden share with foreign partners to protect the integrity to the international financial system and thwart adversaries' financial practices.

Adversaries seek to conceal their activities by using sophisticated money laundering methods. To overcome these challenges, the IC must couple unclassified commercial data acquisition with classified intelligence gathered under IC authorities.

The IC must also employ best practices in data management; leverage automation, data analytics, and data visualization; and where possible, use artificial intelligence. These practices will enhance the effectiveness and efficiency of the IC.

Effective collection and analysis in this area rely on the IC's ability to recruit, train, and develop officers who have a deep understanding of the practices currently employed in banking and finance; energy; financial technology; and international business. Broadening IC competencies in these areas will improve intelligence support against a wide variety of threat actors, economic sectors, and commercial activities. Given the transferrable nature of financial intelligence to and from the private sector, IC agencies must develop recruitment plans that bring in this expertise and progressive career paths that retain the services of officers working in this field.

Management, Infrastructure, and Classification of Information

QUESTION 80: Are there any changes you see as necessary to improve IC acquisition management?

Answer: My understanding is that in some ways the Intelligence Community provides a model for the acquisition of large complex systems that revolutionize our intelligence capabilities; I want to sustain the parts of that which enable the mission. But there may need to be more agility and flexibility in the acquisition process and timeline, such as for projects that do not require the risk management as traditional acquisitions. I understand that there are efforts ongoing as part of the IC's initiative on Acquisition Agility, and if confirmed, I look forward to continuing those efforts.

QUESTION 81: What is the appropriate balance between classified and unclassified capabilities in IC acquisition programs?

Answer: Given the sensitive nature of intelligence collection, there will always be a need for classified systems to protect our most sensitive sources and methods. The IC prevents its adversaries from creating new methods and/or means to counter our systems by keeping these capabilities classified. Classified and unclassified capabilities have been, and will continue to be, complementary. Wherever possible, the IC should seek to leverage

unclassified capabilities where feasible to fulfill intelligence needs. The IC must continue to balance the mix of classified and unclassified capabilities based on capabilities available, intelligence needs, and risk. If confirmed, I will look to leverage the capabilities that unclassified platforms can bring to the mission, while maintaining the advantages that our unique classified programs provide.

QUESTION 82: The IRTPA assigned certain budget authorities to the DNI to include developing a consolidated NIP.

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

Answer: The NIP is a very large and complex enterprise. If confirmed, I will examine the facets of NIP financial management under my authority to determine if any modifications are needed. If I realize that changes are needed, I will work to support those changes.

B. What should be the relationship between the IC and the Defense Department and Services in the management and execution of all NIP resources?

Answer: The relationship between the IC and DoD is critical on all levels, and the responsible management of our resources is essential. I believe the IC, the Department of Defense, and the Services should take a collaborative approach to the management and execution of NIP resources that ensure the DNI has access to the information necessary to effectively carry out its statutory responsibility to manage the NIP, while providing necessary flexibility for DoD IC elements to execute their missions.

QUESTION 83: Please explain your understanding of Section 102A (i) of the National Security Act of 1947 (50 U.S.C. § 3024(g)(1)(G)), which directs the DNI to establish and implement guidelines for the classification of information, and for other purposes.

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

Answer: If confirmed, I will use my authority to: effectively manage and safeguard information that requires protection; expand information dissemination within the IC; responsibly share information with other U.S. departments and agencies in defending against threats to our national security and homeland; and facilitate foreign disclosure and release that can provide critical support to our national security and foreign policy objectives.

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

Answer: The accurate and accountable application of classification standards is critical to maintaining the security of sensitive information. Maintaining effective and robust declassification programs demonstrates to the American people the IC's commitment to keeping the public informed of the activities of its government in a manner consistent with national security. Any declassification efforts must weigh the value of making public the information with the risk of our adversaries being able to use the information against us. I will face each of these decisions with those factors in mind.

ODNI Relationship with the Department of Defense

QUESTION 84: Please explain your understanding of the need to balance the requirements of national and military intelligence consumers, specifically between establishing a unified national intelligence effort that includes intelligence elements housed within DoD with the continuing requirement that combat support agencies be able to respond to the needs of military commanders.

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

Answer: A combatant commander's human intelligence (HUMINT) requirements are best met through continuous close coordination with the IC. IC and DoD coordination should focus on a common understanding of collection capabilities, and continuously evaluating results.

I intend to work with the USD (I&S) to enable more effective DoD human intelligence efforts by furthering IC HUMINT capabilities writ large. I would also leverage the expertise of the HUMINT Functional Manager in such discussions.

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

Answer: I see NIP-MIP coordination as an effective means to allocate collection resources between national and military missions. To further support military intelligence, I envision that ODNI would work to understand challenges in the MIP, and in close coordination with USD (I&S) as the manager of the MIP, identify the means to address those challenges.

C. What should be the relationship between the ODNI and the Office of the Under Secretary of Defense for Intelligence and Security (OUSD[I&S]) in the management and coordination between the NIP and the MIP resources?

Answer: The relationship between the IC and DoD is critical on all levels, and the responsible management of our resources is essential. In general, the roles of the DNI and Secretary of Defense are ones of mutual support. With regard to intelligence, the Secretary of Defense has primary responsibility for the Military Intelligence Program (MIP), and the DNI for the National Intelligence Program (NIP). It is a mission imperative for ODNI and DoD to coordinate efforts across both programs to ensure strong support to combatant commands and current operations.

