

SELECT COMMITTEE ON
INTELLIGENCE
UNITED STATES SENATE



Prehearing Questions

For

Irvin Charles McCullough III

upon his nomination to be

Inspector General of the Intelligence Community

In these questions, all references to the statutory authorities relating to the Inspector General of the Intelligence Community (IC IG) are to Section 103H of the National Security Act of 1947 (50 U.S.C. 403-3h), as added by Section 405 of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111-259).

Qualifications

Section 103H(c) provides that the nomination of an individual for appointment as Inspector General shall be made on the basis of qualifications that include a "demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or investigations."

- 1. What qualifies you to perform the duties of the Inspector General of the Intelligence Community, generally with respect to the oversight of intelligence programs and activities and specifically with regard to the tools of audit and investigation?*

ANSWER: My career in public service spans twenty years of legal, law enforcement, and intelligence related positions. Since last October, I have been serving on detail from the National Security Agency/Central Security Service (NSA/CSS) to the Office of the Director of National Intelligence (ODNI) Office of Inspector General (OIG) as the Deputy Inspector General. In this capacity, I assist the ODNI Inspector General (IG) in overseeing audits, investigations, inspections and reviews of ODNI programs and affiliates. Prior to coming to the ODNI OIG, I spent nearly eight years as the Assistant Inspector General for Investigations at the NSA/CSS OIG, where I supervised criminal and administrative investigations into allegations involving NSA programs and affiliates. In this capacity, I oversaw hundreds of complex and sensitive investigations, conducted globally. Some of these investigations resulted in the criminal prosecution and Federal felony conviction of the subject employees and contractor affiliates. In 2008 and 2009, I led a multi-disciplinary investigative team that received the "Investigation of the Year Award" from the Intelligence Community Inspectors General.

Prior to working at NSA/CSS, I served as the Senior Counsel for Law Enforcement and Intelligence in the Office of General Counsel at the U.S. Treasury Department. In this position, I provided legal advice to clients at the Under Secretary level on Federal law enforcement and national security issues. While working at Treasury, I

served on detail to the Office of Management and Budget's Transition Planning Office for the Department of Homeland Security (DHS), and provided legal advice to senior intelligence officials establishing what was then known as the DHS' Directorate of Information Assurance and Infrastructure Protection.

Before my Treasury service, I spent ten years working for the Federal Bureau of Investigation (FBI). As an FBI Special Agent, I investigated a wide array of Federal crimes, to include terrorism, white collar, narcotics and violent crimes matters. I worked undercover in a complex public corruption investigation, served as a member of the FBI Special Weapons and Tactics (SWAT) team, and served as a member of the OKBOMB Task Force investigating the bombing of the Alfred P. Murrah Federal building in Oklahoma City, Oklahoma. As an Associate Division Counsel in the FBI's New York Office (NYO), I provided legal and policy advice to senior FBI officials and performed various legal oversight functions for the NYO's law enforcement and foreign counterintelligence operations. As a Supervisory Special Agent in the Appellate Unit of the Inspection Division at FBI Headquarters, I adjudicated appeals in some of the FBI's most sensitive personnel misconduct cases.

Duties

Per various provisions of Section 103(H), such as Section 103(H)(b)(1), the purview of the Inspector General of the Intelligence Community is linked to "programs and activities within the responsibility and authority of the Director of National Intelligence."

2. *What is your understanding of the scope of the term "programs and activities within the responsibility and authority of the Director of National Intelligence?"*

ANSWER: I understand the term "programs and activities within the responsibility and authority of the Director of National Intelligence" to broadly mean programs and activities funded in the National Intelligence Program (NIP) budget or conducted by Intelligence Community (IC) elements. My understanding derives from the plain language found in the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), where the Director of National Intelligence (DNI) is specifically made responsible for, among other things: monitoring the implementation and execution of the NIP by the heads of the elements of the IC that

manage programs and activities that are part of the NIP, which may include audits and evaluations (§102A(c)(5)(C)); ensuring compliance with the Constitution and laws of the United States by the CIA and elements of the IC through the host executive departments that are part of the NIP (§102A(f)(4)); ensuring the effective execution of the annual budget for intelligence and intelligence related activities (§102A(c)(4)); ensuring the elimination of unnecessary waste and duplication within the intelligence community (§102A(f)(5)); ensuring maximum availability of and access to intelligence information within the IC (§102A(g)(1)); and, ensuring the most accurate analysis of intelligence is derived from all sources to support national security (§102A(h)).

