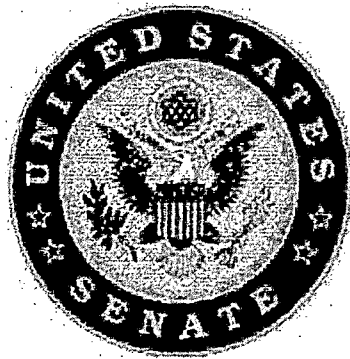


SELECT COMMITTEE ON INTELLIGENCE

UNITED STATES SENATE



QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES

**SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE**

**QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES**

PART A - BIOGRAPHICAL INFORMATION

1. NAME: Courtney Simmons Elwood
2. DATE AND PLACE OF BIRTH: June 6, 1968, Bethesda, MD
3. MARITAL STATUS: Married
4. SPOUSE'S NAME: [REDACTED]
5. SPOUSE'S MAIDEN NAME IF APPLICABLE: n/a
6. NAMES AND AGES OF CHILDREN:

NAME

AGE

[INFORMATION REDACTED]

7. EDUCATION SINCE HIGH SCHOOL:

<u>INSTITUTION</u>	<u>DATES ATTENDED</u>	<u>DEGREE RECEIVED</u>	<u>DATE OF DEGREE</u>
Washington and Lee University	1986-1990	Bachelor of Arts	1990
Yale Law School	1991-1994	Juris Doctor	1994

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

<u>Employer</u>	<u>Position/Title</u>	<u>Location</u>	<u>Dates</u>
Pier One Imports	Sales Associate/Asst. Mgr.	Alexandria, VA	c. 8/1990-8/1991
Old Town Gardens	Pool Operator	Alexandria, VA	c. summer 1991
U.S. Environmental Protection Office of Toxic Substances	Program Analyst	Washington, D.C.	8/1990-8/1991

<u>Employer</u>	<u>Position/Title</u>	<u>Location</u>	<u>Dates</u>
Wyche, Burgess, Freeman & Parham	Summer Associate	Greenville, SC	Summer 1992
Bradley, Arant, Rose & White	Summer Associate	Birmingham, AL	Summer 1992
The Hon. Ellen Bree Burns U.S. District Court for the District of Connecticut	Law Clerk Intern	New Haven, CT	Fall Term 1992
United States Attorney's Office District of Connecticut	Intern	New Haven, CT	Spring Term 1993
King & Spalding	Summer Associate	Atlanta, GA	Summer 1993
Shea & Gardner	Summer Associate	Washington, D.C.	Summer 1993
United States-Canada Free Trade Agreement Binational Panel <i>In re</i> Certain Softwood Lumber Products from Canada	Assistant to Panelist	New Haven, CT	5/1993-12/1993
The Hon. J. Michael Luttig U.S. Court of Appeals for the Fourth Circuit	Law Clerk	McLean, VA	6/1994-6/1995
The Hon. William H. Rehnquist Supreme Court of the United States	Law Clerk	Washington, D.C.	7/1995-7/1996
Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC	Associate Partner	Washington, D.C.	9/1996-5/1999 5/1999-1/2001
Office of Counsel to the President The White House	Associate Counsel to the President	Washington, D.C.	1/2001-5/2002
Office of the Vice President	Deputy Counsel to the Vice President	Washington, D.C.	1/2003-2/2005
Office of the Attorney General U.S. Dept. of Justice	Counselor to the Attorney General Deputy Chief of Staff and Counselor	Washington, D.C.	2/2005-10/2005 10/2005-6/2007
Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC (as of 3/1/2017 Kellogg, Hansen, Todd, Figel & Frederick, PLLC)	Partner	Washington, D.C.	11/2007-present

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

Advisory Committee on Procedures, U.S. Court of Appeals for the D.C. Circuit, 2012-present.

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

My work in the Office of the Counsel to the President and in the Office of the Attorney General included several matters related to the intelligence community and national security, starting with my presence at the White House on September 11, 2001. On that day and in the days that followed, I was assigned certain projects related to the attacks and to ongoing terrorist threats. Most notably, I was among the small number of White House staff members who worked with members of the intelligence and law-enforcement communities, alongside Members of Congress and their staffs, to draft legislation to ensure that law enforcement and the intelligence community had the tools needed in the fight against terrorism. That legislation became the USA PATRIOT Act. At the Department of Justice, I worked on a variety of national-security related matters including matters involving the Inspector General's review of the FBI's use of National Security Letters; the renewal of the PATRIOT Act; legislation relating to the Foreign Intelligence Surveillance Act; and terrorism-related litigation including cases involving the constitutionality of national security programs and detention of enemy combatants and military commissions.

