

SELECT COMMITTEE ON  
INTELLIGENCE

UNITED STATES SENATE



**Additional Prehearing Questions  
for  
Ms. Robin C. Ashton  
upon her nomination to be the  
Inspector General of the  
Central Intelligence Agency**

## *CIA IG Access to Information*

### QUESTION 1

By statute, the Central Intelligence Agency (CIA) Inspector General (IG) “shall have access to any employee or any employee of a contractor of the Agency whose testimony is needed for the performance of his duties. In addition, [she] shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.”

**a. What is your understanding of the reach of this provision?**

Congress has clearly and unequivocally stated its intention that the Inspector General shall be granted extremely broad access to information, in whatever format or form, that relates to the programs and operations with respect to which the Inspector General has responsibilities. This extremely broad and wide-reaching provision of 50 U.S.C. § 3517 grants the Inspector General virtually unfettered access to any employee or contractor, the employee’s and contractor’s testimony, as well as all written documentation, papers, reports, records, and other information which the Inspector General needs in order to do her job responsibly, thoroughly, and fairly.

**b. Please describe how you would resolve, including what remedies you would pursue, a situation in which you were refused such access.**

If confirmed, I would take various steps early in my tenure in an effort to prevent a scenario from occurring in which I was prevented from immediately gaining access to information. While participating in different outreach activities with CIA leadership and employees, including training, educational, and informational sessions, I would clearly describe the purpose and mission of the CIA OIG, the relationship between employees and the CIA OIG, and employees’ and contractors’ responsibilities and obligations when dealing with the OIG. I would ask CIA supervisors and leadership to reiterate this information whenever possible and to support their respective teams in cooperating with the OIG.

I understand that some audits, investigations, special reviews, or inspections will relate to highly compartmented programs, and that controlling access and taking extra precautionary steps due to the sensitive nature of the information may at times be appropriate; while the need to take additional precautionary steps is understandable, however, denying access altogether to even the most highly sensitive and critical data, systems, or personnel, is not.

If my staff and I were denied access to the information needed to do our jobs, I would first have my staff work through the employee’s or contractor’s direct supervisory chain to gain access; I would involve OIG supervisors, and personally involve myself in those discussions, if necessary. In the unlikely event that the

problem could not be resolved at a lower level, I would discuss the problem with the Director. If, in what I predict would be the extremely unlikely event that those steps also proved unsuccessful, I would, if necessary, inform the congressional intelligence committees of the issue.

**c. What is your view of the appropriate use of subpoena authority?**

Pursuant to 50 U.S.C. § 3517(e)(5)(A), the OIG can issue subpoenas to obtain information, documents, reports, answers, records, accounts, papers, and other data, in any medium, as necessary to fully perform its mission. Pursuant to 50 U.S.C. § 3517(e)(5)(B), this subpoena authority does not extend to government agencies, for which the Inspector General must employ other procedures and methods to obtain evidence. In addition, pursuant to 50 U.S.C. § 3517(e)(5)(C), the CIA Inspector General may not issue a subpoena for, or on behalf of, any other CIA element or component.

As a former federal prosecutor, I understand that subpoenas are at times a necessary method for obtaining evidence; I also understand that subpoenas can be time-consuming and resource intensive to execute and enforce. That being said, if the circumstances called for their use, I would exercise the subpoena authority granted to the OIG.

**d. What is your view of how the CIA Office of the Inspector General (OIG) balances independent confirmation of information, for example through document review, and accepting CIA representations to OIG personnel? To what extent should IG reports include caveats with regard to information the IG has not independently confirmed?**

If confirmed, I would ensure that the CIA OIG continues to follow guidance issued by the Council of the Inspectors General on Integrity and Efficiency when balancing independent confirmation of information through documentary or other evidence, and accepting oral representations to OIG personnel that are not supported by documentary evidence. Although both types of information may prove helpful in understanding a problem or issue, I believe it is the best practice to attempt whenever feasible, to conduct document reviews and present documentary evidence to support oral evidence.

It also is important to note in the file – and if appropriate, in the report itself – what type of evidence is being relied upon when reaching conclusions or making recommendations, whether specific information or statements have or have not been independently confirmed or corroborated, and whether that information or those statements are supported by documentary evidence.

## *Sources of Complaints and Protection of Whistleblowers*

### QUESTION 2

By statute, the CIA IG “is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.”

