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OPEN HEARING TO CONSIDER THE NOMINATION OF JOHN L. RATCLIFFE TO BE DIRECTOR OF NATIONAL INTELLIGENCE

HEARING

BEFORE THE

SELECT COMMITTEE ON INTELLIGENCE

OF THE

UNITED STATES SENATE

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

TUESDAY, MAY 5, 2020

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OPEN HEARING TO CONSIDER THE NOMINATION OF JOHN L. RATCLIFFE TO BE DIRECTOR OF NATIONAL INTELLIGENCE

TUESDAY, MAY 5, 2020

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC.

The Committee met, pursuant to notice, at 9:30 a.m., in Room SD–106, Dirksen Senate Office Building, Hon. Richard Burr (Chairman of the Committee) presiding.

Present: Senators Burr, Warner, Risch, Rubio, Collins, Blunt, Cotton, Cornyn, Sasse, Feinstein, Wyden, Heinrich, King, Harris, Bennet, and Reed.

OPENING STATEMENT OF HON. RICHARD BURR, CHAIRMAN, A U.S. SENATOR FROM NORTH CAROLINA

Chairman BURR. I'd like to call this hearing to order.

This hearing will be a little bit different. It is perhaps the first Congressional hearing held during the extenuating circumstances of the pandemic. We have a sparse crowd and an expanded dais reflective of the Committee's adherence to the guidelines put forth by the Rules Committee and the Attending Physician.

I'd like to thank our Members and staff for their patience and understanding as we work through the logistics involved in holding this hearing, which is a critical part of the Committee's ongoing oversight of the Intelligence Community.

Members will be joining us on a rotating basis throughout the morning and again this afternoon as we move to a closed session. Their absence now is not a reflection of the importance they place on this matter. We have asked Members to watch as much of the hearings as they can from their offices, only coming into the hearing room to ask questions.

I'd also like to thank the press corps for your accommodation of the restrictions we're facing as we seek to fulfill our requirements to hold this nomination hearing in an open setting, or at least as open as current circumstances allow.

Media in the room today are serving as a pool representative for the broader media community, and I know they will ensure quick and unvarnished dissemination of what is discussed in this hearing. While I'm certain the atmosphere of this setting will feature prominently in media coverage, I know the media will be focused on the important intelligence oversight and Committee management issues that are also going to be discussed.

Finally, I want to thank the nominee who has patiently waited for this hearing. I know he's ready to get to work leading the Intelligence Community, which has continued to do its vital work under increasingly difficult conditions. These intelligence professionals—our eyes, our ears—follow developments we see in the headlines and threats that most of us will never see, from terrorists who seek to do us harm to cyber actors probing critical infrastructure to foreign intelligence officers capitalizing on the current situation to steal research from defense contractors or physics professors.

Countries around the world have locked down, but those threats have not stopped. Our Intelligence Community, as always, remains on watch, joining their uniformed brothers and sisters guarding a grateful, if perhaps distracted, Nation. They deserve, and the country needs a certainty of a permanent Senate-confirmed Director of National Intelligence.

After that extended introduction, I'd like to formally welcome our witness, Congressman John Ratcliffe, President Trump's nominee to be the next Director of National Intelligence.

John, congratulations on your nomination.

I wish I could also welcome your wife Michele and your daughters, Riley and Darby. I know they wanted to be here. But given our attempts to minimize the number of people in the hearing room, I send them my appreciation via C–SPAN. I thank them for their willingness to go on this journey with you and for their support.

Today we will consider Congressman Ratcliffe's qualifications and engage in thoughtful deliberation. The Congressman has already provided substantive and written responses to more than 125 questions presented by Committee Members, and today's proceedings allow for further in-person discussions.

Congressman Ratcliffe was elected in November of 2014 to the House of Representatives from the 4th District of Texas. He serves on the House Permanent Select Committee on Intelligence, the House Judiciary Committee, and the House Ethics Committee.

Prior to his service in Congress, Mr. Ratcliffe was a partner in a law firm.

During his tenure at the Department of Justice, he served as the First Assistant U.S. Attorney, as the Chief for Antiterrorism and National Security for the Eastern District of Texas, and then as the interim U.S. Attorney for the Eastern District of Texas. During that time Mr. Ratcliffe also served as Mayor for the City of Heath, Texas.

Congressman Ratcliffe received his undergraduate degree from the University of Notre Dame. He received his law degree from Southern Methodist University.

Congressman, you've been asked to lead the Intelligence Community at a time of profound threat and challenge. Given your experience as a Member of the House Intelligence Committee, we expect that you will lead the Intelligence Community with integrity, serve as a forceful advocate for the professionals in the IC, and ensure that the intelligence enterprise operates lawfully, ethically, and morally. I can assure you this Committee will continue to conduct vigorous and real-time oversight over the Intelligence Community, its operations, and its activities. We'll ask difficult and probing

questions of you and your staff, and we expect honest, complete, and timely responses.

I want to thank you, again, for being here, for your years of service to our country, and I look forward to your testimony.

Before I turn to the Vice Chairman, I'd like to take a moment to note the passing of our dear friend, Tom Coburn. Tom served this Nation with distinction in the House and in the Senate and was a valuable member of this Committee. He cared deeply for this Committee, its staff, and the men and women of the Intelligence Community. He understood the importance of their mission and the mission of this Committee. His advice, counsel, and friendship will sorely be missed, and I utilized it no less than a month and a half ago.

Some might wonder why my face looks a little hairy. This is the only way I could think of doing a tribute to Tom Coburn, and that was to do what Tom did when things were confusing and we lacked understanding as to what direction to go up here. As most of us know, Tom would come back, and he wouldn't shave for a month, two months, six months until things squared away. I'm not sure I'm going to wait until things are squared away, but I will wait until Tom's memorial service to properly memorialize him.

I now recognize the distinguished Vice Chairman for any opening remarks he might have today.

OPENING STATEMENT OF HON. MARK R. WARNER, VICE CHAIRMAN, A U.S. SENATOR FROM VIRGINIA

Vice Chairman WARNER. Well, thank you, Mr. Chairman, and it's good to see you and my other colleagues.

Let me start off for a moment where you left off. As somebody who spent literally years and years with Tom Coburn on a weekly basis, with the ill-fated Gang of Six effort, I got to know Tom's intelligence, integrity, irascible nature. Is that the right word?

I share with you that he will be missed, and I would have joined you in that kind of tribute, but if you saw how badly a beard would look—any time I've tried to grow a beard, I'm probably doing better tribute by just saying things about him.

Mr. Ratcliffe, it's great to see you. I know these are normally hearings where we are supposed to see the impression in the whites of your eyes. I'm not sure I'm going to be able to make that kind of judgment from here with my slightly aging eyes. I get the general sense of you, and I can actually see a little smile at that point. If it turns to grimaces at times, we'll know. But it's great to have you, and I appreciated the opportunity we had last Friday to spend some quality time together.

Unfortunately, as the Chairman's already noted, I once again must note that these are unprecedented times. America faces the challenge to our lives and security that we've not had in over half a century. And it's during such trying times that we all recognize the value of nonpartisan expertise throughout our government. Nowhere is this clearer that in the apolitical Intelligence Community. The IC collects intelligence on imminent and potential threats, analyzes them dispassionately, and presents its best estimates without fear or favor to our Nation's leaders. This is essential so that policymakers can craft a timely and effective response to protect

America. And nowhere is the need for competent, apolitical leadership clearer than in the position of the Director of National Intelligence who stands at the head of the Nation's 17 intelligence agencies.

Unfortunately, what we've seen from the President ever since he came into office is an unrelenting and, I believe, undeserved attack upon our professional women and men of our intelligence agencies. This is not because our Intelligence Community is deserving of these attacks. Nor are they at the heart of some, quote unquote, deep state conspiracy to undermine our political leaders. No, I believe the President attacks our intelligence agencies for one simple reason, because unvarnished truth and unembellished analysis are not welcome in this White House.

What we've seen over the last year has been especially dangerous: the systematic firing of anyone at the ODNI who has the temerity to speak truth to power. From DNI Dan Coats and Principal Deputy DNI Sue Gordon to acting DNI Admiral Joe Maguire to acting Director of the National Counterterrorism Center Russ Travers to the Inspector General of the Intelligence Community Michael Atkinson. These firings and forced departures from the leadership of the Intelligence Community have left the ODNI without a single Senate-confirmed leader at the helm. Instead, an acting DNI, with no experience in intelligence, but with plenty of political loyalty to the President, has been appointed to oversee America's intelligence enterprise.

As acting DNI this individual promptly instituted a hiring freeze and a reorganization whose purpose has not been communicated to the intelligence oversight committees. He also quickly fired senior leaders with decades of experience in the IC. Alarmingly we have begun to hear reports that intelligence professionals have been inappropriately pressured to limit the information they share with Congress.

And now Mr. Ratcliffe, the President has nominated you to this critical position of national security and intelligence leadership.

I have to say that while I am willing to give you the benefit of the doubt during this hearing, I don't see what has changed since last summer when the President decided not to proceed with your nomination over concerns about your inexperience, partisanship, and past statements that seem to embellish your record. This includes some particularly damaging remarks about whistleblowers, which has long been a bipartisan cause on this Committee.

I will speak plainly. I still have some of the same doubts now as I had back in August. Some have suggested that your main qualification for confirmation to this post is that you are not Ambassador Grenell. But frankly, that's not enough. Before we put the Senate stamp of approval and confirm a nominee to this critical position, Senators must demand the qualities that the Senate specified when it passed the law creating the ODNI after 9/11, legislation which my colleagues like Senator Collins helped author. We must expect and demand professionalism, a nonpartisan commitment to the truth, and a rock solid dedication to defending those who defend us every day—the professional women and men of our Nation's Intelligence Community.

I hope that today we can get a sense of your ability to adhere to that requirement. I look forward to the questioning and look forward to this opportunity. Thank you very much Mr. Chairman.

Chairman BURR. I thank the Vice Chairman. Former Attorney General John Ashcroft was scheduled to be here to introduce Representative Ratcliffe. Given the current circumstances, he could not attend. He sent us his remarks and Senator Cornyn has kindly agreed to represent Attorney General Ashcroft today.

Senator Cornyn, the floor is yours.

OPENING STATEMENT OF HON. JOHN CORNYN, A U.S. SENATOR FROM TEXAS, ON BEHALF OF FORMER U.S. ATTORNEY GENERAL JOHN ASHCROFT

Senator CORNYN. Thank you, Mr. Chairman. It is always good to be with my colleagues on the Senate Select Committee on Intelligence. Today it is my pleasure to introduce John Ratcliffe who is the nominee for the Director of National Intelligence.

As the Chairman said, we do have a letter from the former Attorney General and it is rather lengthy. I'm not going to read all of it but I will refer to some excerpts. I would ask consent that it be made part of the record following my remarks.

Chairman BURR. So ordered.

Senator CORNYN. And the reason why I think it is so important for the Committee and the Senate to hear from former Attorney General Ashcroft is because of his intimate knowledge of the professional qualifications of the nominee as well as the personal qualifications, his intelligence, and his integrity.

Let me just start by reading an excerpt from Attorney General Ashcroft's letter.

He said: "Integrity is the indispensable imperative for intelligence, the best friend of national security, and national security is the singular portfolio most allergic to the infection and devaluation that results from inaccuracy and distortion. For high-quality decision-making, sound intelligence must never be contaminated by personal bias or political predisposition."

General Ashcroft goes on to say: "I have known and worked with John for more than a decade and I know of no person, no person, with a higher commitment to integrity, and I have seen him speak the unvarnished truth to those he works with and works for, whether senior government officials or corporate CEOs."

He makes the important point and he did in my conversation with him yesterday at his farm in Missouri, he makes the point that over the last 15 years Congressman Ratcliffe has served in crucial roles as both a developer and consumer of intelligence, a role that I think speaks to his background and qualifications for this job.

Finally, he said: "John Ratcliffe is committed to forging an Intelligence Community that delivers in a coordinated manner the most insightful and accurate intelligence and counterintelligence possible. He will serve decision-makers with fulsome, transparent intelligence that enables them to make decisions to defend the Nation from threats and to keep our citizens safe and free."

Mr. Chairman, I know that coming to this nomination as a Member of Congress, that Congressman Ratcliffe, as any Member of

Congress might, people wonder does he really understand the difference between being in the adversarial atmosphere that is Congress and that especially speaks to our oversight responsibilities.

As somebody who has had the privilege of serving in all three branches of government, both as a judge, as Attorney General of Texas, and now as a legislator, I can tell you that John Ratcliffe has the personal integrity and intelligence to be able to understand the difference between being a legislator and being the Director of National Intelligence. These are simply different roles to be played while discharging our government responsibilities.

So I think that is something you might want to ask him more about, something I hope he will address. But I have known John personally for 10 years, and I am proud to support his nomination and to give you my strongest personal recommendation.

The Chairman has mentioned his experience on the House Intelligence and Judiciary Committees as well as the Ethics Committee. I do believe that as a former U.S. Attorney he does understand, and as a current Member of the House Intelligence Committee he does understand, the vast threats our country is facing and the challenges that we face which lie ahead. We need to be able to count on a leader to operate free of personal or political motivations, serving only with the security and safety of the American people in mind. And I believe John Ratcliffe is the person to do that job. He is prepared to continue the legacy of outstanding leadership we have come to expect and count on from the DNI, and I have confidence in his ability to serve as a steadfast leader and advocate for the intelligence professionals of the IC and a trusted partner with this Committee.

So Mr. Chairman, Ranking Member Warner, I appreciate your careful consideration of my friend and fellow Texan, John Ratcliffe, and appreciate the opportunity to introduce him today. Thank you very much.

[The prepared statement of Attorney General Ashcroft follows:]

Prepared Statement of Former Attorney General John Ashcroft
Regarding the Nomination of John L. Ratcliffe
Tuesday, May 5, 2020

Good morning, Chairman Burr, Ranking Member Warner, and Members of the Committee. Thank you for the opportunity to share my profound support for the nomination of the Honorable John L. Ratcliffe to serve as our nation's Director of National Intelligence.

Almost two decades ago Congress and the Bush Administration came together in the wake of the tragic 9/11 attacks to put in place enhanced national intelligence and security tools to protect our nation. This included the establishment of the Office of the Director of National Intelligence.

John Ratcliffe's record of upholding and enforcing the law, his far-sighted work in the intelligence field, especially related to cyber-security, will serve the nation well in his role as Director of National Intelligence.

Integrity is the indispensable imperative for intelligence ... the best friend of national security. And national security is the singular portfolio most allergic to the infection and devaluation that results from inaccuracy and distortion. For high-quality decision-making, sound intelligence must never be contaminated by personal bias or political predisposition.

I have known and worked with John for more than a decade and I know of no person with a higher commitment to integrity. I have seen him speak the unvarnished truth to those he works with and works for, whether senior government officials or corporate CEOs.

Congressman Ratcliffe's career stands as an outstanding record of public service. As a member of Congress, he has been a consistently well-prepared, tough but fair interlocutor, fundamentally focused on the Constitution ... and never involving himself in personal attacks. John has served on the House Intelligence, Judiciary, Ethics, and Homeland Security committees, and as chairman of the House Homeland Security Committee's Cybersecurity and Infrastructure Protection Subcommittee.

John's service with the Department of Justice as a federal prosecutor – first as Assistant U.S. Attorney and Chief of Anti-Terrorism and National Security for the Eastern District of Texas, then as U.S. Attorney for the Eastern District of Texas – was marked by his work on more than 30 national security- and terrorism-related matters.

After his time as U.S. Attorney, John worked with me at Ashcroft Sutton Ratcliffe LLP, where he focused on government and internal investigations, homeland security and Foreign Corrupt Practices Act (FCPA) cases.

In professional moments both private and public I have seen John's thoughtful, decisive yet humble leadership. He is a careful and willing

listener, skilled at processing different voices in complex situations. He is comfortable in being held to account. And he will require those in the Intelligence Community to be similarly accountable.

Over the past 15 years he has served in crucial roles as both a developer *and* consumer of intelligence. John, therefore, brings to the Office of the National Director of Intelligence a relevant reservoir of experience, as well as sound judgement on an array of issues related to national security. He understands that the intelligence community exists to secure the liberties and freedoms of Americans.

As a prosecutor, John dealt with national security- and terrorism-related matters, from domestic and international terrorism, to drug trafficking, human trafficking, and transnational criminal organizations. As a U.S. Attorney he required the services of our nation's largest domestic intelligence agency, the Federal Bureau of Investigation.

During our nation's most elevated concern regarding terrorism, John developed excellent relationships with international intelligence sources to aid America. That experience will serve him well in fostering appropriate cooperation with the intelligence agencies of our allies.

During his time as chairman of the House Homeland Security Committee's Cybersecurity and Infrastructure Protection Subcommittee he forged policies and statutes that strengthen our

nation's intelligence gathering capacity for both foreign and domestic intelligence.

He has thoroughly assessed a wide variety of national security topics, with a focus on emerging and expanding cybersecurity threats. This has included investigating foreign cybersecurity interference, reviewing the Department of Homeland Security's efforts to secure government networks, and evaluating the Cyber Threat Intelligence Integration Center, the Wassenaar Arrangement, the Continuous Diagnostics and Mitigation program, together with the interagency coordination on cybersecurity.

John enlisted bipartisan support to build a national cyber-intelligence infrastructure to protect our country. President Obama signed the significant cyber security bill that John co-authored, the National Cybersecurity Protection Advancement Act, which passed the House with an overwhelming bipartisan vote.

His record reflects a commitment to continue building a forward-looking Intelligence Community that is integrated and coordinated. His experience signals his possession of the skills necessary to guide the Intelligence Community in effectively addressing rising national security threats.

John Ratcliffe is committed to forging an Intelligence Community that delivers in a coordinated manner the most insightful and accurate intelligence and counterintelligence possible. He will supply

decisionmakers with fulsome, transparent intelligence that enables them to make decisions to defend our nation from threats and to keep our citizens safe and free.

Thank you.

# # #

Chairman BURR. Senator Cornyn, thank you for that introduction. With that, Congressman Ratcliffe, if you would rise and raise your right hand.

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

Congressman RATCLIFFE. I do.

Chairman BURR. Please be seated.

Before we move to your statement, I will ask you five standard questions the Committee poses to each nominee who appears before us. They just require a simple yes or no answer.

One, do you agree to appear before the Committee here and in other venues when invited?

Congressman RATCLIFFE. Yes.

Chairman BURR. If confirmed, do you agree to send officials from your office to appear before the Committee and designated staff when invited?

Congressman RATCLIFFE. Yes.

Chairman BURR. Do you agree to provide documents or any other materials requested by the Committee in order for it to carry out its oversight and legislative responsibilities?

Congressman RATCLIFFE. Yes.

Chairman BURR. Will you ensure that your office and staff provide such materials to the Committee when requested?

Congressman RATCLIFFE. Yes.

Chairman BURR. And five, do you agree to inform and fully brief the Committee to the fullest extent possible, all Members of this Committee, of the intelligence activities and covert action, rather than only the Chair and Vice Chair?

Congressman RATCLIFFE. Yes.

Chairman BURR. I want to thank you very much. It's my intention to move to a Committee vote on this nomination as soon as possible. Therefore, for planning purposes, any Member who wishes to submit questions for the record after today's hearing, please do so quickly.

We'll now proceed to your opening statement, after which I will recognize Members by seniority for five minutes. As discussed earlier, Members will have the opportunity to ask follow-up questions in the blocks that are designated. So let me state for the purposes of Members: We have 30-minute blocks. There is time allotted in that block for additional questions. There is not time in that block for everybody to have five minutes of additional questions. And I will state for Members, as the Vice Chairman and I have talked, at the end of 30 minutes, regardless of where we are in that block with those Senators, I will cut it off because we've got a dead stop for this room at 12:00. So I thank every Member for their accommodations.

With that, Congressman Ratcliffe, the floor is yours.

OPENING STATEMENT HON. JOHN L. RATCLIFFE, NOMINEE TO BE DIRECTOR OF NATIONAL INTELLIGENCE

Congressman RATCLIFFE. Chairman Burr, Vice Chairman Warner, and distinguished Members of the Committee, I'm honored to appear before you today as the President's nominee to be the next Director of National Intelligence.

Before I begin, I'd like to acknowledge the efforts of the Committee staff, my own staff, as well as many officers at the Office of the Director of National Intelligence who helped get us here today. I appreciate their dedication in making today possible.

I'd also like to share a few thoughts on the challenging times we face today. The COVID–19 pandemic has cut short the lives of over 67,000 Americans. It has sickened over 1 million Americans, and it has impacted every one of us. My deepest sympathies are with those we've lost, and I salute the efforts of those on the front lines, including the dedicated Intelligence Community professionals reporting for duty in carrying out their mission. These are truly trying times and your courage, honor, and sacrifice will not be forgotten.

I'd like to begin by thanking President Trump for his incredible opportunity for me to serve our Nation and for his confidence in me. I'd also like to thank former U.S. Attorney General John Ashcroft for his gracious and humbling statement. I am forever grateful for your faith in me.

I also want to recognize and thank Senator Cornyn for his kind words, and my fellow Texans for their support. It has been the privilege of my life to represent the constituents of the Texas 4th Congressional District.

Finally, and most importantly, there's no way I could be with you today without the encouragement and support of my family. I'd like to recognize and thank my amazing wife Michele, our truly wonderful daughters Riley and Darby, my mom Kathy, and my five brothers and sisters—Kitty, Bob, Sharon, Pam, and Larry. Watching from above, I'm sure, is my late dad, Robert Ratcliffe. My career in public service is a direct reflection of my family's selflessness, their sacrifice, their enduring love of country, and for me. I simply don't have the words to adequately express my gratitude.

My journey here today has been a mixture of public service and private sector experience. I graduated college at age 20, law school at age 23, tried my first case at age 24. A decade later, I was managing partner of my own law firm and, by most measures, I was successful.

But something was missing. As the son of two public school teachers, I was taught from an early age the virtues of public service and self-sacrifice. Reflecting back, I realize it was those values that pushed me to a higher calling, one of service to the American people. The catalyst for me came on September 11, 2001. When the first plane struck, I was sitting on the 35th floor of a high-rise office building in Dallas, Texas, that looked a whole lot like the ones in New York that were under attack.

I watched so many Americans give their lives that terrible day. And in the months that followed, I watched many more sacrifice so much to defend the United States. And it inspired me to take stock of all the gifts that I had been given and what I might contribute to the defense of this great Nation.

Within a few years, I changed careers altogether. I left that civil law practice behind to become a Federal prosecutor in the United States Department of Justice. And during my four years in the U.S. Attorney's Office for the Eastern District of Texas, I served as Chief of Antiterrorism and National Security, First Assistant U.S.

Attorney, and, finally, U.S. Attorney. My daily responsibilities involved leading and managing, directing and prosecuting national security cases and related matters, including domestic and international terrorism, drug and human trafficking, transnational crime, and illegal immigration, among others.

I led and managed the District's Joint Terrorism Task Force activities and work closely with Justice Department officials and FBI on terrorism prevention, the overriding priority for the Department of Justice. In these roles, I came to appreciate the value of coordinated and integrated interagency efforts and the importance of timely, accurate, and objective intelligence in keeping Americans safe.

For the past six years, I've been fortunate to serve with you all in here in Congress. I've continued to prioritize national security issues seeking assignments on the House Intelligence, Judiciary, and Homeland Security Committees. Although serving the citizens of the 4th Congressional District of Texas has been the honor of a lifetime, I believe that my passion for service combined with my experience, my abilities, and my judgment make me the right person to now successfully lead the men and women of the Intelligence Community.

If confirmed as DNI, my top priority will be to present the President, senior policymakers, and this Committee with objective and timely intelligence to better inform decisions about the future and safety of our great Nation. As the President's principal intelligence advisor, I would ensure that all intelligence is collected, analyzed, and reported without bias, prejudice, or political influence.

I see the Director of National Intelligence as more than just a leader, a manager, an integrator. The DNI must at all times be an arrow catcher, a problem solver, an obstacle mover for the IC. Addressing issues, resolving conflicts, and putting tools and resources in the right place at the right time. And always, always, the DNI must be the voice to advocate for and defend the interests of the IC and its people.

If confirmed as DNI, you have my commitment to deliver timely, accurate, and objective intelligence and to speak truth to power, be that with Congress or within the Administration.

Let me be very clear, regardless of what anyone wants our intelligence to reflect, the intelligence I will provide, if confirmed, will not be impacted or altered as a result of outside influence. Above all, my fidelity and loyalty will always be with the Constitution and the rule of law, and my actions as DNI will reflect that commitment.

Many of you have asked me what I see as the greatest threats facing our Nation. The reality is that the threat landscape today is diverse, dynamic, and geographically diffuse, more so than ever before. I believe the immediate focus of the IC must be directed to the geopolitical and economic impact of the coronavirus pandemic as well as its origins. The American people deserve answers and, if confirmed, I pledged that the IC will remain laser focused on providing them.

We face enduring challenges on other fronts as well. These include China, from the race to 5G to preventing cyber espionage. Russia and its continued efforts to undermine our democracy by

interfering in free and fair elections. Iran and its continued pursuit of nuclear capabilities, ballistic missiles, and sponsorship of terrorist groups. North Korea and its continued possession of nuclear weapons and delivery systems. And transnational issues like cybersecurity, safeguarding our supply chains, and of course, preventing terrorist attacks or a resurgence of ISIS. This list is by no means exhaustive.

To address the full spectrum of threats and threat actors, the IC must work continuously to earn the trust of the President, the Congress, and the American people. At its core, the DNI position is about leadership. If confirmed, I hope to be a stabilizing force to build trust and break down barriers to information-sharing as warranted in order to sharpen the analytic work of the Intelligence Community.

For me, the ODNI remains the office best positioned to lead integration of the Intelligence Community. We can never underestimate the value of truly integrated intelligence operations or analysis, or assume that agencies would do so on their own without strong leadership from above. That said, I believe every government agency must constantly review its operations to ensure it is setting the right priorities, achieving mission objectives, and spending taxpayer dollars effectively and efficiently. If confirmed, I will work with IC leaders to assess what is working well and where we need to make adjustments to make the Community more effective, efficient, and resilient.

In closing, to remain the world's premier intelligence enterprise the IC must continue to recruit and retain the best, brightest, and most diverse workforce our Nation has to offer. The men and women of the IC are dedicated civil servants who rarely, if ever, receive the full recognition of their sacrifice to country and dedication to the mission of keeping Americans safe, secure, and free.

As DNI, there will be no greater champion of their hard work and dedication to this country than me. I'm honored by the opportunity to be able to be here with you today, and I thank you for your consideration of my nomination during these difficult times.

I look forward to answering your questions.

[The prepared statement of Mr. Ratcliffe follows:]

The Honorable John L. Ratcliffe

Nominee for the Position of
Director of National Intelligence

Statement for the Record
Before the Senate Select Committee on Intelligence

May 5, 2020

Chairman Burr, Vice Chairman Warner, and distinguished Members of the Committee – I am honored to appear before you as the President's nominee to be the next Director of National Intelligence (DNI). Before I begin, I would like to acknowledge the monumental efforts of the Committee staff, my own staff, as well as the many officers at the Office of the Director of National Intelligence (ODNI) who helped get us here today. I know there is a tremendous amount of preparation that goes into a confirmation hearing in the best of times. These past few weeks have been particularly challenging for everyone, and I appreciate their dedication to making today possible.

Before we begin, I would like to share a few thoughts on the coronavirus pandemic. Like many of you, I have questions about what exactly caused the outbreak, what if anything could have slowed the spread, and where we go from here. I am sure we will get into that discussion today. But it is important to take a moment to recognize the human cost. This pandemic has cut short the lives of over 60,000 Americans to date. It has sickened over a million Americans, and it has impacted us all. My deepest sympathies are with the victims and their families. I salute the efforts of all those on the front lines risking their own health and safety to help victims and carry out essential functions. That includes the dedicated Intelligence Community (IC) professionals reporting for duty and carrying out their mission here and around the world, regardless of the risk. These are truly trying times, and your honor and sacrifice will not be forgotten.

I would like to begin by thanking President Trump for this incredible opportunity and for his confidence in me. I'm humbled by the prospect of working side-by-side with the dedicated men and women of the world's finest intelligence enterprise.

I would also like to thank former U.S. Attorney General John Ashcroft for his kind, gracious, and humbling statement. General, you have been a leader here in this Senate and have been a protector of liberty, the rule of law, and our national security during the challenging years after the terrorist attacks of 9/11. I am forever grateful for everything that you have done for me, and for your faith in me. If confirmed, I will not let you down; so, thank you very much.

I certainly also want to recognize and thank my fellow Texans. It has been the privilege of my life to represent the constituents of Texas' Fourth District here in Congress. I will forever owe all of you a debt that I can never properly repay.

Finally, and most importantly, there is no way I could contemplate undertaking an endeavor like this without the encouragement and support of my family. I would like to thank my wife, Michele, and my daughters, Riley and Darby. Back in Texas, but with me in spirit, is my mom, Kathie, as are my five sisters and brothers, Kitty, Bob, Sharon, Pam

and Larry. Watching from above, I'm sure, is my dad, Robert Ratcliffe. Like many of you, my career in public service is a direct reflection of my family's selflessness, sacrifice, and their enduring love of country and for me. I simply have no words to adequately express my gratitude to all of them.

While my journey here today has been a mixture of public and private experience, of positions in and out of politics, it has been largely shaped by my desire to serve the public. An important value instilled in me as the son of two public school teachers, I believe there is no higher calling than serving the American people. This passion for service, combined with my experience, abilities, judgment, temperament and relationships, make me the right person to successfully lead our intelligence enterprise at this point in our country's history.

In 2005, I became a federal prosecutor in the U.S. Department of Justice. During my four years in the U.S. Attorney's Office for the Eastern District of Texas, I served in various roles, including Chief of Anti-Terrorism and National Security, First Assistant U.S. Attorney, and finally as the U.S. Attorney. It was in these roles that I first learned the value of coordinated and integrated interagency effort, and the importance of information sharing among federal, state, and local partners.

During those four years, my daily responsibilities involved managing, directing and prosecuting national security and terrorism-related matters. As its Anti-Terrorism Advisory Coordinator, I led and managed the district's Joint Terrorism Task Force activities, working closely with other members of the Department of Justice, the Federal Bureau of Investigation (FBI), and state and locals. In these roles, I gained a new understanding and appreciation for the federal intelligence enterprise and the critical importance of timely, accurate, and objective intelligence in keeping Americans safe.

For the past six years, I've been fortunate to serve as the U.S. Representative for the 4th Congressional District of Texas. In this role, I have prioritized national security issues through active participation on the House Intelligence, Judiciary and until recently, the Homeland Security Committees. I also serve on the House Ethics Committee, where I work to ensure the Congress remains transparent and accountable to the American people.

Although serving the constituents of the 4th Congressional District of Texas has been the honor of my lifetime, if confirmed, I look forward to serving a new group of constituents – the President of the United States, this Committee, the broader Congress, the great men and women who comprise the IC, and the American people.

If confirmed as the DNI, my top priority will be to present the President, the National Security Council, and senior policymakers and this Committee, with objective and timely intelligence to help better inform decisions concerning the future and safety of our great Nation.

As the President's principal intelligence advisor, the DNI has both a responsibility and duty to ensure that intelligence informs strategic, tactical, and operational national security decisions and policies; and to every extent possible, is collected, analyzed and reported without bias, prejudice, or political influence.

If confirmed, I will be a champion for the professional women and men of the IC and their craft through appropriate engagement with Congress and other intelligence consumers and stakeholders. I see the DNI as more than just a leader, manager and integrator. The DNI must at times be an arrow catcher, a problem solver, and an obstacle mover for the respective agencies – addressing issues, resolving conflicts and ensuring that tools and resources are in place. And always, the DNI must be the voice to advocate for, and defend the interests of, the IC and its intelligence warriors.

In directing such an enterprise, I will at all times pursue this mission within the authorities granted by statute, Executive Order, and other guidance from the President and Congress to lead the 16 other IC elements and the ODNI.

The President understands that the role of principal intelligence advisor demands the delivery of national security analysis and assessments that at times will include uncomfortable and unwelcomed news. The President and I have a good rapport, and I believe he respects and trusts my ability to offer clear, concise, and substantive viewpoints on the pressing national security matters. If confirmed as the DNI, you have my commitment to deliver accurate and objective intelligence, and to speak truth to power, be that with this Committee or within the Administration. I also look forward to strengthening the relationships among the Community, the Administration, and the Congress, relationships that are so vital in ensuring our Nation remains secure.

In my various conversations with many of you prior to this hearing, I was asked what I saw as the greatest threats facing our nation, what qualifications I will bring to bear, and what areas I plan to focus on during my tenure. Let me begin with threats.

The threats that we face today are more diverse, dynamic, and geographically diffuse than ever before. In no particular order, I see several issues as some of the most challenging we currently face:

- China: From the race to 5G to preventing cyber espionage, we need to make sure we are not just observing the growing threat from a distance. We must ensure we have the resources and skills to counter this threat, and that we are actively working to do so. In addition, we must understand the geopolitical and economic impacts of COVID-19, as well as China's role in the spread of the virus.

- Russia: We know that Russia and other foreign state actors continue to seek opportunities to undermine our democracy by interfering in our elections as well as our allies. They have sought to interfere before and will continue to do so. We must ensure the IC is postured to support a whole of government approach to thwart such efforts in 2020 and beyond. Among other challenges, Russia continues to develop hypersonic weapons and other advanced capabilities that will test our defense posture and threaten our space assets.

- Cybersecurity and Supply Chain Security: Cybersecurity and supply chain security remain critical to the safety and security of the American people and our intelligence enterprise. We must continue to make smart, proactive investments in the workforce and technologies of the future.

- Terrorism: Preventing terrorist attacks, here in the homeland and overseas, remains of critical importance. While we must continuously balance limited resources across IC missions, we must remain vigilant against the threat of terrorism; our hard-won gains can be reversed. We must not allow ISIS to see a resurgence or allow state sponsors of terrorism like Iran to gain new footholds. If confirmed, I will work to ensure the IC supports the Department of Defense, as well as foreign allies and partners in fighting terrorist threats abroad, and the FBI and other law enforcement entities in fighting terrorist threats at home.

- Foreign Malign Influence: Also of grave concern are the impacts of misinformation generated by state adversaries seeking to fuel societal discord and violence. These campaigns can impact lives of many Americans and cripple our economy. In today's information age, it is not always easy to separate fact from fiction. It is critical we work to understand our adversaries' plans and intentions, devise ways to counter their efforts to further divide and weaken us, and inform the public to the maximum extent possible. Counterintelligence threats from state and nonstate actors must also remain a focus of the IC.

- North Korea: The North Korean regime's continued possession of nuclear weapons and pursuit of systems capable of delivering them remains deeply concerning. The threat these weapons pose to the United States and our allies in

the region cannot be overstated. We must remain focused on this threat and ensure policymakers have the information they need.

- Iran: The Supreme Leader's continued pursuit of ballistic missiles, advanced conventional weapons, and a nuclear capability remains a grave threat to the interests of the United States and our allies. Iran's aggressive state sponsorship of terrorist groups and proxies in the region and around the world is an immense security challenge. The IC must be postured to provide critical early warning, analysis on Iran's nuclear research activities, and provide support to sanctions, and those who assist Iran in thwarting them, in pursuit of the maximum pressure campaign.

This list is by no means exhaustive. We also face real and emerging threats from rising political instability in places like Syria, Afghanistan, and Iraq; extremist threats from failed states such as Yemen, Somalia, and Libya; challenges in space, quantum computing, and artificial intelligence; increasing counterintelligence risks worldwide; and again, the unknown structural changes and risks likely to emerge around the world from a global pandemic.

To address these challenges, the IC needs leadership that has the trust of the President, the Congress, and other IC leaders. I hope to be that stabilizing force, using my experience as a prosecutor, U.S. Attorney, and Member of Congress. My record reflects that I have extensive national security and intelligence experience from positions held in the Department of Justice and the U.S. House of Representatives. In particular, my experience integrating and coordinating national security information and priorities at the federal level, between federal agencies, and with state and local partners in a non-partisan manner is directly transferrable to one of the core job responsibilities of the DNI.

My demonstrated leadership in managing federal civil servants and budgets in pursuit of national security objectives while upholding legal and constitutional protections has likewise provided invaluable preparation for some of the management challenges of this position.

Similarly, my experience in Congress, successfully legislating in the area of integration, coordination, and sharing of national security information and intelligence to protect against a wide range of threats to our national security underscores my ability and commitment to bipartisanship and consensus building

My leadership and oversight roles in Congress have also provided important insights into the components within the DNI's jurisdiction and the National Intelligence Program

budget, and the corresponding obligations to provide Congress with accurate and timely information.

I believe my ability to lead, manage, integrate, coordinate across multiple entities, and drive solutions in a nonpartisan manner makes me well qualified to lead the IC, and to advocate, elevate, and augment the vitally important efforts of the men and women who dedicate their lives to its mission.

