

Statement of Robert P. Storch

before the

U.S. Senate
Select Committee on Intelligence

concerning

Nomination to be Inspector General of the National Security Agency

July 19, 2017

Chairman Burr, Vice-Chairman Warner, and Members of the Committee:

Thank you for inviting me to appear before you today regarding my nomination to be the first Presidentially appointed Senate confirmed Inspector General at the National Security Agency (NSA). I believe that this position presents an exciting opportunity to lead the development of the Office of the Inspector General's independent oversight at a critically important government agency. I would like to take the opportunity to recognize my family and colleagues who have come to be with me today. [Recognition of family members and colleagues]

I cannot go forward without expressing my great appreciation to my Inspector General, Michael E. Horowitz. IG Horowitz hired me out of the U.S. Attorney's Office to work in the Front Office at the Department of Justice Office of the Inspector General (DOJ OIG) back in 2012, and he selected me to be Deputy IG in 2014. I have had the privilege of working side by side with him, and I have tried to learn from him on a daily basis. He is a remarkably gifted IG, and provides which I believe to be a tremendous example both as to how to conduct vigorous independent oversight on a wide range of sensitive and important issues, and how an IG should be responsive to Congress and keep Members and staff appropriately informed so as to further the Congress' important constitutional and oversight functions and ensure that the work of the OIG is directed appropriately. In his capacity as Chair of the Council of the Inspectors General on Integrity and Efficiency (CIGIE), Michael was the one who initially asked if I would be open to being considered for an IG position and, if I am confirmed as the IG at NSA, I intend to do my best to emulate his example both within the agency and with Congress.

I also want to thank you, Chairman Burr, for taking the time out of your busy schedule to meet with me, and Vice-Chairman Warner, I greatly appreciate the efforts of your staff to schedule a meeting as well. I am sorry that there was not time given the prompt scheduling of the hearing – which let me quickly say I appreciate very much – for me to meet in advance of the hearing with you and with the other Members of the Committee. But I want to assure the Committee that, if confirmed for this position, I would welcome the opportunity to meet with each of you and your staffs on a regular and ongoing basis to ensure the sort of robust and appropriate communication that I believe the Inspector General Act contemplates. I believe strongly in the importance of Congressional oversight, which seems particularly critical in an area such as this where so much of what happens occurs outside the public eye and, therefore, the public's confidence depends to a great extent on knowing that their elected representatives are fully and timely informed regarding the operations of the agency and steps being taken or that should be taken to improve those functions.

In that regard, as this Committee knows well, in 2014, the Congress determined that the IG at the NSA should a Presidentially appointed Senate confirmed position, clearly reflecting the importance of independent oversight and responsiveness to Congress. I recognize that this position presents significant challenges. I hope that, if confirmed, my background as a federal prosecutor and in helping to lead the operations of the OIG at DOJ, and my various interactions with

the intelligence community in those capacities, would position me well to work with the staff of the NSA OIG to meet those challenges and, thereby, to provide independent oversight that detects and deters waste, fraud, abuse, and misconduct, and helps to ensure that the NSA meets its essential functions with integrity and efficiency and, of course, consistent with civil rights and civil liberties.

The pre-hearing materials that I have submitted to the Committee detail my background. Following a federal judicial clerkship and a brief stint at a large law firm here in Washington, I became an Assistant United States Attorney in May 1987. Over the next twenty-five years, I worked as a federal prosecutor at two U.S. Attorney's Offices (USAO) -- in my hometown of Jacksonville, Florida, and later in my wife's hometown of Albany, New York -- and in between for several years at the DOJ Criminal Division's Public Integrity Section, followed by another brief stint in private practice when we first moved to upstate New York. I believe that my two dozen years as a federal prosecutor handling various types of complex criminal cases taught me a great deal about how to gather and consider evidence, about following the evidence where ever it leads, and about pursuing charges and outcomes vigorously but fairly and in the interests of justice.

Immediately following the September 11 attacks, I was selected by the U.S. Attorney to be the Northern District of New York's initial Anti-Terrorism Coordinator. In that position, I worked closely with criminal and intelligence components of the FBI and other agencies in helping to organize and direct anti-terrorism efforts in the District, and in standing up our first Anti-Terrorism Task Force. I also held a number of other positions at different times at the USAO, including serving for many years as Civil Rights and Hate Crimes Coordinator, and later as Senior Litigation Counsel and Chief of our Appellate Division. In the latter position, I honed my writing skills in preparing and helping others to prepare appellate briefs, skills that I have since found valuable in reviewing and working with OIG teams on many of our written reports to ensure that they are comprehensive, comprehensible, and impactful. While at the USAO, I served for over a decade on the Department's Evaluation and Review Staff, participating in periodic peer reviews of other U.S. Attorney's Offices -- my first real experience with that type of work. I also have worked abroad on behalf of the FBI and DOJ, teaching at a number of anti-corruption and other programs, and I was detailed with my family for two years in Ukraine on a DOJ program that provided technical assistance in the development of measures to address official corruption, including helping to create the framework for internal investigation units modeled on OIGs.