- a. **If confirmed, what steps would you take to inform individuals, within or outside of the U.S. Government, of their opportunity to provide such complaints or information to the CIA IG?**

It is imperative that individuals throughout the CIA have a consistent, authorized, effective, and protected means to report their concerns regarding suspected fraud, waste, abuse, or possible wrongdoing. They must also be provided clear information to guide them as they navigate the often confusing and difficult process of bringing their concerns to light. If confirmed, I will work to identify and address any perceived gaps in the CIA’s existing whistleblower programs and procedures to increase the entire workforce’s knowledge about whistleblowing rights and the lawful means for making protected disclosures. I will employ a wide variety of means to inform employees and contractors about how they can bring information to the attention of the CIA OIG, including through the CIA website and OIG Hotline, speaking engagements, training sessions with all employees, and the posting and dissemination of informational materials. I would ask CIA supervisors and leadership to assist in these outreach efforts.

I would also ensure that individuals who take the important and brave step of bringing their concerns to the CIA OIG are appropriately protected, are connected with an OIG staff member that is accessible and knowledgeable, and that the OIG staff member can respond to the individual in an effective, diplomatic, and meaningful way. Establishing and maintaining open lines of communication is critical, particularly if the individual at any time believes that he or she is being, or may be, retaliated or reprimed against for making a lawful disclosure to the OIG.

- b. **What formal policies and processes are in place to inform employees of their right to provide information to the CIA IG and to detect and protect against reprisal for making complaints or disclosing information to the CIA IG?**

Individuals can only be expected to come forward with information if they believe they can do so without fear of reprisal, recrimination, or retaliation. I am generally aware that the CIA has on its website information concerning how to contact the CIA OIG, how to make a protected disclosure, and what protections are afforded those who make such disclosures. I am also aware that the CIA OIG maintains a Hotline, via which people can report information in a confidential manner. I have not yet had an opportunity, however, to review or examine in detail the formal

policies and processes that are currently in place, or to analyze the effectiveness of those policies and processes.

If confirmed, I will immediately begin the process of reviewing the CIA's whistleblower program, including the OIG's Hotline procedures, to ensure that employees and contractors not only understand how to make authorized disclosures, but also to ensure that once a disclosure is made, adequate processes are in place to protect the whistleblower from being reprimanded against should his or her identity become known. All employees must be informed of their right to make protected disclosures in a confidential or anonymous manner, and why making disclosures involving waste, fraud, abuse, mismanagement, or even possible illegality is in fact an important obligation of each employee. Regularly messaging on this matter is important, and I would engage in this effort whenever possible. Having a robust and up-to-date website, as well as providing clear informational materials, are also important ways to ensure that everyone understands when, how, what, and why reports can and should be made, and what protections are afforded to those who bravely speak up.

If confirmed, I will take all steps necessary to deliver the clear message that retaliation in response to whistleblowing will not be tolerated, that the CIA OIG will prioritize all complaints involving retaliation or reprisal, and that appropriate action will be taken in the event that allegations regarding retaliation are substantiated.

**c. Do you see any need for additional actions, policies, or processes to protect whistleblowers?**

Although I have not yet had an opportunity to examine the CIA OIG's specific policies and processes relating to whistleblowers, or the effectiveness of those policies, I believe that throughout the federal government, whistleblowers need greater protections to ensure that they are not reprimanded against when they in good faith and in an authorized manner bring forward a complaint or other information.

If confirmed, I will work with Congress, the Council of the Inspectors General on Integrity and Efficiency, the Intelligence Community Inspectors General Forum, and whistleblowing experts from inside and outside the government, to explore ways to enhance whistleblower protections.

***CIA IG Review of Covert Actions***

**QUESTION 3**

Under an arrangement between the CIA IG and the congressional intelligence committees begun in 2001, the CIA IG conducts a detailed review on each authorized covert action program every three years, which has been extremely helpful for our congressional oversight.

**a. Do you plan to continue this practice? If not, why not?**

Yes. If confirmed, and assuming resources permit, I plan to continue this longstanding practice. I believe that regularly reviewing each authorized covert action program is crucial to promoting effective oversight and enhancing accountability.

**b. Are there other CIA programs or practices of which you are aware that should have the same kind of regular, periodic, oversight from the CIA IG's Office?**

I have not had an opportunity to determine which programs or practices should have the same type of regular oversight from the CIA OIG, other than the above-mentioned covert action reviews, and the regularly scheduled audits, such as those related to the Federal Information Security Modernization Act, the Improper Payments Elimination and Recovery Act, and the audit of the CIA's Financial Statements. If confirmed, I will consider this question and begin the process of determining what programs or practices should be evaluated on a regular basis.

***Intelligence Authorization Act for Fiscal Year 2017***

**QUESTION 4**

On May 24, 2016, this Committee passed the *Intelligence Authorization Act for Fiscal Year 2017*, S. 3017. The bill includes two provisions that affect the CIA IG: section 307 requires the IG for each Intelligence Community element to implement a policy that places limitations on certain employees of IG offices, and section 412 amends the *Central Intelligence Agency Act of 1949* to authorize the CIA IG to consider certain positions as law enforcement officers for purposes of calculating retirement eligibility and entitlements.

