

communication of those opportunities. If confirmed, I will aim to lead and oversee an assignment process that focuses on enabling and empowering the CIA and its personnel to accomplish its mission as effectively and efficiently as possible.

Relationship with Other Agencies

QUESTION 29: With respect to operational activities, please describe what you believe to be the main issues that the CIA clandestine service addresses, or should address, in working with the personnel of the following entities:

- the FBI;
- the National Security Division at the Department of Justice;
- other law enforcement agencies;
- the National Security Agency (NSA); and
- other elements of the Department of Defense.

For the U.S. to be successful in its overarching intelligence mission, CIA needs to coordinate closely with other elements of the Intelligence Community across a broad range of issues. For CIA, this includes deconfliction, coordination, and collaboration with other departments and agencies that have authorities and capabilities to engage in operational intelligence activities. Given the varied threats the U.S. face globally, effective coordination of intelligence collection within the Intelligence Community is critical and can always be improved. If confirmed, I will ensure close collaboration – through a variety of mechanisms – with those intelligence elements responsible for intelligence operations and collection.

This coordination is particularly important when addressing the collection, development, and use of human intelligence (HUMINT). The HUMINT Functional Manager must work with all agencies employing HUMINT to ensure mature and effective governance, collaboration, and cooperation. HUMINT collectors – whether working for the CIA, Department of Defense, FBI, or other agencies – provide critical information to their consumers, while operating within their own authorities. As I understand it, the aim of the HUMINT Functional Manager is to ensure an integrated National HUMINT Enterprise across the community.

If confirmed, I will review the current state of intelligence operational coordination and collaboration, with a view to strengthening existing mechanisms and addressing any concerns. My understanding is that the current construct has served the CIA and other elements of the Intelligence Community reasonably well. In accordance with Intelligence Community Directive 304, the National HUMINT Manager has issued policy and guidance to promote common standards for tradecraft and to guide National HUMINT Enterprise members' operations planning, execution, and resource investment. Given the unique missions and authorities of the intelligence, military, and law enforcement elements that comprise the National HUMINT Enterprise (NHE), it would not be appropriate or practical to prescribe CIA policy on other elements of the NHE. It is my understanding that, to date, this construct has served the NHE and its members reasonably well. NHE members develop and promulgate internal policies based on their own based on their own unique missions and authorities. The key is for the Intelligence Community to remain aligned in these missions and for intelligence

collection and analysis to be effectively and efficiently deployed to serve U.S. national security interests. The highest standards of tradecraft must be adopted across all U.S. HUMINT activity.

If confirmed, I will work with my Intelligence Community counterparts, the Director of National Intelligence, and the congressional committees to identify where problems exist, resolve them, and find opportunities for better collaboration.

Relationship with Other Agencies

QUESTION 30: The National Security Act of 1947 provides, under a section entitled "Supervision," that the "Director of the Central Intelligence Agency shall report to the Director of National Intelligence regarding the activities of the Central Intelligence Agency."

- A. What is your understanding of the Director's responsibilities under this provision and how do you think the Director of National Intelligence (DNI) should accomplish this supervision?

Among other important responsibilities, the DNI has coordination, budget preparation, and intelligence integration responsibilities across the 17 elements of the Intelligence Community. If confirmed, I will expect to frequently communicate with the DNI to enable the DNI to perform responsibilities of the office as a leader of the Intelligence Community and ensure the DNI is informed of significant CIA activities.

- B. What is your understanding of the proper day-to-day relationship between the Director of the CIA and the DNI?

As noted above, if confirmed, I will expect to work closely with the DNI to support the DNI's responsibilities across the 17 Intelligence Community elements as assigned to the DNI in the National Security Act of 1947, E.O. 12333, and other policies. I would envision frequent communication with the DNI; providing updates to the DNI on CIA activities; and providing all-source intelligence analysis to the DNI that CIA provides in support of policymakers and IC-wide.

QUESTION 31: The Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) created the Office of the Director of National Intelligence, in part, to ensure greater integration of the Intelligence Community's disparate and distinct capabilities and access to information.

- A. What is your view of the role CIA and its Director play, relative to the Director of National Intelligence?

The National Security Act of 1947 assigns CIA a number of functional roles. And in each of these areas, CIA works closely with the DNI to ensure that CIA's activities are integrated and responsive to the broader national security requirements and strategy. The Act assigns the DCIA responsibility for collection of intelligence through human

sources and by other appropriate means. It also assigns the DNI responsibility for providing overall direction for, and coordination for, the collection of national intelligence outside of the United States through human sources by each element of the Intelligence Community. CIA works closely with the DNI and ODNI elements, who help ensure that human collection activities are properly integrated with other intelligence activities to ensure the optimal collection of intelligence and avoid unnecessary risk or duplication of efforts.

The Act assigns the CIA responsibility for the coordination of relationships between the elements of the Intelligence Community and the intelligence or security services of foreign governments on all matters involving intelligence related to the national security or intelligence acquired through clandestine means. The Act directs that such coordination shall be conducted under the direction of the DNI.

The Act directs CIA to correlate and evaluate intelligence related to national security and disseminate such intelligence. CIA performs this function in accordance with DNI guidance for the Intelligence Community regarding the preparation and dissemination of intelligence.

