



Washington, D.C. 20505

17 March 2020

Mr. John Greenwald
27305 West Oak Road
Suite #1203
Castaic, CA 91384

Reference: F-2015-02442

Dear Mr. Greenwald:

This is a final response to your 24 August 2015 Freedom of Information Act (FOIA) request for **a copy of records, electronic or otherwise, of the policy, document, or memorandum of agreement that covers and deals with interactions between [our] agency's staff and the agency's Office of Inspector General.**

We processed your request in accordance with the FOIA, 5 U.S.C. § 552, as amended, and the CIA Information Act, 50 U.S.C. § 3141, as amended.

We completed a thorough search for records responsive to your request and located four documents which we can release in segregable form with deletions made on the basis of FOIA exemption (b)(3). Copies of the documents are enclosed. Exemption (b)(3) pertains to information exempt from disclosure by statute. The relevant statutes are Section 6 of the Central Intelligence Agency Act of 1949, as amended, and Section 102A(i)(1) of the National Security Act of 1947, as amended. As the CIA Information and Privacy Coordinator, I am the CIA official responsible for this determination. You have the right to appeal this response to the Agency Release Panel, in my care, within 90 days from the date of this letter. Please include the basis of your appeal.

Please be advised that you may seek dispute resolution services from the CIA's FOIA Public Liaison or from the Office of Government Information Services (OGIS) of the National Archives and Records Administration. OGIS offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. Please note, contacting CIA's FOIA Public Liaison or OGIS does not affect your right to pursue an administrative appeal.

To contact CIA directly or to appeal the CIA's response to the Agency Release Panel:	To contact the Office of Government Information Services (OGIS) for mediation or with questions:
Central Intelligence Agency Washington, DC 20505 Information and Privacy Coordinator (703) 613-3007 (Fax) (703) 613-1287 (CIA FOIA Public Liaison / FOIA Hotline)	Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road – OGIS College Park, MD 20740-6001 (202) 741-5770 (877) 864-6448 (202) 741-5769 (Fax) ogis@nara.gov

If you have any questions regarding our response, you may contact the CIA's FOIA Hotline at (703) 613-1287.

Sincerely,



Mark Lilly
Information and Privacy Coordinator

Enclosures

This document is made available through the declassification efforts
and research of John Greenewald, Jr., creator of:

The Black Vault



The Black Vault is the largest online Freedom of Information Act (FOIA)
document clearinghouse in the world. The research efforts here are
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(U) Disseminating or sharing any part of this document outside CIA must comply with AR 10-16.

AR 1-24 OFFICE OF INSPECTOR GENERAL (Formerly AR 1-3A)

D/CIA - Agency Regulation Series 1 (Agency Organization and Authorities) Published on 26 March 2007

Regulation Summary

Ingested from Regulations.cia on 10 May 2013

I. (U) Policy

REVISION SUMMARY: 26 March 2007

This revision supersedes AR 1-3a, dated 4 October 2001.

AR 1-3a is revised to reflect changes in how field employees communicate with the OIG. This revision also reflects a change in the dates for transmitting the semiannual report to Congress. In addition, this revision reflects the D/CIA's decision, effective 5 July 2006, to replace the post of Executive Director with a new position, that of Associate Deputy Director of the Central Intelligence Agency (ADD/CIA).

Organizational titles have also been updated.

Boldfaced text in this regulation indicates revisions.

This revision was written by the Office of Inspector General.

a. (U) OFFICE OF INSPECTOR GENERAL

(U) SYNOPSIS. This regulation sets forth the authority, mission, responsibilities, and organization of the Central Intelligence Agency's Office of Inspector General.

(1) (U) AUTHORITY. Section 17 of the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403q) (hereinafter referred to as "the CIA Act").

(2) (U) MISSION. The Inspector General (IG) is appointed by the President with the advice and consent of the Senate. The mission of the Office of Inspector General (OIG), headed by the IG, is to detect fraud

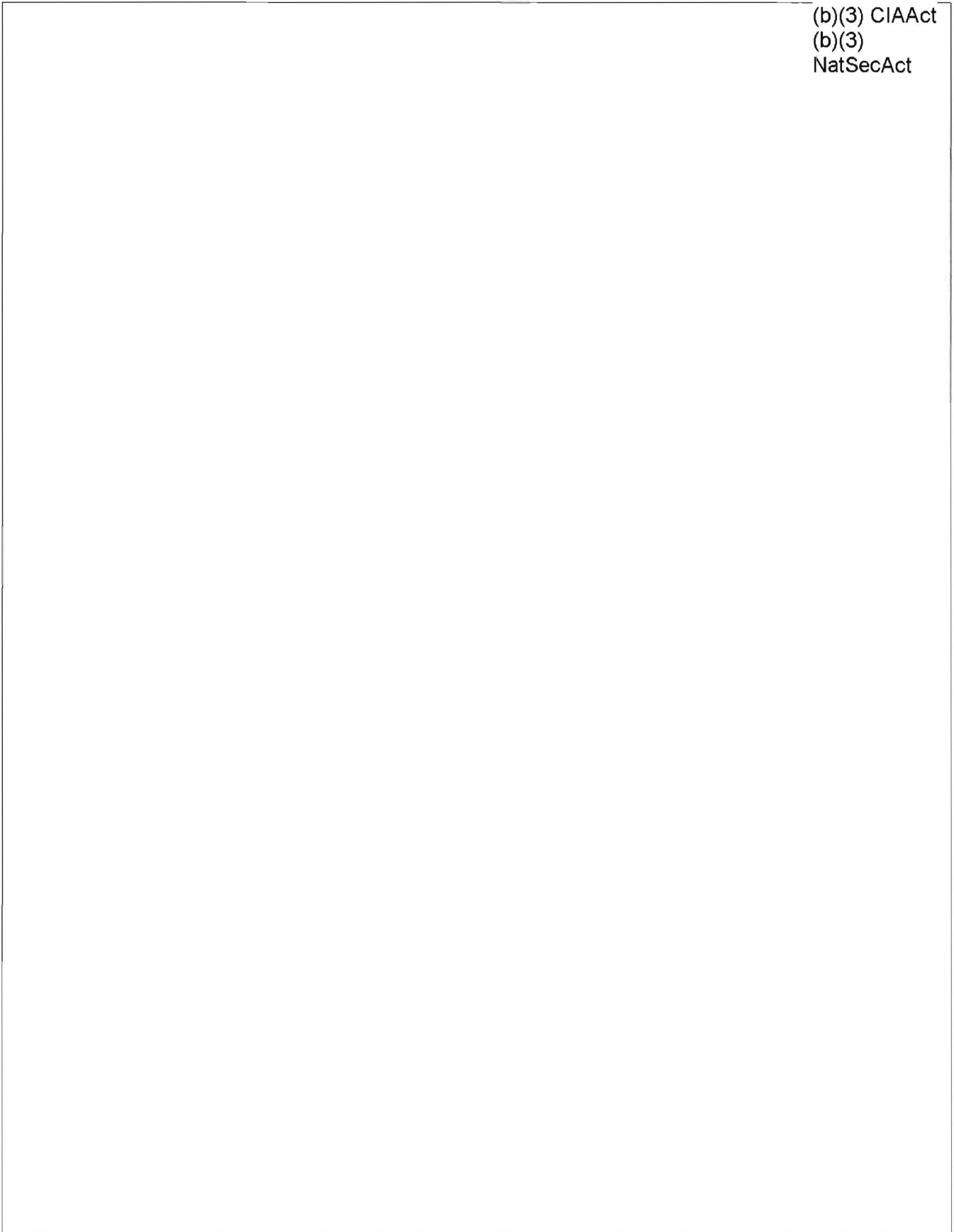
and abuse and determine compliance with applicable law and regulations; evaluate performance; and make recommendations designed to correct deficiencies and promote economy, efficiency, effectiveness, and accountability in Agency programs and operations

