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OPEN HEARING TO CONSIDER THE NOMINATION OF PETER M. THOMSON TO BE THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY

HEARING

BEFORE THE

SELECT COMMITTEE ON INTELLIGENCE

OF THE

UNITED STATES SENATE

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

WEDNESDAY, JUNE 24, 2020

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OPEN HEARING TO CONSIDER THE NOMINATION OF PETER M. THOMSON TO BE THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY

WEDNESDAY, JUNE 24, 2020

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC.

The Committee met, pursuant to notice, at 10:05 a.m., in Room SR–325, Russell Senate Office Building, Hon. Marco Rubio (Acting Chairman of the Committee) presiding.

Present: Senators Rubio, Warner, Burr, Risch, Collins, Blunt, Cotton, Cornyn, Sasse, Wyden, Heinrich, King, Harris, and Bennet.

OPENING STATEMENT OF HON. MARCO RUBIO, ACTING CHAIRMAN, A U.S. SENATOR FROM FLORIDA

Acting Chairman RUBIO. The hearing will come to order.

I would like to welcome our witness this morning, Peter Thomson. Mr. Thomson is the President's nominee to be the next Inspector General of the CIA. Congratulations on your nomination.

I would like to start by recognizing your family that you brought with you today. I understand you have your wife Patricia with you and your daughter Kalin. Welcome to both of you. Patricia, this is as much your day as it is Peter's, and we are all grateful for the support, the patience, the encouragement that you have no doubt provided him in helping him to get to this day. And this is most certainly a professional achievement that you should both take pride in.

Our goal in conducting this hearing is to enable this Committee to have a thoughtful consideration of Mr. Thomson's qualifications to be the next Inspector General of the CIA. Mr. Thomson has provided written responses to questions from the Committee from its Members, and this morning Members will be able to ask any additional questions they have and hear the answer directly from the nominee.

Mr. Thomson is a double graduate of Tulane University, receiving his law degree in 1983. He spent 23 years as a Federal prosecutor for the Department of Justice as an Assistant U.S. Attorney for the Eastern District of Louisiana. During his time with DOJ, Peter served on special assignment with the National Security Agency. Since 2011, he has been in private practice in New Orleans, where he has done dozens of criminal trials at the Federal and state court level, and he has litigated at the appellate level as well.

In addition, he spent 20 years as an uncompensated adjunct professor at Tulane's law school teaching trial advocacy and giving back to his alma mater.

Mr. Thomson, you have been asked to lead a statutorily created office that is responsible for independent oversight of the Central Intelligence Agency. If confirmed, you will conduct audits, inspections, investigations, and reviews of CIA programs and operations. You will play a very important role in ensuring that the CIA carries out its mandate efficiently, accountably, and always according to the law. The satisfaction of this Committee's oversight mandate will, at times, require transparency and responsiveness from you and your office. We may ask difficult questions of you and your staff, and we expect honest, complete, and timely answers.

At the same time, we will also want you to feel free to come to the Committee with situations that warrant our attention and our partnership. I look forward to hearing from you today, to ultimately supporting your nomination, and ensuring its consideration without delay. I want to thank you for being here, for your years of service to our country, and for your willingness to resume that service, and we all look forward to your testimony.

Now I recognize the Vice Chairman.

OPENING STATEMENT OF HON. MARK R. WARNER, VICE CHAIRMAN, A U.S. SENATOR FROM VIRGINIA

Vice Chairman WARNER. Well, thank you, Mr. Chairman, and welcome Mr. Thomson. It is good to kind of see you again in this awfully large room and let me add to the Chairman's comments in terms of congratulations on your nomination to serve as Inspector General of the CIA.

The job of an Inspector General is critical to the effective operation of any Agency. Should you be confirmed, you will hold one of the most vital roles at the CIA and within the whole Intelligence Community because independent and impartial Inspectors General help to ensure that there is robust oversight of an agency that by necessity undertakes its most important and effective work in secrecy. Now, we all know by statute, the CIA Inspector General is expressly mandated to report not only to the CIA Director, but to this Committee and is specifically made accountable to Congress.

This is necessary to ensure that we are able to conduct robust oversight of the CIA and be made aware of any significant problems and deficiencies. This Committee relies upon the Inspectors General of the intelligence agencies to ensure the IC organizations are using taxpayer dollars wisely, conducting their activities within the rule and spirit of the law, and supporting and protecting whistleblowers who report waste, fraud, and abuse.

Unfortunately, what we have seen from this President and this Administration convinces me that the independence of the Inspectors General is under grave threat. We have seen the President attack without justification the brave men and women of the IC simply because they were doing what Americans expected them to do, telling truth to power.

This is because, for this President, the truth is very often unwelcome, and its bearers have borne the consequences:

DNI Coats fired.

Deputy DNI Sue Gordon fired.

Acting DNI Maguire fired.

Intelligence Community Inspector General Atkinson fired—fired for no reason other than doing his job and reporting to Congress, as he was legally mandated to do, reporting the serious complaints of a whistleblower.

Unfortunately, we have seen this Administration go after other independent Inspectors General as well. At the State Department, at HHS, at the Defense Department, who have issued reports unwelcome in the White House or because they undertook investigations that were embarrassing to the President and his allies. But this is precisely why we have Inspectors General. Not many like to be called in front of you, but your independence and doggedness are what help keep fraud, waste, abuse, and malfeasance in check.

So, I will be looking today for you to explain why we can trust you to be independent and how you'll go about your responsibilities, how will you assure the men and women of the CIA that if they bring forward a complaint using legitimate channels they will be protected against retaliation?

What are your redlines if you become aware of abuse or asked to undertake actions that are not in keeping with what I hope will be your expectations and our expectations of you?

If confirmed, you will be the first Senate-confirmed IG at the CIA in over five years. You will have a difficult job to ensure your independence, to reassure whistleblowers and to take over an office that has been vacant for so long.

Mr. Thomson, again, thank you for being here today and agreeing to serve in this critical role. I look forward to today's discussion.

Thank you, Mr. Chairman.

Acting Chairman RUBIO. Thank you.

Mr. Thomson, I understand you are going to be having two of our Senate colleagues present introductions on your behalf. We are actually in a pretty famous room. A lot of important hearings in our Nation's history have occurred in these halls, and so it is appropriate that Senator Kennedy, whose name is on the wall though it is not named after him, will be one of your presenters. So, welcome to your home, Senator Kennedy.

Senator KENNEDY. Are you ready for me?

Acting Chairman RUBIO. We are always ready for you, Sir.

STATEMENT OF HON. JOHN KENNEDY, A U.S. SENATOR FROM LOUISIANA

Senator KENNEDY. Thank you, Mr. Chairman. It is an honor to be in front of the Intelligence Committee. I have never been in front of the Intelligence Committee. I am going to assume I am being bugged, so I will choose my words carefully.

It is a delight for me to introduce and recommend enthusiastically and unconditionally Mr. Peter Thomson for this important post. I agree with so much of what Senator Warner said. We live in cynical times. People correctly or incorrectly don't trust government. I understand that. I have been in and out of government for, I don't know, 25, 30 years and I always tell my constituents that

on occasion, as bad as it looks from the outside, you ought to see it from the inside.

And Inspectors General help balance that. Not only do they report impropriety, they address issues of the appearance of impropriety, and both are important. Just recently—I happen to sit on the Judiciary Committee—and I was very proud of the work done by Inspector General Horowitz at the Justice Department. I am convinced had it not been for General Horowitz we never would have known about the abuses of the FISA process at the FBI, committed by a small group of people of the FBI. So this is an important job.

Senator Rubio did, as usual, a superb job of welcoming Peter, and also Patricia and Kalin, his daughter. Peter brings a very unique background to this position. Right now, he works at a law firm called Stone Pigman in New Orleans. I'm not going to tell you it's the best law firm in Louisiana. We've got a lot of good ones, but the list—they don't hire dummies—and the list that Stone Pigman is on, it doesn't take very long to call the role.

He heads the white-collar criminal defense practice there and is also involved in information security practices. He has been a special assistant to the Chief, Advanced Network Operations at the National Security Agency. He served for years as an Assistant United States Attorney. He has expertise in not just criminal defense but extradition matters. He is assisting corporations with the Foreign Corrupt Practices Act. He has litigated civil matters, regulatory matters, and administrative cases. As Marco mentioned, he has also been an adjunct professor for years, I think, at Tulane, Peter, is that right?

Mr. THOMSON. Yes, Sir.

Senator KENNEDY. But let me just say a personal note before I conclude.

Peter is a mature and serious person. He is not an especially good politician, but I don't think that's what this job requires. He is more of an intellectual, as I think you will see this morning. He exercises power intelligently and non-emotionally, and he has extraordinarily able and good judgment. And I think that is what we want in an Inspector General, particularly at the CIA.

So again, it is my pleasure to be here today, and for what it's worth, Mr. Thomson has my highest possible recommendation, and I appreciate your time.

Acting Chairman RUBIO. Thank you, and thank you for that presentation.

Senator Cornyn, I understand you will be presenting Senator Cassidy's remarks.

OPENING STATEMENT OF HON. JOHN CORNYN, A U.S. SENATOR FROM TEXAS

Senator CORNYN. Thank you, Mr. Chairman. Senator Cassidy did send a letter recommending the nominee, and he asked me to read it. If you will indulge me just for a few minutes, and then I would ask consent that it be made part of the record.

[The letter from Senator Cassidy follows:]

STATEMENT OF HON. BILL CASSIDY, A U.S. SENATOR FROM LOUISIANA

Dear Chairman Rubio and Vice Chairman Warner: I am writing today to express my strong support for Peter Thomson to become Inspector General of the Central Intelligence Agency. Peter has a long and distinguished career in public service. His 23-year career as a Federal prosecutor in Louisiana gives him deep, first-hand experience rooting out fraud, waste, and abuse and wrongdoing. His peers attest to his competency and his character. On May 1, 35 of his colleagues in Louisiana law enforcement signed a letter citing Peter's high ethical standards, work ethic, patriotism, legal competence, and reputation for integrity. I share their sentiment.

Peter's career has included overseeing the use of government funds, which makes him well-suited for the role of Inspector General. In the aftermath of Hurricane Katrina, Peter worked on the Katrina Fraud Task Force. Catastrophes can bring out the best in people, and I witnessed acts of sacrifice, courage, and generosity in the midst of tragedy.

However, some seek to take advantage of bad situations. Peter kept them accountable, and he prosecuted the first significant public corruption case following the disaster. Not content to serve only in government, Peter took time to teach as well. He spent 20 years as the associate adjunct professor of law at Tulane University School of Law, where he mentored young people just starting their careers.

In both, his personal and professional life, Peter has shown us the conduct we hope to see in all our public servants. I ask for your support in the nomination of my fellow Louisianan and friend. Should you need further information on my support, feel free to contact me.

[Signed] Dr. Bill Cassidy, United States Senator.

[End of Senator Cassidy's statement for the record.]

Acting Chairman RUBIO. Thank you and without objection that will be in our record. Mr. Thomson before you proceed with your statement if I could ask you to please stand and raise your right hand.

[Witness stands.]

Do you solemnly swear to give this Committee the truth, the full truth, and nothing but the truth, so help you, God?

Mr. THOMSON. I do.

Acting Chairman RUBIO. Thank you. You can be seated.

Mr. Thomson, before we move to your statement, I want to ask you the five standard questions this Committee poses to each nominee who appears before us. They can be answered with a simple yes or no, if you prefer, for the record.

Do you agree to appear before the Committee here or in other venues when invited?

Mr. THOMSON. Yes, I do, Sir.

Acting Chairman RUBIO. If confirmed, do you agree to send officials from your office to appear before the Committee and designated staff when invited?

Mr. THOMSON. I do, Sir.

Acting Chairman RUBIO. Do you agree to provide documents or any other materials requested by the Committee in order for it to carry out its oversight and legislative responsibilities?

Mr. THOMSON. Yes, I do, Sir.

Acting Chairman RUBIO. Will you ensure that your office and your staff provides such material to the Committee when requested?

Mr. THOMSON. I do, Sir.

Acting Chairman RUBIO. And do you agree to inform and fully brief to the fullest extent possible all Members of this Committee of intelligence activities and covert actions rather than only the Chairman and the Vice Chairman?

Mr. THOMSON. Yes, Sir.

Acting Chairman RUBIO. Thank you very much. We'll now proceed to your opening statement, after which I'll recognize Members by seniority for up to five minutes each.

Mr. Thomson, the floor is yours.

OPENING STATEMENT OF PETER M. THOMSON, NOMINATED TO BE INSPECTOR GENERAL, CENTRAL INTELLIGENCE AGENCY

Mr. THOMSON. Thank you very much.

Chairman Rubio, Vice Chairman Warner, and distinguished Members of the Committee: I am honored to be here today as the President's nominee to be the Inspector General of the Central Intelligence Agency.

I would like first to thank Senators Bill Cassidy and John Kennedy for introducing me and for the kind words. I also would like to thank President Trump and CIA Director Gina Haspel for the confidence they have placed in me with regard to this important position.

Further, I appreciate and I am deeply grateful to those individuals who wrote or signed letters in support of my nomination.

And last but certainly not least, joining me here today are my dear wife Patricia and my daughter Kalin. I wish to thank them for their patience and unwavering love and support throughout this process.

Although I spent the majority of my government career in the U.S. Department of Justice, I have always held a deep respect and a profound admiration for the men and women of the CIA and the important work they do in preempting threats to our Nation. The CIA has the critical responsibility of collecting, analyzing, evaluating, and disseminating accurate and timely foreign intelligence to policy makers and consumers. And as you know, the CIA has the responsibility of conducting covert actions when necessary.

I believe that officers who serve at the Agency, including those who serve at the Office of Inspector General, regardless of background, regardless of political affiliation, regardless of philosophical beliefs, are united at their core by a deep love of our Country and a strong desire and commitment to protect the American people. So for me, it is truly a deep honor, one beyond words, to be considered for such an important position within the CIA. And to be given the opportunity, if confirmed, to lead the dedicated and patriotic officers of the Office of the Inspector General.

Growing up in New Orleans, I was blessed to have devoted and loving parents who taught me important values which are foundational requirements of an Inspector General. My mom grew up very poor, raised on a small farm on the banks of the Mississippi River. She was Sicilian, so I grew up eating lots of Italian food, but also spending lots of time at her family's farm, which we called the country.

My mom had an exceptionally strong constitution and was known to fiercely defend right in the face of wrong. She taught me the importance of family and loyalty and how to pick your friends, which had everything to do with character. And she taught me the importance of standing firm in one's righteous convictions. I didn't

know it then, but she was teaching me how to speak truth to power.

Now, my father also grew up poor, raised by his widowed mother in New Orleans. At age 21, following the attack on Pearl Harbor, he enlisted in the U.S. Army Air Corps and was trained to be a heavy bomber pilot. He flew 35 combat missions over Germany in a B–17 Flying Fortress, which was named "Old Blood and Guts," fighting the malignant human evils of his generation. After being honorably discharged, he went to Tulane law school with the help of the GI bill. Graduated Order of the Coif, a high honor, and became a successful attorney.

My father taught me and modeled many of the same values as my mom. My father also kindled in me an interest in law. He taught me about the rule of law and why it must be respected. And without a doubt my strong sense of patriotism derives from my father's sacrifice during World War II.

I tell you this to offer a glimpse into my roots in order to give you and the American people some insight as to how I will perform as Inspector General of the CIA. If I am confirmed, I feel the principles and the values instilled in me by my parents—honesty, integrity, patriotism, speaking truth to power, the rule of law and standing firm in one's just convictions—together with my faith, will serve the CIA and the intelligence oversight committees and the American public well. It is my belief that those important principles absolutely must guide the work of the Inspector General's Office.

There is another central requirement, probably the most important requirement of the Inspector General's Office. It is independence. Although the CIA Inspector General reports to the CIA Director, and reports to and is fully accountable to Congress, the IG's office must independently plan and execute all of its oversight work with regard to the Agency. The CIA enabling statute requires it.

