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OPEN HEARING TO CONSIDER THE NOMINATION OF HON. MIKE POMPEO TO BE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

HEARING

BEFORE THE

SELECT COMMITTEE ON INTELLIGENCE

OF THE

UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

THURSDAY, JANUARY 12, 2017

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OPEN HEARING TO CONSIDER THE NOMINATION OF HON. MIKE POMPEO TO BE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

THURSDAY, JANUARY 12, 2017

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

The Committee met, pursuant to notice, at 10:05 a.m. in Room SH–216, Hart Senate Office Building, Hon. Richard Burr (Chairman of the Committee) presiding.

Committee Members Present: Burr (presiding), Warner, Risch, Rubio, Collins, Blunt, Lankford, Cotton, Cornyn, Feinstein, Wyden, Heinrich, King, Manchin, and Harris.

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.

One procedural matter before we begin in earnest. We meet today prior to President-elect Trump's inauguration and therefore have not yet received Representative Pompeo's nomination to be Director of the Central Intelligence Agency. Procedurally, we cannot vote on and report out the nomination until it's received in the U.S. Senate.

So today we'll have a hearing in expectation that that nomination will follow. Our goal in conducting this hearing is to enable the committee to begin consideration of Representative Pompeo's qualification, to allow for thoughtful deliberation of our members.

Representative Pompeo has already provided substantive written responses to more than 125 questions presented by the committee and its members. Today, of course, members will be able to ask additional questions and hear from Representative Pompeo in open and closed session. It's my intention as soon as time allows to convene a meeting of the committee to vote on the nomination and to report it to the Senate floor for immediate floor vote.

Now I'd like to welcome our witness today. Representative Mike Pompeo, President-elect Trump's nominee to be the next Director of the Central Intelligence Agency. Mike, congratulations on your nomination.

I'd like to also welcome your wife—Susan, where are you?—Susan and your son Nick. Would you two just stand up?

[Susan and Nick Pompeo stand; applause.]

Chairman BURR. I want to thank both of you for your support of your husband, your father, of this incredible opportunity and I think benefit to our country. I understand that both of you have been a constant source of constructive and critical counsel to Mike. You said once during a speech, Nick, you graded him with a C and, Susan, you graded him with an F for questioning during an open hearing of the events of Benghazi. For the record, that tough curve you have described in the Pompeo household has clearly served you well and likely prepared you for the challenges that lie ahead.

You'll soon be asked to lead what, Mike, what I believe to be one of our Nation's most treasured assets during a period of profound change. The Central Intelligence Agency is one of the principal members of the United States intelligence community and is tasked with collecting foreign intelligence through human sources and by appropriate means. The CIA operates in the shadows. Its officers are often undercover and sometimes work in hostile and austere environments. It's not simply a job for many, but a lifestyle.

The clandestine nature of the Agency's work, however, is both the greatest capability and most challenging liability since its activities are outside the public view. We address that liability by calling upon the President to nominate individuals with unwavering integrity, and the Senate approves only those who we're assured will lead this organization lawfully, ethically, and morally.

Mike, I've reviewed the material provided by you prior to this confirmation hearing and have spoken with you personally. You enrolled in the United States Military Academy at West Point as a teenager. You graduated first in your class before serving as a cavalry officer. You went on to earn a law degree at Harvard and founded an aerospace company, where you served as CEO for more than a decade. You are in your third term representing the people from the Fourth District of Kansas and oversaw the intelligence community as a member of the House Permanent Select Committee on Intelligence.

I believe your intellectual rigor, your honorable service and outstanding judgment make you a very natural fit to lead the CIA. I can assure you that this committee will continue to be faithful and follow its charter and conduct rigorous and real-time oversight over the CIA operations and their activities. We will ask difficult and probing questions of you, your staff, and we will expect honest, complete and timely response.

The American people allow the CIA to operate in the shadows because they trust oversight. I take the responsibility very seriously. I look forward to supporting your nomination and ensuring its consideration without delay.

I want to thank you again for being here, for your years of service to your country in many different capacities, and I look forward to your testimony today.

I now would like to recognize the Vice Chairman, Senator Warner.

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

Senator WARNER. Thank you, Mr. Chairman. I also would like to welcome you and congratulate you, Congressman Pompeo. I want

to also just note on a personal basis, it's great to have the former Vice Chair back here by my side, willing to kick and prod me if I get off script.

Let me also echo what the Chairman says and offer congratulations on your impending nomination to serve as Director of the Central Intelligence Agency. I've enjoyed our recent meetings and thank you for your honest views.

If confirmed, you will be sitting at a critical intersection between intelligence and policymaking. You and I agree that politics has no place in your new line of business. Your job will be to give the President the best professional judgment of America's intelligence experts at the CIA, even when it might be inconvenient or uncomfortable. As the motto you will see every morning in the lobby of the CIA headquarters reminds us, your job is to search out and follow the truth regardless of where it may lead. Many risk their lives and toil long hours in anonymity to get that critical piece of information that could mean the difference between literally life and death.

Congressman Pompeo, I will need your public assurance that you will always seek to provide unbiased, unvarnished, and timely intelligence assessments to the President, to his Cabinet, his advisors, and to those of us in Congress. This intelligence must represent the best judgment of the CIA, whether or not that analysis is in agreement with the views of the President or anyone else who might receive them. I look forward to hearing from you on this topic.

I've been concerned, as I've mentioned a number of times, over the course of the electoral campaign and even after it, that the CIA and the entire intelligence community has repeatedly and unfairly been subjected to criticism of its integrity. These comments have affected the morale of these dedicated men and women. This attitude will have a real impact on recruitment and retention of talented individuals willing to serve our country.

Today again, I would like to hear your plan to reassure CIA employees that the countless hours they commit and the operations where they may be called upon to put their life on the line are not in vain, and that their sacrifices will not be disregarded in the White House or anywhere else in the next Administration.

Intelligence, as we all know and have discussed as well, is a team sport and all members of that team must work together. The President-elect has announced a former member of this committee, Senator Dan Coats, a friend of many of ours, to become DNI. I will be paying particularly close attention to the cooperation between the CIA and ODNI as well as other intelligence agencies. I will ask that you commit yourself to this goal of cooperation and to provide assurance to this committee that you share that goal.

The Agency that you have been nominated to head is facing a number of challenges brought on by the changing world which will require great leadership to drive organizational adaptation; among them, as the Chairman has mentioned: the increasing use and relevance of open source material and big data, coupled with the increasing amount of bad or false data in the world; the difficulty of using cover in a world where potential recruits have spent most of their lives online using social media; the challenge of maintaining

analytical integrity after a reorganization that puts analysts and operators in the same rooms, working on the same programs; and the changing nature of a Millennial workforce increasingly diverse and born digitally native.

Finally, as you know, Chairman Burr and I have committed to conduct a review of the intelligence supporting the intelligence community's assessment that Russia, at the direction——

[Power failure; lights and public address system go out.]

I said there would be some intervention.

I want to continue on. Finally, as you know, Chairman Burr and I have committed to conduct a review of the intelligence supporting the intelligence community's assessment that Russia, at the direction of Vladimir Putin, sought to intervene in the 2016 U.S. Presidential election in order to undermine public faith in our democratic process, to denigrate Secretary Clinton, and to help the election chances of Donald Trump.

A couple of days ago, the Director of National Intelligence, the Director of the CIA, the Director of the NSA, and the Director of the FBI all testified that this was the most serious attempt to interfere in our political system that they had ever seen, with their combined hundreds of years of experience in law enforcement and intelligence. This was not business as usual with Russia.

It is important that all Americans fully understand the extent and the vulnerability and the implications of Russia's intervention. The CIA's leadership needs to keep on top of these Russian efforts, and you follow the facts of this inquiry wherever it leads.

Our charge on the committee is to review and validate the analysis on behalf of the American people, which I fully intend to achieve expeditiously. I ask that you commit to me and all members of the committee that you will fully cooperate with this review and that you will provide the information we require to conduct it.

Again, thank you for being here. I look forward to the discussion.

Thank you, Mr. Chairman.

Chairman BURR. Thank you, Vice Chairman.

The Senate Building Supervisor has been notified of our power surge here. In an effort to allow Senator Collins to fully work on her critical infrastructure——

[Laughter.]

Legislation, I'm going to ask that the committee recess temporarily until we get the lighting in the room back. So with that, the committee stands in recess until the call of the Chair.

[Recess from 10:18 a.m. to 10:34 a.m.]

I'd like to call the hearing back to order. I think since we've recessed our microphones have gone bad.

Pat, if you and Senator Dole would follow this announcement. This is to announce that we're going to move the hearing to Dirksen 106, the first floor on the southeast corner. We'll recess for the relocation and call this hearing to order and begin with our introductions.

[Whereupon, at 10:35 a.m., the hearing was recessed, then reconvened at 10:43 a.m. in Room SD–106, Dirksen Senate Office Building.]

I call this session to order.

In light of the circumstances, we don't have an answer to the problem that we have, but we have ruled out the Vice Chairman's comments and we've ruled out there's a conspiracy on the part of Senator Collins to highlight critical infrastructure in the cyber world.

I'd like to thank the Vice Chairman for his opening words, and at this time I'm going to shorten my introduction to a very limited thing. We are honored to have two Kansans here: the current Senator, Pat Roberts, and former Senator and Leader Bob Dole. I would recognize Senator Roberts for the first introduction of Representative Pompeo.

STATEMENT OF HON. PAT ROBERTS, U.S. SENATOR FROM KANSAS

Senator ROBERTS. Well, thank you, Mr. Chairman, Mr. Vice Chairman, and members of the committee. As one of this committee's former chairmen, I fully appreciate the awesome responsibility that comes with sitting on this dais. Not only are you charged with authorizing the intelligence activities of the United States; perhaps more importantly, you represent the collective conscience of the American people as you oversee and scrutinize these activities.

As you know well, service on the Intelligence Committee takes and must take place largely behind closed doors and without fanfare. It is work that keeps you up at night, but it is work that needs to be done to ensure that our intelligence professionals have the guidance and the resources that they need.

Today, however, you meet in open session to consider the nomination of my good friend and my Kansas colleague, Congressman Mike Pompeo, to be the next Director of the Central Intelligence Agency. My esteemed friend Senator Bob Dole, my colleague and Kansas' favorite son, and I appreciate the opportunity to share briefly with you Mike's background and his achievements.

Ultimately, I believe Mike has the experience, the knowledge, the judgment, and the skills necessary to lead the Central Intelligence Agency. Mike is Army-strong. That comes from a Marine. He graduated at the top of his class in West Point and then served as a cavalry officer, patrolling the Iron Curtain before the fall of the Berlin Wall. He later joined the 2nd Squadron, 7th Cavalry, in the 4th Infantry Division.

After completing his military service, Mike attended Harvard Law School, where he was an editor of the Harvard Law Review. Because he is an attorney, Mike understands the law. He will respect the limitations that we have placed upon our intelligence services and he will preserve our constitutional values.

After practicing law, Mike returned to his mother's roots in south-central Kansas, running several very successful businesses in Wichita before making the decision to run for Congress back in 2010. Mike came to Washington with a strong desire to serve the people of the Fourth District and also ready for a challenge.

He sought a seat on the House Intelligence Committee at a time when intelligence-gathering methods were under fire. As an experienced legislator, Mike Pompeo understands and respects the role of Congress and the need for vigorous oversight. I believe he will pro-

vide the Intelligence Committees with candid and honest assessments and provide the information the committee needs which is necessary to fulfil its oversight responsibilities.

I trust that he will also demand that of everyone who serves in the CIA. In doing so, I know and he knows the difference between intelligence reporting and an intelligence product with input from all in the U.S. intelligence community, thus making sure our intel community does not become mired in assessment failure.

Mr. Chairman, there are few positions in government with greater importance than that of the Director of the Central Intelligence Agency. At a time when democracy and freedom are under assault by radical elements fueled by hatred, our intelligence-gathering services must have—must have—a strong leader who will guide their mission and ensure the safety of the American people and not be swayed by any political interference.

Those who serve in or in support of the clandestine service deserve our gratitude and our highest respect. The best way I know how to demonstrate that respect is to give them a leader that will have their backs and at the same time demand excellence of each and every one of them. Members of the committee, Mike Pompeo will be that kind of leader.

I urge you to support this nomination. It is now a privilege to introduce to the committee someone that needs no introduction, Senator Bob Dole, with more insight with regards to Mike Pompeo's leadership that has benefited all of us in Kansas and in our Nation.

Bob.

Chairman BURR. Senator Dole, the floor is yours.

STATEMENT OF HON. BOB DOLE, FORMER U.S. SENATOR FROM KANSAS

Mr. DOLE. My eyesight is not too good, so I thought it was perfect in the other room.

[Laughter.]

But I'm happy to be here, of course. Mike and Susan and your son: it's a great honor for me, and it's an honor just to come back to the Senate. I don't get up here very often. I know members on both sides of the aisle understand what a privilege it is to serve.

I see my fraternity brother chairman here, and my fellow Kansan, Ron Wyden from Wichita, and others that I know very well. I didn't see—oh, I did see Susan. She's here somewhere. Is Dianne Feinstein here?

Senator FEINSTEIN. Here.

Mr. DOLE. Where? Oh. Dianne and I used to work together. Some of it was good.

[Laughter.]

But anyway, I'll just take a minute because we've lost a few minutes making the transfer.

But I always thought that we tested a member of Congress or a Senator by what they did at home and what kind of a record they compiled and what kind of constituent service they had and whether they really were into what they were elected to do. Mike has a great record in Kansas, whether it's with the aviation industry that he worked closely with and had legislation passed that created

more opportunities for small plane manufacturing, which created jobs—we need jobs in Kansas. I'm certain we all do, in all of our states.

He had extensive work with veterans, and I do a lot of work with veterans myself, as a volunteer. He's had over 600 cases where he's tried to be helpful and has been helpful to veterans and their families. To me that is the mark of a good person—a big heart, responsibility, because no one needs more attention these days than those who served our country, and Mike understands that.

To think of all the people he's helped in our State, it's very important. He's also been active in biotech engineering, whatever that is. He got 101 Democrats to work with him. It was totally bipartisan. And it really doesn't deal with the CIA, but again it's an indication of how hard he worked as a Representative from the Fourth District of Kansas.

I told Mike I'd come up and speak with him or against him, and he said: "Let me call you back." So I'm very proud to be here, because I know this man and I know he'll do a great job. He understands there are no politics in the CIA. It's very, very difficult and responsible work.

So thank you all for being here this morning. I may run again, so I'll probably be up here looking for bipartisan support. But have a good day, and you've got a good candidate here. Thank you.

Chairman BURR. Senator Dole, thank you very much for your services to the country, your service to the Senate, and your service to those in Kansas.

Senator Roberts, thank you for your past leadership on this committee and, more importantly, your current contribution to the United States Senate.

With that, Mr. Pompeo, I would like to ask you to stand.

[Mr. Pompeo stands.]

Mike, if you would 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?

Representative POMPEO. I do, sir.

Chairman BURR. Please be seated.

Mike, before we look at your statement, I'll ask you to answer five standard questions the committee poses to each nominee who appears before us. They just require a simple yes or no answer for the record.

TESTIMONY OF HON. MIKE POMPEO, NOMINATED TO BE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

Chairman BURR. Do you agree to appear before the committee here and at any other venues when invited?

Representative POMPEO. Yes, sir.

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

Representative POMPEO. Yes, sir.

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

Representative POMPEO. Yes, sir.

Chairman BURR. Will you both ensure that your office and your staff provides such materials to the committee when requested?

Representative POMPEO. Yes, sir.

Chairman BURR. Do you agree to inform and fully brief to the fullest extent possible all members of the committee on intelligence activities and covert action, rather than only the chair and the vice chair?

Representative POMPEO. Yes, sir, subject to—subject to what the President directs, I do. I will always try and do that.

Chairman BURR. Thank you very much. We'll now proceed to your opening statement. The floor is yours, Mike.

Representative POMPEO. Thanks very much, Senator Burr, Senator Warner, members of the committee.

Senator Dole, thank you for your kind words this morning. But more importantly, thank you for your service to our Nation and to Kansas, as a public servant here, as an elected official, and as a soldier in World War II. Kansans—and I think it's safe to say your former colleagues here in the Senate—know they've benefited from your wit, your patriotism, and your kindness. I sure know that I have. Thank you so much for agreeing to be here this morning.

Senator Bob, thank you too for your warm introduction. I'm especially grateful for your guidance over the years, not simply because you're the dean of the Kansas Congressional delegation, but due to the insights that you've shared with me in your role as the former chairman of this committee.

Semper fi, sir.

Mr. DOLE. I may have to leave early. I finally got a client.

Representative POMPEO. That's something I completely understand. Thank you very much for being here, sir.

Chairman Burr, Vice Chairman Warner: Thank you for the opportunity to be here today as the nominee for the next Director of the Central Intelligence Agency. I want to thank the staff of this committee, too, for their kindness and attention through the nomination process.

I'd like to thank President-elect Trump for nominating me. It's an honor to be selected as the next steward of the world's foremost intelligence agency. I look forward to working with Senator Coats, nominee for the Director of National Intelligence, and supporting him in his critical role, should we both be confirmed.

I also want to thank Director Brennan and Director Clapper for their many, many years of selfless service to our Nation. I'm grateful, of course, to the people of the Fourth District of Kansas, who have entrusted me for the past six years and change to represent them in the United States House of Representatives. It has been a true honor.

Finally, I want to thank my patient and patriotic wife Susan and my son Nicholas, each of whom I love dearly. The two of you have been so selfless in allowing me to return to public service, first as a member of Congress and now, if confirmed, working with warriors to keep America safe. I cannot tell you how much it means to me to have you all here with us today.

Having been a member of the House Permanent Select Committee on Intelligence, I understand full well that my job, if confirmed, will be to change roles from centrality of policymaking to

information-providing. The Director must stay clearly on the side of collecting intelligence and providing objective analysis to policymakers, including to this committee.

I spent the majority of my life outside of politics, first as an Army officer and then a litigator and then running two manufacturing businesses in Kansas. Returning to duty that requires hard work and unerring candor is something that is in my bones.

Today I'd like to briefly sketch some of the challenges the IC faces in the United States, address trends in intelligence, and describe what I see as the Central Intelligence Agency's role in addressing each of those.

This is the most complicated threat environment the United States has seen in recent memory. ISIL remains a resilient movement that still controls major urban centers of the Middle East. We must ensure that they and those they inspire cannot expand their reach or slaughter more innocent people.

The conflict in Syria is one of the worst humanitarian catastrophes of the 21st century. It has led to the rise of extremism and sectarianism, as well as further created instability throughout the region and in Europe, and indeed all across the world.

Iran, the world's largest state sponsor of terror, has become an even more emboldened and disruptive player in the Middle East.

Russia has reasserted itself aggressively, invading and occupying Ukraine, threatening Europe, and doing nothing to aid in the destruction and defeat of ISIS.

As China flexes its muscles and expands its military and economic reach, its activities in the South and East China Seas and in cyberspace are now pushing new boundaries and creating real tension.

North Korea too has dangerously accelerated its nuclear and missile capabilities.

We all rely on intelligence from around the globe to avoid strategic and tactical surprise. Intelligence helps make the other elements of national power effective, including economic and legal measures against weapons proliferators, terrorist financiers, and other criminals. Foreign governments and liaison services are vital partners in preventing attacks and providing crucial intelligence. It's important that we all thank and appreciate the foreign partners who stand with us in helping to ensure that we all have the intelligence we need to keep America safe.

If confirmed, I intend to advocate for a strong and vibrant intelligence community and the CIA's centrality in that community. There are at least four long-term trends making the urgency of Central Intelligence paramount:

First, the intelligence community finds itself a potential victim of longer-term negative budgetary trends, which can weaken the fabric of our intelligence community.

Second, as with the proliferation of chemical and biological weapons and ballistic missile technology, countries such as North Korea have overcome low barriers to entry to engage in offensive cyber operations. The United States must continue to invest wisely to maintain a decisive advantage.

Third, the effects of dislocation and poor governance present a critical challenge, but also new targets and opportunities for the CIA's collection and analysis.

Finally, the insider threat problem has grown exponentially in the digital age. The greatest threats to America have always been the CIA's top priority. It will be the CIA's mission and my own if confirmed to ensure that the Agency remains the best in the world at its core mission, collecting what enemies do not want us to know. In short, the CIA must be the world's premier espionage organization.

One emerging and increased focus is the cyber domain. Sophisticated adversaries like China and Russia, as well as less sophisticated adversaries like Iran and North Korea, terrorist groups, criminal organizations, and hackers are all taking advantage of this new borderless environment. The CIA must continue to be at the forefront of this issue.

As the President-elect has made clear, one of my top priorities if confirmed is to assist in the defeat of ISIS. We must maintain an aggressive counterterrorism posture and also address manifestations of this great threat beyond ISIS and Al Qaida.

With respect to Iran, we must be rigorously objective in assessing the progress made under the Joint Comprehensive Plan of Action. While I opposed the Iran deal as a member of Congress, if confirmed, my role will change. I will lead the Agency to pursue aggressive operations and ensure analysts have the time, political space, and resources to make objective and sound judgments.

Similarly, it's a policy decision with respect to how we will deal with Russia, but it will be essential for the Agency to provide policymakers with accurate, timely, robust, and complete intelligence and clear-eyed analysis of Russian activities to the greatest extent feasible.

As a member of the House Intelligence Committee, I fully appreciate the need for transparency and support from members of Congress. We owe it to our constituents to get to the bottom of intelligence failures. But we owe it to the brave Americans of the intelligence community not to shirk our responsibility when unauthorized disclosures to the media expose controversial intelligence activities or when Edward Snowden, from the comfort of his Moscow safe house, misleads the American people about our intelligence activities.

On my first visit to CIA headquarters a few years ago, I visited an analytical targeting cell. Some of you have probably done this as well. I saw a woman who appeared as though she had not slept for weeks. She was poring over data on her computer screen. I introduced myself. I asked her what she was working on and she said she was just hours away from solving a riddle to locate a particularly bad character she had been pursuing for months.

She had her mission. Its completion would make America safer. She was a true patriot. In the past few years, I have come to know there are countless men and women just like her in the Agency working to crush our adversaries.

