

**OPEN HEARING TO CONSIDER THE NOMINATION
OF HON. DAN COATS TO BE DIRECTOR
OF NATIONAL INTELLIGENCE**

HEARING
BEFORE THE
SELECT COMMITTEE ON INTELLIGENCE
OF THE
UNITED STATES SENATE
ONE HUNDRED FIFTEENTH CONGRESS
FIRST SESSION

TUESDAY, FEBRUARY 28, 2017

Printed for the use of the Select Committee on Intelligence



Available via the World Wide Web: <http://www.fdsys.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

24-745 PDF

WASHINGTON : 2017

For sale by the Superintendent of Documents, U.S. Government Publishing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

SELECT COMMITTEE ON INTELLIGENCE

[Established by S. Res. 400, 94th Cong., 2d Sess.]

RICHARD BURR, North Carolina, *Chairman*
MARK R. WARNER, Virginia, *Vice Chairman*

JAMES E. RISCH, Idaho
MARCO RUBIO, Florida
SUSAN COLLINS, Maine
ROY BLUNT, Missouri
JAMES LANKFORD, Oklahoma
TOM COTTON, Arkansas
JOHN CORNYN, Texas

DIANNE FEINSTEIN, California
RON WYDEN, Oregon
MARTIN HEINRICH, New Mexico
ANGUS KING, Maine
JOE MANCHIN, West Virginia
KAMALA HARRIS, California

MITCH McCONNELL, Kentucky, *Ex Officio*
CHUCK SCHUMER, New York, *Ex Officio*
JOHN McCain, Arizona, *Ex Officio*
JACK REED, Rhode Island, *Ex Officio*

CHRIS JOYNER, *Staff Director*
MICHAEL CASEY, *Minority Staff Director*
KELSEY BAILEY, *Chief Clerk*

CONTENTS

FEBRUARY 28, 2017

OPENING STATEMENTS

Burr, Hon. Richard, Chairman, a U.S. Senator from North Carolina	1
Warner, Hon. Mark R., Vice Chairman, a U.S. Senator from Virginia	2

WITNESSES

Chambliss, Hon. Saxby, former U.S. Senator from Georgia	4
Coats, Hon. Dan, Nominated to be Director of National Intelligence	6
Prepared statement	12

SUPPLEMENTAL MATERIAL

Letter dated February 28, 2017, from the Electronic Privacy Information Center	44
Prehearing Questions and Responses	50

**OPEN HEARING TO CONSIDER THE
NOMINATION OF HON. DAN COATS TO BE
DIRECTOR OF NATIONAL INTELLIGENCE**

TUESDAY, FEBRUARY 28, 2017

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

The Committee met, pursuant to notice, at 2:07 p.m. in Room SD-106, Dirksen Senate Office Building, Hon. Richard Burr (Chairman of the Committee) presiding.

Committee Members Present: Senators Burr, Warner, Risch, Rubio, Collins, Blunt, Lankford, Cotton, Cornyn, McCain, Wyden, Heinrich, King, Manchin, and Harris.

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

Chairman BURR. I call this hearing to order. I'd like to welcome our witness today, Senator Dan Coats, President Trump's nominee to be the next Director of National Intelligence. Dan, congratulations on your nomination and welcome back. I'm sure you didn't expect to be walking in these halls so soon after your retirement.

I'd also like to welcome back your wife and my good friend Marsha, and I want to thank her for her support for you and her willingness to share you with the rest of the country. I've known both of you for many years and I've seen firsthand the strength of the relationship that you so thoughtfully describe in your statement for the record.

Our goal in conducting this hearing is to enable the committee to consider Senator Coats' qualifications and to allow for thoughtful deliberation by our members. He's already provided substantive written responses to more than 148 questions presented by the committee and its members. Today, of course, members will be able to ask additional questions and hear from Senator Coats in both open and closed session.

Dan Coats comes to us with more than 34 years of honorable service in the House, the Senate, and as the U.S. Ambassador to Germany. Those of us who have had the good fortune to work with Dan know the depth of his commitment to the intelligence community and, more importantly, to its workforce.

Senator Coats, you've been asked to lead the intelligence community in a time of profound threat and challenge. We're facing threats from State and non-State actors alike and are engaged in

a robust debate at home on the scope and the scale of intelligence collection and what authorities are right, appropriate, and lawful.

I expect you will be a forceful advocate for the intelligence community in those discussions, while maintaining an unwavering respect for the rule of law. I have complete trust that you will lead the community with integrity and will ensure that the intelligence enterprise operates lawfully, ethically, and morally.

As the DNI, one of your most important tools will be the legal authorities provided under the Foreign Intelligence Surveillance Act, scheduled to sunset later this year. They enable the intelligence community to protect our troops, anticipate terrorist threats, and to mitigate cyber attacks, all while safeguarding the privacy and the civil liberties of the American people.

Simply put, it's essential that Congress authorize these authorities to help keep the country safe while protecting our constitutional rights. I look forward to working with you and all of my colleagues to reauthorize FISA as soon as possible.

Dan, I've known you for many years and believe your years of service to our Nation and unique experience make you a natural fit to lead our intelligence community. As mentioned to Director Pompeo during his nomination, I can assure you that this committee will continue to faithfully follow its charter, conduct vigorous and real-time oversight over the intelligence community, its operations, and its activities. We'll ask difficult and probing questions of you and your staff and we will expect honest, complete, and timely responses.

I look forward to supporting your nomination and ensuring its consideration without delay. I want to thank you again for being here and for your years of service to the country. I look forward to your testimony, and I will now recognize the Vice Chairman for any comments he might make.

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

Vice Chairman WARNER. Thank you, Mr. Chairman, and I also want to welcome you, Dan, and congratulations on your nomination to serve as the fifth Director of the National Intelligence. We have known each other for many years and I believe the President has made an excellent choice in asking you to serve as DNI.

Let me also echo the Chairman's comments in acknowledging your wife Marsha. I remember our wonderful trips we've had together. I would point out that the only thing that I might potentially hold against you is that your so-called sherpa that you brought along, Senator Chambliss, raises some questions of judgment in my mind, but I won't hold them against you throughout the whole hearing today.

Senator Coats is well-known to the Senate Intelligence Committee. He served as a senior member of this committee for many years and has been an advocate for assertive oversight of the intelligence community throughout his tenure. Dan firmly believes in the value of intelligence and the importance of its timely, relevant, and absolutely free of political influence.

As the Nation's chief intelligence officer, your job will be to find and follow the truth regardless of where it leads. It all comes down

to the obligation that we've all talked about on this committee when we served together: tell truth to power, to the President, to the policy and military leaders, to the Executive Branch, to members of Congress. Maintaining your integrity and independence even in the face of political pressure is an absolute requirement of this position.

Dan, the job for which you've been nominated has many rewards and possibly even more challenges. You will be expected to lead an enterprise, as we've talked about privately, of 17 diverse intelligence agencies. In some areas you will have clear authority to direct actions. But, as we know, in most areas the ODNI has to also convince rather than simply having direct authority.

You'll be expected to serve as the President's top intelligence officer, to coordinate and integrate intelligence community activities, to lead the work to enhance the effectiveness and efficiency of the intelligence enterprise and ensure the integrity of that analytic product.

While these are just a few of the many issues you will face, I know you're up to the challenge. But I need to make clear, even in my opening statement, that one of the first challenges I will ask you to take on, head on, is to support our efforts to understand Russia's interference in the 2016 Presidential election. As you know, this committee is conducting an investigation into that interference. We're also looking into whether any individuals associated with U.S. political campaigns inappropriately engaged with officials of the Russian government. And we will seek to determine what the intentions of those interactions were.

We take this matter very, very seriously. The Chairman and I, as well as members of the committee on both sides of the aisle, have made commitments that the outcome of this investigation will not be prejudged and that the committee will follow wherever the information leads. We need to get it right. It's my intention that this investigation will remain bipartisan and seek to be as transparent as possible and remain free of any political consideration or interference, including, including interference from the White House. I will not accept any process that is undermined by such political interference.

This inquiry will be thorough and it will be exhaustive, because at end of the day what we owe most is answers to the American public. You know how important this type of inquiry is. It's not about being a Democrat or Republican. Nor is it about relitigating the 2016 election. This is truly about upholding the core values and sanctity of the democracy that all Americans hold dear. Our plan is to review both the raw and finished intelligence and understand how the intelligence community made its conclusions on Russian interference.

And I will ask you today again to commit to all members of this committee that you will fully cooperate with this review and that you will direct all the intelligence community agencies to provide all the information that we require, including the raw information, to make sure we get it right.

On other topics, you and I had a very good conversation in my office a few weeks ago, where again we talked about the fact that we didn't think you'd be back in so quickly. I very much appre-

ciated that conversation. And you assured me there that you will not support the return of waterboarding or other so-called “enhanced interrogation practices,” nor will you support reestablishing secret detention sites operated by the IC.

You also assured me that you will always present to the President, his Cabinet and advisers and Congress the unvarnished facts as represented by the best judgment of the intelligence community, whether that analysis is in agreement or disagreement with the views of the President or, for that matter, anyone else. Again, I will ask you today to reaffirm those commitments that you made to me and make them publicly to the American public.

Finally, if confirmed—and I look forward to supporting you—you will have the unique challenge of working for a President who has said comments that I believe at times have denigrated some of the work of the intelligence community. So you will have a very incredibly important role to make sure that the brave men and women who serve us, often in anonymity, that you will have their back, and that you will make sure that the morale of these brave men and women is increased and is respected.

Senator Coats, again I want to thank you for being with us today. I want to thank you for your willingness to serve. And I look forward to working with the Chairman as we go through this hearing. Thank you, very much.

Chairman BURR. Thank you, Vice Chairman.

I'd like to now recognize our former colleague, former Vice Chairman of the Select Committee on Intelligence, and my good friend, Saxby Chambliss, who will be introducing Senator Coats.

Saxby.

**STATEMENT OF HON. SAXBY CHAMBLISS, FORMER U.S.
SENATOR FROM GEORGIA**

Senator CHAMBLISS. Thank you very much, Mr. Chairman, Mr. Vice Chairman, members of the Committee.

Chairman BURR. Cut on that microphone, would you? I know it's been a long time since you've been here.

Senator CHAMBLISS. You know, when I was in the Senate somebody did all this for me. I've had to adjust to a lot of things like that.

[Laughter.]

It's really good to be back in front of so many friends on this committee and, as much as I miss each of you individually, I have to tell you I am frankly happy to be on this side of the dais today.

I'm here today to introduce to you a friend of all of us, Senator Dan Coats, who has been nominated by President Trump to be the fifth Director of National Intelligence.

S. 2645 was introduced by Senators Feinstein, Rockefeller, and Bob Graham on the 19th of June, 2002. Then, after two and a half years of discussion and debate, the Intel Reform and Terrorism Prevention Act of 2004 was passed overwhelmingly by both the House and the Senate and signed into law by President Bush. That Act created the Office of the Director of National Intelligence and placed all of the—it placed the DNI at the head of the 16 member intelligence agencies.

The DNI was charged with directing and overseeing the national intelligence program and to serve as an adviser to the President and the executive offices of the National Security Council and the Homeland Security Council about intelligence matters related to the national security of the United States.

Today I understand that ODNI has somewhere around 2,000 employees who support the DNI's oversight responsibility for the entire National Intelligence Program of some \$53 billion. Some have recently questioned the structure and effectiveness of ODNI, and perhaps after 12 years of the creation of a new agency, particularly one as sensitive as this, perhaps a review is in order.

But there is one thing that cannot be overlooked, and that is that during these 12 years, with strong leadership from the DNI, from a commitment to security by dedicated employees at ODNI, and by very good oversight of this committee and the HPSCI, ODNI has led an IC that has produced intelligence to its customers that has prevented another large-scale attack against America on U.S. soil.

We all know that the world is a more dangerous place than ever today. Bad guys are greater in number and more sophisticated in their operations than ever before. Thus, the strong leadership from the DNI is more important today than ever. No one is better suited to give that leadership than is our friend and former colleague, Dan Coats.

As Ambassador to Germany, he was a customer of the IC. As a long-time member of this committee, Dan participated in conducting extensive oversight of the IC. Now he will be providing the intelligence that is to be subjected to that oversight. His experience prepares him well for both these new roles.

I have traveled the world with Dan Coats many times, visiting our counterparts, our allies, as well as world leaders, and, while Dan is for the most part, as we all know, very friendly and easy-going, I have had the opportunity to observe Dan being very firm and direct in addressing sensitive and difficult issues with all of those individuals that we have visited and doing so in a very professional manner.

Dan has been in public service since 1976 when he was district director for then-Congressman Dan Quayle. He then served in the House of Representatives, the United States Senate, Ambassador to Germany, and then again in the U.S. Senate. Now, after that remarkable 40-year career, Dan is willing to continue to serve his country as the DNI.

Lastly, let me say that a lot of Dan's strength comes from the constant support he has received from his lovely wife, Marsha, to whom he's been married for now over 50 years. I will leave it to Dan to introduce her, but suffice it to say she's been a great teammate. Using a little sports nomenclature there, since I still have my Top Secret clearance I get some pretty good intelligence from time to time, and one piece of intelligence I picked up on about Dan is that he's a huge Chicago Cubs fan. Needless to say, he felt pretty good last fall.

But one other thing I found out about him is that the day after he and Marsha were married he took her to a Cubs game. And his marriage still survived that.

[Laughter.]

It is my pleasure to introduce to you Senator Dan Coats, and I urge all of you to vote to send Dan's nomination to the floor of the Senate quickly and to very quickly confirm him as the new Director of National Intelligence.

Thank you, Mr. Chairman.

Chairman BURR. Saxby, thank you.

Dan, if you would stand, please. 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.

Senator COATS. I do, so help me.

Chairman BURR. Please be seated.

**STATEMENT OF HON. DAN COATS, FORMER U.S. SENATOR
FROM INDIANA, NOMINATED TO BE DIRECTOR OF NA-
TIONAL INTELLIGENCE**

Chairman BURR. Dan, before we move to your statement, I'd like to ask you to answer five questions that are standard for the committee. We pose them to each nominee who appears before us. They just require simple yes or a no answer for the record. Do you agree to appear before the committee here and in other venues when invited?

Senator COATS. Yes.

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

Senator COATS. Yes.

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

Senator COATS. Yes.

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

Senator COATS. Yes.

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

Senator COATS. Yes, where appropriate. Yes, where appropriate.

Chairman BURR. I want to thank you very much. We'll now proceed to your opening statement. You're recognized.

Senator COATS. Thank you.

I have remarks thanking Saxby. He needs to leave and I want to jump ahead just a little bit of what I am going to say in my written remarks to you, just to thank him, a great friend, someone I had the pleasure of serving under on this committee. He has left his mark in many, many ways, including friendship among his wife and Saxby between Marsha and me. I just want to thank him for being willing to come here today and to make these remarks on my behalf.

Chairman Burr, Vice Chairman Warner, members of the committee: I'm honored to appear before you as nominee for the position of Director of National Intelligence. It was a great privilege of mine to have served on the Senate Select Committee, this com-

mittee, on Intelligence, and to see up close the great work done by all the members of the staff and their supporters.

I'll admit, however, that the view is a little bit different down here from up there. In fact, I recall many days sitting up there, looking to who was ever down here, and saying, I'm glad that's not me. Well, here I am.

I'd like to begin by thanking President Trump for nominating me for the position of Director of National Intelligence. I'm humbled by his confidence in me and will work tirelessly to lead the world's, what I believe and I think most believe, the finest intelligence enterprise in the world.

I would like to also thank Vice President Pence, my Indiana colleague and someone that I'm honored to call my friend, for his support. I deeply appreciate his faith in me.

I would also like to acknowledge the work of the previous DNI, Jim Clapper, and his Principal Deputy, Stephanie O'Sullivan. Their oversight of the intelligence community of the past years has been commendable and their guidance in helping me prepare for this position has been most helpful. They left in place an experienced and a great team which have been instrumental in providing a smooth transition for the ODNI and for the IC.

Also, I want to recognize my fellow Hoosiers, who elected me several times to the House of Representatives and to the United States Senate over the past years. I've always done my best to represent them and I'm honored by the confidence that they have put in me time and time again. While I will always be a Hoosier at heart, if confirmed as the next Director of National Intelligence I will represent the dedicated men and women of the Office of Director of National Intelligence and the broader intelligence community to the best of my ability.

Finally, saving the best for last, I would like to thank my wife Marsha, my children Laura, Lisa, and Andrew, who is here today. Together my three children have produced, according to Marsha's and my observation, ten almost perfect grandchildren. My career in public service is a direct reflection of my family's enduring support and love and without their encouragement I would not be sitting here today.

It's been a long road of public service that's brought me here before you. After 34 years of service in the House, the Senate and as U.S. Ambassador to Germany, I was ready to make a transition and planned to move on to a new chapter of my life-long journey, back home again to Indiana.

But, as I have learned over those 34 years, life doesn't always work out the way you think it's going to work out. When called upon to consider this position, I first consulted my most important adviser, my wife Marsha, as I examined the responsibilities of such a significant office. As a former teacher and family therapist, Marcia understands me probably better than anybody and the importance of public service. She is the rock that provides stability and wise counsel, shoulder to shoulder with me in every aspect of my life.

And while I'm no longer retiring from public service, what I am retiring as I sit here today is my policy hat, a hat I wore proudly for years as I represented the views of my constituents, offered pol-

icy proposals, made judgments and cast votes in the committee and on the floor. That will be replaced. It's retired.

But if confirmed I put on a new hat, the DNI hat. And just as this government transitions to a new leadership, I too hope to transition to the role of principal intelligence adviser to the President and all the duties that come with that. In this new role it will be my responsibility to present the President, senior policymakers throughout the Administration, and you the Congress with the best and most objective, nonpolitical and timely intelligence as you consider policies in the future for our great Nation.

The President and I have personally discussed my potential role as his principal intelligence adviser and we both recognize that this position is frequently the bearer of unpleasant news. But if confirmed, my responsibility would be to provide him with the most accurate and objective and apolitical intelligence possible.

In my various conversations with many of you prior to this hearing I was asked about how I see the larger role of the DNI. Those who know me—and Saxby referenced this, that I'm an avid sports fan and never more avid than this past year as I celebrated the seemingly impossible accomplishment of the Chicago Cubs after 108 years of effort, winning the World Series.

So allow me to compare how I see my role as DNI using, well, not a baseball analogy, but a football analogy. On a football team the players are guided by a variety of coaches. You see them standing along the sidelines and wonder how many there are. At one time I counted and I thought there were 17 and I thought that meant something here relative to the number of agencies we look after.

There's a coach for offense, a coach for defense, special teams, one for the offensive line, one for the defensive line, one for the quarterback and on and on it goes. But every team has a head coach, that leader who walks the sidelines and, while not dictating to each coach, assistant coach, how to do their specific job, pulls each of these specialists together to form a seamless and focused team.

I see the role of Director of National Intelligence as analogous to the head coach role for the intelligence community, integrating the IC and leveraging all the expertise in our community. We have immense talent resident in many of the agencies across the IC. Yet each one contributes unique capabilities or expertise that is necessary for a team to be as a whole successful: the unique access of our human intelligence sources and the detailed analysis from the Central Intelligence Agency; the important input from the Defense Intelligence Agency; the signals intelligence expertise of the National Security Agency, which I believe is second to none; the geospatial mastery demonstrated by the National Geospatial-Intelligence Agency; the acquisition proficiency of our satellite specialists at the National Reconnaissance Office; the force multiplier the intelligence elements of the armed services bring to this team effort; the domestic counterterrorism and counter-intelligence work done by the Federal Bureau of Investigation; and the specialized skills of the IC elements resident within the Departments of State, Treasury, Justice, Homeland Security, and Energy.

Like a head coach, I see it as my job to pull all of these team members together under the same game, to produce the best coordinated and the best integrated intelligence we can find, to make the whole greater than the sum of the parts. And given the complicated threat environment that we face today in this country and around the world, now more than ever the IC must work as a team.

The threats that we face today are more challenging, dynamic, and geographically diffuse than ever before. Allow me to address in no particular order what I see as some of the most challenging issues we currently face. And I could spend a lot of time on this, so I will abbreviate and talk about just a few.

Clearly the rising cyber threat must be highlighted. Cyberspace is both a resource and a liability, an increasingly connected world that creates opportunities, but also many vulnerabilities.

Not unrelated, I would also highlight the threat of radical Islamic terrorism, which continues to be a significant threat to the United States and its allies abroad. They're spreading their message of fear and hate through cyberspace and mobilizing to venues beyond their self-described caliphate.

China's continued regional activism, including its disputed territorial claims in the East and South China Seas is troubling and will be a long-term challenge for the United States.

Russia's assertiveness in global affairs is something I look upon with grave concern, which we need to address with eyes wide open and a healthy degree of skepticism. And North Korea's nuclear ambitions and, quite frankly, provocations are something the intelligence community needs to be laser-focused on.

The list continues with a diverse set of challenges, including those in Iran, Syria, Afghanistan, and other hot spots around the world. In order to address these threats, I will bring my years of experience on how to execute on a plan and bring together teams of people toward a common goal.

As the Ambassador to Germany from 2001 to 2005, I oversaw the activity of more than a dozen Federal agencies at the American Embassy. I trust that my experiences coordinating and integrating that many different departments and agencies, overseeing their activities, leveraging their strengths and bringing them together under a single strategy will serve me well as DNI.

As a member of Congress in both the House and Senate, I have always had a keen interest, as hopefully you know, in ensuring that we are responsible stewards of taxpayer dollars. In evaluating Federal programs, I always made it a point to ask questions about what works, what doesn't and why. I also believed it was important to assess how we establish priorities. We must ask ourselves, in a time of tightened budgets, what programs are truly essential and which may no longer be necessary or only partly necessary or of lower priority?

How does each program support our overall goal or strategy and is it duplicative of another effort? I will be looking to ask the IC these and many more questions if confirmed as DNI.

In the vein of efficiency, there has been much discussion about the role of the DNI and the Office of the DNI. Let me share with you what I have learned in preparation for this opportunity. Over

the last 12 years since its inception, the ODNI has been tasked with a variety of responsibilities, in statute, many in statute, in Executive Orders, and in Presidential memoranda, along with recommendations coming from the 9/11 Commission and the Silberman-Robb Commission on WMD.

The people supporting these directives are hard-working folks from all across the IC. Of note, a significant portion of the ODNI's workforce is on rotation from other IC agencies. As you know also, NCTC, an organization of 750 people, created by the law enacted in 2005, is counted in that number that we have, which is less than 2,000 and, by the way, less than a third of the number of band members for the armed services. So that may put it in some perspective.

ODNI was established to counter the pre-9/11 stove-piping by individual intelligence agencies and ensure collaboration and integration across the intelligence elements. The people who are supporting these directives are hard-working folks from all across the IC.

ODNI brings together talent from across the community to integrate intelligence and does its best to connect the dots—not just specific dots from the specific agencies and specialties. In keeping with my earlier football analogy, you can't play a complete game with just a star quarterback and a wide receiver. Maybe if you're the New England Patriots you can pull that off once in a while, but I don't think that happens very often. But even the Pats need a strong offensive line, a stout defense, agile special teams and a talented place kicker, along with many other players, to be the best in the business.

Not every player in a football team is going to be the MVP, but they are a team nonetheless and everyone on the field plays a critical role. And when we the IC succeed, we succeed as a team. If we come up short, we fail as a team and we use that experience to address it so that doesn't happen again.

As I looked at the many requirements of the office reflected in various laws, orders and recommendations, I have been impressed by the office's responsiveness to these many tasks within the reasonable resources that they have. Recent commentary on the size of the ODNI doesn't mesh with what I've seen firsthand and I believe it does a disservice to this committee and your efforts to keep the size of ODNI in check, which is your obligation and my obligation.

That said, as I discussed earlier, I believe every government agency must constantly review its operations, and I'll be taking a look at not only the ODNI, but the entire IC, and try to learn how we can do things more efficiently and effectively. We don't have a choice.

Much has been made publicly about the role of our intelligence enterprise and how it will fare in the future, and I'm encouraged by what I see. With the leadership team in place at the IC agencies, I know that this community will continue as the world-class intelligence enterprise it is today.

Before going to questions, let me just share with you the early goals that, if confirmed, I will share with the IC. I intend to push the IC to be the best it can and not accept the status quo when

it comes to challenges facing our Nation. I intend to ask the IC to be innovative in its approach to hard problems and the solutions to solve them.

I intend to be a champion for the hard-working men and women of the IC, be there for them the way they are here for all of us. Every day the men and women of the IC are working tirelessly on the front lines, often in the shadows, oftentimes in very dangerous situations, with a common goal of keeping America safe and secure.

I also intend to work with all of you, as a former member of the committee, to assure you that the IC has the support it needs to tackle whatever the opposing teams bring our way and to ensure that the Congress and this committee have access to the information you need to conduct your oversight responsibilities.

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

[The prepared statement of Senator Coats follows:]

**The Honorable Daniel R. Coats
Nominee for the Position of
Director of National Intelligence**

**Statement for the Record
February 28, 2017**

Chairman Burr, Vice Chairman Warner, Members of the Committee – I am honored to appear before you as the nominee for the position of Director of National Intelligence. It was a great privilege of mine to have served on the Senate Select Committee on Intelligence, and to see up close the great work done by all of the Members and staff.

I'll admit, however, the view is a little bit different down here than it was up there.

I'd like to begin by thanking President Trump for nominating me for the position of Director of National Intelligence – I am humbled by his confidence in me, and will work tirelessly to lead the world's finest intelligence enterprise.

I would also like to thank Vice President Pence, my Indiana colleague and someone I'm honored to call my friend, for his support. I'm proud to have worked with him for so long, and deeply appreciate his faith in me.