(3) (~~U//AIUO~~) FUNCTIONS. The IG reports directly to and is under the general supervision of the Director of **the Central Intelligence Agency (D/CIA)**. The OIG will:



(b)(3) CIAAct
(b)(3)
NatSecAct

(b)(3) CIAAct
(b)(3)
NatSecAct



(4) (U) AUTHORITIES. As necessary in the performance of OIG functions, the IG is authorized to:

- (a) Have direct and prompt access to the D/CIA.
- (b) Receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, regulations, or E.O. or concerning mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health or safety.
- (c) Administer to, or take from, any person an oath, affirmation, or affidavit through OIG employees designated in writing by the IG to do so.
- (d) Require by subpoena from entities other than Federal agencies the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence as necessary for the performance of OIG duties and responsibilities. **In the event of noncompliance, the IG may seek enforcement of such subpoenas by order of any appropriate U.S. District Court, as provided by Section 17(e)(5) of the CIA Act, as amended.**
- (e) Request information or assistance from any Federal agency as necessary to carry out OIG functions. Authority to make such requests pursuant to Section 17(e)(8) of the CIA Act is hereby delegated by the D/CIA to the IG.

(5) ~~(U//AIUO)~~ COOPERATION WITH OIG

(a) All Agency employees, independent contractors of the Agency, and employees of a contractor of the Agency are required to cooperate fully with OIG and provide accurate, candid, complete, and forthcoming responses to all questions posed by OIG personnel during the conduct of IG audits or inspections or investigations to the extent required by law.

(b) All Agency employees, independent contractors of the Agency, and employees of a contractor of the Agency are obligated to report criminal activity, including waste, fraud, and abuse involving Agency operations, programs, or personnel to OIG or the Office of General Counsel.

(c) OIG shall have access to any employee, independent contractor of the Agency, or any employee of a contractor of the Agency whose testimony is needed for the performance of its duties.

(d) OIG shall have immediate and direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials that relate to the programs and operations for which OIG has responsibilities. Such materials may include, but are not limited to, all internal and external documents, memoranda, tasking notes, letters, correspondence, communications, cable traffic, briefing books, calendars and diaries, logs, computer databases, electronic messages (E-mail and Lotus Notes), financial records, and official and soft files. These categories encompass unclassified and classified materials

[Redacted]

[Redacted]

(b)(3) NatSecAct

Documents are to be produced in their entirety as they appear without redactions or deletions of any kind. Marginalia should remain as it appears on the original documents.

(e) Failure on the part of any employee or contractor to cooperate with OIG shall be grounds for appropriate administrative actions by the Director, to include loss of employment or termination of an existing contractual relationship.

(6) (U) D/CIA PROHIBITION OF OIG INQUIRY. The D/CIA may prohibit the IG from initiating, carrying out, or completing any audit, inspection, or

investigation where the D/CIA determines that such action is necessary to protect vital national security interests. In the event this authority is exercised, a report to the CIOC of such action is required by Section 17(b)(4) of the CIA Act.

(7) (U) DISCLOSURE OF CLASSIFIED INFORMATION TO DOJ

PERSONNEL. Personnel from DOJ and U.S. Attorney's Offices may be allowed to review Agency materials and documents in the course of OIG activities. However, before copies of such materials or documents are released to such personnel for retention at their offices, appropriate Agency information control officers will be permitted to review and redact the information to protect Agency sources and methods.

(8) (U) CONFIDENTIALITY

(a) The IG is barred by Section 17(e)(3) of the CIA Act from disclosing, without the consent of the employee, the identity of an employee who has made a complaint or provided information to the IG concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to the public health and safety, unless the IG determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the DOJ responsible for determining whether a criminal prosecution should be undertaken.

(b) Additionally, as a matter of policy, OIG does not disclose the identities of other persons it interviews or the substance of their statements unless such disclosure is determined to be necessary for the full reporting of a matter or the fulfillment of other OIG or Agency responsibilities.

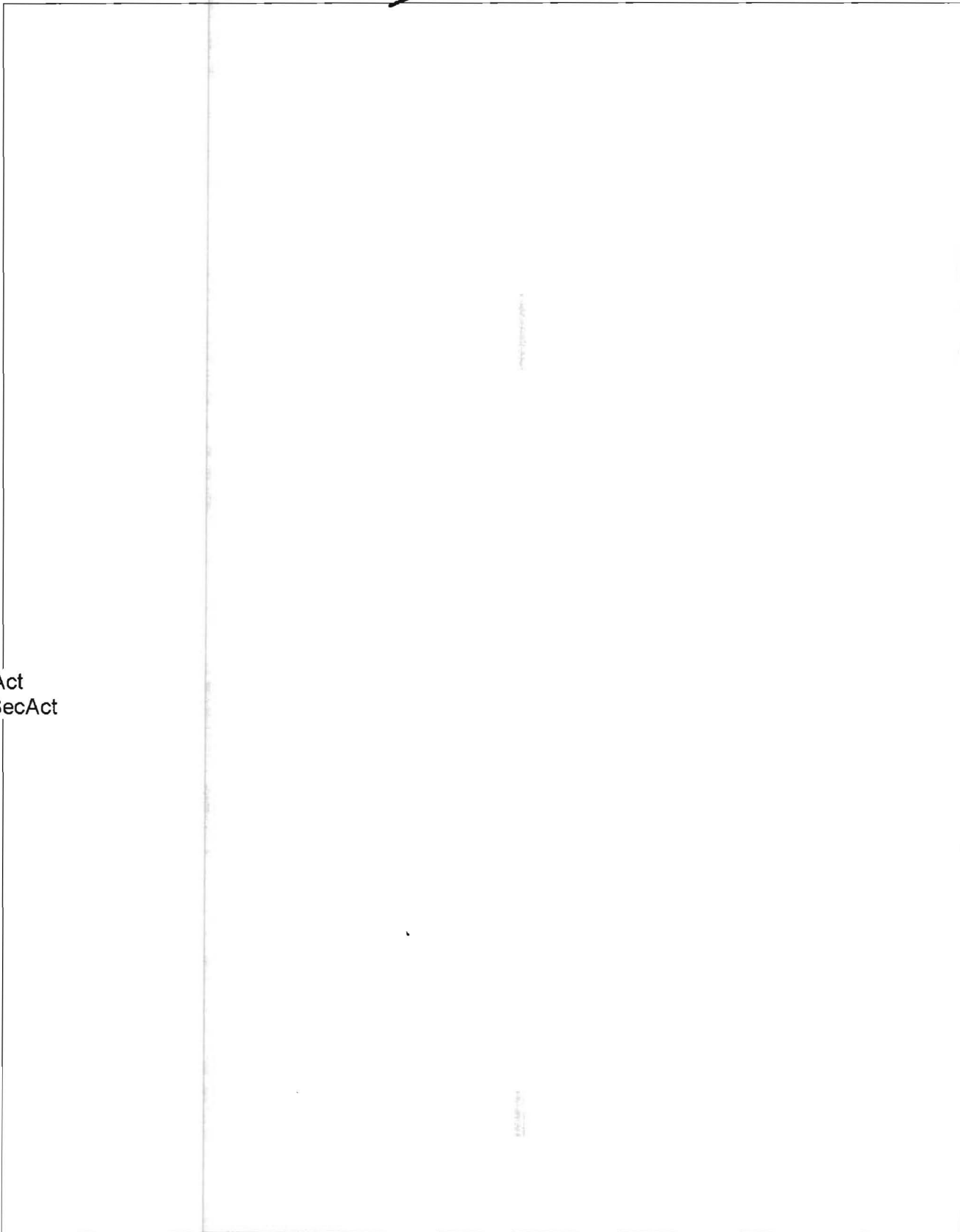
(9) (U//~~AIUO~~) CONFIDENTIAL FIELD COMMUNICATIONS

