

SELECT COMMITTEE ON
INTELLIGENCE
UNITED STATES SENATE



Additional Prehearing Questions

For

Terrence Edwards

upon his nomination to be

Inspector General of the National Reconnaissance Office

Duties

1. What is your understanding of the scope of the programs and activities within the responsibility and authority of the Director of the National Reconnaissance Office (NRO)?

My understanding is principally based on Executive Order 12333, *United States Intelligence Activities*, which states the Director of the NRO shall “be responsible for research and development, acquisition, launch, deployment, and operation of overhead systems and related data processing facilities to collect intelligence and information to support national and departmental missions and other United States Government needs; and conduct foreign liaison relationships relating to these missions....” In addition to these core intelligence responsibilities, the Director of the NRO has the responsibility and authority to lead and manage the NRO, which includes the responsibility to effectively manage and execute the taxpayer's funds entrusted to the NRO, and manage and provide for the professional development of NRO personnel. My current and previous positions at the Office of the Director of National Intelligence (ODNI) have also provided me with an awareness of the NRO's goals pertaining to delivering space-based intelligence; meeting cost, schedule, and performance commitments of major acquisitions; and delivering a more integrated and resilient architecture.

2. Please describe your standards for an objective and effective office and how you intend to establish an office that maintains such standards?

The Council of the Inspector General on Integrity and Efficiency (CIGIE) has established quality standards for the management, operation, and conduct of the Federal Offices of Inspector General. It is my understanding that the members of the CIGIE, including the NRO Office of Inspector General (OIG), have formulated and adopted these standards, which include standards for Investigations, Audits, Inspections, and Evaluations. To maintain public trust, the OIG must adhere to high standards of official conduct and be held accountable in the event those standards are not met. If confirmed, I will ensure all the OIG's internal controls, including its manuals, instructions, and policies, adhere to and implement these standards, and that OIG officials exercise their duties accordingly.

3. What standards and procedures would you apply to ensure the appropriate timeliness and responsiveness of the NRO Office of Inspector General's (OIG's) completion of inspections, audits, reviews, and investigations?

Pursuant to Section 4 of the Inspector General Act of 1978, as amended (IG Act), the OIG is tasked with the duty and responsibility to keep the Director of the NRO and the Congress fully and currently informed, by means of its Semi-Annual report and otherwise, concerning fraud, abuses, deficiencies and other serious problems relating to the programs and operations that the NRO administers and/or finances. If confirmed, I will review and enhance, as necessary, all NRO OIG internal policies and practices to ensure they are consistent with the CIGIE standards and that the office conducts its oversight efforts in a professional, thorough, and timely manner. I will assess the effectiveness of how the office establishes milestones and implements tracking mechanisms to monitor progress. In monitoring progress, I will obtain regular updates from OIG project teams and staff. Overall, I will encourage and ensure a collaborative, cooperative working environment within the office.

4. What steps would you take to inform individuals, within or outside of the U.S. Government, including contractors, of their opportunity to provide complaints or information to the Inspector General (IG)?

If confirmed, I will ensure that any individual wanting to report information in good faith to the OIG can do so efficiently, confidentially, and without fear of reprisal. Specific to the NRO, in light of the diverse workforce comprised of civilian, military and contractor employees, I will review all current means by which NRO personnel can communicate with the NRO OIG, and engage in meaningful enhancements, as necessary, to those methods to ensure all personnel have readily available access to the OIG. I will also ensure the office regularly engages in meaningful outreach, training, on-site visits and other events that promote awareness of access to the OIG by all NRO personnel and of the protections afforded to those that communicate with the office.

Protection of Whistleblowers

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

If confirmed, I will make it a priority to conduct a baseline review to examine the formal policies and processes in place to inform employees of their right to provide information to the NRO OIG and protect against reprisal for making complaints or disclosing information to the NRO OIG. I will ensure that the protections afforded under 50 U.S.C. §3234, *Prohibited Personnel Practices in the Intelligence Community* and other appropriate authorities are implemented with full force and effect. Further, I will ensure that NRO personnel are educated on the procedures for external reviews of reprisal investigations pursuant to 50 U.S.C. §3236, *Inspector General external review panel*, and Presidential Policy Directive (PPD-19), *Protecting Whistleblowers with Access to Classified Information*. Similar to my response to Question 4, I will also ensure the OIG regularly engages in meaningful outreach, training, on-site visits and other events that promote awareness of access to the OIG by all NRO personnel and of the protections afforded to those that communicate with the office.