I believe the IC and the DoD should take a collaborative approach to the management and execution of NIP resources that ensure the DNI has access to the information necessary to effectively carry out its statutory responsibility to manage the NIP, while providing necessary flexibility for DoD IC elements to execute their missions.

If confirmed, it would be my intent to continue the close partnership between the DNI and USD(I&S) aimed at strengthening an integrated approach to national security objectives.

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

Answer: If confirmed, my objective is to work closely with the Secretary of Defense on strategic issues while working routinely with the USD (I&S) on a regular basis. I will rely on USDI (I&S) to develop DoD's national intelligence requirements and to advise me on issues directly affecting DoD.

While the DNI serves as the head of the IC, the responsibilities of the position cannot be accomplished without the support of the Secretary of Defense, who has day-to-day authority and direction over a large part of the IC. I am encouraged by the coordination I have seen, and if confirmed, will continue to foster strong integration with DoD.

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

Answer: As the head of the IC, the DNI has a responsibility to oversee the activities and programs of intelligence agencies residing within DoD, and foster integration between them and all parts of the IC. The DNI's role is overseeing the programming and execution of the national intelligence program (NIP) portions of their budgets. These agencies are also responsive to the DNI, who determines national intelligence requirements and priorities, thus ensuring unity of effort against the array of challenges we collectively face. The ODNI has strong working relationships with each of the DoD intelligence elements, relationships that I will work to strengthen if confirmed.

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

Answer: My current understanding is that the DNI has visibility over the full range of intelligence activities in DoD.

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

Answer: I am not aware of any additional authorities that the DNI should have regarding the full range of intelligence activities conducted by DoD.

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

Answer: The USD(I&S) serves as the principal staff assistant to the Secretary of Defense for DoD intelligence matters and is not a formal member of the IC, as defined by the National Security Act or EO 12333.

Nevertheless, the USD (I&S) also acts for the DNI as the Director of Defense Intelligence (DDI), providing valuable advice and input to the DNI on DoD intelligence matters. In his role as DDI, he is subject to the DNI's authority.

QUESTION 85: What is your understanding of the responsibilities of the USD(I&S) regarding the different intelligence elements within the DoD?

Answer: My understanding is that the USD (I&S) is the principal advisor to the Secretary and Deputy Secretary of Defense for intelligence, counterintelligence, security, sensitive activities, and other intelligence-related matters. The USD (I&S) exercises the Secretary of Defense's authority, direction, and control over, and oversees the activities of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency/Central Security Service, and the National Reconnaissance Office.

The USD (I&S) also fulfills the Secretary's statutory requirements from the National Intelligence Program. Lastly, as the Program Manager for the MIP, the USD (I&S) is the entry point for the DNI's participation in developing the Military Intelligence Program, for which USD (I&S) is the program manager.

QUESTION 86: If confirmed as DNI, what issues do you believe require the attention of the DNI and the Secretary of Defense regarding the role of the Office of the USD(I&S)?

Answer: If confirmed, I look forward to acquainting myself in detail about the current relationship between the ODNI and the Department of Defense, especially the role of the USD (I&S). I've had great initial conversations with Under Secretary Kernan and look forward to building upon that relationship.

It would be my intent to continue the close partnership between the DNI and USD (I&S) and strengthen our integrated common objectives on national security issues between the NIP and MIP and find any areas that need to be further improved.

ODNI Relationship with the Central Intelligence Agency

QUESTION 87: What is your view of the DNI's responsibility to supervise, direct, or control the activities of the CIA?

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

Answer: Any decision to employ covert action as a tool of national security strategy will, by law, be made by the President. E.O. 12333 states that the DNI "shall oversee and provide advice to the President and the NSC with respect to all ongoing and proposed covert action programs." The flow of information to the DNI on covert action programs should be driven by this role, meaning that the DNI must be kept informed of existing covert action programs and the DNI should continue to participate in the national security process of approving and reviewing covert action findings.

The DNI engages with CIA and OMB in identifying funds for new findings and ensures appropriate written notification is provided to Congress regarding any additional resources required. Within the limits of the notification, the DNI also works to ensure that all departments and agencies that have equities in a particular covert action understand their respective roles and comply with their reporting requirements as laid out in the law.

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

Answer: The DNI participates in the existing national security processes of approving and reviewing findings and also engages CIA and OMB in the intelligence budgeting and execution processes to maintain awareness of the finding and resource requirements.

I understand that CIA and ODNI regularly interact to ensure that ODNI stays abreast of developments relevant to its oversight and advising responsibility, and that any covert action issue warranting CIA notification to the National Security Council or to Congress should be provided contemporaneously, or earlier, if practicable, to the DNI. The DNI should receive notification any time there is a new activity or there has been a significant change to a covert action activity; this includes funding, operational, and the potential for negative outcomes.

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

Answer: The IRTPA directs the DNI to oversee the coordination of foreign intelligence relationships and the Director of CIA to coordinate these relationships under the direction of the DNI. To that end, the ODNI establishes and oversees policies guiding IC engagement with foreign partners, such as through various Intelligence Community Directives governing information sharing. The CIA implements those IC-wide policies and objectives in its conduct of foreign liaison activities. If confirmed, I expect to continue this approach.

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

Answer: The DNI, as head of the Intelligence Community, establishes policies, objectives, and priorities. The Director of CIA is responsible for coordinating the clandestine collection of foreign intelligence collected through human sources means outside the United States, and also serves as the Functional Manager for HUMINT. In other words, the DNI establishes the policy framework for deconfliction, coordination, and integration of HUMINT activities across the IC, while the CIA is responsible for operational coordination of HUMINT activities abroad.

