

SELECT COMMITTEE ON  
INTELLIGENCE

UNITED STATES SENATE



**Additional Prehearing Questions  
for  
Mr. Christopher Sharpley  
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?**

The statute is clear in its intent: the CIA Office of the Inspector General (OIG), consistent with its mission, has access to all CIA staff and contractors, reports, documents and data. This requirement is also spelled out in Agency regulations. This has been the practice since my arrival in July 2012, and if confirmed, I will continue to enforce it.

**b. Please describe how you would resolve, including what remedies you would pursue, if you were refused such access.**

I have requested periodically that the Office of General Counsel send an email to its representatives across the CIA mission, outlining these requirements. I have advised my staff to refer to Agency regulations and these emails if they receive any push-back regarding production. In any case, I would have my senior staff speak with the appropriate leadership in such an occurrence and if problems persisted I would intervene. In the highly unlikely event I was unable to resolve the issue I would notify the Director and the congressional intelligence committees of the matter.

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

The OIG issues subpoenas when seeking information from non-government, but affiliated, entities and persons in support of mission-related audit, inspection and investigative activities.

**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?**

The OIG conducts oversight work in conformance with standards and best-practices issued by the Council of Inspectors General (CIGIE), of which we are a member. These standards are written into our procedures and practices. Each discipline, i.e. audits, inspections and investigations, undergoes a periodic peer-review by another CIGIE member Offices of Inspector General to ensure compliance with these standards. CIGIE standards require that our work is

independent, objective and lacks bias, undergoes due professional care and is thorough. Although anecdotal evidence assists our work in identifying issues, our practice is to require independent verification in order for a conclusion to rise to the level of a finding.

### *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 of the U.S. Government, of their opportunity to provide such complaints or information to the CIA IG?**

The CIA OIG has developed and maintains a robust complaints Hotline, where whistleblowers and others can report concerns regarding fraud, waste, abuse and mismanagement in an anonymous, confidential or open manner. I define a whistleblower in the broadest sense of the term and meaning. This is a top priority at CIA OIG, as whistleblowers are a critical source of information that keeps our government honest, efficient, and accountable. I believe whistleblowing is essential to the national security and intelligence mission of the CIA. Federal laws, Executive Directives, and Agency Regulations strongly encourage Agency employees to disclose allegations of fraud, waste, and abuse to appropriate authorities. Federal laws and Agency Regulations also protect whistleblowers from retaliation for reporting allegations of wrongdoing.

If I am confirmed as CIA IG, as I have as Acting and Deputy CIA Inspector General, I will manage the CIA OIG Hotline, through which whistleblowers—employees, contractors, and others, can report concerns regarding fraud, waste, abuse and mismanagement involving Agency programs and operations. Within our Hotline program, I have developed a Complaint Coordination Committee (CCC), made up of senior OIG managers, that assesses all complaints and allegations received by the OIG. The CCC reviews each matter to determine how it should be handled, i.e., referred for consideration as an investigation, audit, or inspection, or whether the issue should be raised to component management for informational purposes or further action. Any allegations of possible retaliation against a whistleblower are handled as a priority. The CIA OIG Investigations Office has developed specific whistleblower retaliation training for investigators, and whistleblower retaliation complaints are given a dedicated reporting track on the OIG Hotline web site. I regard whistleblower retaliation as a separate

program from our Hotline, even though related concerns are typically received through our Hotline.

Our Hotline and Whistleblower programs include an outreach component. At CIA, all new Agency employees receive a briefing by senior CIA OIG staff explaining the Hotline program, how concerns and complaints are handled by the OIG, and how they can report concerns in an anonymous, confidential or open manner. The briefing includes an explanation on whistleblower protections, and why such protections are important. Senior OIG staff attend senior Agency staff conferences where Hotline and Whistleblower retaliation program information is presented. In order to expand access to reporting channels, CIA OIG has developed an internal web-based system—referenced above, that allows those with access to CIA systems—worldwide, the ability to report concerns and complaints anonymously, confidentially or openly. While visiting stations and bases, I conduct All-Hands meetings with CIA staff where I convey my philosophy in this area, and conduct open-door visits with management and line staff.

At CIA buildings within the Washington Metropolitan Area, posters advising all staff of their obligations to report fraud, waste, abuse and mismanagement to the OIG are displayed. Agency sponsored training that includes instructions on how to report fraud, waste, abuse and mismanagement, either anonymously, confidentially or openly, as well as an explanation of the protections that are afforded them, is required to be taken by CIA staff.

