

**NOMINATION OF CHRISTOPHER SHARPLEY
TO BE THE INSPECTOR GENERAL OF THE
CENTRAL INTELLIGENCE AGENCY**

HEARING
BEFORE THE
SELECT COMMITTEE ON INTELLIGENCE
OF THE
UNITED STATES SENATE
ONE HUNDRED FIFTEENTH CONGRESS
FIRST SESSION

—————
TUESDAY, OCTOBER 17, 2017
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**NOMINATION OF CHRISTOPHER SHARPLEY
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CENTRAL INTELLIGENCE AGENCY**

TUESDAY, OCTOBER 17, 2017

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

The Committee met, pursuant to notice, at 10:07 a.m. in Room SH-216, Hart Senate Office Building, Hon. Richard Burr (Chairman of the Committee) presiding.

Present: Senators Burr, Warner, Risch, Collins, Lankford, Cotton, Feinstein, Wyden, Heinrich, King, Manchin, and Harris.

**OPENING STATEMENT OF HON. RICHARD BURR, CHAIRMAN, A
U.S. SENATOR FROM NORTH CAROLINA**

Chairman BURR. I'd like to call this hearing to order. I'd like to welcome our witness today, Christopher R. Sharpley, President Trump's nominee to be the next Inspector General of the Central Intelligence Agency. Chris, congratulations on your nomination.

I'd like to start by recognizing the family that you brought with you here today. I understand your wife Kimberly is here.

Mr. SHARPLEY. Yes, sir.

Chairman BURR. As well as your sons Stefan and Aidan.

Mr. SHARPLEY. Yes.

Chairman BURR. Stefan, Aidan, give me a wave. OK, good.

[Stefan and Aidan wave.]

Good.

And your daughter Gillian and her husband James, good. And of course, your mother Joyce. Welcome.

Our goal in conducting this hearing is to enable the committee to consider Mr. Sharpley's qualifications and to allow for thoughtful deliberation by our members.

Chris already has provided substantive written responses to 85 questions presented by the committee and its members. Today, of course, members will be able to ask additional questions and to hear from Mr. Sharpley in this open session.

Mr. Sharpley earned his B.A. from American University and received his master's degree from the Naval Postgraduate School. In 1981, he received a commission from the U.S. Air Force, where he trained as a special agent and a counterintelligence officer in the Air Force Office of Special Investigations. Chris continued to serve in the Air Force in a variety of posts, including as Director of Security, until he retired honorably from the Air Force in 2002.

Immediately following his retirement, Chris joined the Office of the Inspector General of the Department of Energy as a civilian Federal special agent.

Since then, Chris has worked as the Deputy IG for Investigations and Inspections for the Department of Energy and helped to build the new OIG offices at the TARP program and the Federal Housing Authority. In 2010, Chris received the Presidential Rank Award for meritorious service for that work.

In 2012, Chris retired as a Federal civilian law enforcement officer and started his career at the Central Intelligence Agency. Chris, if you don't mind me saying, I don't think you're very good at retiring.

[Laughter.]

From 2012 to 2015, Chris served as Deputy Inspector General at the CIA. Since 2015, Chris has served as both Deputy and Acting IG of the CIA.

Chris, independent and empowered Inspector Generals are critical to the integrity and efficient management of the intelligence community. And I trust that you will lead the CIA's office with integrity and will ensure your officers operate lawfully, ethically and morally.

As I mentioned to other nominees during their nomination hearing, I can assure you that this committee will continue to faithfully follow its charter and conduct vigorous and real-time oversight over the intelligence community, its operations, and its activities. We will ask difficult and probing questions of you, your staff, and will expect honest, complete and timely responses.

Chris, I look forward to supporting your nomination and ensuring its consideration without delay. I want to thank you again for being here today, for your years of service to your country, both in law enforcement and in our military, and I look forward to your testimony.

I now recognize the distinguished Vice Chairman for any opening statement he might make.

Mr. SHARPLEY. Thank you, Mr. Chairman.

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

Vice Chairman WARNER. Thank you, Mr. Chairman. And welcome, Mr. Sharpley. Good to see you again; and welcome, as well, to your family. Congratulations to your nomination to serve as Inspector General of the Central Intelligence Agency.

I believe that the job of the Inspector General is critical to the effective operation of any agency. This committee relies upon the Inspector General of the intelligence agencies to ensure that the IC organizations are, one, obviously, using taxpayer dollars wisely; conducting their activities within the rule and spirit of the law; and supporting and protecting whistleblowers, whistleblowers who report fraud, waste and abuse. These IG functions are even more important in an organization like the CIA, which by necessity does not operate in the public.

I appreciate that you're the third IG nominee to come before this committee this year. I wish to express my hope that we'll soon receive from the President a nominee for the position of the IG for

the overall intelligence community. This position has been vacant since February, and I know you can't affect this directly, but I'm very concerned about the number of changes occurring there.

As I mentioned, Mr. Sharpley, I appreciated our meeting earlier this month. We talked about a number of important issues that you will face as the CIA IG. I want to reiterate some of our discussion and ask you, for some of these same questions that we had in private, to address these questions in public.

One, we discussed the importance of supporting and protecting whistleblowers. Today, I want to hear more about your plans to ensure all CIA employees know their rights and responsibilities, as well as the processes for them to report waste, fraud and abuse. And I'd like to hear a greater commitment from you on this issue.

Your job—and we talked about, again, this in our conversation—is to be, I think, hard-hitting, to find problems, uncover abuses and recommend fixes. And you must guard your independence fiercely. I'd like to hear you reaffirm that that's also your view of your role in this terribly important position.