**a. What are your views of these provisions?**

These provisions of the Intelligence Authorization Act for Fiscal Year 2017, S. 3017, Section 307, *Protections for Independent Inspectors General of Elements of the Intelligence Community*, are clearly intended to put pragmatic measures in place to enhance the independence of Intelligence Community Offices of Inspector General. Section 307(a), *Limitation on Activities of Employees of an Office of Inspector General*, requires Intelligence Community OIGs to implement a policy that prohibits employees holding senior level positions from being involved in any matter that affects the interests of an element of the intelligence community that formerly employed the individual for a period of not less than two years after the date the individual left that employment; or individuals who do not hold senior level positions from being involved in any such matter for a period of not less than one year after the date the individual left that employment.

Section 307(b), *Limitation on Rotation of Employees of an Office of Inspector General*, prohibits agencies from requiring intelligence community OIG employees

to rotate to positions in the agency for which that OIG conducts audits, investigations, or reviews, or that may otherwise impact the independence of the OIG.

The provisions cited above are clearly designed to promote independence within the Intelligence Community Offices of Inspectors General, and I support such provisions as a way to avoid conflicts of interest – or even the appearance of a conflict of interest or lack of independence – whenever possible.

With regard to Section 412, if confirmed, I look forward to more fully studying this matter and to more fully considering the various views regarding these entitlements. I do not at this time have an opinion about the fact that certain CIA OIG personnel may be considered law enforcement officers for purposes of calculating retirement eligibility and entitlements. I understand that some other federal OIGs have law enforcement authority and that offering retirement eligibility and other similar benefits might be an important tool for hiring and retaining highly skilled and qualified criminal investigators.

**b. If these provisions are enacted in law, how would they impact your duties and responsibilities, and execution thereof, if confirmed as CIA IG?**

Please see my response to Question #4a, above, regarding Section 307. I support the provisions designed to enhance independence in the CIA OIG. With regard to Section 412, without further study, I do not currently know precisely how Section 412 would impact my duties and responsibilities, and execution thereof. If confirmed, I commit to studying this matter further.

**c. In your view, should CIA OIG officers be armed as law enforcement officers?**

I have not had an opportunity to thoroughly examine this question and to fully consider the various views regarding whether CIA OIG officers should be armed as law enforcement officers. In considering this question, I would like to examine the reasons being offered for needing armed criminal investigators on staff at the CIA OIG, including why relying on Federal Bureau of Investigation or other law enforcement personnel is not viewed as sufficient for those cases for which armed personnel are needed. I would also want to consider and analyze the other implications that having armed personnel on staff would bring into play, including the need for continuous training, equipment and training costs, and safety concerns, among others.

I would welcome an opportunity to discuss this topic with current CIA OIG leadership and staff members, the Council of the Inspectors General on Integrity and Efficiency, members of the Intelligence Community Inspectors General Forum, as well as the intelligence oversight committees, so that I can carefully consider their views and insights before formulating and expressing an opinion.

## *Personnel and Budgetary Resources*

### **QUESTION 5**

By statute, the CIA IG has “final approval of . . . the selection of internal and external candidates for employment with the Office of Inspector General; and . . . all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of other Central Intelligence Agency offices.” In addition, the CIA IG “shall transmit a budget estimate and request through the Director to the Director of National Intelligence” specifying certain amounts requested for each fiscal year.

- a. If confirmed, what changes (if any) would you consider or make in the present CIA OIG, with respect to organization, staff qualifications, training, budget, or other features relevant to the effective performance of the Office?**

I do not presently have sufficient information that would make it possible for me to comment in an informed way concerning the CIA OIG’s current organizational structure, staffing levels and staff qualifications, training needs, or budget. Whenever I have accepted top leadership positions in the past, however, I have immediately focused on all such questions by asking questions of current staff, reviewing relevant documentation, including budget requests, projections, and analyses, reviewing past work product and future project planning documents, and other such information. By immediately focusing on such matters, I can begin the process of determining whether the organizational structure needs to be modified in any way, whether additional training appears to be required or desired, and whether the budget and staffing levels appear adequate to permit the OIG to effectively achieve its mission.

- b. Under what circumstances, if any, do you believe that the use of contractors to perform such functions is appropriate?**

I believe that having a staff comprised primarily of permanent federal employees, as opposed to contractors, is the optimal staffing model. Having cadre staff enhances stability and continuity in the workforce, which in turn increases the number of staff members who have a high level of expertise, a deep historical perspective concerning their agency, and an in-depth knowledge about their agency’s overall mission, as well as about its specific programs. These qualities are particularly crucial when handling the numerous complex matters comprising the OIG’s workload, including non-routine audits, investigations, and inspections (often involving covert actions and programs), as well as whistleblowing and other mission-critical, inherently governmental functions.

