

SELECT COMMITTEE ON INTELLIGENCE

UNITED STATES SENATE



Post-Hearing Questions for

Ms. Christine Abizaid Upon Her Nomination to be

Director of the National Counterterrorism Center

[From Vice Chairman Rubio]

1. As of December 2020, the Office of the Director of National Intelligence reported that of the 729 transferred out of Guantanamo Bay, 125 of them were confirmed as having re-engaged in terrorist or insurgent activities. The ODNI also notes that, “some detainees determined to reengage have and will do so regardless of any transfer conditions, albeit at a lower rate than if they were transferred without conditions.”

- **Does the recidivism of these terrorists provide inspiration to terrorist movements, or otherwise benefit them in any way?**

ANSWER: In general, recidivism presents risks whether in the form of direct reengagement on the battlefield, more diffuse inspiration, or other reputational or experiential benefit to terrorist groups. If confirmed, I will review current intelligence on former Guantanamo Bay detainees’ recidivism rates and any related issues, and provide that intelligence to policy makers to inform their decisions related to mitigating the risks, as appropriate.

- **If confirmed as Director of NCTC, would you support any effort to transfer the remaining 40 detainees at Guantanamo Bay?**

ANSWER: NCTC provides analytic assessments to aid policymakers in their decisions and recommendations concerning the transfer of specific detainees. While the NCTC Director does not make these policy decisions, if confirmed, I would ensure that NCTC provides policymakers with all available intelligence, as informed by NCTC’s analytic expertise, to support their decision process.

- **Do you support the closure of the detention facility at Guantanamo Bay?**

ANSWER: If confirmed, I would defer to the President, the Secretary of Defense, and other senior officials to determine that the Guantanamo Bay detention facility be closed. I would also ensure that NCTC provides timely and robust all-source intelligence assessments to assist in any

policy deliberations and determinations regarding the future of the detention facility.

- **What criteria would inform your recommendation?**

ANSWER: If confirmed, I would oversee NCTC's analytic support to policymakers regarding the status of the detention facility at Guantanamo Bay and individual detainees therein. As I understand it, as part of this process NCTC analysts review all-source intelligence on 1) individual detainees to assess the potential threat posed by the detainee, if released; and 2) potential transfer countries' ability to mitigate that threat. I understand that my responsibilities as Director would not include formulating recommendations as to closure of the Guantanamo Bay detention facility, detainee release, or conditions thereof.

2. The detainee facility at Guantanamo Bay was established in 2002 because the U.S. needed a place to hold terrorists detained in the War on Terror, who were neither prisoners of war, nor criminals.

- **Do you believe terrorists detained on the battlefield are enemy combatants?**

ANSWER: My understanding is that the law of armed conflict, as reflected in the Department of Defense (DoD) Law of War Manual, distinguishes between "privileged" and "unprivileged," or "lawful" and "unlawful" combatants. I further understand that the DoD Manual requires that the legal status of an individual "enemy combatant" must be assessed with reference to the specific facts and legal rule at issue. If confirmed as NCTC Director, I would defer to those who have the authority to make these determinations.

- **If Guantanamo Bay were shuttered, where do you believe terrorists detained on the battlefield should be held?**

ANSWER: If confirmed, I would defer to the President, the Secretary of Defense, and other senior officials charged with identifying lawful and

appropriate detention locations as may be necessary. I would ensure that NCTC provides timely and robust all source intelligence assessments to assist in their determinations.

- **What viable alternatives to Guantanamo Bay currently exist and what would be the impact on our counterterrorism posture if Guantanamo Bay were to close?**

ANSWER: If confirmed, I would ensure that NCTC provides all appropriate support to any interagency process to examine issues related to the closure of the detention facility at Guantanamo Bay.

- **Do you believe terrorists should be tried in U.S. criminal courts on U.S. soil?**

ANSWER: I believe that terrorists should be brought to justice. My general understanding is that there can be multiple avenues to do so, depending on the individual and the terrorist act or acts. For example, based on the facts and circumstances and the law, the Department of Defense and the Department of Justice could pursue charges through a military commission, federal court, or other appropriate forum. As to Guantanamo Bay detainees, I am aware that Congress has prohibited the use of funds for the transfer or release of detainees to the United States. If confirmed, I would defer to those who have prosecutorial authority to choose the most appropriate, available option under the circumstances.