In preparation for this opportunity, and in many of my conversations with all of you, I was often asked whether the ODNI is truly integrating the work of all 17 IC elements, and whether it is focusing resources on the most critical threats to prepare our country for both near term and long-term challenges. Allow me to share what I have learned.

The men and women supporting the ODNI are dedicated career civil servants from across the IC. Much of the ODNI workforce is comprised of staff on rotation from other IC agencies to integrate the diverse interagency cultures, skills, and talents. So, rather than being yet another large bureaucracy, in many ways, the ONDI represents the best of the IC.

For me, the original intent of the ODNI—as many of you initially envisioned and worked so hard to create—stands firm. The ODNI continues to serve as an integrating agency, created in a post 9/11 environment, to eliminate stove-piping by individual intelligence agencies and ensure collaboration and integration across the intelligence elements. I do not think we can ever underestimate the value of truly integrated intelligence analysis and operations or assume that agencies would do so on their own without a forcing function.

I have also been asked about the size of the ODNI – specifically if it is too large, too duplicative, and whether it is focused on the most critical threats. From my time on the House Intelligence Committee, conversations with my predecessors, and firsthand experience preparing for this opportunity, I have been in awe of and impressed by the talent the ODNI has acquired and the professionalism of its workforce, and its responsiveness to their gamut of responsibilities.

That said, I believe every government agency must constantly review its operations to ensure it is setting the right priorities, achieving mission objectives, and spending taxpayer dollars efficiently. If confirmed, I will work with IC leaders to assess what is working well and where we need to make some adjustments. I want to ensure that our resources are aligned to address the most critical threats we face now and in the future, and that we are eliminating, wherever possible, barriers to our success. If confirmed, I plan to approach every decision regarding the ODNI with the question of "does this make

the community more effective, more efficient, and more resilient?"

If confirmed, a top priority would be working to assess the ODNI and its alignment with its core mission. I will look at where is it being a successful enabler, where it provides necessary and purposeful redundancies, where unnecessary ones can be eliminated, where there are gaps and how we fill these gaps or reorient our efforts. I fully understand and appreciate how scarce resources are and ensuring both the ODNI and the Community are resourced for maximum mission impact will be my focus.

If confirmed, I would also work tirelessly to ensure the IC remains focused on the strategic threats we face, from state and non-state actors alike, to cyber threats and WMD; from terrorism, economic and election security, to security concerns from China's use of advanced technologies like 5G. My goal would be to ensure the IC is organized and has the resources to stay on top of these threats over the short and long-term.

Critically, to remain the world's premier intelligence enterprise, the IC must continue to recruit and retain the best and brightest workforce our nation has to offer. Frankly, this is going to be one of the IC's key challenges moving forward. While government service will never be able to compete with compensation offered by the private sector, that is not why career professionals do the job. The women and men of the IC are dedicated civil servants who rarely, if ever, receive the recognition of their sacrifice to country and mission. To that end, I will work to ensure these dedicated professionals are fully empowered to execute their duties and complete our shared mission objective of keeping Americans safe, secure, and free. As DNI, there will be no bigger champion of their hard work and dedication to this country than me.

There is nothing more imperative than maintaining the integrity and objectivity of intelligence analysis and information. If confirmed, I will ensure that the integrity of this institution remains strong, that we recruit and retain the best employees, that we speak truth to power, and that the men and women of the IC analyze intelligence using our established analytic tradecraft standards.

I am honored by the opportunity to be here with you today, and I thank you for your consideration of my nomination. I look forward to answering your questions.

Chairman BURR. Congressman, thank you for those remarks.

We'll go into the first block of time consumed by the Chair, the Vice Chair, Senator Risch, Senator Feinstein, and Senator Rubio. Members will have up to five minutes. I'll try to bank some time.

Congressman Ratcliffe, several questions.

When you're confirmed to be DNI, you'll be walking into an organization that's been led for quite some time by acting officials. It applies to the position for which you've been nominated, but also more recently to the Inspector General's Office. Independence and ability to speak truth to power are critical in both offices.

Can you speak to your views of the importance of the Intelligence Community's Inspector General and your expectations of that office as DNI?

Congressman RATCLIFFE. Senator, thank you for the question. You made reference to acting officials. I have been an acting official for a period of time. I was Acting U.S. Attorney, so I have an appreciation for why Senate-confirmed leadership does make a difference and is important, and I appreciate this Committee considering me in that regard.

I also appreciate the comments that you've made as has Vice Chairman Warner about speaking truth to power, and I very much intend to do that if confirmed as DNI.

With regard to the Inspector General position, I have a strong record of supporting and defending and working with Inspectors General. For example, I have publicly defended Inspector General Michael Horowitz, even when some of my colleagues have criticized his work, and even when I have disagreed with some of his opinions. But I understand the role and the importance of the Inspectors General because there will always be misconduct, waste, fraud, and abuse when you have government.

I am very committed, if confirmed as DNI, to working with the Inspector General to make sure that the Intelligence Community has that type of process in place to ensure that the Intelligence Community is always acting in the best interest of the American people.

Chairman BURR. Congressman, over the course of the last three years this Committee has issued four reports about Russia's meddling in our elections, covering Russia's intrusions into State election systems, their use of social media to attempt to influence the election, and most recently confirming the findings of the 2017 Intelligence Community assessment.

While being mindful of the fact that we're in an unclassified setting, what are your views on Russia's meddling in our elections?

Congressman RATCLIFFE. Chairman, my views are that Russia meddled in or interfered with active measures in 2016. They interfered in 2018. They will attempt to do so in 2020. They have a goal of sowing discord, and they have been successful in sowing discord. Fortunately, based on the work, the good work of this Committee, we know that they may have been successful in that regard, but they have not been successful in changing votes or the outcome of any election. The Intelligence Community, as you know, plays a vital role in ensuring that we have safe, secure, and credible elections and that every vote cast by every American is done so properly and counted properly.

Chairman BURR. Will you commit to bringing information about threats to the election infrastructure and about foreign governments' efforts to influence elections to Congress so we're fully and currently informed?

Congressman RATCLIFFE. I will.

Chairman BURR. Will you commit to testify at this Committee's annual worldwide threats hearing?

Congressman RATCLIFFE. I will.

Chairman BURR. And last question, I mentioned that over the past three years we have issued four reports. Number five is finished. Number five will go for declassification.

Do we have your commitment as DNI that you would expeditiously go through the declassification process?

Congressman RATCLIFFE. You do.

Chairman BURR. Senator Warner.

Vice Chairman WARNER. Thank you, Mr. Chairman. You actually took some of my questions.

Chairman BURR. My eyesight is good.

[Laughter.]

Vice Chairman WARNER. Mr. Ratcliffe, again, good to see you, and I appreciated our time last Friday. I want to follow up on a couple of the Chairman's questions first.

You know, as we discussed, we are at Volume 5, and so far our first four volumes have all been unanimous, or I think maybe with the exception of one dissenting vote. If we get this document to the ODNI, we need your commitment not only that we do it expeditiously, but as much as possible to get that Volume 5 reviewed, redacted, and released ideally before the August recess.

Now, I know you've not seen the report yet. All I would ask is aspirationally that you commit to that goal because I think as we discussed, to have a document that could be potentially significant come out in the midst of a Presidential campaign isn't good or fair on either side. So, if I could clarify a little bit recognizing that you've not seen the document—it's 1,000 pages—that you would try to get this cleared prior to August?

Congressman RATCLIFFE. Vice Chairman, I will again commit that I will work with you to get that declassified as expeditiously as possible.

Vice Chairman WARNER. Again, our goal is to get it up before August. Again, following up on the Chairman's comments, and we talked about this in person, but I want for the Committee and for the public record, you've indicated that you do believe that Russia interfered. What this Committee's judgment was, particularly in Volume 4, but throughout all volumes, was that not only did Russia interfere, but during their interference in 2016 they had a selected candidate they were for and a selected candidate they were against. For candidate Trump, against candidate Clinton.

Have you had a chance to review our documents, and have you reached a similar conclusion—a conclusion that actually reinforces the unanimous conclusion of the Intelligence Community assessment—or can you comment on our Volume 4?

Congressman RATCLIFFE. Senator, I very much appreciate the bipartisan approach in which this Committee addressed that issue.

I did have a chance to review Volume 4, which I know confirms the IC assessment.

I have no reason to dispute the Committee's findings. I will say that I have no reason to dispute the Committee that I serve on, HPSCI, the House Intelligence Committee's finding, which is a different perspective with regard to that one issue that you mentioned, about a preference for a candidate. I was not on the Committee at that time. I respect both Committees, but I have not seen the underlying intelligence to tell me why there is a difference of opinion between the two Committees.

But I, again, very much appreciate Volume 4 and the work that this Committee put in. And again, I would reiterate: the most important take away from the findings I think of both Committees is that as Russia continues to sow discord, that they have not been successful in changing votes or the outcome of an election, and we need to remain committed to making sure that that does not happen in the future.

Vice Chairman WARNER. Respectfully, to me, to make that kind of assessment and decide how we're going to prevent Russia's further interference in 2020, if they have a clear preference for one candidate over another, that would just also alter how we counter those efforts. So I really hope that you will spend the time and look at the underlying intelligence. If you find that you reach a conclusion that is different than the unanimous conclusion of the Intelligence Community or the unanimous conclusion of the SSCI here, I would expect a brief on that and pointing out how you found our conclusions or the IC's conclusions were inaccurate.

You commit to come back to us if you reach a different conclusion once you've reviewed that underlying intelligence?

Congressman RATCLIFFE. I will.

Vice Chairman WARNER. One of the things we also discuss, an area of the Community that seems under assault with the acting ODNI, and that is the Election Security Unit. There are obviously different parts of the IC. The NSA has a group. The CIA has a group. But one of the most important is the group that was stood up by Director Coats. It includes intelligence professionals like Shelby Pierson. They have briefed us on a regular basis.

I would like your commitment that since we are literally less than six months away from this year's Presidential elections that you will not take any efforts to dismantle the current leadership of the Election Security Unit or the current capabilities of the Election Security Unit this close to the 2020 election.

Congressman RATCLIFFE. Senator, I have no intention of making changes in that regard.

Vice Chairman WARNER. And that that unit, should they have data that is relevant and appropriate for this Committee's responsibility, that that unit will be able to continue on a regular basis to brief this Committee.

Congressman RATCLIFFE. Senator, I want to make sure that I am clear throughout the day that if confirmed as DNI—and I look at the global threat landscape—I mentioned, the global pandemic, and the IC role with respect to that—but the other immediate concern is safe, secure, credible elections and I will do everything and make

it my highest priority if confirmed to do everything possible that we have those safe, secure, credible elections in 2020.

Vice Chairman WARNER. But it is important, again, that that group who has briefed this Committee on a regular basis continues to have that ability to brief. And again, echoing what the Chairman has said, and—I don't know whether our clocks are running.

Chairman BURR. They are not running.

Vice Chairman WARNER. Well, you will give me a high sign?

Chairman BURR. You're good.

Vice Chairman WARNER. Let me ask my last question then. Should you be confirmed, we are already past the due date on when we would have the traditional worldwide threat hearing. You have committed to the Chairman that you would hold that hearing. My hope would be that that commitment would take place within 60 days of you being confirmed.

Congressman RATCLIFFE. Senator, I will make a commitment to—I look forward, if confirmed, to appearing as a DNI in a worldwide threats hearing. I don't want to make a commitment in terms of time that I don't know what I am promising exactly. What I will make the commitment is that if confirmed I agree that it is important and I will work to make that happen as expeditiously as possible.

Vice Chairman WARNER. Thank you.

Thank you, Mr. Chairman.

Chairman BURR. Senator Risch.

Senator RISCH. Thank you, Mr. Chairman.

Congressman Ratcliffe has been incredibly generous with his time with me. I have had an opportunity to spend some time with him. I have all of the questions that I need answered from him already. Indeed, most of them aren't available for discussion in an open setting like this. But in the interest of keeping you on time and on schedule, I am going to yield back my time since I do have answers to my questions. So, thank you.

Chairman BURR. I thank you, Senator Risch.

With that, Senator Feinstein.

Senator FEINSTEIN. Thanks very much, Mr. Chairman.

Congressman, welcome.

Congressman RATCLIFFE. Thank you.

Senator FEINSTEIN. I would like to ask you a couple of questions about whistleblowers if I might. This Committee has adhered to a tradition of protecting whistleblowers. However, it is my understanding that your participation in President Trump's campaign to punish and discredit one IC whistleblower suggests you do not align yourself with this bipartisan approach.

Let me give you an example.

During a December 11 hearing of the House Committee on the Judiciary, you claimed without any evidence that the whistleblower got caught making a false statement.

On December 12 you tweeted that the whistleblower didn't tell the truth both verbally and in writing. You also attacked HPSCI staff for providing guidance to potential whistleblowers on how to lawfully make a disclosure.

Here's the question: if you are confirmed do you believe that your past remarks concerning the Ukraine whistleblower will discourage

IC whistleblowers from exercising their rights consistent with the law to make protected disclosures?

Congressman RATCLIFFE. Senator, thanks for the question.

I want to make it very clear. If confirmed as DNI, every whistleblower past, present, and future will enjoy every protection under the law.

I don't want to relitigate old issues of what happened during the impeachment inquiry. My issue was not with the whistleblower. My issue was with what I perceived as a lack of due process in the House process. Again, I don't want to relitigate the issue, so I will leave it at that, but every whistleblower can expect full protection under the law.

Whistleblowers are so important. A whistleblower doctor in China is one of the reasons we got an earlier warning, so I will make that commitment to you, Senator.

Senator FEINSTEIN. Thank you very much. I appreciate that.

On the evening of April 3, President Trump announced that he was firing Mr. Atkinson because he had sought to transmit to Congress a credible whistleblower complaint of urgent concern, one that was required by law to be transmitted to Congress.

Do you share the belief of Members of this Committee and the Senate that Mr. Atkinson was improperly fired, despite the fact, as Acting Director Maguire said, he did everything by the book and followed the law?

Congressman RATCLIFFE. Well, Senator, I appreciate the question, and I think before you entered the room I talked about my history and strong support of working with Inspectors General. I talked about Inspector General Horowitz who is someone I went to when I thought that there was a problem with the misuse of intelligence authorities and very much appreciated his approach and work, and some of the concerns that I raised were presented in his findings and his report.

With respect to Inspector General Atkinson and the situation that you described, I don't have enough information to answer your question and if I can explain why. I will tell you that my dealings with Inspector General Atkinson, I had no issues. I think he did what he thought was right. I think he did think that he was following the law.

The flip side to that is that the legal opinion within the ODNI from the General Counsel and from the Department of Justice Office of Legal Counsel—my reading of it is that their determination was that he may have exceeded his authority because the investigation involved issues that were not intelligence activities or Intelligence Community employees. That is a legal question that I don't know the answer to.

Again, I very much want to reiterate that, if confirmed, how important Inspectors General are in government and my strong history of working with them. And I understand, although he's in an acting capacity, that Inspector General Tom Monheim is in that role. I don't know him but he's a 30-year veteran, very well respected, so I hope to have the opportunity to work with him.

Senator FEINSTEIN. Thank you. I appreciate that answer.

If confirmed, do you commit to directing all IC agencies to cooperate fully with Congressional oversight requests regarding

COVID–19, and to promptly produce for the full membership and staff of the Congressional Intelligence Committees all intelligence requested by Congress regarding COVID–19?

Congressman RATCLIFFE. Senator, thanks for the question.

Senator FEINSTEIN. And that is meant to be a broad question.

Congressman RATCLIFFE. It is and I appreciate the question. In my opening remarks, and then I think reiterating in one of my responses, that the immediate concern that I have is getting answers from the American people through the Intelligence Community if confirmed. If confirmed the Intelligence Community will be laser focused on getting all of the answers that we can regarding how this happened, when this happened. And I commit to providing with as much transparency to you as the law will allow and with due regard for sources and methods—that everything be provided as quickly as possible.

Senator FEINSTEIN. Thank you. Just a couple of questions quickly about hard targets.

In your view, is the IC doing enough to collect against hard targets like North Korea?

Congressman RATCLIFFE. Senator, as you know the challenge with North Korea is visibility. And I think that my impression from the outside, like you as a Member of an Oversight Committee of Intelligence, is that we have very good collection. I'm only caveating it because, if confirmed as DNI, I may have a different viewpoint or more information to look at. I would make it a priority, you know. I think collection, obviously, and analysis of our intelligence is what makes this the greatest intelligence enterprise in the world. And I will commit that if we are not doing enough, Senator, I will make it a high priority to improve any standards that we may need to employ.

Senator FEINSTEIN. Thank you, Mr. Chairman.

Congressman RATCLIFFE. Thank you.

Chairman BURR. Senator Rubio.

Senator RUBIO. Thank you.

Congratulations on your nomination. I think that's you. People are watching on television. They can't see how far away we are. We've gotten to know each other a little bit over the years, not in the setting of intelligence, but through mutual friends.

So I just kind of want to ask you a very simple and straightforward question. You have an accomplished career. You are, by electoral standards, in a seat that would be considered by the "Cook Report" as a safe District. You seem to be enjoying your work.

Why are you doing this? And I don't mean that in a negative way. I mean, obviously you've exposed yourself to criticism, and the climate today in politics is pretty intense. I think the most fundamental part of my question is why is this a job that you are willing to step forward and do at this time?

Congressman RATCLIFFE. Senator, I appreciate the question. I appreciate the time that we've had to get to know each other when you've come over to the lower House to visit with us.

First of all, I think any time the President asks you to do something for your country, you ought to consider if there's a way for you to salute smartly and say yes.

But beyond that, you have to want this job. And for the same reason I in my opening talked about leaving successful law practice to make a fraction of that to be a Federal prosecutor—the mission is too important. And what the Intelligence Community means, how it has positioned the United States as the world's superpower, and I think everyone knows that the relationship between the Intelligence Community, Congress, the President, and across the board right now is something that's at issue. We've got intelligence authorities and their uses being questioned.

I realize it's sort of a difficult time, but DNI, again, the core responsibility is leadership and it's easy to raise your hand when things are going perfectly. It's harder to raise your hand when they're not. And the mission is too important, keeping Americans safe, and the opportunity to lead is something that I want to do.

And I guess I will say this, it's been the privilege of my life to serve as a Member of Congress. But the best job I ever had was to be the United States Attorney. What I loved about it was it was an apolitical position. I stood up always to represent the United States of America. Never one party or another. And I very, very much view that as this role for the DNI. I look forward to treating every Member—Republican and Democrat—exactly the same way, and frankly, being out of politics.

Senator RUBIO. That's an important question, because I've heard some of the skepticism that's been raised is about experience and the experience needed to lead this intelligence enterprise. And it's my view you actually have a pretty extensive experience, both on the Committee and in the House, Homeland Security and Intelligence and also on Judiciary. And then your work, as I said, as a U.S. Attorney.

What is it, and what you have done, during your career that you believe prepares you best for the role you now have of overseeing all of these different pillars of our intelligence capabilities?

Congressman RATCLIFFE. Well, I think, as was mentioned earlier, I've now seen intelligence from three different vantage points: as an end-user and a developer, as a consumer of intelligence, and as an overseer of intelligence. And as far as experience, I started handling national security issues back in 2005, and that included intelligence authorities. My first exposure with FISA was 2005. And in trying to respond to this Committee, we found that in at least one instance, the authorities that I used remain, or the matters that I worked on, remain classified. So from an experience standpoint, as far back as 2005, I've been using those authorities.

But I think the role of U.S. Attorney in particular, and my time as Chief of Antiterrorism for four years is particularly well-suited and analogous to the DNI. So as U.S. Attorney, I was running a federated enterprise working across Federal agencies, integrating, coordinating, sharing information, and doing so in an apolitical way. And that's very much what the Director of National Intelligence does. Integrates and coordinates across all 17 intelligence agencies, making the Community better so that it can make Members of Congress, the President, and our policymakers better informed on national security decisions.

My time in Congress as well, the committees that I've been on: legislating, creating national security laws. I think I've got a broad,

deep, and more than qualified level of experience when we talk about national security issues. And I also think I've got good judgment because I've identified when there are problems with the use of intelligence authorities. And I've spoken truth to power when I've seen it misused.

Senator RUBIO. I enthusiastically support your nomination and I look forward to voting for you on the Committee and again on the floor. Thank you.

Chairman BURR. If any Member currently has one additional question, I'll be happy to entertain them. Senator Feinstein. If you got a quick one.

Senator FEINSTEIN. I could ask one question. It's something that I have followed—tried to cure. I've been very concerned by the growth of contractors over the last 20-plus years in the agencies. And when I was Chairman of the Committee, we made a big push to ensure that all inherently government functions of the IC were performed by government employees and not contractors. It's my understanding that that effort continues today and we made substantial progress over the two decades in this.

What is your view on the appropriate use of contractors in the Intelligence Community?

Congressman RATCLIFFE. Senator, I'm not saying this because you are considering me for the position as the nominee, but I agree with every word you just said with regard to contractor use and how it should be limited and where government employees should be doing government functions. I know there's always a look in terms of ratios and the percentages. I'm not a one-size-fits-all person.

If confirmed as DNI, I'll look at where things stand right now. But the concern that you have, the sentiment that you expressed—let me just reiterate that I agree with you completely and look forward to working with you on this issue if confirmed.

Senator FEINSTEIN. Thank you. Thank you, Mr. Chairman.

Chairman BURR. Thank you, Senator Feinstein. With that, the first block of time has expired. The Chair would move to the second block of time and go somewhat out of order because Senator Wyden is not here. I will turn to Senator Collins for any questions.

Senator COLLINS. Thank you, Mr. Chairman.

Congressman, I appreciated the opportunity to talk with you last week. As one of the authors, along with former Senator Joe Lieberman, of the 2004 law that created the Director of National Intelligence position, I have a special interest in making sure that the leader of the Intelligence Community fulfills what we envision. In that regard, I appreciated the opportunity to review your background with you in depth to make sure that you met the statutory standard of having extensive national security expertise.

So today, I want to turn to a different issue. As some Members have already said today, the ability to speak truth to power is essential to serving as a successful DNI.

Would you communicate the Intelligence Community's analytic views to the President, even if you knew that he would strongly disagree with them?

Congressman RATCLIFFE. Of course.

Senator COLLINS. Would you be willing to communicate the IC's analytic conclusions to the President, even if you believed it would place your job in jeopardy?

Congressman RATCLIFFE. Of course.

Senator COLLINS. Assuming your confirmation, when you participate in the next open worldwide threats hearing and you are asked to provide an unclassified IC assessment that you know that the President vehemently disagrees with, what would you do?

Congressman RATCLIFFE. Senator, whether you're talking about the President, whether you're talking about Nancy Pelosi, Mitch McConnell, anyone's views on what they want the intelligence to be will never impact the intelligence that I deliver. Never.

Senator COLLINS. Thank you for that strong response. I'm nevertheless going to ask you one more that has to do with the internal operations of the Intelligence Community.

What would you do if the Intelligence Community was prepared to publish a President's Daily Brief that directly contradicted the White House's conclusions on an important issue like North Korea?

Would you still allow the PDB to be published?

And the reason I ask this question is there are some very experienced analysts within the IC that are concerned that you might attempt to shade the conclusions in order to avoid alienating the President in presenting his daily brief.

Congressman RATCLIFFE. Senator, I think before you were in the room I reiterated multiple times that I won't shade intelligence for anyone, whether we're talking about the President, Members of Congress, any policymakers.

As far as published on the President's Daily Brief, I guess I'm not sure about the word "publish"—when you say—how you mean that.

Senator COLLINS. I should have used the word "issued."

Congressman RATCLIFFE. So, absolutely. I just want to make sure because the President's Daily Brief is the President's Daily Brief.

Senator COLLINS. Right.

Congressman RATCLIFFE. But to the larger question, again, just if I can reiterate as clearly as possible. If confirmed as DNI, one of the things that I've made clear to everyone is that I will deliver the unvarnished truth. It won't be shaded for anyone. What anyone wants the intelligence to reflect won't impact the intelligence that I deliver.

Senator COLLINS. And finally, and I asked this question to you on the telephone, but I want to ask it to you for the record.

The President has said that the IC has run amok and needs to be reined in. Do you share the President's view?

Congressman RATCLIFFE. I think what we talked about, Senator, about a number of things there—and I'm sure going to get a lot of questions about what the President says or what the President thinks. And again, I don't mean to be repetitive, but none of those things, regardless of what he says or how he says them, or how Nancy Pelosi or Mitch McConnell or anyone says about the intelligence or the Intelligence Community—will not impact the intelligence that I deliver.

Senator COLLINS. Thank you. Thank you, Mr. Chairman.

Chairman BURR. Senator Wyden.

Senator WYDEN. Thank you, Mr. Chairman. Congressman, welcome.

Congressman RATCLIFFE. Thank you.

Senator WYDEN. Let me begin this way. Donald Trump said last year: the Constitution says, and I quote here, I can do whatever I want as President.

The Attorney General has said the President doesn't have to follow the Foreign Intelligence Surveillance Act and can conduct surveillance without a warrant.

Those two statements are a direct threat to the Constitutional rights of Americans, and it makes the Director of National Intelligence a last line of defense for our democracy.

Do you believe the President can spy on Americans outside the law?

Congressman RATCLIFFE. Senator, I don't think anyone can spy on Americans outside the law.

Senator WYDEN. So would you refuse to authorize the Intelligence Community to conduct warrantless surveillance?

Congressman RATCLIFFE. Senator, when you talk about——

Senator WYDEN. You answered no, so I'm asking you.

Congressman RATCLIFFE. Just to be real clear, my answer is consistent. Whatever the law is is what I will do if confirmed as DNI within my authorities. I will act within my authorities. But most importantly I will be guided by the Constitution and the rule of law. So whatever authorities allow the Intelligence Community to do, all of our actions, if I'm the Director, will be in compliance with what the law is as——

Senator WYDEN. My time is short.

Congressman RATCLIFFE. I'm sorry.

Senator WYDEN. Congressman, the point is you really didn't say no in answer to my question. You said there may be circumstances. I happen to think that answer—that there may be circumstances when the President can spy on Americans outside the law—is an exceptionally dangerous bit of testimony.

I'm going to move on.

Congressman RATCLIFFE. Maybe can I just—because the record's clear. Maybe I misspoke then. I want to be real clear that no one can spy or surveil outside the law, and if confirmed as DNI, one of my highest priorities will always be to make sure that the Intelligence Community is acting in accordance with the law. So I want to make that very clear, Senator.

Senator WYDEN. Again, you're qualifying this based on circumstances, and that's what I think is dangerous.

Now, I also want to get into your views on whistleblowers. Now, it is open season on whistleblowers right now in Washington, D.C., and you gave a pleasant-sounding statement about whistleblowers. So I want to be very specific.

If the Inspector General determines that a whistleblower complaint should be sent to Congress, are you going to send it over to the Department of Justice or the White House to get their permission?

Congressman RATCLIFFE. Any whistleblower complaint, if I'm confirmed as DNI, is going to be handled in accordance with the law. I don't know how it can be more clear than that.

Senator WYDEN. I think you could say unequivocally no, because that's what I think is important. And what I want to know is whether there is some kind of veto power over whether Congress hears from whistleblowers. And as with the previous question with respect to spying, you want to have it both ways. You want to try to portray yourself as a defender of the Constitution, and then you water it down with the specifics.

Should the identity of whistleblowers ever, under any circumstances, be disclosed without their consent?

Congressman RATCLIFFE. No, whistleblowers are entitled to anonymity.

Senator WYDEN. So what is your opinion of those who would call for the outing of IC whistleblowers?

Congressman RATCLIFFE. That whistleblowers are entitled to anonymity under the law. And if someone——

Senator WYDEN. Are you distinguishing between lawful whistleblowers, or lawful whistleblower complaints? Again, I'm trying to get a sense of what you actually believe.

Congressman RATCLIFFE. If someone is a whistleblower under the law, they are entitled to the protections of the whistleblower statute under the law, and before you were in the room——

Senator WYDEN. I heard the answer.

One last question. I want to get it in.

You, in your written answers, seem to think internet voting was okay. You gave a very qualified answer. I happen to think it's the equivalent of putting our ballots on the streets of Moscow.

So could you tell me why you think internet voting is okay, given all the threats that we have seen to our democracy?

Congressman RATCLIFFE. I don't recall the response or how I responded, Senator, but it seems to me that that is a policy issue that if confirmed as DNI I would not be in the role of making policy. It wouldn't matter. Whatever the law is regarding——

Senator WYDEN. We expect you to be a leader on election security, and if you support the kind of snake oil salesmen we've got in this country that are selling some of these online voting operations, you're going to put at risk our special system of government.

I think my time is up, Mr. Chairman. Thank you.

Congressman RATCLIFFE. Thank you, Senator.

Chairman BURR. Senator Heinrich.

Senator HEINRICH. Welcome, Congressman.

In your statement for the record you wrote that, quote, the President and I have a good rapport. So if confirmed as DNI, you said: you have my commitment to deliver accurate and objective intelligence and speak truth to power. Dan Coats, Sue Gordon, Joe Maguire, other dedicated IC professionals had a good rapport with the President as well, until they didn't.

Can you give me some specific examples of when you've had to speak truth to power, in particular, if it's involved the President of the United States?

Congressman RATCLIFFE. Sure. Senator, I appreciate the question. The reason I said a good rapport is—I think trust is important. I think it's one of the things that is important and can strengthen the relationship between all parties. Intelligence Community, Congress, the President.

One of the reasons that I indicated before you were in the room that I wanted this job was because it is apolitical, and I have held apolitical positions before. As U.S. Attorney, that is an apolitical role and, in those instances, I frequently had to speak truth to power from the standpoint of there were many occasions where people wanted me to exercise my discretion in a way that considered something other than what the law was, and I never did.

Senator HEINRICH. Can you give a particular example?

Congressman RATCLIFFE. Oh, so-and-so is, you know—I don't want to give examples that would give away a specific case—but if someone was, for instance, a good Republican or a good Democrat and held a position and maybe deserved some special consideration. Those kinds of things.

Senator HEINRICH. Gotcha.

Congressman RATCLIFFE. And in addition——

Senator HEINRICH. I think that's adequate. I just want to reclaim my time here for a moment.

Last year, the President defended nominating you for the DNI position stating that: You would do an incredible job and we need somebody like that in there. We need somebody strong that can reign it in, because as I think you've all learned, the intelligence agencies have run amok.

What do you think he meant by that?

Congressman RATCLIFFE. I don't know. I saw the comment, Senator. I've made clear that, again, first of all, I've made clear, as I just said to you, one of the reasons that I want this position. I've made that without betraying any conversations, but that sentiment I have expressed to the President. And he understands that I'm looking forward to this position because it's apolitical and that the intelligence that I will deliver is unvarnished or shaded in any respect.

Senator HEINRICH. Do you think that the Intelligence Community or even a single agency has run amok?

Congressman RATCLIFFE. I have never said that.

Senator HEINRICH. President Trump has repeatedly and without any basis, in my view, accused the hard-working men and women of the IC of working to undermine his Administration.

Do you believe that there is a, quote unquote, deep state in the IC?

Congressman RATCLIFFE. I don't know what that means. Senator Collins and I, I think, talked about that in our call. I don't know what that is.

Senator HEINRICH. So would you agree that it would be inappropriate and, in some contexts, illegal to remove or reassign, to screen or otherwise discriminate against career IC personnel for political reasons?

Congressman RATCLIFFE. Yes.

Senator HEINRICH. Including on the basis of their work assignments in previous Administrations?

Congressman RATCLIFFE. Yes.

Senator HEINRICH. Okay, thank you.

The President has publicly stated that he expects loyalty from his appointees, and he publicly withdrew your nomination, appointed another individual, but then formally resubmitted your nomination. That sort of turn of events just raises some unique questions.

During your conversations with the President regarding this position, what priorities did he communicate to you that he expected you to pursue on his behalf? And did the word "loyalty" ever come up?

Congressman RATCLIFFE. Senator, a couple points there. I want to be real clear. My loyalty is to the Constitution and the rule of law, and I have made that very clear to everyone, including the President.

Senator HEINRICH. So you did discuss loyalty?

Congressman RATCLIFFE. No. I've made clear that if I'm in a position, my loyalty is always going to be to the Constitution and rule of law.

Senator HEINRICH. So you've made that proactively clear. You weren't asked.

Congressman RATCLIFFE. Yeah, I made that proactively clear.

Senator HEINRICH. And you were not asked?

Congressman RATCLIFFE. And I was not. I absolutely was not asked.

And the priorities—one of the priorities—again, I don't want to get into specific conversations—but the sentiment is keeping politics out of the Intelligence Community. It's one of my priorities.

And one thing, too, I guess because it's been reported: I withdrew from consideration. I wasn't withdrawn. And so I just wanted the record clear with respect to that.

Chairman BURR. Senator Collins, do you have one additional question you'd like to ask?

[No audible response.]

Senator Wyden, one additional question?

Senator WYDEN. Thank you, Mr. Chairman.

Congressman, the Congress passed a law requiring an unclassified report on who was responsible for the murder of Jamal Khashoggi. This is a law today, not a bill, it is a law. The DNI, however, has outright refused to comply with this law, denying the public a single shred of information on this topic.

Do you agree that the government is bound by this law and is obligated to provide this report, which stipulates in public, in public, who killed Jamal Khashoggi and under what circumstances?

Congressman RATCLIFFE. Senator, I share your concern. I think I've seen the same information that you have, and I think you're referring to the provisions in the NDAA. And if confirmed as DNI, again, I will ensure that the law is complied with.

I realize that the information, I think, in the report, if we are talking about the same thing, is a request for unclassified information. So if confirmed, I want to look myself at the information to make sure that that information has been classified properly.

Senator WYDEN. But that's not the question. This is a law. This is a law, Congressman. And consistently in every one of the areas

that I asked you about with respect to spying, with respect to whistleblowers, now with respect to the law, these are pretty much straightforward yes or no questions. And now you've said you're going to look at what is classified with respect to the late Mr. Khashoggi. We passed a law that resolved it. It is supposed to be made available now.

Congressman RATCLIFFE. May I respond?

Senator WYDEN. So, I'll look forward to your adding to the record on it, but I will tell you, you have certainly been briefed with respect to coming to this hearing. But on issue after issue, I've asked pretty straightforward questions and what I have gotten is a kind of let us sort of circle the subject and not answer it. Thank you, Mr. Chairman.

Chairman BURR. Senator Heinrich, do you have an additional question?

Senator HEINRICH. Just one. As you know, Congress has not authorized organizational changes at ODNI. We have not appropriated funds for that purpose, but Acting Director Grenell has been reorganizing ODNI.

If confirmed, would you halt that reorganization and would you seek authorization from Congress to reorganize if you found the need to do so?

Congressman RATCLIFFE. Senator, thanks for the question. If I can just first comment to Senator Wyden's point. I was hoping to make the point that I'm certainly not trying to be evasive, but the position I'm being considered for is the President's principal intelligence advisor, not his legal advisor. And there is legal counsel that I would go to if I were confirmed as DNI.

But Senator, I appreciate the question about organizational changes. As you know, I'm not so presumptuous as to know that I'm going to be confirmed, so I haven't considered or talked about any sort of organizational changes.

I want to make clear that I expect to have unfettered discretion to make all personnel decisions if confirmed as DNI. And I'll make them in the best interest of the IC to make the IC better. And I will certainly, as with everything, work with this Committee to keep it fully and currently informed.

I want everyone to sort of remember that I'm being considered for this position, but I'm one of you right now as a member of an oversight committee. And America functions better when it's elective representatives are fully informed by the Intelligence Community, and I intend to do that.

Chairman BURR. And with that, I'm going to bring to a close the second block of Members' questions and we'll move to the third block.

Anybody who's asked questions is excused if they'd like to leave.

Let me remind Members that when we conclude with this at 12:00, we will reconvene in closed session at 2:00 in the Capital Senate Security Office and we will again be operating with blocks of time. There will be a conference room there for anybody that would like to sit, read intelligence products, listen to what's going on in the closed hearing, and then come in for their question period.

With that, I recognize Senator Blunt.

Senator BLUNT. Thank you, Chairman. Congressman Ratcliffe, it's good to have you here. This job has gone vacant for too long. It's a critically important job. I'm glad you've been nominated.

I've read with great interest the letter in the record that was given to us from former Attorney General Ashcroft. He's been a good friend of mine for a long time. I trust his judgment. I know you worked with him as a U.S. Attorney and also in a law firm that was formed after you both left the Justice Department. And his view of you, which he shared with me personally as well as in this letter, is significant.

We have had a chance to visit about your work on the House Intelligence Committee, and I particularly appreciated your last comment about the importance of being fully open and an oversight committee like this one being fully informed.

I would say that when we stood up this structure after 9/11, I certainly anticipated a much smaller coordinating opportunity rather than the bureaucratic size that we see today. I hope when you have a chance to look at this, that you will look carefully at whether or not the structure as it has grown has really served the principal purpose of coordinating information, or if in some way it may have created yet one more stovepipe of information.

