

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

HEARING BEFORE THE

SELECT COMMITTEE ON INTELLIGENCE
OF THE
UNITED STATES SENATE

ONE HUNDRED SEVENTEENTH CONGRESS
FIRST SESSION

TUESDAY, JANUARY 19, 2021

SELECT COMMITTEE ON INTELLIGENCE
(Established by S.Res. 400, 94th Cong. 2d Sess.)

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CONTENTS

OPENING STATEMENTS	PAGE
MARCO RUBIO, U.S. SENATOR FROM FLORIDA	2
MARK R. WARNER, U.S. SENATOR FROM VIRGINIA	8
WITNESSES	
DAN COATS, FORMER DIRECTOR OF NATIONAL INTELLIGENCE	13
AVRIL D. HAINES, NOMINEE TO BE DIRECTOR OF NATIONAL INTELLIGENCE	18
Prepared statement	24

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INTELLIGENCE

Tuesday, January 19, 2021

U.S. Senate
Select Committee on Intelligence
Washington, D.C.

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

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

P R O C E E D I N G S

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

CHAIRMAN RUBIO: Our hearing will come to order.

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

Congratulations on your nomination.

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

As I think you saw from our public statement, and I think you can tell from our actions, that the Vice Chairman and I strongly agree that we need to proceed, to move forward with the process to ensure that the full Senate gets the opportunity to consider these critical

1 national security positions as early in the new
2 Administration as possible. For our enemies, our
3 adversaries, for those that seek to do us harm—this is
4 no transition period. They are ongoing. At 12:01 p.m.
5 tomorrow they will be just as intent on harming us as
6 they were at 11:59 a.m. So it is important that we
7 move as quickly as possible on issues of national
8 security.

9 Following the conclusion of this open hearing,
10 we're going to reconvene in our normal hearing room,
11 which we have not seen much of in almost a year now,
12 for a closed session so we can discuss items that we
13 can't talk about here.

14 Ms. Haines has a Bachelor's degree in something I
15 never even took as a course, which is physics, from the
16 University of Chicago, and then went to law school and
17 graduated from Georgetown University Law Center.
18 Just reading through her professional background, it's
19 an array of experiences. Deputy Director of the CIA.
20 Deputy National Security Advisor. On the staff of the
21 Senate Foreign Relations Committee. At the Office of
22 White House Counsel. At the U.S. Department Office of
23 Legal Advisors. Clerk for the 6th Circuit Court of
24 Appeals. And, she studied judo in Japan and won the
25 Baltimore City Paper award for best independent

1 bookstore. So, I'm not sure what else you are going to
2 do the rest of your life after all that, and this new
3 position, but it's an impressive array of varied
4 accomplishments and experiences. And last, since
5 leaving government, she's held multiple roles at
6 multiple academic institutions and think tanks, most
7 recently and principally as a senior research scholar at
8 Columbia University.

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

22 For my part, I want to seek your commitment that
23 if you are confirmed as DNI you will orient the
24 Intelligence Community to comprehensively address the
25 multi-faceted, unprecedented national security and

1 counterintelligence challenges and threats posed by the
2 Chinese Communist Party. So I hope we can hear a
3 little bit today about your goals, your ideas about how
4 we can continue to refine and improve on that.

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

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

1 freedom.

2 A particular area of interest for me is the western
3 hemisphere and Latin America, and so I hope we can
4 get your commitment to sustain and enhance the focus
5 and the collection priorities on the treats and
6 challenges that we face, primarily from authoritarian
7 regimes in our hemisphere in Cuba and Nicaragua and
8 Venezuela. These countries openly welcome
9 cooperation in intelligence and military matters with
10 adversaries of our country, including Russia, China, and
11 Iran, and they allow their territory to be used to collect
12 against us and our interests.

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

22 I also want to make a point that to satisfy this
23 Committee's oversight obligations requires
24 transparency and responsiveness from your office at all
25 times. And we will ask difficult questions of you and

1 your staff, and we expect honest, complete, and timely
2 answers. It's the only way we can do our job and
3 frankly it improves your ability to do your job. And so I
4 hope you will at the same time understand this is a very
5 unique Committee. It does most of its work without
6 cameras, and therefore there isn't the need for some of
7 the preening and posturing that becomes all too typical
8 in American politics today. It is a Committee that all of
9 us who are part of it are very proud of the work product
10 and the way we operate. So I hope you view us not just
11 as overseers, but also as partners and an asset. And,
12 as such, we expect you will feel free to come to the
13 Committee with situations that you believe warrant our
14 partnership.

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

21 Mr. Vice Chairman.

22

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24

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

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

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

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

20 You'll have a lot on your plate, and if confirmed—
21 and I believe you will be—I know you will hit the ground
22 running. I believe the top of the list will be to reinforce
23 the prime imperative for our Nation's Intelligence
24 Community. To find the truth and to speak truth to
25 power, without fear of political retribution. The

1 dedicated men and women of the Intelligence
2 Community have been through a lot over the last four
3 years. Our intelligence professionals have been unfairly
4 maligned; their expertise, knowledge, and analysis has
5 often been ignored or even sometimes ridiculed by a
6 President who seems oftentimes uninterested in facts.
7 Those who bravely spoke the truth were vilified,
8 reassigned, fired, or retaliated against.

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

13 To serve as the President's principal intelligence
14 advisor.

15 To lead the Intelligence Community.

16 And to develop, determine, and execute the
17 national intelligence program.

18 We need to return to those basic principles. You
19 will need to inspire a workforce that has unfortunately
20 been hollowed out by years of firings, and remind them
21 that their mission is critical—and still noble. You'll
22 need to exercise leadership of the IC's now 18 different
23 agencies. I have to acknowledge that during my first
24 few years on this Committee, I didn't even know we had
25 at that point 17 agencies that made up the IC. Now,

1 with the Space Command, 18. And to make sure those
2 18 agencies work together so that their whole is greater
3 than the sum of their parts. You'll need to demonstrate
4 to the American people that the Intelligence Community
5 deserves their utmost confidence as a source of truth
6 and insight. You'll need to assure allied intelligence
7 services around the world that America is a reliable
8 partner in our shared cause of democracy, advance
9 human rights, fight terrorism and extremism, and resist
10 authoritarian movements.