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

QUESTION 88: What is your view of the role of the Federal Bureau of Investigation (FBI) within the IC?

Answer: As one of the primary agencies tasked with identifying, detecting and disrupting foreign government and terrorists' threats to U.S. national security, the FBI is an integral component of the IC. The FBI is a strong IC partner, with the ability to use both its intelligence and law enforcement tools to protect our nation from attacks on the homeland and on U.S. persons and interests abroad. Through its task forces and DNI Domestic Representative Program (DDNIR), the FBI facilitates and enhances intelligence and information sharing on critical national security issues manifesting in the homeland. The DDNIR is executed by 12 senior FBI executives across the country. The DDNIRs convene their regional partners routinely to ensure situational awareness among the IC; Federal, State, Local and Tribal (FSLT) entities, and private sector participants and to provide the IC with valuable insight regarding national security threats regionally and nationwide.

As the IC lead in the domestic space, the FBI ensures that the IC has a more coordinated effort and fully supports our domestic partners. A more unified and effective IC enhances the nation's ability to share information with our FSLT and private sector partners to prevent and/or minimize threats to our national security.

QUESTION 89: What is your understanding of the relationship between the FBI and the DNI, particularly regarding collection priorities and information sharing?

Answer: The DNI and the larger IC have actively expanded information sharing with the FBI over the years on a wide range of topics and joint activities. The FBI, one of the 17 IC elements, is a full voting member of several IC committees and councils and provides essential context regarding shared equities between the intelligence and law enforcement communities.

The FBI is a key partner with other communities such as State, Local and Tribal organizations and critical infrastructure providers in areas of increased engagement such as cyber security and election threats.

The DNI, through the NCTC, also has a close working relationship with the FBI to include the Pursuit Group's focus on lead development, the Directorate of Operations (DOS) Support close work on information-sharing, and through FBI participation in NCTC's three-per-day classified video conferences where emergent CT details are shared and FBI's international CT cases are discussed. The DNI also enjoys a close working relationship through the DNI Domestic Reps who receive Requests for Information (RFI) from FBI partners in the field.

QUESTION 90: What is your understanding of the different roles and responsibilities of the FBI, the Attorney General, and the DNI, with respect to the U.S. Government's counterterrorism efforts?

Answer: The DNI, the Attorney General, and the Director of the FBI have complementary mutual roles and responsibilities with respect to the U.S. Government's counterterrorism efforts. They must work together, and with other federal, state, international and private partners, to successfully deter terrorism. The DNI is charged with integrating all counterterrorism intelligence analysis of the federal government, to provide an IC-wide view of the terrorism threat. In addition, the National Counterterrorism Center, an integral part of the ODNI, has a statutory responsibility to, among other things, integrate all intelligence possessed or acquired by the federal government and provide all source intelligence analysis on terrorism threats to its customers. This integrative function is unique to the ODNI vis-à-vis other federal agencies with counterterrorism responsibilities.

QUESTION 91: What is your understanding of the different roles and responsibilities of the FBI, the Attorney General, and the DNI, with respect to the U.S. Government's counterintelligence efforts?

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

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

QUESTION 92: What is your view of how well the intelligence elements of the Departments of Homeland Security, Treasury, State, and Energy are integrated within the IC? Do you believe that there are changes that should be made to the organization, mission, or resource level of any of these agencies?

Answer: The intelligence elements within the Departments of Homeland Security, Treasury, State and Energy are part of the IC and bring to bear resources and knowledge critical to U.S. national security. The Secretaries of each of these departments are statutory members of the Joint IC Council, an advisory council that assists the DNI in developing and implementing a joint, unified national intelligence effort to protect national security.

I believe the standup of the ODNI has enabled more effective integration of the intelligence elements of the Departments of Homeland Security, Treasury, State, and Energy over time. If confirmed, I would examine the organization, mission, and resource levels of elements under my authority to determine if any changes should be considered and implemented.

QUESTION 93: What is your understanding of the different roles and responsibilities of the DNI and the following officials, regarding the IC elements within their departments?

A. The Director of the Office of Management and Budget

Answer: Several authorities of the DNI are exercised subject to the approval of the Director of the Office of Management and Budget (OMB).

For instance, the DNI's authorities to transfer IC civilian personnel throughout the community require approval of the Director of OMB. Likewise, the authority of the DNI with regard to transfer or reprogramming of NIP funds is subject to the approval of the Director of OMB. Finally, the ODNI, like other federal agencies, complies with applicable OMB guidance and policies for implementation of various Federal laws.

B. The Secretary of Energy

C. The Secretary of Homeland Security

D. The Secretary of State

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

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

As the heads of the departments that contain IC elements, the Secretaries of Energy, Homeland Security, and State have responsibility for ensuring that these elements support the overall effectiveness of their respective departmental missions. Together, the Secretaries of Departments containing IC elements and the DNI must work together and closely coordinate.

E. The Secretary of the Treasury

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

Defense Intelligence Agency

QUESTION 94: The Defense Intelligence Agency (DIA) is the “Defense HUMINT Manager” under [DoD] directives, with the responsibility for managing human intelligence activities across [DoD], including those activities undertaken by the military intelligence agencies. Do you believe that DIA should, in both its Title 10 and Title 50 roles, have the authority and ability to manage, direct, and oversee all DoD human intelligence and counterintelligence activities?