That said, I have personally observed and been the beneficiary of the superb work that was done by highly-skilled and dedicated contractors in myriad capacities. The ability to hire contractors can quickly and effectively augment staffing numbers,

and help fill gaps in certain important areas. Because hiring and onboarding permanent staff in the Intelligence Community can take many months, or even a year or longer, having contractors fill certain positions is often a necessary reality. When I served as the Principal Deputy Inspector General of the Intelligence Community, the ICIG hired contractors to fill positions in many areas, including IT and administrative support. We also hired contract auditors who worked on financial statement audits, and audits relating to the Federal Information Security Modernization Act (FISMA), for example. Using auditor contractors not only filled gaps for hard-to-fill positions, but also made available cadre auditors to work on more complex, less-routine audits. I understand that such use of contractors was a common practice throughout the Intelligence Community.

### ***Government Accountability Office (GAO)***

#### **QUESTION 6**

Pursuant to Section 348 of the *Intelligence Authorization Act for Fiscal Year 2010*, the Director of National Intelligence has issued a directive on the access of the Comptroller General to information in the possession of an element of the Intelligence Community.

- a. Please describe your understanding of the role of GAO in assisting Congress in oversight that relates to such information.**

The U.S. Government Accountability Office (GAO) plays an important oversight role in helping Congress account for how federal taxpayer dollars are spent, including in relation to Intelligence Community programs and activities. It is important for the CIA to provide GAO access to information pertaining to matters being reviewed by GAO, in a way that is consistent with the need to protect intelligence sources and methods, and national security.

- b. Please describe your views on what coordination between the CIA IG and GAO would be desirable to assure full coverage of oversight requirements while avoiding conflict or duplication, and while assuring the protection of classified information from inappropriate disclosure.**

I believe that GAO and the CIA OIG must work in a cooperative manner to ensure that each entity can accomplish its respective oversight mission with as little duplication of effort as possible, and while protecting classified information. Having worked effectively with GAO when I was the Director of the Department of Justice's Office of Professional Responsibility, and also while serving as the Principal Deputy Inspector General of the Intelligence Community (ICIG), I know that working in a cooperative way with GAO, including providing access to information and documents when feasible, while simultaneously protecting intelligence sources and methods, can be accomplished through effective communication.

While at the ICIG, I found that engaging in regular meetings with GAO leadership ensured productive communication, prevented the duplication of efforts, and enhanced our mutual understanding of goals, objectives, and methodologies. I found GAO to be an excellent oversight partner, and sometimes a force multiplier, and believe that the ICIG benefited greatly from their insights, deep historical perspective, and their willingness to share information and reports when possible so that we could both more efficiently achieve our oversight responsibilities.

**c. Please describe any concerns you may have regarding the use of GAO to assist in the conduct of oversight of the IC.**

I do not have concerns regarding GAO's mission as it relates to the Intelligence Community. I am confident that GAO and the CIA OIG will find pragmatic ways to cooperatively work together to ensure that the important work of GAO can be done in a timely and effective manner that does not adversely affect the work of the CIA OIG, and in a way that protects sensitive national security information.

***IA IG Work Plan***

**QUESTION 7**

**If confirmed, how will you determine the investigations and reports that are necessary or desirable to complete each year?**

Congressionally Directed Actions, Office of Management and Budget-directed audit requirements, and other similar work will necessarily be prioritized and completed in a timely fashion. To determine the CIA OIG's annual work plan priorities, if confirmed, I will actively engage and consult with, and solicit input from, CIA OIG staff members and leadership, with CIA leadership and supervisors, and the congressional oversight committees. These engagements will be invaluable in determining where and how best to focus OIG resources to most effectively detect and combat waste, fraud, abuse, and possible wrongdoing.

If confirmed, under my leadership the CIA OIG will also prioritize and conduct investigations and reviews that arise from allegations or concerns received from whistleblowers and others that involve allegations of waste, fraud, and abuse in the CIA's programs and activities. We will similarly prioritize any allegations of whistleblower reprisal.

**QUESTION 8**

**a. Will you develop an annual work plan for the OIG?**

Yes. When I served as the Principal Deputy Inspector General of the Intelligence Community (ICIG), I actively participated in the development of the ICIG's annual work plan, and if confirmed, I will do the same at the CIA OIG. The annual work

plan provides an important means not only for the workforce to understand CIA OIG priorities, but it also provides transparency to the American people into the activities of an otherwise largely secret world.

As discussed in my response to Question #7, developing a work plan also provides an important opportunity for the CIA OIG to engage with and seek input from CIA leadership, Congress, other Intelligence Community elements, and others to identify and discuss possible projects that should be considered for inclusion in the work plan.