3. During your time at the Department of Defense's Office of the Secretary of Defense for Policy, you established defense policy positions associated with Afghanistan, Pakistan, and Central Asia. You also made recommendations to the Secretary of Defense regarding U.S. and NATO troop levels.

- **What were some of the policy positions you established and what impact did they have on U.S. efforts in the region?**

ANSWER: As the Deputy Assistant Secretary of Defense (DASD) for Afghanistan, Pakistan and Central Asia, my office was responsible for a wide range of policy recommendations and for overseeing policy

implementation in the region. Among the issues we tackled were policies related to: U.S. and international funding support for the Afghan National Defense and Security Forces (ANDSF); transitioning the Afghan Air Force away from an over-reliance on Russian-made aviation assets; U.S. and NATO force manning levels in Afghanistan; operational authorities for U.S. forces in support of the ANDSF, NATO and tied to U.S. counterterrorism objectives; Coalition Support Funds and security cooperation with Pakistan; security cooperation with Central Asian states. Taken together, the policies the Defense Department implemented in the region during my tenure as DASD strengthened our security partnerships, enabled international cooperation against shared security threats, and protected U.S. forces in the region while supporting the development and growing independence of the ANDSF.

- **What did you recommend and what led you to make those recommendations?**

ANSWER: The recommendations I provided through the Undersecretary of Defense for Policy to the Secretary of Defense were typically informed by intelligence assessments; military advice provided by field commanders and the Joint Staff; an analysis of the costs, benefits and risks associated with various policy options; and an analysis of the willingness and effectiveness of security cooperation partners to address vital U.S. national security concerns in the region.

As one example of this, I recommended that the United States sustain a force manning level in Afghanistan above the 1,000 originally planned for the post-2014 environment. The policy debate around sufficient force manning levels occurred several times throughout my tenure. Each time that I recommended sustaining a presence above 1,000, I took into account a number of factors, including: the activity of legacy terrorist groups operating in the region, including al-Qa'ida; the potential threat posed by a new Islamic State-affiliate (ISIS-Khorosan) that had recently emerged in the region; the operational and maintenance support needs of the ANDSF while still in direct conflict with the Taliban; the force protection needs that U.S. military leaders indicated were essential for sustaining an effective U.S. and NATO presence; and the lack of

progress towards a negotiated political reconciliation between the Afghan Government and the Taliban.

4. The National Counterterrorism Center was established following al-Qaeda's attacks on America on September 11, 2001. Al-Qaeda was enabled and grew under Taliban rule of Afghanistan in the 1990s. The administration has committed to pulling American forces completely out of Afghanistan by September 2021.

- **What effect will the disengagement of American military forces have on regional stability and the ability of terrorist groups like al-Qaeda and ISIS to threaten the homeland?**

ANSWER: While I have not recently evaluated the security landscape in Afghanistan, I understand senior Administration officials assess that Afghan security forces have the capability and capacity to project security and stability in Afghanistan with U.S. and other international financial and advisory support. Concerning threats to U.S. interests abroad and at home, it is my understanding that the Taliban committed in the February 29, 2020 agreement with the United States to prevent any group from using Afghanistan to threaten the security of the United States and its allies; the Taliban must be held accountable to that commitment. While I am aware that terrorist groups in Afghanistan, like ISIS-Khorasan and al-Qa'ida, remain active and have expressed intent to attack U.S. interests both in the region and overseas, it appears the capabilities of these groups have been degraded after years of sustained CT pressure. Following a U.S. and Coalition withdrawal from Afghanistan, I would expect the most direct threat to U.S. interests likely will present itself in the immediate region. Regardless, I believe it will be important for the Intelligence Community to develop a collection strategy that maintains awareness of threat actors in the region, monitors their capabilities and intentions to conduct transnational attacks, and supports policy and operational decisions to deter any threats to the United States.

- **What should we expect to happen to civil society and governance in Afghanistan?**

ANSWER: The United States' commitment to the people of Afghanistan is an enduring one, as Secretary Blinken recently reaffirmed on his recent trip to Afghanistan. I believe the United States' and international community's continued support to Afghan civil society will be an important underpinning of a larger strategy toward long-term stability in the country and it will help to protect against terrorists' use of the country as a platform for transnational attack planning.

