

ENCLOSURE
RESPONSES TO QUESTIONS FOR THE RECORD
SENATE SELECT COMMITTEE ON INTELLIGENCE
CONFIRMATION HEARING - JANUARY 19, 2021

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Hearing Date: January 19, 2021
Committee: SSCI
Member: Sen. Rubio
Witnesses: Avril Haines
Info Current as of: February 8, 2021

The Intelligence Community (IC) must continue to check assumptions regarding the origin of the coronavirus and incorporate new information as it emerges in its analysis. In addition, significant gaps persist: for instance, little evidence exists to account for how the novel coronavirus recombined in nature to become so highly adapted to infect human cells.

Question 1: Will you review intelligence collection and analysis with regard to the origin of SARS-CoV-2, the virus that caused the pandemic?

Question 2: Will you ensure that collectors and analysts give ample consideration to both the zoonotic transmission and lab leak hypotheses until one or the other is conclusively determined to be the explanation for what happened?

Question 3: Will you task the IC with using structured analytic techniques, such as alternative competing hypotheses, to test assumptions about the origins of SARS-CoV-2?

Question 4: Will you commit to provide this Committee with a thorough briefing or report within 90 days of confirmation that summarizes all of the relevant intelligence gathered to date on the origin of the coronavirus and its initial cover up by Chinese officials, including diplomatic reporting through State Department channels?

Question 5: Will you promptly share with this Committee, and where appropriate, the general public, all information gathered by the IC and the State Department about the research team at the WIV led by Shi Zhengli, which engaged in controversial gain-of-function research for at least a decade prior to the outbreak of the pandemic?

Question 6: Will you share all reports pertaining to WIV research on the bat virus RaTG13, which is the putative ancestor of SARS-CoV-2, and since at least 2016 was the apparent subject of gain-of-function experiments at WIV?

Question 7: Will you report to this Committee on the full scope of information available to the IC that describes how several researchers inside the WIV became sick in autumn 2019, before the first identified case of the outbreak, with symptoms consistent with COVID-19?

Question 8: Will you share with this Committee all of the information gathered to date by the IC and the State Department pertaining to projects in which the WIV has collaborated with the PLA in published studies as well as secret programs?

Answer:

Answer:

Yes, I will ensure the IC continues to review collection and analysis with regard to the origin of SARS-CoV-2, including all potential hypotheses on the origin of the virus. In doing so, analysts will incorporate insights from the application of structured analytic techniques.

I understand that you are focused on getting answers to the questions you have asked and I am committed to doing everything I can to ensure the IC provides the Committee with timely and accurate intelligence regarding the origins of SARS-CoV-2, and will endeavor to provide you with an updated assessment within 90 days regarding the origins of SARS-CoV-2. I will also endeavor to share such information with the general public, consistent with the requirement to protect classified information and sensitive intelligence sources and methods.

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The Chinese Communist Party's and other actors' political influence operations target local level American politicians for cultivation. State and local governments support U.S. businesses in finding international partners and may deal with other foreign governments without appropriate knowledge or awareness of with whom they are dealing. Beijing routinely seeks to influence U.S. decision making at the local, state, and federal levels through American businesses and their leaders. Often these efforts to influence are carried out through united front intermediaries or other non-official channels.

Question 9: How do you think the IC can best provide counterintelligence training and other support to state and local governments to prevent the Chinese Communist Party and other malign actors from interfering in American political processes?

Answer:

The National Counterintelligence and Security Center (NCSC) and other IC subject matter experts are committed to supporting federal, state, and local partners in countering counterintelligence and influence threats to the US homeland. NCSC in particular has provided counterintelligence awareness briefings to the National Governor's Association's Homeland Security Advisory Council, the National Association of Counties, and other major state, local, and tribal partner groups designed to foster domestic information and intelligence sharing. NCSC also produces unclassified training materials, such as the *Safeguarding our Future (SOF)* and *Safeguarding our Elections (SOE)* bulletins, and the *Know Your Risk, Raise Your Shield* pamphlets. The *SOF: Beware of Foreign Gifts with Strings Attached* bulletin, the *SOE: Foreign Adversaries are Targeting U. S. Elections with Disinformation* bulletin, and the *Know the Risk: Economic Espionage* pamphlet are examples of how these products promote counterintelligence and foreign influence awareness among state, local, and tribal partner stakeholders.