Per Section 103(H)(b), the purpose of the Office of the Inspector General of the Intelligence Community is “to create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independent investigations, inspections, audits, and reviews.”

3. *Please describe your standards for “an objective and effective office” and how you intend to establish an office that maintains those standards?*

ANSWER: An objective and effective IG office requires reliability, credibility, and impartiality. If confirmed, I will strive to conduct IC IG operations in the most efficient and effective manner and to assign IC IG personnel with the appropriate knowledge, skills, abilities, and expertise to IC IG projects. I will also ensure that all IC IG personnel are free from personal, external, and organizational impairments to independence.

4. *To what extent do you believe that the timeliness and responsiveness of reporting is an element of the effectiveness of an Inspector General?*
- a. *What standards and procedures would you apply to ensure the appropriate timeliness and responsiveness of the IC IG's completion of inspections, audits, reviews, and investigations?*

ANSWER: Timeliness and responsiveness of reporting are critical to an IG's effectiveness. The IC is a dynamic environment. Components are frequently

reorganized, core missions are altered, and personnel are transferred. IG reports that contain conclusions based on stale, outdated data or testimony tend to be of little relevance or utility to the DNI or the congressional intelligence committees. Similarly, reports that contain vague or ambiguous objectives tend to be of questionable value from an intelligence oversight perspective.

If I am confirmed, I will ensure the IC IG adheres to Council of Inspectors General on Integrity and Efficiency (CIGIE) standards for timeliness and responsiveness for reporting completed audits, investigations, inspections, and reviews.

Protection of Whistleblowers

Section 103H(g)(3)(B) provides that “no action constituting a reprisal, or threat of reprisal, for making such complaint or disclosing such information to the Inspector General may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.”

5. *What formal policies and processes are in place to inform employees of their right to provide information to the IG and to detect and protect against reprisal for making complaints or disclosing information to the Inspector General of the Office of Director of National Intelligence?*
 - a. *If confirmed, what additional policies and processes will you establish or recommend to the DNI to ensure compliance with this provision and any related provisions that are applicable to elements of the Intelligence Community, such as the provisions of the IC Whistleblower Protection Act?*

ANSWER: The ODNI OIG uses a variety of methods to inform ODNI employees of their right to provide information to the OIG and their right against reprisal for making a complaint or disclosing information to the OIG or to Congress. For example, the ODNI's "zero tolerance" reprisal policy is outlined on both classified and unclassified ODNI webpages, and ODNI OIG personnel conduct outreach through Entry-On-Duty training sessions.

If confirmed, I plan to examine the current ODNI policies and procedures to ensure that they adequately inform and protect potential whistleblowers and complainants. I will ensure that any deficiencies are addressed.

Access to Information

Pursuant to Section 103H(g)(2)(B) and (C), “[t]he Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community needed for the performance of the duties of the Inspector General” as well as “direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials that relate to the programs and activities.”

6. *What is your understanding of the reach of these provisions?*

a. *Please describe how you would resolve if an agency, a U.S. government official, or a contractor refused to provide such access, including what remedies you would pursue in addition to those described in Section 103H(g)(2)(E).*

ANSWER: My understanding of these provisions is that they provide the IC IG with direct access to the personnel, documents and other materials needed to perform audits, investigations, inspections and reviews. If confirmed, I will address any access issues through liaison and coordination processes with other IGs and the IC IG Forum. However, if I deem it necessary, I will not hesitate to pursue the remedies set forth in section 103H(g)(2)(E).

Section 103H(g)(5) provides authority for the authorization and enforcement of subpoenas for the production of information that is necessary in the performance of the duties and responsibilities of the Inspector General.

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

ANSWER: Administrative subpoenas are a valuable tool that should be sparingly employed.

Sources of Complaints

Pursuant to Section 103H(g)(3), “[t]he Inspector General is authorized to receive and investigate...complaints or information from any person concerning the existence of an

activity within the authorities and responsibilities of the Director of National Intelligence 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.”