- 6. If confirmed, what additional policies and processes will you establish or recommend to the NRO Director to protect whistleblowers?**

As stated in my response to Question 5, if confirmed, I will make it a priority to conduct a baseline review of the established policies and processes in existence to protect whistleblowers to identify any perceived gaps or inadequacies. Upon learning of any potential issues, I will work expeditiously to develop solutions and implement revisions. In doing so, I will leverage all resources at my disposal, to include Counsel to the NRO OIG as well as colleagues on the IC IG Forum.

Access to Information

- 7. Please describe how you would resolve, including what remedies you would pursue, if an NRO employee or contractor refuses to provide access to records, reports, audits, reviews, documents, papers, recommendations or other materials requested by the NRO IG? How would you address being told by NRO personnel that the IG does not have a “need to know” for certain documentation or records related to an investigation?**

Section 6(a) of the IG Act authorizes, except in limited circumstances, each Inspector General to have timely access to all necessary records, reports, audits, reviews, documents, papers, recommendations, or other materials available to the establishment, which relate to the programs and operations with respect to which the Inspector General has responsibilities under the Act. An OIG’s oversight role establishes the need to know, and I expect that explaining the OIG’s role and authorities is often sufficient to address and resolve any misunderstandings or initial refusals. In the case where a refusal persists, if confirmed, I would make an initial attempt to resolve the situation at the lowest level, but would escalate the matter as needed through the employee’s or contractor’s management chain, up to the NRO General Counsel and the Director, NRO, as necessary. Ultimately, if the OIG continued to experience resistance, I would notify the congressional oversight committees as appropriate.

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

In my opinion, the subpoena authority granted under Section 6(a)(4) of the IG Act provides a necessary and valuable tool in the execution of an IG’s duties. Notwithstanding, subpoena use should be reserved for situations where standard methods of making requests for relevant documentation are not viable or otherwise impractical.

Independence

- 9. If confirmed, please describe what actions you would take if a senior NRO or Intelligence Community (IC) official sought to prevent you from initiating, carrying out, or completing any audit or investigation within the jurisdiction of the NRO IG?**

Section 8G(d)(2) provides that the Secretary of Defense, in consultation with the Director of National Intelligence, may prohibit the NRO OIG from initiating or completing any audit or investigation if such a prohibition is deemed necessary to protect vital national security interests of the United States and the proper notifications are subsequently made to Congress. If confirmed, in any other instance where another official or other entity sought to prevent me from initiating, carrying out, or completing any audit or investigation within the jurisdiction of the NRO IG, I would make an initial attempt to resolve the situation at the lowest level, but would escalate the matter as needed to the NRO General Counsel and the Director, NRO. In the case where the agency head did not subsequently execute a prompt and appropriate resolution, I would report the situation to the appropriate committees of Congress, as well as to the IGs of the Intelligence Community and the Department of Defense, as appropriate.

- 10. Please describe your views on the appropriate relationship between the NRO OIG and the NRO Office of Congressional Affairs when communicating with the Congress.**

As an office with the responsibility of conducting independent oversight and in consideration of its direct reporting requirements to the Director, NRO and the Congress, the OIG must maintain unfettered access to communicate with Congress as necessary. In certain circumstances, it may be appropriate to coordinate with the NRO Office of Congressional and Public Affairs when there is no threat to OIG independence or exigencies requiring timely reporting. In my view, an IG must make a case-by-case determination based on the facts presented and in consideration of the congressional reporting requirements set forth in the IG Act.

11. Please also describe your views on the appropriate relationship between the NRO OIG and the NRO Office of General Counsel when those communications involve legal issues.