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Question 10: Do you see a role for the IC in supporting state and local governments as they engage foreign actors, especially those like the Chinese Communist Party's united front actors, who have a political agenda?

Answer:

Yes. The IC must strengthen its partnerships across U.S. Government departments and agencies; with state, local, tribal, and territorial governments; with the private sector; and with the American public. The NCSC, for example, has disseminated threat awareness products to more than 250,000 state and local partners, such as bulletins highlighting the risks from China's exploitation of sister city programs and its efforts to influence state and local officials during the SARS-CoV-2 pandemic. Additionally, IC partnerships with social media providers, technology companies, and academia are important in raising awareness of foreign threat actors' intentions to interfere with or influence U.S. policy, officials, or the American public. The IC is looking at other options to increase the reach and impact of our efforts in this area and I look forward to getting your thoughts on how best to do this.

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Question 11: What are the IC's ongoing intelligence gaps on how these influence efforts are organized and operate? What mechanisms does the IC currently use to warn targets of influence? Please give an example of Intelligence information that was downgraded to pass to state and local officials.

Answer:

I understand that the IC regularly assesses its collection posture against national intelligence priorities in order to minimize gaps in collection. With respect to foreign malign influence operations, the IC has shared intelligence information with FBI and DHS in support of their efforts to provide warning to state and local partners. For example, the IC provided downgraded intelligence information to DHS to support threat and defensive briefings to Secretaries of State and other election officials throughout the 2020 election cycle.

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The Chinese Communist Party challenges U.S. interests and values on a global scale that cuts across regions and functional domains.

Question 12: How well do you think the IC is organized to collect and analyze on PRC leadership intentions and the breadth of PRC intelligence activities? Is the structure of IC agencies sufficient to facilitate cross discipline analysis of the China challenge? How well integrated are teams of China analysts across topics and functions? In what ways do you intend to ensure China analysis looks at both specific activities and the holistic picture of China's activity?

Answer:

I believe that the IC must devote considerable attention and resources to these and other challenges posed by China, as well as activities designed to ensure integration across function and topic. I will ensure the IC integrates analysis across topics and functions, and furthermore prioritizes resources focused on China among competing requirements.

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Question 13: In what areas do you think the U.S. intelligence capacity on China must be bolstered? How do you intend to recruit and retain needed talent on all aspects of the China challenge?

Answer:

I believe the IC must devote considerable attention and resources to China's growing reach and influence. I hope to identify ways to attract and retain talented officers across the board, including those focused on the challenges posed by China. One area of particular focus for me will be to ensure we expand efforts to fill positions requiring critical language skills, especially fluency in Mandarin. I look forward to keeping the Committee informed of our progress on this front.

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You have been an outspoken proponent of the Iran nuclear deal or Joint Comprehensive Plan of Action (JCPOA), saying in a presentation at Yale Law School in October 2016 that the agreement reached by the Obama administration “demonstrates how a rules-based order can provide sufficient leverage to change a country’s behavior without resorting to military force.”

Question 14: Do you believe the JCPOA made the Middle East and the world safe on the whole?

Answer:

I believe it is critically important for the IC to focus on threats posed by Iran. In my role as DNI, I will ensure that the IC provides the best possible intelligence and analysis to the President and other policymakers as they assess options for addressing the threat posed by Iran’s nuclear program.

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Question 15: Would you assess that providing sanctions relief to Iran, the world's leading exporter of terrorism, is likely to increase Iranian-backed terrorist activity?

Answer:

I understand that Iran's continued support for terrorist activity by Hizballah and a range of other groups has continued unabated over the past decade. Providing sanctions relief to Iran would increase Iran's financial resources and would reduce the need to balance support for terrorist activities against other priorities. Whether this would lead to an increase in Iran-backed terrorist activity would depend on a number of factors, including the capability of groups it supports and the counterterrorism and security activities of countries in which they operate.

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Regarding the killing of the world's leading terrorist, Qasem Soleimani, you told the House Foreign Affairs Committee in January 2020, "not only will our allies and partners view it as a violation of international law but it is virtually impossible to understand why it was impractical for the President and his senior leadership to consult with the Congress, our allies, and Iraq before targeting Soleimani."