**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?**

In addition to the processes described above, Agency Regulations designate CIA OIG as the point of contact for employees to report allegations of reprisal for making protected disclosures to appropriate authorities under relevant whistleblower laws and regulations. As stated, the OIG is also responsible for reviewing and investigating allegations of whistleblower reprisal for the CIA. The OIG reviews allegations of reprisal in compliance with applicable laws, directives, and regulations, such as Presidential Policy Directive 19 (PPD-19).

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

Although the CIA OIG Hotline and whistleblower retaliation programs are strong, we are always seeking to strengthen our mission capabilities. To this end we are in the process of having an independent expert examine our Hotline and whistleblower retaliation programs and make recommendations for possible improvements.

## ***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 believe this continuing work is important to ensure accountability and promote efficiency.

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

OIG conducts the following regular, periodic work:

1. Covert Action Reviews
2. Independent Audit of the CIA's Financial Statements.
3. Independent Evaluation of CIA's Information Security Program and Practices required by the Federal Information Security Modernization Act (FISMA).
4. Review of the CIA's compliance with the Improper Payments Elimination and Recovery Act (IPERA).
5. Risk assessment of purchase and travel card programs.
6. Independent Audit of the DNI's Financial Statements.
7. Independent Attestation of CIA's Assertions Concerning Security and Availability of the Commercial Cloud Services System.

## ***Intelligence Authorization Act for Fiscal Year 2017***

### **QUESTION 4**

On May 24, 2016, this Committee passed its Intelligence Authorization Act for Fiscal Year 2017, S. 3017. The bill includes two provisions that affect the CIA IG: section 309 requires the IG for each Intelligence Community element to implement a policy that places limitations on certain employees of IG offices, and section 412 amends the Central Intelligence Agency Act of 1949 to authorize the CIA IG to consider certain positions as law enforcement officers for purposes of calculating retirement eligibility and entitlements.

**a. What are your views of these provisions?**

My understanding of Section 309 language is that it is intended to preclude OIG staff from possible conflicts of interest and to be free from impairments to independence. I believe current Agency and OIG policies achieve these objectives. Agency ethics requirements address the prevention of personal and external impairments for all CIA officers. At CIA OIG, career staff rotational assignments are not mandated, and Agency staff on rotation to CIA OIG are prevented from conducting oversight work associated with offices, missions, and projects, to which they have materially contributed to during the previous three years. CIGIE standards are clear in this regard, that staff are to remain clear from conflicts and impairments, in fact or perceived. During my tenure at CIA OIG, I have found no deviations from this standard by OIG staff.

My understanding of Section 412 is that it is intended to afford FERS Special Law Enforcement pay and retirement authorities to qualified criminal investigators at CIA OIG. I support this authority, as it enables CIA OIG to attract trained criminal investigators in support of the critical investigative mission at CIA. Absent this authority, criminal investigators working for other Offices of Inspector General and other law enforcement agencies would lose such retirement coverages if they came to work at CIA OIG, and newly trained CIA OIG criminal investigators would be incentivized to leave CIA OIG to work for other agencies in order to obtain such retirement coverages.

**b. How would a limitation on employee's activities impact your duties and responsibilities, and execution thereof, if confirmed as CIA IG?**

With respect to Section 309, I believe current practices may satisfy the intent of the Section and would minimally impact my duties and responsibilities. Regarding Section 412, this language would significantly and positively impact my ability to attract and retain criminal investigative talent at all levels of the career service, which is essential for maintaining a robust and healthy investigative cadre

**c. Do you have an opinion on whether CIA OIG officers should be armed as law enforcement officers? Does this provision provide the relief you need to hire law enforcement officers as investigators?**

First, I sincerely appreciate the support of the Committee in providing legislative language that serves to strengthen the CIA OIG investigative mission.

As a law enforcement officer with near 35 years of experience, during 30 of which I carried a firearm, I believe criminal investigators should be sufficiently trained and equipped to defend themselves and those around them from imminent harm. In the criminal investigative profession, despite best efforts to control the working environment, officers are never certain of the circumstances they will encounter—what is believed to be a benign witness interview could evolve into a confrontation with an armed and dangerous criminal.