I would like you to comment on your views, maybe as a House Intel Member, of just the size of DNI itself and if that size is one that you think is too big, too small, or just right.

Congressman RATCLIFFE. Senator, thank you for the remarks and association with former Attorney General John Ashcroft who is a great American.

But I like you come into this position if confirmed with some preconceived impressions based on discussions I have on the oversight committee. And as Senator Collins leaves the room, I want to make sure you know one of the goals of the DNI, if confirmed, is to make sure that the ODNI and the DNI position are working exactly like Senator Collins and those who stood it up intended it. And so I had a chance to visit with her about it.

Like you, I come in with the perspective that you have conversations that maybe indicate that there is too much bureaucracy and there is too much redundancy. Some redundancy is good, but if there are 17 agencies they don't need to be doing the same thing 17 times or purchasing the same things. And so it will be one of my immediate priorities to assess how the ODNI is functioning.

Again, the goal of the ODNI is to make the IC better so that the IC can make you better and the President better and policy makers better. And so I do think that I want it to be as efficient as possible, but I will be thoughtful and talk with the heads of the intelligence agencies and elements to find out where they think that some of these things may just be unnecessary redundancies, and address those.

Senator BLUNT. You know, I think another question to ask, and you don't have to comment on this, but for you to ask, is as this agency has grown, have we let the other agencies not have the attention or the staff they needed as the whole universe of intelligence, U.S. intelligence, has grown. So much of it has grown, at this point—that was to be the central clearinghouse, the agency

that coordinated information to be sure nobody was left out, and I would look at that.

During the last 19 years we have very much been focused on violent terrorist extremists as the focus of so much of our intelligence efforts. Certainly that threat has not gone away, but it's also equally as certain that great power competition has emerged in ways that we wouldn't have anticipated even a handful of years ago. Talk a little bit about rebalancing the resources you have to continue to keep an eye on the threats that we have so focused on for almost two decades now, but also to rebalance into the great power competition that we see as a significant challenge for us today.

Congressman RATCLIFFE. Senator, great question and I appreciate you asking, because I have had that conversation with a lot of people about what I view as the greatest threat and the greatest threat actor. And I view China as the greatest threat actor right now. I mean, look at where we are with respect to COVID–19 and the role that China plays, the race to 5G, cyber security issues. All roads lead to China there. And so one of the priorities, highest priorities, that I will have if confirmed as DNI is to make sure—again my background with regard to violent extremists—you know, that is a generational challenge that we will continue to deal with. We may forget about them, but they don't forget about us.

But I agree with you in terms of making sure as we look at the national intelligence framework and whether we are committing enough resources to the rising power that is China. When you look at the initiatives that they have—Belt and Road, Made in China 2025, all of the military–civil fusion initiative where they literally want, by law, Chinese companies to collect intelligence. These are all spokes of the same initiative and that is for China to supplant us as the world's superpower and to be able to set standards around the world. And we very clearly don't want an authoritarian regime like the Chinese Communist Party setting standards in the world marketplace.

And so I look forward to sitting down with you if confirmed to talk about how ODNI and the other 16 elements are dedicated to the rising threat that is China, which I view as our greatest threat actor.

Senator BLUNT. Well, certainly Russia is another great threat. Do you want to talk about that for just a second as I conclude my questions?

Congressman RATCLIFFE. You bet. Different just because you know—Russia, we are concerned with Russia in terms of anytime you have a large nuclear stockpile and they are certainly dedicated to sowing seeds of discord. We are most concerned with them with regard to election interference and making sure we have safe, secure, credible elections because that is what they have been focused on. And they have been, as I said earlier, they have been successful in sowing seeds of discord—but not, fortunately, in changing votes or the outcome.

But between the two to be real clear, I view China as the rising power, whereas Russia has an economy about the same size as the economy of my home State of Texas. So we need to be very concerned with them.

Vladimir Putin is a very bad actor and so as DNI if confirmed, I will make sure that we balance appropriately where our resources are going with regard to both of those threats.

Senator BLUNT. Well thank you, Mr. Ratcliffe. Congressman, I look forward to supporting your nomination both here in the committee and on the floor, and you're working with us as you get this job.

Congressman RATCLIFFE. Thank you.

Chairman BURR. Senator King.

Senator KING. Good morning, Congressman.

First, I would like to start with a series of questions that were from the questionnaire, and I believe they can be answered with yes or no. You did not answer them thusly in the questionnaire, but I think they can be easily answered with yes or no.

The first one is question 35.

Would you ever ask, encourage, or support an intelligence professional adjusting his or her assessment to avoid criticism from the White House or political appointees?

Congressman RATCLIFFE. No.

Senator KING. Would you ever change or remove content in an intelligence assessment for political reasons or at the behest of political leadership?

Congressman RATCLIFFE. No.

Senator KING. Question 39: Would you consider an individual's personal political preferences to include loyalty to the President in making a decision to hire, fire, or promote an individual?

Congressman RATCLIFFE. No.

Senator KING. And question 39B: Do you commit to exclusively consider professional qualifications in IC personnel decisions without consideration of partisan or political factors?

Congressman RATCLIFFE. Yes.

Senator KING. Question C of 39: If you were to receive credible evidence as DNI that an individual was undermining IC objectivity and furthering a political agenda would you immediately remove that individual?

Congressman RATCLIFFE. Yes.

Senator KING. And D: Will you or any of your staff impose a political litmus test for IC employees?

Congressman RATCLIFFE. No.

Senator KING. Finally, if confirmed would you reassure your workforce that loyalty tests are not allowed with the IC?

Congressman RATCLIFFE. I would.

Senator KING. And if such occurs would you commit to informing Congressional Intelligence Committees and immediately stopping such efforts?

Congressman RATCLIFFE. I would.

Senator KING. Thank you.

Next question. Can you give me a case where you have ever publicly differed with this President?

Congressman RATCLIFFE. Yes.

Senator KING. Please do, briefly.

Congressman RATCLIFFE. An example I can think of most recently was, I think it was October, the President's decision to withdraw troops from Syria. There was a resolution considered regard-

ing that issue that I supported, that I think was referred to by some as a rebuke of the President. I think I'm right on the specifics of that.

Senator KING. Any other incidents?

Congressman RATCLIFFE. I'm sure there are. I don't recall any as I'm sitting here.

Senator KING. In your position as a Member of the House Intelligence Committee or as the nominee for DNI, have you seen any intelligence that finds with high confidence, or any confidence for that matter, that the coronavirus originated in a lab in Wuhan rather than the market?

Congressman RATCLIFFE. I have not.

Senator KING. Thank you. You testified——

Congressman RATCLIFFE. Can I?

Senator KING. Go ahead.

Congressman RATCLIFFE. I only wanted to caveat in the sense of because of the pandemic, I want to say that the last classified briefing I had was some time in—it's been a while since I've had a classified briefing on the coronavirus pandemic. That's the only thing I wanted to caveat.

Senator KING. That's exactly—that's the answer that I gave this morning myself.

Congressman RATCLIFFE. Okay.

Senator KING. And you, like me, you have not seen any intelligence product that indicates?

Congressman RATCLIFFE. I have not.

Senator KING. Thank you. You took the oath this morning from the Chair and said you will agree to appear and share information with the Committee.

Will you appear before this Committee if the President or an official in the White House tells you not to?

Congressman RATCLIFFE. Of course.

Senator KING. And you will bring us—I think there's been some discussion of the worldwide threat hearing. You will——

Congressman RATCLIFFE. Again, a caveat. I'll just say——

Senator KING. You gave the right answer. If I were you, I wouldn't qualify.

Congressman RATCLIFFE. Then I'll just leave it alone.

But the point was I want to make sure we were talking about to appear in connection with the worldwide threat hearing.

Senator KING. No, I'm talking about just generally, if this Committee requests your attendance to testify and the White House says do not go, will you honor the oath you took this morning here before this Committee?

Congressman RATCLIFFE. I will. I will. I'm sorry, I wanted to make sure that I understood the question properly.

Senator KING. Thank you. The President has stated that he feels that so-called enhanced interrogations such as waterboarding has value and produces valuable results. John McCain said repeatedly that it does not. Who do you agree with, McCain or the President?

Congressman RATCLIFFE. I follow the law. I'll always follow the law. And so what the law says——

Senator KING. Do you believe that waterboarding is a violation of the anti-torture law?

Congressman RATCLIFFE. My understanding that the law makes clear in several places that torture is illegal, and that would be the finding, I think, in the Army Field Manual. And——

Senator KING. So this has nothing to do with your personal opinion. You're simply saying: I'll follow the law, but if the law was changed to allow waterboarding or other forms of torture, would you say that was okay?

Congressman RATCLIFFE. I think the obligation that I have, Senator, is to follow the law. The Constitution and law of the country is the oath that I take in any role, as DNI, as a Member of Congress. I mean, I don't want to get into policy decisions about which the DNI should not be involved in. I'm a policymaker now, but you're considering me for a role where I would not be making policy or I would follow the law as legislators create laws or as the Supreme Court interprets those laws.

Senator KING. Thank you. One final question. If you were running for reelection and your campaign manager shared polling data which included crosstabs and detailed information about where your campaign stood with an agent of a foreign government, would you believe that was okay?

Congressman RATCLIFFE. No.

Senator KING. Thank you.

Thank you, Mr. Chairman.

Chairman BURR. Senator Cotton.

Senator COTTON. Congressman Ratcliffe, congratulations on your nomination.

Let me follow up on Senator King's questioning. He'd asked if you had seen any intelligence that the coronavirus originated in one of the two labs in Wuhan, and you said no.

Have you seen any intelligence that supports the Chinese Communist Party's claim that it originated in a seafood market in Wuhan?

Congressman RATCLIFFE. No.

Senator COTTON. I presume you're aware that the respected scientific journal "The Lancet" published a study of Chinese scientists in January that concluded that in fact it did not originate in the market?

Congressman RATCLIFFE. I have.

Senator COTTON. That more than a third of the original cases had no contact with the market whatsoever, including what they believe to be the first known case as well.

Congressman RATCLIFFE. I didn't recall that, but if that's what that reflects.

Senator COTTON. Are you aware that to the best of our knowledge there's no evidence that bats of any kind, to include the horseshoe bat, was even sold in a food market?

Congressman RATCLIFFE. That is my understanding.

Senator COTTON. So this——

Congressman RATCLIFFE. Just to be clear, the point I was trying to make is it's been a while, and through no one's fault, since I've had an updated classified briefing regarding the coronavirus pandemic.

Senator COTTON. I understand, and I'm asking these questions not just to speak about the virus, but a more particular matter of

intelligence analysis. Everything that we just discussed is not clandestine, collected information. It's not a national security secret. It is publicly reported in a journal like "The Lancet," or in news sources, or so forth.

Congressman RATCLIFFE. Correct.

Senator COTTON. Much of what we know about the virus is the result of publicly reported information, or social media evidence from Wuhan in the early days, and so forth.

How critical is the role of that kind of unclassified public information in the analysis that our Intelligence Committee should be conducting?

Congressman RATCLIFFE. It's I think vitally important. I think one of the things that we're seeing is OSINT, or you know, open source intelligence, is increasingly valuable. And we need to find ways to make sure that we're collecting it and analyzing it. It's a huge—because it's large sets of data that we need to be processing there. And so it's a challenge, but it's a tremendous source of information. And should be utilized by the Intelligence Community going forward.

Senator COTTON. I couldn't agree more. I think there's always a bias towards thinking if a secret is not stolen through clandestine means, then it's not valuable information, when all of these pieces of information—whether we're talking about Chinese coronavirus or what Russia is up to in Europe, or Iran's nuclear program—stitched together into a mosaic. And that mosaic usually is a question of circumstantial evidence that you can use common sense to reach the best conclusion—not direct evidence, not conclusive proof. Do you want to respond for the record?

Congressman RATCLIFFE. I was just going to say, to give you an example of how we might be sort of forward looking on this issue, open source intelligence. If we used open source intelligence tools, we may be able to get earlier warnings around pandemics like this, or viruses like this, as they're beginning.

So those are the types of when I was referring to how the Intelligence Community can leverage open source information, that's what I was referring to.

Senator COTTON. Now moving on to one of the Director of National Intelligence chief responsibilities, which is setting the priorities for the kind of intelligence our Nation needs to collect, last week the Acting Director of National Intelligence released a statement saying: the Intelligence Community will continue to rigorously examine emerging information and intelligence to determine whether the outbreak began through contact with infected animals or if it was the result of an accident at a laboratory in Wuhan.

"The New York Times" subsequently reported that senior National Security Council officials urged the Intelligence Community to collect additional information to the extent possible on the origin and cause of the Wuhan pandemic. "The New York Times" and other media analysts have somehow suggested that would be inappropriate.

Is it inappropriate for the President to set collection priorities on what he thinks is urgent national questions? And for you as DNI to drive those priorities as best you can, given the facts that our intelligence officers are able to gather?

Congressman RATCLIFFE. That would be appropriate.

Senator COTTON. I think that would be completely and totally appropriate. That's exactly what we would expect the Cabinet or the President and his senior national security Cabinet Members to do.

One final question I have. I've heard a lot of questions about this on both sides today. You're obviously a politician right now. You've got an R after your name. Some people have raised the question whether you can separate politics from intelligence. We've discussed in the past that this has been done successfully at times. If you look at someone like Leon Panetta who was a pretty partisan guy when he was in the Congress, and then he was Bill Clinton's chief of staff, was an outstanding director of the Central Intelligence Agency.

Or if you look at from the other way. Take someone like Bob Gates, lifelong intelligence professional, but since he's left the government it's pretty clear to everyone that he's a Republican, and he's supported Republican candidates for office since he got out of office, even though he served in a Democratic Administration.

So I just want to point out even though those are not the DNI job, but the Director of Central Intelligence job, they have a similar need for separating politics from intelligence, and that this is something that can be done and that has been done in the past. And I wanted to see if you have comments about those precedents or how you'll separate politics from intelligence.

Congressman RATCLIFFE. Well, I appreciate the question, Senator, and earlier I talked about the fact that I very much love representing the people here in Congress, but I held an apolitical job before as U.S. Attorney, one where I represented the United States in neither party and kept both parties out of everything that I did.

And so I have done that and done it successfully and been highly regarded for the way that I've approached that. And I enjoyed that and it's one of the reasons that I'm going from a safe District and asking you all to consider me as the nominee. I have every—not just every intention—but every confidence that I will do exactly as I'm telling you, that I will be entirely apolitical as the Director of National Intelligence.

Senator COTTON. Thank you very much.

Chairman BURR. Senator Harris.

Senator HARRIS. Thank you, Mr. Chairman.

Congressman, the U.S. Intelligence Community has an important role in warning our leaders about pandemics like COVID–19, because outbreaks, of course, are not just a public health matter, but also a matter of national security.

Based on public statements and reporting alone, do you believe that President Trump has accurately conveyed the severity of this threat of COVID–19 to the American people?

Congressman RATCLIFFE. Are you saying presently?

Senator HARRIS. We are in the midst of the pandemic presently, correct.

Congressman RATCLIFFE. So repeat the question because I guess I'm misunderstanding. I'm sorry. Has he accurately reflected the status of the pandemic?

Senator HARRIS. Conveyed the severity of the pandemic, yes. Has he accurately conveyed the severity of COVID–19 to the American people?

Congressman RATCLIFFE. I believe so.

Senator HARRIS. You do? And according to a April 27, 2020, "Washington Post" article, President Trump received upwards of a dozen briefings on COVID–19 from the U.S. intelligence agencies between January and February of this year, during which time he repeatedly denied the severity of the threat.

On January 22, he said, quote, we have it totally under control.

On February 22, or 26, he insisted that the number of cases would be, quote, close to zero within a number of days.

As recently as March 10, the President stated, quote, just stay calm, it will go away.

And I'm sure you're familiar with the most recent reports, including today, that we may see as many as 3,000 deaths a day in America because of COVID–19.

What would you do, if confirmed, if you believe the President was not taking the warnings from the Intelligence Community seriously?

Congressman RATCLIFFE. Senator, the intelligence that I would deliver as the Director of National Intelligence—the statements that, you know, the President said this—none of those things will influence the intelligence that I deliver to this Committee and the Committee in the House and Members of Congress.

I made the point in my opening, this is one of the highest, one of the first priorities is getting answers to the American people, who deserve answers as you do as a Member of the oversight committee, and I do if I'm still a Member of the oversight committee.

And whatever those answers are, Senator, you will get them. They will not be shaded, regardless of what anyone says. I will say this, one of the things that I've learned as a nominee is that members of the Intelligence Community will tell you things that they wouldn't tell you as an overseer of intelligence. And the thing that I want to make clear to all the Members here is the concern of the men and women in the Intelligence Community is they don't want to be leveraged by anyone on either side of the aisle.

Senator HARRIS. Well, with all due respect, Sir, in my experience being on the Intelligence Committee in the United States Senate, the Intelligence Community has been pretty forthright with us when we ask them questions in our role of oversight. So what exactly are you referring to?

Congressman RATCLIFFE. I'm just saying the perspective as—the conversations that I've had over the past few months as I have been considered for this, I've had exposure to a lot of Intelligence Community members who have just expressed the sentiment that they want to do their job, they want to deliver the best intelligence, and they don't want to be leveraged from anyone on either side of the aisle. That was the only point. I wasn't directed at you, Senator. At all.

Senator HARRIS. Oh no, I didn't take it that way.

Congressman RATCLIFFE. Okay.

Senator HARRIS. And how long have you been serving on the House Intelligence Committee?

Congressman RATCLIFFE. A year and five months, I guess.

Senator HARRIS. Okay, you were appointed to that Committee in 2019, correct?

Congressman RATCLIFFE. Yes.

Senator HARRIS. Okay. And then, in our fourth report on Russian interference into the 2016 election, this Committee has once again reaffirmed that unanimous consensus of 17 intelligence agencies that Russia interfered with the aim of benefiting then-Candidate Trump's political campaign.

However, you and other allies of the President have sought to cast doubt on the consensus conclusions, raising concerns for many of us about your ability to be unbiased, which is a necessity to head the DNI.

Will you accept the intelligence provided to you by the men and women of the Intelligence Community, no matter your personal beliefs? And do you accept the findings of the Intelligence Community as it relates to the Russian interference in the 2016 Presidential election?

Congressman RATCLIFFE. So to your first question, I will accept. To the second question about specific to the Russia 2017——

Senator HARRIS. 2016.

Congressman RATCLIFFE. I'm sorry. 2016. Earlier I made the point that I respect both Committees. I think there's a difference of opinion between the House Intelligence Committee and this Committee in terms of one specific finding. As you pointed out, I was not on the House Intelligence Committee at the time of that. I respect both Committees, but I haven't seen the underlying intelligence with respect to that one finding.

Senator HARRIS. Thank you, Mr. Chairman.

Congressman RATCLIFFE. Thank you, Senator.

Chairman BURR. Senator King, did you have a question?

Senator KING. Yes. You touched on a point with Senator Cotton that I'd like to follow-up that I think is critically important, and the term I use is conclusion shopping. It's in the nature of any executive to want to be told that the intelligence supports whatever policy direction they want to go in, and this is a constant struggle. It goes back—I don't care whether the President is John F. Kennedy in Vietnam, or Lyndon Johnson in Vietnam or George W. Bush with weapons of mass destruction. This is a human nature problem.

The king said: Who will rid me of this meddlesome priest? And a couple of knights went and killed Beckett. The President doesn't have to give an order. That's my concern and that's where it worries me that the President, apparently, has been pressing the Intelligence Community to find what he wants them to find. The question should be: Where did the virus come from, not: don't you think it came from a lab? Do you see the distinction I'm trying to make and why this is so crucial?

And it's crucial to the President him or herself, because if they taint the intelligence before it gets to them, they're going to make bad decisions. And we're protecting the Presidents themselves by guarding against this human nature problem. Every Executive wants to hear what they want to hear. Every person that works for that Executive wants to tell the boss what they want to hear.

Talk to me about this concern. I think this is a critical issue, particularly with the President who is so strong-willed and has indicated in the past a strong desire to press the Intelligence Community to tell him what he wants to hear.

Congressman RATCLIFFE. Well, Senator, I appreciate the question and I appreciate the fact that we had a chance to visit about this on the phone. And you've made it clear that this is one aspect of politicization of the Intelligence Community. Sometimes that happens even unintentionally.

Senator KING. Absolutely.

Congressman RATCLIFFE. And I share that sentiment or that concern generally, and I've tried to make it clear in our conversations, or our conversation about that, that I agree with the sentiment and how I intend to approach this. I can't comment on things that haven't happened yet. I'm trying to make clear my approach to how I will deal with the issue, and I think I've been very clear that what anyone wants the intelligence to say won't impact the intelligence they get from me that I deliver. I don't know——

Senator KING. I would suggest, and I'll close with this, that if you give information to the President that isn't accurate, that isn't unvarnished, that is an act of disloyalty to the President, let alone to the Constitution. Thank you, Congressman.

Congressman RATCLIFFE. Thank you.

Senator KING. I appreciate it.

Chairman BURR. Thank you. Thank you, Senator King. Before we transition to our last block today, I want to remind Members we'll get together at 2:00 for a closed session in the SVC, Senate Intelligence Committee. I want to turn to myself for one additional question for the Congressman and then I will turn to the Vice Chairman for one additional question before we turn to our last block.

Congressman, your experience on the House Intelligence Committee has illustrated the importance of comprehensive oversight. Part of that oversight is being able to dig into the finished intelligence products. For those of us that have been on the Intel Committee prior to 9/11, we understood what processing raw intelligence was really like because we didn't have finished product.

Do you commit to the Committee that in the rare instances that the Committee asks for raw intelligence to better understand the analytical conclusions that have been determined, that you will provide that raw intelligence for the Committee?

Congressman RATCLIFFE. I will as appropriate, and I am caveating just to the standpoint of within my authority and with due regard for the sources and methods at that time.

Chairman BURR. Absolutely. Lastly, technological innovation is increasingly happening overseas. The Vice Chairman and I have been incredibly active on the issue of 5G, not because of the jurisdiction of the Committee but because the Intelligence Committee both in the House and the Senate is unique in the fact that we see trends before the policy committees do. And we also see the tech side of it, the technology side of it, in a way that would take other committees of jurisdiction months if not years to get to the same understanding without the degree of clarity that the Intelligence Committee gets it.

What is your view on how the Intelligence Community should engage with the private sector on technological innovation?

Congressman RATCLIFFE. Well, I think it is a great question that ties into what you said—the issue of 5G and where that race stands right now, and where rising powers like China are with regard to the development of 5G global networks. Our ability to ensure that interconnected global networks are safe really will demand, consistent with the 5G strategy, and Senator Cornyn's bill that is now a law with regard to that that we, that we work harder to work with the private sector and take advantage of the technology expertise that we need there to make sure that we are first in all of these places.

When we talk about the emerging technologies, Chairman, we have the best intelligence enterprise in the world. To continue for that to be the case we have got to continue to innovate and we have got to be first. We have got to be first and best on cyber issues, on AI, on ultimately on quantum. But 5G is where we are with regard to that issue now, and it is the pathway to being first in those areas. And so again, it is something that is vitally important and that is my perspective.

Chairman BURR. Thank you.

Vice Chairman.

Vice Chairman WARNER. Thank you Mr. Chairman and I hope you'll give me the discretion to get in two quick questions.

One, the first is, I think a couple of my colleagues have raised some of the questions about the President's comments about his notion that there is somehow a deep state in the Intelligence Community or within law enforcement that is somehow going against his wishes.

Have you ever made any statements about a deep state within the Intelligence Community? Or statements that——

Congressman RATCLIFFE. Not that I am aware of, Senator. The only reason I'm hesitating is sometimes you are asked questions by reporters about using terms and so it is not a term that I——

Vice Chairman WARNER. Have you made any statements saying that you believe—or implying that the Intelligence Community is somehow acting——

Congressman RATCLIFFE. No.

Vice Chairman WARNER [continuing]. Inappropriately to target the President?

Congressman RATCLIFFE. No. No.

Vice Chairman WARNER. Do you have any view on how the Intelligence Community professionals, what kind of effect that would have on the morale of folks who are hearing these kinds of accusations?

Congressman RATCLIFFE. The effect on morale?

Vice Chairman WARNER. The effect if the Commander-in-Chief is making comments somehow impugning the integrity of the Intelligence Community professionals, that they are somehow part of some secret cabal acting against him. Would you agree that has some negative effects upon the Community's esprit de corps and morale?

Congressman RATCLIFFE. My impression, Senator, from—I can only speak to the conversations that I have had, without getting

into specifics. I think the sentiment that I have heard from the President is it's not Intelligence Community writ large, it is specific individuals and pointing to, for instance, misuse of intelligence authorities by certain individuals and—

But again, my focus is I want to look forward, not back. I think that is one of the reasons I want this opportunity. All of this underscores the point that the relationship isn't what it should be across the board between the Intelligence Community, the President, and Congress, and its oversight committees. And again it may be difficult, but I would like the opportunity to strengthen that relationship for the reasons I've talked about earlier.

Vice Chairman WARNER. The Chairman is giving me my discretion so I won't ask. I want to come back later and ask you a question about NATO. But I would simply point out that it is somewhat unique to me that not only has the President made these comments about kind of the long-term professionals, but literally every person, I think without exception, that this President has appointed for Senate confirmation within the Director of National Intelligence has been fired or removed or pushed out. My conclusion, maybe not shared by all of my colleagues, but because all of those individuals when they took on these positions did what I thought was right, which is being willing to speak truth to power and that cost them their job. If you get this job, I hope you will continue in the vein of the Dan Coatses and the Sue Gordons and the Joe Maguires and Andrew Hallmans who I think honored their commitment even at the cost of their job.

Thank you Mr. Chairman.

Chairman BURR. In an effort to get back on time let me explain to Members, I know some of you came in and you thought: Why do I have to sit down there? For you to sit up here we have to wipe down every seat of the person that was already in it. So to accommodate the time blocks——

Senator BENNET [inaudible].

Chairman BURR. Not exclusively you, Senator Bennet, but this afternoon when we meet at 2 o'clock for the closed session we will be wiping down the seats because we don't have the same accommodations in the Senate Intelligence Committee.

With that, I recognize Senator Cornyn.

Senator CORNYN. Congressman Ratcliffe, this morning when I said a few words of introduction, I alluded to the unique nature of the job to which you have been nominated. And I think what I would like to hear from you, and forgive me if you have already talked about this extensively, but how do you view the transition from the adversarial process either as a prosecutor or as a Member of Congress battling over public policy issues or maybe conducting vigorous oversight into the role of the Federal Government?

How do you make that transition to become this head of the Intelligence Community and be willing and able to provide unvarnished intelligence to policymakers?

Congressman RATCLIFFE. Senator, I would say I view it as a welcome transition, hopefully. Again, I have loved serving the people of my District and serving in Congress. But again, respectfully, when I was at the Department of Justice there is something about representing the United States, standing up to represent the

United States, where you have the ability to say politics will play no part. I won't let party allegiance play any factor in the work that I do, is very analogous to this position and it is one that I very much look forward to.

The mission is too important. I look at the threats that we are facing around the world and what is happening and what we are living in right now with this pandemic. And we will only continue to be the world's superpower if we have the best intelligence enterprise, and it has to be one that's apolitical. It has to be one that gives the unvarnished truth, as Senator King has said repeatedly, without shading and without consideration for what anyone wants that intelligence to say.

And I've been in that role, and that's what I would offer in terms of reassurance, in terms of my time at the Justice Department and leading, again, a federated enterprise, not just to the scope and size of the Intelligence Community, but a U.S. Attorney's office is significant. To put it in perspective there's 435 Congressional Districts the country is divided up into. There's 100 United States Senators. There's only 93 Federal Districts. And in my case, it was 35,000 square miles, more than 3 million residents within that, and so operating, and coordinating, and integrating in pursuit of national security priorities like the prevention of terrorism I think is good training for this.

But it's something that I found, again, that I enjoyed doing, and I look forward to the transition on a larger scale at a time that I think our country really needs it, and again, I think that I'm well-qualified to do.

Senator CORNYN. Congressman Ratcliffe, my friend the Ranking Member Senator Warner frames this as speaking truth to power, but let me frame it a little differently.

Do you have any problem in telling the President the truth about what our Intelligence Community has produced to allow him to then make the best decisions in consultation with his team?

Congressman RATCLIFFE. Respectfully, Senator, I don't have a problem telling anyone—the President, Members of this Committee, anyone that would be a consumer of intelligence and entitled to see it, whether as an overseer—in whatever respect. The intelligence has to speak to exactly what the men and women who are doing the collection and analysis of it—we are all better served with the best, unvarnished intelligence, and that is truth to power, and I look forward to doing that to anyone.

Senator CORNYN. And what's the danger if you somehow shaded or nuanced the information for the policymakers, including the President of the United States?

Congressman RATCLIFFE. Everything that we, the Intelligence Community does, is designed to inform all policy makers, the President, the National Security Council, our military leaders, and Members of Congress to have the best information to make our national security decisions. So to give anything other than the best information is to jeopardize our national security. It's something I just won't do.

Senator CORNYN. In closing, I was glad to see our mutual friend, Congressman Will Hurd, write an Op-Ed piece supporting your nomination. Will, as we both know, served in the CIA before he

came to Congress. He's steeped in these issues like very few are, and I was glad to see that vote of confidence.

Thank you, Mr. Chairman.

Congressman RATCLIFFE. Thank you again, Senator, for your remarks this morning.

Chairman BURR. Senator Bennet.

Senator BENNET. Thank you, Mr. Chairman. I very much appreciate the opportunity to ask these questions.

Congressman, it's nice to see you.

Congressman RATCLIFFE. Good to see you, Senator.

Senator BENNET. Senator Cornyn this morning read a really great letter from Attorney General Ashcroft, and you should be very pleased about how he commended you.

In the letter, he said—this is Attorney General Ashcroft—he said: Integrity is the indispensable imperative for intelligence, the best friend of national security. And national security is the singular portfolio most allergic to the infection and devaluation that results from inaccuracy and distortion. For high-quality decision-making, sound intelligence must never be contaminated by personal bias or political predisposition.

Do you agree with that statement?

Congressman RATCLIFFE. I do.

Senator BENNET. Why, to follow up on Senator Cornyn's question, why is it so important that sound intelligence, above all else really, must never be contaminated by personal bias or political predisposition?

Congressman RATCLIFFE. Simply because it would jeopardize national security decisions.

Senator BENNET. Can you elaborate?

Congressman RATCLIFFE. Well, again, what the Intelligence Community does—the best men and women in the world doing the best collection, the best analysis—it has to be delivered accurately so that you as a legislator, the President, as the Commander-in-Chief, our military leaders advising him—have the best information. And if it's shaded, or colored, or changed or impacted at all, that means you don't have the best information, which means you're not making the best decisions.

Senator BENNET. I agree with that. And so do you think that in a situation where you have leadership in this government that seems biased or predisposed to an outcome that's not supported by the intelligence, and that there is risk to the jobs of people in the Intelligence Community who could report that accurately, like let's say in North Korea, if somebody delivers bad intelligence, somebody that the Great Leader wouldn't want to hear, and bad things happen to a person there, can you see how that would distort potentially the work of the Intelligence Community?

Congressman RATCLIFFE. Yes.

Senator BENNET. And will you protect the Intelligence Committee at all costs?

Congressman RATCLIFFE. Yes.

Senator BENNET. Including at the cost of your own job?

Congressman RATCLIFFE. Yes.

Senator BENNET. I appreciate that, because I think your job, if you're confirmed, is to enable the Intelligence Community profes-

sionals to do their job, which all of us need them to do, not just because we're on this Committee but because we're American citizens——

Congressman RATCLIFFE. I agree.

Senator BENNET [continuing]. Patriots, and we love this country.

Congressman RATCLIFFE. I agree.

Senator BENNET. And they need to be able to do it without fear of political reprisal. And we face a situation now—you're inheriting an agency where the President fired the IC Inspector General, Michael Atkinson, because he didn't like the way the IG did his job. How are we going to undo that? How specifically are you going to deal with the impact of the Inspector General being fired because the President disagreed with the way he did his job? He did his job according to the law. Do you think there's collateral damage as a result of an action taken like that?

Congressman RATCLIFFE. Well, I don't know until I'm confirmed what the reaction is, you know, within the Community.

Senator BENNET. What would you suspect it would be?

Congressman RATCLIFFE. Well, I honestly don't know what the interpretation—to your point about the Inspector General, again I don't want to relitigate issues, but——

Senator BENNET. I don't think this is relitigating issues. This is what the President of the United States is projecting to the men and women of our intelligence agencies. In nominating you, Congressman, the President said the intelligence agencies have run amok. That was in the context of nominating you. That's this hearing.

Do you think the intelligence agencies of the United States have run amok?

Congressman RATCLIFFE. No.

Senator BENNET. Do you think that there is an effect on morale among the men and women of our intelligence agencies when the President of the United States says they've run amok?

Congressman RATCLIFFE. Again, I think I tried to address this earlier.

Senator BENNET. I heard the answers earlier, by the way.

Congressman RATCLIFFE. Okay.

Senator BENNET. But I'm asking it again because I don't think you addressed it.

Do you think there's an effect on morale when the President of the United States describes the Intelligence Community as having run amok and that's why he's nominating you?

Congressman RATCLIFFE. I hope not.

Senator BENNET. Oh, you hope there isn't an effect?

Congressman RATCLIFFE. Right.

Senator BENNET. Do you think the intelligence agencies of the United States are running amok?

Congressman RATCLIFFE. No.

Senator BENNET. Do you think it will be your responsibility if you're confirmed for this position when you disagree with the President on something so important as whether our intelligence agencies have run amok that you will say so on the public record?

Congressman RATCLIFFE. As I have said, I think many times, Senator, it doesn't matter what the President says or what any—Nancy Pelosi, Mitch McConnell——

Senator BENNET. I heard you say that before. I think there is no equivalent between the Chief Law Enforcement Officer of this country, the Commander-in-Chief, saying what he says and with all respect to the people around this table, what a politician in Congress might say, although I will say I think there are constructive ways of serving in Congress and unconstructive ways. This idea that we're accepting that people are just going to be bitter partisans because they're in Congress—I actually don't accept that. I think it reflects poorly on us when we do. But I still would like to have an answer to the question. If you disagree—if the President said tomorrow that the intelligence agencies in this country have run amok, would you publicly disagree with what the President said?

Congressman RATCLIFFE. Nothing the President says will impact the delivery of the intelligence I give.

Senator BENNET. That's not the question that I asked.

Congressman RATCLIFFE. Would I—

Senator BENNET. If the President says this afternoon that the intelligence agencies in this country are running amok, will you publicly disagree with the President?

Congressman RATCLIFFE. I will give the President my best intelligence unvarnished. I don't know if I'm not—we're not—I'm not understanding how I'm not answering——

Senator BENNET. I think that that would meet the Ashcroft test. I think that if you couldn't do it without—without—if you couldn't bring yourself to say that the men and women of the intelligence agencies communities are not running amok, I don't think you meet the test.

Congressman RATCLIFFE. I'm trying—just to be clear, Senator, I don't think that the men and women of the Intelligence Community are running amok.

Senator BENNET. Thank you, Mr. Chairman.

Chairman BURR. Thank you. I would note that he said earlier to your question that he did not believe they were running amok. I think we were just having a——

Congressman RATCLIFFE. I did.

Chairman BURR. We're just having a disconnection on what——

Congressman RATCLIFFE. And I'm sorry if I misunderstood.

Chairman BURR [continuing]. What the thought was.

Senator Sasse.

Senator BENNET. Thank you. Thank you, Congressman.

Congressman RATCLIFFE. Thank you.

Senator SASSE. Thank you, Mr. Chairman. Congressman, congratulations on your nomination. Senator Cornyn underscored the Will Hurd op-ed. I think it's very important and I hope that folks here read that as well. Congressman Hurd is obviously widely respected on these issues.

Thanks for the time that we had over the last few weeks. In the classified section, I'm going to ask you some more questions to press you on whether you think the ODNI works right now, whether it's a functioning bureaucratic layer or whether it's an encum-

brance. Whether the post 9/11 reasons that it was created are actually being advanced.

But one of the specific pieces of that then we'll talk about in the classified setting that I wanted to unpack more fully here is—you know it's my view there's no more pressing national security threat the United States faces than the next decade of the tech race with China.

And all 17 of our intelligence agencies, but especially the CIA and the NSA, are getting that message and they're ramping it up. But we've been talking about a pivot to China for 10 or 15 years in this country and I think the agencies are still slow to devote sufficient mind share, money, personnel, etcetera, to the China threat.

So in this public setting, a rare thing for the Intelligence Community, where you get to speak directly to the American people, can you explain what that Made in China 2025 initiative is? And why China is pursuing it and whether the American people should be concerned?