This past weekend I took a moment and visited Arlington National Cemetery. I've done this many times, but on this visit I paid special attention to the markers that commemorate CIA officers

who have perished in ensuring our freedom. In so many places most Americans will never know, agents put themselves and their lives at risk. We know the sacrifices of the families of each of these CIA officers. From their role of performing intelligence, those families sacrifice greatly as well.

As I walked among these heroes, I was reminded of the sacred trust that will be granted to me if I am confirmed. I will never fail it.

I am honored to have been nominated to lead the finest intelligence agency the world has ever known, working to keep safe the people of the greatest Nation in the history of civilization. If confirmed, I will be sworn to defend the U.S. Constitution for the third time in my life: first as a soldier, then as a member of the House of Representatives, and now to work with the President and each of you to keep America safe.

Thank you all for an opportunity to speak with you this morning. I look forward to your questions.

[The prepared statement of Representative Pompeo follows:]

Statement for the Record

before the

Senate Select Committee on Intelligence

The Honorable Mike Pompeo

January 12, 2017

Senator Dole, thank you for your kind words. But more importantly, thank you for the great service you have performed for Kansas and for America both in your life as an elected official, as a soldier in WWII and as a patriot who worked so hard to build the memorial to honor those who fought in that war. Every Kansan—and I think it's safe to say, all of your former colleagues here in the Senate—know that they have benefitted from your wit, your patriotism and your kindness. I know that I have.

Senator Roberts, thank you too for your kind introduction. I am especially grateful for your guidance over the years, not simply because you are the Dean of our Kansas Congressional delegation, but due to your insights as the former Chairman of this committee. As Chairman, you provided critical leadership during a pivotal and challenging period of American history – during the early years of the Global War on Terrorism and the Iraq War – and I hope I can continue to count on your advice and counsel.

Chairman Burr, Vice-Chairman Warner, Senators – I thank you for the opportunity to appear before you today as the nominee for the next Director of the Central Intelligence Agency.

Should I be fortunate enough to be confirmed by the Senate, I hope to visit you more often from Langley than I have from across the Capitol. I mean this not as a criticism of relations between the two Houses of Congress, but a recognition of how much value I would place on relations between the CIA and its Congressional overseers.

I want to thank the members and staff of this Committee for their attention to my nomination over the last few weeks. Since I first joined the House Permanent Select Committee on Intelligence (HPSCI) in the 112th Congress, I have felt a special appreciation for the hard work that goes into Congressional oversight. The tremendous honor we have in overseeing the intelligence community is only tempered by the sobering burden of grappling in secret with the many national security challenges facing our country.

I would like to thank President-elect Trump for nominating me to serve in this role and for the faith he has shown in me. It is an honor to be selected as the next steward of the premier intelligence agency that is the CIA. I look forward to working with Senator Dan Coats, nominee for the Director of National Intelligence, and supporting him in his critical role, if we are both confirmed.

I want to thank my patient and patriotic wife Susan, and my son Nicholas, each whom I love dearly. They are both supporting me here this morning. The two of you have been so selfless in allowing me to return to public service— first as a member of Congress and, now, if confirmed, back working with warriors who keep America safe. I cannot tell you how much it means to have you sitting with me today.

I am also grateful to the people of the 4th Congressional District of Kansas, who have entrusted me to represent them in the House of Representatives since 2011. I am proud to have earned and kept their trust, and have cherished every minute of service to my constituents.

That said, having been a Member of the House Intelligence Committee and an overseer of our nation's intelligence enterprise, I understand full well that my job, if confirmed, will be to change roles from policymaker to information provider. My job will be to stay clearly on the side of intelligence collection and objective analysis of our national security challenges—presenting factual intelligence and sound judgments to policymakers, including this Committee. I have spent the majority of my life outside the realm of politics – as a cavalry officer in the United States Army, then as a litigator, and then running two manufacturing businesses. Returning to duty requiring hard work and unerring candor is something that is in my bones.

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Today, I would like to first briefly sketch some of the specific challenges facing the U.S.; second, address trends in intelligence I have seen from my post on HPSCI; and finally, describe what I see as the CIA's role in addressing these challenges.

Threat Environment

First, as many have noted, this is the most complicated threat environment the U.S. has faced in recent memory. The litany is now familiar:

- As Director Clapper acknowledged at the beginning of 2016: "there are now more Sunni violent extremist groups, members, and safe havens than at any time in history."

- ISIS remains a resilient movement, has metastasized, and shockingly has controlled major urban centers in the Middle East for well over two years. Whereas a few years ago, we focused on stemming the flow of foreign fighters going to Syria and Iraq, today, the concern is making sure they, and those they inspire, are prevented from expanding their reach, returning home, or slaughtering more innocent people.
- Syria is a failed state and has become one of the worst humanitarian catastrophes of the 21st century. This conflict has led to the rise of extremism, sectarianism, instability in the region and Europe, and the worst refugee crisis the world has faced in recent memory.
- Iran – the leading state sponsor of terror – has become an emboldened, disruptive player in the Middle East, fueling tension with our Sunni allies.
- Russia has reasserted itself aggressively, invading and occupying Ukraine, threatening Europe, and doing nearly nothing to aid in the destruction of ISIS.
- As China flexes its muscles and expands its military and economic reach, its activities in the South and East China Seas and in cyberspace are pushing new boundaries and creating real tension.
- North Korea has dangerously accelerated its nuclear and ballistic missile capabilities, with little regard for international pressure.
- In an increasingly inter-connected world, the cyber domain presents new and growing challenges. Using evolving cyber tools, state and non-state actors continue to probe U.S. systems, exploit vulnerabilities, and challenge our interests.

Intelligence Trends

Intelligence is vital to every national security issue facing the United States. As some have said, it is the "lifeblood" of national security and is more in demand than ever.

- Intelligence enables better-informed decisions by reducing uncertainty; it is critical in seeking to avoid strategic or tactical surprise, and to giving our armed forces superior domain awareness.
- We rely on intelligence from around the globe to keep danger from our shores. High quality precision intelligence enables our military efforts.
- More and more, intelligence is critical to making effective other elements of national power including sanctions against weapons proliferators, cyber criminals, perpetrators of war crimes, and terrorist financiers.
- We share capabilities and intelligence to improve relationships in furtherance of our national security objectives. Foreign governments and liaison services are vital partners in preventing attacks and providing crucial intelligence. It is important that we thank our foreign partners for standing with us.

As we face a deteriorating global picture, the U.S. needs to redouble its efforts by ensuring we have more intelligence, not less. Indeed, senior Intelligence Community leaders worry that recent budget cuts will have a silent, corrosive effect—weakening the fabric of the intelligence community. If confirmed, as Director, I intend to be an advocate for a strong and vibrant intelligence community and for CIA's centrality in that community.

There are at least five long term trends making the urgency of recognizing and supporting intelligence critically important.

- First, the Intelligence Community finds itself a potential victim of a longer term negative budgetary trend. Given the vital role of intelligence in national security, and given the increasing threats we face, this makes little sense.
- Second, technological advancement across the globe, even by non-hostile countries, is challenging the U.S. advantage, as commercial technologies spread into the hands of those who wish us harm. The world is gaining on the U.S.
- We have long seen this dynamic with the proliferation of chemical and biological weapons and ballistic missile technology, but increasingly in the cyber domain, countries thought to be unsophisticated, such as North Korea, have overcome what appear to be low technological barriers of entry to engage in offensive cyber operations. The U.S. must continue to invest wisely to maintain a decisive advantage.
- The effects of dislocation, lack of governance, and the rise of non-state actors threaten our national security and present critical challenges to the Intelligence Community. This is creating new targets for CIA's intelligence collection and analysis that compete for attention with the usual state suspects and bad actors.
- Finally, the insider threat problem has grown exponentially in the digital age. Counterintelligence is a perennial issue and we must be increasingly aware that those within our agencies have access to millions of files. By the same token, the use of digital assets by foreign actors creates intelligence opportunities.

CIA's Role

I want to talk in more detail about today's challenges. The greatest threats to our national security have always been the CIA's top priorities. And the CIA has always been at the forefront of America's comprehensive efforts to meet these threats. Since September 11, 2001, the CIA's activities have been extraordinary. As the tip of the spear in the war on terrorism, the CIA has put tremendous pressure on our enemies, reducing their freedom to plan, communicate and travel.

The CIA has always played integral roles in America's fight against radical Islamic terror. It sounded warning bells before 9/11 of al Qaeda's growing global reach. CIA officers were the first into Afghanistan to lay the groundwork for the military effort that struck a major blow to al Qaeda and drove the Taliban from power. From understanding and tearing apart al Qaeda in Iraq networks, to the hunt for bin Laden, the CIA has been at the forefront of the fight every step of the way.

My outline above of hard targets and challenges merely skims the surface of the potential threats facing the United States. If confirmed, it will be the CIA's mission to bring other pressing problems, risks, and challenges from regions and countries that don't always make the front page to the attention of senior policymakers. Indeed, if we are doing our job, we will help U.S. policymakers act early to prevent such problems from becoming front page news.

- It will also be the CIA's mission, and my own, to ensure the Agency remains the best in the world at its core mission: discovering the truth and searching out information. In this

complex threat environment, we must gather intelligence from the most elusive targets and in the most difficult environments. We will need to rely on liaison services and new relationships, which are critical to gathering information around the world. Even so, U.S. intelligence must continue to expand its global coverage to keep up with these threats. While intelligence sharing relationships with our friends and allies are important, they cannot replace our own unilateral recruiting and operations. To protect America, the CIA must continue to be the world's premier espionage service.

- One obvious emerging area for increased focus – both unilaterally and in conjunction with our partners – is the cyber domain. The internet – and the connectivity of our world, systems, and devices – is a borderless, global environment, easily and frequently exploited by sophisticated adversaries like China and Russia, as well as by less sophisticated adversaries like Iran and North Korea, non-state actors, terrorist groups, criminal organizations, and hackers. While NSA and Cyber Command play leading roles, cyber has become critical to virtually every intelligence operation and CIA must continue to operate at the forefront on this issue.
- As the President-elect has made clear, one of my top priorities, if confirmed, is to assist in defeating ISIS. Radical Islamic terrorism is both a symptom and a catalyst of the terrible conflicts raging in the Middle East that have created both a humanitarian and strategic catastrophe. The enduring capability of al Qaeda and its affiliates, the rise and resilience of ISIS and Islamic extremists in Libya and across the Middle East, and the brutality of al Shabaab and Boko Haram, should remind us of the need to maintain an aggressive counterterrorism posture. It is also critical to address what manifestations of this threat and ideology emerge – beyond ISIS and al Qaeda.

- We must also be rigorously fair and objective in assessing the Joint Comprehensive Plan of Action. As the deal permits domestic enrichment and other nuclear research and development, U.S. policymakers will need increased intelligence collection and insightful analysis. While as a Member of Congress I opposed the Iran deal, if confirmed, my role will change. It will be to drive the Agency to aggressively pursue collection operations and ensure analysts have the time, political space, and resources to make objective and methodologically sound judgments. If confirmed, I will present their judgments to policymakers.
- The same goes for Russia. It is a policy decision as to what to do with Russia, but I understand it will be essential that the Agency provide policymakers with accurate intelligence and clear-eyed analysis of Russian activities.
- The Agency must also serve as the nation's sentinel for new and emerging threats and trends, monitoring the convergence of rogue actors and capabilities, and sources of instability that can spread across the globe and undermine U.S. national security. This means that the Agency needs the means, capabilities, reach, and awareness to understand and convey where threats are emerging and how U.S. interests may be vulnerable. This requires constant innovation, analytic rigor, and operational flexibility – hallmarks of the CIA.

As a Member of the House Intelligence Committee, I fully appreciate the need for transparency with the Congressional oversight committees. If the Intelligence Community does not secure the support of the appropriate Congressional authorities for its activities, the legislative backlash from controversial intelligence failures and controversies can be severe and counterproductive.

We owe it to our constituents to get to the bottom of intelligence failures – as this Committee did with the pre-war Iraq intelligence. But we owe it to the brave Americans of the intelligence community not to shirk our responsibility when unauthorized disclosures to the media expose controversial intelligence activities, or when Edward Snowden, from the comfort of his Moscow safe house, misleads the American people about the NSA's surveillance activities.

I cannot stress strongly enough how proud of the CIA's workforce Americans would be if they could peek behind the curtains, as the Committee gets to do, to see them in action. The incredible talent, bravery, and ingenuity these patriots put on the line every day in defense of our country are constant inspirations to me.

On my first visit out to the CIA headquarters a few years ago, I was walking through an analytical targeting cell. I saw a woman who appeared as though she had not slept for weeks, poring over a data set on her screen. I stopped, introduced myself and asked her what she was working on. She said she thought she was just hours away from solving a riddle about the location of a particularly bad character that she had been pursuing for months. She was not about to abandon her post. She had her mission and its completion would make America safer. A true patriot. In the past years, I have come to know that there are countless men and women just like her working to crush our adversaries with world class intelligence operations.

As these quiet professionals grapple with an overwhelming series of challenges in this increasingly uncertain world, they deserve our support and our respect. When we ask them to do

difficult things, they should not have to wonder whether we will stand beside them if things go sideways. We should have their backs. Full stop.

When there are intelligence failures, operations that go off the rails, or controversial disclosures, if I am fortunate enough to be confirmed, I pledge to come to the Committee in a timely fashion – and be as forthcoming as possible. But I believe that leaders of the Intelligence Community and Congress owe it to the young men and women who risk their lives for us to do our utmost to keep mistakes from being politicized.

This past weekend, I visited Arlington National Cemetery. I've done this many times, but on this visit, I paid special attention to the markers that commemorate CIA officers who have perished ensuring our freedom and working to meet America's intelligence demands. From Afghanistan to Korea and from Lebanon to Africa, and in so many places most Americans will never know, Agency officers put their lives at risk. Too often, because of the nature of their work, we know little about these men and women and what they do. What we do know, is that they were prepared to give so much for each of us. We know the sacrifices of the families of each CIA officer as well. As I walked among these heroes, I was reminded of the sacred trust that will be granted to me if I am confirmed. I will never fail it.

I am honored to have been nominated to lead the finest intelligence agency the world has ever known—working to keep safe the people of the greatest nation in the history of civilization. If confirmed, I will be sworn to defend the United States Constitution for the third time in my life –

first as a soldier, then as a member of the House of Representatives, and, now, to work for the President and with each of you.

I look forward to your questions today.

Chairman BURR. Mr. Pompeo, thank you for your testimony this morning.

For members, we will recognize based upon seniority for five minutes of questions. I would note for members, there is a closed session of this hearing that will start promptly at 1:00 p.m. I would remind members that we're in open session and that the questions for Representative Pompeo today in this session should be limited to those that can be discussed and answered in open session. I trust that if you ask something that can't, the witness will make sure that he answers it when we get to closed session.

That said, Mike, I'm certain that from your experience on HPSCI and specifically your involvement in the House Select Committee on Benghazi investigation you understand how valuable intelligence can be to oversight. If asked by the committee, will you provide the raw intelligence and sourcing behind Agency finished products and assessments if in fact this committee needs it to complete its job?

Representative POMPEO. Senator, I have been on the other side of this and I know how central it is to make sure you have all that you need to perform your oversight function for intelligence collection activities and all that the Agency does. You have my commitment that I will always do everything I can to make sure I give you the information that you need, including an expanded set of information.

I understand on a handful of issues you have reached agreement. I heard Director Clapper testify before you. I believe it was last week; it may have been the beginning of this week. I promise to honor the commitment that Director Clapper made to this committee.

Chairman BURR. Thank you for that.

There has been much discussion about the role of the Central Intelligence Agency and what it played in the detention and interrogation of terrorism suspects as part of the RDI program. These detention facilities operated by the CIA have long since been closed. President Obama officially ended the program seven years ago.

I think the debate space on this subject has become confused and I'm certain that the law is now very, very clear. Do you agree that it would require a change in the law for the CIA or any government agency to lawfully employ any interrogation techniques beyond those defined in the Army Field Manual?

Representative POMPEO. I do.

Chairman BURR. You have been an outspoken critic in the past of the policy and activities of this Administration, when you were serving representing the people of the Fourth District of Kansas. As head of the CIA, you'll be in a position to speak truth to power and provide the President with your Agency's unbiased, unvarnished, and best assessment of threats facing our Nation, assessments that will inform his approach to those very policies and activities that you may have criticized in the past.

Will you be able to set politics aside and provide the President with clear-eyed assessments free of political interference?

Representative POMPEO. Senator, I appreciate the question. When you say that, I understand the question that you're asking. I spent my life telling the truth, sometimes in very, very difficult

situations—as a lieutenant, as a member of Congress, in fact as a member of the oversight committee. Sometimes we get placed in difficult situations, talking to our constituents about things that matter an awful lot to the American national security. Sometimes we just can't reveal them.

You have my commitment that every day I will not only speak truth to power, but I will demand that the men and women who I have come to know well over these past few years, who live their lives doing just that, will be willing, able, and follow my instructions to do that each and every day.

Chairman BURR. Thank you for that.

Vice Chairman.

Senator WARNER. Thank you, Mr. Chairman.

Again, Congressman, it's great to see you. To ensure that I don't end up with a light outage again, I won't read you the second half of my statement. But I do want to get you on the record, Mike, on a couple of issues that we had discussed, particularly about this inquiry into Russian active measures.

I wanted to also reiterate the Chairman's comments on the absolute necessity to make sure that you bring forward this analysis in an unvarnished way. I think you have made that clear to the Chairman. I know you have made it clear to me on a private basis. So let me go into some of these questions fairly quickly.

Do you accept the conclusions of the IC regarding Russia's active measures?

Representative POMPEO. Senator Warner, I do. I had my briefing. I attended the meeting at which the President-elect was briefed. Everything I have seen suggests to me that the report is an analytical product that is sound.

Senator WARNER. Do you pledge to cooperate with the SSCI's special inquiry and to provide, if possible, all necessary materials and access to personnel?

Representative POMPEO. Senator Warner, I do. I think that's incredibly important.

Senator WARNER. Do you plan to continue your own investigation into ongoing Russian active measures and any attempts they or others may have to undermine the United States, our political system, or our position in the world?

Representative POMPEO. Senator, I do. Indeed, I would expect that the President-elect would demand that of me. It is fully my intention. I should share, that's my view with respect to all the products that the Central Intelligence Agency produces. If we continue to develop intelligence that is worth our salt we will continue to gain insights that are valuable to policymakers, to the President-elect, and you. I will continue to pursue foreign intelligence collection with vigor no matter where the facts lead.

Senator WARNER. Congressman, I have been critical of the tenor of some of the President-elect's comments about the workforce and the professionalism of the IC. In your opening statement you were very eloquent about the woman who had been without sleep for some time. In light of some of those comments, I have concerns about the morale throughout the IC, but particularly the CIA at this point.

What plan do you have to go in and reassure people who work at the CIA and how we make sure, in a world where it's increasingly challenging to get people to step up and serve, both in terms of recruitment and retention, that you can reaffirm that you have the CIA employees' backs?

Representative POMPEO. Senator, let me begin by saying I am confident that the Central Intelligence Agency will play a role for this Administration, as for every previous Administration, providing powerful intelligence that shapes policy and decision-making inside this Administration. I am confident that President-elect Trump will not only accept that, but demand it, from the men and women, not only of the CIA, but throughout all the 17 intelligence communities.

With respect to me personally, I have come to understand the value of the Central Intelligence Agency. I have seen the morale through tough times where they have been challenged before and I've watched them walk through fire to make sure that they did their jobs in a professional way and that they always were aimed at getting the truth in depth, in a robust way, to policymakers. I have every confidence that not only will I demand that, but that they will continue to do that under my leadership if I am confirmed.

Senator WARNER. It's going to be an ongoing challenge. If confirmed, obviously I wish you the best. It's critically important. I see many of the CIA employees. I have the opportunity to represent them. They live in the Commonwealth of Virginia. They work in this region. And it's been a challenging time for them.

I also want to get to, in light of some of the comments during the campaign the President-elect made, I think a subset of this issue as well is making sure going forward that the CIA represents the diversity of the world in terms of Muslim-Americans being engaged. How do we reassure them, in light of some of the comments that have been made?

Also, I concur with you that the challenge from ISIL is an enormous one. How do we make sure—how do we go forward to make sure that our Muslim allies in our fight against ISIL, that they're going to continue to have a strong partner in the United States and not one that is going to in any way discriminate based upon faith?

Representative POMPEO. Senator, it's absolutely imperative. We have a workforce out at the Agency that's incredibly diverse. As you all well know, to achieve their mission we have to have folks from a broad background set, as well as language skills that represent all parts of the world, so that we can perform our intelligence operations properly.

And we have partners in a Muslim world that provide us intelligence and who we share with in ways that are incredibly important to keeping America safe. I'm counting on, and I know you are as well, that these liaison partnerships will continue to be additive to American national security. You have my commitment that our workforce will continue to be diverse. I hope we can even expand that further, so that we can perform our incredibly important intelligence collection operations around the world.

Senator WARNER. Thank you, Mr. Chairman.

Chairman BURR. Senator Risch.

Senator RISCH. Mr. Chairman, I've spent a considerable amount of time with Mike over the years and recently, and we're on a short string here. I'm going to reserve my questions until we get to the closed hearing. Thank you, Mr. Chairman.

Chairman BURR. Senator Feinstein.

Senator FEINSTEIN. Thanks very much, Mr. Chairman.

I just want to begin by saying I really appreciate the private meeting we had an opportunity to have. For me it was a clarification. I do appreciate your apology. I take it with the sincerity with which you gave it.

I want to ask one follow-up question to what the Chairman asked, and that's dealing with those enhanced interrogation techniques. That is that, if you were ordered by the President to restart the CIA's use of enhanced interrogation techniques that fall outside of the Army Field Manual, would you comply?

Representative POMPEO. Senator, absolutely not. Moreover, I can't imagine that I would be asked that by the President-elect or then-President. I voted for the change to put the Army Field Manual in place as a member of Congress. I understand that law very, very clearly and am also deeply aware that any changes to that will come through Congress and the President.

Senator FEINSTEIN. And regular order?

Representative POMPEO. And regular order, yes, ma'am, absolutely.

With respect to outlines of what's in the Army Field Manual, there's no doubt in my mind about the limitations in place, not only on the DOD, but on the Central Intelligence Agency. I'll always comply with the law.