As you know as well, this committee completed a report on CIA's detention and interrogation program, and specifically shared it with the Executive Branch to ensure that such abuses are not reported in the future. You and I discussed how your office both lost and then found its copy, the copy of the report, and how you decided to return it to the committee. We talked about the fact that I disagreed with your subsequent decision to return it. Today and in public, please describe how the report came to be lost and why you made the decision to return it to the committee.

Finally, I want to get your reassurances that you will support this committee's investigation into Russian interference in the 2016 U.S. presidential election, something the Chairman and I and this committee, I think, has done some very good work on.

Again, Mr. Sharpley, thank you for, echoing what the Chairman said, your service to our country. Thank you for being here today. Thank you for agreeing to accept another opportunity to continue to serve our country. I look forward to today's discussion.

Thank you, Mr. Chairman.

Mr. SHARPLEY. Thank you, Senator Warner.

Chairman BURR. Thank you, Vice Chairman.

Mr. Sharpley, would you stand, please, and raise your right hand? Do you solemnly swear to tell the truth—to give this committee the truth, the full truth and nothing but the truth, so help you God?

Mr. SHARPLEY. I do, sir.

Chairman BURR. Please be seated.

TESTIMONY OF CHRISTOPHER SHARPLEY, NOMINATED TO BE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY

Chairman BURR. Chris, before we move to your statement, it is practice of this committee that I ask you five standard questions that the committee poses to each nominee who appears before us. They just require a simple yes or no answer for the record.

Do you agree to appear before the committee, here or in any other venue, when invited?

Mr. SHARPLEY. Yes.

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

Mr. SHARPLEY. Yes.

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

Mr. SHARPLEY. Yes, I do.

Chairman BURR. Will you both ensure that your office and your staff provide such materials to the committee when requested?

Mr. SHARPLEY. Yes, I will.

Chairman BURR. Do you agree to inform and fully brief, to the fullest extent possible, all members of the committee of intelligence activities and covert actions, rather than limit that only to the Chair and the Vice Chair?

Mr. SHARPLEY. Yes, I do.

Chairman BURR. Thank you very much.

We'll now proceed to your opening statement, after which I'll recognize members by seniority for five-minute question time. Chris, the floor is yours.

Mr. SHARPLEY. Thank you, Chairman Burr. Chairman Burr and Vice Chairman Warner and members of the committee: I want to thank you for affording me the opportunity to appear before you today, as you consider my nomination to be the Inspector General of the Central Intelligence Agency. I'm honored and humbled that President Trump has placed his confidence in me to tackle the challenges of this important position.

Chairman, if I may, at the risk of being redundant, I would like to speak to my background and experience that I believe qualify me to serve as the CIA Inspector General. I am grateful to have had an opportunity to serve our Nation over the past 36 years, a journey that began shortly after receiving a commission in the United States Air Force in 1981.

My initial training was as a special agent counterintelligence officer in the Air Force Office of Special Investigations. The skills that I acquired prepared me for challenging assignments during my ten years of active-duty service and also prepared me for my service for another ten years in the Air Force Reserves.

My assignments including commander and director of security, leading teams of counterintelligence and security specialists in support of highly classified special access programs. I retired honorably from the Air Force Reserves in 2002.

Upon transitioning to the part-time reserves, I began my full-time employment as a civilian special agent at the Department of Energy Office of Inspector General. I rose through the ranks to become the Deputy Inspector General for Investigations and Inspections, with program leadership responsibilities covering the Nation's nuclear weapons complex and system of national laboratories.

I was privileged to have been asked by two new Inspectors General, at the Special Inspector General for Troubled Asset Relief Program and the Federal Housing Finance Agency, to assist them in building brand new Offices of Inspector General, focused on de-

tecting and countering fraud in the efforts of the Federal Government to stabilize U.S. banking, securities and financial markets during the economic crisis of the 2008–2012 timeframe.

In 2010, I received a Presidential Rank Award for meritorious service for my leadership in building investigative programs that identified billions in fraud and supported successful prosecutions that often returned significant dollars to the U.S. Treasury.

In 2012, I retired from Federal service as a civilian special agent law enforcement officer. That is when my experience at CIA began. I was asked by then-CIA Inspector General David Buckley to compete for his deputy Inspector General position.

Mr. Buckley informed me that he hoped I would bring the best practices I had gleaned from other IG-related leadership roles to be applied at the CIA Office of Inspector General. I answered that call and entered back into Federal service in 2012, where I served as Mr. Buckley's deputy until his retirement in January 2015, and where I have served as Deputy and Acting Inspector General until now.

Mr. Chairman, I strongly believe in CIA's mission to preempt threats to our Nation and to further U.S. national security objectives. I also believe the mission of the Inspector General is essential at CIA. I have and continue to stand firmly behind the outstanding work of the CIA Office of Inspector General team of auditors, inspectors, investigators and support staff.

As Acting Inspector General, I have issued over 100 classified reports, and have made nearly 350 recommendations to CIA leadership to strengthen key programs and operations and promote economy and efficiency across the CIA mission.

I have further strengthened processes and procedures within the Office of Inspector General by incorporating professional standards and best practices utilized by Offices of Inspector General across the Federal community.

I have endeavored, I believe successfully, to establish a reputation within CIA as an independent, objective and honest Acting Inspector General who does not hesitate to tackle the hard issues, speaks truth to power and is trusted by CIA officers assigned around the world and by the Director and his senior team. And it is my hope, as it certainly has been my objective, to gain the trust of this committee.

If confirmed, I will continue to keep the committee informed of Office of Inspector General work, and I will continue to be responsive to committee concerns and queries.

As I observe world events, it strikes me that the mission of the CIA has never been more important than it is right now. National security risks associated with North Korea, Iran, Russia and China, to name but a few, require CIA's keen attention.

As these risks increase and the world threat matrix rapidly changes, CIA appropriately responds, and, I believe, independent, robust and objective oversight becomes more vital.