Question 16: One year after this strike, what has been the response of those in the region and our allies and partners? Have the effects that you predicted come to pass?

Answer:

I understand that the strike contributed to many regional and international partners and allies' concerns that US actions against Iran in the region could lead to further confrontations and potentially a conflict with direct implications for these states' interests and stability.

European nations, including France, Germany, and Denmark, publicly condemned the January 2020 US airstrike that killed Islamic Revolutionary Guards Corps Qods Force (IRGC-QF) Commander Qasem Soleimani, usually in language that emphasized the perceived increased danger of escalation following the strike. In general, their comments were measured, emphasized the need for deescalation, and usually included language condemning Soleimani as a contributor to the Middle East's conflicts. The United Kingdom did not explicitly condemn the strike, but expressed disappointment that Washington did not consult London beforehand.

The United Nations' special rapporteur for extrajudicial killings condemned the strike and said it "most likely" violated international law.

Iraqi leaders immediately condemned the strike as a violation of Iraq's sovereignty and of international law. The strike prompted the Iraqi Council of Representatives to vote to expel US forces. The strike probably contributed to many Iraqis' concerns about continued U.S. force presence in Iraq and it almost certainly fueled SMG motivation to attack the U.S. presence in Iraq.

Israel supported the strike, which it almost certainly considered as in-line with and facilitating progress toward Israel's goal of countering threats from Iran.

Hizballah intensified planning to attack US interests and reduce US influence in Lebanon and the Middle East following Soleimani's death.

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Question 17: What is your assessment of the importance the Cuban government places on their intelligence services?

Answer:

I understand that Cuba's intelligence services, to include those within the Ministry of Interior (MININT), are essential actors in the regime's efforts to confront perceived threats to its control both at home and abroad. MININT controls the police, civilian foreign intelligence service, internal security forces, and prison system. Specialized units of the ministry's state security branch are responsible for monitoring, infiltrating, and suppressing independent political activity in Cuba. Cuba also exports these intelligence and internal security capabilities — most notably to Venezuela — to prop up Cuba-friendly regimes in the face of domestic opposition, with Cuba receiving, in return, critical economic support and assistance.

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Question 18: Who are their closest intelligence partners?

Answer:

I understand that Havana has had an intelligence partnership for over 60 years with Moscow. Intermittent intelligence ties have existed between Cuba and Nicaraguan governments led by Daniel Ortega since 1979. Cuban intelligence and security officials, probably numbering in the hundreds and possibly the thousands, have had a continuous advisory role in Venezuela since Hugo Chavez's presidency beginning in 1999. Cuba probably also has burgeoning technical intelligence collection cooperation with China.

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Question 19: What is your understanding of Cuba’s role in supporting the Maduro regime in Venezuela, and how do you assess that contributes to instability in the Western Hemisphere?

Answer:

My understanding is that Cuba has been a key ally in supporting Maduro since he assumed the presidency in 2014. In 2000, the two countries signed a preferential oil agreement – Venezuelan oil in exchange for Cuban medical personnel – that provided Cuba with some 90,000 – 100,000 barrels of oil per day, about two-thirds of its consumption. Since 2015, however, Venezuela has cut the amount of oil it sends to Cuba because of Venezuela’s severe economic crisis and the impact of US sanctions, to reportedly between 40,000 and 50,000 barrels of oil per day in 2019, about one third of its consumption. Estimates on the number of Cuban professionals in Venezuela range from between 20,000 to 30,000, to include doctors and nurses, as well as teachers, sports instructors, military advisers, and intelligence operatives. Cuban intelligence’s advice and expertise in monitoring, infiltrating, and suppressing dissent and opposition in Venezuela have bolstered the regime’s resilience to the opposition movement, low military morale, and refugee-spurring economic collapse, as well as sustained its harboring of Colombian guerrilla groups.

Cuba’s longstanding alliances with authoritarian leaders in Venezuela and Nicaragua, occasional ties with leftist leaders in Bolivia and Ecuador, and organizations throughout the region sympathetic to the Cuban Revolution have undermined transparency and democratic governance in the Western Hemisphere.