Senator FEINSTEIN. Another question: How will you handle the President-elect's refutation of the intelligence community's high assessment that Russian intelligence units, namely the GRU and the FSB, did in fact hack and spear phish into the campaigns and parties of both political parties this past campaign season?

Representative POMPEO. Senator, as with—I think I answered Senator Warner the same way. My obligation as the Director of the CIA is to tell every policymaker the facts as best the intelligence agency has developed them. With respect to this report in particular, it's pretty clear that what took place, about Russian involvement in efforts to hack information and to have an impact on American democracy.

I'm very clear about what that intelligence report says, and I have every expectation as we continue to develop the facts I will relay those, not only to the President, but to the team around him and to you all, so that we can have a robust discussion about how to take on what is an enormous threat from cyber.

I think you know that. You have lived it. This is very real. It is growing. It is not new in that sense. But this was an aggressive action taken by the senior leadership inside of Russia, and America has an obligation, and the CIA has a part in that obligation, to protect that information.

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

Representative POMPEO. Thank you, Senator. And if I may say too, thank you very much for coming back today. I hope that your recovery is a speedy one.

Senator FEINSTEIN. Thank you. I appreciate that.

You and I discussed Director Brennan's beginning efforts on modernization of the CIA and trying to set up a different mechanism which would make it more effective. What can you tell us today about how you would proceed in that direction?

Representative POMPEO. Senator Feinstein, there was a major modernization program that, frankly, is still in the shakeout cruise at the Agency. It's been going on for a while, but still lots of things to work through.

My observations from my time as a member of Congress are that the goals were noble and they were trying to get to the right place, and that in fact many of the changes that were made may well end up making sense. But I think we have an obligation, as I go in, to evaluate that, share those evaluations with you.

I've heard from a number of you about your observations about its effectiveness. Some of you have a set of views that are opposed. You may not even know that about each other's views yet. But I'm going to take a look. My expectation is that from my time as a small business person, when you make a change of this scope and scale that you don't get everything right in that.

My obligation is to make sure we've got everything right, that there are clear lines of decision-making and authority, and that the analytic product that is coming out is true and clear and real.

Senator FEINSTEIN. Just one last question. You mentioned the Iranians and what we call the JCPOA. I think, regardless of what everyone thinks of the settlement, Iran has shipped some 25,000 pounds of enriched uranium out of the country. It has dismantled or removed two-thirds of its centrifuges. It's removed the core from its Arak heavy water reactor and filled it with concrete, and it's provided unprecedented access to its nuclear facilities and supply chain. Iran's estimated breakout time has moved from two to three months to a year or more.

In November on Fox News, you said you can't think of a single good thing that's come from the Iran nuclear deal, not one. Now, thus far the CIA has provided oversight to this committee with very solid analysis of what the level of compliance is, and thus far it has been extraordinarily positive.

I'd like you to comment on this, because—particularly your comments, because this nuclear deal is in effect just that. It doesn't include other things that are bad things that Iran has done. It's just the nuclear agreement, and they have in fact conformed to it thus far. So would you comment, please?

Representative POMPEO. Yes, Senator. First, you have my commitment that, if I am confirmed, that the Agency will continue to evaluate their compliance with the agreement in the way you just described the Agency has been doing to date. I agree with you that that work has been good and robust and that intelligence I think is important to policymakers as they make decisions.

I think my comments were referring to the post-January 6, 2015, rampage of Iranian increased activity, and I know you share my concern about that as well. So when I was speaking to the risks Iran presents, it was certainly from those activities, whether it's the fact that they now have missiles that we've had to fire back at in Yemen in support of the Houthis or that they're still holding

Americans in Iran. Those are the concerns that I was addressing that day.

You have my commitment as the Director of the CIA, if I am confirmed, that we will continue to provide you the intelligence to understand both what's taking place in the nuclear arena with respect to the JCPOA and its compliance, as well as to the set of activities that are outside of that.

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

Thank you, Mr. Chairman.

Chairman BURR. Senator Rubio.

Senator RUBIO. Thank you, Mr. Chairman.

Mr. Pompeo, thank you, first of all, for your service to our country repeatedly, in the Army, in Congress, and now here in this new role.

I know we're going to have a closed hearing later today, so the questions I'm about to ask you I'd ask that you answer based on open source information available to the general public and also your understanding of the law of war as a graduate of West Point and your service as an officer of the U.S. Army.

First of all, your understanding as an officer of the U.S. Army, is the military targeting of civilians a violation of the law of war?

Representative POMPEO. Senator, intentional targeting of civilians is absolutely a violation of the law of war.

Senator RUBIO. Based on open source information available to the general public, in the conflict in Syria have Russian forces conducted repeated attacks against civilian targets?

Representative POMPEO. Sir, based on open source reporting, it appears that they have.

Senator RUBIO. Do you believe, based on your knowledge, again, acquired through open sources and your just general knowledge of geopolitics, that Russian military forces could conduct repeated attacks against targets in Aleppo, Syria, without the express direction of Vladimir Putin?

Representative POMPEO. It seems intensely unlikely to me, Senator.

Senator RUBIO. Again, all the answers you just gave were based on open sources, unclassified?

Representative POMPEO. Yes, sir.

Senator RUBIO. The second question I have is: I think you have already said that you accept this as a fact, that there was indeed an effort by Russian intelligence and others associated with the Russian government to conduct a campaign of active measures in the United States designed to sow doubt about the credibility of our elections and our democracy, to sow divisions and chaos in our politics, to undermine the credibility of political leaders and the like. You agree with that assessment that we are in the throes of an active measures campaign that probably predates this campaign, but was certainly ratcheted up?

Representative POMPEO. Yes, Senator. It's a longstanding effort of the Russians. And frankly, there are others out there engaged in a similar set of activities. It is something America needs to take seriously, a threat that we are vulnerable to today.

Senator RUBIO. And in fact, it is the exact activity they have undertaken, for example, in Europe and other countries as well, and we've seen the same sort of pattern in other places, correct?

Representative POMPEO. Yes, Senator. I'll add to that. We have elections, important elections, taking place in Europe and around the world. We need to be deeply cognizant about all of the foreign actors with malign intent who are attempting to impact those elections as well.

I think the CIA has a role in trying to understand that threat and indeed in a fundamental way sharing that with each and every member of the policymaking community.

Senator RUBIO. I'm not asking you to divulge any intelligence or classified information. Just in your judgment, as you see the state of American politics and political discourse—a President-elect who has questioned at times the judgment of our intelligence agencies, opponents to our President-elect who continuously question the legitimacy of his election, the shameful leak in the media regarding unsubstantiated, unsourced negative information designed to smear the President-elect, the fact that Russia and President Putin have become a dominant theme in political coverage in this country for the better part of three months, if not longer—as you look at all of that, in your personal opinion is Vladimir Putin and the Russians looking at all this and saying, we've done a really good job of creating chaos, division, instability in the American political process?

Representative POMPEO. Senator, you've put a lot into that, but let me try and unpack it just a tad. I certainly want to make sure and talk only about my observations and judgments based on unclassified information. I have no doubt that the discourse that's been taking place is something that Vladimir Putin would look at and say: Wow, that was among the objectives that I had, to sow doubt among the American political community, to suggest somehow that American democracy is not unique.

I believe that it is fundamentally unique and special around the world. It shouldn't surprise any of us at all that the leadership inside of Russia used this as something that might well redound to their benefit.

Senator RUBIO. My last question involves an area that you may not get asked by anybody else on the committee. You might. But it regards the Western Hemisphere. I just ask if you will pledge to work within the interagency to make sure that collection and coverage in the Western Hemisphere, in particular nations like Cuba, Venezuela, Nicaragua, Ecuador, and Bolivia, that we focus on threats that might emanate from these places?

Representative POMPEO. Yes.

Senator RUBIO. Thank you, Mr. Chairman.

Chairman BURR. Senator Wyden.

Senator WYDEN. Thank you, Mr. Chairman.

Thank you, Congressman, for coming down to visit.

At a time when the President-elect is on record as supporting torture, blocking Americans' ability to protect themselves with strong encryption, and has encouraged the outsourcing of intelligence-gathering to the Russians, it's my view you're going to have an enormous challenge to be an advocate for honorable policies.

It's already clear that several key members of the President-elect's national security team advocate illegal policies. So this morning my view is we need to find out what you're for. I'm just going to take us through some of the issues we talked about in the office.

Let's start with surveillance, if we could. You recently wrote an op-ed article saying that Congress ought to pass a new law reestablishing collection of all metadata. Those are your words, "all metadata." So you would basically get the Congress and the country back into the business of collecting millions and millions of phone records on law-abiding people.

You go on in this op-ed article to say that these phone records ought to be combined with "publicly available financial and lifestyle information" into a "comprehensive, searchable database." So you would be in favor of a new law collecting all of this data about the personal lives of our people.

I think that it would be helpful if you could start by saying, are there any boundaries in your view to something this sweeping?

Representative POMPEO. Senator, you and I did have a chance to discuss this. There are, of course, boundaries to this. First and foremost, they begin with legal boundaries that exist today.

That piece that I was referring to was talking about the U.S. Government's obligation to do all that it can in a lawful, constitutional manner to collect foreign intelligence important to keeping Americans safe.

Senator WYDEN. Congressman, that's not true. We were talking and you said collecting all metadata.

Representative POMPEO. Yes, Senator.

Senator WYDEN. All metadata.

Representative POMPEO. If I might just continue: Yes, I still continue to stand behind the commitment to keep Americans safe by conducting lawful intelligence collection. When I was referring to metadata, I was talking about the metadata program that the USA Freedom Act has now changed in fundamental ways. I, you should recall, voted for the USA Freedom Act and I understand its restrictions, its restrictions on efforts by all of the U.S. Government to collect information.

Senator WYDEN. But you wrote this op-ed since the passage of the law, so after the law passed you said: Let's get back into the business of collecting all of this metadata. I'm curious: What kind of information about finances and lifestyles would you not enter into your idea of this giant database?

Representative POMPEO. Sir, first of all, I have to begin by saying today that would be—in most instances what you refer to there would be lawful under current law. So as the Director of the CIA, you have my assurance that we will not engage in unlawful activity.

But I think this committee, the American people, demand that if there is publicly available information someone has out there on a publicly available site, I think we have an obligation to use that information to keep Americans safe. If someone's out there on their Facebook page talking about an attack or plotting an attack against America, I think you would find the Director of the Central

Intelligence Agency grossly negligent if they don't pursue that information.

Senator WYDEN. Congressman, I don't take a back seat to anybody in terms of protecting this country when our security is on the line. I wrote the section of the Freedom Act that gives the government emergency authority to move when it's critical to protect the country.

That's not what we're talking about here. You're talking about your interest in setting up a whole new metadata collection system which is far more sweeping than anything the Congress has been looking at.

If you would, before we vote I would like you to furnish in writing what kind of limits you think there ought to be on something like this.

[The information referred to follows:]

Senator WYDEN. Let me see if I can get in one more question. The President-elect had indicated, on the Apple issue, that in effect he thought that there shouldn't be strong encryption and that he basically would consider pushing for mandated back doors into encrypted products. That's been the position of the FBI and some influential members of Congress.

Now, you have not been a cheerleader, as far as I can tell, for weakening strong encryption, which is something I think that sounds constructive. If you're confirmed as CIA Director, are you willing to take the President, the FBI, and influential members of Congress on on this issue? Because I think it's clear, weakening strong encryption will leave us less safe. I'd like to hear your views with respect to strong encryption, and would you be willing to take the President, the FBI, influential members of Congress on when they advocate it? Because they are going to.

Representative POMPEO. Senator, first of all, I did not mean at all to suggest you were second to anyone with respect to keeping America safe. If I implied that, I did not intend that. You should know I take a back seat to no one with respect to protecting Americans' privacy, either. I think that is incredibly, incredibly important.

With respect to encryption, it's a complicated issue. I know enough about it to begin to form judgments, but I want to talk to you about the process, the framework I'll use. I think this applies across a broad range of issues we've discussed today. When we're dealing about an issue like encryption, that has commercial implications, national security implications, privacy implications, I will do my best to understand what it means to the Central Intelligence Agency and what it means to our capacity to keep America safe, and I will represent its interests as my part of a larger effort to make sure that we get the policy decision right.

And if in fact it is the conclusion of the folks out at the Agency and our team and I concur in that assessment, I can assure you I will present that rigorously. Whatever the views of the person or any of the members of his team, I will do my best to get that right in my role as the Director of the CIA if I am confirmed.

Senator WYDEN. Thank you, Mr. Chairman.

Chairman BURR. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman.

Mr. Pompeo, first let me say that I was really heartened by our meeting and our telephone call, in which you showed that you fully understood the role that you have as CIA Director to keep this committee well informed. I expressed to you my frustration on questioning members of the Intelligence Committee and then finding that there was more to the story and that there were omissions at times, not deception but omissions; and even more frustrating reading in the paper the next day leaks that have come from the Administration, not necessarily the CIA.

I think that erodes the trust that is essential for us to perform our oversight function, which is absolutely critical since you don't have the regular oversight mechanisms. Just for the record, if you could reassure me again on your willingness to be very forthright with this committee, I'd appreciate it.

Representative POMPEO. Yes, ma'am. I can assure you of that. We talked about the fact that I have lived that life a bit as well. I understand it's not only in—that interest is so broad. This is what you spoke to. You mentioned it here. This is a unique space where we operate in places where the American public doesn't always get a chance to see everything.

So the willingness to make sure that we share this information with policymakers who we trust will keep this information safe and secure and handle this information appropriately is absolutely critical. You have my assurance I'll do everything to make sure that this committee has a relationship with the Agency that is forthright each and every day.

Senator COLLINS. Thank you.

I want to turn to the issue of cyber threats and cyber security, which has been an obsession of mine for many years, since Joe Lieberman and I tried to bring a cyber security bill to the floor in 2012, only to have it filibustered.

I believe that the recent focus on the cyber intrusions in the campaign has greatly increased the public's awareness of this problem. But the fact is that the cyber intrusions go far beyond the political space, troubling and appalling though that is. There was a 2015 memo by the Chairman of the Joint Chiefs of Staff and the Secretary of Defense that said that the Department of Defense is subjected—this was a public memo—is subjected to 100,000 attempted cyber attacks each day.

Now, those are attempts. Not all of them go through. They're from nation-states, they're from terrorist groups, they're from hackers, they're from international criminal gangs, you name it. That's three million per month.

How would you assess our preparedness in the cyber domain?

Representative POMPEO. Senator, we've got lots of work to do, may be the best way to summarize that. Not only the government that is protecting our systems—and we have talked a lot in the last few days about systems that belong to private entities, political private entities. But I know that you have done a great deal of work in making sure that the national infrastructure, including its private sector infrastructure, has the capacity to do what it needs to keep not only business issues in the place they need to be—a lot of these folks are subcontractors to the United States Government,

as well as private companies that have important information about American national security activities.

So we have an awful lot of work to do. There is no reason to expect that this threat is going to diminish. And that will take a whole-of-government effort to do, shared by the Executive Branch and the Legislative Branch to achieve better cyber security for the national infrastructure as well.

Senator COLLINS. Let me very quickly express two concerns about Iran. One, there are increasing reports that Iran is using its civilian air fleet for illicit purposes, including the transfer of arms to terrorist groups. If confirmed, would you make a priority to provide an assessment to Congress of whether or not Iran is using its civilian air fleet for such purposes?

Representative POMPEO. Senator, I will. I'm happy to share with you, too—I've read about this as well. I'm happy to share with you in closed session the knowledge that I have. It concerns me greatly, the activities of Iran Air and Mahan Air that are taking place today in Iran.

Senator COLLINS. Finally, do you believe that the monitoring and verification regime in our agreement with Iran, the JCPOA, as currently constructed is adequate to ensure that Iran is fully complying with the agreement? Do you think that the IAEA has sufficient access to detect any Iranian cheating?

Representative POMPEO. Senator, the Iranians are professionals at cheating. So I think we have a very sound inspection regime. I have to tell you, I worry about the fact of a thing we do not know we do not know. So you have my commitment that I will continue to improve and enhance our capacity to understand that and do everything I can to diminish the risk that in fact we are missing something.

Senator COLLINS. Thank you.

Chairman BURR. Senator Heinrich.

Senator HEINRICH. Thank you, Chairman.

Thank you, Congressman Pompeo, for taking the time to sit down with me earlier this week and for your willingness to answer the prehearing questions that a number of us submitted to you. I hope your responsiveness to committee inquiries continues unabated should you be confirmed. That was certainly the tone that you set with me in the office and I appreciate that.

As I told you in our conversation, I have serious concerns over the last few years that that has not always been the lay of the land between the Director and this committee.

I understand that the DCIA has a mandate to be fully supportive of the men and women who work there. That is critical. However, I also hope that, if you are lucky enough to fill that very important position, that we will have a new approach of being open in hearings and with regard to Congressional oversight.

I want to start on an issue that was central in some of the prehearing questions and in our conversation. You indicated that you would seek the counsel of experts at the CIA to determine whether adhering to the Army Field Manual in conducting interrogations was an impediment to gathering vital intelligence. You've been supportive of the use of enhanced interrogation techniques in the past, saying back in September of 2014 that President Obama has

continually refused to take the war on radical Islamic terrorism seriously, and cited ending our interrogation program in 2009 as an example.

Can you commit to this committee that under current law, which limits interrogation to the Army Field Manual, that you will comply with that law and that the CIA is out of the enhanced interrogation business?

Representative POMPEO. Yes, you have my full commitment to that, Senator Heinrich.

Senator HEINRICH. Thank you.

Let me jump to another issue. Senator Wyden had touched on this earlier, but I want to follow up a little bit. As the Director and as somebody who sat on the House Intelligence Committee over the last couple of years, you are very familiar with the changes in the law that have been made. Under current law, the USA Freedom Act that was passed recently, what changes in that law would you encourage the Administration to seek, if any?

Representative POMPEO. Senator, I currently have no intention of seeking such changes. But I think we discussed when we met, I am certain if I am confirmed to learn a great deal and develop a deeper understanding and hear lots of views inside the Agency. And I will, I'll look to experts there and experts outside. If in fact I conclude that there needs to be changes to the USA Freedom Act to protect America, I will bring them to you, and I have full expectations that you will consider them fairly as well.

Senator HEINRICH. I know we were recently briefed on basically the status of being able to collect important information under that law. I would assume that there was probably a similar briefing on the House side. Were you a part of that? And do you feel like, at least with what you know today, that the surveillance that needs to be done is happening under that structure while protecting innocent Americans from unnecessary intrusion?

Representative POMPEO. Senator, I've not had a chance to have a complete briefing on that, but I can say that I have not heard anything that suggests that there is a need for change today.

Senator HEINRICH. Jumping once again over to the JCPOA, I know that the day before you were nominated to be the Director you said that you look forward to, quote, "rolling back the Iran deal." How would you characterize your position on that today, and would you stand by that statement?

Representative POMPEO. Senator, just so the record can reflect it, that communication was approved before I was aware that I was going to be the nominee to the Central Intelligence Agency.

Having said that, look: I spoke to this a great deal. It was my view that the JCPOA was a mistake for American national security. I believed that. But it's also the case that after that I came to an understanding that that was the arrangement this President thought was in the best interests of America, and I worked to make sure it was fully implemented.

Now, if I'm confirmed I'll continue to do that in my role as the Director of the CIA. I will endeavor to provide straight information to you about the progress that the JCPOA has made toward reducing the threat from Iranian nuclear activity and share with you when that's not happening as well.

Senator HEINRICH. Thank you, Congressman.

Chairman BURR. Senator Blunt.

Senator BLUNT. Thank you, Chairman.

Congressman, I know we were all pleased to get a chance to visit with you privately. Quickly, you reached out to members on this committee and met with us, and we'll have a chance to visit later today in the classified setting.

I would go back a little bit to your discussion with Senator Wyden. One of your last comments you made there was you gave ground to no one in respecting America's privacy. If you want to give any examples of that in your House career, that would be fine. But as I understand—as I understood what I thought was that discussion about a more expanded collection effort, it was collecting things that people had chosen to no longer keep private—collecting things on social media that people had put out there.

I believe at some point you mentioned that somebody was talking about an activity that could be terrorist or other related, that they directed the CIA should have some interest in that.

Am I right, you see a different privacy standard if someone is trying to maintain their privacy as opposed to someone who's putting information out there that anyone can see?

Representative POMPEO. Senator, of course. And I may not have added there——

Chairman BURR. Mike, hit your button.

Representative POMPEO. Yes, sir.

I may not have added there, the primary responsibility for that here in the United States is not the Central Intelligence Agency. There would be other agencies inside the Federal Government. So in the first instance, the focus in the Central Intelligence Agency is foreign intelligence collection. Make no mistake about that.

But yes, I was referring to things that were in the public space that the U.S. Government wanted to make sure they understood fully and that we didn't leave publicly available information off of things that we were using to prevent all kinds of bad and terrorist activity here in the United States. As a member of Congress, I voted repeatedly on pieces of legislation that were important for protection of American privacy. It's something that, if you come from south-central Kansas and people know—you know that, being from Missouri—people are deeply cognizant of the need for space for themselves to live away from the government. It is something that I hold dear and treasure myself as well.

Senator BLUNT. On the issue of encryption, I for some time on this committee and even in public hearings, and specifically in public hearings, have had both the Director of the FBI and NSA—I can recall both of them saying encryption is the best thing out there and maybe in some cases the worst thing out there.

There seems to be a real sense that encryption is more often a cyber protection than something that we should create a way around. What's your view of encryption in an ongoing way and what the government could or should do to try to permeate the encryption that's already out there in equipment?

Representative POMPEO. Senator, I always start on this topic reminding that my role as the Director of the CIA is first to comply with the law. So as you develop policies around encryption, you

have my assurance that I'll always direct the people who work for me to comply with the law with respect to private communications.

Second, I think we need to acknowledge that encryption is out there and that not all encryption takes place here in the United States, and that the rules and policies that we put in place in America are things that the intelligence community is going to have to figure out a way to perform its function knowing that that encryption will continue to be out there.

Then finally, we've spent a lot of time talking about how we handle encrypted devices for Americans or encryption here in the United States. My effort will be to understand it more fully, to make sure that I understand its impact on my role to keep America safe, to work alongside and develop a set of policies to achieve that goal, while still achieving all the other goals that we have here in America.