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

University Scholar, Washington & Lee University

Oxford Scholar, Washington & Lee University

Phi Eta Sigma

Phi Beta Kappa

Graduation with distinction, *summa cum laude*, Washington & Lee University

Editor and Essays Editor, *Yale Law Journal*

Honorary Inductee, Omicron Delta Kappa, National Leadership Honor Society

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

<u>ORGANIZATION</u>	<u>OFFICE HELD</u>	<u>DATES</u>
Alexandria Community Rowing	Member	2010-present

<u>ORGANIZATION</u>	<u>OFFICE HELD</u>	<u>DATES</u>
Advisory Committee on Procedures, U.S. Court of Appeals for the D.C. Circuit	Member	2012-present
Army Navy Country Club	Member	2009-2016
District of Columbia Bar	Active Member	12/1997-present
Georgia Bar	Inactive Member in Good Standing	11/1996-present
Omicron Delta Kappa, National Leadership Honor Society Washington & Lee University	Honorary Inductee	4/2015
St. Paul's Church	Member	2005-2012
Yale Law School Association Executive Committee	Member	2016-present

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

Unmasking the Rhetoric Purpose: The Supreme Court and Legislative Compromise, 44 Emory L.J. 117 (1995)

A Guide to Researching Legislative Compromise and Special Interest Groups, 13 Legal Reference Serv. Q. Issue 4 (1993)

"Compensatory Damages." in *Business and Commercial Litigation in Federal Courts*, 4th ed. (2016) (co-author with Mark C. Hansen and Ariela Migdal)

Remarks at Chief Justice Rehnquist Memorial Service, June 15, 2006 (available at <https://www.c-span.org/video/?193011-1/chief-justice-rehnquist-memorial-service>)

I would be happy to provide a copy of any of these materials if asked.

PART B - QUALIFICATIONS

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

The General Counsel of the CIA should, of course, be an accomplished and experienced lawyer. She must also have the ability to counsel internal clients and external partners on a wide variety of legal issues—and she must not simply respond to, but must anticipate issues. She must be able communicate clearly, and she must possess the leadership and organizational

skills to supervise and manage a large office. Perhaps above all else, she must have a reputation for acting with integrity, good judgment, and common sense. I believe that I meet these qualifications.

Specifically, I believe that my experience practicing law for more than twenty years, both inside and outside of government, has provided me with the necessary skills and training to be an effective General Counsel of the CIA. In particular, my work as Associate Counsel to the President, Deputy Counsel to the Vice President, and Deputy Chief of Staff and Counselor to the Attorney General is directly analogous to the wide-ranging responsibilities of the General Counsel. During my years in government, I had a broad and dynamic portfolio of matters which spanned matters of legal policy, legislation, and litigation at both the trial and appellate levels, and included advising clients on ethics, contracts, and a wide variety of other issues, in addition to the national-security matters discussed above. Within the Office of the Attorney General (OAG) at the Department of Justice (DOJ), I had primary oversight responsibility for seven DOJ components including the Office of the Solicitor General, the Civil Division, the Office of Legal Counsel, and the Office of Legal Policy. In addition, I supervised others in OAG and consulted on civil matters arising from five additional components.

A key part of the role of General Counsel is representing the CIA in interagency discussions, including with the National Security Council, the Department of Defense, the DOJ, the State Department, as well as other agencies within the Intelligence Community. I have significant experience in the interagency process. At the White House and the Justice Department, I frequently handled issues that required coordination across agencies and coordination between agencies and the White House. At times, my work also involved responding to requests from Congress.

During my career in private practice and public service, I have developed strong professional relationships with individuals who would attest that I am forthright and principled, that I listen to and engage a variety of viewpoints, and that, above all, I have a deep respect for the rule of law. My experience both inside and outside government provides a solid foundation to serve as General Counsel of the CIA.

PART C - POLITICAL AND FOREIGN AFFILIATIONS

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

John Adams for Virginia – contribution of \$250 (February 2017)

Ed Gillespie for Governor – contribution of \$2500 (January 2017)

Let's Grow Virginia PAC – contribution of \$500 (June 2016)

Marco Rubio for President – contribution of \$500 (February 2016)

Ed Gillespie for Senate – contribution of \$1000 (March 2014)

Ed Gillespie for Senate – contribution of \$1000 (October 2014)

McCain-Palin Victory 2008 – contribution of \$1000 (September 2008)

Republican National Committee – contribution of \$1000 (September 2008)

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

Not applicable.

17. FOREIGN AFFILIATIONS

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

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

To the best of my recollection, I have not represented a foreign government or an entity controlled by a foreign government.