(a) There is a specific OIG cable indicator for confidential and privileged communications between an employee and OIG. Such cables will not be discussed with or shown to anyone who is not a member of OIG without the permission of the originating employee

unless OIG determines that such disclosure is necessary.



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(b)(3) CIAAct



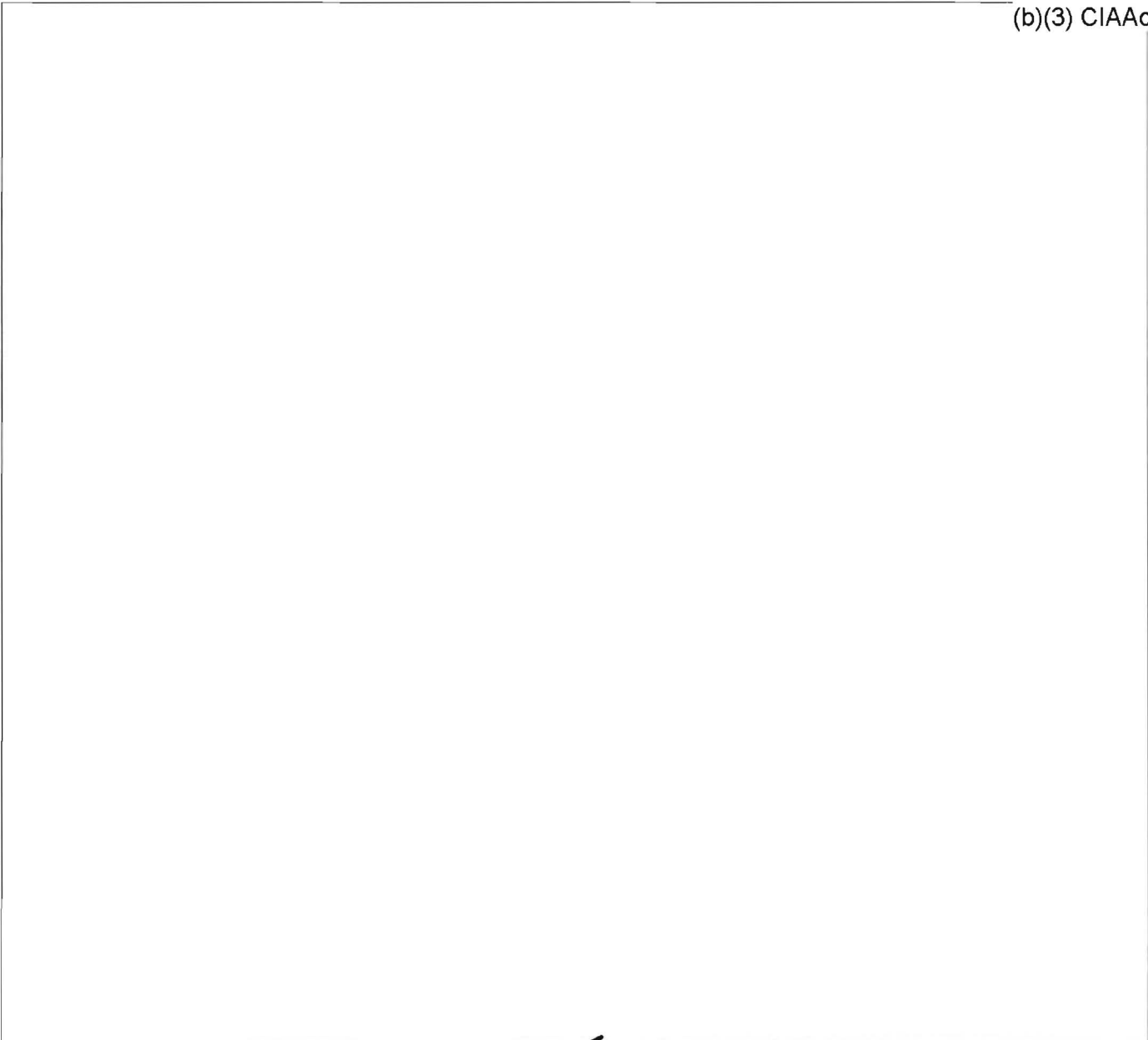
(b)(3) CIAAct
(b)(3) NatSecAct

(10) (U) REPRISAL. No action constituting a reprisal or threat of reprisal may be taken against any complainant or source of information in an IG

investigation, audit, or inspection because the individual filed a complaint or provided information to the **OIG**. This does not prevent, however, official action against an employee who knowingly makes a false complaint or discloses false information or who makes such a complaint or statement with willful disregard for its truth or falsity. Agency managers who contemplate any action on this basis should consult with **OIG** in advance.

(11) (U) ACCEPTANCE OF SERVICE OF PROCESS. **OIG** employees shall coordinate with **OGC** before accepting or agreeing to accept service of process on a subpoena.

(b)(3) CIAAct



(13) (U) OIG REPORT PROCESSING. OIG audit, inspection and special assessment reports are processed in accordance with procedures that have been established by the IG in consultation with the D/CIA and **Associate Deputy Director of the Central Intelligence Agency (ADD/CIA).** Those procedures explain how and when such reports are made available for management comment, how such comments are handled and the responsibilities of management in regard to such reports. While those procedures are summarized in the Appendix to this Regulation for information purposes, they are subject to change independent of this Regulation. OIG investigative reports are processed as appropriate for each case, including as described in paragraph (14) below and subsection (a) of the Appendix.