I have observed during my career that classified high-risk missions, big and small, do not receive the same level of public scrutiny and feedback that unclassified activities receive. And clearly, there's good reason for that. This is why a capable Inspector General is needed, one who understands intelligence activities and who

will independently and effectively audit, evaluate and investigate to ensure mission integrity and efficiency.

I'm confident that the experiences and skills I've acquired throughout my career, and in particular as Acting Inspector General at CIA, have prepared me to fulfill the responsibilities of CIA Inspector General.

Mr. Chairman, thank you again for this opportunity to testify before you and the committee. I'm pleased to answer any questions you may have.

[The prepared statement of Mr. Sharpley follows:]

Testimony of Christopher R. Sharpley
Senate Select Committee of Intelligence
Confirmation Hearing for CIA Inspector General
October 17, 2017

Chairman Burr, Vice Chairman Warner, and members of the Committee, thank you for affording me this opportunity to appear before you today as you consider my nomination to be the Inspector General of the Central Intelligence Agency. I am honored and humbled that President Trump has placed his confidence in me to tackle the challenges of this important position.

Mr. Chairman, before I proceed with my testimony, with the committee's indulgence, I'd like to express my gratitude to my family who is here today, and who has been so supportive; my wife of 33 years Kimberly, our three children, Gillian (and her husband James Carroll), Stefan, and Aidan, and my mother, Joyce Sharpley. There are also several friends in attendance who are here to show their support for me. I am flattered and thankful for their presence today.

Chairman Burr, if I may, I would like to speak to my background and experience that I believe, qualify me to serve as CIA Inspector General.

I am grateful to have had an opportunity to serve our nation over the past 36 years, a journey that began shortly after receiving a commission in the United States Air Force, in 1981. My initial training was as a special agent—counterintelligence officer in the Air Force Office of Special Investigations. The skills I acquired prepared me for challenging assignments during my ten years of active duty service, and during the ten years in the Air Force Reserves, that followed. My assignments included commander and Director of Security—leading teams of counterintelligence and security specialists in support of highly classified Special Access Programs. I retired honorably from the Air Force Reserves in 2002. Upon transitioning to the part-time Reserves, I began full-time employment as a civilian federal special agent at the Department of Energy, Office of Inspector General. I rose through the ranks to become Deputy Inspector General for Investigations and Inspections, with program leadership responsibilities covering the nation's nuclear weapons complex and system of national laboratories.

I was privileged to have been asked by two new Inspectors General at the Special Inspector General for the Troubled Asset Relief Program, and the Federal Housing Finance Agency, to assist them in building brand new Offices of Inspector General, focused on detecting and countering fraud in the

efforts by the federal government to stabilize U.S. banking, securities and financial markets during the economic crisis of the 2008 – 2012 timeframe. In 2010, I received a Presidential Rank Award for Meritorious Service, for my leadership in building investigative programs that identified billions in fraud, and supported successful prosecutions that often returned significant dollars to the U.S. Treasury. In 2012, I retired from federal service as a civilian special agent—law enforcement officer.

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oversight becomes more vital. I have observed during my career that classified, high-risk missions, big and small, do not receive the same level of public scrutiny and feedback that unclassified activities receive—and clearly there is good reason for that. This is why a capable Inspector General is needed—one who understands intelligence activities, and who will independently and effectively audit, evaluate and investigate, to ensure mission integrity and efficiency. I am confident that the experience and skills I have acquired throughout my career, and in particular as Acting Inspector General at CIA, have prepared me to fulfill the responsibilities of CIA Inspector General.

Mr. Chairman, thank you again for this opportunity to testify before you and the Committee. I am pleased to answer any questions you may have.

Chairman BURR. Mr. Sharpley, thank you for that testimony.

Before we begin, it's my intention to move to a committee vote on this nomination early next week. Therefore, for planning purposes I would encourage members, if they have additional questions for the record after today's hearing, that those be submitted by the close of business tonight. I would also remind members that we are in open session. Therefore, questions should reflect that fact.

The Chair would recognize himself for up to five minutes.

As CIA's Inspector General, you'll be responsible for overseeing a large organization whose work in most cases must be done in secret. But the work of the IG's office can provide that critical point of transparency for employees and, quite frankly, for this committee. How do you plan to continue your efforts to ensure that all CIA employees and contractors are fully aware of the CIA's OIG and its function?

Mr. SHARPLEY. Yes, sir. Within CIA, there is an awareness program. People are required to take certain training on an annual basis. The procedures and processes for making a complaint to the CIA Inspector General are incorporated in that training.

We have a significant outreach effort that—we speak with all incoming employees, new employees, and we give briefings on whistleblower, whistleblower reprisal whenever the opportunities arise at conferences, et cetera.

Beyond that, we have an extensive, I think a very mature, I'm certain a very mature, whistleblower hotline program and whistleblower retaliation program. I have had the opportunity, Senator Burr, over the years to build two whistleblower hotline programs from the ground up, at Special Inspector General's office, also at FHFA, and to make improvements to two others, one at Energy and the one here at CIA.

I'm very proud of the practices that we have put in place that now give CIA officers and those contractors with staff-like access to systems the ability to make a confidential, anonymous or an open complaint to us at any given time.

The processes I've put in place ensure that every complaint that's received and concern that's received is given a review by the senior staff of the Office of Inspector General so that particular skill sets, such as audits, inspections or investigations, are able to look at an issue differently, with a different perspective, and say whether they think that that particular complaint or concern should be handled in this way or that way.

Chairman BURR. What do you see as the biggest challenge for the CIA's OIG?

