

January 3, 2017

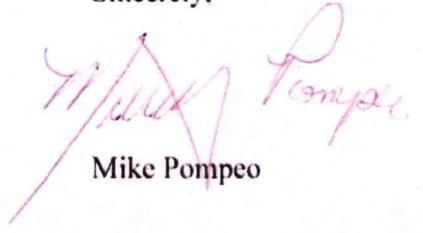
Senator Richard Burr, Chairman
Senator Mark Warner, Vice Chairman
U.S. Senate Select Committee on Intelligence
211 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Burr and Vice Chairman Warner:

Thank you for the Committee's letter dated December 22, 2016. As you have requested, I have completed the Committee's Additional Prehearing Questions, which are enclosed.

I look forward to appearing before your committee on January 11th.

Sincerely,



Mike Pompeo

Enclosure

Functions and Responsibilities of the Central Intelligence Agency

QUESTION 1: What do you consider to be the most important missions of the CIA (e.g., collection of foreign intelligence information, all-source analysis, counterterrorism, counterintelligence, covert action, etc.)?

CIA's mission is to strengthen national security through the collection of foreign intelligence, all-source analysis, counterintelligence, and covert action. These activities are all critical, and are cumulative, to protecting America. Each of those activities individually and, most importantly, collectively, are central to the CIA mission. At a time of increasing volatility and uncertainty overseas, we must continue to invest in and develop these critical instruments of national security. I especially believe that human intelligence (HUMINT), the most dangerous information to gather, is often critical to national security decision making. Increased collection, including in counterintelligence, will in turn facilitate more complete analysis and more effective covert action.

A. How well do you think the CIA has performed recently in each of these missions?

The men and women of CIA have performed extraordinarily well in an increasingly complex threat environment. Throughout my years on the House Permanent Select Committee on Intelligence, especially during my travel abroad, I have been impressed by the CIA personnel with whom I have interacted. At each turn, I have met remarkably talented individuals whose professionalism and patriotism is both inspiring and reassuring. The American people should be proud of the work that CIA officers are performing on their behalf. If confirmed, one of my chief goals as Director will be to ensure the CIA workforce remains the best in class among intelligence services. As technology proliferates rapidly, CIA will have to work harder to keep ahead of its adversaries. We need to continue to foster CIA's ingenuity and creativity, and further institutionalize a culture of innovation.

B. If confirmed, what missions do you expect to direct the CIA to prioritize over others?

All four of CIA's missions are critical to U.S. national security and, in many ways, overlap and support each other. For example, the CIA cannot perform many of its foreign intelligence activities without an effective counterintelligence program to protect sources and methods. If confirmed, I do not envision prioritizing any one mission over another. I do recognize, however, that the different missions require different types of support and I will have to prioritize my time and leadership in a manner that maximizes national security, particularly those missions that may involve combating enemies abroad planning to carry out attacks inside the United States.

C. Has the President-elect indicated whether he expects you to focus on any particular functions or missions? If so, what functions or missions?

The President-elect has not indicated to me which functions or missions he will prioritize, but certainly he understands that timely and accurate intelligence is critically important to all the national security problems we face. One example is his prioritization of the defeat of ISIS. I understand that the President-elect asked me to serve as DCIA because he trusts my judgment and experience to determine priorities and lead the organization to ensure the protection of America.

QUESTION 2: What do you consider to be the appropriate role for the CIA in the collection of human intelligence, given that human intelligence also is collected by the Department of Defense and other parts of the Intelligence Community?

CIA is the U.S. government's preeminent organization responsible for collecting HUMINT to defend U.S. national security. I believe CIA is the preeminent organization because of the global scale of its operations, the distinguished tradecraft of its officers, the difficulty of the targets that CIA tries to penetrate, and the customers that CIA serves. CIA's collection is primarily intended to serve the President, the Congress, the Cabinet, Combatant Commanders, National Security Council Staff, and other senior U.S. national security decision makers. While there is some necessary redundancy, other HUMINT organizations are primarily intended to serve specific mission sets related to their Departmental function.

A. What do you understand to be the responsibilities of the Director of the CIA as National HUMINT Manager?

The Director of CIA has responsibilities as the National HUMINT Manager that are laid out in Section 104(d)(3) of the National Security Act, EO 12333, and Intelligence Community Directive 113. In broad terms, DCIA leads the Intelligence Community's HUMINT enterprise through developing and implementing strategic guidance, direction, policies, and procedures for the enterprise. DCIA is also responsible for coordinating and implementing intelligence and counterintelligence activities overseas, including foreign intelligence relationships. These responsibilities include budgetary consultations and evaluation roles as well.

B. If confirmed, how do you intend to execute those responsibilities?

If confirmed, I will execute those responsibilities to the best of my ability and in coordination with the Director of National Intelligence and my Intelligence Community partners. I intend to make improved HUMINT a priority and will accordingly work across the community to ensure the highest standards for tradecraft.

QUESTION 3: What do you consider to be the appropriate role for the CIA in all-source analysis of foreign intelligence information, given that all-source analysis also is conducted by the Department of Defense and other parts of the Intelligence Community?

The CIA, for most of its history, has been the principal agency responsible for the provision of all-source analysis of foreign intelligence information to the President, the executive branch, and members of Congress. CIA must continue to maintain and develop this all-source analytic

capacity, which is unique in our national security establishment. The national-level role for CIA analysis has been separate from the roles of the Department of Defense and other Intelligence Community agencies, whose primary analytic customers are the heads of their own departments. This national analytic mission has fostered a depth, breadth, and objectivity in CIA's analytic capabilities that, if confirmed, I will seek to preserve and promote.