Independence in my view means that the work of the Inspector General must be performed in an unbiased and impartial manner, free of undue or inappropriate influences. By law, no one can force the Inspector General to alter its work product. Should I be confirmed, I can say with absolute confidence that doing the work of the IG in an unbiased and impartial manner will be my top priority.

Although independence is crucial to the proper functioning of the Office and essential to its integrity, the Inspector General must also strike a balance between that independence on one hand and on the other, working cooperatively and productively with Agency leadership and this Committee. In my view, in addition to all of the IG's legal reporting requirements, a collaborative team approach within the Agency and with Congress, working together to make the Agency better is as important to the proper functioning of the Inspector General as is the requirement of independence.

Even so, to be clear, the buck stops at the door of the IG. Together with my character and values, I believe my professional background and corresponding skill sets have prepared me for this position. During my 23-year career with the U.S. Department of Justice, I obtained broad investigative and prosecutorial experience handling a wide variety of cases including investigations involving

fraud, national security, violent crimes, domestic and international drug trafficking, racketeering, and political corruption.

I held a top-secret security clearance for approximately 15 years which allowed me to work on some sensitive matters.

I also coordinated many multi-Agency task force investigations. I worked with a myriad of Federal, state, and local agencies, including Offices of Inspectors General and countless confidential informants and cooperating individuals, rooting out crime, fraud, and abuse in a wide variety of contexts.

In the immediate aftermath of Hurricane Katrina, I was detailed to the FBI where I worked on the Katrina Fraud Task Force, which targeted all kinds of Katrina-related fraud and corruption. Ten years later, I had the opportunity to work on detail at the National Security Agency, where, as part of my duties, I provided legal guidance on certain signals intelligence and information assurance operations of the NSA.

After retiring from the Justice Department, I entered private legal practice where I continued to handle criminal matters as well as civil matters and internal investigations involving fraud including, most recently, a case involving a $1 billion bank failure. My experience as a Federal prosecutor has a direct impact on how I will approach the job as CIA Inspector General. But perhaps none more important than my extensive work with numerous confidential informants and cooperators throughout my career.

Based on this experience, I have a deep understanding of the importance of protecting CIA employees and contractors who report wrongdoing. I believe that one of the most important if not the most important program of any Inspector General's office is the whistleblower program. As Inspector General, if confirmed, I will work with Agency leadership to maintain and strengthen a culture of confidence and trust for Agency employees and contractors who have information exposing fraud, waste, abuse, violation of law, or other deficiencies or problems that should be corrected within the Agency.

Finally, I'll conclude with a solemn promise before this Committee and the American public. If confirmed, I will protect the independence of the CIA Inspector General's office and approach all of its work with honesty and integrity in fairness and impartiality. If you entrust me with this critical role, I will look forward to working with this Committee to fulfill its oversight obligations of the CIA. Thank you for this opportunity. I look forward to your questions.

[The prepared statement of Mr. Thomson follows:]

Statement for the Record

Senate Select Committee on Intelligence

CIA Inspector General Nominee Peter M. Thomson

June 24, 2020

Acting Chairman Rubio, Vice Chairman Warner, and Distinguished Members of the Committee: I am honored to appear before you today as the President's nominee to be the Inspector General (IG) of the Central Intelligence Agency. I would like to thank Senators Bill Cassidy and John Kennedy for introducing me this morning and for their kind words. I also want to thank President Trump and CIA Director Gina Haspel for the confidence they have placed in me with regard to this important position. Further, I appreciate, and am deeply grateful, to those individuals who wrote or signed the letters in support of my nomination. And last, but certainly not least, joining me today are my dear wife Patricia, and my daughter Kaylin. I wish to thank them for their patience and unwavering love and support throughout this process.

Although I spent the majority of my government career in the U.S. Department of Justice, I have always held a deep respect and profound admiration for the men and women of CIA and the important work they do pre-empting threats to our nation. The CIA has the critical responsibility of collecting, analyzing, evaluating and disseminating accurate and timely foreign intelligence to the President, the National Security Council, the military, members of Congress, and other senior policymakers and consumers. And, as you know, the CIA has the responsibility of conducting covert actions, when necessary.

I believe officers who serve at the CIA, including those who serve in the Office of Inspector General, regardless of background, political affiliation or philosophical beliefs, are united at their core by a deep love of our country and a strong desire and commitment to protect the American people. So, for me, it is a deep honor, one beyond words, to be considered for such an important position within the CIA and to be given the opportunity, if confirmed, to lead the dedicated and patriotic officers of the Office of the Inspector General.

Growing up in New Orleans, I was blessed to have devoted and loving parents who taught me important values which are foundational requirements of an Inspector General. My mom grew up very poor, raised on a small farm on the banks of the Mississippi River. She was Sicilian, so I grew up eating lots of Italian food, but also spending lots of time at her family's farm, which we called "the country." My mom had an exceptionally strong constitution, and was known to fiercely defend right in the face of wrong. She taught me the importance of family, and loyalty, and how to pick your friends, which had everything to do with character. And she taught me the importance of standing firm in one's righteous convictions. I didn't know it then, but she was teaching me how to speak truth to power.

Now, my father also grew up poor, raised by his widowed mother in New Orleans. At age 21, following the attack on Pearl Harbor, he enlisted in the U.S. Army Air Corps and was trained to be a heavy bomber pilot. He flew 35 combat missions over Germany in a B-17 Flying Fortress, named "Ole Blood and Guts," fighting the malignant human evils of his generation. After being honorably discharged, he went to Tulane Law School with the help of the G.I. Bill, graduated Order of the Coif, a high honor, and became a successful attorney. My father taught me and modeled many of the same values as my mom. My father also kindled my interest in law, taught me about the rule of law, and why it must be respected. And without a doubt my strong sense of patriotism derives from my father's sacrifices during World War II.

I tell you this, to offer a glimpse into my roots, in order to give you and the American people insight as to how I will perform as CIA Inspector General. If I am confirmed, I feel the principles and values instilled in me by my parents—honesty, integrity, patriotism, speaking truth to power, the rule of law and standing firm in one's just convictions—together with my faith, will serve the CIA, the intelligence oversight committees and the American public well. It is my belief that those important principles must guide the work of the Inspector General's Office.

There is another central requirement, probably the most important requirement of an Inspector General's Office. It is independence. Although the CIA Inspector General reports to the CIA Director and is accountable to Congress, the IG must independently plan and execute all of its oversight work with regard to the Agency. The CIA IG enabling statute requires it.

Independence, in my view, means that the work of the Inspector General must be performed in an unbiased and impartial manner, free of undue or inappropriate influences. By law, no one can force the Inspector General to alter its work product. Should I be confirmed, I can say with absolute confidence that doing the work of the IG in an unbiased and impartial manner will be my top priority.

I believe that independence of the Inspector General's Office is crucial to its proper functioning, and is essential to the integrity of the Office. This, however, does not mean that the IG's Office may not consult with others outside the Office, or that it cannot work cooperatively with Agency leadership or this Committee. In my view, in addition to all of the IG's legal reporting requirements, a collaborative team approach within the Agency and with Congress is as important to the proper functioning of the Inspector General as is the requirement of IG independence. Even so, the buck stops at the door of the IG.

Together with my character and values, I believe my professional background and corresponding skill sets have prepared me for this position. During my 23 year career with the U.S. Department of Justice, I obtained broad investigative and prosecutorial experience handling a wide variety of cases, including investigations involving fraud, national security, violent crimes, drug trafficking, racketeering and political corruption. I held a top secret security clearance for approximately 15 years which allowed for me to work on very sensitive and high priority matters. I also worked with a myriad of federal, state and local agencies, including Offices of Inspectors General, and countless confidential informants and cooperating individuals, rooting out crime, fraud, and abuse in a wide variety of contexts.

While assigned to the Justice Department's Organized Crime Strike Force and the Federal Drug Enforcement Task Force, I supervised, coordinated and worked on many multi-agency and multi-state task force investigations, including investigations involving international narcotics and smuggling. In the immediate aftermath of Hurricane Katrina, I was detailed to the FBI where I worked on the Katrina Fraud Task Force, which targeted all kinds of Katrina related fraud and corruption.

After focusing largely on foreign and domestic criminal investigations and prosecutions, ten years ago I was given the opportunity to spend time working in the intelligence community after being selected for the Justice Department's Leadership Excellence Achievement Program, a one-year long program focused on developing executive core qualifications and leadership abilities. As part of this program, I had the opportunity to work on detail at the National Security Agency, where, as part of my duties, I provided legal guidance on certain signals intelligence and information assurance operations of the NSA. After retiring from the Justice Department, I entered private legal practice, where I continued to handle criminal matters, as well as civil matters and internal investigations involving fraud, including most recently a case involving a $1 billion dollar bank failure.

All of my experience as a federal prosecutor has a direct impact on how I will approach the job as CIA IG but perhaps none more important than my extensive work with numerous confidential informants and cooperators. This experience has given me a deep understanding of the importance of protecting CIA employees and contractors who report wrongdoing to the Inspector General. I believe that one of the most important, if not the most important program within any Inspector General's Office, is the whistleblower program. As Inspector General, if confirmed, I will work with Agency leadership to maintain and strengthen a culture of trust for Agency employees and contractors who have information exposing fraud, waste or abuse, violation of law, or other deficiencies or problems that should be corrected within the Agency. I will also work to maintain and, where appropriate, improve and strengthen all of the component programs and policies which define the CIA IG's whistleblower program.

Finally, I'll conclude with a solemn promise before this Committee and the American public. If confirmed, I will protect the independence of the CIA Inspector General's Office and approach all of its work with honesty, integrity, fairness, and impartiality. If you entrust me with this critical role, I look forward to working with this Committee to fulfill its oversight obligations of the CIA.

Thank you for this opportunity, and I look forward to your questions.

Acting Chairman RUBIO. Thank you. And for the information of the Members, if anyone wishes to submit questions for the record after today's hearing, we ask that you do it by the close of business tomorrow.

Mr. Thomson, I want to begin where you finished your comments. And the clear role and mandate on the creation of this Committee was to carry out consistent and vibrant oversight over the Intelligence Community and particularly over the Central Intelligence Agency. And to do that, we have to have timely access to intelligence. That's just crucial to having meaningful oversight.

So if confirmed, and I think you've answered this already in that five questions set, but I wanted to re-ask it in a different way: If confirmed, can we be assured that you or your designees are going to keep us appropriately informed of any significant complaints that you receive in your office?

Mr. THOMSON. Absolutely, Senator.

Acting Chairman RUBIO. And let me just ask part of that question, will you provide the interview subjects and methodologies behind your finished reports and assessment?

Mr. THOMSON. I'm sorry, would you repeat the question?

Acting Chairman RUBIO. If asked by the Committee, if you inform us of such a significant complaint, will you also provide the interview subjects and methodologies behind your finished product and assessments?

Mr. THOMSON. Yes, Sir, to the extent that it meets the CIGIE standards. We will follow CIGIE standards and provide this Committee with everything that we're allowed to provide you with.

Acting Chairman RUBIO. Now, we've historically viewed the role that you've been nominated for as our partner in oversight, not as an adversary, but as a partner because we rely on the Inspector General to identify problems and to bring issues to this Committee's attention.

So do we have your total commitment that if you are confirmed, you will keep this Committee fully and currently informed?

Mr. THOMSON. Absolutely, Senator.

Acting Chairman RUBIO. And how do you envision realizing that commitment you've just made?

Mr. THOMSON. Well first, Senator, we start with the law. We start with the statute, and the IG has a number of duties and responsibilities with regards to reporting to this Committee under the statute. If confirmed, I would take that very, very seriously and would follow the statute. I would look forward to working transparently with this Committee, cooperatively with this Committee, and doing everything we can to timely report semiannual reports. Any serious offenses will be brought to the attention of this Committee. As I said, we will provide you with all the information that we are allowed to provide you with.

Acting Chairman RUBIO. Now, let me briefly delve into the role that you've been nominated to fill. If you could share with us how do you view your approach will be to a situation; for example, where your legal analysis and conclusions differ from those of the CIA's General Counsel or the Intelligence Community Inspector General?

Mr. THOMSON. Sure. Well that might happen, Senator. So the Inspector General by law is required to have his or her own counsel. The Inspector General does have its own counsel presently.

As Inspector General, I would rely 100 percent on—well, let me rephrase that. If there was a conflict, we would certainly consult with the General Counsel's Office at the Agency. But at the end of the day—and, you know, we could take the reviews into account—but at the end of the day, the judgment with regard to any legal matter falls squarely on the Inspector General, and we would exercise independent judgment and analysis with regard to that.

Acting Chairman RUBIO. How would you isolate yourself, or how do you intend to isolate yourself and your office, from the risk of perceived politicization?

Mr. THOMSON. Well, I think the best way to do that, Senator, is to be as independent as humanly possible, to follow the law, to certainly cooperate with the Agency, and to work collaboratively with Agency components, to work collaboratively with this Committee, to be transparent with this Committee, to report to this Committee.

But I don't think the Inspector General's office needs to run around, you know, with a flag of independence. But I think, you know, we absolutely assert the independence in everything we do, whether it's through requesting information from the Agency—we would, you know, we would push back on that.

For example, if we asked for information from the Agency and they were hesitant to give it or refused to give it, under the statute the IG is entitled to it. I would certainly take their views into account, but if I thought it was still important to pursue it, we would exercise our independence and still pursue that information.

Acting Chairman RUBIO. Thank you.

Vice Chairman.

Vice Chairman WARNER. Thank you, Mr. Chairman.

Mr. Thomson, I'm going to go over some of the points that you made in your testimony. And at the outset, let me just say: in our meeting I was impressed by your demeanor. It's disappointing that I have to rehash some of these issues, but there's been such a litany of individuals in the Intelligence Community who've had, I guess, the audacity, I would say it was their duty to speak truth to power, and that fulfilling of their duty has cost them their jobs.

So, you've addressed this in your opening testimony, but I'd like you again to spend a minute or two on the importance you feel of keeping the IG's office independent. And specifically, how will you maintain the CIA IG's independence?

Mr. THOMSON. Thank you very much for the question, Vice Chairman.

I think I would start with explaining my values—and I know the values of some of the senior leadership in the IG's Office—and push those values down throughout the Inspector General's Office, particularly independence. But also that there is absolutely no room in the Inspector General's Office, and I don't think there should be any room in an intelligence agency or a law enforcement agency as well for any form of bias, any political agendas, personal agendas, are not welcome in an Inspector General's Office, would not be welcome in the CIA Inspector General's Office, if I'm confirmed, because I believe very strongly, drawing on my career as an Assistant

U.S. Attorney and have a history of this, to accomplish all the work in an impartial and unbiased manner, and exercise independent judgment and objectivity. And so, if there's any pressure, any perceived pressure or any real pressure, that we're not going to succumb to that and we're always going to exercise independent judgment and do what we believe is lawful and follows the facts.

And as I've I think said in my Senate questionnaire, you know, I was brought up under Lady Justice in the Justice Department. And with everything that I've ever been a part of, I've been pressured. I've, as an Assistant U.S. Attorney, received inquiries or letters from Congress. I have been pushed on hard by Special Agents in charge of certain agencies, by judges. And I've learned that you've got to maintain your position, listen to what they have to say, weigh it, you know, but make an independent judgment, not be bullied and not be pressured.

So, I think pushing those values down to make sure everyone's on the same page with values, and then doing our work as we need to do in an independent fashion.

Vice Chairman WARNER. And Mr. Thomson, we discussed this when we met: If you did receive that undue pressure, inappropriate pressure, or were asked to do something that you felt didn't meet your moral beliefs or your belief of the independent role of the IG, what would you do?

Mr. THOMSON. Sure. Well, it would depend on the context and the pressure. But if it was undue pressure and serious undue pressure, I would do two things, Senator. I would consider it to be very inappropriate. I would inform the CIA Director's Office and I would inform this Committee.

Vice Chairman WARNER. Thank you.

Mr. THOMSON. If I thought, Senator, and let me add, if I thought there was any criminality involved, I would, as required, refer it to the Department of Justice.

Vice Chairman WARNER. You've also in your statement——

Mr. THOMSON. I'm sorry, Vice Chairman. I apologize.