Senator Chambliss, thank you for being here to introduce me today. We served together in the Senate, and I particularly enjoyed working alongside you in your leadership role of this Committee. I'm honored by your kind introduction and presence here today, and for the friendship you and your wife, Julianne, have provided to my wife, Marsha, and me over the years – Saxby, thank you.

I'd also like to acknowledge the work of the previous DNI, Jim Clapper, and his Principal Deputy, Stephanie O'Sullivan. Their stewardship of the Intelligence Community over the past years has been commendable, and their guidance in helping me prepare for this position has been invaluable. They left in place an experienced and great team who have been instrumental in providing a smooth transition for the ODNI and the IC.

Also, I want to recognize my fellow Hoosiers who elected me to the House and Senate over the past years. I have always done my best to represent them, and am honored by the confidence they put in me time and again.

While I'll always be a Hoosier at heart, if confirmed as the next Director of National Intelligence, I will represent the dedicated men and women of the ODNI and the broader IC to the best of my ability.

Finally, and saving the best for last, I would like to thank my wife Marsha and children Laura, Lisa, and Andrew. Together my three children have produced 10 perfect grandchildren. My career in public service is a direct reflection of their enduring support and love. Without their encouragement, I wouldn't be sitting before you today.

It has been a long road of public service that has brought me here before you. After 34 years of service in the House, Senate, and as US Ambassador to Germany, I was ready to make a transition and planned to move on to a new chapter of my lifelong journey back home again in Indiana.

But as I have learned over those 34 years, life doesn't always work out that way. When called upon to consider this position, I first consulted my most important advisor – my wife, Marsha – as I examined the responsibilities of such a significant Office. As a former teacher and family therapist, Marsha understands me and the importance of public service. She is the rock that provides stability and wise counsel, shoulder to shoulder with me in every aspect of my life.

While I am no longer retiring from public service, what I AM retiring is my policy hat – a hat I wore proudly for years as I represented the views of my constituents, offered policy proposals, and cast votes in Committee and on the floor.

Just as this government transitions to new leadership, I too hope to transition to the role of principal intelligence advisor to the President.

In this new role, it will be my responsibility to present the President, senior policymakers throughout the Administration, and you the Congress, with the best and most objective, non-political, and timely intelligence as you consider policies and the future of our great Nation.

The President and I have discussed my potential role as his principal intelligence advisor, and we both recognize that this position is frequently the bearer of unpleasant news. But if confirmed, my responsibility would be to provide him with the most accurate and objective intelligence possible.

In my various conversations with many of you prior to this hearing, I was asked about how I see my role as the DNI. Those that know me know that I'm an avid sports fan—never more avid than this past year as I celebrated the seemingly impossible accomplishment of the Chicago Cubs winning the World Series.

So allow me to compare how I see my role as the DNI using, well not a baseball but rather a football analogy.

On a football team, the players are guided by a variety of coaches. There's a coach for the offense, one for the defense, one for special teams, one each for offensive and defensive linemen, one for quarterbacks, and several others.

But every team has a head coach – that leader who walks the sidelines and, while not dictating to each coach how to do their specific job, pulls each of those specialists together to form a seamless and focused team.

I see the role of the Director of National Intelligence as analogous to this head coach role for the Intelligence Community – integrating the IC and leveraging all of the expertise in our Community.

We have immense talent resident in the many agencies across the IC, and each one contributes unique capabilities or expertise that is necessary for the team as a whole to be successful.

- The unique access of our human intelligence sources and the detailed analysis from the Central Intelligence Agency and the Defense Intelligence Agency;
- The signals intelligence expertise of the National Security Agency is second to none;
- The geospatial mastery demonstrated by the National Geospatial Intelligence Agency;
- The acquisition proficiency of our satellite specialists at the National Reconnaissance Office;
- The force multiplier the intelligence elements of the Armed Services bring to this team effort;
- The domestic counterterrorism and counterintelligence work done by the Federal Bureau of Investigation;
- And the specialized skills of the IC elements resident within the Departments of State, Treasury, Justice, Homeland Security, and Energy.

Like a head coach, I see it as my job to pull all of these team members together under the same game plan to produce the best coordinated and integrated intelligence. To make the whole greater than the sum of the parts.

Given the complicated threat environment that we face today in this country and around the world, now more than ever, the IC must work as a team. Seamless.

The threats that we face today are more challenging, dynamic, and geographically diffuse than ever before. Allow me to address, in no particular order, what I see as some of the most challenging issues we currently face:

- Clearly the rising cyber threat must be highlighted. Cyberspace is both a resource and a liability; an increasingly connected world creates tremendous opportunities, but also many vulnerabilities.
- Not unrelated, I would also highlight the threat of radical Islamic terrorism, which continues to be a significant threat to the United States and its allies abroad. They're spreading their message of fear and hate through cyber space, and mobilizing to venues beyond their self-described caliphate.

- China's continued regional activism, including its disputed territorial claims in the East and South China Seas, is troubling, and will be a long-term challenge.
- Russia's assertiveness in global affairs is something I look upon with great concern, which we need to address with eyes wide open and a healthy degree of skepticism.
- And North Korea's nuclear ambitions and, quite frankly, provocations, are something the intelligence community needs to be laser-focused on.

The list continues with a diverse set of challenges—including those in Iran, Syria, Afghanistan, and other hot spots around the world.

In order to address these threats, I will bring my many years of experience in how to execute on a plan, and bring together teams of people toward a common goal.

As Ambassador to Germany from 2001 to 2005, I oversaw the activity of nearly two dozen agencies at the American embassy.

I trust that my experiences coordinating and integrating that many different departments and agencies, overseeing their activities, leveraging their strengths, and bringing them together under a single strategy will serve me well as DNI.

As a Member of Congress in both the House and Senate, I have always had a keen interest in ensuring we are responsible stewards of taxpayer dollars.

In evaluating federal programs, I always made a point to ask questions about what works, what doesn't work, and why. I also believed it was important to assess how we establish priorities.

We must ask ourselves: in a time of tightened budgets, what programs are truly essential, and which may no longer be necessary, or of lower priority? How does each program support our overall goal or strategy? And is it duplicative of another effort?

I will be looking to ask the IC these and many more questions if confirmed as the DNI.

And in the vein of efficiency, there has been much discussion about the role of the DNI, and the Office of the DNI. Let me share with you what I have learned in preparation for this opportunity.

Over the past 12 years since its inception, the ODNI has been tasked with a variety of responsibilities – in statute, in Executive Orders, and in Presidential Memoranda, along with recommendations coming from the 9/11 Commission and Silberman/Robb Commission on Weapons of Mass Destruction.

The people supporting these directives are hardworking folks from all across the IC. Of note, a significant portion of the ODNI's workforce is on rotation from other IC agencies.

ODNI was established to counter the pre-9/11 stove-piping by individual intelligence agencies, and ensure collaboration and integration across the intelligence elements.

ODNI brings together talent from across the Community to integrate intelligence and does its best to connect all dots – not just specific dots from specific agencies and specialties.

In keeping with my earlier football analogy, you can't play a complete game with just a star quarterback and wide receiver—well maybe the New England Patriots can. But even the Pats need a strong offensive line, a stout defense, agile special teams, and a talented place kicker – along with many other players.

Not every player on a football team is going to be the MVP, but they are a team nonetheless, and everyone on the field plays a critical role. And when we win, we win as a team.

I've also been asked about the size of the Office of the DNI, and whether it's too large.

As I looked at the many requirements of the Office reflected in various laws, orders, and recommendations, I've been impressed by the Office's responsiveness to these many tasks within reasonable resources.

Recent commentary on the size of the ODNI doesn't mesh well with what I've seen first-hand, and I believe it does a disservice to this committee and your efforts to keep the size of the ODNI in check.

That said, and as I discussed earlier, I believe every government agency must constantly review its operations, and I'll be taking a look at not only the Office of the DNI, but the entire IC, and at how we can do things most efficiently and effectively.

Much has been made publicly about the role of our Intelligence enterprise, and how it will fare in the future. And I am encouraged by what I see. With the leadership team in place at the IC agencies, I know that this Community will continue as the world class intelligence enterprise that it is today.

Before going to questions, I'd like to share with you the early goals that, if confirmed, I will share with the IC.

I intend to push the IC to be the best it can be, and not accept the status quo when it comes to the challenges facing our nation.

I intend to ask the IC to be innovative in its approach to hard problems and the solutions to solve them.

I intend to be a champion for the hardworking men and women of the IC – to be there for them the way they are here for all of us. Every day, the men and women of the IC are working tirelessly on the front lines – often times in shadows, often times in very dangerous situations – with the common goal of keeping America safe and secure.

I also intend to work with all of you to ensure that the IC has the support it needs to tackle whatever the opposing teams bring our way, and to ensure that the Congress and this Committee have access to the information they need to conduct their oversight responsibilities.

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

#

Chairman BURR. Dan, thank you very much.

Let me say for members, I'll recognize members in order of seniority for a five-minute round. For those that need it, we will have a follow-up round. Just for members' timing, we'll go from the open hearing immediately when complete to a closed hearing for whatever period that might take, and that will be in our normal hearing room.

With that, let me recognize myself for five minutes. Dan, you and Marsha had a good gig, you know, retirement. She was excited. You were actually really excited—34 years. Now you've got—now you've agreed to do a job that many have called thankless. Why?

Senator COATS. I've been asked that question many times at each step of the journey, and the response has always come down to a sense of duty. When asked to serve your country, whether it was in uniform, which I did for two years, or whether it was in the Congress or as Ambassador and the run for the Senate again after quite a hiatus, and then to say yes to this job, I was reminded of the phrase that runs through my mind: I dreamt, I believed that life was a beauty, and I think that's what I was looking forward to. I awoke and found that life is a duty.

So I believe, if asked by your leader of your country to serve your country again, the answer needed to be yes.

Chairman BURR. I know you understand well from your experience on the committee how valuable raw intelligence can be to the oversight process. If asked by committee, will you provide the raw intelligence and sourcing behind intelligence community finished product and assessments?

Senator COATS. I absolutely believe that is my responsibility and the responsibility of the IC, to provide what this committee needs to do its oversight properly.

Chairman BURR. I noticed in your statement that you highlighted, and I quote, "acquisition proficiency of our satellite specialists," unquote, at the National Reconnaissance Office. I'm sure you probably agree, however, that the requirements development process for our satellites is in need of significant reform. Will you work with the committee to streamline that process to ensure that we can more quickly get to the design, build and launch phase?

Senator COATS. Absolutely. Agility is critical in this time of rapid technological change. We see, I believe now, 11 nations who have the capacity to launch instruments into space. I was shocked the other day to read that the nation of India on one rocket launch deposited more than 100 satellites in space. They may be small in size with different functions and so forth, but one rocket can send up I think it was 111 platforms.

We cannot afford to be behind the curve in terms of development of both the offensive and defensive capacities that we put up into space. And so, streamlining that acquisition process is not something that, yeah, should be done; it's of utmost urgency that it has to be done.

Chairman BURR. There's been much discussion about the role that the Central Intelligence Agency played in the detention and interrogation of terrorist suspects as part of the RDI program. Those detention facilities operated by the CIA have long been

closed and 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 clear. Do you agree that it would require a change in law for the CIA or any government agency to lawfully employ any interrogation techniques beyond those defined in the Army Field Manual?

Senator COATS. I absolutely support that. That is the law. I might note for the committee, you may—I'll bring it up if you don't. When that vote on the NDAA came up, the McCain Amendment, I was one of a few who did not support that amendment. First of all, I absolutely will follow the law in every aspect regardless of what my personal thoughts might be.

I only had one reservation that I couldn't reconcile in my mind. I didn't think no because I didn't think that's where we needed to go. I voted no because I thought perhaps we ought to at least have a discussion about what do you do in a situation when you have the necessary intelligence to know that something terrible is going to happen to the American people in a very short amount of time and you have the legitimate individual who can tell you where that radiological bomb or biological material is and you don't have time to go through the process that the Army Field Manual requires?

I'm not saying that should—I'm not saying—I'm not trying—as I said, I took off my policy hat. I'm no longer engaged in that process. I follow the law that's there and I ensure that the IC follows the law, and the answer to your question is absolutely.

But I do think it's at least worth discussion relative to the situation that might occur where we might have to, hopefully with some special authority, might have to go outside that. I don't have the prescription for that. I'm not going to advocate for that. I'm simply trying to define what was going through my mind when that amendment came up. I thought we needed a little more discussion on that. That was on the policy side. That hat's gone.

Chairman BURR. You mentioned in your opening statement that you intend to ask the intelligence committee to be innovative in its approach to hard problems. I just want to say this, Dan: As you know, I've been pushing the community to innovate for many years, and I look forward to working with you and supporting this endeavor to change an IC community that looks forward with innovation as an opportunity, as have many on this committee.

Turn to the Vice Chairman.

Vice Chairman WARNER. Thank you, Mr. Chairman.

Let me echo what the Chairman has said about satellites and our whole overhead capacity. I think you were part of many vigorous debates that we had to make changes in that field and make it much more future-oriented and recognize, as you pointed out, both other nations moving in this area and tremendous opportunities within the commercial space. So I appreciate your answer on that.

I do want to, as I mentioned in my opening statement, though, get you back on the record on a couple of items that I think are terribly important. I want to start again with an issue of great importance to me and I believe this committee, and that is our current investigation into the Russian hacking attempts. Do you prom-

ise to fully and completely cooperate with the committee's investigation of the Russian election hacking, including by turning over all requested IC cables, intelligence products, and other materials to the committee as promptly as possible?

Senator COATS. I think it's our responsibility to provide you access to all that you mentioned.

Vice Chairman WARNER. And do you plan to continue any investigations the IC is carrying out or may carry out regarding Russia's active measures, especially as they refer to interference in elections in our country and, for that matter, countries around the world?

Senator COATS. I think this is something that needs to be investigated and addressed. I have not seen the classified information on that. As my colleagues may or may not know, the day you go sine die here and you're leaving the Senate you lose your classification. You have to start over at zero. It took much longer than we had anticipated. So I just received it last Thursday. I was back in Indiana last week helping to try to close things down there to return here. So I have not had the opportunity to be briefed on what the classified version of that investigation has come up with.

So in answer to your question, yes, I think this is an issue. Russia has a long history of propaganda and trying to influence various nations' cultures and elections and so forth. It's happening in Europe now as we speak. But they seem to have stepped up their game and they are using cyber and they are using sophisticated methods now that they didn't have before.

So I think it's a very key issue that we understand fully what has happened and how it's happened and have a full report on that. I certainly will make sure the IC produces the intelligence access that you need to do your job.

Vice Chairman WARNER. I appreciate your answer.

Obviously, one of the core functions of the IC—and as ODNI you'll have to coordinate this, the analogy back to the coach—of making sure that you speak truth to power. You've got a remarkable background, but you will be the first DNI who was not either career military, career intelligence, or a career professional diplomat, and again similar to Mike Pompeo, being more a political or a policy advocate. How will you ensure that the intelligence community will continue to provide unvarnished assessments to the President and his Administration regardless of any politics?

Senator COATS. Well, that's our responsibility and that's my primary responsibility, to make sure that the intelligence community knows exactly what our standards are, what we can do and what we can't do. I want to make it very, very clear to all elements of the intelligence community that our job is to do our job, and our job is not to formulate policy, our job is not to influence intelligence in any way for political reasons; our job is to present the, as you said, truth to those who make policy decisions about where we go. And I will not tolerate—I will not tolerate anything that falls short of that standard.

Vice Chairman WARNER. Thank you.

The Chairman raised the issue around the current law in terms of the U.S. Army Field Manual on Interrogation. I would simply point out that every day in one form or another the military deals with some form or another of the so-called ticking time bomb sce-

nario. And I believe General Mattis has appropriately pointed out that he would not stray from the Army Field Manual because he feels the so-called “enhanced interrogation techniques” just don’t work. I would hope that you would echo again what you said in the last, that you would commit to following the law and not lead some effort to try to change that law.

Senator COATS. I can absolutely say that I have no other obligation except to follow the law on that. I would say, I greatly respect the views of John McCain, who not only understands this but has been subject to it, and General Mattis and his years and years of experience. I respect both of those and I intend to be available to work with them and talk with them. But the goal is clear, the law is clear, and following what that law is is my primary responsibility and I will adhere to that.

Vice Chairman WARNER. Thank you, Mr. Chairman.

Chairman BURR. Senator Risch.

Senator RISCH. Dan, I don’t really have any questions for you. You sat right here for all the time that you did and I know what your decision-making is like, and you and I wrestled with some of these tough decisions we had to make and I know what your analysis is like and I have absolutely confidence. I think it was a great appointment by the President.

Senator COATS. Thank you.

Senator RISCH. Thank you, and especially thank Marsha for agreeing that you could do this job. We really appreciate it, America appreciates it. Thank you for your willingness to do that.

Senator COATS. Just a comment. I’ve been sitting here looking at that empty chair. Who died?

[Laughter.]

Senator RISCH. That’s Senator Rubio’s chair now and——

Senator COATS. Oh, I’m sorry.

Senator RISCH [continuing]. I’m not going to comment.

Senator COATS. I hope he’s not watching on C-Span. He’ll be showing up through the door.

Senator RISCH. I’m not going to comment on the trade that was made here. But again, thanks much.

As you know, they are remodeling your office that’s next to mine on the fourth floor. Man, it’s, it’s a mess. I wish you hadn’t have left, to be honest with you.

Senator COATS. Were you able to seize a new room on the other end there?

Senator RISCH. No, I wasn’t. But that doesn’t mean I didn’t try.

Senator COATS. Well, I could probably try to help you on that.

[Laughter.]

Senator RISCH. Thank you.

Senator COATS. Thank you.

Chairman BURR. Senator Wyden.

Senator WYDEN. Thank you, Mr. Chairman.

It’s good to see my former Finance Committee partner in the cause of bipartisan tax reform. I was a little baffled in all the references to football since Hoosiers are about my game, basketball. But we’ll talk about that another time.

In January of 2017, the intelligence community issued a written assessment that Vladimir Putin and the Russian government de-

veloped a clear preference for President-elect Trump. Given President Putin's—excuse me. Given Putin's preferences, how are you going to actually show our allies, with elections coming up, that the intelligence community will support them against Russian efforts to influence their elections?

Senator COATS. Well, as I said earlier, Russia has a long history of doing this, although they've stepped up their game and they're using more sophisticated tactics. As I also said, I haven't seen the classified version of this, but I think it's publicly known and acknowledged and accepted that Russia definitely did try to influence the campaign. To what extent they were successful, I don't think we know.

But following through on that in terms of informing our allies of what we have experienced and what they're probably going to experience gives them I think the ability to better understand what the Russian efforts are.

I think the transparency of what has happened is necessary for the American people so that when they make their judgments about future, whether future elections or whatever, they understand that there are outside forces trying to influence them one way or another.

I do think this is an issue that ought to be looked at carefully and there needs to be, frankly, a response. Vice President Pence at the Munich Security Conference—I was not there, but I read his remarks—said there needs to be consequences for what the Russians are trying to do.

Senator WYDEN. What I hope we'll see is that, because people are concerned that what happened to us will happen to them, that you will make intelligence-sharing with these countries a priority.

Senator COATS. I think that's already being done, and needs to be done.

Senator WYDEN. I wanted to hear it from you. But we'll move on.

You said that if you're confirmed, the reauthorization of Section 702 of the Foreign Intelligence Surveillance Act would be your top legislative priority. For years, I and members of Congress have been asking for an estimate of how many innocent, law-abiding Americans' communications are getting swept up in this collection. Will you commit to getting this number to this committee and the public before reauthorization?

Senator COATS. Yes, I do. I'm going to do everything I can to work with Admiral Rogers in NSA to get you that number. I've been told it is an extremely complex process for a number of reasons. As I said, without a classification I don't know what all these reasons are. I need to learn what they are, but I also need to share with Admiral Rogers the need, I think, to get this committee not just those numbers, but all the information they need with which to make a judgment as to the reauthorization.

The intelligence community believes that the reauthorization is extremely important; it's a program that has provided a significant amount of intelligence relative to what foreign agents or individuals are trying to do to harm Americans. So it has layers of oversight at all three levels of government. It has been examined by the PCLOB, the Privacy and Civil Liberties Oversight Board, and supported by the FISA Court.

But this is something that you will be going through during this next year and we want to make sure you have all the information you feel you need in order to make whatever adjustments that Congress decides to make.

Senator WYDEN. So you'll commit to making sure we have the number of innocent Americans being swept up before reauthorization. Will you commit to declassifying any secret legal interpretations related to FISA as well?

Senator COATS. Well, that's something that I'll have to continue to work with you on. Obviously, I'm going to commit to do everything I can to try to get you that number. I need to find out why it has taken so long and what are the complications in getting that number. But I think it's important for the committee—

Senator WYDEN. This is declassification as well as the number.

Senator COATS. But on the declassification, as long as it doesn't—I mean, the declassification process is in place so that we can, if there are sensitive sources and methods that can be exposed, that have negative consequences to our intelligence agency, we obviously have to classify those. But those that we can declassify, for the needed purpose, I think we need to do.

Senator WYDEN. Mr. Chairman, if I could just take a few more seconds, as you did.

My point is—and I appreciate what Senator Coats is trying to say here—A, we need that number. We have sought it for years and years. More and more Americans are getting swept up in these searches. We're trying to legitimately go after foreign targets that are a threat to us, but as telecommunications systems become globally integrated we're getting more and more law-abiding Americans swept up.

So we need that. We need declassification. I look forward to working with you.

Thank you, Mr. Chairman.

Chairman BURR. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman.

Welcome back, Senator Coats. We're delighted to see you.

As the author, along with former Senator Joe Lieberman, of the 2004 law that created the Director of National Intelligence, I have a special interest in your nomination. I'm delighted that the President has chosen you for this important position and I believe that he could not have made a better choice.

Senator COATS. Thank you.

Senator COLLINS. I want to talk to you about the importance of the DNI serving, as the law provides, as the principal intelligence adviser to the President. I'm concerned about reports that the President is changing the composition of the so-called Principals Committee on the National Security Council by adding his chief strategist and downgrading, or so it appears, the role of the Director of National Intelligence.

How will you ensure that you can fulfill the statutory mandate to serve as the President's top intelligence adviser at National Security Council meetings if this proposed reorganization goes forward?

Senator COATS. That's a question that I have been addressing directly with the President and his staff. I was informed that the

drafting of that executive order was not intended to not have the Director of National Intelligence as part of the Principals Committee. It was drafted before—by President Bush’s administration, before the DNI was even stood up. And so they took language from that, never intending not to have the DNI be a part of the Principals Committee.

I have been reassured time and time and time again from the President to his advisers that I’m welcome and needed and expected to be a part of the Principals Committee. It’s essential to the process of being in a position to know what is moving on up to the National Security Council relative to the team.

I have great confidence in General McMaster in terms of his putting together a team that he knows will be the most effective NSC team that he can. And I think relative to who is added or not added to that team will be under his jurisdiction and that, as I said, I have very great confidence that he is going to put that team in place that he thinks can best serve the President.

Senator COLLINS. Thank you. That’s very reassuring, since I can’t imagine having the Deputy DNI on the Deputies Committee and then not having the DNI on the Principals Committee, which meets to resolve issues that are of the highest level that the deputies could not resolve. And surely the President should want to have his principal adviser on intelligence matters present at those very important meetings.

Senator COATS. And I was ensured that that was the intent and the other was just a mischaracterization of the Executive Order.

Senator COLLINS. Thank you.

A second issue that I want to raise with you is that President Trump has asked an individual who runs a private equity firm to lead a broad review of the U.S. intelligence agencies. As far as I can tell, this individual does not have national security experience, nor does he appear to have experience in intelligence.

As you’re well aware, the President can already receive independent advice from the President’s Intelligence Advisory Board, which can provide outside advice regarding a full range of intelligence activities. So to have this additional review, particularly from an individual who does not appear to have the requisite background, appears to be a textbook definition of waste and duplication.

In addition, in your statement you talked very eloquently about the responsibility the DNI has to bring the intelligence agencies together to review, to make sure they are working effectively and efficiently. My concern is that an outside review by an individual without experience can result in recommendations that are essentially armchair quarterbacking of the leadership of the intelligence community.

Do you view it as your job to review the operations of the intelligence community?

Senator COATS. I do, and I’ve made that clear to the President and to his advisers, that that is where I stand. Clearly, as I said in my opening statement, every agency needs to consciously review itself, particularly at a time when budget resources are restrained—well, at any time, whether they are or not. We want an efficient and effective government, streamlined to efficiency.

But in terms of looking at that and assigning someone to that position, if it involves the intelligence community, I think that it needs to be under my authority. And I've made that very, very clear. And I believe that's what the case will be.

Now, I know Mr. Feinberg personally. I think he's a patriot. He wants to serve his country and he brings many talents to that. But I do not think that translates into reporting to the White House and not being under the control of the Director—excuse me—the national security office. Sorry, the DNI. I ought to have that down pretty well, don't you think, the DNI?

So I want to just assure you that that's an issue that I have been engaged in and I have full confidence that that's the way it will turn out.

Senator COLLINS. Thank you very much and I wish you all the best.

Senator COATS. Thank you.

Chairman BURR. Senator Heinrich.

Senator HEINRICH. Welcome back, Dan.

Chairman BURR. Thank you.

Senator HEINRICH. I want to go back to a couple of—some of the ground that Senator Collins covered. I think most of us agree with your analogy. We want you to be the head coach. We're a little concerned that sometimes the owner of the team might rather hear from the offensive coordinator right now. So some of these things with regard to the executive order, with regard to Mr. Feinberg of Cerberus, the appointment of the Director of the CIA to the committee, they open a lot of questions for how you're going to maintain the DNI's leadership role and the structure that has served the intelligence community so well, after a period when we really realized stovepipes do not help American national security.