Answer: I believe that current DIA authorities that allow the agency to manage the Defense HUMINT Enterprise, in both its Title 10 and Title 50 roles, are sufficient and support the ability of the military departments and combatant commands to continue to conduct activities under their respective authorities.

Privacy and Civil Liberties

QUESTION 95: Section 102A(f)(4) of the National Security Act (50 U.S.C. § 3024(f)(4)) provides that the DNI “shall ensure compliance with the Constitution and laws of the United States by the [CIA] and shall ensure such compliance by other elements of the [IC] through the host executive departments that manage the programs and activities that are part of the National Intelligence Program.”

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

Answer: The IC cannot perform its mission without the trust of the American people and their elected representatives. Compliance with the Constitution and the laws of the United States is not negotiable for the IC and the DNI is expressly charged by the National Security Act to ensure that the IC complies with the Constitution and laws of the United States. More fundamentally, the IC can only engage in intelligence activities with legal authorization.

The IC must engage in its activities in a way that complies with the Constitution. Many statutes are also applicable to IC activities. Notable among them is the Foreign Intelligence Surveillance Act (FISA), which provides statutory authority to collect information that is vital to the IC's national security mission subject to the civil liberties and privacy protections contained in the law. In particular, the ODNI has an important role working with the Department of Justice to oversee how IC elements implement section 702 of FISA.

If confirmed as DNI, I would work with the IC's leaders to ensure that all U.S. intelligence activities comply with the law. I would also ensure that my office continues to assess civil liberties and privacy compliance across the IC and that the IC has the tools, resources, and support it needs to address these issues.

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

Answer: If confirmed, I would work with the congressional intelligence committees to accommodate their legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch, including the protection from unauthorized disclosure of classified intelligence sources and methods.

IC Whistleblowers

QUESTION 96: Do you support a strong Inspector General of the IC to provide independent oversight for the IC?

Answer: Yes, I fully support a strong Inspector General of the IC (IC IG) and its statutory mission to promote economy, efficiency, and effectiveness in the administration of intelligence activities. If confirmed, I will establish a strong working relationship with the IC IG, and I will ensure that IC IG recommendations are addressed appropriately.

QUESTION 97: Do you support the statutory rights of IC whistleblowers and intend to honor the anonymity of whistleblowers who come forward? Are there aspects of the IC whistleblower statute with which you disagree?

Answer: If confirmed, I commit to ensure that every complaint is handled in compliance with all legal requirements and whistleblowers are afforded all legal protections.

QUESTION 98: Do you believe the subject of a complaint, even if the subject is the President, should be told about the complaint? If so, under what circumstances?

Answer: If confirmed, I intend to fully support the IC IG's mission to investigate IC whistleblower complaints, and I will do all within my authorities to protect the integrity of such investigations.

Inspectors General of IC agencies

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

QUESTION 99: If confirmed, how would you ensure the IC's IGs maintain their independence?

Answer: If confirmed, I will establish a strong working relationship with the IC IG. I will also communicate the importance of a strong IG to the senior leadership and make clear my expectation that they appropriately cooperate with IC IG audits, reviews, and investigations.

Captured IC Personnel

QUESTION 100: Do you commit to doing everything within your powers to ensure U.S. persons captured in the line of duty are returned home?

Answer: If confirmed, I would be fully committed to rapid recovery of U.S. persons being held hostage abroad and will leverage the full resources of the ODNI to achieve their safe return.

The taking of a U.S. persons abroad requires a rapid, coordinated response from the United States Government. I would be committed to working with the Hostage Response Group (HRG), in support of the NSC and the interagency Hostage Recovery Fusion Cell (HRFC) to ensure that all relevant department and agency information, expertise, and resources are brought to bear to develop individualized strategies to secure the safe recovery of U.S. persons held hostage abroad – which may include diplomatic outreach, intelligence collection, and investigations in support of developing further options, recovery operations, and the use of any other lawful and appropriate tools.

In support of Presidential Policy Directive-30 and Executive Order 13698, in 2015 the DNI authorized the creation of an ODNI Hostage Issue Manager, who is responsible for synchronizing IC efforts, ensuring support to other US government entities working hostage matters, and maintaining situational awareness of all IC hostage-related issues. The ODNI also provides a full-time representative to the HRFC, who serves as the Intelligence Advisor to the Director of the HRFC and represents the IC in fusion cell activities, provides tailored intelligence support to the Fusion Cell, and assists with hostage-related information sharing requests. If confirmed, I would be committed to ensure that IC support for the US Government's hostage recovery efforts is strong and effective.

Interrogation

QUESTION 101: Section 1045 of the National Defense Authorization Act for Fiscal Year 2016 prohibits the use of any interrogation technique or approach or treatment related to interrogation not authorized by the Army Field Manual. Is this provision of law absolutely binding on the IC and the President?

Answer: If confirmed, I would work with the Attorney General to ensure that all IC activities are carried out in strict accordance with the Constitution and applicable federal law, including section 1045 of the National Defense Authorization Act for Fiscal Year 2016.

Classification & Transparency

QUESTION 102: Executive Orders 13526 states, “In no case shall information be classified, continue to be maintained as classified, or fail to be declassified in order to: (1) conceal violations of law, inefficiency, or administrative error; (2) prevent embarrassment to a person, organization, or agency; (3) restrain competition; or (4) prevent or delay the release of information that does not require protection in the interest of national security.” Executive Orders 12958 and 13292 prohibit classification for these same factors.

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

Answer: Yes, if confirmed, I will work with the heads for the IC elements to conduct IC activities in accordance with these EOs.