Congressman RATCLIFFE. Sure. Thanks for the question, Senator. And you and I have talked, and earlier I identified China as the greatest threat that we face—the greatest threat actor that we face moving forward—for the exact reasons that you talked about. Made in China 2025 is one of many initiatives that the Chinese government—the Belt and Road initiative, the military-civil fusion initiative, all initiatives of that same—all spokes of the same initiative for China to supplant us as the global power in all respects.

And so, it's why, I think, you and I agree that China is the rising threat and why we have to look at the national intelligence policy framework and our budgeting and our resource allocation to make sure that we are dedicating towards all of these different initiatives where an authoritarian regime wants to set the marketplace rules as they do with Made in China 2025. Where they want Chinese companies dominating industry across 10 different sectors, just as they want with the military fusion. Chinese companies gathering and collecting intelligence and sharing it with the Chinese Communist Party.

Whereas, with Belt and Road, they want to dominate all of the hubs for trade routes and telecommunications. All of these things are China trying to essentially supplant free marketplace standards and values like liberty and free speech and all the things that we have, with authoritarian values that are reflected in some of the things that are happening in this COVID–19 pandemic.

Senator SASSE. Before we get to the way they're using coronavirus and COVID, just stay for a second stay for a second at the Chinese Communist Party's use of tech and maybe emphasize AI in particular. How do the Communists who lead China—and to be clear, when U.S. businesses pretend that there is a public-private sector distinction in China, they are exaggerating—there is not much of a public-private sector distinction in China. But it's understandable both because U.S. companies want those markets—1.4 billion people and 400 million are middle-class. There are more middle-class people in China than in the U.S. Of our 325 million, only about 250 million are middle class. So there are a lot of consumers in China. It makes that U.S. producers would be interested in having access to those markets.

But also, it's important for us to always underscore that our opponent here is not the Chinese people. Our opponent is the communist leadership of China. But what is the Communist Party trying to do with tech and with AI in particular?

Congressman RATCLIFFE. So, I'll use an example. I'll start with 5G because 5G leads to AI. AI leads to quantum. And to your point about where the Chinese Communist Party stops and starts, it's hard to tell with a company like Huawei. And if Huawei has an obligation to share information, under Chinese law with the Chinese Communist Party, and they are creating global networks and our information is going over those lines, and our allies that we are sharing information with, that's jeopardizing our information, that's jeopardizing our troops. All of these things are basically put at risk with respect to that.

And so this is just why you are so correct, Senator, in terms of making sure that we are balanced in terms of where we are investing in terms of the global threat landscape pandemic—5G, AI. I don't want to say all roads lead to China, but a lot of them do.

Senator SASSE. What are the technical fields that you are most concerned about them being at or equal to us in terms of their long-term plotting against us? A generation—I think Eric Schmidt, the former executive chairman of Google, regularly talks about a tech generation as being 18-ish months.

What technical fields are you most concerned about their near parity or rival with us?

Congressman RATCLIFFE. Yeah, I mean just in terms of the point, cybersecurity generally tying in. I mentioned 5G, but one of the things that I'm most concerned about is investment towards quantum computing. We have with the NSA, we have the best code makers and breakers in the world. General Nakasone, I think you and I agree, is a national treasure.

But if China gets to quantum first, we are in trouble. And so that, for me, was one of the—when we look at investments and looking forward and the challenges that we face, and the fact that China is investing more towards those technologies than the United States presently, we need to rebalance.

Senator SASSE. I'm going to give it back to the Chairman here, but I just want to underscore the point you just made. I'm a small-government guy, but we are radically under investing and a lot of the fields that you just mentioned. Quantum. Paul Nakasone is an absolute national treasure, but the team he leads at the NSA, lots of their work is made obsolete if the quantum race is won by China—and we are under-investing in that space.

Thanks. I look forward to the classified time this afternoon.

Congressman RATCLIFFE. Thank you.

Chairman BURR. Senator Reed.

SENATOR REED. Thank you, Mr. Chairman. Welcome, Congressman.

Congressman RATCLIFFE. Thank you.

SENATOR REED. In your view, have we made progress in reversing North Korea's nuclear proliferation and nuclear development?

Congressman RATCLIFFE. I view North Korea as the same danger that they have been. I understand and I appreciate the diplomatic negotiations that are taking place and I hope that that there might

be some concessions about their nuclear weapons in exchange for sanctions relief, but I can't address whether or not we made progress with respect to that or not, given the information that I've been privy to at this point. Perhaps if confirmed as DNI and I have a chance to visit with Secretary Pompeo, because I think there's a diplomatic piece here that I don't know—that I can't speak to—that I don't know the answer to.

SENATOR REED. Changing subject now for Iran, were they in compliance with the JCPOA when the President withdrew?

Congressman RATCLIFFE. I'm not sure. I might have to—I don't know technically if they were out of compliance at the time.

SENATOR REED. Well, since that time, do you think their activities have become more malign since the withdrawal by the United States of the JCPOA?

Congressman RATCLIFFE. I think Iran has become increasingly desperate as a result of the maximum pressure campaign, and I think that that's reflected in the fact that we see more provoking activity from them. You know, when you talk about Iran, you have to really look across—you're talking about Yemen, you're talking about Syria, you're talking about their proxies around—it's a regional issue and they are getting more aggressive everywhere because I think that they are increasingly more desperate.

The internal strife that is going on in that regime one of the common ways to deal with the internal conflict that is happening is to try and coalesce around an outside adversary. And the U.S. and our interests in that region provide that. That is how they are trying to maintain control. I will say this, Senator, I think that this is one of the things when I talk about the impacts of a COVID–19 pandemic where in places all around the world, but in the Middle East, where you already have social unrest and a chance for upheaval, those conditions can get sharper where you have what we believe is underreporting in Iran with respect to the impact of COVID–19.

SENATOR REED. But from your comments, the maximum pressure campaign has made them more hostile, more aggressive, and more disruptive.

Congressman RATCLIFFE. I think they are more desperate is how I would characterize it, and what they are trying to do from my perspective is to leverage the international community to provoke something that draws it into something that might provide relief from the crippling sanctions that they are under.

SENATOR REED. Let me change the subject to something that has been discussed several times here, that is election security. I believe, correct me if I am wrong, you would concede that in 2016 the Russians were involved.

Congressman RATCLIFFE. Yes.

SENATOR REED. In 2018, the Russians were involved.

Congressman RATCLIFFE. Yes.

SENATOR REED. In 2020, this election, they are involved.

Congressman RATCLIFFE. Yes.

SENATOR REED. The Senate Intelligence Committee on a bipartisan basis concluded that in 2016 they were in favor of supporting President Trump and in disfavor of Secretary Clinton and taking steps to promote one and to deter the other.

Yet in your written response to the Intelligence Committee, you did not publicly commit to notifying the American public when you had critical information of Russian involvement. And I think as a fundamental aspect of democracy, people should know when they go into a voting booth who is doing what and why candidates are being supported by whom. That is something that goes back, I think, to the beginning of this democracy. And yet you would not commit to that public notification. You instead mentioned the need to safeguard the confidentiality interests of the Executive Branch, which is basically to cover the President's position. Is that your position?

Congressman RATCLIFFE. I am not sure of the question. I have answered, I think, 150 different questions. I want to be real clear about Russia and other countries, but Russia in particular. I agree with the way you have—they interfered 2016, 2018, 2020. They are going to continue to do it. I am for safe, secure, credible elections and will do everything I can as DNI to ensure that they are not successful. So I don't know the question and answer in specific that you are referring to, but if I need to elaborate or clarify——

SENATOR REED. Well, I think you should review your written responses because the quote is: Safeguard the confidentiality interests of the Executive Branch will be considered, which sounds a lot like the President comes first and if it doesn't really bother him, then I will let it go.

Congressman RATCLIFFE. Well that was certainly not my intent, and I will reiterate that again, but I think I made clear throughout——

SENATOR REED. So you will publicly commit to disclosing to the American people if the Intelligence Community concurs with high confidence that the Russians are involved? And the Russians are involved in promoting a certain candidate?

Congressman RATCLIFFE. That is the—if that is the conclusions of the Intelligence Community, if I am confirmed as DNI? Is that your question?

SENATOR REED. Yes, Sir.

Congressman RATCLIFFE. Yes.

SENATOR REED. Thank you. Thank you Mr. Chairman.

Chairman BURR. I thank the Members. This brings to a close the public session.

Congressman, let me say to you this point is not to solicit an answer, it is to create a thought process as we venture down this road of pandemic. I for one believe that the private sector will look very different when we come out on the other end as companies assess productivity from work at home, the need for high-rise office buildings crammed full of people, the way we interact, I think, will change. And the private sector is very capable of making those assessments and accomplishing that type of change.

I would suggest to you that when you are confirmed, now is a great opportunity to begin to think about not just reorganization of the DNI shop, but reorganization of the Intelligence Community reflective of what Senator Sasse said about technology. It is not just about funding technology to be competitive. It is creating a model that actually generates the type of breakthroughs that we know we need for 5G, AI. These Members have heard the Vice Chairman

and I talk many times. If this were 20 years ago and we were faced with a 5G issue getting started late, we would be with our Five Eyes partners throwing everything on the research bench—the best and the brightest working together—and we would create something far superior to what Huawei had, and that is how we would win the 5G war.

It's not too late. But we have got to begin to think like that throughout the whole of the IC. Just because we have done it one way for 50 years doesn't mean that the future necessarily means that we have got to do it that way. And I think we have got an IC that has changed greatly, but it's leadership that enables change to happen expeditiously. So I hope you will consider that.

Congressman RATCLIFFE. I will.

Chairman BURR. I want to thank you, John, for your time this morning. I want to thank the Members for working under this temporary construct to continue to conduct the Committee's important business.

I look forward to advancing your nomination rapidly and to voting in favor of your confirmation in the full Senate.

Again, if any Members wish to submit questions for the record after today's hearing please do so quickly because it is my intention to bring Congressman Ratcliffe up for a vote inside the Committee soon.

At this point we will recess and reconvene this afternoon in closed session in the Senate Intel room in the Capitol, SVC 217. This hearing is adjourned.

[Whereupon at 12:00 p.m. the hearing was adjourned.]

Supplemental Material

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SELECT COMMITTEE ON INTELLIGENCE

UNITED STATES SENATE

QUESTIONNAIRE FOR COMPLETION BY PRESIDENTIAL NOMINEES

SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE

QUESTIONNAIRE FOR COMPLETION BY PRESIDENTIAL NOMINEES

PART A - BIOGRAPHICAL INFORMATION

1. FULL NAME: John Lee Ratcliffe

   OTHER NAMES USED: None

2. DATE AND PLACE OF BIRTH: October 20, 1965, Chicago IL

   CITIZENSHIP: USA

3. MARITAL STATUS: Married

4. SPOUSE'S NAME: Michele Addington Ratcliffe

5. SPOUSE'S MAIDEN NAME IF APPLICABLE: Michele Dawn Addington

6. NAMES AND AGES OF CHILDREN:

   NAME

   INFORMATION REDACTED

7. EDUCATION SINCE HIGH SCHOOL:

INSTITUTION	DATES ATTENDED	DEGREE RECEIVED	DATE OF DEGREE
Univ. of Notre Dame	1983-1986	B.A.	May 1986
Southern Methodist Univ.	1986-1989	J.D.	May 1989

8. EMPLOYMENT RECORD (LIST ALL POSITIONS HELD SINCE COLLEGE, INCLUDING MILITARY SERVICE. INDICATE NAME OF EMPLOYER, POSITION, TITLE OR DESCRIPTION, LOCATION, AND DATES OF EMPLOYMENT).

EMPLOYER	POSITION/TITLE	LOCATION	DATES
Ray Trotti Hemphill & Finfrock, P.C.	Law Clerk/Attorney	Texas	1987 – 1990
Maloney & Smith, P.C.	Attorney	Texas	1990 – 1991
Holmes Millard & Duncan	Attorney	Texas	1991 – 1993
Texas Wesleyan Univ. (now TX A&M)	Adjunct Professor (Part Time)	Texas	1991 – 1995
Sifford & Anderson, LLP	Attorney	Texas	1994 – 2000
Tucker & Ratcliffe, LLP	Attorney	Texas	2000 – 2004
City of Heath	City Council	Texas	2001 – 2004

Southern Methodist Univ.	Adjunct Professor (Part Time)	Texas	2002 – 2004
City of Heath	Mayor	Texas	2004 – 2012
U.S. Dept. of Justice	First Asst. U.S. Attorney	Texas	2005 – 2007
U.S. Dept. of Justice	U.S. Attorney, E. Dist. of TX	Texas	2007 – 2008
Ashcroft Sutton Ratcliffe, LLP	Partner	Texas	2009 – 2014
U.S. House of Representatives	Member of Congress, TX-4	Wash. DC	2015 – 2020

9. GOVERNMENT EXPERIENCE (INDICATE EXPERIENCE IN OR ASSOCIATION WITH FEDERAL, STATE, OR LOCAL GOVERNMENTS, INCLUDING ADVISORY, CONSULTATIVE, HONORARY, OR OTHER PART-TIME SERVICE OR POSITION. DO NOT REPEAT INFORMATION ALREADY PROVIDED IN QUESTION 8).

See Above, Question 8.

10. INDICATE ANY SPECIALIZED INTELLIGENCE OR NATIONAL SECURITY EXPERTISE YOU HAVE ACQUIRED HAVING SERVED IN THE POSITIONS DESCRIBED IN QUESTIONS 8 AND/OR 9.

During almost ten years of federal government federal service, I have gained extensive experience on national security and intelligence issues. While in the Department of Justice from 2005 to 2008, I served as the chief of anti-terrorism and national security overseeing the district-wide terrorism, international drug trafficking, human smuggling and immigration investigations and cases for the Eastern District of Texas including time as the US Attorney from 2007 to 2008. In addition to handling a docket of 34 separate terrorism and national security related investigations, I also served as the federal coordinator to the FBI's Joint Terrorism Task Force on terrorism related matters arising in the district with responsibility for conducting quarterly 315 case reviews of international terrorism matters, including the use of Foreign Intelligence Surveillance Act authorities.

Additionally, now in my sixth year as a member of the House of Representatives, I have been legislating on national security and intelligence issues while serving on the Homeland Security, Intelligence and Judiciary committees. As Chairman of the Homeland Cybersecurity Subcommittee for four years, I authored and passed bipartisan national security and cybersecurity bills signed into law during both Democratic and Republican administrations. As a member of the House Permanent Select Committee on Intelligence, I've authored bipartisan election security legislation and have gained considerable knowledge of sensitive intelligence issues and programs through our congressional oversight of the ODNI.

11. HONORS AND AWARDS (PROVIDE INFORMATION ON SCHOLARSHIPS, FELLOWSHIPS, HONORARY DEGREES, MILITARY DECORATIONS, CIVILIAN SERVICE CITATIONS, OR ANY OTHER SPECIAL RECOGNITION FOR OUTSTANDING PERFORMANCE OR ACHIEVEMENT).

- Daily Memorial Academic Scholarship University of Notre Dame 1983-1986
- Adjunct Professor of the Year 1992 Texas Wesleyan University School of Law
- Federal Bureau of Investigation (FBI) – Dallas Division – 2008. Presented to John L. Ratcliffe, United States Attorney, United States Department of Justice Eastern District of Texas, "With deep appreciation for your leadership, partnership, and support of the Dallas Division of the Federal Bureau of Investigation, January 23, 2005 - May 9, 2008."
- United States Attorney's Office – Eastern District of Texas – 2008 (est.). Presented to John L. Ratcliffe, "For your extraordinary service and remarkable leadership as United States Attorney."

- United States Secret Service – 2008. Presented "in appreciation to John Ratcliffe, United States Attorney Eastern District of Texas for outstanding assistance and support on behalf of the investigative and protective responsibilities of the United States Secret Service."

- Internal Revenue Service Criminal Investigation – Dallas Field Office – 2008. Presented to John Ratcliffe, United States Attorney, "in recognition of outstanding service and cooperation in support of the mission of the IRS Criminal Investigation Dallas Field Office."

12. ORGANIZATIONAL AFFILIATIONS (LIST MEMBERSHIPS IN AND OFFICES HELD WITHIN THE LAST TEN YEARS IN ANY PROFESSIONAL, CIVIC, FRATERNAL, BUSINESS, SCHOLARLY, CULTURAL, CHARITABLE, OR OTHER SIMILAR ORGANIZATIONS).

ORGANIZATION	OFFICE HELD	DATES
Texas Bar Association	Member (License #16560500)	1989-Present

13. PUBLISHED WRITINGS AND SPEECHES (LIST THE TITLES, PUBLISHERS, BLOGS AND PUBLICATION DATES OF ANY BOOKS, ARTICLES, REPORTS, OR OTHER PUBLISHED MATERIALS YOU HAVE AUTHORED. ALSO LIST ANY PUBLIC SPEECHES OR REMARKS YOU HAVE MADE WITHIN THE LAST TEN YEARS FOR WHICH THERE IS A TEXT, TRANSCRIPT, OR VIDEO). IF ASKED, WILL YOU PROVIDE A COPY OF EACH REQUESTED PUBLICATION, TEXT, TRANSCRIPT, OR VIDEO?

Please see Annex A for a comprehensive list of speeches and op-eds.

PART B - QUALIFICATIONS

14. QUALIFICATIONS (DESCRIBE WHY YOU BELIEVE YOU ARE QUALIFIED TO SERVE AS THE DIRECTOR OF NATIONAL INTELLIGENCE).

As set forth in my response to question 10, I have extensive experience from positions held in the Department of Justice and the U.S. House of Representatives with national security and intelligence issues. In particular, my experiences integrating and coordinating national security information and priorities at the federal level, between federal agencies and with state and local partners in a nonpartisan manner is consistent with one of the core job responsibilities of the director of national intelligence. My demonstrated leadership in managing federal civil servants and budgets in pursuit of national security objectives while upholding legal and constitutional protections has likewise provided invaluable preparation for the challenges of this position.

Similarly, in Congress, successfully legislating in the area of integrating, coordinating and sharing of information and intelligence to protect against threats to our national security underscores my ability and commitment to directing the critical role of ODNI in that mission. My leadership and oversight roles in Congress have also provided important insights into the components within the DNI's jurisdiction and the corresponding obligations to accurately and timely inform Congress of intelligence matters as allowed, provided or mandated by federal law.

My qualifications are also reflected in the exercise of good analysis and judgment on important publicly disclosed intelligence issues, including the improper use of certain intelligence authorities. Should I be confirmed as DNI, I will continue to demonstrate a willingness to speak truth to power when intelligence failures may jeopardize national security or violate constitutional boundaries.

Finally, I believe my ability to lead, manage, integrate and coordinate across multiple branches of government to drive solutions in a nonpartisan manner makes me well qualified to serve as DNI, and in doing so, to advocate, elevate and augment the vitally important efforts of the men and women working throughout the intelligence community.

PART C - POLITICAL AND FOREIGN AFFILIATIONS

15. POLITICAL ACTIVITIES (LIST ANY MEMBERSHIPS OR OFFICES HELD IN OR FINANCIAL CONTRIBUTIONS OR SERVICES RENDERED TO, ANY POLITICAL PARTY, ELECTION COMMITTEE, POLITICAL ACTION COMMITTEE, OR INDIVIDUAL CANDIDATE DURING THE LAST TEN YEARS).

Ratcliffe for Congress (principal campaign committee) (FEC ID C00554113)
Lone Star Liberty Fund Political Contributions (FEC ID C00627661)

Please see Annex B for political contributions made personally and through PACs.

16. CANDIDACY FOR PUBLIC OFFICE (FURNISH DETAILS OF ANY CANDIDACY FOR ELECTIVE PUBLIC OFFICE).

Candidate for Council Member 2001, 2003 (unpaid/nonpartisan)
Candidate for Mayor, Heath. TX 2004, 2006, 2008, 2010 (unpaid/nonpartisan)
Candidate for U.S. House of Representatives, Texas's 4th District: 2014, 2016, 2018

17. FOREIGN AFFILIATIONS

(NOTE: QUESTIONS 17A AND B ARE NOT LIMITED TO RELATIONSHIPS REQUIRING REGISTRATION UNDER THE FOREIGN AGENTS REGISTRATION ACT. QUESTIONS 17A, B, AND C DO NOT CALL FOR A POSITIVE RESPONSE IF THE REPRESENTATION OR TRANSACTION WAS AUTHORIZED BY THE UNITED STATES GOVERNMENT IN CONNECTION WITH YOUR OR YOUR SPOUSE'S EMPLOYMENT IN GOVERNMENT SERVICE.)

A. HAVE YOU OR YOUR SPOUSE EVER REPRESENTED IN ANY CAPACITY (E.G. EMPLOYEE, ATTORNEY, OR POLITICAL/BUSINESS CONSULTANT), WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No.

B. HAVE ANY OF YOUR OR YOUR SPOUSE'S ASSOCIATES REPRESENTED, IN ANY CAPACITY, WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No.

C. DURING THE PAST TEN YEARS, HAVE YOU OR YOUR SPOUSE RECEIVED ANY COMPENSATION FROM, OR BEEN INVOLVED IN ANY FINANCIAL OR BUSINESS TRANSACTIONS WITH, A FOREIGN GOVERNMENT OR ANY ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No.

D. HAVE YOU OR YOUR SPOUSE EVER REGISTERED UNDER THE FOREIGN AGENTS REGISTRATION ACT? IF SO, PLEASE PROVIDE DETAILS.

No.

18. DESCRIBE ANY LOBBYING ACTIVITY DURING THE PAST TEN YEARS, OTHER THAN IN AN OFFICIAL U.S. GOVERNMENT CAPACITY, IN WHICH YOU OR YOUR SPOUSE HAVE ENGAGED FOR THE PURPOSE OF DIRECTLY OR INDIRECTLY INFLUENCING THE PASSAGE, DEFEAT, OR MODIFICATION OF FEDERAL LEGISLATION, OR FOR THE PURPOSE OF AFFECTING THE ADMINISTRATION AND EXECUTION OF FEDERAL LAW OR PUBLIC POLICY.

None. I have never been a registered lobbyist or engaged in lobbying activity. As a partner in Ashcroft Sutton Ratcliffe LLP, I provided legal services at various times between 2009-2014 to a U.S. born expatriate Bill Browder relating to efforts by the Government of Russia to extradite him through Interpol Red Notice issuances. Those legal services were a result of retaliatory efforts taken against Mr. Browder as a result of his efforts to support passage of the Sergei Magnitsky Rule of Law Accountability Act of 2012.

PART D - FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST

19. DESCRIBE ANY EMPLOYMENT, BUSINESS RELATIONSHIP, FINANCIAL TRANSACTION, INVESTMENT, ASSOCIATION, OR ACTIVITY (INCLUDING, BUT NOT LIMITED TO, DEALINGS WITH THE FEDERAL GOVERNMENT ON YOUR OWN BEHALF OR ON BEHALF OF A CLIENT), WHICH COULD CREATE, OR APPEAR TO CREATE, A CONFLICT OF INTEREST IN THE POSITION TO WHICH YOU HAVE BEEN NOMINATED.

None.

20. DO YOU INTEND TO SEVER ALL BUSINESS CONNECTIONS WITH YOUR PRESENT EMPLOYERS, FIRMS, BUSINESS ASSOCIATES AND/OR PARTNERSHIPS, OR OTHER ORGANIZATIONS IN THE EVENT THAT YOU ARE CONFIRMED BY THE SENATE? IF NOT, PLEASE EXPLAIN.

Yes, if necessary. However I'm not aware of any such business connections or partnerships.

21. DESCRIBE THE FINANCIAL ARRANGEMENTS YOU HAVE MADE OR PLAN TO MAKE, IF YOU ARE CONFIRMED, IN CONNECTION WITH SEVERANCE FROM YOUR CURRENT POSITION. PLEASE INCLUDE SEVERANCE PAY, PENSION RIGHTS, STOCK OPTIONS, DEFERRED INCOME ARRANGEMENTS, AND ANY AND ALL COMPENSATION THAT WILL OR MIGHT BE RECEIVED IN THE FUTURE AS A RESULT OF YOUR CURRENT BUSINESS OR PROFESSIONAL RELATIONSHIPS.

As a current federal employee, I have no outside business connections or arrangements to sever.

22. DO YOU HAVE ANY PLANS, COMMITMENTS, OR AGREEMENTS TO PURSUE OUTSIDE EMPLOYMENT, WITH OR WITHOUT COMPENSATION, DURING YOUR SERVICE WITH THE GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No.

23. AS FAR AS CAN BE FORESEEN, STATE YOUR PLANS AFTER COMPLETING GOVERNMENT SERVICE. PLEASE SPECIFICALLY DESCRIBE ANY AGREEMENTS OR UNDERSTANDINGS, WRITTEN OR UNWRITTEN, CONCERNING EMPLOYMENT AFTER LEAVING GOVERNMENT SERVICE. IN PARTICULAR, DESCRIBE ANY AGREEMENTS, UNDERSTANDINGS, OR OPTIONS TO RETURN TO YOUR CURRENT POSITION.

I currently have no plans nor any agreements with any prospective employer.

24. IF YOU ARE PRESENTLY IN GOVERNMENT SERVICE, DURING THE PAST FIVE YEARS OF SUCH SERVICE, HAVE YOU RECEIVED FROM A PERSON OUTSIDE OF GOVERNMENT AN OFFER OR EXPRESSION OF INTEREST TO EMPLOY YOUR SERVICES AFTER YOU LEAVE GOVERNMENT SERVICE? IF YES, PLEASE PROVIDE DETAILS.

None.

25. IS YOUR SPOUSE EMPLOYED? IF YES AND THE NATURE OF THIS EMPLOYMENT IS RELATED IN ANY WAY TO THE POSITION FOR WHICH YOU ARE SEEKING CONFIRMATION, PLEASE INDICATE YOUR SPOUSE'S EMPLOYER, THE POSITION, AND THE LENGTH OF TIME THE POSITION HAS BEEN HELD. IF YOUR SPOUSE'S EMPLOYMENT IS NOT RELATED TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED, PLEASE SO STATE.

Yes, my spouse is employed but not in a field that is related to the ODNI, the intelligence community, or any portion of the federal government.

26. LIST BELOW ALL CORPORATIONS, PARTNERSHIPS, FOUNDATIONS, TRUSTS, OR OTHER ENTITIES TOWARD WHICH YOU OR YOUR SPOUSE HAVE FIDUCIARY OBLIGATIONS OR IN WHICH YOU OR YOUR SPOUSE HAVE HELD DIRECTORSHIPS OR OTHER POSITIONS OF TRUST DURING THE PAST FIVE YEARS.

NAME OF ENTITY	POSITION	DATES HELD	SELF OR SPOUSE

INFORMATION REDACTED

27. LIST ALL GIFTS EXCEEDING $100 IN VALUE RECEIVED DURING THE PAST FIVE YEARS BY YOU, YOUR SPOUSE, OR YOUR DEPENDENTS. (NOTE: GIFTS RECEIVED FROM RELATIVES AND GIFTS GIVEN TO YOUR SPOUSE OR DEPENDENT NEED NOT BE INCLUDED UNLESS THE GIFT WAS GIVEN WITH YOUR KNOWLEDGE AND ACQUIESCENCE AND YOU HAD REASON TO BELIEVE THE GIFT WAS GIVEN BECAUSE OF YOUR OFFICIAL POSITION.)

None.

28. LIST ALL SECURITIES, REAL PROPERTY, PARTNERSHIP INTERESTS, OR OTHER INVESTMENTS OR RECEIVABLES WITH A CURRENT MARKET VALUE (OR, IF MARKET VALUE IS NOT ASCERTAINABLE, ESTIMATED CURRENT FAIR VALUE) IN EXCESS OF $1,000. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE A OF THE DISCLOSURE FORMS OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CURRENT VALUATIONS ARE USED.)

DESCRIPTION OF PROPERTY	VALUE	METHOD OF VALUATION

INFORMATION REDACTED

29. LIST ALL LOANS OR OTHER INDEBTEDNESS (INCLUDING ANY CONTINGENT LIABILITIES) IN EXCESS OF $10,000. EXCLUDE A MORTGAGE ON YOUR PERSONAL RESIDENCE UNLESS IT IS RENTED OUT, AND LOANS SECURED BY AUTOMOBILES, HOUSEHOLD FURNITURE, OR APPLIANCES. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE C OF THE DISCLOSURE FORM OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CONTINGENT LIABILITIES ARE ALSO INCLUDED.)

NATURE OF OBLIGATION	NAME OF OBLIGEE	AMOUNT

None.

30. ARE YOU OR YOUR SPOUSE NOW IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION? HAVE YOU OR YOUR SPOUSE BEEN IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION IN THE PAST TEN YEARS? HAVE YOU OR YOUR SPOUSE EVER BEEN REFUSED CREDIT OR HAD A LOAN APPLICATION DENIED? IF THE ANSWER TO ANY OF THESE QUESTIONS IS YES, PLEASE PROVIDE DETAILS.

No.

31. LIST THE SPECIFIC SOURCES AND AMOUNTS OF ALL INCOME RECEIVED DURING THE LAST FIVE YEARS, INCLUDING ALL SALARIES, FEES, DIVIDENDS, INTEREST, GIFTS, RENTS, ROYALTIES, PATENTS, HONORARIA, AND OTHER ITEMS EXCEEDING $200. (COPIES OF U.S. INCOME TAX RETURNS FOR THESE YEARS MAY BE SUBSTITUTED HERE, BUT THEIR SUBMISSION IS NOT REQUIRED.)

INFORMATION REDACTED

32. IF ASKED, WILL YOU PROVIDE THE COMMITTEE WITH COPIES OF YOUR AND YOUR SPOUSE'S FEDERAL INCOME TAX RETURNS FOR THE PAST THREE YEARS?

Yes.

33. LIST ALL JURISDICTIONS IN WHICH YOU AND YOUR SPOUSE FILE ANNUAL INCOME TAX RETURNS.

Texas.

34. HAVE YOUR FEDERAL OR STATE TAX RETURNS BEEN THE SUBJECT OF AN AUDIT, INVESTIGATION, OR INQUIRY AT ANY TIME? IF SO, PLEASE PROVIDE DETAILS, INCLUDING THE RESULT OF ANY SUCH PROCEEDING.

No.

35. IF YOU ARE AN ATTORNEY, ACCOUNTANT, OR OTHER PROFESSIONAL, PLEASE LIST ALL CLIENTS AND CUSTOMERS WHOM YOU BILLED MORE THAN $200 WORTH OF SERVICES DURING THE PAST FIVE YEARS. ALSO, LIST ALL JURISDICTIONS IN WHICH YOU ARE LICENSED TO PRACTICE.

I have performed no legal billing within the last 5 years. I am licensed to practice law in the State of Texas (License #16560500).

36. DO YOU INTEND TO PLACE YOUR FINANCIAL HOLDINGS AND THOSE OF YOUR SPOUSE AND DEPENDENT MEMBERS OF YOUR IMMEDIATE HOUSEHOLD IN A BLIND TRUST? IF YES, PLEASE FURNISH DETAILS. IF NO, DESCRIBE OTHER ARRANGEMENTS FOR AVOIDING ANY POTENTIAL CONFLICTS OF INTEREST.

As a U.S. Representative for the previous five years, I have ensured my financial holdings meet U.S. House of Representatives requirements, and I do not believe any current holding would present a conflict of interest. If confirmed, I will execute, and abide by, an agreement with the ODNI to avoid any conflict of interest under the applicable statues and regulations.

37. IF APPLICABLE, LIST THE LAST THREE YEARS OF ANNUAL FINANCIAL DISCLOSURE REPORTS YOU HAVE BEEN REQUIRED TO FILE WITH YOUR AGENCY, DEPARTMENT, OR BRANCH OF GOVERNMENT. IF ASKED, WILL YOU PROVIDE A COPY OF THESE REPORTS?

2019 U.S. House of Representatives Financial Disclosure Form
2018 U.S. House of Representatives Financial Disclosure Form
2017 U.S. House of Representatives Financial Disclosure Form

PART E - ETHICAL MATTERS

38. HAVE YOU EVER BEEN THE SUBJECT OF A DISCIPLINARY PROCEEDING OR CITED FOR A BREACH OF ETHICS OR UNPROFESSIONAL CONDUCT BY, OR BEEN THE SUBJECT OF A COMPLAINT TO, ANY COURT, ADMINISTRATIVE AGENCY, PROFESSIONAL ASSOCIATION, DISCIPLINARY COMMITTEE, OR OTHER PROFESSIONAL GROUP? IF SO, PLEASE PROVIDE DETAILS.

No.

39. HAVE YOU EVER BEEN INVESTIGATED, HELD, ARRESTED, OR CHARGED BY ANY FEDERAL, STATE, OR OTHER LAW ENFORCEMENT AUTHORITY FOR VIOLATION OF ANY FEDERAL STATE, COUNTY, OR MUNICIPAL LAW, REGULATION, OR ORDINANCE, OTHER THAN A MINOR TRAFFIC OFFENSE, OR NAMED AS A DEFENDANT OR OTHERWISE IN ANY INDICTMENT OR INFORMATION RELATING TO SUCH VIOLATION? IF SO, PLEASE PROVIDE DETAILS.

No.

40. HAVE YOU EVER BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL VIOLATION OTHER THAN A MINOR TRAFFIC OFFENSE? IF SO, PLEASE PROVIDE DETAILS.

No.

41. ARE YOU PRESENTLY OR HAVE YOU EVER BEEN A PARTY IN INTEREST IN ANY ADMINISTRATIVE AGENCY PROCEEDING OR CIVIL LITIGATION? IF SO, PLEASE PROVIDE DETAILS.

Yes. Please see the below and attachment.

1. Civil action filed in Dallas County, Texas in 2002 against my wife, me and our law firm (Tucker & Ratcliffe, LLP) by the another law firm where we had both worked previously but which we had departed to start our own firm (Tucker & Ratcliffe, LLP). The dispute was over responsibility for case files. The other firm alleged that we had taken cases files without the authority of the clients. Both clients provided testimony that we did in fact have express authority to handle the matters in question, and a Take Nothing Judgment in our favor was signed and entered by Judge Karen Johnson in the 95th Judicial District Court on January 13, 2004. (Copy provided – Please see Annex C)

2. Civil action filed in Dallas County, Texas in 2002 by Steger Towne Crossing, LP against SMJM, Inc and Ratcliffe Enterprises, Inc. From 1998-2001, My wife and I were sole shareholders of Ratcliffe Enterprises, Inc, a corporation which owned an Athlete's Foot franchise store in Rockwall, Texas. Ratcliffe Enterprises entered a landlord-tenant lease agreement with Steger Towne Crossing, LP, which managed the shopping center where the store was located. In May 2001, Ratcliffe Enterprises sold the store to SMJM, Inc., who was approved as sublessee on the lease agreement. SMJM, Inc. later defaulted on the lease for nonpayment of rent. Ratcliffe Enterprises, Inc. was named in the suit as the original lessee. SMJM subsequently reached an agreement with Steger Towne Crossing on outstanding rent due. All claims against Ratcliffe Enterprises, Inc. were dismissed with by an Agreed Order of Dismissal with Prejudice signed by Judge Sally Montgomery in County Court at Law #3 on March 1, 2004 (Copy provided – Please see Annex C)

42. HAVE YOU BEEN INTERVIEWED OR ASKED TO SUPPLY ANY INFORMATION AS A WITNESS OR OTHERWISE IN CONNECTION WITH ANY CONGRESSIONAL INVESTIGATION, FEDERAL, OR STATE AGENCY PROCEEDING, GRAND JURY INVESTIGATION, OR CRIMINAL OR CIVIL LITIGATION IN THE PAST TEN YEARS? IF SO, PLEASE PROVIDE DETAILS.

Yes. I have testified before the House Judiciary Committee regarding my proposed balanced budget amendment.

43. HAS ANY BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, DIRECTOR, OR PARTNER BEEN A PARTY TO ANY ADMINISTRATIVE AGENCY PROCEEDING OR CRIMINAL OR CIVIL LITIGATION RELEVANT TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED? IF SO, PLEASE PROVIDE DETAILS. (WITH RESPECT TO A BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, YOU NEED ONLY CONSIDER PROCEEDINGS AND LITIGATION THAT OCCURRED WHILE YOU WERE AN OFFICER OF THATBUSINESS.)

No.

44. HAVE YOU EVER BEEN THE SUBJECT OF ANY INSPECTOR GENERAL INVESTIGATION? IF SO, PLEASE PROVIDE DETAILS.

N/A.

PART F - SECURITY INFORMATION

45. HAVE YOU EVER BEEN DENIED ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION FOR ANY REASON? IF YES, PLEASE EXPLAIN INDETAIL.

No.

46. HAVE YOU BEEN REQUIRED TO TAKE A POLYGRAPH EXAMINATION FOR ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION? IF YES, PLEASE EXPLAIN.

No.

47. HAVE YOU EVER REFUSED TO SUBMIT TO A POLYGRAPH EXAMINATION? IF YES, PLEASE EXPLAIN.

No.