Mr. SHARPLEY. Our biggest challenge, sir, is one of recruitment and retention. We use the systems that are in place by the CIA, their recruiting and onboarding processes, to also recruit our folks. And there is a, in my opinion, inefficient process of onboarding people at CIA. And it's one that I feel so very strongly about that I've recently initiated a review to examine.

For every person that I want to bring on, so if I can—if I identify an individual that meets a certain requirement to be an auditor or an investigator—I have to give three conditional offers of employment. So I know that, statistically, two out of the three I will lose

over the period of time from the time I give the conditional offer to the time that they would onboard.

And for every conditional offer of employment, I have to conduct five interviews. So to fill 10 slots in an organization that does receive turnover, because we're highly trained in the Office of Inspector General and many other mission areas would like the services of my folks—so if I want to fill 10 slots, I have to offer 30 conditional offers of employment. And in order to do 30 COEs, I need to do 150 interviews.

That's an onerous process and an onerous statistical outlay. So our biggest challenge right now is the process of onboarding folks. And I would say that is the most prominent of our challenges.

Chairman BURR. Vice Chairman.

Vice Chairman WARNER. Thank you, Mr. Chairman.

I want to go back, first of all, to the discussion we had in the office and following up on the Chairman's comments about protecting whistleblowers. I'd like to again—you mentioned the fact of building some of these whistleblower programs at other agencies. I'd like you to talk a little bit more about what else you could do, particularly with the unique nature of the CIA since it has to operate in private, what you can do not only on the hotline, but also on programs in terms of preventing retaliation.

Specifically, in answers to written questions you said you would try to beef up these programs and beef up whistleblower protections. You said—but rather than offering some specifics, you talk about bringing in an outside expert to help advise you. Could you also describe what kind of outside expert that would be? Would it be somebody from government? And take us through your commitment to the whistleblower protections; and particularly, since we've seen increased amounts, I believe, of retaliation and reprisals, how we can prevent that on a going-forward basis to those whistleblowers?

Mr. SHARPLEY. Thank you, Senator.

Whistleblowing and the programs that the Offices of Inspector General put in place are essential to the success of any Office of Inspector General. In every program that I have built, you need to build a program where there's confidence by whistleblowers or those raising concerns about a particular issue that they feel, and are, in fact, comfortable providing information. If they're not comfortable providing information, they won't come to you, and then you can't fulfill your mission of exploring fraud, waste, and abuse and mismanagement and these issues.

So it is—it's critical to the success of every Office of Inspector General, in particular at CIA because of the nature of the mission, meaning that everything's compartmented and people are scattered around the world doing mission.

The first thing that I did to improve the whistleblowing program at CIA is ensure that we had a robust outreach program. Senator Warner, I described a little bit earlier today about what that program was about and we talked in private. But the main thrust of that outreach is to ensure that, no matter where a CIA officer or a CIA contractor with access to our system is located around the world, that they can make a confidential, anonymous or open com-

plaint or sharing of concern with our office and they are guaranteed confidentiality if they seek it.

Vice Chairman WARNER. But how do you go about improving? You said you would look at outside experts. Talk, speak to that for a moment, because I only have two minutes left.

Mr. SHARPLEY. All right, Senator. I am very comfortable, sir, with the program that we have, that it is effective. But we know from the type of work that we're in, which is independent assessments and evaluations of the effectiveness of the various programs around—so I know that, even though I'm comfortable with the program that I have, it would be appropriate and prudent for me to invite others in.

There are individuals within the IG community that are known to have very solid, very large programs. Some of them are Postal, some of them are Department of Energy. When I refer to this in my pre-hearing questionnaire, I've already asked my chief of staff to reach out to these groups, these individuals, and ask for an independent assessment of the programs that I've put in place—not just our outreach programs, but our education program, our education effort, and our ability to assess objectively and independent each complaint as it comes in to ensure it's handled in a timely fashion and that individuals, if they're concerned about retaliation, that we move promptly as a priority to address those issues, so that any potential wrongdoing or adverse personnel action against them can be prevented promptly and quickly.

Vice Chairman WARNER. I know a number of my members on this side of the aisle are going to ask somewhat in depth about the RDI study, and I will allow them to get into the point of your reasoning for returning it.

But one thing that did come up, obviously, was how the report was lost and then re-found. I think I owe you the opportunity to try to offer me the same—offer the public the same explanation you offered me in my office. And then, the fact that it was lost and found, was anyone held accountable for that losing of it as well?

Mr. SHARPLEY. Thank you, Senator Warner. I'd be happy to discuss those issues. I know that is on the minds of a number of the committee members, and I understand. It's an important issue and it's an important report. So if I briefly go through the explanation:

We received a copy of the committee's RDI study—6,000-page, highly classified—in December of 2014 and it was provided to us on a disk. The then-Inspector General ordered that the report be uploaded to a classified Office of Inspector General system and that was done.

Shortly thereafter, we received guidance that the report should not be placed into any system because of an ongoing litigation, a FOIA litigation, Freedom of Information Act litigation in the D.C. circuit, with the Department of Justice and others. So an e-mail was sent back to the organization that had uploaded, back to our investigative organization, where the classified system is held, to delete the report and to take the disk containing the study and place it in a classified safe.

The report was deleted from the system. But the individual, the IT administrator responsible for the uploading of the report and for handling the disk, the media, did not receive that e-mail.

The processes in place at CIA, and at CIA OIG, when we take a report off of media in order to control classified when we place it onto our classified systems is to destroy that diskette.

So, some time later, several months later, when requested did we have the disk, where was it, as I recall to the best of my knowledge, I asked where the disk was. Nobody could find the disk. I informed the committee that we could not find the disk. Then I initiated an investigation, an internal investigation to ensure that the disk was nowhere, to find out exactly what happened to it.