Vice Chairman WARNER. You've also in your statement, I thought, made good points about the need to protect whistleblowers.

Do you have a view on a whistleblower's right to remain anonymous?

Mr. THOMSON. Well, I can answer that in two parts. My personal view, you know, having dealt with so many confidential informants who've risked a lot—some risked their lives, you know, throughout investigations I've been a part of. Just personally, I absolutely would want to protect them. Under the law, the IG must protect them to the fullest extent that we can. And I would follow the law and I would follow my personal beliefs as well and draw upon my experience as a Federal prosecutor in protecting informants and cooperating individuals.

Vice Chairman WARNER. Thank you, Mr. Chairman. Thank you, Mr. Thomson.

Acting Chairman RUBIO. Senator Burr.

Senator BURR. Thank you, Mr. Chairman.

Mr. Thomson, the country is indeed fortunate that your nomination has come up. I think you're eminently qualified for the role of

IG at the CIA. As the Chairman and the Vice Chairman have said, we are reliant on a very close relationship between the CIA IG and this Committee in our oversight responsibilities.

And I think the most important part of your testimony was at the end, where you said: "I will protect the independence of the CIA Inspector General and approach all its work with honesty, integrity, fairness, and impartiality." I don't think we can ask of an individual any more than that.

So, I really am limited to one question. What do you believe is the scope of your responsibility as CIA IG?

Mr. THOMSON. The scope of my responsibility. Well, maybe I'll try to start broad and try to narrow in.

In my view to begin with, I see the role of the CIA IG as to help make the agents of the CIA better through the independent work of the IG. But part of that is to be accountable. And certainly the IG has to report directly to the Director and be under the general supervision of the Director. And with regard to reporting to the Director, there are a number of requirements in the CIA IG statute that lay out the reporting requirements.

Beyond that, I think of great importance, Senator, is the oversight role of this Committee and the House Intelligence Committee.

So, the CIA is a secret organization, as you know. The activities, the programs, and operations of the Agency are entirely hidden from public view. And you, the Senators and the Representatives, all represent the people of the United States. And the only way that the people of the United States can see into the Agency and to provide oversight of the Agency is through the intelligence committees.

So, part of the scope of my role is to work with the committees and in a sense, although still maintaining the independence of the IG and the importance of the independence, the IG can serve, through the lens of independence, as the eyes and ears of the Committee, so the American people, through their representatives, can provide oversight to the IG.

Senator BURR. Do you believe that your responsibilities include the review of covert action?

Mr. THOMSON. Absolutely. So, our responsibilities would be to conduct—I mean, I wasn't going to quote the statute; I figured everybody knew the statute—we're going to perform audits and inspections and investigations and root out waste, fraud, abuse, and mismanagement and so forth through the audits, inspections, and investigations.

Part of our duty is to make policy recommendations to the Director, to bring any serious problems that we see to the attention of the Director and this Committee. If urgent concerns are raised, to assess those under the law, provide that to the Director for submission to the Congress. So, all of that is part of the duties.

Senator BURR. Thank you, Mr. Thomson.

Mr. THOMSON. Thank you.

Senator BURR. I yield back.

Acting Chairman RUBIO. Senator Wyden.

Senator WYDEN. Thank you, Mr. Chairman.

Mr. Thomson, your nomination comes when Donald Trump is attacking the entire Inspector General and whistleblower system

with a jaw-dropping theory that he can dump an Inspector General whenever he wants to without stating any reasons why. So, in my view, whether you will ignore that threat is at the heart of the confirmation process.

So, the first question I want to ask involves legal determinations that you may have to make in your capacity, if confirmed. If your Inspector General attorney determines that laws have been broken and Bill Barr disagrees, what would you do?

Mr. THOMSON. So, make sure I understand the question. If the IG's counsel believes that a law has been broken——

Senator WYDEN. Correct.

Mr. THOMSON. And that's at odds with the Department of Justice——

Senator WYDEN. Bill Barr.

Mr. THOMSON. Okay. Can you give me the context of——

Senator WYDEN. Well——

Mr. THOMSON. This, the law being broken by who?

Senator WYDEN. Well, it has happened recently. But I think the question's pretty straightforward. Your counsel believes a law has been broken. Bill Barr disagrees. What would you do?

Mr. THOMSON. So, if it's within the jurisdiction of the Agency, or within the jurisdiction of the IG, and we are investigating something, and we investigate it and we find that a law has been broken, and it's a criminal law, we would refer that to the Department of Justice. It would be brought to the attention of this Committee, and it would be brought to the attention of the Director of the CIA.

Senator WYDEN. Now maybe we're making some headway. So, I just want to make sure that we're clear.

Mr. THOMSON. Yes.

Senator WYDEN. In the example that I gave, your lawyer thinks that laws have been broken. Bill Barr disagrees. You would, if confirmed, bring it to this Committee? You would inform us?

Mr. THOMSON. Well, Senator——

Senator WYDEN. That one's a yes or no.

Mr. THOMSON. Well, Senator, under the statute, if we determine that in the course of our investigation of something we have a right to investigate within our jurisdiction—actually, even outside that—I think there's other reporting requirements even, outside being an IG if a criminal law is broken.

We can't sit on our desk, you know. We have to see that it's attended to in an appropriate fashion. But if it's within the context of the IG's role, it is a criminal violation, that's reported to the Department of Justice and we would report that to the Director, and we would report that to the Committee.

Senator WYDEN. Okay, I think that was the answer I wanted to have, and I'm glad that we agree that you have an obligation to report it to the Committee.

Let me ask a question about whistleblowers. The law states when the Inspector General determines that a whistleblower complaint is an urgent concern and transmits it to the Director of the CIA, the Director shall send the complaint to Congress within seven days.

How are you going to make sure if confirmed that the CIA respects that law, and what would you do if she didn't do it?

Mr. THOMSON. So, to begin with, if confirmed, the CIA IG's office will absolutely respect that law. It is the CIA IG enabling statute and there are provisions of urgent concern, or address matters of urgent concern. We would respect it and we would, by law, we would follow the law and submit it to the Director. The Director has the option, I think, of disagreeing.

If the Director were to disagree and not want to forward the urgent concern, and we had determined it was an urgent concern and we found it to be credible, then I think at that point we would still forward that complaint to this Committee with an explanation of why we made the determination. The CIA Director would, I am sure, also be able to provide comments and an explanation as to why he or she felt that it was not an urgent concern.

Senator WYDEN. So you would—and my time is up—you would send it to the Committee, though, in the example that I gave, because these are——

Mr. THOMSON. If we determined something was an urgent concern and it was reportable to this Committee as an urgent concern, but the Director of the CIA disagreed, it is my understanding under the law that we then are obliged or should provide that to this Committee. And then, you know, with comments, with an explanation.

Senator WYDEN. Thank you. Thank you, Mr. Chairman.

Acting Chairman RUBIO. Senator Risch.

Senator RISCH. Thank you. Thank you, Mr. Chairman.

Mr. THOMSON. May I add? Whatever we are going to do, I would have counsel. And however we proceed, we would absolutely follow the law.

Senator RISCH. Thank you. Thank you, Mr. Chairman.

Mr. Thomson, having been on this Committee for as many years as I have, I've always been struck by the fact that the Community gets bogged down sometimes in its collection efforts, and loses sight of the fact that the purpose of collection is to get information to policymakers. Intelligence information in and of itself is worthless unless it's in the hands of people who can act on it and make policy judgments on it.

Senator Rubio and I served on the Foreign Relations Committee, and I can tell you that there is no more important consumer of the information that the Intelligence Community develops than the Foreign Relations Committee. I want to remind you, and I remind everyone who comes here, the importance of seeing that that information gets in the appropriate hands, as opposed to just collecting it and then a report being written or being put in a file or something like that.

So I hope that you will keep that in mind as you do your job, and remind those that you do deal with in the Community what the real purpose of collection of information is.

And with that, Mr. Chairman, I have some other matters, but I'm going to take them up in a classified setting with the nominee. So thank you very much.

Acting Chairman RUBIO. Senator Heinrich.

Senator HEINRICH. Thank you, Chairman.

Mr. Thomson, in my view the best way to drain a swamp is to ensure that Inspectors General can just do their job. IGs are

charged with rooting out waste, fraud, abuse, and protecting the rule of law. Yet, we've seen this President attack the independence of IG offices repeatedly.

Given the President's treatment of IGs in this Administration, including the sacking of ICIG Michael Atkinson, who DNI Maguire said had, quote, done everything by the book, end quote, why do you believe it's possible to hold an IG position in this Administration and simultaneously speak truth to power?

Mr. THOMSON. Well, Senator, thank you for that question.

So, you know, under the law as it's written, the President, no matter who the President is, has the right to fire Inspector Generals. He also has, you know, there's a requirement that you must provide reasons to this Committee 30 days out from the termination of that Inspector General.

So, that's the law. What I can tell you is that there's nothing that has happened or could happen with regard to anything that could be perceived as an influence or potential influence or threat on the independence of the IG. I am going to do the work of the IG as I performed as an Assistant U.S. Attorney for 23 years, and I'm going to follow the facts no matter where they lead. I'm going to follow the law.

And, you know, however things turn out is how they will turn out. I am not dissuaded and will not be dissuaded at all by any perceived undue influence from any source, Senator, not from a——

Senator HEINRICH. Mr. Thomson, we're running out of time here. So I'll take your answer and move on to a related question which is, you mentioned in your opening statement, you wrote about how your parents taught you how to speak truth to power, and we hear that phrase a lot on this Committee. Sometimes we hear it too much in confirmation hearings without seeing it in action as much as we would like.

But nonetheless, I want to ask you specifically from your professional experience, what are some examples, some specific examples that you can share with the Committee, about when you've had to speak truth to power in your professional life?

Mr. THOMSON. Yes, Senator. Well, as a prosecutor, you know, I was faced on a number of occasions with special agents in charge, for example, that would disagree on how I may have evaluated a case. And, they would come talk to me. On some occasions, they would go to the United States Attorney. But I had to maintain my position and I did.

I wasn't going to sacrifice the integrity or my judgment—not that they were challenging the integrity, they weren't doing that—but my judgment on a case for any kind of pressure from an agent in charge, or agents. Or within my office, maybe managers might disagree. But I stood my ground and explained my position.

Also, I've been before many Federal judges, dozens. You know, I'm not sure how many—maybe over hundreds of times before Federal judges, and I've had to speak truth to power to Federal judges on countless occasions.

Senator HEINRICH. Okay. Mr. Thomson, the President has suggested numerous times in numerous tweets and other statements that there is a deep state in our government. Do you share those

concerns that there is a deep state, either at the CIA or within the Intelligence Community more broadly?

Mr. THOMSON. So, Senator, I honestly don't exactly know what is meant by deep state or the President's comments on deep state. I'm really not sure how to define that. And so I really can't answer that question. I really don't know how to answer that.

I can say this, that whatever obstacles we would come across, whatever attempts to influence, whatever pushback we get, we are going to stand our ground. We're going to exercise independent judgment. We're going to act impartially, unbiased, and just pull from my career in how we handle—or how I handled cases as a prosecutor. Regardless of any influence of any deep state that may or may not exist.

Senator HEINRICH. Thank you, Mr. Chair.

Acting Chairman RUBIO. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman. Welcome, Mr. Thomson.

The firing of the Inspectors General and the threats to expose the identities of whistleblowers may have had a chilling effect on the willingness of whistleblowers to come forward with allegations.

What specific actions will you take to reassure CIA employees that they will be protected from reprisal, both within the Agency and outside of it, if they do expose wrongdoing?

Mr. THOMSON. Thank you, Senator. Very important. Very important question. I appreciate the question.

So, in my view, one of the most important aspects about the whistleblower program is for the whistleblowers to have absolute trust and confidence in the system. When they don't have trust and confidence in the system, then it breaks down, right? It breaks down from our perspective. It breaks down from congressional oversight perspective. And then it also increases the possibility of things we don't want to have happen, like leaks.

So a strong whistleblower program actually helps prevent leaks, Senator.

But beyond that, to protect the whistleblowers, you know, we want to vigorously follow the law, number one, protect them to the fullest extent of the law. When whistleblowers come in or we engage people with bringing information, I would want to have the staff, myself and the staff, speak with them and talk about whether they want anonymity. Some may want anonymity, some may not. But the ones that do, we would do everything we could to protect them.

The other thing I would do would be—well, I think training and outreach is very important. So when new employees are on-boarded at the CIA, they go through lengthy training. And so I think it's very important to have a solid training program with whistleblowers to explain their rights and how they communicate, how they provide information.

Also training to CIA managers with regard to the law. Also to work with CIA leadership to—and I don't know the culture right now, Senator—but whatever that culture is, I think I'd want to work with CIA leadership to try to strengthen the culture within the CIA, the way they look at CIA whistleblowers.

So they're not looking at the process as a way to get somebody in trouble or a gotcha moment, but as a way that is something that you should do, that you have an obligation to do, and it's to make the Agency better. Not to try to destroy the Agency or harm the Agency or create a lack of confidence in the American public, but to make the Agency better.

Senator COLLINS. Thank you. Let me ask you a specific question.

Do you believe that Michael Atkinson as the Inspector General for the Intelligence Community should have notified this Committee about the whistleblower allegations regarding the President's interactions with Ukraine?

Mr. THOMSON. So with regard to that matter—if you bear with me on my answer—I don't know Michael Atkinson. I've never spoken with Michael Atkinson. I've never served in the ODNI. I'm aware of his career, his very respectful career, and I know he grew up—or I believe, from my understanding—he grew up at the Department of Justice.

So unfortunately I don't know all the facts. I read a few things, but I don't really know all the facts. I believe there's some facts that are classified and what he was addressing was a completely different statute. So he was addressing the enabling statute for the ICIG and the language in the urgent concern part of the statute—there was a little bit of difference with regard to the IG, to the CIA IG, statute.

So not knowing those facts, I find it difficult to weigh in on that. But what I can say, Senator, is that if we did receive information purportedly to be an urgent concern from a CIA employee or contractor, we would look at that very seriously. We would determine if it is a very serious or flagrant problem or abuse or a violation of law. We would weigh the prerequisites in the statute, whether it involves a CIA activity, and is involved in intelligence information. So if we determine that it does fall within or meet those prerequisites, and then as a completely separate matter, we'd have to determine if the information is credible. And if we did, then we would then forward that to the CIA Director for reporting to this Committee.

Acting Chairman RUBIO. Senator King.

Senator KING. Thank you, Mr. Chairman.

Mr. Thomson, I've been following this. I've been impressed. I've been impressed. I read your references, but you lost me in the answer to Senator Heinrich's question.

Are you telling this Committee that you've lived in the United States for the last three years, read newspapers, participated in the practice of law, and you don't know the meaning of the term "deep state"? The more accurate answer than that long rambling nonanswer you gave was: no.

Tell us what you think. You're not helping yourself by obfuscating and avoiding these questions. You also avoided Senator Collins' question, which was exactly the right question and everybody in the country knows what happened to that case. It's a very simple question. Should that complaint had been forwarded to Congress, yes or no?

Mr. THOMSON. The complaint by Michael Atkinson?

Senator KING. The complaint. The whistleblower complaint.

Mr. THOMSON. The whistleblower complaint.

Senator KING. That was the basis of an impeachment hearing.

Mr. THOMSON. Right. Right.

Senator KING. Don't tell me you don't know all the facts. We know the essential facts. You know what the complaint was. Should that have been forwarded to Congress, yes or no?

Mr. THOMSON. Senator, I fully understand your concern and the importance——

Senator KING. Okay, you don't appear to want to answer. Let me move on. Were you interviewed by the President for this position?

Mr. THOMSON. The President of the United States?

Senator KING. Yes.

Mr. THOMSON. No, Sir.

Senator KING. You said, no?

Mr. THOMSON. Correct.

Senator KING. Were you interviewed by personnel at the White House?

Mr. THOMSON. The White House Counsel. Yes, Sir.

Senator KING. Was there ever any question that suggested to you any issue of loyalty or reminding you of your subservience to the President who was appointing you?