## ***Personnel and Budgetary Resources***

### **QUESTION 5**

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?**

The CIA OIG team of professional auditors, inspectors, investigators and support staff are among the best in public service, and I anticipate that they will continue to produce world class work. The CIA OIG budget has remained flat for years despite growth in the CIA’s mission and corresponding budget. CIA OIG budget requests have been submitted through FY 2019. If confirmed, I would initiate a review of the structure of the CIA OIG and determine staff requirements in order to perform optimal oversight.

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

CIA OIG staff recruiting and vacancy levels are to a large extent affected by an onerous recruiting process at CIA. Despite efforts by CIA to improve this process, onboarding times can take many months, with only one out of every three Conditional Offers of Employment resulting in actual employment. I believe contractors are best used in support areas such as IT, research and report production, when onboarding fails to provide required personnel, and critical support related vacancies must be filled in order to meet mission requirements.

***Government Accountability Office (GAO)***

### **QUESTION 6**

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.**

Both the ODNI and CIA have issued policies regarding cooperation with the Comptroller General, through the General Accountability Office (GAO). Accordingly, the Agency provides GAO access to CIA information related to matters under GAO review to the fullest extent possible, and consistent with national security and the protection of intelligence sources and methods. GAO interaction is principally with the Agency directly, which coordinates with mission components in order to facilitate the GAO's efforts. GAO has minimal interaction with the CIA OIG, except to ensure avoidance of duplicative oversight efforts.

**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.**

Please see 'a.' above.

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

Beyond coordination with CIA OIG to ensure avoidance of duplication, my concerns are that appropriate controls are maintained over sensitive national security information in the possession of GAO, and that GAO work is conducted at the invitation of the congressional oversight committees. I believe CIA OIG maintains the capability to address most CIA-related issues of interest to the Committee.

### ***CIA IG Work Plan***

### **QUESTION 7**

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

If confirmed, I will continue to address CIA OIG investigative, audit and evaluative work in accordance with processes I have established as the Acting Inspector General. Audit and inspections work will be planned for the following fiscal year essentially using four considerations: (1) the previous year's OIG



reporting on CIA's Management Performance Challenges, (2) solicited feedback from OIG's principle stakeholders—namely CIA senior leadership and the congressional intelligence committees, (3) mandated annual and periodic work, and (4) insights from OIG professional staff based on their cumulative observations during previous

OIG fieldwork. Within this framework, CIA OIG's work is prioritized, and if new areas of interest are raised following the conclusion of our planning efforts, they may be inserted into the work lineup, as appropriate. Investigative work is predominantly reactive in nature, and is determined by the assessment of allegations and concerns received by our investigative component from the OIG Hotline, directly from whistleblowers and others, using established CIGIE standards, Attorney General Guidelines, and OIG practices and procedures. All CIA OIG processes have undergone peer-review by other CIGIE member Offices of Inspector General and have been assessed as compliant with CIGIE standards.

## **QUESTION 8**

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 would continue to develop an Annual Workplan and coordinate with the intelligence committees on the development of each Workplan. Please also see Question #7.

### ***Consultations about Reports***

## **QUESTION 9**

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?

CIA OIG practices and procedures include issuing draft reports to the CIA before a final report is issued. This allows the CIA to evaluate and fully understand the findings and recommendations, including CIA OIG support for its positions on the issues or concerns found. In this sense, CIA sees audit and inspections reports before they are issued, although I might not characterize it as a consultation. This practice is used throughout the Inspector General Community, and is not intended to, nor has it resulted in undermining OIG independence, in my experience.

CIA OIG conducts IT related oversight, such as the Independent Attestation of CIA's Assertions Concerning Security and Availability of the Commercial Cloud Services System. Multiple intelligence agencies use the Commercial Cloud. This work is relied upon by the Offices of Inspector General of the user agencies.

Before work begins, CIA OIG advises the other OIGs of areas that will be covered in the audit.

#### **QUESTION 10**

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?

Please see Question #9. These interactions are appropriately recorded in the work papers of CIA OIG staff.

#### **QUESTION 11**

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. § 403q(b)(3)?

Section 17 of The CIA Act of 1949, authorizes the Director of the Central Intelligence Agency to prohibit the initiation, carrying out or completion of an OIG audit, inspection or investigation, if he determines that such prohibition is necessary to protect vital national security interests of the United States. The law also requires him to inform the congressional intelligence committees, should he take such actions. I am not aware of this authority ever having been exercised, nor can I think of circumstances under which doing so would be appropriate.

