

**OPEN HEARING TO CONSIDER THE NOMINATION
OF DAVID J. GLawe FOR UNDER
SECRETARY FOR INTELLIGENCE AND ANALYSIS,
DEPARTMENT OF HOMELAND SECURITY**

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

WEDNESDAY, JUNE 28, 2017

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CONTENTS

JUNE 28, 2017

OPENING STATEMENTS

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

WITNESSES

Hon. Chuck Grassley, U.S. Senator from Iowa	3
David J. Glawe, Nominee for Under Secretary for Intelligence and Analysis, Department of Homeland Security	4
Prepared Statement	7

SUPPLEMENTAL MATERIAL

Questionnaire for Completion by Presidential Nominees	22
Prehearing Questions and Responses	34
Questions for the Record	60

**OPEN HEARING TO CONSIDER THE
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WEDNESDAY, JUNE 28, 2017

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

The Committee met, pursuant to notice, at 8:35 a.m. in Room SH-216, Hart Senate Office Building, Hon. Richard Burr (Chairman of the Committee) presiding.

Committee Members Present: Senators Burr (presiding), Warner, Cornyn, Manchin, and Harris.

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

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

I'd like to welcome our witness today, David Glawe, President Trump's nominee to be the next Under Secretary for Intelligence and Analysis of the Department of Homeland Security. David, congratulations on your nomination.

I'd also like to take a moment to recognize the sizable family contingent you have behind you today, and thank your husband Perry for his unwavering support. I think it's also important to pay tribute and thanks—thank your family for its honorable government service. Perry's a Supervisory Special Agent at the FBI. Your father Jim Glawe served in the Korean War. Your brother-in-law Gerardo Salinas served in Desert Storm and your sister Dr. Jane Glawe works at the V.A. I thank all of you for your service to your country and your dedication and selfless service.

Our goal in conducting this hearing is to enable the Committee to consider Mr. Glawe's qualifications and to allow for a thoughtful deliberation by our members. He's already provided substantive written responses to more than 80 questions presented by the Committee and its members. Today, of course, members will be able to ask additional questions of the nominee. David, let me just warn you: When you see nobody beside Mark and I, this is a good thing for a nominee.

[Laughter.]

David comes to us with more than 24 years of national security and law enforcement experience. He began his career as a Houston police officer, before serving as a Federal agent with the U.S. Post-

al Inspection Service and as a Special Agent with the FBI. In 2012, Mr. Glawe was named the Deputy National Intelligence Manager for Threat and Finance and Transnational Organized Crime, before serving as the Chief Intelligence Officer for the United States Customs and Border Protection Office of Intelligence.

Mr. Glawe is currently supporting the National Security Council as a Special Assistant to the President and Senior Director for Homeland Security.

David, you've been asked to lead the Department of Homeland Security's Intelligence and Analysis component at a time when we are facing complex, evolving, and continuous threats to the homeland. The intelligence community is tracing threats from State and non-State actors to our cyber and critical infrastructure, and we continue to debate the scope and scale of our U.S. intelligence collection and legal authorities. I expect you will be a forceful advocate for the intelligence community in those discussions, while maintaining a steadfast respect for the rule of law.

As I mentioned to prior nominees before this Committee, I can assure you that the Senate Intelligence Committee will continue to faithfully follow its charter and conduct vigorous and real-time oversight over every intelligence community entity, its operations, and its activities. We'll ask difficult and probing questions of you and your staff, and we expect honest, complete, and timely responses.

Your law enforcement and intelligence experience prepare you well to support DHS and I'm hopeful that you will look at the Department with a fresh set of eyes and a new perspective as you chart its course moving forward. I look forward to supporting your nomination and ensuring consideration without delay. I want to thank you again for being here, for your years of service to your country, and I look forward to your testimony.

I now recognize the Vice Chairman for any comments he might have.

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

Vice Chairman WARNER. Thank you, Mr. Chairman.

Welcome, Mr. Glawe. And let me say I think this is the earliest Intelligence Committee meeting I've ever attended, and it shows my commitment to your appearance and the questions I have for you that—because, unlike the Chairman who only lives close, I actually live back in my home State of Virginia, and when I was—I can assure you, when I was governor there was a lot less traffic.

So, congratulations on your nomination as the Head of the Office of Intelligence and Analysis. This position sits at a critical juncture between the analytic work of the intelligence community and the information-sharing role of the Department of Homeland Security. If confirmed, your job will be to ensure that the critical pieces of information are delivered immediately throughout the Department, as well as to your partners at Federal, State, local, and tribal department and agencies that need it.

I believe that you have an understanding of this need, given your background in law enforcement and the intelligence community. I also appreciate the support you have received from my friend,

former ODNI Jim Clapper, and from law enforcement organizations representing the Nation's chiefs of police, county sheriff's and narcotics officers.

But let's be clear. DHS INA requires a strong leader. While the organization's mission is defined, it continues to evolve and mature since the creation of DHS over a decade ago. I remain concerned about the level of sharing with law enforcement, the large contractor workforce, and the whole fusion center concept. We have a fusion center in Virginia. Conceptually it makes sense. I'm not sure it's been implemented in the right way and would love to again have your fresh set of eyes look at this.

The truth is this job has never been easy and it's not going to be easy now going forward. If you are confirmed, I will also expect your full cooperation with this Committee's bipartisan investigation into Russia's cyber attacks and interference in our 2016 presidential election and the concerns about future meddling with our election and voting systems.

I've asked DHS to share with this Committee, even if we cannot reveal them publicly, the names of the 21 states that the Department testified last week were attacked by Russian hackers. I've written to, and spoken with, Secretary Kelly about this matter and, as the oversight Committee for all intelligence issues, this Committee is entitled to have that information.

I want to thank the Chairman because this week the Chairman and I sent a letter to all relevant State election officials asking that this information be made public. As I said last week, I don't see how Americans are made safer when they do not know which State election systems the Russians potentially attacked. And I particularly feel this way since my home State of Virginia has major State elections this year.

Again, thank you for appearing before the Committee and I look forward to your testimony.

Thank you, Mr. Chairman.

Chairman BARR. Thank you, Vice Chairman. I can attest to the fact this is the earliest he has ever been here.

[Laughter.]

I'd like to now recognize the Chairman of the Senate Judiciary Committee to introduce our nominee, Senator Chuck Grassley. Senator Grassley, the floor is yours.

STATEMENT OF HON. CHUCK GRASSLEY, U.S. SENATOR FROM IOWA

Senator GRASSLEY. Thank you, Senator Burr and Ranking Member Warner.

Before I read a three or four minute statement, I'd like to say that I'm proud to be here to introduce to the Committee a person whose family and he has deep roots in Iowa, and glad to be here. I think if I could probably give one sentence, which would repeat something you said as you talked about him, because I'll be repetitive of some of the things you said, but you talked about his honorable service within government and his public service, well-qualified to take this position.

So I would emphasize that as I say that I'm proud to recognize David Glawe as the nominee for Under Secretary for Intelligence

and Analysis at DHS. He is a dedicated public servant with over 20 years of national security and law enforcement experience. He currently serves on the National Security Council as Special Assistant to the President and Senior Director for Homeland Security.

Prior to this, the nominee served as Chief Intelligence Officer for the U.S. Customs and Border Protection. Mr. Glawe is a former police officer and Federal agent with both the U.S. Postal Inspection Service and the FBI. In 2007 he served in Iraq and Africa on a joint FBI deployment with the Department of Defense. Following this tour, he was a senior adviser at the National Counterterrorism Center.

In 2012, the nominee was named Deputy National Intelligence Manager for Threat, Finance, and Transnational Organized Crime, where he oversaw and integrated the intelligence community's data collections and analysis. In 2014, he began serving as National Security Council—on that Council, as a senior intelligence official, responsible for implementing the President's strategy on transnational organized crime. In 2015, Mr. Glawe was awarded the National Intelligence Superior Service Medal for his extraordinary contribution to the U.S. intelligence community and our Nation's security.

The nominee is an Iowa native, as I've said, still has family in Iowa. He's a graduate of my alma mater, the University of Northern Iowa, and also a graduate of Harvard University's JFK School of Government. He got started in law enforcement and advanced his impressive career with characteristically outstanding Iowa work ethic.

He shared with me how much these roots mean to him and I appreciate his commitment to putting them to work in this new position for our Nation, as he has several positions in the past. Mr. Glawe's mother, Nancy, is someone who I've crossed paths with for a long time in Iowa as well, I'm proud to say. And I know she's glad to be here with the rest of her family and his friends today to celebrate with him and to support him through this process.

Thank you for holding this hearing and I urge you to support his nomination to fill this very important post. Thank you.

Chairman BARR. Chairman Grassley, thank you for that very thorough introduction.

And before, David, I ask you to stand and be sworn in, I want to recognize your mother, Nancy. I didn't recognize her earlier when I recognized your dad. Also, I want to recognize Wyatt, even though he left the room, and your daughter Alexis, who is just an absolute doll.

If you will, raise your right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GLAWE. Yes, I do.

TESTIMONY OF DAVID J. GLAWE, NOMINATED TO BE UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS, DEPARTMENT OF HOMELAND SECURITY

Chairman BARR. Please be seated. David, you're now sworn in and before we move to your statement I'd like to ask you five standard questions that the Committee poses to each nominee who

appears before us. They just require a simple yes or no answer, for the record.

Do you agree to appear before the Committee here or in other venues when invited?

Mr. GLAWE. Yes.

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

Mr. GLAWE. Yes.

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

Mr. GLAWE. Yes.

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

Mr. GLAWE. Yes.

Chairman BURR. Do you agree to inform and fully brief to the fullest extent possible all members of the Committee of relevant intelligence activities, rather than only the Chair and the Vice Chairman?

Mr. GLAWE. Yes.

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

Mr. GLAWE. Thank you, Senator.

Chairman Burr, Vice Chairman Warner, members of the Committee: Thank you for the opportunity to appear before you today as the President's nominee for Under Secretary for Intelligence and Analysis at the Department of Homeland Security. I'm honored to have been nominated by President Trump and I'm humbled to receive the support by Secretary Kelly, Deputy Secretary Duke, and Director of National Intelligence Coats.

Before we begin, I'd like to thank Senator Grassley. Born and raised in the State of Iowa, I've learned at an early age about the importance of civic duty and serving your community. I've never dreamed that one day I would have the opportunity to meet and get to know an Iowa legend, a true Iowa legend. Thank you.

I want to thank again Senator Grassley for the heartfelt introduction and nearly 60 years of service to the country and the people of Iowa.

Next, I'd like to take a moment to recognize my family. I'm grateful for their support and sacrifice that allowed me this opportunity. With us today are the bedrocks of my life, my 20-year partner and husband, Perry Goerish, an FBI Supervisory Special Agent at the Washington Field Office, and our two wonderful children, Alexis and Wyatt. I think Wyatt had to leave here. Also here is my father, Jim Glawe, who's an Army veteran drafted for the Korean War; my mother, Nancy Glawe, a retired kindergarten teacher, both from Davenport, Iowa; my sister, Dr. Jane Glawe, who works for Veterans Affairs Medical Center; and her husband, Gerardo Salinas, a Desert Storm veteran and also worked for the Veterans Affairs in the Davenport office; my mother-in-law Beverly Goerish, a lifelong volunteer in her community in Kiester, Minnesota.

And I want to recognize my deceased father-in-law Roger Goerish who retired as a high school teacher and athletic coach, who is here

with us in spirit. I would also like to thank my family and friends—or my friends and coworkers who have supported me throughout my life. I would not have this opportunity without them.

The mission statement of DHS is clear and direct. With honor and integrity, we will safeguard the American people, our homeland, and our values. DHS faces a complex and evolving threat environment and must work across the Federal Government in concert with our State, local, tribal, territorial, and private sector partners.

I have over 24 years in law enforcement and intelligence experience, and if confirmed, I will apply those knowledge and lessons learned to drive intelligence and operational integration and share information, deliver unique analysis, and identify vulnerabilities, position resources, and ultimately mitigate threats.

I&A has one of the broadest customer bases in the intelligence community. In meeting the varied demands of the challenge, if confirmed, I intend to focus I&A's analytic capacity on areas where they are positioned to add value, areas like trade, travel, cyber, borders, marine, and aviation security.

I&A's greatest strength, without question, is its people. If confirmed, it will be my honor to lead the Homeland Intelligence professionals at I&A as we endeavor to implement Secretary Kelly's vision by meeting the needs of the primary customers, integrating intelligence and operations, and making I&A a diverse, mission-focused and productive environment for the workforce.

In closing, I'd like to take a moment to recognize the important role Congress plays in the success of I&A. If confirmed, I pledge to enable the Committee to fill that role by keeping you fully informed and transparent on I&A's activities and developments.

Mr. Chairman, I will stop there and submit the remainder of my comments for the record. Thank you again for the opportunity to appear before you today, and I look forward answering questions.

[The prepared statement of Mr. Glawe follows:]

Statement of David J. Glawe

**Nominee for Under Secretary for Intelligence and Analysis,
Department of Homeland Security**

Before the

U. S. Senate Select Committee on Intelligence

June 28, 2017

* * *

Chairman Burr, Vice Chairman Warner, and Members of the Committee – Thank you for the opportunity to appear before you today as the President's nominee for Under Secretary for Intelligence and Analysis (I&A) at the Department of Homeland Security (DHS). I am honored to have been nominated for this position by President Trump, and I am humbled to have received the support of Secretary Kelly, Deputy Secretary Duke, and Director of National Intelligence Coats.

I would like to take a moment to recognize my family. I am grateful for the support they provide, the core values they instilled in me, and the sacrifices they made to enable me to pursue a career in public service. With us today are the bedrocks of my life – my 20 year partner and husband Perry Goerish, an FBI Supervisory Special Agent at the Washington Field Office; and our children Alexis, who turns three in August, and Wyatt, who just turned two on Saturday. Also here are my parents Nancy and Jim Glawe; my sister Dr. Jane Glawe and her husband Gerardo Salinas; my mother-in-law Beverly Goerish and I would like to recognize my deceased father-in-law Roger Goerish who is here in spirit. I also want to thank the friends and co-workers who have supported me throughout my life – I would not have this opportunity without them.

The mission statement of DHS is clear and direct: With honor and integrity, we will safeguard the American people, our homeland and our values. DHS faces a complex and evolving threat environment, and must work across the federal government, and in concert with our State, Local, Tribal, Territorial, and Private Sector partners. As the only member of the US Intelligence Community statutorily charged with sharing intelligence and information with our State, Local, Tribal and Private Sector partners, I&A enables DHS to execute its mission.

Secretary Kelly's guidance is clear: he expects I&A to provide timely, useful, and operationally-relevant intelligence to the DHS enterprise, the intelligence community, and our state and local partners. I have more than 24 years of experience in law enforcement and intelligence which includes serving as a Houston, Texas, and Aurora, Colorado, police officer; supervising counterterrorism and national security cases as an FBI Special Agent; integrating and creating efficiencies with the threat finance mission at the Office of the Director of National Intelligence;

and most recently leading the Office of Intelligence at US Customs and Border Protection, the nation's largest law enforcement agency.

If confirmed, I will work to apply the knowledge I acquired and the lessons learned to make I&A a premier intelligence organization that drives operations, intelligence integration, information sharing, and the delivery of unique analysis to operators and decision-makers that enables them to help identify gaps, position resources, and ultimately mitigate threats. I will work tirelessly to ensure that I&A stays focused on delivering the information its customers need to be effective in their missions to keep the homeland and our communities safe.

I&A has one of the broadest customer bases among intelligence agencies, ranging from the DHS Secretary and Components; policymakers; the US Intelligence Community; thousands of state, local, and private sector officials; and foreign partners - each of whom have different mission, information, and classification requirements. I&A must continue to meet their diverse needs by producing a broad range of usable intelligence products for strategic and tactical use. If confirmed, I intend to focus I&A's analytic capacity on areas where we are positioned to add value or that are underserved by other parts of the intelligence community- rather than duplicating work done elsewhere. The trade, travel, cyber, border, marine and aviation security are logical areas of mission focus that DHS has a unique and significant role.

Intelligence production must be integrated in the sense it must take into account all the relevant information available to illustrate an accurate and comprehensive threat picture. Silos and stove-piping information puts the country at risk. Intelligence community, law enforcement, regulatory agency, and open-source information must be accessible and available in a usable format to develop an accurate and complete threat picture. We must be focused and vigilant to identify unknown and complex networks from Transnational Criminal Organizations, Foreign State Actors, and terrorists attempting to harm the United States. If confirmed, I intend to review intelligence production at I&A to ensure that we are effectively integrating DHS with State, Local and Private Sector partners. Our goal must be to take an integrated and mission-focused approach to intelligence assessments, with unbiased analysis and sound tradecraft that drives timely production with repeatable and adaptable business processes.

I&A's greatest strength, without question, is its people. If confirmed, it will be my honor to lead the homeland intelligence professionals at I&A as we endeavor to implement Secretary Kelly's vision by meeting the needs of the primary customers, integrating intelligence and operations, and making I&A a mission-focused and productive environment for the workforce.