8. *If confirmed, what steps would you take to inform individuals, within or outside of the U.S. Government, including contractors, of their opportunity to provide such complaints or information to the Inspector General?*

ANSWER: If confirmed, I will diligently encourage potential IC whistleblowers and complainants to come forward. I will establish a robust outreach program, which will include a well-publicized IC IG website and IC IG Hotline accessible to Government employees, contractors, and members of the general public. I will ensure that outreach includes presentations at Entry-on-Duty classes, fraud seminars, All Hands meetings, and other fora. Through the IC IG Forum and the CIGIE, if confirmed, I will also encourage referrals of IC-related complaints from other IGs and Federal law enforcement agencies.

Relationship to Other Inspectors General

Section 103H has several provisions on the relationship of the Inspector General for the Intelligence Community to other inspectors general with responsibilities in or for elements of the Intelligence Community.

Section 103H(h)(1)(A) provides that “[i]n the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, audit, or review by both the Inspector General of the Intelligence Community and an inspector general with oversight responsibility for an element of the intelligence community, the Inspector General of the Intelligence Community and such other inspector general shall expeditiously resolve the question of which inspector general shall conduct such investigation, inspection, audit, or review.” To facilitate resolution of questions between or among inspectors general, Section 103H(h)(2) establishes in statute the Intelligence Community Inspectors General Forum, for which the IC IG is to serve as chair.

Section 103H(j)(4)(C) provides that “[t]he Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence

community and in coordination with that element's inspector general pursuant to subsection (h), conduct, as authorized by this section, an investigation, inspection, audit, or review of such element."

Section 103H(1) provides that, except as resolved pursuant to subsection (h), the performance of the IC IG's responsibilities regarding an intelligence community element shall not be construed to modify the duties of any other inspector general relating to that IC element.

9. *What is your understanding of these provisions with respect to potentially overlapping responsibilities of inspectors general?*

a. *In answering, please describe your priorities, if confirmed, for the work of the Office of Inspector General for the Intelligence Community in relation to the work of other inspectors general with responsibilities concerning intelligence programs and activities.*

ANSWER: My understanding of these statutory provisions is that the IC IG will have broad jurisdiction to audit, investigate, inspect and review within and throughout the IC, and that the exercise of this jurisdiction will, in specific situations, require the notifications and procedures set forth in the statute. It is also my understanding that some of the IC IG's jurisdiction will be concurrent with jurisdiction vested in other IGs with intelligence oversight responsibilities.

If confirmed, I will focus on leading integration among the IGs with intelligence oversight responsibilities by synthesizing and harmonizing our work, and by leading cross-IC audits, investigations, inspections and reviews of systemic IC deficiencies and violations.

b. *Please also describe your goals, if confirmed, concerning the work of the Forum and any measures you would recommend to improve, if warranted, its functions.*

ANSWER: The IC IG Forum has historically been a useful means of interaction for IGs with intelligence oversight responsibilities. If confirmed, I would utilize my chairmanship of the Forum as a primary means to effectuate integration between member organizations. I would challenge the Forum's audit, investigations, and inspections working groups to combine their varied expertise to identify and review

cross-IC issues. In addition, if I am confirmed, I will lead the IC IG Forum in the establishment and implementation of an IC IG Peer Review process, which will serve as a standardized quality control process for the intelligence oversight functions of all member IG offices.

As noted above, Section 103H(j)(4)(C) provides that “[t]he Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community and in coordination with that element’s inspector general...conduct, as authorized by this section, an investigation, inspection, audit, or review of such element.”

10. *What is your understanding of this provision, particularly pertaining to “coordination with that element’s inspector general”?*

ANSWER: There are several methods by which the IC IG might accomplish a review in one of the elements, such as: completing the review itself, after satisfying the requirements set forth in section 103H(j)(4)(C); conducting a joint review with the OIG of the involved element; overseeing or supporting a review led by the involved element's OIG; monitoring and receiving reporting on a review conducted solely by the involved element's OIG; or, some combination of the foregoing. It is likely that no single modus operandi will be employed across the board. Rather, certain reviews may be more amenable to certain working arrangements, and thus, if confirmed, I will need to assess each matter on its own merits to determine the most effective and efficient manner of conducting the review.