PART G - ADDITIONAL INFORMATION

48. DESCRIBE IN YOUR OWN WORDS THE CONCEPT OF CONGRESSIONAL OVERSIGHT OF U.S. INTELLIGENCE ACTIVITIES. IN PARTICULAR, CHARACTERIZE WHAT YOU BELIEVE TO BE THE OBLIGATIONS OF THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE INTELLIGENCE COMMITTEES OF THE CONGRESS, RESPECTIVELY, IN THE OVERSIGHT PROCESS.

The law requires the President, and by extension the Intelligence Community, to keep the congressional intelligence committees "fully and currently informed" of its activities (50 USC 3091-93), which it does through a variety of means, including its annual budget submission, hearings, briefings, and both formal and informal congressional notifications. The congressional intelligence committees, in turn, oversee and examine the intelligence and intelligence-related programs and activities of the U.S. Government to ensure those activities are in conformity with the Constitution and U.S. law. Through a combination of legislation, hearings, investigations and reviews, analysis, the confirmation process, and regular engagement, the Congress, led by the Senate and House Intelligence Committees, oversee proposed or ongoing intelligence programs and activities to ensure they conform to the U.S. Constitution and the laws of the United States. If confirmed, I would fully support the congressional intelligence committees' oversight of the IC, and specifically the ODNI through the proper reporting requirements so established and consistent engagement with the committees.

49. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

The DNI has a primary responsibility of integrating and coordinating intelligence collected and analyzed through 16 component agencies in order to timely, accurately and objectively inform the President, National Security Council, Congress and other senior policy makers. To be successful in that mission, the DNI must be a chief collaborator, providing leadership to find balances between competing agencies, resolve conflicts, and mitigate administrative and operational barriers. Analyzing short-term IC priorities and needs while facilitating the development of long-term strategies for emerging national security trends and threats is a vital function and responsibility of the DNI within the National Intelligence Program. In addition, the DNI must serve as a strong voice advocating for Intelligence Community operations and interests through consistent engagement with Congress, other intelligence consumers and stakeholders and where appropriate, the American public. As the President's principal intelligence advisor, the DNI has both a responsibility and duty to ensure that the intelligence informing strategic, tactical and operational national security decisions and policies, to every extent possible, is collected, analyzed and reported without bias, prejudice and remains free from political influence.

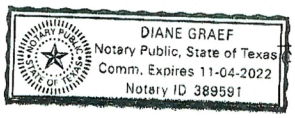
AFFIRMATION

I, **JOHN L. RATCLIFFE**, DO SWEAR THAT THE ANSWERS I HAVE PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

MARCH 18, 2020
(Date)

SIGNATURE OF JOHN L. RATCLIFFE

JC



SIGNATURE OF NOTARY

TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

In connection with my nomination to be the Director of National Intelligence, I hereby express my willingness to respond to requests to appear and testify before any duly constituted committee of the Senate.

SIGNATURE OF JOHN L. RATCLIFFE

Date: MARCH 16, 2020

SENATE SELECT COMMITTEE ON INTELLIGENCE

QUESTIONNAIRE FOR COMPLETION BY PRESIDENTIAL NOMINEES

ANNEX A

John Ratcliffe Public Speeches

- **1/12/15: 2015 Heritage Conservative Policy Summit**
  - Conservative Policy Summit - Sen. Ted Cruz, Rep. Jim Jordan, New Congressmen (1:30:34)
  - Conservative Policy Summit - Sen. Ted Cruz, Rep. Jim Jordan, New Congressmen (1:59:14)

- **02/06/16: 2016 Heritage Conservative Policy Summit**
  - 2016 Conservative Policy Summit (5:13:29)

- **06/16/16: A Better Way to Defend the Constitution**
  - A Better Way to Defend the Constitution (24:55)

- **10/29/26: Weekly Republican Address (Obamacare Repeal)**
  - Weekly Republican Address (Full Video)

- **10/27/17: Palo Alto's Ignite Conference**
  - Congressman John Ratcliffe - Federal Ignite 2017 (2:30)

- **11/02/17: NVIDIA Tech Conference**
  - GPU Technology Conference Live Stream Rep. Ratcliffe

- **11/07/17: International Trademark Association 2017 Leadership Meeting**
  - U.S. Representatives Ted Deutch and John Ratcliffe Address INTA Members at Leadership Meeting (Full Transcript)

- **05/31/18: Texas-Israel Cybersecurity Chamber of Commerce Event "Securing Our Critical Infrastructure"**
  - Texas-Israel Chamber (Speech Clip 1)
  - Texas-Israel Chamber (Speech Clip 2)

John Ratcliffe Op-Eds/Publications: 2012-2020

2015

1. Notre Dame Journal of Law, Ethics & Public Policy, Vol. 26. Issue 1, Art. 3
    i. The Recent and Unusual Evolution of an Expanding FCPA (1/1/12)
2. Washington Examiner, February 15, 2015, Cybersecurity
    i. OPINION: Cybersecurity and the threats we cannot ignore
2. The Hill, March 9, 2015, Cybersecurity
    i. Cybersecurity legislation needed to safeguard personal information
3. Herald Democrat, May 3, 2015, Environment
    i. JOHN RATCLIFFE: Floodplain executive order could cost taxpayers millions in Grayson County
4. Washington Times, July 30, 2015, Economy
    i. Abolishing the Consumer Financial Protection Bureau
5. The Fannin County Leader, November 6, 2015, Veterans
    i. Congressman John Ratcliffe: Veterans Day Editorial
6. Washington Times, November 11, 2015, Energy
    i. The dirty business of 'clean power'
7. Herald Democrat, November 22, 2015, Homeland Security
    i. JOHN RATCLIFFE: Syrian refugees: Security, compassion, and fighting this problem at the source

2016

1. Clarksville Times, January 5, 2016, Healthcare
    i. Gaining Ground in the Fight Against Obamacare
2. Politico, February 24, 2016, Cybersecurity
    i. Obama's big mistake on cyber
3. Fair Tax, April 22, 2016, Taxes
    i. The Fair Tax—A Tax System that Americans Rightfully Deserve
4. Texarkana Gazette, May 29, 2016, Defense
    i. Ratcliffe: RRAD an indispensable component of our national defense
5. Fox News, June 7, 2016, Economy
    i. Sen. Hatch, Rep. Ratcliffe: It's time to restore accountability to our runaway bureaucracy
6. The Hill, June 21, 2016, Judiciary
    i. Separation of Powers Restoration Act key to rebalancing government
7. Red State, July 11, 2016, Judiciary
    i. Taking Back Powers Usurped By Unelected Bureaucrats

8. Washington Examiner, July 11, 2016, Judiciary
    i. Restoring the courts' proper role in dealing with federal agencies
9. Forbes, July 12, 2016, Judiciary
    i. How To Fight The Fourth Branch Of Government
10. Rockwall Herald Banner, September 16, 2016, District Outreach
    i. Ratcliffe: Staying Engaged
11. The Paris News, September 18, 2016, District Outreach
    i. Listening to the voters
12. Texarkana Gazette, September 22, 2016, District Outreach
    i. Founders intended three co-equal branches of government
13. Fox News, October 14, 2016, Law Enforcement
    i. Rep. Ratcliffe: Our police are being targeted, let's give them the equipment they need
14. Forbes, November 7, 2016, Economy
    i. After Election, America Needs To Focus On Innovation
15. Texas Tribune, November 11, 2016, Healthcare
    i. A better way to fix health care
16. Herald Democrat, November 14, 2016, Healthcare
    i. A better way to fix health care
17. Jerusalem Post, December 1, 2016, Cybersecurity
    i. The US and Israel: Our mutual cybersecurity innovation
18. Rockwall Herald Banner, December 23, 2016, District Outreach
    i. Ratcliffe: End of Congress Address

2017

1. Fannin County Leader, January 3, 2017, District Outreach
    i. Rep. John Ratcliffe New Year Op-Ed
2. Herald Democrat, March 11, 2017, Healthcare
    i. JOHN RATCLIFFE: Obamacare repeal-replace
3. The Paris News, March 12, 2017, Healthcare
    i. Lawmakers look to rebuild healthcare
4. The Hill, April 5, 2017, Judiciary
    i. Strengthening Children's Safety Act closes loopholes in existing laws
5. The Daily Caller, June 2, 2017, Homeland Security
    i. Congress Must Act to Halt the Spread of Islamic Extremism
6. The Hill, June 6, 2017, Cybersecurity
    i. National Computer Forensics Institute: Providing law enforcement with top training, resources

7. Herald Banner, June 30, 2017, Immigration
    i. Ratcliffe speaks on Sanctuary Cities
8. Dallas Morning News, October 19, 2017, Healthcare
    i. Health care system for our veterans still isn't good enough
9. The Hill, October 25, 2017, Cybersecurity
    i. Improving our country's cybersecurity posture by assisting local, state officials
10. Four State News, November 8, 2017, Proper care for veterans must be a priority
    i. Proper care for veterans must be a priority
11. Washington Times, November 21, 2017, Cybersecurity
    i. Closing the cyber skills gap

2018

1. Washington Times, January 28, 2018, Cybersecurity
    i. Safeguarding American's data in federal agencies
2. Washington Times, March 12, 2018, Budget
    ii. Toward a balanced budget
3. Texas Tribune, March 16, 2018, Judiciary
    iii. Breaking the link between forced drug use and human trafficking
4. Wired, July 1, 2018, Technology
    iv. It's Time to Modernize Government Websites

SENATE SELECT COMMITTEE ON INTELLIGENCE

QUESTIONNAIRE FOR COMPLETION BY PRESIDENTIAL NOMINEES

ANNEX B

Ratcliffe for Congress Political Contributions

(FEC ID C00554113)

Name	Amount	Date

INFORMATION REDACTED

INFORMATION REDACTED

Lone Star Liberty Fund Political Contributions

(FEC ID C00627661)

Name	Amount	Date

INFORMATION REDACTED

John L. Ratcliffe Personal Political Financial Contributions

NAME	AMOUNT	DATE

INFORMATION REDACTED

SENATE SELECT COMMITTEE ON INTELLIGENCE

QUESTIONNAIRE FOR COMPLETION BY PRESIDENTIAL NOMINEES

ANNEX C

NO. 02-04735-D

SIFFORD, ANDERSON, VICE & MACFARLANE, L.L.P., formerly known as SIFFORD & ANDERSON, L.L.P., a Registered Limited Liability Partnership, Including Professional Corporations,	§	**IN THE DISTRICT COURT**
Plaintiffs,	§	**DALLAS COUNTY, TEXAS**
v.	§	
JOHN L. RATCLIFFE, MICHELE RATCLIFFE, JOHN L. RATCLIFFE, ATTORNEY & COUNSELOR, P.C., AND TUCKER & RATCLIFFE, L.L.P.,	§	
Defendants.	§	**95th JUDICIAL DISTRICT**

TAKE NOTHING JUDGMENT

On the 13th day of January, 2004, came to be heard the above-entitled and numbered cause. The parties have appeared by and through their attorneys of record. The Court hereby

ORDERS, ADJUDGES, AND DECREES that Plaintiff Sifford, Anderson, Vice & McFarlane, L.L.P., formerly known as Sifford & Anderson, L.L.P., a Registered Limited Liability Partnership, Including Professional Corporations, take nothing for its claims against Defendants John L. Ratcliffe, Michele Ratcliffe, John L. Ratcliffe, P.C. and Tucker & Ratcliffe, L.L.P. and such claims are hereby dismissed with prejudice.

The Court further ORDERS, ADJUDGES, AND DECREES that Defendant John L. Ratcliffe take nothing for his counterclaims against Plaintiff and such claims are hereby dismissed with prejudice.

The parties each shall bear their own costs and attorneys' fees. All relief not expressly

granted is denied.

SIGNED this 12th day of January, 2004.

JUDGE PRESIDING

APPROVED:

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Dallas, Texas 75204
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Attorney for Plaintiff

George M. Kryder
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2001 Ross Avenue
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Telephone: (214) 220-7700
Facsimile: (214) 220-7716

Attorney for Defendants

786186_2.DOC

CAUSE NO. 02-12805-C

STEGER TOWNE CROSSING II, L.P. a Texas Limited Partnership,	§	IN THE COUNTY COURT
Plaintiff,	§	
V.	§	AT LAW NO. 3
RATCLIFFE ENTERPRISES, INC., a Texas Corporation, and SMJM, INC., a Texas Corporation	§	
Defendants.	§	DALLAS COUNTY, TEXAS

AGREED ORDER OF DISMISSAL WITH PREJUDICE

Came to be heard the Agreed Motion to Dismiss with Prejudice filed on behalf of all the parties. The court having considered the Agreed Motion to Dismiss prior to disposition on the merits finds that the Motion should be GRANTED. It is therefore,

ORDERED, ADJUDGED and DECREED by the Court that the above-styled and numbered cause including any and all cross claims, counter claims and/or third party claims be, and are hereby dismissed with prejudice to the refiling of same in any form by any of the parties.

It is further ORDERED, ADJUDGED and DECREED that court costs be paid by the parties hereby incurring same.

SIGNED this 1 day of March, 2004.

Sally J. Montgomery

JUDGE PRESIDING

SELECT COMMITTEE ON
INTELLIGENCE

UNITED STATES SENATE

Additional Prehearing Questions for

John L. Ratcliffe

Upon his nomination to be

Director of National Intelligence

Responsibilities of the Director of National Intelligence

QUESTION 1: The role of the Director of National Intelligence (DNI) can differ depending on what the President has requested. If confirmed, you would be the sixth DNI.

A. What do you envision for your role as DNI, if confirmed? Do you consider the position of DNI to be the *director* of national intelligence, a *coordinator* of national intelligence, or would you characterize it differently?

Answer: I see the DNI as the leader of our nation's intelligence enterprise, with the authorities to direct and promote the integration of foreign, military, and domestic intelligence through precision analysis, technological superiority and the unified efforts of the ODNI and 16 elements across the IC. By successfully optimizing enterprise resources through innovation and coordination and aligning them with administration priorities, the DNI has the unique ability and duty to deliver independent, timely, objective, and relevant intelligence to the right people at the right time.

B. What is your understanding of the following responsibilities of the DNI:

1. Serving as the principal adviser to the President, the National Security Council, and the Homeland Security Council for intelligence matters related to national security?

Answer: I believe the DNI has a responsibility through integration and collaborative analysis to deliver intelligence that is independent, timely, and objective so that policy makers can make properly informed decisions. Similarly, the ability to identify intelligence gaps is also fundamental to the job as DNI to ensure the IC is taking proactive actions to narrow or eliminate those challenges and keep our customers informed of these intelligence needs.

I intend to deliver unvarnished, fact-centric, and candid information to the President, his team, and Congress to identify advantages or vulnerabilities where they may exist in order to make critical policy decisions that impact the national security of the United States.

2. Overseeing and directing the implementation of the National Intelligence Program (NIP)?

Answer: The DNI has well-established authorities to help oversee the NIP. This begins with issuing guidance and direction to the IC elements on NIP resource allocation based on the President's intelligence priorities and monitoring execution of the NIP within the levels Congress authorized and appropriated. Additionally, the DNI works closely with the Secretary of Defense in developing the Military Intelligence Program to ensure complementary capabilities and avoid duplication of effort. Any element of the IC that seeks to spend funds for a different purpose would, among other things, need proper review and approval of the DNI in accordance with applicable law.

3. Managing the Office of the Director of National Intelligence (ODNI)?

Answer: I believe the DNI has a responsibility to lead the ODNI through its current and future challenges and opportunities. In managing the patriotic work of the men and women of the ODNI to further integrate, coordinate, and oversee the IC, I believe it's vital to give them the tools, resources, and guidance needed to execute their mission to deliver policy and mission critical information to our customers. Setting short and long-term priorities for ODNI to further their mission is vital to the day-to-day management of the office.

QUESTION 2: What is your view of the role and responsibilities of the DNI in overseeing IC agencies and integrating them into an effective intelligence enterprise? Please answer separately for each of the following:

A. The Office of the Under Secretary of Defense for Intelligence and Security and the Department of Defense (DoD) intelligence components.

Answer: The DNI works closely with the Secretary of Defense and primarily through the Under Secretary of Defense for Intelligence and Security (USD(I&S)) on proper guidance on IC priorities to inform DoD's budgetary decisions within the Military Intelligence Program (MIP). Coordinating closely to make sure our efforts are integrated to meet the IC's needs is a fundamental role of the DNI in this relationship.

With respect to acquisitions, the DNI is the primary decision authority if NIP needs are involved. This helps ensure that IC and DoD systems are complementary and non-duplicative. The DNI also consults on possible nominations of some DoD IC element heads in the event of vacancies.

B. The Central Intelligence Agency (CIA).

Answer: Under the National Security Act, the DNI recommends to the President an individual to be nominated as the Director of the CIA. Since the beginning of the ODNI, the CIA has been a vital foundational partner, including providing much of the staff that helped stand up the office and continue there to this day. If confirmed, I look forward to a close working relationship with Director Haspel to continue our important missions and make sure the CIA has the tools and resources it needs to achieve its objectives.

C. The intelligence agencies that reside in other departments of the federal government.

Answer: It is important for the DNI to work collaboratively with the appropriate department heads of IC elements. The National Security Act requires the head of the department or agency containing an IC element to consult with the DNI, and in many cases, obtain the DNI's concurrence, before appointing an individual to be nomination for such a position. Addressing IC-wide problems in conjunction with the other department heads within the NIP is fundamental to the responsibilities of the DNI.

QUESTION 3: If confirmed as DNI, what steps will you take to improve the integration, coordination, and collaboration among IC agencies?

A. What do you believe are the top IC management priorities for the DNI at present? If confirmed, how would you address each one?

Answer: If confirmed, I would want to fully assess from our IC element leaders what they believe is working well in the broader effort of IC integration, coordination, and collaboration as well as what is not working.

I have always felt effective leadership and management requires one to show confidence in your people and give them the flexibility and independence to identify and find solutions to everyday problems via open dialogue and cooperation. I would expect to take the same approach when leading the IC and the ODNI. Making sure our management structures flowing downward are properly staffed and with the resources they need to make informed and decisive decisions to further integrate and provide policymakers the information they need to make decisions will be my everyday mission.

B. What do you believe are the greatest threats to the IC's continued effectiveness in performing its mission?

Answer: Given the depth and breadth of the challenges to our national security, how the IC responds is critical to its success. Our intelligence professionals currently provide policymakers with a significant advantage against our adversaries. The community must maintain that competitive advantage. It must become more agile and apply the most advanced technologies to that purpose.

First and foremost, the IC must be integrated, to harness the full talent and tools from across the IC. The IC must further unify and focus resources with precision, to gather information against the hardest targets and most pressing threats. The IC has made progress in its effort to operate as one team, but there is still room to improve. Integration is critical to make the best use of all IC capabilities. It brings to bear the full power of the IC, working in harmony to get the right information, to the right people, at the right time.

The IC must become more agile in how it employs staff internally, and how it brings new talent onboard.

The IC must also continue to improve its tools. Technology is the heart of much of what the IC does. It is a constant struggle to process data, analyze it, and convert it into knowledge and understanding to support national leaders. This is one of the IC's greatest perennial challenges.

To this end, my understanding is that the IC is embracing artificial intelligence and machine learning. This powerful technology will better enable the IC to gain additional, critical insight and advantage from the massive set of data available.

To do this, the IC must continue to expand and strengthen partnerships outside its "fence line," to leverage the talent, and unique skillsets that exist beyond the federal government. I hope to work with my partners at OMB, OPM, and Congress on modernizing the pay, benefit, and advancement structures needed to attract the very best talent for all the specific short and long-term needs of the IC. I look at this as critical to our national security and something that I have had keen interest in during my time in Congress, as well as the critical needs in the cybersecurity space.

C. What areas of improvement need to be made in terms of IC acquisition?

Answer: At this time, I am not aware of any needed changes to improve IC acquisition management and believe that current authorities are sufficient to meet IC needs. If, after review, I realize that changes are needed to properly execute ODNI's mission, I will work to support those changes.

QUESTION 4: Based on your professional experience:

A. Do you believe in the utility of the President's Daily Brief to ensure the President has the most current information on pressing national security challenges facing the nation?

Answer: Yes. I believe the PDB is fundamental for the President, his national security team, and the most senior policymakers and military officers to have the most current intelligence insights and analysis from the IC to inform their decision-making for national security. Delivery of this in a timely and tailored manner helps the President formulate areas of focus and need in the national security space.

B. Do you believe the current organizational structure of U.S. intelligence agencies is optimal to support the needs of the President, our warfighters, and other policy makers? If not, what changes would you recommend to the current structure?

Answer: Although I am familiar with the current organizational structure, it is premature for me to assess the optimization of the agencies in totality. If confirmed, I look forward to addressing this topic as needed with the IC's customers to ensure we are fulfilling our mission.

QUESTION 5: The Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) was an effort intended to improve the management and coordination of the IC to meet current and future national security challenges.

A. Does the DNI have sufficient legal authorities, budgetary and otherwise, to effectively execute the DNI's IC management role? If not, what are your recommended enhancements or changes to IRTPA's authorities?

Answer: IRTPA and its related statutes and executive orders created the DNI as an agile agency to lead the IC and provided an array of authorities to manage, budget, and oversee the IC. If and until I am confirmed, though, I will not have the opportunity to get a sense of whether additional authorities or legislative changes are needed. If, after review, I realize that changes are needed to properly execute ODNI's mission, I will work to support those changes.

B. Do you believe that granting the DNI more control over the intelligence agencies' personnel, training programs, and business systems would accelerate the integration of the IC? What would be the downside to such a step? What do you consider the highest priority leadership and management challenges facing the IC at this time? If confirmed, what will you do to address these challenges?

Answer: If and until I am confirmed, I will not have the opportunity to review fully the different personnel, training, and business system challenges of the IC's 17 elements. I believe the DNI has sufficient authorities needed to continue to integrate the IC but if, after review, I realize that changes are needed to properly execute ODNI's mission, I will work to support those changes.

Qualifications

The 2004 IRTPA requires that, "Any individual nominated for appointment as Director of National Intelligence shall have extensive national security expertise." 50 U.S.C. § 3023(a)(1).

QUESTION 6: Please describe the specific experiences you have had in your professional career that will enable you to serve effectively as the head of the IC (IC). What lessons have you drawn from the experiences of former DNIs?

Answer: During almost ten years of federal government service, I have gained extensive experience on national security and intelligence issues that will be particularly beneficial in being an effective Director of National Intelligence, if confirmed.

During my four years in the Justice Department, I served for more than a year as the U.S. Attorney for the Eastern District of Texas. As the top federal law enforcement official for an area covering more than 35,000 square miles, I experienced and learned a great deal about leading and managing federal offices and employees, about communicating and coordinating with other federal agencies, state, local and tribal partners, and about being an important voice and spokesperson on law enforcement and national security issues to the more than 3 million Americans living in that federal district.

Additionally, during three years as the district's anti-terrorism chief, I handled sensitive matters and priorities of national security on a daily basis and also served as the federal coordinator to the FBI's Joint Terrorism Task Force (JTTF) on terrorism related matters arising in the district with responsibility for conducting quarterly 315 case reviews of international terrorism matters, including the use of Foreign Intelligence Surveillance Act authorities.

In those roles, my job responsibilities included the coordination and integration of terrorism threat information and prevention strategies between federal, state, local and tribal authorities. The lessons learned in my time at DOJ, including the importance of and experiences from having responsibilities for the effective integration, coordination and sharing of national security threat information to prevent another 9/11 type of terrorist attack is a complementary foundation for the DNI's role in integrating efforts across the components of the IC.

Additionally, now in my sixth year as a member of the House of Representatives, I have worked on legislation on national security and intelligence issues while serving on the Intelligence, Homeland Security, and Judiciary committees. As Chairman of the Homeland Cybersecurity Subcommittee for four years, I authored bipartisan national security and cybersecurity bills enacted into law during both Democratic and Republican administrations. As a member of the House Permanent Select Committee on Intelligence, I have authored bipartisan election security legislation and have gained considerable knowledge of sensitive intelligence issues and programs through classified briefings, open and closed hearings and other congressional oversight activities of the 17 elements of the IC.

Similar to recent intelligence nominees like former DNI Coats and Director Pompeo, I bring experience that is different from career intelligence, military or diplomatic officials. If confirmed as the sixth DNI, I would be only the second with a legal background, and the first with experience as a national security prosecutor. Because every intelligence activity must be authorized by the Constitution, statute or executive order, my prior experiences in both enforcing the law and legislating on national security issues will enhance and aid my dedicated efforts to lead the IC as DNI, should I be confirmed.

Each of the prior DNIs have made distinct contributions to the overall mission of better integration and coordination of efforts to collect and analyze intelligence across the IC. In my discussion with DNI Coats about the position, he stressed why changing the organizational chart and structure of ODNI was necessary to better distribute responsibilities and better delegate authority to prevent bottlenecks of decision-making by the DNI. In exercising his authorities across a massive intelligence enterprise, DNI Mike McConnell was careful to avoid a "jack of all trades, master of none" approach by focusing on what he determined to be the IC's most pressing issues or deficiencies at the time. If confirmed, my approach would likely similarly be to identify areas of intelligence collection or analysis performance or capabilities in need of more specific, different or urgent attention or investment.

QUESTION 7: Please explain, and provide corresponding evidence, how your background fulfills the requirement that a DNI nominee have "extensive national security expertise."

Answer: For much of the past 15 years, I have handled national security-related issues, both as a federal prosecutor and an elected legislator and policymaker. During that time and through those experiences, I have a background which reflects not just extensive national security experience and expertise, but also the judgment, discretion, temperament and dedication necessary to serve as the next Director of National Intelligence.

As a Member of Congress over the past six years, I have been legislating on national security and intelligence-related issues as the elected representative from Texas' Fourth Congressional District, while serving on the Intelligence, Homeland Security, and Judiciary committees. For four years, I served as the Chairman of the Homeland Security Subcommittee on Cybersecurity and Infrastructure Protection. One of our country's greatest national security threats arises from the cyber capabilities of our adversaries. Nation states, terrorists and transnational criminals are engaging in cyberattacks and operations against the United States and our citizens with increasing frequency and severity in order to gain political, economic or military advantages.

During my time as Chairman, I conducted nearly 30 hearings on emerging cybersecurity threats and matters related to homeland and national security. I held hundreds of meetings and roundtable discussions with national security experts, national security agency officials, and countless national security stakeholders. Throughout that tenure, I gained the considerable national security experience and expertise necessary to effect, direct and lead a series of successful legislative actions and initiatives in the cybersecurity and national security space.

This included traveling to Israel for a series of meetings with government national security officials, including Prime Minister Netanyahu, and which resulted in my authoring the *United States-Israel Advanced Partnership Act of 2016,* a bill signed into law by President Obama that encourages cooperative programs and research development with Israel to enhance cybersecurity capabilities and technologies for national security purposes. I also worked closely with then-Homeland Security Chairman Michael McCaul to introduce the *National Cybersecurity Protection Advancement Act*.

Also signed into law by President Obama, this legislation authorized the sharing of cyber threat indicators and information between government and the private sector through DHS' National Cybersecurity Coordination and Integration Center.

While Cybersecurity Subcommittee Chairman, I also introduced the *Support for Rapid Innovation Act of 2017,* which would have amended the Homeland Security Act of 2002 to direct the DHS Under Secretary for Science and Technology to support the research, development, testing, evaluation, and transition of cybersecurity technologies, and was passed unanimously in the House of Representatives. Along with now-Homeland Security Committee Chairman Bennie Thompson, I also authored and introduced the *Leveraging Emerging Technologies Act of 2017*, which encourages engagement between DHS and emerging technology developers and firms to help get our government's cybersecurity defense and response capabilities up to speed with the challenges of the digital age.

Another cyber-related bill that I introduced, Congress passed, and President Trump signed into law was the *Strengthening State and Local Crime Fighting Act of 2017*. This law authorized the National Computer Forensics Institute within the U.S. Secret Service to disseminate information related to the investigation and prevention of cyber and electronic crime and related threats.

I also authored and introduced the *Advancing Cybersecurity Diagnostics and Mitigation Act,* which seeks to codify the Cybersecurity Diagnostics and Mitigation (CDM) program at DHS and expand CDM capabilities to additional agencies at the federal, state, and local levels while also mandating that DHS develop a strategy to ensure the program continues to adjust to the cyber threat landscape.

Other national security-related measures that I have introduced include H.R. 6034 *Classified Information Protection Act of 2016*, H.R. 5222 *Iran Cyber Sanctions Act of 2016*, H.R. 4930 *Transportation Security and Redress Act (TSARA)*, and H.R. 3578 *DHS Science and Technology Reform and Improvement Act.*

Additionally, included in the FY20 NDAA was my amendment to boost the U.S.-Taiwan cyber partnership, which passed the House in July 2019. The amendment would require DoD to look into the feasibility of establishing a high level, interagency U.S.-Taiwan working group for coordinating responses to emerging issues related to cybersecurity and to counter Chinese cyber attacks.

As a member of the House Permanent Select Committee on Intelligence, I serve on the Strategic Technologies and Advanced Research (STAR) and the Intelligence Modernization and Readiness (INMAR) Subcommittees. Election security is one of the most pressing national security concerns. To help address this threat, I have authored and introduced, along with Congressman Jim Himes (D-CT), the *Defending the Integrity of Voting Systems Act,* which would broaden the definition of "protected computer," for purposes of computer fraud and abuse offenses, to include a computer that is part of a voting system.

Currently, as Ranking Member of the Crime, Terrorism, and Homeland Security Subcommittee on the House Judiciary Committee, our jurisdiction and hearings have allowed me to further expand my national security experiences and expertise on terrorism matters, drug trafficking, transnational crime, and other national security issues. Previously, in 2015, I served as a member of the Task Force on Combatting Terrorist and Foreign Fighter Travel. The task force assessed the U.S. government's efforts to obstruct terrorist travel and how to better keep violent extremists from entering the United States. As a member of the task force, I gained considerable knowledge, experience and expertise from many meetings with national security officials and agencies, as well as national security experts both inside and outside of the government to develop policy solutions to address these issues.

Prior to running for Congress, I served as a federal prosecutor from 2005-2008. While at the Justice Department, I held top secret security clearances and had primary responsibility for anti-terrorism and national security investigations and cases in various roles at the Office of the U.S. Attorney for the Eastern District of Texas, including as U.S. Attorney, First Assistant U.S. Attorney, and as the Section Chief of Anti-Terrorism and National Security.

Please see my answers to No. 6 above, Nos. 8-9 below, as well the Annexes submitted herewith, which provide the expanded details about my national security experience and expertise reflected by those roles and responsibilities, which included keeping America safe from both domestic and international terrorist threats, cybercrimes, drug and human traffickers, and illegal immigration.

I gained considerable national security experience and expertise while managing a docket of 34 national security and terrorism related matters (see annex for corresponding Department of Justice information). As noted in responses to Nos. 8 and 9 below, additional information may be forthcoming subject to interagency review.

QUESTION 8: The DNI is one of the most important national security jobs in the U.S. government, overseeing 17 agencies with disparate capabilities, authorities, and workforces across six federal departments and two independent agencies, deployed around the globe, accountable to multiple committees of Congress.

A. What experience do you have running a federated enterprise?

B. What experience do you have leading and managing intelligence activities?

Answer: During my four years in the Justice Department, I served for more than a year as the U.S. Attorney for the Eastern District of Texas. As the top federal law enforcement official for an area covering more than 35,000 square miles, I experienced and learned a great deal about leading and managing federal offices and employees, about communicating and coordinating with other federal agencies, state, local and tribal partners, and about being an important voice and spokesperson on law enforcement and national security issues to the more than 3 million Americans living in that federal district. Prior to serving in that role, I served for an additional 18 months as the First Assistant U.S. Attorney, the district's second in command with responsibilities for the day-to-day operations of six district offices, personnel of more than 100 federal employees, and financial oversight of a $12 million annual operating budget.

While responsibilities for a single federal district pale by comparison to the scope and breadth of the responsibilities of the DNI, I do think my ability to successfully lead and manage federal offices and employees on national security priorities in a nonpartisan and apolitical position are reflected in my time and experiences at the DOJ. Additional information may be forthcoming subject to interagency review.

QUESTION 9: You served as Chief of Anti-Terrorism and National Security (2004-2007) and subsequently as interim U.S. Attorney for the Eastern District of Texas (March 2007 to April 2008).

A. Please describe all cases involving matters of terrorism or national security in which you played a significant role.

Answer: From 2005 to 2008, I had various roles and responsibilities for terrorism and national security matters. As chief of anti-terrorism, I handled the majority of both domestic and international terrorism matters that arose in or involved the federal district. According the Department of Justice's LIONS (Legal Information Office Network System) case management records, there were 34 matters either opened by or assigned to me under the program category "Terrorism/National Security Critical Infrastructure." I do not have access to those case files and records. Attached as part of the Annex is a letter from the Department of Justice confirming my docket of terrorism and national security matters.

Generally, all such matters were opened and predicated on the prevention of terrorism, which was the overarching priority of the Department of Justice following 9/11, and my docket of cases included both domestic and international terrorism matters. Additional information may be forthcoming subject to interagency review.

B. Please detail your contributions to the Holy Land Foundation Case and the Pilgrim's Pride Case.

Answer: Holy Land Foundation Case – Please see annex for additional details.

Pilgrim's Pride – In December 2007, as U.S. Attorney, I announced the indictment of 24 individuals arrested at the Pilgrim's Pride facility in Mount Pleasant, Texas. Pilgrim's Pride is a poultry processing company headquartered in the Eastern District of Texas but with operations nationwide in multiple states. Based upon our indictments and prosecutions, a continuing investigation into the company's operations on a nationwide basis was coordinated with Immigration Customs and Enforcement officials. For the next several months, I met regularly with the ICE Special Agent in Charge for the planning of a large multi-state worksite enforcement action against Pilgrim's Pride.

In April 2008, a multi-state worksite enforcement action in Pilgrim's Pride facilities resulted in the arrest of nearly 300 individuals believed to have committed Social Security fraud and identity theft to live and work illegally in the United States. All of the arrests originated from the investigation and prosecutions initially brought by my office, and I was the only Department of Justice official requested to participate in the press conference and press release announcing the arrests (see Annex for additional details).

C. Please list any matters that you worked on involving the Foreign Intelligence Surveillance Act. Please provide a classified annex, if necessary.

Answer: Please see annex for additional details.

QUESTION 10: Please describe your work as a Member of the House Permanent Select Committee on Intelligence (HPSCI), including your voting record, attendance record, leadership on specific intelligence legislation, any travel, and subcommittees that you lead.

Answer: Since being named to the House Permanent Select Committee on Intelligence (HPSCI) in January 2019, I have served on the Intelligence Modernization and Readiness Subcommittee and the Strategic Technologies and Advanced Research Subcommittee.

The vast majority of my work on HPSCI over the past year has related to investigations of the President on matters relating to Russian interference in U.S. elections, the Mueller Report, the Ukraine investigation and the impeachment inquiry.

I played a leading role for the HPSCI minority members in the briefings, discussions, and drafting of bipartisan FISA renewal legislation. I also remain concerned about election security issues and have authored bipartisan legislation with Democratic HPSCI colleague Jim Himes.

With very few exceptions, I have been present for HPSCI GOP caucus meetings and HPSCI open hearings. I attended all public HPSCI impeachment inquiry proceedings and 14 of the 18 transcribed interviews, and depositions conducted in closed sessions. As one of only a few House members to serve simultaneously on four committees, I have done my best to balance my responsibilities to all of my committees.

There have been limited travel opportunities during my tenure on HPSCI as a result of travel embargoes and the extended impeachment inquiry. My international travel since joining the HPSCI includes travel to the Columbia/Venezuela border, Brazil and Argentina. Along with my Democratic HPSCI colleague, Peter Welch, I received classified briefings in Colombia, Brazil and Argentina.

QUESTION 11: What have your topics of focus been while on the HPSCI?

Answer: As noted in response to No.10, a significant portion of my work on HPSCI over the past year has been related to investigations of the President on matters relating to Russian interference in U.S. elections, the Mueller Report, the Ukraine investigation and the impeachment inquiry. Additionally, I have been a leader on FISA-related issues and legislation and election security legislation. Based on classified briefings, I have also focused on issues involving China, 5G, and quantum computing.

Shape, Size, and Function of the ODNI

The DNI has three core responsibilities: serving as the President's principal intelligence adviser, leading the IC, and overseeing and directing implementation of the NIP.

IRTPA prescribes a number of other responsibilities, including management of the NIP budget, IC acquisition, setting analytic integrity and standards, oversight of foreign relations, tasking, information sharing, protection of sources and methods, maintenance of uniform procedures for classified information, and coordination of relations with foreign governments. It also specifies a number of offices, including the National Intelligence Council; Office of General Counsel; IC Chief Information Officer; IC Chief Financial Officer; Civil Liberties, Privacy, and Transparency Office; National Counterintelligence Executive; National Counterterrorism Center; National Counterproliferation Center; and a Principal Deputy DNI and up to four Deputy DNIs.