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

17 With all this said, we also need to discuss the kind
18 of world in which we find ourselves in 2021 and the
19 threats that you see on the horizon. We're still in the
20 midst of a global pandemic, one that I believe could
21 have and should have been taken more seriously, that
22 has taken thousands of lives and literally the livelihoods
23 of millions of Americans. Terrorism remains a real and
24 major threat, especially if violent extremists groups,
25 whether Islamists, ANTIFA, or white nationalism, are

1 increasingly mutating, fracturing, regrouping, and
2 radicalizing on the Internet and through social media.

3 An emboldened Russia has harnessed the
4 inexpensive asymmetric tools of cyber attacks and
5 disinformation. To reach out and touch us in ways that
6 have gone around our multi-million dollar defense
7 industry. And echoing what the Chairman has said,
8 perhaps the greatest challenge facing you as the DNI
9 will be a rising China that is committed to surpassing
10 and eclipsing the U.S. militarily, economically, and
11 technologically. I think it's important, at least for me,
12 that we constantly make clear that our beef with China
13 is with the Communist Party and Xi Jinping, not with the
14 Chinese people, or especially not with Chinese-
15 Americans.

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

20 My understanding is that your husband is here,
21 and I get a chance to meet him, so David, I look forward
22 to getting to know you as well. I know Avril will correct
23 my mistake, though it's still alright to have Coats as
24 part of your surrogate family up there.

25 With that, Mr. Chairman, I yield back.

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

5 I also understand that, as has already been
6 mentioned, one of our former Senate colleagues, a
7 Member of this Committee, and a respected
8 predecessor of yours as Director of National
9 Intelligence, is here to introduce you. The Honorable
10 Dan Coats will be speaking. It says here “remotely” but
11 he came in person. Somehow he found an Uber ride
12 that delivered him here. Anyway, thank you. It’s great
13 to see you. And why don’t you go ahead and proceed.
14

1 mentioned by the Chairman.

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

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

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

23 Moving on, Avril then received, as was mentioned,
24 a Juris Doctorate from Georgetown School of Law, and
25 began her work in government. And I was going to

1 mention some of her government service engagements,
2 but in the interest of time, the Chairman has already
3 noted the extensive experience she has had in a
4 number of major government roles. And in addition to
5 her government service resume, Avril has engaged in
6 numerous private service activities, too many for me to
7 identify given the interest of time.

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

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

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

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

25 [Witness stands.]

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

4 MS. HAINES: I do.

5 CHAIRMAN RUBIO: Thank you. Please be seated.

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

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

13 MS. HAINES: I do.

14 CHAIRMAN RUBIO: If confirmed, do you agree to
15 send officials from your office to appear before the
16 Committee and designated staff when invited?

17 MS. HAINES: Yes.

18 CHAIRMAN RUBIO: Do you agree to provide
19 documents or any other materials requested by the
20 Committee in order for it to carry out its oversight and
21 its legislative responsibilities?

22 MS. HAINES: Yes, I do.

23 CHAIRMAN RUBIO: Will you ensure that your office
24 and your staff provide such material to the Committee
25 when requested?

1 MS. HAINES: Yes.

2 CHAIRMAN RUBIO: And finally, do you agree to
3 inform and fully brief to the fullest extent possible all
4 Members of the Committee, of the intelligence activities
5 and covert actions rather than just only the Chairman
6 and Chairman?

7 MS. HAINES: Yes.

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

12 The floor is yours.

13

14

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

4 MS. HAINES: Thank you.

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

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

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

22 And finally, I just want to say how eternally grateful
23 I am to my husband, David, who is with me today—for
24 his love, his support, his wisdom, his patience, and
25 perhaps most of all, his sense of humor for the last 29

1 years we've been together.

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

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

11 Synchronizing and prioritizing collection, analysis,
12 and counterintelligence efforts across the Intelligence
13 Community.

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

17 Responsibly stewarding and allocating our
18 resources.

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

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

25 All of these responsibilities are essential to a

1 strong and effective national intelligence program. But
2 perhaps the greatest challenge to be faced by the next
3 DNI internally and externally—including with the
4 workforce, this Committee, and the public—is building
5 the trust and confidence necessary to protect the
6 American people. To be effective, the DNI must never
7 shy away from speaking truth to power, even—
8 especially—when doing so may be inconvenient or
9 difficult. To safeguard the integrity of our Intelligence
10 Community, the DNI must insist that when it comes to
11 intelligence, there is simply no place for politics—ever.

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

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

25 I will also seek to support and elevate the

1 workforce and the mission. The Intelligence
2 Community is made up of people with unparalleled
3 dedication and expertise. Public servants who are
4 mission-focused and who play an indispensable role in
5 protecting the country from the most dangerous
6 threats, without fanfare or fame but simply through
7 diligence.

8 I've had the great honor to work with them before,
9 to see their extraordinary skill, bravery, and patriotism
10 up close, and it would be the honor of a lifetime to lead
11 them. My intention would be to sustain and build on
12 the tremendous work of intelligence professionals by
13 recruiting and retaining diverse talent, promoting
14 innovation in every aspect of our work, and fostering a
15 culture that is ethical, nonpartisan, accountable, and
16 aligned with the values we share as a country.

17 The DNI must also, in my view, set a strategic
18 vision for the work of the Intelligence Community that
19 looks beyond the immediate horizon to ensure we are
20 well postured to address developing threats and take
21 advantage of new opportunities as they arise:
22 promoting national resilience, innovation,
23 competitiveness, and shared prosperity.

24 This means ensuring that the Intelligence
25 Community has the capacity to understand, warn,

1 protect, and defend the United States against the
2 threats we face. This includes threats from traditional
3 state actors as well as evolving and critical
4 transnational threats, including climate change, cyber
5 attacks, terrorism, global organized crime and
6 corruption, disinformation campaigns, and more. Our
7 capabilities must be aligned, strategically prioritized,
8 and integrated to be effective. For instance, we should
9 provide the necessary intelligence to support long-term
10 bipartisan efforts to out-compete China: gaining and
11 sharing insight into China's intentions and capabilities,
12 while also supporting more immediate efforts to
13 counter Beijing's unfair, illegal, aggressive, and coercive
14 actions, as well as its human rights violations,
15 whenever we can.

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

23 And here at home, we must strengthen our
24 cybersecurity, safeguard our critical infrastructure, and
25 turn the ongoing technological revolution from a threat

1 to an advantage by integrating new technologies to
2 improve the capacity and superiority of our intelligence
3 into the future.