If confirmed, I will work collaboratively with the IC IG Forum and the elements of the IC to establish a working agreement and understanding of the process and procedures by which the IC IG will conduct operations in the intelligence elements on matters of shared jurisdiction.

Government Accountability Office

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

11. *Please describe your understanding of the role, if any, of the Government Accountability Office may have in assisting Congress in oversight that relates to such information.*

ANSWER: Oversight of the IC is critical to ensure that Congress and the American people have confidence that the IC is operating effectively, efficiently and in a manner consistent with the law. This oversight is conducted by many entities with substantial roles, such as Congress, the Judiciary, the Inspectors General, Offices of General Counsel, the Intelligence Oversight Board, and the GAO.

With respect to the GAO, Intelligence Community Directive (ICD) 114 makes clear that IC elements should cooperate with GAO reviews to the fullest extent possible. Indeed, the ICD establishes a presumption that GAO will be given access to pertinent information in the possession of an IC element unless the information reveals sources and methods or information related to covert action. However, the ICD provides that "information that falls within the purview of the congressional intelligence oversight committees generally shall not be made available to GAO to support a GAO audit or review of core national intelligence capabilities and activities, which include intelligence collection operations, intelligence analyses and analytical techniques, counterintelligence operations and intelligence funding." Oversight of these activities is conducted by the other oversight entities, to include the congressional intelligence committees and the IC Inspectors General.

- a. Please also describe your understanding or views on whether consultation or coordination by inspectors general in the Intelligence Community with the GAO presently occurs or would be desirable to assure full coverage of oversight requirements while avoiding conflict or duplication.*

ANSWER: I have had occasion to interact with GAO officials on IC related topics. I found these officials to be experienced and professional. If confirmed, I would encourage GAO involvement in select aspects of IC activities, and I would facilitate their assistance and support in those select activities in accordance with ICD 114 and other applicable authorities.

Independence

Section 103H(c)(3) provides that “[t]he Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.”

12. *Please describe your understanding of both elements of this provision: (a) “report directly to” and (b) “under the general supervision of the Director of National Intelligence.”*

ANSWER: If confirmed, I will "report directly to" the DNI. I interpret this provision to mean that I will be provided direct and prompt access to the DNI, when necessary. Additionally, if confirmed, I will be "under the general supervision" of the DNI. I interpret this language to mean that I will function under the DNI's supervision, subject to the independence requirements and the requirements and procedures for limitations on IC IG activities in the statute.

Section 103H(k)(3) provides that in the event that the Inspector General for the Intelligence Community is unable to resolve any differences with the DNI affecting execution of IG's duties or responsibilities, the IG shall immediately notify and submit a report to the congressional intelligence committees.

13. *If confirmed, in addition to this reporting responsibility, please describe what actions you would you take if a senior official of the IC sought to prevent you from “initiating, carrying out, or completing” any audit or investigation within the jurisdiction of the Office of the Inspector General for the Intelligence Community.*

ANSWER: Section 103H(f)(1)-(4) sets forth the necessary justification and procedures to be followed in the event the DNI wishes to prohibit the IC IG from carrying out or completing any audit, investigation, inspection, or review. The statute limits this prohibitive authority to the DNI. If confirmed, and a senior official of the IC, other than the DNI, seeks to exercise this authority, I would attempt to resolve the matter through that element's IG and the IC IG Forum. If necessary, I would request assistance from the DNI. If the DNI concurs with the IC element official seeking to limit the IC IG review, then the DNI would need to set in motion the procedures set forth in section 103H(f)(1)-(4).

Inspector General Work Plan

Section 103H(g)(2)(A) provides that the Inspector General, subject to the limitations in subsection (f), shall make such investigations and reports relating to the administration of programs and activities within the DNI's authorities and responsibilities as are "in the judgment of the Inspector General necessary or desirable." Subsection (f) provides that, subject to congressional notification, the DNI may prohibit the Inspector General from carrying out, or completing, an investigation, audit, inspection, or review "as necessary to protect vital national security interests of the United States."