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The U.S. has recently added Cuba back to the list of U.S. State Sponsors of Terrorism due to the fact that Cuba provides safe haven for members of U.S. State Department-designated foreign terrorist organizations - namely the Revolutionary Armed Forces of Colombia – People’s Army (FARC) and the National Liberation Army (ELN).

Question 20: Do we have sufficient collection on the activities of these groups inside Cuba? What do we know about the Cuban leadership’s intentions for supporting these groups? Would we have warning if the Cuban government sought to actively employ these groups’ capabilities against the United States?

Answer:

I would welcome the opportunity to provide the Committee with a detailed classified briefing on the IC’s assessments on these topics.

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As has been widely reported, U.S. diplomats have suffered directed energy attacks while serving abroad in Havana as well as other posts around the world, often locations with a confirmed Russian presence. Cuba is a closed society. I believe these attacks must have occurred with the knowledge of the regime, and they were ongoing as the Obama administration was attempting to normalize relations.

Question 21: Will you commit to dedicating the personnel and resources necessary to identifying the source of these attacks, who is behind them, and what we can do to protect our people and deter future attacks?

Answer:

Yes, I will ensure the IC works to support U.S. Government efforts to identify the source of these incidents and determine who is behind them, and promote efforts to protect U.S. citizens, especially those serving their country abroad, from harm.

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Vice Chairman Warner and I have worked together closely on 5G initiatives and to raise awareness of the risks involved with countries adopting Chinese technology.

Question 22: What is your message to every country that refuses to expressly prohibit Chinese vendors from constructing and supporting 5G infrastructure?

Answer:

The difficulty and cost of mitigating security risks to US and foreign communications will increase greatly as worldwide carriers transition from fourth- to fifth-generation (5G) telecommunications infrastructure. Beyond the next five years, the projected deployments and integration of complex 5G networks into infrastructure and life-critical systems probably will expand risks to global carriers. If successful, China's efforts to dominate 5G will increase opportunities for Beijing to collect against and disrupt global communications.

The IC remains deeply concerned about the dangers of installing or granting access to networks that can be manipulated, disrupted, or controlled. The Chinese Government holds significant leverage over Chinese equipment manufacturers and telecommunications companies to compel their cooperation with the Chinese intelligence and security services.

Access to the Information Communications Technology System ecosystem through construction, investment, or services presents risk to the personally identifiable information of users and trade secrets of enterprises. Technical experts continue to assess that risk from untrusted equipment or vendor access cannot be sufficiently mitigated.

The IC will continue to support State, Treasury, DOD, and other agency messaging on this critical topic.

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Chinese telecommunications equipment makers such as Huawei continue to pose grave counterintelligence risks to the U.S. and our allies and are key players in China's efforts to diminish U.S. geopolitical clout in Latin America, Africa, and elsewhere through initiatives such as the Belt-and-Road Initiative. Recently, we enacted legislation in section 9202 of the *National Defense Authorization Act (NDAA) for Fiscal Year 2021* to provide U.S. government support for the development and deployment of U.S. alternatives in key parts of our telecom infrastructure, including so-called "Open Radio Access Networks."

Question 23: From a national security standpoint, how important is it for the U.S. to have the ability to produce our own telecom infrastructure? What counterintelligence risks do you see surrounding foreign sources providing telecommunications infrastructure? Will you advocate for funding to support this effort?

Answer:

I am committed to ensuring that the IC provides the best possible intelligence and analysis to the President and other policymakers, who are ultimately responsible for assessing the appropriate policy response to these challenges. The recent significant cybersecurity attack on U.S. government and private sector information technology infrastructure demonstrates but one vector that can be used by foreign adversaries to attack our critical infrastructure, to include our telecommunications infrastructure. Protecting our supply chains is necessary to ensure a reliable and resilient communications infrastructure. This is a priority for the ODNI and the IC as a whole, and a major line of effort in ongoing IC cooperation with our homeland security and law enforcement partners.

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According to a statement by the Cyber Unified Coordination Group, approximately 18,000 public and private sector customers of SolarWinds' Orion products were affected by what was probably a Russian-origin cyber actor.

Question 24: In your estimation, does a cyberespionage campaign bearing the hallmarks of the SolarWinds “supply chain breach and hack” represent an assault on the sovereignty and security of the United States, or is it simply espionage in the traditional sense?