#### **QUESTION 12**

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. § 403q(b)(3)?

Please see Question #11.

#### **QUESTION 13**

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?

Independence is the foundation of an Inspector General's credibility, and to the best of my knowledge, I have never removed a finding and/or a recommendation from a report at the request of a senior official.

All CIA OIG reports follow CIGIE Standards, which are validated under an independent peer-review process. In order to qualify as a finding, each must contain four elements: Condition, Criteria, Cause and Effect. If these elements don't exist then a finding cannot be supported. Recommendations are designed to address the findings. If a finding is determined not to be supported it may be changed to an 'observation'.

#### **QUESTION 14**

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?

Yes. This has been my practice as Acting Inspector General and will continue to be, if I am confirmed.

#### **QUESTION 15**

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

Part of the work of CIA OIG has been to examine CIA's compliance with the law, regulations and guidelines, which include those containing congressional intent and direction.

#### **QUESTION 16**

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. A strong relationship between CIA OIG and the congressional intelligence committees is essential for effective oversight.

#### **QUESTION 17**

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. The role, responsibilities and functions of the CIA OIG with respect to legal issues are well established. Thus, while it is important that CIA OIG and CIA General Counsel consult rigorously on matters of joint interest such as working

with the Department of Justice litigation issues and OIG investigations, I would rigorously challenge changes to those norms or new interpretations.

### ***Major Challenges, Problems, and Priorities***

#### **QUESTION 18**

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

There are two: recruiting and onboarding process, and a flat budget. Recruiting, and hence, retention at CIA OIG continues to be a challenge and the vacancy rate varies between 10 – 15 percent. We use the Agency's recruiting and onboarding process, which has historically taken months from a COE being made to a prospective employee, to their entry into the workforce. Principally due to that lengthy onboarding process we lose two of every three candidates we offer a COE. CIA is currently taking action to improve the onboarding process, which should go a long way to addressing this challenge. That said, I have directed an independent review of this process in order to inform CIA decision-makers of possible additional areas requiring attention.

Attrition among CIA OIG staff stems from a higher rate of turnover among our junior audit staff to positions within the Agency and at higher grades to other OIGs. Attrition of our newly trained investigators stems primarily from their desire to acquire FERS Special law enforcement retirement coverage at other agencies—coverage we have begun to integrate following the passage of the Intelligence Authorization Act for the Fiscal Year 2017.

CIA OIG budget and staffing levels have remained flat for many years, even as the Agency's mission and budget has expanded. Additional staffing and corresponding increases would enable CIA OIG to expand its oversight work across Agency programs and operations.

#### **QUESTION 19**

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

I have recently hired a recruiting specialist who has already increased CIA OIG recruiting activities. We have initiated a review of the CIA's onboarding process. Additionally, if confirmed, I will initiate a comprehensive review of the CIA OIG organization and its mission requirements. That review will serve to inform a

dialogue with the Director and with the oversight committees regarding the CIA  
OIG Fiscal Year 2020 budget and future mission requirements.

### ***Travel***

#### **QUESTION 20**

Please list your official foreign travel while serving as the Acting Inspector General starting in February 2015. Please include dates of travel, location, and specific purpose including topic of CIA IG activity.

Foreign travel was conducted in conjunction with planned CIA OIG fieldwork, including audits inspections and investigations. I conducted All-Hands meetings with local staff to message the role and responsibilities of the CIA OIG, and to strengthen communications. While visiting, I opened my temporary office to staff who typically shared operational challenges and issues, complaints and concerns, engaged in general discussions, and even asked career advice—all while I expressed appreciation for the their service and sacrifice.

Since 2015, I have travelled to nine countries, and have spent 41 days in the field. If confirmed, I will continue to travel to ensure that CIA OIG's mission is communicated to the field.

I have sent a classified annex containing the locations and dates of my travel.

### ***Staffing***

#### **QUESTION 21**

You have served as Acting IG for over two years. Please provide your assessment of the staff levels and performance of the CIA IG staff.

The CIA OIG team is performing admirably, and since February 2015, we have issued over 100 audit and inspection reports and have made 340 recommendations to the Agency to improve efficiency and effectiveness in key areas such as Covert Action, Insider Threat, information security, financial systems and other operational and program activities. CIA OIG has received, assessed and processed over 1150 whistleblower complaints through the Hotline and initiated approximately 115 investigations.