14. Please describe your understanding of these provisions.

ANSWER: My understanding of these provisions is that the DNI may prohibit reviews by the IC IG only when necessary to protect vital national security interests, and if the DNI does exercise this authority, within seven days of doing so he must follow certain statutory procedures to inform the intelligence committees of his reasons for exercising this authority and provide the IC IG with the opportunity to provide comments as appropriate.

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

ANSWER: If confirmed, I will consider all credible allegations of violations of law, regulation or policy relating to the administration of programs and activities within the DNI's authorities and responsibilities, to determine whether they meet the threshold of "necessary or desirable." For audits, inspections, and reviews, I will first give priority to required statutory reporting, Congressionally Directed Actions, and OMB-directed audit requirements. For all other audits, inspections, and reviews within the ODNI and across the IC, I will employ a risk-based methodology to identify programs and operations that would benefit most from review. All cross-IC audit, inspection and review planning will be closely coordinated with the IG Forum.

b. Would you anticipate developing a work plan for each year in office?

ANSWER: Yes.

c. *Has the Inspector General for the Office of the Director of National Intelligence developed an annual work plan in the past?*

ANSWER: The ODNI OIG developed a work plan for FY2011- 2012 prior to my arrival in October 2010. I am not familiar with the manner in which ODNI OIG developed work plans for 2005-2010.

d. *Has the Inspector General for the Office of the Director of National Intelligence submitted an annual work plan to the DNI for approval in the past?*

ANSWER: The ODNI OIG developed the FY2011-2012 work plan and briefed it to the DNI prior to my arrival.

e. *If confirmed, what is your view on the development of an annual work plan and on obtaining approval from the DNI for such a plan?*

ANSWER: If confirmed, I will coordinate an annual work plan with the DNI and his executive staff to deconflict schedule and scope, as appropriate. I will also keep the DNI fully and currently informed on the conduct of criminal and administrative investigations.

Referrals to the Department of Justice

15. *Please describe your understanding of the authority and responsibility of the Inspector General of the Intelligence Community to refer matters to the Department of Justice concerning possible criminal conduct, including the conduct of current or former officials described in Section 103H(k)(3)(A)(iii).*

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

ANSWER: If confirmed, I will follow the requirements and procedures set forth in the statute and in the 1995 *Revised Attorney General Memorandum of Understanding on Reporting of Information Concerning Federal Crimes*. I understand that the responsibility to refer matters to the Department of Justice includes matters related to officials who hold or held positions in the intelligence

community appointed by the President as well as those appointed by the DNI. It is my view that most criminal referrals to the Department of Justice should come from the IG's Office, but in some circumstances such referrals can come from other offices, including the Office of the General Counsel.

Consultations about Reports

16. Under what circumstances and through what procedures is it appropriate for the IC IG to consult with officials in the ODNI, or other officials of an IC element outside an office of an Inspector General, before issuing a report, regarding the findings and recommendations in the report?

ANSWER: It is appropriate for the IC IG to consult with witnesses or government officials who might provide information relevant and material to an official IC IG audit, investigation, inspection or review. Such consultations must be made, however, without compromising the IC IG's independence or the confidentiality of IC IG witnesses or sources, and with strict adherence to E.O. 12333 requirements, CIGIE standards, and IC security regulations.

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

ANSWER: For legal and policy reasons, and in accordance with CIGIE standards, all IG contacts in furtherance of audits, investigations, inspections and reviews should be documented for the record. Whether the information conveyed during the contact should be included in the text of a particular IG report will be dependent in each individual matter upon the relevance and materiality of the information provided.

b. Under what circumstances, if any, do you believe it would be appropriate for officials to request that the IC IG not investigate or review a particular matter?

ANSWER: Section 103H(f)(1)-(4) provides the DNI with the authority to prohibit the IC IG from initiating, carrying out, or completing any audit, investigation,

inspection, or review, provided the DNI determines that such prohibition is necessary to protect vital national security interests of the United States and submits a statement to the congressional intelligence committees of the reasons for the exercise of this authority. The statute does not extend this authority to any other IC official. In addition, the DNI may request that the IC IG not conduct an investigation or review if the review, for example, would duplicate efforts of an IG from another IC element; whether to proceed would be within the IG's discretion.

c. Under what circumstances, if any, do you believe it would be appropriate for officials to request that the IC IG not issue a report on a particular matter?