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

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

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

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

25 Thank you.

[The prepared statement of the Nominee follows:]

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

7 MS. HAINES: No, not through WestExec. I was on
8 the advisory board of a French private company, but
9 not of any foreign governments.

10 CHAIRMAN RUBIO: To the best of your
11 knowledge, have you ever consulted for any company
12 that's done business in Xinjiang or has taken a position
13 against the Uighur Forced Labor Prevention Act or the
14 Hong Kong Autonomy Act?

15 MS. HAINES: No, I have not.

16 CHAIRMAN RUBIO: Have you consulted for any
17 company on the Defense Department's list of Chinese
18 communist military companies?

19 MS. HAINES: No, Senator.

20 CHAIRMAN RUBIO: Have you ever consulted for a
21 company under the Department of Commerce's entity
22 list? Or export controls?

23 MS. HAINES: No, Senator.

24 CHAIRMAN RUBIO: Thank you.

25 CHAIRMAN RUBIO: You touch on this. Let me just

1 ask you this because it's important I think for our
2 Members to get back to the regular course of business.

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

6 MS. HAINES: Yes, Chairman.

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

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

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

22 MS. HAINES: I see.

23 CHAIRMAN RUBIO: And obviously the faster that
24 process moves, the quicker—the decision as to what to
25 leave classified is obviously up to the Intelligence

1 Community, but our ability to produce those products
2 is dependent on those decisions.

3 There is so much going on, but one of the areas
4 that we've talked about in our conversation is the
5 Chinese Communist Party. And as we've seen, it's a
6 multi-faceted challenge without, I think, precedent.
7 Again, it touches virtually every aspect of American life:
8 commerce, trade, academia, immigration. Obviously
9 military. Finance sector, and the like. But one of the
10 areas that's of concern is they are developing
11 longstanding and increasingly-robust influence
12 operations to target American political figures for
13 cultivation, from the local level all the way up. They are
14 very patient in that effort. They'll view someone who
15 might be a mayor or even a council member that one
16 day might be a Members of Committee. But in essence,
17 what they are trying to do is create a stable of American
18 policy makers and influencers who share or will
19 promote China's narrative of events around the world.
20 And some of these touch into areas frankly that
21 because they are domestic—are not entirely within the
22 Intelligence Community purview. And other cases—the
23 Chairman, Senator Burr, and myself and others
24 participated in a series of road show type events with
25 different sectors of our country to create a level of

1 awareness about this that I think in many cases was
2 lacking. And I think that was quite productive.

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

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

19 MS. HAINES: Thank you so much.

20 Obviously the counterintelligence challenge with
21 China is a very important one, and a priority and
22 something that I will need to focus on. And I haven't
23 had a chance to get the kind of in-depth classified
24 briefing that I'd like to on this issues, to provide you
25 with a more considered opinion. But I absolutely agree

1 with your overall view that we need to do more training
2 in this space, and I noted obviously in the work that the
3 Committee has done on Russia that one of your
4 recommendations relates to more training in respect to
5 counterintelligence. I think that makes sense in the
6 context of China as well, and something that we should
7 focus on. And I know that prior Directors of National
8 Intelligence have emphasized the importance of having
9 those partnerships with local and state actors, and I
10 think that's a space where I would like to further
11 engage with you on this issue. But I think having a plan
12 for how we can increase training and education of
13 various leaders in state and local authorities so they
14 understand the threat that is facing them would be
15 perfectly sensible.

16 CHAIRMAN RUBIO: And somewhat in line with
17 that, but on a broader—if you look at recent events in
18 this country, we know that one of the goals of our
19 adversaries is to sow division, dissent within the
20 country, to sow preexisting challenges in our country,
21 and because they obviously—it's very difficult for a
22 house divided to stand, and they understand this. And
23 obviously that poses a real challenge—and I'm making
24 no claims here about recent events, other than to say
25 that common sense would tell you that these are times

1 that lend themselves perfectly to foreign adversary
2 efforts to stoke fires and drive divisions and/or to take
3 advantage. But it's difficult because often those efforts
4 become domestic efforts, and therefore they begin to
5 touch on Americans, U.S. citizens, at which point the
6 lines of the Intelligence Community become more
7 blurred—domestic versus foreign target.

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

16 MS. HAINES: Thank you, Senator. Obviously I
17 absolutely agree with you in terms of the concern about
18 efforts from foreign adversaries to ultimately
19 exacerbate divisions that exist in the United States, and
20 that one of the key issues that we are going to have to
21 be facing in this country is the malign influence of such
22 actors and how that is working into our system. It is
23 obviously a whole-of-government activity and
24 something that I hope the Intelligence Community can
25 appropriately support, particularly in terms of the link

1 and the understanding of foreign influence that is being
2 conducted.

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

9 CHAIRMAN RUBIO: Great. Thank you very much.
10 The Vice Chairman.

11 VICE CHAIRMAN WARNER: Thank you, Mr.
12 Chairman. And I want to start building off of what the
13 Chairman said in his opening comments. That, I would
14 argue, for a number of decades, we had a bipartisan
15 consensus about China—that the more they came into
16 the world order, the closer they would move to some
17 level of international norms. I'll be the first to
18 acknowledge I was part of that that consensus, and I
19 think it was wrong. This Committee over the years
20 under both the Obama Administration and the Trump
21 Administration has seen China move extraordinarily
22 aggressively. The Chairman made reference to their
23 efforts to influence American policy makers. We've
24 seen the move aggressively militarily. We've seen them
25 move aggressively economically. I've been particularly

1 concerned about their efforts to dominate new
2 technologies. And we've seen them use tools from
3 stealing intellectual property to treating their own
4 people extraordinarily poorly, whether they be Uighurs
5 or the people of Hong Kong.

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

13 MS. HAINES: Thank you, Vice Chairman. I
14 couldn't agree more with the priority you are attaching
15 to China and the need, I think, for the Intelligence
16 Community to focus on this issue. I think in the
17 context of China—China is adversarial on some issues,
18 and in other issues we try to cooperate with them,
19 whether in the context of climate change or other
20 things. And ultimately the frame that the President-
21 elect has identified for thinking about this is as a global
22 competitor.

23 But I think that doesn't, to your point, in any way
24 mitigate the fact that when it comes to espionage or a
25 variety of areas that I'll be focused on if I'm confirmed

1 in the Director of National Intelligence position. They
2 are an adversary and we have to work on those issues,
3 in particular countering their illegal, unfair, aggressive
4 actions in these spaces.