(14) (U//~~FO~~) PROCEDURE FOR REPORTS THAT MAY RESULT IN DISCIPLINARY ACTION. The following procedures, drawn from AR 13-3, will be used to handle matters investigated by the OIG that may require imposition of disciplinary actions.

(a) OIG reports that reveal significant performance failures involving fundamental CIA missions or responsibilities and significant failures to meet professional standards will be referred by the IG to the D/CIA for a determination whether the matter should be adjudicated by a directorate or component panel, an Agency-wide panel, a special panel established by the D/CIA to handle the particular case, or by the D/CIA without any panel.

(b) Copies of all other OIG reports that the IG believes warrant consideration of disciplinary action shall be provided to the appropriate Agency manager as well as to the D/OS to determine whether the matter should be adjudicated by an Agency-wide panel. This determination shall be made by the D/OS in consultation with the Agency manager concerned, or after review by a directorate or component panel as appropriate. Where the D/OS and Agency manager cannot agree, they shall jointly seek resolution of the

matter by the **ADD/CIA**.

(15) (U) CONGRESSIONAL OVERSIGHT AND REPORTING REQUIREMENTS

(a) Semiannual Reports. The IG is required by Section 17 of the CIA Act to submit to the D/CIA, not later than 31 January and 31 July of each year, a classified semiannual report summarizing OIG's activities, including the exercise of its subpoena power, for the preceding six-month period ending 31 December and 30 June. The D/CIA is required to transmit the report with appropriate comments to the Congressional Intelligence Oversight Committees **not later than 1 February and 1 August each year.**

(b) Immediate Reports. The IG is also required by law to report immediately to the D/CIA any particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of Agency programs or operations. The D/CIA is required to transmit such a report to the CIOC within seven calendar days, together with any appropriate comments. The CIOC have agreed that the IG should consider, when determining whether to make such a report, such factors as whether and to what extent:

- (1) The matter is part of or substantially involves an Agency program or operation.
- (2) A particularly serious criminal violation is involved.
- (3) The matter is known to be of particular concern to the Committees.
- (4) Large sums of money or other U.S. Government resources are involved.
- (5) Particularly sensitive and important programs such as counterintelligence, counterterrorism, or counternarcotics are involved.
- (6) Senior officials are involved in improper conduct.

(7) The matter is of such a nature that it is necessary or appropriate for the CIOC to assist in fashioning a resolution.

(8) The Committees should be made aware because any public disclosure of the matter that might occur would be particularly inimical to U.S. interests.

(c) Direct Reports to Congress. Section 17 of the CIA Act also requires the IG to report directly and immediately to the CIOC in the event that:

(1) The IG is unable to resolve any differences with the D/CIA affecting the execution of the IG's duties or responsibilities.

(2) An audit, investigation, or inspection should focus on any current or former Agency official who:

(a) holds or held a position in the Agency that is subject to appointment by the President, by and with the advise and consent of the Senate, including such a position held on an acting basis; or

(b) holds or held the position in the Agency **specified at section 17(d)(3)(B)(ii) of the CIA Act**, including such a position held on an acting basis **and/or re-designated position with substantially similar functional responsibilities.**

(3) A matter requires a report by the IG to the DOJ on possible criminal conduct by a current or former Agency official described or referred to in subparagraph (2) above.

(4) The IG receives notice from the DOJ declining or approving prosecution of possible criminal conduct of any of the officials described in subparagraph (2) above.

(5) After exhausting all possible alternatives, the OIG is unable to obtain significant documentary information in the course of an

IG audit, inspection, or investigation.

For purposes of subparagraph (2) above, an audit, inspection, or investigation focuses on an official when sufficient information is developed to provide a reasonable basis to conclude that the official personally, through action or inaction, may have violated a law, directive, regulation or standard of conduct or performance.

(d) Congressional Requests for Reports. Section 17 of the CIA Act further requires that the D/CIA provide any report or findings of an OIG audit, inspection, or investigation to the CIOC when requested by the Chairman or Ranking Minority member of either of those Committees. The authority to provide such reports in response to such requests is hereby delegated to the IG by the D/CIA.

(e) Reports of Urgent Concerns. Section 17 of the CIA Act also provides that employees and contractors who wish to report "urgent concerns," as that term is defined in the law, regarding Agency activities to Congress may first report them to the IG. The IG is required to review such matters and forward any reports found to be credible to the D/CIA for further action pursuant to Section 17. Employees may also report such concerns to Congress under certain circumstances; questions about the relevant law and policy should be directed to OIG, OGC or Office of Congressional Affairs.

(U) Disseminating or sharing any part of this document outside CIA must comply with AR 10-16.

AR 3-51 (U) Protecting Whistleblowers with Access to Classified Information

D/CIA - Agency Regulation Series 3 (Workforce/Human Resources) Published on 08 July 2013

Revision Summary

(U) Process Steward note: Administrative changes were undertaken on 5 May 2014 to correct paragraph numbering format issue.

Regulation Summary

(U) This regulation implements Presidential Policy Directive (PPD) 19, dated 10 October 2012, by setting forth the policy and process for reviewing Personnel Actions and actions affecting Eligibility for Access to Classified Information for employees who allege such actions are reprisals for making a Protected Disclosure. The CIA does not tolerate reprisals or the threat of reprisals against employees for making a Protected Disclosure of suspected cases of waste, fraud, or abuse, and/or violations of law, rule, or regulation. Employees who believe they have been subject to such a reprisal should contact the Office of the Inspector General (OIG) in accordance with the policy and procedures set forth in this regulation.

(U) This regulation is applicable to Personnel Actions and actions affecting Eligibility for Access to Classified Information made on or after 8 July 2013.

Definitions

(U) Complainant - An employee who consents to an OIG review and investigation as a result of making a complaint of a reprisal affecting him/her.

(U) Eligibility for Access to Classified Information - Result of the determination whether an employee (a) is eligible for access to classified information through the granting of a security clearance by the appropriate security official in accordance with Executive Order 12968 (relating to access to classified information), or any successor thereto, and Executive Order 10865 of February 20, 1960, as amended (relating to safeguarding classified information with industry), or any successor thereto; and (b) possesses a need to know under such orders."

(U) Eligibility for Access to Classified Information - Result of the determination whether an employee (a) is eligible for access to classified information through the granting of a security clearance by the appropriate security official in accordance with Executive Order 12968 (relating to access to classified information), or any successor thereto, and Executive Order 10865 of February 20, 1960, as amended (relating to safeguarding classified information with industry), or

any successor thereto; and (b) possesses a need to know under such orders.

(U) Employee - Staff and non staff personnel per AR 3-2 (U) Categories of Personnel, with the exception of consultants, independent contractors, or employees of private contractors.