Senator BLUNT. And spending some time in House Intelligence, seeing the relationship between the DNI and the CIA, what do you think you can do to add to the ability of the DNI to do the originally stated job of coordinating information, being sure everybody has access to the information that's out there in a better way than we are currently seeing?

Representative POMPEO. The statute is pretty clear about our respective roles and responsibilities. I have had a chance to reread that a couple times since my nomination. I'm excited at Senator Coats' nomination. If he's confirmed, I look forward to working alongside of him.

I've also read the histories. I know that there have been conflicts between the Director of National Intelligence and the Director of the Central Intelligence Agency. In my role as a small business owner, I saw that, too, where there's different people with different roles and you'd see conflict. My effort was every day to work hard to make sure that we were additive, that we each found our own space, that we worked across those borders, not only individually, but that we directed our individual organizations to accomplish that as well.

So it's not just the two senior officials, I think, that have had conflict. We need to make sure our organizations each understand that there's a place for the Director of National Intelligence, to ensure that there is good communication among the dozen-plus intelligence agencies, and that that information is shared in a timely fashion, and that the Director of the CIA has his plate full performing his primary functions as well.

Senator BLUNT. Thank you.

Thank you, Chairman.

Chairman BURR. Senator King.

Senator KING. Thank you, Mr. Chairman.

Congressman Pompeo, welcome. I always—as we discussed, I believe that an outside view of an agency that tends to be—not tends to be, but is—secretive is an important point of view. So I appreciate your willingness to serve.

The larger question—the great foreign policy mistakes of my lifetime—Vietnam, Bay of Pigs, and Iraq—all were based in one way or another on bad intelligence or, more accurately, intelligence that

was tailored to fit the demands of the policymakers. You can't read the history of those decisions without coming to that conclusion.

There is no more intimidating spot on the face of this Earth than the Oval Office. Will you commit to giving the Commander in Chief, the President, unpleasant news that may be inconsistent with his policy preferences, based upon the best intelligence that the CIA can develop?

Representative POMPEO. Senator, you have my commitment. While I today am going to avoid talking about conversations that the President and I had with as much energy and effort as I can, I can tell you that I have assured the President-elect that I'll do that as well. I shared with him that my role is central to him performing his function and important and critical only when I perform my function in that way, when I take the great work that these men and women put their lives at risk to develop and I deliver that to every policymaker in a way that is straight up and forward. I commit to doing that with you and the President.

Senator KING. If he doesn't say at some point "Mike, I'm disappointed in you. Is that the best you can do?", you've failed.

The President-elect's choice for National Security Director, General Flynn, has been quoted as saying that the CIA has become a very political organization. In your written response to our questions, you said "There is a sense of a more politicized intelligence environment." That's sort of like saying people are saying there's a politicized intelligence environment. What do you mean by "there is a sense of." Do you agree with General Flynn or do you not?

Representative POMPEO. Sir, I've had a chance as overseer to observe the Central Intelligence Agency. I have had a chance to sit with them and watch them fight through fire to get the real facts. I have seen, however, I've seen political actors of all stripes attempt to try and shape that. And I don't mean in hard ways. There's no demand——

Senator KING. I'm not talking about outside political actors. I'm talking this allegation is that the Agency itself has become politicized. Do you believe that?

Representative POMPEO. My experience is I do not believe that.

Senator KING. I appreciate that.

There are unsubstantiated media reports that there were contacts between the Trump campaign and the Russians. If confirmed, will you commit to exploring those questions and if you find there is validity to those allegations refer the information that you discover to the FBI?

Representative POMPEO. I want to make it clear that I share your view that these are unsubstantiated allegations.

Senator KING. I emphasized that.

Representative POMPEO. I understand that.

Senator KING. These are very serious allegations.

Representative POMPEO. There are a number of very serious things that have taken place. The leaks that have occurred as well I consider to be intensely serious, too. I think that Director Clapper's statement from last night or this morning about his concern about these leaks is worthy as well.

But to your question more directly, I promise I will pursue the facts wherever they take us. The Central Intelligence Agency has

that as one of its singular functions. You have my commitment that I'll do that with respect to this issue and each and every other issue as well.

Senator KING. Thank you.

On July 24, 2016, you sent the following Twitter, quote: "Need further proof that the fix was in from President Obama on down. Busted, 19,252 emails from DNC leaked by WikiLeaks." Do you think WikiLeaks is a reliable source of information?

Representative POMPEO. I do not.

Senator KING. And the fact that you used the word "proof," "need proof," that would indicate that you didn't think it was a credible source of information?

Representative POMPEO. Senator King, I have never believed that WikiLeaks is a credible source of information.

Senator KING. Well, how do you explain your Twitter?

Representative POMPEO. I don't——

Senator KING. Sorry. I don't want to be accused of the wrong term there.

Representative POMPEO. I understand. I'd have to go back and take a look at that, Senator. But I can assure you I have some deep understanding of WikiLeaks and have never viewed it as a credible source of information for the United States or for anyone else.

Senator KING. I appreciate that. Thank you. I appreciate your candor here today and look forward to further discussions. I just hope that you will hold onto the commitment that you made today, because it's not going to be easy. But your primary role is to speak truth to the highest level of power in this country. I appreciate again your willingness to serve.

Representative POMPEO. Thank you very much, Senator.

Chairman BURR. With the indulgence of all members, I made a promise to all members on the committee that were they in other confirmation hearings and they showed up I would show them preferential treatment on recognition. And if there is no objection, I would like to recognize Senator McCain for five minutes of questions.

Senator MCCAIN. I thank you, Mr. Chairman, and I apologize to the chairman of the committee for the hearing on General Mattis.

I'm here to support Congressman Pompeo's nomination, despite that he has overcome a very poor education and he's been able to surmount that handicap, which has been a burden for him throughout his career.

I just want—as you know, we conducted—we passed legislation that the treatment of prisoners would only be in accordance with the Army Field Manual, and that law was passed. The vote was 93 to 7 in the United States Senate on that particular amendment.

Will you continue to support that and enforce that law?

Representative POMPEO. Senator McCain, I voted for that and I will.

Senator MCCAIN. Thank you.

And will you, if you have any new recommendations for changing the Army Field Manual or other rules governing interrogations, you'll share those with the Congress?

Representative POMPEO. Yes, sir.

Senator MCCAIN. I don't want to take the time of the committee, but obviously the Russians have been hacking. There's no doubt about that, obviously. And whether they intended—what their intentions were and whether they actually succeeded or not, there was certainly no evidence.

What do you think it's going to take to deter Vladimir Putin's continued interference, not just in our elections, but attempts to have access to our most sensitive classified materials, secrets? There's a long, long list of offenses in cyber that Vladimir Putin and the Russians have basically compromised our national security. What do you think it takes to deter him?

Representative POMPEO. I don't know that I could answer that question comprehensively today, but I can tell you it's going to require an incredibly robust American response, a response that is a security-related response. That is, we have to get better at defending against these, and a response that holds actors accountable who commit these kinds of actions against the United States of America. The form, the nature, the depth, the severity of those responses will be the decisions of policymakers, that will be beyond me as the Director of the Central Intelligence Agency.

But I do view my role there as essential in providing you with a deep understanding of what's taking place, how that took place, and a set of options surrounding the kinds of things in the intelligence world at least one might take action on so we can successfully push back against them.

Senator MCCAIN. Wouldn't we first have to establish a policy as to how we treat cyber attacks, and therefore from which we can develop a strategy? Right now we have no policy.

Representative POMPEO. Senator, I would agree with that. It is very important that America, all of government, develop a policy with respect to this, and I promise I'll work alongside you to help develop such a policy with good intelligence.

Senator MCCAIN. Right now we are treating their attacks on a case by case basis, which is neither productive nor an enterprise that will lead to success.

Representative POMPEO. I would agree with that, Senator.

Senator MCCAIN. Do we have the capabilities, in your view, to adequately respond to cyber attacks? I'm talking about the capabilities now, not the policy.

Representative POMPEO. Senator, I want to be a little careful in open session talking about the full scope of American capabilities. But this is an amazing Nation with incredibly smart people, and if given a policy directive to achieve the objective you're describing I am confident that America can do that.

Senator MCCAIN. I thank the Chairman and the indulgence of the committee.

Congressman, I'm sure you'll do an outstanding job and look forward to working with you.

Representative POMPEO. Thank you, Senator.

Chairman BURR. Senator Lankford.

Senator LANKFORD. Thank you, Mr. Chairman.

Mike, it's great to see you. You and I served together in the House. I saw up close and personal the tenacity of your work and how seriously you took your task there, that you engaged imme-

diately in policy issues and that your passion was to be able to come and help. That still remains today.

Your greatest asset is no doubt Susan and your tremendous relationship and your family. I know that will be a great asset to the Nation as well. So thank you for stepping up to do this. Your whole life changed a month ago when you accepted the possibility of the nomination for this. So thanks for stepping up and doing it.

Let me ask you about the role of the CIA and its face and the direction that it looks. Can you walk me through your philosophical perspective of it being a foreign face, and what is the role in the United States for the CIA?

Representative POMPEO. Senator, first of all, thanks for the kind words. I enjoyed working alongside you on foreign policy matters as well.

Look, the Central Intelligence Agency has the mission to steal secrets and it's to be an espionage agency, getting hold of information that bad actors around the world don't want us to know. These are foreign entities, foreign actors, foreign countries. Whether it's Iran or Russia or whoever that actor may be, the intelligence agency's fundamental role is to make sure that we deliver that information to policymakers so that you can make informed judgments about how to respond to keep America safe.

That's its function. It has lots of pieces to it. There are people pieces. We have to make sure we have the finest talent all across America so that it can deliver that product. We have to make sure that we have policies and processes in place so that we can deliver that. We need to make sure, when asked to perform covert action activities, that we do so in a professional way, consistent with the law, and vigorously execute the President's directives there.

This is a world-class foreign intelligence service that, if confirmed, I am humbled to have the opportunity to lead.

Senator LANKFORD. Let me ask about gathering intelligence and getting it on a timely basis to the President and decisionmakers and policymakers. It has been one of the ongoing disputes, the speed of the turn-around, how fresh that information, and at times for agencies to think and re-think, edit and re-edit information, so that by the time you get it it's so stale, it's so cold, that it's not as useful any more.

Talk me through just the methods and thoughts about trying to get fresh information to policymakers and the President?

Representative POMPEO. Senator, it's incredibly important that the information is timely. I understand sometimes there is a tradeoff between accuracy and speed and depth. That's something I've dealt with in the times I've run my two small companies. We have to make sure that the CIA is world-class with respect to developing this information in a timely, speedy fashion and getting it to policymakers in a way that is both reliable and timely.

We've all seen this. It's a complex world with difficult foreign intelligence collections and pockets. We have to make sure that the agency is world-class with respect to delivering that to you.

Senator LANKFORD. Let me ask a strange question for you. You are going to often be in meetings with Dan Coats and the President and yourself. What's the difference in the information that you're bringing to the President? How can you and the Director of Na-

tional Intelligence cooperate together in bringing information, and what's the difference in your roles there as the two of you sit and bring information to the President?

Representative POMPEO. Look, the DNI, Senator Coats if he is confirmed in his role, will have the important function of being the President's senior intelligence policy adviser. I have the glory, if confirmed, to lead the world's premier intelligence collection agency, certainly with respect to human intelligence. I hope to be part of making it even better. So we'll bring a set of different perspectives. He will spend more time evaluating intelligence that comes from different parts of the intelligence community and I will focus on the work that our Agency does. I'm pretty confident that he and I will work together to deliver a comprehensive view of America's intelligence posture and the information that has been derived from that.

Senator LANKFORD. Thank you very much, Mike, for your service; and Susan, for yours as well.

Mr. Chairman, thank you.

Chairman BURR. Senator Manchin.

Senator MANCHIN. Thank you, Mr. Chairman.

Congressman, thank you for your service.

Representative POMPEO. Thank you, Senator Manchin.

Senator MANCHIN. Also, congratulations for your nomination and to your family, who I'm sure are extremely proud, as they should be.

With that being said, we live in a troubled world today, as we all know. I think I just want to hear your thoughts on your experiences within the military and also your experience as a Congressperson in the position you've had in Congress on what you consider the greatest threat the United States of America faces today and what person brings the greatest threat to our country and wants to do us harm?

Representative POMPEO. Senator, it's always hard to rack and stack, especially in terms of the turmoil that we find in the world today. But let me give it a throw. I begin with the threat from terrorism as it extends into the homeland. If you ask what is the most immediate threat, I think it's certainly that. That is, it presents the most immediate threat of personal risk to a person living in south-central Kansas. So we need to be——

Senator MANCHIN. Is there a country associated with that?

Representative POMPEO. Boy, there are too many to name. But let's start with activity that's taking place today in Syria and Iraq with terrorists, both Sunni and Shia terrorists opposed to the United States. ISIS and Al Qaida would be the primary organizations today, but it extends far beyond that. We've also seen challenges from other radical Islamic terrorists.

Senator MANCHIN. You believe that terrorism is the highest threat we face? I'm just saying, in your position right now, in your experience?

Representative POMPEO. In the near-term threat to life and limb of Americans, yes. I'd put North Korea, China, and Russia right up there alongside them.

Senator MANCHIN. Which one has the weapons to do us harm?

Representative POMPEO. The nuclear powers are the ones that have the biggest threat to do catastrophic harm to the United States.

Senator MANCHIN. And which person in the world in your estimation has the desire to do us the most harm?

Representative POMPEO. Boy, to ask me for a singular individual is really a tough question, Senator Manchin. The list is long.

Senator MANCHIN. There's a lot of them?

Representative POMPEO. Yes, sir.

Senator MANCHIN. West Virginians are asking me continually: Can we trust the intel community? And I go back—I keep referring back because of a lot of the political campaign rhetoric. We had weapons of mass destruction. We declared war on Iraq. We found out that we could have taken a different course or altered that course. So they have concerns about that.

I would just like to ask, do you have confidence in the intel community, the CIA in particular that you're going into?

Representative POMPEO. I do. Look, I'd never stand here today to tell you that the Agency has had perfection throughout its history, nor that it will have perfection if I'm confirmed on my watch. But I have great confidence in the men and women who work there. They are patriots, they're warriors. They are real people who have dedicated their lives to keeping America safe. And I have the utmost confidence that if I am confirmed I will get an opportunity to lead efforts that aren't politicized.

Senator MANCHIN. Right now, I think you'd have to agree that the morale is fairly low and they're being hit by many different angles and different sides through the political process that we go through, which can be very damaging, if you will. What's your first step that you intend to take if confirmed to lift that morale up and let them know that we're on the same side?

Representative POMPEO. I might just respectfully disagree with your question a little bit. I have in the last few weeks had occasion to spend a little time with a handful of people out there. I haven't seen the bad morale as you have described it. But they're human beings. They're Americans, too. They watch the political process.

What I have seen from the spirited warriors at the Central Intelligence Agency is a desire to sort of get out of the middle of this fight and continue to perform their function, to do their work in a way that they know how to do.

I don't mean to denigrate the leadership of the Central Intelligence Agency at all today. Director Brennan has performed amazing service to America for a long time. But many of them have served under multiple Presidents as well, and they know that times change and leaders change. I think they're very much looking forward to the new Administration to help them to continue their function.

Senator MANCHIN. I definitely wish you well.

My final question would be your thoughts on sanctions. What would be your thoughts on sanctions? Because as we're looking at sanctions should we be looking at it state by state and country by country? Or should we have a blanket piece of legislation here that says that any country that has been a state sponsor of cyber attacks on the United States of America, should we not have sanc-

tions in place to address all of them the same? Or should it be country by country, deciding on what sanctions that we think would be more detrimental?

I'm just saying that if the intel community confirms that a state-sponsored effort, they should know exactly what they're going to be facing if we confirm that.

Representative POMPEO. Senator, You've actually given me my first opportunity to step out of the political world today and tell you: Look, that decision, that policy, I think will be left to others. I do have a record with respect to sanctions. I voted for legislation authorizing sanctions on a number of countries during my time as a member of the United States House of Representatives.

Senator MANCHIN. Were they evaluated country by country?

Representative POMPEO. My recollection is, Senator, they were nation by nation sanctions that we were evaluating.

Senator MANCHIN. So basically, whatever relationship you had with that nation, you could be a little easier on one and tougher on another. Don't you think as policymakers that we should have sanctions that, listen, if you do this to us and it's confirmed that it's state-sponsored by you, whether it be financially, whether it be economically, whatever it might be, these sanctions will go into effect immediately?

Representative POMPEO. Senator, I'm going to defer on the policy question today. I'll make sure you have all the information you need to form good judgments about it. Thank you very much.

Senator MANCHIN. Thank you very much.

Representative POMPEO. Thank you, sir.

Chairman BURR. Senator Cotton.

Senator COTTON. Mike, welcome before the committee and congratulations on your nomination to be the Director of Central Intelligence. Susan and Nick, it's good to see you again. I know that you're very proud of Mike, as we all are.

This has been a very thorough hearing. We have spent lord knows how many hours at the Agency and traveling around the world, so I think I have a pretty good sense of your views on these questions. Therefore I will reserve the rest of my questions until the closed hearing, where we can have a little bit more frank discussion.

Since Senator McCain scurrilously attacked your education, I will stand up for our Army background. I will say I'm troubled somewhat by the material I found in your biography that you came in first in your class at West Point and therefore had your choice of branches and chose armor instead of infantry. I will consider this a youthful indiscretion that does not reflect on your current service, and I will see you this afternoon.

Representative POMPEO. Thank you, Senator Cotton.

Chairman BURR. I am glad to see, Mike, that you haven't forgotten where the razor is, like some Army veterans.

[Laughter.]

Senator COTTON. I'm preparing to collect covertly.

Chairman BURR. Senator Harris.

Senator HARRIS. Representative Pompeo, I was glad to meet with you earlier this week and congratulations on your nomination.

For clarification, have you read in its entirety the IC report assessing Russian activities and intentions in recent U.S. elections?

Representative POMPEO. I have.

Senator HARRIS. Do you fully accept its findings, yes or no?

Representative POMPEO. I've seen nothing to cast any doubt on the findings in the report.

Senator HARRIS. Your voting record and stated position on gay marriage and the importance of having a, quote-unquote, "traditional family structure" for raising children, that's pretty clear. I disagree with your position, but of course you're entitled to your opinion.

I don't want that, however, to impact, your opinion on that matter, the recruitment or retention of patriotic LGBT women and men in the CIA, some of whom have, of course, taken great risks to their lives for our country. Can you commit to me that your personal views on this issue will remain your personal views and will not impact internal policies that you put in place at the CIA?

Representative POMPEO. Senator Harris, you have my full commitment to that. I would only add that in my life as a private businessman this same set of issues was out there. I had my views at that time as well, and I treated each and every member of the workforce that I was responsible for at those times with dignity and respect and demanded of them the same things that I demanded of every other person that was working as part of my team.

Senator HARRIS. And do I have your assurance that this equal treatment will include policies related to child care services, family benefits, and accompanied posts for dependents?

Representative POMPEO. Without knowing the full set of policies and benefits at the Central Intelligence Agency—I haven't had the chance to find that out just yet—you have my assurance that every employee will be treated in a way that is appropriate and equal.

Senator HARRIS. And that you will not put in place any policies that would discriminate against any members because of their sexual orientation?

Representative POMPEO. I can't imagine putting in place any policy that was discriminatory with respect to any employee.

Senator HARRIS. Thank you.

I'm also concerned about rhetoric related to Muslims from high-profile members of the incoming Administration, particularly Lieutenant General Michael Flynn, with whom I imagine you'll be working closely. I don't want to impact recruitment or retention of the patriotic, critically important Muslim men and women of the CIA, some of course who have taken great risks to serve our country. Can you commit to me that you will be a tireless advocate for all members of the CIA, all of the workforce?

Representative POMPEO. Yes, ma'am.

Senator HARRIS. CIA Director Brennan, who has spent a 25-year career at the CIA as an analyst, a senior manager, and station chief in the field has said that when, quote, "CIA analysts look for deeper causes of rising instability in the world, one of the causes those CIA analysts see is the impact of climate change."

Do you have any reason to doubt the assessment of these CIA analysts?

Representative POMPEO. Senator Harris, I haven't had a chance to read those materials with respect to climate change. I do know the Agency's role there. Its role is to collect foreign intelligence, to understand threats to the world—that would certainly include threats from poor governance, regional instability, threats from all sources—and deliver that information to policymakers. To the extent that changes in climatic activity are part of that foreign intelligence collection task, we will deliver that information to you and to the President.

Senator HARRIS. In the past you have questioned the scientific consensus on climate change. Nevertheless, according to NASA multiple studies published in peer-reviewed scientific journals showed that 97 percent or more of actively published climate scientists agree that climate warming trends over the past century are extremely likely due to human activities. In addition, most of the leading scientific organizations worldwide have issued public statements endorsing this position.

Do you have any reason to doubt NASA's findings?

Representative POMPEO. Senator, I've actually spoken to this in my political life some. My commentary most all has been directed to ensuring that the policies that America put in place actually achieve the objective of ensuring that we didn't have catastrophic harm that resulted from change in climate. I continue to hold that view.

I frankly as the Director of CIA would prefer today not to get into the details of climate debate and science. It seems my role is going to be so different and unique from that. It is going to be to work alongside warriors, keeping Americans safe. So I stand by the things that I've said previously with respect to that issue.

Senator HARRIS. I'm not clear. Do you believe that NASA's findings are debatable?

Representative POMPEO. Senator, I haven't spent enough time to tell you that I've looked at NASA's findings in particular. I can't give you any judgment about that today.

Senator HARRIS. Can you guarantee me that you will and we'll have a follow-up conversation on this?

Representative POMPEO. I'm happy to continue to talk about it, yes, ma'am, of course.

Senator HARRIS. Thank you.

Chairman BURR. Senator Cornyn.

Senator CORNYN. Congratulations, Congressman Pompeo, on your nomination.

Representative POMPEO. Thank you, Senator.

Senator CORNYN. And your family, I know they're very proud of you. I have every confidence that you will do an outstanding job as the next Director of the CIA.