My husband, who is a partner at the law firm Vinson & Elkins, LLP, has not represented any foreign government. He has assisted in the representation of corporations that are owned at least in part by a foreign government. Because he is unsure if they are "controlled by a foreign government," we have disclosed below their names and described his representation of two Chinese companies.

MCC (Xiangtan) Heavy Industrial Equipment Co., Ltd./Ceri (Xiangtan) Heavy Industrial Equipment Co., Ltd. In 2016, my husband consulted on arguments for setting aside a default judgment in a civil case in State court in Virginia. My husband has had no contact with company officials.

Sinovel Wind Group Co., Ltd.; Sinovel Wind Group (USA) Co., Ltd. Between 2013 and 2015, my husband was among a group of lawyers who represented the company in seeking to quash service of process in a criminal case in the U.S. District Court in Wisconsin. My husband participated in a handful of conference calls with company officials to discuss the case.

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

On occasion, attorneys at my law firm, Kellogg, Hansen, Todd, Figel & Frederick, PLLC (formerly Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC), have represented a foreign government or an entity controlled by a foreign government, although such representations constitute a relatively small share of the firm's overall business. The firm has compiled a list of "Foreign Government and Foreign Government-Related Entity Clients," attached hereto as Exhibit 17B. To compile the list, the firm searched its client database, which includes data from 1993 to the present, and queried current partners. The list is believed to be reasonably comprehensive, but may not be absolutely complete given the limitations on available information and search abilities. In addition, although efforts were made to include entities controlled by a foreign government, a foreign government's control of an entity is often unclear or unknown. Therefore the list may not include some entities arguably controlled by a foreign government, and it may include entities that are owned in part by or affiliated with a foreign government, but not controlled by the government.

Vinson & Elkins, LLP (V&E), my husband's firm, is an international law firm that has offices in Asia, Europe and the Middle East and that handles transactions, investments, projects, and disputes worldwide, including on behalf of foreign governments and entities controlled by foreign governments. As with Kellogg, Hansen, such representations constitute a relatively small share of V&E's overall business. In response to Question 17A, I have identified the instances where my husband personally worked on a particular matter for an entity that is owned, at least in part, by a foreign government.

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

My husband and I may have indirectly received compensation through our law-firm distributions for earnings based on the representations described in my response to 17B above. Apart from that, no.

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

No.

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

Since returning to my law firm from government service in 2007, a relatively small part of my practice has consisted of advising clients on legal matters involving federal agencies. I do not recall having appeared before any agency in that period, and I do not believe my work on the matters is known to the agencies.

My husband met with federal government officials in 2010 and in 2014, at the U.S. Justice Department's Office of the Solicitor General after the Supreme Court of the United States called for the views of the United States in cases in which my husband was involved. Following that Office's ordinary practice, it invited lawyers for both sides to present information about the cases to federal officials to assist the government in forming a position. Those two cases were *Kellogg Brown & Root Services, Inc. v. United States ex rel. Carter*, 12-1497, and *Iron Thunderhorse v. Pierce*, 09-1353.

PART D - FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST

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

Under applicable statutes and regulations and the ethics pledge set forth in Executive Order 13770, if confirmed, I will not personally and substantially participate in any particular matter in which I know I have a financial interest, in which I know a former client of mine is a party or represents a party, or in which I know Kellogg, Hansen, Todd, Figel & Frederick, PLLC, is or represents a party, for specified periods where applicable and absent waiver or authorization where applicable. In addition, for as long as my spouse continues to work for Vinson & Elkins, LLP, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Vinson & Elkins, LLP, unless I first obtain a written waiver. I also will not participate personally and substantially in any particular matter involving specific parties in which I know a client of my spouse is a party or represents a party, unless I am first authorized to participate pursuant to a waiver. In the process of reviewing my OGE 278e and preparing my Ethics Agreement, an agency ethics officer, in consultation with the Office of Government Ethics, has

determined that one of my investments might give rise to conflicts of interest. If confirmed, I intend to divest the potentially problematic interest, per my Ethics Agreement, which is attached hereto as Exhibit 19.

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

In the event I am confirmed, I intend to sever all business connections with Kellogg, Hansen, Todd, Figel & Frederick, PLLC (formerly, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC). I also intend to resign from my position as a Member of the Advisory Committee on Procedures, U.S. Court of Appeals for the D.C. Circuit and from my position on the Executive Committee of the Yale Law School Association. Unless advised otherwise, I do not believe any other organizations and my connections with them are of the nature and extent so as to require severance in the event that I am confirmed.