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

Answer: IC Inspectors General have an important role in assessing whether the policies, procedures, rules, and regulations administered within an IC element are being properly followed.

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

Answer: Anyone who is granted a security clearance has a responsibility to comply with Executive Order 13526 and the relevant classification policies, procedures, rules, and regulations. Appropriate action must be taken for individuals who willfully fail to comply with these obligations.

QUESTION 103: In his August 16, 2019, letter to the President, the director of the Information Security Oversight Office (ISOO) described a “deluge” of classified information that “will continue to grow unabated,” referring to the current framework as “unsustainable.” He called for the “investment, adoption, and use of advanced technologies” as well as “new policies and practices” to address the problem. He further wrote: “The Government has not invested in the technologies needed to support electronic information management and information security.” Similarly, the Public Interest Declassification Board (PIDB), in its June 2016 report, called for “the adoption of a government-wide technology investment strategy for the management of classified information.”

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

Answer: I share both ISOO’s and the PIDB’s concerns and interest in modernizing the classification and declassification system to meet the changing demands of the digital age while appropriately safeguarding the U.S. Government’s national security information. My understanding is that the IC is actively engaged in this modernization work and participates in several national-level processes that are dedicated to classification and declassification improvement, and that address several of the issues described by the Director of ISOO and presented in the PIDB’s report.

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

Answer: My understanding is that the IC is actively partnering across its elements and with industry and academia to see how technology can transform how the IC manages labor intensive classification and declassification processes in the future. Sustained IC investments in next generation technologies are crucial to success in this area. The IC will also have to modernize legacy systems, which is a more complicated process, to avoid disruption to mission while new solutions are put in place over time.

To be successful, any reform efforts must take a holistic approach and must align with the obligation to protect information from unauthorized disclosure that could harm the national security. In addition, the IC must also carefully examine the resource implications of any suggested reforms.

QUESTION 104: Executive Order 12333 procedures and guidelines, as they apply to IC entities, are publicly available. Do you commit to continuing to post these procedures and to make public any modifications, superseding policies and procedures, or significant interpretations?

Answer: Consistent with the Principles of Intelligence Transparency for the IC, I commit to ensuring that the IC provides appropriate transparency that enhances the public's understanding about the IC's mission; the laws, directives, authorities, and policies that govern the IC's activities; and the framework that ensures intelligence activities are conducted in accordance with the applicable rules.

QUESTION 105: Implementing procedures under PPD-28 for IC entities are publicly available. Do you commit to continue to post these policies and procedures and to make public any modifications, superseding policies and procedures, or significant interpretations?

Answer: As with the Executive Order 12333 procedures and guidelines, the publication of the PPD-28 policies and procedures in a manner that protects sources and methods but considers the public interest to the maximum extent feasible, is a critical aspect of the IC's transparency efforts.

QUESTION 106: If you or another ODNI official were to say something relevant to national security that was factually inaccurate in public, would you correct the public record?

Answer: If confirmed, I will ensure the ODNI continues to share accurate and factual information responsibly with the public to further government openness and transparency while protecting intelligence information from unauthorized disclosure.

Privacy and Civil Liberties Oversight Board (PCLOB)

QUESTION 107: If confirmed, will you ensure that the IC fully cooperates with the PCLOB, both with regard to the Board’s formal reviews and its informal exchanges with the IC? Will you commit to ensuring that the PCLOB is provided full access to any information it requests?

Answer: The Privacy and Civil Liberties Oversight Board provides an important role to advise on and review the efforts of the IC to combat terrorism while protecting the privacy and civil liberties of every American. Consistent with the law, it is my understanding that the IC has fully cooperated with the work of the Board and provided the PCLOB access to the information it needs to perform its duties.

Security Executive Agent

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

QUESTION 108: What is your view of the effectiveness of the governance framework for personnel and credentialing vetting reform established by the OMB led Performance Accountability Council?

Answer: In my role as DNI, I will be one of four members of the Performance Accountability Council (PAC) which is led by the Deputy Director of OMB. I believe the PAC is a critical function for ensuring strategic governance across the entire U.S. government ecosystem. It is an effective vehicle for ensuring interoperability between the IC, the Department of Defense, and the entire Executive Branch of the U.S. Government, particularly in the security clearance arena.

QUESTION 109: Do you believe the Trusted Workforce 2.0 personnel vetting reforms are prudently scoped? Would you seek to modify them? How would you accelerate reforms?

Answer: I understand the Trusted Workforce 2.0 personnel vetting reforms are efficiently scoped and have been extremely successful thus far in the early stages of implementation.

The 2.0 effort will continue to facilitate effective policy reform for the cleared workforce within the entire U.S. government. This effort is enduring and will continue to provide policy modifications as necessary to ensure implementation of a trusted workforce.

QUESTION 110: How would you improve reciprocity in the recognition of clearances across the government?

Answer: Reciprocity continues to be a critical component of the Trusted Workforce 2.0 efforts. The ability to move trusted personnel from agency to agency has never been more important than it is today. The current implementation of Trusted Workforce 2.0 provides enhanced guidance to departments and agencies beyond the existing Executive Directives regarding reciprocity.

QUESTION 111: What are your views on the interagency security clearance process? If confirmed, what changes, if any, would you seek to make to this process?