In addition to these functions, the DNI provides coordination and guidance for a range of activities that affect multiple Intelligence Community elements. This includes providing coordination during the budget process; establishing standards and requirements for information technology systems that will retain or process national security information; overseeing certain major acquisition activities; and setting general guidelines and requirements for information sharing, analysis, the protection of sources and methods and other administrative matters which effect multiple Intelligence Community elements.

B. What are your intentions in so far as furthering the IRTPA's mandate of greater intelligence integration across the IC?

If confirmed, I will explore ways in which greater integration can improve the performance of the CIA, and the entire Intelligence Community, to improve our national security. I will work with the DNI in support of this mandate, along with other leaders of the Intelligence Community, to pursue initiatives where integration can improve the intelligence support to policymakers and ultimately better protect the country.

QUESTION 32: In response to the 9/11 attacks, Congress created the position of the DNI (as part of IRTPA, as noted above) to serve as the head of the Intelligence Community and establish an integrated framework to promote a more effective intelligence apparatus for our country. A successful DNI makes the Intelligence Community more efficient, more collaborative, and advances seamless information sharing across our intelligence agencies.

A. In your view, what is the proper role of the DNI?

The DNI has a number of significant responsibilities as outlined in the National Security Act of 1947, E.O. 12333, and other policies. The DNI, in overseeing the implementation of the National Intelligence Program, can promote an integrated Intelligence Community that results in a more effective and collaborative intelligence activities. The DNI has oversight of both foreign and domestic intelligence functions and helps to close seams between foreign and domestic intelligence to detect terrorist threats from abroad aimed at the U.S. By enabling greater coordination across the Intelligence Community, and focusing the full capabilities of the community on the greatest threats facing the country, the DNI can help drive better intelligence results and support to policymakers. In addition, the DNI can improve policies and procedures governing the Intelligence Community and work with policymakers to identify areas where changes to laws or regulations can improve performance.

B. What part should the DNI play with respect to management of the CIA?

As noted above, the DNI is assigned by statute important IC-wide responsibilities and authorities to promote greater integration, while DCIA is assigned by statute the authority and responsibility for the management and direction of the CIA. I will expect to work closely with the DNI to support the DNI's responsibilities across the 17 Intelligence Community elements of the IC as assigned to the DNI in the National Security Act of 1947, E.O. 12333, and other policies. I would envision frequent communication with the DNI in support of the DNI's Intelligence Community responsibilities; providing updates to the DNI on CIA activities; and providing all-source intelligence analysis to the DNI that CIA provides in support of policymakers and IC-wide.

C. As Director of the CIA, how would you work with the DNI to advance intelligence integration?

If confirmed, I will work closely with the DNI to advance intelligence integration. This would include full participation in DNI-led efforts on intelligence integration and ways to improve the performance of the Intelligence Community and meet the ever-increasing intelligence challenges facing the U.S. within the limited Intelligence Community resources. I will examine ways in which the CIA can appropriately provide services of common concern to the Intelligence Community that would lead to great integration and more effective and efficient performance.

D. How do you distinguish between the roles of the DCIA and the DNI in establishing, maintaining, and coordinating foreign intelligence relationships?

The National Security Act of 1947 charges CIA with coordinating relationships between U.S. Intelligence Community elements and the intelligence or security services of foreign governments related to national security or involving intelligence acquired through clandestine means. The Act also stipulates that the DNI shall oversee and provide direction to CIA for this coordination. Speaking with one voice and conducting those

relationships in a fully coordinated manner is absolutely critical to an effective Intelligence Community. This requires a collaborative approach and transparency between the DNI and DCIA. In practice, I understand that the DNI provides policy guidance, interfaces with policymakers on foreign liaison issues, and, at a strategic level, supports the engagement of Intelligence Community entities with foreign liaison services, but does not seek an operational role. In contrast, DCIA has an operational role and a long history of engagement with foreign liaison services in the foreign field on a day to day basis. The DCIA thus is uniquely suited to coordination and implementation of foreign liaison relationships across the Intelligence Community on a day-to-day basis in the field, while ensuring appropriate coordination with the DNI and other Intelligence Community partners.

- E. How do you view the statutory obligation under the National Security Act of 1947 to keep the intelligence oversight Committees "fully and currently informed" of all significant intelligence activities, including any intelligence failures?**

The Director of Central Intelligence Agency is required by law to keep the intelligence committees of the Congress fully and currently informed of intelligence activities. As a member of Congress currently serving on the House Permanent Select Committee on Intelligence, I understand the importance of congressional oversight and the need of the intelligence committees for information to enable performance of their critical oversight function. As many of the CIA's intelligence activities are highly classified in order to protect national security, congressional oversight plays a critical role in our representative democracy of ensuring there is oversight of these activities. If confirmed, I am committed to ensuring that the CIA understands the importance of congressional oversight and furnishing complete and timely information to the congressional intelligence committees.

- F. Do you feel it is a core duty of CIA officers and analysts to "speak truth to power," regardless of political considerations?**

Yes, I expect all CIA personnel to provide objective, fact-based reporting without regard to political considerations.

- 1. How will you strengthen that imperative?**

Analytic objectivity and integrity is a fundamental value at CIA. It is essential to maintaining CIA's credibility with policymakers and the American people. This trust rests on clearly presenting objective analysis without regard to political considerations or policy preferences. If confirmed, I will make clear that this is a principle I expect all CIA personnel to uphold.