There exist inherently fundamental differences in duties owed by each office that require an appropriate level of professional separation. This point is emphasized by Section 3(g) of the IG Act, which, in order to avoid such a conflict of interest, provides that an IG shall obtain legal advice from a counsel either reporting directly to the IG or to another IG. While the Office of General Counsel provides legal advice to NRO leadership, the OIG must maintain overall independence from influence by the agency, which precludes relying on the agency's counsel for legal advice regarding OIG operations. Notwithstanding, it is essential that a solid and trusting working relationship between these two offices is established and maintained. Regarding legal matters of mutual interest that do not otherwise implicate the OIG's independence, such as the interpretation of agency policies relevant to an investigation, collaboration is not only proper, but also necessary. Based on my prior positions in the Offices of General Counsel at the ODNI, National Security Agency, and Department of the Army, I am well versed in the care, balance, and respect needed to facilitate the coordination that happens between these offices. If confirmed, I will ensure the NRO OIG staff apply the same care, balance, and respect in every interaction they have with the Office of General Counsel.

Inspector General Work Plan

12. If confirmed, how will you determine the investigations and reports that are necessary or desirable to complete each year? Would you anticipate developing a work plan for each year in office?

It is my understanding that OIGs engage in a process annually to assess current and emerging risks to mission and effective NRO operations. To that end, the OIG engages with appropriate stakeholders, including Congress, to determine their work plans for the year. If confirmed, I will publish an annual work plan at the beginning of each fiscal year to provide the oversight committees and NRO decision makers with information about the OIG's planned audits and inspections. In selecting the projects, I will consider items of congressional interest set forth in applicable appropriation and authorization legislation, as well as information about new and ongoing risks to the NRO mission. Because investigations are generally reactive measures, I do not anticipate including specific investigations in the work plan. However, if confirmed, I will look for opportunities to promote a greater understanding among the NRO workforce regarding fraud, procurement integrity, and whistleblower reprisal, and will ensure the timely execution of investigations.

13. Would you consider Committee suggestions or focus areas to inform your annual work plan?

Yes. In addition to including items of congressional interest set forth in applicable appropriation and authorization legislation in our annual work plan, if confirmed, I look forward to meeting with congressional oversight committees and staff as part of our annual planning process. These meetings will provide valuable insight on congressional interest items and perspective on NRO mission risks and emerging issues.

14. Please describe your priorities, if confirmed, for the work of the NRO OIG in relation to the work of other Inspectors General with responsibilities concerning intelligence programs and activities.

I value what I have learned are highly cooperative relationships between the Intelligence Community Inspectors General. This cooperation enhances oversight of intelligence programs and activities and results in increased accountability, integrity, and efficiency. If confirmed, I will prioritize effective communication and coordination throughout the Inspector General community so that the NRO OIG can fulfill its oversight responsibilities more efficiently and effectively, without unnecessary duplication of effort and resources.

Referrals to the Department of Justice

15. Please describe your understanding of the authority and responsibility of the NRO OIG to refer matters to the Department of Justice concerning possible criminal conduct, including the conduct of current or former officials?

In accordance with Section 4(d) of the IG Act, the IG shall make an expeditious reporting to the Department of Justice whenever the IG has reasonable grounds to believe there has been a violation of Federal criminal law. This responsibility is consistent with 28 U.S.C. § 535(b), and Executive Order 12333, which generally provides that each agency and organization within the Intelligence Community must report information concerning possible federal crimes by its personnel, or violations of specified federal criminal laws by any other person, when such information was collected by the agency during the performance of its designated intelligence activities. Further, in cases where the information received by the OIG is otherwise incomplete, which may preclude a formal reporting; a consultation with Department of Justice in advance of a formal referral may be the most productive course of action.

16. In your view, what should be the role, if any, of any other NRO office or official, including the Office of General Counsel, in making referrals to the Department of Justice?