So I want to make sure I understand what you said to Senator Collins. Do I understand that the Executive Order that came out, that seemed to remove the DNI from the Principals Committee, was a recycled Bush administration Executive Order that just didn't reflect current law and historical precedent from 2002?

Senator COATS. That's my understanding. I wasn't there, of course, at the time, in the writing of that. I had no participation in that. That is my understanding. I cannot fully say that that's what exactly happened, but what has been told to me is that the intent was never to not have the DNI as part of the Principals Committee, and they reassured me very quickly that, look—they also were thinking there may be occasion when the committee is meeting dealing with something that doesn't involve intelligence, perhaps a flood or something like that.

Senator HEINRICH. I don't think we need to be worried about that sort of a situation. I think we do want to be reassured—one, I'm reassured with regard to your position. I think that's very important. I am not reassured as to the process that these Executive Orders have been going through, given what I see as a pretty enormous omission.

Let me move on to another issue with regard to encryption, and we've had this conversation a lot when you were here on the committee. It's something you're going to have to deal with, a very evolving situation moving forward. NSA Director Admiral Rogers

called encryption “foundational to the future.” I think Secretary Carter called encryption “absolutely essential” with regard to the Department of Defense, and he said, quote, “I’m not a believer in back doors or a single technical approach to what is a complex and complicated problem. I’m just not. I don’t think that’s realistic. I don’t think that’s technically accurate.” End quote.

Other former IC leaders—Michael Hayden, Mike McConnell, Michael Chertoff, Mike Morrell—a lot of Michaels—have all made public statements of strong support for strong encryption and unequivocal opposition to so-called back doors because of the risks inherent to them.

Do you believe that strong encryption is an essential tool for the American public and private sectors to be able to protect personal, business, financial data from hackers, criminals, and malicious governments?

Senator COATS. Yes, I do, and I think it’s important, obviously, for the government, all government entities. We’re all aware of the attempts to break into systems that deal with our defense, deal with our financial resources, deal with any number of things. So encryption has a very positive effect and is needed.

We also have, though, the responsibility of trying to understand what those who are not using the Internet for the right purposes—we used to be separated by two wide oceans and felt we were pretty safe and we could always be ready for something that was coming our way. Now, in fractions of a second someone can hit a key and cause incredible damage to the United States in many, many ways, all across the spectrum.

So there are those occasions, I think, when we need to at least think about, when we have legal authority to address a situation where we need to get information, cooperation from the public sector would be helpful. I think that conversation has been going on, needs to continue going on.

You know, the CEOs of companies that are making devices and guaranteeing their buyers encryption, they worry about their families, they worry about their communities, they worry about attacks on the United States. So once again, I’m not in a policy position to decide how this happens, but I do think that it needs to be an ongoing discussion among policymakers in terms of what legal authorities. In the end, we follow the law, whatever it is, regardless of our personal opinions.

Senator HEINRICH. Thank you, Chairman.

Chairman BARR. Senator Blunt.

Senator BLUNT. Well, it’s great to have you back and great to have been on this committee with you and know that you have an important and in many ways unique sense of these issues. But also, we’ve watched as a committee and as a Congress the DNI operation grow beyond what at least I initially thought it would be. And I’m wondering, as you’ve had a chance to think about this, why you think that has happened and how much of it is a result of the Congress taxing the DNI with specific assignments rather than letting the DNI decide which agency should have that assignment?

Give me a sense of how you think that’s developed and how your review of the other agencies would also involve the review of what

the Director of National Intelligence and that entire operation under your daily management would look like?

Senator COATS. Well, I've been asking the same question of the IC in regards to this. I have found that statutory requirements, Executive Orders, directives, have added functions to the DNI that are mandated by the Congress or by the Executive Branch.

Also, I think people don't understand that NCTC is a part of the DNI. They have about 750 employees at the NCTC. I don't hear anybody calling for not having an NCTC, but by statute under IRTPA it was made part of the DNI. We have rotations that come. I think about 40 percent of the people there are rotated through.

It's much like what the military has tried to do with their joint exercises and so forth. They want Navy to serve with the Army at a certain point and the Air Force at a certain point so that they are familiar with the whole and can perform better service, they're not stovepiped. And it's somewhat similar to what the whole joint efforts under Goldwater-Nichols was trying to accomplish.

So it's a little more complicated than just more than just the number, oh, there's 1,750 people out there, why do we need that many? It's those two factors that played a major role in that.

Having said that, it doesn't mean that we can't take a hard look at that: How can we streamline? How can we be more effective? But simply taking a number of people here and putting them over there really doesn't change the dynamic if the reason that they're here is for integration processes, coordinating processes, and so forth.

So to finish my remarks, simply, if you're going to integrate information that is coming from 16 other different agencies, you have to have members there from some of those functions that know what's coming from their function so that they can be part of the integration solution.

Senator BLUNT. And do you think the Congress has rightly or wrongly created all those specific assignments for the DNI, as opposed to either letting the DNI determine who had the assignment or making an assignment to one of the specific agencies and knowing that the DNI would be—have oversight?

Senator COATS. That's probably a good question to ask Senator Collins. I know her initial intent, along with Senator Lieberman and others that put this together, had to work through the process of becoming law. I read an interesting book about what that two and half years was like in order to achieve that.

Many times we have a vision here and we have our staff write it up into law and from the starting point to the ending point we don't sometimes recognize it when it comes back with all the decisions that have been made make adjustments so certain entities have this authority and that authority. So there is some fog in the air about the exact authorities of the DNI and the responsibilities that are left to other agencies. Clearly, an overseer, someone who has some defined authorities, but not necessarily the authority to simply go into every agency and deal with their operations.

Senator BLUNT. I would just conclude by saying on this topic, I think nobody is in a better position to work with the relevant committees of Congress to try to go back now and take a look at that law, what it was intended to do, whether it really has achieved

what it was intended to do, and the advice you might have as you have a chance to look at this from both perspectives of what the next DNI might be able to deal with because of reforms and efficiencies that you built in while have you this job. And I look forward to you being part of this committee's activities for the next several years.

Senator COATS. Thank you. Well, it's 12 years on and it's probably time to take a look at it and say, as I said, what works, what doesn't and why, and what changes can we make to make it be better.

Senator BLUNT. Exactly, and I'd like for that to be one of the things that you determine is going to be one of your major goals.

Senator COATS. That is one of my major goals.

Chairman BURR. Senator King.

Senator KING. Thank you.

Senator Coats, I would first take issue with your analogy. I can assure you that the assistant coaches of the New England Patriots would be astonished to think that Bill Belichick is as passive as you would portray him. You've got to be more aggressive. This isn't a passive role, Senator.

Let me move on to my only concern about your nomination. You're one of the most likable, affable, easy-going people I've ever met. I liked traveling with you and working with you on this committee. I'm not sure likability and affability are the qualities I want in this position. I want somebody who is crusty and mean and tough, because you're riding herd on 17 agencies that will always want to be going in different directions and you're going to be reporting to a President who may or may not want to hear what you have to say.

Can you assure me that, not only are you changing hats when you go into this job, but you're going to be hard in terms of your execution of this I think the second most important job in the United States Government right now?

Senator COATS. Well, achieving the level of Bill Belichick may be tough. I haven't seen any other NFL coaches that achieve the level of Bill Belichick.

Senator KING. In attitude and success.

Senator COATS. But I hear exactly what you're saying, and I think the office demands it and I think the times demand it. Clearly, we are in a situation—we're not in a passive situation from a world threats standpoint. It has reached the level that we can't afford not to go at this with everything that we have.

Senator KING. To put a point on this, the three most serious foreign policy mistakes in my lifetime are the Bay of Pigs, Vietnam, and the invasion of Iraq. All of those were based upon configuring intelligence to meet the desires of the policymakers. That's the common thread that runs through.

The pressure on you to try to meet the demands of the policymakers—and it just happened on Saturday when allegedly the Trump Administration, the White House, put pressure on the Department of Homeland Security Intelligence and Analysis to come up with a justification for the travel ban. Rather than asking, what's the story on people from these countries, they gave them the answer and said, give us the evidence.

Have you heard about this incident? It just was reported this past weekend.

Senator COATS. I read that in public media, yes.

Senator KING. Does that concern you?

Senator COATS. As I said in the beginning and as I will say frequently to both the President and to the Executive Branch, you need to fully understand my role. My role is to provide you with the intelligence to formulate policy, not formulate policy, not be a spokesman for any political decisions that are made.

So yes, I have made this clear. I will continue to make this clear. I cannot go outside the bounds of my authorities, and I believe those authorities require me to do nothing less than what I just said.

Senator KING. A quick yes or no question: Do you need this job?

Senator COATS. No, I don't need this job. One of the benefits of being in your generation together, I think, as I look at the panel here—

Senator KING. I don't know what you're talking about.

[Laughter.]

That's the right answer.

Senator COATS. You and I go back all the way to the Bay of Pigs and all the way to Vietnam. And if we didn't learn anything from these incidents, then shame on us.

Senator KING. That's right, and I want you to, because there is going to be a moment when you're going to have to say: I don't need this job, because I'm being asked to do something that I shouldn't do. I'm not predicting that that will happen, but very well that could happen.

It's happened, and this isn't about this President or any other President. It's happened, as we've both pointed out, over the past 40 years.

A couple of follow-up questions on the National Security Council. I don't know where the language came from, but the language says that where instances—you're invited where instances pertaining to the DNI's responsibility and expertise are to be discussed. I can't imagine a situation where that wouldn't be the case.

I'm worried that you said, well, if it's a problem we'll fix it. It should be fixed now. You shouldn't be welcome at these meetings; you should be part of these meetings. I would urge you to talk to the White House about this Executive Order that was issued barely a week after the President was in office, about correcting that fault.

The second fault in that was to put Steve Bannon, the President's political adviser, onto the National Security Council. I understand that President Bush forbade Karl Rove from even going to National Security Council meetings, let alone being on it. And I hope you will go back and take that message.

Admiral Mullen says this is politicizing intelligence or national security from the beginning, and I think that's a very bad practice.

Senator COATS. Thank you, Senator. I'll take that message back to the President.

Senator KING. Thank you.

Chairman BURR. Senator Rubio.

Senator RUBIO. Thank you.

It's great to see you, Dan. Just to Senator King's concern, I sat next to you here for a couple of years and I found you to actually be quite an unpleasant human being on many occasions.

[Laughter.]

Senator RUBIO. Of course, everyone who knows you knows that that's not true. But we're fortunate and grateful at your willingness to continue to serve our country.

There are three topics I wanted to touch. The first is kind of this unusual situation that we now have regarding counterintelligence in particular, and it's the sort of synergy that combines the strategic placement of illegally accessed information, the use of media organisms under the control of foreign governments, RT and Sputnik and the like. There's always been an element of propaganda involved in politics, but the sort of synergy between propaganda, counterintelligence, for purposes of interfering, influencing, and manipulating, directing elections, policymaking in foreign countries, I think has reached a level in many places in Europe and I believe in the United States that's unique.

I just wanted to—and you may have touched on this earlier, but this is a challenge that is perhaps a bit different from what we have been dealing with in the intelligence community over the last decade, certainly since post-9/11. That is, not just that foreign governments have intelligence agencies that target us, but that in fact they strategically use information potentially to have an influence over our policymakers, our policymaking, and potentially even our elections.

So that new dynamic; how do you view the multiple different agencies kind of synergizing all of that to confront this new element that I still think we're grappling with fully understanding?

Senator COATS. I did mention earlier that the advances in technology have upped the games of those who want to use these techniques, and the connection of the world and the links through the worldwide Internet have been marvelous advances for mankind, but have extreme vulnerabilities also and can be taken advantage of.

I think we need to educate our public to the fact that these types of things are happening, so that in their factoring in terms of their decisions relative to government and government's functions and elections and so forth they're well aware of the fact that they can't just simply believe everything they hear and everything they read, that there are these efforts out there to undermine who we are as a country, undermine some of our values, cause us to lose confidence in our government's ability to protect our privacy, et cetera.

So I do think that requires much more agility, much better means of not only intercepting these, but putting not only the defenses in place, but offenses, a response, so that those that are doing this know there's a consequence to what they're doing.

Senator RUBIO. I would just add that, given the fact that this kind of touches upon the intelligence community so heavily, there's always this tension between allowing the American public and, for that matter, our allies to understand what's happening and yet allowing the intelligence community to continue to work in ways that do not divulge more than is necessary. That tension is always there

and I think it's an important part of the element that we should take into account moving forward.

I really do think in many ways one of the greatest defenses towards any efforts to interfere with our political process from outside the country would be to allow the American people to be aware as much as possible of what those efforts entail, so that they understand the source and the motivation behind things that they may be reading, seeing, et cetera, throughout the process.

So I'm glad to hear you mention that. I think that will be a big challenge for the entire intelligence community and I think you'll have a key role to play in synergizing that across all the difficult agencies that serve us in that regard.

The second issue I want to talk to you about is our detention policy. I'm troubled by the direction it's taken. We know for a fact and you've seen in open source reporting that a number of former Gitmo detainees have gone on to rejoin the fight against us. American citizens have been killed. Others are still out there fighting against us now.

What is your view of our detention policy at the end of the last Administration and do you have any views now about what you would advise the President in terms of how we should—what our detention policy for terrorists and enemy combatants should be in the new Administration?

Senator COATS. I've had the opportunity to travel with Senator Burr and other members of the committee, with Senator Burr leading our contingent and before him Senator Chambliss and Senator Feinstein. These questions have been asked of intelligence agencies in terms of what has happened to those that have been released from Guantanamo? Are they running a Starbucks in Yemen or have they rejoined the fight?

A significant percentage of those have rejoined the fight. So I know we have a high-value target individual team in place that can look at this situation and make these determinations as to who may or may not be released. But this is an ongoing conflict and the last thing we want to do is tell the American people that we're sending somebody back in to become once again our adversary.

So I've been supporting that detention, which I think is done in a lawful way, done in a humane way. But simply sending everybody back home I don't think is a solution to the problem.

Senator RUBIO. I know I'm out of time. Just a point of clarification. Number one, I believe the last Starbucks in Yemen closed last week and so that—but on a serious matter, Robert Levinson, who is a former FBI agent, disappeared from Kish Island, Iran, in 2007. He is believed widely to be held by Iran, by elements of the Iranian government. His family are from Florida and I would just ask in your new role that you pledge to do everything possible to help locate Bob and help bring him home.

Senator COATS. Yes, in my closing months in the Senate I was also advised of someone else who was put in a similar situation, this one in Turkey. And our office has been working to try to determine what the basis of this was and to get him released. So I'm well aware of the situation from a personal basis in terms of our needing to address these issues.

Chairman BURR. Senator Manchin.

Senator MANCHIN. Thank you, Mr. Chairman.

Thank you again, Senator. It's great serving with you, Dan, and great to have you back.

Senator COATS. Thank you, Joe.

Senator MANCHIN. That being said, there's been some tough questioning here and there's a lot of concern. We're in a difficult time and period of our life with this Intel Committee. I'm new to this committee, so I'm learning it as quickly as I can. But I think people are depending on us. I know that Senator King and myself and Senator Harris and I, being the newest members on this side of the aisle, we're trying to get up to speed as quickly as possible.

I think I would first ask—I think the question was asked you by our Ranking Member about would you be able to turn over the information and make sure we had access to the information. You said that was your intent. Do you have the authority to make—if we're getting what we consider slow-rolled, do you have that authority to make sure that we're able to have that access, whether it be any one of the 17 agencies, that we need to conduct a full investigation?

Senator COATS. Yes. I hope I said more than intent. That's my authority. That's my obligation.

Senator MANCHIN. Do you have the—

Senator COATS. Timely is part of the equation here and it needs to be given to you completely, timely, unvarnished.

Senator MANCHIN. So we can count on that, basically?

Senator COATS. Yes, you can.

Senator MANCHIN. Right now a lot of people are frustrated.

Senator COATS. Yes, you can.

Senator MANCHIN. I want to make sure.

Senator COATS. I have no intention of holding anything back from this committee, the access to this committee that they need.

Senator MANCHIN. Senator, the other question I would ask is that—when I look back at 2004 when the DNI was created, what do you think the purpose was? Who lost faith? Who lost confidence? Why did we think we needed a DNI to be formed? Have you evaluated that?

Senator COATS. Well, I have done some evaluation and some reading and some discussions with the members, some of those who were part of that process from the beginning. I served both with Senator Lieberman and, obviously, with Senator Collins, and I know their role in this, and others.

Senator MANCHIN. We didn't reduce any of the 17 agencies. We still have the same 17 agencies.

Senator COATS. What was happening, there was the so-called stovepipe process. They weren't sharing information with each other the way that they should. There was no way to integrate it. Everybody put out their own. Some of it was dismissed, some of it, well, we have more faith in this agency than that agency. You didn't get a complete picture.

I kind of view this as building, making a puzzle, and you've got 17 pieces that all need to come together. You want the input from those 17 to be put in the right place, but you want that all to come together into one picture. There will be some dissenting views in there, yes. If there are dissenting views from this agency or that

agency or the different views about the confidence level of what the intelligence is, you need to know that.

But what the committee needs to know and what the President and the customers in the Executive Branch need to know is that to the best of our ability this integrated intelligence is provided to you by all the 17 agencies pulling together every little piece of that puzzle.

Senator MANCHIN. Do you think the 17 agencies believe that you have the authority or the DNI has that authority to remove them, remove that director or take it extremely strongly by the President for that person to be removed if they're not doing their job?

Senator COATS. Well, taking to the President, these are Presidentially appointed positions.

Senator MANCHIN. What I'm saying is, do they look at the DNI as having that authority, that really that's who they're answering to, that's their boss?

Senator COATS. Well, there's collaboration authority and there's other authorities. We had a discussion of that a little bit earlier about the initial views of those who are putting it together or for various reasons modified it as it moved through the legislative process, or with the Executive Branch coming in and making recommendations.

Senator MANCHIN. Do you think in that position, the DNI, that with all of the additional news media, the 24-hour news cycle we have, the social media, everything that's going on today on the internet, the so-called "fake news," if you will, do you think the DNI has a responsibility to speak up and say, this is a bunch of hogwash, there's no credibility to this whatsoever, for the American public to figure out what's real and what's not real?

Senator COATS. Well, we have a role, a role to provide intelligence. But making decisions relative to policy—and we can make analysis to provide to you, to provide to our policymakers. But it was mentioned earlier, truth to power. Our job is to provide the truth, and power goes to those people who are in a position to make those determinations, make policy, make corrections, make laws, et cetera. That's what we bring to you, not that—we're not spokesmen.

Senator MANCHIN. You don't believe that basically, on the so-called New York Times article, that whether, what side people might be on—that there should be any clarity coming from the DNI?

Senator COATS. We provide that information. I don't envision myself as going on CNN every night and saying, here's what we've done. I envision providing that information to the policymakers to let them make that decision.

Senator MANCHIN. Dan, one final question. Many leaders have identified Russia, China, Iran, North Korea, and ISIS as the top security threats to the United States. Have you chosen one who you think is our top security threat?

Senator COATS. It's kind of an "all of above" category here, I think, given the diversity of threats that we have. I mentioned earlier on that cyber has moved very quickly, I think, to the top in terms of—because it affects almost everything we do in this country in terms of people's safety, in terms of financial, commercial,

our national defense, intellectual property, and on and on you can go.

Senator MANCHIN. Is one most capable that you're concerned about?

Senator COATS. You know, I would like to take that to the closed session. I have some strong thoughts about that, but I think that could potentially turn into something we need to do in the closed session.

Senator MANCHIN. That's fair. Thank you so much, and thank you for your continued service—

Senator COATS. Thank you.

Senator MANCHIN [continuing]. And willingness to serve.

Senator COATS. Thank you.

Chairman BURR. Senator Lankford.

Senator LANKFORD. Dan, it's absolutely great to see you again. I'm sure you're enjoying being on that side of the desk, because you can't get up and leave when you need to or be able to come in and out or take a quick phone call. You're stuck right there.

Senator COATS. Yes.

Senator LANKFORD. So it really is great to see you.

Senator COATS. Thank you.

Senator LANKFORD. I do want to follow up on a conversation that Senator King had with you. I would say I had the same line of questioning for you that I just want to be able to close the loop on. You're one of the nicest people I've ever met.

Senator COATS. Thank you.

Senator LANKFORD. And that is to your credit, not only to your faith and your family, but the people you've served for a long time. But I really want the DNI to be able to be tough when it requires to be tough and to be clear when it's time to be clear, because the policymakers around you need clarity, need straightforward facts, need the facts that they know that they can trust. And we'll deal with nice in the hallway when we can grab a bottle of water together and get a chance to chit-chat.

But I need to hear a clarification from you again that when the moment comes and it's crunch time you can be as tough as you need to be.

Senator COATS. James, I think that's—Senator. I'm sorry.

Senator LANKFORD. "James" is always good.

Senator COATS. You said such nice things about me, I just fell into our friendship.

Senator, I absolutely understand that this role demands someone who can stand up to the pressures that will be placed upon him, political pressures. When you have 17 agencies, not everybody's going to agree in terms of the way to go forward, and there needs to be a Director who can assert that authority.

I've been blessed, I have Mary Scott who backs me up with good wise counsel. But I recognize the need for that. Given the situation that we are facing worldwide in terms of these threats, we don't have time just to be the nice guy. We've got to go after it.

Senator LANKFORD. I have often said to people in my state that challenge me for being too nice at times, I say I can say "No" with a smile still, but still be able to stand by it. And I know you can as well. But that'll be an area you're pushed on.

But I'll also say to you that some of the pressure won't just be from the policymakers around you. There is a tendency with all of us in the political world, as well as with the intelligence community, to somewhat chase the priorities of the headline, of the latest news story, and that becomes the IC priority.

For many in the IC community, they saw the cyber issue a long time ago. The media is only recently catching up to the real threats that we face on cyber. So one of the things that we will need from you in the days ahead is to keep the agencies on focus to where the real threats are, not just where the headlines are. A good for-instance of this is, it's amazing to me how little we talk about narco-terrorism any more and we have tens of thousands of people who die through either the trafficking, the individuals, of drugs, or from overdoses as a result of that, that are Americans dying all the time. It's one of the constant threats that we have, but the news doesn't talk about it much any more and so it somewhat drifts to the background.

You have the responsibility to be able to make sure it doesn't drift to the background among our intelligence community, that we stay on focus on the threats that we face all the time, and that when the issues come up we're on top of them.

Let me ask a strange question for us. When we get a chance to visit together, will we still be able to talk about the "Coats Waste of the Week"? Will you still be focused in on "I found an area that we need to resolve"? You know as well as all of us do on this dais that at times working with the Administration, if there are things that need to be fixed, there is some other entity that sees it, but the practitioners in the agency actually see the problem. We need help in the oversight part of it, that when you see something in any of the 17 entities or your own office, can you help us be able to see some of those things as well, to be able to know what to fix legislatively?

Senator COATS. Yes, I intend to do that. I went with some passion every week to the Senate floor 55 times to address a "Certified Waste of the Week." I've already looked around a little bit and said maybe that fits the "Waste of the Week" category, let's investigate that. Obviously, I would have to be confirmed before I could start that process. But I'm committed to doing that.

I want to just reflect basically on what you said about the narco-terrorism. You and I have talked about this personally. I think each of us has experienced talking to families who tragically have lost a member of that family because of—maybe a 17-year-old going to a party and somebody says, "Here, try this," and they end up in the hospital and many of them perish.

It is a scourge that is cutting across every part of our country. We have it in Indiana. You have it in your state and every one of our members has it. It is something that can't be ignored or pushed aside. It is undermining the very essence of this country and it's affecting families and communities in ways that haven't made the headlines as much as they should. But it has to be a component of this, and intelligence does play a role in terms of how these things are brought into our country or within our country manufactured.

Senator LANKFORD. Thanks, Dan.

Chairman BURR. Senator Harris.

Senator HARRIS. Senator Coats, I enjoyed our time together and thank you for that.

Senator COATS. Thank you. I did also.

Senator HARRIS. I noted many of my colleagues have raised the issue of the restructuring of the National Security Council. I'd like to talk about that a little bit more, because I'm sure you agree it's critically important as it relates to what we need to accomplish in terms of national security.

As has been mentioned, the President's Executive Order was issued on January 28th, which basically put the Director of National Intelligence in a place where he or you, if confirmed, would not be included necessarily in the National Security Council meetings and the Principals Committee meetings. If confirmed as the Director of National Intelligence, do you believe that it's critically important that you have a permanent role in those meetings?

Senator COATS. Yes.

Senator HARRIS. And have you requested of the President or any member of his Administration that that Executive Order be modified?

Senator COATS. We have sent them information as to how to modify it. It has not been addressed yet, but I have been reassured over and over and over by the President and his staff that absolutely that's what their intent was and they expect me to be there.

Senator HARRIS. Have they given you a date of when it will be modified?

Senator COATS. They have not given me a date.

Senator HARRIS. Is it going to happen before your confirmation?

Senator COATS. They have not given me a date and I can't answer—I do not know of a particular date.

Senator HARRIS. Now, my understanding is that the CIA Director was—that the Executive Order was modified on January 30th.

Senator COATS. Correct.

Senator HARRIS. And it was modified to include the CIA Director; is that correct?

Senator COATS. That's correct.

Senator HARRIS. Okay. So you mentioned earlier that the Executive Order was basically something from the Bush era that had been resuscitated. But it has been modified since it was issued; you agree to that, is that correct?

Senator COATS. I think it was the 30th. I need to—

Senator HARRIS. Well, it's been modified since it was issued under this Administration?

Senator COATS. No, it has not been modified.

Senator HARRIS. So when was the CIA Director added to that?

Senator COATS. That was part of the original.