- 2. Please explain your understanding of the relationship between the CIA and the DNI.**

I discussed my views on the appropriate relationship between the DNI and CIA above. I noted the importance of the relationship between the organizations, particularly given the operational and analytical capabilities of CIA combined with the DNI responsibilities for integration of the 17 Intelligence Community elements.

Relationship with Congress and Congressional Oversight

QUESTION 33: Please describe your assessment as to how well the CIA is working with Congress, and specifically, with the congressional intelligence committees.

Generally speaking, I have been satisfied with how CIA works with the Congress and the Committees. During my time on HPSCI, CIA has been responsive to Committee requests and to my requests, and has been proactive in providing information to Congress—both good news and bad news. I believe CIA generally provides Congress the information it needs to conduct effective oversight.

There have of course been exceptions to this pattern of responsiveness that have been enormously frustrating to me. I have been vocal about written notifications that I thought should have been provided to the Committees sooner. I have, with respect to a number of programs, believed that the Agency was not sharing its analysis with HPSCI members in a full and timely manner. I understand that CIA is seeking to improve its notification procedures, and if confirmed, I will support that effort and I am committed to working to provide Congress with the information it needs to both make policy and perform its central oversight role.

A. What is the appropriate relationship between the CIA and Congress in sharing information?

Section 502 of the National Security Act requires the DCIA, as the head of an agency “involved in intelligence activities,” to “keep the congressional intelligence committees fully and currently informed” of the Agency’s intelligence activities, including significant anticipated intelligence activities, significant intelligence failures, and any illegal intelligence activities. The National Security Act also imposes specific requirements with respect to sharing information concerning covert action programs. These obligations are to be fulfilled “consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters.”

B. What, if any, information collected or analyzed by the CIA, or about the CIA, do you believe should not be shared with the congressional intelligence committees?

The DCIA has a statutory duty to keep the congressional intelligence committees “fully and currently informed” of the Agency’s intelligence activities, consistent with “due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive

matters.” As a current member of HPSCI, I understand the importance of congressional oversight and the need for providing accurate, timely information to congressional intelligence committees. Protecting sensitive sources and methods may at times require limitations on the distribution of information, including specific operational details about sources, tradecraft, and other exceptionally sensitive information.

QUESTION 34: How, as CIA Director, will you seek to ensure that intelligence activities that are conducted by the Intelligence Community are notified to Congress?

If confirmed, I will keep the congressional intelligence committees “fully and currently informed” of the Agency’s intelligence activities, consistent with my statutory obligation to protect intelligence sources and methods, and other exceptionally sensitive matter. Likewise, I will assist the Director of National Intelligence in fulfilling the office’s statutory reporting requirements (e.g., Section 506 of the National Security Act), as well as facilitate the reporting obligations of offices within CIA (e.g., the Chief Financial Officer’s reporting requirements under Section 509 of the National Security Act).

QUESTION 35: Please describe your view of the Intelligence Community’s – and, specifically, the CIA’s – obligation to respond to requests for information from Members of Congress.

As a member of the House Permanent Select Committee on Intelligence, I am acutely sensitive to and aware of the CIA and intelligence community’s responsibilities to respond to requests for information from Members of Congress, especially the relevant oversight committees. I respect the obligation and need for the Intelligence Community to keep Congress informed of its activities. Section 502 of the National Security Act requires that the DCIA, “consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters,” furnish the congressional committees “any information or material concerning intelligence activities (including the legal basis under which the intelligence activity is being or was conducted), other than covert actions” that is in the Agency’s custody or control, “which is requested by the congressional intelligence committees in order to carry out its authorized responsibilities.” If confirmed, I will respect these obligations. Moreover, I will comply not only with the letter of the law, but also its spirit which is, as I understand well, to ensure that the legislative branch has the intelligence information it is due in order that it may perform its constitutional duties.

- A. In your opinion, should the White House have any role in determining whether, or to what extent, the Intelligence Community responds to Members of Congress? If so, please describe what you believe that role should be.

The President, as the head of the executive Branch, has the ultimate authority over the disclosure of classified information by the executive Branch. I understand that there are areas, such as covert action, where the President has a specific role in approval and disclosure to Congress by statute and practice. While I am not aware of a day-to-day Presidential role in the frequent interactions and disclosures to the congressional intelligence committees, and would not foresee such a role going forward, I understand

that from time to time exceptionally sensitive sources and methods or activities may be determined by the President to require disclosure restrictions. That role would be proper for the President, particularly in the area of covert action, and I understand has been a practice followed for many decades.

- B. If confirmed, will you respond fully for requests for information from Members of Congress, including legal opinions issued by the Department of Justice's Office of Legal Counsel that are relevant to the CIA's activities?**

If confirmed, I will honor and respond appropriately to requests for information from Members of Congress. This will include providing relevant legal analysis underlying or supporting CIA's intelligence activities, as required by law.

- C. If confirmed, will you implement the current CIA Director's recommendation that recordkeeping in the Office of Congressional Affairs and in the Office of the Public Affairs on CIA's interactions with Congress and the media, respectively, should be improved?**

If confirmed, I look forward to understanding better the CIA's recordkeeping practices and continuing any improvements the CIA has made in this arena, especially with respect to its interactions between CIA and Congress.