**b. If confirmed, would you review with the intent to revise the annual work plan already submitted?**

If confirmed, I will review with great care the current annual work plan. However, since some of the work planned and detailed in the work plan would be well under way, I would not be reviewing the work plan with the specific intent to significantly revise it.

That said, however, while the annual work plan provides a framework for activities that the CIA OIG intends to carry out in the coming fiscal year, by necessity projects may be modified to address changing circumstances and priorities, emerging issues, or unanticipated Congressional inquiries and requests. If I learn of a new matter or area of interest that should be added to the current work plan, or if it becomes clear that planned work needs to be re-prioritized, I will examine and consider those new demands and proceed accordingly.

**c. Will you consult with the intelligence oversight committees in Congress in advance on your work plan? Why or why not?**

Yes. When I helped develop the ICIG's annual work plan, I found it very helpful to consult not only with ICIG staff members, but ODNI leadership, and the congressional oversight committees, as well. Their insights, input, and expertise proved extraordinarily helpful to the ICIG as it developed its work plan. I feel confident that the CIA OIG staff members and I will similarly benefit from consultations with the congressional oversight committees as we develop future work plans.

## *Consultations about Reports*

### **QUESTION 9**

**Under what circumstances, if any, do you believe it would be appropriate for the CIA IG to consult with officials in the CIA, or other officials of an IC element outside an office of an IG, before issuing a report, regarding the findings and recommendations in the report?**

I understand that it is the practice of the CIA OIG to allow in some circumstances the subjects of audits, inspections, and certain reviews – and at times other appropriate personnel – to read and comment on draft reports before they are finalized and formally issued. When I served as the Principal Deputy Inspector General of the Intelligence Community, we followed Council of the Inspectors General on Integrity and Efficiency guidelines and best practices, and I anticipate doing so if confirmed as the CIA IG. The goal is to issue the most accurate, clear, and helpful reports possible. By allowing appropriate parties to provide input in this fashion increases the likelihood that the reports are not only accurate, but fair. Providing drafts of classified audits, inspections, or certain special reports in appropriate circumstances to CIA officials or officials of another IC element will also ensure that classified, proprietary, or sensitive information is appropriately protected.

I also believe in consulting or engaging with officials in the CIA – or other officials of an IC element outside the CIA – before issuing a report, in certain other limited circumstances. There are times when the Inspector General may become aware of facts or information during an audit or review that may not be known to CIA officials or others who would benefit from learning of that information in real time, rather than at the time the draft report is ready to be shared. If such circumstances were to arise, I would consider consulting with those individuals before issuing a draft report, particularly if it appeared that their receiving the information might improve their ability to make a better-informed decision on a significant matter, or allow them to address an urgent matter without delay. Similarly, if I became aware of information that affected a different IC element in a significant way, I would consider alerting that element. All of these circumstances would have to be considered and analyzed on a case-by-case basis, and I would do just that.

### **QUESTION 10**

**To the extent that you believe such consultation is appropriate, what steps, if any, do you believe the IG should take to keep a record of the consultation and record the results in the text of the report?**

I believe a clear, thorough, and accurate record should be maintained by CIA OIG staff members engaging in such consultations, in accordance with Council of the Inspectors General on Integrity and Efficiency standards.

## QUESTION 11

**Under what circumstances, if any, do you believe it would be appropriate for senior officials to request that the CIA IG not investigate or review a particular matter, as provided in 50 U.S.C. § 403q(b)(3)?**

The law specifically provides that “[t]he Director may prohibit the Inspector General from initiating, carrying out, or completing any audit, inspection, or investigation, or from issuing any subpoena, after the Inspector General has decided to initiate, carry out, or complete such audit, inspection, or investigation or to issue such subpoena, if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.” In such instances, the Director would notify not only the Inspector General, but the congressional intelligence committees, as well. The law clearly limits the instances in which the Director may prohibit the Inspector General from conducting the planned action to only those instances where the prohibition is necessary to protect vital U.S. national security interests.

There may be other circumstances in which senior officials believe that the CIA OIG should not commence or proceed with conducting a review or investigation, such as a perceived lack of jurisdiction, a belief that undertaking a specific review or investigation would duplicate other efforts of which the CIA IG may not be aware, or that launching an investigation might compromise covert operations. I believe it would be appropriate for the Inspector General to respectfully and carefully consider each of these reasons on a case-by-case basis.