Senator HARRIS. No, it wasn't.

Senator COATS. Okay. It was a press conference statement. It was not an action that was taken.

Senator HARRIS. Okay, because I have a copy of that here and it was added back to the National Security Council. So the point is that this Bush-era document has been modified since it was issued to include the CIA Director, but it did not put back in DNI.

Senator COATS. I may be wrong in saying it was a Bush-era.

Senator HARRIS. You indicated that that's what the Administration told you.

Senator COATS. I said my understanding was that language was taken from a similar Executive Order issued under the Bush Administration and that order was issued before there was a position of DNI. And I have been told verbally that the intent was not to leave the DNI's position off, just that someone drafting that language didn't realize that that language didn't include the DNI because there was no DNI at that particular point in time.

But the bottom line is, the bottom line is that I have full, 100 percent confidence that I will be part of the Principals Committee. Yes——

Senator HARRIS. Well, my concern is not about—on this point, not about your qualifications. My concern is about what environment you're walking into, and in particular whether, if confirmed, you will actually have a seat in that body. And if the Administration is telling you that it was some document that was issued in a time gone by, we know that it has since been modified to include the CIA, it did not include the Joint Chiefs, and it has not replaced the position for which you are here to testify.

So my concern is that there has been no indication or assurance given that you will, if confirmed, actually be a member of that body. And I'd like to know from you, if that does not happen are you prepared to still assume the responsibilities without the authority that you would have if you were a member of that body?

Senator COATS. I'm fully prepared to assume the responsibilities.

Senator HARRIS. Even if you are—even if the Executive Order is not modified?

Senator COATS. Yes, I am. I've been assured that I have the authority to be a member of that committee and be at that committee in every one of its meetings.

Senator HARRIS. Wouldn't you agree the assurance would be sealed if the Executive Order is modified to indicate that the position that you now seek is actually entitled to be a part of all meetings that relate to national security?

Senator COATS. As I've indicated before, I'm going to take that message to the Administration that the question was raised here. I'm perfectly comfortable with it because I trust them and I believe what they have told me and I intend to do this. But——

Senator HARRIS. I would be concerned because they've——

Senator COATS. I would like to get back to you——

Senator HARRIS [continuing]. Also suggested that this came from the Bush era and we know that there have been modifications since. I would be concerned.

But I appreciate your service and your candor.

Senator COATS. Thank you.

Senator HARRIS. Thank you.

Senator COATS. Thank you.

Chairman BURR. Senator Cotton.

Senator COTTON. Thank you, Mr. Chairman.

Thank you, Dan, for once again answering the call of service.

Senator COATS. Thank you.

Senator COTTON. And Marsha, for once again standing beside Dan as he answers the call of service. It's good to see you back here and I congratulate you on your nomination.

We've spoken some about the unique challenges and opportunities of trying to integrate all 17 agencies within the intelligence community that you'll face as the DNI. You're obviously very familiar with them. You're familiar with the kind of intelligence products they each produce and the priorities that they each have.

Have you any thoughts on what actions can be taken in the very short run to make that process work more efficiently and to produce a coherent picture for policymakers of what's happening in the world overseas in your role as DNI?

Senator COATS. Obviously, there's a lot I need to learn. I want to get acquainted with the various leaders of the agencies. But as I have said before, given the nature of the threats that we face, we need to act sooner rather than later. I've always believed that getting the right people in place is what can best execute the doctrine in terms of achieving the goals that you want to achieve. So we will quickly, if confirmed, move into that mode of filling that up.

I did recognize earlier on the previous leaders of ODNI and the smooth transition that they have arranged by ensuring that there's continuity during this gap period of time. But this is one of—this rises to an early responsibility.

Senator COTTON. One of the original purposes of the ODNI was to take the disparate kinds of intelligence that is collected by our intelligence agencies, be it human intelligence, bank records, satellite imagery, email and telephone intercepts, passenger manifests, and synthesize them all together to create a coherent picture. I think that's an important function and it still can play that function and part today.

One thing I have heard on occasion from my visits to the various agencies and talking with their front-line personnel is that the DNI over time has imposed bureaucratic mandates on the agencies in reporting requirements, HR requirements, and so forth, that get their core collectors or their analysts out of the business of core collection and analyzing and spend too much of their time focused on fulfilling those bureaucratic mandates.

Have you seen that in your preparation and do you have any thoughts about how you might focus the DNI on that original mission and keep the constituent agencies of the IC focused on their original mission?

Senator COATS. Well, I haven't had enough experience to evaluate that. I will certainly take that as an issue to address. But without the confirmation, I haven't had the opportunity to engage with the other 16 agencies, except to begin to formulate some relationships with a few of them, starting with the Director of Central Intelligence. We've had a number of occasions to talk to each other and share what we think the concerns are and what we think we need to do. I think that relationship is a very important relationship, maybe the first important relationship. So we're already working to establish that.

Senator COTTON. Thank you.

Finally, you mentioned the Robb-Silberman Commission in your opening statement. That was a commission of experts tasked to rec-

commend ways to ensure that the intelligence community, quote, “is sufficiently authorized, organized, equipped, trained, and resourced,” end quote. What kind of lessons, if any, would you take away from the report of the Robb-Silberman Commission and how applicable are those today, recognizing that we’re about a decade on?

Senator COATS. Well, not all of those recommendations were implemented. I think it’s worth going back and looking at the original intent and then the reports from Robb-Silberman. They made a number of recommendations which were constructive.

But I just think, after 12 years or so, the agency clearly has evolved into what it is today, but taking a look back at where it was intended in the first place to go—and as I said, this was a compromise piece of legislation, like most legislation.

It was interesting, in the articles I was reading they talked to the former directors and a total of eight people who were in a position to make an assessment as to what exactly the authorities of the DNI were, and there were eight different answers. So I think that alone is a signal that we ought to perhaps go back and look and see if we want to make some adjustments to the law.

Now, that would have to be done in conjunction with the Congress, of course. But at some point, I think maybe sooner rather than later, that would be something we ought to look at.

Senator COTTON. Thank you and congratulations again.

Senator COATS. Thank you.

Chairman BURR. Senator Cornyn.

Senator CORNYN. Senator Coats, congratulations. Thank you for answering the call to duty once more, and particularly to your wife Marsha, who has always supported you through all your public service. This is a great continuing contribution and I would expect nothing less from you. So thank you for that.

I wanted to ask about two subjects, one basically to ask for your help in your new job once confirmed. I’ve become concerned that the Foreign Agent Registration Act, which originally passed back in 1938, needs to be updated. For example, we experienced during the time that Congress passed a bill called the Justice Against Sponsors of Terrorism Act that once Congress voted unanimously to pass that, the President vetoed it and Congress overrode his veto, that a foreign government spent an untold amount of money to try to lobby the United States Congress.

It troubled me because I’m not sure many people knew what the source of the funds or the source of the lobbying effort was. It just strikes me as really important, particularly in light of the Russian activities that are going to be the subject of investigation here, that we look at the Foreign Agent Registration Act to see if it needs to be updated so the Congress and the public can see where money is coming from by foreign countries perhaps hiring lobbyists on K Street to try to influence domestic legislation.

So I’d like to ask for your help and your office’s help to work on that.

Senator COATS. Well, you have that. I want to do that. I think more transparency needs to be offered to the public relative to what this is and what this isn’t.

Senator CORNYN. Absolutely, absolutely.

I want to go back to a comment that was made by one of our colleagues, my friend from Oregon, who's asked you and others to produce the numbers of innocent Americans swept up in intelligence-gathering operations. I just want you to talk, if you will, briefly about all the various minimization procedures to suppress incidental or inadvertent communications.

First of all, it is illegal to target an American citizen, correct?

Senator COATS. That is correct.

Senator CORNYN. Without a search warrant.

Senator COATS. That is correct.

Senator CORNYN. So what we're talking about primarily is targeting foreign intelligence persons overseas.

Senator COATS. 702 is specifically designed for that purpose.

Senator CORNYN. And by the way, the Director of the FBI as recently as yesterday in my presence referred to 702 as "the crown jewels of the intelligence community." Would you agree with that characterization?

Senator COATS. I would. I would and the intelligence community also sees it that way, the entire community.

Senator CORNYN. So we all saw what happened during the course of the debate over the USA Freedom Act, which ultimately I voted for. But I'm concerned that we not let the debate on the reauthorization of Section 702 get caught up in that same sort of hysteria, where some people were worried that the Federal Government was spying on them when that decidedly was untrue.

But that's history. But I want to make sure, given the importance of Section 702 of the Foreign Intelligence Surveillance Act to our intelligence community, that we make sure that we do everything possible, first, to educate everyone so that they understand what is authorized and what is not authorized, and then to work with the Congress to come up with an orderly way to make sure that these crown jewels of the intelligence community, this Section 702, is authorized.

I want people to understand that people aren't targeted, even foreign agents overseas, without court approval, and there is judicial review from time to time. There is oversight and review within the Executive Branch, and heaven knows there's a lot of oversight here in the Congress over this, as well as in the various intelligence agencies themselves. There are layers of protection to make sure that no American has to worry about their own government spying on them. In fact, every conceivable effort is being made to prevent that and to protect the privacy rights of Americans, which we all agree is important.

So I just ask for your continued help. Obviously, you know a lot about the topic. But given the particular importance of the reauthorization of Section 702 of the Foreign Intelligence Surveillance Act, we need to work together early to try to educate people, to try to better inform everybody involved, so that they can be reassured that the proper balance between privacy rights, which we all agree are important, but national security, that exactly the right balance is struck.

Senator COATS. Senator, I couldn't agree with you more. A lot of my colleagues have heard me talk when I was a member of the committee about finding that balance. I think from one end of the

spectrum to the other end of the spectrum we all are on the same page, that we cherish our private rights in this country. They're constitutionally provided to us. We want to do everything we can to make sure those private rights are secure.

But we also know that the Constitution requires us to provide for the common defense, and we are under attack from a number of sources now, that, whether it's through cyber or whether it's through any of a number of other ways, the United States is vulnerable to attack. And they want us to provide—to do everything we can to keep them safe.

So finding that balance so that we don't take away private rights and at the same time use the necessary tools to determine what the bad guys are trying to do, that's important, that we find that balance point so we can accomplish both of those.

702 is designed to go after foreign bad guys. It's lawful collection. In that process there are some incidental, let's just call it, incidental names of Americans, potential names of Americans. Some bad guy might have on his laptop the names of 40 Americans. So if he's targeted for something, all of a sudden 40 American names.

Now, we've put a process in place in devising this law that there's minimization of this. I won't go into all the details of minimization because I can't explain it as well as others can. But it is a process that understands that we're not targeting these people, but incidentally they came up because they were on this guy's email or on his phone list.

The level of oversight here is all three branches of government, and it's significant to try to secure those privacies. There's a query practice. But all these are authorized. All these are under court review and oversight review.

This is such a critical tool, I think it deserves full transparency to the level that we can while still protecting sources and methods and classified information. We need to ensure that the public is not led into a situation where they think they're, in deference to my colleague from Oregon, sweeping up, collecting information about them.

We're trying to sort it out so that we can find out if that bad guy in Syria or wherever is talking to someone in the United States—we kind of want to know what they're talking about. And there are processes there that protect rights and sort that out.

Senator CORNYN. And there's procedures to go to court if there is—

Senator COATS. There are procedures to go to court.

Senator CORNYN [continuing]. If content needs to be secured, and you have to show probable cause and the court has to issue a warrant.

Senator COATS. All of that, all of that.

I worried when I went back home on the issue of bulk collection and metadata. Now, that's been resolved. 215 of the Patriot Act has been—we don't do that any more. But I was constantly asked by people back at home: What about this megadata? And I said: No, it's not "megadata"; it's "metadata." No, no; it's "megadata"; they're collecting everything on us, they're listening to all our calls.

I asked then—Keith Alexander, who was head of the NSA. He said: Well, if we were listening to everybody's calls we would have

to hire 330 million people to work 24 hours a day. That's impossible; we're not. We're just trying to sort out the bad guys from the good guys.

Now, that's a discussion that we don't have to have. It's done. It's the law. We're following the law. We have a new system now and it would be up to policymakers if they want to make any adjustments to that.

But the 702 is such a valuable tool regarding what foreign bad people are trying to do to Americans that I think the intelligence community feels very strongly about it. It's your decision. We need to provide you with the information that you need in order to make decisions as to how to go forward with this program.

I'm sorry I got into a sermon mode there and it's a little bit over the top and I used up your time.

Chairman BURR. Your wife was giving you this [indicating].

Senator COATS. That wouldn't be the first time, Richard.

[Laughter.]

Chairman BURR. Senator Wyden has asked for one additional question. Are there other members who seek additional questions?

[No response.]

Senator WYDEN. Thank you, Mr. Chairman.

I think we do need to clarify this 702 issue, because it is critical to the Foreign Intelligence Surveillance Act. Let's stipulate that I and every member of the Senate wants to go after the foreign threats or, as you correctly call them, "foreign bad guys." No question about it.

What has happened, because communications have gotten so sophisticated and globally integrated, an indeterminate number of innocent Americans have their communications being collected under Section 702, and the government can then conduct searches for their communications without a court order or even a particular suspicion.

Now, to just step back, our two-part question. I asked you if you would get the public the number of how many innocent, law-abiding Americans are being swept under FISA 702 collection. You said yes. And then you went on to say it was hard.

So my two-part question is: Is the answer still yes, you will get us the number; and since we have been trying to get this for years and years, literally, as you know from being on the committee, will you commit now to getting us a report every 30 days until we get this number? We need it for reauthorization and it goes right to the heart, frankly, of how you do the balance you're talking about: foreign bad guys, absolutely; but an indeterminate number of people are being swept up because global communications are now so sophisticated.

So two-part question: Will you stay with your earlier answer and say you will get us the number of innocent Americans who are swept up before reauthorization? That is a yes-or-no. And before you answer yes—is the answer still yes? Is it yes or no?

Senator COATS. Senator, I can't answer that with yes or no because I qualified my yes with you. At least that was my intent. Let me just explain. I qualified it because I said it has been extremely hard to come up with that number for various reasons, which I don't fully understand.

I said I wanted to talk to Director Rogers, I wanted to talk to NSA, in terms of what's the problem here, why can't we, and what is the right definition in terms of swept up and the number. So basically, what I hope that I said—and I want to clarify the record for this—is that I will do my best to work to try to find out if we can get that number, but I need first to find out about why we can't get it. I don't think anybody's trying to withhold it from you.

Senator WYDEN. Let's go to my second part. Will you commit now to getting us a response every 30 days until we get this question answered? Because this has gone on literally—I say this to my friend: this has gone on for years, and it has been sort of one reason after another. And these are law-abiding Americans. So will you report to us every 30 days until we get this answered? That's a yes or no.

Senator COATS. Well, I don't see that as a yes or no either until I get the answer in terms of whether that's even possible. I can call up Admiral Rogers once every 30 days and say, where are we. But I would like to first understand why it is, what the issue is here in terms of getting that exact number. I don't want to come up with a number that once again tells the American people something that—

Senator WYDEN. Nobody's ever come up with a number here. We've had years of stalling on this. This is a legitimate question. You're a friend. I need to know the answer. I need to know the answers to those questions before we have a vote in here, because this is central to your key priority, which is reauthorizing 702. You've got me at a low on going after the foreign threats, but I'm not there with respect to these answers on innocent Americans.

Thank you, Mr. Chairman.

Chairman BURR. The Chair would ask unanimous consent to enter into the record a letter to the committee, Senator Warner, and myself from the Electronic Privacy Information Center. Without objection, so ordered.

[The material referred to follows:]

epic.org ELECTRONIC PRIVACY INFORMATION CENTER

February 28, 2017

The Honorable Richard Burr, Chair
The Honorable Mark Warner, Ranking Member
U.S. Senate Select Committee on Intelligence
211 Hart Senate Office Building
Washington, DC 20510

RE: Nomination hearing for Sen. Dan Coats as Director of National Intelligence

Dear Chairman Burr and Ranking Member Warner:

We write to you regarding the nomination of Sen. Dan Coats for Director of National Intelligence. As the principal officer in charge of the U.S. Intelligence Community, the DNI has significant responsibilities over the safety, security, and privacy of the American people. The DNI should uphold our Constitutional freedoms and continue former Director Clapper's progress on oversight of and transparency regarding the surveillance capabilities of the federal government. These issues are central to EPIC's work and vital to the functioning of our democracy.

The Electronic Privacy Information Center was established in 1994 to focus public attention on emerging privacy and civil liberties issues. EPIC engages in a wide range of public policy and litigation activities. EPIC testified before the 9-11 Commission on "Security and Liberty: Protecting Privacy, Preventing Terrorism."¹

Transparency and Reporting

We commend former DNI Clapper for the progress made on transparency of surveillance programs – under his leadership, the Office of the Director of National Intelligence (ODNI) published important information about the Section 702 program², established an annual

¹ Testimony of EPIC President Marc Rotenberg, *Security and Liberty: Protecting Privacy, Preventing Terrorism*, Hearing Before the National Commission on Terrorist Attacks Upon the United States, United States Senate, Dec. 8, 2003, <https://epic.org/privacy/terrorism/911commtest.pdf>.

² See e.g. Semiannual Assessment of Compliance with Procedures and Guidelines Issued Pursuant to Section 702 of the Foreign Intelligence Surveillance Act, Submitted by the Attorney General and the Director of National Intelligence ("Joint Assessment") (November 2016), *available at* <https://www.dni.gov/files/documents/icotr/15th-702Joint-Assessment-Nov2016-FINAL-REDACTED1517.pdf>.

transparency report³, and engaged civil liberties organizations in the work of the DNI. The Committee should seek assurance from Sen. Coats that the ODNI will continue to improve transparency and oversight of surveillance programs. In addition, the Committee should pay particular attention to two significant problems that require further attention: over classification and cybersecurity threats to our democracy.

Over Classification

Despite improvements on transparency, the problem of over classification remains an issue that thwarts open government. Last year, Director Clapper outlined several initiatives to address this problem: (1) reduce the number of original classification authorities, (2) increase discretionary declassification, (3) create a uniform classification guide, and (4) eliminate the “confidential” designation.⁴ Director Clapper specifically ordered these agencies to review the feasibility of these proposals and respond in a February 2017 update and final report to the Information Security Oversight Office (ISOO) by the end of June 2017. The Committee should seek assurances from Senator Coats that he will continue to promote reform of the government classification system.

As EPIC explained in testimony before the House Judiciary Committee in 2012, declassification is especially important with respect to legal opinions issued by the Foreign Intelligence Surveillance Court (FISC), often referred to as a “secret court.”⁵ Congress recognized in the USA FREEDOM Act that FISC opinions contain important interpretations of law relevant to the privacy of individuals and the oversight of government surveillance programs. The law now requires the DNI, in consultation with the Attorney General, to:

conduct a declassification review of each decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review (as defined in section 601(e)) that includes a significant construction or interpretation of any provision of law [...] and, consistent with that review, make publicly available to the greatest extent practicable each such decision, order, or opinion.⁶

This provision gives the DNI enormous powers over the level of transparency of FISC opinions. The incoming DNI should prioritize both proactive and retroactive declassification of FISC opinions to ensure public oversight of the broad surveillance authority held by the court. Public

³ Press Release, Director of National Intelligence, ODNI Releases Third Annual Statistical Transparency Report Regarding Use of National Security Authorities (May 2, 2016), *available at* <https://www.dni.gov/index.php/newsroom/press-releases/215-press-releases-2016/1371-odni-releases-third-annual-statistical-transparency-report-regarding-use-of-national-security-authorities>.

⁴ Memorandum for Distribution from James R. Clapper re: Addendum to FY 2017 Fundamental Classification Review, ES 2016-00158, Mar. 26, 2016, <https://fas.org/srgp/othergov/intel/dni-fcgr.pdf>.

⁵ See Testimony of EPIC President Marc Rotenberg, *The FISA Amendments Act of 2008*, Hearing before the House Committee on the Judiciary, U.S. House of Representatives, May 31, 2012, <https://epic.org/privacy/testimony/EPIC-FISA-Amd-Act-Testimony-HJC.pdf>.

⁶ 50 U.S.C. § 1872.

oversight helps ensure that law enforcement resources are appropriately and efficiently used while safeguarding important constitutional privacy interests.

Democracy and Cybersecurity

Russian interference with elections in democratic countries, including the United States, is now a central concern for Congress. In *EPIC v. ODNI*, EPIC is seeking the release of the complete ODNI report on the Russian interference with the 2016 U.S. Presidential Election. A limited, declassified version of the report was published on Jan. 6, 2017.⁷ This report stated that Russia carried out a multi-pronged attack on the 2016 U.S. Presidential Election to “undermine public faith in the US democratic process.” However, the report states that “this version does not include the full supporting information on key elements of the influence campaign.” As EPIC made clear in the case filed recently in federal district court in Washington, DC, “there is an urgent need to make available to the public the Complete ODNI Assessment to fully assess the Russian interference with the 2016 Presidential election and to prevent future attacks in democratic institutions.”⁸

There are upcoming federal elections in Europe. The French national election is scheduled for April 23, 2017. The German national election is September 24, 2017. The Dutch government has already chosen to count all ballots in next month’s election by hand to prevent cyber attack.⁹ Russian attacks on democratic institutions are expected to continue.¹⁰ The U.S. Intelligence community has reportedly shared the classified ODNI report with European governments to help limit Russian interference with their elections.¹¹ The public need to understand Russian efforts to influence democratic elections cannot be overstated. EPIC has recently launched a “Democracy and Cybersecurity” Project to raise public awareness of this crucial issue.¹²

Conclusion

We ask that this letter be entered in the hearing record. EPIC looks forward to working with the Senate Intelligence Committee on these important issues.

Sincerely,

/s/ Marc Rotenberg
Marc Rotenberg
EPIC President

/s/ Caitriona Fitzgerald
Caitriona Fitzgerald
EPIC Policy Director

⁷ Office of the Dir. of Nat’l Intelligence, *Assessing Russian Activities and Intentions in Recent US Elections* (2017), https://www.dni.gov/files/documents/ICA_2017_01.pdf [hereinafter Declassified ODNI Assessment].

⁸ Complaint at 3, *EPIC v. ODNI*, *supra* note 2.

⁹ Sewell Chan, *Fearful of Hacking, Dutch Will Count Ballots by Hand*, New York Times (Feb. 1, 2017).

¹⁰ Declassified ODNI Assessment, *supra* note 7, at 5.

¹¹ Martin Matishak, *U.S. shares hacking intel with Europe as Russia shifts focus*, POLITICO Pro (Feb. 6, 2017).

¹² *Democracy and Cybersecurity: Preserving Democratic Institutions*, EPIC, <https://epic.org/democracy/>.

Chairman BURR. Dan, one last question. Just to make it clear, the Executive Order, which was National Security Presidential Memorandum No. 2, has not been amended since it was issued, correct?

Senator COATS. That is absolutely correct.

Chairman BURR. There was a question. It wasn't clear in my mind exactly how it was answered, and I just wanted to make sure that we cleared the record.

Senator COATS. I'm glad you made that clarification, yes.

Chairman BURR. At this time, the open hearing will adjourn and we will reconvene in a closed hearing upstairs.

[Whereupon, at 4:10 p.m., the hearing was adjourned.]

Supplemental Material

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

Responsibilities of the Director of National Intelligence

QUESTION 1: The role of the Director of National Intelligence (DNI) has been performed differently depending on what the President has requested from the position.

- A. What do you see as your role as Director of National Intelligence? Do you consider the position of DNI the director of national intelligence, a coordinator of national intelligence, or would you characterize it differently?**

I see the role of the Director of National Intelligence (DNI) first and foremost as the principal intelligence advisor to the President, the National Security Council (NSC), and the Homeland Security Committee (HSC) for intelligence matters related to national security. In addition, the DNI is responsible for accomplishing the duties and responsibilities as outlined in law; serves as the head of the Intelligence Community (IC), enabling the missions of the 16 IC elements while promoting the integration of foreign, military, and domestic intelligence related to national security; and coordinates, integrates, and builds consensus across the various IC elements. One of the DNI's greatest strengths is his/her proven ability to be an independent arbiter among the IC elements, providing impartial and substantive oversight and fostering a more integrated community.

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

- i. As the principal adviser to the President, the National Security Council, and the Homeland Security Council for intelligence matters related to national security?**

It is the job of the DNI to make sure the President, the NSC and HSC have access to timely, accurate, objective, and integrated intelligence necessary to make informed policy decisions. When the required intelligence isn't readily available, the DNI works with IC elements to ensure they are aware of intelligence gaps and are developing IC-wide solutions to close those gaps. If confirmed, I would provide the IC's best estimates and analytical conclusions without regard to political positions or influence. The DNI must be an independent and honest voice, capable of speaking candidly on intelligence-related matters.

- ii. In overseeing and directing the implementation of the National Intelligence Program?**

The DNI is responsible for building, shaping, and determining the National Intelligence Program (NIP) budget, consistent with the intelligence priorities of the President. The DNI also monitors the activities undertaken by elements of the IC to ensure that appropriated funds are spent in accordance with the NIP budget, and that they are achieving established objectives. Should elements of the IC wish to spend funds for a different purpose, the DNI would review and approve such changes in accordance with applicable law.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

iii. In managing the Office of the Director of National Intelligence (ODNI)?

The DNI's responsibility is to ensure that the ODNI executes its mission in an efficient and effective manner. With the assistance of the Principal Deputy Director of National Intelligence, the DNI is responsible for leading the men and women of the ODNI in their integration, coordination, and oversight roles and ensuring they have the tools, authorities, and resources necessary to execute their mission. This includes setting priorities and direction so ODNI staff can assist the DNI in integrating and leading the Intelligence Community.