- **Given that NCTC was effectively established as a consequence of al-Qaeda's dominance under Taliban governance of Afghanistan, how should we expect the predictable power and stability vacuum in Afghanistan to ultimately impact NCTC's workload?**

ANSWER: My understanding is NCTC remains well-postured to maintain its focus on leading and integrating the CT mission to avoid strategic surprise. If confirmed, I will lead NCTC's efforts to analyze and integrate all sources of intelligence pertaining to the region. NCTC will coordinate CT community plans, assessments, and posture reviews to engage in cross-agency collaboration, and keep policy makers informed of potential shifts in power.

- **How do you plan to coordinate within the IC and the interagency to maintain sufficient CT pressure in Afghanistan following our withdrawal?**

ANSWER: If confirmed as NCTC's Director, I will lead the Center in its collaborative efforts within the IC and interagency to mitigate potential intelligence gaps to the fullest extent possible. NCTC also will provide strategic analysis; timely plans, assessments and reviews; as well as duty to warn on potential shifts of power within the region. By keeping policy makers and Congress currently and well informed, NCTC will lead the

CT community and aid our regional partners to maintain sufficient CT pressure in Afghanistan.

5. 9/11 occurred because the Taliban succored al-Qaeda in Afghanistan, and Pakistan succored al-Qaeda. The U.S government has no indication of what the Taliban will do once the U.S. retrograde is complete or if the Taliban were to retake the government.

- **How does NCTC believe the collection it relies on to track Taliban intentions will be affected following the U.S. retrograde, and can NCTC contribute to any mitigation strategies the IC intends to implement? How does NCTC believe its analysis will be affected following the retrograde? Will NCTC be clear to its customers in identifying any growing gaps in its analysis on Afghanistan after the U.S. withdrawal?**

ANSWER: If confirmed as NCTC's Director, I will lead NCTC in its collaborative efforts with the Intelligence Community and U.S. Government counterparts to ensure collection losses are mitigated to the fullest extent possible. NCTC will also continue to provide strategic analysis that reflects the Intelligence Community's views of the terrorist threat from Afghanistan.

6. Prior to 9/11, analysts at the time assessed that the Taliban's motivating ideology was indigenous and focused on the Afghan region, rather than promoting a global vision. However, after being displaced to the tribal regions, the Taliban and a following generation of Taliban foot soldiers spent 20 years commingling with al-Qaeda and its clearly global jihadist aspirations.

- **Do NCTC analysts believe Taliban jihadist ideology is still solely focused on Afghanistan? Ideologically, is today's Taliban more open to al-Qaeda's global aspirations? If NCTC has an assessment on this question, what does it rely on for its assessment and what confidence level does it have on this assessment?**

ANSWER: While I have not yet had the opportunity to explore these issues with NCTC's analytic workforce, based on my prior positions, I would expect that Taliban leaders remain focused on establishing an Islamic emirate in Afghanistan and are not significantly motivated by al-Qa'ida's global aspirations. In general, Taliban leaders are not interested in conducting attacks in the West, and likely view such plotting as interfering with their focus on regaining power and influence in the region.

7. Pakistan has long used terrorism as an asymmetrical means to promote its definition of its national interest.

- **How many Sunni terrorist organizations operate in Pakistan today?**
- **How many, and which ones, are tolerated by government, insofar as Pakistani authorities know of them but choose not to challenge them?**
- **How many, and which ones, are actively supported by elements of the Pakistani government?**
- **How many, and which ones, have aspirations to attack U.S. interests, facilities, or citizens? How many and which ones have aspirations to attack the U.S. homeland?**

ANSWER: While I am familiar with terrorism related threats affecting the region generally, I do not have specific information at this time concerning the complete landscape of Sunni terrorist organizations operating in Pakistan. In general, I expect that groups like Tehrik e-Taliban Pakistan, al-Qa'ida, al-Qa'ida's South Asian affiliate, Lashkar e-Tayyiba, Jaish-e-Mohammed, the Haqqani network and other Sunni terrorist elements continue to operate inside Pakistan, including in areas where the government's reach is limited.