I want to ask you about the comments that were made by the FBI Director back in May 2016 when he identified what he called the "Ferguson effect" on law enforcement. Hang in there with me and let me make the application to this context. Basically, the argument is that law enforcement was being self-restrained in terms of its policing activities, thus exposing law enforcement to assaults, many of which were deadly assaults, and that public safety was not being enhanced because they were not using the full array of their

authorities for fear of what might happen in terms of public opinion or political retribution.

I have read your predecessor's, General Michael Hayden's, book "Playing to the Edge" and it strikes me that he states the proposition well in terms of my view about what our intelligence authorities ought to do in collecting intelligence and protecting the safety and security of the United States.

I don't want our intelligence officers and authorities to restrain their activities for fear of political retribution or fear that they will be criticized for using the lawful authorities granted by the United States Government to the edge, not going over the edge. But I want to make sure that they take full—they take full use of those lawful authorities.

I know that one of the conundrums that we have in a democracy is that when we start talking about what those authorities are and what they should be there is a natural reticence to do so because, of course, in Russia and China and North Korea and Iran they don't have those problems. In dictatorships and autocracies, they just do what they want to do without regard to any oversight, any laws, any constitution, that necessarily and importantly limits what we can do in a democracy.

But I think there is a danger when we start talking about the role of our intelligence agencies that, either wittingly or unwittingly, sometimes misinformation or disinformation about the nature of the activity and nature of the authorities enters into the debate in a way that eventually damages or limits our ability to play to the edge of our lawful authorities and the interests of our security and safety.

I just want to get an idea from you about what you think the Director's role is in terms of engaging in the debate when it comes to what authorities that either your Agency or the FBI or other members of the intelligence community need. There was a question about metadata, which of course metadata is not content. The United States Supreme Court has said that there's no reasonable expectation of privacy, so the Fourth Amendment isn't implicated. This is information that's routinely collected by other, by law enforcement agencies.

My concern is—and maybe I'm not being as direct and clear as I should—I just want to know what you think your role will be in terms of standing up and defending the lawful authorities of the intelligence community in order to play to the edge of that legal authority in the interest of the safety and security of the American people.

Representative POMPEO. Senator, thank you for that question. It's a great and incredibly important question. I share your concerns that we run the risk of not using the authorities in a way that is important in keeping America safe if folks are afraid that there will be political retribution.

One of my tasks in that vein will be to make sure that we're doing it right, that we are doing it in a legal and constitutional way, and then when we are to defend the people who are doing that vigorously to have their backs at every single moment. You have my word that I will do that.

There's a second piece to this as well I think that is important and you hit upon it, which is I think we have an obligation as leaders to share with the American people all that we can about what's going on and what's not going on and to do so in a truthful and complete manner. It's part of why I think the oversight function is so important. To the extent we're surprising people, whether we're surprising members of Congress or we're surprising the public, we run the risk of losing those very important authorities.

So I think each of us has a responsibility and if confirmed as the Director of the CIA I will see it as my responsibility to do everything I can to make sure that we're talking about the critical nature of these authorities and how they keep Americans safe and the goals that they have accomplished in this good work in a way that permits the intelligence community to lawfully and constitutionally do all of its responsibilities.

Senator CORNYN. Mr. Chairman, can I follow up just briefly with one last question.

Chairman BURR. The Senator can.

Senator CORNYN. And of course none of those authorities are going to be decided in all likelihood by the Supreme Court of the United States. In other words, the Office of Legal Counsel, the appropriate authorities at the Department of Justice, are going to give guidance to the CIA and our intelligence community on what those—where that line is so you can, consistent with your commitment, make sure that you apply the law that Congress has passed and as signed by the President.

But ultimately, no one's ever going to give you 100 percent assurance that you're playing consistent with those laws as interpreted by the Department of Justice and the Office of Legal Counsel won't be criticized in a political format later on in such a way as to cause retaliation perhaps, or some concern that intelligence officers are going to jeopardize their career and their family's livelihood by playing consistent with the best and highest legal guidance that they're given.

How do you view that role? And maybe that's just inherent in the nature of our system, but it always strikes me as a tremendous disservice to our men and women in the intelligence field for politics to intervene and come back and undermine the lawful authorities and direction that our intelligence community is given when they're conducting their activities.

Representative POMPEO. Senator, it's a real risk. It's an important part of my role to make sure that we have clarity, that those lines that you talk about are clear and bright, and so that this risk that you refer to—I've heard others talk about it as second-guessing—is minimized, happens as rarely as possible, and that there aren't surprises to people as they go through.

That's incredibly important, and the Director of the CIA has an important role there, both making sure that we're behaving lawfully and, when we do, defending the men and women who we ask to do really hard things inside of those laws.

Senator CORNYN. Thank you.

Thank you, Mr. Chairman.

Chairman BURR. The Chair will recognize Senator Warner for a brief statement and then Senator Wyden for one question.

Senator WARNER. I understand what my friend the Senator from Texas has been saying, but I just wanted to respond and put on the record—one of the things that's impressed me with you, Congressman, in our meetings is your thoughtfulness, and I think you're a student of history as well, and we've talked about that. I think part of the responsibility of the Agency you may head is unique in that it is tasked with taking on covert activities and relies in many ways upon the oversight of this committee and, frankly, the trust of the American public to not go over the edge.

I think there have been times—and we could debate those times—where clearly in the history of the Agency there have been examples where, whether it was through political pressure or otherwise, the Agency went over the edge and, unfortunately, that in the end did not make America safer.

I'd also say that in many of these areas, whether it's the changes of technology—and I know there's a robust debate around encryption and privacy in the digital age—that edge was not defined yet both from a legal standpoint; and many times Congress has not done its job in terms of giving this, this policy guidance.

So I want you to and hope that you will carry out your duties and keep America safe, but I think we get into a treacherous area when we're trying to push over an edge where those edges are not defined or Congress has not done its job.

Thank you, Mr. Chairman.

Senator WYDEN. Mr. Chairman, thank you.

Congressman, during the campaign the President-elect essentially laid out something that looks to me like outsourcing surveillance. He said about Russian hacking: "I'd love to have that power." He encouraged the Russians to hack Secretary Clinton's emails and suggested they be provided to the press.

We're now in a different period. He's the President-elect. And it's one thing to talk, as we did earlier, with respect to your idea for collecting metadata in the future, "all metadata" in your words. But I want to ask you about outsourced surveillance. If a foreign government, an organization, a company or an individual provided the Agency with the communications of Americans on whom there were no warrants, what would your response be?

Representative POMPEO. Senator, that's a complex question that you've asked. I understand that there are policies in place, I believe at the Agency—it may even be at the Department of Justice—with respect to this very issue. If I can step back and tell you that, look, it is not lawful to outsource that which we cannot do, the Agency cannot do, under its laws. That is, we can't be too clever by half.

Senator WYDEN. But that's not the question. You can't request the information from a foreign government, we understand that. But the question is what happens if it's provided to you, especially since it's being encouraged?

Representative POMPEO. Senator, my understanding is that the same set of rules that surrounded the information if it were collected by the U.S. Government apply to information that becomes available as a result of collection from non-U.S. sources as well.

Senator WYDEN. Mr. Chairman, your courtesy has been appreciated.

I would only ask, in writing I'd like your response on that. Obviously, part of this involves minimization. There are other issues, 12333. I'd like that in writing.

[The information referred to follows:]

Senator WYDEN. I'd also like in writing before we vote what limits you would have on your metadata proposal, particularly since you're advocating that it apply to personal lifestyle information.

Thank you, Mr. Chairman.

[The information referred to follows:]

Chairman BURR. It was the hope of the Chair that we would allow the Congressman an hour in between this and the closed session. We are down to 30 minutes. I'm going to recognize Senator Harris for a very brief question if I may, and then I would ask, if there are any additional follow-ups, they be moved to the closed session.

Senator HARRIS. Sure.

Mr. Pompeo, on the issue of climate change, I understand you're not a scientist. What I'd like to know and what I want to hear from you is I want a CIA Director who is willing to accept the overwhelming weight of evidence when presented, even if it turns out to be politically inconvenient or requires you to change a previously held position.

So what I want to hear from you is a guarantee that when presented with that evidence you are willing to then take a position that defers to the weight of that evidence even if it requires you to change a previously held position that may have been politically helpful to you or a position that you have taken during your tenure in elected office.

Representative POMPEO. Senator, you have my commitment to that. I am an engineer by training. Facts and data matter, and you have my assurance that if I'm confirmed in my role as the CIA Director I will look at the evidence and give a straight-up answer to you and to all the policymakers to whom I have a responsibility.

Senator HARRIS. Thank you.

Chairman BURR. Congressman Pompeo, this brings to a close the open session of this hearing. Let me add something Senator Cornyn and Senator Warner spoke on and that is that's important that we realize that every President has the authority to provide direction or directives, and that has certainly been the case for every President I've been involved with in the intelligence community. And that directive expands or contracts in some cases the ability of the Agency, and all members of this committee should realize that.

I want to apologize for not giving you the hour and I apologize for the power interruption. But I want to thank you for your service to Kansas. I want to thank you for your service to the Congress. I want to thank you for your service to the country as a board member of West Point as you have served, like I have, in the past.

I want to thank you for how you've used your military education and, more importantly, how that's highlighted the greatness of the institution and the role it plays in developing future leaders of the country, of which you exemplify that. For that we are grateful.

This hearing is adjourned.

[Whereupon, at 12:32 p.m., the hearing was adjourned.]

Supplemental Material

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: Michael Richard Pompeo
OTHER NAMES USED: N/A

2. DATE AND PLACE OF BIRTH: 12/30/1963, Orange, California
CITIZENSHIP: USA

3. MARITAL STATUS: Married

4. SPOUSE'S NAME: Susan Elaine Pompeo

5. SPOUSE'S MAIDEN NAME IF APPLICABLE: Justice

6. NAMES AND AGES OF CHILDREN:

NAME	AGE
[INFORMATION REDACTED]	

7. EDUCATION SINCE HIGH SCHOOL:

INSTITUTION	DATES ATTENDED	DEGREE RECEIVED	DATE OF DEGREE
United States Military Academy at West Point	07/1982-05/1986	Bachelor's	05/1986
Harvard Law School	09/1991-05/1994	JD	05/1994

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
U.S. House of Representatives	Member,	Washington, DC	2011-Present
Sentry International,	President,	Wichita, KS	2006 -2010
Thayer Aerospace Consolidated, LLC	Chief Executive Officer,	Wichita, KS	1998 - 2006
Thayer Holdings LLC,	Partner,	Kansas City, MO	1997 - 1998
Williams & Connolly LLP,	Associate,	Washington, DC	1994 - 1996

Harvard Law School Professor Mary Ann Glendon, Research Assistant, Cambridge, MA 1993-1994

O'Melveny & Myers LLC, Summer Intern, Newport Beach, CA 1993-1993

Hogan & Hartson (now Hogan Lovells, LLP), Summer Intern, Washington, DC 1993-1993

Harvard Law School Professor Mary Ann Glendon, Research Assistant, Cambridge, MA 1992-1993

United States Attorney's Office for the Central District of California, Summer Intern, Los Angeles, CA 1992-1992

Harvard Law School Professor Mary Ann Glendon, Research Assistant, Cambridge, MA 1991-1992

United States Army, Squadron Adjutant, 2/7 Cavalry, 4th Infantry Division, Ft. Carson, CO 1990 - 1991

U.S. Army, Student, Armor Officer Advanced Course, Radcliff, KY 1989 - 1990

U.S. Army 1st Squadron, Second Armored Cavalry (B Troop, C Troop and HHT) Platoon Leader, Troop Executive Officer, Squadron Maintenance Officer, Bindlach, Federal Republic of Germany 1986 - 1989

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).

N/A

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

Most recently, I have represented the Fourth District of Kansas for six years as a member of the U.S. House of Representatives, including four years of service on the House Permanent Select Committee on Intelligence (HPSCI) and its Central Intelligence Agency Subcommittee and National Security Agency and Cybersecurity Subcommittee. My work as member of HPSCI has included extensive work related to the oversight of the 17 elements of the United States Intelligence Community (IC), legislation related to the IC, and related matters. As a HPSCI member, I regularly receive intelligence briefings covering a wide variety of national security topics and hold frequent discussions with members of the IC to explore significant topics in depth. My duties involve worldwide travel to meet members of the IC, to review national security activities firsthand, and to understand the challenges faced by IC members in the field.

Previously, I served as an Armor Officer for five years in the United States Army. My tour of duty included service in the Second Armored Cavalry as a small unit leader tasked with understanding threat intelligence to assist in battlefield defense and preparation to defeat Soviet aggression along the then-East German and Czechoslovakian border. I graduated from the United States Military Academy at West Point, where I received an extensive background on national security topics.

After leaving the military, I was the Chief Executive Officer of an aerospace and defense manufacturing company providing components for military and commercial aircraft. As CEO, I gained experience as a leader of an organization charged with delivering products for military support and managing personnel and budgets to ensure fulfillment of the company's commitments.

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).

Legislative

- National Association of Manufacturers Award for Manufacturing, Legislative Excellence: 2011 and 2013
- Associated Builders & Contractors Champion of the Merit Shop: 2012
- American Conservative Union "Defender of Liberty" award: 2012, 2013, 2014
- National Taxpayers Union Taxpayers' Friend Award: 2013, 2015
- Family Research Council True Blue Award: 2013, 2016
- Citizens Against Government Waste Taxpayer Hero: 2014, 2015
- Kansas Farm Bureau Friend of Agriculture: 2014
- National Retail Federation Heroes of Main Street: 2014
- National Association of Wheat Growers Wheat Advocate Award: 2015
- American Conservative Union Defender of Liberty Award: 2015
- American Soybean Association Soy Champion: 2016
- International Foodservice Distributors Association Thomas Jefferson Award: 2016
- National Federation of Independent Business Defender of Small Business: 2015, 2016

Department of Defense Awards, 1986-1991

- Army Service Ribbon
- National Defense Service Medal
- Army Lapel Button
- Overseas Service Ribbon
- Army Commendation Medal
- Army Achievement Medal with one Oakleaf cluster
- Parachutists Badge

U.S. Military Academy at West Point

- Cavalry Saber Award, USMA, 1986
- General Robert E. Wood Award (distinguished cadet), 1986
- General Winfield S. Scott Memorial Award (highest achievement in engineering management), 1986

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
Kansas Policy Institute (Flint Hills Center for Public Policy)	Trustee	2002-2010
American Legion	Member	2012 to Present
Military Officers Association	Member	Approx. 2010 to Present
National Rifle Association	Member	2008 to Present
Young Presidents Organization/SOP	Education Chair	Approx. 2000-present
Wichita Country Club	Member	2005-2011
Eastminster Presbyterian Church	Deacon & Sunday School teacher	Approx. 2006-2010
Orpheum Theater, Wichita	Board of Directors	2004-2006
Industrial Container Services	Board of Directors	Approx. 2005-2008

Wichita South Branch YMCA Board of Directors 2007-2009

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?

See attachments. The attachments are based on my best efforts to identify all published writings and speeches. As a Member of Congress, however, I frequently make public remarks, at times unscheduled, and these remarks may not be reflected in my records.

Yes.

PART B - QUALIFICATIONS

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

As noted in my response to Question 10, I have been deeply involved as a member of the House Permanent Select Committee on Intelligence (HPSCI) in understanding, authorizing through legislation, and overseeing the 17 elements of the IC. This has included a specific focus on the CIA as a member of the CIA Subcommittee of HPSCI. My work has provided me with a deep, current background on the most significant threats facing America and how the CIA is responding to those threats. Through my work over the years, I have looked closely at the structure, personnel, capabilities, activities, funding, and operations (including highly classified activities) of the CIA. My worldwide travel has provided me with a close look at how CIA personnel perform their difficult tasks gathering foreign intelligence, frequently under adverse and threatening circumstances.

I have also seen the importance of intelligence as a junior officer in the Army and understand from firsthand experience how intelligence information is vital to protecting the most junior members of our military from harm. As a CEO of an aerospace company and President of an oilfield equipment manufacturing, distribution, and service company, I have experience in leading organizations, managing personnel, meeting budgets, managing projects, and carrying out my duties as the leader of an organization and setting the "tone at the top" and leading by example.

As a member of Congress, I understand the importance of carrying out the statutory duties of the Director of the CIA to keep the Intelligence Committees of the Congress fully and currently informed of intelligence activities, to provide information required for the Congress to perform its legislative duties, and participate in the authorization and appropriations process. Participation of the CIA in this process is particularly complex because of the classified nature of its activities and the need to protect sources and methods. My understanding of these legislative issues will be important in working with the Congress on important issues related to the CIA.

From my time at Harvard Law School and practicing law, I gained a deep understanding of the importance of the rule of law. This background will assist me in ensuring that all activities carried out by the CIA are authorized by law and fully comply with the Constitution and applicable statutes and regulations.

My work in Congress and frequent interactions with CIA personnel have given me a deep appreciation of the critically important and often dangerous work done by CIA personnel at great personal sacrifice, including those members of the CIA who have given their lives to defend our country. My background provides me with the skills necessary as Director of the CIA to advocate within the Executive and Legislative Branch for such brave personnel to whom we all owe a great debt of gratitude for their work in protecting America.

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).

OFFICES HELD:
- Kansas Republican National Committeeman
  - Elected: January 26, 2008
  - Resigned: 2011

FINANCIAL CONTRIBUTIONS:
- [See attachment]

SERVICES RENDERED:
- I serve as: Candidate—Pompeo for Kansas
- I serve as: Sponsor—CAVPAC
- Kansans for McCain
  - Fourth District Chair
  - January 2008 – November 2008
- Romney for President
  - Volunteer
  - 2012
- Rubio for President
  - Kansas Co-chair
  - November 2015 – March 2016
- Trump for President
  - Volunteer
  - August 2016 – November 2016

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

- Candidate, U.S. House of Representatives, Kansas Fourth Congressional District, 2010, 2012, 2014, 2016
- Candidate, Kansas Republican National Committeeman, January 26, 2008
- Candidate, Kansas Precinct 734 Committeeman, August 1, 2006
- Candidate, Kansas Precinct 249 Committeeman, August 6, 2002

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. EMPLOYER, 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.

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.

N/A

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.

N/A

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.

None.

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.

No.

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.

No.

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.

[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.)

I have not received such gifts in the past five years. I have no reason to believe that my gifts given to my spouse or to my son were gived because of my official position.

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

I incorporate my 278e by reference, which I submitted to the Office of Government Ethics.

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]

[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.

Kansas

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.

N/A
N/A

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.

No. Given the nature of our investments, I do not anticipate any conflicts of interest. As required by law, I will execute, and will abide by, an agreement with the Central Intelligence Agency to avoid any conflicts of interest under the applicable statutes 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?

2015 House of Representatives Financial Disclosure Statement
2014 House of Representatives Financial Disclosure Statement
2013 House of Representatives Financial Disclosure Statement

Yes.

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.

    Daniel Hasenbank filed a lawsuit against multiple parties including Mike Pompeo and Pompeo For Congress (my campaign) in approximately December 2015 in Sedwick County District Court, Kansas. Mr. Hasenbank was riding his motorcycle and collided with a car travelling north on Hydraulic Avenue. Hasenbank sustained injuries and sued both me and Pompeo for Congress. The claim was that a campaign sign placed on the SE corner of the intersection blocked his view and that of the driver who struck the motorcyclist and that both I and my campaign were responsible for his injuries.

    The case was terminated on a motion to dismiss for failure to state a legal claim on June 30, 2016 as to both me and Pompeo for Congress. The time for appeal ended on September 11, 2016.

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.

    No.

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 THAT BUSINESS.)

No.

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

No.

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 IN DETAIL.

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 THE CENTRAL INTELLIGENCE AGENCY AND THE INTELLIGENCE COMMITTEES OF THE CONGRESS RESPECTIVELY IN THE OVERSIGHT PROCESS.

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

Furnishing information about CIA activities to the intelligence committees of the Congress enables the Congress to consider necessary legislation, provide appropriate levels of resources for CIA activities, and assess the effectiveness of the CIA. In addition, the CIA plays a critical role in furnishing the intelligence committees with analysis that assists the committees in understanding world events and considering legislative action. I understand that without timely and complete information, congressional oversight is made more difficult, harming the CIA's relationship with Congress and ultimately mission effectiveness in the long term. If confirmed, I am committed to ensuring that the CIA understands the importance of congressional oversight and furnishing complete and timely information to the intelligence committees of the Congress.

49. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

As set forth in the National Security Act of 1947 and Executive Order 12333, the Director is the head of the Central Intelligence Agency and responsible for all of its functions and operations. The Director is responsible for collecting intelligence through human sources and other appropriate methods. The Director also provides

direction and coordination of the collection of national intelligence outside of the United States through human sources by other elements of the Intelligence Community. The Director coordinates relationships between the IC and the intelligence or security services of foreign governments on all matters involving intelligence related to the national security. The Director is responsible for ensuring that CIA safeguards secrets to protect America's interests. The Director of the Central Intelligence Agency conducts covert actions approved by the President and in compliance with the procedures set forth in the National Security Act of 1947.

The Director is also responsible for leading the IC's analysis, production, and dissemination of foreign intelligence and counterintelligence. The Director ensures that well-supported, factual, timely, objective analysis is provided to the President, the Congress, senior policymakers, and other consumers who depend on CIA analytical products. The Director also ensures that the CIA's activities are conducted in full compliance with the Constitution and applicable statutes and regulations.

Finally, the Director is responsible for the effective leadership of the Central Intelligence Agency in these functions and many others. This includes ensuring the Central Intelligence Agency receives appropriate resources for its difficult mission and its personnel have an effective advocate and supporter of their work.