QUESTION 2: Please describe the specific experiences you have had in your professional career that will enable you to serve effectively as the head of the IC. What lessons have you drawn from the experiences of former DNIs?

As a member of the House of Representatives for 8 years and the Senate for 16 years, including service on the Senate's Select Committee on Intelligence, Armed Services Committee, and Appropriations Committee, I gained an appreciation for the tremendous breadth and depth of intelligence provided by the IC and its broad spectrum of intelligence consumers.

As a lawmaker, I received regular classified briefings related to IC programs and efforts that spanned the globe. My congressional oversight roles gave me broad insight into the issues that will confront me if confirmed as the next Director of National Intelligence.

Additionally, as the U.S. Ambassador to Germany, I managed the breadth of U.S. government interactions with the German government in the immediate aftermath of the 9/11 terrorist attacks. I reinforced established relationships and built new ones.

I think it is important to recognize that each IC element has its own character and culture, which makes each element unique. Since Director Negroponte to Director Clapper, each DNI has built upon the work of the prior DNI, to further integrate and focus the Intelligence Community.

Each DNI is bound by a common thread – to protect America's national security interests and to continue the ever-evolving building and enabling an integrated IC to provide timely, accurate, objective and integrated intelligence. What the previous DNI, Director Clapper, realized, and what he reinforced with me was that the strength of the IC is really achieved by robust integration across the elements, essentially reinforcing that common thread. Much like a puzzle, you cannot see the final picture unless the pieces are in place.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

QUESTION 3: What is your view of the role and responsibilities of the DNI in overseeing the IC agencies and integrating them into an effective intelligence enterprise? Please answer separately for the following:

A. The Department of Defense (DoD) intelligence components.

The DNI provides the Department of Defense (DoD) guidance on IC priorities to inform the DoD's budgetary decisions as they relate to the Military Intelligence Program (MIP), to ensure unity of effort and an integrated approach to meeting IC needs. In the event of vacancies, the DNI also consults on the nominations of certain DoD IC element heads. As it relates to acquisitions, the DNI serves as the milestone decision authority if NIP equities are involved, ensuring IC and DoD intelligence systems are complementary. In a broader sense, since the 1990's the IC has been asked to increasingly support tactical analysis in addition to its traditional strategic analysis, making close coordination with the DoD a mission imperative. The DNI works through the Under Secretary of Defense for Intelligence (USD(I)), to maintain close and continuing coordination with the DoD.

B. The Central Intelligence Agency (CIA).

As an element of the IC, the DNI provides oversight of the CIA. In the event of a vacancy, the law requires the DNI to recommend to the President an individual to be nominated as the Director of the CIA, and notes that the Director of the CIA reports to DNI on CIA's activities. In practice, the CIA and the ODNI are more closely linked than any organizational chart could depict. The Community Management staff at the CIA provided the foundation of today's ODNI, and many of their staff transitioned to the ODNI when the Office was first stood up. If confirmed, I would work closely with Director Pompeo to further strengthen the relationship between the CIA and the ODNI.

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

Together with the appropriate Department head, the DNI provides oversight of IC elements to ensure they are complying with the Constitution and laws. In addition, recognizing that intelligence elements are resident in other departments, the ODNI endeavors to ensure a collaborative approach to addressing IC-wide problems. In most cases, in the event of a vacancy, the law requires the DNI to at least be consulted, if not provide concurrence, on Agency or Department recommendations to the President for nominations.

QUESTION 4: If confirmed as DNI, what steps will you take to improve the integration, coordination, and collaboration among the IC agencies?

If confirmed, I would engage the other 16 IC element leaders in an open dialogue as to what is working well with IC integration, coordination, and collaboration between/among them to identify best practices. I would also challenge them to identify what obstacles remain to the

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

enterprise goal of providing timely, accurate, objective, and integrated intelligence to policymakers within the Executive and Legislative Branches. As the U.S. Ambassador to Germany, I had to consider the equities and coordinate activities of 23 agencies, each of which was an equal player in our endeavor to operate effectively and efficiently. This level of unity wasn't accomplished through organizational charts and emails, but rather through regular country team meetings, institutionalized collaboration, and a shared common vision.

QUESTION 5: Based on your professional experience:

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

Yes. The PDB provides IC-coordinated insights, highlighting why each issue matters for the United States, and identifying candidly both what we know and what we do not know. The analysis is based on rigorous tradecraft. The President and his senior national security team each receive the President's Daily Brief (PDB) as a customized brief in a form that best suits their individual preferences.

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

It would be premature for me to come to any conclusions regarding the current organizational structure without first hearing from the IC's many customers to understand whether the IC is meeting their needs.

QUESTION 6: The Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) was an effort intended to improve the management and coordination of the IC to meet current and future national security challenges.

A. Does the DNI have sufficient authorities, budgetary and otherwise, to effectively execute the ODNI's IC management role? If not, do you have any suggestions regarding potential enhancements to current authority?

Various statutes and executive actions have firmly established the DNI as the head of the IC and provided the DNI with a suite of authorities to oversee and drive the integration of the IC. If confirmed, I would leverage all existing authorities to accomplish the ODNI's mission and forge an IC that delivers the most insightful, timely, accurate, and insightful intelligence possible. However, I will not have a firm sense of what additional authorities, if any, may be needed in this area until I am confirmed. If and when I determine that additional authorities

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

were necessary and beneficial to executing the ODNI's mission, I would make it known to the Congress.

B. Do you believe that granting the DNI more control over the intelligence agencies' personnel, training programs, and business systems would accelerate the integration of the IC?

The differing missions and cultures of the 17 IC elements bring unique challenges to the areas of personnel, training, and business systems. At this time, I believe that the Director of National Intelligence has the authority needed to integrate the Intelligence Community. If I did determine that additional authorities were necessary and beneficial to executing the ODNI's mission, I would make it known to the Congress.

C. What do you consider the highest priority leadership and management challenges facing the IC at this time? If confirmed, what will you do to address these challenges?

If confirmed, I will plan to personally engage with the IC to assess the challenges each element faces and work to address those challenges in a matter that would result in the best and most effective way forward. "All for one and one for all" would be my goal. Given the enormity and diversity of the current threats to our national security, we must strive for and achieve our goal of being the very "best in class."

Keeping the Congressional Intelligence Committees Fully and Currently Informed

QUESTION 7: IRTPA also grants the DNI the authority to recommend to the President an individual for nomination as Director of the CIA, and it requires the concurrence of the DNI in the selection of certain top IC leaders. In this instance, the President-elect announced his choice for Director of the CIA more than a month before you were nominated for the position of DNI. Have you been consulted by the incoming Administration with respect to any of its selections for top IC positions?

The nomination of the CIA Director preceded my selection as the DNI. However, had I been DNI at the time, I would have wholeheartedly concurred in the nomination of Mike Pompeo. Mike is smart, engaging, a veteran, and a patriot, and I have every confidence that he will represent the men and women of the CIA with distinction as they work collectively to secure our Nation.

QUESTION 8: What is your understanding of the obligations of the DNI under Title V of the National Security Act of 1947?

A. What steps should the DNI take to ensure that all departments, agencies, and other entities of the United States Government involved in intelligence activities in

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

general, and covert action in particular, comply with the reporting requirements in those Title V sections?

Under Section 502, the DNI, in consultation with the heads of other departments and agencies involved in intelligence activities, shall keep the intelligence committees fully and currently informed of intelligence activities. Previous DNIs have issued IC-wide directives on the subject of Congressional notifications. In keeping with these directives, I expect all IC elements to follow both laws and policies. I have first-hand experience in this area and believe that when the IC works together to inform Congress, and proper oversight can be conducted, both the Intelligence Community and the American people will benefit.

B. Under what circumstances do you believe notification may and should be limited to the Chairman and Vice Chairman or Ranking Member of the congressional intelligence committees? In those circumstances, if any, what is the obligation of the DNI to notify subsequently the full membership of the committees as expeditiously as possible?

Congressional notifications must be made with due regard for the protection from unauthorized disclosure of classified intelligence sources and methods and other exceptionally sensitive matters. In my experience on the SSCI, if there were exceptional circumstances that required limited congressional notifications, it was often a matter of timing, and the committee leadership worked with the Executive Branch to determine when to expand access to the information. If confirmed as DNI, I would similarly work with the Chair and Vice Chair to decide, in these rare circumstances, when to brief the full membership of the committees.

C. The law establishes a separate category of notification for covert action. Given the specificity of the law, do you believe the Executive Branch could ever limit notification on matters other than covert action?

As I noted in my previous answer, congressional notifications under Section 502 must be made with due regard for the protection from unauthorized disclosure of classified intelligence sources and methods and with due consideration for other exceptionally sensitive matters. I believe this does not limit the requirement to keep the intelligence committees "fully and currently informed." However, in certain exceptional circumstances, it may allow for the Intelligence Community to initially brief only the Chairman and Vice Chairman on particularly sensitive matters. If confirmed, I would expect limited initial notifications would be rare and only occur in exceptional circumstances.

QUESTION 9: Do you consider it possible for the written work product of an intelligence analyst, provided to anyone other than the President, to be a "deliberative" or "privileged" document in the sense that it is not releasable to Congress? If so, please describe the circumstances in which you would release such a document to Congress.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

Yes. There are instances when intelligence reporting or the Intelligence Community's assessment on a particular issue are so inexorably intertwined with a matter being deliberated by the Executive Branch that they are covered by the deliberative process privilege. If confirmed, I would release such documents after a deliberative matter has been decided or otherwise in coordination with other Executive Branch stakeholders.

QUESTION 10: Do you believe that it is appropriate for the IC to provide the Committee "unfinished" intelligence reports, such as FBI and DOD Intelligence Information Reports (IIRs) and CIA "TDs", in support of the Committee's intelligence oversight duties, upon request? What is your view regarding whether the Congressional Intelligence Committees should receive National Intelligence Council products, e.g., Major Issue Studies or National Intelligence Estimates, in support of their oversight duties?

The National Security Act, which charges the DNI with providing national intelligence to the Congress, provides that national intelligence should be timely, objective, independent of political considerations, and based upon all sources available to the IC and other appropriate entities. The most effective way to ensure national intelligence provided to the Committee meets that requirement is to provide "finished" intelligence that provides the IC's complete understanding of a given issue. I believe the Committee should have access finished intelligence, such as National Intelligence Council products, to the fullest extent possible, 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.

With respect to providing unfinished intelligence, it should be provided sparingly and only after careful consideration. "Unfinished" reporting can be misinterpreted, misleading or frankly, inaccurate. That is why providing integrated, all-source intelligence is tremendously more useful as it incorporates rigorous analysis and goes through an extensive peer review process. Nevertheless, in extraordinary circumstances, it may be appropriate to share unfinished reporting with the Committee.

National Security Threats and Challenges Facing the Intelligence Community

QUESTION 11: What in your view are the principal threats to national security with which the IC must concern itself in the coming years?

Director Clapper testified to this committee, stating, "The U.S. is facing its greatest threats in the past 50 years." I tend to agree with him. These come from nation states like China, Russia, Iran and North Korea, as well as transnational terrorist threats. The emerging threats we face as a nation are unprecedented, raising the risk for instability and conflict.

- Key nation states continue to pursue agendas that challenge U.S. interests. China, Russia, North Korea, and Iran all remain a concern, as does the situation in the

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

Middle East. Each creates unique challenges and must continue to be examined closely by the IC to inform decisions facing the administration.

- In this uncertain world, there will invariably be challenges or threats that emerge that are not from this top tier of enduring concerns. Many of these challenges will be products of converging global trends, such as weak economic growth, rising public expectations, accelerating technological disruptions, sharper social divisions, and the changing nature of warfare.
- Cyber threats are the most prominent example of this. Space and counter-space activities, biotechnology, and technological advances applied to weapons are other areas of concern.

The worldwide threat from terrorism will remain geographically diverse and multifaceted.

- Even as ISIS's strength and ability to exploit instability discontent are declining, the threat posed by the group will continue to evolve. Foreign fighters from that conflict will remain part of the recruiting pool for future terrorist attacks.
- Here at home, people are suffering as a result of drug trafficking, and deaths from synthetic opioids and heroin are surging. In this too, the IC must focus on the threat posed by foreign drug trafficking and transnational organized crime.

Our most important issues increasingly transcend regional and functional boundaries, crossing bureaucratic seams and requiring an IC-wide effort.

A. What are the questions that the IC should address in its collection activities and assessments?

There are a number of questions the IC should address. For example:

- Do we know enough to determine what we want to use scarce intelligence resources to collect?
- If we cannot access the information, is it due to capacity or capability limitations? Do we need a dedicated effort to identify and obtain new accesses?
- Would better coordination between platforms or assets significantly enhance our efforts?
- Do we need new analytical approaches or technical solutions?

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

B. In your opinion, how has the IC performed in adjusting its policies, resource allocations, planning, training, and programs to address these threats?

Based on my experience on the SSCI, the IC has taken significant steps to address current and future threats. The ODNI has made tremendous strides in leading intelligence integration, providing a solid foundation to shape the IC's posture in the future. If confirmed, I will further review IC policies, resource allocations, planning, training, and programs to see if changes are appropriate.

QUESTION 12: What role do you see for the ODNI, in particular, and the IC as a whole, with respect to the encryption of information that could be useful in a criminal or foreign intelligence investigation?

ODNI has two primary roles in discussions about encryption of information. First, working with IC elements, ODNI should help identify the operational impact, and leverage IC capabilities to best understand the problems and potential solutions. Second, ODNI integrates perspectives from IC elements, and represents their interests in discussions with the White House, Congress, other policymakers, and the public about options to address this growing problem.

Office of the Director of National Intelligence

QUESTION 13: There has been considerable debate in the past concerning the appropriate size and function of the ODNI. The IRTPA specifically prescribed a number of offices and functions to the ODNI to ensure they were performed and to promote clear accountability to the Congress. In answering this question, please address the staff functions of the ODNI and the specific components of the ODNI, where appropriate, such as the National intelligence centers (the National Counterterrorism Center, the National Counterproliferation Center and the Cyber Threat Intelligence Integration Center).

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

ODNI has a diverse set of functions and as such must maintain appropriate staffing to carry out the missions assigned to it by both Congress and the President. In my initial review of the office, I note that the majority of the workforce is assigned to the major mission centers such as NCTC, NCSC, NCPC, CTIIC and Intelligence Integration. I also infer from the over 30 reports and briefings the SSCI proposes to require the ODNI to provide in their classified annex to accompany the FY17 Intelligence Authorization Act that the Congress considers the ODNI's size and integrated functions useful and appropriate. While the ODNI appears to be an efficiently run organization, if confirmed, I will thoroughly and carefully review each office and component and continue to seek ways to maintain and improve that efficiency, as appropriate.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

B. Do you believe that the ODNI has sufficient personnel resources to carry out effectively its statutory responsibilities?

If confirmed, I will evaluate the ODNI resources to ensure we are sufficiently staffed to carry out its statutory functions of leading the integration of the IC as efficiently as possible. As noted earlier, the size of the office appears to align to the functions and responsibilities assigned to it by the Congress and the President.

C. Are there any functions currently carried out by the ODNI that should be assigned to another element of the IC?

At this juncture, it is premature for me to make that assessment. If confirmed, I will assess if any specific functions of the ODNI may be more effectively executed by another element of the IC.

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

ODNI was established to better integrate the operations of the IC elements, rather than being involved in the daily decision-making of IC agency directors. I fully appreciate and understand the difference and will remain committed to executing the ODNI's mission of integrating the IC while respecting the authority of each IC element's leadership.

QUESTION 14: What is your understanding of the responsibilities of the following officers, and for each of them, how would you ensure that each officer is performing the mission required by law?

A. The General Counsel of the ODNI.

The General Counsel is the chief legal officer of the ODNI, providing authoritative legal advice on complex, difficult, and novel legal issues affecting the responsibilities of the DNI and ODNI, as well as legal advice and counsel on intelligence law and federal agency law. The General Counsel also assists the DNI in ensuring that IC elements comply with the Constitution and laws of the United States. Additionally, the General Counsel advises the DNI regarding the statutory obligation to keep Congress fully and currently informed of intelligence activities. If confirmed, I intend to work closely with members of my senior staff to ensure that we are working as a team to perform the missions assigned by law.

B. The Inspector General of the IC.

The Inspector General of the Intelligence Community (IC IG) has a statutory responsibility to provide broad oversight of the IC. Through audits, inspections, reviews, and investigations, the IC IG provides valuable insight to the DNI on how the IC is operating as an enterprise.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

The IC IG is a statutorily independent office. Issues identified by the IC IG within the IC's programs and activities are reported to the DNI, as well as the Congressional oversight committees. If confirmed, I will establish a working relationship with the IC IG that demonstrates my long-standing esteem and respect for independent oversight, and I will ensure that IC IG recommendations are addressed in a timely and thorough manner.

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

The ODNI Office of Civil Liberties, Privacy, and Transparency (CLPT) has two overlapping areas of responsibility. First, as directed by statute, the CLPT helps the IC ensure that it protects civil liberties and privacy as it carries out its intelligence mission. The second general area of responsibility is transparency. CLPT coordinates transparency while continuing to protect sources and methods. Protecting civil liberties and privacy, and providing appropriate transparency, helps demonstrate to the American people that the IC is lawfully and responsibly using its tools and authorities for the security of the Nation. The CLPT reports directly to the DNI, and if confirmed, I intend to consult with the CLPT closely to ensure that civil liberties, privacy, and transparency mission is carried out.

D. The individual assigned responsibilities for analytic integrity under Section 1019 of IRTPA.

The Analytic Integrity and Standards Group (AIS) improves the quality of analysis by promoting analytic standards across the IC and facilitates an integrated analytic enterprise by evaluating adherence to the analytic tradecraft standards in IC products. It also provides its annual report to Congress, as mandated in IRTPA, and briefs agency heads on the annual findings from its studies. More broadly, analytic integrity is tremendously critical to the IC's credibility as a "truth teller." There can be no trace or shred of any outside influence in the IC's assessments.

E. The individual assigned responsibilities for safeguarding the objectivity of intelligence analysis under Section 1020 of IRTPA.

The chief of Analytic Integrity and Standards Group (AIS) is designated as the Analytic Ombudsman for the IC. The AIS is responsible for ensuring that IC analysts can raise concerns about adherence to existing standards in analytic products and responds to concerns raised by Community analysts with fact finding, problem solving, conflict resolution, counseling, and recommendations.

QUESTION 15: What is your understanding of the role and the responsibilities of the Principal Deputy Director of National Intelligence (PDDNI)? If confirmed, what relationship would you establish with the PDDNI in order to carry out the duties and responsibilities of both positions?

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

Pursuant to the National Security Act of 1947, as amended, the Principal Deputy Director of National Intelligence shall: (a) assist the Director of National Intelligence in carrying out the duties and responsibilities of the DNI and (b) shall act and exercise the powers of the DNI in the DNI's absence.

If confirmed, I expect the relationship between the PDDNI and myself to be one of complete trust and understanding, where we partner to fulfill the duties and responsibilities of both positions outlined in the National Security Act of 1947.

Foreign Intelligence Surveillance Act

QUESTION 16: Title VII of the Foreign Intelligence Surveillance Act (FISA) will sunset on December 31, 2017. What is your view on its reauthorization?

Due to the immense value of the foreign intelligence collected under FISA Amendments Act (FAA) authority, if confirmed, I expect reauthorization of Title VII would be my top legislative priority.

Since enactment by the Congress in 2008, the FAA has significantly enhanced the capability of the Intelligence Community to collect vital information about high priority foreign intelligence targets located abroad. In particular, Section 702 of FISA permits the Government to collect communications of or about non-U.S. persons located outside the United States in order to acquire foreign intelligence information, with the compelled assistance of U.S.-based electronic communications service providers. Section 702 simultaneously provides a robust oversight regime by all three branches of government to protect the constitutional and privacy interests of any U.S. person whose communications are incidentally acquired during the collection, including a requirement that IC elements follow Court-approved targeting and minimization procedures that govern collection and retention of information.

The IC has repeatedly stated there has never been an intentional violation of those standards.

Cybersecurity

QUESTION 17: Concern over the security of the nation's cyber infrastructure has grown over the last several years, particularly with the respective roles of the Director of the National Security Agency and the head of U.S. Cyber Command.

A. Are there any changes that you would recommend for the DNI's and IC's roles within the nation's cybersecurity infrastructure?

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

The Intelligence Community is responsible for collecting, analyzing, producing and disseminating intelligence on foreign cyber threats. Given the critical and evolving nature of the cyber threat, this will remain a top priority of mine and the Intelligence Community going forward, and if I were to be confirmed and identified changes to the current roles and responsibilities, I would communicate those to the Congress.

B. What is your view regarding the proposals to end the “dual-hat” relationship between the National Security Agency and U.S. Cyber Command?

As a Senator and former member of the SSCI and SASC, I believed that we needed to discontinue the temporary dual hat arrangement under which a single individual is simultaneously the head of both the NSA and the U.S. Cyber Command in order to ensure that all of the nation’s cyber capabilities are supported and operate at their full potential. With due deference to the NSA Director, I authored an amendment to the Intelligence Authorization Act that would prohibit the Director of NSA from concurrently serving as the head of unified combatant command. This remains my position, although ultimately the decision rests with the Congress.

A separation would allow the Commander of USCYBERCOM to focus solely on developing and delivering separate military cyber infrastructure and capabilities to fully address the range of cyber threats our nation faces today. Similarly, a separation will also allow the Director of NSA to focus on the agency’s important foreign intelligence and information assurance missions, both of which are critical to our nation’s security.

C. What should be the IC’s role in helping to protect U.S. commercial computer networks? What cyber threat information (classified or unclassified) should be shared with U.S. private sector critical infrastructure entities to enable them to protect their networks from possible cyber-attack?

The cyber threat to critical infrastructure has been a key concern of mine for some time.

If confirmed, I look forward to working closely with DHS and FBI and the rest of the Intelligence Community on foreign cyber threats to critical infrastructure, and how best to provide information to the private sector while protecting sources and methods.

Financial Intelligence

QUESTION 18: The IC’s ability to investigate and disrupt the illicit financial and commercial networks that support or enable violent actors is central to addressing national and international security threats. Please describe your strategy for improving the IC’s collection and analysis efforts regarding financial intelligence, including the use of open source and proprietary commercial information and obtaining the cooperation of other countries.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

I agree that financial intelligence—any information specific to understanding the finances of our adversaries—is a central component to understanding and addressing national and international security threats. We need to be able to follow the money. If confirmed, I intend to leverage the expertise of the Intelligence Community to address this critically important issue, including considering ways to improve the IC's efforts in this area.

Science & Technology and Research & Development

QUESTION 19: How do you assess the state of science and technology (S&T) activities within the IC? If confirmed, how would you improve S&T activities in the IC and improve recruiting and retention of the best available S&T talent?

While serving as a commissioner on the *National Commission for the Review of the Research and Development Program of the United States Intelligence Community*, I saw how S&T remains critical to our future national security in an increasingly complex world. From cyberspace to actual space, rapidly advancing technologies have forced changes to business processes and the way they we operate to defend our national security interests. I recognize that to maintain a competitive edge depends on the ability to sustain robust pipelines of individuals who advance and lead innovation in STEM and Cyber disciplines. I believe to meet future mission-critical skill requirements, the IC should develop effective plans to close critical skill gaps and continue to be innovative in their approach to attract future talent.

QUESTION 20: The Committee has a strong interest in IC research & development (R&D). If confirmed, what would be your top priorities with respect to R&D in the IC? What should be the appropriate size of the research and development budgets as a percentage of the total National Intelligence Program (NIP)?

I am concerned about technological advances of potential future adversaries like Russia and China, who continue to steal technology from both our public and private sectors. Additionally, other countries are developing new systems, strategies, and tradecraft designed to negate present and future known or suspected IC capabilities. If confirmed, I will examine the level of investment for research and development in the National Intelligence Program, while keeping an eye to maintaining the Intelligence Community's technological advantage.

QUESTION 21: What should be the future role and mission of the Intelligence Advanced Research Projects Activity (IARPA)?

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

Given the unique missions presented to the IC, it is critical that the IC maintains its technical advantage over our adversaries. As we have seen, nations like China and Russia are not letting up on pushing the technological envelope, and neither should we.

In contrast to other IC R&D organizations, IARPA performs no research in-house; it selects and funds external organizations to perform research – over 500 organizations, to date, mostly universities and small businesses. To prevent duplication, IARPA collaborates closely with other IC elements, National Labs, and the Defense Advanced Research Projects Activity.

Going forward, I am confident that IARPA will continue to push the envelope to find breakthroughs on some of the hardest problems facing the IC. If confirmed, I look forward to working with IARPA to foster such innovations and ensuring that IARPA's programs are aligned with Community-wide priorities and emerging threats. I am also encouraged by IARPA's creative use of new acquisition methods, like prize challenges which allow any inventor to win cash rewards for solving a critical IC challenge.

QUESTION 22: If confirmed, will you fully support the Committee's Technical Advisory Group (TAG) studies and allow the TAG members to have access to the people and information throughout the IC that is required for their studies upon the Committee's request?

I fully support the Committee's need for access to IC information and personnel necessary to meet its oversight obligations, 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. If confirmed, I will work with the Committee to facilitate that access for TAG members.

IC Missions and Capabilities

QUESTION 23: What is your assessment of the quality of current IC intelligence analysis? If confirmed, would you pursue additional steps to improve intelligence analysis, and, if so, what benchmarks will you use to judge the success of future IC analytic efforts?

From my experience as a member of the SSCI, I have consistently been impressed by the analysis presented to the Committee both in writing and in briefing sessions. And as I prepare for this job, the expertise in the IC's analytic community continues to impress me.