It's no secret that workforce morale is an enduring challenge at I&A. If confirmed, I plan to spend time getting to know both the organization and the workforce in an effort to better understand the underlying issues. As I have done in my management positions, I will support diversity and encourage programs to recruit employees who represent the communities we serve. In addition, clear protocols for career path progression and professional development opportunities will be messaged to the workforce.

If confirmed, I will work with the leadership team to find ways to help employees better understand their mission and develop strong connections both to that mission and to their

customers. I have adopted this approach in the past with great success. Most recently at US Customs and Border Protection's Office of Intelligence, I oversaw a significant increase in the Federal Employee Viewpoint Survey results over the course of my tenure. The key to that success was a mission orientated approach, integrating intelligence and operations, empowering mid-level managers with the ability to be creative, receive input from all employees, and make decisions. Achieving success in this area is difficult, but I am confident a collaborative mission-centric approach will put I&A on the path to improving workforce morale.

In closing, I would like to take a moment to recognize the important role Congress plays in the success of I&A. If confirmed, I pledge to enable the Committee to fulfill that role by keeping you fully informed on I&A activities and developments. I am committed to transparency, and I look forward to partnering with you as we move the organization forward to best protect the Homeland.

Thank you again for the opportunity to appear before you today. I look forward to answering your questions.

Chairman BURR. David, thank you very much. And once again, I thank all of your family members for their tremendous service to the country and, more importantly, to the security of this country.

With that, I'm going to turn to the Vice Chairman to start with questions.

Vice Chairman WARNER. Mr. Glawe, let me also recognize your family, very impressive. And I know they've got to be all very, very proud of you.

I want to start with a couple questions in relation to our hearing last week and just kind of get your sense on this. I want to make—in addition to the questions the Chairman asked, will you commit as well to working with this Committee as we go forward on our ongoing Russian investigation, making sure that we get as much access as possible, making yourself available, necessary materials, intelligence reports, cables, products and other materials, and make sure those are, if requested, are provided to this Committee as quickly as possible?

Mr. GLAWE. Absolutely.

Vice Chairman WARNER. Mr. Glawe, one of things that came away last week was a real concern—and again, while not directly related, I'd just like to your view. We had representatives from DHS here. They had indicated 21 states had been subject to at least some level of Russian incursion. But it became evident through the testimony that in many cases the only contact that was made with those states may not have even been to the top election official, the Secretary of State or other election official. It might have just been to the vendor who might've been having the voter registration role.

I think the Chairman and I both feel that we are not made safer by keeping that information private. We understand that DHS views the states have a collaborative relationship with the states and want to maintain that collaborative relationship, but they have, in effect, viewed the states as victims, and consequently almost feel like it's the obligation of the State to come forward.

But we had the top election officials from Indiana and from Wisconsin here. Neither one of them knew whether their states had been attacked. We had the Illinois State election official here who had clearly indicated he was the victim of an attack, but until the testimony, the previous testimony of DHS, had not realized, had never been told by DHS that it was actually Russia who was behind the attack into the Illinois system.

What I'd like you to do is just commit to work with us as we try to sort through this, recognizing that there's no effort here to relitigate 2016 or to embarrass any State, but we've got to make sure that the states that were the subject of attacks are prepared, so that that information can filter down to local election officials so that they can all take the necessary precautions.

Do you want to comment on that? Any thoughts you might have on how we might be able to address this problem?

Mr. GLAWE. Sure. Senator, thank you for the question and I appreciate the opportunity to discuss that. I did watch most of the testimony last week as well. I share your concerns regarding the states and the Russian intrusion into the State election systems.

And I also understand the challenges with sharing that information regarding the individual states' vulnerabilities.

I am committed to work with you and to be completely transparent with that. And I understand the need to understand who's been hacked or that the intrusion occurred and the unique vulnerabilities to each State, which may be different, and working through those challenges.

And I concur with you completely. The solutions aren't going to be easy and the problem is increasing. And I fully commit, if confirmed, to work with you, sir.

Vice Chairman WARNER. And I would hope that you would be willing to share with us, even if it's on a confidential basis, this Committee, so that we can, you know, again figure out a way to sort through to make sure that we're better prepared.

Mr. GLAWE. Absolutely, Senator.

Vice Chairman WARNER. All right. I'm going to hold you to that, because I look forward to working with you.

I'm down to the last minute. Let me just ask you this. One of the things, as I mentioned in my opening statement, the concept of the fusion center makes a great deal of sense. I do wonder at times if there's not duplication and just wonder whether you have—you know, we're many years in now to this concept. Is it working the right way? And since you're at the nub of this kind of intelligence and analysis, what would you do to improve this concept? Or do you feel like it's working?

Mr. GLAWE. Senator, again thank you for the question. I appreciate the opportunity to talk about that. I was actually on the Joint Terrorism Task Force in Richmond, where one of the first fusions centers was stood up in Virginia. So I'm very familiar with it and the challenges. And coming from the State and local perspective, I also have a unique posture of I understand what the needs are of the State, State municipalities, as well.

If confirmed, I think I'll need an opportunity to wrap my arms around a little bit better on the business structure they have. Each State operates differently, and that's been a challenge. I'm committed to work with the Committee and yourself on those challenges and to have a thorough assessment.

What I can say is when meeting with numerous of the organizations that graciously supported me and the chiefs and the State law enforcement, we see the need for it. We need a method to share information. I think without question there can be improvements in that. And I know Under Secretary Taylor, my predecessor if confirmed, was working in that direction and I'm obligated—I'm obligated and I'm committed to do that as well.

Vice Chairman WARNER. Yes, I don't have a—I don't have a set of recommendations. I do think the whole concept, though, needs a fresh look. And I look forward to working with you on that.

Thank you, Mr. Chairman.

Chairman BURR. Senator Cornyn.

Senator CORNYN. Thank you, Mr. Chairman.

Congratulations Mr. Glawe. And anything's—Chairman Grassley, anyone he supports usually guarantees my support. So I look forward to your service, continued service to the country.

I do have just a broad question about cybersecurity. During the debates we in Congress have had about cybersecurity, we've been unable to overcome the silos that Congress itself has built when it comes to jurisdiction over this issue. And the concerns we've had about the organization of the Department of Homeland Security since 9/11, and the challenges it's had just culturally dealing with so many different disparate agencies now under the umbrella of DHS.

But I'd be interested in your views about the shortcomings and maybe the opportunities that we have to deal with the cyber threat because it seems to me like we are doing a poor job as an all-of-government approach.

Mr. GLAWE. Senator, thank you for the question. And also thank you, thank you for meeting with me privately and going over some these issues. I think it's a tremendous opportunity in the Department to have an integrated business enterprise towards this. The illicit pathways of the cyber threat know no boundaries and know no borders. Transnational criminal organizations, terrorist organizations, foreign intelligence organizations, and non-State actors threaten our cyber and threaten the critical infrastructure.

I have had some initial briefings on our cyber posture within DHS. If confirmed, I would need to unpack that business process we have in place. But what I can commit, Senator, if confirmed, is I will bring a sense of urgency, because that's the whole world I came from. I've served the public, I've served the community, with a sense where you didn't go home at the end of the night until the threats were mitigated. I view cyber in very much that same lane.

I think it's—not within just DHS, within the U.S. Government, we can say we have room for improvement, and I look forward to working with—with you and the Committee, if confirmed, on that challenge.

Senator CORNYN. Well, people understandably are skeptical of our perhaps most capable government agency when it comes to cyber, which is NSA. And so by default it seems like the Department of Homeland Security must assume that role as the intermediary between our agencies like the NSA and the private sector, who views with skepticism also the government's ability to keep information confidential when it—when there's so much at risk from a business standpoint, when information about cyber attacks, successful cyber attacks, becomes news.

So we look forward to getting your recommendation and I would just encourage you. We need somebody at the Department to stand up and speak with clarity about what we as policymakers need to do to better deal with this threat, because, as I said, I don't think we're doing a very good job right now.

Thank you.

Chairman BARR. Senator Manchin.

Senator MANCHIN. Thank you, Mr. Chairman.

And thank you, Mr. Glawe for being here. But first, let me thank your family for the service they've given to our country, each one of them, and for you to continue in that footstep of serving our great country.

Let me ask first of all if you can tell me a little bit about your experience as a police officer in Houston and how that has shaped

your service, your dedication to service, and being able to lead the DHS with a different perspective than most who have worked themselves through the ranks?

Mr. GLAWE. Senator, thank you for the question and thank you for meeting with me yesterday afternoon. It was a real pleasure, an honor, to meet you. I've spent a lot of time in West Virginia at our advanced training center out there and it's a wonderful State and a wonderful facility. And thank you for that opportunity to talk about that.

As a Houston police officer, I was 22 years old when I got out of the academy, and I was—sorry, I had just turned 23. I was the youngest police officer in the department when I hit the streets. And I responded to people's homes on the worst day of their lives in an effort, hopefully, to make it a little bit better. So when you called 9-1-1 and you've responded for a call for service, it was inevitably the worst day of someone's life.

And with that, it brought a sense of urgency and community, but also an understanding of how important intelligence is. At the time, I probably didn't understand the totality of it, but I surely do now—is we must have forward-leaning, tactical-level intelligence to get to our operators and policymakers to allow the appropriate decisions to be made to mitigate those threats, and working with a sense of urgency.

What I have seen throughout my 20-plus years, working up as an entry-level special agent in the FBI in a post-9/11 environment, is we have tended to be a reactionary intelligence community. And we've tried to fix that. We've tried to be proactive and get ahead of the threats. But some of the critical nodes are we have to posture ourselves as an intelligence enterprise to be forward-leaning to identify the threats before they happen, because the worst-case scenario is when you have to call 9-1-1 and a uniformed police officer has to respond to the scene after the fact, because that will be the worst day usually of someone's life.

Senator MANCHIN. What do you think is going to be the greatest—what do you think is the greatest security threat the United States faces?

Mr. GLAWE. Thank you Senator, for the question. The illicit pathways—the illicit pathways associated with cyber seem to be an incredible vulnerability. And I don't want to get ahead too much on the policy of the threat priorities that the Administration and the Director of National Intelligence and Secretary Kelly will set. But what I will say is, the illicit pathways that are being used in the cyber arena in encrypted communication, by transnational criminal organizations, by foreign intelligence organizations, by terrorist networks, by non-State actors that are—that are on the full spectrum of illicit activity from child exploitation, human trafficking, to foreign intelligence activity.

We are at a real challenging situation now, how as policymakers and decision-makers, and I can share that intelligence to you to make good decisions on it. And I will do everything, and I'm committed to that, so we can keep you informed on that, and I look forward if confirmed to working with you on it.

Senator MANCHIN. The TSA comes intertwined with your duties. Are you concerned, or do you have any concerns, with our TSA, our

technology advancements, to be able to detect any type of foreign intervention, if you will? And how would you build the cooperation between all those nations and countries that have the ability to fly into our airports and use our U.S. facilities, and the concern that you may have with them bringing danger to our country?

Mr. GLAWE. Senator, thank you for the question. And if confirmed, I look forward to taking on that challenge, and it's a big challenge, the information-sharing agreements and our vetting processes to identify nefarious actors from any country in the world, that pose a threat, from any threat vector, not just terrorism, and again transnational criminal organizations as well that operate just as sophisticated as a foreign intelligence organization.

But, back to your comment about aviation security, in any vulnerabilities we have in the aviation security arena, I don't think there is any question that terrorist organizations still view aviation as a threat vector that they want, they want to attack. And a nightmare scenario is having a U.S. flag or any fly carrier to get taken out of the sky. And it is something that keeps all of us up tonight, and I'm committed to working towards that and looking for those vulnerabilities with Secretary Kelly, the Committee, and intelligence community, to work through those threats.

Senator MANCHIN. My last question will be, will you, if asked by the President, render your professional assessment, regardless if that assessment is counter to the current Administration's policy or viewpoint?

Mr. GLAWE. Senator, thank you for that question. Absolutely, I will always give my honest assessment with complete integrity of the intelligence process.

Senator MANCHIN. Thank you. Congratulations.

Chairman BURR. Senator Harris.

Senator HARRIS. Thank you.

Good morning. I couldn't agree with you more on your priorities around cyber and transnational criminal organizations and, if confirmed, I look forward to working with you on those.

There's been a report, and I'd just like you to give me your perspective on it and explanation, that while you were Acting Under Secretary for Intelligence and Analysis, that you withheld a report as it related to the President's executive order on what we've called the "Muslim Ban." Can you give me your perspective on that report and what actually happened?

Mr. GLAWE. Sure. Thank you, Senator, for the opportunity to clarify that. So I had no involvement in the executive order until the day it was released, and the report that you're referencing there was a compilation of information that was going to be used in the potential, or the litigation, for the executive order. It was a combination of multiple intelligence organizations.

The information that was contained in that report, a majority was placed in an intelligence product that was disseminated, and I authorized that dissemination shortly thereafter, after that information came out, through a leak that was in the newspaper.

Senator HARRIS. Was there a reason that it was withheld before then?

Mr. GLAWE. It was—Senator, it was information being compiled in a declaration that was going to be used for the executive order, after it was stayed.

Senator HARRIS. So it was work product? Is that—

Mr. GLAWE. Yes, Senator.

Senator HARRIS. On the issue of State election infrastructure, you mentioned that you watched or heard part of the proceedings that we had in that regard. I'm concerned about what we heard in regard to whether or not DHS has adopted an adequate policy for coordinating with states. One of the concerns that repeatedly we heard and we have heard is that the states are concerned they don't have access to intelligence to safeguard their systems.

And obviously, we have concerns about classified information and those who do not have authority receiving any classified information. How do you propose we could improve our system to give the states more information and intelligence to emphasize the priority they should place on concerns about hacks?

Mr. GLAWE. Senator, thank you for that question. And I have had the initial briefings from NPPD on our infrastructure to share information, as well as on the fusion centers. And if confirmed, I look forward to looking at the business enterprise of how we're doing business and having a sense of urgency.

Senator, I come from a background in that arena, throughout my entire career, to operate with a sense of urgency, disseminate intelligence at any classification level to mitigate threats. I share your concern that we are not postured possibly in that arena. But if confirmed, I need to unpack and identify those vulnerabilities and how quickly to respond to them.

Senator HARRIS. Can you give me examples of what you think might be a remedy or what a remedy would look like? And I appreciate the point you made earlier, which is solutions won't be easy.

Mr. GLAWE. Senator, I think I would have to take a stronger look—I'm sorry, not stronger—a more in-depth look at our current business structure of how that information is being disseminated, what infrastructure is currently in place. I'd like to say that the fusion centers would be a natural touch point for this, but I'm not sure that they're postured today to do that mission, especially when you're talking about intelligence community, high-side, TOP SECRET information that has to go down to SECRET or tear-line level to get it out there.

And also, to echo what my predecessor Frank Taylor has said, getting that information in a usable form to the private sector is—and their vulnerabilities, which is tremendous. So if confirmed, Senator, I share your concerns, and I will work with you to work through the challenges.

Senator HARRIS. And if you did not see that part of the testimony, I'd urge you to review the hearing that we had about what may be a different approach if we're talking about a vendor versus State officials who are elected or appointed to represent the State through the State government system.

Mr. GLAWE. Senator, thank you. And I did—so I see part of it and some of the confusion involving the legal authorities and disclosure. We've got to work through that. I agree with your frustration and I'm committed to work through it if confirmed.

Senator HARRIS. And if confirmed, can you give this Committee a commitment that you will provide us with a report about your assessment well before the 2018 election and, if possible, provide us that report before the end of this year?

Mr. GLAWE. Senator, if confirmed I absolutely commit to that.

Senator HARRIS. Thank you. I have nothing else.

Chairman BURR. Thanks, Senator Harris.

David, there's been a lot of discussion about the future of the intelligence component at DHS, how it should be structured, how its mission's defined, what authorities it should operate under, and who ultimately its customers are. Who do you view as the I&A's core customer?

Mr. GLAWE. Thank you, Senator, and thank you for the question. I have a unique perspective because I was the head of intelligence at U.S. Customs and Border Protection, the largest component of DHS, and the largest law enforcement organization in the United States. The customers are diverse and it's a challenge, because it's not necessarily an either-or. We've got the policymakers and then the senior Administration officials, which you are the senior policy officials on this from the legislature.

But we have the State and locals. And we're statutorily mandated to share information with the State and locals. And we have to do that, and we have to do it well, because we're the only ones that are statutorily mandated to do that. But I also see equally is the components. DHS is a powerful, powerful organization, but they've had challenges getting information to them, intelligence high-side information, to the most critical components.

And I would use Customs and Border Protection as one of those. They are the last line of defense for incoming foreign threats, and law enforcement data will not cut it alone. We have to—we will have to find solutions either through our vetting and information-sharing agreements or processes to ensure that they get all the information they need on the border to mitigate threats.

So Senator, my apologies, I didn't quite answer with a singular one because DHS's mission is so important with State and locals, the DHS components, the private sector and policymakers. We have to serve them all. And I have to, if confirmed, come up with a business plan and process to do that with a sense of urgency and understanding what our customers need.

Chairman BURR. Let me ask it a little different way. What value does I&A bring?

Mr. GLAWE. Senator, thank you. I&A's mission is robust and the employees are outstanding and they are dedicated and committed to that. Interweaving the DHS components' intelligence information is a critical node. They are statutorily charged to bring Title 50 intelligence community information to the components, with the exception of Coast Guard, which is a stand-alone intelligence function, or I.C. component, within DHS. And also ensuring that they are getting information to the State and locals.