AFFIRMATION

I, MICHAEL POMPEO, DO SWEAR THAT THE ANSWERS I HAVE PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

12/11/18 [SIGNATURE]
(Date) Michael Pompeo

[SIGNATURE]
(Notary)

TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

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

[SIGNATURE]
Signature

Date: 12/16/76

January 3, 2017

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

Dear Chairman Burr and Vice Chairman Warner:

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

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

Sincerely,

Mike Pompeo

Enclosure

Functions and Responsibilities of the Central Intelligence Agency

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Management of the Central Intelligence Agency

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

It is of critical importance that policymakers have the best information possible, thus intelligence must be free of political considerations. It is up to the Director and every CIA officer to maintain the Agency's independence and objectivity. This is at the core of the identity of every CIA officer and activity. It is a cradle-to-grave requirement from the moment CIA hires a new employee until he or she separates from the Agency. If confirmed, I will work with my leadership team to keep a constant pulse on the workforce for objectivity concerns and do what I can to ensure that every CIA officer lives by the words etched in the wall of the Original Headquarters Building "And ye shall know the truth and the truth shall make you free." I will work to ensure my officers are producing intelligence with the highest tradecraft and will stand behind the integrity of that tradecraft as they present it to policymakers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. *Personnel.* The CIA's greatest asset remains the dedicated men and women of the Agency. I will seek to appoint, elevate, recruit, retain, and empower the best and brightest CIA personnel at headquarters and in the field – providing them the necessary tools and authority to achieve the missions assigned. Taking care of CIA personnel and their families is essential to the type of culture and workforce I will seek to create. Relying on strong, diverse, and dedicated officers who can lead the Agency and its functions – for short and long term missions and initiatives – will be critical to maintaining the CIA's culture of excellence.

2. *Strategy & Policy.* For the CIA to work effectively, there needs to be clarity of intelligence-related strategies, priorities, policies, and expectations from the nation's leadership and citizenry. If confirmed, it will be my responsibility to ensure clarity of strategy, policies, and priorities within the Agency and in the Intelligence Community, with respect to intelligence lanes in the road, and from policymakers' and the public's expectations of the Agency. Prioritizing among the varied requirements and demands on the Agency will be critical in a period where Agency capabilities and authorities are needed more often to defend U.S. national security. Clarity of policy and expectations enables optimal execution of the Agency's mission.

3. *Process.* I believe the Director of the CIA should create a transparent set of processes for decision-making, assessments and reviews, accountability, and use and advancement of human capital and resources. This requires that the Agency's internal organization, communication, and coordination are designed to leverage resources and talent effectively and efficiently. This also requires there to be clarity of process and decision-making, prioritization, and tasking within the Intelligence Community and with policymakers. If confirmed, I will seek to shape and steward efficient processes that allow for CIA and its personnel to operate effectively and efficiently, with minimal distraction or drag.

4. *Resources.* The CIA needs sufficient resources to accomplish its mission and to innovate to address current demands and future challenges. In a resource-constrained environment and rising demands, I will devote significant time and attention to providing the appropriate resources and finding efficiencies to ensure the successful execution of the Agency mission. This will involve short and long-term investment in human capital, new capabilities and systems, science and technology research, and collaboration with the private sector. In addition, effective investment and use of resources will require close coordination with the Director of National Intelligence, the Office of Management and Budget, and Congress.

5. *Support.* If confirmed, it will be my honor and privilege to represent and advocate for the dedicated public servants of the CIA. As Director, I will seek to represent and demonstrate the professionalism, commitment, and integrity of the CIA and its workforce. I will seek to serve this important role for the Agency within the Administration, before Congress, with foreign counterparts, and with the American public. This role is all the more important since most of what the CIA does must remain secret and cannot be showcased openly on a regular basis. Maintaining and building the American public's understanding and support of the CIA and its activities – conducted on its behalf – remains a critical role for any CIA Director, especially in times of turmoil or crisis.

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

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

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

Collection Authorities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. What would those changes accomplish?

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

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

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

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

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

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

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

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

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

Transparency

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

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

Modernization of CIA

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

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

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

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

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

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

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

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

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

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

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

Budgetary Matters

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

A. Do you stand by this statement?

Yes.

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

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

Workforce Morale, Recruitment, and Retention

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

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

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

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

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

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

A. If confirmed, how would you explain your statements and voting record to the LGBT community at CIA?

B. How will you lead the CIA workforce in an inclusive manner?

C. Can you provide the Committee assurances that, if confirmed, you will not take any steps that would harm LGBT employees, such as rolling back benefits for same sex spouses and access to childcare services?

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

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

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

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

Relationship with Other Agencies

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

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

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

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

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

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

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

Relationship with Other Agencies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. How will you strengthen that imperative?

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

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

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

Relationship with Congress and Congressional Oversight

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Relations with the White House

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Disclosures of Classified Information

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

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

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

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

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

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

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

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

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

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

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

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

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

availability and resiliency.

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

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

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

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

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

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

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

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

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

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

Detention, Interrogation, and Rendition Issues

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

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

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

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

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

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

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

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

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

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

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

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

Article 3.1 of the UN Convention Against Torture provides that:

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

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

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

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

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

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

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

personnel gaps.

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

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

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

The current Administration has submitted to the Committee detailed written documents detailing results of the Agency's interrogation program: the production of unique intelligence that led to the disruption of terrorist plots, the capture of terrorists, and the saving of lives. I would refer you to those publicly available documents from the current Administration. With the information I have reviewed to date, I do not disagree with the material submitted by the Obama administration. See, for example, https://www.cia.gov/library/reports/CIAs_June2013_Response_to_the_SSCI_Study_on_the_Former_Detention_and_Interrogation_Program.pdf and https://www.cia.gov/news-information/press-releases-statements/2014-press-releases-statements/cia-fact-sheet-ssci-study-on-detention-interrogation-program.html. Those documents also note that an exact scientific study has not been performed as to whether less coercive methods could have produced the same results. I understand that one of the harshest tactics – waterboarding – was last used over 13 years ago, was limited to three detainees, and the legal framework governing the treatment of detainees has changed in many significant ways since 2003.

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

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

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

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

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

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

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

C. Do you believe the program should continue?

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

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

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

Please refer to my answer to question 49B.

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

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

Russia

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

Please refer to my answer to question 38.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

January 3, 2017

Senator Ron Wyden
Senator Martin Heinrich
U.S. Senate Select Committee on Intelligence
211 Hart Senate Office Building
Washington, D.C. 20510

Dear Senators Wyden and Heinrich:

Thank you for your letter dated December 23, 2016. As requested, I have completed your Prehearing Questions, and I have enclosed my responses.

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

Sincerely,

Mike Pompeo

Mike Pompeo

Enclosure

Prehearing Questions for the Honorable Mike Pompeo upon his nomination to be the Director of the Central Intelligence Agency

Senators Wyden and Heinrich

Collection Authorities

The Committee's questions reference your January 2016 op-ed in *The Wall Street Journal* in which you wrote: "Congress should pass a law re-establishing collection of all metadata, and combining it with publicly available financial and lifestyle information into a comprehensive, searchable database." Please answer the following additional questions.

- Please clarify whether "collection of *all* metadata" was a reference to bulk collection of metadata. If so, what kinds of metadata do you believe should be collected in bulk and entered into a "comprehensive, searchable database"?

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

  As noted in the op-ed, I was generally referring to additional publicly available data on the internet or other public databases that can provide important clues in identifying those who would seek to harm America. If confirmed, I will defer to policymakers, including the Congress, on whether it would be appropriate to collect metadata and publicly available data, the exact information to be collected, who would collect such information and appropriate restrictions. I note that such activity would be the responsibility of the FBI or other appropriate organizations. I note also that the Intelligence Community has, for many decades, applied restrictions to minimize information collected on U.S. persons, including in some cases, restrictions carried out under the approval and supervision of federal judges. I believe such minimization requirements are both appropriate and necessary.

- Do you believe metadata for telephony and electronic communications should be treated equally under the law, or should there be more restrictions on the collection of one type of metadata vs. the other?

  These are very important questions that merit thorough study. There are a wide variety of constitutional, statutory, and other regulatory rules governing the treatment of different types of metadata. These range, to just name a few examples, from Fourth Amendment considerations, to the Foreign Intelligence Surveillance Act (including items like Pen Register/Trap and Trace provisions), to Federal Communications Commission rules on subscriber data.

  If confirmed, and such issues were relevant to the CIA mission, I will consult with legal experts on the appropriate treatment of metadata to include examining the specific metadata at issue, the reasons for collection, and the governing legal framework. The CIA's data collection should always be driven by its statutory mission.

- Please clarify "*publicly available* financial and lifestyle information." What constitutes "publicly available information"? Does it include information provided by or purchased from third parties?

  My op-ed was designed to provide general thoughts on the types of information that may be helpful in protecting the country. I did not set forth a specific list of items, but in general was referring to publicly available information, not information purchased by third parties. However, to the extent there is publicly available relevant intelligence information that may be obtained in full compliance with all privacy laws, such information should be considered as appropriate, if necessary to protect the country.

- Please clarify " *comprehensive, searchable database.* " Which U.S. government departments and agencies, as well as federal, state, local and/or tribal entities, should have access to the database or to information derived from the database? What restrictions, if any, do you believe should be placed on searches of the database and dissemination of the results of such searches, whether to U.S. intelligence and law enforcement entities or to foreign governments? How long should the information in the database be retained?

  My op-ed was designed to provide general thoughts on the types of information that may be helpful in protecting the country. I did not propose a full legislative framework that would govern exact access to such information, the restrictions on searches and dissemination, or retention timeframes. I am aware that intelligence agencies, including the CIA, are subject to Attorney General guidelines and detailed rules governing the access to and handling of U.S. person data.

- Please provide additional detail on the role of the CIA with regard to the "comprehensive, searchable database," specifically whether, in your view, the CIA should have direct access to the database, whether the CIA should conduct or request queries of the database, whether information from the database should be disseminated to the CIA, and what restrictions, if any, should apply to the CIA's use of information from the database.

  My op-ed was designed to provide general thoughts on the types of information that may be helpful in protecting the country. I did not propose a full legislative framework that would govern exact access by CIA to such information, the restrictions on searches and dissemination, or restrictions on use of information. I am aware that intelligence agencies, including the CIA, are subject to Attorney General guidelines and detailed rules governing the access to and handling of U.S. person data. Any such program for collection would be governed by rules and law set forth by policymakers that account for the full spectrum of interests and, with respect to U.S. persons, the CIA would be expected to participate only to the extent it was fulfilling its statutory mission set.

- The CIA's minimization procedures with regard to Section 702 of FISA state: " CIA personnel may query CIA electronic and data storage systems containing

unminimized communications acquired in accordance with section 702 of the Act. [REDACTED] Such queries must be reasonably designed to find and extract foreign intelligence information. CIA will maintain records of all such queries, including but not limited to United States person names and identities, and NSD and ODNI will review CIA's queries of content." Other than the requirement that the query be "reasonably designed to find and extract foreign intelligence information," do you believe there should be any limitations on CIA queries of U.S. persons for purposes of reviewing the content of communications? What limitations and reporting requirements do you believe should apply to U.S. person queries of Section 702-derived metadata?

In this context, a "query" involves using a name, phone number, email address, or other term to isolate communications with that term within a larger pool of data that an agency has already lawfully collected. It is important to note that queries do not result in the additional collection of any information.

The Attorney General and the Foreign Intelligence Surveillance Court (FISC) have reviewed and approved CIA's minimization procedures, including its limitations on queries, finding the procedures consistent with FISA and the Fourth Amendment. Those minimization procedures require that "Any United States person identity used to query the content of communications must be accompanied by a statement of facts showing that the use of any such identity as a query term is reasonably likely to return foreign intelligence information, as defined in FISA." I understand that as part of Section 702's extensive oversight, the Department of Justice and the Office of the Director of National Intelligence review all of CIA's U.S. person queries of Section 702-acquired content to ensure each query satisfies the legal standard articulated in the question. Any compliance incidents are reported both to Congress and the FISC.

In terms of U.S. person queries of Section 702-derived metadata, the DNI is required to make publicly available an annual report that provides – among other things – a good faith estimate of the number of U.S. person queries of Section 702-derived content and Section 702-derived metadata.

I believe the outlines of this program to be appropriate to perform the CIA's mission and safeguard fundamental rights.

If confirmed, I will be happy to discuss any specific proposals and their potential effects on CIA's ability to discover and analyze threats once I have been briefed on the Agency's efforts in this area.

- Section 702 of the Foreign Intelligence Surveillance Act prohibits "reverse targeting" of U.S. persons. As CIA Director, what policies would you adopt with regard to nominating targets of Section 702 collection in order to guard against reverse targeting?

I understand there are already Agency policies to prohibit CIA officers from "reverse targeting" U.S. persons and persons inside the United States. If confirmed, I intend to continue those policies. As part of Section 702 oversight, DOJ reviews all nominations for compliance with the targeting procedures and the statutory requirements, including the prohibition against reverse targeting (ODNI reviews a sample).

Bi-monthly reports documenting the results of each review are submitted to Congress as part of the semiannual reports required under 50 USC 1881f. Any compliance incidents discovered in the course of DOJ and ODNI's oversight are reported to the FISC pursuant to Rule 13(b) of the FISC's Rules of Procedure and to Congress in the semiannual reports.

- What differences, if any, do you believe should exist with regard to CIA access to, queries of, and use, dissemination and retention of U.S. person communications collected pursuant to Executive Order 12333 as compared to communications collected pursuant to Section 702?

  I understand that all collection and use of U.S. person information is governed by law and policy. The collection of communications under Section 702 occurs under the important, but relatively narrow, circumstances where the communications of a foreign national located abroad may be obtained with the assistance of a U.S. service provider, subject to the jurisdiction of the FISC. The types of targeting and minimization procedures required by Section 702 are generally appropriate to that collection activity because Section 702 collection involves such limited range of collection techniques and because the involvement of U.S. service providers may implicate U.S. person communications to a greater degree in the event of error.

  Because CIA activities under E.O. 12333 are strictly focused on collection activities abroad, with very limited exceptions, there is a smaller risk that these activities could implicate U.S. person communications compared with collection under Section 702. Additionally, CIA's E.O. 12333 activities involve a far greater variety of collection techniques, and often occur under circumstances where the collection opportunity is limited, costly, risky, and fragile. Thus, compared with Section 702 collection, the CIA's collection activities under E.O. 12333 require a far greater degree of agility and flexibility to obtain intelligence of sufficient timeliness and reliability. For these reasons, the CIA's access to, queries of, use, dissemination, and retention of U.S. person communications under E.O. 12333 are appropriately governed by broader and more flexible guidelines, compared with those required under Section 702.

- Executive Order 12333 states that the CIA may conduct surveillance within the United States "for the purpose of training, testing, or conducting countermeasures to hostile electronic surveillance." How would you ensure that any implementation of this authority does not adversely affect U.S. persons' civil liberties or otherwise result in CIA surveillance of U.S. persons?

Under E.O. 12333, the CIA may not engage in electronic surveillance within the United States except for the purpose of training, testing, or conducting countermeasures to hostile electronic surveillance. Surveillance conducted for those purposes is governed by procedures established by the DCIA and approved by the Attorney General, after consultation with the DNI. In addition, activities that constitute "electronic surveillance" within the meaning of FISA, 50 U.S.C. 1801(f), are subject to the separate statutory requirements set forth at 50 USC 1805(g).

In order to protect the privacy and civil liberties of U.S. persons, these activities are limited in extent and duration to those necessary to accomplish the purpose of the activity and not directed at the communications of a particular person. With respect to testing or training, any information obtained in the course of activity should be retained and used only for purposes of the particular testing or training activities and destroyed as soon as practicable. With respect to countermeasures, any collected information should be used only to protect against unauthorized surveillance or disseminated only to appropriate agencies for enforcement of federal statutes prohibiting such unauthorized surveillance. If confirmed, I intend to continue these protections for the privacy and civil liberties of U.S. persons.

- Do you believe the CIA should be authorized to monitor U.S. persons' social media activities? If so, under what circumstances and subject to what limitations? What legal authority would provide the basis for such monitoring?

  The CIA may already collect information related to the social media activities of U.S. persons only in furtherance of its authorized functions, and in accordance with the Constitution, federal statutes, and presidential directives. The collection, retention, and dissemination of information concerning U.S. persons may be undertaken only in accordance with Attorney General-approved procedures.

PPD-28 and Foreign Partners

The Committee's questions reference the statement in your *WallStreet Journal* op-ed that Presidential Policy Directive-28 "bestows privacy rights on foreigners and imposes burdensome requirements to justify data collection." Please answer the following additional questions.

- What do you see as the possible costs to bilateral relationships, including bilateral intelligence relationships, to eliminating or modifying PPD 28?

  The effect of eliminating or modifying PPD 28 will depend on the specific countries involved and the specific nature of any changes. Some countries, for example, have intelligence laws in effect that are somewhat more liberal than the restrictions in PPD 28, and those countries might not object if the U.S. modified PPD 28 to be more in line with their own laws. Other nations might be concerned about a modification to PPD 28 and seek a bilateral agreement with respect to its citizens.

- Concerns about U.S. surveillance activities have led to litigation in Europe that prompted the Court of Justice of the European Union to strike down the Safe Harbor Agreement (which was the legal basis for companies' transfers of data between the EU and the U.S.). As CIA Director, would you support reforms to U.S. surveillance programs in order to address these developments?

  These issues affect multiple agencies, as well as the private sector. If confirmed, I will engage with our partners inside and outside of government to ensure we have a holistic understanding of concerns related to U.S. surveillance programs before undertaking changes or reforms, if those are determined to be necessary and applicable.

- Is it ever appropriate for U.S. person information, collected in bulk by a foreign partner, to be obtained, used and disseminated by the Intelligence Community? If so, what limitations should be applied?

  I understand that, in full compliance with law and Attorney General guidelines, it may be appropriate for CIA to collect information in bulk. To the extent U.S. person information is involved, CIA follows regulations and Attorney General-approved guidelines in handling of such information. If a foreign partner furnishes U.S. person information, I understand that information would also be handled pursuant to CIA regulations and Attorney General-approved guidelines. At times, U.S. person information may be highly relevant to protection of the country, such as a case where a U.S. person abroad is engaged in armed hostilities or planning for attacks to kill Americans.

Economic espionage

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

  "The collection of foreign private commercial information or trade secrets is authorized only to protect the national security of the United States or its partners and allies. It is not an authorized foreign intelligence or counterintelligence purpose to collect such information to afford a competitive advantage to U.S. companies and US business sectors commercially. Certain economic purposes, such as identifying trade or sanctions violations or government influence or direction, shall not constitute competitive advantage."

  How will you ensure that CIA collection and analysis is not used to advance the competitive advantage of U.S. companies and business sectors in which members of the administration, their families and associates, have an interest?

  I understand there are already Agency policies to prohibit CIA officers from collecting or disseminating information purely to provide a U.S. business with a competitive advantage. If confirmed, I look forward to learning more about these policies and evaluating their effectiveness.

Encryption

- In your *Wall Street Journal* op-ed, you wrote that "the use of strong encryption in personal communications may itself be a red flag." Are there any circumstances in which the use of strong encryption could be a basis for surveillance, particularly of U.S. persons?

  CIA is prohibited from conducting electronic surveillance inside the United States, except in limited circumstances. The CIA may conduct electronic surveillance of a U.S. person, who is located outside the United States, if there is probable cause to believe the U.S. person is an agent of a foreign power and upon obtaining a warrant by the Foreign Intelligence Surveillance Court.

  In my view, a U.S. person's use of strong encryption would not be sufficient by itself to establish probable cause that the person is an agent of a foreign power. However, if CIA has reason to believe that a named U.S. person has been in contact with known or suspected terrorists, viewed or posted violent extremist propaganda online, expressed a desire to conduct a Homeland attack, and recently started using encrypted communications, his or her use of those communications should be considered in the course of the FBI investigation into the person.

Interrogation

- The FY 2016 National Defense Authorization Act prohibited any interrogation techniques not listed in the Army Field Manual (AFM). Do you agree that, under current law, the use of interrogation techniques not authorized by the AFM, including the CIA's former "enhanced interrogation techniques," is illegal under any circumstances?

  Section 1045 of the National Defense Authorization Act for FY2016 provides that no individual in U.S. custody may be subjected to any interrogation technique or approach that is not authorized by and listed in the Army Field Manual. Executive Order 13491 contains a similar requirement thus rendering the use of such techniques by the CIA illegal. Other statutes, including the Detainee Treatment Act of 2005, the Torture Statute, and the War Crimes Act, would prohibit certain interrogation techniques, alone or in combination.

- If you are confirmed and you are directed by President Trump to authorize interrogation techniques that are not authorized by the Army Field Manual and are therefore illegal, how would you respond?

  I will never consider taking action inconsistent with the law. I also do not accept the hypothetical premise to this question. I have no reason to believe that President Trump will direct me not to follow the law and I will follow the law. I have no expectation of receiving any directions that do not comply with law.

- Will you commit to informing the full Committee of any changes to detention and interrogation policy?

  I understand that detention and interrogation issues are of interest to the congressional intelligence committees, and I am committed to keeping you fully and currently informed.

- What is your view of Appendix M of the Army Field Manual (AFM) and its potential for abuse? Would you recommend a rewriting of the AFM in order to authorize coercive interrogation techniques?

  I am not aware of abuse related to Appendix M of the Army Field Manual, although I have not consulted with the Department of Defense, which may be better positioned to provide a view. I do not see potential for abuse by the CIA and would expect any such activities to comply with the law under appropriate oversight.

  If confirmed, I will consult with experts at the Agency and at other organizations in the U.S. government on whether the Army Field Manual uniform application is an impediment to gathering vital intelligence to protect the country or whether any rewrite of the Army Field Manual is needed. That said, I note that this is a manual originally designed to govern the armed forces and it would be unusual for the CIA to play a significant role in changes to a manual designed to govern the conduct of the Army. If any changes are justified, a fundamental requirement is that such changes fully comply with law, including laws governing the treatment and interrogation of individuals. And any such changes would need to be based on a clear, justified need and carefully implemented by appropriate experts and full oversight. I would expect to consult with the full congressional Intelligence Committees on any differences that are appropriate, including any changes to law that would be required.

- Last August, the High-Value Detainee Interrogation Group (HTG) released its first assessment of interrogation best practices. Have you read this report? If so, what lessons have you taken from it?

  Yes, I have read the report. The report is a short overview of selected best practices, including that interrogation is a team effort, interrogations should be planned and organized, and the interrogation team uses strategies and evidence. I took away that the document is a helpful, high level overview of organization and planning strategies. I certainly respect the work that went into the report and consider it a contribution to the debate. I allow for the possibility that others may have different views however.