As with any tradecraft, the IC should always look to find ways to improve and advance its skills. For example, the challenge that "big data" presents to the analytic community is something I am eager to learn more about.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

If confirmed, I will look to ODNI's Analytic Integrity and Standards team to share with me the findings of their Community-wide reviews, and suggestions for ways to build upon the strong foundation of analytic expertise in the IC.

QUESTION 24: What is your view of strategic analysis and its place within the IC? Please include your views about what constitutes such analysis and what steps should be taken to ensure adequate strategic coverage of important issues.

Strategic analysis is central to the Intelligence Community's mission because it flags long-term trends in national security and puts them in a broader context for US decision makers, helping them think beyond the daily press of business. Different from the tactical analysis of certain situations or specific issues, strategic analysis addresses questions relevant to underlying and enduring US interests and policy objectives and helps US leaders assess how historical patterns and precedents may be relevant to the risks and opportunities of today and tomorrow. This work provides strategic warning of potential threats to vital US interests, a critical tenet of the IC.

In order to present the best strategic analysis, we must have clear priorities for our resources, and properly integrate those priorities into the IC's collection and analysis strategies. The role of the DNI is key to ensuring that those priorities are integrated across the entire Community, bringing the whole of the IC to address the issue.

We must also continue to recruit and maintain analysts with diverse skill sets and backgrounds, and balance those with those steeped in data analysis. An integrated workforce is a force multiplier that can advance our knowledge of key problem sets.

QUESTION 25: What are your views concerning the quality of intelligence collection conducted by the IC and your assessment of the steps that have been taken to date by the ODNI to improve that collection? If confirmed, would you pursue additional steps to improve intelligence collection and, if so, what benchmarks will you use to judge the success of future collection efforts by the ODNI?

Collection is at the heart of the intelligence mission – we can't analyze information that we don't have. The many sources and methods of collection are all valuable for the diverse missions of the IC. I have been continually impressed by the quality of collection that the community provides across a vast array of topics. The challenging environments in which our collection efforts take place only further complicates our mission, and I am continually encouraged by the creative minds of the IC to achieve the mission.

It is too early for me to assess the collection posture of the whole of the IC, and if confirmed, I will work closely with the leaders of the IC's collection agencies and the National Intelligence Managers to clarify top collection focus areas, whether they are

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

enduring needs or temporary gaps, and ask the NIMs to take the initiative in integrating the community's collection response.

Efficiencies across the Intelligence Community

QUESTION 26: The IC Information Technology Environment (IC-ITE) is a significant accomplishment by former Director of National Intelligence Clapper to better integrate the IC and reduce long-term costs by sharing services. With IC-ITE operation, it may be time to consider other "back office" support activities, such as financial management, human resources, asset management, procurement, to force increased integration and efficiencies.

A. What are your thoughts on integrating these activities?

I appreciate the focus on this issue by Director Clapper, and agree that this is a critical area of emphasis for the IC. Also, in considering the breadth of this effort, the IC-ITE program is a great example of the value that ODNI brings to hard problems for the IC. Only an integrated and independent look at the many IT systems among the many IC elements could put together a comprehensive way forward to not only improve how the IC does business, but bring down the long-term costs as well.

The DNI and the IC have focused attention primarily on mission adoption of IC ITE services, believing mission is where the technology can make the greatest impact. The differing operations of 17 IC elements bring unique challenges to the areas of personnel, training and business systems.

If confirmed, I would anticipate reviewing the current structure and practices to assess whether there are efficiencies available to accelerate integration of the IC but recognize that need to focus first on mission adoption of IC ITE services before focusing on other areas.

B. Does the DNI have the authority to manage these functions as a shared service for the entire IC?

Yes, based off authorities granted under IRTPA and EO 12333, I believe the DNI has adequate authorities to designate and oversee shared IT services by designating agencies to provide "Services of Common Concern."

Authorities of the DNI: Personnel

QUESTION 27: The Committee's most recent Intelligence Authorization bill included provisions supporting IC employment of those with science, technology, engineering, and mathematics (STEM) backgrounds and expertise. If confirmed, how would you undertake outreach, recruitment, and retention of employment candidates with STEM experience?

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

With IC missions that require a highly skilled workforce continuing to grow—areas like cyber and data science come to mind—we must remain competitive with the private sector that can offer attractive salaries and benefits to top talent.

Maintaining the competitiveness of the IC depends on its ability to sustain robust pipelines of individuals who advance and lead innovation in STEM and Cyber disciplines. The IC must have the capability to project current and future mission-critical skill requirements and develop effective plans to close critical skill gaps.

I am encouraged by the strong partnerships that the IC has built with academia and industry to attract highly-qualified STEM candidates. The IC must continue to be innovative in its approach to attract future talent as early as possible in the education process.

Moreover, to remain relevant, I will consider leveraging special salary rates and maximizing employee mobility authorities and other incentives to keep the IC competitive in a “hot” market for individuals with specialized skills. I would also consider the hiring of term-limited Highly Qualified Experts in order to bring in experts with STEM experience.

I would see as one of my roles the responsibility to reach out to the public and universities to explain the role of the IC and the benefits of being a part of our national security enterprise.

QUESTION 28: What is your view of the principles that should guide the IC in its use of contractors, rather than full-time government employees, to fulfill intelligence-related functions?

There are legal and regulatory limitations on the use of contractors that the IC must continue to abide by.

With regard to the value of a workforce mix that includes both contractors and government employees, both play a critical and complementary role in ensuring that the Intelligence Community performs its mission. Questions to consider when deciding whether to hire contractors, include: whether the work is inherently governmental; whether an effort is temporary or enduring; what presents the most cost effective option; and whether the skill set is unique or a surge requirement requiring a quick solution.

If confirmed, I will work with the IC Chief Human Capital Officer to ensure that the IC’s policy for the use of contractors is appropriate, and provides an appropriate workforce mix to meet the IC’s many missions.

A. Are there functions particularly suited for the use of contractors?

Yes, there are functions particularly suited for the use of contractors within the IC. These include providing widely available commercial services and functions that are not specific or tailored to the business or mission of the IC. Contractors are also best able to support surge requirements for changing mission needs.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

B. Are there some functions that should never be conducted by contractors, or for which use of contractors should be discouraged or require additional approvals by the DNI?

Yes, contractors should not conduct inherently governmental functions. Examples of inherently governmental functions are judgments related to monetary transactions, resources, entitlements, exerting control over acquisitions, and developing IC policies.

C. What consideration should the IC give to the cost of contractors versus government employees?

I have a long-standing interest in ensuring the best value for the taxpayers. The cost of contractors versus government employees should be an important factor when evaluating workforce composition. By thoroughly evaluating cost, the IC can ensure that taxpayers are getting the best value.

However, while cost is a key consideration, it cannot be the sole determining factor. For example, certain positions must by statute or regulation be performed by government employees. For those positions, cost cannot be a consideration. There also might be times when a contractor is more expensive than a government employee, but if the nature of the work is temporary, a decision to weigh short-term against long-term costs may lead to hiring a contractor.

D. Does the IC need any legislation or administrative policies or practices to facilitate the replacement of contractors by full-time government employees?

I believe lifting the civilian personnel position caps, as was proposed by the Senate version of the FY17 Intelligence Authorization act, is an important step that will bring the IC in-line with common practices across the government. This move would allow the IC the opportunity to ensure that it has the right balance between government and contractor employees.

E. What does the IC need to appropriately balance the workforce between government civilians and contractors?

The flexibility to make workforce resource decisions based on mission requirements, capability, and costs as opposed to the availability of contract dollars or positions would allow the IC to strike the right balance between government civilians and contractors.

I am encouraged by the steps taken by the Senate in the FY17 Intelligence Authorization Act, which I supported before my retirement, to work toward this goal and I will continue to support them if confirmed.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

QUESTION 29: What do you believe is the appropriate mix in the ODNI between cadre employees and detailees from other government entities?

In order for the ODNI to successfully perform its statutory missions of integrating the IC, there must be a significant portion of the workforce that come from across the IC elements. These rotational detailee employees refresh the workforce and infuse up to date operational knowledge and experience from across the IC. ODNI also must maintain a stable cadre population for continuity over time and oversight of various business and infrastructure capabilities.

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

QUESTION 30: What is your assessment of the personnel accountability system in place at the IC, both at the ODNI and within other IC elements? What actions, if any, should be considered to strengthen personnel accountability as well as ensure fair process in the IC, including matters related to allegations of serious misconduct?

The ODNI and other IC elements have personnel accountability processes in place that are generally handled at the supervisor or manager level. However, there are also roles for the human capital, equal employment opportunity, General Counsels, civil liberties protection officers, as well as various offices of Inspectors General. Throughout the IC, counterintelligence and security officials also participate in personnel accountability processes.

I have not yet had the opportunity to assess the systems in place. If confirmed, I will be committed to having strong, but fair accountability processes in place throughout the IC.

QUESTION 31: What is your assessment of the sufficiency of the DNI's authorities to be involved in the selection of senior intelligence officers (below the level of the head of the component) outside the ODNI?

While the DNI currently has no authority in the selection of senior intelligence officers for positions below the level of the head of IC components outside the ODNI, the DNI can exercise significant influence based upon his or her relationship with the head of the component.

At this time, I believe this is sufficient as it is keeping with my views that the agency heads need to have adequate independence to run their organizations.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

QUESTION 32: One of the challenges of the position of DNI is staff management and the resolution of important policy and oversight issues when different divisions of the ODNI may disagree on a proposed course of action. If confirmed as DNI, how would you balance the competing demands of fulfilling the DNI's responsibilities within the IC and the internal responsibilities of managing the ODNI staff?

In preparing for this opportunity, I have quickly learned about the many requirements levied on the ODNI by Congress and the President. These include matters relating to the running of the ODNI as an agency and matters relating to IC as a whole. Both will require my attention. Striking a balance will be critical to addressing the needs of the IC and ODNI.

Within ODNI, I will rely on my Principal Deputy Director of National Intelligence and the senior management team at ODNI to provide me guidance and counsel on the internal operations of the ODNI with a focus on ensuring that ODNI resources are directed at strengthening IC integration and effectiveness. Through the Executive Committee and Deputies Executive Committee, I will rely on the PDDNI, senior intelligence officers within ODNI, and the IC element heads to provide guidance and counsel on IC-wide issues.

If confirmed, it will be my responsibility to seek and understand different opinions within ODNI and make decisions in the best interest of the IC as a whole.

Authorities of the DNI: Information Access

QUESTION 33: What is your view of the IC's current efforts to enable the IC to operate like a true "information enterprise" where information is accessible by all IC elements? If confirmed, how would you pursue this goal?

The primary role of the DNI is to foster integration of intelligence, with information being the connective tissue of that integration. As the 9/11 Commission found, the ability to "connect the dots" is critical to best protect the nation. Sharing information is how we let people know there are dots to connect in the first place.

Key steps have been taken to allow for wider information sharing across the Community. IC policy speaks to an overall "responsibility to provide" intelligence information, to provide the widest dissemination of information within security requirements. Practically, the IC has made significant progress in acquiring and delivering a common IT infrastructure that enables greater information sharing. IC elements are also developing data-sharing agreements that enable secure, lawful information sharing, and they are building tools that help analysts find and use data to support the mission while protecting civil liberties and privacy.

If confirmed, I would work with IC elements to maintain the momentum they have achieved toward an information enterprise and support programs that operationalize these principles. Specifically, I would review all efforts to ensure that the IC's data, tools, and

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

applications enable the right IC analysts to find and use the right data in a timely manner, in accordance with applicable law and policy.

QUESTION 34: What in your view are the appropriate steps that should be taken to allow for increased inter-agency access to sensitive intelligence information? If confirmed, how would you pursue these efforts?

The DNI oversees the management and administration of all IC Controlled Access Programs, ensuring compliance with policy regulations as well as the balance to safeguard our most sensitive information and meet the need of our mission to provide timely intelligence. In deciding whether to increase interagency access to sensitive intelligence information, it is important to weigh the risks of sharing and the risks of not sharing.

If confirmed, I will seek input on existing IC policies and seek to ensure that the IC is allowing interagency access to the maximum extent possible while managing risk appropriately. Further, I will expect the IC's senior leadership, who have insight across our sensitive holdings, to take proactive measures to ensure that information is getting into the hands of personnel who need it in order to produce timely, accurate analysis.

QUESTION 35: Section 103G of the National Security Act (50 U.S.C. § 403-3g) establishes the authorities of the Chief Information Officer of the Intelligence Community (IC CIO), including procurement approval authority over all information technology items related to the enterprise architectures of all intelligence community components.

A. What is your view of the authority of the IC CIO to create an integrated national intelligence and military intelligence information sharing enterprise?

Although IC CIO does not exercise authority over DoD equities, my understanding is that the DoD CIO and USD(I) partner closely with the IC CIO to ensure the national intelligence and military intelligence IT capabilities are efficient and interoperable. To that end, the IC CIO is working closely with the intelligence elements of the Combat Support Agencies and the military services and they are full participants in IC ITE.

As the DNI's authority does not allow for direction of resources outside the National Intelligence Program, I am encouraged by the coordination currently in place, and I will continue to foster this collaboration with the Department of Defense.

B. If confirmed, how do you intend to achieve true integration of national intelligence and military intelligence information sharing enterprises?

In my view, major decisions regarding our IT and information sharing enterprises must be made in collaboration with DoD.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

If confirmed, I would work with Secretary Mattis and the IC's DoD partners to overcome any obstacles to the adoption of common services or sharing of information.

Authorities of the DNI: Financial Management, Infrastructure, and Classification of Information

QUESTION 36: (Bullets A-C)

A. What are the most significant acquisition management issues facing the IC in the near and long term?

Recruiting, retaining, and cultivating an acquisition workforce with the relevant expertise, critical thinking skills, and competencies is an ongoing challenge. As the acquisition workforce continues to lose seasoned acquisition professionals, it is imperative that the IC strives to attract, retain, and develop the next generation of committed acquisition professionals (particularly contracting officers) with the skills required to address the challenges the IC faces today and in the future.

B. What is the appropriate balance between classified and unclassified capabilities in IC acquisition programs?

Given the sensitive nature of intelligence collection, there will always be a need for classified systems to protect our most sensitive sources and methods. By keeping these capabilities classified, the IC prevents its adversaries from creating new methods and/or means to counter our systems. Classified and unclassified capabilities have been, and will continue to be, complementary. Wherever possible, the IC should seek to leverage unclassified capabilities to fulfill intelligence needs.

The IC must continue to balance the mix of classified and unclassified capabilities based on intelligence needs, capabilities available, and risk. I will look to leverage the capabilities that unclassified platforms can bring to the mission, while maintaining the advantages that our unique classified programs provide.

C. Are there any changes you see as necessary to improve IC acquisition management?

As of now, I am unaware of any changes needed to improve IC acquisition management and believe that current authorities are sufficient. If upon further review, I realize that changes are needed, I will update the Committee.

QUESTION 37: The IRTPA assigned certain budget authorities to the DNI to include developing a consolidated National Intelligence Program (NIP).

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

A. Do you see a need to modify financial management of the NIP?

The National Intelligence Program (NIP) is a very large and complex enterprise made up of 6 Departments (the Departments of Defense, Treasury, State, Justice, Homeland Security, and Energy) and two independent agencies (ODNI and CIA). The total NIP budget authority of \$53.5 billion exceeds the discretionary budgets of 11 Cabinet Departments; only 4 Cabinet Departments are larger.

If confirmed, I will examine all facets of NIP financial management under my authority to determine if any modifications are needed. Should I discover any necessary changes to my authorities, I would raise them to the Committee for consideration.

B. What should be the relationship between the IC and the Defense Department and Services in the management and execution of all NIP resources?

The relationship between the IC and DoD is critical on all levels, and the responsible management of our resources is essential.

I believe the IC, the DoD, and the Services should take a collaborative approach to the management and execution of NIP resources that ensure the DNI has access to the information necessary to effectively carry out its statutory responsibility to manage the NIP, while providing necessary flexibility for DoD IC elements to execute their missions.

QUESTION 38: The IC Information Technology Enterprise (IC ITE) is moving the Community into a consolidated information environment that seeks to maximize information technology resources while promoting integration and a collaborative work environment. Are there additional initiatives that need to take place in order to capitalize on existing efforts? If so, please explain.

I believe the IC CIO, as well as the CIOs across the IC, should continue to identify additional capabilities, built on a strong IC ITE foundation, that are important to further improve mission effectiveness. Areas like cloud services, improved sharing at lower classification levels, and the best use of data centers are growth areas that, if confirmed, I will work with the IC CIO's to foster.

QUESTION 39: Please explain your understanding of Section 102A(i) of the National Security Act of 1947 (50 U.S.C. § 403-1(i)), which directs the DNI to establish and implement guidelines for the classification of information, and for other purposes.

A. If confirmed, how would you implement this section of the law?

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

If confirmed, I will use my authority to: effectively manage and safeguard information that requires protection; expand information dissemination within the IC; responsibly share information with other U.S. agencies and departments in defending against transnational terrorism and other threats; and facilitate foreign disclosure and release that can provide critical support to our national security and foreign policy objectives.

B. What approach would you take to the systematic review and declassification of information in a manner consistent with national security, including the annual disclosure of aggregate intelligence appropriations?

The accurate and accountable application of classification standards is critical to maintaining the security of sensitive information. Maintaining effective and robust declassification programs demonstrates to the American people the IC's commitment to keeping the public informed of the activities of its Government in a manner consistent with national security.

Any declassification efforts must weigh the value of making public the information with the risk of our adversaries being able to use the information against us. I will face each of these decisions with those factors in mind. As directed by statute, I will ensure that the public release of figures representing aggregate funds requested by and appropriated for the IC is completed annually.

If confirmed, I will encourage the IC to be proactive in making available to the American public classified information no longer requiring protection.

ODNI Relationship with the Department of Defense

QUESTION 40: Please explain your understanding of the need to balance the requirements of national and military intelligence consumers, specifically between establishing a unified national intelligence effort that includes intelligence elements housed within DoD with the continuing requirement that combat support agencies be able to respond to the needs of military commanders.

A. What is your assessment of the national intelligence effort to satisfy the needs of military commanders for human intelligence collection, and what steps would you take to address any deficiencies?

A Combatant Commander's human intelligence requirements are best met through continuous close coordination with the IC. IC/DoD coordination should focus on a common understanding of collection capabilities, and continuously evaluating results.

I intend to work with the USD(I) to enable more effective DoD human intelligence efforts by furthering IC HUMINT capabilities writ large. I would also leverage the expertise of the HUMINT Functional Manager in such discussions.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

B. What is your assessment of the military intelligence gathering effort, and what role do you see for the DNI in addressing the challenges faced by programs funded by the Military Intelligence Program?

I see NIP-MIP coordination as an effective means to allocate collection resources between national and military missions. To further support military intelligence, I envision that ODNI would work to understand challenges in the MIP, and in close coordination with USD(I) as the manager of the MIP, identify the means to address those challenges.

QUESTION 41: (Bullets A-E)

A. What is your understanding of the different roles that the DNI and the Secretary of Defense should play with respect to intelligence elements within DoD?

In general, the roles of the DNI and Secretary of Defense are ones of mutual support. With regard to intelligence, the Secretary of Defense has primary responsibility for the Military Intelligence Program, and the DNI for the National Intelligence Program. It is a mission imperative for ODNI and DoD to coordinate efforts across both programs to ensure strong support to combatant commands and current operations.

If confirmed, my objective is to work closely with the Secretary Mattis on strategic issues while working routinely with the USD(I) on a regular basis. I'll rely on the USD(I) to develop DoD's national intelligence requirements and to advise me on issues directly affecting DoD.

While the DNI serves as the head of the IC, the responsibilities of the position cannot be accomplished without the support of the Secretary of Defense, who has day-to-day authority and direction over a large part of the Intelligence Community. I am encouraged by the coordination I have seen, and if confirmed, will continue to foster strong integration with DoD.

B. What is the relationship between the DNI and the heads of the individual intelligence agencies residing within DoD?

As the head of the Intelligence Community, the DNI has a responsibility to oversee the activities and programs of intelligence agencies residing within DoD, and foster integration between them and all parts of the IC. The DNI's role is overseeing the programming and execution of the national intelligence program (NIP) portions of their budgets. These agencies are also responsive to the DNI, who determines national intelligence requirements and priorities, thus ensuring unity of effort against the array of challenges we collectively face.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

At this point, it appears that ODNI has strong working relationships with each of the DoD intelligence agencies, relationships that I will work to personally strengthen if confirmed.

C. Does the DNI now have visibility over the full range of intelligence activities conducted by DoD?

My current understanding is that the DNI has visibility over the full range of intelligence activities in DoD.

D. Are there additional authorities that the DNI should have regarding the full range of intelligence activities conducted by DoD?

I am not aware of any additional authorities that the DNI should have regarding the full range of intelligence activities conducted by DoD.

E. Is the Undersecretary of Defense for Intelligence (USD(I)) subject to the authority of the DNI? If so, to what extent?

The USD(I) serves as the principal staff assistant to the Secretary of Defense for DoD intelligence matters and is not a formal member of the Intelligence Community, as defined by the National Security Act or EO 12333.

Nevertheless, the USD(I) also acts for the DNI as the Director of Defense Intelligence (DDI), providing valuable advice and input to the DNI on DoD intelligence matters. In his role as DDI, he is subject to the DNI's authority.

QUESTION 42: (Bullets A-B)

A. What is your understanding of the responsibilities of the USD(I) regarding the different intelligence elements within the DoD?

My understanding is that the USD(I) is the principal advisor to the Secretary and Deputy Secretary of Defense for intelligence, counterintelligence, security, sensitive activities, and other intelligence-related matters. The USD(I) exercises the Secretary of Defense's authority, direction, and control over, and oversees the activities of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency/Central Security Service, and the National Reconnaissance Office.

The USD(I) also fulfills the Secretary's statutory requirement to advise the DNI on his requirements from the National Intelligence Program. Lastly, as the Program Manager for the MIP, the USD(I) is the entry point for the DNI's participation in developing the Military Intelligence Program, for which USD(I) is the program manager.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

B. If confirmed as DNI, what issues do you believe require the attention of the DNI and the Secretary of Defense regarding the role of the Office of the USD(I)?

If confirmed, I will acquaint myself in detail about the current relationship between the ODNI and the Department of Defense, especially the role of the USD(I). It would be my intent to continue the close partnership between the DNI and USD(I) and further strengthen an integrated approach to supporting national security objectives.

ODNI Relationship with the Central Intelligence Agency

QUESTION 43: (Bullets A-E)

A. What is your view of the DNI's responsibility to supervise, direct, or control the activities of the CIA?

Under the National Security Act, the Director of CIA reports to the DNI regarding the activities of the CIA. To that end, the DNI has both an oversight role to play, along with a key partnership in relation to the CIA. I have had multiple conversations with CIA Director Mike Pompeo about the relationship between the ODNI and the CIA, and I am confident that, if confirmed, I will work closely with him to ensure that we and the agencies we lead are well-positioned to work together to protect national security.

B. Should the DNI have a role in the supervision, direction, or control of the conduct of covert action by the CIA?

Any decision to employ covert action as a tool of national security strategy will, by law, be made by the President. EO 12333 states that the DNI "shall oversee and provide advice to the President and the NSC with respect to all ongoing and proposed covert action programs." The flow of information to the DNI on covert action programs should be driven by this role, meaning that the DNI must be kept informed of existing covert action programs.

C. What level of notification about covert action activities should the DNI receive?

I understand that CIA and ODNI regularly schedule updates that ensure that ODNI stays abreast of developments relevant to its oversight and advising responsibility, and that any covert action issue warranting CIA notification to the National Security Staff or to Congress should be provided contemporaneously, or earlier if practicable, to the DNI.

D. What role should the DNI have with respect to the Director of the CIA's responsibilities to coordinate the relationships between IC elements and the intelligence and security services of foreign governments or international organizations?

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

The IRTPA directs the DNI to oversee the coordination of foreign intelligence relationships and the Director of CIA to coordinate those relationships under the direction of the DNI. To that end, the ODNI establishes and oversees policies guiding IC engagement with foreign partners, such as through various Intelligence Community Directives governing information sharing. The CIA implements those IC-wide policies and objectives in its conduct of foreign liaison activities.—If confirmed, I expect to continue this approach.

E. What role should the DNI have with respect to the CIA's management of its national human intelligence responsibilities?

The DNI, as head of the Intelligence Community, establishes policies, objectives, and priorities. The Director of CIA is responsible for coordinating the clandestine collection of foreign intelligence collected through human sources means outside of the United States, and also serves as the Functional Manager for HUMINT. The DNI has effectuated these IC-wide responsibilities, in part, through issuance of Intelligence Community Directives that address the functional manager role across intelligence disciplines and that further specify the role of the CIA in HUMINT coordination abroad. In other words, the DNI establishes the policy framework for deconfliction, coordination, and integration of HUMINT activities, while the CIA is responsible for operational coordination of HUMINT activities abroad.

ODNI Relationship with the Department of Justice and the Federal Bureau of Investigation

QUESTION 44: What is your view of the role of the Federal Bureau of Investigation (FBI) within the IC?

As one of the primary agencies tasked with identifying, detecting and disrupting foreign government and terrorist threats to U.S. national security, the FBI is an integral component of the IC. The FBI is a strong IC element, with the ability to use both its intelligence and law enforcement tools to protect our nation from attacks on the homeland and on U.S. persons and interests abroad.

Moreover, the FBI plays a critical role in U.S. domestic security and counterintelligence. Through the domestic DNI Representative Program, FBI executives in the field are dual hatted as DNI representatives, and work with IC, state, local, and private sector partners within their regions to understand the threat picture and key issues within each geographic region. This is key to ensure that the IC has a coordinated effort and fully supports our partners within the region. With economic and industrial espionage from our preeminent foreign adversaries on the rise, FBI's counterintelligence efforts play a critical role in protecting our economy and national sovereignty. A more unified and effective IC enhances the nation's ability to share information with our law enforcement and private sector partners and prevents and minimizes threats to our national security.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

QUESTION 45: What is your understanding of the relationship between the National Security Branch of the FBI and the DNI, particularly regarding collection priorities and information sharing?