Mr. THOMSON. So, Senator, I'm going to answer that question. I will preface it. Generally conversations that I would have with the White House counsel I think are confidential. However, I can tell you——

Senator KING. What's the basis of that statement? What's the basis of this statement of what questions you were asked in terms of your suitability for this position?

Mr. THOMSON. It's my understanding, but I will answer your question.

Senator KING. Thank you

Mr. THOMSON. No one from the White House ever gave me any kind of a litmus test or loyalty test to the President at all.

Senator KING. Did they suggest that was a significant concern or question or issue?

Mr. THOMSON. No one.

Senator KING. Did the word loyalty ever arise in any of those conversations?

Mr. THOMSON. No one. I will tell you, Senator, no one at the White House ever gave me any, to my knowledge or—I never perceived any kind of loyalty test at all with regard to the President.

Senator, let me let me answer this. I would absolutely, I would absolutely if confirmed do my job in an independent way. If any pressure was brought on me by the White House, then I would consider that to be absolutely inappropriate and——

Senator KING. Would you notify this Committee of that fact?

Mr. THOMSON. If I had pressure from the White House or any outside external source like that, I would notify the Committee.

Senator KING. Thank you.

You understand that one of the critical important—I think the IG position is one of the most important in our government generally. But in this particular case, it's especially important because we're dealing with a secret Agency, which is an anomaly in a democracy.

It doesn't have the usual watchdogs of the press or of interest groups or of outside people who know what's happening. Therefore, the position is especially, doubly important than it would be in the Department of Agriculture or another. Not to denigrate that, but that's a special role here.

And also, the other pieces—the obligation as you've acknowledged—of reporting information to this Committee, because we're the only committee that follows what's going on in those agencies. So I hope you appreciate that this is an extremely important position and this President has made plain his desire to politicize the intelligence agencies and that he doesn't like the intelligence agencies. The Vice Chair read off the list of all the people that have been removed.

I guess all you can do is tell me that you'll stand up to that, but I certainly hope that you will because it's important for the country. Whether it's this President—you may well be the IG for another President. Any President who was trying to influence the preparation of intelligence is harming themselves and harming the country.

Will you commit unequivocally before this Committee to notify us of any such pressure and to resist any such pressure?

Mr. THOMSON. Senator, if any such pressure was brought on the IG's office to alter its product or how it would evaluate something, or from any other source, I would consider that very serious. I would report that to the CIA Director, I'm sure, and this Committee.

And I will say, Senator, you're referring to you would hope that I would be independent and resist. You know, we really don't know one another, but if I'm confirmed, I think within a short period of time after working with me and working in my office, I think you would be absolutely convinced that I'm not going to give you—give in to any kind of undue inappropriate pressure, that I will always stand firm to my convictions. I can absolutely assure you of that. And I know anyone up here will tell you that.

Senator KING. Up to and including the likelihood of being, the possibility of being fired?

Mr. THOMSON. I'm sorry, I didn't hear you.

Senator KING. Up to and including the likelihood of being fired?

Mr. THOMSON. Senator, look, if I was fired for doing my job in a lawful way, in an appropriate way, then I would be fired.

Senator KING. Thank you. Thank you, Mr. Chairman.

Acting Chairman RUBIO. Senator Cotton.

Senator COTTON. I'll answer Senator King's question very simply. That report from the so-called whistleblower should not have been forwarded to Congress because the law plainly says the Inspector General for the Director of National Intelligence deals with intelligence activities and a phone call between the President and the head of state is not an intelligence activity.

And I raise that point not just to rebut what Senator King said, but to make the important point that he's making is that the Inspector General needs to stand for the rule of law, whether the rule of law comports with what a President wants or the rule of law comports with what the opposition party and the media wants.

So Mr. Thomson, I will ask you this basic question. As the Inspector General, will you follow the law and uphold the rule of law?

Mr. THOMSON. Absolutely, Senator.

Senator COTTON. Thank you.

Let's turn to your experience in the U.S. Attorney's Office, which is long and extensive. You mentioned in your statement for the record and your papers that you had experience working with the NSA, the FBI, the CIA.

Could you talk to us a little bit about how those experiences might prepare you for working as the Inspector General for the CIA, given the somewhat technical and often classified nature of material you'll be working with there?

Mr. THOMSON. Well, sure. You know, I do have some intelligence experience working at the NSA, and I think that's very transferable to the Agency. At the risk of repeating myself, which I try not to do, I think my experiences as an AUSA is one of the most important qualifications that I think I bring to the job in dealing with confidential informants and knowing how to handle sensitive information being brought in. So I would draw heavily on my experience as an Assistant U.S. Attorney.

I'd also draw my experience as an attorney in private practice, in analyzing matters. I'm not sure what else you were asking.

Senator COTTON. Well, let me ask you one more general question. This not so much about being an Inspector General for an intelligence agency, but something I've noticed with Inspectors General across all departments, especially when they come in with your experiences. As an Assistant U.S. Attorney, you had tools like subpoenas and grand juries. The Inspectors General lack those.

Can you talk to us about how you will approach the job without those powerful law enforcement tools to get the information you need to ensure that the officers and employees of the CIA are following the law and doing the right thing?

Mr. THOMSON. Right, so that is something that I would miss, certainly—the ability to work with grand juries and issue grand jury subpoenas and require testimony. I think it's very important to work with CIA leadership to gain their full support. I feel that that support's there with Director Haspel, and I believe that we would work very well together. I think the IG's office and the Director's Office, I think, would work well together.

I think, you know, getting information, no matter which IG office you're in, which agency, which department—just, you know, my experience in the government, all shops can be a little bit protective about what they have. It's a little deeper. Not referencing deep state, but it's a little deeper in the Agency where you have a lot of compartmented programs. Some are even more deeply compartmented than others. And so there's always—not always—but there could be some pushback on that. And so that is something that we would work diligently through that to obtain the information that we need, and we would ask the support from the Director's Office, I know, if we need to.

We'd also work with this Committee. So if there's any issues obtaining information and it got to be serious, or actually if we were refused I would come to this Committee and ask for Committee help as well.

Senator COTTON. Thank you.

The final thing I want to say is—it's not really a question because I don't expect you to have thought through this issue very carefully, yet. But I just want to flag it for you as you go into the job. With the pace of technological change and the evolution of cutting-edge, off-the-shelf commercial technologies, there could be a tension to balance between contracting officers who are trying to move quickly to adopt suitable commercial off-the-shelf solutions to technological challenges, on the one hand, and somewhat antiquated or rigid bureaucratic contracting roles on the other hand.

I think that's a tension that all agencies need to manage, but this one in particular, and one that I would just ask you to be mindful of, too, whenever you're looking at contracting matters and what CIA can do to improve contracting in these situations. Thank you.

Mr. THOMSON. Yes, Sir.

Acting Chairman RUBIO. Mr. Thomson, we're about to close here, so I just have three very quick questions.

The first is to touch on what's been asked already before, and just to leave it abundantly clear in the record.

At any time in this process, from the moment this first became a possibility to the interviews you've had up to today, has anyone ever told you, implied, or made you understand in any way that you were being nominated for this position to protect the President from embarrassment, or to use it as a way to target people who—somebody maybe who was hostile?

Mr. THOMSON. No, absolutely, absolutely. Senator, let me just say if that had been part of the process, you wouldn't see me here today, Senator.

Acting Chairman RUBIO. Well, that was my follow-up question. I take it from your testimony today and the review of your record and everything that you've done, that it sounds to me like you would never, it appears, and I think logically, endanger your over-37-year career of public service and private practice for any reason. I think that's a fair assessment. Is that correct?

Mr. THOMSON. No, absolutely. I actually have thought of the same thing, Chairman Rubio. You know, I've got a 35-year career and I've I think built up a reputation of being a straight shooter and fair, and following the law and not giving in to pressure or in doing anything wrong or inappropriate. I'm not going to at all give that up at this stage of my life or for this position.

I would never risk—to me, reputation is very important. It's one of the only things that we carry with us. It means everything to me as does the rule of law. So no, I would never do anything to risk that.

Acting Chairman RUBIO. Well, I want to thank you for the time you've given us here today. This is important. As you know, we'll move quickly to get a vote here from this Committee so we can process this important nomination. And I appreciate your family's time as well being here today and your willingness to serve, as I said.

You have a very successful private practice, and it sounds like one that you were looking forward to continuing, but the oppor-

tunity to serve your country became available and you took it up once again. And so we thank you.

I'll remind the Members what I said at the outset, that if anyone has any written questions, you can submit it for the record and get an answer for you, to do so by the close of business tomorrow. And again, thank you for being here. And with that, this hearing is adjourned.

[Whereupon, at 11:23 a.m. the hearing was adjourned.]

Supplemental Material

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. FULL NAME: Peter Michael Thomson
   OTHER NAMES USED: N/A

2. DATE AND PLACE OF BIRTH: 11/16/1956; New Orleans, Louisiana
   CITIZENSHIP: United States

3. MARITAL STATUS: Married

4. SPOUSE'S NAME: Patricia E. Thomson

5. SPOUSE'S MAIDEN NAME IF APPLICABLE: Edwards

6. NAMES AND AGES OF CHILDREN:

NAME	AGE
INFORMATION REDACTED	

7. EDUCATION SINCE HIGH SCHOOL:

INSTITUTION	DATES ATTENDED	DEGREE RECEIVED	DATE OF DEGREE
Tulane Law School	1980-1983	Juris Doctor	06/1983
Tulane University	1974-1978	Bachelor of Arts	06/1978

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).

EMPLOYER	POSITION/TITLE	LOCATION	DATES
Federal Bureau of Investigation	Clerk	New Orleans, La.	08/1978-09/1979
United States Senate, Office of Senator J. Bennett Johnston (La)	Intern	Washington, DC	06/1981-08/1981

Coleman, Dutrey & Thomson (law firm)	Attorney	New Orleans, La.	06/1983-10/1987
New Orleans District Attorney's Office	Asst. District Attorney	New Orleans, La.	03/1986-10/1986
U.S. Department of Justice, United States Attorney's Office Eastern District of Louisiana	Asst. U.S. Attorney	New Orleans, La.	10/1987-04/2011
National Security Agency, Advanced Network Operations (Detailed from DOJ)	Special Advisor	Fort George Meade, Md.	03/2010-07/2010
Fowler Rodriguez, LLP	Partner	New Orleans, La.	04/2011-06/2014
Stone Pigman Walther Wittmann, LLP	Special Counsel	New Orleans, La.	07/2014-12/2017
Stone Pigman Walther Wittmann, LLP	Partner	New Orleans, La.	01/2018-Present
Tulane Law School	Adjunct Professor Trial Advocacy (Uncompensated)	New Orleans, La.	1989-2009

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).

In 1989 and 1990, while serving as an Assistant U.S. Attorney for the U.S. Department of Justice (DOJ), I instructed Federal Bureau of Investigation (FBI) Special Agent trainees in trial testimony during moot court practice at the FBI Academy, Quantico, Virginia.

Between 1994 and 2012, I was an honorary reserve deputy sheriff with the St. Tammany Parish Sheriff's Office.

In 1985, at the request of and in cooperation with U.S. Senator J. Bennett Johnston's office in Washington, DC, and in conjunction with the U.S. Information Agency, I designed and coordinated a multi-day program for several dozen European Parliamentarians who visited New Orleans, which included educational, social and business events. The Parliamentarians, all from NATO countries, traveled to different regions of the United States for the purpose of assessing, in part, American cultural views with regard to the continued nuclear protection of Europe.

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

I obtained specialized intelligence and national security experience while detailed to the National Security Agency (NSA); while employed by the FBI between college and law school; while working as an Assistant United States Attorney with a wide variety of federal agencies, including the FBI, U.S. Customs Service, Drug Enforcement Administration (DEA), and Central Intelligence Agency (CIA); by representing clients in private practice on matters involving extradition and Red Notice removal; and by researching and publishing articles on Interpol Red Notice abuses and the Foreign Intelligence Surveillance Act (FISA).

More specifically, in 2010 the U.S. Department of Justice detailed me to the National Security Agency, Fort Meade, Maryland, where I worked as a Special Advisor to the Chief of NSA's Advanced Network Operations. My duties included researching, analyzing and briefing managers on unclassified and classified legal authorities, including but not limited to Executive Orders, federal statutes and Departmental directives governing the collection of foreign signals intelligence and information assurance activities. As part of my duties, I also assisted military and civilian staff with the establishment of a new network to support the war fighter, attended daily steering committee briefings at the National Threat Operations Center (NTOC), and attended classified NSA briefings of certain high-ranking military officers and intelligence advisors to then President Barack Obama.

Further, as an Assistant United States Attorney, I held a Top Secret security clearance for approximately 15 years. During that time, while assigned to the Organized Crime Strike Force, I gained national security experience by working with the FBI, and subsequently with the CIA's Office of General Counsel, on a sensitive investigation which involved potential graymail threats and issues related to the work of a then active U.S. intelligence asset. I also gained national security and intelligence experience as an Assistant U.S. Attorney by investigating and prosecuting emerging organized crime members, drug gangs, and supervising domestic and international narcotics trafficking investigations and cases. I worked on a regular basis and often closely with the DEA, FBI, U.S. Secret Service and the U.S. Customs Service, among other agencies, and their intelligence personnel. While serving with the Justice Department, I researched and published a white paper endorsing FISA roving surveillance authority for U.S. counterintelligence officers engaged in domestic foreign intelligence and counterterrorism investigations. Finally, while in private legal practice, I have worked on matters involving extradition, Interpol red notices, and the Foreign Corrupt Practice Act (FCPA).

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).

U.S. Dept. of Justice (1987-2011)

Special Award from the U.S. Customs Service "in appreciation of exemplary dedication to duty" for the successful prosecution of a cocaine importation organization; *U.S. v. Richard Lynn, et al.* (1993);

Certificate of Appreciation from the U.S. Attorney & Organized Crime Drug Task Force for outstanding efforts in Glenn Metz violent gang prosecution (1994);

Certificate of Appreciation from the DEA for outstanding contributions to drug law enforcement (1995);

Special Award from the U.S. Customs Service in recognition of tactics and guidance leading to the dismantling of an international cocaine smuggling organization; *U.S. v. Luis Sensat, et al.* (1995);

Certificate of Appreciation from the DEA for outstanding contributions to drug law enforcement (1997);

Special Award from the U.S. Customs Service for prosecution of a Colombian cocaine importation and money laundering organization; *U.S. v. Maria Cordoba, et al.* (1999);

Certificate of Recognition from U.S. Attorney for superior performance (1999);

Certificate of Recognition from the U.S. Attorney (Eastern District of Louisiana) for outstanding performance and Special Achievement Award (2000);

Special Award from the New Orleans Police Department, Bureau of Alcohol, Tobacco, Firearms and Explosives, and U.S. Department of Justice in appreciation of outstanding contributions to "Project Exile" (2001);

Award by U.S. Postal Service in recognition for successful prosecution of corrupt Postal Service employee; *U.S. v. Monique Jason* (2005);

Written commendation by FBI Director for outstanding performance in successful prosecution of Councilman and Public Works Director on public corruption charges following Hurricane Katrina (2008);

Special Commendation Award by the U.S. Attorney General for successfully completing the Justice Department's Leadership Excellence and Achievement Program (2010).

Private Law Practice (2011-Present)

New Orleans City Business "Leadership in the Law" Honoree (2013);

Top Attorneys in New Orleans, *St. Charles Avenue Magazine* (2013);

Louisiana *Super Lawyers*: White Collar Criminal Defense (2013-present);

Martindale-Hubbell® AV Preeminent® Peer Review Rated (2013-present);

Selected by peers for inclusion in *The Best Lawyers in America* (2014-present);

New Orleans Magazine's "Top Lawyers", White-Collar Criminal Defense (2014-present).

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).