Answer:

The Cyber Unified Coordination Group (UCG), within which the ODNI serves as the lead for intelligence support, assesses this serious compromise was intended to gather intelligence. The Department of Homeland Security indicated, and I agree, that the compromise poses a grave risk, and as such, certainly has serious national security implications.

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Question 25: What is the difference to your mind, and how does that difference dictate the appropriate policy response?

Answer:

I am committed to ensuring the IC provides the best possible intelligence and analysis to the President and other policymakers, who are ultimately responsible for assessing the appropriate policy response to these challenges.

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This Committee has heard for years about the criticality of improved government-private sector cooperation and “whole of government” responses.

Question 26: How do we graduate beyond the buzzwords and the rhetoric and formulate a truly effective policy of deterrence that stops these attacks, before they occur?

Answer:

I believe it is critical for U.S. departments and agencies to work effectively with each other and with the private sector to ensure that U.S. data systems and networks are secure, and in support of an effective deterrence strategy. Such a strategy requires a whole of government approach that the IC will support.

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The SolarWinds campaign was so effective because it started with a supply chain breach.

Question 27: Given the effectiveness of this campaign and the likelihood these methods will be repeated, is there a more assertive role for the IC to play when it comes to securing private sector supply chains?

Answer:

I do think there are ways for the IC to provide additional support to a comprehensive government-wide strategy for addressing supply chain risk. In particular, section 6306 of the FY 2020 National Defense Authorization Act requires the Director of National Intelligence (DNI) to establish a Supply Chain and Counterintelligence Risk Management Task Force (SCRM) for sharing counterintelligence and supply chain risk information with the federal acquisition community. The Task Force, chaired by the Director of the NCSC, is tasked to ensure that IC counterintelligence information sharing is standardized to provide actionable information to federal acquisition professionals. The IC SCRM Task Force supports the Federal Acquisition Security Council (FASC), which was established to protect the federal information communication and technologies and services (ICTS) supply chain. Through the FASC, the IC will ensure that pertinent information is shared with appropriate stakeholders across the federal enterprise and with the private sector.

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Please clarify your response to pre-hearing question 116. IC whistleblowers have the statutory right to provide their complaints directly to Congress. The law states that whistleblowers must obtain from the DNI, through the IC Inspector General, “direction on how to contact the congressional intelligence committees in accordance with appropriate security practices.”

Question 28: Do you agree that this provision does not permit the DNI to deny whistleblowers’ direct access to Congress altogether?

Answer:

Whistleblowers serve a vital role within the IC by promoting government accountability, maintaining the integrity of the workforce, and addressing allegations of wrongdoing without improperly disclosing classified information. The Intelligence Community Whistleblower Protection Act provides IC whistleblowers the means to report to Congress complaints or information pertaining to "urgent concerns" by first reporting such complaints or information to the IC Inspector General (IG). Consistent with the terms of the statute, an employee may contact the congressional intelligence committees directly if the IC IG does not find the complaint or information credible or does not transmit the complaint or information to the Director in accurate form. Before making direct contact with the committees, that statute provides that the whistleblower must obtain and follow from the Director, through the IG, direction on how to contact the congressional intelligence committees in accordance with appropriate security practices.

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On November 6, 2020, Director Ratcliffe sent me a letter in which he stated that “none of the 61 orders issued pursuant to applications under Title V of [the Foreign Intelligence Surveillance Act (FISA)] in 2019 resulted in the production of any information regarding web browsing or internet searches.” On November 25, 2020, DNI Ratcliffe sent another letter stating that the Department of Justice (DOJ) subsequently informed him that an order pursuant to Title V had “directed the production of log entries for a single, identified U.S. web page reflecting connections from IP addresses registered in a specified country that occurred during a defined period of time.” The correction reportedly came only after press inquiries with the Office of the Director of National Intelligence (ODNI) and the Federal Bureau of Investigation (FBI). Director Ratcliffe’s November 25 letter indicated that ODNI staff had been directed to consult with the DOJ and determine whether any corrective action was necessary, “to include any amendments to information previously reported in the Annual Statistical Transparency Report required under Section 603 of the FISA.”

Question 29: Please indicate whether the correction requires amendments to the Transparency Report.