QUESTION 12: Do you commit to executing these responsibilities and maintaining the complete operation of all these functions and offices as prescribed in law?

Answer: Yes.

QUESTION 13: Do you believe that the ODNI's current mission is appropriately scoped? Do you believe that aspects of its mission should be carried out by other parts of the IC? If so, which missions should be transitioned to the component agencies and why?

Answer: I believe the ODNI needs to be in a position to lead the IC as a collective, and work to solve the problems that a managing entity like ODNI can achieve.
At this juncture, it is premature for me to assess which missions could or should be transitioned to other parts of the IC or federal government. I look forward to studying this issue and working to support any necessary changes.

QUESTION 14: If confirmed, what goals do you have for the IC as its leader?

Answer: If confirmed, I would support an IC that provides independent, objective, and timely intelligence to policymakers across the government. In doing so, the IC must remain innovative in its thinking, diverse in its approaches to its mission, and unmatched in its capabilities.

The men and women of the IC possess some of the most sought after talent and skills, and I share the goal of maintaining a world class workforce.

The means by which the IC executes its mission – whether in collection platforms, analytic tradecraft, scientific advancement, or business processes – must remain its strength and as DNI, I will bring my skills to keeping us on the cutting edge.

QUESTION 15: Do you believe the ODNI should play a larger or smaller role as leader of the IC? Why?

Answer: To be an effective leader of the IC, the ODNI must stay true to its core mission of integration and coordination. I support an ODNI that maintains its leadership role without impinging on the missions of the elements of the IC. The ODNI is well-positioned to drive community-wide progress on intelligence problems and provide meaningful oversight to the work of the IC.

QUESTION 16: There has been considerable debate in the past concerning the appropriate size and function of the ODNI. The IRTPA specifically prescribed a number of offices and functions to the ODNI to ensure they were performed and to promote clear accountability to the Congress. In answering this question, please address the staff functions of the ODNI and the specific components of the ODNI, where appropriate, such as the National Counterterrorism Center, the National Counterproliferation Center, the National Counterintelligence and Security Center, and the Cyber Threat Intelligence Integration Center.

A. What is your view of the ODNI's size and function?

Answer: ODNI is assigned a variety of diverse functions, whether by the President or by Congress. In order to effectively carry out those functions, the office requires appropriate staffing to carry out these missions. The majority of the staffing at ODNI is resident in the mission centers like NCPC, NCSC, NCTC, and the Mission Integration function.

From my time on the HPSCI, and in the most recent Intelligence Authorization Act, Congress asks much of the ODNI by way of tasking and reports.

If confirmed, I will work to review each office and component to find opportunities to improve efficiency, as appropriate, and look forward to collaborating with our stakeholders to prescribe any actions.

B. Do you believe that the ODNI has sufficient personnel resources or more personnel than required, to include both ODNI cadre and IC detailee personnel, to effectively carry out its statutory responsibilities?

Answer: If confirmed, I look forward to evaluating the ODNI resources to make sure we are staffed properly to carry out our statutory functions as efficiently as possible to achieve ODNI's mission.

C. What in your view is the appropriate balance between ODNI's community-management responsibilities and providing flexibility to the daily decision-making authorities of individual IC agency directors?

Answer: If confirmed, I will respect the authority of each IC element's leadership while executing the DNI's mission of effective integration and oversight. I see the leadership of the IC as partners in successfully driving the IC and will work to maintain relationships with the IC elements based on results and respect. ODNI's role is best achieved when its mission focuses on extensive integration of the various IC elements, rather than in the daily decision-making of individual IC agencies.

QUESTION 17: What is your understanding of the responsibilities of the following officers, and for each of them, how would you ensure that each officer is performing the mission required by law?

A. The General Counsel of the ODNI.

Answer: As the chief legal officer of the ODNI, I believe the general counsel provides his/her legal insights and legal advice on the often complex, difficult, Constitutional, and new legal issues impacting the ODNI, DNI, and the IC as a whole. If confirmed, I look forward to working closely with the General Counsel and to work as a team to perform the missions required by law.

B. The Inspector General of the IC.

Answer: The Inspector General has a statutory responsibility to conduct broad oversight of the Intelligence Community. The IG conducts their business via independent audits, inspections, reviews, and investigations to provide insight on how the community is operating as an enterprise. If confirmed, my goal is to establish a working relationship with the IC IG that provides the adequate resources and support needed for the IC IG to perform its important work.

C. The ODNI Privacy, Civil Liberties, and Transparency Officer.

Answer: The Office of Civil Liberties, Privacy, and Transparency (CLPT) has statutory responsibility to help ensure that the IC protects civil liberties and privacy as it carries out its important intelligence mission. CLPT also helps perform the vital balancing act of transparency while also protecting our sources and methods. The ability of the IC to protect civil liberties and privacy while providing appropriate sunlight into our important national security work helps show the American people that the IC is committed to lawfully and responsibly using the tools and authorities provided to keep our country safe. If confirmed, I look forward to working with the CLPT to ensure our mission of ensuring civil liberties, privacy, and transparency are carried out appropriately and as required by law.

D. The individual assigned responsibilities for analytic integrity under Section 1019 of IRTPA (50 U.S.C. § 3024).

Answer: My understanding of the Analytic Integrity and Standards Group (AIS) aligns closely with the way former Director Coats characterized the position during his confirmation. The AIS improves the quality of analysis by promoting analytic standards across the IC and facilitates an integrated analytic enterprise by evaluating adherence to the analytic tradecraft standards in IC products. As mandated by IRTPA, AIS provides an important annual report to Congress as well as briefing agency heads on the annual findings from its studies. Analytic integrity is invaluable and critical to the IC's credibility as a "truth teller."

E. The individual assigned responsibilities for safeguarding the objectivity of intelligence analysis under Section 1020 of IRTPA (50 U.S.C. § 3024).

Answer: The chief of Analytic Integrity and Standards (AIS) is designated as the Analytic Ombudsman for the IC under Section 1020 of IRTPA. The ability of IC analysts to raise concerns about adherence to existing standards within analytic products provides accountability for all in our mission. The Ombudsman can help respond to concerns raised by analysts with dialogue, fact finding, problem solving, conflict resolution, counseling, and specific recommendations to move forward. If confirmed, I look forward to supporting the chief of AIS in the performance of his duties to further strengthen our enterprise.

QUESTION 18: Do you believe 50 U.S.C. § 3024(h) and IC Directive (ICD) 203 (regarding analysis and analytic standards) need to be strengthened and its implementation made more vigorous? In what ways?

Answer: Not at this time; however, I do support additional standards for the use of data science in the IC. Analysis of large collection data sets are becoming increasingly important to both collection and to analytic judgments across a number of topics. Many sophisticated data science tools and techniques are being applied. We need to make sure that these techniques are explained and understood in order to maintain credibility with analytic consumers. The IC is already working on new standards for data science tradecraft, and I would support and emphasize this advancement.

Management of the ODNI

QUESTION 19: How many Deputy DNIs do you believe are necessary?

Answer: The IRTPA allows the ODNI no more than four Deputy Directors, as reflected in the current ODNI structure. If confirmed, I will review the role of the Deputy Directors to ensure maximum effectiveness of this structure.

QUESTION 20: What do you believe is the appropriate grade structure for the ODNI?

Answer: Given the ODNI's mission to oversee the Community, I recognize that many roles will require senior officials with the appropriate experience to oversee community-wide functions, provide sound guidance, and represent the DNI.

That said, not all positions at ODNI may need senior-most representation, and I am encouraged by the work done by ODNI in recent years to reflect a greater diversity of grades based on the mission assigned. I will continue to review ODNI's grade structure if confirmed.

QUESTION 21: What do you believe is the appropriate balance between government employees and contractor employees in the ODNI?

Answer: The mix of government and contractor professionals at ODNI provides for a diverse workforce to address the broad mission of the ODNI. There are clear places where contract expertise is well-utilized, and I appreciate what they bring to the work of the ODNI. In recent years, I was happy to support Congress' provision of more authority for the entire IC to review and assess its contractor base and make smarter decisions in support of missions that were best performed by government or contract employees. I look forward to learning how ODNI has implemented this new authority, and how it is reflected in its workforce planning for the future.

QUESTION 22: What do you believe is the appropriate balance between ODNI cadre employees and those on detail or assigned from other government agencies?

Answer: The IC is blessed with a level of talent, skills, and abilities across its various agencies that is unmatched anywhere in the federal government. In order for ODNI to be effective in reflecting those agencies, and understanding how best to integrate their various missions, individuals serving detail assignments provide great value to the work of the ODNI.

Maintaining an appropriate balance of cadre and detailee personnel is crucial to ODNI's ability to effectively and efficiently carry out its statutory missions. I understand that previous DNIs have considered a variety of different ratios between cadre and rotational employees at the ODNI, and if confirmed, I will review each of these prior experiences to understand the lessons learned from such efforts.

Filling High-Level ODNI Positions

At present, many top positions in the ODNI are vacant or are being performed by Acting officials or officers "performing the duties of" the position. This includes Principal Deputy DNI, Deputy DNI for National Security Partnerships, General Counsel, Director of the National Counterterrorism Center, and Program Manager Information Sharing Environment.

QUESTION 23: What characteristics do you believe are required for appointments to each of these positions?

Answer: Principal Deputy Director of National Intelligence: The PDDNI is a critical partner to the DNI. I see the PDDNI as a complement to my skills and expertise, and someone whom I will look to for counsel and advice. I understand the PDDNI plays a critical role in the management of the ODNI as an IC element, so I will rely on the PDDNI to make recommendations specific to ODNI in support of my goal of an effective and efficient ODNI.

Deputy Director of National Intelligence for National Security Partnerships: The Deputy Director of National Security Partnerships is currently the senior military advisor to the DNI. This role supports the DNI's integration with the Department of Defense and engagement with portions of the IC that are DoD elements. I recognize the value that a senior uniformed military officer brings to the IC's mission, and I look forward to working with them if confirmed.

General Counsel: The General Counsel is the chief legal officer of the ODNI. I expect the person selected for this role will not only provide legal advice on the complex, challenging, and novel legal issues affecting the responsibilities of the DNI and the ODNI, but also serve as a trusted counsel and senior leader in the agency. To that end, the individual selected for this position should have legal experience advising and counseling senior leaders on a wide range of issues, including national security matters, and be an individual with the utmost integrity who is comfortable providing his or her unvarnished legal advice.

Director of the National Counterterrorism Center: I am encouraged by the President's nomination of Chris Miller to be Director of the National Counterterrorism Center. While I do not know him personally, Mr. Miller's reputation—of collaboration, expertise, and talent—precedes him. I look forward to working closely with him on the challenges facing the counterterrorism mission if confirmed.

Program Manager for the Information Sharing Environment: I believe this position requires a re-look for efficacy and responsibility. I understand that this role, beyond the IC and to whole of government, was included in the IRTPA, and it may be time to reassess whether these responsibilities are being effectively performed through the IC, or if it would be better aligned elsewhere in government.

QUESTION 24: What is your plan for advising the President on nominating or appointing personnel to fill these positions on a permanent (i.e., not temporary or "acting") basis?

Answer: Key positions across the IC are best served with Presidentially-appointed, Senate-confirmed individuals in leadership positions. I will work with the Administration to support the confirmation of talented officers in leadership positions.

QUESTION 25: Do you believe political appointee positions at ODNI should be filled by individuals who are apolitical and committed to congressional engagement obligations and the role of the IC to deliver objective and independent analysis and intelligence? Are you committed to staffing the ODNI positions with individuals who meet these criteria?

Answer: Key positions across the IC are best served with Presidentially-appointed, Senate-confirmed individuals in leadership positions. I will work with the Administration to support the confirmation of talented officers in leadership positions.

Obligations to Congress - Keeping the Congressional Intelligence Committees Fully and Currently Informed

QUESTION 26: What is your understanding of the obligations of the DNI under Title V of the National Security Act of 1947?

A. What steps should the DNI take to ensure that all departments, agencies, and other entities of the United States Government involved in intelligence activities in general, and covert action in particular, comply with the reporting requirements?

Answer: My understanding aligns closely with the way former Director Coats characterized the obligation during his confirmation. Under Section 502 of the National Security Act, the DNI and the heads of the departments and agencies involved in intelligence activities shall keep the Congressional intelligence committees fully and currently informed of intelligence activities. Previous DNIs have issued IC-wide directives on the subject of Congressional notifications to ensure timely reporting to Congress consistent with Section 502. In keeping with these directives, I expect all IC elements to follow both laws and policies. As a member of the House Permeant Select Committee on Intelligence (HPSCI), I have first-hand experience in this area and believe that when the IC satisfies its obligations to inform Congress, and proper oversight can be conducted, both the IC and the American people will benefit.

B. Under what circumstances do you believe notification may and should be limited to the Chairman and Vice Chairman or Ranking Member of the congressional intelligence committees? In those circumstances, if any, what is the obligation of the DNI to subsequently notify the full membership of the committees as expeditiously as possible?

Answer: My understanding aligns closely with the way former Director Coats characterized the issue during his confirmation. Under the law, congressional notifications must be made with due regard for the protection from unauthorized disclosure of classified intelligence sources and methods and other exceptionally sensitive matters.

In my experience on the HPSCI, if there were exceptional circumstances that required limited congressional notifications, it was often the case that committee leadership would work with the Executive Branch to determine when to expand access to the information to the full Committee.

C. The law establishes a separate category of notification for covert action. Given the specificity of the law, do you believe the Executive Branch could ever limit notification on matters other than covert action?

Answer: My understanding aligns closely with the way former Director Coats characterized the issue during his confirmation. Under the law, congressional notifications must be made with due regard for the protection from unauthorized disclosure of classified intelligence sources and methods and other exceptionally sensitive matters. In my experience on the HPSCI, if there were exceptional circumstances that required limited congressional notifications, it was often the case that committee leadership would work with the Executive Branch to resolve the matter.

QUESTION 27: The IC can perform its mission properly only with close partnership from and accountability to Congress.

A. What is the DNI's role in ensuring Congress is kept fully and currently informed, as required by law, including 50 U.S.C. § 3091 and ICD 112? How do you intend to fulfill those duties?

Answer: If confirmed, I will be uniquely positioned to stress the importance of IC elements satisfying these requirements based on my time serving on the HPSCI.

B. Are there circumstances that would justify delaying notification of Congress of important intelligence assessments, or not notifying Congress at all? Do you believe the National Security Council (NSC) should play a role in these decisions? If so, what should that role be?

Answer: Congressional notifications must be made with due regard for the protection from unauthorized disclosure of classified intelligence sources and methods and with due consideration for other exceptionally sensitive matters.

In my experience on the HPSCI, if there were exceptional circumstances that required limited congressional notifications, it was often the case that committee leadership would work with the Executive Branch to resolve the matter.

C. Under what circumstances do you believe notification of Congress can or should be limited to the Gang of Eight? What should the role of the NSC be in determining what information should be limited?

Answer: Congressional notifications must be made with due regard for the protection from unauthorized disclosure of classified intelligence sources and methods and with due consideration for other exceptionally sensitive matters. In my experience on the HPSCI, if there were exceptional circumstances that required limited congressional notifications, it was often the case that committee leadership would work with the Executive Branch to resolve the matter.

D. How would you work to prevent the abuse of classification authorities? Do you believe critical information on election security threats, pandemics like coronavirus, or other topics of critical importance to the American people ought to be classified? If so, why? In what circumstances should the information be declassified?

Answer: It is my understanding that the IC has an established set of policies that conform to executive orders on classification and that each element develops approved Security Classification Guides that document what should be classified, the level of classification, and the harm to national security if that information is revealed.

I believe that IC elements provide appropriate transparency while ensuring that they protect sources and methods so that they can continue to perform their essential national security missions. It is my understanding that the IC has established processes to declassify and release information to the public. Consistent with the Principles for Intelligence Transparency, the IC should consider the public interest to the maximum extent feasible when making classification determinations, while continuing to protect information as necessary to maintain intelligence effectiveness, protect the safety of those who work for or with the IC, or otherwise protect national security.

QUESTION 28: The Committee and its Members rely on their staff for assessments of the policy, budgetary, and legal implications of intelligence activities. Will you commit to ensuring that all staff, including Member designees, are read into IC programs and assessments consistent with protecting sources and methods?

> **Answer**: If confirmed, I would work with the Committee to accommodate its legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch, including the protection from unauthorized disclosure of classified intelligence sources and methods.

QUESTION 29: Would you consider a finished intelligence product to be "privileged" in any way such that you would not release it to Congress? Please explain.

> **Answer:** If confirmed, I would work with the Committee to accommodate its legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch.

QUESTION 30: Will you commit to provide the Committee intelligence reports, such as FBI and DoD Intelligence Information Reports (IIRs), NSA reports, and CIA "TDs", in support of the Committee's intelligence oversight duties, upon request? Will you commit to provide the congressional intelligence committees National Intelligence Council products, e.g., Major Issue Studies or National Intelligence Estimates, in support of their oversight duties?

> **Answer:** If confirmed, I would work with the Committee to accommodate its legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch, including the protection from unauthorized disclosure of classified intelligence sources and methods.

QUESTION 31: If confirmed, will you fully support the Committee's Audits and Projects Team, and allow team members to have access to the people and information throughout the IC that is required for their functions, upon the Committee's request?

Answer: If confirmed, I would work with the Committee to accommodate its legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch, including the protection from unauthorized disclosure of classified intelligence sources and methods.

QUESTION 32: If confirmed, will you fully support the Committee's Technical Advisory Group (TAG) studies and allow the TAG members to have access to the people and information throughout the IC that is required for their studies upon the Committee's request?

Answer: If confirmed, I would work with the Committee to accommodate its legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch, including the protection from unauthorized disclosure of classified intelligence sources and methods.

Analytic Integrity and Objectivity

A principal reason the ODNI was created was to ensure objectivity and independence in intelligence analysis so that cognitive and political bias did not interfere with the IC's overriding purpose of objective assessments.

QUESTION 33: How do you view the importance of intelligence agencies' freedom to objectively present their assessments to decision makers in both the executive and legislative branches, regardless of what a particular policy might be, even if their assessments may be unwelcome or inconvenient?

Answer: As Director of National Intelligence, I would be responsible for compliance with E.O. 12333 guidance (Sections 1.1 (e) and 1.3 (b) (7)) and by the Intelligence Reform and Terrorism Prevention Act of 2004 (Sections 1017, 1019 and 1020) to ensure rigorous analytic standards, diverse viewpoints and independent analysis. I believe these values are of paramount importance to the effectiveness, credibility, and integrity of the ODNI and the IC.

The unique value of IC assessments is based on the IC's ability to provide analysis that adheres to analytic tradecraft standards. IC Directive 203, which spells out the standards in detail, provides the IC with nine analytic tradecraft standards which help to identify and decrease biases, and five analytic standards – the first two of which are "objective" and "independent of political considerations."

QUESTION 34: How do you propose enhancing the IC's objectivity and independence to maintain its insulation from political influence?

Answer: The Intelligence Reform and Terrorism Prevention Act of 2004 (Section 1020: Safeguard of Objectivity in Intelligence Analysis) requires that the DNI identify an individual within the ODNI who shall be available to analysts to "counsel, conduct arbitration, offer recommendations, and, as appropriate, initiate inquiries into real or perceived problems of analytic tradecraft or politicization, biased reporting, or lack of objectivity in intelligence analysis."

ODNI already has such an ombudsman, currently in the Directorate of Mission Integration, Mission Performance, Analysis, and Collection (MPAC). In accordance with E.O. 12333 and IRTPA, as well as to convey my personal commitment to an avenue for analysts to pursue unbiased analysis, I plan to support the ombudsman and his work with analytic ombudsmen from each agency to ensure concerns about objectivity are identified and addressed by management. I will also continue to ensure high-quality training for all these ombudsmen throughout the IC.
I will ensure the continued function of the Analytic Integrity and Standards (AIS) staff in leading the effort to evaluate intelligence products across the community for adherence to the Analytic Tradecraft Standards. These standards are spelled out in detailed implementation language in IC Directive 203.

QUESTION 35: Would you ever ask, encourage, or support an intelligence professional adjusting his/her assessment to avoid criticism from the White House or political appointees? Would you ever change or remove content in an intelligence assessment for political reasons, or at the behest of political leadership?

Answer: If confirmed, I will work to ensure that ODNI does everything possible to ensure that our analytic products are grounded in the facts.

QUESTION 36: If intelligence agencies or analysts are discouraged from providing objective analytic assessments, how would this harm national security?

Answer: Policymakers depend on the IC for its focus on providing objective, unbiased assessments that adhere to IRTPA and ICD 203 tradecraft standards. These standards provide analysts with a framework to rigorously examine sourcing, alternatives, how the analytic line on a particular issue changes over time and argumentation. These standards were put in place in 2007 to address some of the shortfalls identified by the 9/11 Commission and WMD reports. Discouraging analysts from following the standards inherent in the profession would have a profoundly negative impact on national security.

QUESTION 37: What recourse should intelligence analysts have if they believe their objective assessments have been downplayed, diminished, or overruled? How would you ensure that career IC professionals have protected channels to address their concerns that objective assessments may have been downplayed, diminished, or overruled?

Answer: My understanding is that ODNI has an Analytic Ombudsman in place. The Ombudsman serves as a confidential resource and provides protected channels for analysts to address their concerns that objective assessments may have been downplayed, diminished, or overruled. The Ombudsman works closely with the Inspector General, who also has protected channels in which analysts, or any member of the IC, can raise similar concerns.

In addition, intelligence agencies have analytic ombudsmen who are specifically focused on addressing such cases. The ombudsman is a confidential resource for intelligence analysts to use if they feel that their analysis or the analytic line has been in some way manipulated or compromised.

QUESTION 38: Do you believe the DNI has an obligation to address their concerns that objective assessments may have been downplayed, diminished, or overruled when a policy maker may disagree with the analysis being presented? Please provide examples from your career of times when you have told the truth, even when that position was uncomfortable or unpopular.

Answer: In my career as a prosecutor, there were many occasions where I was asked or even pressured to exercise prosecutorial discretion with favor to political or community positions or based upon personal relationships. I never did.

As a legislator, there are many times on record in the proceedings of the House where I have spoken on a range of issues that were certainly unpopular with my colleagues, or when the situation was uncomfortable, including intelligence matters.

QUESTION 39: Personnel decisions can affect analytic integrity and objectivity.

A. Would you consider an individual's personal political preferences, to include "loyalty" to the President, in making a decision to hire, fire, or promote an individual?

Answer: Personnel decisions should be based on qualifications, skills, merit, and other standards which demonstrate the ability, dedication and integrity required to support the central IC mission of providing unvarnished intelligence to policymakers.

B. Do you commit to exclusively consider professional qualifications in IC personnel decisions, without consideration of partisan or political factors?

Answer: Personnel decisions should be based on qualifications, skills, merit, and other standards that demonstrate the ability, dedication and integrity required to support the central IC mission of providing unvarnished intelligence to policymakers.

C. If you were to receive credible evidence as DNI that an individual was undermining IC objectivity and furthering a political agenda, would you immediately remove that individual?

Answer: It is my understanding that the ODNI carefully monitors analytic objectivity through its IC Analytic Ombudsman and network of agency analytic embeds. The ODNI Analytic Integrity Standards organization conducts a detailed annual objectivity survey and reports results to the Congress. These tools can identify cases of analytic distortion to serve a political agenda, and I will use them to inform any necessary corrective personnel actions.

D. Will you or any of your staff impose a political litmus test for IC employees? Is a political litmus test ever appropriate in determining who can or should work in the IC?

Answer: The IC workforce is composed of professionals with a broad spectrum of political beliefs. I believe this diversity is an IC strength. Personnel decisions should be based on qualifications, skills, merit, and other standards that demonstrate the ability, dedication and integrity required to support the central IC mission of providing unvarnished intelligence to policymakers.

E. If confirmed, will you reassure your workforce that "loyalty tests" are not allowed within the IC? If you receive credible allegations that ODNI employees or others in the executive branch are seeking to fire or force out IC employees because of their perceived political views or loyalty to the President, will you commit to informing the Congressional Intelligence Committees and immediately stopping such efforts?

Answer: The IC workforce is composed of professionals with a broad spectrum of political beliefs. I believe this diversity is an IC strength. Personnel decisions should be based on qualifications, skills, merit, and other standards that demonstrate the ability, dedication and integrity required to support the central IC mission of providing unvarnished intelligence to policymakers.

QUESTION 40: How would you approach communicating IC analytic conclusions to the public if the analysis did not match the President's views?

Answer: The IC's job is to inform the President with analysis that is objective and meets IC standards of analytic integrity. It is ultimately the President's decision as to whether intelligence findings are communicated to the public.

National Security Threats and Challenges Facing the IC

QUESTION 41: What in your view are the principal threats to national security with which the IC must concern itself in the next five years? In the next twenty years?

A. What are the highest priority questions that the IC should address in its collection activities and assessments?

Answer: Based on my experience with the HPSCI, the United States will face a diverse array of threats in the coming five years, including great power competition with China and Russia; persistent terrorism threats; attacks on our democratic institutions; and global economic challenges—exacerbated by the ongoing pandemic—to our interests and values around the world.
The IC focuses its collection and analysis to support policymakers, the military, and diplomatic officials in dealing with these threats.

B. In your opinion, how has the IC performed in adjusting its policies, resource allocations, planning, training, and programs to address these threats? How will you further adjust?

Answer: Based on my experience on the HPSCI, the IC has taken significant steps to address current and future threats. The ODNI has made tremendous strides in leading intelligence integration, providing a solid foundation to shape the IC's posture in the future. If confirmed, I will further review IC policies, resource allocations, planning, training, and programs to see if changes are appropriate.

Election Security

QUESTION 42: Do you commit to maintain election security as a top priority for the IC?

> **Answer:** The IC's role is to provide timely, accurate, and actionable intelligence to the FBI, DHS, and other departments and agencies who are in charge of securing our elections.

QUESTION 43: What would you do to ensure election security efforts are appropriately resourced?

> **Answer:** Foreign adversaries continue to challenge our democracy through influence campaigns designed to affect the views of voters and cyber operations that target our election infrastructure. If confirmed, I will work with IC leaders and ODNI officials, including the IC Chief Financial Officer, to ensure that the NIP provides the appropriate level of resources to address the election security threats facing our Nation.
> I will also use all available mechanisms to maintain situational awareness and actively seek to mitigate any gaps in our posture. In addition, I will press the IC to ensure that we are committing resources to red teaming our analysis and using technology to best meet the demands of this evolving topic.

QUESTION 44: How would you ensure our intelligence efforts on election security remain apolitical, and avoid the perception or reality of political influence?

> **Answer:** The core values that guide the ODNI are excellence, courage, respect and integrity. If confirmed as the Director of National Intelligence, I will uphold these values. I will provide the best possible intelligence advice to give the United States a decisive national security advantage regardless of political climate or consequence.

QUESTION 45: Would you commit to keep the Election Threats Executive Office in place to ensure continuity of efforts, and build on the successes of the 2018 midterms?

Answer: If confirmed, I will work with IC leaders and ODNI officials to ensure the IC is well-positioned to address the election security threats facing our Nation.

QUESTION 46: Do you commit to provide the congressional intelligence committees with complete and timely information regarding election threats, as required by statute?

Answer: If confirmed, I would work with the Committee to accommodate its legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch, including the protection from unauthorized disclosure of classified intelligence sources and methods.

QUESTION 47: A number of states still use paperless voting machines, in which the only record of a voter's ballot choices is held in digital memory. How confident are you in the security and integrity of paperless voting machines, particularly those that are connected to the internet, whether directly or indirectly?

Answer: The IC provides support to DHS as the federal lead for critical infrastructure. As the federal government has repeatedly stated, the election system is resilient. The diversity of state election systems, multiple checks and redundancies in those systems and post-election auditing, all make it difficult for adversaries to change vote tallies.

QUESTION 48: Election cybersecurity experts universally recommend that states adopt hand-marked paper ballots for most voters and routine, post-election risk limiting audits. Do you agree? If not, please explain why.

Answer: Paper ballots are an effective way to reduce the risk of malicious actors compromising the integrity of votes cast in elections. They are, however, just one part of the electoral process. Voter register databases, e-poll book tools, and tabulation and reporting mechanisms also demand a whole of society effort to promote resilient practices.

QUESTION 49: Twenty-four states currently permit overseas and military voters to transmit their marked ballots directly to local election officials over the internet, mostly via email. These ballots are electronically delivered to local election offices' email servers, for which there are no mandatory federal cybersecurity standards. In close races, where the margin of victory is less than the number of overseas and military ballots, the outcome of the election can be determined by ballots submitted over the internet. Do you agree that the use of the internet to deliver marked ballots poses a serious threat to the integrity of American elections? If not, please explain why.

> **Answer:** The goal of our system is to be resilient. In today's age, no system is truly invulnerable to an aggressive and capable threat. However, resilience built on audits, redundancies and expertise minimizes the impact any threat can have even if using the internet to deliver some portion of ballots. The IC will continue to support DHS and FBI in their work to support the states in their leadership role on securing elections.

Russia

QUESTION 50: Based on intelligence you have seen as a HPSCI Member, do you believe Russia interfered in the 2016 U.S. presidential election in any way? If so, how?

> **Answer:** Yes. As I have consistently stated throughout, Russia interfered in the 2016 elections. As publicly reported, active measures by the Russian government included successful hacking and attempts to compromise computer networks of political targets. The Russians also engaged in an extensive disinformation campaign through social media accounts.

QUESTION 51: Do you believe Russia is continuing its efforts to interfere in the U.S. political system?

Answer: As has been publicly reported, Russia continues to use social media, Russian-controlled or influence English-language media, false flag personas, and other tools to inflame positions on both ends of issues, amplify divisive issues, promote conspiracy theories, and question the foundations of democracy. Russia's goal is to pit Americans against Americans because Moscow believes a divided America is in their strategic interest.

QUESTION 52: Do you believe Russia poses a threat to U.S. elections? If so, please describe the threat as you see it.

Answer: Russia is one among many actors that have an interest in interfering in the U.S. elections in order to advance their interests. The objectives and methods may vary widely among the actors, but as the IC understands threat as a joining of intent and capability, Russia as well as other state and non-state actors pose a threat to U.S. elections. Russia's goal is to pit Americans against Americans because Moscow believes a divided America is in their strategic interest.

QUESTION 53: Do you commit to immediately notifying policymakers and the public of Russian attempts to meddle in U.S. democratic processes, to include our elections?

Answer: If confirmed, I would work with the Committee to accommodate its legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch, including the protection from unauthorized disclosure of classified intelligence sources and methods.

QUESTION 54: Do you commit to work with the Committee on its ongoing investigation into Russian interference in the 2016 presidential election, including expediting classification review of any remaining Committee reports related to its investigation?

Answer: If confirmed, I would work with the Committee to accommodate its legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch, including the protection from unauthorized disclosure of classified intelligence sources and methods.

China

QUESTION 55: How do you view the threat from China, and where would China fall in terms of your priorities if confirmed as DNI?

Answer: Based on what I have seen as part of the HPSCI and on public information, I believe China is continuing its longstanding effort to influence U.S. public perceptions, elite sentiment, and policies. Through my work as a member of HPSCI, I have focused on issues involving China and 5G, and look forward to continuing to support the IC's work in these areas if confirmed as DNI.

QUESTION 56: How would you allocate staff and budget resources to support the effort to counter Chinese influence?

Answer: If confirmed, I will review the National Intelligence Priorities Framework (NIPF) and other budget and strategic planning documents to ensure budgetary resources and personnel are adequately allocated to countering Chinese influence.

QUESTION 57: What would you do to prevent discrimination against Asian Americans, and ensure that community is an ally in the fight against Chinese espionage?

Answer: It is critical to remember that the threat posed by China stems from the People's Republic of China (PRC), not the Chinese people and certainly not Asian Americans. Our intelligence activities to counter this threat must in each and every case be based upon objective intelligence, not racial prejudice. If confirmed, I will ensure that the IC follows the law and remains focused on the challenge presented by the actions of the PRC.

North Korea

QUESTION 58: North Korea continues to take provocative steps like missile testing, despite U.S. efforts to convince them to stop. How do you interpret North Korea's continued missile testing in the context of attempts to reach a nuclear agreement with the United States?

Answer: Based on what I have seen as a member of HPSCI and on briefings, I believe that North Korea continues to view nuclear weapons as essential to protect the regime from military action and to gain standing in the international community. North Korea may be willing to trade some nuclear and missile concessions for sanctions relief and other political and security benefits.

Iran

QUESTION 59: After the United States withdrew from the JCPOA, Iran has gradually rolled back its observance of the limitations set forth in the JCPOA. Is Iran closer today to having the materials it needs to develop a nuclear weapon than it would have been at this point under the JCPOA? Does this make the world more, or less safe?

Answer: From what I understand, since June 2019, Iranian officials have taken steps to reverse some of its JCPOA commitments and resume nuclear activities limited by the JCPOA. If confirmed, I look forward to supporting the IC's work with respect to Iran.

IC Missions and Capabilities

QUESTION 60: What is your assessment of the quality of current IC intelligence analysis? If confirmed, would you pursue additional steps to improve intelligence analysis, and, if so, what benchmarks will you use to judge the success of future IC analytic efforts?

Answer: From what I understand, the overall quality of IC intelligence analysis is good, and it has shown some improvements over the past 15 years. Agencies across the IC have redoubled training to focus close attention on improving intelligence analysis and I expect to encourage agencies to keep focused on these areas.

QUESTION 61: What is your view of strategic analysis and its place within the IC? Please include your views about what constitutes such analysis and what steps should be taken to ensure adequate strategic coverage of important issues.

Answer: Strategic analysis plays a critical role in helping U.S. policymakers understand the context for current events and look over the horizon to identify changes in the global landscape and emerging threats and opportunities.

The National Intelligence Council (NIC) plays a leading role in producing strategic intelligence, through National Intelligence Estimates and other ad hoc and in-depth products. It also encourages and supports broader IC efforts in this area; for example, by sponsoring outreach events to private sector and academic experts who can provide insights not only on high profile issues but on topics that are not traditional for the IC, such as the impact of demographic trends.

There is a tension between producing current intelligence and conducting the research and other expertise building that provides the foundation for good strategic intelligence. I look forward to working with IC members to get the balance right.

QUESTION 62: What are your views concerning the quality of intelligence collection conducted by the IC and your assessment of the steps that have been taken to date by the ODNI to improve that collection? If confirmed, would you pursue additional steps to improve intelligence collection and, if so, what benchmarks will you use to judge the success of future collection efforts by the ODNI?

Answer: ODNI's role in setting priorities and dynamically engaging with collectors to adjust the focus of collection in a changing environment helps to ensure limited resources are being applied to the most important and relevant topics. The IC has developed collaborative strategic approaches across all intelligence disciplines to improve collection capabilities and is working to develop new strategies for attacking emerging and future requirements. If confirmed, I am committed to continuing to advance intelligence integration and partnerships that leverage commercial technologies while protecting those exquisite capabilities that make our intelligence services unique.

I will also ensure we continue to develop and implement new approaches to Augmenting Intelligence using Machines (AIM) to leverage open source and commercially available data and will challenge the IC to develop strategies to tackle outstanding gaps and continually reassess our capabilities against our highest priority issues.

QUESTION 63: The IC has designated functional managers for Geospatial Intelligence, Open Source Intelligence, Measurement and Signature Intelligence, Signals Intelligence, and Human Intelligence. Do you think ODNI's administration of the IC's analytic enterprise would benefit from a Functional Manager for Analysis?

Answer: At this time, I am not aware of any needed changes that requires creating a separate functional manager for analysis. If, after review or upon a change in circumstances, I realize that changes are needed, I will work to support those changes.

QUESTION 64: Are there additional analytic standards, to include analytic tradecraft standards, not presently contemplated under ICD 203, that you feel should be added as measures for governing the production and evaluation of the IC's analytic products?

Answer: Analysis of large collection data sets are becoming increasingly important to analytic judgments across a number of topics. Many sophisticated data science tools and techniques are being applied. We need to make sure that these techniques are explained and understood in order to maintain credibility with analytic consumers. I understand the IC is already working on new standards for data science tradecraft, and I would support and emphasize this advancement.

QUESTION 65: Beyond the current system of reviews, evaluations, and surveys, are there further measures that you believe should be implemented by the Analytic Integrity and Standards Group to gauge the quality and accuracy of IC analysis?

Answer: Not at this time; however, this is something I would review further if confirmed as DNI. I understand the IC is already working on new standards for data science tradecraft to help ensure data science techniques are understood and the IC maintains credibility with analytic consumers, and I would support and emphasize this advancement.

IC Information Technology Environment

QUESTION 66: The IC Information Technology Environment (IC-ITE) is a significant accomplishment to better integrate the IC and reduce long-term costs by sharing services. With IC-ITE operation, it may be time to consider a larger role for ODNI in other "back office" support activities, such as financial management, human resources, asset management, and procurement to force increased integration and efficiencies.