Testimony given to us by the IT administrator was that the disk had been shredded and he was—this particular IT administrator was unaware of the deletion of the document from our system, and had shredded the disk.

Several months later, during the course of an individual departing, leaving employment and retiring, they were going through their classified safe and they found the disk. Coincidentally and a bit embarrassing—it was an embarrassment to me—coincidentally, the litigation with the—on the FOIA issue had ceased at that time. It was done, and part of the conclusion of that litigation was that the document was a Congressional document.

I informed the committee that we had found the disk. I also opened another investigation to continue to find out what happened, how was it that we could find testimony that this diskette was shredded when it had not been shredded.

The bottom line was we found the individual, who had since left employment from the Office of Inspector General and the CIA, and that person told us that it was essentially a guess. They don't remember actually shredding the disk, but they felt, because they had shredded other media, they had shredded that disk as well.

It's embarrassing and I have apologized. And it was also right around that time that, in response to a request from the chair of the committee that produced the study to return that study on the disk, that I made an independent judgment to return the disk. I stand by that judgment. The judgment and decision to return the disk is not a reflection on what I feel the quality of the report was or the efforts that went into it. It was a five-year effort, a 6,000-page report, and I understand its value to the committee and its value for history's sake.

I do have an unclassified copy of the executive summary, as well as a classified copy of the executive summary, in my possession.

So those were—those were the circumstances. The individual responsible for giving the wrongful, if you will, or the incorrect testimony is no longer employed with us. I have since changed the processes at CIA OIG to ensure that something like this cannot happen again, so that there's a second decision level on all shredded media, even though the processes—we've never undergone something like that in the past. That process is in place. I stand by it, and I am convinced that nothing like this would ever happen again.

Chairman BARR. Senator Risch

Senator RISCH. Mr. Sharpley, thank you for taking the time to meet with me. I thought you were candid and answered the questions appropriately and fully as far as I was concerned. So thank you for that.

Mr. Chairman, any other questions I have would be for a classified setting. I will save them for either there or submit them for the record in a classified fashion. Thank you.

Mr. SHARPLEY. Thank you, Senator.

Chairman BURR. Thank you, Senator.

Senator Feinstein.

Senator FEINSTEIN. Thanks, Mr. Chairman.

And I thank you for meeting with me. I did hear the disk story from you. I have one question: When did you inform the committee that you had found the disk?

Mr. SHARPLEY. Senator, I don't have the specific date in front of me, but as soon as I found the disk I called up and informed the staff chiefs about that I found it.

Senator FEINSTEIN. If you could find the day, I would appreciate knowing this.

Mr. SHARPLEY. Yes, ma'am.

Senator FEINSTEIN. I have a special interest in this. I was chairman of the committee when the report was done, and have a great belief—to my knowledge, not a fact has been refuted in that 7,000-page report or the 500-page summary to date.

So the point of distributing it to the departments was in the hope that they would read it, not look at it as some poison document, and learn from it. I very much doubt that that has happened, and I really look forward to its declassification. I think the time is coming very shortly when it should be declassified, and I'm heartened to see that, increasingly, members of Congress agree with that.

So let me, if I can, go to a document that I just received having to do with a whistleblower situation. And I'm going to read a little bit and then ask you for your comment. It points out that "The Sharpley nomination comes at a time when the intelligence community's handling of whistleblowers has begun to attract questions from lawmakers and the public." They point out one instance of a man by the name of Ellard and says that this highlights the community's continuing struggle to deal with the issue.

The document, dated February 2017, appears on the official letterhead of the Office of Inspector General of the Intelligence Community and details what it describes as serious flaws in procedures used to investigate retaliation cases across the intelligence community. Bearing the title, "Evaluation of Reprisal Protections Pertaining to Whistleblowers with Access to Classified Information," it is unclassified. The author's name is redacted.

I would ask that you send a copy of that document to our office, to the Intelligence Committee's office.

Mr. SHARPLEY. Senator, I am unfamiliar with that document. I am not aware of its contents or really can speak to—

Senator FEINSTEIN. Have you looked for it? It's on the Office of the IG of the—on the letterhead of the IG of the Intelligence Community.

Mr. SHARPLEY. Yes, Senator. The ICIG did not make me aware of it as the Acting IG at CIA. So this is the—this is the first I'm hearing of this particular program.

But there's something you said, Senator, if I may respond.

Senator FEINSTEIN. Well, let me read the conclusion.

Mr. SHARPLEY. Yes, ma'am.

Senator FEINSTEIN. Because it's stark: "The deficiencies in reprisal protections policies, procedures and standards in the evaluated agencies are causing a failure to provide reprisal protections for individuals making protected disclosures," end quote.

In the context of the document, quote, "Protected disclosures," end quote, "refer to legally sanctioned revelations of alleged wrongdoing by intelligence employees to their superiors or others in the government designated to receive the information."

The document states that, and I quote, "A complainant alleging reprisal for making a protected disclosure has a minimal chance to have a complaint processed and adjudicated in a timely and complete manner," end quote. So then it says—and then I'll let you speak—"In response to damaging leaks, then-President Obama issued Presidential Policy Directive 19, PPD/19, parts of which were enacted into law, establishing procedures under which whistleblowers could report waste, fraud and abuse without fear of retaliation."

The document I'm reading from also has a couple of cases of people that have been retaliated against that I won't go into right now. But I'm interested that you have not seen this document.

Mr. SHARPLEY. Yes, Senator Feinstein. Thank you.

Senator FEINSTEIN. So do you know of which—of what I am speaking?

Mr. SHARPLEY. Senator, I do not. I do not—I'm not in possession of that document. I am unaware of it. Senator—

Senator FEINSTEIN. Well, let me give you the title. It says "CIA Inspector General Nominee Has Three Open Whistleblower Retaliation Cases Implicating Him." It's by a man by the name of Adam Zagorin and this is the Project on Government Oversight. That's the letterhead.