5 VICE CHAIRMAN WARNER: Thank you.

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

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

23 MS. HAINES: Thank you, Senator. And I just want
24 to say how weird it was even coming here today to see
25 the National Guard out across Washington and in these

1 halls. And my first reaction in watching the events was
2 really concern and obviously empathy for all of you for
3 friends and colleagues who worked in the Senate and in
4 the House and across the Capitol and how truly
5 disturbing it was to see what was done to these sacred
6 halls, frankly, and the heart of our democracy. And
7 how proud I was to be part of a country where I saw all
8 of you not let it affect your work. Not let you miss a
9 beat. And come back in and do the work of the
10 American people in that context. Truly, remarkable.

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

22 VICE CHAIRMAN WARNER: Thank you. I want to
23 get you—and I think you addressed this in your
24 opening statement—but I think one of the most
25 important jobs you are going to have is to restore both

1 the morale within the IC, and the public trust and
2 confidence that the IC will provide honest, non-biased
3 policy analysis.

4 Can you speak to that for the record?

5 MS. HAINES: Yes, absolutely.

6 I think this is fundamental to the work of the
7 Intelligence Community. That we provide objective
8 analysis, that we don't let politics play a role in our
9 work, is critical, and it has been my experience that
10 that is what the institution is designed to do and
11 intended to do, and it's fundamental to good policy
12 decision-making. Because if policy makers like yourself
13 and others throughout the Government don't have that
14 unvarnished analysis, they don't have sufficient
15 information, they don't have the best information that
16 we can provide them in order for them to make the
17 decisions they need to make in order to protect the
18 country and pursue our interests.

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

24 CHAIRMAN RUBIO: Senator Collins.

25 SENATOR COLLINS: Thank you, Mr. Chairman.

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

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

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

20 MS. HAINES: I do, absolutely, Senator. And thank
21 you for the question.

22 I think, frankly, it's incredibly important to do that.
23 I've seen that in the past. It's fundamental. It's what
24 the President-elect, I believe, will expect from us
25 because he will want to know what information we have

1 that actually conflicts with his policy positions.

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

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

17 MS. HAINES: Thank you, Senator.

18 So it's true, obviously, the President-elect has
19 indicated that if Iran were to come back into
20 compliance, that he would direct that we do so as well.
21 I think, frankly, we're a long ways from that, and I think
22 there is going to be an opportunity to consult with
23 Congress and with Members like yourself on these
24 issues as we look at that. But the President-elect has
25 also indicated—and I agree with this—that in doing so,

1 we have to also look at the ballistic missile issues that
2 you've identified, and there are other obviously
3 destabilizing activities that Iran engages in.

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

12 SENATOR COLLINS: Thank you.

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

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

22 MS. HAINES: Thank you, Senator.

23 I think our approach to China has to evolve and
24 essentially meet the reality of the particularly assertive
25 and aggressive China that we see today. China is a

1 challenge to our security, to our prosperity, to our
2 values across a range of issues, and I do support an
3 aggressive stance, in a sense, to deal with the challenge
4 that we're facing. So I think that's the place that we are
5 now, and one that is more assertive than where we had
6 been in the Obama-Biden Administration. And if I'm
7 confirmed, I think frankly the Intelligence Community
8 can do a lot to help in that respect.

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

16 SENATOR COLLINS: Thank you.

17 CHAIRMAN RUBIO: Senator Heinrich.

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

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

11 MS. HAINES: Yes, Senator.

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

20 So I will.

21 SENATOR HEINRICH: Would you expound a little
22 bit on the question that Senator Warner asked you
23 about the particular role of the IC with respect to
24 domestic radicalized groups in the United States? For
25 example, we have a very specific process internationally

1 through the State Department to designate foreign
2 terrorist organizations. We don't have any sort of
3 process for domestic terrorist organizations.

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

8 MS. HAINES: Thank you, Senator.

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

16 But there are ways in which we can support, both
17 by identifying where there are connections to
18 international organizations, for example, and threats,
19 to domestic threats, and also in just providing
20 information about lessons learned for how
21 organizations work internationally and to the FBI and to
22 the Department of Homeland security. And of course,
23 through the National Counterterrorism Center
24 established in law. You gave it, in effect, a mandate
25 that allows it to pull from domestic intelligence

1 information holdings, as well as foreign intelligence
2 information holdings, in order to be able to provide
3 trends and reviews of issues that cross the seam in
4 effect and make sure that those who are in the lead
5 such as the FBI and the Department of Homeland
6 Security have that information as they pursue these
7 issues.

8 SENATOR HEINRICH: I suspect I'm probably going
9 to run out of time before I have a chance to get to the
10 bottom of all of these things, but you and I have
11 spoken quite a bit about the Committee's detention and
12 interrogation report and the aftermath of all of that.
13 You wrote in your prehearing responses to questions
14 about interrogation methods that: even if a technique
15 involving cruel, inhuman, or degrading treatment were
16 determined to be effective, I would not endorse its use.
17 Those are your words.

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

24 MS. HAINES: I think so, Sir.

25 So, I believe that waterboarding is in fact torture—

1 constitutes torture under the law. And I do believe that
2 all of those techniques, including techniques that
3 involve cruel and human-degrading treatment, are
4 unlawful from both domestic and international
5 perspective and should not be engaged in regardless,
6 as I said, of whether or not they are effective.

7 SENATOR HEINRICH: One of the outcomes of our
8 report was we found that these were not—in addition to
9 being unlawful under current law—they weren't
10 effective because people were so desperate to make
11 things stop that they would tell us almost anything. Do
12 you agree that those techniques were not effective in
13 their—?

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

21 SENATOR HEINRICH: Thank you.

22 CHAIRMAN RUBIO: Senator Blunt needs to run for
23 the inauguration—so I'm going to recognize you. I
24 apologize to Senator Feinstein. I skipped her. She's
25 going to go right after you.

1 SENATOR BLUNT: Thank you, Chairman.

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

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

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

17 MS. HAINES: Yes, Senator.

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

23 I think, in part, we have to ensure that we actually
24 have the ability to share information across the
25 Intelligence Community so that we can all take

1 advantage of it and leverage it appropriately, and that
2 we're not recreating the wheel in each of our different
3 elements, as you've identified.