So I see that as also a heavy-pronged approach. What I would say is, if confirmed, I would bring the mission focus, operational focus, to ensure we're meeting our customer's need with a sense of urgency. And I believe I said it earlier, you know, having that

mindset to deliver tactical-level and strategic intelligence, to move resources, to be adaptive, to mitigate threats immediately.

The men and women of I&A are incredibly dedicated, incredible people, and, if confirmed, I hope to have the opportunity to help them with that mission.

Chairman BARR. You've got the unique background of having served in a number of different capacities that touch the intelligence community and the product that comes out of it. The Committee's been concerned for some time about the analytic duplication that exists across government, government-wide. Do you share that concern, and what do you see as the analytic component of DHS, or should they be a customer of somebody else's analytic product?

Mr. GLAWE. Thank you for the question. And I have been in a unique position throughout my career to understand that challenge, especially as a terrorism agent in the FBI, and looking at DHS I&A's role in the terrorism space, and the uniqueness of the organization to provide information.

And if confirmed, I am committed to look for the business process to ensure that there is not duplication, that we are at I&A—or if confirmed at I&A, I would find the business process for that unique space that they operate in, which is ensuring State and local private sector sharing of information both ways.

But then I also—within the DHS component, the opportunity to enhance their missions and to integrate it within border security, trade, travel, aviation, and critical infrastructure is a real opportunity, I think. And to look at I&A and our processes and business process, to facilitate that mission, and then possibly carve out stuff that we don't need that other organizations are doing and doing it well. But to make sure we're efficient, we're using the taxpayers' dollars well, and at the end of the day we're mitigating the threats.

Chairman BARR. Given the mission of your agency, as you look forward over the next 10 years, do you see more employees that are government employees or more employees that are contractors, based upon what you know, the skill sets that you're going to need to attract?

Mr. GLAWE. Senator, thank you for the question. I've seen incredibly dedicated contractors I've worked for in my prior capacity. But I believe a workforce, a continuing workforce, a historical workforce, with the knowledge coming up through the ranks, like I said I have, and also maintaining an employee business environment so we retain employees and we're competitive, is critical to DHS I&A.

So I've seen the Committee's past reports on reducing the number of contractors and I'm committed to that as well, and I agree that we would continue to have a government workforce and maintaining quality employees from the entry level and having career progressions all the way up through the senior executive ranks. I think I'm a benefit of those type of career paths and I'd like to include that at DHS I&A if confirmed.

Chairman BARR. Listen, I'm going to put you on the spot. In your view, is there any overlap in DHS's and FBI's efforts to counter violent extremists, as others have expressed?

Mr. GLAWE. Senator, thank you for the question. I think there is potential overlap there, but business solutions and partnerships,

which I will bring with the FBI, are easy for me. I know the FBI well. I'm friends with them. I grew up with them through our management change.

But the uniqueness of I&A, incorporating suspicious activity and partnering with State and local and tribal and private sector partners is the unique spot that I&A's in and can fill. Where the FBI is a case-driven, investigative-driven, organization, DHS I&A is not. And my job in I&A is to ensure the information and the intelligence is shared on those types of threats. And I think we have an opportunity, in partnership with the FBI and our local partners, in that threat space.

Chairman BURR. I&A is such a small piece of DHS. Do you have any concerns about getting lost relative to the Secretary's view of what I&A is or should be or can be?

Mr. GLAWE. Senator, I do. I think the critical thing is scoping the mission with having the mid-level and entry-level managers understanding our mission directly, so we are focused on the main mission of keeping the homeland safe. We can't be everything to everyone, and that could cause challenges. So the scoping in the business plan in my opinion, if confirmed, is going to be the critical aspects of I&A moving out on a mission-oriented integrated approach.

Chairman BURR. I encourage you to make sure that I&A is a full partner in the enterprise there, versus just the agency you turn to when there is an "oh blank" moment.

I'm going to turn to the Vice Chairman.

Vice Chairman WARNER. I appreciate your comments, and I just want to follow up on what I raised and Senator Harris raised. I was surprised last week when we had the head of all the associations of secretaries of state, who basically viewed that the designation of our electoral system as critical infrastructure, she felt that was a burden rather than an asset. And this—again, not sure this will exactly fall within your purview, but I wanted to just reemphasize that something is wrong with our system if we have information and we feel like our top State election officials are not cleared at an appropriate security clearance level, to actually get briefed on that information.

And again, I think we missed—dodged a bullet in 2016 because none of the systems were penetrated to a level that affected. But if there's one word that we've heard from the I.C., it's that the Russians will be back. And I would hope we'd get to a point where if you are designated critical infrastructure, you felt that that was a net positive to your institution and DHS was providing both asset support and information-sharing in a way that—that, again, make sure that our most critical component of our democratic process, our voting systems, are appropriately protected.

And again, I hope you'll think through that. I know it's kind of a new area, and I appreciated the comments from DHS last week. But this is something we've got to get to with a real sense of urgency, immediately.

Thank you, Mr. Chairman.

Chairman BURR. Thank you, Vice Chairman.

David, I want to thank you again for, one, your service to the country, and your family's service to the country.

Senator MANCHIN. Mr. Chairman.

Chairman BURR. Senator Manchin.

Senator MANCHIN. Is it possible just to follow up on one question?

Chairman BURR. The Senator is recognized.

Senator MANCHIN. Thank you very much.

David, what have we learned since 9/11? You know, I understood that we had a lot of—a lot of the intelligence community was warned. We had a lot of chatter going on. We knew, but it doesn't look like anybody was coordinating or talking to anybody at all. But everyone was concerned about that. In your evaluation, I'm sure, in taking on this role you're going to be taking on, what do you think that maybe you have learned, or we have learned, or we should have learned? And how can you make sure that doesn't repeat itself?

Because you're going to be sharing this all the way down to the level you started at. Now you're at the top of the food chain and you know what it's like down there. That's where it's got to be stopped. I've read all the reports on 9/11. It really shouldn't have happened.

Mr. GLAWE. Senator, thank you for that question. And I've thought about that for many years. And coming up through the entry-level ranks and serving with some very elite intelligence and operational squads and teams, the one thing I've learned is a mission-integrated, operationally focused approach, and empowering your leaders, empowering your mid- and lower-level managers and staff, with commander's intent, with an operational mindset that all threats must be mitigated. You don't go home at the end at the end of the night until those threats are mitigated, and you share intelligence, you—you do everything you can within the legal bounds of sharing information with each other.

And when you do recognize stovepipes or vulnerabilities, raise them up immediately. You can't sit on them.

I was fortunate enough early on in my career to have been the lead on the Al-Shabaab threat in the homeland at a very entry level, very entry level. And some incredible leaders that I worked for allowed me to develop a program in the homeland to mitigate that threat. And that also involved overseas partners, foreign partners, Department of Defense, and the intelligence organizations.

I've taken that to heart on how I view—how I view every day I go to work is on mitigating threats. So integrating intelligence and operations and clear and direct information lines to policymakers. So as threats are emerging and we need to change, we change together as a team, because I view this is a one team, one fight, government approach. It doesn't matter what side of the aisle you're on. It's about keeping the country safe. I'm committed to that if confirmed, and I'll always be committed to that.

Chairman BURR. David, again I would thank you, you for your service, your family for your service—their service, and, more importantly, for your willingness to fill this role that the President's asked you to do. It's incredible. I've enjoyed your lovely children, and if I didn't have a 15-month-old granddaughter I'd be taking Alexis home with me today.

[Laughter.]

David, it's the Vice Chair's and my intent to move your nomination as rapidly as we possibly can. As you know, there's a great likelihood that we will adjourn for the Fourth of July week tomorrow. I can assure you, if there's any way to get this process moving forward before we leave, we'll try to do that. Mark and I will talk. If not, we'll do it as quickly as we get back. It's my hope that we can get you permanently placed no later than the July timeframe.

My one reminder to you is that DHS has many bosses from a standpoint of policy; you have one and it's this Committee. And the intelligence that you process through the I&A is of great interest to us. I want to go back to this duplication thing, just very briefly, because, having served in the multiple capacities that you have, I think you can understand my frustration when I sit down in the morning and I go through my intelligence reports from overnight and I find a report that I read from five different areas and at the bottom of it the core source was the same product.

It really makes me wonder why we need five different interpretations of the same core product, and if that core product is as important as I think it is, why isn't everybody turning to them, versus trying to re-create the wheel with every turn. So I hope you'll remember that as you serve out this term at I&A because I really think we've got to refine what we do and how we do it from an intelligence standpoint.

The rest of the world's changing, and they don't have the rules and they don't have the history to encumber them like we do in the United States. We've got to figure out how to get the history out of the way, but the rules are going to stay. And, we will be very aggressive from our standpoint and of our oversight, of you and of the organization.

With that, this hearing is adjourned.

[Whereupon, at 9:24 a.m., the hearing was adjourned.]

Supplemental Material

**SELECT COMMITTEE ON
INTELLIGENCE**

UNITED STATES SENATE



**QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES**

**SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE**

**QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES**

PART A - BIOGRAPHICAL INFORMATION

1. NAME: David James Glawe
2. DATE AND PLACE OF BIRTH: January 13, 1970 and Davenport, Iowa
3. MARITAL STATUS: Married
4. SPOUSE'S NAME: [INFORMATION REDACTED]
5. SPOUSE'S MAIDEN NAME IF APPLICABLE: N/A
6. NAMES AND AGES OF CHILDREN:

<u>NAME</u>	<u>AGE</u>
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[INFORMATION REDACTED]

7. EDUCATION SINCE HIGH SCHOOL:

<u>INSTITUTION</u>	<u>DATES ATTENDED</u>	<u>DEGREE RECEIVED</u>	<u>DATE OF DEGREE</u>
Davenport North High School	1985-1988	Diploma	June 1988
University of Northern Iowa	1988-1992	Bachelor of Arts	May 1992
Harvard University	2015	Certificate	August 2015

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

<u>EMPLOYER</u>	<u>POSITION/TITLE</u>	<u>LOCATION</u>	<u>DATES</u>
Per Mar Security Services	Investigator	Davenport, Iowa	06/1992 to 10/1992
Houston Police Department	Police Officer	Houston, Texas	11/1992 to 12/1996
Aurora Police Department	Police Officer	Aurora, Colorado	12/1996 to 01/2001
VALIC/American General Financial	Financial Advisor	Denver, Colorado	01/2001 to 02/2002
Aurora Police Department	Police Officer	Aurora, Colorado	02/2002 to 06/2002
United States Postal Inspection Service	Federal Agent	Denver, Colorado	06/2002 to 03/2004
Federal Bureau of Investigation	Special Agent/Supervisor	Multiple Locations	03/2004 to 12/2014

US Customs and Border Protection	Chief Intelligence Officer Washington, DC	12/2014 to 01/2017
Department of Homeland Security	Acting Under Secretary Washington, DC	01/2017 to 03/2017
Executive Office of the President	Spec. Asst. to the President Washington, DC	03/2017 to current

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

All government experience and associations listed in response to question eight.

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

I acquired significant operational experience leading and participating in major intelligence and national security related investigations and operations. As a Special Agent, I led and supported many high-profile terrorism and national security investigations, exercising the full range of investigative techniques, authorities and activities in a variety of capacities to include case agent, JTTF member, and SWAT Team member. I also led and participated in multi-agency teams addressing terrorism threats to the homeland and US interests abroad with a particular focus on AQ and al-Shabaab in the Horn of Africa, Countering Violent Extremism, Domestic Terrorism, and Terrorist Finance Operations.

I also acquired expertise developing and implementing policy on significant intelligence and national security issues. As the Deputy NIM for Threat Finance and Transnational Organized Crime, I helped oversee and integrate all aspects of the IC's collection and analytic efforts regarding Threat Finance and Transnational Organized crime. I also served as the DNI's senior executive advisor on these topics. During my tenure, I developed, authored and led a pilot code name "FIX IIT" which created the technical, analytic and legal/policy solutions for bulk financial data for the Intelligence Community. The pilot created Classified and Unclassified "cloud" technical environment(s) for information sharing, and normalizing and standardizing structured/unstructured bulk data for exploitation and entity resolution to identify unknown illicit networks. I also authored the Unified Intelligence Strategy, which serves as the IC's strategic financial intelligence collection policy for counterterrorism, counter proliferation, counterintelligence and transnational organized crime. Partnered with the White House National Security Staff to author and lead a strategic policy and tactical collection of financial intelligence and information sharing with law enforcement, foreign partners and intelligence organizations in an emerging high risk country and region.

I also acquired experience leading a large and complex intelligence organization with a major national security mission. As the Assistant Commissioner and Chief Intelligence Officer of US Customs and Border Protection, I developed, coordinated and directed the full range of intelligence-driven operations and capabilities in support of CBP's primary mission to secure America's borders while facilitating legitimate trade and travel. Some highlights include serving as the Executive Agent for CBP signals and geospatial intelligence collection, as well as the approval authority for CBP's classified operations with IC and DOD partners. I also developed and deployed CBP's Confidential Human Source and Field Intelligence Group programs, changing the way intelligence is collected, analyzed, and disseminated back out to operators in support of DHS's border security mission.

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

- National Intelligence Superior Service Medal and Citation
- US Attorney's Office Meritorious Public Service Award
- USPS Postal Inspector "Rookie of the Year Award"

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

<u>ORGANIZATION</u>	<u>OFFICE HELD</u>	<u>DATES</u>
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No known affiliations of this type.

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

- I provided an interview to NBC News regarding border security and the Office of Intelligence at CBP (Recorded October 2016, Aired January 2017).
- During my tenure at CBP, I provided many employee communications on the DHS intelligence enterprise, counterintelligence/insider threat, and the Confidential Human Sources programs.

I have no knowledge of any other publications, speeches, or writings. If asked, I will work to provide copies of requested items to the Committee.

PART B - QUALIFICATIONS

14. QUALIFICATIONS (DESCRIBE WHY YOU BELIEVE YOU ARE QUALIFIED TO SERVE IN THE POSITION FOR WHICH YOU HAVE BEEN NOMINATED):

I have over 24 years of experience serving in a variety of operational, policy and leadership positions in law enforcement and intelligence. Having spent much of my career as an operator and consumer of intelligence information, I have a unique understanding of how operationally-focused, homeland-derived intelligence and information can drive operational outcomes and strengthen the overall national intelligence picture. In addition, my extensive experience leading and supporting complex multi-agency investigations and operations will serve me well as I seek to establish and maintain relationships with key customers, partners, and stakeholders. Furthermore, my experience serving as a local law enforcement officer and as head of a DHS Component intelligence program gives me keen insight into how to further mature the Homeland Security Intelligence Enterprise and position DHS I&A to continue improving the level of service it provides to its primary customer sets.

PART C - POLITICAL AND FOREIGN AFFILIATIONS

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

None

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

None

17. FOREIGN AFFILIATIONS

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

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

No

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

No

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

No

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

No

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

None

PART D - FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security's Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement that I have entered into with the Department's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

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

No. I am a career service employee with the US Government.

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

None

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

No

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

I have no specific agreements or understandings with any parties about my plans after completing government service. I have given thought to retirement, teaching, or potentially seeking a position as Chief of Police in a major metropolitan police department.

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

No

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

My spouse is employed as a Supervisory Special Agent for the Federal Bureau of Investigation and has been in this position for 12 years and 9 months.

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

<u>NAME OF ENTITY</u>	<u>POSITION</u>	<u>DATES HELD</u>	<u>SELF OR SPOUSE</u>
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None

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

None

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

<u>DESCRIPTION OF PROPERTY</u>	<u>VALUE</u>	<u>METHOD OF VALUATION</u>
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Please see attached OGE 278 Form.

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

<u>NATURE OF OBLIGATION</u>	<u>NAME OF OBLIGEE</u>	<u>AMOUNT</u>
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Please see attached OGE 278 Form.

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

No

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

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
SALARIES					
FEES	[INFORMATION REDACTED]				
ROYALTIES					
DIVIDENDS					

[INFORMATION REDACTED]

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

Yes

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

In addition to our federal income tax returns, my spouse and I also file tax returns with the Commonwealth of Virginia.

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

No

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

N/A

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

No

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

I have filed financial disclosure reports to U.S. Customs and Border Protection (OGE 278) and will provide copies upon request.

PART E - ETHICAL MATTERS

38. HAVE YOU EVER BEEN THE SUBJECT OF A DISCIPLINARY PROCEEDING OR CITED FOR A BREACH OF ETHICS OR UNPROFESSIONAL CONDUCT BY, OR BEEN THE SUBJECT OF A

COMPLAINT TO, ANY COURT, ADMINISTRATIVE AGENCY, PROFESSIONAL ASSOCIATION, DISCIPLINARY COMMITTEE, OR OTHER PROFESSIONAL GROUP? IF SO, PROVIDE DETAILS.

In September 2015, a U.S. Customs and Border Protection human resource specialist alleged I violated a competitive service hiring practice (unfair advantage for an applicant) by receiving an email from a prospective job applicant (via JWICS) with a classified resume. I did not solicit the email nor the resume from the applicant. The matter was not investigated by the Office of Inspector General but, was reviewed by CBP's Office of Professional Responsibility. I provided a sworn statement and was subsequently exonerated of a policy violation. The matter was closed in December 2015. I have copies of my statement and letter of "no disciplinary action" upon request.