## QUESTION 12

**Under what circumstances, if any, do you believe it would be appropriate for senior officials to request that the CIA IG not issue a report on a particular matter, as provided in 50 U.S.C. § 403q(b)(3)?**

Other than the rare instances, as noted above, where the Director prohibits the Inspector General from issuing a report because the Director believes such prohibition is necessary to protect vital national security interests of the United States (the basis for which belief the Director would also be required to share with the congressional intelligence committees), and those reasons briefly touched upon in my response to Question #11, I cannot think of another circumstance where it would be appropriate for a senior official to request that a report not be issued.

### QUESTION 13

**Under what circumstances, if any, do you believe it would be appropriate for senior officials to request that the CIA IG change findings, recommendations, or other pertinent material in a report on a particular matter?**

As stated above, after reviewing a CIA OIG draft report, a senior official may provide input regarding the draft report. If the CIA OIG learns that it has made a mistake in its report concerning its factual recitation or analysis, or new facts come to light, I can envision circumstances where, in the interest of clarity and accuracy, a recommendation or finding might need to be changed or re-worded. Other than those instances, however, I believe it would be extremely rare that the CIA IG would grant a senior official's request to modify or change the findings, recommendations, or other information contained in the report. I would, however, include the official's comments in an appendix to the final report.

It is imperative that the Inspector General make the final decisions regarding OIG reports' content, including findings and recommendations.

### QUESTION 14

- a. Do you commit to working directly with the congressional intelligence committees and providing information directly to the committees, rather than through the CIA's Office of Congressional Affairs?**

Yes. That was my practice when I served as the Principal Deputy Inspector General of the Intelligence Community, and if confirmed I will continue that practice.

- b. Do you commit to notifying the congressional intelligence committees of any effort to obstruct or curtail an OIG investigation, delay the issuance of an OIG report, or otherwise interfere in the functioning of the OIG, irrespective of the source of that interference?**

Yes.

### QUESTION 15

**What is your position on the role of the CIA IG to monitor CIA adherence to congressional intent and direction?**

I believe that the CIA IG has an important role to play in monitoring CIA adherence to congressional intent and direction. In the interest of enhancing the congressional oversight committees' ability to effectuate its significant oversight role, I commit to honoring my responsibility to work with Congress in that regard.

## QUESTION 16

- a. **Do you commit to consult with the intelligence oversight committees in Congress to help determine CIA adherence to congressional intent and direction? Why or why not?**

Yes. During my recent tenure as the Principal Deputy Inspector General of the Intelligence Community I came to truly understand and appreciate the crucial need for Congressional oversight in the Intelligence Community. Because the work of the Intelligence Community, generally, and the Central Intelligence Agency, specifically, must, by necessity, operate largely outside of the public's view, Congressional oversight becomes increasingly important. The congressional intelligence committees play a critical role in ensuring that the operations, programs, and activities of the CIA (and other IC entities) are carried out ethically, honestly, and in accordance with law, established policies, and in a manner that reflects our nation's values. If confirmed to be the Inspector General of the CIA, I will work to assist Congress in this vital oversight role by helping to determine CIA adherence to congressional intent and direction, as expressed in federal statutes and regulations.

- b. **If so, what would your approach be in making these congressional consultations, and how would these consultations inform or revise your annual work plan?**

The Offices of Inspectors General are stronger when they have a strong working relationship with their congressional oversight partners. When I served as the Principal Deputy Inspector General of the Intelligence Committee, the Inspector General and I had regular, bipartisan contact with the members of the intelligence oversight committees and their staffs. These interactions included discussions in person, by letter, on the phone, or via email, and concerned legislative proposals, and specific Member concerns, or questions concerning the ICIG's or ODNI's operations or activities. These regular communications were helpful in alerting the Inspector General and me about matters of particular importance to the intelligence committees.

I believe in responding in the most open and transparent manner possible to all inquiries from Congress, and will continue to do so if I am confirmed as the Inspector General of the CIA.

## QUESTION 17

**Please also describe your views on the appropriate relationship between the CIA IG and the CIA Office of General Counsel with regard to legal issues. Do you commit to independently analyzing legal issues related to the role, responsibilities, and functions of the OIG?**

Yes. I commit to independently analyzing legal issues relating to the role, responsibilities, and functions of the OIG. 50 U.S.C. § 3517(e)(8)(A), specifically mandates that the Inspector General “shall – (i) appoint a Counsel to the Inspector General who shall report to the Inspector General; or (ii) obtain the services of a counsel appointed by and directly reporting to another Inspector General or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.” The reason for this clear mandate is to ensure that the work of the CIA’s General Counsel – who reports to the Director of the Agency – is separate and distinct from the work of the Counsel to the IG – who reports directly to the Inspector General. Legal issues arising in connection with the work of the CIA OIG will therefore be analyzed by the OIG’s Counsel.