QUESTION 4: What principles should govern the division of responsibilities between the CIA in the conduct of covert action under Title 50 and the Department of Defense in the conduct of any similar or related activities under Title 10?

Title 10 and Title 50 activities are tools for the President in defending the United States. It is the President's determination as to which tools should be used in a given circumstance. The primary principles to be considered are which organization can most effectively and efficiently carry out a particular activity, consistent with the statutory authorities, responsibilities, and limitations that govern activities under Title 50 and Title 10. Certain traditional military activities are most appropriately done pursuant to Title 10 authorities. At the same time, many activities are best performed by the CIA pursuant to Title 50 authorities. There is room and necessity for some activities to be conducted under both Title 10 and Title 50. Regardless of what authorities are used, I believe transparency and coordination across organizations, as well as with Congress, are vitally important.

A. What specific criteria are considered when deciding whether to allocate responsibilities to the CIA or the Department of Defense in these areas?

The President, will, of course, make the decision on how best to allocate various responsibilities consistent with the law. If confirmed, my job will be to keep CIA on the cutting edge, developing new tools and sharpening existing capabilities to support the President's direction. I will also need to communicate those cases in which the CIA possesses unique capabilities to accomplish a national mission and, importantly, those cases in which other national tools might more effectively serve the President's desired policy objective. CIA has some exquisite capabilities, which are particularly valuable when an activity must be conducted covertly.

B. How often should those divisions of responsibility be re-evaluated?

The division of responsibility begins with the statutory and regulatory responsibilities and authorities of each organization. In many cases, those authorities and responsibilities, combined with the capabilities of each organization, will determine the appropriate organization to accomplish a particular mission. From time to time, particular activities may be evaluated to determine if there is another organization that may better perform a mission, consistent with its authorities. I do not have any specific time frames in mind for such evaluations. I note however that there may be relatively few activities, although these may be important activities, that are likely subject to evaluations because the differing authorities of each organization may restrict the ability to perform a specific activity. If confirmed, I will support evaluations of activities to ensure the mission is being performed in the most effective and efficient manner, consistent with law.

QUESTION 5: What do you understand to be the responsibilities of the Director of the CIA in relationships with foreign governments and liaison services?

Based on the National Security Act of 1947 and E.O. 12333, the DCIA has the statutory responsibility to coordinate Intelligence Community relationships with foreign intelligence services on all matters involving intelligence related to the national security. Relationships with foreign governments and liaison services continue to increase in importance given the diffuse nature of threats facing the country. These relationships and engagements are critical to enhance the performance of the Intelligence Community overall and the Agency's core missions of foreign intelligence collection, all-source analysis, covert action, and counterintelligence.

A. If confirmed, how do you intend to exercise those responsibilities?

I will carry out the DCIA responsibilities as assigned by statute, regulation and policy. I understand these are critical relationships supporting the Intelligence Community overall and the Agency's mission. If confirmed, I will give these relationships my time and attention to ensure that the Intelligence Community and Agency continue to benefit from these relationships, particularly in gathering intelligence on threats to our country.

B. What is your understanding of the role of U.S. Chiefs of Mission in the coordination and approval of intelligence activities?

Chiefs of Mission have full responsibility for the direction, coordination, and supervision of U.S. Government employees in their countries of accreditation, except for those employees under the command of a U.S. military area commander and other exceptions as stated in 22 USC 3927. Consistent with the Foreign Service Act of 1980 and longstanding executive branch practice, and with limited exceptions, Chiefs of Mission are fully and currently informed of intelligence activities undertaken in their countries of accreditation. The Chief of Mission's main concern is with the overall effect of CIA activities on U.S. relations with the country of accreditation rather than with operational details or specific sources and methods. Communications between the Chief of Mission and the CIA's Chief of Station, who also serves as the Director of National Intelligence's Representative, inform the Chief of Mission of intelligence activities and the attendant risks of those activities should they be disclosed. Decisions on the scope of intelligence activities are informed by the field perspective that Chiefs of Mission and Chiefs of Station provide, but not all decisions are made in the field.

QUESTION 6: What role do you see for the CIA in paramilitary-style intelligence activities or covert action?

The collection of foreign intelligence and the conduct of covert action are two of CIA's core missions. In furtherance of these missions, CIA has had responsibility for covert paramilitary activities since the Truman administration. I understand that CIA is uniquely equipped to conduct the full range of intelligence operations, including missions requiring expeditionary deployments in denied, hostile, and austere operating environments. Often, paramilitary skill

sets are useful or required to operate in difficult areas or with indigenous forces.

A. How do you distinguish between the appropriate roles of the CIA and elements of the Department of Defense in paramilitary-style covert action?

I understand that the unique authorities, structure, and mission of CIA provide an option for the President to project aspects of U.S. power without publicly acknowledging the role of the U.S. government. Under Executive Order 12333, as amended, no agency except the CIA may conduct any covert action activity unless the President determines another agency is more likely to achieve a particular objective. Historically, Presidents have directed the CIA to conduct covert action, including covert action involving paramilitary activities, whereas the Department of Defense has been responsible for traditional military activities.

If confirmed, I will ensure that the CIA continues to coordinate closely with and draws upon the U.S. military whenever appropriate to complete the mission. CIA does not, cannot, and should not seek to duplicate the full range of U.S. military capabilities.

QUESTION 7: How do you view the responsibilities of the CIA to collect and analyze both tactical intelligence to support military operations in theaters of war and strategic intelligence for policymakers?