Answer: I believe the Trusted Workforce 2.0 effort, which is a whole of government effort, will continue to drive the much needed transformational change across the entire vetting process in the U.S. government. Additionally, with the implementation of government-wide Continuous Evaluation (CE) in the IC and entire Executive Branch, the vetting process of individuals is more comprehensive and timely. My intention would be to support the ongoing reforms and provide effective leadership to ensure the successful implementation of the entire Trusted Workforce 2.0 initiative.

National Intelligence Priorities Framework (NIPF)

QUESTION 112: The NIPF guides priorities for the IC. Do you believe there is adequate interagency participation in development of the President's Intelligence Priorities? How would you change or update the current procedures?

Answer: Yes, I believe the current procedures are appropriate.

ADDITIONAL QUESTIONS FROM SENATOR WYDEN

International Alliances and Information from Foreign Partners

QUESTION 1: Please describe what you believe to be the appropriate limitations on the IC's receipt of, use, retention and dissemination of communications or communications records of U.S. persons collected by a foreign partner or entity. How should those limitations address instances in which the foreign partner specifically targeted U.S. persons who are not the subject of a warrant in the United States or instances in which the foreign partner has collected bulk communications or communications records known to include those of U.S. persons?

Answer: The IC has a solemn obligation to conduct intelligence activities in a manner that fully protects the legal rights of all United States persons, including freedoms, civil liberties, and privacy rights guaranteed by federal law. No element of the IC may request any person, including any foreign partner, to undertake activities forbidden by the Constitution, federal law, or executive order, including E.O. 12333. If confirmed, I would ensure that all elements of the IC adhere to these requirements and engage with foreign partners in a manner wholly consistent with U.S. law and with robust protections for the privacy and civil liberties of U.S. persons.

QUESTION 2: During his confirmation process, former DNI Coats stated: "In no event should the IC request that a foreign entity undertake activities that the IC is itself forbidden from undertak[ing]." Mike Pompeo, during his confirmation to be CIA Director, testified: "it is not lawful to outsource that which we cannot do."

A. Do you agree with former DNI Coats and former CIA Director Pompeo?

Answer: Yes. I agree that no element of the IC should request that a foreign entity undertake activities that that element is itself forbidden from undertaking.

B. If yes, is it appropriate for the President to make similar requests of foreign entities?

Answer: The President should act in accordance with the Constitution and the laws of the United States at all times. If another element of the federal government is lawfully able to undertake an activity forbidden to an element of the IC, however, there would be no constraint on the President asking a foreign entity to undertake such an activity.

QUESTION 3: In her confirmation process, CIA Director Haspel was asked about the possible costs to bilateral relationships, including bilateral intelligence relationships, to eliminating or modifying PPD-28. She responded:

PPD-28 underlies the US commitment to the EU/US Privacy Shield. This administration reviewed PPD-28 last year and decided to retain it. If PPD28 were substantially modified or eliminated, our European partners might re-evaluate their commitment to the Privacy Shield that support[s] transatlantic commercial data flows.

Do you agree with Director Haspel?

Answer: I agree with Director Haspel.

QUESTION 4: Do you believe that international institutions and alliances that the United States was instrumental in creating after World War II (such as NATO, World Bank, IMF, G7, and G20) are, on balance, helpful or hurtful to the national interests of the United States? Please explain how.

Answer: I believe that these institutions and alliances are net helpful to our national interests. I also believe that joint cooperation, additional resources and commitments from our strategic partners is necessary as we respond to new geopolitical and economic challenges including our current fight against COVID-19.

Foreign Intelligence Surveillance Act

QUESTION 5: During his confirmation process, Assistant Attorney General for National Security John Demers was asked about the prohibition on reverse targeting in Section 702 of FISA. He responded:

As I understand it, determining whether a particular known U.S. person has been reverse targeted through the targeting of a Section 702 target necessitates a fact specific inquiry that would involve consideration of a variety of factors.

For example, as the Privacy and Civil Liberties Oversight Board noted in its 2014 report, if a Section 702 tasking resulted in substantial reporting by the Intelligence Community regarding a U.S. person, but little reporting about the Section 702 target, that might be an indication that reverse targeting may have occurred.

- A. How, as DNI, would you seek to implement this “fact specific inquiry” through the Section 702 nominations and querying processes of IC entities?
- B. Do you believe Section 702 of FISA authorizes the collection of communications known to be entirely domestic?
- C. Will you commit to a renewed effort to obtain an estimate of the number of:
 - (1) U.S. persons whose communications are collected under Section 702; or
 - (2) communications collected under Section 702 to which a party is a person in the United States?

Answer: Section 702 of FISA specifically prohibits intentionally targeting a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States (i.e., reverse targeting). In addition, Section 702 also specifically prohibits intentionally acquiring any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States (i.e. communications known to be entirely domestic). If confirmed, I would work with the Attorney General and the heads of IC elements, as well as the General Counsels throughout the IC, to ensure that collection activities conducted pursuant to Section 702 of FISA are carried out in accordance with the Constitution and applicable Federal law.

Finally, my understanding is that in the past efforts were undertaken to provide estimates of the number of U.S. persons or persons inside the United States whose communications are collected under Section 702, but the DNI determined that such estimates were not feasible. If confirmed, I will look into the matter to better understand why that determination was made.

QUESTION 6: Do you believe that Section 215 of the USA PATRIOT Act should be used to collect “tangible things” if they do not pertain to:

- (1) a foreign power or an agent of a foreign power;
- (2) the activities of a suspected agent of a foreign power who is the subject of an authorized investigation; or
- (3) an individual in contact with, or known to, a suspected agent of a foreign power who is the subject of an authorized investigation? If yes, under what specific circumstances do you believe the application for a Section 215 order could be based on the “relevance” standard without satisfying any of the above three requirements for presumptive relevance?