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

In 1990, I was cited as a Minor in Possession of Beer and False Identification while at a college bar in Cedar Falls, Iowa (University of Northern Iowa). I used a fraternity brother's identification to enter a college bar and was in possession of a bottle of beer.

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

In the incident described in question 39, I was issued a summons (no arrest). I paid a \$15 fine for the Minor in Possession of Beer and \$25 Fine for False Identification.

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

No

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

Yes, numerous times but always within the professional scope of my employment as a law enforcement officer.

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

No

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

No

PART F - SECURITY INFORMATION

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

No

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

Yes, multiple times by local law enforcement agencies and the Federal Bureau of Investigation for initial clearance and five year re-investigations.

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

No

PART G - ADDITIONAL INFORMATION

48. DESCRIBE IN YOUR OWN WORDS THE CONCEPT OF CONGRESSIONAL OVERSIGHT OF U.S. INTELLIGENCE ACTIVITIES. IN PARTICULAR, CHARACTERIZE WHAT YOU BELIEVE TO BE THE OBLIGATIONS OF THE UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS OF THE DEPARTMENT OF HOMELAND SECURITY AND THE INTELLIGENCE COMMITTEES OF THE CONGRESS RESPECTIVELY IN THE OVERSIGHT PROCESS.

Congressional oversight refers to the various activities carried out by the Legislative Branch to ensure federal agency policies, procedures, and activities are carried out in accordance with the Constitution and applicable US law. In order to facilitate effective oversight of intelligence activities, the Under Secretary for Intelligence and Analysis must keep the Intelligence Committees fully and truthfully informed of intelligence activities, as required by law. In turn, the Intelligence Committees must ensure that oversight activities do not unduly burden federal agencies' abilities to execute their mission, in accordance with applicable law. It is critical that both parties work to maintain clear and open channels of communication and an ongoing, productive dialogue.

49. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS OF THE DEPARTMENT OF HOMELAND SECURITY.

As I understand it, the Under Secretary for Intelligence and Analysis (USIA) of the Department of Homeland Security (DHS) serves as the Department's Chief Intelligence Officer and is responsible for leading and coordinating the intelligence activities of the Homeland Security Intelligence Enterprise. The USIA also serves as the Department's Senior Information Sharing and Safeguarding Executive, leading efforts to ensure DHS maintains the policies, procedures, and systems necessary to ensure that data and information collected and developed by the Department is shared appropriately and protected from improper disclosure. The USIA also serves as the Executive Agent for the Fusion Center Initiative, serving as the critical link between the Intelligence Community, the Department, and our State, Local, Tribal and Territorial Partners. The USIA also serves as the DHS Counterintelligence Executive, ensuring the Department maintains a counterintelligence program that informs DHS stakeholders of, and helps them protect against, counterintelligence threats. The USIA also serves as the Executive Agent for DHS Watchlisting, ensuring DHS components and other partners are trained and equipped to participate in the Watchlisting program. And finally, under delegation from the Secretary, the USIA serves as the DHS Counterterrorism Coordinator, leading the Department's Counterterrorism Advisory Board and coordinating the various CT-related activities across the Department.

AFFIRMATION

DAVID J. CLAW, DO SWEAR THAT THE ANSWERS I HAVE PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

12 MAY 2017 [SIGNATURE] _____
(Date) (Name)

[SIGNATURE] _____
(Notary)

Columbia: SS
and subscribed before me on:
day of MAY 2017
[SIGNATURE] Commission Expires
June 30, 2018



TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

In connection with my nomination to be Under Secretary for Intelligence and Analysis of the Department of Homeland Security, I hereby express my willingness to respond to requests to appear and testify before any duly constituted committee of the Senate.

_____ [SIGNATURE] _____
Signature

Date: 12 MAY 2017

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Senate Committee on Intelligence**Additional Prehearing Questions
for****David James Glawe****Upon his selection to be****The Under Secretary for Intelligence and Analysis,
Department of Homeland Security****Role and Responsibilities of the Under Secretary for Intelligence and Analysis**

QUESTION 1. The mission of the Department of Homeland Security's (DHS) Office of Intelligence & Analysis (I&A) was established by the Homeland Security Act of 2002, which mandated I&A's responsibility for critical infrastructure analysis. The mission was further defined by the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) and the Implementing Recommendations of the 9/11 Commission Act of 2007. What is your understanding of the history and purpose, as established by Congress, of the office of the Under Secretary for I&A in DHS?

As I understand it, the DHS Office of Intelligence and Analysis (I&A) was designed to address key intelligence failures identified after September 11, 2001, by creating an office responsible for the integration, analysis, and sharing of all-source information and intelligence for and in support of the missions of the newly established DHS, and all other federal, state, local, private sector and other partners with homeland security-related responsibilities related to the prevention of and response to terrorist attacks against the United States.

The *Homeland Security Act of 2002* (HSA) established the Office of Information Analysis, the predecessor to I&A within the Department's Directorate for Information Analysis and Infrastructure Protection, to improve the coordination, sharing, and analysis of this information and intelligence; to provide DHS a seat at the table of the US Intelligence Community (IC) and a voice in determining the nation's intelligence collection priorities; to facilitate, leverage, and exploit the intelligence-related information already being collected by DHS through its constituent elements and operational components; and facilitate greater access to and cross-mission coordination of information collected by federal, state, and local intelligence, law enforcement, and other agencies.

In subsequent years, Congress enacted changes to the HSA that afforded I&A greater intelligence access, including to raw information, and analytical capabilities: (1) to meet a broader range of threats to the United States; (2) to provide intelligence analysis to all of the other directorates in the Department, to state and local government, and to law enforcement; and (3) for the purpose of preventing terrorist attacks, enhancing border security, protecting critical infrastructure, enhancing emergency preparedness and response, and better informing the Department's research and development activities.

The *Implementing Recommendations of the 9/11 Commission Act of 2007* (9/11 Act) also included key changes to I&A's mission aimed at improving information sharing among federal,

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state, local, and tribal authorities. In the 9/11 Act, Congress sought to improve the organization and mission structure for DHS-wide intelligence by codifying the role and expanded authorities of the Under Secretary for Intelligence and Analysis as the Chief Intelligence Officer (CINT) of the Department, and that of the DHS Intelligence Components, as constituent elements of the DHS Intelligence Enterprise (IE) led by the CINT. Congress granted the Under Secretary for Intelligence and Analysis new responsibilities as CINT in order to drive a common intelligence mission at the Department. As the head of the DHS IE, the DHS CINT exercises leadership and authority over the formulation and implementation of intelligence policy and programs throughout the Department, and provides strategic oversight of and support to the intelligence-related missions and goals of the DHS IE.

QUESTION 2. In addition to statutes, I&A's strategy was further refined by Departmental and IC strategies and guidance, including Vision 2025, the Quadrennial Homeland Security Review, and the Department's Bottom-Up Review. What do you understand I&A's current mission to be?

I&A's mission statement is "to equip the Homeland Security Enterprise with the intelligence and information it needs to keep the homeland safe, secure, and resilient." I believe this mission statement accurately reflects the evolution of I&A's role and responsibilities, to include various forms of DHS and IC strategic guidance.

QUESTION 3. In your opinion, does I&A have a focused and well-defined mission consistent with the purpose Congress originally intended?

I share the Committee's past concerns that I&A has historically struggled to establish a clear mission and consistent priorities. However, as indicated in my response to Question Two, I believe I&A has a defined mission. If confirmed, I intend to continue in that direction and focus on helping I&A better implement its broad statutory authorities, better identify its customers, and better serve those customers' needs.

QUESTION 4. What should I&A's mission be in the future?

If confirmed, I intend to focus my efforts on ensuring I&A provides timely, useful, and operationally-relevant intelligence to its customers, specifically DHS Components within DHS, state and local law enforcement partners, and the private sector. In addition, I&A should devote more attention to its role of integrating the Components' unique intelligence and operational capabilities with the IC, state and local law enforcement, and private sector partners.

QUESTION 5. I&A has been criticized in the past for producing intelligence products that are duplicative of finished intelligence from other IC entities. In addition, in 2014, I&A was found by some measures to be producing about one finished intelligence product per analyst - a level that is far below average throughout the IC.

A. How should I&A's role be distinct from the analytic role played by other members of the IC, such as the Federal Bureau of Investigation (FBI) or the National Counterterrorism Center (NCTC)?

UNCLASSIFIED

I&A's legislated mandate to share information with the Homeland Partners sets it apart from the other domestic intelligence entities. Unlike FBI, which is charged with the domestic law enforcement mission for terrorism and counterintelligence, and NCTC which is limited to Foreign-based or inspired Terrorism issues, I&A provides intelligence information for all domestic threats to meet the needs of DHS operational components, state, local, tribal, and territorial and private sector partners, and the IC. I&A should strive to provide its partners and customers with timely, useful, and operationally-relevant intelligence and information at the lowest classification level possible.

B. What does I&A add that is missing from other IC production?

I believe I&A adds value to IC production in two ways. The first is by utilizing DHS' vast data holdings, as well as intelligence and information from DHS Components and state, local, tribal, territorial and private sector partners, in finished intelligence. I&A also adds value by developing products tailored to meet the needs of its unique customer sets, and releasing them at the lowest possible classification level. If confirmed, I would work to ensure I&A's analytic efforts add value to IC production rather than duplicating it.

C. How will you measure and define the success of I&A analytic production? Is I&A currently meeting those standards?

In my view, successful analytic production results in sustained increases in the quality and quantity of intelligence collection, reporting, and intelligence analysis that gives homeland security stakeholders—state, local, tribal, territorial, and private sector partners; the Department; and the IC—insights they need to make evidence-based policy, operational, and resource decisions about their highest priority intelligence requirements and questions. I&A's analytic production must reflect Department priorities, address homeland-focused threat streams, and be operationally-relevant to its intended audience. If confirmed, I plan to review whether I&A's analytic production meets these standards. I commit to keeping the Committee informed of my findings including any necessary improvements.

D. Which is more important: the quantity or the quality/impact of the reporting? Why?

Both quantity and quality of raw reporting are critically important. It is my understanding that I&A sets achievable targets for analytic production that drive production for some I&A customer sets. In achieving those targets, quality is of paramount concern. If confirmed, I will continue to seek opportunities to improve both the quantity and quality of I&A's production and services across the entirety of the intelligence cycle to ensure I&A is delivering timely, useful, and operationally-relevant intelligence and analysis across all four major Departmental threat streams.

UNCLASSIFIED

QUESTION 6. Does I&A's work reduce the risk of a terrorist attack? If so, please explain how.

I need to conduct an assessment to better understand the metrics I&A has used to evaluate if its work has reduced the risk of a terrorist attack. I&A was established in large part to facilitate greater intelligence and information sharing with state, local, tribal, territorial, and private sector partners. I&A has provided those entities information to help identify threats and vulnerabilities but the feedback from the current and former local law enforcement and IC executives has been mixed.

I do believe the unique intelligence and information I&A can produce could be of great value. Especially regarding travel, border, maritime and aviation security to help protect the homeland and reduce the risk of a terrorist attack. I&A's work to better understand border security threats such as transnational criminal organizations and networks that smuggle aliens and contraband into the homeland, as well as weaknesses in foreign immigration, travel, and border security policies, helps push US borders out and inform actions taken to reduce vulnerabilities that could be exploited by dangerous people across the spectrum—from criminals to terrorists—effectively mitigating those threats before they reach our soil.

I&A also works across the Department to provide threat information and analysis to support DHS risk mitigation programs including FEMA's State Homeland Security Grant Program and Urban Area Security Initiative; various integrated Threat Risk Assessment processes for counterterrorism Chemical, Biological, Radiological, and Nuclear programs, and other risk-based analysis programs. In addition, I&A's analysis of terrorist trends, radicalization efforts, and direct interface with our state and local and private sector partners is unique in the IC.

QUESTION 7. The Inspectors General of the IC, DHS, and the Department of Justice (DOJ) released a joint report in March 2017 entitled, "Review of Domestic Sharing of Counterterrorism Information," in response to a 2014 SSCI-led request. The report found that both DHS and FBI personnel expressed "concerns about overlaps in their CT Missions and activities." What unique role should I&A be performing, if any, with regard to countering violent extremism in the United States?

Violent extremism, whether inspired by foreign terrorist groups or rooted in a range of domestic-based radical ideologies, poses a persistent and unpredictable threat to our homeland. Countering violent extremism has become a key focus of DHS's work to secure the homeland. The Department created the Office for Community Partnership (OCP) dedicated to the mission of countering violent extremism by partnering with those at-risk communities to spur societal change.

As a former local law enforcement officer, I have seen the value of working with and directly engaging at-risk communities. A key condition for success in this approach is that government entities must be accepted by the community as legitimate interlocutors. As a result, it is important to carefully evaluate the role of intelligence and law enforcement personnel. It is my understanding that I&A provides some analytical support to the work of OCP and broader USG

UNCLASSIFIED

efforts to counter violent extremism. If confirmed, I plan to review the level of support I&A provides to these efforts, and would be happy to report back the results of that review.

QUESTION 8. This same March 2017 report found that the "DHS Intelligence Enterprise is not as effective and valuable to the IC as it could be. For example, there is still a lack of unity among I&A and other DHS component intelligence programs, which also affects intelligence reporting."

A. As the Chief Intelligence Officer (CINT) of DHS, will you need more authorities to help unify DHS intelligence efforts?

In my view, Congress and the Secretary have, through statute and standing delegations, already provided the CINT with the baseline authorities necessary to drive a common intelligence mission across DHS. For example, the CINT is empowered to formulate and implement intelligence policy and programs throughout the Department and to exercise strategic oversight of and support to the intelligence-related missions and goals of the DHS Intelligence Components and their individual component intelligence programs that comprise the DHS Intelligence Enterprise.

Having said that, I can imagine a situation where the need for additional or enhanced authorities would become apparent. For example, should the DHS portion of National Intelligence Program funding and the Department's overall footprint within the IC further evolve and mature, the functional authorities of the Under Secretary in DHS-wide intelligence-related planning, programming, and budgeting may prove inadequate. If confirmed, and if necessary, I commit to working with my leadership and Congress, as appropriate, to address any changes or additions that may be needed.

B. Are there other legal authorities that I&A does not possess but that you believe it should possess to further its mission?

At this time, I believe I&A possesses the right mix of statutory and delegated authorities to perform the functions Congress intended. However, if confirmed, and if necessary, I commit to working with my leadership and Congress, as appropriate, to address any changes or additions that may be needed.

QUESTION 9. Are there legal authorities that I&A possesses that it does not need or should not have?

The Under Secretary for Intelligence and Analysis' authorities appear appropriate. If confirmed, I would assess these authorities for adjustment, and, as necessary and appropriate, work with my leadership and Congress to correct any problems.

QUESTION 10. What unique role should I&A play in supporting the efforts of DHS entities to combat trade-based money laundering, illegal bulk cash transfers, exploitation of money service businesses, and other illicit money flows that support the drug trade and other security challenges?

UNCLASSIFIED

I&A's role should be to synchronize the operational intelligence work of the Components to ensure collection and analysis on these topics supports the needs of DHS operators in an integrated and efficient manner.

QUESTION 11. One of the responsibilities you have with the CINT role is to exercise leadership and authority over intelligence policy throughout the department. This means you have a role in other DHS operational components such as Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), Transportation Security Administration (TSA), Coast Guard, and Secret Service, all of which have intelligence functions.

A. Does the Under Secretary for I&A have the authority to integrate intelligence activities and analysis effectively from these various components?

As stated in my response to Question Nine, I believe the Under Secretary for Intelligence and Analysis' authorities appear appropriate given the breadth of the DHS Intelligence Mission. If confirmed, I would assess these authorities for adjustment, and, as necessary and appropriate, work with my leadership and Congress to correct any problems.

B. From a budget standpoint, the intelligence functions of these components are outside of I&A's budget control. Should the Under Secretary for I&A have authority over their budgets?

Based on my experience as the former Chief Intelligence Officer of a DHS Component and my prior capacity as the Acting Under Secretary for Intelligence and Analysis, I believe there is value in empowering the Under Secretary for Intelligence and Analysis with additional budget-related authorities for certain DHS Component intelligence functions. Such authorities could enhance the DHS Chief Intelligence Officer's ability to coordinate and execute the DHS-wide intelligence mission and ensure an integrated DHS Intelligence Enterprise business model. It could also be used as a tool to prevent duplication of effort and help identify and eliminate waste. However, any such change in authorities must be studied carefully and executed properly to be successful. If confirmed, I plan to review the statutory and delegated authorities for the Under Secretary of Intelligence and Analysis for adjustment, and, as necessary and appropriate, work with my leadership and Congress to address any changes or additions that may be needed.

C. What is your assessment of efforts to date to improve integration between I&A and the other components?

There has been much progress but there is still work to do. I believe the ultimate goal in improving integration between I&A and the DHS Components is to better integrate the intelligence activities across DHS. If confirmed, I plan to focus both on better leveraging the Under Secretary's strategic oversight authorities over departmental intelligence

UNCLASSIFIED

activities and improving the DHS Intelligence Enterprise's ability to organize itself to provide the right kind of intelligence support whether it is strategic, operational, or tactical support.