In accordance with the *1995 Memorandum of Understanding: Reporting of Information concerning Federal Crimes*, the NRO Office of General Counsel is required to report to the Department of Justice or to state or local law enforcement authorities possible violations of federal and state criminal laws by NRO personnel when the information was collected during the performance of the NRO's designated intelligence activities as defined in Executive Order 12333, subject to certain exceptions, including, but not limited to, allegations that have been reported to the OIG. If confirmed, I will work with the Office of General Counsel to ensure that, as appropriate, when such matters involve NRO funds, programs, and operations, the OIG is involved in the coordination of the referral to allow for independent consideration of the information.

Major Challenges, Problems, and Priorities

17. In your view, what are the major challenges facing the NRO OIG? Looking more broadly, and with your acquisition experience, do you see challenges for the NRO at a time when there is an explosion in commercial space capabilities?

I am not aware of any specific major challenges that the NRO OIG is currently facing. If confirmed, I will engage with NRO OIG personnel, as well as internal and external stakeholders, to obtain an understanding of major challenges, if any, and, as appropriate, take the necessary action to resolve them. To that end, I plan to place special emphasis on learning about any challenges as related to whistleblower reprisal. I strongly believe the OIG cannot fully succeed in its mission to prevent fraud, waste, and abuse if personnel do not feel they can safely report information of potential wrongdoing.

At this time, I cannot speak to the NRO's specific challenges, if any, regarding the recent explosion of space capabilities in the commercial market. However, with the expansion of any technology, organizations, whether a consumer or producer of that technology, must determine the worth and possible consequences of that expansion. Being a producer of space-based capabilities, I expect the NRO has completed its cost/benefit assessment as demonstrated by its recent award announcement (Release #05-22) for the procurement of commercial imagery. Based on my broad experience in government acquisitions and appropriations, I offer that one challenge that the NRO might be facing in this area is whether its acquisition, fiscal, and security policies and procedures provide sufficient controls to manage these often new and

expanding commercial relationships. I expect it is particularly difficult where the awards are for large-scale, unclassified contracts in which the arrangement involves open and non-traditional companies with uncleared personnel and no access to secure information systems. Additionally, I offer that another challenge is having the right personnel with the right skill sets, which is key to managing the risk associated with developing new relationships and adopting new capabilities. If confirmed, I will determine whether the NRO has assessed and continues to assess whether it has the right talent to maneuver effectively in this new area.

A final challenge that I anticipate the NRO might be dealing with in this area is balancing the interest of using existing governmental capabilities with the interest of incorporating new commercial capabilities in a constructive and effective way that complies with existing laws, regulations, and policy.

18. Is there a role for the OIG in making determinations or recommendations related to the NRO's current mission focus?

In carrying out the OIG's duties and responsibilities established under the IG Act, OIGs make recommendations for corrective actions. In addition, the IG Act states that the OIG may conduct or coordinate activities that NRO executes or finances for the purpose of promoting economy and efficiency in NRO programs and operations. If confirmed, I will ensure the NRO OIG's annual work plan covers areas of high-risk, and that audits, inspections, and evaluations are mission-focused. I believe that OIG findings and recommendations need to be provided promptly to NRO leaders to be relevant and useful as they manage NRO's mission and to the Congress to assist in its oversight function. Findings must be developed consistent with quality standards, based upon supportable facts, and presented in a clear, understandable manner. Recommendations must be actionable, and should drive process improvements and strengthen internal controls to mitigate the risk of fraud, waste, and abuse, as well as help the NRO to increase the efficiency and effectiveness of its business processes and activities. If confirmed, it will be my goal to provide impactful recommendations that NRO leadership and managers can use to make informed decisions about current mission activities.

19. Is there a role for the OIG in resolving disagreements between the NRO and other IC elements or making recommendations to improve efficiencies?

According to the IG Act, as an independent office with broad subject matter jurisdiction, the OIG is in a unique position to provide policy direction for and to conduct, supervise, and coordinate audits, investigations, inspections, and evaluations relating to the programs and operations of the NRO. The OIG's efforts are not necessarily limited to the work conducted solely by the NRO; rather, such

efforts can include collaborative activities among multiple IC element OIGs. As a result, under appropriate circumstances, and when there is no threat to independence, the OIG can provide valuable input towards resolving disagreements between the NRO and other IC elements, or otherwise in making recommendations to improve efficiencies. For example, in my current position at the ODNI, I am aware of a joint review by the NRO OIG and another IC element OIG to identify the root cause of program and operational disagreements between two IC elements. If confirmed, I will continue to endorse and support opportunities for the IC OIGs to coordinate and collaborate on matters of mutual interest.