CIA's primary collection and analytic missions are to support national policymakers with strategic intelligence. Where necessary, and to the degree that CIA is capable, CIA is also required to support military customers with tactical intelligence. Because of CIA's strategic mission, its operators are often deployed into or near war zones where they collect information that is valuable to military customers. Similarly, CIA analysts are responsible for analyzing armed conflicts worldwide. These operators and analysts may need to spend a large amount of their time dealing with tactical battlefield developments and supporting military requirements, but their ultimate purpose should be strategic.

A. What do you consider to be the appropriate prioritization and resource allocation for these two efforts?

The abundance of CIA's efforts and resources should be devoted to strategic priorities and national security customers consistent with policy guidance embodied in the National Intelligence Priorities Framework.

B. How do you anticipate achieving the appropriate prioritization and resource allocation for these two efforts?

In my exposure to the Intelligence Community from my position on HPSCI, I have the view that generally there is an appropriate division between strategic and tactical intelligence duties. Of course, especially in counterterrorism, CIA has necessarily delved deeply into tactical matters. If confirmed, I will closely monitor the employment of CIA's assets to ensure the Agency meets the tactical demands of its mission, while also

ensuring it fulfills its obligations to provide strategic level collection and analysis to policymakers.

QUESTION 8: What role do you see for the CIA in cybersecurity offensive and defensive policies and actions?

CIA collects and analyzes intelligence on foreign cyber threats to inform U.S. Government policy and strategy with respect to cyber operations and cyber incidents affecting the United States or our interests abroad. These CIA activities support the full spectrum of U.S. cybersecurity policies and actions. The Agency blends its human intelligence capabilities with its technical collection capabilities to gather intelligence on foreign cyber threats. CIA also provides all-source analysis of foreign cyber threats to inform U.S. policymakers' decisions about cybersecurity and its impact on national security issues. CIA works closely with other Intelligence Community elements to share expertise in support of their collection of and response to cyber threat information.

I understand that the CIA, upon direction from the President and working in cooperation with other agencies where appropriate, has capabilities to perform a wide array of actions related to all forms of cybersecurity policies.

QUESTION 9: Under what circumstances is it appropriate for the CIA to serve as the "Executive Agent" for an intelligence function across the Intelligence Community?

The CIA has been designated to assume responsibilities and functions for certain areas within the Intelligence Community. The DNI has designated the CIA to provide what is referred to as "Services of Common Concern" (SOCC) for a number of Intelligence Community programs. The DNI, under Executive Order 12333 authorities, can designate an IC agency to provide "such services of common concern to the Intelligence Community" if "determine[d] [those services] can be more efficiently accomplished in a consolidated manner." The DNI's designation of CIA or another agency takes into consideration whether they have the infrastructure or demonstrated mission area expertise to provide the IC-wide service.

A. Should the CIA serve this role for any new functions or cease serving this role for existing functions?

In considering whether CIA is the appropriate organization to provide a SOCC, if confirmed, I will consult with the DNI and CIA personnel. I will also review the Agency's current SOCC roles and consult with the DNI if changes are appropriate and update the current structure of CIA's SOCC programs to best serve the needs of the Intelligence Community and U.S. government.

QUESTION 10: Historically, the Intelligence Community has informed U.S. policymakers of present and emerging national security risks in terms of global threats, like terrorism and cyberattack, and regional threats, such as adversary state capability in a specific domain.

- A. What is your view of the CIA's conducting intelligence analysis relative to critical U.S. vulnerabilities and national security susceptibilities, that lie outside these traditional parameters? For example, should the CIA consider the current U.S. deficit levels as a national security concern?

The CIA's mission and authorities focus on the collection, analysis, and dissemination of intelligence related to national security, including the analysis of emerging threats, risks, and trends. In general, CIA does not focus its intelligence analysis on domestic issues and vulnerabilities. There are other key members of the Intelligence Community that, by design and authority, focus on domestic threats, vulnerabilities, and trends. As I understand it, the Agency monitors a variety of non-traditional threats to national security, including new market trends and associated risks to the United States. In the economic realm, much of the CIA's focus is to warn senior U.S. policymakers about developments that may affect global growth, stability, and financial markets. If confirmed, I look forward to working with other elements of the Intelligence Community to ensure CIA is providing the collection, analysis, and support needed to understand emerging threats and vulnerabilities to U.S. interests in a globalized, digitized, and dynamic environment.

Management of the Central Intelligence Agency

QUESTION 11: In what ways can the Director achieve sufficient independence and distance from political considerations to serve the nation with objective and dispassionate intelligence collection and analysis?

It is of critical importance that policymakers have the best information possible, thus intelligence must be free of political considerations. 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 separates from the Agency. If confirmed, I will work with my leadership team to keep a constant pulse on the workforce for objectivity concerns and do what I can to ensure that every CIA officer lives by the words etched in the wall of the Original Headquarters Building "And ye shall know the truth and the truth shall make you free." I will work to ensure my officers are producing intelligence with the highest tradecraft and will stand behind the integrity of that tradecraft as they present it to policymakers.

- A. How will you ensure this independence is maintained, given your relationships established as a Member of Congress and, specifically, as a Member of the House Permanent Select Committee on Intelligence?