In my prior capacity as Chief Intelligence Officer for a DHS Component and my tenure as the Acting Under Secretary for Intelligence and Analysis, I identified two important tools that I believe can be leveraged to achieve this goal. The first is the Homeland Security Intelligence Council (HSIC). During my time at DHS, I have watched the HSIC mature to the point that it has been able to begin addressing some basic DHS intelligence integration challenges. For example, the HSIC is currently working within the DHS Intelligence Enterprise to address staffing shortfalls at key intersections of the Departments intelligence and operational missions: the Southern Borders and Approaches Campaign JTFs, the National Targeting Center, the Human Smuggling Cell and the Human Smuggling and Trafficking Center. If confirmed, I plan to focus the HSIC's attention on coordinating operationally-relevant intelligence support at these critical mission centers, ensuring our customers get the intelligence support they need, where they need it.

In addition to the HSIC, I believe the Intelligence Mission Manager/Functional Manager construct can also be a valuable tool for coordinating DHS-wide intelligence efforts. DHS has started to implement this concept by using Intelligence Mission Managers to help coordinate intelligence efforts within their topical domains across multiple intelligence functions. For example, they developed the FY17 Strategic Analytic Guidance which in turn was the basis for the FY 2017 DHS Intelligence Enterprise's Program of Analysis. The Intelligence Mission Managers were also the major contributors to the development of the DHS QHSR Threat Estimate. They are at various stages of completing departmental strategies that focus coordination efforts in their domains. However, as I understand the current concept, the Mission Manager role at DHS is only a collateral responsibility. If confirmed, I plan to review the current Intelligence Mission Managers concept as it exists at DHS and find ways to improve it.

QUESTION 12. If confirmed, how will you evaluate whether your tenure as Under Secretary for I&A has been a success?

In my view, my tenure at I&A will be successful if we are able to position I&A to provide or facilitate customer access to timely, actionable, and operationally-relevant intelligence that allows those customers to re-adjust resources and achieve operational outcomes related to key homeland security objectives. I will also assess whether I&A is providing the kind of timely strategic intelligence products that allow its customers to adjust to the asymmetric, fluid and emerging threats facing the homeland.

QUESTION 13. Have you discussed with the Secretary of Homeland Security his specific expectations of you, if confirmed as Under Secretary for I&A, and his expectations of I&A as a whole? If yes, please describe those expectations.

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Secretary Kelly communicated clearly to me his expectations for I&A. He expects I&A to provide timely, useful and operationally-relevant intelligence to the DHS enterprise, the IC, state and local law enforcement partners and the private sector. He also directed me to, if confirmed, act through the role of the CINT to develop a DHS Intelligence Enterprise approach to DHS' representation within US Embassy country teams.

QUESTION 14. Have you discussed with the Director of National Intelligence his expectations of the relationship between I&A and the Office of the Director of National Intelligence and other elements of the IC? If yes, please describe those expectations.

In preparation for the confirmation process, I met with DNI Coats. He expressed his interest in the continued integration of the DHS Intelligence Enterprise with the IC and the aggressive pursuit of efforts to increase the sharing of DHS data with the IC. We also discussed in general terms the need to take a closer look at the threat posed by Transnational Organized Crime and how to better equip operators on the front lines with the intelligence and information they need to confront the threat before it reaches the border. We also discussed the need for I&A to continue strengthening relationships with state and local law enforcement and to expand outreach to private sector partners, especially on cybersecurity and critical infrastructure.

Priorities and Performance

QUESTION 15. What do you believe are the most critical analytic priorities for I&A today?

The most critical analytic priority for I&A is to identify areas where DHS is best positioned to add value to the overall body of analysis. I believe that is centered on leveraging the unique data collected held by the Department. I&A should leverage that data to produce timely, useful, and operationally-relevant products focused on trade, travel, border and aviation security, and the functional threats associated with those threat vectors.

I&A's intelligence analysis priorities will continue to evolve based on new intelligence and customer requirements of the Secretary, DHS operational components, and state, local, tribal, territorial, and private sector customers in the field. As those priorities evolve, I&A must remain focused on continuing to leverage unique DHS data fused with IC reporting to perform analysis those mission areas most closely associated with protecting the Homeland.

QUESTION 16. I&A has many customers competing for analytic capacity. Who are I&A's top five customers?

I&A has one of the broadest customer bases in the IC, ranging from the Secretary, to DHS and USG policymakers and operators, thousands of state local and private sector officials, and foreign partners - each of whom have different information classification requirements and limitations. I believe I&A's customer base falls into the following five categories: policy makers, federal entities, state and local governments, tribal and territorial leadership, and critical infrastructure asset owners and operators. All of them are important, and I&A must continue

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meeting their needs by producing a broad range of products at different classification levels. If confirmed, and consistent with the direction provided to me by the Secretary, I intend to focus I&A's analytic capacity on areas where we are positioned to add value or that are underserved by other parts of the IC, rather than duplicating work done elsewhere.

Workforce

QUESTION 17. Morale within the office of the Under Secretary for I&A has been consistently low.

A. If confirmed, what is your plan to address this issue?

Based on my experience, morale is often linked closely to an employee's ability to clearly understand the mission, to identify how their role supports the mission, and to be given the resources and discretion to do their job. It is my understanding that there are a number of morale improvement initiatives already in place at I&A, as well as additional factors for consideration that I believe will improve morale and employee engagement.

If confirmed, my first action on this front will be to ensure the agency's mission is communicated clearly and consistently to the workforce. I will hold I&A managers, especially at middle management level, accountable for establishing daily briefs on their activities, messaging campaigns that help communicate the value of the work they produce, and establish a battle rhythm with all their employees that clearly articulates the mission and operational requirements of I&A's customers. In addition, I&A managers will be expected to provide daily feedback and transparency on the mission and intelligence products they produce. To foster better understanding of customer needs and help employees develop a closer, deeper connection to our critical homeland security mission, I also intend to create opportunities for the workforce to engage more regularly and directly with their customers through field deployments and rotational assignments. I also intend to continue efforts already in progress at I&A to equip employees with the tools and resources they need to do their jobs, including improving IT service support to employees, enabling analysts to access data and data sets more quickly, and standardizing and codifying processes that impact employees on a daily basis.

B. Why will this strategy work where others have failed?

I am confident that employee morale will improve as employees better understand their mission, develop a deeper connection to that mission, and receive the support they need to accomplish that mission.

QUESTION 18. Do you have a human capital strategy to recruit and retain the "best and brightest" to I&A?

In order to position I&A for success, it is imperative I&A's Human Capital Office retain skilled and experienced HR professionals familiar with the unique mix of hiring authorities at I&A's

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disposal as a result of its position within DHS and within the IC. With those professionals in place, I&A will be best positioned to successfully execute its overall human capital strategy.

While I am not an HR professional, I believe there are certain common elements in successful human capital strategies at federal agencies. First, it is important to define the organization's mission in a way that appeals to those looking to begin or continue a career government service. I believe I&A's stated mission meets that threshold. So to be successful, I&A must also be able to communicate and market that mission in a clear and effective way.

To recruit applicants at the entry level, I&A must work to increase its presence at entry-level hiring opportunities. And to recruit experienced applicants looking to further develop their career, I&A should find ways to increase visibility of open opportunities and streamline the application and hiring process for qualified applicants already in the IC, DHS, other federal or state agencies, and the private sector. The I&A workforce should also represent the diversity of the communities we serve, so I&A must develop new and creative ways to target demographics that are under-represented in the workforce.

Concerning retention, I&A must ensure its employees receive the experience, training, and advancement opportunities they need to develop into Homeland Intelligence Professionals. To me, this means improving the on-boarding program to help new employees acclimate to the culture of I&A and DHS. It also means developing distinct career paths with associated roadmaps that identify each development stage, training opportunities, and rotational assignments along the way. It also means fully leveraging all available workforce awards and recognition programs which emphasize not only long-term contributions to the mission, but on-the-spot recognition of time-sensitive and situationally-specific employee contributions.

It is my understanding that I&A's Human Capital Office is working to develop a strategic recruitment plan that precisely targets the sources of talent to meet our current and emerging mission sets. If confirmed, I look forward to reviewing that plan and ensuring it helps I&A build a workforce capable of executing I&A's mission and fulfilling the priorities communicated to us by DHS and IC leadership.

QUESTION 19. Are there any reforms you plan to take to improve the skill set and experience profile of the I&A workforce?

I am proud to have been nominated to lead the I&A workforce, which I believe is made up of dedicated, hard-working and skilled Homeland Intelligence Professionals responsible for both executing and supporting the intelligence cycle at I&A. If confirmed, I intend to build on this solid foundation and bring a greater operational focus to the mission I&A performs.

To that end, I&A must provide its employees with the requisite professional development opportunities to advance this mission. If confirmed, I plan to leverage additional training opportunities as a way to build and sustain a skilled and professional workforce capable of responding to both current and emergent threat vectors and by expanding and enhancing professional development. Elements of a successful training program must include a mix of in-residence, on-line and web-enabled, and hybrid courses, seminars, and workshops sourced from

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within the department, IC, and Law Enforcement Community to advance students' knowledge, skills, and abilities which, in turn, expand and enhance I&A's intelligence capacities.

QUESTION 20. A significant portion of I&A's budget has been used for contractor support. What are the appropriate roles for contractor staff within I&A and what, in your view, is the appropriate contractor-to-employee ratio?

It is my understanding that I&A, in response to the Committee's direction and to better support execution of its mission, has significantly reduced its reliance on contractor support for intelligence and support functions over the last several years. At the same time, contractors bring valuable experience, and enable I&A to access skills in specific technical or fast-evolving areas like cyber and data analytics for mission areas that cannot be fully staffed by federal employees due to the market rate for those skills, high turnover, or high training costs. Contractors also provide flexibility to respond to surge requirements. If confirmed, I will work to ensure I&A maintains a contractor-to-employee ratio that allows it to achieve its mission objectives as defined by DHS leadership, the DNI, and the President.

QUESTION 21. Do you believe that contractor staff should serve as intelligence analysts? If yes, under what conditions?

In general, all-source intelligence analysis should be performed by federal employees, and it is my understanding that is generally the case at I&A. However, there are cases where contract intelligence analysts can provide the flexibility needed to quickly bring to bear specific skills, competencies, or subject matter expertise that may not already reside in the federal workforce. For example, I believe it would be appropriate to consider contract support to fulfill unanticipated requirements for immediate analytic support to meet critical mission objectives, particularly where that need could not be fulfilled through ordinary workforce planning processes and hiring efforts. This kind of flexibility may be particularly useful at I&A, which continues to grow and mature capabilities and expertise of its analytic workforce in a dynamic mission environment.

It is my impression that contractors are being phased out of core analytic functions, but that a limited number will remain as tradecraft mentors to continue to support the development of our more junior analysts and in watchlisting and watchstanding roles, and in situations that require a short-term surge in personnel. I think this is the right approach, and if confirmed, I will continue working to ensure I&A achieves the appropriate mix of federal employees and contractors in its analytic workforce.

QUESTION 22. I&A now enjoys direct hiring authority. How has this new authority affected I&A's ability to recruit and retain personnel?

It is my understanding that I&A's direct hire authority has benefited the organization's ability to aggressively recruit and hire individuals, and that I&A's fill rate has increased from 80 percent to over 97 percent over the last three years. If confirmed, I will work to ensure direct hire authority is strategically leveraged to target applicants with highly technical and sought-after skills and bring them on quickly to support critical I&A missions.

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QUESTION 23. How will you manage the analysts' career paths to ensure that they have opportunities to serve in DHS or elsewhere in the IC at the senior-most levels?

I believe a DHS rotational assignment program can be a very effective way to develop Homeland Intelligence Professionals and retain employees within I&A and the DHS Intelligence Enterprise. If confirmed, I will work to ensure I&A analysts receive required tradecraft training provided by DHS and the IC, and that they are exposed to the various elements of the DHS Intelligence Enterprise through serving on temporary assignments, and working collaboratively. Exposure to the intelligence needs, requirements, and contributions of the Department will provide I&A analysts with unique intelligence skills and competencies that will make them competitive in the Department and the IC.

QUESTION 24. If confirmed, do you plan to provide additional opportunities for I&A analysts to work directly with I&A customer groups to improve the level of collaboration between I&A analysts and the customers they serve?

I believe strongly that all analysts can benefit from being more closely aligned to their customers—particularly the operators. In my prior capacity as the Acting Under Secretary for Intelligence and Analysis, I worked with the leadership team to begin identifying ways to implement an analyst deployment program designed to place analysts alongside their counterparts in operational Components of DHS. If confirmed, increasing I&A analysts' exposure to these and other customer sets will be a top priority of mine. I plan to aggressively pursue joint duty and long term deployments within the DHS operational Components. In addition, I also plan to develop an integrated DHS Enterprise intelligence capability within select US Embassies, and deploy personnel within those select embassy country teams. I look forward to the opportunity to review I&A's resource allocations and explore additional opportunities to get the analysts closer to their customers.

QUESTION 25. I&A has undergone almost yearly realignments since it was established. Each time, our Committee has been told that it is imperative to the future success of the organization, but it seems to further confuse employees and cause uncertainty with I&A's mission. Are you satisfied with the current organization of I&A, or do you intend to reorganize the office? If the latter, how would you organize I&A if confirmed as Under Secretary for I&A?

I understand the Committee's concern with the number of realignments that have been initiated at I&A. If confirmed, I plan to evaluate how well I&A is serving our customers' needs under the current organizational structure, and leverage that analysis to drive resource allocation decisions that ensure I&A is maximizing the value of DHS's unique intelligence and operational capabilities. Based on my experience as the Chief Intelligence Officer of a DHS Component and my prior capacity as the Acting Under Secretary for Intelligence and Analysis, it is clear that I&A is not adequately integrated with the DHS operational Components. As a result, I do anticipate some structural adjustments will be needed to support and enhance the operational Components' need for IC data, integration and resources. If confirmed, I look forward to working with the Committee to develop and execute those adjustments.

UNCLASSIFIED

Fusion Centers and Information Sharing

QUESTION 26. The aforementioned March 2017 report identified gaps and duplication among the nearly 300 domestic information-sharing entities, including Fusion Centers. I&A provides representatives to approximately 60 Fusion Centers.

- A. Is there duplication between these field elements that are either run by, or staffed with, federal government resources?**

I believe that the National Network of Fusion Centers brings context and value to homeland security and law enforcement that no other federal or local organization can replicate. Fusion centers accomplish this through their unique information, perspective, and role. Their independence from federal entities allows fusion centers to provide partners with a unique perspective on threats to their state or locality, while also contributing to the national threat picture. The result is a security force multiplier that helps strengthen and protect the homeland from all manner of threats. If confirmed, I plan to take a closer look at the findings of the report in the context of I&A's mission in this space, with an eye toward eliminating any duplication within I&A's mission space.

- B. Do you believe the current level of Fusion Center staffing by I&A is sufficient? How would you improve the current Fusion Center model?**

It is my understanding that additional personnel in current positions, and establishing a new job category could help enhance and mature intelligence production and support in the field. If confirmed, I plan to review I&A's overall field footprint in the context of funding and resource constraints. If there are opportunities where additional staffing makes sense, I will work with DHS leadership and Congress to explore those opportunities.

- C. How can Congress measure the effectiveness of Fusion Centers? How do you hold them accountable when each one is uniquely structured and operated by a particular state?**

It is my understanding that DHS conducts an annual fusion center assessment to provide a comprehensive picture of the National Network's performance, help measure the effectiveness of Federal Emergency Management Agency (FEMA) grant funding, and guide partners to invest in mission areas with the greatest potential benefit to the entire homeland. It is critical that DHS use this assessment process to capture performance measures that demonstrate the impact of the National Network and provide a standard against which to measure its progress, strengths and weaknesses, all focused on outcomes of fusion center activities and their impact on protecting the homeland. An honest and objective review of how the National Network is meeting these performance measures will help all stakeholders, including Congress, make informed decisions about how best to allocate resources and adjust policies to make steady and visible progress. If

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confirmed, I will commit to working with Congress to continue improving DHS' fusion center assessment process.

QUESTION 27. In recent years, the Intelligence Authorization Act has set limits on the number of personnel I&A has posted in the field as Information Officers and Reports Officers. Part of the reasoning behind these limitations was to force a close examination of I&A's field presence to ensure they had a clear mission, and to encourage de-confliction with FBI and other federal agencies. Should I&A's presence be limited, particularly in light of the March 2017 report identifying sharing issues between federal entities in the field?

As stated in my response to Question 26B, it is my understanding that placing additional I&A field personnel in current positions, and establishing a new job category could help enhance and mature intelligence production and support in the field. If confirmed, I plan to review I&A's overall field footprint in the context of funding and resource constraints. If there are opportunities where additional staffing makes sense and adds value to DHS operational missions, including border security, travel security, and refugee and immigration screening and vetting, I will work with DHS leadership and Congress to explore those opportunities.

QUESTION 28. The DHS Data Framework aims to foster the efficient sharing of homeland security information across DHS and IC entities while protecting United States persons' privacy. The Committee has supported this effort to get DHS information to IC analysts.