Committee Study of the CIA's Detention and Interrogation Program

With regard to the public release of the Executive Summary of the Committee's Study of the CIA's Detention and Interrogation Program, you released a press statement that stated: "It is hard to imagine a sound reason that Senator Feinstein would put American operators and their families at risk.... The sad conclusion left open is that her release of the report is the result of a narcissistic self-cleansing that is quintessentially at odds with her

duty to the country." Although you directed your attack at then-Chairman Dianne Feinstein, your criticisms would apply to all members, from both parties, who supported the release of the Executive Summary.

- Why should your reaction to the Committee's release of the Executive Summary not be interpreted as antipathy toward the role of congressional oversight of the CIA? Do you believe that U.S. Senators, from both parties, who supported the release of the Study acted "at odds with [their] duty to the country"?

  My statement did not express antipathy toward the important role of congressional oversight of the CIA. Indeed, I believe that strong congressional oversight is essential and believe that I have been a part of such oversight in my role as a member of HPSCI.

  In my responses to the Committee, I have expressed at length my views on the important role of congressional oversight of the CIA and the importance of keeping the Committee fully and currently informed. As a Member of the HPSCI, I understand and have a great appreciation for the role of congressional oversight in our democracy.

  No, I do not believe that Senators who supported the release of the reported acted at odds with their duty to the country. While I stand by my concerns about the release of the report, I realize this discussion of activities, many of which took place over a decade ago and before I joined Congress, is the subject of significant disagreement, including among Senators and with the Administration.

  I feel strongly that intelligence professionals who are asked to do difficult and dangerous things that are on behalf of the country and in full compliance with law, and do so after full consultation with the highest legal officials of the country, deserve our gratitude, not endless investigations and scorn.

- When you made those accusations, had you read the Executive Summary in full? If not, have you read it in full since then? If so, do you stand by your original statement?

  When my statement was made, I had reviewed each of the major elements of the Executive Summary, but had not reviewed in full. I have since reviewed in the Executive Summary in full. I stand by my answer above about the statement.

- What lessons have you taken from the Executive Summary? Please detail any disagreements you have with the Executive Summary.

  The Executive Summary details activities, as acknowledged by the Agency, that were not authorized. The Executive Summary also discusses the difficulty of standing up an activity quickly that was new to the CIA under a time of tremendous pressure and threat to the country. There were a number of lessons learned that have been acknowledged by the Agency concerning oversight, compliance, and management contained in the report. Regarding concerns, I worried about the effect the release of the report would have on

Americans serving overseas and the message that CIA officers might draw from its conclusions.

The report and the rebuttals are voluminous. A full recitation of the charges and countercharges would be impossible in this format. President Obama's administration has detailed a number of disagreements with the Executive Summary and the conclusions drawn in the report about the intelligence gathered from the activity. I have not carried out my own investigation, but have no basis for disagreeing with the view of the Administration and intelligence professionals who have set forth their view of the value of the intelligence gathered. However, the report is an example of aggressive congressional oversight and I respect the Committee's work, especially its oversight function, which is core to our democracy.

- Have you read the full, classified Study, or portions thereof? If not, will you agree to do so?

  I've read the unclassified Executive Summary and small parts of the classified study. If confirmed, I will be happy to review parts of the classified Study relevant to the position of DCIA and the SSCI.

- Since the release of the Executive Summary over two years ago, there have been no indications that the release resulted in attacks on Americans. What lessons have you taken from this?

  I have not reviewed any assessments about the impact of the Executive Summary on attacks against Americans or other negative consequences from the release. If it is the case that there have been no attacks, we are fortunate.

- You have stated that the CIA's Detention and Interrogation Program was operated "with the full knowledge of Senator Feinstein." Senator Feinstein did not become Chairman until 2009. The CIA has not disputed that it first briefed the full Committee about the program on September 6, 2006, more than four years after the program was initiated. Do you have any additional information to indicate "full knowledge" on behalf of Committee members?

  I do not have additional information. I understand that the Administration has released records detailing the briefings provided to numerous members of the congressional leadership and intelligence committees and now understand that briefings did not include the full Committee until 2006.

Rendition/transfers

The United States recognizes its obligation, under the Convention Against Torture, not to "expel, return ('refouler') or extradite a person to another state where there are substantial grounds for believing that he would be in danger of being subjected to torture."

- Do you support this prohibition in all circumstances?

  Yes, I support complying with current law.

- If the CIA were involved in, or were to provide intelligence or other support to an extradition or rendition, to what extent do you believe the CIA should direct resources to collect on whether there are substantial grounds for believing that the detainee is in danger of being subjected to torture?

  I understand CIA directs intelligence resources to understand the practices of other countries, including at times the treatment of detained persons by other countries. As I have outlined in other responses, I understand the U.S. adheres to certain obligations related to American involvement in transfers of a person and CIA would respond to intelligence requirements related to such transfer and obligations pursuant to intelligence priorities and tasking.

- To what extent should the U.S. Government rely on "diplomatic assurances" provided by countries to which detainees may be extradited or rendered? Should such assurances be accepted from countries with established records of committing torture?

  I understand that assurances provided by other countries have been a valuable tool for ensuring that detainees are treated humanely. In most cases, other countries are likely to treat assurances provided to the United States government as an important matter. Like any commitment, the credibility of any assurances should be assessed on a case-by-case basis in light of all the relevant factors, including the practices of the country providing the assurances as well as that country's record of complying with similar assurances provided to the United States and other countries.

<u>Guantanamo and military commissions</u>

- You have made comments indicating that individuals captured by the US abroad should not be prosecuted in federal court, but rather in the military commissions in Guantanamo. Some of your comments were made before many of the problems with the military commissions became apparent and before numerous additional successful convictions of terrorists in federal court. Given these developments, do you still believe that terrorist suspects captured abroad should always be prosecuted in the military commissions or are there circumstances in which it is more appropriate to try them in federal court?

  As a policymaker, I spoke publically regarding my belief that military commissions played an important role protecting America and ensuring the prosecution of terrorists captured abroad. In certain situations, federal court may be a suitable venue, depending on the nature of the individual's conduct, the charges, and other circumstances. The decision regarding the appropriate method for detention and prosecution is not made by the DCIA.

- The trials in the military commissions have been delayed in part because of disputes over access to information related to the CIA's Detention and Interrogation Program. How would you propose to resolve these disputes and accelerate the trials?
I understand that CIA has provided the Office of the Chief Prosecutor for the Military Commissions access to a large amount of information related to the CIA's former Detention and Interrogation Program in order to meet its discovery obligations and prepare for the pending prosecutions conducted at the U.S. Naval Base at Guantanamo Bay, Cuba. If confirmed, I will be committed to ensuring CIA continues to provide this assistance to the Chief Prosecutor, while also protecting U.S. intelligence sources and methods.

- On July 19, 2013, you stated that none of those who were still in Guantanamo at that time should be released. Since then, the Periodic Review Board has determined that several individuals were detained based at least in part on mistaken identity. In addition, according to Intelligence Community estimates, the majority of released detainees are living peaceful lives. Do these developments change your 2013 assessment? Are there circumstances in which individuals may be transferred to home or third countries?

  The Periodic Review Board is an interagency entity responsible for determining whether continued law of war detention of a detainee is warranted in order to protect against a significant threat to the security of the United States. It is vital that the Periodic Review Board consider all relevant intelligence related to a detainee when making its decision. Obviously, if there were to be a true case of mistaken identity – if it were to be determined that a person believed to be in in detention was not that person – then continued detention of that person based on the erroneous information should be ended. In every case, the CIA's role regarding Guantanamo detainees is limited.

- Who, if anyone, should be detained in Guantanamo? Please describe the circumstances, including membership in which groups, that would warrant such a detention.

  It is my understanding that the CIA does not decide who should be detained at the U.S. Naval Base in Guantanamo Bay. Such decisions ultimately are made by the President and the U.S. Congress. The individuals currently detained at Guantanamo are designated as enemy combatants or persons engaged in hostilities against the United States or its coalition partners during an armed conflict.

Relationships with Foreign Partners and U.S. Government Partners

- Director Brennan's August 6, 2016, letter stated that "[w]hen we choose to continue a liaison relationship despite allegations of human rights abuses by individuals associated with a liaison service, CIA policy requires that we take several steps to inform our U.S. Government partners and to mitigate the risk of future human rights abuses. First, we advise the local Chief of Mission of CIA's concerns and seek the Chief of Mission's input on whether to continue the liaison relationship." Which U.S. Government partners do you believe should be informed when the CIA decides to continue a liaison relationship despite allegations of human rights abuses? What role

should the Bureau of Intelligence and Research and other components of the U.S. Department of State play in considering the policy implications of these relationships?

As is standing practice, if I am confirmed, CIA will continue to coordinate with the local Chief of Mission regarding any credible allegations of human rights violations. I also anticipate CIA continuing to coordinate CIA's intention to continue a relationship with the liaison service in question. In weighing the risk-benefit factor of each relationship, CIA will also continue to take into consideration the Department of State's Annual Human Rights Report for each country. On a select basis, and if appropriate, CIA may also inform other U.S. Government partners of any human rights issues that could affect the equities of the other U.S. Government partner.

- 22 U.S.C. 3927 states that "Under the direction of the President, the chief of mission to a foreign country ... shall have full responsibility for the direction, coordination, and supervision of all Government executive branch employees in that country..." Do you believe that, absent direction from the President, the CIA is obligated to cease intelligence activities, including but not limited to liaison relationships that do not have the approval of the chief of mission?

The relationship between the CIA and the Department of State is crucial, both in Washington and in the field. I look forward to working with the Department of State on issues of mutual concern, if I am confirmed as Director. If a disagreement should arise with the Department of State concerning a CIA intelligence activity, I will seek to resolve the disagreement with the Secretary of State or, in the extremely rare circumstances in which the disagreement could not be resolved, seek further guidance from the President.

- Please describe how you would weigh the costs and benefits of working with a liaison service that has engaged in human rights abuses? What limitations do you believe should be placed on intelligence sharing with foreign partners who may use our intelligence to repress political opponents or violate human rights?

Under my direction, if confirmed, each decision regarding the costs and benefits of working with a liaison service alleged to have engaged in human rights abuse will continue to be weighed on an individual basis, balancing the unique utility or specific access a particular liaison service could provide. Any decision to continue a liaison relationship should only be made if the value to the relationship clearly outweighs the risk of future potential human rights abuse. A decision to limit a liaison relationship should be made on a case-by-case basis and will differ from liaison service to liaison service.

Accountability

- The CIA's Response to the Committee Study included a recommendation to broaden the scope of accountability reviews "to address any systemic issues revealed by the case, and to expand the scope of the review as warranted to include officers responsible for those systemic problems." Do you commit to implementing this recommendation?

I understand that the CIA has made improvements in this area, which, if confirmed, I will implement. As Director, I will continue to look for ways to improve.

Russia

- How do you assess the impact on morale at the CIA from the president-elect's comments about the CIA's analysis on Russia and the U.S. election? If confirmed, how would you address this impact?

  At this time, I am not in a position to make a judgment on this question. Generally, however, if confirmed, I will make clear to the workforce that their job remains to provide and collect the best intelligence and to analyze it faithfully and objectively.

- Before the election, you wrote that, "[t]he next commander-in-chief must be clear-eyed, steel-hearted, and unflinching in the face of terrorism, Putin's imperialism, and Chinese aggression." How should that posture be reflected in intelligence activities and priorities?

  The U.S. has more national security challenges on the horizon than at any other time I can remember. If confirmed, one of my jobs as Director will be to array our collection and analytic resources against these threats to ensure urgency on the most critical threats and global coverage to monitor rising issues.

The White House and Intelligence Activities

- The Report of the Congressional Committees Investigating the Iran-Contra Affair (November 1987) found that: *"The NSC staff was created to give the President policy advice on major national security and foreign policy issues. Here, however, it was used to gather intelligence and conduct covert operations. This departure from its proper functions contributed to policy failure."*

  Do you agree with the dangers of intelligence collection and covert operations conducted by the White House, as described in the Iran-Contra report? How, as CIA Director, will you seek to ensure that intelligence activities are conducted by the Intelligence Community and notified to Congress?

  I agree that intelligence activities must be conducted within the comprehensive statutory framework. In addition to the requirement under Section 502 of the National Security Act to keep the congressional intelligence committees "fully and currently informed" of "all intelligence activities," Section 503 requires that the "heads of all departments, agencies, and entities of the United States Government involved in a covert action shall keep the congressional intelligence committees fully and currently informed of all covert actions which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government."

Congressional Oversight

- What would your response be if the President or the White House instructed you to withhold information from the full Committee?

  If confirmed, I will commit to keeping the Members and staff of the congressional intelligence committees "fully and currently informed" of the CIA's intelligence activities, "consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters." As a general principle, I will recommend that CIA brief the full Committee. Note, however, the President, as the head of the executive branch, has authority over the disclosure of properly classified executive branch information. Such authority includes the responsibility to disclose information as the law requires, but also to undertake such measures as deemed necessary to protect national security, and protect the privileges and confidences necessary for the President to fulfill the office's constitutional duties.

- The Committee relies on its 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 all CIA programs?

  If confirmed, I will commit to keeping the Members and staff of the congressional intelligence committees "fully and currently informed" of the CIA's intelligence activities, "consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters." Note, however, the President, as the head of the executive branch, has authority over the disclosure of properly classified executive branch information. Such authority includes the responsibility to disclose information as the law requires, but also to undertake such measures deemed necessary to protect national security, and protect the privileges and confidences necessary for the President to the office's constitutional duties. His determination that all staff not be read into all CIA programs may well be appropriate in certain limited circumstances.

- What is your view of the "Gang of Eight" provision? Are there any circumstances in which it can be used for other than time-sensitive tactical matters? Can it be used to limit briefings on activities other than covert action and, if so, what would be the statutory basis for such limitations? Are there any circumstances in which it can be used to conceal from the full Committee ongoing programs or significant legal analyses related to intelligence activities?

  If confirmed, I will commit to keeping the Members and staff of the congressional intelligence committees "fully and currently informed" of the CIA's intelligence activities, "consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters." Note, however, the President, as the head of the executive branch, has authority over the disclosure of properly classified executive branch information. Such

authority includes the responsibility to disclose information as the law requires, but also to undertake such measures deemed necessary to protect national security, and protect the privileges and confidences necessary for the President to fulfill the office's constitutional duties.

Regarding covert action, Section 503 of the National Security Act provides that if the President determines that it is essential to limit access to a covert action finding or notification of a change to a previously approved covert action, notification may be limited to the chairmen and ranking minority members of the congressional intelligence committees, the Speaker and minority leader of the House of Representatives, the majority and minority leaders of the Senate, and "such other member or members of the congressional leadership as may be included by the President." When the President determines that notification should be limited, a written statement of the reasons for limiting access will be provided. The Act requires that not later than 180 days thereafter, the President shall ensure that all members of the congressional intelligence committees are notified, or provide a statement of reasons why access to the notification must remain limited. Furthermore, when covert action notification is limited, the Act requires that the President notify all congressional intelligence committee members that notification has been limited to those individuals noted above, as well as provide a general description regarding the finding or notification, consistent with the reasons for not informing all members of the committee.

Designations of Terrorist Groups

- If confirmed as Director of CIA, you may have some input into government determinations about which groups should be designated terrorist organizations. Please provide details about the criteria you believe should be used to make such a determination. Once a designation is made, how broadly do you believe it should apply to affiliated groups and individuals?

  I understand that the criteria used in designating a group a "terrorist organization" depends upon the context in which the designation is being made. The Secretary of State designates "Foreign Terrorist Organizations," for example, in accordance with section 219 of the Immigration and Nationality Act (INA), as amended. The criteria for such a designation are set forth in the statute. The organization must be a foreign organization; it must engage in terrorist activity or retain the capability and intent to engage in terrorist activity or terrorism; and its terrorist activity must threaten the security of U.S. nationals or the national security of the United States. If confirmed, I will ensure that CIA provides the agencies responsible for making designation determinations with the relevant intelligence to help inform their review.

- What measures would you take to ensure that Muslim civil rights and advocacy groups, as well as legitimate charities, are not adversely affected as a result of these designations?

If confirmed, I will ensure that CIA continues to conduct its intelligence mission in a duly authorized and appropriate manner under its current authorities, including Executive Order 12333 and its implementing Attorney General-approved guidelines. I will also ensure that CIA remains focused on its statutory mission and conducts its mission in a non-discriminatory manner.

Use of Lethal Force

- 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?

  In previous conflicts, U.S. citizens fought in foreign armies against the United States, including with the Axis countries during World War II. Today, there are American citizen members of ISIS and al-Qa'ida. Some of them are in Iraq and Syria—where the U.S. Government is bombing. Longstanding legal principles and court decisions confirm that being a U.S. citizen does not immunize a combatant from attack.

  However, when the United States knows in advance that the specific object of its attack is an individual U.S. citizen, it proceeds on the assumption that constitutional rights—in particular, the Fifth Amendment's Due Process Clause and the Fourth Amendment's prohibition on unreasonable searches and seizures—attach to the U.S. citizen even while the individual is abroad. Those rights are considered in assessing whether it is lawful to target the individual.

- The Obama administration has made a distinction between lethal strikes that are carried out in places it considers part of "areas of active hostilities," and those that take place outside these areas. Do you support this distinction as well as the application of the standards, requirements, and guidelines contained in the Presidential Policy Guidance (PPG)? If not, please describe any modifications you will suggest.

  The 22 May 2013 Direct Action PPG provides policy standards and procedures for undertaking direct action against terrorist targets outside the United States and outside areas of active hostilities. The phrase "areas of active hostilities" is not a legal term of art—it is a term specific to the PPG. For the purpose of the PPG, the determination that a region is an 'area of active hostilities' takes into account, among other things, the scope and intensity of the fighting. Afghanistan, Iraq, and Syria are currently considered to be "areas of active hostilities," which means that the PPG does not apply to operations in those locations. In general, the policy standards contained in the PPG exceed the requirements of the law of armed conflict. Were I to be confirmed, I would plan to participate in any interagency evaluation of the PPG and its implications for the war on terrorism.

- Do you support Executive Order 13732 which includes public reporting requirements on "combatant" and "non-combatant" casualties for strikes that take place outside areas of active hostilities; a commitment to review or investigate incidents involving civilian casualties and to consider information from non-governmental organizations in that

review; and a commitment to provide as appropriate ex gratia payments to civilians who are injured or to the families of civilians who are killed in U.S. strikes? If not, please describe any modifications you would suggest.

Executive Order 13732 on United States Policy on Pre- and Post-Strike Measures To Address Civilian Casualties in U.S. Operations Involving the Use of Force describes the U.S. Government's efforts to protect civilians in the context of operations involving the use of force. Any civilian casualty is tragic, and if confirmed, I am committed to ensuring that CIA provides timely intelligence to enable effective counterterrorism operations, while preventing the loss of innocent lives.

- On December 2, 2015, now-President-elect Donald Trump stated the following: "The other thing with the terrorists is you have to take out their families, when you get these terrorists, you have to take out their families. They care about their lives, don't kid yourself. When they say they don't care about their lives, you have to take out their families." Do you agree that this would be a violation of international law?

I understand that a variety of laws, both U.S. and international, would be implicated by intentional targeting of persons not presenting a threat to the U.S., its allies, or otherwise a lawful target under existing law. I understand that a number of laws may prohibit such targeting depending on the specific context (such as considerations of collateral damage that may result from activity directed at a lawful target). As stated throughout my answers, I will always act in accordance with the law should I be confirmed as DCIA.

<u>Iran</u>

- Director Brennan has said that undoing the Joint Comprehensive Plan of Action (JCPOA) would be "disastrous" and the "height of folly" and would risk empowering hardliners in Iran. What impact do you believe the dismantling of the JCPOA would have on Iran and on regional security and stability?

This is a complicated issue, which deserves a fresh look. I anticipate that the U.S. relationship with the Islamic Republic of Iran, and the full range of Iran's activities, from nuclear and missile proliferation to fomenting instability and supporting terrorism, will be top of mind for the President-elect. Generally, if confirmed, I will endeavor to answer such questions on a strictly objective basis using the best analysis from the Agency. I will be always mindful that the DCIA's role is to inform policymakers, not to make policy.

- Do you believe that the international sanctions regime that existed prior to the JCPOA could be rebuilt in the event of a unilateral U.S. withdrawal from the agreement?

Please refer to my answer above.

- You stated, at a roundtable with reporters, that, "In an unclassified setting, it is under 2,000 sorties to destroy the Iranian nuclear capacity. This is not an insurmountable task for the coalition forces." What do you believe would be the consequences of military operations against Iran?

  Certainly, major military action of any kind against Iran would have profound geopolitical consequences for the U.S. and at least in the region where U.S. action would be taken. I certainly subscribe to the view that military action should be the option of last resort and that the U.S. should bring all elements of national power to bear before resorting to force. If confirmed, I will be committed to the DCIA's role in providing intelligence to policymakers, not making policy.

Budgetary Matters

- Where do you believe the CIA, and the broader Intelligence Community, could benefit from increased resources? Where do you believe there is waste, inefficiencies, or areas of lower strategic priorities where there are opportunities for cost savings?

  The range, diversity, and immediacy of the issues that the Intelligence Community faces each day is formidable, and it is even more complex with the pace of technological advancements. A stable budget environment is key to enabling the Intelligence Community to make purposeful long term investments necessary to address these challenges. My understanding is that CIA is well postured to take on those challenges. However, additional resources would enable the agency to advance technology at a faster pace and improve the Agency's ability to deal with the uncertainty of the future. The CIA's most important resource to conduct its mission is the agency's workforce, and it must continue to attract, develop, and retain a workforce that is prepared to take on the challenges we face. If confirmed, I will work with the DNI and my colleagues across the Intelligence Community to find the most efficient way of conducting our vital mission. Internal to the CIA, I will drive for the most effective use of our resources and to align them to the highest priorities.

Attitudes Toward Islam

- If confirmed as Director, how would you ensure that our Muslim partners overseas continue to want to work with the United States during this Administration?

  Foreign governments and partners, of all types, choose to work with CIA when they view the partnership as in their own national interest. I understand CIA has many areas of mutual interest and concern with partners across a spectrum of issues including political, military, security, economic, terrorism, proliferation, environmental, and technological. In addition to shared intelligence and security challenges, working with the U.S. and CIA brings a combination of resources, capabilities, and status that are not

matched by working with other countries or entities. If confirmed, I will continue the Agency's efforts to build and maintain strong partnerships with foreign governments and partners, including those from predominantly Muslim countries, by focusing on these areas of mutual concern and interests.