As a Member of Congress, I serve a role. I represent hundreds of thousands of Kansans and advocate for their individual and collective interests. On the HPSCI, I oversee the nation's intelligence activities. If confirmed as CIA Director, I will have a different job. I will be leading an independent and objective CIA workforce in carrying out its mission to defend the United States. The Director of CIA is not a policymaker. My previous political positions will in no way influence CIA analysis or how I present that analysis to

policymakers. I would hope that my congressional service would benefit the President, Congress and our nation because it provided me a keen understanding of the enormous importance of intelligence oversight and a coordinated, cooperative relationship among and between the two branches of government.

- B. What is your view of the responsibility of a Director of the CIA to inform senior Administration policy officials or their spokespersons when the available intelligence either does not support or contradicts public statements they may have made?

CIA's all-source analysis mission is to provide unbiased, accurate, and timely information to its customers. I believe the DCIA should constantly work to inform and explain intelligence assessments to Administration policymakers – and congressional policymakers – so that they can make the best policy decisions possible and so that they communicate the intelligence picture accurately.

QUESTION 12: How do you plan on resolving a situation in which the assessments of your analysts are at odds with the policy aspirations of the incoming administration?

As I mentioned in response to question 11, CIA analysts endeavor to provide unbiased, accurate, and timely information to its customers. If confirmed, I will endeavor to ensure they have the time, resources, and political space to make those assessments and to provide them to the policymakers. It is up to the policymakers to consider all available information, including CIA assessments, in pursuing their policy goals. The policy aspirations and activities of both the President and Congress are for each of them to determine. The CIA and the entire Intelligence Community's mission is to provide accurate, timely, apolitical facts and analysis upon which policymakers form their judgments.

QUESTION 13: Please describe your assessment of the strengths and weaknesses of the accountability system that has been in place at the CIA and what actions, if any, should be taken to both strengthen accountability and ensure fair process at the CIA.

If confirmed, I will be committed to a strong, fair, and transparent accountability system at the CIA. I have yet to assess the entire accountability system as developed and implemented within the Agency, but I am committed to administering an effective program that reinforces the integrity of the Agency's work.

As I understand it, the Office of Inspector General (OIG) views the accountability system at the Agency as having three distinct parts: Personnel Evaluation Boards (PEBs), independent investigations, and OIG's Annual Plan. First, the Agency administers PEBs to address administrative concerns associated with staff behavior. Many entities, including the Office of General Counsel and the Office of Security are often involved in this process. Second, OIG conducts independent investigations into allegations of criminal and civil violations, which it coordinates with the Department of Justice (DOJ). As required by statute, the OIG notifies the DCIA of its referrals to DOJ. Third, the OIG develops an Annual Plan to conduct evaluative audits and inspections, to independently identify inefficiencies and areas for improvements.

QUESTION 14: What are your views of the current CIA culture and workforce?

The CIA is the world's premier intelligence service. It is comprised of the best and brightest patriots committed to our nation's security who often put their lives at risk and sacrifice quietly for their nation. Our nation demands CIA officers collect, analyze, and disseminate foreign and counter-intelligence and to engage in intelligence operations to anticipate threats and protect U.S. national security. In an increasingly dangerous and complicated world, the demands on the CIA and its workforce will only increase. The CIA and its workforce are up to the challenge.

The CIA culture is geared to meet the growing demands from policymakers and the public, with a commitment to its mission, substantive and operational expertise, and creative execution of its tasks. The CIA has unique authorities and capabilities that make it indispensable to the nation's security, but the CIA should collaborate closely with its intelligence partners in the U.S. and with partners abroad. The CIA will need to continue to adapt to the morphing threat landscape and growing technological demands, while still operating effectively and sustainably in hostile environments.

It is the ultimate professional honor to be nominated to lead such an outstanding organization and the men and women who comprise its workforce. If confirmed, I will do everything possible to lead the men and women of the CIA with passion, integrity, vision, and a firm commitment to its mission.

A. What are your goals for CIA's culture and workforce?

If confirmed, I will build on the legacy of strong leadership at the Agency to lead a dynamic, motivated, and mission-focused workforce. My goal as the Director will be to empower these men and women of the CIA to fulfill its unique mission with the highest degree of integrity and effectiveness by providing clear direction, leadership, and resources for the CIA to face our country's mounting foreign national security challenges.

If confirmed, I will strive to maintain and strengthen CIA as the premier intelligence agency in the world—one able to adapt quickly to the shifting global environment and to meet the growing demands of the American people and U.S. policymakers to defend national security interests. Ultimately, CIA should be seen and treated as a national treasure; its relentless, innovative, and global reach is feared by our enemies and respected and admired by our competitors and allies. Its professionals should feel great pride in their mission and all their organization does to protect the U.S.

If confirmed, there are a number of areas where I will focus attention to ensure that CIA and its workforce have the capabilities needed to meet the highest standards and goals set out by the nation's leadership—for today's mission and into the future. This will include the following priorities: strengthening the Agency's HUMINT capacity and tradecraft innovation; improving Agency capabilities to operate in hostile environments and solve hard collection problems; deepening Agency capabilities to operate in a more digitized, virtual environment; expanding intelligence cooperation, collaboration, and models of

intelligence sharing with state and non-state partners globally; ensuring cutting-edge analytic capabilities, innovations, and information technology systems; recruiting, enabling, training, and retaining a diverse, capable, and committed workforce with the right skills and talent needed to fulfill the Agency's mission in the long term; and accelerating science and technology innovation and collaboration with the private sector. No doubt there will be other priorities, and if confirmed, I will enter the Agency prepared to learn and eager to listen to the workforce for its ideas for how best to improve CIA. Throughout, I will seek to improve the way the Agency leverages its resources and capabilities internally and with the broader Intelligence Community for maximum mission effect and cost efficiency.

