

Questions from Senator Ossoff

QUESTION 1: When asked whether there is a statutory basis for designating domestic terrorist organizations, you testified during your nomination hearing that “there are different elements . . . that help quantify how different threats can be construed as . . . acts of terrorism or focused on terrorism.” Please identify what elements you referred to, if and how they permit designation of domestic terrorist organizations, and where they are located in the U.S. Code.

Terrorism is terrorism regardless of the source, foreign or domestic; terrorists seek to inflict harm or fear of harm, for any reason, but often ideological reasons. Domestic terrorist organizations are ones that are based in or operate within the USA and seek to “intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or affect the conduct of a government by mass destruction, assassination, or kidnapping...”

Title 18 U.S.C. Chapter 113B Section 2331

(<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title18-section2331&num=0&edition=prelim>)

“

(5) the term "domestic terrorism" means activities that-

(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

(B) appear to be intended-

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(C) occur primarily within the territorial jurisdiction of the United States; and...”

Additional references: 18 U.S.C. Chapter 97 Section 1992; 28 C.F.R. Chapter 1 Part 0 Subpart P Section 0.85

QUESTION 2: In response to questioning during your nomination hearing, you testified that it is “outside the purview of I&A” to collect intelligence on or related to U.S. persons. You affirmed that “there are no circumstances under which I&A can or will, under your leadership, collect intelligence targeting U.S. persons and that any case where there is a foreign nexus will be referred to the FBI.” I&A’s Attorney General-approved guidelines under Executive Order 12333 state that “I&A personnel may intentionally collect [United States Person Information],” subject to certain limitations set forth in those guidelines. Is it your testimony that, if confirmed, I&A will no longer conduct such collection?

I intend to comply with all US law, EOs, and policy. Pursuant to the limited exceptions in 12333 allowing for select I&A actions, my remark was centered on I&A not specifically

targeting US persons as had been done under the Biden administration. My intention is to refer cases to the FBI or other Law Enforcement when appropriate.

QUESTION 3: Pursuant to 6 USC 121(d)(17), the role of the Under Secretary includes: “To establish the intelligence collection, processing, analysis, and dissemination priorities, policies, processes, standards, guidelines, and procedures for the intelligence components of the Department, consistent with any directions from the President and, as applicable, the Director of National Intelligence” You testified that I&A will not collect intelligence targeting U.S. persons. What specific U.S. person protections will you include in the priorities, policies, processes, standards, guidelines and procedures you establish for other DHS intelligence entities?

If confirmed, I look forward to reviewing existing priorities, policies, processes, standards, guidelines and procedures and, if necessary, making adjustments.

QUESTION 4: Per the aforementioned guidelines, the Under Secretary for Intelligence and Analysis is responsible for “ensur[ing] that I&A personnel conduct their activities in a manner that protects privacy, civil rights, and civil liberties[.]” In 2023, the Government Accountability Office (GAO) issued a report concluding that the Office of Intelligence and Analysis (I&A) “should improve privacy oversight and assessment of its effectiveness.”¹ Based on that review, GAO recommended, “The Under Secretary for Intelligence and Analysis should ensure that I&A’s intelligence oversight branch documents the reviews it conducts to verify I&A personnel’s compliance with I&A’s guidelines for protecting privacy, civil rights, and civil liberties.”² GAO noted that it was not able to confirm that I&A completed periodic compliance reviews between January 2017 and September 2022 because I&A officials did not document all the compliance reviews they said they completed. GAO’s 2023 recommendation is still open. As of February 2025, I&A reported to GAO that it was “in the process of coordinating the review for” a draft Compliance Review Standard Operating Procedure.

A. If a Compliance Review Standard Operating Procedure has not already been finalized if or when you take office, do you commit to finalizing that procedure within 30 days?

If confirmed, I look forward to assessing the current status of all in-process reviews and aim to complete them in a reasonable timeframe.

B. Do you commit to sharing the finalized Compliance Review Standard Operating Procedure with this Committee and GAO?

I look forward to sharing findings with the appropriate stakeholders.

C. Do you commit to ensuring the finalized procedure is consistently implemented throughout your time in office?

My preference and intention is always for consistency.

D. Do you commit to ensuring I&A's intelligence oversight branch consistently and thoroughly documents the reviews it conducts to verify compliance with I&A guidelines for protecting privacy, civil rights, and civil liberties, including any shortcomings or privacy, civil rights, and civil liberties violations those reviews reveal?

Yes, in accordance with Secretary and General Counsel guidance.

E. Do you commit to providing this Committee the results of these reviews?

Yes, in accordance with Secretary and General Counsel guidance.

[Please note: List of questions received did not include a #5. Numbering skipped from #4 above to #6 below.]