So what do you know about this, and three cases?

Mr. SHARPLEY. Thank you, Senator Feinstein.

I recently read an article by this gentleman. Senator, I'm unaware of any open investigations on me, the details of any complaints about me. So it's hard for me to respond to that. But I would say, if there are complaints, if there are investigations out there and I'm unaware of it, that wouldn't be—I put it this way: I support a process that's in place that would protect the confidentiality of anyone or the anonymity of anyone who wanted to bring a complaint forward on an Acting IG or anybody else, any other official.

As an Acting Inspector General who works in the world of confidentiality, anonymity, etcetera, I think it's very important that we recognize these processes and that we, frankly, as I said before, we honor them. They're our bread-and-butter. But I can't speak to specifics because I don't know about it, Senator.

Senator FEINSTEIN. No, I understand what you're saying.

Mr. Chairman, I'd ask that this document be put in the record so that Mr. Sharpley can take a good look at it.

And perhaps you would let us know in writing what is fact and what is fiction.

Mr. SHARPLEY. I would be pleased to do that, Senator Feinstein. If I may take one moment, with respect to the document you're referring to, that it has done an assessment of, you know, that

there's a minimal ability of people who have been retaliated against to have their particular issue looked at in a timely fashion, and this is across the ICIG. I can't speak for the rest of the Inspectors General across the IC. I can speak for the CIA Office of Inspector General, and I challenge the validity of those statements. I feel very strongly about our whistleblower retaliation program and our whistleblower hotline program. We handle all, all concerns, whether they're involving a potential crime or mismanagement, or about an individual, under the quality standards that are put out from the Council of Inspectors General on Integrity and Efficiency.

I'm very proud of our program. So I don't know where that's coming from. I'm unaware of any assessments that have been accomplished on the CIA OIG from the outside, for anyone to make those, those claims.

Senator FEINSTEIN. Thank you.

Chairman BURR. At the Senator's request, without objection, it will be included into the record.

[The material referred to follows:]

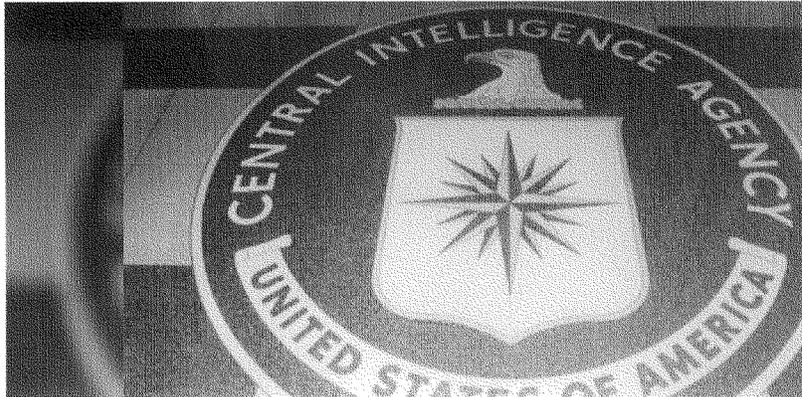
CIA Inspector General Nominee Has Three Open Whistleblower Retaliation Cases Implicating Him

<http://www.pogo.org/our-work/articles/2017/cia-inspector-general-nominee-has-three-open-whistleblower-retaliation-cases-implicating-him.html?print=1>

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October 16, 2017 | Adam Zagorin



President Trump's nominee to be the Central Intelligence Agency's Inspector General—its top independent watchdog—is named in at least three open whistleblower retaliation cases, the Project On Government Oversight has learned. The nominee, Christopher Sharpley, faces a confirmation hearing before the Senate Intelligence Committee tomorrow.

Sharpley became the CIA's Deputy Inspector General in 2012 and has been the CIA's Acting Inspector General since 2015 after the departure of David Buckley, who was appointed to head the office under President Obama. Sharpley attracted headlines last year when he **deleted the agency's only copy** of a controversial Senate report documenting the CIA's history of using interrogation techniques involving torture, embarrassing the Agency and prolonging its dispute over the issue with Congress.

"There's no question that information about outstanding retaliation cases involving Sharpley should be fully disclosed before members of Congress are asked to approve such a key CIA

official.”

—Senior Republican Senate Staffer

One of the most important duties of an Inspector General is to enforce high professional and ethical standards in their agency. Yet in Sharpley’s case the White House has selected a leader of the CIA’s key watchdog division—which depends on whistleblowers to report waste, fraud, and other abuses—someone who has several unresolved allegations of retaliation against whistleblowers. Two of the complaints were lodged with the Inspector General of the Intelligence Community, and a third is now before the Equal Employment Opportunity Commission.

All three complainants had brought earlier employment law claims that did not prevail. The three current cases claim retaliation, a different offense than previously alleged. One case also charges sex and age discrimination.

It remains unclear whether Sharpley or the CIA has disclosed to Congress a complete list of the open matters, or any details concerning them. If not, Congress may still learn about them through other avenues: key members of a confirming committee are often provided any FBI files that contain details of cases involving the nominee, potentially including criminal or administrative matters. Such material, if it is available, is likely to be of interest for the Senate Intelligence Committee, which must examine Sharpley’s fitness for office, as well as to members of the Whistleblower Protection Caucus and of the full Senate, who will be required to vote on his confirmation.

The CIA would not reveal what, if anything, may have been disclosed to Congress concerning Sharpley, but a spokesman did issue a statement to POGO.

Sharpley “has 36 years of investigative, law enforcement and IG experience,” a CIA spokesman told POGO. “His credentials and qualifications to be CIA IG are obvious and substantial. We look forward to his quick and justified confirmation.”