(U) Protected Disclosure - Means the following, provided a whistleblower protects classified information as required by law, policy, or regulation: (a) disclosing information by an employee to a supervisor in the employee's direct chain of command up to and including the Director of the CIA, to the CIA Inspector General, to the Director of National Intelligence, to the Inspector General of the IC, or to an employee designated by any of the previously mentioned officials that the employee reasonably believes evidences 1) a violation of law, rule or regulation; or 2) gross mismanagement, gross waste of funds, an abuse of authority, or a substantial and specific danger to the public health or safety; (b) reporting an "urgent concern" to Congress in accordance with and as defined in AR 13-6 (U) Employee and Contractor Communications with Congress; (c) exercising any appeal, complaint, or grievance with regard to violations described in Section II; (d) participating in an investigation or proceeding regarding a violation described in Section II; or (e) cooperating with or providing information to the OIG, in accordance with applicable provisions of law in connection with an audit, inspection, or investigation conducted by the OIG.

(U) Reprisal - To take or fail to take, or to threaten to take or not to take, a Personnel Action or an action affecting Eligibility for Access to Classified Information in retaliation for an employee making a Protected Disclosure.

(U) Whistleblower - An employee who makes a Protected Disclosure (as defined herein).

I. **(U) Authorities**

(U) Presidential Policy Directive 19, Protecting Whistleblowers with Access to Classified Information, dated 10 October 2012; and Agency Regulation (AR) 1-1 (U) the Central Intelligence Agency.

II. **(U) Policy**

A. (U) Any employee who has the authority to take, direct others to take, recommend, or approve any Personnel Action or any action affecting an employee's Eligibility for Access to Classified Information, shall not, with respect to such authority, take, fail to take, threaten to take, or threaten not to take a Personnel Action or an action affecting an employee's Eligibility for Access to Classified Information as a reprisal against an employee as a result of an employee making a Protected Disclosure. CIA does not tolerate reprisals or threats of reprisal against employees for making a Protected Disclosure. The CIA is committed to maintaining a work environment where employees can fulfill their obligations to make a Protected Disclosure of suspected violations of law, rule, or regulation; or gross mismanagement, gross waste of funds, an abuse of authority; or a substantial and specific danger to public health or safety without fear of reprisal.

B. (U) The OIG is designated as the point of contact for employees to report allegations of

reprisals for making Protected Disclosures. An employee who believes that he or she has been subject to a Personnel Action or an action affecting his or her Eligibility for Access to Classified Information as a reprisal for a Protected Disclosure should contact OIG under the procedures set forth below in section III.A. Should an employee notify his or her management of an alleged reprisal, management should take no action but should instead instruct the employee to contact the OIG.

- C.** (U) The OIG is responsible for investigating any allegation of a reprisal by Personnel Action or action affecting Eligibility for Access to Classified Information as defined in this Agency Regulation. Upon receipt of such an allegation, the OIG:
- 1.** (U) Will conduct a review of the complaint as set forth in section III.B. below to determine whether there are reasonable grounds to believe that a reprisal has occurred, exists, or has been threatened.
 - 2.** (U) May recommend corrective actions described below in section III.C. consistent with the provisions of PPD 19.
- D.** (U) The review process required by this regulation for a personnel action shall be conducted consistent with PPD 19 and, to the fullest extent possible, with the policies and procedures used to adjudicate alleged violations of section 2302(b)(8) of title 5, United States Code. The review process required by this regulation for an action affecting Eligibility for Access to Classified Information shall be conducted consistent with PPD 19 and, to the fullest extent possible, with the policies and procedures used to review security clearance determinations under AR 7-7 (U) Appeal of Personnel Security Decisions, and Section 5.2 of Executive Order 12968 of August 2, 1995, as amended. Review processes shall provide for the protection of classified national security information and intelligence sources and methods.

III. (U) Responsibilities

A. (U) Employee Actions

(U) An employee who believes a reprisal has been taken, is being taken, or has been threatened as a result of a Protected Disclosure, should contact the OIG. The employee should be prepared to provide the OIG the following information:

- 1.** (U) Name, position, and contact information. If an employee decides to remain anonymous, this may limit or prevent the OIG from taking further action on the complaint.
- 2.** (U) The date of the Protected Disclosure, the name(s) and position(s) of the individual(s)

to whom the Protected Disclosure was made, and specific facts about the Protected Disclosure.

3. (U) The name(s) and position(s) of the person(s) whom the complainant believes committed a reprisal action.
4. (U) The nature of the reprisal action(s) and a description of why it is believed that the listed reprisal action(s) occurred because of the protected disclosure.
5. (U) Any other information the employee believes would assist the OIG in assessing the complaint of reprisal.

B. (U) OIG Actions

U) After receiving an allegation of a reprisal (see definition of Reprisal below) and upon receipt of the information listed in paragraph III.A. above, the OIG will initiate and follow the procedures described below. If the D/CIA terminates an employee (pursuant to the definition of Personnel Action below) after the initiation of an OIG investigation of a reprisal, the OIG investigation under these procedures will cease.

1. (U) Within five (5) working days after the date of receiving the complaint, notify the complainant that the allegation was received by the OIG and provide the name and contact information of the OIG official assigned to the matter.
2. (U) Within fifteen (15) calendar days after receiving the complaint contact the complainant to schedule an interview. Generally, within sixty (60) calendar days after receiving the complaint determine whether an investigation or other inquiry is warranted. Except in instances where the OIG receives an allegation that would have a significant negative impact on the integrity of the process for making Protected Disclosures if it were not investigated, the OIG will conduct an investigation into an allegation only with the consent of the employee affected by the Personnel Action or decision impacting Eligibility for Access to Classified Information.
3. (U) To the extent permitted by the Privacy Act of 1974 and other applicable law, before the OIG concludes any investigation or other inquiry of alleged reprisal the OIG shall notify the complainant of the nature of the investigative findings and reason for the decision. If the complainant disagrees with the OIG's findings and decision, the complainant has fifteen (15) working days after receiving notification from OIG to submit written comments and any additional information to the OIG. The OIG will review the complainant's written submission and decide whether (1) further investigation is warranted or (2) to close the investigation. Generally the OIG will conduct further investigation only if: (1) the complainant provides new evidence that was not

previously known to the OIG; (2) the new evidence is relevant; and (3) the new evidence directly impacts the investigative findings and disposition of the investigation. If the OIG receives no written submission by the complainant or decides there is no basis to change its decision, the OIG will notify the complainant that the investigation has been closed.

4. (U) If the completed OIG investigation substantiates the allegation as a reprisal, the OIG will issue a report and make a recommendation to the D/CIA or designee that appropriate corrective action be provided to the complainant and that appropriate disciplinary action, consistent with AR 13-3 (U) Discipline and Accountability, be taken against the employee(s) responsible for the reprisal.