B. What are the steps you plan to take to achieve these goals?

If confirmed, I will seek to provide clear leadership and support to allow the Agency workforce to succeed in its mission. To achieve the goals set forth above, I will intend to focus on five core areas of Agency operation:

1. *Personnel.* The CIA's greatest asset remains the dedicated men and women of the Agency. I will seek to appoint, elevate, recruit, retain, and empower the best and brightest CIA personnel at headquarters and in the field – providing them the necessary tools and authority to achieve the missions assigned. Taking care of CIA personnel and their families is essential to the type of culture and workforce I will seek to create. Relying on strong, diverse, and dedicated officers who can lead the Agency and its functions – for short and long term missions and initiatives – will be critical to maintaining the CIA's culture of excellence.
2. *Strategy & Policy.* For the CIA to work effectively, there needs to be clarity of intelligence-related strategies, priorities, policies, and expectations from the nation's leadership and citizenry. If confirmed, it will be my responsibility to ensure clarity of strategy, policies, and priorities within the Agency and in the Intelligence Community, with respect to intelligence lanes in the road, and from policymakers' and the public's expectations of the Agency. Prioritizing among the varied requirements and demands on the Agency will be critical in a period where Agency capabilities and authorities are needed more often to defend U.S. national security. Clarity of policy and expectations enables optimal execution of the Agency's mission.
3. *Process.* I believe the Director of the CIA should create a transparent set of processes for decision-making, assessments and reviews, accountability, and use and advancement of human capital and resources. This requires that the Agency's internal organization, communication, and coordination are designed to leverage resources and talent effectively and efficiently. This also requires there to be clarity of process and decision-making, prioritization, and tasking within the Intelligence Community and with policymakers. If confirmed, I will seek to shape and steward efficient processes that allow for CIA and its personnel to operate effectively and efficiently, with minimal distraction or drag.

4. *Resources.* The CIA needs sufficient resources to accomplish its mission and to innovate to address current demands and future challenges. In a resource-constrained environment and rising demands, I will devote significant time and attention to providing the appropriate resources and finding efficiencies to ensure the successful execution of the Agency mission. This will involve short and long-term investment in human capital, new capabilities and systems, science and technology research, and collaboration with the private sector. In addition, effective investment and use of resources will require close coordination with the Director of National Intelligence, the Office of Management and Budget, and Congress.
5. *Support.* If confirmed, it will be my honor and privilege to represent and advocate for the dedicated public servants of the CIA. As Director, I will seek to represent and demonstrate the professionalism, commitment, and integrity of the CIA and its workforce. I will seek to serve this important role for the Agency within the Administration, before Congress, with foreign counterparts, and with the American public. This role is all the more important since most of what the CIA does must remain secret and cannot be showcased openly on a regular basis. Maintaining and building the American public's understanding and support of the CIA and its activities – conducted on its behalf – remains a critical role for any CIA Director, especially in times of turmoil or crisis.

No doubt there will be other ways and areas of focus to achieve the goals set out for the Agency, its culture, and its workforce, but if confirmed, I will provide strong and clear leadership that empowers Agency personnel to succeed in the missions assigned.

QUESTION 15: Foreign language proficiency often is a crucial enabler of the CIA's intelligence activities. Please describe the steps you will take, if confirmed, to improve the foreign language capabilities of the CIA workforce.

During my briefings and travels as a member of HPSCI, I have met many CIA officers with impressive foreign language skills. I understand that the Agency has a Senior Language Authority and that there are a range of programs already in place to ensure CIA officers have the language capabilities necessary to carry out CIA's mission successfully. I will need to look into that program further to find out its strengths and weaknesses before describing what steps I will take. However, based on my observations of CIA to date, I believe the organization may need to improve its recruiting and hiring of native language speakers instead of relying so heavily on training officers in foreign languages. Expanding the depth and diversity of language skills required by the agency to perform its function must be a continual focus of the CIA.

Collection Authorities

QUESTION 16: In January 2016 you wrote in *The Wall Street Journal* that, "Congress should pass a law re-establishing collection of all metadata, and combining it with publicly available financial and lifestyle information into a comprehensive, searchable database."

A. Does this remain your position? If not, please explain your current position and why it changed.

I understand that previous collection programs involving metadata, which were conducted pursuant to orders of federal judges, provided a significant tool for the Intelligence Community that is no longer available because of changes in U.S. law. While I have not changed my position, I understand why Congress chose to change the law and in fact, as a member of the House of Representatives, I voted for those changes to metadata collection.

B. Please clarify whether this statement applies to U.S. persons.

I understand that the discontinued program, conducted pursuant to judicial orders, applied to U.S. persons and was conducted pursuant to then-existing law prior to the legal amendments passed by the Congress.

C. Please clarify "collection of *all* metadata"? What kinds of metadata do you believe should be entered into a comprehensive, searchable database?

I was referring to metadata of the type collected under the then-existing program that was available for review under procedures and conditions reviewed and approved by federal judges.

D. Please clarify what "*financial and lifestyle information*" you believe should be included in a comprehensible, searchable database. Please detail who, within the U.S. government, should be authorized to collect this information and what, if any, restrictions should be placed on such collection.