- D. Please describe your understanding of the obligation to provide to the intelligence committees any information or material concerning intelligence activities or covert actions, including their legal basis, which is requested by either of the intelligence committees.**

I take the obligations to respond to congressional intelligence committee requests for information or updates very seriously. In addition to the obligations to inform congressional intelligence committees noted above, the National Security Act provides that the President shall ensure that any initial covert action finding, as well as any subsequent notice of a significant change in a previously approved covert action, are reported to the congressional intelligence committees. Likewise, the Act requires that the head of any agency involved in a covert action – consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters – keep the congressional intelligence committees “fully and currently informed,” and furnish them with information and material they requested in order to carry out their authorized responsibilities.

If confirmed, I will be committed to keeping the congressional intelligence committees informed and to working closely with Members of Congress to ensure the integrity and effectiveness of CIA's mission. As a current member of the U.S. House of Representatives, I understand this requirement and will work hard, if confirmed, to fulfill it completely.

QUESTION 37: What is the responsibility of the CIA to correct the record if it identifies occasions when inaccurate information has been provided to the congressional intelligence committees?

CIA shall always provide accurate information to Congress. CIA is obligated to correct the record if it becomes aware that information it provided to the Committee is inaccurate.

Relations with the White House

QUESTION 38: The President-elect's National Security Advisor has said that the CIA "has become a very political organization." The President-elect's transition team has released press statements seeking to discredit the CIA. The President-elect has repeatedly dismissed the analysis of the CIA and other intelligence agencies with regard to the Russian Federation and the U.S. election.

A. In what ways do you agree or disagree with the criticisms offered by the incoming Administration?

The use of cyber tools by foreign powers to hack U.S. systems and data – including commercial, political, and commercial systems and data – for purposes of espionage, influence, economic advantage, or even destructive purposes poses a very real danger to U.S. national security. The Intelligence Community's October 7, 2016 statement that the Russian government directed the theft and disclosures of hacked emails from political organizations in order "to interfere with the U.S. election process" is a serious assessment of attribution and charge against another country.

Any such assessment should be taken seriously. The President-elect has asked to receive a briefing the week of January 2, 2017, from the Intelligence community on the assessment of Russian-directed hacking. The incoming Administration is in a period of transition—gaining access to a wide variety of intelligence information, while it is building the incoming national security team. If confirmed, I will take very seriously threats from Russia and any use of cyber or other tools by any foreign actor – state and non-state alike – to undermine, jeopardize, or threaten U.S. national security interests.

There is no question that our country is living in a highly charged political environment. In the wake of a hard-fought presidential election, political attempts to roll back and undermine the legitimacy of the President-elect's victory, along with inappropriate and misleading leaks, have created a sense of a more politicized intelligence environment. It is critical that intelligence analysis not be politicized and that there not be a lingering sense of mistrust of the integrity of the Intelligence Community. It is in this context that statements questioning the objectivity of reports or analysis – without further background or briefings – are better understood.

Ensuring the integrity of intelligence analysis is critical for our national security. Presidents and policymakers, of any party, need to understand what the Intelligence Community knows, what it assesses, the levels of confidence assigned, and what it does.

not know with respect to national security threats. There needs to be an understanding and confidence in those assessments and judgments, even if they run counter to preferred or prevailing views. Ultimately, policymakers must decide how to judge and use such information in formulating national security-related policy decisions.

The men and women of the CIA are dedicated patriots, and I am highly confident in the integrity of their work and their commitment to their apolitical mission and focus on behalf of our nation. The assurance of the apolitical nature of their analysis is aided by the intelligence reforms, lessons learned, and increased oversight over the past sixteen years, along with processes to assure analytical objectivity. As a member of the House Permanent Select Committee on Intelligence, I have demanded and championed analytic objectivity from the Intelligence Community. If confirmed, I will be committed to ensuring that the CIA remains a source of objective analysis of intelligence and will convey that analysis and CIA intelligence assessments to the Director of National Intelligence, the President-elect and his senior staff, the National Security Council, and congressional overseers.

B. How do you view your role in building trust between incoming Administration members who have been highly critical of the CIA?

Trust – within the Administration, with Congress, the public, and foreign counterparts – is critical for the Intelligence Community to function effectively. I am confident that this Administration will trust the CIA to deliver against its critical mission and value its unique capabilities. It is critical that CIA analysis is recognized as being apolitical and that Agency capabilities, analysis, and authorities are seen as assets for the President and the senior team to leverage.

If confirmed, my role as the Director of the CIA will be to present the intelligence and analysis of CIA objectively and effectively within the executive branch and to Congress. It will be important to recognize and reinforce that my role will not be as a policy or lawmaker, but instead will be to direct the collection and analysis of foreign intelligence and convey that information and analysis objectively. I will work closely with the Director of National Intelligence, whose role will be to present the views of the Intelligence Community, including any dissenting views within the community, to policymakers. If confirmed, I am confident that I can play an important role in building trust on all sides to ensure the recognition, understanding, and effective use of CIA analysis and capabilities.

QUESTION 39: According to press stories, the President-elect has shown little interest in the Presidential Daily Brief (PDB) which is offered every day by the ODNI. Do you believe that the PDB is essential to the President's understanding of the threats facing the United States? If not, how will you ensure the President receives the critical information and analysis he needs in a timely manner?