A. What are your thoughts on integrating these activities?

Answer: As I said in some of my other responses, I believe the value of the ODNI is in solving cross-community problems that ODNI is uniquely situated to address. The IC-ITE program is a prime example of ODNI taking on a hard problem – in this case, interoperable IT systems – and using a corporate approach to drive the IC to a better solution. As a member of the HPSCI, I'm aware of the challenges that IC-ITE faced, both technical and cultural. Business and support activities across the IC are further optimized as a result of IC-ITE, and I look forward to using the lessons learned from this challenge to solve other problems.

B. Does the DNI have the authority to manage these functions as a shared service for the entire IC?

Answer: Yes. The DNI can establish shared services via the Service of Common Concern (SoCC) designation, which has primarily used for IC ITE services, as well as some other enterprise functions. SoCCs are an established and successful mechanism to enable efficiencies and more integrated approaches.

QUESTION 67: Are there additional initiatives that need to take place in order to capitalize on existing efforts? If so, please explain.

Answer: While I cannot currently assess what additional initiatives there may be, I will review any potential opportunities if confirmed.

ODNI Personnel

QUESTION 68: The Committee's most recent Intelligence Authorization Act, as part of the Fiscal Year 2020 National Defense Authorization Act, included provisions supporting IC employment of those with science, technology, engineering, and mathematics (STEM) backgrounds and expertise. If confirmed, how would you undertake outreach, recruitment, and retention of employment candidates with STEM experience?

Answer: I believe a robust STEM workforce is crucial to the mission of the IC. Many of the IC's most critical tasks require a highly skilled workforce in areas like cyber and data science and we must remain competitive and continue to offer enticing benefits to retain and attract top talent. If confirmed, I will instruct our agencies to make use of the authorities granted to them to recruit and retain vital STEM talent.

QUESTION 69: What is your view of the principles that should guide the IC in its use of contractors, rather than full-time government employees, to fulfill intelligence-related functions?

A. Are there functions particularly suited for the use of contractors?

Answer: The mission of the IC spans many areas of expertise, with contractors playing a key role in advancing aspects of the mission. From my time on the HPSCI, I have seen that contractors bring talent in some of the most technologically advanced areas of the IC mission, like information technology, systems development and engineering, and highly advanced capabilities. While I would need to consider the broader application of contractors if confirmed, functions such as these appear well supported by contract partners.

B. Are there some functions that should never be conducted by contractors, or for which use of contractors should be discouraged or require additional approvals by the DNI?

Answer: The bedrock principle remains that our government workforce leads the way, with contractors playing an appropriate supportive role. For example, the government workforce should make decisions related to resources or prioritization of work.

C. What consideration should the IC give to the cost of contractors versus government employees?

Answer: Each IC element must weigh the needs of the mission against the available talent to achieve that mission. An appropriate mix of government and contract employees, within a responsible resource framework, can be well utilized to meet requirements. If confirmed as the DNI, I would work with the IC leadership to adjust, as necessary, its resources between government and contract talent.

D. Does the IC need any legislation or administrative policies or practices to facilitate the replacement of contractors by full-time government employees?

Answer: At this time, I do not anticipate the IC needing any additional legislation to facilitate the balance of contract and government employees. Recent legislation allowed for more flexibility in how the entire IC can apply its resources, specifically directed at the workforce. I look forward to learning how the IC is implementing this authority before requesting anything additional.

QUESTION 70: What do you believe is the appropriate mix in the ODNI between cadre employees and detailees from other government entities?

Answer: The ODNI's workforce needs to be capable of satisfying the many tasks it is provided by law or the President. Historically that has meant use of cadre employees, detailed employees from around the IC, and contract talent. If confirmed, I would work with the IC leadership to adjust, as necessary, its resources between government, detailee, and contract talent.

QUESTION 71: What is your assessment of the personnel accountability system in place at the IC, both at the ODNI and within other IC elements? What actions, if any, should be considered to strengthen personnel accountability as well as ensure fair process in the IC, including matters related to allegations of serious misconduct?

Answer: I have not yet had the opportunity to assess the systems in place. If confirmed, I will be committed to having strong, but fair accountability processes in place throughout the IC.

Information Access

QUESTION 72: What is your view of the IC's current efforts to enable the IC to operate like a true "information enterprise" where information is accessible by all IC elements? If confirmed, how would you pursue this goal?

Answer: The United States learned a hard lesson on 9/11 about the importance of ensuring the right information gets to the right people at the right time. In today's big data world, we must continue to achieve the goals set out in ICD 501, which are intended to:

- foster an enduring culture of responsible sharing and collaboration;
- provide improved capacity to warn and disrupt threats to the United states homeland and US persons and interests; and
- provide accurate, timely, and insightful analysis to inform decision-making are even more critical than they were when the ICD was drafted in the aftermath of that terrible day.

The IC, in context of implementing these precepts of ICD 501 to ensure information is discoverable by and accessible to all with a critical mission need to access information, has made tremendous strides in getting data to the right people at the right time. The IC published its IC Information Environment Data Strategy in 2017 to "treat all data as an IC asset" and initiatives are underway to deliver capabilities and common data services to improve how the IC captures, organizes and shared its data as part of the larger IC ITE. Each IC element now has a formal Chief Data Officer to focus attention on information and data matters.

If confirmed as DNI, I will continue to work with the 17 IC elements to achieve the vision of the Data Strategy to manage all Data as an IC Asset.

QUESTION 73: What in your view are the appropriate steps that should be taken to allow for increased inter-agency access to sensitive intelligence information? If confirmed, how would you pursue these efforts?

Answer: If confirmed as DNI, I will continue to work with the IC leadership to explore possible opportunities in this area.

QUESTION 74: Section 103G of the National Security Act of 1947 (50 U.S.C. § 3032) establishes the authorities of the Chief Information Officer of the IC (IC CIO), including procurement approval authority over all information technology items related to the enterprise architectures of all IC components.

A. What is your view of the authority of the IC CIO to create an integrated national intelligence and military intelligence information sharing enterprise?

Answer: In my view, the IC CIO position currently possesses the appropriate and sufficient authorities to create and sustain an increasingly integrated national intelligence and military intelligence information sharing enterprise. While authorities are certainly important, recent experience indicates that the linchpin of progress has been the IC CIO's ability to lead and coordinate a federated enterprise through large-scale technology transformation. If confirmed, I commit to supporting the IC CIO's mission.

B. If confirmed, how do you intend to achieve true integration of national intelligence and military intelligence information sharing enterprises?

Answer: If confirmed, I will ensure that the broader intelligence enterprise continues the strong collaboration that has been established to date, with an eye towards even greater transformation in areas like cloud and hybrid computing, data discoverability and sharing, and protection of our classified systems and data.

Most importantly, I will make certain that my team maintains a relentless focus on providing our officers the most modern technologies to achieve mission success, with a continued emphasis on eliminating any seams between the national and military information sharing enterprises. I recognize that this cross-enterprise effectiveness has not occurred naturally, and I will keep this topic among our foremost interagency priorities, leverage the best industry has to offer, and build on what we have learned over the past several years. I will direct the IC CIO to further strengthen the inter-connective tissue between the national and military enterprises, from the granular standards and architectures to the broader joint strategies, so as to ensure that our hard-won intelligence information—enriched by the latest compute technologies and protected by effective cybersecurity measures—can always reach the "last tactical mile," wherever that might be.

Cybersecurity

QUESTION 75: The ODNI has a central role to play in coordinating cybersecurity efforts, particularly with the respective roles of the Director of the National Security Agency and the head of U.S. Cyber Command.

A. Are there any changes that you would recommend for the DNI's and IC's roles within the nation's cybersecurity infrastructure?

Answer: The IC is responsible for collecting, analyzing, producing and disseminating intelligence on foreign cyber threats at the appropriate level of classification. The IC will continue to provide intelligence in support of whole of government efforts to counter and deter cyber adversaries.

B. What is your view regarding the proposals to end the "dual-hat" relationship between the National Security Agency and U.S. Cyber Command?

Answer: If confirmed, I look forward to studying this question and providing my recommendation to the President.

C. What should be the IC's role in helping to protect U.S. commercial computer networks? What cyber threat information (classified or unclassified) should be shared with U.S. private sector critical infrastructure entities to enable them to protect their networks from possible cyber-attack?

Answer: The IC provides a source of information to the comprehensive public/private effort to enable private sector critical infrastructure entities to improve their ability to protect their networks. However, the IC's view from a foreign intelligence perspective is just one of many key sources of information. As part of significant outreach by DHS, FBI, DoD, Sector-Specific Agencies, and others, the IC does perform classified and unclassified functions. While classified briefings are useful to provide strategic context, the vast majority of the effort to secure networks will always be done by cybersecurity operators in the private sector that are not cleared. Our focus must be on sharing the indicators of compromise and information through our federal partners that can be directly applied to cybersecurity operations at the unclassified level. It is important to note that the public/private partnership requires significant information sharing in both directions.

D. What is your view of the role of the ODNI's Cyber Threat Intelligence Integration Center within the national cybersecurity efforts?

Answer: If confirmed, I will work with IC leaders and ODNI officials to ensure the IC is well-positioned to address the cybersecurity threats facing our Nation.

Science & Technology and Research & Development

QUESTION 76: How do you assess the state of science and technology (S&T) activities within the IC? If confirmed, how would you improve S&T activities in the IC?

Answer: The IC is focused on S&T activities that will maintain U.S. intelligence and decision advantage. This is especially critical given the ongoing global competition in S&T. The speed of innovation and agility of the workforce must be increased. We need to provide IC collectors and analysts with S&T tools that will enable the IC to inform countermeasures and protection strategies in advance of our adversaries to avoid surprise.

If confirmed, I will focus on ensuring agencies have the resources needed to meet mission requirements. Additionally, I will work with our ODNI staff to ensure, to the greatest extent possible, S&T investments are rationalized and de-duplicated across the IC. Finally, the greatest strength of the IC is its workforce. If confirmed, I will make the recruitment and retention of a strong STEM workforce a top priority.

QUESTION 77: The Committee has a strong interest in IC research & development (R&D). If confirmed, what would be your top priorities with respect to R&D in the IC? What should be the appropriate size of the research and development budgets as a percentage of the total NIP?

Answer: I am concerned about technological advances of potential future great-power adversaries like China and Russia, who continue to steal technology from both our public and private sectors. To ensure the most effective utilization of R&D resources, the IC needs to maintain a close partnership with academia, the private sector, National Labs, and associated infrastructure. This will allow the IC to assess how less mature technologies can enable a capability that may address a vulnerability in a U.S. military system, intelligence system, S&T program, or policy. The priorities for IC R&D should be those areas not sufficiently covered by the National Security Industrial Base, as well as applied R&D that must be done at a classified level. By working closely with industry, the IC will be better able to prioritize R&D it must procure from the private sector and what it must do on its own. Overall, I see four areas of unique, priority interest to IC R&D activities: artificial intelligence; biological sciences; advanced sensor technologies; and advanced computing, to include quantum. These four areas have the potential to change the fundamentals of how the IC prosecutes its mission.

Beyond our own capabilities, our adversaries have an increasing interest in many of these same technical areas. We must have strong investments in these four priority areas to ensure both our own strategic advantage and our ability to understand and counter our adversaries' capabilities. If confirmed, I will examine the size of R&D budgets to ensure the IC R&D spending is right-sized to accomplish its critical mission.

QUESTION 78: What should be the future role and mission of the Intelligence Advanced Research Projects Activity (IARPA)?

Answer: IARPA should continue to sponsor high-risk, high-payoff research with the potential to provide the U.S. with an overwhelming intelligence advantage over its adversaries.

Financial Intelligence

QUESTION 79: The IC's ability to investigate and disrupt the illicit financial and commercial networks that enable nefarious actors is central to addressing national and international security threats. Please describe your strategy for improving the IC's collection and analysis efforts regarding financial intelligence, including the use of open source and proprietary commercial information, and obtaining the cooperation of other countries.

Answer: The IC has a critical role in the collection, analysis, and dissemination of financial intelligence to identify, investigate, and disrupt the financial and commercial networks of terrorists, proliferators, foreign intelligence services, transnational criminals, and rogue regimes. A robust financial intelligence posture is also needed for an effective investment security, sanctions, and supply chain posture. The IC shares these goals with a broad range of allies. Where possible, the IC should collaborate and burden share with foreign partners to protect the integrity to the international financial system and thwart adversaries' financial practices.

Adversaries seek to conceal their activities by using sophisticated money laundering methods. To overcome these challenges, the IC must couple unclassified commercial data acquisition with classified intelligence gathered under IC authorities.

The IC must also employ best practices in data management; leverage automation, data analytics, and data visualization; and where possible, use artificial intelligence. These practices will enhance the effectiveness and efficiency of the IC.

Effective collection and analysis in this area rely on the IC's ability to recruit, train, and develop officers who have a deep understanding of the practices currently employed in banking and finance; energy; financial technology; and international business. Broadening IC competencies in these areas will improve intelligence support against a wide variety of threat actors, economic sectors, and commercial activities. Given the transferrable nature of financial intelligence to and from the private sector, IC agencies must develop recruitment plans that bring in this expertise and progressive career paths that retain the services of officers working in this field.

Management, Infrastructure, and Classification of Information

QUESTION 80: Are there any changes you see as necessary to improve IC acquisition management?

Answer: My understanding is that in some ways the Intelligence Community provides a model for the acquisition of large complex systems that revolutionize our intelligence capabilities; I want to sustain the parts of that which enable the mission. But there may need to be more agility and flexibility in the acquisition process and timeline, such as for projects that do not require the risk management as traditional acquisitions. I understand that there are efforts ongoing as part of the IC's initiative on Acquisition Agility, and if confirmed, I look forward to continuing those efforts.

QUESTION 81: What is the appropriate balance between classified and unclassified capabilities in IC acquisition programs?

Answer: Given the sensitive nature of intelligence collection, there will always be a need for classified systems to protect our most sensitive sources and methods. The IC prevents its adversaries from creating new methods and/or means to counter our systems by keeping these capabilities classified. Classified and unclassified capabilities have been, and will continue to be, complementary. Wherever possible, the IC should seek to leverage

unclassified capabilities where feasible to fulfill intelligence needs. The IC must continue to balance the mix of classified and unclassified capabilities based on capabilities available, intelligence needs, and risk. If confirmed, I will look to leverage the capabilities that unclassified platforms can bring to the mission, while maintaining the advantages that our unique classified programs provide.

QUESTION 82: The IRTPA assigned certain budget authorities to the DNI to include developing a consolidated NIP.

A. Do you see a need to modify financial management of the NIP?

Answer: The NIP is a very large and complex enterprise. If confirmed, I will examine the facets of NIP financial management under my authority to determine if any modifications are needed. If I realize that changes are needed, I will work to support those changes.

B. What should be the relationship between the IC and the Defense Department and Services in the management and execution of all NIP resources?

Answer: The relationship between the IC and DoD is critical on all levels, and the responsible management of our resources is essential. I believe the IC, the Department of Defense, and the Services should take a collaborative approach to the management and execution of NIP resources that ensure the DNI has access to the information necessary to effectively carry out its statutory responsibility to manage the NIP, while providing necessary flexibility for DoD IC elements to execute their missions.

QUESTION 83: Please explain your understanding of Section 102A (i) of the National Security Act of 1947 (50 U.S.C. § 3024(g)(1)(G)), which directs the DNI to establish and implement guidelines for the classification of information, and for other purposes.

A. If confirmed, how would you implement this section of the law?

Answer: If confirmed, I will use my authority to: effectively manage and safeguard information that requires protection; expand information dissemination within the IC; responsibly share information with other U.S. departments and agencies in defending against threats to our national security and homeland; and facilitate foreign disclosure and release that can provide critical support to our national security and foreign policy objectives.

B. What approach would you take to the systematic review and declassification of information in a manner consistent with national security, including the annual disclosure of aggregate intelligence appropriations?

Answer: The accurate and accountable application of classification standards is critical to maintaining the security of sensitive information. Maintaining effective and robust declassification programs demonstrates to the American people the IC's commitment to keeping the public informed of the activities of its government in a manner consistent with national security. Any declassification efforts must weigh the value of making public the information with the risk of our adversaries being able to use the information against us. I will face each of these decisions with those factors in mind.

ODNI Relationship with the Department of Defense

QUESTION 84: Please explain your understanding of the need to balance the requirements of national and military intelligence consumers, specifically between establishing a unified national intelligence effort that includes intelligence elements housed within DoD with the continuing requirement that combat support agencies be able to respond to the needs of military commanders.

A. What is your assessment of the national intelligence effort to satisfy the needs of military commanders for human intelligence collection, and what steps would you take to address any deficiencies?

Answer: A combatant commander's human intelligence (HUMINT) requirements are best met through continuous close coordination with the IC. IC and DoD coordination should focus on a common understanding of collection capabilities, and continuously evaluating results.

I intend to work with the USD (I&S) to enable more effective DoD human intelligence efforts by furthering IC HUMINT capabilities writ large. I would also leverage the expertise of the HUMINT Functional Manager in such discussions.

B. What is your assessment of the military intelligence gathering effort, and what role do you see for the DNI in addressing programs funded by the Military Intelligence Program (MIP)?

Answer: I see NIP-MIP coordination as an effective means to allocate collection resources between national and military missions. To further support military intelligence, I envision that ODNI would work to understand challenges in the MIP, and in close coordination with USD (I&S) as the manager of the MIP, identify the means to address those challenges.

C. What should be the relationship between the ODNI and the Office of the Under Secretary of Defense for Intelligence and Security (OUSD[I&S]) in the management and coordination between the NIP and the MIP resources?

Answer: The relationship between the IC and DoD is critical on all levels, and the responsible management of our resources is essential. In general, the roles of the DNI and Secretary of Defense are ones of mutual support. With regard to intelligence, the Secretary of Defense has primary responsibility for the Military Intelligence Program (MIP), and the DNI for the National Intelligence Program (NIP). It is a mission imperative for ODNI and DoD to coordinate efforts across both programs to ensure strong support to combatant commands and current operations.

I believe the IC and the DoD should take a collaborative approach to the management and execution of NIP resources that ensure the DNI has access to the information necessary to effectively carry out its statutory responsibility to manage the NIP, while providing necessary flexibility for DoD IC elements to execute their missions.

If confirmed, it would be my intent to continue the close partnership between the DNI and USD(I&S) aimed at strengthening an integrated approach to national security objectives.

D. What is your understanding of the different roles that the DNI and the Secretary of Defense should play with respect to intelligence elements within DoD?

Answer: If confirmed, my objective is to work closely with the Secretary of Defense on strategic issues while working routinely with the USD (I&S) on a regular basis. I will rely on USDI (I&S) to develop DoD's national intelligence requirements and to advise me on issues directly affecting DoD.

While the DNI serves as the head of the IC, the responsibilities of the position cannot be accomplished without the support of the Secretary of Defense, who has day-to-day authority and direction over a large part of the IC. I am encouraged by the coordination I have seen, and if confirmed, will continue to foster strong integration with DoD.

E. What is the relationship between the DNI and the heads of the individual intelligence agencies residing within DoD?

Answer: As the head of the IC, the DNI has a responsibility to oversee the activities and programs of intelligence agencies residing within DoD, and foster integration between them and all parts of the IC. The DNI's role is overseeing the programming and execution of the national intelligence program (NIP) portions of their budgets. These agencies are also responsive to the DNI, who determines national intelligence requirements and priorities, thus ensuring unity of effort against the array of challenges we collectively face. The ODNI has strong working relationships with each of the DoD intelligence elements, relationships that I will work to strengthen if confirmed.

F. Does the DNI now have visibility over the full range of intelligence activities conducted by DoD?

Answer: My current understanding is that the DNI has visibility over the full range of intelligence activities in DoD.

G. Are there additional authorities that the DNI should have regarding the full range of intelligence activities conducted by DoD?

Answer: I am not aware of any additional authorities that the DNI should have regarding the full range of intelligence activities conducted by DoD.

H. Is the USD(I&S) subject to the authority of the DNI? If so, to what extent?

Answer: The USD(I&S) serves as the principal staff assistant to the Secretary of Defense for DoD intelligence matters and is not a formal member of the IC, as defined by the National Security Act or EO 12333.

Nevertheless, the USD (I&S) also acts for the DNI as the Director of Defense Intelligence (DDI), providing valuable advice and input to the DNI on DoD intelligence matters. In his role as DDI, he is subject to the DNI's authority.

QUESTION 85: What is your understanding of the responsibilities of the USD(I&S) regarding the different intelligence elements within the DoD?

Answer: My understanding is that the USD (I&S) is the principal advisor to the Secretary and Deputy Secretary of Defense for intelligence, counterintelligence, security, sensitive activities, and other intelligence-related matters. The USD (I&S) exercises the Secretary of Defense's authority, direction, and control over, and oversees the activities of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency/Central Security Service, and the National Reconnaissance Office.

The USD (I&S) also fulfills the Secretary's statutory requirements from the National Intelligence Program. Lastly, as the Program Manager for the MIP, the USD (I&S) is the entry point for the DNI's participation in developing the Military Intelligence Program, for which USD (I&S) is the program manager.

QUESTION 86: If confirmed as DNI, what issues do you believe require the attention of the DNI and the Secretary of Defense regarding the role of the Office of the USD(I&S)?

Answer: If confirmed, I look forward to acquainting myself in detail about the current relationship between the ODNI and the Department of Defense, especially the role of the USD (I&S). I've had great initial conversations with Under Secretary Kernan and look forward to building upon that relationship.

It would be my intent to continue the close partnership between the DNI and USD (I&S) and strengthen our integrated common objectives on national security issues between the NIP and MIP and find any areas that need to be further improved.

ODNI Relationship with the Central Intelligence Agency

QUESTION 87: What is your view of the DNI's responsibility to supervise, direct, or control the activities of the CIA?

A. What do you see as the DNI's role in the supervision, direction, or control of the conduct of covert actions by the CIA?

Answer: Any decision to employ covert action as a tool of national security strategy will, by law, be made by the President. E.O. 12333 states that the DNI "shall oversee and provide advice to the President and the NSC with respect to all ongoing and proposed covert action programs." The flow of information to the DNI on covert action programs should be driven by this role, meaning that the DNI must be kept informed of existing covert action programs and the DNI should continue to participate in the national security process of approving and reviewing covert action findings.
The DNI engages with CIA and OMB in identifying funds for new findings and ensures appropriate written notification is provided to Congress regarding any additional resources required. Within the limits of the notification, the DNI also works to ensure that all departments and agencies that have equities in a particular covert action understand their respective roles and comply with their reporting requirements as laid out in the law.

B. What level of notification about covert action activities should the DNI receive?

Answer: The DNI participates in the existing national security processes of approving and reviewing findings and also engages CIA and OMB in the intelligence budgeting and execution processes to maintain awareness of the finding and resource requirements.

I understand that CIA and ODNI regularly interact to ensure that ODNI stays abreast of developments relevant to its oversight and advising responsibility, and that any covert action issue warranting CIA notification to the National Security Council or to Congress should be provided contemporaneously, or earlier, if practicable, to the DNI. The DNI should receive notification any time there is a new activity or there has been a significant change to a covert action activity; this includes funding, operational, and the potential for negative outcomes.

C. What role should the DNI have with respect to the Director of the CIA's responsibilities to coordinate the relationships between IC elements and the intelligence and security services of foreign governments or international organizations?

Answer: The IRTPA directs the DNI to oversee the coordination of foreign intelligence relationships and the Director of CIA to coordinate these relationships under the direction of the DNI. To that end, the ODNI establishes and oversees policies guiding IC engagement with foreign partners, such as through various Intelligence Community Directives governing information sharing. The CIA implements those IC-wide policies and objectives in its conduct of foreign liaison activities. If confirmed, I expect to continue this approach.

D. What role should the DNI have with respect to the CIA's management of its national human intelligence responsibilities?

Answer: The DNI, as head of the Intelligence Community, establishes policies, objectives, and priorities. The Director of CIA is responsible for coordinating the clandestine collection of foreign intelligence collected through human sources means outside the United States, and also serves as the Functional Manager for HUMINT. In other words, the DNI establishes the policy framework for deconfliction, coordination, and integration of HUMINT activities across the IC, while the CIA is responsible for operational coordination of HUMINT activities abroad.

ODNI Relationship with the Department of Justice and the Federal Bureau of Investigation

QUESTION 88: What is your view of the role of the Federal Bureau of Investigation (FBI) within the IC?

Answer: As one of the primary agencies tasked with identifying, detecting and disrupting foreign government and terrorists' threats to U.S. national security, the FBI is an integral component of the IC. The FBI is a strong IC partner, with the ability to use both its intelligence and law enforcement tools to protect our nation from attacks on the homeland and on U.S. persons and interests abroad. Through its task forces and DNI Domestic Representative Program (DDNIR), the FBI facilitates and enhances intelligence and information sharing on critical national security issues manifesting in the homeland. The DDNIR is executed by 12 senior FBI executives across the country. The DDNIRs convene their regional partners routinely to ensure situational awareness among the IC; Federal, State, Local and Tribal (FSLT) entities, and private sector participants and to provide the IC with valuable insight regarding national security threats regionally and nationwide.

As the IC lead in the domestic space, the FBI ensures that the IC has a more coordinated effort and fully supports our domestic partners. A more unified and effective IC enhances the nation's ability to share information with our FSLT and private sector partners to prevent and/or minimize threats to our national security.

QUESTION 89: What is your understanding of the relationship between the FBI and the DNI, particularly regarding collection priorities and information sharing?

Answer: The DNI and the larger IC have actively expanded information sharing with the FBI over the years on a wide range of topics and joint activities. The FBI, one of the 17 IC elements, is a full voting member of several IC committees and councils and provides essential context regarding shared equities between the intelligence and law enforcement communities.

The FBI is a key partner with other communities such as State, Local and Tribal organizations and critical infrastructure providers in areas of increased engagement such as cyber security and election threats.

The DNI, through the NCTC, also has a close working relationship with the FBI to include the Pursuit Group's focus on lead development, the Directorate of Operations (DOS) Support close work on information-sharing, and through FBI participation in NCTC's three-per-day classified video conferences where emergent CT details are shared and FBI's international CT cases are discussed. The DNI also enjoys a close working relationship through the DNI Domestic Reps who receive Requests for Information (RFI) from FBI partners in the field.

QUESTION 90: What is your understanding of the different roles and responsibilities of the FBI, the Attorney General, and the DNI, with respect to the U.S. Government's counterterrorism efforts?

Answer: The DNI, the Attorney General, and the Director of the FBI have complementary mutual roles and responsibilities with respect to the U.S. Government's counterterrorism efforts. They must work together, and with other federal, state, international and private partners, to successfully deter terrorism. The DNI is charged with integrating all counterterrorism intelligence analysis of the federal government, to provide an IC-wide view of the terrorism threat. In addition, the National Counterterrorism Center, an integral part of the ODNI, has a statutory responsibility to, among other things, integrate all intelligence possessed or acquired by the federal government and provide all source intelligence analysis on terrorism threats to its customers. This integrative function is unique to the ODNI vis-à-vis other federal agencies with counterterrorism responsibilities.

QUESTION 91: What is your understanding of the different roles and responsibilities of the FBI, the Attorney General, and the DNI, with respect to the U.S. Government's counterintelligence efforts?

Answer: The Department of Justice, led by the Attorney General, and the FBI investigate potential violations of criminal law, including counterintelligence matters. As directed in statute, the National Counterintelligence Executive (Director of the National Counterintelligence and Security Center (NCSC)) serves as the head of the U.S. government counterintelligence activities, including setting operational priorities, developing strategies and policies, and delivering to the President the Counterintelligence Strategy for the U.S.

ODNI Relationship with the Department of Homeland Security and other Departments of the United States Government

QUESTION 92: What is your view of how well the intelligence elements of the Departments of Homeland Security, Treasury, State, and Energy are integrated within the IC? Do you believe that there are changes that should be made to the organization, mission, or resource level of any of these agencies?

Answer: The intelligence elements within the Departments of Homeland Security, Treasury, State and Energy are part of the IC and bring to bear resources and knowledge critical to U.S. national security. The Secretaries of each of these departments are statutory members of the Joint IC Council, an advisory council that assists the DNI in developing and implementing a joint, unified national intelligence effort to protect national security.

I believe the standup of the ODNI has enabled more effective integration of the intelligence elements of the Departments of Homeland Security, Treasury, State, and Energy over time. If confirmed, I would examine the organization, mission, and resource levels of elements under my authority to determine if any changes should be considered and implemented.

QUESTION 93: What is your understanding of the different roles and responsibilities of the DNI and the following officials, regarding the IC elements within their departments?

A. The Director of the Office of Management and Budget

Answer: Several authorities of the DNI are exercised subject to the approval of the Director of the Office of Management and Budget (OMB).

For instance, the DNI's authorities to transfer IC civilian personnel throughout the community require approval of the Director of OMB. Likewise, the authority of the DNI with regard to transfer or reprogramming of NIP funds is subject to the approval of the Director of OMB. Finally, the ODNI, like other federal agencies, complies with applicable OMB guidance and policies for implementation of various Federal laws.

B. The Secretary of Energy

C. The Secretary of Homeland Security

D. The Secretary of State

Answer: The intelligence elements of the Departments of Energy, Homeland Security, and State are responsible for supporting both national and departmental missions, in addition to other missions specifically assigned to them by E.O. 12333. These elements play an important role both within the IC and within their respective departments.

As the head of the IC, the DNI has responsibility for the overall effectiveness of the national intelligence effort and has specific authorities to guide elements – most of whom reside in other government departments – in meeting this responsibility. For example, the DNI provides budget guidance to these elements. The DNI is also entitled by law to be consulted with on the appointment of heads of the intelligence elements, including those in these departments.

As the heads of the departments that contain IC elements, the Secretaries of Energy, Homeland Security, and State have responsibility for ensuring that these elements support the overall effectiveness of their respective departmental missions. Together, the Secretaries of Departments containing IC elements and the DNI must work together and closely coordinate.

E. The Secretary of the Treasury

Answer: The DNI, Treasury Secretary, and Treasury Assistant Secretary for Intelligence and Analysis work together to ensure effective economic security and financial intelligence support. This integration is critical given the direct intelligence support required within the Department of the Treasury and across the U.S. government on anti-money laundering, counterterrorism finance, economic and trade sanctions, financial system integrity, investment security and international economics. Collaboration between our organizations is necessary to ensure coordinated acquisition, budgeting, burden sharing, information sharing, and prioritization for Treasury's Office of Intelligence and Analysis and the broader IC.

Defense Intelligence Agency

QUESTION 94: The Defense Intelligence Agency (DIA) is the "Defense HUMINT Manager" under [DoD] directives, with the responsibility for managing human intelligence activities across [DoD], including those activities undertaken by the military intelligence agencies. Do you believe that DIA should, in both its Title 10 and Title 50 roles, have the authority and ability to manage, direct, and oversee all DoD human intelligence and counterintelligence activities?

Answer: I believe that current DIA authorities that allow the agency to manage the Defense HUMINT Enterprise, in both its Title 10 and Title 50 roles, are sufficient and support the ability of the military departments and combatant commands to continue to conduct activities under their respective authorities.

Privacy and Civil Liberties

QUESTION 95: Section 102A(f)(4) of the National Security Act (50 U.S.C. § 3024(f)(4)) provides that the DNI "shall ensure compliance with the Constitution and laws of the United States by the [CIA] and shall ensure such compliance by other elements of the [IC] through the host executive departments that manage the programs and activities that are part of the National Intelligence Program."

A. What are the most important subjects concerning compliance with the Constitution and laws of the United States that the DNI should address in fulfilling this responsibility?

Answer: The IC cannot perform its mission without the trust of the American people and their elected representatives. Compliance with the Constitution and the laws of the United States is not negotiable for the IC and the DNI is expressly charged by the National Security Act to ensure that the IC complies with the Constitution and laws of the United States. More fundamentally, the IC can only engage in intelligence activities with legal authorization.

The IC must engage in its activities in a way that complies with the Constitution. Many statutes are also applicable to IC activities. Notable among them is the Foreign Intelligence Surveillance Act (FISA), which provides statutory authority to collect information that is vital to the IC's national security mission subject to the civil liberties and privacy protections contained in the law. In particular, the ODNI has an important role working with the Department of Justice to oversee how IC elements implement section 702 of FISA.

If confirmed as DNI, I would work with the IC's leaders to ensure that all U.S. intelligence activities comply with the law. I would also ensure that my office continues to assess civil liberties and privacy compliance across the IC and that the IC has the tools, resources, and support it needs to address these issues.

B. What do you understand to be the obligation of the DNI to keep the congressional intelligence committees fully and currently informed about matters relating to compliance with the Constitution and laws of the United States?

Answer: If confirmed, I would work with the congressional intelligence committees to accommodate their legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch, including the protection from unauthorized disclosure of classified intelligence sources and methods.

IC Whistleblowers

QUESTION 96: Do you support a strong Inspector General of the IC to provide independent oversight for the IC?

Answer: Yes, I fully support a strong Inspector General of the IC (IC IG) and its statutory mission to promote economy, efficiency, and effectiveness in the administration of intelligence activities. If confirmed, I will establish a strong working relationship with the IC IG, and I will ensure that IC IG recommendations are addressed appropriately.

QUESTION 97: Do you support the statutory rights of IC whistleblowers and intend to honor the anonymity of whistleblowers who come forward? Are there aspects of the IC whistleblower statute with which you disagree?

Answer: If confirmed, I commit to ensure that every complaint is handled in compliance with all legal requirements and whistleblowers are afforded all legal protections.

QUESTION 98: Do you believe the subject of a complaint, even if the subject is the President, should be told about the complaint? If so, under what circumstances?

Answer: If confirmed, I intend to fully support the IC IG's mission to investigate IC whistleblower complaints, and I will do all within my authorities to protect the integrity of such investigations.

Inspectors General of IC agencies

The independence and integrity of inspectors general is critical to ensuring the accountability of the executive branch.

QUESTION 99: If confirmed, how would you ensure the IC's IGs maintain their independence?

Answer: If confirmed, I will establish a strong working relationship with the IC IG. I will also communicate the importance of a strong IG to the senior leadership and make clear my expectation that they appropriately cooperate with IC IG audits, reviews, and investigations.

Captured IC Personnel

QUESTION 100: Do you commit to doing everything within your powers to ensure U.S. persons captured in the line of duty are returned home?

Answer: If confirmed, I would be fully committed to rapid recovery of U.S. persons being held hostage abroad and will leverage the full resources of the ODNI to achieve their safe return.

The taking of a U.S. persons abroad requires a rapid, coordinated response from the United States Government. I would be committed to working with the Hostage Response Group (HRG), in support of the NSC and the interagency Hostage Recovery Fusion Cell (HRFC) to ensure that all relevant department and agency information, expertise, and resources are brought to bear to develop individualized strategies to secure the safe recovery of U.S. persons held hostage abroad – which may include diplomatic outreach, intelligence collection, and investigations in support of developing further options, recovery operations, and the use of any other lawful and appropriate tools.

In support of Presidential Policy Directive-30 and Executive Order 13698, in 2015 the DNI authorized the creation of an ODNI Hostage Issue Manager, who is responsible for synchronizing IC efforts, ensuring support to other US government entities working hostage matters, and maintaining situational awareness of all IC hostage-related issues. The ODNI also provides a full-time representative to the HRFC, who serves as the Intelligence Advisor to the Director of the HRFC and represents the IC in fusion cell activities, provides tailored intelligence support to the Fusion Cell, and assists with hostage-related information sharing requests. If confirmed, I would be committed to ensure that IC support for the US Government's hostage recovery efforts is strong and effective.

Interrogation

QUESTION 101: Section 1045 of the National Defense Authorization Act for Fiscal Year 2016 prohibits the use of any interrogation technique or approach or treatment related to interrogation not authorized by the Army Field Manual. Is this provision of law absolutely binding on the IC and the President?

Answer: If confirmed, I would work with the Attorney General to ensure that all IC activities are carried out in strict accordance with the Constitution and applicable federal law, including section 1045 of the National Defense Authorization Act for Fiscal Year 2016.

Classification & Transparency

QUESTION 102: Executive Orders 13526 states, "In no case shall information be classified, continue to be maintained as classified, or fail to be declassified in order to: (1) conceal violations of law, inefficiency, or administrative error; (2) prevent embarrassment to a person, organization, or agency; (3) restrain competition; or (4) prevent or delay the release of information that does not require protection in the interest of national security." Executive Orders 12958 and 13292 prohibit classification for these same factors.

A. Do you commit to fulfilling both the letter and the spirit of these standing Executive Orders?

Answer: Yes, if confirmed, I will work with the heads for the IC elements to conduct IC activities in accordance with these EOs.

B. What role do you believe IC Inspectors General should play in investigating possible violations of these prohibitions?

Answer: IC Inspectors General have an important role in assessing whether the policies, procedures, rules, and regulations administered within an IC element are being properly followed.