As noted in the *Wall Street Journal* op-ed, terrorist suspects who visit jihadist websites, communicate with terrorist leaders, make alarming social media posts, or carry out suspicious transactions should be considered for appropriate surveillance. Information that is publicly available on the internet or other public databases can be important clues in identifying those who would seek to harm America. If confirmed, I will defer to policymakers, including the Congress, on whether it would be appropriate to collect such information, the exact information to be collected, who would collect such information and appropriate restrictions. I note such activity would be the responsibility of the FBI or other appropriate organizations. I note also that the Intelligence Community has, for many decades, applied restrictions to minimize information collected on U.S. persons, including in some cases, restrictions carried out under the approval and supervision of federal judges.

E. What role do you believe the CIA would play with regard to the "comprehensive, searchable database"? Please provide what information you believe should be collected and how you see such a database operating.

As noted above, collection of the type discussed in the op-ed generally falls outside CIA authorities as I understand them. It will be the responsibility of the FBI or other appropriate organizations. If confirmed, I will defer to policymakers on the exact nature of publicly available information that would be appropriate to collect, if any, and the operation of such a database.

I believe that the appropriate U.S. government agencies have a duty to use publicly available data to lawfully conduct their investigations, subject to appropriate privacy and other legal restrictions and regulations. With respect to U.S. persons, the CIA should have its historically circumscribed role.

F. What form of executive branch, congressional and judicial oversight should exist with regard to the database?

As noted in the op-ed, I expressed the view that if the then-existing surveillance programs were continued, “[e]nhanced congressional oversight—a true partnership between the executive and Congress—is needed. Each month the Intelligence Community should provide classified briefings to the House and Senate intelligence committees on how surveillance programs are working, what actionable information has been developed, and whether mistakes or abuses have occurred.” If confirmed, I will defer to policymakers on appropriate oversight, but note that I understand that then-existing surveillance programs were subject to judicial and congressional oversight, in addition to significant executive branch oversight by the White House, Department of Justice, the Office of the Director of National Intelligence, Inspectors Generals, and other entities.

G. In this same *Wall Street Journal* piece, you stated that, at a broader level that “[l]egal and bureaucratic impediments to surveillance should be removed.” Please describe which impediments you were referring to and seek legislative changes to remove them.

I was referring to any impediments that did not clearly enhance protections for U.S. persons, but had significant mission impact. For example, I understand that in some cases, investigators were not able to access information available to anyone with an internet connection. As an example, the DNI has only recently allowed investigators carrying out background investigations for security clearances to examine publicly-available social media information about applicants. See Security Executive Agent Directive Five – Collection, Use, and Retention of Publicly Available Social Media Information in Personnel Security Background Investigations and Adjudications (May 5, 2016).

QUESTION 17: Please describe your understanding of the limitations Executive Order 12333 places on the CIA with regard to activities in the United States and with regard to U.S. persons.

CIA’s activities are limited to its authorized missions—primarily those set forth by the National Security Act of 1947, as amended, 50 USC § 3036(d), and E.O. 12333, Sec. 1.7(a) (describing

duties and responsibilities of the CIA). The CIA's activities must also be undertaken in accordance with priorities set by the President.

E.O. 12333 more specifically regulates the collection, retention, and dissemination of information concerning U.S. persons. The Executive Order sets forth certain categories of information concerning U.S. persons that the CIA may collect, retain, and disseminate, such as information constituting foreign intelligence or counterintelligence. The Executive Order also regulates the CIA's use of collection techniques in certain circumstances. For collection techniques within the United States or directed against U.S. persons abroad, the CIA must use the least intrusive collection technique feasible, and must obtain the Attorney General's approval to use any technique, for intelligence purposes, for which a warrant would be required, if undertaken for law enforcement purposes. The CIA is also restricted by the Executive Order from utilizing certain collection techniques inside the United States.

In addition, the Executive Order requires that the CIA's collection, retention, and dissemination of information concerning U.S. persons, and the CIA's use of collection techniques inside the United States or directed against U.S. persons abroad, be undertaken only in accordance with procedures established by the DCIA and approved by the Attorney General, after consultation with the DNI. The Executive Order similarly requires that anyone acting on behalf of the CIA who joins or otherwise participates in an organization in the United States, without disclosing their intelligence affiliation to appropriate officials of the organization, do so only in accordance with Attorney General-approved procedures. These procedures ("AG Guidelines") include further requirements and guidance for the CIA's conduct of intelligence activities within the United States or directed against U.S. persons.

Presidential Policy Directive-28 (PPD-28) and Foreign Partners

QUESTION 18: In your *Wall Street Journal* op-ed, you wrote that PPD-28 "bestows privacy rights on foreigners and imposes burdensome requirements to justify data collection."

A. In what ways do you believe PPD 28 should be updated or amended?

I have expressed concerns that PPD-28 may impede lawful intelligence collection of significant foreign intelligence. I have not examined with CIA intelligence collection experts the exact provisions of PPD-28, if any, that may need updating from CIA's perspective to reflect threats facing the country in 2017, including the continuing threat of ISIS overseas and to the homeland. I understand that PPD-28 may have been a part of additional policy changes related to the regulatory framework necessary to permitting the transfer of data from the EU to the U.S. If confirmed, I will consult with CIA experts on PPD-28's impacts, if any, and make any necessary recommendations. I will defer ultimately to policymakers on whether any changes are appropriate.

B. What would those changes accomplish?

As noted, I have not examined PPD-28 with CIA collection experts. In examining PPD-28, I will only seek changes if, among other things, the changes resulted in material improvement in Agency operations and capabilities. Ultimately, policymakers will have to weigh the impact of any changes to PPD-28.

QUESTION 19: Under what circumstances, if any, is it appropriate for communications of U.S. persons to be shared with foreign partners, either finished or in raw, unminimized form? Under what circumstances, if any, is it appropriate for communications of U.S. persons, collected by a foreign partner, to be obtained, used and disseminated by the Intelligence Community?