Many of these groups actively plotted against U.S., Western, and regional interests; committed terrorist attacks against civilian populations; and were actively countered by Pakistani authorities. Pakistan's past approach to Sunni terrorist organizations in the country has been inconsistent, but during my tenure as DASD-APC I noted a more widespread recognition from Pakistan's military of the significant and direct threat such terrorist actors posed to Pakistan's stability and security. If confirmed as NCTC Director, I would look forward to reviewing the current intelligence concerning these complex issues.

8. The debate continues to this day about motivation to join violent Sunni terrorist organizations. Some argue that the motivation is purely sociological (e.g., this is the official position of Saudi Arabia), others argue that propagation of jihadist ideology plays a key role, still others believe it is a combination of factors.

- **How closely does NCTC track the evolution of Sunni terrorist ideology? And how does it do so? How many analysts regularly read, in the original languages, terrorist propaganda? How many analysts track the various media and social media platforms? Do you have plans to change this focus, and if so, how?**

ANSWER: As Director Haines highlighted in this year's Annual Threat Assessment, the Intelligence Community assesses that ISIS and al-Qa'ida remain the greatest Sunni terrorist threats to U.S. interests overseas; they also seek to conduct attacks inside the United States, although sustained U.S. and allied CT pressure has broadly degraded their capability to do so. It is my understanding that NCTC produces all-source analysis on terrorist ideology and propaganda, including tactics that terrorists use to disseminate content online. If confirmed, I would seek to determine how many NCTC analysts track media and social media platforms, the approach they take to do so in keeping with protections for privacy and civil liberties, and what

analytic insights they draw from such tracking. I would be guided by our national security priorities in making any changes to this focus.

- **Does NCTC track divisions between propagators of different Sunni terrorist ideologies? E.g., how active – and influential – is the debate within jihadist circles between al-Qaeda and ISIS ideology? Does NCTC analysis reveal divisions that can be exploited by other elements of the IC and USG that would undermine ideological appeals and motivation to susceptible audiences?**

ANSWER: I believe that understanding divisions between terrorist groups and identifying opportunities to exploit those divisions serves critical U.S. national security interests. While I am not familiar with NCTC's or the broader USG's current efforts in these areas, if confirmed, I would look forward to engaging with the analysts, NCTC leadership, and interagency partners on these issues.

- **What nation states are the most active in promoting, supporting, and tolerating the dissemination of Sunni terrorist ideology? Can NCTC provide in-depth analysis on this subject, to include resources and platforms supported by nation states for the dissemination of Sunni terrorist ideology? Do you plan on changing or improving NCTC's focus on this subject, and if so, how?**

ANSWER: I believe that NCTC is well positioned to provide in depth-analysis on state promotion, support, and tolerance of Sunni terrorist ideology, and I believe NCTC's generally collaborative approach to analysis would incorporate views from regional and country experts on these topics. If confirmed, I would look forward to engaging on these issues. Any changes or improvements to NCTC's focus would be guided by our national security priorities.

9. Since leaving government service in May 2017 and before starting at Dell in October 2017, you were employed as a Strategic Advisor with both JPA Partners, LLC and as an independent contractor. Please provide answers to the following questions for your work with JPA Partners and as an independent contractor:

- **What was the nature of the work?**

ANSWER: JPA Partners, LLC: I served as a strategic advisor for a period of four months in 2017. During this time, my primary responsibilities were internal to the firm. I advised the principal on matters ranging from operational efficiency, geopolitical risk analysis, and business development opportunities. I also accompanied the principal to several meetings with clients or potential clients.

Independent Contractor: Concurrent with my work at JPA Partners, I also served as an independent contractor. During this time, my primary work was on behalf of the Markle Foundation on a project to establish and organize the Rework America Task Force, a task force to drive multi-disciplinary collaboration around policy recommendations to guide the future of America's labor market.

- **Who were your clients?**

ANSWER: As an independent contractor, my client was the Markle Foundation. I did not have direct clients at JPA Partners, other than the firm's principal. The several meetings I attended alongside the principal were with companies or organizations involved in artificial intelligence and machine learning; aerospace and defense technology; financial services; and economic, political, and business advisory services.

- **Did you or the firm represent or affiliate with any foreign clients? If so, please provide a list of clients or affiliations, including the country where the client is based and the nature of the work on behalf of the client or affiliate.**

ANSWER: No.