Answer:

I understand that the Department of Justice is continuing to review the facts and circumstances concerning the incident referenced in former Director Ratcliffe’s November 25, 2020 letter. Pending the outcome of that review, I will ensure that ODNI makes any necessary amendments to information previously reported in the Annual Statistical Transparency Report required under Section 603 of the FISA.

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Question 30: What institutional changes are needed to ensure that the ODNI has accurate and complete information from the DOJ and that ODNI responses to congressional inquiries are accurate and complete?

Answer:

It is critical that responses to congressional inquiries are accurate and complete. In this instance, it appears a miscommunication resulted in incomplete information being provided to ODNI. I commit that ODNI will work to ensure the accuracy and completeness of responses to Congress, as well as correct any errors that we identify, should they occur.

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Question 31: Will you ensure that the Committee is briefed on the details of the collection described in the DNI's November 25, 2020 letter?

Answer:

I understand that the Department of Justice is continuing to review the facts and circumstances concerning the incident referenced in former Director Ratcliffe's November 25, 2020 letter. Pending the outcome of that review, I will ensure that ODNI provides a detailed update to the Committee on the collection described in the DNI's November 25, 2020, letter.

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Question 32: Does the government have the authority now, or in the event of a reauthorization of Section 215 of the USA PATRIOT Act, to collect log entries for web pages reflecting connections to persons inside the United States?

Answer:

While I defer to the Department of Justice regarding the application of Section 215 of the USA PATRIOT Act, I am committed to working with the Attorney General and IC lawyers to ensure that all collection activities are conducted in accordance with the Constitution and laws of the United States.

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In March 2019, the Department of Justice Office of the Inspector General released its “Review of the Drug Enforcement Administration’s Use of Administrative Subpoenas to Collect or Exploit Bulk Data.” The Inspector General raised concerns about the “uniquely expansive” use of administrative subpoena authority for bulk collection. The Inspector General report was released to the public over a quarter century after the initiation of the programs in question.

Question 33: Will you commit to promptly making available to the public any reviews by inspectors general that identify novel interpretations of law?

Answer:

I believe strongly in transparency and in ensuring that the American public has an accurate sense of the IC’s work. Consistent with the requirement to protect classified information and sensitive intelligence sources and methods, I commit to providing the greatest possible transparency with respect to reviews by inspectors general that enhance the public’s understanding about the IC’s mission; the laws, directives, authorities, and policies that govern IC activities; and frameworks that ensure intelligence activities are conducted in accordance with the applicable rules.

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The IC is currently exempt from a statute requiring civilian agencies to encrypt data stored on or transiting agency systems (6 U.S.C. 1523).

Question 34: Would you support expanding this requirement to unclassified IC computer systems? If not, please explain.

Answer:

I look forward to learning more about existing data security requirements for unclassified IC computer systems. If additional legislation is needed, I would welcome additional engagement with the Committee on this issue.

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Section 5725 of the Fiscal Year 2020 NDAA grants the DNI the authority to “undertake an effort to identify [IMSI]-catchers operated within the United States by hostile foreign governments,” and to “develop countermeasures against such [IMSI]-catchers, with prioritization given to such [IMSI]-catchers identified in the National Capital Region.”

Question 35: Do you believe that the deployment by hostile foreign governments of cell phone surveillance technology in the National Capital Region, and in particular near sensitive government facilities, would pose a national security threat?

Answer:

My understanding is that the IC believes the deployment of cell phone surveillance technology in the National Capital Region by hostile foreign governments near sensitive government facilities could potentially pose a national security threat.

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Question 36: If so, will you prioritize this threat and provide the Committee with regular updates on your efforts pursuant to the authority granted by the statute?

Answer:

I will work with the FBI to appropriately prioritize this potential threat and to provide the Committee with any updates, as appropriate.

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While national security officials have long warned about the threats posed by foreign telecommunications equipment, far less attention has been focused on the provision of telecommunications services by foreign companies. Small, rural U.S. telecommunications carriers often lack the in-house engineering resources to manage their own networks and frequently outsource core engineering tasks to telecommunications technology companies.

Question 37: Do you agree that the remote administration and management of U.S. telecommunications networks by foreign companies could threaten U.S. national security?

Answer:

Yes, I agree that the remote administration and management of U.S. telecommunications networks by foreign companies could potentially threaten national security. While the IC does not regulate telecommunications networks, it does serve a vital information sharing role to ensure telecommunications network administrators and regulators understand potential threats and counterintelligence risks that may impact the U.S. national security.