“Whether there are any complaints or investigations regarding Mr. Sharpley is not something we could confirm or comment on. What we can say is that Mr. Sharpley has had a sterling 5-year career at CIA and there have never been any findings of wrongdoing or misconduct of any sort by Mr. Sharpley during his tenure here,” the CIA spokesman said.

POGO also reached out to Sharpley’s former boss, David Buckley. Citing the open matters at issue, he declined to comment.

A senior Republican Senate staffer who spoke to POGO made it clear that Congress has a need-to-know: “There’s no question that information about outstanding retaliation cases involving Sharpley should be fully disclosed before members of Congress are asked to approve such a key CIA official.”

One of with the whistleblowers who has complained about Sharpley is Jonathan Kaplan, a recently retired 33-year veteran investigator at the Agency. He alleges that he was retaliated against by Sharpley and others because of his legally protected communications with the Senate and House Committees on Intelligence and with the Intelligence Community's Office of the Inspector General.

Kaplan says he had gone to the Committees and others with a concern that the CIA IG's investigative and oversight capabilities were being compromised. Soon after, he said, retaliators including Sharpley placed false and derogatory information in his personal security file at the Agency, leading to the loss of his security clearance, rendering his continued CIA employment untenable. "From my personal observation and experience, Mr. Sharpley condoned retaliatory actions against CIA employees including me, indicating that ethical and professional standards are not being met," Kaplan said.

Internal Intelligence Document: Spy Agencies Don't Follow Law or Regulation

The Sharpley nomination comes at a time when the Intelligence Community's handling of whistleblowers has begun to attract increasing questions from lawmakers and the public. In one instance earlier this year, the Department of Defense overruled the firing of George Ellard, Inspector General of the National Security Agency, even after a high-level appeals panel found he had retaliated against a subordinate.

Ellard's case highlights the Intelligence Community's continuing struggle to deal with the issue effectively.

Yet the creation of a workable internal whistleblower system has become a priority following the damaging and highly classified leaks of Edward Snowden and others, who have claimed fear of retaliation to justify making their own public disclosures, instead of going through designated internal channels.

In that context, Sharpley's alleged acts of retaliation form part of a broader pattern plaguing America's spy agencies, a pattern cited in a document obtained by POGO that was also supplied to Congress.

The document dated February 2017, appears on the official letterhead of the Office of the Inspector General of the Intelligence Community and details what it describes as serious flaws in procedures used to investigate retaliation cases across the Intelligence Community. Bearing the title, "Evaluation of Reprisal Protections Pertaining to Whistleblowers with Access to Classified Information," it is unclassified. The author's name is redacted.

Its conclusion is stark: "The deficiencies in reprisal protections policies, procedures, and standards in the evaluated agencies are causing a failure to provide reprisal protections for individuals making protected disclosures." In the context of the document, "protected disclosures" refer to legally sanctioned revelations of alleged wrongdoing by intelligence employees to their superiors or others in the government designated to receive the information.

The document states that, "A complainant alleging reprisal for making a protected disclosure has a minimal chance to have a complaint processed and adjudicated in a timely and complete manner...."

In response to damaging leaks, then-President Obama issued Presidential Policy Directive 19 (PPD-19), parts of which were enacted into law, establishing procedures under which whistleblowers could report waste, fraud, and abuse without fear of retaliation.

But the document produced by the Intelligence Community's IG, which covers 17 U.S. spy agencies, found that many components are not following, "legally mandated ... policies, procedures and standards.... Causing non-substantiation of reprisal claims, incomplete investigations, and for complaints not to be processed." The document says "these deficiencies are significantly undermining the intent of PPD-19 and strongly suggest that there has been no impact by PPD-19 to protect whistleblowers in the evaluated agencies."

As evidence, the document reports that the Intelligence Community IG substantiated "only one reprisal allegation" during a six-year period stretching from fiscal year 2010 through fiscal year 2016, and that case took 742 days to complete—well beyond the 240-day limit prescribed in regulation. The document does not mention the substantiated retaliation case against Ellard, the NSA IG, whose termination was subsequently overturned.

A spokesperson for the Intelligence Community IG offered no comment.

Turmoil In CIA Investigations

Sharpley's alleged acts of retaliation appear to spring from a little-known period when an investigation unit of the CIA's Office of Inspector General was experiencing unusual turmoil.

According to a series of memoranda and other records obtained by POGO, including some documents previously posted by the website GovernmentAttic.org, the conflict began following then-President Obama's appointment of David Buckley, a former Congressional staffer, as CIA Inspector General in 2010. Buckley recruited Sharpley as his deputy, and the pair executed wide-ranging personnel and management changes in the office's investigation division, then staffed with more than 30 people. Among other things, the changes were designed to introduce criminal investigation techniques in which many staff were untrained.

One employee's memo from October 2012 cites actions featuring an element of "cruelty and malice" by IG management as sweeping changes were imposed on a group of veteran investigators, many of whom were over 40, a fact that later led to charges of age discrimination. Beyond that, some memos cite a "hostile work environment," and "abruptly relieving certain managers and investigators of substantive investigative case work." At another point, the memo says, "The reorganization ... is the latest in a series of intimidating and bullying tactics employed to move out current INV (investigation division) staff members and make room for new hires."

One member of the INV staff told POGO that Sharpley was the office "enforcer." Another memo describes an occasion when Sharpley and a colleague summarily disbanded an INV unit—as its four senior staffers were told to join a newly-created group to investigate leaks. "There is only

one problem,” the memo goes on to say, “this OIG has no ongoing leak investigations. So, these senior special agents and managers hardly have any meaningful reasons to show up to work, except for preserving their spaces until they are graciously ushered out the door by Buckley and/or Sharpley.”