10. What are the top three national security threats we face today?

- **ANSWER:** As Director Haines highlighted in this year's Annual Threat Assessment, the United States and its allies will face a diverse array of threats that are playing out amidst the global disruption resulting from the COVID-19 pandemic and against the backdrop of strategic competition with China and Russia, the disruptive effects of ecological degradation and a changing climate, an increasing number of empowered non-state actors, and rapidly evolving technology. The complexity of the threats, their intersections, and the potential for cascading events in an increasingly interconnected and mobile world create new challenges for the Intelligence Community. More specifically, my view of the top three national security priority areas to address as part of this complexity are 1) the United States' geostrategic competition – and, where prudent, collaboration – with China; 2) the United States' ability to deter and become more resilient in the face of dynamic cybersecurity threats from state and non-state actors, alike; 3) the United States' leadership in technological advancement and global norms to govern the power enabled by technology. As many components of the Intelligence Community realign resources to address these and other threats, I believe NCTC's sustained, singular focus on preventing, detecting, and deterring counterterrorism threats will be a critical component to the national security framework. If confirmed, I will work to ensure that NCTC has the resources, partnerships, technology, and expertise required for it to deliver for the American people.

11. What are the top three foreign terrorist threats we face today?

- **ANSWER:** My views closely align with those of Director Haines as reflected in the ODNI's recently issued Annual Threat Assessment. I believe that ISIS and al-Qa'ida and their affiliates pose an enduring and persistent threat to the United States and to other Western interests

globally in 2021, although sustained U.S. and allied CT pressure has broadly degraded their capability. The U.S. also faces an intensifying confrontation with Iran, which remains the world's foremost state sponsor of terrorism. Tehran views terrorism as a key tool to counter U.S. influence and uses the Iranian Islamic Revolutionary Guard Corps-Quds Forces (IRGC-QF) to provide weapons, funding, and training to a range of terrorist and militant proxies throughout the Middle East.

[From Senator Wyden]

1. NCTC's March 22, 2021, Implementation Procedures for the ODNI Intelligence Activities Procedures Approved by the Attorney General Pursuant to Executive Order 12333 ("NCTC's 12333 Procedures") make distinctions between terrorism information and domestic counterterrorism intelligence. NCTC's 12333 Procedures define domestic counterterrorism intelligence according to 18 U.S.C. § 2331(5), which includes activities that "occur primarily within the territorial jurisdiction of the United States." For purposes of adhering to the NCTC's 12333 Procedures, does that definition include terrorists or suspected terrorists inside the United States with no ties to or communications with terrorist organizations, regardless of ideology or inspiration?

- **ANSWER:** I have reviewed the recently-issued ODNI Intelligence Activities Procedures Approved by the Attorney General Pursuant to Executive Order 12333 (ODNI Attorney General Guidelines), as well as the NCTC Implementation Procedures to the ODNI Intelligence Activities Procedures Approved by the Attorney General Pursuant to Executive Order 12333 (NCTC Implementation Procedures). I understand that NCTC's incorporation of the Title 18 criminal code definition of "domestic terrorism" into the Implementation Procedures definition of "domestic counterterrorism intelligence" would extend that term to terrorists or suspected terrorists within the United States who commit unlawful acts of violence that satisfy the statute's criteria, potentially including individuals with no ties to or communication with terrorist organizations, regardless of their ideology or inspiration. I further understand that NCTC defers to the Federal Bureau of

Investigation (FBI) and Department of Homeland Security (DHS), as lead domestic counterterrorism agencies, to determine whether particular acts satisfy the definition of domestic terrorism.

2. Section 3(A) of NCTC’s 12333 Procedures allows NCTC to collect “publicly available sources.” Do NCTC’s 12333 Procedures incorporate the definition of “publicly available” in Section 10.17 of the ODNI’s December 23, 2020, Intelligence Activities Procedures Approved by the Attorney General Pursuant to Executive Order 12333 (“ODNI’s 12333 Procedures”)?

- **If yes, do you believe NCTC should intentionally collect U.S. person information by purchasing commercially available data sets? Under what circumstances would that be necessary and appropriate?**

ANSWER: I understand the NCTC Implementation Procedures incorporate the definitions contained in the ODNI Attorney General Guidelines, to include the definition of publicly available information. NCTC is authorized to collect information overtly or through publicly available sources, which I believe could include commercially available data sets. Director Haines has committed to developing a framework to address the acquisition of commercially available data and I look forward to working with her on that effort, if confirmed.