ORGANIZATION	OFFICE HELD	DATES
Louisiana Bar Association	Member	1983-Present
St. Peter Catholic Church, Covington, Louisiana	Hospitality Committee Member	2019-Present
The Pickwick Club	Member	1997-Present
Metropolitan Crime Commission New Orleans	Member of the Board	2012-2015
Rex Carnival Organization	Member	2012-Present
Le Krewe D'Etat Carnival Organization	Member	1997-2015
The Federalist Society for Law & Public Policy Studies	Executive Committee Member of the Criminal Law Practice Group	2003-Present
	New Orleans Lawyer's Chapter	2012-Present
Republican National Lawyer's Association	Member	1990-Present
Military Order of Foreign Wars	Member	2010-Present
Le Debut des Jeunes Filles de la Nouvelle Orléans	Member	2017-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?

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

Published Writings

"Interpol's Transnational Policing By 'Red Notice' and 'Diffusions': Procedural Standards, Systemic Abuses, and Reforms Necessary to Assure Fairness and Integrity," *Engage* Volume 16, Issue 2, published by The Federalist Society (September, 2015)

"A Comprehensive Strategy Targeting Recidivist Criminals with Continuous Real-Time GPS Monitoring: Is Reverse Engineering Crime Control Possible?" published by The Federalist Society for Law and Public Policy Studies (November, 2011);

"Supreme Court Strikes Down Mandatory Provisions of Federal Sentencing Guidelines," published as white paper by The Federalist Society for Law and Public Policy Studies (2005);

"USA PATRIOT Act's Roving Electronic Surveillance Amendment to the Foreign Intelligence Surveillance Act," published by The Federalist Society for Law and Public Policy Studies (March, 2004);

"Supreme Court Decision Spawns Swirl of Controversy Over Sentencing Guidelines," web-published by The Federalist Society for Law and Public Policy Studies, Criminal Law and Procedure Practice Group news page (July, 2004).

Presentations & Speeches

"Hernandez v. Mesa," Post-Decision SCOTUScast for the Federalist Society (March 2020);

"Hernandez v. Mesa," Post-Argument SCOTUScast for the Federalist Society (November 2019);

Panel Member & Speaker, "Screening and Charging Decisions-Civil Considerations," Annual White Collar Crime Symposium, Louisiana State Bar Association, New Orleans, La. (April 2019);

Panel Member & Speaker, "Prosecution and Defense of Public Corruption and Fraud Cases," Annual White Collar Crime Symposium, Louisiana State Bar Association, New Orleans, La. (April 2018);

"Weaver v. Massachusetts," SCOTUScast for The Federalist Society (May 2017);

Panel Member & Speaker, "The Future of White Collar Prosecutions," Annual White Collar Crime Symposium, Louisiana State Bar Association, New Orleans, La. (April 2017);

Panel Member & Speaker, "Strategies for Plea Bargaining and Sentencing," Annual White Collar Crime Symposium, Louisiana State Bar Association, New Orleans, La. (2016);

"Taylor v. United States," The Federalist Society blog (Feb. 2016);

Teleforum Speaker: *Insider Trading Litigation*, a Presentation of the Criminal Law and Procedure Practice Group of The Federalist Society (2015);

"The Smith General Store Data Breach Investigation Response," Data Security Compliance and Response & Internal Investigations; Association of Corporate Counsel Louisiana Chapter. (2015);

Panel Member & Speaker, "Defending Against Federal Asset Forfeiture," Annual White Collar Crime Symposium, Louisiana State Bar Association, New Orleans, La. (July 2015);

"The Federal Criminal Process," New Orleans Bar Association, Procrastinators CLE Program (2014);

"Robers v. United States," Post-Decision SCOTUScast for The Federalist Society (May 2014);

Teleforum Speaker: *GPS Surveillance and the Supreme Court: U.S. v. Jones*; a Presentation of the Criminal Law and Procedure Practice Group of The Federalist Society (2012);

"The Federal Criminal Process," presented to the New Orleans Consular Corps (2011);

"Criminal Defense Attorney Tactics," Louisiana Forgery and Fraud Investigators Assoc. (2011);

"Testifying in Federal Court" presented to over 300 deputies of the St. Tammany Parish Sheriff's Office, POST Academy, Pearl River, Louisiana (June-July, 2009);

Federal conspiracy law, "Federal Law Enforcement Analysis Training Seminar" held for federal and state Intelligence Analysts, sponsored by the DEA, New Orleans, Louisiana (January, 2004);

Using RICO to target violent drug organizations, "Violent Crime Conference" sponsored by Law Enforcement Coordinating Committee, in Covington, Louisiana (May, 1992);

Money laundering, "Federal Law Enforcement Training Conference," sponsored by U.S. Customs Service, Georgia (1993).

Public Remarks

In April 2016, former New Orleans Saints player Will Smith was shot and killed in New Orleans following a road rage incident. Following the fatal shooting, I provided legal representation to the decedent's spouse and family. On their behalves, I spoke at a press conference at University Medical Center held within days of the shooting. Shortly thereafter, the individual responsible for killing Smith was indicted on murder charges. Over the course of the next year or so, through the defendant's manslaughter conviction and sentencing, I made additional public remarks to the press on behalf of his surviving spouse and family.

In 2014, I appeared on a television commercial for the campaign of Warren Montgomery, then a candidate for St. Tammany Parish District Attorney.

PART B - QUALIFICATIONS

14. QUALIFICATIONS (DESCRIBE WHY YOU BELIEVE YOU ARE QUALIFIED TO SERVE AS THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY).

Under the CIA Inspector General Act, 50 U.S.C. § 3517, in addition to meeting the security standards of the Agency, an Inspector General shall be appointed on the basis of 1) integrity, 2) demonstrated ability in the discipline of accounting, auditing, financial analysis, law, management analysis, public administration, or investigation, and 3) prior experience in the field of foreign intelligence. I am qualified for the position of CIA Inspector General because during my entire professional legal career as an Assistant United States Attorney

and private law practitioner, I have consistently demonstrated cross-discipline abilities, a keen sense of right and wrong, and unbiased independence.

My thirty-five years of experience practicing both criminal and civil law, in the government and in private practice, has prepared me to serve as the CIA's Inspector General. During the twenty-three years I served as a federal prosecutor, I honed broad investigative skills and legal expertise. Through my work, I rooted out waste, fraud, and abuse—the hallmarks of an Inspector General's job—by conducting and supervising numerous criminal investigations and prosecutions involving a wide variety of crimes, including public corruption, extortion, bribery, wire and mail fraud, tax fraud, health care fraud, bank fraud, counterfeiting, drug trafficking, murder, identity theft, embezzlement, money laundering and other white-collar crimes. Further, and very importantly, I worked with federal agents to help protect the identities and lives of many confidential informants during these criminal cases, including through the witness protection program. If confirmed as the CIA's Inspector General, I will continue with the same fervor and commitment to protect whistleblowers and other individuals who expose wrongdoing within the Agency.

During my lengthy career with the U.S. Department of Justice—in the General Crimes Section, Drug Task Force, and Organized Crime Strike Force Unit of the U.S. Attorney's Office in New Orleans—I worked routinely with public servants at federal, state and local investigative agencies, including their intelligence personnel, and many offices of the inspector general. Following Hurricane Katrina in 2005, I was detailed to the FBI's temporary offices and worked with the Katrina Fraud Task Force where I screened, investigated and prosecuted individuals engaged in fraud and corruption offenses arising out of the widespread disaster caused by the hurricane.

As a federal prosecutor, I also worked closely with forensic investigators, auditors, intelligence analysts and accountants in reviewing, auditing and analyzing voluminous amounts of financial records and other categories of bulk data and information, including telephone call histories, tax returns, emails and text records. As an attorney in private practice, I conducted internal investigations for corporate clients and helped them identify and root out corrupt and dishonest actors in their ranks. I also worked cases that specifically involved information security and responding to data breaches within private networks.

Finally, while serving as an Assistant U.S. Attorney, I was selected for and graduated from the U.S. Justice Department's Leadership Excellence and Achievement Program (LEAP), a one-year long program which develops senior executive core competencies (SES ECQs) for the purpose of teaching and improving leadership skills for senior management positions. During that time, I was detailed to the National Security Agency, where I gained specialized experience with legal authorities governing foreign signals intelligence collection and information assurance activities.

I proudly served the American people with integrity and an unwavering devotion to justice throughout my public service career. If confirmed as the CIA's Inspector General, I would bring the same professionalism, independence, and dedication to duty to this very important position.

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).

To the best of my recollection, in 2016, I donated $200 to the Presidential campaign of candidate Donald Trump and $300 to the Congressional campaign of Mike Johnson; and in 2012, I donated $500 to the Presidential campaign of candidate Mitt Romney.

In 2014, I assisted the campaign committee of Warren Montgomery, a candidate for St. Tammany Parish District Attorney, donated $450 to the campaign, and appeared on a television commercial for the campaign. Also, to the best of my recollection, I subsequently donated an additional $500 to his campaign. Over the last

ten years, to the best of my recollection, I also donated a total of approximately $800 to the judicial campaign of Raymond Steib, candidate for judge in Jefferson Parish, and I also was named on his campaign committee.

In 2019, I helped provide guidance to a candidate running for parish-wide office in Louisiana. Also, I am a member of the Republican National Lawyer's Association.

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.

Between 1983 and 1985, I assisted the Honorary Consul of Great Britain for Louisiana in the performance of his official consular duties. As legal attaché, I helped with routine consular duties and provided assistance to British citizens, naval officers and visiting British dignitaries. My spouse has not represented a foreign government or entity in any capacity.

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, Stone Pigman Walther Wittmann, LLP, have represented a foreign government or an entity controlled by a foreign government, although such representations constitute a small share of the firm's overall business. Based upon a search in the firm's client database, the firm has compiled a list of "Foreign Government and Foreign Government-Related Entity Clients," attached hereto as Exhibit 17B. 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.

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.

I indirectly received nominal compensation through my 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.

    Not applicable.

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.

    Pursuant to applicable statutes, regulations and 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 that Stone Pigman Walther Wittmann LLC is or represents a party, for specified periods where applicable and absent waiver or authorization where applicable.

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.

    If confirmed, I intend to sever all business connections with Stone Pigman Walther Wittmann, LLP along with any other organizations in which I am advised to do so by Agency ethics officials or other Executive Branch officials.

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.

    Within 90 days of my withdrawal from the firm, I will receive my share of the fixed capital account based on my interest as of the time I withdraw. Additionally, at the end of the year, I will receive a payment representing my pro-rata interest in the firm's profits calculated as of the time I withdraw, pursuant to the terms set forth in the firm's operating agreement.

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.

    No.

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.

No, my wife does not have an employer. However, I would be remiss if I did not mention her strong commitment and many contributions to our family, friends, church, and community.

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.

NAME OF ENTITY	POSITION	DATES HELD	SELF OR SPOUSE

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.)

None to my knowledge.

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 Exhibit 28. Parts 2, 5, and 6 of my forthcoming OGE Form 278e will reference the assets identified in Exhibit 28, and I will update this Committee in the event of an unanticipated change.

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.)

YEAR	2015	2016	2017	2018	2019

INFORMATION REDACTED

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.

Federal and Louisiana.

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.

I am licensed to practice law in Louisiana. Please see my list of clients, attached as "Exhibit 35".

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. Our investments are in diversified mutual funds and individual stocks. As of 1 April 2020, the value of our stock in three companies exceeded a conflict of interest exemption for $15,000 or less in publicly traded securities on a U.S. stock exchange. As a result, unless advised otherwise by Agency ethics officials, I will not participate personally and substantially in an official capacity in any particular matter that will have a direct and predictable effect on our financial interest (stock) in these three companies. I will monitor the value of our other stocks, and understand that I am responsible for avoiding any potential conflict of interest in the performance of my official duties, if confirmed. My forthcoming Ethics Agreement will reflect these commitments.

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, PLEASE 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, PLEASE 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, PLEASE 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.

In 1997, my wife and I were involved in a nuisance lawsuit with a neighbor relating to dogs. The matter was handled by our insurance company and settled. Otherwise, there is nothing else 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, PLEASE PROVIDE DETAILS.

In 2017, at the request of the U.S. Attorney's Office for the Middle District of Louisiana, I testified in a sealed hearing in U.S. District Court concerning a potential conflict of interest regarding another attorney's representation of an individual in a criminal proceeding in which I was representing a fraud victim. In approximately 2012, I was interviewed by U.S. Department of Justice investigators who were investigating a matter related to the improper posting of information on social media by certain other individuals employed by the Department of Justice. As a defense attorney in private practice, I have represented clients who have cooperated with the government and provided information to federal criminal investigators. In that process, I have facilitated the exchange of information.

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, PLEASE 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, not to my knowledge.

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

No.

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.

In 2010, I was required to take a polygraph with the National Security Agency for the purpose of complying with their security standards in connection with a TS/SCI security clearance.

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 INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY AND THE INTELLIGENCE COMMITTEES OF THE CONGRESS, RESPECTIVELY, IN THE OVERSIGHT PROCESS.

Congress is constitutionally and legally obligated to provide competent and vigorous oversight of the CIA and the entire intelligence community, and the CIA Inspector General is accountable to and an essential partner of Congress in that process. The National Security Act of 1947 requires that Congress be kept "fully and currently informed" of all intelligence activities of the United States, and subsequent legislation requires that Congress be informed of all CIA-sponsored covert action.

The CIA Inspector General plays a critical role in the Congressional oversight process. Thus the Inspector General is legally obligated to keep both this Committee and the House Permanent Select Committee on Intelligence ("intelligence committees") informed of significant problems and deficiencies within the Agency as well as the need for corrective actions. As part of its duties, the Inspector General must provide semi-annual reports to the Director and the intelligence committees. These reports summarize the audits, inspections and investigations undertaken by the Inspector General's Office over the preceding six months. The Inspector General also must report serious or flagrant problems, abuses or deficiencies relating to Agency programs or operations to the Director, which also must be reported to the intelligence committees. Further, as part of the oversight process, there are certain other circumstances enumerated in the CIA Inspector General statute requiring immediate reporting to Congress; and, with regard to "urgent concerns" brought to light by Agency employees, the Inspector General must assist in the process of reporting those concerns to the intelligence committees, as more fully set forth in the enabling statute.

The Congressional oversight described above is essential to assuring that CIA programs and operations are conducted lawfully, properly and ethically. Congressional oversight likewise serves to protect against abuses of power by the Agency as well as to protect the civil liberties we all share as Americans. This is particularly important because intelligence work by its very nature must be concealed from public view. Also, importantly, through the oversight process, the CIA is able to demonstrate to the American people, through Congress, that it deserves their ongoing trust, as well as the trust of Congress and the President. Finally, an appropriately independent Inspector General, working cooperatively and transparently with the intelligence committees, helps assure credibility to and strengthens the critical roles of both the Inspector General and Congress in oversight process, while assuring that the CIA remains accountable to Congress and ultimately to the American people.

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

The CIA Inspector General is tasked by law with preventing and detecting fraud, waste, abuse and other forms of misconduct within the CIA, thereby helping ensure that CIA activities are being conducted in compliance with all applicable laws and regulations. The Inspector General's Office accomplishes its mission by conducting independent and unbiased inspections, reviews, evaluations, audits and investigations of the Agency's programs and operations; and by making policy recommendations to the Director in order to promote effectiveness, economy and efficiency within the Agency. The Inspector General must also review and make recommendations to the Director, and Congress, regarding legislation and regulations involving or affecting Agency operations. It is important that the Inspector General take a proactive approach in rooting out potential problems so that they can be corrected before causing harm to the Agency, the nation, or others.

Additionally, the Inspector General must keep the Director and the intelligence committees fully informed of violations of law, fraud and other problems, abuses, and deficiencies it finds in Agency programs and operations, as well as the necessity for and progress of corrective actions. As part of its reporting requirements to the Director, and to Congress, the Inspector General must submit semi-annual reports summarizing all of the audits, inspections, reviews, and investigations it has performed. The Inspector General is also obligated to flag significant problems and make recommendations for and the status of corrective actions. Where the Inspector General's Office finds flagrant or particularly serious problems, or "urgent concerns" as the term is legally defined, it is obligated to report them to the Director, and assure that the intelligence committees are notified as required by law. Consistent with federal whistleblower laws and regulations, the Inspector General also must maintain a robust and effective whistleblower program, so that Agency employees have a trusted means for bringing wrongdoing and other problems to light within the Agency, and to Congress. The Inspector General's Office likewise must protect the identities of such employees and whistleblowers, as

required by law, and assure that they are protected from reprisal. Finally, the Inspector General must report criminal violations to the Justice Department.