- If confirmed as CIA Director, how would you ensure that Muslim CIA employees feel they are protected and valued and that they have an ally in the office of the Director? How would you maintain the ability of the CIA to continue to recruit officers of Muslim or Middle-Eastern heritage amidst the disparaging remarks made by members of the incoming Administration?

If confirmed, I will plan on making it clear to the work force that diversity is critical to CIA's mission. I will otherwise take any suggestion to the contrary very seriously by invoking the appropriate remedial action. Discrimination against any employee based on their religion is deeply objectionable and will not be tolerated.

January 18, 2017

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

Dear Chairman Burr and Vice Chairman Warner:

Thank you for the Committee's letter dated January 18, 2016. As you requested, I have completed the Committee's Questions for the Record, which are enclosed.

I look forward to receiving and answering your classified questions.

Sincerely.

SIGNATURE]

Mike Pompeo

Enclosure

QUESTIONS FOR THE RECORD
REPRESENTATIVE MIKE POMPEO

QUESTION FOR THE RECORD FROM SENATOR FEINSTEIN

During his campaign, President-elect Trump publicly called for U.S. forces to use torture in the War on Terror. He said he'd reinstitute waterboarding, which he called a minor form of torture, and bring back "a hell of a lot worse than waterboarding."

1. **Do you believe that waterboarding and the other 'Enhanced Interrogation Techniques' previously utilized by CIA personnel in the Rendition, Detention, and Interrogation (RDI) program, such as stress positions, forced nudity, slamming individuals into walls, slapping or hitting detainees, constitute torture?**

   In the past decade, the law has changed significantly concerning interrogation techniques. Section 1045 of the National Defense Authorization Act for FY2016 provides that no individual in U.S. custody may be subjected to any interrogation technique or approach that is not authorized by and listed in the Army Field Manual. Executive Order 13491 contains a similar requirement. Other statutes, including the Detainee Treatment Act of 2005, the Torture Statute, and the War Crimes Act, would prohibit certain interrogation techniques, alone or in combination. I understand the interrogation techniques mentioned in your question are currently prohibited. I have not sought legal counsel to address the hypothetical as to whether any prohibited techniques meet the legal definition of torture.

2. **Do you believe that waterboarding is effective? If so, based on what?**

   I understand the disagreement over the past use of waterboarding and whether information could have been obtained through other less coercive methods. The current Administration has submitted to the Committee written documents detailing results of the Agency's interrogation program. I would refer you to those publicly available documents from the current Administration. See, for example, https://www.cia.gov/library/reports/CIAs_June2013_Response_to_the_SSCI_Study_on_the_Former_Detention_and_Interrogation_Program.pdf and https://www.cia.gov/news-information/press-releases-statements/2014-press-releases-statements/cia-fact-sheet-ssci-study-on-detention-interrogation-program.html. Those documents also note that an exact scientific study has not been performed as to whether less coercive methods could have produced the same results.

3. **Do you agree that waterboarding and other former CIA "Enhanced Interrogation Techniques," are unlawful and will you commit to upholding and executing all applicable law that prohibits them?**

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

13491 contains a similar requirement. Other statutes, including the Detainee Treatment Act of 2005, the Torture Statute, and the War Crimes Act, would prohibit certain interrogation techniques, alone or in combination.

4. **Will you provide this committee notice if the Justice Department concludes that a statute is an unconstitutional infringement on Executive Power, or narrowly interprets a statute to avoid such an alleged infringement?**

   I am committed to keeping the Committee fully and currently informed of any changes to detention and interrogation policy in accordance with applicable law. I cannot speak for the Department of Justice, but will honor requests for information from the Committee, including providing relevant legal analysis underlying or supporting CIA's intelligence activities, as required by law.

5. **In your prehearing questionnaires you've stated a desire to consult with intelligence professionals to understand the current operational need as of 2017 for any changes to current interrogation or detention programs involving CIA.**

   a) **Will you commit to refraining from taking any steps to authorize or implement any plan that would bring back waterboarding or any other enhanced interrogation techniques?**

      As noted in my response to the Committee's pre-hearing questions, if confirmed, I will consult with experts at the Agency and at other organizations in the U.S. government on whether the Army Field Manual uniform application is an impediment to gathering vital intelligence to protect the country or whether any rewrite of the Army Field Manual is needed. If any differences are justified, a fundamental requirement is that such differences fully comply with law, including laws governing the treatment and interrogation of individuals. And any such differences would need to be based on a clear, justified need and carefully implemented by appropriate experts and with full oversight. I note that other organizations, including the Department of Defense and FBI, have extensive experience with detention and interrogation and would want to understand any unique reasons for the involvement of the CIA in detention and interrogation. I would expect to consult with the full Congressional Intelligence Committees on any differences that are appropriate, including any changes to law that would be required.

   b) **What would prompt you to review current law regarding interrogations?**

      If experts believed current law was an impediment to gathering vital intelligence to protect the country, I would want to understand such impediments and whether any recommendations were appropriate for changing current law.

   c) **Do you believe there are any circumstances in which a reinterpretation of current law (rather than a change in statutes) could justify departing from public Army Field Manual techniques?**

I am not aware of authorizations for departures from the Army Field Manual by the CIA. I have not consulted legal experts on any hypothetical circumstance that would impact existing legal interpretations, but I intend to fully comply with the law.

QUESTIONS FOR THE RECORD FROM SENATOR WYDEN

Surveillance

Your January 16, 2016, op-ed in the *Wall Street Journal* stated: "Congress should pass a law re-establishing collection of all metadata, and combining it with publicly available financial and lifestyle information in a comprehensive, searchable database." If confirmed, you will participate in policy discussions in which your views, and those of the CIA, will be solicited with regard to the necessary and appropriate scope of U.S. government surveillance activities.

6. **In your responses to pre-hearing questions about the op-ed, you wrote: "I was referring to metadata of the type collected under the then-existing program that was available for review under procedures and conditions reviewed and approved by federal judges." In addition to the bulk telephony metadata program conducted pursuant to Section 215 of FISA, there was also a bulk electronic communications metadata program conducted pursuant to Section 402 of FISA. Do you support the resumption of that program as well and, if so, would you combine it with bulk telephony metadata into a single database?**

   As I indicated at my confirmation hearing, I voted for the USA Freedom Act that effectively ended the bulk metadata program conducted pursuant to Section 215. If I am confirmed, and Agency officials inform me they believe the current programs and legal framework are insufficient to protect the country, I would make appropriate recommendations for any needed changes to laws and regulations.

7. **During the hearing, you stated that "the American people demand that if there is publicly available information, someone has out there on a publicly available site, I think we have an obligation to use that information to keep Americans safe."**

   a) **Do you believe the U.S. government should collect and retain this information when it pertains to Americans who are not connected to an investigation?**

   b) **If so, are there boundaries to the appropriate scope of such collection and retention?**

   I made the statement that you quote in the context of if "someone's out there on their Facebook page talking about an attack or plotting an attack against America." In such cases, publicly available information can provide relevant information and generally involves fewer privacy concerns than other collection techniques. Of

course there are boundaries; any collection and retention must be conducted in accordance with the Constitution, statutes, and applicable presidential directives.

8. **During the hearing, you were asked whether there were boundaries to the kind of "financial and lifestyle information" you would include in this database. You responded that the boundaries would be legal. Do you believe that, if information on U.S. persons is legally available to the U.S. government on an individualized or limited basis, it is always legal or appropriate to collect and retain it in bulk and include it in a comprehensive database? If not, please elaborate.**

   I have not consulted legal experts on a hypothetical database and whether information that is legally available on an individualized basis could, in every case, be collected and retained in bulk. Such a compilation of information would require examining the specific types of information and ensuring that any collection and retention of information was in accordance with the Constitution, statutes, and regulations. Of course there are boundaries; any collection and retention must be conducted in accordance with the Constitution, statutes, and applicable presidential directives.

9. **In your responses to pre-hearing questions, you wrote that "I did not set forth a specific list of items, but <u>in general</u> was referring to publicly available information, not information purchased by third parties." (emphasis added.)**

   a) **Are there any examples of information that could be purchased or otherwise obtained from third parties, such as data brokers, that could, or should be collected with regard to Americans who are not connected to an investigation?**

   b) **Are there any such examples of information that could, or should be included in a comprehensive database?**

      I have not studied what information is available from third parties and the applicable legal restrictions on obtaining any such information.

<u>Information from foreign partners</u>

In your responses to the Committee's pre-hearing questions, you wrote "If the CIA requests a foreign partner collect communications of a U.S. person, I understand that collection and dissemination should be done pursuant to the same level of approvals that would be required if the CIA itself were to collect those communications." During the hearing, you reiterated this, stating "It is not lawful to outsource that which we cannot do, the Agency cannot do under its laws." However, your responses to pre-hearing questions also stated that, if a foreign partner collects the communications of U.S. persons independently and not at the request of the CIA, "It is appropriate for the CIA to receive such information from foreign partners without the same requirements that would apply if the CIA itself were to collect the information or to request that the foreign partner collect the information." Furthermore, you wrote that "it may be appropriate for CIA to collect [that] information in bulk."

Absent a specific request from the CIA, a foreign partner, company, organization or individual may nonetheless provide the CIA with the results of extensive cyber operations or other surveillance, including targeted collection against, or bulk collection that includes the communications of U.S. persons. That information could include the communications of U.S. political figures and political activists, leaders of nonprofit organizations, journalists, religious leaders, businesspeople whose interests conflict with those of President Trump, and countless innocent Americans. Moreover, Donald Trump already encouraged the Russian Government to conduct hacking operations against his opponent, thereby raising the prospect that the Russians could share with the U.S. government the results of their cyber-operations against Americans, absent a formal CIA request.

You wrote in response to pre-hearing questions, "In very limited circumstances, however, the manner in which a foreign partner collected the information could be so improper that it would not be appropriate for the CIA to receive, use, or further disseminate the information."

10. Please detail what those "very limited circumstances" might be.

In my response, I was indicating that I could not rule out a circumstance in which the conduct of a foreign partner is so egregious that CIA would not receive the information. This would be a highly fact-specific determination, but information obtained through such egregious conduct may be inappropriate for the CIA to use or disseminate.

11. Besides the manner in which the information was collected, would the CIA's receipt, use or dissemination of the information be in any way restricted by any of the following:

a) The source of the information, i.e., from an adversary rather than an ally or established partner;

b) The intent of the foreign partner, i.e., to disrupt U.S. democracy or support illegal or undemocratic actions on the part of the U.S. government rather than support U.S. national security;

c) The nature of the information, i.e., communications of U.S. persons engaged in First Amendment-protected political activity rather than terrorist suspects; or

d) The scope of the information, i.e., bulk collection on thousands or millions of U.S. persons rather than a more limited set of communications.

All of these considerations, and others, factor into decisions regarding CIA's receipt, use, or dissemination of information received from a foreign partner. Importantly, if an activity furthers no legitimate U.S. governmental interest, CIA would not use the information. In addition, to the extent that the information implicates the privacy rights of Americans, the CIA's use and dissemination of that information must remain reasonable and further U.S. governmental interests of sufficient importance to justify the privacy intrusion. The listed considerations could all be relevant to either the

nature or degree of a privacy intrusion, or to the importance of the U.S. governmental interests at stake.

During the hearing, you stated: "My understanding is that the same set of rules that surround the information if it were collected by the U.S. government apply to information that becomes available as a result of collection from non-U.S. sources as well." The CIA's collection of such information would presumably be governed by its authorities under Executive Order 12333. In your responses to pre-hearing questions, you wrote: "Because CIA activities under Executive Order 12333 are strictly focused on collection activities abroad, with very limited exceptions, there is a smaller risk that these activities could implicate U.S. person communications compared with collection under Section 702 [of FISA]." You cited this as among the reasons why "the CIA's access to, queries of, use, dissemination, and retention of U.S. person communications under Executive Order 12333 are appropriately governed by broader and more flexible guidelines, compared with those required under Section 702 [of FISA]." (emphasis added.)

12. **If the CIA received from a foreign power information known to include U.S. communications, should that necessitate the use of minimization guidelines more stringent than those applied to other information collected pursuant to Executive Order 12333 in which, as you stated, there is a "smaller risk" that they implicate U.S. person communications?**

    If there were a circumstance involving significant volumes of known U.S. person communication contents, I could foresee circumstances where more stringent minimization guidelines generally would be appropriate, but I would need to consult with experts on the applicable laws, including Attorney General approved guidelines that may apply.

13. **In your responses to pre-hearing questions, you described as appropriate CIA queries of U.S. persons' communications collected under Section 702 of FISA, so long as "the query term is reasonably likely to return foreign intelligence information, as defined in FISA." Given your statement that CIA's access to, queries of, use, dissemination, and retention of U.S. person communications under Executive Order 12333 should be "governed by broader and more flexible guidelines," what do you believe the standard should be for CIA queries of information obtained pursuant to Executive Order 12333 known to include U.S. persons' communications?**

    The requirements applicable to collection conducted under Executive Order 12333 should be flexible enough so that they remain feasible and practicable in the range of circumstances in which queries might be made, while also protecting the privacy rights of Americans. Because the categories of information outlined at Section 2.3 of Executive Order 12333 regarding the collection, retention and dissemination of U.S. person information largely fall within the definition of "foreign intelligence information" under the FISA, I understand the standards for querying are similar in some cases. I understand that in a number of circumstances, for information obtained under Executive Order 12333, the standard for conducting queries is whether the query is reasonably designed to

retrieve information related to a duly authorized activity of the CIA. I understand this is a complex area governed by detailed laws and rules and I would consult legal experts on specific standards for CIA queries of collected information.

14. **In your responses to pre-hearing questions, you described as a priority "expanding intelligence cooperation, collaboration, and models of intelligence sharing with state and non-state partners globally." In your Statement for the Record, you stated "We will need to rely on liaison services and new relationships, which are critical to gathering information around the world."**

    a) **Please elaborate on which new partners and relationships you anticipate. Do they include Russia? Do they include companies, organizations or individuals that may conduct cyber operations against U.S. persons?**

    b) **For what purposes do you anticipate establishing new relationships with state and non-state partners?**

    c) **How do you anticipate mitigating counterintelligence risks?**

    d) **Will you ensure that all new or expanded relationships have the approval of the country Chief of Mission, are fully coordinated with the Office of the Director of National Intelligence, and are fully and currently notified to the Committee?**

    I was not referring to any specific partners or relationships that need to be developed, nor did I highlight this with a specific collection priority in mind. Since our national security threats are becoming more complex each day, the CIA needs to improve its collection operations—through both unilateral and cooperative means. As your question highlights, increased cooperation brings increased risk. The CIA already has a strong counterintelligence program and, if confirmed, I intend to look closely at our counterintelligence capabilities and operations to ensure they are up to the task. I will ensure that all foreign intelligence relationships are coordinated and approved in accordance with policy and law and that the Committee is notified in accordance with the law and standard practices. As we discussed in our personal meeting and during the hearing last week, I would welcome any specific recommendations or concerns you have regarding the CIA's Congressional notification practices.

15. **Is it legal or appropriate for the White House to obtain from a foreign partner, or a company, organization or individual information that includes the communications of U.S. persons? Is it legal or appropriate for the White House to retain such information? This question does not pertain to finished products provided by the Intelligence Community to the White House.**

    I am not an expert on legal guidance that may apply to the White House on receiving information. I am not aware of a role for the DCIA in providing legal counsel to the

White House on its activities. However, I understand that the White House is not an operational agency that pursues intelligence collection, but instead relies on the Intelligence Community to pursue lawful intelligence gathering, pursuant to rules and regulations governing such activities, including rules and regulations governing the collection and retention of information concerning U.S. persons.

16. **If you were to learn that the White House had obtained or was retaining the information described above, do you commit to informing Congress?**

See my response to the above question. I am not aware of a DCIA role in supervising White House activities or providing legal counsel to the White House on its activities. I understand the White House has legal expertise available to it from across the government, including the Office of Counsel to the President in the Executive Office of the President and the Department of Justice. If confirmed, I will comply with legal requirements to keep Congress informed.

Chief of Mission authority

Questions previously submitted to you included the following:

"22 U.S.C. 3927 states that 'Under the direction of the President, the chief of mission to a foreign country... shall have full responsibility for the direction, coordination, and supervision of all Government executive branch employees in that country...' Do you believe that, absent direction from the President, the CIA is obligated to cease intelligence activities, including but not limited to liaison relationships that do not have the approval of the chief of mission?"

17. **In your response, you stated that you would "seek to resolve the disagreement with the Secretary of State or, in the extremely rare circumstance in which the disagreement could not be resolved, seek further guidance from the President." If the disagreement has not yet been resolved with the Secretary of State and further guidance from the President has not yet been received, is the CIA obligated to cease the intelligence activities at issue? Please respond yes or no. If the answer is no, please provide supporting analysis of the meaning of the statutory language provided above.**

As I mentioned in my answers to the pre-hearing question, I would seek to resolve the disagreement with the Secretary of State, or in the extremely rare circumstance in which the disagreement could not be resolved, seek further guidance from the President. In that hypothetical and extremely rare circumstance, if confirmed, I will seek, and expect, an expeditious decision from the President. This would ensure the decision to cease or continue intelligence activities reflected guidance from the President.

Lethal operations against U.S. persons

In your responses to pre-hearing questions, you wrote that:

"[W]hen the United States knows in advance that the specific object of its attack is an individual U.S. citizen, it proceeds on the assumption that constitutional rights – in particular, the Fifth Amendment's Due Process Clause and the Fourth Amendment's prohibition on unreasonable searches and seizures – attach to the U.S. citizen even while the individual is abroad. Those rights are considered in assessing whether it is lawful to target the individual."

The May 22, 2013, Procedures for Approving Direct Action Against Terrorist Targets Located Outside the United States and Areas of Active Hostilities (PPG) includes the following:

"[W]hen considering potential direct action against a U.S. person under this PPG, there are additional questions that must be answered. The Department of Justice (DOJ), for example, must conduct a legal analysis to ensure that such action may be conducted against the individual consistent with the laws and Constitution of the United States."

18. Do you agree with this requirement? If so, what form should the Department of Justice's legal analysis take and should it be provided to Congress?

As I referenced in my response to pre-hearing questions, the U.S. must consider an American citizen's constitutional rights prior to targeting him or her for lethal action. I have not studied the PPG implementation and its impact, if any, on intelligence operations. Without referencing the existence of any specific activity or operations, I understand that CIA attorneys frequently consult with, and seek guidance from, the Department of Justice. If confirmed, I would expect that practice to continue. I do not have a view on the form of the legal analysis, whether that is a formal legal opinion taking many weeks or months, or a shorter analysis based on operational needs, if any. I cannot speak for the Department of Justice in terms of providing its legal advice to Congress, although I am always inclined to ensure the Committee is fully informed of the CIA activities and their legal basis.

19. Do you believe there should be any additional checks with regard to lethal actions against U.S. persons?

As I currently understand, there are a range of other checks and requirements that must be met prior to conducting direct action against a U.S. person. As with other critically important responsibilities, I would welcome the Committee's thoughts on this matter.

Public statements

20. If, for any reason, you or a CIA official makes a public statement that is inaccurate, do you commit to making a public statement correcting the record?

I understand the importance of accuracy in public statements. While I cannot envision every circumstance or reason that a statement could be inaccurate, I do understand that in some instances, making additional public statements in the nature of corrections may be complicated by the need to protect American lives or sources and methods. Especially with respect to my own statements, my bias would be to correct publicly made statements that are materially inaccurate with public statements that correct that material inaccuracy.

Declassification

21. Executive Order 13526 (December 29, 2009) provides that: "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 Order 13292 (March 25, 2003) and Executive Order 12958 (April 17, 1995) prohibited classification based on the same factors. Do you disagree with the prohibitions in these Executive Orders?

No.

22. The Executive Summary of the Committee's Study of the CIA's Detention and Interrogation Program was released after the CIA had redacted sources and methods, as well as names, pseudonyms and, in some cases, titles. Do you believe that, in redacting the Executive Summary, the CIA failed to protect Americans?

I have not reviewed any assessments about the impact of redacting the Executive Summary on protecting Americans.

23. If you have responded to the previous two questions in the negative, would you support declassification and public release of the full Committee Study, assuming it is subject to a CIA redaction process similar to that applied to the Executive Summary? If not, why?

I understand the status and release of the Committee Study is the subject of litigation. Beyond this high-level understanding of the current status, I have not studied this issue and it would not be appropriate for me to comment on a matter in litigation at this point.

CIA and congressional staff

24. **The CIA's Inspector General determined that Agency employees improperly accessed Committee shared drives the Committee used in preparation of its Study of the CIA's Detention and Interrogation Program. The Inspector General also determined that a crimes report submitted by the CIA to the Department of Justice related to Committee staff was "unfounded" and was based on "inaccurate information." Do you have any reason to disagree with the CIA IG's determinations?**

    I have not studied the CIA IG's determinations. Nor have I studied the CIA Accountability Review Board's report on this issue. I do not intend to revisit this matter. If confirmed, I would hope to work closely with the Committee to enable oversight activities and ensure that the CIA and the Committees never find themselves in such a place during my tenure.

QUESTION FOR THE RECORD FROM SENATOR KING

25. **During your open confirmation hearing, I asked you about a message you sent to your Twitter followers on July 24, 2016, which referred to information from Wikileaks as "proof." During the open hearing, you said that you do not view Wikileaks as a credible source. For the record, please expand on your answer about your use of Wikileaks, your understanding of that organization, and the message you sent last July.**

    The January 6, 2017 report from the Intelligence Community provides details on how Russia has actively collaborated with Wikileaks in releasing information. The tweet I sent in July 2016 was not meant as an endorsement of Wikileaks or its practices, but rather remarked on the content of the material now in the public domain. I understand the concern over the tweet's reference to Wikileaks, given how disclosures by Wikileaks have targeted American institutions and democracy. The tweet was sent in reference to political issues in the middle of a hard-fought campaign. Based on additional briefings and information, including the reports released by the Intelligence Community, I now have a much deeper understanding of Wikileaks and its harmful activities.

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