Answer: I believe it is important for the Intelligence Community to use its authorities appropriately against valid intelligence targets. The amendments to Title V of FISA made by Section 215 of the USA PATRIOT Act expired on March 15, 2020 and, to date, have not been reauthorized.

QUESTION 7: Do you believe that Section 215 of the USA PATRIOT Act should be used to collect Americans’ web browsing and internet search history? If yes, do you believe there are or should be any limitations to “digital tracking” of Americans without a warrant, in terms of length of time, the amount of information collected, or the nature of the information collected (e.g., whether particular kinds of websites raise special privacy concerns)?

Answer: I believe it is important for the Intelligence Community to use its authorities appropriately against valid intelligence targets. The amendments to Title V of FISA made by Section 215 of the USA PATRIOT Act expired on March 15, 2020 and, to date, have not been reauthorized.

QUESTION 8: Do you believe the FISA *amici* play an important role in raising significant matters of law with the Court, thereby improving oversight of the FISA process and contributing to the protection of Americans’ civil liberties?

Answer: As demonstrated by the appointment of several amici since this provision has gone into effect, I believe it is important for the FISC to be able to appoint amici to assist the Court as necessary.

Extra-Statutory Collection

QUESTION 9: Title 50, section 1812 provides for exclusive means by which electronic surveillance and interception of certain communications may be conducted. Do you agree that this provision of law is binding on the President?

Answer: If confirmed, I would work with the Attorney General to ensure that IC activities are carried out in accordance with the Constitution and applicable federal law.

QUESTION 10: Do you believe that the intelligence surveillance and collection activities covered by FISA can be conducted outside the FISA framework? If yes, please specify which intelligence surveillance and collection activities, the limits (if any) on extra-statutory collection activities, and the legal authorities you believe would authorize those activities.

Answer: If confirmed, I would work with the Attorney General and the heads of IC elements, as well as the General Counsels throughout the IC, to ensure that intelligence activities are conducted in accordance with the Constitution and applicable federal law. As set forth in Section 112 of FISA, with limited exceptions, FISA constitutes the exclusive statutory means by which electronic surveillance, as defined in FISA, and the interception of domestic wire, oral, or electric communications for foreign intelligence purposes may be conducted.

QUESTION 11: What would you do if the IC was requested or directed to conduct such collection activities outside the FISA framework? Would you notify the full congressional intelligence activities?

Answer: Consistent with the requirements of the National Security Act, I would keep the congressional intelligence committees informed of the intelligence activities of the United States, including any illegal intelligence activities. As you know, not all intelligence activities are governed by FISA.

If confirmed, I would work with the Attorney General and the heads of IC elements, as well as the General Counsels throughout the IC, to ensure that intelligence activities are conducted in accordance with the Constitution and applicable federal law.

QUESTION 12: Do you believe the IC can purchase information related to U.S. persons if the compelled production of that information would be covered by FISA? If yes, what rules and guidelines would apply to the type and quantity of the information purchased and to the use, retention and dissemination of that information? Should the congressional intelligence committees be briefed on any such collection activities?

Answer: Elements of the IC are authorized to collect, retain, or disseminate information concerning U.S. persons only in accordance with procedures approved by the Attorney General. As you know, not all intelligence activities are governed by FISA, and it is my understanding that in appropriate circumstances elements of the IC may lawfully purchase information from the private sector in furtherance of their authorized missions. Nonetheless, any intelligence activity not governed by FISA would be regulated by the Attorney General-approved procedures that govern the intelligence activities of that IC element. Consistent with the requirements of the National Security Act, if confirmed, I would keep the congressional intelligence committees informed of the intelligence activities of the United States.

12333: U.S. Person Queries

QUESTION 13: NSA Director Nakasone has stated that, absent consent of the U.S. person or certain emergency situations, U.S. person queries of communications collected under Executive Order 12333 “normally must be approved by the Attorney General on a case-by-case basis after a finding of probable cause.”

- A.** To what extent does this requirement apply to other IC entities?
- B.** What is the role of the IC in developing and documenting the case for probable cause in this context?

C. Please describe any exceptions to this requirement.

Answer: Elements of the IC are authorized to collect, retain, or disseminate information concerning U.S. persons only in accordance with procedures approved by the Attorney General. Each element of the IC has its own Attorney General-approved procedures, consistent with the unique responsibilities and mission of each element. The Attorney General-approved procedures governing the conduct of intelligence activities by the Department of Defense and its component agencies, including the National Security Agency, are set forth in DoD Manual 5240.01. Those procedures, as well as the classified annex to the DoD Manual, are publicly available with limited redactions. My understanding is that those procedures set forth detailed guidelines with respect to the conduct of U.S. person queries of information lawfully collected by the National Security Agency or other components of the Department of Defense, to include circumstances in which such queries may be conducted with the consent of the U.S. person or the specific prior approval of the Attorney General based on a finding of probable cause.

Ukraine Whistleblower

QUESTION 14: On December 12, 2019, you called the Ukraine whistleblower a liar who “didn’t tell the truth verbally and in writing” even though the ICIG stated that everything the whistleblower said was confirmed by multiple first-hand witnesses.

A. Do you still believe the Ukraine whistleblower lied? If so, how?

Answer: I stated consistently throughout the impeachment inquiry proceedings, the October 4, 2019 transcribed HPSCI interview of IC Inspector General Michael Atkinson confirms that certain sworn disclosures by the whistleblower to the ICIG in writing and verbally were neither accurate nor correct. Please see annex for additional details.