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

20 SENATOR BLUNT: Thank you. I think the
21 replication process, while some of that is almost always
22 going to have to be done, could be the moment when
23 things are slowed up just enough that the whole
24 purpose for the job failed because you're trying to
25 figure out: Okay, can we verify this information from

1 the CIA or whoever? My sense is that's not your job.

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

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

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

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

22 MS. HAINES: Yes, thank you, Senator.

23 Obviously, a major part of the job as I've indicated
24 is, in fact, working with all of you and this Committee
25 and the House Intelligence Committee, as well, and

1 making sure that you're fully informed of significant
2 intelligence activities and certainly of events such as
3 SolarWinds as they come on our radar.

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

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

23 I have one other question. The Secretary of the
24 Treasury's also at a hearing right now. You know, we
25 have in the Treasury Department a financial intelligence

1 unit. The question I'd ask, is your commitment and
2 your idea of being sure that that unit is properly
3 funded, and how you think it fits into our overall
4 intelligence effort as we keep track of our adversaries?

5 MS. HAINES: Thank you, Senator.

6 I think frankly the Treasury unit is critical because I
7 believe that the issue of financing is one of the critical
8 transnational organized crime issues that we need to
9 face. And it obviously affects not just that, but
10 terrorism, a variety of other transnational threats that
11 are relevant and we need to work with that part of the
12 Department of Treasury to make sure that we're
13 actually following that effectively. I think we haven't
14 necessarily invested as many resources in that as we
15 need to. And that's something that I would make a
16 focus.

17 SENATOR BLUNT: Thank you, Ms. Haines. Thank
18 you, Chairman.

19 CHAIRMAN RUBIO: Senator Feinstein, I apologize.
20 Let's give her six minutes. It's like a gift card.

21 (Laughter.)

22 I apologize for skipping you.

23 SENATOR FEINSTEIN: Thank you. I've asked
24 previous nominees for DNI, something I've been very
25 concerned about and tried to address for years. We

1 made a big push when I was Chairman to ensure that
2 all government functions of the IC were performed by
3 government employees and not contractors. And it's
4 my understanding that that effort continues today—that
5 we have made substantial progress over the decades.

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

8 MS. HAINES: Yes, Senator. Thank you very much,
9 and it's very nice to see you.

10 So yes, I know this is been an issue that you show
11 leadership on, and there have been a number of
12 communications between Congress, obviously, and the
13 Executive Branch on this issue. I believe it is critical to
14 ensure the contractors are not performing inherently
15 governmental functions. And that is something that we
16 need to manage obviously in the context of our work.
17 We obviously also rely on contractors for a lot of
18 important work and expertise in the Intelligence
19 Community. But it is a balance and we have to ensure
20 that they are fulfilling an appropriate role, as you
21 identify.

22 SENATOR FEINSTEIN: Thank you. And I'd
23 appreciate being kept advised. It's an issue I've long
24 been interested in and I've seen the growth figures
25 change. And it's, I think, been beneficial for the

1 Agency's concern. So I appreciate that.

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

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

10 MS. HAINES: Thank you, Senator.

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

19 Support both in terms of identifying connections
20 between domestic terrorist actors and international
21 terrorist actors. And in the context of white
22 nationalism, for example, as you pointed out, we have
23 seen—as I understand it—some connections. I need, if
24 confirmed, to get in the job and actually get better
25 informed based on classified information that's

1 available on these questions, I think. But I do
2 understand that there are some international
3 connections and that this is an issue that we can
4 provide some support to them on.

5 SENATOR FEINSTEIN: Thank you for that.

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

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

14 MS. HAINES: Thank you, Senator.

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

24 SENATOR FEINSTEIN: Final question.

25 What priorities do you assume for the agencies

1 that you will provide oversight on? And how strong a
2 Director do you see yourself being?

3 MS. HAINES: Thank you, Senator.

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

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

20 SENATOR FEINSTEIN: Quickly, could you just give
21 me your top three priorities again?

22 MS. HAINES: Sure.

23 To be honest, my priorities are institutional at this
24 moment for the Office of Director of National
25 Intelligence. And the way that I would describe the top

1 three are basically strengthening the institution, the
2 workforce, and ensuring that we have promoted trust
3 and credibility throughout. That is a first priority. And
4 I believe that involves many of the things that we've
5 already talked about in the context of analytic
6 objectivity; in actually promoting workforce retention
7 and recruitment and talent; and in promoting
8 transparency, in many respects, both with the
9 Committee and with the American people on these
10 issues.

11 A second priority is really in aligning our work, our
12 efforts, our resources in the Intelligence Community to
13 the major threats that we're facing today—and also the
14 ones that we expect to be facing tomorrow. And that
15 involves, as indicated, really focusing in on some of the
16 traditional threats that we've identified such as China,
17 but also identifying the transnational threats being
18 there to work on things like public health, and
19 transnational organized crime, and corruption, and
20 disinformation, and issues along those lines.

21 And then I'd say the third priority, in effect, is in
22 building the partnerships that are so critical to the
23 Intelligence Community. And that's partnerships with
24 the Committee, but it's also partnerships with
25 academia, with the private sector, with state and local

1 actors, and a variety of partnerships around the world—
2 obviously our foreign liaison partnerships. And all of
3 those I think are crucial to making us effective.

4 SENATOR FEINSTEIN: Thank you, Mr. Chairman.
5 Just one request. I might ask you to report
6 periodically to us on the progress on the three priorities
7 that you mentioned. I think they were significant and
8 important and I'd be most interested in your progress
9 in that area.

10 Thank you.

11 MS. HAINES: I'd welcome that, Senator. Thank
12 you.

13 SENATOR FEINSTEIN: Thanks, Mr. Chairman.

14 CHAIRMAN RUBIO: Thank you.

15 Senator Cornyn.

16 SENATOR CORNYN: Thank you, Ms. Haines.
17 Congratulations on your nomination.

18 MS. HAINES: Thank you.

19 SENATOR CORNYN: I know you support the
20 reentry of the United States into the Joint
21 Comprehensive Plan of Action.

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

24 MS. HAINES: No, Senator. I don't believe that Iran
25 should ever be allowed to get a nuclear weapon. Thank

1 you.

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

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

10 MS. HAINES: Yes, Senator.

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

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

23 You and I discussed the Foreign Agent Registration
24 Act and the Lobbyist Disclosure Act—the LDA and
25 FARA—and I expressed to you my concern that it's

1 possible under the current state of the law for foreign
2 governments to hire Americans to help influence
3 Congress and other domestic policymakers.