I can envision that on some occasions, working with the CIA’s General Counsel will be prudent and necessary. For example, there may be times when the CIA OIG through its investigative and other work becomes aware of confusing, unclear, or possibly insufficient legal guidance being given to the workforce. In those instances, a pragmatic and cooperative working relationship between the two Counsels can ensure that clear guidance is provided to the entire workforce on a specific issue. In addition, there may be instances when the two Counsels will need to work together with an outside entity, such as the Department of Justice, on certain litigation matters. I will work in a constructive, collaborative way with the CIA General Counsel in such instances. Significantly, I will work proactively with the CIA General Counsel and his or her staff to ensure that we have a mutual and clear understanding regarding legal matters specifically relating to the OIG, such as OIG access authorities.

However, if confirmed, I will rely on the CIA OIG’s Counsel to provide me legal advice concerning OIG matters.

### *Major Challenges, Problems, and Priorities*

## QUESTION 18

**In your view, what are the major challenges, problems, and priorities facing the CIA IG’s Office?**

I have not had the opportunity to learn of or examine in detail the major challenges, problems, and priorities facing the CIA OIG. However, in my time as the Principal Deputy Inspector General of the Intelligence Community, I participated in the

Intelligence Community Inspectors General Forum (consisting of twelve IGs with oversight responsibility for elements of the Intelligence Community, including the CIA). One of the widely-shared problems the Forum members discussed was the IC's difficulty in hiring and bringing on board new employees in a timely manner. The length of time between placing of an advertisement for a position, selecting a candidate, and actually bringing the new employee on board was inordinately – and sometimes inexplicably – long. Having numerous vacancies in the ranks burdened other employees and forced supervisors to choose between competing and worthy projects.

Another problem discussed by the Forum members was how best to deal with pandemic-related issues. Such issues not only affected their respective workforces, but also affected the Inspectors General's ability to work with others, particularly those working in a remote, mostly telework, non-SCIF environment.

In addition, it is my understanding that most of the Intelligence Community Inspectors General are currently re-focusing on their whistleblower programs, and are trying to explore and implement best practices to ensure that their programs provide whistleblowers with all appropriate protections. An important part of this challenge is to strengthen employees' trust in their agencies' whistleblower programs; I believe this is true for the CIA, as well. It is crucial that whistleblowers believe that they can bring to light allegations of waste, fraud, and abuse in an authorized manner without fear of retaliation, and that they feel confident that the system will treat them fairly and impartially if they do so.

Because I do not know what other major challenges, problems, and priorities the CIA OIG is currently facing, if confirmed, I will immediately begin the process of identifying those challenges and problems. As part of that process, I will speak not only with those inside the CIA, but will also seek the input of partners outside the CIA, including members of the Intelligence Community Inspectors General Forum, and members of the intelligence oversight committees.

## **QUESTION 19**

### **If confirmed, how do you plan to address those challenges, problems, and priorities?**

If confirmed, I will immediately start the process of identifying the challenges facing the CIA OIG, as well as the significance of those challenges. I will then begin the process of determining how most effectively to prioritize, address, and solve the challenges. Throughout that process, I will seek the input of various interested parties, including CIA OIG staff members, CIA leadership, the congressional intelligence committees, the Intelligence Community Inspectors General Forum, the Council of the Inspectors General on Integrity and Efficiency, and others. I will also familiarize myself with recent audit, investigation, and evaluation reports, as well as information concerning specific CIA programs and operations.

I will also begin the process of analyzing the CIA OIG's budget and staffing numbers to determine if both are sufficient to allow the CIA OIG to accomplish its mission. By first gathering information and educating myself in this manner, I will begin to take the requisite steps to identify the most significant challenges and problems currently facing the CIA OIG.

### *Whistleblower*

#### **QUESTION 20**

**To your knowledge, have you ever been the subject of a whistleblower complaint? If yes, please provide dates and content of each complaint of which you are aware.**

No. To my knowledge, I have never been the subject of a whistleblower complaint.

#### **QUESTION 22**

**What is your view of the role of the CIA IG in managing and investigating whistleblower complaints? How much of a priority will you make managing and investigating whistleblower complaints if confirmed as the CIA IG?**

I believe that one of the most important responsibilities of the CIA IG is to ensure that the CIA has a robust and effective whistleblower program. Whistleblowers must be viewed and treated as essential partners in bringing to light waste, fraud, corruption, mismanagement, and abuses of authority. Because whistleblowers are often the first people to become aware of wasteful practices, ineffective programs, or even wrongdoing, it is imperative that they have a safe and effective way to disclose information in an authorized and appropriate way.

If confirmed, I intend to carefully look at the CIA's whistleblower program and OIG's Hotline processes to ensure that individuals have a safe, clear, and effective way of providing information; that there is an efficient intake and evaluation process; and that effective recordkeeping procedures are in place so that the timeliness and quality of whistleblower investigations can be accurately tracked. Quickly and thoroughly handling whistleblower complaints sends a strong message to whistleblowers about how important the CIA OIG considers their actions in coming forward with information, helps the OIG identify systemic problems, and makes it possible to expeditiously stop or correct the problems the whistleblower has identified.