The FBI's National Security Branch (NSB) furthers the IC mission by its investigation of national security threats. It brings critical skill sets to the IC, especially in areas like cyber, counterterrorism, and counterintelligence.

As is the case for all members of the IC, the FBI follows the DNI's intelligence collection priorities.

Numerous ODNI centers and offices, including NCTC, NCSC, and DDII work closely with the FBI's NSB regarding national intelligence priorities and information sharing.

QUESTION 46: What is your understanding of the different roles and responsibilities of the DNI and the Attorney General in the U.S. Government's counterterrorism effort?

The DNI and the Attorney General have complementary mutual roles and responsibilities with respect to the U.S. Government's counterterrorism efforts. They must work together, and with other Federal, State, international and private partners, to successfully deter terrorism. The DNI serves as head of the intelligence community and principal intelligence adviser to the President and the National Security Council for intelligence matters concerning U.S. national security. The Attorney General serves as head of the Department of Justice and the chief law enforcement officer of the United States. The DNI, like all executive branch officials, is bound by the legal opinions of the Attorney General.

A key to the DNI's success is ensuring that the IC obtains available intelligence in a timely manner. The Attorney General and the DNI work together in this regard. The DNI establishes requirements and priorities for foreign intelligence collection, both pursuant to FISA and other applicable authorities, as well as for the dissemination of intelligence to IC partners. The Attorney General, in turn, sets the legal guidelines and provides oversight for certain intelligence activities, as well as supervises the FBI, the lead agency for domestic counterterrorism investigations.

The DNI's responsibility for counterterrorism efforts is also embodied in the inclusion of the National Counterterrorism Center within the ODNI. NCTC has broad responsibility within the U.S. Government to consolidate sources of government data believed to contain information about known or suspected terrorists or terrorism threats, and to conduct analysis of terrorism and terrorist organizations (except purely domestic terrorism and domestic terrorist organizations) from all sources of intelligence. NCTC produces a wide range of analytic and threat information for the senior policymakers across government.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

QUESTION 47: What is your understanding of the different roles and responsibilities of the DNI and the Attorney General in the U.S. Government's counterintelligence effort?

The Attorney General is the chief law enforcement officer in the United States. In this role, and together with the FBI, the Department of Justice and FBI investigate potential violations of criminal law, including counterintelligence matters. As directed in statute, the National Counterintelligence Executive (NCIX) serves as the head of the U.S. government counterintelligence activities, including setting operational priorities, developing strategies, and conducting vulnerability assessments.

ODNI Relationship with the Department of Homeland Security and other Departments of the United States Government

QUESTION 48: What is your view of how well the intelligence elements of the Departments of Homeland Security, Treasury, State, and Energy are integrated within the IC? Do you believe that there are changes that should be made to the organization, mission, or resource level of any of these agencies?

The intelligence elements within the Departments of Homeland Security, Treasury, State and Energy are part of the IC and bring to bear resources and knowledge critical to U.S. national security. The Secretaries of each of these departments are statutory members of the Joint Intelligence Community Council (JICC), an advisory council that assists the DNI in developing and implementing a joint, unified national intelligence effort to protect national security.

I believe the standup of the ODNI has enabled more effective integration of the intelligence elements of the Departments of Homeland Security, Treasury, State, and Energy over time. If confirmed, I would examine the organization, mission, and resource levels of all elements under my authority to determine if any changes should be considered and implemented.

QUESTION 49: What is your understanding of the different roles and responsibilities of the DNI and the following officials, regarding the IC elements within their departments:

A. The Director of the Office of Management and Budget

Several authorities of the DNI are exercised subject to the approval of the Director of the Office of Management and Budget (OMB).

For instance, the DNI's authorities to transfer IC civilian personnel throughout the community require approval of the Director of OMB. Likewise, the authority of the DNI with regard to transfer or reprogramming of NIP funds is subject to the approval of the Director of OMB. Finally, the ODNI, like other Federal agencies, complies with applicable OMB guidance and policies for implementation of various Federal laws.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

B. The Secretary of Energy

C. The Secretary of Homeland Security

D. The Secretary of State

E. The Secretary of the Treasury

The intelligence elements of the Departments of Energy, Homeland Security, State, and Treasury are responsible for supporting both national and departmental missions, in addition to other missions specifically assigned to them by EO 12333. These elements play an important role both within the Intelligence Community and within their respective departments.

As the head of the IC, the DNI has responsibility for the overall effectiveness of the national intelligence effort, and has specific authorities to guide elements – most of whom reside in other government departments – in meeting this responsibility. For example, the DNI provides budget guidance to these elements. The DNI is also entitled by law to be consulted with on the appointment of heads of the intelligence elements, including those in these departments.

As the heads of the departments that contain IC elements, the Secretaries of Energy, Homeland Security, State, and Treasury have responsibility for ensuring that these elements support the overall effectiveness of their respective departmental missions.

Together, the Secretaries of Departments containing IC elements and the DNI must work together and closely coordinate.

Defense Intelligence Agency

QUESTION 50: The Defense Intelligence Agency (DIA) is the “Defense HUMINT Manager” under [DoD] directives, with the responsibility for managing human intelligence activities across [DoD], including those activities undertaken by the military intelligence agencies. Do you believe that DIA should, in both its Title 10 and Title 50 roles, have the authority and ability to manage, direct, and oversee all DoD human intelligence and counterintelligence activities?

I believe that current DIA authorities that allow the agency to manage the Defense HUMINT Enterprise, in both its Title 10 and Title 50 roles, are sufficient and support the ability of the military departments and combatant commands to continue to conduct activities under their respective authorities.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

Privacy and Civil Liberties

QUESTION 51: Section 102A(f)(4) of the National Security Act (50 U.S.C. § 403-1(f)(4)) provides that the DNI “shall ensure compliance with the Constitution and laws of the United States by the [CIA] and shall ensure such compliance by other elements of the [IC] through the host executive departments that manage the programs and activities that are part of the National Intelligence Program.”

A. What are the most important subjects concerning compliance with the Constitution and laws of the United States that the DNI should address in fulfilling this responsibility?

The Intelligence Community cannot perform its mission without the trust of the American people and their elected representatives. Compliance with the Constitution and the laws of the United States is not negotiable for the Intelligence Community and the DNI is expressly charged by the National Security Act to ensure that the IC complies with the Constitution and laws of the United States. More fundamentally, the IC can only engage in intelligence activities with legal authorization.

The IC must engage in its activities in a way that complies with the Constitution. Many statutes are also applicable to IC activities. Notable among them is the Foreign Intelligence Surveillance Act, which provides statutory authority to collect information that is vital to the IC’s national security mission subject to the civil liberties and privacy protections contained in the law. In particular, the ODNI has an important role working with the Department of Justice to oversee how IC elements implement section 702 of FISA.

If confirmed as DNI, I would work with the IC’s leaders to ensure that all U.S. intelligence activities comply with the law and respect the principles upon which the United States was founded. I would also ensure that my office continues to assess civil liberties and privacy compliance across the IC and that the IC has the tools, resources, and support it needs to provide effective oversight.

B. What do you understand to be the obligation of the DNI to keep the congressional intelligence committees fully and currently informed about matters relating to compliance with the Constitution and laws of the United States?

If confirmed, I would have an obligation under the National Security Act to ensure that elements of the Intelligence Community comply with the Constitution and the laws of the United States including keeping the intelligence committees fully and currently informed by notifying them about significant anticipated intelligence activities and significant intelligence failures, among other things. I would also ensure that the Intelligence Community adheres to directives related to the provision of information to Congress.

As someone who spent many years serving in Congress, I take seriously this obligation and recognize the importance of congressional oversight.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

QUESTION 52: The White House issued Presidential Policy Directive-28 (PPD-28), Signals Intelligence Activities, on January 17, 2014. On July 12, 2016, the European Commission determined that the U.S.-EU Privacy Shield Framework was adequate to enable data transfers under EU law.

A. How familiar are you with the relationship between PPD-28 and the U.S.-EU Privacy Shield agreement?

It is my understanding that the European Commission relied in significant part on the privacy protections of PPD-28 when it found that the US-EU Privacy Shield framework was adequate to enable data transfers under EU law. In particular, the European Commission was focused on the extent to which Privacy Shield addressed concerns about the impact of United States signals intelligence activities on personal data that companies transferred from the EU to the United States. The European Commission was reassured by the way that Privacy Shield described privacy protections applied by the U.S. government in its national security activities, including PPD-28's requirements that IC elements have procedures for safeguarding the personal information collected from signals intelligence activities of all persons, regardless of nationality.

B. Are you or anyone in the Administration considering changes to PPD-28?

At the beginning of every new Administration, it is customary for officials to review existing presidential directives in the interest of determining whether in their present form they still address national priorities or deserve to be revisited. I expect that the status of PPD-28 is no different.

Security Clearance Reform

QUESTION 53: What are your views on the interagency security clearance process? If confirmed, what changes, if any, would you seek to make to this process?

I believe that notable progress and efficiencies have been made in standardizing the security clearance process, but believe that there is still work to strengthen and secure the processes that enable talented and innovative personnel to join the IC workforce.

If confirmed, I will support process improvements to assure our security clearance process is aligned to the changing threat environment and application of security clearance reciprocity is accepted to the greatest extent possible.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

Community Management of the Analytic Enterprise

QUESTION 54: The IC has designated functional managers for Geospatial Intelligence, Open Source Intelligence, Measurement and Signature Intelligence, Signals Intelligence, and Human Intelligence. Do you think ODNI's administration of the IC's analytic enterprise would benefit from a Functional Manager for Analysis?

I do not currently believe there is a need for a Functional Manager for Analysis. The responsibility for the analytic enterprise is carried out corporately by the heads of analysis of all the IC agencies that meet as the National Intelligence Analysis Board (NIAB), chaired by the Assistant Deputy DNI for Intelligence Integration, a process that based on my understanding, works effectively.

QUESTION 55: In your assessment, how valuable is ODNI's Analytic Integrity and Standards Group, vis-à-vis the IC's adherence to the analytic standards set forth under Intelligence Community Directive Number 203?

I believe that there is value in the Analytic Integrity and Standards Group as a provider of independent, objective, and impartial evaluation of IC analytic products.

Since its inception as part of IRTPA, AIS has applied rigor in measuring the IC's application of tradecraft standards. Through the feedback that AIS provides to individual agencies, the IC has been able to move forward in improving the quality of its analytic products.

QUESTION 56: Are there additional analytic standards, to include analytic tradecraft standards, not presently contemplated under Intelligence Community Directive Number 203, that you feel should be added as measures for governing the production and evaluation of the Intelligence Community's analytic products?

While additional tradecraft standards on integration could improve the quality of IC analysis, it is too early for me to make that assertion. If confirmed, I will review analytic standards with the AIS team, along with the IC leadership, to ensure a common understanding of these key tenets.

QUESTION 57: Beyond the current system of reviews, evaluations, and surveys, are there further measures that you believe should be implemented by the Analytic Integrity and Standards Group to gauge the quality and accuracy of Intelligence Community analysis?

At this time, I believe the current system of reviews, evaluations, and surveys are adequate to gauge the quality and accuracy of Intelligence Community analysis. I understand the AIS group has taken steps to improve those reviews, evaluations, and surveys, and I look forward to learning more about them, if confirmed.

**SSCI Additional Prehearing Questions for Daniel Coats
Upon his nomination to be Director of National Intelligence**

If additional measures were applicable improve the quality and accuracy of IC analysis, I would consider them within available resources.

22 February 2017

The Honorable Ron Wyden
Select Committee on Intelligence
United States Senate
Washington, DC 20510

The Honorable Martin Heinrich
Select Committee on Intelligence
United States Senate
Washington, DC 20510

Dear Senators Wyden and Heinrich:

Thank you for your letter of 02 February 2017 in which you provided additional questions related to my nomination to be the Director of National Intelligence. Attached, please find unclassified responses to your questions.

Sincerely,

//S//

Dan Coats

Enclosure

Responses to Sen. Ron Wyden and Sen. Martin Heinrich letter dated 02 February 2017

Pursuant to the Presidential Memorandum organization of the National Security Council and the Homeland Security Council (January 28, 2017) ("Presidential Memorandum"), the DNI attends meetings of the Principals Committee "where issues pertaining to [the DNI's] responsibilities and expertise are to be discussed." This represents a change from Presidential Policy Directive 1 (February 13, 2009), which established the DNI as a regular member of the Principals Committee.

- (1) Do you believe there is value in the DNI being a regular member of the Principals Committee and attending all meetings of the Principals Committee? If so, will you advocate for changes to the Presidential Memorandum?**

At the beginning of every administration, the President establishes the organization for the National Security Council. The DNI, as the principal intelligence advisor to the President, has a permanent role on the NSC. This is a recognition that the DNI will often be called on to provide timely, objective, and integrated intelligence information to senior policy makers. I have discussed the current organization of the National Security Council, including the Principals Committee, the Deputies Committee, and the Policy Coordination Committees, with senior White House officials and am confident that the DNI and ODNI staff will have a prominent role across all of the NSC committees. If confirmed, if I ever believe that the DNI or ODNI are not invited to participate in NSC meetings within the DNI's areas of responsibilities, I will advocate for changes to the Presidential Memorandum.

- (2) If you do not support changes to the Presidential Memorandum, please explain how and by whom "issues pertaining to [the DNI's] responsibilities and expertise" should be identified. What would be the proper response should a Principals Committee meeting to which the DNI was not invited begin to address topics pertaining to the DNI's responsibilities and expertise?**

The NSC process starts with the Policy Coordination Committees and issues are raised to the Principals Committee thru the Deputies Committee. Because the ODNI has a permanent role on the Deputies Committee, I am confident that the ODNI will have full visibility into issues to be addressed by the Principals Committee. Accordingly, the ODNI will be in a position to advocate for its inclusion in Principals Committee meetings when matters pertaining to the DNI's responsibilities and expertise are to be discussed, including matters relating to the Intelligence Community or matters that require ensuring policy makers are fully briefed on national intelligence.

- (3) On January 30, 2017, the White House spokesperson announced that the Presidential Memorandum would be amended "to add the CIA back into the NSC." The**

Presidential Memorandum states that the DNI is a statutory advisor to the National Security Council. What do you believe should be the relative roles of the DNI and the Director of the CIA on the National Security Council and Principals Committee?

As reflected in statute, and discussed earlier, the DNI is the principal intelligence advisor to the President. In this role, the DNI is responsible in providing timely, objective, and integrated intelligence to the President and his senior advisors to best inform policy decisions. As part of the NSC and the Principals Committee, it is the role of the DNI, together with the Director of CIA and other IC element heads, to ensure that this intelligence is provided to each forum as part of larger policy discussions.

- (4) In June 2015, you were quoted in the context of your opposition to the USA FREEDOM Act, saying the following: "Contrary to the irresponsible misrepresentations and false statements by some members of Congress, the federal government is not engaged in a massive surveillance program." Which statements by members of Congress who opposed the bulk telephone record program did you consider "misrepresentations" or "false"?**

Over the course of the debate on surveillance programs that were legally authorized and undertaken by the IC under Section 215 of the USA PATRIOT Act, I was regularly asked by my constituents in Indiana about the IC listening in on and collecting all their phone calls. This troubled me for a number of reasons, first and foremost that it was completely untrue. When I asked my constituents where they heard this, they cited media reporting about various Members of Congress who were repeating this misperception.

The program under discussion at the time was authorized in law, approved by the Foreign Intelligence Surveillance Court, and had layers of oversight from not only the legislative branch, but also the judiciary and internal executive branch entities.

- (5) What is your current view of the USA FREEDOM Act? Do you believe that a resumption of bulk collection of Americans' telephone records is necessary?**

The USA FREEDOM Act overhauled NSA's collection of telephone metadata that had been operated under Section 215 of USA PATRIOT Act. The earlier program was authorized by the Foreign Intelligence Surveillance Court, briefed to Congress, and was subject to vigorous oversight. I supported this program because it was operated responsibly and, in my opinion, provided valuable and timely intelligence. Although I voted against the changes to the program made as part of the USA FREEDOM Act, those adjustments are the law and if confirmed, I will ensure the IC abides by them. However, if I identify deficiencies in the program because, for example, telecommunication providers are not retaining data for a sufficient period of time, I will promptly notify Congress and will seek legislative changes.

(6) What differences, if any, do you believe should exist with regard to IC 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?

Protecting the privacy and civil liberties of U.S. persons is a foundational requirement for all intelligence collection. Under the Foreign Intelligence Surveillance Act, these protections are primarily executed through minimization procedures. For other collection activity authorized by Executive Order 12333, the protections are found in guidelines issued by the IC element head and approved by the Attorney General in consultation with the DNI. In order to ensure that the procedures comply with Constitutional and statutory requirements, these procedures are tailored to reflect the type of information collected, where the information is collected, and how the information is collected. It is my understanding that these procedures are either publicly available or otherwise available to the Committee in classified form.

(7) What do you see as the possible costs to bilateral relationships, including bilateral intelligence relationships, to eliminating or modifying PPD 28?

As discussed in my responses to the Committee's prehearing questions, the European Commission relied in significant part on the privacy protections of PPD-28 when it found the U.S.-E.U. Privacy Shield framework was adequate. For that reason, before any changes to the PPD are made, I believe it important to consider the consequence of any modifications.

In addition, it is possible that certain changes to PPD-28 could also impact our bilateral relationships with other countries. For example, foreign partners may seek bilateral agreements with respect to their citizens should they believe the U.S. is not adequately protecting the personal information of their citizens.

(8) Please describe what you believe to be the appropriate limitations on the IC's receipt of, use and dissemination of the communications of U.S. persons collected by a foreign partner. How should those limitations address instances in which the foreign partner specifically targeted U.S. persons who are not the subject of a warrant in the United States or instances in which the foreign partner has collected bulk communications known to include those of U.S. persons?

History has demonstrated that there are people around the world, including here in the United States, who seek to harm our citizens. To that end, information relating to U.S. persons can be highly relevant to IC analysts and operators. If a foreign partner lawfully collects and shares information relating to a U.S. person, that information would be subject to the Attorney General approved guidelines discussed in response to question 6.

- (9) If confirmed, will you ensure that the Intelligence Community fully cooperates with the Privacy and Civil Liberties Oversight Board, both with regard to the Board's formal reviews and its informal exchanges with the Intelligence Community?**

I understand that the IC has been cooperating with the PCLOB as it provides advice and oversight with respect to government programs that protect the nation from terrorism. I believe the PCLOB's oversight builds public trust that executive branch agencies are acting responsibly and lawfully as they execute their CT mission. If confirmed, I will ensure that the IC supports the PCLOB in fulfilling its statutorily-mandated role.

- (10) In recent years, the DNI has declassified and posted information about the legal and policy bases for surveillance activities. Some declassifications are required by statute; others are not. What is your view of these declassifications and public releases? Do you commit to maintain or strengthening the ODNI's current policy with regard to the review, declassification and posting of legal and policy documents?**

I believe that the IC must continue to provide appropriate transparency while also protecting intelligence sources and methods. Responsible transparency builds public trust in the vital work of the IC. If confirmed, I will review the IC's transparency efforts to see if any should be updated or strengthened, as appropriate.

- (11) Will you support the declassification and public release of any interpretation of law that provides a basis for intelligence activities but is inconsistent with the public's understanding of the law?**

It is important for the IC to provide transparency on how the IC implements and complies with legal requirements. If confirmed, I will ensure that the IC continues to prioritize such transparency, while also protecting intelligence sources and methods.

- (12) In a 2010 Indiana Daily Student interview, you expressed opposition to the repeal of "Don't Ask, Don't Tell," calling the policy a "reasonable means of dealing with the issue." You stated, "People are not denied service, but their behavior lifestyle can't be such that it interrupts the morale of the fighting unit." In the same interview, you opposed marriage equality. Under the leadership of Director Clapper, the ODNI and the Intelligence Community made significant and critically important strides toward ensuring that the LGBT IC personnel have full protections and support from the community. Will you commit to maintain and supporting the policies put in place by Director Clapper?**

ODNI and the wider IC comply with existing Executive Orders to protect LGBT individuals from discrimination in federal hiring policies, as well as federal government contractor hiring

practices. If confirmed, I will enforce these protections to ensure we hire and retain a highly qualified and diverse workforce committed to our national security.

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."

(13) 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 DNI, would you seek to ensure that intelligence activities are conducted by the intelligence Community and notified to Congress?

The National Security Council is designed to give advice to the President and provide oversight and management for certain sensitive activities, not engage in operational activity. This responsibility is codified in law. The current structure of the IC places the DNI as the central integrator of critical intelligence products, including those requested or consumed by the President and senior administration officials. I am confident that the IC's structural processes, along with the integrated and collaborative approach built by the ODNI, will serve to ensure that all intelligence activities are lawfully conducted and reported to Congress as required by Title V of the National Security Act.

(14) If, for any reason, you or another IC official makes a public statement that is inaccurate, do you commit to making a public statement correcting the record?

Yes, if I were to mistakenly make a public statement that is inaccurate, I would correct the record.

(15) You voted against the 2015 legislation that prohibited interrogation techniques not authorized by the Army Field Manual. The legislation also prohibited revisions to the Army Field Manual that involve the use or threat of force, required that the Army Field Manual be public, and required ICRC notification of and prompt access to detainees. What is your current position with regard to these statutory requirements? Would you recommend any changes to either current law or the Army Field Manual?

When I cast my vote in 2015, I was serving in my role as a Senator from Indiana and representing my constituents. I have retired from that position and I have also retired my

polymaking role. Current law dictates that the Army Field Manual be the standard for conducting interrogations, and if confirmed, I will ensure that the IC complies with the law. It is too early for me to recommend whether changes are needed to the current requirements.

(16) In December 2014, you signed Minority Views to the Committee's Study of the CIA's Detention and Interrogation program ("Minority Views"). Those Views described the CIA's Detention and Interrogation Program as a "crucial pillar of U.S. counterterrorism efforts." The Views stated: "when asked about the value of detainee information and whether he missed the intelligence form it, one senior CIA operator [REDACTED] told members, 'I miss it every day.' We understand why." At the same time, however, you referred to the termination of the program as a "long-settled issue." What are your current views with regard to the resumption of a CIA detention and interrogation program?

The law is clear. The Army Field Manual is the statutory standard for national security interrogations across government, including the Intelligence Community. Any interrogations conducted by the CIA must comply with this standard. Similarly, Executive Order 13491, which is still in effect, required the CIA to close all detention facilities and prohibits CIA from operating detention facilities in the future.

(17) The Minority Views, which were not an independent report based on a separate investigation, included numerous inaccurate statements about the CIA's Detention and Interrogation program and the Committee Study, including some that have since been acknowledged by the CIA itself. Do you stand by each of the statements and assertions in the Minority Views?

In general, I support these statements in the Minority Views, as they represent the various concerns that the then-Minority membership of the SSCI had with the report's conclusions. Especially troubling were the stated concerns highlighting what I believed was a flawed process taken in the preparation and analysis of the report.

(18) In December 2014, you described the release of the Executive Summary of the Study as "irresponsible" and stated that "Americans are put at harm." The public version of the Executive summary was redacted by the CIA to remove sources and methods as well as names, pseudonyms, and in some cases, even titles. Do you believe that the CIA failed to protect the security of Americans?

I maintain the view that the release of the report was irresponsible, as it had the potential to raise the threat to Americans overseas, as detailed in non-partisan analysis conducted by the Intelligence Community. My top priority is keeping Americans safe, and any decision to

unnecessarily endanger our representatives overseas is one I don't take lightly. I believe that the CIA took necessary steps to protect the security of Americans as referenced in the report.

The Minority Views stated:

"The Study seems to fault the CIA for not briefing the Committee leadership until after the enhanced interrogation techniques had been approved and used. However, the use of DOJ-approved enhanced interrogation techniques began during the congressional recess period in August, and important fact that the Study conveniently omitted... Briefing Committee leadership in the month after beginning a new activity does not constitute actively avoiding or impeding congressional oversight."

In April 2002, months prior to the Senate's August recess, the CIA was using coercive interrogation techniques the Minority Views describe them as "enhanced interrogation"). Throughout July 2002, the CIA and the Department of Justice reviewed the proposed use of "enhanced interrogation techniques."

(19) Do you believe that the statutory obligation to keep the Committee fully and currently informed would have applied to the ongoing and planned activities of the CIA between April and July 2002?

Title V of the National Security Act, which codifies the requirement to keep Congress fully and currently informed, has been amended several times since the stand-up of the DNI in 2005. The DNI has also issued Intelligence Community Directive 112 to provide additional guidance on when and how to provide Congressional notifications. The congressional notification regime now in place is more robust than I have ever seen in my time on the Committee and includes timely notification—usually within 14 days—of significant intelligence activities, significant intelligence failures, and significant legal interpretations.

(20) Do you believe that the statutory obligation to keep the Committee fully and currently informed is diminished during Senate recesses?

The statutory obligation to keep the intelligence committees fully and currently informed remains in place during Senate recesses.

The Minority Views stated the following:

"It is within the President's discretion to determine which members of Congress beyond the 'gang of eight,' are briefed on sensitive covert action programs. There is no requirement for the White House to brief the full Committee as a prerequisite to the declassification or disclosure of information to the media."

(21) Do you believe it is acceptable for the White House to disclose classified information (without formal declassification) without briefing the full congressional intelligence committees on that information?