4 Is that a concern that you share?

5 MS. HAINES: Thank you, Senator.

6 We did discuss this and I think I understand why
7 you'd be concerned in certain circumstances. I am of
8 the view that there are certain circumstances in which it
9 may be appropriate and even useful to the United
10 States to have former government officials work with
11 other foreign governments and companies. But I
12 recognize the concern that you have.

13 SENATOR CORNYN: Well, shouldn't that be
14 disclosed?

15 MS. HAINES: Absolutely, Senator. I believe in
16 disclosing information that is of relevance, obviously,
17 to the ethics.

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

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

25 SENATOR CORNYN: Well, I know you're a smart

1 lawyer. That's a topic that I hope you will work with us
2 on because when we passed the Justice for State
3 Sponsors of Terrorism Act, the JSSTA Act, I became
4 aware of the fact that the Saudi Arabians were hiring
5 lobbyists on K Street to try to get Congress to not pass
6 that change in sovereign immunity law to allow the
7 9/11 families to get justice in American courts for any
8 action by a foreign government to finance that terrorist
9 attack. And, of course, that ended up passing
10 unanimously in the Senate. We passed it over President
11 Obama's veto.

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

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

24 MS. HAINES: WestExec.

25 SENATOR CORNYN: WestExec Advisors.

1 MS. HAINES: Well done.

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

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

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

19 Can you explain that?

20 MS. HAINES: Sure.

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

1 sorry.

2 SENATOR CORNYN: Well, I think the term
3 principal has legal significance, don't you?

4 MS. HAINES: No, Sir. It was just a title.

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

9 MS. HAINES: Yes, Sir.

10 SENATOR CORNYN: I appreciate that.

11 MS. HAINES: No, of course.

12 SENATOR CORNYN: Thank you for now.

13 MS. HAINES: Thank you, Senator.

14 CHAIRMAN RUBIO: Senator Wyden.

15 SENATOR WYDEN: Hey, Mr. Chairman.

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

19 MS. HAINES: Excellent, Senator.

20 SENATOR WYDEN: Let me start with the fact that
21 you'll have an opportunity, if confirmed, to immediately
22 turn the page on the excessive secrecy and lawlessness
23 of the outgoing Administration. The Congress, as you
24 know, passed a law requiring the DNI to submit to the
25 Congress an unclassified report on who was

1 responsible for the brutal murder of Jamal Khashoggi.

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

4 MS. HAINES: Yes, Senator. I absolutely will follow
5 the law.

6 SENATOR WYDEN: Thank you.

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

10 Do you acknowledge that this was wrong?

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

15 SENATOR WYDEN: All right.

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

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

1 MS. HAINES: Yes, Senator. I agree with the 2013
2 recommendation that the Central Intelligence Agency
3 indicated and to broaden the approach of
4 Accountability Review Boards, as you identified.

5 SENATOR WYDEN: Good.

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

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

18 MS. HAINES: Thank you, Senator.

19 I know I'm not up to date at this point but would
20 be, if confirmed obviously, on the degree to which we
21 are purchasing commercially-available information. But
22 I would seek to try to publicize essentially a framework
23 that helps people understand the circumstances under
24 which we do that and the legal basis that we do that
25 under. I think that's part of what's critical to promoting

1 transparency generally so the people have an
2 understanding of the guidelines under which the
3 Intelligence Community operates.

4 SENATOR WYDEN: I want to work with you on
5 that. The abuses here take your breath away, and it
6 really is a dodge on all the legal protections Americans
7 have. So we're going to follow that up with you quickly,
8 if confirmed.

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

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

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

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

25 SENATOR WYDEN: Good.

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

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

12 MS. HAINES: Yes, Senator.

13 Over-classification and the classification system
14 generally has been a perennial issue I have found in
15 government in my experience, and one that does
16 require some work. And I commit to you, if confirmed,
17 that I would have an opportunity to try to come up with
18 a plan and to engage with you further on these issues
19 and to see whether or not technology, for example,
20 might not help us in some aspects of this problem. But
21 I recognize it is a broader issue than just technology.

22 SENATOR WYDEN: Thank you, Ms. Haines.

23 Chairman Rubio, I have had almost as much time
24 as Senator Cornyn, our friend, and I'm going to stop. I
25 do want to make clear to the Chair and the Ranking:

1 Members, I'm going to need a bit of time to discuss this
2 nomination on the floor, and Ms. Haines knows that to
3 discuss some of the other issues that are pending, but
4 that will be appropriate for now.

5 Thank you.

6 CHAIRMAN RUBIO: Senator Sasse?

7 SENATOR SASSE: Thank you, Mr. Chairman.

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

17 I want to talk about China policy and I want to flag
18 the important. I think many times, people throw
19 around the word "bipartisan" here. But what I think
20 what you heard from Chairman Rubio and from Vice
21 Chairman Warner was really singing off the exact same
22 song sheet: that the American people shouldn't view
23 China policy and the need to upgrade the China policy
24 of the IC as a partisan cudgel. There were bipartisan
25 failures for a decade and a half and there's been nearly

1 bipartisan agreement for pushing half a decade on the
2 fact that dealing with the Chinese Communist Party is
3 the number one issue the national security community
4 faces.

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

21 And yet, if we look at the resources of the
22 Intelligence Community, it still doesn't show a primary
23 focus on China that I think is the bipartisan consensus
24 in this Committee. So I would love to have you—and
25 again, this is not blaming anybody in a previous

1 Administration two ago or the one that ends
2 tomorrow—but the reality is the IC is still way too slow
3 to pivot toward the primary focus that we need to have
4 in the community on China.

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

7 MS. HAINES: Thank you, Senator.

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

18 In terms of why it would, obviously, I prefer to
19 answer that after I have had a chance to get in and to
20 hear from folks. But we talked together a little bit
21 about some of the things that I had seen previously that
22 were challenges in trying to actually affect the kind of
23 rebalance of Asia policy that the Obama-Biden
24 Administration engaged in. And I think it is true that
25 there is a natural focus on issues that the Intelligence

1 Community has been focusing on for some time, by
2 career folks who have spent a lot of time working on
3 those issues.