## QUESTION 23

**Will you seek to strengthen the CIA IG's role relative to whistleblower protections? If yes, how will you strengthen the whistleblower protection activities of the CIA IG?**

Yes, I will take steps to strengthen the CIA IG's role relative to whistleblower protections. Although I am not personally aware of how effectively the CIA's whistleblower program operates, I believe that any such program can always be improved – and the protections afforded whistleblowers enhanced. If confirmed as the Inspector General of the CIA, I will take the steps needed to determine whether the CIA's whistleblower program is sufficiently strong and robust to not only inform people how they can in an authorized manner disclose information regarding waste, fraud, and abuse, but to encourage whistleblowers to come forward with such information.

In addition to taking the above-described steps, I will also examine whether whistleblower matters are being carefully managed and appropriately prioritized, and whether sufficient resources are being directed toward ensuring that appropriate steps can be taken in a timely manner with regard to each matter.

We cannot, however, encourage individuals to report wrongdoing through appropriate channels, and then fail to protect them when they do so. I believe it is one of the most important responsibilities of the Inspector General to protect whistleblowers from reprisal, or the threat of reprisal, when they disclose allegations of wrongdoing in good faith and in an authorized manner. We must work to ensure that whistleblowers are treated fairly and impartially when they demonstrate the moral courage to alert the CIA OIG about suspected waste, fraud, abuse, or malfeasance.

## QUESTION 24

**To proactively protect CIA employees and contractors from potential retaliation, do you support providing CIA employees with the same stay authority that is afforded almost every other federal employee?**

As stated above, one of the most significant responsibilities of the CIA IG is to ensure that the CIA has a strong and effective whistleblower program. If confirmed, I will take the requisite steps to ensure that policies are in place to protect whistleblowers from reprisal, or threat of reprisal, if they come forward in an authorized manner and disclose, in good faith, allegations of wrongdoing.

With regard to whether CIA employees should be provided with the same stay authority that is afforded numerous non-Intelligence Community federal employees, I would like to study this issue before providing a definitive response. I can understand the importance of having stay authority as an option so that if a whistleblower fears that a possibly retaliatory action is about to be taken and he or

she requests a stay, the stay can be granted, when appropriate. If I am confirmed, I look forward to exploring this issue further and discussing it with the Intelligence Community Inspectors General Forum, the Council of the Inspectors General on Integrity and Efficiency, members of the intelligence oversight committees, and with CIA OIG staff members.

## *Independence*

### **QUESTION 25**

**In general, what would be your approach to ensuring the OIG's independence, if you are confirmed as the next CIA IG?**

Throughout my 35 years as a federal government public servant, including my years as an Assistant U.S. Attorney, as the Director of the Department of Justice's Office of Professional Responsibility, and as the Principal Deputy Inspector General of the Intelligence Community, I have been entrusted with the tremendous responsibility of gathering and analyzing information, and then making recommendations based on that information. These jobs have required that I act in an independent, ethical, unbiased, and impartial manner. If confirmed as the Inspector General of the CIA, I will continue to act in that same way. Inspectors General can only fulfill their vital oversight function because, by law, they are independent of the agencies they oversee. It is imperative that the Inspector General remains independent, is not partisan, acts without a personal agenda, and maintains objectivity at all times.

The Inspector General must encourage a culture in which people feel empowered to speak freely and honestly amongst themselves and to the Inspector General about what they are discovering through their audits, investigations, evaluations, and reviews. They must also feel confident that the Inspector General will in turn deal with those findings in an appropriate way, and make recommendations concerning those findings that are pragmatic, reasonable, and designed not to tear down but to build up and improve the CIA's effectiveness and efficiency.

I believe in working cooperatively and diplomatically at all times and in all work environments. I will be transparent with CIA leadership regarding the OIG's reports, findings, and recommendations. That being said, however, I believe that it is absolutely crucial for the CIA IG to act independently and to never forget that the oath she takes is to "support and defend the Constitution of the United States against all enemies, foreign and domestic...." If in order to honor that oath, I find that I must proceed in a direction that puts me on a different path than my peers, colleagues, or those in leadership positions in the CIA or elsewhere, I will do so. Before doing so, I would analyze all options and consider all opposing viewpoints in a careful, thoughtful, and pragmatic way, but I will never bend my will to another's if I believe that by doing so I may dishonor the oath I have taken to uphold

the Constitution, or that I may fail to faithfully and responsibly discharge the duties of my job as the Inspector General of the CIA.