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

If confirmed, I will withdraw from Kellogg, Hansen, Todd, Figel & Frederick, PLLC, formerly known as Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC ("the firm"). I expect I will receive a refund of my capital account and the final LLC distribution for 2016, which is a fixed amount, in a lump-sum payment. Additionally, I will receive the final 2017 LLC distribution for non-contingency fee earnings, which will equal a pro rata amount of my 2016 non-contingency fee distribution based on my number of days at the firm in 2017 prior to my withdrawal, less any amounts previously paid to me in advance on my 2017 distribution. For my 2017 LLC distribution for contingency fee earnings, and subject to the conditions set forth in my Ethics Agreement, the firm will also pay me a standard partner share of any fees received by the firm in four cases listed in the Ethics Agreement. As noted in my OGE 278e, I also plan to maintain my account in the firm's 401(k) defined contribution plan, which is invested in a diversified mutual fund.

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

I currently serve as the executor of an estate of a family member.

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

None.

24. IF YOU ARE PRESENTLY IN GOVERNMENT SERVICE, DURING THE PAST FIVE YEARS OF SUCH SERVICE, HAVE YOU RECEIVED FROM A PERSON OUTSIDE OF GOVERNMENT AN OFFER OR

EXPRESSION OF INTEREST TO EMPLOY YOUR SERVICES AFTER YOU LEAVE GOVERNMENT SERVICE? IF YES, PLEASE PROVIDE DETAILS.

Not applicable.

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

My husband is employed as a partner at Vinson & Elkins, LLP. He has not represented, and given the nature of his work I do not anticipate that he will represent, any clients in any matters involving the Central Intelligence Agency. Further, in my Ethics Agreement, I agreed that, if confirmed, I will not participate personally and substantially in any particular matter that to my knowledge would have a direct and predictable effect on the financial interests of Vinson & Elkins, LLP, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1). I also agreed that I will not personally and substantially participate in any particular matter involving specific parties in which I know a client of my spouse is a party or represents a party, unless I am first authorized to participate pursuant to 5 C.F.R. § 2635.502.

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

<u>NAME OF ENTITY</u>	<u>POSITION</u>	<u>DATES HELD</u>	<u>SELF OR SPOUSE</u>
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[INFORMATION REDACTED]

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

For several years, I have exchanged holiday gifts with some of my law partners. Some of the gifts I have received during the past five years likely exceeded \$100 in value, and some of the gifts I have given have exceeded that value, too. All of these gifts were exchanged well before I was considered for the position for which I have been nominated and hence were not given because of any potential official position. My spouse and children have received no reportable gifts.

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

See Parts 2, 5, and 6 of my OGE 278e (copy attached as Exhibit 28).

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

None.

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

No.

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

[INFORMATION REDACTED]

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

Yes.

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

My husband and I have filed federal tax returns, and since 2013, we have filed State tax returns in Virginia, Illinois, and California. I have participated in composite returns filed by my law firm in several jurisdictions; in 2015, I participated in the firm's composite returns in Kansas, Massachusetts, New Jersey, New York, and New York City. My husband has participated in composite returns filed by his law firm in multiple jurisdictions.

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

No.

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

See Exhibit 35.

I am a member of the District of Columbia Bar and, as such, licensed to practice law in the District. I am also an inactive member in good standing of the Georgia Bar. In addition, I have been admitted to practice before several courts on an ad hoc basis.

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

No. Most of our investments are in diversified mutual funds. In accordance with my Ethics Agreement, if confirmed, I shall divest my interests in an investment fund that is not a diversified mutual fund and might give rise to a conflict of interest, and I shall roll over proceeds into one or more diversified mutual funds or other non-conflicting assets.

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

Not applicable.

PART E - ETHICAL MATTERS

38. HAVE YOU EVER BEEN THE SUBJECT OF A DISCIPLINARY PROCEEDING OR CITED FOR A BREACH OF ETHICS OR UNPROFESSIONAL CONDUCT BY, OR BEEN THE SUBJECT OF A COMPLAINT TO, ANY COURT, ADMINISTRATIVE AGENCY, PROFESSIONAL ASSOCIATION, DISCIPLINARY COMMITTEE, OR OTHER PROFESSIONAL GROUP? IF SO, PROVIDE DETAILS.

No.

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

No.

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

No.

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

No, not that I recall.

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

Since leaving the Department of Justice in mid-2007, I have not been interviewed or asked to supply information as a witness in connection with any congressional investigation, Federal or State agency proceeding, grand jury investigation, or criminal or civil litigation. As counsel on behalf of clients in private practice, I have provided information in connection with civil litigation and other proceedings.

