

~~ADMINISTRATIVE - INTERNAL USE ONLY~~

Date: 03/26/2007 (Regulations may contain various dates)

Category: 1 - Organization OPR: IG

Title: AR 1-3a OFFICE OF INSPECTOR GENERAL

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//~~AWO~~) 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)





(b)(3)

- (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//AFO)~~ **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**



(b)(3)

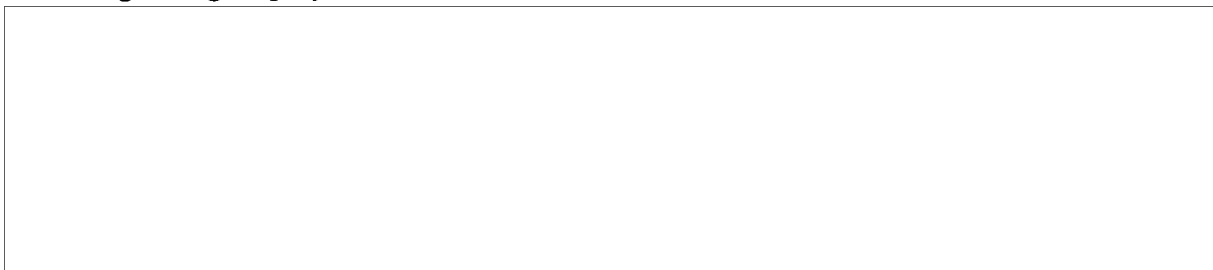
(b)(3)



(b)(3)

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//~~FOUO~~) 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.



(b)(3)

(b)(3)



- (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)

- (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//~~AWO~~) **PROCEDURE FOR REPORTS THAT MAY RESULT IN DISCIPLINARY ACTION.** The following procedures, drawn from **AR 13-3**Notes Link, 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.