It is my understanding that before classified information is publicly released, that information undergoes a classification review and, if necessary, a declassification analysis that weighs the public interest in disclosure and the need to continue to protect the information. I consider this a prudent practice. Current law requires that Congress be notified on a timely basis if there is an authorized disclosure of classified information to the media or to the public. If confirmed, I will ensure that we comply with current law.

(22) The Minority Views stated that, while the CIA took custody of its first detainee in April 2002 and began using "enhanced interrogation techniques" in August 2002, the CIA Inspector General did not have a clear "need to know" about the program until November 2002, after a detainee had died in CIA custody. What is your view of the timeliness of IG access to IC programs? Should Inspectors General have access to IC programs at the outset of those programs?

The ability of an IG to have timely access to agency people, documents and or records, is rightfully provided in various statutes. I also believe that in general it is the IG that should determine what information they need in order to perform their statutorily independent oversight mission. If confirmed, any IG that notifies my office of an impediment to such access would have my cooperation and assistance in resolving the issue. Lacking a reasonable suspicion of fraud, waste, abuse or violation of law, rule or regulation, I am not aware of any affirmative responsibility the agency had to proactively involve their IG in each on-going operation.

(23) In 2004, the CIA rendered and detained German citizen Khalid al-Masri. (The ICA Inspector General would later conclude that the CIA did not have sufficient basis to render and detain al-Masri and that his prolonged detention was unjustified.) Over opposition from some in the CIA, the National Security Council determined that al-Masri should be repatriated and that the German government should be told about al-Masri's rendition. You were U.S. ambassador to Germany at the time. What did you take from this experience? Specifically, to what extent should the Department of State and relevant U.S. chiefs of mission be informed in advance of intelligence operations that may affect diplomatic relationships?

I think it absolutely critical that the Chief of Mission be informed of intelligence operations that may affect diplomatic relationships. Strong relationships and linkages improve information sharing, and this is especially critical between the Chief of Mission and those agencies operating within his or her area of responsibility; if the situation turns out poorly, then it is too late.

08 March 2017

The Honorable Richard Burr
Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

The Honorable Mark R. Warner
Vice Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

Dear Chairman Burr and Vice Chairman Warner:

Thank you for your letter of 03 March 2017 in which you provided additional questions related to my nomination to be the Director of National Intelligence. Attached, please find unclassified responses to your questions.

Sincerely,

//S//

Dan Coats

Enclosure

UNCLASSIFIED

**QUESTIONS FOR THE RECORD
FORMER SENATOR DANIEL R. COATS**

QUESTIONS FOR THE RECORD FROM SENATOR FEINSTEIN

Enhanced Interrogation Techniques

During his campaign, President-elect Trump publicly called for U.S. forces to use torture in the War on Terror. He said he would reinstitute waterboarding, which he called a minor form of torture, and bring back “a hell of a lot worse than waterboarding.” This brought tremendous condemnation from our allies and our own intelligence and security professionals who have declared that torture is largely ineffective at getting reliable intelligence. Additionally, yesterday you highlighted the fact that as a Senator, you voted against the 2015 National Defense Authorization Act that restricted all of the US government to only those interrogation procedures authorized by the Army Field Manual. You informed the Committee that the reason you voted against the NDAA was that you believed the Army Field Manual is not fast enough in a ticking time bomb scenario.

- 1. If you were ordered by the President to restart the Intelligence Community’s use of enhanced interrogation techniques that fall outside of the Army Field Manual, would you comply?**

I will absolutely follow the current law as it has been passed by the Congress and signed into law. Under the law, interrogation techniques are limited to those in the Army Field Manual.

- 2. Do you believe that enhanced interrogation techniques, which fall outside of the Army Field Manual, are more effective than approved techniques? If so, based on what?**

Current law limits approved interrogation techniques to those found in the Army Field Manual. I do not see it as the role of the DNI to recommend a reinterpretation of the law, or advocate for legislative changes to it, based on any personal beliefs.

UNCLASSIFIED

QUESTIONS FOR THE RECORD
FORMER SENATOR DANIEL R. COATS

3. Do you plan to advocate for changes to the law based on your personal beliefs that enhanced interrogation techniques, which fall outside of the Army Field Manual, are more effective than lawful techniques approved by experts in the study of interrogations?

If confirmed as the next Director of National Intelligence, I will be responsible for providing timely, objective, and integrated intelligence to the President and his senior advisors to best inform policy decisions.

In that role, I will absolutely follow the current law. I will also ensure that the Intelligence Community as a whole follows both the Constitution and laws of the United States, as I am required to do by the National Security Act. I do not see it as the role of the DNI to recommend a reinterpretation of the law, or advocate for legislative changes to it, based on any personal beliefs.

4. Would you support reinterpretation of current law (rather than a change in statutes) as justified in departing from the public Army Field Manual techniques?

I do not see it as the role of the DNI to recommend a reinterpretation of the law, or advocate for legislative changes to it, based on any personal beliefs.

5. If you received a legal opinion saying that the Intelligence Community could legally use, or ask another country to use, enhanced interrogation techniques that fall outside the Army Field Manual on detainees, and the president ordered you to do so, would you comply?

If confirmed as the next Director of National Intelligence, I will be responsible for providing timely, objective, and integrated intelligence to the President and his senior advisors to best inform policy decisions. In that role, I will absolutely follow the current law in this area as it has been passed by the Congress and signed into law. I will also ensure that the Intelligence Community as a whole follows both the Constitution and laws of the United States as I am required to do by the National Security Act.

UNCLASSIFIED

**QUESTIONS FOR THE RECORD
FORMER SENATOR DANIEL R. COATS**

The current Secretary of Defense, Secretary of State, Secretary of Homeland Security, Attorney General, CIA Director, and Chairman of the Joint Chiefs of Staff have all said that waterboarding and other Enhanced Interrogation Techniques are unlawful and unnecessary. Attached is a letter written to the President from 176 generals and admirals urging him to reject waterboarding and other forms of detainee abuse. The letter, which includes 33 four-star retired generals and admirals, states:

"The use of waterboarding or any so-called 'enhanced interrogation techniques' is unlawful under domestic and international law."

"Torture is unnecessary. Based on our experience—and that of our nation's top interrogators, backed by the latest science—we know that lawful, rapport-based interrogation techniques are the most effective way to elicit actionable intelligence."

"Torture is also counterproductive because it undermines our national security. It increases the risks to our troops, hinders cooperation with allies, alienates populations whose support the United States needs in the struggle against terrorism, and provides a propaganda tool for extremists who wish to do us harm."

6. Do you agree that waterboarding and other enhanced interrogation techniques are not only unlawful but also inappropriate for the fight against terrorism?

I believe the law is clear, interrogation techniques are limited to those in the Army Field Manual.

7. 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?

Waterboarding and certain other enhanced interrogation techniques are prohibited by law, and I will take no action that is contrary to the law.

UNCLASSIFIED

QUESTIONS FOR THE RECORD
FORMER SENATOR DANIEL R. COATS

QUESTIONS FOR THE RECORD FROM SENATOR WYDEN

Surveillance

Section 702 of the Foreign Intelligence Surveillance Act prohibits “reverse targeting” of U.S. persons.

8. What policies do you believe are necessary to guard against reverse targeting?

As the question notes, reverse targeting is already prohibited by Section 702. I understand that training is provided on this prohibition, and that prevention of reverse targeting is an important area of focus for the government personnel who implement this program and who review compliance.

If confirmed, I plan to review how Section 702 is being implemented to determine whether any changes should be made to further strengthen compliance and oversight, including with respect to the reverse targeting prohibition.

Section IV (“Processing Raw SIGINT”), paragraph (C)(2) of the Procedures for the Availability or Dissemination of Raw Signals Intelligence Information by the National Security Agency Under Section 2.3 of Executive Order 12333 states that, when raw signals intelligence is shared with IC elements, queries for communications reasonably likely to be to, from, or about a U.S. person or a person located in the United States may be conducted for purposes of targeting that person if the Attorney General determines that the person is an agent of a foreign power or an officer or employee of a foreign power and the purpose of the selection is to acquire significant foreign intelligence or counterintelligence information.

UNCLASSIFIED

QUESTIONS FOR THE RECORD
FORMER SENATOR DANIEL R. COATS

9. Are there situations where IC elements can conduct queries for communications reasonably likely to be to, from, or about a U.S. person or person located in the United States for purposes *other* than targeting that person *without* an Attorney General finding that the person is an agent of a foreign power or an officer or employee of a foreign power?

In the interests of transparency, the ODNI redacted and released a public version of the procedures, and also released a corresponding Fact Sheet. As they indicate, an IC element that receives access to raw SIGINT under these procedures may use a selection term based on the fact that the communications mention a particular person, but the element may only use a selection term associated with a U.S. person or person in the United States if: (1) the element's legal and compliance officials confirm that the selection term is associated with a U.S. person who is a current FISA target; or (2) if the selection is approved by the Attorney General, or in certain limited cases, is approved by the Director of the NSA or the head of the recipient element (or a high-level designee). It is my understanding that the committee has received the classified and unredacted version of the procedures, which describes those limited cases.

10. What do you see as the distinctions between queries for communications likely to be to, from, or about a U.S. person or a person located in the United States with regard to Executive Order 12333 raw signals intelligence and collection under Section 702 of FISA?

I understand that there is a difference in the legal standard for conducting those queries. For raw SIGINT under EO 12333, the standard is set forth in Section IV of the Raw SIGINT Availability Procedures, as described in the response to Question 9. For queries under Section 702, the standard is set forth in the minimization procedures, the 2015 versions of which have been redacted and publicly released. In both cases, it is important for such queries to be conducted carefully, for authorized purposes, and in full compliance with applicable legal requirements.

UNCLASSIFIED

QUESTIONS FOR THE RECORD
FORMER SENATOR DANIEL R. COATS

- 11. If a foreign entity offers to the Intelligence Community communications that are known to include the communications of Americans who are not suspected of anything, how should those communications be handled?**

Information about Americans – including information provided by a foreign entity – must be handled with great care, in full compliance with applicable legal requirements, including those contained in Attorney General-approved procedures under Executive Order 12333. In no event should the Intelligence Community request that a foreign entity undertake activities that the Intelligence Community is itself forbidden from undertaken.

- 12. Are there cases in which the sheer number of innocent Americans' communications involved, or in which the Americans' communications are particularly politically sensitive (for example, they include those of American politicians, political activists, or journalists), that there should be limitations on what the Intelligence Community can collect, use or retain?**

My understanding is that any IC element collecting information must do so only in accordance with EO 12333 and with specific procedures required by EO 12333 that are issued by the head of the element, in consultation with the DNI, and approved by the Attorney General. Similarly, the receiving IC element would handle the collected information in accordance with the same Attorney General-approved procedures. My understanding is that certain of those Attorney General-approved procedures include specific parameters that apply to sensitive information concerning U.S. persons, among other things.

UNCLASSIFIED

**QUESTIONS FOR THE RECORD
FORMER SENATOR DANIEL R. COATS**

In your response to pre-hearing questions, you wrote that “If a foreign partner lawfully collects and shares information relating to a U.S. person, that information would be subject to the Attorney General approved guidelines discussed in response to question 6.”

- 13. Please explain what “lawfully collects and shares” means in this context. What would constitute an unlawful collection or sharing of information by a foreign partner?**

Under FISA, if the IC is interested in targeting a specific U.S. person, it must obtain a court order that meets all the applicable requirements of FISA. It would be unlawful for the IC to circumvent the law and request that a foreign partner intercept those communications on the IC’s behalf, and to then provide those communications back to the IC.

Lethal Operations

- 14. 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?**

The 2001 AUMF provides a domestic legal framework for targeting enemy forces in the context of hostilities and legal principles have long held U.S. persons that are part of an enemy force are not immunized from becoming targets of lethal operations. However, prior to targeting a U.S. person, I understand that DOJ conducts a rigorous review to ensure that lethal action may be conducted against that individual consistent with the Constitution and laws of the United States. The role of the DNI is to ensure the IC provides accurate and relevant information to assist DOJ and our operational decision-makers in the process. If confirmed, I will work with the relevant department and agency heads to assess whether additional transparency is warranted in these situations.

UNCLASSIFIED

**QUESTIONS FOR THE RECORD
FORMER SENATOR DANIEL R. COATS**

The Obama Administration 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 those areas.

- 15. 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 would suggest.**

At the beginning of every new Administration, it is not unusual for officials to review existing presidential policy guidance in the interest of determining whether in their present form they still address national priorities or deserve to be revisited. The most important policy objective of this office is to ensure the IC continues to provide accurate and relevant information to our operational decision-makers. If confirmed, I look forward to working with my inter-agency colleagues to ensure the intelligence informing any direct action activity consistent with American values and comport to the Law of Armed Conflict.

- 16. Do you support Executive Order 13732, which includes public reporting on “combatant” and “non-combatant” casualties for strikes that take place outside of 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.**

Earlier this year, the National Security Council directed ODNI, in accordance with EO 13732, to release a summary of information provided to the DNI by other agencies about both the number of strikes taken in 2016 by the U.S. Government against terrorist targets outside areas of active hostilities and the assessed number of combatant and non-combatant deaths resulting from those strikes.

UNCLASSIFIED

**QUESTIONS FOR THE RECORD
FORMER SENATOR DANIEL R. COATS**

As noted in response to earlier questions, at the beginning of every new Administration, it is not unusual for officials to review existing presidential policy guidance in the interest of determining whether in their present form they still address national priorities or deserve to be revisited.

I do not yet have a view on whether changes to this Executive Order are needed. In any event, ODNI will continue to comply with EO 13732 consistent with IC practices.

Additionally, the IC does not play a role in determining the status of ex-gratia payments.

On December 2, 2015, now-President 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."

17. Do you agree that this would be a violation of international law?

The United States goes to great lengths to adhere to its international law obligations in the execution of armed conflicts. The Law of Armed Conflict prohibits intentional attacks against civilians, unless they are directly participating in hostilities. Outside armed conflict, it may be appropriate to leverage law enforcement authorities to question, detain, or prosecute those that support terrorists, to include their family members.

UNCLASSIFIED

QUESTIONS FOR THE RECORD
FORMER SENATOR DANIEL R. COATS

Interrogation and Detention

In pre-hearing questions, you were asked about your current position with regard to the 2015 legislation that: (1) prohibited interrogation techniques not authorized by the Army Field Manual; (2) prohibited revisions to the Army Field Manual that involved the use or threat of force; (3) required that the Army Field Manual be public; and (4) required ICRC notification of and prompt access to detainees. You responded that "Current law dictates that the Army Field Manual be the standard for conducting interrogations, and if confirmed, I will ensure that the IC complies with the law."

18. Are you fully supportive all four aspects of the 2015 legislation listed above?

If confirmed, I would comply and would ensure the IC complies with all aspects of current law.

During the hearing, you stated that you opposed the 2015 legislation because:

"I thought perhaps we ought to at least have a discussion about, what do you do in a situation when you have the necessary intelligence to know that something terrible is going to happen to the American people in a very short amount of time and you have a legitimate individual who can tell you where that radiological bomb or biological material is, and you don't have time to go through the process that the Army field manual requires."

You stated that you will ensure that the Intelligence Community follows the law and that you do not intend to advocate for any changes. You further stated, however, that:

"But I do think that it's at least worth discussion relative to the situation that might occur, where we might have to -- hopefully with some special authority -- might have to go outside that."

UNCLASSIFIED

**QUESTIONS FOR THE RECORD
FORMER SENATOR DANIEL R. COATS**

19. Are you aware of any situation similar to the one you described above in which coercive interrogation techniques thwarted an imminent terrorist attack against the American people?

In responding to the SSCI study on the interrogation program, former CIA Director Brennan stated in December 2014, "Our review indicates that interrogations of detainees on whom EITs were used did produce intelligence that helped thwart attack plans, capture terrorists, and save lives. The intelligence gained from the program was critical to our understanding of al-Qa'ida and continues to inform our counterterrorism efforts to this day." I have no reason to dispute the conclusions of Director Brennan.

Attorney General Sessions has committed to ensuring that he and other appropriate officials are fully briefed on the Committee's torture report, to the extent it is pertinent to the Department of Justice. CIA Director Pompeo committed to reviewing parts of the report relevant to his position and the Committee.

20. Will you make the same commitment on the part of the ODNI?

As a former member of this body, I have already been briefed on the Committee's Study of the Central Intelligence Agency's Detention and Interrogation Program.

Inspectors General

In your responses to pre-hearing questions, you wrote, in the context of the CIA's Detention and Interrogation Program, "Lacking a reasonable suspicion of fraud, waste, abuse or violation of law, rule or regulation, I am not aware of any affirmative responsibility the [CIA] had to proactively involve their IG in each on-going operation."

UNCLASSIFIED

**QUESTIONS FOR THE RECORD
FORMER SENATOR DANIEL R. COATS**

- 21. If confirmed, would you encourage IC entities to inform their Inspectors General when initiating programs that pose significant new legal questions or that, by their nature, could raise new concerns about fraud, waste, abuse or violations of law, rule, or regulation?**

I believe it is the responsibility of an agency's leadership, including its legal counsel, to develop programs in a legally compliant manner that avoid potential fraud, waste, abuse, and violations of law, rule, and regulations.

If confirmed, I will encourage IC leadership to maintain proactive relationships with their Inspectors General to ensure that allegations of fraud, waste, abuse, or violations of law, rule, or regulation are quickly investigated and addressed.

Privacy and Civil Liberties Oversight Board

In your responses to pre-hearing questions, you wrote that, if confirmed, you would ensure that the Intelligence Community supports the Privacy and Civil Liberties Oversight Board in fulfilling its statutorily mandated role. In order to do that, the PCLOB needs members.

- 22. Will you advocate for the quick nomination of PCLOB members?**

I support the timely nomination of the PCLOB Members so they can provide advice on new counterterrorism policies and conduct their statutory oversight responsibilities.

UNCLASSIFIED

QUESTIONS FOR THE RECORD
FORMER SENATOR DANIEL R. COATS

Oversight of the CIA

In your responses to pre-hearing questions, you confirmed that the DNI's statutory role includes overseeing the CIA's coordination of foreign intelligence relationships.

- 23. When the CIA decides to establish or continue a relationship with a foreign partner against which there are allegations of human rights abuses, what role should the DNI play in the oversight of that relationship?**

Current law provides that the DNI shall oversee the coordination of foreign liaison relationships, to include those conducted by the CIA. The CIA plays a vital role for the U.S. Government by managing and developing relationships with foreign liaison services, which have served as force multipliers in a broad range of endeavors, especially counterterrorism. In executing its responsibilities, the CIA has developed policies and procedures, coordinated with ODNI, on handling relationships with foreign liaison services who are alleged to have participated in human rights violations. These procedures include requirements for documenting, assessing, and reporting allegations of human rights violations. When those allegations are deemed credible, there is an established process for reviewing a relationship, making informed decisions to suspend or terminate information flows as appropriate, and keeping the congressional intelligence committees fully informed.

- 24. If a U.S. ambassador directs the CIA to cease a particular operation, is the CIA obligated to do so, absent intervention from the president?**

With few exceptions, Chiefs of Mission (COM) are responsible for the conduct of all Executive Branch personnel within their area of responsibility. If there is a disagreement between a COM and any department or agency under his or her authority, there are long-standing procedures to handle such disputes.

Declassification

UNCLASSIFIED

**QUESTIONS FOR THE RECORD
FORMER SENATOR DANIEL R. COATS**

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.

25. Do you agree with the prohibitions in these Executive Orders?

Yes, I fully agree with the restrictions placed on classification of information for inappropriate reasons as laid out in the Executive Orders you cite. If confirmed, I will ensure the Intelligence Community continues to use classification only to protect information of appropriate national security concern during my tenure.

I have conveyed to you through classified channels four matters that I believe should be declassified and released to the public.

26. Do you commit to working with me in an effort to have those matters declassified?

If confirmed, I will consult with the relevant IC element heads to assess the extent to which these matters can be redacted and publicly released in a manner consistent with the need to protect classified information and other sensitive intelligence sources and methods.

Russia

27. Please disclose any meetings or conversations you have had with Russian government officials in 2016 or 2017.

UNCLASSIFIED

**QUESTIONS FOR THE RECORD
FORMER SENATOR DANIEL R. COATS**

To the best of my recollection, and after reviewing my schedule, I have not had any meetings or conversations with Russian government officials in 2016 or 2017; since 2014 I have been prohibited from entering Russia by the Russian government because of my outspoken opposition to their annexation of Crimea.

QUESTIONS FOR THE RECORD FROM SENATOR COLLINS

Cyber

Senator Coats, in your statement for the record, you start with the vulnerabilities that exist in cyberspace. The danger posed to our critical infrastructure from cyber-attacks of our foreign adversaries is demonstrated most clearly by the attacks that have already taken place in the past few years:

- a significant portion of Ukraine's power grid was taken down by Russian-backed actors in 2015;
- Iranian-backed actors sought to deny online access to U.S. financial systems from 2011-2013; and
- more than 35,000 computers associated with Saudi Arabia's oil and gas sector were rendered worthless after malware destroyed data on those computers.

That is why I am grateful for your support and co-sponsorship of Section 312 of the Fiscal Year 2017 Intelligence Authorization Act. This provision would ensure that the unique expertise in the intelligence community is made available to help the most significant critical infrastructure entities in our country protect themselves from cyber threats. Our provision was adopted unanimously by the Committee, but the overall bill awaits consideration on the Senate floor, which means the Administration's anticipated Executive Order on cybersecurity could be implemented first.

UNCLASSIFIED

QUESTIONS FOR THE RECORD
FORMER SENATOR DANIEL R. COATS

- 28. Do you continue to support the provision in our bill, and if the new Executive Order is issued before our bill passes, will you advocate for bringing to bear the unique capabilities of the Intelligence Community to assist the Section 9 entities in improving their defensive posture against nation-state level attacks as the new Executive Order is implemented?**

As I noted before the Committee, I believe that cyber threats are a principal threat to the United States including potential threats to critical infrastructure. I am aware that through DHS, various elements of the IC currently provide critical infrastructure owners and operators with intelligence products and analysis. If confirmed, I will work closely with DHS, the FBI, and the entire IC to work to provide information to Section 9 entities while protecting sensitive sources and methods.

Russia

In your statement for the record, you express your great concern regarding Russia's assertiveness in global affairs. Over the past several years, we have seen a dramatic reemergence of Russia in the Middle East. There is no doubt that Russia's entry into Syria's civil war helped turn the tide of the conflict decisively in favor of the Assad-Iran-Hezbollah axis.

- 29. Do you believe we have shared interests with Russia in the Middle East, and in Syria in particular?**

Russia's increasing assertiveness in the foreign policy realm is a concern, but there are some areas of potential bilateral cooperation. Russia has long looked to establish an international counterterrorism coalition against ISIS, and has called for stability in the Middle East as the first step toward fighting terrorism in the region, though the US and Russia may not share a common definition of terrorism. Furthermore, Russia has also worked with the Syrian Regime and pro-Regime forces to conduct devastating attacks against the Syrian Opposition and

UNCLASSIFIED

**QUESTIONS FOR THE RECORD
FORMER SENATOR DANIEL R. COATS**

civilian populations and has repeatedly failed to convince the Regime to maintain ceasefires. In Iraq, Russia has sought to expand cooperation with Baghdad against ISIS, increase arms sales, and broaden diplomatic and economic ties. In Egypt and Libya, Russia is looking to expand diplomatic and economic ties and cooperate on counterterrorism initiatives. In Iran, Russia participated in the negotiations on the JCPOA nuclear deal and has publicly committed to ensuring Iranian compliance to the deal. Moscow also appears to be interested in serving as a facilitator to a revived Middle East Peace Process. However, in all of these cases, although Moscow appears interested in improved cooperation with Washington, it will seek outcomes that align with its own interests.

QUESTION FOR THE RECORD FROM SENATORS KING AND HEINRICH

Vulnerabilities Equities Process

As you know, the Vulnerabilities Equities Process (VEP) is the primary process for deciding whether a government entity must disclose to private companies information about security vulnerabilities in their products, or whether the government may withhold the information for law enforcement or intelligence purposes.

In April 2014, the Office of the Director of National Intelligence reported that the White House had “reinvigorated an interagency process for deciding when to share vulnerabilities” through the VEP. Later that month, President Barack Obama’s Cybersecurity Coordinator Michael Daniel wrote that the administration has “established a disciplined, rigorous and high-level decision-making process for vulnerability disclosure.” And in October, Senators Heinrich and King wrote a letter asking the administration to establish enduring policies governing the VEP process; including the issuance of standard criteria for reporting vulnerabilities, setting forth guidelines for making determinations, delineating clear time limits for each stage of the process, ensuring adequate participation of all relevant government agencies, and mandating regular reporting to Congress.

UNCLASSIFIED

QUESTIONS FOR THE RECORD
FORMER SENATOR DANIEL R. COATS

30. As Director of National Intelligence, will you be willing to continue the VEP, formalize its processes, and increase transparency into the VEP?

The Vulnerability Equities Process (VEP), as it currently operates, is led and overseen by the National Security Council through the VEP Executive Review Board. The National Security Agency serves as the Executive Secretary for the overall process ensuring the vulnerability notifications received from the departments and agencies are communicated, coordinated, and disseminated in a timely manner. The Executive Secretary also provides the administrative functions for the VEP ensuring consistency in the process and maintenance of appropriate documentation. The VEP has specific formats required for all participants, time requirements, and processes that require departments and agencies to identify equity and concerns. The departments and agencies also provide subject matter expertise to discuss the impacts and concerns of the zero-day vulnerabilities, and provide recommendations for the NSC Executive Review Board decisions. The ODNI contributes to the process as a member of the Executive Review Board, and at the subject matter expert working level.

If confirmed, I will review the VEP to best understand its effectiveness and consider requests, with my interagency partners, to process adjustments.