3. Section 3(A) of NCTC’s 12333 Procedures allows NCTC to collect information “overtly.” Do NCTC’s 12333 Procedures incorporate the definition of “overt collection” described in Section 10.14 of ODNI’s 12333 Procedures?

- **If yes, is NCTC authorized to collect information from or about U.S. persons without volunteering the collector’s affiliation with NCTC or the U.S. Intelligence Community? Under what circumstances would that be necessary and appropriate? Is NCTC authorized to collect information from or about U.S. persons without volunteering the collector’s affiliation with the**

U.S. Government? Under what circumstances would that be necessary and appropriate?

ANSWER: I understand the NCTC Implementation Procedures incorporate the definitions contained in the ODNI Attorney General Guidelines, to include the definition of overt collection. NCTC is authorized to collect information overtly or through publicly available sources only in accordance with the ODNI Attorney General Guidelines and NCTC Implementation Procedures. I understand broadly that overt collection requires acknowledgment or attribution to the U.S. Government and forbids concealment of the collection activity. If confirmed, I would work closely with the ODNI Office of General Counsel to deepen my understanding of how this and other provisions of the ODNI Attorney General Guidelines and NCTC Implementation Procedures operate to protect U.S. person information in the conduct of NCTC's critical mission to protect the Homeland from terrorists.

4. Section 5(B) of NCTC's 12333 guidelines refers to "[u]nevaluated information NCTC collects or obtains solely for the purpose of identifying domestic counterterrorism intelligence in support of an agency with an authorized domestic counterterrorism mission...." (emphasis in the original) Under what circumstances, if any, would NCTC collect from external sources (as opposed to from DHS or FBI) information solely for identifying domestic counterterrorism information? Would those circumstances include bulk collection?

- **ANSWER:** NCTC is an entity purpose-born to identify connections to and among foreign or international terrorist groups and transnational terrorist actors. Its primary missions are to analyze and integrate U.S. Government information concerning this terrorist threat, disseminate relevant intelligence to the President, DNI, other executive branch officials, and the Congress, and to support the missions of other departments and agencies to engage state, local, tribal, and territorial partners, to detect, deter, and prevent foreign terrorist attacks. I believe perhaps now more than ever, NCTC must maintain focus on these critical responsibilities. When NCTC provides domestic counterterrorism intelligence support to FBI and

DHS counterparts, to include partnering with them to author analytic assessments on issues concerning domestic terrorism, my understanding is that it does so primarily to identify such linkages. Accordingly, while I have not yet had the opportunity to study the specific parameters of NCTC's domestic counterterrorism support to FBI and DHS, I expect the circumstances in which NCTC would collect or obtain information solely for the purpose of identifying domestic counterterrorism intelligence would be of limited nature and reflective of NCTC's role as a supporting entity to other agencies with primary responsibilities for domestic counterterrorism. If confirmed, I would work closely with the ODNI Offices of General Counsel and Civil Liberties, Privacy, and Transparency to deepen my understanding of how this and other provisions of the ODNI Attorney General Guidelines and NCTC Implementation Procedures operate to protect U.S. person information and respect privacy and civil liberties interests.

5. Do you believe that the aggregate number of U.S. person queries of information collected pursuant to Executive Order 12333, by NCTC or the Intelligence Community as a whole, should be made public?

- **ANSWER:** In earning and maintaining the public trust, I believe it is critically important for the Intelligence Community to be transparent, consistent with the need to protect classified or otherwise sensitive information. I share Director Haines' commitment to public transparency, and if confirmed, I look forward to supporting her efforts. I understand that a USA FREEDOM Act amendment to the Foreign Intelligence Surveillance Act of 1978 (FISA) requires that the Intelligence Community maintain and the DNI publicly report on the number of U.S. person terms used to query raw FISA Section 702-acquired data, but I am not aware whether similar records are maintained, or feasibly could be maintained, concerning queries of information collected pursuant to Executive Order 12333. If confirmed, I would seek to understand this issue and work with the ODNI Civil Liberties Protection Officer and other ODNI officials to ensure that NCTC's transparency efforts are timely, robust, and meaningful.