QUESTION 6: Based on GAO's recommendations, I&A officials advised GAO in 2023 that it "planned to establish a goal for the number of compliance reviews to be completed in a given period" by and "assess the intelligence oversight branch's performance against this goal." I&A has not yet fulfilled either commitment.

A. If a goal for the number of compliance reviews to be completed in a given period has not already been finalized if or when you take office, do you commit to finalizing that goal within 30 days?

As I am not yet confirmed nor have any insight regarding the referenced recommendations, I have no basis to yet evaluate what actions ought or ought not take place based on commitments by or findings regarding the prior administration.

B. Do you commit to sharing the finalized goal with this Committee and GAO?

If confirmed, I look forward to routinely sharing relevant insights and updates with the Committee.

C. Do you commit to providing this Committee with updates on whether I&A has met that goal and, if not, why not?

If confirmed, I look forward to routinely sharing relevant insights and updates with the Committee.

QUESTION 7: GAO's review further found in 2023 that "I&A had not conducted two monitoring activities called for in its Intelligence Oversight Guidelines: audits of information systems and audits of bulk data." As of February 2025, I&A reported to GAO that it anticipating completing bulk data audits by April 2025 and "was still assessing time frames for completing audits of information systems." Neither set of audits has yet been completed.

A. If the required audits of bulk data have not already been completed if or when you take office, do you commit to completing those audits within 30 days?

As I am not yet confirmed nor have any insight regarding the referenced recommendations, I have no basis to yet evaluate what actions ought or ought not take place based on commitments by or findings regarding the prior administration.

B. If the required audits of information systems have not already been completed if or when you take office, do you commit to completing those audits within 90 days?

As I am not yet confirmed nor have any insight regarding the referenced recommendations, I have no basis to yet evaluate what actions ought or ought not take place based on commitments by or findings regarding the prior administration.

C. Do you commit to ensuring I&A completes future required audits of information and audits of bulk data throughout your time in office?

Yes, I will comply with any lawfully required audit.

D. Do you commit to providing this Committee the results of those audits, upon request?

Yes, in accordance with Secretary and General Counsel guidance.

QUESTION 8: You have a background as the Intelligence Community's chief information officer. DHS is an aggressive adopter of artificial intelligence thanks to its potential promise. But that work must come with sensible safeguards, thorough testing, and oversight and transparency. I&A develops technology for intelligence programs around DHS and has announced new methods of automating intelligence activities or reliance on AI.

A. What do you understand that I&A has already developed in this space?

As I am not yet confirmed, I don't yet have any insights on what artificial intelligence tools or capabilities I&A may have developed, access to, or may be using. If confirmed, I look forward to assessing and determining what commercial and government capabilities may propel I&A's and the Department's missions and potentially be adoptable for use by I&A with sensible safeguards.

B. What is your plan to build out these developments?

If confirmed, I look forward to potentially leveraging and synchronizing I&A artificial intelligence capabilities with others across the federal government, as appropriate, particularly across the IC.

C. How will you ensure these efforts do not infringe upon the civil rights, civil liberties, or privacy of Americans?

As with any new tool or process, it's important to have a systematic approach and checks and balances to ensure that Americans' privacy and civil rights are protected.

D. Will you commit to making more information about I&A's technological developments public?

Yes, in accordance with Secretary and General Counsel guidance.

QUESTION 9: Observers across the ideological spectrum, including Project 2025, to which you were a contributor, worry about how I&A's mandate can be politicized. You committed yesterday that I&A will not conduct intelligence activities targeting Americans. I appreciate that commitment. Could you please expand on it? And can you explain how you will withstand the pressures of using this office to go after people who disagree with the administration?

I&A must be focused on implementing the President's agenda, the Secretary's priorities, and its core missions focused on protecting the American Homeland from threats of terrorism, weapons of mass destruction, and damage to critical infrastructure, not social media monitoring.

QUESTION 10: What do you believe is the correct approach to conducting intelligence activities that target protests? What is the right way to protect our freedom of speech?

Our Constitution's First Amendment protects American citizens' rights "peaceably to assemble, and to petition the government for a refresh of grievances." However, when an assembly crosses the line into unlawful activity that introduces the threat of or actual acts of violence, destruction, or terrorism, then it's imperative to support law enforcement with curtailing or thwarting those activities and help enable them to apprehend malicious actors for prosecution.

QUESTION 11: Will I&A have a domestic terrorism branch under your leadership? Will I&A's collection officers—either overtly or from publicly available information—collect information about domestic terrorism?

As I am not yet confirmed, I don't have specific insights on the Secretary's guidance regarding her priorities or personnel requirements. I anticipate that I&A will continue to have a focus on thwarting terrorism against the American Homeland regardless of source, foreign or domestic.