A. What is the status of this project?

The DHS Office of the Chief Information Officer (OCIO) runs the Data Framework Program in close coordination with I&A, who is responsible for the technical work on the classified network. It is my understanding that, based on DHS and IC customer feedback, the Data Framework is currently focused on enhancing the quality of several data sets critical to the screening and vetting mission. Once that data quality work is complete, I&A will be able to deliver these data sets to IC partners through a single data flow. I&A has already built the infrastructure necessary to deliver this data to IC partners, and has already begun sending the Data Framework's cleaned ESTA data for a classified program that supports DHS screening and vetting.

B. Is I&A behind the projected schedule? If yes, why?

Having received only initial briefings on this topic, my knowledge of the history of this program is limited. It is my understanding that in its efforts to accelerate the ingestion schedule of the top 20 priority people-screening and vetting data sets, the Data Framework program underestimated the technical and policy implementation challenges that would arise as a result of focusing resources on accelerating ingestion efforts. Feedback from users emphasized a need to prioritize data quality over continued data ingestion, and the program has adjusted its focus on cleaning up and standardizing data.

C. Do you consider this project a top priority?

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Yes. The Data Framework is positioned to continue closing long-standing national security gaps by enabling I&A and other IC analysts to access accurate, current DHS data sets. The project provides critical information sharing capabilities to the IC, Department and the homeland security enterprise, while fulfilling the Department's responsibility of ensuring the privacy, civil rights, and civil liberties of individuals are not diminished by efforts, activities, and programs aimed at securing the Homeland. If confirmed, maturing this program will be one of my top priorities.

Management

QUESTION 29. What do you believe are the most important management-related challenges facing I&A today?

In my opinion, employee morale is the most pressing management-related challenge facing I&A. It is critical that I&A leadership move quickly to address this challenge, and if confirmed, I intend to execute the strategy I described in my response to Question 17.

QUESTION 30. Previous reports have found I&A processes to be ill-defined, inconsistent, and ad hoc. Does I&A tie budgets and financial planning to requirements through a defined and stable long-term budgeting, planning, and programming process? If so, do you have confidence that the process effectively serves its purpose?

Over the course of my career, I have gained a deep appreciation for the effectiveness of well-defined, consistent, and repeatable management processes. I am not aware of any systemic deficiencies in I&A's budgeting, planning, and programming processes. If confirmed, I will continue to look for ways to improve resource management at I&A and ensure I&A budgets aligned to mission goals defined by the Secretary, the DNI, and the President.

QUESTION 31. Do you believe DHS I&A should have outcome measures for antiterrorism and intelligence-related programs consistent with those measures established by other government agencies? Please explain.

It is my understanding that I&A has developed a robust performance measurement and analytic capability that can measure both outputs and outcomes across the full spectrum of the intelligence cycle. In some instances, I&A is helping lead IC efforts in this mission space, and the analytic capability has been successful in increasing the quantity, quality and focus of intelligence production across the board. If confirmed, I plan to use this capability to further analyze I&A production and outcomes to ensure it is meeting or exceeding its quantitative and qualitative goals.

QUESTION 32. How do you intend to measure financial and human capital processes as a part of I&A's performance measures?

UNCLASSIFIED

It is my understanding that I&A has invested in and developed a dedicated performance measurement and evaluation capability that assesses the full spectrum of the intelligence cycle and the performance of mission support process. Through regular reviews with I&A leadership, the organization consistently reviews human capital, CIO and CFO processes. I participated in some of these reviews, and I am encouraged that the metrics in place do help ensure I&A is efficiently executing its appropriated and authorized resources. If confirmed, I look forward to refining those metrics to ensure I&A's mission priorities align with those of the Secretary, the DNI, and the President.

I&A's Relationship with the Intelligence Community

QUESTION 33. I&A has responsibilities for disseminating information from within DHS to the broader IC.

A. What role should I&A play in disseminating information obtained from other elements of DHS to the IC?

I think I&A can play a critical role in helping operators and decision makers protect the homeland by disseminating and providing access to timely, relevant, and comprehensive intelligence and information across the full range of Homeland Security missions (e.g., preventing terrorism and enhancing security, securing and managing our borders, enforcing and administering our immigration laws, safeguarding cyberspace, and ensuring resilience to disasters). I&A can also play a key role in integrating DHS and state and local data with data collected or produced by the IC. DHS data has the potential to contribute significant value in key Departmental mission areas such as identity resolution, contacts, travel history, and derogatory information such as criminal activity. DHS data can, and has, contributed to the IC's knowledge about threat actors.

B. What kinds of information should be so disseminated, and from what elements of the DHS?

I&A supports the dissemination and analysis of a wide range of Department information to other agencies of the Federal Government, including the IC, with responsibilities related to homeland security, and to state, tribal, territorial, local, and private sector entities. This includes law enforcement information, suspicious activity reporting information, unique travel and immigration data, seizures data, and cyber intrusion data.

C. What limitations should apply to such disseminations, if any?

DHS must protect the integrity of ongoing law enforcement investigations, and ensure that information sharing practices are conducted in a manner consistent with the US Constitution, federal and state law, privacy and civil rights, civil liberties laws, and international treaties and agreements when applicable.

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QUESTION 34. If an individual U.S. person or non-U.S. person voluntarily provides information to a DHS entity, such as CBP, ICE, TSA, or the United States Citizenship and Immigration Services, do you believe that information should be made available for Title 50 entities conducting intelligence activities?

I believe such information should be made available where it is relevant and necessary to the purposes for which it is being shared, provided that information is collected and shared in accordance with any applicable notice requirements and proper oversight and policy protections that ensure the individual's privacy and civil rights and liberties are protected. The Privacy Act, the Violence Against Women Act, the Intelligence Reform and Terrorism Prevention Act, and Executive Order 12333, U.S. Intelligence Activities, are some of the governing legal authorities used by DHS to determine the circumstances of sharing information reasonably believed to constitute terrorism information. The Department's Chief Privacy Officer, Officer for Civil Rights and Civil Liberties and General Counsel also serve significant roles in determining the scope of terrorism information that can be further disseminated within the IC and also with our state, local, tribal and territorial and private sector partners. Collecting and sharing information is a serious responsibility shared by many within the Department, and we must serve as responsible stewards of the information collected from the public.

QUESTION 35. If confirmed, what assistance do you expect from an IC element that is primarily focused on foreign threats?

It is my sense that in general, I&A today has good partnerships across the IC. But it is imperative that DHS and the IC enhance these partnerships to better integrate law enforcement and intelligence capabilities to secure America's borders. Specifically, leveraging National Security Agency (NSA) and National Geo-Spatial Intelligence Agency (NGA) capabilities to identify real-time, tactical threats emanating from foreign countries that are trying to evade US border security agencies. It is clear that the traditional law enforcement model is not capable of securing the homeland without aid from the IC and partnership with foreign intelligence and law enforcement organizations.

QUESTION 36. While the mission of I&A is statutorily unique, the particular program activities carried out at the division and branch levels are not. If confirmed, will you commit to reviewing I&A programs to ensure they are not redundant or duplicative of any other Federal, state, local, or private effort?

I am absolutely committed to reviewing DHS intelligence programs to eliminate redundancies and identify opportunities for shared services and resources with intelligence, law enforcement and military partners.

QUESTION 37. Do you believe that the roles of DHS and the FBI are clear with respect to domestic information sharing?

The FBI and DHS roles in domestic information sharing must be more specifically defined to prevent redundancy, duplication and/or confliction of intelligence reports. It is clear to me that

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there is still room for improvement, especially in the international and domestic terrorism programs. If confirmed, I will work with my colleagues in the DHS Components and the FBI to develop a specific business plan which defines our respective "lanes in the road." In addition, I will look to eliminate or reduce programs where duplication of efforts is obvious.

QUESTION 38. How do you envision the relationship between DHS and FBI in providing intelligence support for law enforcement personnel?

As a former FBI Agent who worked national security and counterterrorism cases, I have a good understanding of how the Bureau works to provide intelligence support to law enforcement personnel. As I indicated in my response to Question 37, if confirmed, I look forward to working closely with the FBI to ensure that I&A's unique capabilities and data are used to meet our customers' intelligence needs in a way that is complementary and not duplicative or in conflict with the FBI's efforts.

I&A's Relationship with State, Local, Tribal, Territorial, and Private Partners

QUESTION 39. What role should I&A play in disseminating information obtained from other IC elements to state, local, tribal, territorial, and private partners?

The HSA identifies I&A as the only IC element statutorily charged with delivering intelligence to our state, local, tribal, territorial and private sector partners, and developing intelligence from those partners for the Department and the IC. Therefore, I&A should, and does, provide the tools for state, local, tribal, territorial, and private sector partners to share information with and receive information from the IC by way of unclassified and classified connectivity, as well as relevant, timely analysis.

Additionally, I fully support I&A's recently assumed responsibility to meet the requirement of paragraph 5 of the Presidential Policy Directive-21 (PPD-21), "Additional Federal Responsibilities," for IC assessments regarding threats to critical infrastructure. I also support I&A's efforts to lead and leverage the IC to produce PPD-21 related intelligence assessments regarding foreign and foreign-inspired threats to US critical infrastructure. This effort will support the flow of IC information to critical infrastructure partners.

QUESTION 40. What is the proper role of I&A in framing requests for information from state and local law enforcement officials, as well as retaining such information and disseminating it to the IC?

It is my understanding that I&A ensures that its field personnel who interface with state and local law enforcement customers are trained in Intelligence Oversight, CRCL and Privacy guidelines. They provide guidance to state and local officials on the formulation of requests so that requests for information are appropriate for DHS to respond. Any I&A responses intended for state and local customers receive additional oversight review and vetting before dissemination. I&A does not share state and local requests or the results of those requests with other partners. Responses may be shared with other partners if they have requested the

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same information from DHS I&A, and the response is cleared by the requester and can satisfy multiple customers.

QUESTION 41. If confirmed, what measures would you take to improve the effectiveness of efforts to share information in both directions?

While I have not yet had the opportunity to conduct a full assessment of these processes and procedures, my sense is that there is appetite for aligning the fusion centers along a more unified business model for information sharing. I also believe that DHS Components could benefit from a more uniform alignment of intelligence functions, similar to how CBP has aligned at the Southwest border by regions and corridors. If confirmed, I plan to conduct an extensive review of the process, its metrics, and its outcomes to determine its effectiveness and identify what gaps need to be addressed.

QUESTION 42. What types of information (e.g. threat information, infrastructure vulnerability, etc.) are appropriate for sharing?

I believe that I&A should share any type of information that enables its partners to take timely, informed action to prevent, protect against, and effectively respond to threats in the homeland. At the same time, information sharing does have limits, such as the protection of investigations, sources and methods, and the privacy, civil rights, and civil liberties of US persons.

QUESTION 43. I&A has taken positive steps to provide intelligence reporting that has greater relevance to its private sector customers. Do you believe this is important? If yes, if you are confirmed, what additional steps will you implement to ensure that I&A private sector customers are provided with timely and relevant intelligence reports?

I agree that I&A has taken positive steps to improve the intelligence provided to the private sector. However, more must be done to increase the quantity and quality of timely, useful, operationally-relevant intelligence and information provided to I&A's private sector customers, particularly in the areas of cybersecurity and threats to critical infrastructure. If confirmed, it would be one of my top priorities to build upon these improvements to ensure the private sector has the intelligence it needs to effectively protect critical infrastructure from threats.

QUESTION 44. Do you intend to work with I&A customers to determine training needs and requests?

It is my understanding that I&A does work with state and local partners to identify training that can and should be integrated into I&A intelligence training curricula. If confirmed, I will work to strengthen this partnership and measure performance against it by incorporating it as an evaluated item in the annual fusion center assessment process.

QUESTION 45. If confirmed, how do you plan to incorporate the IC law enforcement and Intelligence Enterprise partners' training plans into the I&A training plan?

UNCLASSIFIED

If confirmed, I intend to leverage I&A's current relationships and processes with state and local partners, as well as the HSIC to ensure that I&A receives input from, and meets the training needs of its customers. I will also ensure that IC and state and local training opportunities are available to DHS personnel when possible and appropriate.

QUESTION 46. If confirmed, what assistance would you expect from state, local, tribal, territorial, and private partners?

If confirmed, I intend to remain actively engaged with all of I&A's partners and stakeholders to maintain an open dialogue and relationship that will support a two-way exchange of ideas to meet our shared goals. With respect to state, local, tribal, territorial and private sector partners, I will leverage I&A's State and Local Intelligence Council (SLIC) as the primary mechanism to solicit feedback and guidance from these partners.

I&A's Relationship within DHS Intelligence Enterprise and DHS

QUESTION 47. If confirmed, what assistance would you expect from the rest of DHS, and the other intelligence elements of the DHS Intelligence Enterprise, including as to the Under Secretary for I&A's role as head of the Homeland Security Intelligence Council (HSIC)?

As I mentioned in my response to Question 11C, I believe the HSIC is one of the primary vehicles for achieving integration, harmonization, and synchronization of departmental intelligence. Although the CINT does not retain operational control of the Department's intelligence assets, the HSIC can serve as the CINT's touchpoint to the DHS Intelligence Enterprise and the mechanism by which the department's intelligence activities are de-conflicted, coordinated, and integrated. I expect that DHS Component representatives to the HSIC come to the table not just to represent their component equities, but to work together focusing on Departmental equities. While this is often difficult to do, especially when everyone at the table has their own specific intelligence mission and a direct chain of command linkage to the Secretary, it is imperative.

I also mentioned the role the Intelligence Functional Managers can provide in terms of leadership and direction on DHS-wide intelligence issues. In many cases, the current Intelligence Functional Managers are I&A employees. They coordinate and facilitate intelligence integration activities directly with their component counterparts.

And finally, I&A continues to serve as DHS touchpoint into the IC. Among others things, I&A performs the Collections Management function for the Department, coordinates Counterintelligence functions as well as Information Sharing and Safeguarding functions, coordinates the watchlisting effort for the Department, and manages the Compartmented Access Program for the Department. I expect that this would continue.

QUESTION 48. What do you believe are the key barriers to enhanced coordination and integration? If confirmed, what steps would you take to overcome these barriers?

UNCLASSIFIED

In my prior capacity as Chief Intelligence Officer at CBP, I represented CBP on the HSIC. While it is apparent to me that efforts to improve integration between I&A and the components have matured in recent years, the Homeland Security Intelligence Enterprise has not yet reached its full potential. If confirmed, I would continue to leverage the HSIC to ensure that I&A and all the DHS Components are integrating efforts to meet the Department's mission of protecting the Homeland.

It has been my experience that coordination and integration at DHS is often hindered by an inability to resolve competing priorities between component operational needs and enterprise priorities with limited resources. Differing authorities among intelligence components as well as cultural differences between the various members of the DHS Intelligence Enterprise also pose challenges. If confirmed, I will work to identify new ways to demonstrate the value I&A provides to the DHS Intelligence Enterprise and the Components' operational mission generally, develop and communicate consistent departmental intelligence priorities, identify and lead collaboration to address gaps in intelligence support to operations and gaps in intelligence capabilities, and develop consistent career development roadmaps for Intelligence Enterprise staff.

QUESTION 49. Do you believe that each of the components of DHS should retain its own intelligence function, or would the Department be better suited by having I&A assume their efforts?

I do not believe that I&A should assume the intelligence functions or efforts of the Components, nor is it structured or resourced to do so. The role of I&A in the DHS Intelligence Enterprise should be to integrate and align the efforts of the Component Intelligence Programs to maximize the effectiveness of DHS intelligence in support of the Homeland Security Enterprise.

Each DHS Operating Component has its own operational and tactical intelligence functions that are tailored to its own unique mission. In addition, each DHS Component has developed the knowledge, skills and abilities of its intelligence workforce to meet its needs. The Homeland Intelligence Professionals we have developed over the years throughout the Department are not interchangeable. It is this diversity of knowledge and experience across the Department that enables us to better protect the homeland collectively. If confirmed, I will work to lead and further develop the DHS intelligence mission, not control or centralize it at I&A.

QUESTION 50. Some DHS components have their own individual intelligence support units that provide operational support to their field elements. How does I&A uniquely augment these efforts?

In my view, I&A can uniquely augment these efforts by producing tailored all-source analytic products that fuse IC, DHS Component, and state and local partner information, specifically for the operations of the DHS Intelligence Enterprise. Additionally, I&A can

UNCLASSIFIED

provide a centralized collection requirements management process and a centralized intelligence request-for-information process for the DHS Intelligence Enterprise including intelligence support units to help eliminate the duplication of staffing similar efforts at DHS Components. Finally, I&A field personnel must routinely engage and collaborate with their DHS component partners in the field to ensure a unified approach to intelligence and information sharing.

QUESTION 51. What process is in place to ensure that I&A does not duplicate the efforts of these intelligence support units?