In fulfilling its responsibilities, the Inspector General should be respectful of the CIA's mission and unique culture, and take due regard for the protection of intelligence sources and methods. It is also very important that the Inspector General maintain strong and open lines of communications with the Director and with Congress, and to maintain trusted professional working relationships with both. However, the Inspector General also must perform its work in an objective and unbiased manner, free from personal and political agendas, and free from internal or external pressures or interference, regardless of source. Therefore, it is essential that the Inspector General strike an appropriate balance between independence on one hand, and forging a cooperative team approach on the other, not only with Agency leadership, but with Congress as well.

In summary, the CIA's Office of Inspector General plays a critical role in making the Agency better by helping protect and strengthen its programs, workforce, policies and operations; by helping protect, with the intelligence committees, the civil liberties of all Americans; and by helping ensure that the work of Agency fully and properly serves the interests of the nation and the American people. Finally, consistent with the principles of Lady Justice, it is vital to the work of the Office of Inspector General that it always professionally and ethically follow the law, and the facts, wherever they might lead.

AFFIRMATION

I, PETER M. THOMSON, DO SWEAR THAT THE ANSWERS I HAVE PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

May 2, 2021
(Date)

SIGNATURE OF PETER M. THOMSON

SIGNATURE OF NOTARY

TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

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

SIGNATURE OF PETER M. THOMSON

Date: May 2, 2020

June 3, 2020

The Honorable Marco Rubio, Acting Chairman
United States Senate Select Committee on Intelligence
211 Hart Senate Office Building
Washington, DC 20510

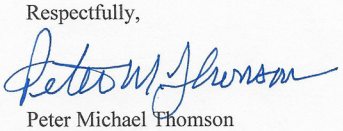
The Honorable Mark Warner, Vice Chairman
United States Senate Select Committee on Intelligence
211 Hart Senate Office Building
Washington, DC 20510

Dear Acting Chairman Rubio and Vice Chairman Warner:

Thank you for the Committee's letter dated May 26, 2020. As you requested, please find enclosed my answers to the Committee's additional prehearing unclassified questions.

With kind regards,

Respectfully,



Peter Michael Thomson

Enclosure

47

SELECT COMMITTEE ON
INTELLIGENCE

UNITED STATES SENATE

Additional Prehearing Questions
for
Mr. Peter Michael Thomson
upon his nomination to be
the Inspector General of the
Central Intelligence Agency

CIA IG Access to Information

QUESTION 1

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

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

Pursuant to the above provision, set forth in 50 U.S.C. §3517(e), "**Authorities of Inspector General**", the CIA IG, while in the performance of his or her statutory responsibilities and duties, has the lawful authority to speak with, interview, depose and/or take testimony from any CIA ("Agency") employee or contractor, wherever located. Thus, my understanding is that intended reach of this provision broadly extends to all Agency employees, including any and all persons working directly or indirectly by contract for the Agency. Likewise, the provision confers on the IG the authority to read, review, analyze, document and/or copy any and all documents, records, reports and any other tangible materials or items needed in the performance of the IG's official duties and responsibilities.

To be clear, it is my understanding that the provision grants the CIA IG broad and unencumbered access to any and all CIA employees and contractors, as well as to any and all records, things or other Agency materials needed by the IG to perform and/or complete any of its statutory duties and responsibilities. Notably, the provision contains no limitations on the IG's authority to access those persons and materials, with the exception set forth in Section 3517(b)(3), which grants the Director the authority to prohibit the IG from carrying out his or her duties when necessary to protect the vital national security interests of the United States.

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

If a member of the IG's staff, in the performance of his or her official duties, were refused access to an Agency employee or Agency contractor, or was refused access to any relevant documents or materials, I would first seek to determine the reason for the refusal. I then likely would ask the assigned IG staff member to advise the refusing party of the legal authorities granting the IG unrestricted access to the information requested. If necessary, either I or a supervisory member of the IG's Office would speak directly with the refusing party's supervisor. In the event these interventions failed to resolve the problem, I would personally inform the Office of the Director of the violation and request assistance in obtaining the access needed. In the unlikely event that the Director failed to provide help, and the IG's Office was still being refused access to the employee or relevant information, I would inform the intelligence committees of the disagreement and request their assistance. In fact, 50 U.S.C. §3517(d)(2) and (3)(E) require that the IG inform the Director

of a significant problem or abuse and that the IG notify the intelligence committees when unable to obtain significant documentary information in the course of an audit, inspection or investigation, respectively.

In order to avoid such issues in the first place, it is important for the OIG and the CIA leadership team to work collaboratively in educating employees, particularly mid-level and senior managers, throughout the extended Agency enterprise of the IG's legal authorities in this regard.

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

Under 50 U.S.C. §3517(e)(5), the CIA OIG, in the performance of its official duties, has the lawful authority to issue subpoenas, enforceable in federal court, to persons and entities for the production of documents, records, reports or other tangible things needed in relation to an audit, inspection or investigation conducted pursuant to the IG's official duties and responsibilities. However, in the case of U.S. government agencies, which I understand to include the CIA, the IG must obtain the needed information not by subpoena, but through other procedures. Further, the IG is prohibited from using its subpoena power on behalf of any other CIA element or component.

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

I understand that the work of the CIA OIG complies with the standards published by the Council of the Inspectors General on Integrity and Efficiency (CIGIE), of which I understand the CIA OIG is a member. I further understand that published CIGIE standards address the subject of independent verification and types of evidence gathered during the course of a project. If confirmed, I would continue to be guided by CIGIE standards and best practices with regard to balancing independent verification of information against accepting CIA representations to OIG personnel and caveats regarding information not independently confirmed.

Sources of Complaints and Protection of Whistleblowers

QUESTION 2

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

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

I have not had the opportunity to examine and evaluate the procedures and policies currently in place to inform CIA employees and others, within and outside government, of the avenues available to them for filing complaints or otherwise providing information to the CIA IG. However, it is my understanding that the CIA and the IG's Office currently employ a number of outreach methods and procedures to inform individuals of their opportunity to report information to the IG, including: 1) a whistleblower hotline through which employees, contractors, and others can report fraud, waste, abuse and mismanagement anonymously, confidentially or without regard to their identity; 2) briefings of new Agency employees and contractors on the laws, regulations and policies governing whistleblowers and the avenues available for the reporting of complaints and information to the IG's Office; 3) an internal web-based system managed by the OIG for the reporting of complaints and information by CIA employees and contractors through closed Agency networks; 4) a public CIA website describing how to file a complaint and provide information to the IG; 5) placement of informative posters within CIA buildings located in the metropolitan Washington DC area; 6) training of CIA staff on how to report fraud, waste, abuse and mismanagement to the IG and the legal protections afforded to such whistleblowers; and 6) personal visits and presentations by OIG staff.

If confirmed, I will continue the above-described outreach procedures and training programs; take appropriate steps, if any, to improve their efficiency and effectiveness; and work to determine whether there exist any other steps that could be taken by the CIA IG to inform individuals, within and outside the U.S. Government, of the opportunity to file a complaint or provide information to the IG. Further, if confirmed, I will review and evaluate the procedures used to inform and educate employees with regard to the laws and regulations protecting them from retaliation.

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

While I am aware of the procedures and policies listed in my answer to Question 2(a), I have not had the opportunity to fully review and evaluate all of the formal policies and procedures currently in place to inform CIA employees and contractors of their right to

provide information to the CIA IG, and to detect and protect against reprisal for making complaints or disclosing information to the IG. However, I understand that CIA regulations designate the IG as the point of contact for employees to report allegations of reprisal for making lawful disclosures pursuant to whistleblower laws and regulations; and that the IG is tasked with reviewing and investigating such allegations pursuant to applicable law and regulations, including PPD-19 and ICD-120. Additionally, I understand that leadership in the Office of Congressional Affairs, along with the IG, serves as a channel through which employees and contractors of the Agency may communicate with members of Congress.

If confirmed, I will identify the other formal policies and processes currently in place to inform employees of their right to provide information to the IG and to detect and protect against reprisal in connection with the reporting of information to the IG.

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

I have not had the opportunity to examine and evaluate the procedures, processes and policies currently in place at CIA to protect whistleblowers. Likewise, I have not had the opportunity to determine whether the existing procedures and policies are consistent with federal law, including but not limited to Presidential and IC Directives (PPD-19 and ICD-120, respectively), and Agency regulations and policies.

If confirmed, however, I will review and evaluate all of the relevant policies, programs and processes within the Agency designed to protect whistleblowers and, if warranted, take appropriate and necessary steps to correct and/or improve procedures or policies determined to be deficient. Further, if confirmed, I also will work to determine what additional protections for whistleblowers should be considered and implemented.

CIA IG Review of Covert Actions

QUESTION 3

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

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

Yes, I intend to continue this practice. I believe it is important work which helps promote accountability and efficiency in regard to covert actions.

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

It is my understanding that the CIA IG, in addition to covert action reviews, also currently conducts the following regular and periodic oversight work:

1. Independent Audits of CIA financial statements;
2. Independent evaluations of CIA's Information Security Program and Practices required by the Federal Information Security Modernization Act;
3. Reviews of the CIA's compliance with the Improper Payments Elimination and Recovery Act;
4. Risk assessments of purchase and travel card programs; and
5. Independent Audits of the DNI's Financial Statements.

If confirmed, I look forward to reviewing the ongoing work associated with the above-described periodic oversight practices and reporting my findings and recommendations regarding same to the Director and this Committee. Generally, I believe that any CIA activity which has a high potential for abuse should be considered for regular, periodic oversight from the OIG in the same way as covert action programs.

Personnel and Budgetary Resources

QUESTION 4

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

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

It is my understanding that prior IG's have indicated that the CIA OIG's budget has been flat for many years and that it has not kept pace with the CIA's overall mission and corresponding budget allocations. If confirmed, I look forward to reviewing the OIG's budget needs and reporting my findings and recommendations to the intelligence oversight committees.

I have not had the opportunity to review and evaluate the OIG's current organizational structure, staffing, training, or other features relevant to the effective performance of the office. Thus, absent such sufficient experience with the relevant staffing and operations of the IG's Office, I am unable to identify what changes, if any, I would consider making within the OIG. However, if I am confirmed, I will certainly review and evaluate the organization and structure of the OIG, take any actions that I deem necessary to further the OIG's effectiveness and efficiency.

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

I do not have sufficient information at this time to form an opinion regarding the use of contractors within the IG's Office. However, generally speaking, the use of contractors might be appropriate where specialized skills are needed to accomplish certain OIG tasks and missions, particularly in critical support related positons that are difficult to fill. Further, it is my understanding that OIGs routinely use the services of contractors to conduct financial audits and to provide support functions related to IT and research.

Government Accountability Office (GAO)

QUESTION 5

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

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

On June 30, 2011, the ODNI issued ICD-114 relating to the access of intelligence community information by the Comptroller General, through the General Accountability Office (GAO). It is my understanding that pursuant to the policies and guidelines set forth in that Directive, together with relevant policies and guidelines issued by the CIA, predicated on a presumption of cooperation with the GAO, the CIA, to the fullest extent possible, provides the GAO access to intelligence information related to reviews, evaluations and audits conducted by the GAO on behalf of Congress. The process in which the CIA cooperates with and provides intelligence information to the GAO must be consistent with national security concerns and protect intelligence sources and methods.

Although I have not had the opportunity to participate in GAO reviews governed by the above Directive and CIA policies, it is my understanding that in conducting its reviews, the GAO interacts primarily and directly with non-OIG CIA management, which coordinates and facilitates GAO's requests with other CIA offices and components.

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

When appropriate, the CIA IG should coordinate activities with the GAO to avoid conflicts and duplicative efforts. Otherwise please see my answer to Question 5(a).

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

Beyond any concerns related to the duplication of efforts, or to the protection of national security information and intelligence sources and methods, I do not have sufficient experience with the operations of the CIA IG or with GAO reviews related to intelligence information to have identified any additional concerns in this regard.

CIA IG Work Plan

QUESTION 6

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

If confirmed, I will take all necessary and appropriate steps to ensure that all statutorily required reports (i.e., necessary reports) be prepared and submitted timely to the intelligence committees. With regard to "desirable" investigations and reports, if confirmed I will review and evaluate the OIG's caseload and how new matters are selected and prioritized for IG attention. I also will consult with OIG staff, and possibly with IC Forum members, regarding the identification of new areas of interest, or common concern, respectively, for inclusion in the CIA OIG's work plan.

QUESTION 7

Would you anticipate developing a work plan for each year in office? Do you plan to consult with the intelligence oversight committees in Congress in advance on your work plan? Why or why not?

Yes, I anticipate developing a work plan. I also anticipate consulting with the intelligence committees in advance of finalizing annual work plans. It is my belief that a strong line of communication should be maintained between the OIG and Congress, and that a trusted professional working relationship is of critical importance to the OIG mission.

Consultations about Reports

QUESTION 8

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

It is my understanding that it is the practice of the CIA IG to provide copies of draft reports of audits, inspections and certain reviews to appropriate Agency personnel prior to formal certification and issuance of those reports. I also understand that this practice, which is consistent with CIGIE standards, permits the OIG to review and, when appropriate, reflect

and/or incorporate comments and factual corrections, provided by the appropriate CIA element, into the report.

In my view, this process does not undermine the independence of the OIG. To the contrary, it helps assure that reports issued by the OIG are accurate, truthful and complete. Moreover, the OIG is solely responsible for every final report's conclusions, findings and recommendations.

QUESTION 9

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

Any comments, edits or revisions made by non-IG personnel to draft IG reports should be documented and noted within the reports, as appropriate, following CIGIE's best practices and standards.

QUESTION 10

Under what circumstances, if any, do you believe it would be appropriate for senior officials to request that the CIA IG not investigate or review a particular matter, as provided in 50 U.S.C. § 3517(b)(3)?

I do not have sufficient information or institutional knowledge of the OIG or Agency operations to have formed an opinion as to when such a request might be appropriate. However, if confirmed, I look forward to researching this issue and reviewing any OIG precedents in which such requests may have been made by CIA senior officials.

Although I need additional information to intelligently and properly assess and respond to the Committee's question, I nevertheless am aware of the legal provisions which relate directly to such an assessment. Hence, under 50 U.S.C. § 3517(b)(3), the CIA Director may prohibit the initiation, carrying out or completion of an OIG audit, inspection or investigation, if the Director determines that such prohibition is necessary to protect vital national security interests of the United States. Also, pursuant to the same statute, in the event this power is exercised, the statute also requires that the Director inform the congressional intelligence committees of the action. Accordingly, the lawful and just exercise of this power by the Director could be an appropriate circumstance in which a senior CIA official intervenes in an official OIG investigation or review.

QUESTION 11

Under what circumstances, if any, do you believe it would be appropriate for senior officials to request that the CIA IG *not* issue a report on a particular matter, as provided in 50 U.S.C. § 3517(b)(3)?

Consistent with my answer to Question 10, I can imagine there might be circumstances where a senior CIA official believes it would be appropriate to request that the OIG not issue a report where the official believes doing so would threaten the national security interests of the United States. Certainly, such a request would be appropriate if it met the standards set forth in 50 U.S.C. §3517(b)(3).

However, the OIG has legal obligations itself and, from my understanding, well established procedures, to protect classified information and intelligence sources and methods, including highly compartmented information. Hence, if confirmed as the CIA IG, I would consider any concerns raised by Agency officials with regard to the issuance and/or dissemination of a report, but I and the OIG staff alone would make the decision on an independent basis while taking all necessary and appropriate steps, in the case of national security concerns, to protect the information as required by law and CIA regulations.

