

Statement for the Record
Committee on Homeland Security and Governmental Affairs
United States Senate

Kenneth L. Wainstein
Nominee to be Under Secretary for Intelligence and Analysis
Department of Homeland Security
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Chairman Peters, Ranking Member Portman, and members of the Committee, I am profoundly honored to appear before you today as the nominee for Under Secretary for Intelligence and Analysis (I&A) at the Department of Homeland Security.

I am joined here today by my wife Elizabeth, my daughters Mackie, Cecily and Natalie, and our dear friend Kathy Keene. I'd also like to recognize my daughter Ellie who is watching this from back at school. It means a lot to me that they're with me today, and that they've been with me over the years throughout my career.

I'm grateful to President Biden for giving me this opportunity to work with his strong national security team. I'm also grateful to him for looking beyond political optics and selecting someone who previously served in a Republican administration. In a small but important way, that is a reaffirmation of the non-partisan approach to national security that has traditionally been – and must always remain – a bedrock principle of our government.

That is the approach I have always taken to government service. I was a federal employee for over two decades, serving the first dozen years as a federal prosecutor -- investigating and prosecuting homicides, gang conspiracy cases and white-collar criminals, working closely with crime victims, and always exercising my prosecutorial discretion with an eye both to protecting civil liberties and due process rights and to assiduously avoiding any consideration of politics or political influence.

The attacks of September 11th were a turning point for me, as I pivoted to focusing primarily on protecting our country against terrorism, espionage and other national security threats. That was my overriding focus during my service at the FBI, in establishing the new National Security Division at DOJ, and in advising the President as his Homeland Security Advisor. In those roles, I took the same non-partisan approach I had learned as a prosecutor, and approached every decision point with full regard for civil liberties considerations.

During my government service, I worked closely with DHS. I admired how the department established itself under the exceptional leadership of Governor Tom Ridge and how it responded to a constant stream of natural and homeland security threats. I am clear-eyed, however that DHS now faces an increasingly complex threat environment --

including from nation-state adversaries like China, Russia, and others who target our elections and steal our sensitive intellectual property and from cybercriminals and transnational organizations that victimize our communities.

I&A is critical to the department's ability to meet those threats. To use Secretary Mayorkas's words, DHS was established, fundamentally, as "a department of partnerships," and it is I&A's mission to make those partnerships effective. As you well know, intelligence is the lifeblood of homeland security operations, and we cannot be effective unless that intelligence is fully circulated throughout the homeland security enterprise.

I&A performs a range of functions to accomplish that mission. It has primary statutory responsibility for sharing information and intelligence with our state, local, tribal, territorial and private sector partners. It serves the intelligence needs of the DHS components and leadership, ensuring that internal policymaking and operational customers receive relevant intelligence. It leverages the significant information holdings of the DHS component agencies to identify and confront threats to our national security. And, it is tasked with coordinating information-sharing within the Department.

If I am fortunate enough to be confirmed, I will work hard to enhance I&A's ability to accomplish those tasks.

First, I will focus on the workforce of I&A. As a manager, I have always believed that my first duty is to support my personnel, and as a leader of an intelligence agency, I will vigorously defend their ability to deliver objective, unvarnished analysis that is free from political influence.

I will review I&A's operational role in the homeland intelligence enterprise with an eye to identifying and eliminating unnecessary duplication or operational overlap and focusing I&A's role on those areas where it adds particular value.

I will maintain a constant focus on the implications of I&A's activities on the privacy and civil liberties of United States persons and the need for strong safeguards, oversight, and transparency in our intelligence operations. We can only be successful at safeguarding our people, our homeland, and our values if we maintain the trust of our fellow citizens.

And importantly, I will work in close collaboration with Congress and with this Committee, in particular. Throughout my career, I have enjoyed a strong relationship with the staff and Members of this and other oversight committees, and if confirmed, you can count on my being a very willing and collaborative partner in our joint effort to make I&A as effective as it can be.

Thank you again for the opportunity to appear before you today and for the honor of considering me for this position. I am happy to answer any questions you might have.