Toward the end of my time at the Department of Justice, I was interviewed in connection with two investigations conducted jointly by the Office of the Inspector General and the Office of Professional Responsibility. Those investigations resulted in the reports identified below; a discussion of my minor involvement appears on the pages specified in parentheses.

"An Investigation of Allegations of Politicized Hiring and Other Improper Personnel Actions in the Civil Rights Division," dated July 2, 2008 (pp. 50)

"An Investigation of Allegations of Politicized Hiring by Monica Goodling and Other Staff in the Office of the Attorney General," dated July 28, 2008 (pp. 78, 111-13, 127).

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

No.

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

Not to my knowledge. I was interviewed as a witness in connection with the two investigations discussed in response to Question 42.

PART F - SECURITY INFORMATION

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

No.

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

No.

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

No.

PART G - ADDITIONAL INFORMATION

48. DESCRIBE IN YOUR OWN WORDS THE CONCEPT OF CONGRESSIONAL OVERSIGHT OF U.S. INTELLIGENCE ACTIVITIES. IN PARTICULAR, CHARACTERIZE WHAT YOU BELIEVE TO BE THE OBLIGATIONS OF THE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY AND THE INTELLIGENCE COMMITTEES OF THE CONGRESS RESPECTIVELY IN THE OVERSIGHT PROCESS.

To better safeguard individual liberty, the powers of our federal government are checked, separated, and limited. These bedrock principles are embedded in our Constitution and codified in our statutes. The more robust the power, the more crucial it is to have the check to ensure that the constitutional system stays in balance. The relationship between the CIA and the congressional intelligence committees reflects this constitutional framework in practice.

Specifically, the congressional oversight process serves as one check on the powers entrusted to the Nation's intelligence community – powers that are often exercised in secret and thus are not routinely accountable through other constitutional constraints. Congressional oversight of intelligence activities is also necessary for Congress to discharge its express power to legislate. In addition, congressional oversight provides the intelligence community with valuable feedback that improves the conduct and effectiveness of intelligence operations.

To allow the Congress to discharge its duties and provide that important feedback, the Director of the CIA has the affirmative duty to keep the congressional intelligence committees fully and currently informed of intelligence activities and covert actions, including any significant anticipated intelligence activity and any significant intelligence failure, to the extent consistent with due regard for the protection from unauthorized disclosure of certain exceptionally sensitive matters. To the same extent, the Director must also furnish the congressional intelligence committees with any information concerning intelligence activities – including the legal basis under which the activity is being or was conducted – which is requested by either committee in order to carry out its responsibilities. The President also has a statutory obligation to ensure that the congressional intelligence committees are kept properly informed, including an obligation to ensure that any

illegal intelligence activity is reported promptly, along with any corrective action that has been or is planned in connection with such activity. The General Counsel of the CIA should assist in ensuring that these statutory obligations are met with respect to CIA activities. The CIA General Counsel should also play a key role in ensuring that the committees are furnished with the legal basis under which CIA intelligence activity is conducted, when requested, and has a separate statutory obligation to notify the congressional intelligence committees of any significant legal interpretation of the U.S. Constitution or federal law affecting intelligence activities conducted by the CIA.

49. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY.

As set forth in the Central Intelligence Act of 1949, the General Counsel is the chief legal officer of the CIA. In that capacity, the General Counsel is the Director's legal adviser and performs such functions as the Director may prescribe to assist him in carrying out his duties as head of the Agency. I understand the responsibilities of the General Counsel would include (i) ensuring that accurate and timely legal advice and guidance on a wide range of topics is provided to the Director, Deputy Director, and to personnel throughout the Agency; (ii) ensuring that the CIA's views on legal issues are known to the appropriate entities within the executive branch and, in particular, to the Office of the Director of National Intelligence; (iii) ensuring that the Agency is properly represented in judicial proceedings where the CIA is a party or has an interest; and (iv) ensuring that the congressional intelligence committees are provided with information, as required by law, to perform their oversight responsibilities, including the responsibility to provide the legal basis under which intelligence activities are being or were conducted and to notify the committees of any significant legal interpretation of the Constitution or federal law affecting CIA-conducted intelligence activities. The General Counsel is also responsible for the efficient management of the Office of the General Counsel and its personnel.

AFFIRMATION

I, Courtney Simmons Elwood, DO SWEAR THAT THE ANSWERS I HAVE
PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

28 March 2017 [SIGNATURE]
(Date) (Name)

[SIGNATURE]

(Notary)



TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

In connection with my nomination to be the General Counsel of the Central Intelligence Agency, I hereby express my willingness to respond to requests to appear and testify before any duly constituted committee of the Senate.

[SIGNATURE]
Signature

Date: 28 March 2017