Personnel and Budgetary Resources of the NRO OIG

20. Please describe the present organization, staffing (both with respect to authorized positions and positions currently filled), training, and resources of the NRO OIG.

Based on my review of the NRO OIG website, the office is comprised of five divisions—Audits, Inspections, Investigations, Analytics, and OIG Corporate Support. If confirmed and upon assuming the role of IG, I will obtain an understanding of the office’s authorized strength and current staffing level. I will ensure practices are in place to address any vacancies so that the OIG can carry out its mission with a full complement of qualified officers. The credibility of an OIG relies, in part, on the quality and experience of its officers; training is a critical part of staff development. I will inquire about staff training and the sufficiency of resources for training, making this a priority. I will also assess the sufficiency of resources in terms of budget and personnel by conducting an in-depth examination of resources and seeking the views of the congressional oversight committees. If confirmed, and as necessary, I will request changes to ensure the NRO OIG has the resources to fulfill its statutory responsibilities.

21. If confirmed, will you lead a top down review of the OIG staff size and skillsets to ensure the IG is sized to address the priority work? How will you triage your staff to provide planned IG studies and ensure that there is sufficient personnel to address emerging issues as they arise?

If confirmed, I will assess the OIG staff size and skills to ensure that OIG is well positioned to undertake and complete priority work. All OIG work is important, but as in any office, unplanned adjustments to workloads are often necessary to meet priorities. If confirmed, I will ensure that OIG officers have the requisite knowledge, skills, and abilities, as well as cross-function training, as appropriate, to achieve maximum flexibility to shift personnel to meet ever-changing mission requirements. This strategy includes adjusting established milestones on ongoing projects, re-

scoping work, and re-aligning resources to accomplish emerging, higher priority issues.

22. If you are confirmed, what changes, if any, would you expect to consider or make in the present OIG with regard to organization, staff qualifications, training, budget, or other features relevant to the effective performance of the duties of the new statutory office?

At this time, I do not have sufficient information to say with any certainty what changes, if any, that I would expect to consider or make, if confirmed, regarding the organization, staff qualifications, training, budget, or other features relevant to the effective performance of the duties of the office. However, if confirmed, I will review the NRO OIG's current organizational structure, staff qualifications, training, and budget to allow for an informed determination on what changes, if any, are needed to achieve the most effective performance. When assessing the organization, I will consider whether investments in infrastructure and information technology are needed. If so, I will develop and implement a plan that will ensure resources are spent wisely. I will also meet with all OIG personnel to obtain their perspectives on areas that are working well and areas for potential improvement. I will then implement revisions and improvements, as necessary, with a focus on ensuring quality and timeliness of the work. If confirmed, attracting, training, and developing the best possible talent will be one of my priorities so that the NRO OIG maintains its capacity to meet its statutory responsibilities.

23. In your view, are there any barriers or disincentives, including any created by personnel policies, that impede the recruitment or retention of qualified IG personnel? If so, please describe.

At this time, I do not have sufficient information to assess whether there are currently barriers or disincentives, including any created by personnel policies, which impede the recruitment or retention of qualified personnel specific to the NRO OIG. Having served much of my career in the IC, I am certainly aware of recruitment and retention challenges faced by the community as a whole, to include clearance processing, competitive compensation, cost of living, and the ever-growing obstacle of limited opportunities for telework. If confirmed, I will explore any such challenges by consulting with the NRO OIG's career service board for Central Intelligence Agency and NRO Cadre personnel, the Forum of IC OIGs, and the CIGIE to obtain their collective views, and I will seek resolution to any barriers or disincentives impacting recruitment and retention of NRO OIG personnel.