The CIA generally does not disseminate information concerning U.S. persons, including communications of U.S. persons, to foreign governments. There are circumstances, however, when the CIA disseminates such information in furtherance of its statutory mission. Such dissemination may include, for instance, information constituting foreign intelligence (FI) or counterintelligence (CI) information obtained in the course of a lawful FI, CI, international drug, or international terrorism investigations; information needed to protect the safety of persons or organizations, including those who are targets, victims, or hostages of international terrorist organizations; information needed to protect FI or CI sources, methods, and activities from unauthorized disclosure; and incidentally obtained information that may indicate involvement in activities that may violate U.S. law. Any information identifying a U.S. person will be disseminated only if necessary, or if it is reasonably believed that it may become necessary, to understand or assess the information. Moreover, the CIA may require the foreign government to comply with restrictions on the use or further dissemination of such information.

If the CIA requests a foreign partner collect communications of a U.S. person, I understand that collection and dissemination should be done pursuant to the same level of approvals that would be required if the CIA itself were to collect those communications. These same requirements also apply if the CIA participates in the collection activity to such a degree that the activity becomes, in essence, a joint venture by both the CIA and foreign partner.

In some circumstances, however, a foreign partner may collect communications of a U.S. person independently for their own purposes, and not at the request of the CIA. At times, the foreign partner's review of collected U.S. person communications may reveal information that the partner determines may be of interest to the U.S.—for instance, the partner may discover information that constitutes FI or CI from the U.S. perspective, or that is needed to protect the safety of U.S. persons or organizations. It is appropriate for the CIA to receive such information from foreign partners without the same requirements that would apply if the CIA itself were to collect the information or to request that the foreign partner collect the information. In very limited circumstances, however, the manner in which a foreign partner collected the information could be so improper that it would not be appropriate for the CIA to receive, use, or further disseminate the information.

QUESTION 20: According to the CIA's policies and procedures related to signals intelligence:

"PPD-28 directs the Intelligence Community (IC) to assess the feasibility of alternatives that would allow the IC to conduct targeted SIGINT collection rather than bulk SIGINT collection. Accordingly, when engaging in SIGINT collection, the Agency should conduct targeted SIGINT collection activities rather than bulk SIGINT collection activities when practicable. SIGINT collection activities should be directed against specific foreign intelligence targets or topics through the use of discriminants (e.g., specific facilities, identifiers, selection terms, etc.) when practicable."

The policies and practices also list purposes for which bulk SIGINT collection may not be used. Do you believe that these policies should be changed? If so, how and why?

I have not evaluated the specific CIA policies and procedures related to bulk and targeted collection and the impact on detecting threats to America and intelligence collection. If confirmed, I will expect CIA personnel to continue to evaluate the Agency's policies and procedures related to signals intelligence to determine if they are appropriate in light of current threats to the country and other national security challenges.

Transparency

QUESTION 21: Do you believe that intelligence agencies need some level of transparency to ensure long-term public support for their activities?

As a member of the House Permanent Select Committee on Intelligence, I firmly believe that the American people need to understand and support the mission of our intelligence agencies; the legal authorities that govern their activities; and the oversight mechanisms in place within the executive branch, in Congress, and the courts to ensure intelligence activities are conducted within the bounds of policy, the law, and the Constitution. Robust congressional oversight is a key component of ensuring transparency and public support for intelligence activities. The U.S. government has to ensure the long-term support of its intelligence functions, while maintaining the continued effectiveness of those very same intelligence activities. This requires a delicate balance between transparency and secrecy, along with public confidence in the oversight mechanisms that exist to oversee intelligence activities. As part of this balance, it is critical to protect classified information and the intelligence sources and methods that enable the intelligence mission. These are necessary protections that exist in law, Executive Order, and practice to allow U.S. intelligence services to carry out their mission effectively.

Modernization of CIA

QUESTION 22: In your answer to Question 14 of your Presidential Nominee Questionnaire, you note your role as a member of the CIA Subcommittee on HPSCI and state "*through my work over the years, I have looked closely at the structure, personnel, capabilities, activities, funding and operations of the CIA.*"

- A. As such, what is your perspective on the CIA Modernization program effort undertaken in recent years by Director Brennan?

Director Brennan's Modernization program was an ambitious, wide-ranging endeavor. It included a lot of change, most notably a top-to-bottom re-organization of the Agency. From my perspective as a member of HPSCI, the objectives of the reorganization made sense, especially seeking to reduce barriers to real-time and continuous sharing of information between analysts and collectors in centers modeled after the success of the Counterterrorism Center. I have spoken with Director Brennan about his vision for the modernization and have had conversations with many current and former CIA officers about it. My preliminary sense is that there is still work to do in implementation, especially streamlining decision making processes. However, I would like to reserve judgment until I have had a fuller opportunity to review the organization as Director, if confirmed.

- B. Are there areas or steps you feel are needed immediately to improve the workforce's ability to confront new and emerging threats?

In addition to my answer to subpart A above, my experience running two small businesses taught me that maintaining mission focus for the entire workforce is central to achieving any organization's strategic objectives. Ensuring that the CIA team is working together to deliver rapid answers to policymakers on threats as they emerge will be a focus of mine from day one, if confirmed.

QUESTION 23: One of the Committee's concerns with Modernization was about analytic integrity and strategic analysis.

- A. Do you believe the placement of analysts in Mission Centers will lead analysts to focus too much on operational issues at the expense of strategic analysis?