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

18 Sorry, Sir.

19 SENATOR SASSE: No, that's good. I didn't mean
20 to cut you off but I do want to nitpick a little bit about
21 our articles. It isn't a policy priority; it needs to be the
22 policy priority. And it seems to me that we need to
23 change the IC's perspective from a burden of proof for
24 the status quo, or the assumption that the status quo is
25 normal and the burden of proof is on those who want

1 to change. The policy should be—inertia of motion—
2 should be toward ramping up our hiring pipeline of
3 Mandarin speakers and it should be the burden of proof
4 put on those who would say: No, how we are doing it
5 works. Because how we are doing it doesn't work.

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

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

20 Counterterrorism simply is not as great a threat as
21 our long-term China issues are, and so I think a number
22 of us in this Committee would love to know that by six
23 months into the job, or however long it takes post-
24 confirmation, that you could give us a strategic plan of
25 how China actually becomes in reality, not merely in

1 rhetoric, the number one priority of our IC.

2 MS. HAINES: Thank you, Senator.

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

12 SENATOR SASSE: Thank you.

13 MS. HAINES: Thank you.

14 CHAIRMAN RUBIO: All right. Senator King, virtual?

15 SENATOR KING: Yes, Sir.

16 Mr. Chairman thank you very much.

17 CHAIRMAN RUBIO: Are you in the space station? It
18 sounds—there he is. Look at that. There you go.

19 (Laughter.)

20 International space station.

21 SENATOR KING: I am—

22 CHAIRMAN RUBIO: I told him to get rid of that
23 Huawei but—.

24 Angus, are you there?

25 SENATOR KING: [Inaudible.]

1 CHAIRMAN RUBIO: I think you said you saved a
2 bunch of money by switching to Geico, but I couldn't—
3 (Laughter.)

4 SENATOR KING: But I am not driving. Okay.

5 CHAIRMAN RUBIO: There it is.

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

10 MS. HAINES: Yes, Senator. Bangor, Maine.
11 Bangor, sorry.

12 SENATOR KING: You took off from Bangor.

13 MS. HAINES: Senator Collins corrected me.

14 SENATOR KING: When I heard you had left from
15 Maine, I had to have the answer.

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

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

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

3 MS. HAINES: Yes, Senator, thank you and fully
4 appreciate also your leadership on these issues.

5 I don't have specific structural recommendations at
6 this stage. I do think it is reasonable to consider
7 whether or not the ombudsman has sufficient support.
8 I think that one of the first things I would like to do is
9 send the clear message to the Intelligence Community
10 that we are expected to produce apolitical, unvarnished
11 intelligence to the President-elect, to his senior
12 advisors, and that the President himself expects that
13 and will expect the Intelligence Community to provide
14 information regardless of whether or not he wants to
15 hear it. And that initial message is only a piece of it, as
16 you've identified.

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

25 I obviously read the recent ombudsman's report

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

9 SENATOR KING: Has the President-elect ordered
10 you to tell him the truth?

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

20 SENATOR KING: Well, I think the danger—the
21 good news is you have a long and positive relationship
22 with the President-elect. You have his confidence,
23 obviously. The bad news is that that long relationship
24 could create a kind of friendship that would
25 inadvertently or unconsciously skew your advice. Not

1 that you wouldn't tell him something he needs to hear,
2 but you might not want to tell him something he
3 doesn't want to hear. So I hope that you will continue
4 to maintain a positive, confident relationship, but at the
5 same time be prepared because there are going to be
6 moments when you—in your analysis—your agency's
7 analysis is going to differ from the policy proclivities of
8 the Administration.

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

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

17 MS. HAINES: I do, Sir.

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

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

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

24 SENATOR KING: Well, don't forget the basic
25 purpose was that we realized we had really good

1 stovepipes, but they were still stovepipes. So, that's
2 your mission.

3 MS. HAINES: Yes.

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

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

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

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

24 SENATOR COLLINS: Are you providing lunch?

25 CHAIRMAN RUBIO: No. No, we can't even get

1 food in here. You kidding me? We're waiting for some
2 sort of food drop. I guess they're going to fly over.

3 All right, Senator Bennet.

4 SENATOR BENNET: Thank you. Thank you, Mr.
5 Chairman. Thank you very much for lunch. We all
6 appreciate it.

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

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

12 MS. HAINES: Yes.

13 SENATOR BENNET: Democracy is a tough, tough
14 business even when it's working well. I would argue
15 that ours is not working very well and it is—at the
16 moment. And that's why I so much appreciate Senator
17 Coats being here, because we've got—we have to figure
18 this out.

19 And, it's leaving us exposed on the one hand to
20 anti-democratic forces in our own country that are
21 using social media in ways that they were not when you
22 were last serving in Government, but are today in a way
23 that's really, I think, threatening to corrode our
24 democracy in very, very fundamental ways. This is not
25 just one more technology. This is not just radio. It's

1 something else and we need to figure this out. And we
2 need to figure it out with a through-line that goes from
3 Republican Administrations to Democratic
4 Administrations to Republican Administrations.

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

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

23 I wonder if you've given that some thought.

24 MS. HAINES: Yes, Senator, thank you very much.

25 I know, first of all, on your first point about social

1 media, that the Committee's done quite a bit of work in
2 this area and has been thinking about it and I look
3 forward, if confirmed, to digging in on these questions
4 and—

5 SENATOR BENNET: Unfortunately, we haven't yet
6 figured out any of the answers.

7 MS. HAINES: Fair enough. I think you're not alone
8 in this.

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

21 The second one about China, I also very much
22 agree with and I see this in—China is oddly, I think,
23 capable and focused on a very long-term horizon,
24 where the United States frequently is not, and that this
25 is an asymmetry that challenges us. And I've seen the

1 challenge even within government, that I know many of
2 you experience, which is that the urgent tends to crowd
3 out the important; and that it's very hard to manage the
4 inbox and to actually do the kind of strategic thinking
5 and analysis that's critical to actually addressing the
6 challenges that we're facing in the future.

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

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

25 SENATOR BENNET: I appreciate that and I think

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

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

18 MS. HAINES: Yes. Thank you, Senator.

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

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

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

17 BENNETT: Thank you.

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

20 MS. HAINES: Thank you.

21 CHAIRMAN RUBIO: Senator Reed.

22 SENATOR REED: Thank you, Mr. Chairman. Let
23 me congratulate you Ms. Haines for your nomination. I
24 have every confidence in you. And let me also
25 recognize Senator Coats for his extraordinary work at

1 the DNI. Thank you, Dan.