I believe that intelligence is critically valuable to national security decision-making. I am confident that the President-elect shares this view. If confirmed, a central part of my job will be

ensuring that the President receives the intelligence that is available to him, in the manner he finds most effective, and ensuring that CIA acquires information that he needs to defend the country. I am confident in CIA's capabilities to both acquire that information and to put into a context that will prove critical to the President performing his duties.

QUESTION 40: Given the President-elect's statements, how will you ensure that there is no political pressure on or retaliation against CIA analysts who provide assessments that are inconsistent with the preexisting views of the president or other policymakers? How will you otherwise protect the independence of CIA analysis?

As I responded to Question 11, it is up to the Director and every CIA officer to maintain the Agency's independence and objectivity. This is at the core of the identity of every CIA officer and activity. It is a cradle-to-grave requirement from the moment CIA hires a new employee until he or she decides to leave. If confirmed as Director, I will work with my leadership team to keep a constant pulse on the workforce for objectivity concerns. I have every confidence that the President-elect understands the value of intelligence that is timely, accurate and insightful and completely free of politicized input. If confirmed, I will work to ensure my officers are producing intelligence with the highest tradecraft and then will stand behind the integrity of that tradecraft as they present it to policymakers.

Disclosures of Classified Information

QUESTION 41: Please describe your assessment as to how well the CIA takes appropriate precautions to protect classified information and prevent, deter, investigate, and punish unauthorized disclosure of classified information.

I think this is one of the most difficult missions for any intelligence service. Perhaps because lives are on the line, CIA has invested considerable resources and effort into this issue. It is, in my judgment, the premier agency in the world at protecting classified information. Failures in this regard can, and have, occurred, and vigilance combined with an emphasis on both security and counterintelligence will always be required.

A. If confirmed, how will you ensure that these appropriate precautions are maintained and improved, if necessary?

I think there are a number of steps that CIA and the Intelligence Community can take to improve the protection of classified information. More aggressively implementing the Intelligence Community Information Technology Enterprise will enable the electronic implementation of the need-to-know principle. CIA also has its own insider threat program. I cannot discuss the specifics about that program in an unclassified setting but if confirmed, I will prioritize this effort and will look forward to discussing it further with the Committee in the future.

B. Please describe any specific additional precautions you would take as to cleared government contractors.

Of course, there have been recent significant security failures committed by contract employees of the IC. I am aware that since the Snowden incident, there have been cross-community efforts to modernize the security clearance process for both contractors as well as government employees. If confirmed, I will aggressively seek to ensure we have the most effective programs for identifying insider threats.

QUESTION 42: If confirmed, how would you manage, and what priority would you give to addressing the following issues:

- A. The vulnerability of CIA information systems to harm or espionage by trusted insiders;**

The insider threat is an important issue for the U.S. national security community to address. The CIA must work closely with the Intelligence Community to ensure there are no weak links or systemic gaps that create vulnerabilities for trusted insiders to harm U.S. systems or engage in espionage. It is my understanding that CIA has built and continues to enhance an insider threat detection program. As with any large-scale information system serving a geographically diverse population, CIA relies on a defense-in-depth approach to protect systems and sensitive information. In addition, CIA has strong Intelligence Community-wide partnerships to strengthen insider threat detection across the community. If confirmed, I anticipate continuing to support CIA's insider threat detection capability to ensure the safety and security of CIA data, systems, and personnel. Furthermore, I look forward to ensuring the Agency's insider threat program is appropriately resourced, managed, and coordinated with the broader Intelligence Community.

- B. The vulnerability of CIA information systems to outside penetration;**

The CIA's information systems are a highly attractive target to nation states and other attackers. If confirmed, I plan on continuing the Agency's implementation of state-of-the-art processes and techniques to monitor and counter attempts to penetrate or exploit Agency information systems. I anticipate ensuring a culture of cyber awareness and supporting investment in information systems infrastructure and supporting tools and processes. The protection of these systems will grow even more important as actors in cyber space grow more sophisticated and will require close coordination with the Office of the Director of National Intelligence as information systems are further modernized.

- C. The readiness of CIA to maintain continuity of operations;**

The CIA's resilience and continuity of operations is an important focus for Agency leadership. It is my understanding that CIA is well-positioned to sustain its IT operations and has devoted attention to its readiness and continuity of operations, including with the delivery of resilient critical information systems. If confirmed, I anticipate continuing to support programs to advance and improve continuity of operations capabilities – along the spectrum of core Agency activities. I will also plan to properly resource the development and refresh of information systems to ensure

availability and resiliency.

D. The ability of CIA to adopt advanced information technology efficiently and effectively; and

At its core, CIA is, and has always been, a technology-focused agency that has adapted creatively to changes in the information technology environment. That information technology environment continues to change rapidly and requires institutional agility to ensure the CIA can meet its mission goals at the highest levels. As I understand it, the Agency has taken great steps to ensure that its (and the Intelligence Community's) IT infrastructure and related digital technologies maintain parity with commercial and consumer advances. The CIA needs to maintain the ability to adapt quickly to, adopt, and leverage information technology advances. If confirmed, I look forward to continuing to support programs to adopt advanced technologies and foster creativity to meet information demands at mission speed.