C. (U) Corrective Action

(U) As part of the review process, the OIG may recommend to the D/CIA or designee that the Agency take specific corrective action to return the employee, as nearly as practicable and reasonable, to the same or comparable position such employee would have held had the reprisal not occurred and that the Agency reconsider any adverse action affecting the employee's Eligibility for Access to Classified Information consistent with national security and E.O. 12968, as amended. Pursuant to PPD 19, the D/CIA shall carefully consider the findings of and actions recommended by the OIG. To the extent authorized by law (including the Back Pay Act), corrective action may include, but is not limited to, reinstatement, reassignment, award of reasonable attorney's fees, other reasonable costs, back pay and related benefits, travel expenses, and compensatory damages.

D. (U) Appeals to the External Review Panel

(U) If an employee disagrees with the findings of the OIG review, or the Agency's decision after the D/CIA receives a recommendation by the OIG for certain corrective action, the employee may request an external review by a three member IG External Review Panel chaired by the Inspector General of the IC as set forth in PPD 19. Any review by the External Review Panel is at their discretion.

E. (U) Other Applicable Regulations

(U) Nothing in this regulation is intended to delay or preclude the separation of an Agency employee in accordance with AR 4-16 (U) Termination of Employment. This regulation is not intended to obviate the requirement that all employees must follow standards of conduct set forth in AR 4-1 (U) Standards of Conduct. Nothing in this regulation is intended to restrict any statutory authorities of the Inspector General.

F. (U) No additional rights conferred

(U) Nothing in this regulation is intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

References

none.

(U) Disseminating or sharing any part of this document outside CIA must comply with AR 10-16.

(b)(3) CIAAct
(b)(3) NatSecAct

AR 13-6 (U) EMPLOYEE AND CONTRACTOR COMMUNICATIONS WITH CONGRESS (Formerly AR 7-20)

CPS - Agency Regulation Series 13 (Special Reporting Requirements/Restrictions) Published on 08 April 2009

Regulation Summary

Ingested from Regulations.cia on 10 May 2013

I. (U) Policy

REVISION SUMMARY: 19 March 2009

(U) This regulation supersedes AR 7-20, dated 20 January 2006.

(U//~~FOUO~~) AR 7-20 is revised primarily to bring contractors within its purview, consistent with 50 U.S.C. § 403q(d)(5)(A). It also makes clear that detailees may invoke these procedures to receive the same whistleblower protections as Agency employees and contractors. The definition of "urgent concern" is also narrowed slightly, consistent with 50 U.S.C. § 403q(d)(5)(G)(II). Finally, the Managing Associate General Counsel is removed from the list of Designated Officials. This issuance was approved by the Associate Deputy Director on 19 March 2009.

(U) *Boldfaced text in this regulation indicates revisions.*

This regulation was written by the Office of General Counsel, (b)(3) CIAAct
(secure).

20. (U) EMPLOYEE AND CONTRACTOR COMMUNICATIONS WITH CONGRESS

(U) SYNOPSIS. This regulation sets forth the procedures to be followed in the reporting of urgent concerns to Congress by employees of the CIA. This regulation ensures that employees, contractors, and detailees have a mechanism to securely

report to Congress urgent concerns, consistent with the Agency's legal obligations to protect vital national security, law enforcement or foreign affairs interests.

a. (U) AUTHORITY. The authority for this regulation is contained in Section 17 of the Central Intelligence Agency Act of 1949, 50 U.S.C. 403q, as amended.

b. (U) DEFINITIONS

(1) (U//~~AIUO~~) **For purposes of this regulation, "employee" means a staff or contract employee of CIA, an independent contractor of CIA, an employee of an industrial contractor of CIA or a detailee to CIA from another agency.**

(2) (U) "Designated official" means the Deputy Director of Congressional Affairs, and the Assistant Inspector General for Investigations.

(3) (U) The term "urgent concern" means:

(a) (U//~~AIUO~~) a serious or flagrant problem, abuse, violation of law or Executive Order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information;

(b) (U//~~AIUO~~) any false statement made to Congress, or willful withholding from Congress, on an issue of material fact **relating to the funding, administration, or operation of an intelligence activity**; or

(c) (U) an action constituting reprisal or threat of reprisal in response to an employee reporting an urgent concern pursuant to this regulation.

c. (U) EMPLOYEE PROCEDURES

(1) (U) Employees who wish to report an urgent concern to Congress may do so by contacting designated officials. Employees shall furnish one of these designated officials with a written or oral statement describing the urgent concern they intend to communicate to Congress. Preparation of a written statement must be consistent with security requirements.

These designated officials shall ensure that the employee is provided with instructions for reporting the matter to Congress. These designated officials, in appropriate consultation with other Agency officials, shall also ensure that a determination is made as to whether the information the employee wants to report to Congress is classified.

- (2) (U) If the employee wishes to report information to Congress that does not qualify as an "urgent concern," the employee may do so by contacting the Office of Congressional Affairs (OCA). OCA will handle the request to brief Congress in accordance with the procedures set forth in this Agency regulation.

d. (U) CLASSIFIED INFORMATION

- (1) (U//~~FOUO~~) If the information related to the urgent concern is classified, or if the employee making the report is under cover, the information may only be reported to the House Permanent Select Committee on Intelligence (HPSCI) or the Senate Select Committee on Intelligence (SSCI), and the report shall be made in accordance with appropriate security practices **and the procedures set forth in this regulation.** Employees may be authorized to send classified written communications through the designated officials to the Intelligence Committees, or they may be authorized by the designated official to speak directly to Members or appropriately cleared staff of the Intelligence Committees without a CIA representative present. In certain instances, the employee may be advised that the communication must be limited to particular staffers cleared for the information or to the Chairman/Ranking Minority Member of the HPSCI or the Chairman/Vice Chairman of the SSCI. Employees are reminded that the reporting of classified information under these rules and procedures does not constitute public disclosure or declassification of that information.
- (2) (U//~~FOUO~~) If the information related to the urgent concern is not classified or otherwise privileged, and the employee is overt, the information related to the urgent concern may be reported to the HPSCI or SSCI, to the employee's congressional representatives, to any other Member or Committee of Congress, or to all of the above, **according to**

the procedures set forth in this regulation. The reporting of such information to Congress does not constitute public disclosure of that information.