B. Do you believe an individual’s personal political affiliations should be considered when evaluating the veracity of a complaint?

Answer: I believe the veracity of a whistleblower complaint should be based on all available facts. If confirmed, I will support the work of the Inspector General of the IC (IC IG) to ensure that the veracity of complaints are evaluated independently, objectively, and based on facts, regardless of the complainant's personal political affiliation.

C. What will you do as DNI to ensure other whistleblowers reporting fraud, waste, and abuse are not deterred from coming forward?

Answer: Whistleblowers serve a vital role within the IC by promoting government accountability, maintaining the integrity of the workforce, and addressing allegations of wrongdoing without improperly disclosing classified information. If confirmed, I commit to working with the IC IG to objectively and impartially respond to allegations of retaliation against whistleblowers, engage the IC workforce to express my strong support for whistleblowers, and take any other available action within my authorities to ensure that IC whistleblowers are protected from retaliation.

D. What steps will you take to ensure retaliation against whistleblowers is not tolerated?

Answer: If confirmed, I will do all within my authorities to ensure that retaliation against whistleblowers is not tolerated. I will work closely with the IC IG to respond to allegations of retaliation against whistleblowers. When a finding of retaliation occurs, I will swiftly take all appropriate action against the offending individual. I will also engage with leadership to ensure that managers at all levels support lawful whistleblowing and that any retaliation will not be tolerated.

QUESTION 15: Do you believe it is ever appropriate for anyone in the Federal Government to publicly reveal the identity of an IC whistleblower or call for that identity to be revealed?

Answer: As detailed in response to question 97, I am committed to protecting the rights of those individuals who lawfully report wrongdoing, including honoring a whistleblower's anonymity as required by law. All federal government employees should do the same.

Interrogation

QUESTION 16: Do you believe that any of the CIA's former enhanced interrogation techniques are consistent with the Detainee Treatment Act, the U.S. statutory prohibition on torture, the War Crimes Act, or U.S. obligations under the Convention against Torture or Common Article 3 of the Geneva Convention?

Answer: I have not conducted the legal and factual research and analysis that would be required to properly answer this question but would note that the law governing interrogation has evolved significantly since the CIA last employed enhanced interrogation techniques.

QUESTION 17: On February 21, 2020, the Department of Defense announced that the Under Secretary for Intelligence & Security would review Army Field Manual (FM) 2-22.3, Human Intelligence Collector Operations. That review will include consultation with the DNI. Do you agree that the CIA's former enhanced interrogation techniques should be prohibited under the Field Manual and, if so, should that prohibition be explicit?

Answer: Section 1045 of the National Defense Authorization Act for Fiscal Year 2016 prohibits the use of interrogation techniques not expressly authorized by the Army Field Manual, and further prohibits revisions to the Army Field Manual that involve the use or threat of force and also requires that the Army Field Manual be public.

QUESTION 18: Section 1045 requires that the High-Value Detainee Interrogation Group (HIG) submit a report on best practices for interrogation and states that the review of the Field Manual may include recommendations for revisions based on HIG research. In August 2016, the HIG released its first assessment of interrogation best practices. What lessons have you taken from this report and how will they inform your contribution to the FM review process?

Answer: As a general matter, I agree that best practices from the HIG report should inform the Army Field Manual review and other related work. If confirmed, I will direct my staff to review the report and work with the Department to update the FM accordingly.

QUESTION 19: Executive Order 13491 prohibits the CIA from operating any detention facilities other than “facilities used only to hold people on a short-term transitory basis.” Do you support this prohibition?

Answer: I do.

Privacy and Civil Liberties Oversight Board (PCLOB)

QUESTION 20: Would you support an expansion of the PCLOB’s statutory mandate beyond counterterrorism to include any intelligence activities that could affect the privacy and civil liberties of Americans?

Answer: If confirmed, I will review whether expansion of the PCLOB’s current statutory mandate is appropriate.

Lethal Strikes Against U.S. Persons

QUESTION 21: Please describe your view of the legal and policy implications of targeting or otherwise knowingly killing a U.S. person in a U.S. Government lethal operation. What additional public transparency do you believe would be warranted in that situation?

Answer: The federal government takes matters of use of force very seriously, particularly in the rare instance when a U.S. person has taken up arms against the United States. If confirmed, I will work in partnership with the National Security Council, Department of Justice, Department of Defense, and Intelligence Community colleagues to ensure that use of force against a US person is justified and within our legal authorities. I will work with federal partners to provide as much transparency to the U.S. public as possible.

Use of Encrypted Communications

QUESTION 22: Do you currently, or have you in the past used any end-to-end encrypted messaging apps (Signal, WhatsApp, iMessage, etc.) to communicate with others? If yes, did you use these apps for personal or work-related communications?

Answer: Yes. I use iMessage for personal communications and some communications related to my work in Congress.

QUESTION 23: Do you believe that Americans should not have access to encrypted methods of communication that are beyond the reach of government intercepts? If yes, do you believe there should be any exceptions, for example communications for official government use or communications for personal or professional healthcare, medical, or banking and other financial purposes?

Answer: I believe there is a need to strike a proper balance that aligns fundamental privacy interests with the need for lawful access. Similar to the Department of Justice, I have significant concerns on the impact of widespread and sophisticated encryption technologies on national security matters and investigations involving counterterrorism, espionage, cybercrimes, and broader domestic and international terrorism.