As stated, if confirmed, I will initiate a comprehensive review of the CIA OIG organization and its mission related requirements. That review will serve to inform a dialogue with the Director and the oversight committees regarding the FY 2020 budget and future mission requirements. More could be accomplished with more resources.

## **QUESTION 22**

Do you have enough staff to accomplish your mission?

Please see Questions 5 and 21.

## **QUESTION 23**

Are there areas in which you need additional support?

Yes. As I've discussed in Question #18, CIA OIG budget and staffing levels have remained flat for many years, even as the Agency's mission and budget has expanded. Additional staffing and accompanying budget would enable CIA OIG to expand its oversight work across Agency programs and operations. CIA OIG could improve its oversight capabilities if given the authority to convert unobligated funds designated for staff salary costs to use in acquiring contractor support in critical mission areas such as IT and report production. The authority to convert these funds would provide CIA OIG operational flexibility and strengthen mission capabilities.

## **QUESTION 24**

What policy changes do you need to strengthen the work of the CIA IG?

Please see Question #23. The authority to convert unobligated funds originally designated for staff salaries, when those positions remain unfilled due to challenges in CIA's onboarding process. These funds would provide CIA OIG operational flexibility and strengthen mission capabilities.

## **QUESTION 25**

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?

My staff maintains sufficient clearances to obtain access to sensitive and highly-compartmented activities. There are no mission areas, data, documentation or

staff to which CIA OIG does not have access. My staff and I have not been denied access to any such information or personnel.

### ***Whistleblower***

#### **QUESTION 26**

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. I am aware of complaints made against the CIA OIG, the former CIA Inspector General, and previous OIGs where I was employed, but I am not aware of any where I was the subject.

#### **QUESTION 27**

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 the OIG has addressed each of the following during your tenure as Acting IG:

Please see Question #2. I define a whistleblower in the broadest sense of the term and meaning. Anyone providing allegations and concerns to the CIA OIG is regarded as a whistleblower, and is afforded all appropriate protections.

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

Whistleblower rights and training along with gaining access to the OIG are addressed by the Agency in mandatory 'No FEAR Act' training requirements, regulations, and can be viewed on the CIA OIG web site—available to staff and contractors with staff-like Agency system access. Also, the Agency addresses Whistleblower Protection under the Equity Assurance section of its Employee Central website.

- Timely and thorough investigations of whistleblower complaints;

Timeliness and thoroughness are standards by which all CIA OIG investigations are conducted, and they are incorporated into our procedures. Anyone providing allegations and concerns to the CIA OIG is regarded as a whistleblower, and is afforded all protections from reprisal.

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

CIA OIG follows processes based upon PPD-19 and ICD-120 guidance, which are incorporated into our Investigations Manual and our Whistleblower Reprisal Investigations Handbook for Investigators. Allegations received are assessed to determine if the complainant has standing, made a protected disclosure to an authorized recipient, and suffered an adverse personnel action or action on their security clearance. Investigative activity determines if there is a causal relationship between the protected disclosure and the adverse personnel or security clearance action. Reports of findings are issued to the appropriate level decision-maker(s) for appropriate action.

- Management of whistleblower caseloads within the OIG;

The Whistleblower caseload is managed similarly to all investigations. Cases are assigned to criminal investigators who work under Assistant Special Agents in Charge, and who follow our Investigations Manual and Whistleblower Reprisal Investigations Handbook for Investigators. All cases are entered into our Case Management System and the system employs appropriate access controls. Reports are written in accordance with our procedures and issued to CIA decision-makers.

- Notification to Congress regarding whistleblower complaints.

The CIA OIG notifies the congressional oversight committees of the status of all of its investigations, including whistleblower retaliation cases, through our Semi Annual Reports and on an ad hoc basis during discussions between Committee staff and CIA OIG staff.

## **QUESTION 28**

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 Question #27.

## **QUESTION 29**

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?

Please see Questions #2 and #27. Additionally, although the CIA OIG Hotline and whistleblower retaliation programs are strong, more can always be done. As such, I have initiated an independent review of these programs to identify possible ways to strengthen them.



### **QUESTION 30**

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?

The CIA OIG appreciates the Committee's support on the issue of providing 'stay authorities'. Although we certainly are not opposed to having the authority, we have never had a need for it.

### ***Independence***

### **QUESTION 31**

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?