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

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

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

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

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

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

16 As a result it exposes once again the stovepiping
17 we have. CYBERCOM cannot, because of legal and
18 Constitutional issues, be as open with their information
19 to Homeland Security. We have FBI and we have the
20 Congress. If we are trying to deal with a remedy to this
21 situation, it would be this Committee, probably the
22 Defense Committee, because of CYBERCOM. Also the
23 Judiciary Committee, etc., etc., etc. But I think the
24 challenge you are going to base is we need some type
25 of more coherent, cohesive, integrated approach to

1 deal with the threat that is much more sophisticated
2 than four or five years ago.

3 MS. HAINES: I absolutely share your concern that
4 we make sure that we are actually able to detect these
5 because that is obviously critical to us protecting
6 against them and I think to your point, it was pretty
7 alarming that we found out about it through a private
8 company as opposed to our being able to detect it
9 ourselves to begin with.

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

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

21 Any thoughts? And I have just a minute left.

22 MS. HAINES: Thank you, Senator. I think it's—as
23 you say, it is a complicated issue and I'm not sure it's
24 hard to talk about publicly in open session and it may
25 be something that we can reserve for the closed

1 session, if that's acceptable from your perspective.

2 SENATOR REED: Right no—no I completely
3 understand. If you would like to defer—thank you.

4 MS. HAINES: Thank you, Sir.

5 SENATOR REED: Thank you, Mr. Chairman.

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

10 VICE CHAIRMAN WARNER: Well thank you, Mr.
11 Chairman. Two quick comments and one quick
12 question.

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

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

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

14 The question I want to raise, and I want to give
15 again credit to our good friend Dan Coats—we've never
16 had an introducer stay as long for testimony. Now the
17 fact that he can't get off the Hill without your escort
18 may be a part of that answer. But one of the things
19 that Senator Coats worked with this Committee on,
20 something the current Administration should get some
21 credit on, was security clearance reform, and he and
22 Sue Gordon did a great, great job at the beginning of
23 Senator Coats's tenure.

24 We had backlogs in security clearance that was
25 above 250,000. People were taking six months to a

1 year—actually, I'm sorry, we had it above 750,000—and
2 we were taking six months to a year to even longer
3 getting clearance, and we were losing really good
4 quality people.

5 Under Dan's leadership, we brought that down to
6 about 200,000 today. There is still some challenges
7 around adjudication, and you may not be fully familiar
8 with, but the current Administration worked on this
9 effort under the framework of Trusted Workforce 2.0,
10 2.0 Initiative.

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

22 MS. HAINES: Thank you very much, Senator, and I
23 know this is, Vice Chairman, something that you've
24 exercised some leadership on, and you talked to me
25 when we discussed privately about this question and

1 noted the terrific work that Director Coats had done on
2 this question, and I understand that it has stalled a bit
3 in the last few years.

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

10 So absolutely would be committed to addressing
11 this.

12 CHAIRMAN RUBIO: Senator Cornyn.

13 SENATOR CORNYN: Thank you, Mr. Chairman.

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

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

24 What do you think the appropriate role of
25 deterrence is in terms of constraining cyber actors like

1 Russia and others who may be not as sophisticated as
2 they are?

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

10 MS. HAINES: So, thank you, Senator.

11 I think—obviously this is a critical issue and as you
12 say we clearly have not solved it yet. And I think one of
13 the great challenges that we face in the United States in
14 particular is the asymmetry of the threat in cyber. I
15 think it is relatively easy for adversaries to hold at-risk
16 what are high value assets to the United States given
17 how much we rely on cyber and digital work for our
18 economy, for our security, for so many different issues,
19 at relatively low risk to them in an unconventional way.
20 And as you point out, deterrence has been discussed as
21 a way to in a sense affect risk management in this
22 space. I think Professor Nye has written some very
23 interesting articles on this point that I found were very
24 perceptive, and indicates a theory of deterrence and a
25 way to approach this issue that I saw in government

1 and that I think in some respects the Trump
2 Administration has been trying to pursue.

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

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

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

22 And I also think that in the context of work that
23 would be well outside of the Intelligence Community,
24 but in the policy community, and hopefully work that
25 we could support if we are capable of building up

1 norms and frameworks for managing this, and that if
2 we do so with the private sector—which is absolutely
3 critical obviously to these issues—that we have an
4 opportunity to also promote deterrence more
5 effectively.

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

19 SENATOR CORNYN: Well, just like we negotiate
20 treaties to hopefully curtail the availability of nuclear
21 weapons, do you believe that there is an opportunity to
22 negotiate treaties with other countries to establish
23 international norms in cyber?

24 MS. HAINES: So, Senator, I don't know that a
25 treaty would be the most useful way to do it—at this

1 stage, certainly. I think that it is possible to promote
2 norms through a variety of means. So, for example,
3 setting up activity that is sanctionable and identifying
4 what activity is unacceptable, for example, and doing
5 so with your partners and allies and therefore, being
6 sort of aligned in what the response would be to such
7 unacceptable activity. And giving notice, in effect, to
8 adversaries as to what will happen, should they engage
9 in that activity, is a way to promote a norm without a
10 treaty, but nevertheless, to promote deterrence.

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

20 SENATOR CORNYN: One last question about
21 WestExec Advisors.

22 MS. HAINES: Yes.

23 SENATOR CORNYN: Before July, the WestExec
24 website touted it's work helping major American
25 universities court donations in China without

1 jeopardizing Pentagon-funded research grants. That
2 reference was eliminated after—sometime between July
3 of 26 and August 2nd. The website continues to say it
4 helps—the company helps—clients navigate China-
5 related risks in an era of strategic competition.

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

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

18 SENATOR CORNYN: Thank you.

19 MS. HAINES: Thank you.

20 CHAIRMAN RUBIO: All right, thank you. So we're
21 going to break here for about 30 minutes. And I would
22 say about—to reconvene for our closed hearing around
23 12:35.

24 I just want to state this for the record, for planning
25 purposes, if any Members of the Committee wish to

1 submit questions for the record after today's hearing,
2 they need to do so by the close of business on
3 Thursday, January 21. We'll see you in a minute.

4 Thank you.

5 MS. HAINES: Thank you.

6 [Whereupon, at 12:06 p.m. the hearing was
7 adjourned.]

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[#189]