E. The CIA's recruitment and retention of skilled information technology professionals, including contractor personnel.

The CIA's ability to recruit and retain skilled technology professionals is an important mission requirement. With respect to recruitment, it is my understanding that the continued recruitment of highly skilled information technology professionals remains a key strategic priority for CIA. Close partnerships with selected academic institutions enable CIA to recruit a workforce with the digital skills needed to fulfill an increasingly complex mission in a more technology and information driven world. Additionally, a new dedicated technical hiring element; a robust student work-study program; and placement of private sector contract personnel in technical fields enable CIA to obtain talent with different skill levels.

With respect to retention, I understand that continued professional growth opportunities and a variety of impactful missions afforded to CIA personnel have aided in retaining technical officers. The Agency encourages its officers to participate in technical conferences and learning programs and to seek a variety of technical assignments throughout CIA and the Intelligence Community as part of their professional development. Maintaining Agency workforce morale and focus on mission – while integrating and relying on information technology professionals in the evolution of the Agency in a highly fluid technology environment – will always be important to retention of talented professionals in this space.

If confirmed, I look forward to reviewing these programs and maintaining the Agency's focus on the recruitment, development, and retention of skilled information technology professionals.

QUESTION 43: How do you think that individuals who mishandle, intentionally or unintentionally, classified information should be dealt with? Would you draw distinctions based on intent?

Mishandling of classified information is a serious matter given the potential implications for U.S. national security. Individuals determined to have mishandled classified information should be treated in accordance with relevant policies and the law, accounting for relevant factors including intent and harm to U.S. interests. Punishment may vary depending on the circumstances of each case.

To begin with, individuals should be granted access to classified information only when clearly consistent with the interests of national security. To that end, as a general rule, persons who are unable or unwilling to safeguard classified information successfully should not hold a security clearance. Using discretion, the Attorney General may seek prosecution of cases for mishandling of classified information. It is clearly the case that the accountability associated with mishandling of classified information should depend on a number of factors including the scope, duration, intentionality of the mishandling, but all cases of mishandling of classified information must be addressed and actions must be taken to prevent their recurrence.

If confirmed, I anticipate fully cooperating with the Department of Justice and the Director of National Intelligence in any such cases, including those deemed by the Attorney General to be appropriate for prosecution.

Detention, Interrogation, and Rendition Issues

QUESTION 44: In answering the following, please include your understanding of the obligations of the United States under U.S. law and international law, as applied to the Intelligence Community, with respect to the detention and interrogation of detainees and also with respect to access to them by the International Committee of the Red Cross.

- A. What principles should govern the detention, interrogation, and rendition practices and policies of the CIA?

CIA activities concerning any detention, interrogation and transfer practices should comply with the law in all respects. Any activities of CIA in this area should also only be undertaken with a clear understanding of whether the activity is within a unique capability of the Agency and is not an activity that can be more effectively or efficiently performed by another organization. A number of organizations, including the Department of Defense and the Federal Bureau of Investigation, have highly significant capabilities and experience concerning detention and interrogation of individuals.

More specifically, I note that a number of statutory provisions and executive orders currently govern these activities. Among other provisions, these include:

Detention: Executive Order 13491 prohibits the CIA from operating a detention facility, other than a facility used to hold individuals on a short-term, transitory basis. If the CIA detained an individual, section 1045 of the National Defense Authorization Act for FY2016 requires the Director of the CIA to "provide the International Committee of the Red Cross with notification of, and prompt access to, any individual detained in any

armed conflict in the custody or under the effective control of an officer, employee, contractor, subcontractor, or other agent of the United States Government or detained within a facility owned, operated, or effectively controlled by a department, agency, contractor, or subcontractor of the United States Government, consistent with Department of Defense regulations and policies.” Executive Order 13491 contains a similar requirement.

The Detainee Treatment Act of 2005 provides that no individual in U.S. custody “shall be subject to cruel, inhuman, or degrading treatment or punishment.” Executive Order 13491 provides that any individual detained by the United States in an armed conflict “shall in all circumstances be treated humanely and shall not be subjected to violence to life and person (including murder of all kinds, mutilation, cruel treatment, and torture) nor to outrages upon personal dignity (including humiliating and degrading treatment).” Finally, Common Article 3 of the Geneva Convention provides that detainees in a non-international armed conflict “shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, birth or wealth, or any other similar criteria.”

Interrogation: Section 1045 of the National Defense Authorization Act for FY2016 provides that no individual in U.S. custody may be subjected to any interrogation technique or approach that is not authorized by and listed in the Army Field Manual. Executive Order 13491 contains a similar requirement. Other statutes, including the Detainee Treatment Act of 2005, the Torture Statute, and the War Crimes Act, also govern the treatment and interrogation of any detainees.

Transfer: The Foreign Affairs Reform and Restructuring Act of 1998 (“FARRA”) provides that “[i]t shall be the policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.”

The Director of National Intelligence has issued an Intelligence Community (IC) Policy on Transfers. Under this policy, each Intelligence Community element authorized to conduct or participate in the involuntary transfer of a person, regardless of his or her country or origin, to a foreign state or entity shall ensure that they have in place implementing standards, in accordance with the Report of the Special Task Force on Interrogation and Transfer Policies, issued pursuant to Executive Order 13491. Such Intelligence Community element standards shall include, but are not limited to:

- Provisions for the secure and humane treatment of such persons;
- An express statement that under no circumstances may an Intelligence Community element transfer any person to a foreign state or entity where it is more likely than not that the person will be tortured; and
- A requirement that the Intelligence Community element will take appropriate steps to

investigate any credible allegations that a transferred person has been subjected to torture by a foreign state or entity.