Messaging on the importance OIG independence is a very effective weapon in deterring any efforts to compromise it. Both the CIA OIG senior staff and I routinely reference and discuss the importance of IG independence at new employee briefings, manager conferences, and with senior staff. This message is reinforced internally among the CIA OIG staff. Independence is the foundation of an IG's credibility in the eyes of his principal stakeholders. Any efforts to undermine it should—and will, if I am confirmed—be met with a swift response.

### ***Duties of the Position***

### **QUESTION 32**

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 you have, as the Acting CIA IG, determined the agenda for the IG's inspections, investigations, and audits. How will you solicit and incorporate congressional concerns into your plans?

As Acting Inspector General, I have provided policy direction for, and have conducted, supervised and coordinated independently, the inspections, audits and investigations involving the programs and operations of the CIA. I have issued over 100 classified audits and inspections and have initiated over 100 investigations. These audits and inspections are uncompromising. If confirmed, I will continue to address CIA OIG investigative, audit and evaluative work in accordance with processes I have established as the Acting Inspector General.

Audit and inspections work will be planned for the following fiscal year essentially using four considerations: (1) the previous year's OIG reporting on CIA's Management Performance Challenges, (2) solicited feedback from OIG's principle stakeholders—namely CIA senior leadership and the congressional oversight committees, (3) mandated annual and periodic work, and (4) insights from OIG professional staff based on their cumulative observations during previous OIG fieldwork. The final CIA OIG Workplan has been and will continue to be, if I am confirmed, a reflection of my independent assessment and priorities for conducting oversight work of CIA programs and operations.

As I have previously stated, investigative work is predominantly reactive in nature, and is determined by the assessment of allegations and concerns received by our investigative component from the OIG Hotline, whistleblowers and others, using established CIGIE standards, Attorney General Guidelines, and OIG practices and procedures. All CIA OIG processes have undergone peer-review by other CIGIE member federal Offices of Inspector General and have been assessed as compliant with CIGIE standards.

### **QUESTION 33**

What do you believe are the five most important reports completed under your leadership of the CIA IG since February 2015? Please provide a brief description of why you believe each of these reports were important.

I have issued over 100 audit and inspection reports, including nearly 350 recommendations for positive change in the programs and operations of the CIA. I have listed specific reports in the classified annex to this document.

### ***Relationship of CIA IG and IC IG***

### **QUESTION 34**

Please describe any potential overlap or conflict between the CIA IG and the ICIG that you have experienced in your role as Acting CIA IG or you may anticipate, if confirmed.

There have been no conflicts between the CIA OIG and the IC OIG during my tenure as Acting Inspector General. In fact, my senior staff and I have supported and fully participated in the IC IG Forum, including sub working groups such as Deputy, legal, audit, inspections evaluations, awards and others on an ad hoc basis.

With respect to overlap, I have authorized the CIA OIG to conduct the independent attestation of the Financial Statement of the Office of the Director of National Intelligence (ODNI) under agreement with the ODNI and CIA, and share the results of that work with the IC IG. Financial systems and certain processes that support the ODNI are administered by the CIA. Those same systems are

audited by CIA OIG auditors while also conducting the independent attestation of CIA's Financial Statement. As such, with efficiency and cost savings in mind, I have conducted the ODNI audit on a reimbursable basis. I currently have one highly qualified auditor on a Joint Duty Assignment to the IC IG.

***RDI***

**QUESTION 35**

Please describe the legal basis on which you divested the OIG of its sole copy of the Committee's Study of the CIA's Detention and Interrogation Program.

To the best of my recollection, upon receiving a disk containing the Committee's RDI Study in December 2014, my predecessor decided to upload the report to the classified CIA OIG system. Shortly thereafter, we received guidance not to upload the report pending ongoing Freedom of Information Act litigation in the DC Circuit Court. My predecessor directed the report be deleted from the CIA OIG system and the disk preserved. After we deleted the report from our system we were told by our technical staff that the disk had been destroyed. In 2016, almost one year later, we discovered the disk had not been destroyed, but had remained secure in a safe. On conclusion of the FOIA litigation that determined the Study was a congressional record, and in response to a request from the Committee Chair, I made the judgement to return the disk to the Committee. I understand this was consistent with the actions of other Executive Branch recipients.

**QUESTION 36**

Was the OIG's copy of the Committee's Study of the CIA's Detention and Interrogation Program a federal record under the Federal Records Act? Please explain your reasoning for this determination.

Please see Question #35.