(3) (~~U//A//FO~~) The Agency will not, except in rare circumstances, restrict the passage of information related to an urgent concern. Only the Director of the Central Intelligence Agency (D/CIA) may prevent an employee from disclosing an urgent concern to Congress and only if such a disclosure would jeopardize vital national security, law enforcement or foreign affairs interests. The designated officials shall bring to the D/CIA's attention urgent concerns that may in their judgment implicate vital national security, law enforcement or foreign affairs interests so that the D/CIA can make a determination on whether the urgent concern can be reported to the Congress. If the D/CIA prevents the disclosure of an urgent concern to Congress, he will promptly inform the Intelligence Committees of the exercise of that authority. The D/CIA thereafter will conduct a periodic review of the determination to prevent a disclosure of an urgent concern to confirm whether the factors justifying that determination continue to pertain. The D/CIA will allow the employee to report the urgent concern to Congress as soon as it is no longer necessary to prevent such disclosure to protect vital national security, law enforcement or foreign affairs interests. The D/CIA may consult with appropriate senior officials in the Executive Branch prior to making a determination to prevent the disclosure of an urgent concern on grounds that it would jeopardize vital law enforcement, national security or foreign affairs interests.

e. (~~U//A//FO~~) **EMPLOYEE CONFIDENTIALITY.** Employees who seek to report urgent concerns to Congress may request confidentiality. If the report is made through the Inspector General, the Inspector General has a duty under law not to disclose the identity of the employee who made the report without the consent of the employee unless the Inspector General determines that such disclosure is unavoidable during the course of an investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken. If the report is made through the OCA, the identity of the

employee who has requested confidentiality will only be disclosed to those in OCA who have a need to know, to the D/CIA or DD/CIA, to the Inspector General, or to senior officials at another Government agency that have a need to know the identity of the employee in the performance of an official function.

f. (U) REFERRAL PROCEDURES

(1) (~~U//A//FO~~) When a report of an urgent concern is made through the OCA, the report will be referred to the Inspector General for review. A report of an urgent concern to Congress that is referred to the Inspector General in this manner shall not be delayed because the Inspector General has not completed that review.

(2) (~~U//A//FO~~) Under section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 USC 403q(d)(5)), the Inspector General has a legal obligation to evaluate urgent concerns received from employees who intend to report such matters to Congress and, within fourteen calendar days after **the Inspector General receives** an urgent concern, **the Inspector General** shall report to the D/CIA concerning whether the Inspector General has determined the urgent concern to be credible. This report will be transmitted by the D/CIA, with appropriate comments, to the HPSCI and SSCI within seven calendar days. If the Inspector General determines the matter is not credible, or does not transmit the report in an accurate form within the fourteen day period, the employee may report the matter to the Congress, by contacting either or both of the intelligence committees directly **as follows:**

(a) (~~U//A//FO~~) **before contacting the committees, provide the Inspector General with a statement of the complaint or information to be conveyed, along with a notice of intent to contact the committees directly; and**

(b) (~~U//A//FO~~) **seek and follow guidance from the Inspector General on how to contact the committees in accordance with appropriate security practices. The Inspector General will coordinate with the D/OCA, and the report will be drafted**

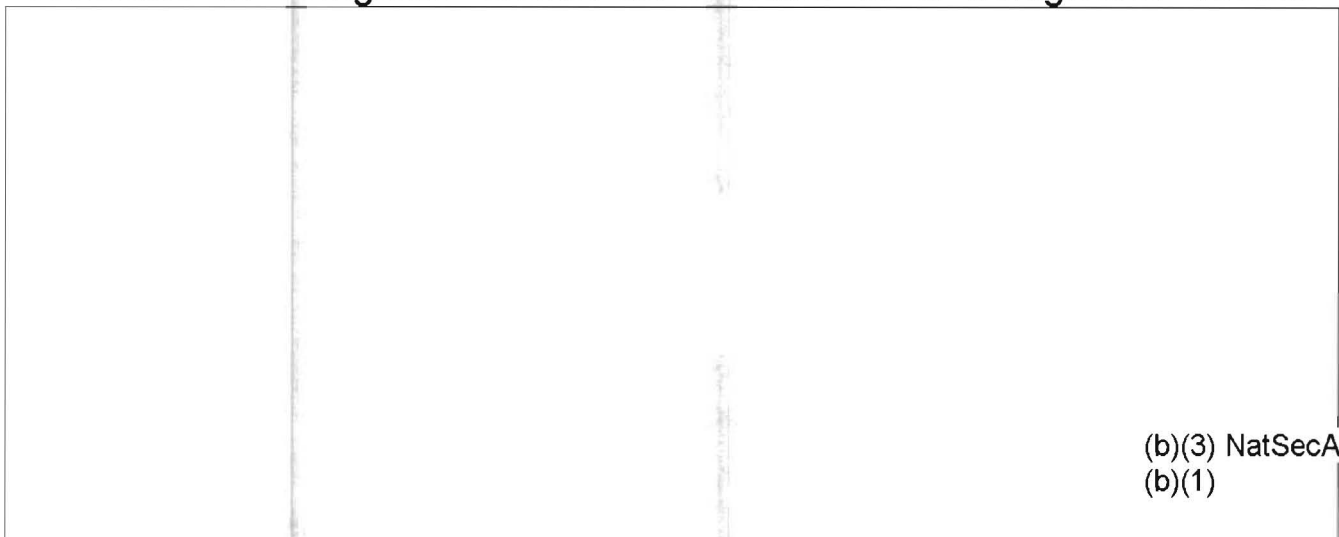
consistent with the D/CIA's obligation to prevent a disclosure that would jeopardize vital national security, law enforcement, or foreign affairs interests.

(3) (U//~~ATUO~~) An employee who reports an urgent concern under this regulation shall be notified by the Inspector General of each action taken with respect to the report, and such notification will be provided not later than three days after the action is taken.

g. (U//~~ATUO~~) EMPLOYEE RESPONSIBILITIES. Employees who follow these procedures for reporting urgent concerns to Congress will not be subject to serious disciplinary action, admonishment, reprimand, or **adverse contractual action** for making such reports. Management will not take or threaten to take an adverse action, or withhold or threaten to withhold a favorable action, as a result of an employee making or preparing to make a disclosure of an urgent concern to Congress in compliance with these procedures. The only exception to this prohibition is if a determination is made that the report of the urgent concern was made with the knowledge that it was false or with willful disregard for its truth or falsity. **Staff** employees who violate the reporting procedures contained in this regulation may be subject to the discipline as outlined in AR 13-3.

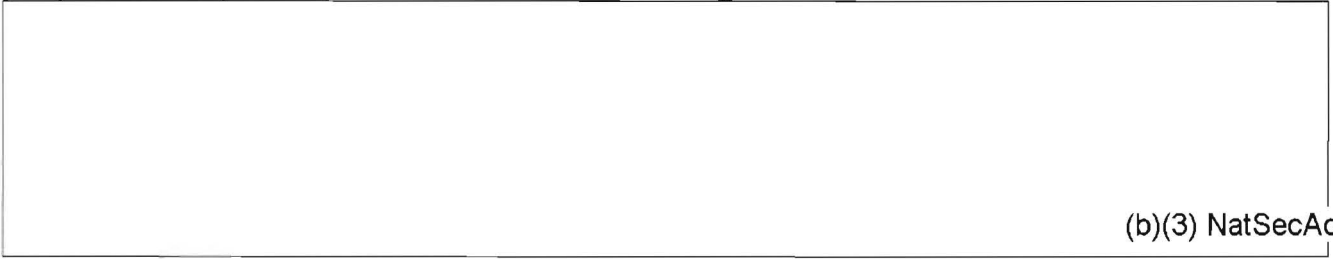
h. (U) METHOD OF COMMUNICATION

(1) (~~S~~) Any questions regarding these procedures for reporting urgent concerns to Congress should be directed to a designated official.