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Question 38: Do you believe that the U.S. government should require the registration of foreign companies that remotely administer and manage U.S. telecommunications networks, in order to aid the government in identifying and mitigating these risks?

Answer:

In my role as DNI, I will ensure that the IC provides the best possible intelligence and analysis to the President and other policymakers as they assess whether the U.S. government should require the registration of foreign companies that remotely administer and manage U.S. telecommunications networks.

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Section 6308 of the Fiscal Year 2020 NDAA included a provision authorizing the DNI to protect the personal devices and accounts of IC personnel in positions highly vulnerable to cyber-attacks and hostile information collection activities.

Question 39:

Will you commit to updating the Committee on the IC's efforts to protect personnel from cyber-attacks and surveillance against their personal devices and accounts?

Answer:

Yes. The IC welcomes the opportunity to brief the committee on its approach to addressing Section 6308 of the Fiscal Year 2020 National Defense Authorization Act.

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During the open portion of your confirmation hearing you agreed “that accountability reviews should be broadened to include systemic failures in accountability for individuals who were responsible for the failures” that Senate Select Committee on Intelligence (SSCI) asserted in a 2013 report about the rendition, detention, and interrogation of al-Qa’ida leaders and terrorists associated with the 11 September 2001 attacks on the United States.

During the subsequent closed session, you clarified that, if confirmed, any changes to the structure of accountability review boards or other administrative procedures would be limited to future investigations on other issues, and that you would not re-litigate the conclusion of the Central Intelligence Agency (CIA) review into the rendition program or the Obama Administration’s closure of related investigations.

Question 40: Can you confirm that you will not reinvigorate efforts to prosecute, take administrative action against, or prejudice in any future promotion or selection panels any CIA officer involved with that program under DOJ guidance and Presidential direction?

Answer:

Please refer to the response I provided to this question prior to my confirmation:

When I responded to the question posed in my open hearing, I was referencing the 2013 letter from the CIA to SSCI, in which the CIA noted that "looking forward, the Agency should ensure that leaders who run accountability exercises do not limit their sights to the perpetrators of the specific failure or misconduct, but look more broadly at management responsibility and more consistently at any systemic issues." I agree with this recommendation, which is prospective.

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In mid-2015, we learned that the Obama Administration intended to agree to the Iran deal with two secret, side agreements between Iran and the International Atomic Energy Agency (IAEA). The administration first denied the existence of these agreements, then claimed they were unable to provide them to Congress.

These side agreements violated the Iran Nuclear Agreement Review Act as well as the previous administration's pledge that the deal would offer unfettered transparency. Instead, they provide an avenue for Iran to continue concealing their past nuclear weapons program and any future weapons-relevant research. The fact that the head of the former nuclear weapons program was still conducting secret research within their defense establishment without IAEA inspection demonstrates a fundamental flaw of the Iran deal.

Question 41: Were you aware of the existence of or the contents of either side agreement during your time as Deputy Director of CIA or as Deputy National Security Advisor?

Answer:

Please refer to the response I provided to this question prior to my confirmation:

I was aware of the arrangements between Iran and the IAEA, which were publicly announced by the IAEA at the time.

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Question 42: If confirmed, will you commit to providing all details of any future agreement with Iran to Congress for review, as well as disclose any relevant or associated agreements related to such a deal?

Answer:

Please refer to the response I provided to this question prior to my confirmation:

I have a deep and genuine commitment to transparency and to congressional oversight of intelligence activities. I will facilitate as much transparency as possible for matters within my purview and will keep the congressional intelligence committees fully and currently informed of all intelligence activities, including any relevant arrangements.

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Question 43: Do you commit to providing WestExec's full client list, for the time in which you were affiliated with the firm, to the Committee?

Answer:

Please refer to the response I provided to this question prior to my confirmation:

I do not have this information – I was not privy to the entire client list.

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Question 44: Did WestExec represent any foreign governments or entities while you were affiliated with it?

Answer:

Please refer to the response I provided to this question prior to my confirmation:

I do not have this information – I was not privy to the entire client list.

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Question 45: Did you ever connect your clients, formally or informally, to any federal entity?