Article 3.1 of the UN Convention Against Torture provides that:

"No State party shall expel, return, ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. For purposes of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights."

FARRA requires the heads of appropriate agencies to develop regulations to implement the obligations of the U.S. under Article 3 of the Torture Convention.

- B. Should there be uniform rules for military and intelligence interrogations? If not, what differences do you believe would be justified? To the extent that any difference may be justified, what fundamental requirements should be constant?

Section 1045 of the National Defense Authorization Act for FY2016 provides that no individual in U.S. custody may be subjected to any interrogation technique or approach that is not authorized by and listed in the Army Field Manual. Executive Order 13491 contains a similar requirement.

If confirmed, I will consult with experts at the Agency and at other organizations in the U.S. government on whether such uniform rules are an impediment to gathering vital intelligence to protect the country. If any differences are justified, a fundamental requirement is that such differences fully comply with law, including laws governing the treatment and interrogation of individuals. And any such differences will need to be based on a clear, justified need and carefully implemented by appropriate experts and full oversight. I expect to consult with the full congressional Intelligence Committees on any differences that are appropriate, including any required changes to law.

- C. What is the appropriate use, if any, of contractors within the Intelligence Community in the interrogation of detainees?

The involvement of contractors in interrogations must be consistent with all applicable law. At times, contractors may supply expertise, such as a particular language skill, or other expertise not readily available in the government. In addition to complying with the laws detailed above, contractors are not permitted to perform inherently governmental functions. The Federal Activities Inventory Reform ("FAIR") Act of 1998 defines an activity as inherently governmental when it is so intimately related to the public interest that performance by Federal employees is required. Contractor involvement in interrogations is consistent with the FAIR Act if done under the supervision of a U.S. Government employee, and Appendix K to the Army Field Manual permits the use of contractors to augment existing U.S. Government interrogation capabilities and bridge

personnel gaps.

QUESTION 45: Do you believe the Army Field Manual applies to CIA interrogations?

Section 1045 of the National Defense Authorization Act for FY2016 provides that no individual in U.S. custody may be subjected to any interrogation technique or approach that is not authorized by and listed in the Army Field Manual. Executive Order 13491 contains a similar requirement. Both of these requirements apply to CIA.

QUESTION 46: Do you consider interrogation techniques such as waterboarding and other harsh tactics to be effective in producing accurate intelligence? If so, based on what evidence?

The current Administration has submitted to the Committee detailed written documents detailing results of the Agency's interrogation program: the production of unique intelligence that led to the disruption of terrorist plots, the capture of terrorists, and the saving of lives. I would refer you to those publicly available documents from the current Administration. With the information I have reviewed to date, I do not disagree with the material submitted by the Obama administration. See, for example, [https://www.cia.gov/library/reports/CIAs June2013 Response to the SSCI Study on the Former Detention and Interrogation Program.pdf](https://www.cia.gov/library/reports/CIAs%20June2013%20Response%20to%20the%20SSCI%20Study%20on%20the%20Former%20Detention%20and%20Interrogation%20Program.pdf) and <https://www.cia.gov/news-information/press-releases-statements/2014-press-releases-statements/cia-fact-sheet-ssci-study-on-detention-interrogation-program.html>. Those documents also note that an exact scientific study has not been performed as to whether less coercive methods could have produced the same results. I understand that one of the harshest tactics – waterboarding – was last used over 13 years ago, was limited to three detainees, and the legal framework governing the treatment of detainees has changed in many significant ways since 2003.

QUESTION 47: Do you believe the High-Value Detainee Interrogation Group (HIG) is effective? If confirmed, will you support the HIG and help ensure that it is able to deploy and that its expertise is brought to bear with regard to the interrogation of high-value terrorist detainees?

I have not studied the effectiveness of the HIG. I support the most efficient and effective method of coordinating the interrogations of high-value terrorist detainees. If confirmed, I look forward to engaging further with the Director of the FBI and Secretary of Defense to determine how best to leverage all of our resources to obtain the intelligence we need to protect the nation.

QUESTION 48: Executive Order 13491 (January 22, 2009) prohibits CIA custody of detainees beyond a "short-term-transitory basis."

A. Do you support this prohibition? If not, why?

I have not consulted with Agency experts on whether the limitation in E.O. 13491 on CIA activities related to detaining individuals has impeded specific operational needs related to protecting the country. I note that there are a number of other U.S.

government organizations with significant experience and capability on the long-term detention of individuals, including the Department of Defense and the Department of Justice. I am not aware of a need for the Agency to undertake long-term detention of individuals, but have not consulted with Agency experts on current operational needs.

B. In September 2014 you said that, "President Obama has continually refused to take the war on radical Islamic terrorism seriously" and cited "ending our interrogation program in 2009" as an example.

C. Do you believe the program should continue?

If confirmed, I will consult with intelligence professionals to understand the current operational need as of 2017 for any changes to current interrogation or detention programs involving CIA. Any recommendations for changes to the current program that I would make would need to be based on many factors including: current threats to the country, specific intelligence needs, and any unique capabilities and experience of CIA compared to other U.S. government organizations. Fundamentally, any program must fully comply with the law, which currently sets forth a detailed framework governing the detention and interrogation of individuals.