In my view, I&A has struggled with its relationship and coordination with the DHS Components. The further maturation of the HSIC and the recent implementation of the Intelligence Mission Managers concept has helped identify areas of duplication in some cases, but as the former Chief Intelligence Officer of DHS's largest Component Intelligence Program, it is apparent that the Intelligence Mission Managers need to be further empowered to accomplish their missions. The Mission Managers concept at DHS lacks a defined business process and ability to direct intelligence collections and operations. I envision the Mission Manager position as a full-time, senior management position with the ability to coordinate and at times direct intelligence operations and collection. In addition, using a similar to models elsewhere in the IC, the creation of functional Senior Intelligence Officers (SIO) for key Homeland Security threats such as terrorism, trade/finance, transnational organized crime, foreign/counter-intelligence, weapons of mass destruction, cyber and immigration/migration can help fuse intelligence functions and analysis with the DHS Components and the IC.

Homeland Security Intelligence Program (HSIP)

QUESTION 52. When the HSIP formed in 2012, the stated rationale was to fund intelligence activities that predominantly support Department-focused efforts. However, no Homeland Security Intelligence Enterprise components, except for a small portion of I&A, are funded in the HSIP.

A. Do you consider it inconsistent to apply this methodology only to I&A resources, without doing the same to other elements of the Homeland Security Intelligence Enterprise?

I believe the HSIP is the appropriate way to identify and managing intelligence resources focused primarily against Departmental mission objectives. I also think there is value in examining whether it is appropriate to place non-National Intelligence Program (NIP) intelligence activities of the Department as a whole into the HSIP. It is my understanding that the Under Secretary for Intelligence and Analysis is responsible for conducting an annual review of Component intelligence budgets and making recommendations to the Secretary, and the HSIP could be used to better facilitate this process. However, I am also aware of the functional difficulties of this approach. Although the Department now has a Common Appropriations Structure, remaining differences in DHS Components' accounting and reporting systems make it difficult to account for and manage these resources in a unified way. If confirmed, I look forward to reviewing this issue further.

UNCLASSIFIED

B. What standards do you believe should be used to determine if something should be included in the HSIP?

I am not in a position to speculate on this topic at this time. If confirmed, I plan to raise this issue at the HSIC and with DHS leadership to determine collectively what standards might be appropriate when considering what I&A and DHS Component intelligence activities might be appropriate for inclusion in the HSIP.

Domestic Intelligence Responsibilities**QUESTION 53. Please describe any and all intelligence roles I&A and other DHS intelligence components perform, other than analysis.**

It is my understanding that I&A personnel engage in the full range of activities necessary to execute the intelligence cycle. Examples include the Field Operations Division whose personnel perform overt collection; watchlisting; information sharing; incident response; routine outreach, engagement, and liaison services; and training support to partners in the field. I&A's Foreign Liaison Office also serves a key liaison and information sharing role with the Department's foreign intelligence and security service partners. I&A also executes a robust private sector engagement program, serving crucial liaison and information sharing roles with critical infrastructure owners, operators, and decision makers. I&A maintains a Security Management Branch as well to perform multi-disciplinary security support to I&A and state and local partners. And finally, I&A leads a comprehensive, integrated and unified counterintelligence program that spans across DHS.

As the former head of a DHS Component Intelligence Program, I am very familiar with the variety of intelligence functions executed by DHS Components. Such activities include the collection and exploitation evidence collected during law enforcement operations; Confidential Human Source Operations (to include policy oversight, approval, and direction of confidential human source operations); the processing, exploitation, analysis, and dissemination of intelligence collected from Component air assets; intelligence collection management and reporting; operational Field Testing/Red Cell Testing (to include the use of undercover agents and officers at DHS operational Components to covertly test and surveil border security operations, identify the vulnerabilities, and develop/deploy counter-measures); and Insider Threat and Counterintelligence, to include intelligence analysis and investigations as well as proactive and reactive activities that identify vulnerabilities to the DHS enterprise systems and personnel.

QUESTION 54. What policies should govern I&A's use, retention, and dissemination of U.S. person information? How should these policies differ, if at all, from other IC elements?

Executive Order 12333 requires that elements of the IC collect, retain, and disseminate information regarding US persons only in accordance with procedures established by the head of the element or department and approved by the Attorney General. These procedures

UNCLASSIFIED

incorporate principles set forth in the EO, and expand upon them as required for the mission-specific requirements of each IC element. This January, I&A's Intelligence Oversight Guidelines were signed by the Secretary and Attorney General, and they are now in effect. The guidelines take into consideration DHS's national and departmental missions, I&A's specific legal authorities (and constraints), and both the frequency and manner in which I&A routinely encounters US Persons information.

QUESTION 55. What limitations exist with regard to the collection, retention, and analysis of information related to First Amendment-protected freedoms of speech, association, and religion?

It is my understanding that I&A's intelligence oversight guidelines prohibit collection of information regarding US persons solely for the purpose of monitoring activities protected by the US Constitution, the National Security Act, and HSA, among other statutes, such as the First Amendment protected freedoms of religion, speech, press, and peaceful assembly. The guidelines permit US Person information collection only where there is a reasonable belief of a nexus between the subject and one or more of I&A's defined collection categories (such as terrorism information, counterintelligence, threats to safety, etc.), and where the information is necessary for the conduct of an authorized I&A mission.

I&A's functions, and its handling of US Person information, are subject to numerous legal and policy restrictions, including the US Constitution and other statutes, executive orders and directives, and internal departmental guidelines, including I&A's Intelligence Oversight Guidelines. If confirmed, I would consider it a core part of my responsibilities to work closely with the DHS Office of the General Counsel, the I&A Intelligence Oversight Office, the DHS Chief Privacy Officer and the DHS Officer for Civil Rights & Civil Liberties to ensure that I&A is operating in full compliance with the law and consistent with DHS policies to protect privacy rights, civil rights, and civil liberties.

Analytic Quality

QUESTION 56. How would you assess I&A's analytical tradecraft, analyst training, editing, quality control measures, approval procedures, and independence from political considerations?

It is my understanding that I&A has made considerable strides to improve the analytic tradecraft of finished intelligence products. If confirmed, I will work to continue efforts to promote I&A's analytic tradecraft, ensuring analysts have access to analytic mentoring and training designed to focus on ICD 203 standards.

QUESTION 57. How does I&A ensure that all I&A analytic reports meet well-defined IC analytic tradecraft standards prior to production of intelligence that is disseminated to the IC?

It is my understanding that all finished analytic products at I&A are independently reviewed and scored against ICD 203 tradecraft standards, and that results are consistently and

UNCLASSIFIED

regularly reviewed by leadership and feedback is routinely provided to analysts. If confirmed, I will work to ensure leadership remains focused on tradecraft standards as we work to increase the production and dissemination of timely, useful, and operationally-relevant intelligence to our partners.

QUESTION 58. Should I&A be an intelligence aggregator or a value-added provider of analysis? If confirmed, how will you ensure that I&A reflects your vision?

It is my understanding that I&A has a statutory mandate to both share terrorism-related information and to produce original analysis. I believe that this broad mission calls for a healthy balance of both. While I&A is responsible for sharing intelligence produced by others when it is relevant to state, local, and private sector homeland security partners, I&A can also add significant value by fusing that intelligence together with other sources of information to include unique Departmental data to provide a holistic picture of the threats to the Homeland.

Congressional Oversight

QUESTION 59. Under what circumstances, if any, is it appropriate to brief the Chairman and Vice Chairman and not the full Committee membership?

In general, it is my understanding such an arrangement would be appropriate only when necessary and essential in light of extraordinary circumstances affecting the vital national security interests of the United States, as determined by the President pursuant to Section 503(C)(2) of the National Security Act of 1947. I am not aware of any instance where I&A has sought such an arrangement.

QUESTION 60. If confirmed, do you pledge to provide all of I&A's unclassified and classified intelligence products to this Committee?

I pledge to work in good faith with the Committee to ensure access to all information, classified or unclassified, that is necessary for full and proper oversight of I&A activities.

QUESTION 61. If confirmed, how will you change the I&A budget justification to ensure it is effective for I&A managers and can be effectively evaluated by Congress?

It is my understanding that I&A's budget justification must adhere to the structure and format utilized by DHS and the Director of National Intelligence. I&A provides both versions of the justification to the Intelligence Committees when they are released. If confirmed, I will work the Committee to find ways to improve these submissions, subject to DNI, Department, and OMB approval.

QUESTION 62. Do division-level managers have visibility into the I&A budget? Do you intend to provide visibility to these managers, if confirmed?

UNCLASSIFIED

It is my understanding that since FY2013, the I&A CFO has consistently provided detailed execution data to the Deputy Under Secretaries on a monthly basis which includes data responsive to execution of annual spending down to the Branch level. I&A CFO also provides quarterly spending plans, and is monitoring and reporting spending execution at the Division level. The Under Secretary also leads monthly Resource Management Board meetings which review execution of funds and provide a forum for wide-ranging discussions on resource management issues. If confirmed, I will look for additional ways to increase the transparency of I&As budget and execution information in order to facilitate full and open discussion about how I&A spends its authorized and appropriated resources.

Unauthorized Disclosures of Classified Information

QUESTION 63. Please describe the actions you will take, if confirmed, to prevent, detect, and report unauthorized disclosures of classified information.

Presidential direction, DNI guidance, and requirements reflected in the HSA each emphasize the need to protect intelligence and information that I&A produces and receives. It is my understanding that the Under Secretary for Intelligence and Analysis serves as the Department's Senior Information Sharing and Safeguarding Executive as well as the Department's Counterintelligence Executive. If confirmed, I will use the authorities, in cooperation and coordination with the DHS Chief Security Officer, Chief Human Capital Officer, Inspector General, and other DHS and external officials, to ensure that the Department's counterintelligence and information sharing processes and procedures are sound, and personnel are properly trained in protecting this information. In the event of intelligence or other classified information being improperly handled or shared with individuals without proper need-to-know, I will ensure all incidents are thoroughly investigated and adjudicated.

**Prehearing Questions for David James Glawe upon his nomination to be
The Under Secretary for Intelligence and Analysis
Department of Homeland Security**

Senator Wyden

- 1.) On February 20, 2017, I sent a letter to the Department of Homeland Security (DHS) with questions related to border searches of personal electronic devices of US persons. The Department responded on May 9, 2017. In my letter, I asked what legal authority permitted Customs and Border Protection (CBP) to ask for or demand, as a condition of entry, that US persons disclose their social media or email account passwords. DHS's May 9, 2017, letter stated that:

A person claiming to be a US citizen or lawful permanent resident must establish that fact to the inspecting officer's satisfaction (8 C.F.R. § 235.1(b) & (f)(1)(i)). In addition, an applicant for admission has the burden of establishing admissibility under the immigration laws (See 8 C.F.R. § 235.1(f)). If an applicant for admission is unable to establish admissibility, he or she may be denied admission. CBP has the authority to inspect and examine all individuals and merchandise entering or departing the United States, including all types of personal property such as electronic devices. (See, e.g., 8 U.S.C. § 1357; 19 U.S.C. § 1461, 1499; see also 19 C.F.R. § 162.6, stating that "[a]ll persons, baggage, and merchandise arriving in the Customs territory of the United States from places outside thereof are liable to inspection and search by a Customs officer").

- a. 8 U.S.C. § 1357(c) authorizes a search without warrant of the "personal effects in the possession of any person seeking admission to the United States" if the officer "may have reasonable cause to suspect that grounds exist for denial of admission to the United States under this Chapter which would be disclosed by such search." Is it DHS' interpretation of its authorities that it may only demand disclosure of a social media or email account password if there is reasonable cause to suspect that access to such accounts will provide grounds to deny admission? If so, how would DHS establish and document such reasonable cause?

In my prior capacity at CBP, I was not engaged in border search authority policy formulation or execution. I defer to the officials and attorneys at CBP and DHS for additional insight and information on this topic.

- b. 19 U.S.C. § 1461 and 19 U.S.C. § 1499 relate to imported goods. How would the contents of an email or social media account, with data stored on a U.S. server by a U.S. technology company, be considered an imported good?

I defer to the officials and attorneys at CBP and DHS for additional insight and information on the interpretation of 19 U.S.C. related to electronic media storage.

- 2.) **What statutory authorities allow CBP to request or demand that a U.S. person provide his or her personal electronic device PIN or password?**

In my prior capacity at CBP, I was not engaged in border search authority policy formulation or execution. I defer to the officials and attorneys at CBP and the DHS for additional insight and information on this topic.

- 3.) **DHS's May 9, 2017 letter stated that "CBP may request the traveler's assistance in presenting his or her effects – including electronic devices – in a condition that allows inspection of the item and its contents" (emphasis added). To the extent that the inspection of the "contents" of a personal electronic device requires the consent of the U.S. person traveler, is CBP required to first inform the traveler that he or she has the right to refuse to disclose a social media or email account password or device PIN or password?**

In my prior capacity at CBP, I was not engaged in border search authority policy formulation or execution. I defer to the officials and attorneys at CBP and DHS for additional insight and information on this topic.

- 4.) **Accessing a social media account likely involves accessing data not contained on the device, or physically within a functional area of the border. What statutory authorities allow CBP to search cloud data if a U.S. person does not provide CBP with consent to search their data?**

In my prior capacity at CBP, I was not engaged in border search authority or execution issues. I defer to the officials and attorneys at CBP and DHS for additional insight and information on this topic.

- 5.) **My February 20, 2017, letter requested data on the number of times in each calendar year 2012-2016 that CBP personnel asked for or demanded, as a condition of entry, that a U.S. person disclose a smartphone or computer password, or otherwise provide access to a locked smartphone or computer. DHS's May 9, 2017, letter stated that CBP did not have data responsive to this request. How many times in each calendar year 2012-2016 did CBP personnel obtain such passwords or otherwise obtain such access to a locked smartphone or computer?**

I do not have access to data responsive to this request. I defer to the officials at CBP for additional insight and information on this topic.

- 6.) **My February 20, 2017, letter requested data on the number of times in each calendar year 2012-2016 that CBP personnel asked for or demanded, as a condition of entry, that a U.S. person disclose a social media email account password, or otherwise provide CBP personnel access to data stored in an online account. DHS's May 9, 2017, letter stated that CBP does not have data responsive to this request.**

How many times in each calendar year 2012-2016 did CBP personnel obtain such passwords or otherwise obtain such access to stored accounts?

I do not have access to data responsive to this request. I defer to the officials at CBP for additional insight and information on this topic.

- 7.) **CBP personnel met with my staff on March 8, 2017, to discuss the issue of border searches. During that meeting, my staff was informed that, in addition to conducting electronic device searches as part of their own investigations, CBP personnel will, on occasion, conduct an electronic device search at the request of another government agency. How many times have such searches taken place during each of the last five years? Please provide statistics for each requesting agency, for each year.**

I do not have access to data responsive to this request. I defer to the officials at CBP for additional insight and information on this topic.

- 8.) **In a January 2017 interview with NBC News, you stated that CBP has "confidential human sources we run which falls under me as the national program manager."**

- a. **Please describe the mission of these confidential source operations and the authorities under which CBP conducts them.**

CBP has a broad and complex statutory mission to secure the United States border, prevent the entry of terrorists and weapons of terrorism, and facilitate lawful trade and travel. 6 U.S.C. § 211. CBP's Confidential Human Source (CHS) program seeks to utilize information from human sources to fulfill this statutory mission. The use of a CHS by designated, trained CBP officers/agents can contribute significantly to the agency's ability to interdict individuals or merchandise/contraband attempting to unlawfully enter or exit the United States, in furtherance of the security of the Nation, and the safety of the public and CBP personnel.

CBP operates its CHS program consistent with its statutory authorities including, but not limited to, those set forth in Titles 6, 8, 19, and 31 of the U.S. Code, as well as implementing regulations. If confirmed, I will work to assist you in getting the most up-to-date information about CBP CHS operations from CBP

- b. **Do these confidential human sources operate inside the United States? If so, please describe the coordination with FBI and the extent to which they are subject to Attorney General or other relevant guidelines.**

In all CBP CHS operations, CBP coordinates and de-conflicts with the FBI and other agencies as appropriate. CBP's Confidential Human Source Policy Manual sets forth CBP's policies and procedures regarding CHSs. This Policy Manual, issued in 2015, was modeled in part upon CHS guidelines promulgated by the

Department of Justice and other federal law enforcement agencies. If confirmed, I will work to assist you in getting the most up-to-date information about CBP CHS operations from CBP.

- c. **As the Chief Intelligence Officer of DHS (CINT), what would be your role in coordinating between CBP human source operations, or any other DHS human source operations, and the Intelligence Community?**

As the DHS CINT, I expect my role coordinating DHS Component Confidential Human Source operations would be similar to the CINT role coordinating other DHS Component intelligence capabilities: to exercise leadership and authority over the formulation and implementation of policy and programs throughout the Department, and to provide strategic oversight of and support to the intelligence-related missions and goals of the DHS Intelligence Enterprise. With respect to DHS Component Confidential Human Source programs, I would also focus on coordinating DHS activities with the rest of the IC agencies, and work to ensure that DHS activities are not duplicative of similar programs in place across the IC.

It is my understanding that the DHS CINT has no role coordinating or tasking directly DHS Component CHS operations. Given the fact that DHS collectively comprises the largest federal law enforcement presence in the United States, I feel that is a missed opportunity. Human enabled intelligence collection is a critical element of the intelligence collection cycle, and the information it yields is essential in identifying and unraveling criminal networks. I believe it is incumbent upon I&A, as the Department's representative to the IC, to facilitate opportunities for the DHS Intelligence Enterprise to collaborate with IC partners on Confidential Human Source operations to enhance coordination, reduce potential duplication, and add value to the overall homeland security mission. If confirmed, I look forward to reviewing this topic further and working with Congress and other stakeholders to find ways to further enhance the CINT's ability to fully exercise the authorities associated with the position.