(b)(3) NatSecAc
(b)(1)

(2) (U//AIUO) Replies from the designated official will be marked



(b)(3) NatSecAct

(U) Disseminating or sharing any part of this document outside CIA must comply with AR 10-16.

AR 13-7 (U) REPORTING ALLEGED MISCONDUCT OR WRONGDOING BY CURRENT OR FORMER D/CIAs OR DD/CIAs

OGC - Agency Regulation Series 13 (Special Reporting Requirements/Restrictions) Published on 07 August 2002

Regulation Summary

Ingested from Regulations.cia on 10 May 2013

I. (U) Policy

SUMMARY: 7 August 2002 (0708)

AR 13-7 is added to the regulatory system to prescribe policy and procedures for CIA (including O/D/CIA) personnel to report alleged misconduct or wrongdoing by a current or former D/CIA or DD/CIA; and the regulation is placed under a new regulatory series entitled, Conduct, Accountability, and Discipline. Information formerly contained in AN 7-1-37 (Reporting Alleged Misconduct or Wrongdoing by Current or Former D/CIAs or DD/CIAs) has been incorporated into this new regulation.

AN 7-1-37 is hereby rescinded.

Because this regulation is new, boldfaced text has not been used.

This revision was written by the Office of General Counsel, (b)(3) CIA Act (secure).

7. REPORTING ALLEGED MISCONDUCT OR WRONGDOING BY CURRENT OR FORMER D/CIAs OR DD/CIAs

SYNOPSIS. This regulation prescribes policy and procedures for CIA (including O/D/CIA) personnel to report alleged misconduct or wrongdoing by a current or former D/CIA or DD/CIA.

a. **AUTHORITY.** 50 U.S.C. ý 403q(d)(3); DCI Directive 2/13P.

b. GENERAL

(1) In order to preserve Presidential, Congressional, and public confidence and trust in the administration and activities of the CIA and the Office of the D/CIA (O/D/CIA), any allegations of misconduct or wrongdoing against a current or former Director of the Central Intelligence Agency (D/CIA) or Deputy Director of the Central Intelligence Agency (DD/CIA)--including a current or former acting D/CIA or DD/CIA--must be investigated fully, swiftly, and impartially. There must be neither the actuality nor the appearance of favoritism, special treatment, or improper command influence in the handling of such allegations.

(2) The procedures in this regulation are designed to ensure that alleged misconduct or wrongdoing by any current or former D/CIA or DD/CIA is investigated and handled in a manner that is legal, efficient, effective, respectful of individuals' rights, and insulated against either the actuality or the appearance of preferential or special treatment based on rank or status. Questions regarding these procedures should be directed to the Assistant Inspector General for Investigations or the Deputy General Counsel.

c. PROCEDURES FOR INSPECTOR GENERAL REVIEW OF ALLEGATIONS

(1) Any information, allegation, or complaint (hereafter, allegation) of misconduct or wrongdoing by a current or former D/CIA, or current or former DD/CIA, shall be referred directly and immediately to the Inspector General (IG) of the Central Intelligence Agency. The IG will promptly conduct an initial review to determine if a formal investigation should be opened. Agency personnel and components have the same obligation to cooperate with such reviews and investigations as

with any other inquiry or investigation undertaken by the IG pursuant to section 17(e) of the CIA Act of 1949.

(2) If the IG's initial review determines that there is no reasonable basis for the allegation, or that the alleged conduct, even if proven to have occurred, would not violate any applicable law, Executive branch directive, regulation, or standard of conduct, the IG will close its consideration of the matter and notify the person who brought the allegation.

(3) If the IG's initial review determines that there is a reasonable basis for the allegation and that the alleged conduct, if proven to have occurred, would violate an applicable law, Executive branch directive, regulation, or standard of conduct, the IG shall immediately open a formal investigation of the allegation and immediately notify the congressional intelligence committees.

d. NOTIFICATION AND REPORTING REQUIREMENTS

(1) In cases where the IG opens a formal investigation, and a violation of federal criminal law is reasonably believed to have occurred, the IG shall report the matter to the Attorney General (AG) or the AG's designee within the Department of Justice (DoJ). The IG will not be required to provide a copy of such reports to the D/CIA (or to the DD/CIA) when the D/CIA is the subject of the report to DoJ, but will provide a copy to the D/CIA if the DD/CIA (or a former D/CIA or DD/CIA) is the subject of the report.

(2) Section 17(d)(3) of the CIA Act of 1949 (50 U.S.C. 403q(d)(3)), as amended by section 403 of the Intelligence Authorization Act for Fiscal Year 2001,

provides that the IG shall immediately notify and submit a report to the congressional intelligence committees whenever (among other circumstances): an IG investigation, audit, or inspection focuses on any current or former D/CIA or DD/CIA; a matter requires a report by the IG to DoJ on possible criminal conduct by a current or former D/CIA or DD/CIA; or the IG receives notice from DoJ declining or approving prosecution of a current or former D/CIA or DD/CIA.

(3) In cases where a violation of federal criminal law is reasonably believed to have occurred, the IG shall coordinate with DoJ to determine the nature, scope, and timing of further reports to the intelligence committees. In such instances, the IG, to the extent consistent with the IG's statutory responsibilities, will follow as guidance paragraphs 2(a)-(b) of DCI Directive 2/13P, "Communications with Congressional Committees Regarding Intelligence Information Related to Law Enforcement Matters" (7 November 1995).

(4) As a rule, the IG will promptly notify the General Counsel, the Director of Congressional Affairs, and--as the IG may deem necessary or appropriate--other CIA (including O/D/CIA) officials, of all cases where: an investigation, audit, or inspection focuses on a current or former D/CIA or DD/CIA; a matter requires an IG report to DoJ on possible criminal conduct by a current or former D/CIA or DD/CIA; or the IG receives notice from DoJ declining or approving prosecution of a current or former D/CIA or DD/CIA. In addition, the IG, to the extent required by law or Executive order, shall report such cases to the Intelligence Oversight Board of the President's Foreign Intelligence Advisory Board. The IG, however, will not provide notice of or

report such cases to any CIA (including O/D/CIA) or other Executive Branch official who is or reasonably appears to be implicated in the alleged misconduct or wrongdoing, except as and when legally required or appropriate.

(5) This notice does not affect the Agency's obligation under section 811(c) of the Counterintelligence and Security Enhancements Act of 1994 (title VIII of the Intelligence Authorization Act for Fiscal Year 1995, Public Law 103-359), to immediately inform the FBI of any information that indicates that classified information is being, or may have been, disclosed in an unauthorized manner to a foreign power or an agent of a foreign power.

e. PROCEDURE FOR EMPLOYEES TO REPORT

ALLEGATIONS. Agency personnel who wish to personally report allegations of current or former D/CIA or DD/CIA misconduct or wrongdoing to the Congress may do so subject to and in accordance with the rules and procedures for employee communications with Congress under existing law and Agency regulations, and shall obtain and comply with direction and guidance provided under those rules and procedures. (Referenced in the most current policy entitled, Employee Communications with Congress.)

/s/

George J. Tenet

Director of Central Intelligence