ANSWER: Under section 103H(f)(1)-(4), limitations on IC IG activities may be accomplished only by the DNI, if necessary to protect vital national security interests of the United States, and after submission of a statement of reasons to the congressional intelligence committees.

d. Under what circumstances, if any, do you believe it would be appropriate for officials to request that the IC IG limit the distribution of a report beyond limits imposed due to compartmentation of the information included? Under what circumstances, if any, is it appropriate to limit the distribution of IC IG reports to the congressional intelligence committees?

ANSWER: If confirmed, I will adhere to CIGIE standards and applicable laws, regulations and policies regarding the dissemination of IC IG audit, investigation, inspection, and review reports. Classification issues aside, I am not aware of any limitations or restrictions on the IC IG's ability to provide an IG report to the congressional intelligence committees.

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

ANSWER: Accuracy in IG reporting is paramount. If confirmed, I will be open to hearing from officials who believe they have identified a material error or flaw in an IC IG report. I will evaluate this input on a case-by-case basis.

Coordination with the Office of Legislative Affairs and General Counsel

The congressional intelligence committees communicate directly with offices of inspectors general in the Intelligence Community without necessarily coordinating those communications with the relevant offices of legislative affairs.

17. If confirmed, would you continue the practice of direct communications with the committees?

ANSWER: If I am confirmed, I will communicate directly with the intelligence committees.

a. Please also describe your views on the appropriate relationship between the Inspector General and the ODNI Office of General Counsel when those communications involve legal issues.

ANSWER: Section 103H(i) provides for an independent IC IG counsel. Accordingly, if confirmed, I would appoint and manage this counsel independent of the agency's Office of General Counsel. I believe there is great value in a close working relationship between the General Counsel and Inspector General and their respective staffs. If confirmed, I will continue to build and foster this working relationship.

b. What is the appropriate role, if any, of the Inspector General to review and make recommendations on the decisions or activities of the Office of General Counsel?

ANSWER: The OGC is an ODNI component. If confirmed, I would expect the OGC's operations and functions to be subject to IC IG audits, investigations, inspections and reviews in the same manner as any other ODNI component. By statute, the ODNI General Counsel is the chief legal officer of the ODNI and the legal interpretations of the ODNI GC are controlling on the ODNI. However, as part of any IG review, I would expect to review any legal interpretations applicable to the activities or programs under review. If I disagreed with these legal interpretations, I would first discuss my concerns with the General Counsel. If my concerns are not adequately addressed, I may elevate them to the DNI or, if necessary, to the Attorney General or the Congress.

Major Challenges, Problems and Priorities

18. *In your view, what are the major challenges facing the first Inspector General of the Intelligence Community?*

- a. *If confirmed, how do you intend to address these challenges and what priorities, including for the selection of subjects for audits, inspections, investigations, and reviews, would you establish to address them?*

ANSWER: If confirmed, my primary challenge will be to lead the integration of all IGs with intelligence oversight responsibilities so that, as a federated entity, we can further the efficient and effective operation of the IC by identifying systemic trends and deficiencies and addressing them through IC-wide audits, investigations, inspections and reviews. If confirmed, I will use the IC IG Forum as my primary means of achieving this objective, and I intend to challenge the Forum's Audit and Inspections groups to conduct risk-based analyses to determine the areas of greatest risk and vulnerability in the IC. Similarly, I will challenge the Forum's Investigations group to identify trends in fraud and abuse and to devise IC-wide proactive programs to address these trends.

Personnel and Budgetary Resources of the IC IG's Office

Section 103H(j)(2)(B) provides that the Inspector General shall ensure that personnel shall have the required training and experience to enable the IG to carry out duties effectively. Section 103H(j)(2)(C) provides that "the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General."

19. *Please describe the present organization, staffing (both with respect to authorized positions and positions currently filled), training, and resources of the Office of the Inspector General in the ODNI.*

ANSWER: This information is contained in the ODNI OIG's most recent *Semi-Annual Report to Congress*, dated August 15, 2011, and transmitted to the Senate Select Committee on Intelligence on August 17, 2011. For classification reasons, this data is not set forth here.