I do not believe that analysts and case officers serving in the same offices is inherently detrimental. I think CIA's centers—most notably the Counterterrorism Center—effectively balanced strategic analysis and operational support for years before the modernization program. With that said, I do not currently have enough insight into how the Mission Center construct has been applied in each case or the effect on analysts and operators. It is, in every organization I have been involved with—from a tank platoon to a manufacturing company—a constant challenge to remain focused on strategic tasks—such as the CIA's strategic analysis—in the face of daily demands. If confirmed, I will work to provide structure to ensure that strategic analysis—which sits at the core of the CIA mission—is not neglected.

- B. How will you ensure and promote analytic integrity and objectivity independent of current operations?

If confirmed, I will work with the heads of the Directorates of Analysis and Operations to ensure analytic integrity and objectivity independent of current operations. I think that analysts' identities are rooted in objectivity through their training, but there are steps that Agency leadership can take to promote this independence, including: surveys; ensuring a clear chain of command for the review process; specific training for analysts, operators,

and managers on cultivating proper relationships; and requesting assessments that test the health of analytic objectivity. I am sure there are other tools as well and will welcome Committee Members' thoughts on this important effort.

Budgetary Matters

QUESTION 24: You have called sequestration a "homerun," adding "I actually sought even lower spending levels. That's why it's only a home run and not a grand slam."

A. Do you stand by this statement?

Yes.

B. Do you believe the CIA should reduce its funding?

My statement concerned overall levels of federal spending. If confirmed, I will review CIA's budget. I think it is critical that national security agencies, including the CIA, are fully funded with the resources needed to protect America. Defending citizens from national security threats is a fundamental obligation of the government that should receive the necessary funding.

Workforce Morale, Recruitment, and Retention

QUESTION 25: The Strategy states that the CIA "will continue to enrich our workforce by targeting diverse communities across the United States to meet our talent needs, with dedicated programs for citizens of African, Asian, Hispanic, Middle Eastern, South Asian, and Native American descent; Lesbian, Gay Bisexual, and Transgender Individuals; Persons with Disabilities; Veterans; and Women." Do you intend to maintain all of these dedicated programs?

Maintaining a diverse and dedicated workforce is critical for CIA's mission, especially given the global challenges our country faces. I have not been briefed on the programs noted, but I look forward to learning more about all CIA programs to recruit, train, and retain motivated warriors dedicated to the security of our country and the art of intelligence. If confirmed, I look forward to evaluating these programs and others to ensure the CIA best work force, and I look forward to working with the Committee on these issues.

QUESTION 26: In 2013, you voted against reauthorizing the Violence Against Women Act. How should the women and men of the CIA interpret your vote? If confirmed, how would you work to ensure that all members of the CIA workforce feel that they have an advocate in the Director's office?

If confirmed, I will support, defend, and advocate for CIA personnel—professionally and personally. While in Congress, I have worked hard to oppose violence against the most vulnerable in our communities, particularly women and children. While I voted affirmatively for the Violence Against Women Act re-authorization in 2012, I felt that the 2013 re-

authorization was flawed for several reasons and I could not vote for its passage. If confirmed, I look forward to bringing that same commitment to protect and advocate against violence against women, and to leading the patriotic women and men of the CIA with the intense energy, respect, and passion they deserve and expect in their Director.

QUESTION 27: As recently as 2014, you co-sponsored the State Marriage Defense Act, which, according to the *Washington Post*, “would effectively reverse the gains same-sex couples made after the Defense of Marriage Act was overturned by the Supreme Court.” In 2013 you cosponsored the Marriage and Religious Freedom Act, a bill that protects the ability of non-profit organizations that disagree with same sex marriage to discriminate without losing their tax exempt status. You have said that, “I don’t agree with [same-sex marriage],” and that “I think marriage ought to continue to be between one man and one woman.” You have also said that, “I think as you look back at civilization, look back at history, you find the strength of these families having a father and a mother is the ideal condition for childbearing.”

- A. If confirmed, how would you explain your statements and voting record to the LGBT community at CIA?
- B. How will you lead the CIA workforce in an inclusive manner?
- C. Can you provide the Committee assurances that, if confirmed, you will not take any steps that would harm LGBT employees, such as rolling back benefits for same sex spouses and access to childcare services?

If confirmed, I will be a Director who defends and advocates for all CIA employees and personnel – and their families – and I intend to foster an inclusive culture dedicated to the CIA’s mission. As the elected representative of the Fourth District of Kansas, my record in the House of Representative reflects, in good faith, both my personal principles and those of my constituents. I continue to believe in the traditional definition of marriage. This belief is fully consistent with equal treatment of every member of the workforce. My history as an employer in both the public and private sector bears this out. I fully expect to train and support – as well as hold accountable and demand excellence from – LGBT employees in precisely the same way as every other warrior who has chosen to serve America as a CIA employee.

While I am not aware of the scope of agency benefit packages, I anticipate learning more about them, supporting CIA personnel in every way possible, and working with the Committee on these issues. If confirmed, it will be an honor to lead the thousands of patriots who work at the CIA.

QUESTION 28: If confirmed as CIA Director, what will you do to ensure that there are equal professional opportunities, including serving overseas, for men and women in your workforce? The men and women of the CIA are its greatest asset. If confirmed, I will work to ensure equal professional opportunities and development for all members of the CIA workforce. This will include ensuring assignment opportunities domestically and overseas for all members of the workforce. This will entail, among other things, the open, transparent, and effective

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, ("refoul") 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/CIA%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.