QUESTION 12

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

As I explained in my answer to Question 8, it is my understanding that CIA IG, consistent with CIGIE standards, routinely provides copies of draft reports of audits, inspections and certain reviews to appropriate Agency personnel so that they have ample opportunity to review the report and provide comments, including recommendations and factual corrections, prior to the report becoming final. Allowing such input by the Agency is a positive and constructive process which does not undermine the integrity of the report or the independence of the OIG, which appropriately takes the Agency's comments into account before exercising its independent authority and issuing the report in final form. To be clear, the CIA IG retains the ultimate authority to independently determine a report's final conclusions, findings, and recommendations.

QUESTION 13

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

It is my understanding that this has been the practice of the CIA IG. It is my intent to continue this practice as long as it complies with federal law and regulations.

QUESTION 14

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

The CIA IG provides internal oversight of the Agency's compliance with federal laws and regulations. More specifically, the OIG conducts audits, reviews, inspections and investigations to prevent and detect fraud, waste, abuse and other forms of misconduct within the CIA. The OIG thereby helps ensure that CIA conduct itself in compliance with Congressional intent and direction as expressed in federal statutes and regulations governing the Agency's programs, operations, funding and administration.

QUESTION 15

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

Yes. The CIA IG is an essential partner of Congress in the oversight process, which Congress is constitutionally and legally obligated to provide.

QUESTION 16

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

Yes. Pursuant to 50 U.S.C. §3517(e)(8)(A), the CIA IG must appoint his or her own counsel who shall report directly to the IG; or, alternatively, the IG may obtain the services of a counsel appointed by and directly reporting to another IG. Although I can envision there might be circumstances in which the CIA IG and OGC have to consult with one another, the CIA IG must be counseled and advised independently on OIG-related legal matters by attorneys who are answerable only to the IG.

Major Challenges, Problems, and Priorities

QUESTION 17

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

I can envision that one of the most significant and relentless challenges facing the CIA IG's Office is the preservation of its independence in the performance of its mission critical work. In my view, the OIG must be committed to rigorously defending its independence from both internal and external pressures. In addition to that, I can envision major challenges related to accessing Agency information and efforts to improve Agency culture surrounding whistleblowers, together with the access of whistleblowers to the IG's Office. Beyond that, if confirmed I will work to identify the CIA OIG's mission specific major

challenges and priorities; and, if requested, report my assessments to the Committee. If confirmed, I also would look forward to learning more about OIG's challenges from the Committee's perspective.

QUESTION 18

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

As I explained in Question 17, once confirmed, after assessing the major challenges and problems facing the OIG, I look forward to working with the OIG leadership team to identify resolutions and action plans to properly address those challenges and problems.

Staffing

QUESTION 19

Please provide your introductory assessment of the staff levels and performance of the CIA IG staff.

Because of the classified nature of OIG's organizational structure and work, I have not been able to personally assess the office's staff levels or performance. If I am confirmed, I will perform these assessments as soon as possible and agree to report my findings to the intelligence oversight committees and the Director.

QUESTION 20

Do you have enough staff to accomplish your mission?

Please see my Answer to Question 19.

QUESTION 21

Are there areas in which you need additional support?

Please see my Answer to Question 19.

QUESTION 22

What policy changes do you anticipate needing, in order to strengthen the work of the CIA IG?

Please see my Answer to Question 19.

QUESTION 23

Do you have sufficiently cleared staff to conduct studies into sensitive and highly compartmented activities at the CIA? Are there mission areas in which the CIA IG does not have access, or has been denied access?

Please see my Answer to Question 19.

Whistleblower

QUESTION 24

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

No, not to my knowledge.

QUESTION 25

Please describe your view of the CIA IG's role with regard to whistleblowers. Please address each of the following and provide specifics on how you intend to address each of the following as CIA IG:

The CIA OIG performs a significant and critical role with regard to whistleblowers. Consistent with federal whistleblower laws and regulations, the IG must maintain a robust and effective whistleblower program, so that agency employees and contractors have a trusted means for bringing wrongdoing and other problems to light within the Agency, and to Congress. Through the whistleblower program, the OIG receives and develops information which helps the IG root out waste, fraud and abuse within the Agency, as well as violations of law, including criminal violations, all affecting or potentially affecting CIA programs, operations, personnel and/or administration. The OIG must also protect whistleblowers to the fullest extent of the law. Drawing from my experience as a federal prosecutor, the OIG should strive to protect the identities of whistleblowers who seek such protection with the same vigor and commitment as federal prosecutors and agents who protect confidential informants.

In furtherance of its obligations in this regard, the OIG must provide outreach and training programs to CIA employees and contractors with regard to the whistleblower process, provide confidential access to individuals who want to file complaints or otherwise provide information, respond timely and competently to such complaints and information, and provide protection to and uphold the confidentiality of whistleblowers. The CIA IG also is tasked with the vitally important mission of protecting whistleblowers from retaliation in the workplace and beyond. Therefore, the whistleblower program is one of the most important missions, if not the most important mission, of the CIA IG.

In addition to the above, pursuant to 50 U.S.C. §3517(d)(5), where the OIG finds flagrant or particularly serious problems, or "urgent concerns" as the term is legally defined, it is obligated to report them to the Director, and assure that the intelligence committees are notified as required by law. Further, a CIA employee or contractor, who intends to report to Congress a complaint or information with respect to an "urgent concern", may report such complaint or information to the CIA IG. The IG, if it determines that the information is credible, must inform the Director of the complaint or information, and ultimately the intelligence committees. The IG also has the responsibility of notifying the reporting employee or contractor of every action taken by the Agency with regard to the complaint or information received.

- Outreach and training across the CIA with regard to whistleblower rights and access to the OIG;

  I have not had the opportunity to review and evaluate the OIG's current outreach and training programs relating to whistleblower rights and OIG accessibility. However, if confirmed, I will review the relevant programs, policies and processes, and look for ways to possibly improve them.

  Generally, however, it is my understanding that Agency employees and contractors currently receive training with regard to whistleblower rights and complaint reporting procedures, including training on how to access the OIG.

- Timely and thorough investigations of whistleblower complaints;

  All whistleblower complaints should be investigated timely and thoroughly in compliance with prevailing IG standards and consistent with the CIA OIG's resources.

- Management of whistleblower caseloads within the OIG;

  I do not have sufficient experience with the operation of the CIA IG to address with specificity the management of whistleblower caseloads within the office. If confirmed, however, I will review the current caseloads and how they are managed. I also will take any and all appropriate steps needed to improve the management, handling and prioritizing of whistleblower cases in the office. Further, if confirmed, I look forward to providing more specific information in this regard to the Committee.

- Whistleblower protections and responses to allegations of reprisals; and,

  The CIA OIG is required to comply with applicable statutes, including 50 U.S.C. §3517, and PPD-19 and ICD-120 relating to IC whistleblower protection. Collectively, these require the OIG to protect the confidentiality of whistleblowers to the greatest extent permitted by law and, second, to enforce the protections afforded to whistleblowers under the law, including protections against reprisal actions (such as personnel or security clearance actions).

If confirmed, I will review and evaluate the protections, response procedures and protocols currently in place at the OIG and look for ways to possibly improve the OIG's approach to whistleblower protection and the office's response procedures to reprisal allegations.

- Notification to Congress regarding whistleblower complaints.

  In addition to the CIA IG's notice obligations under the "urgent concern" provisions set forth in 50 U.S.C. §3517, the OIG must also notify the intelligence committees on a semi-annual basis of the status of all of its inspections, audits and investigations, including whistleblower complaints and retaliation cases.

QUESTION 26

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

Please see my Answer to Question 25. Additionally, if confirmed, the management, investigation and timely response to whistleblower complaints will be a top priority of the CIA OIG, consistent with the office's caseload and available resources.

QUESTION 27

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

Yes. Please see my Answers to Questions 2, 25 and 26. Additionally, if confirmed, I plan to review the OIG's whistleblower program, including current OIG policies and practices, in order to determine whether the strengthening of protections afforded to CIA employee and contractor whistleblowers is needed.

QUESTION 28

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

If I am confirmed, I will examine this issue and determine whether, in my view, CIA employees should be afforded the same stay authority provided to other non-IC government employees.

Independence

QUESTION 29

In general, what would be your approach to ensuring the independence of the Office of the Inspector General of the CIA, if you are confirmed as the next CIA IG?

Independence is the cornerstone of any Inspector General. The CIA IG must conduct independent, impartial and unbiased inspections, reviews, evaluations, audits and investigations of the agency's programs and operations; and provide policy recommendations to the Director based on that work in order to promote effectiveness, economy and efficiency within the Agency. Further, an appropriately independent IG helps assure credibility to and strengthens the critical roles of both the OIG and Congress in the oversight process, while assuring that the CIA remains accountable to Congress and ultimately to the American people.

Therefore, if confirmed, my approach to ensuring the independence of the CIA OIG would be to approach and conduct all work within the IG's Office in an honest, impartial and unbiased manner, free of any individual or political agendas, influences or pressures, regardless of source or magnitude; and to always speak truth to power, whether that "power" be the Director, the White House, this Committee, or anyone else; and, consistent with the principles of Lady Justice, to always professionally and ethically follow the law and facts wherever they might lead.

Further, if confirmed, I would communicate the above values and principles and the need for independence to CIA OIG managers and employees, and take the necessary and appropriate steps to assure that new IG employees understand the above values and the importance of independence and impartiality in the performance of the IG's duties and responsibilities.

Duties of the Position

QUESTION 30

One of the key statutory responsibilities for the CIA IG is: "to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the inspections, investigations, and audits relating to the programs and operations of the Agency…" Please explain how, as CIA IG, you plan to determine the agenda for the IG's inspections, investigations, and audits. How will you solicit and incorporate congressional concerns into your plans?

It is my understanding that the planning for audits and inspections by the OIG is based on 1) the office's prior year's reporting on the Agency's management performance challenges, 2) comments received from the Agency's leadership team and the intelligence oversight committees, 3) mandated annual and periodic work of the OIG, and 4) feedback from the OIG's staff based on their observations while performing work in the field. With regard to

the OIG's investigations, they are largely reactive in nature based on information received from a number of sources.

The above methodology appears to be a reasonable and appropriate approach to office planning. If confirmed, I will review and assess the OIG's specific agenda for its inspections, investigations, and audits, and look for areas where the plans might be improved or made more effective or productive. I also look forward to the opportunity of working closely with and considering the suggestions, ideas and concerns of the intelligence oversight committees as the OIG builds out its work plans.

QUESTION 31

What do you believe are the five most important prospective subjects for reports by the CIA IG, and how do you intend to prioritize these subjects as CIA IG?

I have reviewed CIGIE's 2018 report on the top management and performance challenges facing federal agencies, and I believe some of the subjects listed in that report are relevant to the CIA, such as information technology security and management, and performance management and accountability. I can also envision that artificial intelligence and facilities/personnel security might also be important prospective subjects for an OIG report. However, once I am confirmed and have become more familiar with the CIA's programs and operations, I will be able to accurately assess the most important subjects that should be addressed in OIG reports.

Relationship of CIA IG and IC IG

QUESTION 32

Please describe any potential overlap or conflict between the CIA IG and the ICIG that you anticipate, if confirmed, and how you intend to resolve same.

If confirmed, I look forward to reviewing the OIG's caseload for any potential overlap or conflict with matters being handled by the ICIG. Once I am familiar with the OIG's work and planned investigations, and discuss pending investigative matters of mutual interest or concern with the ICIG, I will be in positon to properly assess what overlap or conflict might exist between the two IG offices. In doing so, I will be able to draw on my experience resolving agency jurisdictional conflicts in relation to the numerous multi-agency task force criminal investigations that I have supervised and coordinated during my career at the U.S. Department of Justice.

[From Vice Chairman Warner]

QUESTION 33

Do you have any planned enhancements for existing whistleblower programs? If yes, what enhancements to the existing activities, including outreach, will you implement?

If confirmed, I look forward to the opportunity, and the benefit, of reviewing the existing whistleblower programs and the efficacy of each of them. While recognizing the importance of all reporting channels available to whistleblowers, if confirmed I also look forward to analyzing the details of each of those programs and considering any and all possible improvements and enhancements.

QUESTION 34

Please provide the current set of performance measures used by the Office of the Inspector General to measure success, including measures to track the timeliness and quality of whistleblower investigations.

It is my understanding that the CIA OIG complies with CIGIE's quality standards and the U.S. Attorney General's guidelines with regard to timeliness and quality of whistleblower investigations.

QUESTION 35

Given that stay authority must be requested by a whistleblower to avoid a possible retaliatory act, how are you able to assess whether there has been a need for it? Do you believe a proactive stay authority could prevent retaliatory actions?

It is difficult for me to assess the need for stay authority within the CIA absent my review of the OIG's precedent and history with regard to whistleblower complaints and investigations involving threatened or actual retaliatory conduct. Thus, I do not have enough information concerning CIA OIG operations to have formed an opinion on this specific matter. If confirmed, however, after conducting the necessary reviews, and exploring the pros and cons of stay authority with OIG staff, and possibly with IC IG Forum members, I look forward to providing you and the intelligence oversight committees with my opinion and recommendations and to discussing your thoughts on this issue in greater detail.

QUESTION 36

In conversations with past CIA Inspectors General, they raised concerns that the lack of sufficient accesses by OIG staff could affect the OIG's ability to properly conduct audits and perform evaluations. Some audits and evaluations were in highly compartmented programs or offices. Please indicate what measures and programs you intend to implement to realize the full access to data, systems, and personnel that performing quality IG audits and evaluations necessitates.

If a properly cleared member of the IG's staff, in conducting an authorized audit or evaluation of a compartmented program or office, was refused access at some level, I would first seek to determine the reason. I likely would then ask the assigned IG staff member to advise the appropriate manager of the legal authorities granting the IG unrestricted access to the program or office. If necessary, either I or a supervisory member of the IG's Office would intervene and speak directly with the appropriate supervisor. In the event these interventions failed to resolve the problem, I would personally inform the Office of the Director of the violation and request assistance in obtaining the access needed. In the unlikely event that the Director failed to provide help, and the IG's Office was still being refused access, I would inform the intelligence oversight committees of the problem and request their assistance.

50 U.S.C. §3517(d)(3)(E) requires that the CIA IG immediately notify the intelligence oversight committees when the IG is unable to obtain significant documentary information in the course of an audit, inspection or investigation.

In order to avoid such issues in the first place, it is important for the OIG and the CIA leadership team to work collaboratively in educating employees, particularly mid-level and senior managers, throughout the extended Agency enterprise of the IG's legal authorities in this regard.

June 29, 2020

The Honorable Senator Marco Rubio, Acting Chairman
United States Senate Select Committee on Intelligence
211 Hart Senate Office Building
Washington, DC 20510

The Honorable Senator Mark Warner, Vice Chairman
U.S. Senate Select Committee on Intelligence
211 Hart Senate Office Building
Washington, DC 20510

Dear Acting Chairman Rubio and Vice Chairman Warner:

Thank you for the Committee's letter dated June 26, 2020. As you requested, please find enclosed my responses to the Committee's Questions for the Record that followed from the hearing on my nomination.

With kind regards,

Respectfully,

Peter Michael Thomson

Enclosure

Questions for the Record
Senate Select Committee on Intelligence
Nomination Hearing
June 24, 2020

Questions for the Record for Mr. Peter M. Thomson

[From Senator Feinstein]

1. In 2014, this Committee completed and publicly released the summary of its study of the CIA's detention and interrogation program. In it, it describes significant resistance by the CIA to a review of the program by the CIA Inspector General, and even the provision of inaccurate information to the CIA OIG. Please read the section related to CIA's interactions with the Office of Inspector General prior to answering the following questions. (Specifically Section II (K))

   - **What was your assessment of the role the CIA OIG played in overseeing that program?**

     I reviewed Section II(K) of the declassified Executive Summary to the SSCI Study on the CIA's Detention and Interrogation Program (2014). As documented in that report, I understand that the CIA OIG played an important oversight role by conducting a Special Review of the program after several CIA officers raised concerns to the OIG about certain aspects of the program. Importantly, the OIG impartially and objectively collected facts relevant to the program's execution and processes, and reported its findings and conclusions to the relevant stakeholders, including to this Committee. The OIG was further tasked with making recommendations to this Committee and other stakeholders to improve the program's efficiency and effectiveness. Importantly, the OIG's Special Review of the program was conducted in an independent and impartial manner, notwithstanding contrary positions, concerns and views communicated to the OIG by CIA leadership personnel during the investigative and reporting process.