**QUESTIONS FOR THE RECORD
MR. DAVID J. GLAWE**

QUESTIONS FOR THE RECORD FROM SENATOR KING

1. **In response to the Committee’s prehearing questions, you stated that all DHS I&A analytic products must follow “ICD 203 tradecraft standards.” If confirmed, what steps will you take to ensure these standards for analytic integrity are strictly adhered to?**

It is my understanding that the Office of Intelligence and Analysis’ (I&A) Planning, Production, and Standards Division (PPSD) evaluates all I&A products for compliance with the nine tradecraft standards laid out in ICD 203 as well as a tenth developed specifically by I&A to ensure maximum coordination and collaboration with Intelligence Community (IC) and DHS Intelligence Enterprise (DHS IE). If confirmed, I would ensure I&A analysts receive adequate and continuing training on each of these standards. I would also ensure tradecraft quality reviews are built into the production process at both the beginning and near the end of the process, ensuring tradecraft subject matter experts have ample opportunity to conduct initial reviews as well as final evaluations. The final evaluations are critical to ensure finished products adhere to tradecraft standards. They can also be used to capture best practices and common mistakes that can be incorporated into training on the front end.

2. **What do you consider the appropriate role of intelligence to be in the formulation of policy? Is it appropriate to draft an intelligence product with the specific intent of supporting an administration policy, either legally or politically, in mind?**

In my view, it is never appropriate to produce intelligence with the specific intent of supporting a pre-conceived policy position. It is appropriate to provide policymakers with timely, accurate, objective, and integrated intelligence and information to inform policy decisions. When intelligence information needed by policymakers is not available, it is also appropriate to work with those policymakers and other elements of the IC to close those gaps. If confirmed, I would strive to provide intelligence and information

without regard to political positions or influence.

3. **What avenues of redress are available to you in the event you are pressured to politicize intelligence? If confirmed, would you access those avenues of redress if asked to compromise your professional obligation to oversee and lead the production of objective and politically unbiased intelligence analysis? Do you consider this Committee to be among those avenues of redress?**

If confirmed, I would strive to provide intelligence and information without regard to political positions or influence. If I ever felt pressured to produce intelligence in support of a pre-conceived policy position or politicize intelligence in any way, I would not hesitate to avail myself of the most appropriate avenue of redress. I consider DHS leadership, the Director of National Intelligence, and the Inspectors General of DHS and of the IC as my primary avenues of redress. Depending on the source and extent of the concern, I would also consider the Committee as another avenue of redress.

4. **Do you support allowing the Government Accountability Office's (GAO) cleared auditors access to DHS I&A for conducting classified audits and reviews at the request of this Committee?**

Yes. It is my understanding that I&A has been a cooperative partner of GAO, and has benefited from the GAO's work.

5. **The 2016 "Hack the Pentagon" pilot program and subsequent Department of Defense "bug bounty" programs have helped identify vulnerabilities within the Department's information systems. In your view, what role should such bug bounty programs play in our government's cyber-security strategy?**

In the area of cybersecurity, the role of the Under Secretary for Intelligence and Analysis at the Department of Homeland Security is to produce intelligence and share information in support of the Department's cybersecurity mission. I have reviewed open source information regarding the "Hack the Pentagon" pilot program. To the extent they could help the Department identify previously unknown network vulnerabilities or further define intelligence requirements, I believe "bug bounty" programs could be useful tools within a larger government-wide cybersecurity strategy.

QUESTIONS FOR THE RECORD FROM SENATOR WYDEN***Signaling System 7***

In April 2017, the Department of Homeland Security (DHS) issued a Study on Mobile Device Security. The report concluded that vulnerabilities in Signaling System 7 (SS7) could be used to determine the physical location of phones, disrupt phone service, and intercept or eavesdrop on communications. According to the report, DHS “believes that all U.S. carriers are vulnerable to [SS7] exploits, resulting in risks to national security, the economy, and the Federal Government’s ability to reliably execute national essential functions.” Further, these “vulnerabilities can be exploited by criminals, terrorists, and nation-state actors/foreign intelligence organizations.”

6. Do you agree with the assessments in the report?

Yes.

7. How significant is the counterintelligence threat posed by the SS7 vulnerabilities?

I am not in a position to offer an informed assessment of the significance of the counterintelligence threat related to SS7 vulnerabilities. However, I understand I&A’s Counterintelligence Division is in close contact with IC partners on this topic. If confirmed, I will endeavor to learn more about potential counterintelligence threats posed by these vulnerabilities and ensure the DHS Counterintelligence Program is positioned to identify and mitigate any counterintelligence threats directed at DHS employees or systems related to these vulnerabilities.

8. What is the role of the Office of Intelligence and Analysis in ensuring that SS7 vulnerabilities and similar threats identified by the Science and Technology Directorate or other components of the Department are brought to the attention of counterintelligence elements of the Intelligence Community?

I&A provides intelligence support to the Department’s cybersecurity

and critical infrastructure protection missions. If confirmed, I will work to ensure I&A's Counterintelligence Division coordinates closely with IC partners to assess threats related to the vulnerabilities identified in this report and share intelligence about those threats with customers. The Under Secretary for Intelligence and Analysis also serves as the Department's Counterintelligence Executive, so I would also work to ensure the DHS Counterintelligence Program is positioned to identify and mitigate any counterintelligence threats directed at DHS employees or systems related to these vulnerabilities.

9. **What steps do you believe the Department should take to warn federal agencies and employees of those agencies whose mobile phones may be vulnerable as a result of SS7 vulnerabilities?**

I believe DHS has a duty to warn and collaborate with federal and industry partners to implement an effective mitigation strategy which minimizes vulnerabilities identified in the report. If confirmed, I will work with my DHS colleagues at the Science and Technology (S&T) and National Protection and Programs Directorates (NPPD) to ensure they have the intelligence support they need to develop and implement effective mitigation measures.

10. **Will you commit to ensuring that my staff is provided a briefing on SS7 vulnerabilities and actions being taken by the Department to address them?**

It is my understanding that DHS S&T, who led DHS efforts on this report, provided your staff with a briefing on this topic on July 7, 2017, and that DHS NPPD is also in contact with your staff about arranging a follow-up briefing. If confirmed, I would work to ensure I&A is positioned to support any future briefings, if necessary.

Stingrays

Multiple press stories have described the capability of cell site simulators, sometimes called IMSI catchers or "stingrays," to track mobile phones and intercept communications (e.g., "Tech firm tries to pull back curtain on surveillance efforts in Washington, *The Washington Post*, September 17, 2014;

“Someone is spying on cellphones in the nation’s capital, *CBC News*, April 3, 2017).

- 11. Do you agree that the placement of illicit “stingray” devices, particularly around government buildings in Washington, D.C., would pose a serious counterintelligence concern?**

I am not in a position to offer an informed assessment of counterintelligence threats related to cell site simulator technology. If confirmed, I will work to ensure I&A’s Counterintelligence Division coordinates closely with IC partners to assess counterintelligence threats associated with these technologies. The Under Secretary for Intelligence and Analysis also serves as the Department’s Counterintelligence Executive, so I would also work to ensure the DHS Counterintelligence Program is positioned to identify and mitigate any counterintelligence threats directed at DHS employees or systems related to these technologies.

- 12. Is the Department of Homeland Security seeking to locate any illicit stingrays in Washington, D.C.?**

I am not aware of any DHS effort to locate illicit cell site simulator technology devices in Washington, D.C.

Clandestine Human Collection

In responses to pre-hearing questions, you wrote “[a]s the DHS [Chief Intelligence Officer], I expect my role coordinating DHS Component Confidential Human Source [CHS] operations would be similar to the CINT role coordinating other DHS Component intelligence capabilities; to exercise leadership and authority over the formulation and implementation of policy and programs throughout the Department, and to provide strategic oversight of and support to the intelligence-related missions and goals for the DHS Intelligence Enterprise... It is my understanding that the DHS CINT has no role coordinating or tasking directly DHS Component CHS operations. Given the fact that DHS collectively comprises the largest federal law enforcement presence in the United States, I feel that is a missed opportunity.”

- 13. Under what legal authority could the DHS CINT coordinate or task DHS Component CHS operations?**

I understand the role of the CINT includes providing strategic oversight of DHS Component intelligence activities and establishing intelligence collection, processing, analysis, and dissemination priorities and policies for the DHS Intelligence Enterprise. As stated above, I do not believe the DHS CINT has an independent authority to directly task DHS Component Confidential Human Source (CHS) operations.

14. How would the tasking, by an entity of the Intelligence Community of non-IC collectors, be covered under Executive Order 12333 and other relevant authorities?

It is my understanding that in general, it is within the DNI's enumerated authorities to provide "advisory tasking" to non-IC establishments consistent with Attorney General approved procedures specific to that activity. I am not aware of such procedures ever having been established, nor do I have any specific knowledge of how this process may have been used. With regard to DHS, I do not believe the CINT has an independent authority to directly task DHS Components. To the extent any such authority were to be established for the DHS CINT, I assume that authority would most likely derive from the authorities of the DHS Secretary, and not from those of the DNI, Executive Order 12333, or any other IC authority.

GAO Report on Confidential Informants

In your responses to pre-hearing questions, you wrote that "[Customs and Border Protection's] Confidential Human Source Policy Manual sets forth CBP's policies and procedures regarding CHSs. This Policy Manual, issued in 2015, was modeled in part upon CHS guidelines promulgated by the Department of Justice and other federal law enforcement agencies." In September 2015, GAO issued a report entitled "Confidential Informants; Updates to Policy and Additional Guidance Would Improve Oversight by DOJ and DHS Agencies" (GAO 15-807), which reviewed the policies and processes that apply to CBP, Immigration and Customs Enforcement (ICE), the U.S. Coast Guard (USCG), and the U.S. Secret Service (USSS). The report stated that the relevant Attorney General Guidelines do not explicitly apply to DHS agencies and that neither the Guidelines nor DHS requires a review of DHS component agencies' policies.

15. What is your view of the findings of the GAO report?

I believe the findings were valuable, and as the lead for CBP's Confidential Human Source (CHS) program, I ensured the recommendations were incorporated into that program. It is my understanding that CBP's CHS program is fully compliant with DOJ CHS policy and guidelines, and that CBP has implemented GAO's recommendations.

16. In response to one of GAO's Recommendations for Executive Action, "DHS concurred with our recommendation that DHS provide oversight and guidance to ensure that DHS agencies comply with the Guidelines. DHS stated that it plans to designate a DHS entity to be responsible for developing, implementing, and overseeing policies and programs to ensure DHS-wide compliance with the Guidelines, as appropriate." What is your understanding of DHS's implementation of this recommendation?

While I was not involved in DHS's implementation of this recommendation, I have reviewed information on GAO's website related to this recommendation. It is my understanding that DHS issued a policy guidance memo on the use of confidential informants in July 2016. GAO found that policy guidance memo consistent with their recommendation. They agreed it would help ensure component agencies take action to update their policies consistent with the Guidelines, and they consider this recommendation closed.

17. In response to another one of GAO's Recommendations for Executive Action, "DHS concurred with our recommendation that ICE and USCG update their respective policies and corresponding monitoring processes. DHS stated that ICE will review requirements related to the oversight of informants' illegal activities as part of an ongoing update to its informant handbook. DHS stated that USCG has issued an interim policy that requires compliance with Guidelines and that USCG also plans to do a comprehensive review and revision of its policy." What is your understanding of DHS's implementation of this recommendation?

While I was not involved in DHS's implementation of this recommendation, I have reviewed information on GAO's website related

to this recommendation. It is my understanding that both USCG and ICE have taken steps to address this recommendation. USCG issued an updated confidential informant policy, and GAO found that policy consistent with their recommendation. ICE is in the process of updating its relevant policy handbooks and expects to implement them by December 2017.

QUESTIONS FOR THE RECORD FROM SENATOR HARRIS

A CNN story from February 25, 2017 titled, “White House effort to justify travel ban causes growing concern for some intelligence officials” alleges that, “some DHS officials are concerned that the new I&A director—Acting Undersecretary for Intelligence David Glawe—may be politicizing intelligence” and references your role in preventing a report from moving forward. The referenced report may have reached conclusions that were inconsistent with the White House’s policy position.

- 18. During the hearing, we discussed your involvement with the intelligence report related to the travel ban. Let me be clear of your answer: did you delay the release of this intelligence report? If yes, why?**

Thank you for the opportunity to clarify. I did not delay the release of the document cited in the CNN article. The document went through the standard coordination processes, but due to the evolving situation with the Executive Order, it was never finalized. Apart from reviewing a draft of the document at the time of coordination, I played no further role in the document’s production or disposition.

There was a related but separate I&A intelligence assessment that I did have a more active role in reviewing at approximately the same timeframe. The assessment, initiated by I&A in August 2016, focused on foreign-born, US-based violent extremists that conducted or attempted to conduct terrorist activity in the United States. It was prepared and coordinated through standard processes and briefed to I&A and DHS leadership prior to its finalization and dissemination. When I received the draft assessment and briefing, I was concerned that it did not include information from ongoing law enforcement cases, nor did it cover individuals who were tried or removed from the United States for reasons other than terrorism charges. Given the nature of the topic and the scope of the draft document, I directed the authors to seek additional information from relevant federal law enforcement agencies for incorporation into the product, and official coordination from IC members with access to such information. Although the information was not made available to I&A analysts, I&A published and disseminated the report with official coordination from an IC partner. The report included an expanded scope

note to describe what sources of information were and were not included in assessment, and no significant changes were made to the findings. I felt it was important to seek this coordination and concurrence from IC partners to protect the integrity of I&A's analytic tradecraft and ensure the document's findings were accurate and backed by the original source documents and "raw" intelligence.

- 19. During your time as Acting Under Secretary of DHS, were you ever pressured to alter intelligence conclusions to support White House policy?**

No.

- 20. Do you believe that citizenship is a reliable terrorist threat indicator?**

I believe that to fully assess the threats posed by terrorist organizations, it is important to evaluate not only the operators executing the attack, but also the origins of the individuals, their support networks, and the locations from which these support networks operate.

- 21. In your opinion is it appropriate for DHS I&A to be tasked to create an intelligence product that supports a policy position of the administration?**

In my view, it is never appropriate to produce intelligence with the specific intent of supporting a pre-conceived policy position. It is appropriate to provide policymakers with timely, accurate, objective, and integrated intelligence and information to inform policy decisions. When intelligence information needed by policymakers is not available, it is also appropriate to work with those policymakers and other elements of the IC to close those gaps. If confirmed, I would strive to provide intelligence and information without regard to political positions or influence.

- 22. In your opinion, is it appropriate for an intelligence product to be produced for purposes of supporting litigation related to an Administration policy?**

In my view, it is never appropriate to produce intelligence with the

specific intent of supporting a pre-conceived policy position. It is appropriate to provide policymakers with timely, accurate, objective, and integrated intelligence and information to inform policy decisions. In some circumstances, I believe it may be appropriate to cite intelligence information or products in litigation and judicial proceedings. For example, original sources of intelligence and associated products are routinely used in the Foreign Intelligence Surveillance Court proceedings. However, it is critical that such information not be produced with the specific intent of supporting a pre-conceived policy position.

23. In your words, how do you see the importance of analytic objectivity for members the intelligence community, including DHS I&A?

Analytic objectivity is the foundation of sound analytic tradecraft and is critical in maintaining the integrity of analysis. If confirmed, I would strive to provide intelligence and information without regard to political positions or influence.

24. What is your understanding of the current mechanisms or channels within DHS I&A to raise analytic dissent?

It is my understanding that I&A utilizes a variety of mechanisms to resolve both internal and external dissent that may arise due to differences of opinion regarding the analytic line of a specific product.

Internally, analysts meet informally to discuss and resolve differences of opinion as a product is being drafted. If the dissent emerges from a senior analyst, manager, or other leadership, the parties can meet with the analytic ombudsman to determine the cause of the dissent and help identify a path forward. If the ombudsman process proves unsuccessful, the Inspector General should be notified to determine whether an investigation is warranted. In addition, external parties such as agency leadership or congressional oversight committees could be contacted to review and address the issue.

If dissent arises externally across agencies, I&A can use several mechanisms to resolve the dissent. The first and most important is for analysts to discuss and address concerns during the coordination

process while drafting the product. If unable to resolve at their level, analysts should report the issue to the senior analysts and managers to resolve during the draft phase. If differences of opinion remain, the dissenting agency has a responsibility to formally outline its position and an alternative analysis for inclusion in the final product. If that dissent is rejected by the product's author, the dissenting agency can then appeal to the ODNI's Office of Analytic Standards for review or engagement with the IC's analytic ombudsman.

- 25. If confirmed, will you support and if necessary expand upon these mechanisms?**

Yes.

- 26. If confirmed, will you commit to resist any attempts by the White House, or anyone else, to politicize DHS's intelligence analysis?**

Yes.

- 27. If confirmed, will you commit to notify this Committee of any attempts by the White House, or anyone else, to politicize DHS's intelligence analysis?**

Yes.