Answer:

Please refer to the response I provided to this question prior to my confirmation:

I did not connect clients to any federal entity.

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Question 46: Did you consult with your clients on matters related to any entity of the federal government? If so, please describe the activities you undertook to assist your clients.

Answer:

Please refer to the response I provided to this question prior to my confirmation:

One of the clients I worked with was the Open Philanthropy Project, which sponsored a report on how the Department of Defense should adapt its test, evaluation, validation, and verification infrastructure for artificial intelligence and more specifically, with respect to deep learning systems. The report we produced is publicly available.

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Question 47: How was your income from WestExec reported on your tax returns? Was it in the form of a Form 1099?

Answer:

Please refer to the response I provided to this question prior to my confirmation:

My WestExec income was reported on a Form 1099.

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Question 48: Do you think there is any role for the IC to play, should FARA be reformed?

Answer:

Please refer to the response I provided to this question prior to my confirmation:

The FARA Unit of the Counterintelligence and Export Control Section in the National Security Division of the Department of Justice is responsible for the administration and enforcement of FARA. I understand that the IC has a critical role to play in supporting the FARA Unit, but I am not sufficiently familiar with the IC's current role or what role the IC might play, should FARA be reformed. I would welcome engaging with the Committee on this issue and reviewing whether we can do more.

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Question 49: In what ways is the IC at risk from foreign governments or entities influencing the U.S. Government without having to disclose such influence?

Answer:

Please refer to the response I provided to this question prior to my confirmation:

Protecting the IC from foreign influence is essential to ensuring that the IC offers the objective intelligence and analysis that policymakers deserve. Intelligence analysts are always sensitive to the possibility that they may be being fed foreign disinformation. If confirmed as DNI, I look forward to studying in detail how foreign governments and entities may be attempting to influence the IC and broader U.S. Government in order to inform policymakers' efforts to address that threat.

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Question 50: Do you believe think tanks should have to disclose their foreign contributions?

Answer:

Please refer to the response I provided to this question prior to my confirmation:

I would work to ensure the IC is able to support any policy consideration of this question.

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Question 51: Do you believe foreign contributions to think tanks influence the work of the experts who work at these think tanks?

Answer:

Please refer to the response I provided to this question prior to my confirmation:

The degree to which funders of research or think tank work are able to influence such work is a perennial concern and one that I believe must be looked at on a case-by-case basis.

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Question 52: Do you agree with DNI Ratcliffe that China is our top national security threat?

Answer:

Please refer to the response I provided to this question prior to my confirmation:

China is our top nation-state national security threat. China has been growing more authoritarian at home and more assertive abroad, and is challenging our security, prosperity, and values in significant ways that no other nation is capable of doing. If confirmed, I would ensure that the collection and analysis of information relating to the full scope of China's activities is a top priority for the entire IC.

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Member: Sen. Cornyn
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Question 53: Do you commit to continuing a realignment of funds within the IC to focus more sharply on China?

Answer:

Please refer to the response I provided to this question prior to my confirmation:

I commit to ensuring the IC has the resources necessary to prioritize collection and analysis of information relating to the full scope of China's activities. I look forward to working with the Congress on this challenge.

Hearing Date: January 19, 2021
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Member: Sen. Sasse
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Question 54: What are the metrics you will use to judge that you have shifted enough resources to China in six months?

Answer:

Please refer to the response I provided to this question prior to my confirmation:

I strongly agree that the IC must prioritize efforts to counter the threats posed by China, both globally and inside the United States. I will seek to understand what metrics are currently in use by ODNI, and develop any additional metrics that are required, to measure whether the IC is appropriately prioritizing the resource necessary to address this threat. I would also welcome engagement with the Committee on this issue.

Hearing Date: January 19, 2021
Committee: SSCI
Member: Sen. Sasse
Witnesses: Avril Haines
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Question 55: Do you agree that China is the top pressing national security priority, second nor equal to none?

Answer:

Please refer to the response I provided to this question prior to my confirmation:

I agree that China is our top nation-state national security threat. China has been growing more authoritarian at home and more assertive abroad, and is challenging our security, prosperity, and values in significant ways that no other nation state is capable of doing. I commit to ensuring that the collection and analysis of information relating to the full scope of China's activities is a top priority for the entire IC.