   - **What could have been done differently, in your opinion, to improve oversight of the program by the OIG?**

     Although I am not privy to all of the background on the former interrogation program nor the Special Review conducted by the OIG, I understand that this matter has important precedential value that would inform how I undertake my role as the Inspector General, if confirmed. Furthermore, I would certainly review the classified OIG Special Review, along with other important historical OIG matters, to

understand the valuable lessons learned and incorporate those into my work as the IG if confirmed.

- **How would you address the efforts to obstruct an OIG investigation that were exhibited at CIA during that period?**

  If I were confirmed as CIA IG and subsequently encountered similar opposition by CIA leadership to an OIG review, or similar opposition to factual findings made during an OIG review, I would first consider and weigh the positions and views of those expressing disagreement. If I determined that the objections were intentionally obstructive and/or deceitful and therefore presented a serious or flagrant problem, then, as I noted during my testimony before this Committee, I would bring the matter to the attention of this Committee to the fullest extent allowed. I also would continue to exercise independent judgment with regard to the OIG's review process, including with regard to the OIG's factual findings, conclusions and recommendations. As I described during my confirmation hearing testimony, this is akin to the approach I took as a federal prosecutor for 23 years and I am confident that I have the discretion and moral strength to stand firm in my convictions should I ever encounter such a situation.

2. Under the tenure of former acting CIA IG Sharpley, the CIA's Office of Inspector General misplaced one of just a few electronic copies of the full and classified Senate report on the interrogation and detention of terror suspects at CIA-run sites. When it was found, Sharpley returned it to the Committee per the Chairman's request. That means that the office you are nominated to lead does not have access to the Committee's full report, including long descriptions of how the CIA's Counterterrorism Center and leadership did not allow the IG to conduct appropriate oversight of the detention and interrogation program.

   In a May 2016 letter, I asked that the OIG be furnished with a new electronic copy of the report for its own oversight purposes. The OIG was closely involved in investigating the CIA's program, and the report describes the ways in which the CIA avoided appropriate oversight of the program.

   - **Do you believe the Committee's report would be helpful in the OIG's work if this or a similar issue were to arise in the future?**

     Although I do not have the necessary security clearance to review the full classified report at this time, the Committee's declassified Executive Summary is very detailed. I intend to further review the Executive Summary, and, if confirmed, also the OIG Special Review. In my view, the information contained in these reports are important because they can help inform the work of the OIG as it conducts future

reviews of other CIA programs and operations. If confirmed, I look forward to engaging with this Committee on its views regarding the full report that may be helpful should similar issues arise in the future.

[From Senator Wyden]

3. The Committee has been concerned about limitations on access by IC whistleblowers to cleared attorneys. Section 325 of the Intelligence Authorization Act for Fiscal Year 2020 (which became Section 9325 of the National Defense Authorization Act for Fiscal Year 2020) requires the Intelligence Community Inspector General to submit a report and recommendations on the topic.

   - **Do you agree, as a general matter, that CIA whistleblowers who wish to be represented should have access to cleared attorneys?**

     As I stated in my hearing, I believe the whistleblower program is one of the most important, if not most important programs in any Inspector General Office; and, if confirmed, I will prioritize my review of and work to strengthen the CIA OIG's whistleblower program, including the outreach and training components, together with reporting procedures and the protection of CIA employees and contractors who report wrongdoing. With regard to the issue of allowing private counsel access to classified information, it is my understanding that the CIA has policies and procedures in place for allowing CIA employees to obtain cleared counsel when appropriate. If confirmed, I will look into this process further and discuss this important issue with my staff.

   - **Do you agree that CIA whistleblowers and witnesses in OIG investigations who wish to be represented should be able to have cleared attorneys present at OIG interviews and meetings?**

     Consistent with my above answer, it is my understanding that any CIA employee or contractor who reports wrongdoing to the OIG, and any individual who the OIG wishes to interview as a potential witness, has the right to retain private legal representation. With regard to the issue of allowing such private counsel access to classified information that might be disclosed during any interview or meeting, it is my understanding, as I previously stated, that the CIA has processes and procedures in place for allowing CIA employees and other individuals to obtain cleared counsel when appropriate.

   - **Will you ensure that any CIA review of information whistleblowers wish to communicate with their attorneys protects confidentiality and attorney-client privilege and is independent of the Prepublication Classification Review Board?**

If confirmed, I would respect the integrity and confidentiality of any attorney-client relationship existing between a whistleblower and any lawyer retained by that individual. If confirmed, I will be in a better position to more thoroughly research the answer to this question and would look forward to engaging on this matter further with the Committee.

- **Will you ensure that the CIA's review process does not limit whistleblowers' communications with their attorneys for any reason other than classification?**

  Please see my response to the previous question.

- **If, in the context of a PPD-19 appeal, the Intelligence Community Inspector General authorizes a CIA whistleblower's attorney for access to classified information, will you help ensure that the CIA provides reciprocal access for that attorney?**

  As previously noted, I understand that there are processes and procedures in place at the CIA to clear attorneys for access to classified information when appropriate. If confirmed, I will be able to more thoroughly and accurately research the answer to this question and would look forward to engaging on this matter further with the Committee.

4. The Committee has been concerned about protecting communications of and about whistleblowers. Section 613 of the Intelligence Authorization Act for Fiscal Years 2018 and 2019 (which became Section 10613 of the National Defense Authorization Act for Fiscal year 2020) requires a report from the Security Executive Agent, in coordination with the Intelligence Community Inspector General, on controls to ensure that continuous vetting programs, including those involving user activity monitoring, protect the confidentiality of whistleblower-related communications.

   - **Will you ensure that information and communications submitted by whistleblowers to the OIG or created by OIG personnel will not be subject to monitoring, interception, or review without express permission from the OIG?**

     As stated during my confirmation hearing testimony and my responses to the foregoing questions, I intend to prioritize the CIA OIG whistleblower program and will work to strengthen whistleblower protections. I am not yet privy to the details of how CIA and the OIG manage their information technology (IT) systems and related security. If confirmed, and once I have a security clearance, I will be in a better position to more thoroughly research the answer to this question and would look forward to engaging on this matter further with the Committee.

- **What steps can be taken to create firewalls or other protocols to protect OIG files, systems and communications from CIA monitoring, interception, or review?**

  Two years ago, the Council of the Inspectors General on Integrity and Efficiency (CIGIE) released a report identifying information technology (IT) management and security as a top management and performance challenge for federal agencies. Although I am not yet privy to the details of how the OIG manages its IT systems and related security at CIA, if confirmed, and once I have a security clearance, I will make IT security and therefore this issue one of my top priorities for review and evaluation.

5. The Committee has stressed the importance of transparency with regard to whistleblower processes and procedures. Section 323 of the Intelligence Authorization Act for Fiscal Year 2020 (which became Section 9323 of the National Defense Authorization Act for Fiscal Year 2020) required the Intelligence Community Inspector General to provide recommendations for the harmonization of such processes and procedures "with efforts to maximize transparency."

   - **If you are confirmed, do you agree to release to the public the CIA's whistleblower processes and procedures, with only those redactions necessary to protect sources and methods?**

     As stated during my confirmation hearing testimony, the whistleblower program will be one of my top priorities. It is important to be as transparent as possible with respect to whistleblower processes and procedures in order to ensure confidence in the system. I am not yet privy to all of the information and background pertinent to this question. If confirmed, and once I have a security clearance, I will be in a better position to more thoroughly research and formulate a view on this question.

6. Pursuant to 50 U.S.C. 3517(d)(5)(D)(ii)(II), a CIA whistleblower may come directly to the congressional intelligence committees if he or she "obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices."

   - **How will you ensure that the Director does not abuse this provision with unnecessary delays or with unnecessary limits on which Committee members or staff the whistleblower can talk to?**

     With regard to the review and reporting procedures of urgent concerns under the CIA IG statute, the OIG has important duties and responsibilities, with the Director,

when a whistleblower elects to report an urgent concern directly to the intelligence committees. If confirmed, I would ensure that the OIG monitors this process closely. If I was unable to resolve any differences with the Director affecting my or the OIG's responsibilities in this regard, I would notify this Committee.

7. Section 322 of the Intelligence Authorization for Fiscal Year 2020 (which became Section 9322 of the National Defense Authorization Act for Fiscal Year 2020) requires the Intelligence Committee Inspector General to report on how to ensure that whistleblowers who have complaints against an inspector general and allege reprisal have access to adjudication and appellate reviews, including external review panels.

   - **If you are confirmed, how will you ensure that any whistleblowers with complaints about you or the Office of the Inspector General are protected and have access to all such adjudication and appellate rights?**

     If confirmed, and subsequently I became aware of an allegation against me, I would ensure that it is appropriately referred to CIGIE's Integrity Committee for further disposition. If there was an allegation made against the OIG, I would determine whether the office needed to be recused. If so, I would ensure the matter is referred to the IC IG as appropriate. As a member of the IC IG Forum, it is my understanding that I would be able to assist in providing input on development of procedures to handle allegations such as these.

8. The CIA did not brief the Inspector General about its Detention and Interrogation program until a detainee had died, by which time the CIA had held at least 22 detainees.

   - **If you are confirmed, how will you ensure that the Office of the Inspector General is briefed, at the outset, on programs and operations that might warrant a review, particularly those that present novel or complex legal issues?**

     Over the course of my career as a federal prosecutor, I experienced and observed instances in which federal agencies and agents failed or neglected to provide all of the evidence relating to matters under review. As a prosecutor, it is very important to assure that all evidence and relevant facts are considered when making critical charging and plea decisions. Based on my substantial experience in this area, I believe that I have the necessary sound judgment and discretion to ensure that the Inspector General's Office is briefed timely on programs and operations that might warrant review, particularly those that present novel or complex legal issues. Further, if confirmed, while noting the importance of understanding agency culture and operational tradecraft associated with CIA programs and operations, I would also rely on the professional staff of the Inspector General's Office to help assure that the OIG is briefed timely on programs and operations that might warrant review.

- **If you are confirmed, how will you ensure that the Office of the Inspector General is fully aware of programs that are highly compartmented, or which have highly compartmented components?**

  Please see my response to the previous question.

[From Senator Harris]

9. In response to the Committee's questionnaire, which asked you to "indicate any specialized intelligence or national security expertise you have acquired having served in the positions described," you included in your response: "representing clients in private practice on matters involving extradition and Red Notice removal."

   - **Please provide additional information to the Committee regarding your work representing clients on matters involving extradition. Which foreign nations were involved?**

     In my criminal defense practice, my red notice and extradition legal work involved clients with connection to the nations of Spain, Japan and Costa Rica.

     More specifically, during my tenure at Fowler Rodriquez, LLP (2011-14), I helped provide legal assistance and guidance to several current and/or former executives of a certain U.S. company, which was an established firm client. The executives had been charged with criminal offenses by a Spanish court. They had been threatened by Spanish authorities with INTERPOL red notices and extradition from the United States to Spain to face the criminal charges. I provided advice and guidance with regard to the legal authorities governing red notices and extradition from the United States to Spain.

     In another matter, I provided legal assistance and guidance to an individual, a U.S. citizen, after red notices had been filed against him by INTERPOL, which had been requested by Japan and Costa Rica in relation to his alleged interference in certain commercial maritime operations.

     I have not worked on red notice or extradition legal matters for clients at my current firm.

   - **Please provide additional information to the Committee regarding your work representing clients on matters involving Red Notice removal. Which foreign nations were involved?**

Please see my answer to the above question. My representation necessarily included legal guidance and strategy related to red notice removal.

10. Stone Pigman's website says that you represent "corporations and individuals under investigation for, or who have been charged with, a broad range of state or federal crimes, including the Foreign Corrupt Practices Act, racketeering, banking/financial offenses, corruption, wire fraud, immigration offenses, environmental crimes and many other violations."

- **Please provide additional information to the Committee regarding your work representing clients who are under investigation for, or who have been charged with, violating the Foreign Corrupt Practices Act. Which foreign nations have been related to this work?**

  While working at Fowler Rodriguez, LLP, I developed an expertise in the Foreign Corrupt Practices Act ("FCPA"). Based on that expertise, combined with my experience as an Assistant United States Attorney, Stone Pigman's website lists the FCPA as one of the specific practice areas for which I am qualified and willing to represent clients.

  I developed an expertise in the FCPA by counseling U.S. corporate clients with FCPA compliance procedures related to the Act's anti-bribery and accounting provisions. However, because those former clients had not actually been charged by the government, no specific foreign nations have been related to my prior FCPA work.

- **Please provide additional information to the Committee regarding your work representing clients who are under investigation for, or who have been charged with, racketeering, corruption, and banking offenses. Have foreign nationals been related in any manner to this work? If so, please explain.**

  Over the course of my career as an Assistant United States Attorney and an attorney in private practice, I obtained significant experience in matters involving racketeering, corruption and banking offenses. Based on my knowledge and experience, Stone Pigman's website lists racketeering, corruption and banking/financial offenses as some of the specific practice areas for which I am qualified and willing to represent clients.

  While in private practice, I have represented clients in matters involving or related to corrupt acts and banking/financial offenses. I also have worked on client matters involving or potentially involving racketeering, both criminal and civil. To the best

of my memory, I have neither been engaged by nor represented a foreign national who is under investigation for, or who has been charged with, racketeering, corruption or a banking offense. However, I have represented a Canadian company which claimed to be a victim of civil racketeering scheme, as well as two Nigerian nationals who claimed to be victims of a fraud scheme involving overseas wire transfers.

11. Please see addendum submitted under separate cover.

[From Senator Bennet]

12. I am concerned about the ways in which the Ukraine whistleblower complaint has affected the environment for future whistleblowers. I worry that some of the events in the past year have raised questions—whether true or not—about whether protections for whistleblowers are really there.

    - **What steps do you commit to taking in order to restore confidence in the CIA workforce that they will be protected, should they choose to come forward, in decisions that may put their careers or life on the line?**

      As I noted during my testimony at the hearing, I believe it is vital to the whistleblower program that CIA employees and contractors have full trust and confidence in the whistleblower process, including confidence that they will be protected. As a former federal prosecutor, I know the importance of protecting confidential informants and cooperating individuals, and my experience working with informants and cooperators in criminal cases will inform my approach to protecting those within the CIA who report wrongdoing. If confirmed, I will work with OIG staff and CIA leadership to protect whistleblowers to the fullest extent of the law, including their anonymity, if requested, and from reprisals for having disclosed information of wrongdoing.

      I look forward to evaluating the specific steps and procedures currently in place at the CIA OIG that serve to protect and instill confidence in whistleblowers, if confirmed. I look forward to implementing changes, as needed, to instill greater confidence in the system by CIA employees and contractors. In implementing changes, I believe it would be important to strategically focus on areas related to workforce protections that need to be improved and/or updated. Likewise, if confirmed, I would consider

prioritizing initiatives that include workforce communication and education; and I would examine how the Agency responds to reprisals.

- **What specifically would you do to ensure that the men and women of the Intelligence Community can do their work delivering objective and timely analysis free from political interference, perceived or otherwise? What role do you believe the CIA Inspector General can play in this dynamic?**

  Analytic objectivity is crucial to the CIA's mission-critical work of analyzing, evaluating and disseminating intelligence information. For example, I understand that the Agency has an "Ombudsman for Analytic Objectivity", who is actively engaged in the work of the Directorate of Analysis, and that the OIG sometimes refers certain inquiries to that office. Although I understand that the CIA Inspector General's Office is not currently tasked with ensuring objective and timely analysis of intelligence information free from political interference, perceived or otherwise, if confirmed I would look forward to exploring ways in which the OIG might contribute to strengthening analytic objectivity in the face of undue influences, such as political interference. As I testified in my hearing, I am committed to leading an Inspector General's Office free from any form of political bias or prejudice, and to promoting that culture strongly within the Office.

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