In 2012, with our youngest daughter heading off to college, my wife and I decided to move back to Washington and I accepted a position in the Front Office at the OIG, where I hoped that I could use my varied experiences within the Department in a different but important way. While I already had spent many years at DOJ, one thing I came to understand early on is that OIGs are part of their agencies, but they also are separate from them -- our independent oversight role requiring that we maintain the distance necessary to permit the objective analysis and perspective that is, in itself, one of the most valuable aspects of the IG system. In this regard, I have had the opportunity to participate with the IG in various meetings and briefings with

the highest levels of Department leadership, where I have seen and, I hope, learned how to maintain that relationship regardless of the nature or sensitivity of the issues. On a number of occasions, I also have participated in meetings where we informed Department leadership about issues of which they were not previously aware, something that is inevitable within any large organization and a key benefit of having an independent IG to uncover such concerns and recommend solutions to agency management.

During my time at DOJ OIG, I have been involved in the review of a number of reports that have continued our office's long record of conducting independent oversight regarding the exercise of intelligence and national security authorities by DOJ, in particular by the National Security Division and the Federal Bureau of Investigation, as well as their interaction with other parts of the intelligence community. I also have participated in the Deputies meetings of the Intelligence Community Inspector General (IC IG) Forum and attended its annual conferences. Through these experiences, as a prosecutor and then at the OIG, I have had the opportunity to interact with various aspects of the intelligence community, but I am not a product of it. If confirmed, I hope that my experience and perspective would be of assistance in working with the personnel of the NSA OIG to carry out the significant responsibilities that Congress has entrusted to it.

If confirmed, in addition to maintaining regular lines of communication with agency leadership and the Congress, I would anticipate meeting early on with personnel from across the OIG to facilitate open communications within the office and obtain their perspectives on potential areas for improvement. This is something that I do with the IG on a regular basis at DOJ OIG, and have found to be very valuable in working with him to lead change within the organization. One area that I know to be of importance for all OIGs is furthering whistleblower rights and protections. When I first discussed coming to the OIG with IG Horowitz, we spoke about starting up a new Whistleblower Ombudsperson program and, under his leadership, we have developed a robust program that I am proud to say has been widely recognized a leader across the OIG community. I have put in place a number of educational efforts and other mechanisms that are detailed in my responses to the Committee's additional prehearing questions, all of which efforts are built on one bedrock principle: whistleblowers perform a valuable service to the agency and the public when they come forward with what they reasonably believe to be evidence of wrongdoing, and they should never face reprisal for doing so. Agencies are too big and their operations too varied for oversight to function without people on the front lines being willing to come forward when they see something they believe is wrong. This I think is particularly true within the intelligence community, where it seems to me it is critical that employees and contractors know that there are avenues available for them to bring forward such information, that their disclosures will be taken seriously, and that they will not face reprisal for performing the often difficult act of coming forward to report what they believe to be problems or wrongdoing within their own organization.

In addition to leading our whistleblower efforts at DOJ OIG, I also founded and continue to serve as chair of the CIGIE Whistleblower Ombudsman Working Group,

which meets quarterly to share best practices, discuss current developments, and interact with presenters from within and outside government. I have been pleased to work with Congress on whistleblower issues, including helping to organize a program with the bipartisan Senate Whistleblower Protection Caucus at which we were grateful to have Senator Grassley and Senator Wyden speak as the Chair and Vice-Chair of that important group. If confirmed, I would welcome the opportunity to work with the Committee to continue such efforts, and I will do everything in my power to further whistleblower rights and protections at the NSA.

I cannot think of an agency with a more important mission than the NSA, and I have tremendous respect for the dedicated men and women who are critical to its success. If confirmed, I would be privileged to have the opportunity to lead the NSA OIG to further the integrity and efficiency of the agency's operations, which as the NSA's very name makes clear, are essential to our national security.

Thank you for the opportunity to appear before you this morning, and I look forward to your questions.