C. What accountability do you believe is appropriate for violations of these prohibitions?

Answer: Anyone who is granted a security clearance has a responsibility to comply with Executive Order 13526 and the relevant classification policies, procedures, rules, and regulations. Appropriate action must be taken for individuals who willfully fail to comply with these obligations.

QUESTION 103: In his August 16, 2019, letter to the President, the director of the Information Security Oversight Office (ISOO) described a "deluge" of classified information that "will continue to grow unabated," referring to the current framework as "unsustainable." He called for the "investment, adoption, and use of advanced technologies" as well as "new policies and practices" to address the problem. He further wrote: "The Government has not invested in the technologies needed to support electronic information management and information security." Similarly, the Public Interest Declassification Board (PIDB), in its June 2016 report, called for "the adoption of a government-wide technology investment strategy for the management of classified information."

A. Do you agree with the assessments and recommendations of the ISOO and PIDB with regard to the failure of the current framework to manage the increasing amount of classified information?

Answer: I share both ISOO's and the PIDB's concerns and interest in modernizing the classification and declassification system to meet the changing demands of the digital age while appropriately safeguarding the U.S. Government's national security information. My understanding is that the IC is actively engaged in this modernization work and participates in several national-level processes that are dedicated to classification and declassification improvement, and that address several of the issues described by the Director of ISOO and presented in the PIDB's report.

B. What should be the role of the DNI in developing, promoting or mandating the use of advanced technologies to address the problem? Should the DNI prioritize investments in this technology? What new policies and practices are necessary to address the problem?

Answer: My understanding is that the IC is actively partnering across its elements and with industry and academia to see how technology can transform how the IC manages labor intensive classification and declassification processes in the future. Sustained IC investments in next generation technologies are crucial to success in this area. The IC will also have to modernize legacy systems, which is a more complicated process, to avoid disruption to mission while new solutions are put in place over time.

To be successful, any reform efforts must take a holistic approach and must align with the obligation to protect information from unauthorized disclosure that could harm the national security. In addition, the IC must also carefully examine the resource implications of any suggested reforms.

QUESTION 104: Executive Order 12333 procedures and guidelines, as they apply to IC entities, are publicly available. Do you commit to continuing to post these procedures and to make public any modifications, superseding policies and procedures, or significant interpretations?

Answer: Consistent with the Principles of Intelligence Transparency for the IC, I commit to ensuring that the IC provides appropriate transparency that enhances the public's understanding about the IC's mission; the laws, directives, authorities, and policies that govern the IC's activities; and the framework that ensures intelligence activities are conducted in accordance with the applicable rules.

QUESTION 105: Implementing procedures under PPD-28 for IC entities are publicly available. Do you commit to continue to post these policies and procedures and to make public any modifications, superseding policies and procedures, or significant interpretations?

Answer: As with the Executive Order 12333 procedures and guidelines, the publication of the PPD-28 policies and procedures in a manner that protects sources and methods but considers the public interest to the maximum extent feasible, is a critical aspect of the IC's transparency efforts.

QUESTION 106: If you or another ODNI official were to say something relevant to national security that was factually inaccurate in public, would you correct the public record?

Answer: If confirmed, I will ensure the ODNI continues to share accurate and factual information responsibly with the public to further government openness and transparency while protecting intelligence information from unauthorized disclosure.

Privacy and Civil Liberties Oversight Board (PCLOB)

QUESTION 107: If confirmed, will you ensure that the IC fully cooperates with the PCLOB, both with regard to the Board's formal reviews and its informal exchanges with the IC? Will you commit to ensuring that the PCLOB is provided full access to any information it requests?

> **Answer:** The Privacy and Civil Liberties Oversight Board provides an important role to advise on and review the efforts of the IC to combat terrorism while protecting the privacy and civil liberties of every American. Consistent with the law, it is my understanding that the IC has fully cooperated with the work of the Board and provided the PCLOB access to the information it needs to perform its duties.

Security Executive Agent

The DNI is designated by law to serve as the government's Security Executive Agent.

QUESTION 108: What is your view of the effectiveness of the governance framework for personnel and credentialing vetting reform established by the OMB led Performance Accountability Council?

> **Answer:** In my role as DNI, I will be one of four members of the Performance Accountability Council (PAC) which is led by the Deputy Director of OMB. I believe the PAC is a critical function for ensuring strategic governance across the entire U.S. government ecosystem. It is an effective vehicle for ensuring interoperability between the IC, the Department of Defense, and the entire Executive Branch of the U.S. Government, particularly in the security clearance arena.

QUESTION 109: Do you believe the Trusted Workforce 2.0 personnel vetting reforms are prudently scoped? Would you seek to modify them? How would you accelerate reforms?

> **Answer:** I understand the Trusted Workforce 2.0 personnel vetting reforms are efficiently scoped and have been extremely successful thus far in the early stages of implementation.

The 2.0 effort will continue to facilitate effective policy reform for the cleared workforce within the entire U.S. government. This effort is enduring and will continue to provide policy modifications as necessary to ensure implementation of a trusted workforce.

QUESTION 110: How would you improve reciprocity in the recognition of clearances across the government?

Answer: Reciprocity continues to be a critical component of the Trusted Workforce 2.0 efforts. The ability to move trusted personnel from agency to agency has never been more important than it is today. The current implementation of Trusted Workforce 2.0 provides enhanced guidance to departments and agencies beyond the existing Executive Directives regarding reciprocity.

QUESTION 111: What are your views on the interagency security clearance process? If confirmed, what changes, if any, would you seek to make to this process?

Answer: I believe the Trusted Workforce 2.0 effort, which is a whole of government effort, will continue to drive the much needed transformational change across the entire vetting process in the U.S. government. Additionally, with the implementation of government-wide Continuous Evaluation (CE) in the IC and entire Executive Branch, the vetting process of individuals is more comprehensive and timely. My intention would be to support the ongoing reforms and provide effective leadership to ensure the successful implementation of the entire Trusted Workforce 2.0 initiative.

National Intelligence Priorities Framework (NIPF)

QUESTION 112: The NIPF guides priorities for the IC. Do you believe there is adequate interagency participation in development of the President's Intelligence Priorities? How would you change or update the current procedures?

Answer: Yes, I believe the current procedures are appropriate.

ADDITIONAL QUESTIONS FROM SENATOR WYDEN

International Alliances and Information from Foreign Partners

QUESTION 1: Please describe what you believe to be the appropriate limitations on the IC's receipt of, use, retention and dissemination of communications or communications records of U.S. persons collected by a foreign partner or entity. How should those limitations address instances in which the foreign partner specifically targeted U.S. persons who are not the subject of a warrant in the United States or instances in which the foreign partner has collected bulk communications or communications records known to include those of U.S. persons?

> **Answer:** The IC has a solemn obligation to conduct intelligence activities in a manner that fully protects the legal rights of all United States persons, including freedoms, civil liberties, and privacy rights guaranteed by federal law. No element of the IC may request any person, including any foreign partner, to undertake activities forbidden by the Constitution, federal law, or executive order, including E.O. 12333. If confirmed, I would ensure that all elements of the IC adhere to these requirements and engage with foreign partners in a manner wholly consistent with U.S. law and with robust protections for the privacy and civil liberties of U.S. persons.

QUESTION 2: During his confirmation process, former DNI Coats stated: "In no event should the IC request that a foreign entity undertake activities that the IC is itself forbidden from undertak[ing]." Mike Pompeo, during his confirmation to be CIA Director, testified: "it is not lawful to outsource that which we cannot do."

A. Do you agree with former DNI Coats and former CIA Director Pompeo?

> **Answer:** Yes. I agree that no element of the IC should request that a foreign entity undertake activities that that element is itself forbidden from undertaking.

B. If yes, is it appropriate for the President to make similar requests of foreign entities?

Answer: The President should act in accordance with the Constitution and the laws of the United States at all times. If another element of the federal government is lawfully able to undertake an activity forbidden to an element of the IC, however, there would be no constraint on the President asking a foreign entity to undertake such an activity.

QUESTION 3: In her confirmation process, CIA Director Haspel was asked about the possible costs to bilateral relationships, including bilateral intelligence relationships, to eliminating or modifying PPD-28. She responded:

> *PPD-28 underlies the US commitment to the EU/US Privacy Shield. This administration reviewed PPD-28 last year and decided to retain it. If PPD28 were substantially modified or eliminated, our European partners might re-evaluate their commitment to the Privacy Shield that support[s] transatlantic commercial data flows.*

Do you agree with Director Haspel?

Answer: I agree with Director Haspel.

QUESTION 4: Do you believe that international institutions and alliances that the United States was instrumental in creating after World War II (such as NATO, World Bank, IMF, G7, and G20) are, on balance, helpful or hurtful to the national interests of the United States? Please explain how.

Answer: I believe that these institutions and alliances are net helpful to our national interests. I also believe that joint cooperation, additional resources and commitments from our strategic partners is necessary as we respond to new geopolitical and economic challenges including our current fight against COVID-19.

Foreign Intelligence Surveillance Act

QUESTION 5: During his confirmation process, Assistant Attorney General for National Security John Demers was asked about the prohibition on reverse targeting in Section 702 of FISA. He responded:

As I understand it, determining whether a particular known U.S. person has been reverse targeted through the targeting of a Section 702 target necessitates a fact specific inquiry that would involve consideration of a variety of factors.

For example, as the Privacy and Civil Liberties Oversight Board noted in its 2014 report, if a Section 702 tasking resulted in substantial reporting by the Intelligence Community regarding a U.S. person, but little reporting about the Section 702 target, that might be an indication that reverse targeting may have occurred.

A. How, as DNI, would you seek to implement this "fact specific inquiry" through the Section 702 nominations and querying processes of IC entities?

B. Do you believe Section 702 of FISA authorizes the collection of communications known to be entirely domestic?

C. Will you commit to a renewed effort to obtain an estimate of the number of: (1) U.S. persons whose communications are collected under Section 702; or (2) communications collected under Section 702 to which a party is a person in the United States?

Answer: Section 702 of FISA specifically prohibits intentionally targeting a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States (i.e., reverse targeting). In addition, Section 702 also specifically prohibits intentionally acquiring any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States (i.e. communications known to be entirely domestic). If confirmed, I would work with the Attorney General and the heads of IC elements, as well as the General Counsels throughout the IC, to ensure that collection activities conducted pursuant to Section 702 of FISA are carried out in accordance with the Constitution and applicable Federal law.

Finally, my understanding is that in the past efforts were undertaken to provide estimates of the number of U.S. persons or persons inside the United States whose communications are collected under Section 702, but the DNI determined that such estimates were not feasible. If confirmed, I will look into the matter to better understand why that determination was made.

QUESTION 6: Do you believe that Section 215 of the USA PATRIOT Act should be used to collect "tangible things" if they do not pertain to:
(1) a foreign power or an agent of a foreign power;
(2) the activities of a suspected agent of a foreign power who is the subject of an authorized investigation; or
(3) an individual in contact with, or known to, a suspected agent of a foreign power who is the subject of an authorized investigation? If yes, under what specific circumstances do you believe the application for a Section 215 order could be based on the "relevance" standard without satisfying any of the above three requirements for presumptive relevance?

Answer: I believe it is important for the Intelligence Community to use its authorities appropriately against valid intelligence targets. The amendments to Title V of FISA made by Section 215 of the USA PATRIOT Act expired on March 15, 2020 and, to date, have not been reauthorized.

QUESTION 7: Do you believe that Section 215 of the USA PATRIOT Act should be used to collect Americans' web browsing and internet search history? If yes, do you believe there are or should be any limitations to "digital tracking" of Americans without a warrant, in terms of length of time, the amount of information collected, or the nature of the information collected (e.g., whether particular kinds of websites raise special privacy concerns)?

Answer: I believe it is important for the Intelligence Community to use its authorities appropriately against valid intelligence targets. The amendments to Title V of FISA made by Section 215 of the USA PATRIOT Act expired on March 15, 2020 and, to date, have not been reauthorized.

QUESTION 8: Do you believe the FISA *amici* play an important role in raising significant matters of law with the Court, thereby improving oversight of the FISA process and contributing to the protection of Americans' civil liberties?

Answer: As demonstrated by the appointment of several amici since this provision has gone into effect, I believe it is important for the FISC to be able to appoint amici to assist the Court as necessary.

Extra-Statutory Collection

QUESTION 9: Title 50, section 1812 provides for exclusive means by which electronic surveillance and interception of certain communications may be conducted. Do you agree that this provision of law is binding on the President?

Answer: If confirmed, I would work with the Attorney General to ensure that IC activities are carried out in accordance with the Constitution and applicable federal law.

QUESTION 10: Do you believe that the intelligence surveillance and collection activities covered by FISA can be conducted outside the FISA framework? If yes, please specify which intelligence surveillance and collection activities, the limits (if any) on extra-statutory collection activities, and the legal authorities you believe would authorize those activities.

Answer: If confirmed, I would work with the Attorney General and the heads of IC elements, as well as the General Counsels throughout the IC, to ensure that intelligence activities are conducted in accordance with the Constitution and applicable federal law. As set forth in Section 112 of FISA, with limited exceptions, FISA constitutes the exclusive statutory means by which electronic surveillance, as defined in FISA, and the interception of domestic wire, oral, or electric communications for foreign intelligence purposes may be conducted.

QUESTION 11: What would you do if the IC was requested or directed to conduct such collection activities outside the FISA framework? Would you notify the full congressional intelligence activities?

Answer: Consistent with the requirements of the National Security Act, I would keep the congressional intelligence committees informed of the intelligence activities of the United States, including any illegal intelligence activities. As you know, not all intelligence activities are governed by FISA.

If confirmed, I would work with the Attorney General and the heads of IC elements, as well as the General Counsels throughout the IC, to ensure that intelligence activities are conducted in accordance with the Constitution and applicable federal law.

QUESTION 12: Do you believe the IC can purchase information related to U.S. persons if the compelled production of that information would be covered by FISA? If yes, what rules and guidelines would apply to the type and quantity of the information purchased and to the use, retention and dissemination of that information? Should the congressional intelligence committees be briefed on any such collection activities?

Answer: Elements of the IC are authorized to collect, retain, or disseminate information concerning U.S. persons only in accordance with procedures approved by the Attorney General. As you know, not all intelligence activities are governed by FISA, and it is my understanding that in appropriate circumstances elements of the IC may lawfully purchase information from the private sector in furtherance of their authorized missions. Nonetheless, any intelligence activity not governed by FISA would be regulated by the Attorney General-approved procedures that govern the intelligence activities of that IC element. Consistent with the requirements of the National Security Act, if confirmed, I would keep the congressional intelligence committees informed of the intelligence activities of the United States.

12333: U.S. Person Queries

QUESTION 13: NSA Director Nakasone has stated that, absent consent of the U.S. person or certain emergency situations, U.S. person queries of communications collected under Executive Order 12333 "normally must be approved by the Attorney General on a case-by-case basis after a finding of probable cause."

A. To what extent does this requirement apply to other IC entities?

B. What is the role of the IC in developing and documenting the case for probable cause in this context?

C. Please describe any exceptions to this requirement.

Answer: Elements of the IC are authorized to collect, retain, or disseminate information concerning U.S. persons only in accordance with procedures approved by the Attorney General. Each element of the IC has its own Attorney General-approved procedures, consistent with the unique responsibilities and mission of each element. The Attorney General-approved procedures governing the conduct of intelligence activities by the Department of Defense and its component agencies, including the National Security Agency, are set forth in DoD Manual 5240.01. Those procedures, as well as the classified annex to the DoD Manual, are publicly available with limited redactions. My understanding is that those procedures set forth detailed guidelines with respect to the conduct of U.S. person queries of information lawfully collected by the National Security Agency or other components of the Department of Defense, to include circumstances in which such queries may be conducted with the consent of the U.S. person or the specific prior approval of the Attorney General based on a finding of probable cause.

Ukraine Whistleblower

QUESTION 14: On December 12, 2019, you called the Ukraine whistleblower a liar who "didn't tell the truth verbally and in writing" even though the ICIG stated that everything the whistleblower said was confirmed by multiple first-hand witnesses.

A. Do you still believe the Ukraine whistleblower lied? If so, how?

Answer: I stated consistently throughout the impeachment inquiry proceedings, the October 4, 2019 transcribed HPSCI interview of IC Inspector General Michael Atkinson confirms that certain sworn disclosures by the whistleblower to the ICIG in writing and verbally were neither accurate nor correct. Please see annex for additional details.

B. Do you believe an individual's personal political affiliations should be considered when evaluating the veracity of a complaint?

Answer: I believe the veracity of a whistleblower complaint should be based on all available facts. If confirmed, I will support the work of the Inspector General of the IC (IC IG) to ensure that the veracity of complaints are evaluated independently, objectively, and based on facts, regardless of the complainant's personal political affiliation.

C. What will you do as DNI to ensure other whistleblowers reporting fraud, waste, and abuse are not deterred from coming forward?

Answer: Whistleblowers serve a vital role within the IC by promoting government accountability, maintaining the integrity of the workforce, and addressing allegations of wrongdoing without improperly disclosing classified information. If confirmed, I commit to working with the IC IG to objectively and impartially respond to allegations of retaliation against whistleblowers, engage the IC workforce to express my strong support for whistleblowers, and take any other available action within my authorities to ensure that IC whistleblowers are protected from retaliation.

D. What steps will you take to ensure retaliation against whistleblowers is not tolerated?

Answer: If confirmed, I will do all within my authorities to ensure that retaliation against whistleblowers is not tolerated. I will work closely with the IC IG to respond to allegations of retaliation against whistleblowers. When a finding of retaliation occurs, I will swiftly take all appropriate action against the offending individual. I will also engage with leadership to ensure that managers at all levels support lawful whistleblowing and that any retaliation will not be tolerated.

QUESTION 15: Do you believe it is ever appropriate for anyone in the Federal Government to publicly reveal the identity of an IC whistleblower or call for that identity to be revealed?

Answer: As detailed in response to question 97, I am committed to protecting the rights of those individuals who lawfully report wrongdoing, including honoring a whistleblower's anonymity as required by law. All federal government employees should do the same.

Interrogation

QUESTION 16: Do you believe that any of the CIA's former enhanced interrogation techniques are consistent with the Detainee Treatment Act, the U.S. statutory prohibition on torture, the War Crimes Act, or U.S. obligations under the Convention against Torture or Common Article 3 of the Geneva Convention?

> **Answer:** I have not conducted the legal and factual research and analysis that would be required to properly answer this question but would note that the law governing interrogation has evolved significantly since the CIA last employed enhanced interrogation techniques.

QUESTION 17: On February 21, 2020, the Department of Defense announced that the Under Secretary for Intelligence & Security would review Army Field Manual (FM) 2-22.3, Human Intelligence Collector Operations. That review will include consultation with the DNI. Do you agree that the CIA's former enhanced interrogation techniques should be prohibited under the Field Manual and, if so, should that prohibition be explicit?

> **Answer:** Section 1045 of the National Defense Authorization Act for Fiscal Year 2016 prohibits the use of interrogation techniques not expressly authorized by the Army Field Manual, and further prohibits revisions to the Army Field Manual that involve the use or threat of force and also requires that the Army Field Manual be public.

QUESTION 18: Section 1045 requires that the High-Value Detainee Interrogation Group (HIG) submit a report on best practices for interrogation and states that the review of the Field Manual may include recommendations for revisions based on HIG research. In August 2016, the HIG released its first assessment of interrogation best practices. What lessons have you taken from this report and how will they inform your contribution to the FM review process?

> **Answer:** As a general matter, I agree that best practices from the HIG report should inform the Army Field Manual review and other related work. If confirmed, I will direct my staff to review the report and work with the Department to update the FM accordingly.

QUESTION 19: Executive Order 13491 prohibits the CIA from operating any detention facilities other than "facilities used only to hold people on a short-term transitory basis." Do you support this prohibition?

Answer: I do.

Privacy and Civil Liberties Oversight Board (PCLOB)

QUESTION 20: Would you support an expansion of the PCLOB's statutory mandate beyond counterterrorism to include any intelligence activities that could affect the privacy and civil liberties of Americans?

Answer: If confirmed, I will review whether expansion of the PCLOB's current statutory mandate is appropriate.

Lethal Strikes Against U.S. Persons

QUESTION 21: Please describe your view of the legal and policy implications of targeting or otherwise knowingly killing a U.S. person in a U.S. Government lethal operation. What additional public transparency do you believe would be warranted in that situation?

Answer: The federal government takes matters of use of force very seriously, particularly in the rare instance when a U.S. person has taken up arms against the United States. If confirmed, I will work in partnership with the National Security Council, Department of Justice, Department of Defense, and Intelligence Community colleagues to ensure that use of force against a US person is justified and within our legal authorities. I will work with federal partners to provide as much transparency to the U.S. public as possible.

Use of Encrypted Communications

QUESTION 22: Do you currently, or have you in the past used any end-to-end encrypted messaging apps (Signal, WhatsApp, iMessage, etc.) to communicate with others? If yes, did you use these apps for personal or work-related communications?

Answer: Yes. I use iMessage for personal communications and some communications related to my work in Congress.

QUESTION 23: Do you believe that Americans should not have access to encrypted methods of communication that are beyond the reach of government intercepts? If yes, do you believe there should there be any exceptions, for example communications for official government use or communications for personal or professional healthcare, medical, or banking and other financial purposes?

Answer: I believe there is a need to strike a proper balance that aligns fundamental privacy interests with the need for lawful access. Similar to the Department of Justice, I have significant concerns on the impact of widespread and sophisticated encryption technologies on national security matters and investigations involving counterterrorism, espionage, cybercrimes, and broader domestic and international terrorism.

Questions for the Record
Senate Select Committee on Intelligence
Nomination Hearing - Open Session
May 5, 2020

Questions for the Record for Representative John L. Ratcliffe

[From Senator Wyden]

1. Three times during your confirmation hearing, you testified that Russia had not been successful in "changing votes or the outcome of [the 2016 election]." While the January 2017 Intelligence Community Assessment (ICA) included a DHS assessment related to vote tallying, the Intelligence Community has made no assessment as to whether Russia's influence campaign did or did not succeed in achieving or contributing to the election of Donald Trump. The ICA stated:

> *"We did not make an assessment of the impact that Russian activities had on the outcome of the 2016 election. The US. Intelligence Community is charged with monitoring and assessing the intentions, capabilities, and actions of foreign actors; it does not analyze US. political processes or US. public opinion."*

- **Have you seen any intelligence analyses supporting your statement that Russia did not succeed in changing the outcome of the 2016 election? If so, please provide it to the Committee. If not, on what do you base your judgment?**

  Answer: Page iii of the "Key Judgements" section of the declassified *2017 Intelligence Community Assessment ICA 2017-01D* noted that "DHS assesses that the types of systems Russian actors targeted or compromised were not involved in vote tallying." I also understand that the Senate Select Committee on Intelligence's report, *Russian Active Measures Campaigns and Interference in the 2016 U.S. Election Volume 1: Russian Efforts Against Election Infrastructure,* stated that, "In its review, the Committee has seen no indications that votes were changed, vote-tallying systems were manipulated, or that any voter registration data was altered or deleted." The report concluded with SSCI open hearing testimony from Department of Homeland Security (DHS) and Federal Bureau of Investigation (FBI) witnesses on June 21, 2017, where witnesses expressed agreement "that they had no evidence that votes themselves were changed in any way in the 2016 election."

2. **Have you had any discussions with Attorney General Barr, U.S. Attorney John Durham, or anyone other administration official concerning Mr. Durham's examination of the U.S. Government's Russia investigation?** If **yes, please describe those discussions.**

   Answer: No.

3. During your confirmation hearing, you testified that "no one can spy or surveil outside the law." However, in your responses to written questions, you wrote that "FISA constitutes the exclusive statutory means" by which electronic surveillance may be conducted.

   - **Please clarify whether your reference to "the law" was intended to limit surveillance to the FISA statutory framework, or you believe that electronic surveillance outside that statutory framework and based on an assertion of non-statutory authorities can be consistent with "the law."**

     Answer: I believe this question relates to my response to Question 10 of the prehearing questionnaire. That question asked, "Do you believe that the intelligence surveillance and collection activities covered by FISA can be conducted outside the FISA framework?" My answer stated and remains, "As set forth in Section 112 of FISA, with limited exceptions, FISA constitutes the exclusive statutory means by which electronic surveillance, as defined in FISA, and the interception of domestic wire, oral, or electric communications for foreign intelligence purposes may be conducted."

4. **Do you support any legislative reforms to FISA? If so, please describe them.**

   Answer: As a Congressman and a member of the House Judiciary and Intelligence Committees, I have supported past efforts to reauthorize FISA authorities that are critical to our national security and the Intelligence Community (IC) while also ensuring civil liberties are protected and proper protocols and accountability are established throughout FISA and its statutes. FISA is a vital tool for the IC to collect information on valid intelligence targets. If confirmed, I look forward to working with Congress, the Attorney General, and the IC to continue to promote legislation that ensures FISA's operational effectiveness while strengthening U.S. person privacy protections.

5. Top election cybersecurity experts, as detailed in a 2018 National Academy of Sciences report, are in universal agreement that transmitting marked ballots over the internet is dangerous and should not be done. However, in your responses to written questions, you wrote "resilience built on audits, redundancies and expertise minimizes the impact any threat can have even if using the internet to deliver some portion of ballots."

- **Please provide a fulsome and detailed explanation for how internet voting can be rendered secure from sophisticated hacking and why you disagree with the recommendations in the 2018 National Academy of Sciences report.**

  Answer: I do not disagree with the recommendations of the 2018 National Academy of Sciences report. The DHS Cybersecurity and Infrastructure Security Agency (CISA), along with the FBI, serve as the Federal leads on election infrastructure security. My complete response to Question 49 of the pre-hearing questionnaire states, "The goal of our system is to be resilient. In today's age, no system is truly invulnerable to an aggressive and capable threat. However, resilience built on audits, redundancies and expertise minimizes the impact any threat can have even if using the internet to deliver some portion of ballots. The IC will continue to support DHS and FBI in their work to support the states in their leadership role on securing elections." This was in reference to the states who currently permit overseas and military voters to transmit their marked ballots directly to local election officials over the internet, mostly via email. My answer alludes to the fact that no system is ever completely secure, and that only by building auditability, redundancies and expertise into all systems do we minimize any threat, regardless of the manner in which that threat occurs. CISA continues to assist in advising states and localities on how to incorporate best practices that can keep their systems secure. If confirmed, I look forward to ensuring DHS and the FBI continue to receive all the IC support they need to accomplish their critical election security missions.

- **Please identify the cybersecurity experts with whom you have consulted on this topic, and specifically those who have informed you that the risks of internet voting can be sufficiently minimized through "audits, redundancies and expertise."**

  Answer: As stated above, no system is ever completely secure, and if confirmed, I look forward to supporting DHS and the FBI in their work to support the states in their leadership role on securing election systems.

6. There are currently no mandatory, federal cybersecurity standards for voting systems, including the servers and technology used by local election officials in 23 states that receive marked ballots over the internet from Americans in the military and those living overseas.

   - **How confident are you that these servers and the technology currently used by local election offices to receive marked ballots over the internet are sufficiently secure to protect against hacking by foreign governments?**

Answer: As it relates to election security, the role of the IC is to identify potential foreign-related threats and potential mitigating factors. I trust that our DHS and FBI partners, specifically CISA, in combination with other federal partners, will continue to develop and promulgate best practices, protocols, and tools that help inform state and local election authorities on how to enhance the security and resilience of our nation's election systems. This includes the ability to test systems, audit, and review results accordingly to maintain and strengthen states' election security needs.

7. Federal cybersecurity experts did not conduct forensic examinations in 2016 and 2018 of any of the servers used by local election offices to receive ballots over the internet.

   - **How confident are you that foreign governments have not tampered with internet-returned electronic ballots in prior federal elections?**

     Answer: I am not aware of any information indicating an adversary has tampered with ballots in prior federal elections. At this time and without further information, I am unable to assess a particular level of confidence in response to your question.

[From Senator Heinrich]

8. Mr. Ratcliffe, you testified in the open nomination hearing that you concur with the unanimous assessment of the 17 agencies of the Intelligence Community that Russia engaged in an effort to interfere in the 2016 elections and that Moscow will keep working to sow discord. But you hedged about the IC's assessment that Russia's aim was to bolster Donald Trump's campaign, and in other forums, you have suggested that it was Hillary Clinton's campaign that colluded with Moscow.

   On that point, you stated at the hearing that you had not seen the "underlying intelligence to tell me why there is a difference of opinion" between the assessments of the IC and this Committee and the House Intelligence Committee. You committed to Vice Chairman Warner that you would come back to the Committee if you reach a different conclusion than the IC once you review the underlying intelligence. My request is a slight variation on the Vice Chairman's request:

   - **Please provide a commitment that if confirmed, you will review the underlying intelligence within the first six months of your tenure as DNI and that you will brief the Committee on the conclusions you reach about the accuracy or inaccuracy of the IC's assessment and the basis for your conclusions.**

     Answer: If confirmed, I will study this issue and provide my feedback to the Committee within six months of my tenure as Director of National Intelligence.

9. During a House Judiciary Committee markup of the USA FREEDOM Act in 2015, the Committee considered an amendment to end the "backdoor searches" of Americans' communications under Section 702 of the FISA Amendments Act without a warrant.

In your comments on the amendment, you stated: "In full disclosure to everyone, I am a former terrorism prosecutor that has used warrantless searches, and frankly have benefitted from them in a number of international and domestic terrorism cases."

- **Please explain how you "used warrantless searches and have benefitted from them," and to which cases you werereferring.** (If **necessary, you may provide a separate classified answer.)**

  Answer: My comments related to the importance of Section 702 authorities generally, and were a reference to the same matters previously disclosed to the Committee in the Annex to Question 9c.

- **Do you believe that it is reasonable for the government to conduct warrantless searches of Americans' communications?**

  Answer: The U.S. government should conduct warrantless searches only in accordance with the Constitution and the authorities and laws passed by Congress.

10. When you were first nominated last year for the position of Director of National Intelligence, critics on both sides of the aisle registered concerns about your lack of qualifications and about false claims you made about your record as a prosecutor. Explaining your reasons for withdrawing your nomination five days after it was first submitted, you stated: "I do not wish for a national security and intelligence debate surrounding my confirmation, however untrue, to become a purely political and partisan issue."

    - **Do you believe critics were being "political and partisan" in highlighting your lack of qualifications for this position and your misrepresentations regarding your record as a prosecutor?**

      Answer: Yes, I do believe some critics were being "political and partisan" in attempting to mischaracterize or inappropriately construe my records and qualifications. My experience and background stands on its own, and it is covered extensively in my responses to the Committee's prehearing questionnaire and to questions I received in the Committee's nomination hearing.

    - **Please acknowledge that you misrepresented/exaggerated/lied about your past experience and explain why the Members of this Committee should have confidence that if confirmed, you will not misrepresent facts to this Committee.**

      Answer: I have not misrepresented, exaggerated, or lied about my past experience to anyone. Members of this Committee should have confidence because I have provided this Committee with both documentation and testimony under oath establishing that media reports alleging a lack of national security and intelligence

experience were inaccurate and untrue. Out of all the prosecutions brought under my name, authority, and signature as U.S. Attorney from 2007-2008, I am aware of only a single case where details of my role were inaccurately stated in press and/or campaign materials, and which were immediately clarified when brought to my attention.

[From Senator King]

11. In your written statement, you mentioned having a "good rapport" with the President.

    - **How did you establish your rapport with the President? Was this rapport forged during political conversations or at fundraisers?**

      Answer: My reference to good rapport relates to discussing policy matters, including national security and intelligence issues, with the President when he first began considering me as a possible nominee for DNI. Since that time, and until present, we have continued to develop a good relationship during personal interactions at official events.

12. What commitments did you make to the President or his team when he originally nominated you last summer? What commitments did you make prior to being re-nominated in March?

Answer: In both instances, I committed to the President that, if nominated, I would lead with integrity, and at all times, act in accordance with the Constitution and the laws of the United States.

13. Did you and the President ever discuss the Durham Investigation?

Answer: I cannot comment on the particulars of my conversations with the President, other than to say that our discussions have been on policy matters. Please also see my response to Question 2 of the Open Hearing Questions for the Record.

14. Will you state, unambiguously and for the public record, that you concur with the Intelligence Community' assessment that Russia engaged in an unprecedented effort to interfere in the 2016 U.S. presidential election, with the specific aim of bolstering then-candidate Donald Trump's campaign?

Answer: I concur with the IC assessment that Russia engaged in unprecedented efforts to interfere in the 2016 U.S. presidential election to sow discord and undermine faith in our democracy. As I stated in the open hearing, the House and Senate intelligence committees reached different conclusions on whether a specific aim by Russia was to bolster then-candidate Donald Trump's campaign. I respect both committees, was not involved with the findings of either committee, and have not seen the underlying intelligence to render an informed opinion on that specific issue. As indicated above, if confirmed, I will study this issue and will provide my feedback to the Committee as expeditiously as possible.

15. On April 3, 2020, the President fired IC Inspector General Michael Atkinson.

- **Did you concur with the decision to fire the ICIG?**

  Answer: As I stated in the open hearing, I do not have enough information to offer an opinion.

16. During a December 11, 2019, hearing of the House Judiciary Committee, you claimed without any evidence that the Ukraine whistleblower "got caught" and "made false statements." The next day you tweeted that "the whistleblower didn't tell the truth both verbally and in writing."

- **Do you believe it is appropriate for elected officials to defame whistleblowers who have complied with the law?**

  Answer: No, I do not believe it is appropriate for anyone to defame, as used in the law, whistleblowers who have fully complied with the law.

17. As **a member of HPSCI, do you make it a point to participate in every classified meeting?**

Answer: I make it a point to participate in as many HPSCI activities, both classified and unclassified, as I possibly can. As one of only a few of the 435 House members, and until recently the only HPSCI member, to serve concurrently on four committees, I do my best to balance the obligations for all my committee assignments.

[From Senator Sasse]

18. Please provide an assessment of what DNI's AI strategy (Augmenting Intelligence Using Machines or AIM) has accomplished thus far, including highlighting accomplishments by agency.

- **What do you plan to do to enable more efficient progress on implementing AI technologies at the agencies?**

  Answer: I have received initial briefs on the IC's AIM Initiative. As I understand it, the ODNI has been leading this initiative, and is in the early stages of seeing it implemented across the IC. Its goal is to align IC efforts and oversee IC investments in adopting Artificial Intelligence (AI). The AIM Initiative has made substantial progress organizing formerly disparate AI activities, reducing overlap and duplication, and setting in place a coordinated, long-term portfolio management approach and investment strategy. I further understand the IC is already implementing elements of the AIM initiative across the Community. If confirmed, I look forward to supporting efforts to help speed the development and application of AI technologies in critical IC mission areas like identity

intelligence, strategic indications and warning, countering foreign malign influence, confirming authenticity of information and enhancing security.

- **What do you plan to do to enable more efficient hiring and training of AI professionals - to include software engineers, data engineers and scientists, mathematicians, and machine learning experts?**

  Answer: Like the rest of the Federal Government, the IC competes for the same workforce that is in high demand across the economy. The IC simply cannot compete with private sector compensation packages, and the IC's need for cleared professionals further complicates the matter. In my briefs, I learned that the AIM Initiative does have a workforce component, and its objective is to build and sustain an AI-ready workforce to shape and integrate AI solutions into IC operations, analysis, and support across the board. If confirmed, I will work to ensure the IC is working to build a deep bench of AI and machine learning expertise through targeted and innovative recruiting; training of existing staff; improved and accelerated clearance and onboarding practices as part of security clearance reform and utilizing partnerships with universities, industry, other agencies, and liaison services to augment the current workforce. I will also focus on examining what structural changes are necessary to successfully recruit and retain the best and the brightest talent.

[From Senator Feinstein]

19. During your confirmation hearing, when asked about your views on contractors, you responded that "I agree [that] contractor use . . . should be limited and [that] government employees should be doing government functions. I know there's always a look in terms of ratios and the percentages. I'm not a one-size-fits-all person. If confirmed as DNI, I'll look at where things stand right now."

    - Please provide a more detailed answer, including the steps you plan to take to review the IC's use of contractors, and how you will ensure that contractor use does not encroach on inherently government functions.

      Answer: Contractors play a critically important role in the success of the IC's mission. In many cases, contractors offer specialized skills and abilities that the civilian workforce, in some cases, may not possess with the required level of proficiency. In other cases, contractors can be leveraged for specialized skills to execute short-term requirements. But contractors cannot and should not be utilized for inherently governmental functions. I understand that both law and policy provide clear guidance to the IC on the appropriate use of contract personnel.

      If confirmed, I will work with IC leadership to ensure compliance with both law and policy on the utilization of contractors across the Community. I will also ensure that IC elements are fully utilizing the authorities provided under the Multi-Sector Workforce Initiative to ensure the appropriate mix of contractor, civilian and military personnel to meet mission priorities.

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