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

ANSWER: If I am confirmed, I will perform a comprehensive assessment of all aspects of the ODNI OIG, and will retain those functionalities I deem to be consistent with and transferrable to the statutory mission, duties and responsibilities of the IC IG.

- b. *If confirmed, how do you intend to incorporate the staff of the Office of the Inspector General for the Office of the Director of National Intelligence into the Office of the Inspector General of the Intelligence Community?*

ANSWER: If confirmed, I intend to incorporate current ODNI OIG staff members into the IC IG to the greatest extent possible. It is possible that some staff members may be asked to serve in new roles, or dual roles, dependent upon the needs of the office during transition.

- c. *To your knowledge, to what extent, if any, have offices of inspectors general within or outside of the Intelligence Community used contractors to perform audit and investigative functions?*

ANSWER: In regard to audits, I am aware of OIGs using IC contractors to perform Federal Information Security Management Act (FISMA) audits and agency financial statement audits. I have no knowledge of OIGs using contractors to perform investigative functions.

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

ANSWER: If confirmed, I will work with this committee and the IC IG Forum to examine the propriety of using IC contractors to perform IG work.

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

ANSWER: I am not aware of any barriers or disincentives. The IC IG statutory provision states that, subject to applicable law and policies of the DNI, the IC IG must create a career cadre of sufficient size to provide the appropriate continuity and objectivity needed for the effective performance of the IC IG's duties. If I am confirmed, I believe the DNI will be very supportive of my efforts in this regard.

f. If confirmed, how will you exercise your authority to create a career cadre that provides continuity and objectivity?

ANSWER: If confirmed, I will create an IC IG career cadre through the recruitment, hiring and rotational assignment of qualified and diverse IC and IG professionals in the fields of audit, investigations and inspections. I will ensure that all personnel meet CIGIE standards for integrity, objectivity and impartiality, and that all personnel receive appropriate training and have an equal opportunity for career development and advancement in the IC IG, the ODNI, and the IC.

Oversight of Acquisition Programs and Contracts

20. What role, if any, do you believe the Office of the Inspector General of the Intelligence Community should play in acquisition reform?

ANSWER: If confirmed, I will ensure that the IC IG plays a significant role in acquisition reform, by performing targeted cross-IC audits, inspections, investigations and reviews.

a. Based on experience in your current position as the Deputy Inspector General in the Office of the Director of National Intelligence and your previous position as the Assistant Inspector General at the National Security Agency/Central Security Service, do you believe that the IG of the IC has the resources and authorities it needs to conduct effective oversight of the Intelligence Community's acquisition programs?

ANSWER: If confirmed, I will assess whether additional authorities or resources will be required specifically for oversight of IC acquisition programs. If I determine additional authorities or resources are necessary, I will not hesitate to ask the DNI for them.

b. What is your view of the role the IC IG should play in advising the IC and the Congress on the sufficiency of management controls in acquisition programs and the impact that legislative and regulatory proposals could have on such management controls?

ANSWER: If confirmed, I will play an active role in advising the IC and Congress on the sufficiency of management controls in acquisition programs and the potential effect of proposed legislation. This role is consistent with the ICIG's responsibilities as set forth in the statute at section 103H(b)(2)-(4).

c. What is your view of the role the IC IG should play in oversight, audit, and investigation of contracts in the IC?

ANSWER: If confirmed, I will play a leadership and coordination role in the oversight of contracting in the IC by performing cross-IC audits and investigations and devising IC-wide proactive anti-fraud programs. This role is consistent with the ICIG's responsibilities as set forth in the statute at section 103H(e)(1).

CAPNET

21. Please describe the current availability of CAPNET for timely, direct communications to the congressional intelligence committees from the offices of inspectors general with intelligence responsibilities.

a. To the extent that CAPNET is not available for that purpose, what do you recommend, and what actions will you take if confirmed, to provide for that availability?

ANSWER: I am generally familiar with the capabilities and potential benefits for secure and expedient electronic communications that the CAPNET system provides. The ODNI OIG has access to CAPNET through the ODNI Office of Legislative Affairs for communicating with the congressional intelligence committees. If

confirmed, I will assess the IC IG's requirements for CAPNET access, and I will engage other IGs with intelligence oversight responsibilities to discuss their potential access to CAPNET.