QUESTION 49: In light of recent events including the Arab Spring, Crimea, and the crisis in Syria, there have been numerous articles and speeches stating how "why no one saw it coming," and what policymakers should be able to expect from the Intelligence Community in terms of "early warning."

A. What do you believe is reasonable for policymakers to expect the Intelligence Community to be able to anticipate in terms of major geopolitical events?

Please refer to my answer to question 49B.

B. Is it reasonable for policymakers to expect the CIA to anticipate such events?

The CIA's founding can be traced back largely to the attack at Pearl Harbor. Providing strategic warning is a core CIA responsibility. When intelligence leaders describe the complexity of the threats they face today, one aspect of that complexity is the diversity of those threats. CIA and other intelligence agencies are built around stealing secrets, but some things are unknowable. CIA should know if Russia is planning to invade Crimea or if Syria is dropping chemical weapons on its people. And CIA should know that some governments have tenuous support from their power bases and that thinking through contingencies that could lead to their downfall would be wise. However, policymakers should not expect that CIA could predict that a street vendor would set himself on fire or that this event would spark a national protest. Nor should policymakers expect that CIA should have known that Tunisian President Zine El Abidine Ben Ali was going to step down before he himself decided to flee the country.

Russia

QUESTION 50: What is your view of the IC's coordinated assessment on Russia's cyber activities, as described in the October 7, 2016, DNI-DHS joint statement?

Please refer to my answer to question 38.

QUESTION 51: This Committee is planning to conduct an investigation into Russia's involvement in the 2016 U.S. election. If confirmed as CIA Director, will you support the Committee's oversight investigation and promptly provide any documents deemed necessary by the Committee?

If confirmed, I will support the Committee's oversight investigation and will promptly provide any appropriate information that will enable the Committee to fully explore the issue.

QUESTION 54: In your February 26, 2016, piece in the *Washington Examiner*, you noted that you had recently applied for a visa to travel to Iran and that the visa was denied.

- A. What was the intended purpose of your visit to Iran?

- B. As Director of the CIA, would you encourage Members of Congress to travel to Iran?

As a representative of the 4th District of Kansas and a House Permanent Select Committee on Intelligence member, I spent many years focused on the threat from Iran and have followed the negotiations leading to the Joint Comprehensive Plan of Action (JCPOA) with Iran. This included travel, research, and briefings. As explained in my visa application and op-eds, I had several goals in my attempted travel to Iran, including: demanding the release of detained American citizens; meeting with human rights activists; testing proclaimed Iranian openness to dialogue with the West; and understanding better Iranian leadership understanding of the JCPOA terms and the regime's intent to comply with the JCPOA. That trip did not materialize since the Iranians denied the visa request.

If confirmed, it will not be my responsibility to encourage or discourage congressional Members' international travel. I will look forward to providing background information regarding proposed visits and the potential impact of a Members' international actions, as requested.

QUESTION 55: In July 2015, the United States, Iran, France, the United Kingdom, Germany, China, Russia, and the European Union signed an agreement intended to prevent Iran from developing a nuclear weapon for at least a decade or more while imposing a strict oversight regime during the following years. The deal is based, in part, on ensuring that Iran remains at least a year from developing enough highly enriched nuclear material to build a weapon. The

United States Intelligence Community plays an important role in the monitoring and verification of the JCPOA.

On July 14, 2016, you wrote an op-ed critical of the JCPOA.

If confirmed, you will be in a position to review and direct CIA analysis about Iran's adherence to the deal that might conflict with your preexisting perceptions of the deal. Will you commit to reporting to the administration and to the Congress the analysis of CIA officers?

The CIA and the Intelligence Community play a critical role in monitoring and evaluating Iran's adherence to its commitments in the JCPOA, along with any threats Iran poses to the United States and our allies. If confirmed, I commit to reporting to the administration and to Congress the objective analysis of the CIA regarding Iranian activity tied to its nuclear program, along with other Iranian activity that poses a direct or indirect threat to U.S. interests. While I stand by the criticism I leveled against the JCPOA as a Congressman, the role of the DCIA is to report relevant facts and analysis related to the JCPOA to policy makers in the executive branch and Congress.

QUESTION 56: In your July 14, 2016 op-ed, you wrote that "Congress must act to change Iranian behavior, and, ultimately, the Iranian regime." Do you stand by this statement?

As a member of Congress, I have long held the view that the current Iranian regime – a leading state sponsor of terrorism – represents a threat to U.S. and allied interests. Since the 1979 Iranian Revolution, American policy toward Iran including the various sanctions imposed on the regime since then by the United States, the European Union, other countries, and the United Nations, has been intended mainly to change Iranian behavior, with respect to its human rights abuses, support for terrorism and rogue regimes, and pursuit of nuclear and ballistic missile capabilities.

In thoroughly evaluating the JCPOA, and its impact and implications thus far, I came to the conclusion that emboldening a dangerous regime, without changing its behavior, is not a sustainable policy. I stand by my statement, for I believe, as a policymaker, that something about the Iranian regime needs to change. The method of this change could take many forms. If confirmed, I look forward to my role in helping evaluate whether the Iranian regime is adhering to its JCPOA commitments and whether and how it presents a threat to the U.S. and our interests.