At another point, the memo accuses CIA IG management of “misuse of position, abuse of resources, including unnecessary use of IG subpoenas, corruption, waste of taxpayer funds, and more. These are the very elements than an IG is expected to prevent and protect the Agency against.”

Buckley and his management team, including Sharpley, were well aware of their employees’ discontent. Roughly ten or more complaints were brought to an Equal Employment Opportunity Commission unit inside the CIA to consider evidence of workplace violations, but did not return findings that supported the claims. In 2014, Buckley and Sharpley referred some of the matters to the Council of the Inspectors General on Integrity and Efficiency (CIGIE)—a federal government-wide group comprised of all Inspectors General created by law. It declined to look into the matter, but brought in an outside examiner to do a report. That report found only minor deficiencies.

However, some of these same matters involving Sharpley, POGO has been told, are still being reviewed by the Intelligence Community IG as part of still-open retaliation complaints against him. One case involving Sharpley is slated to be reviewed by an administrative judge of the Equal Employment Opportunity Commission.

Underscoring the stakes, Senator Angus King (I-ME) said in a Senate Intelligence Committee hearing last year that the inspector general is “one of the most important positions in government, particularly in the intelligence agencies, which don’t have the oversight that other more public agencies do.”

Chairman BURR. I would also ask staff, if I understood Senator Feinstein's reading of this document, it is the ICIG who holds that document; it is not the CIA IG. So I would say to staff, we need to request that document from the Intelligence Community's IG, okay?

Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman.

Mr. Sharpley, just to close out this line of questioning, without commenting directly on any specific allegations or claims that may or may not have been made against you, have you ever retaliated against any whistleblower either within the CIA's IG's office or any other Federal agency?

Mr. SHARPLEY. No, Senator, I have not.

Senator COLLINS. Thank you.

Mr. Sharpley, I want to commend you for being a very productive Inspector General. As I understand it, the CIA Office of Inspector General has issued more than 100 audits and inspection reports and made more than 340 recommendations to the agency to improve efficiency and effectiveness in just the last year.

One of the committee's top priorities is to make sure that each of the intelligence agencies is doing everything that it can to minimize the risk posed by insider threats. Insiders have repeatedly exposed devastating amounts of highly classified information. I noted, therefore, with great interest that your office conducted a review of the agency's insider threat programs and activities.

Without getting into any classified information, could you confirm whether the agency has fully implemented all of the IG's recommendations with respect to that audit or inspection regarding insider threats?

Mr. SHARPLEY. Yes, Senator Collins. Thank you very much. It's a very important question and this is an extremely important issue having to do with CIA mission. They have not implemented all of our open recommendations.

Some time ago, a few years back, I initiated an insider threat initiative, as we've referred to it, where we've issued over 26 reports and 64 recommendations addressing a number of areas in insider threat, having to do with security clearances, polygraph exams, physical threats in the workplace, privileged user and access to the information system, et cetera, across the board.

This is a very important area that you bring up. That said, I know that the—and I won't speak for the Director, but he has placed an emphasis on the Counterintelligence Mission Center, who carries out, along with the Office of Security, programs and mission involving insider threat. And I know that the Director has taken a particular interest in this area. And they have done a lot of work on insider threat.

But a lot more work needs to be done. And even though I am in the process now of issuing a capping report that will summarize all the work that we've done, as I described, and also add to the affray some additional areas that we've examined, that does not mean that I am going back off the issue of insider threat. This continues to be an area of challenge for the CIA. And in fact, I've emphasized that in my recent issuance of the highest challenges that the agency has to address. So it's a very important area.

Senator COLLINS. I'm very glad to hear that. I would ask that you keep the committee fully apprised of your efforts in this area and in particular identify to the committee recommendations that have not been implemented, because they're really—that's really hard to understand, given the egregious breaches that have occurred in the intelligence community.

Mr. SHARPLEY. Yes, Senator, I commit to do that.

Senator COLLINS. Thank you.

Chairman BURR. Senator Wyden.

Senator WYDEN. Thank you, Mr. Chairman.

Mr. Sharpley, as we talked about, I am very troubled about your decision to return your copy of the torture report. The report was sent to your office so that lessons could be learned, not just about torture, but a variety of topics, including Inspector General oversight.

I just believe your decision sets a terrible precedent for the committee's current and future work. If your office and the committee are going to be erasing historical records because somebody down the road is unhappy about them, our country is going to need a lot of erasers.

So, hypothetically, I'd like to ask you: What if, a few years from now, after this committee has sent your office a report on Russia's interference in our election, a future chair of the committee says he doesn't like the report and wants it returned. What would you do?

Mr. SHARPLEY. Well, sir, I avoid hypothetical answers to hypothetical questions of any course.

Senator WYDEN. Okay, then let me just ask it this way. How does your decision not set a terrible precedent?

Mr. SHARPLEY. My decision, Senator, was in response to a request from the Chair and that's—that was the trigger for my returning the report.

Senator WYDEN. So you're obligated to follow the law. I don't see why the law doesn't govern this, but maybe I'm missing something. I mean, your highest obligation is to follow the law, and I guess you're saying that you made your judgment on the basis of other factors. You were asked for it and that was that.

But I got to tell you, I don't like the concept of your office picking and choosing which investigative reports you're going to keep. And that's the inescapable conclusion about all this. I followed the business about the shredded disk and then you found it, but you still returned it. And I'd like to know anything else that may have driven your judgment here?

Mr. SHARPLEY. Senator, it's very straightforward. I made an independent judgment to return the report at the request of the chair of the committee that produced the report.

Senator WYDEN. But you're not concerned about your obligation to follow the law and you're not concerned about a precedent? I mean, it seems to me this sets a horrible precedent, which is why I asked you about, say, somebody down the road in the future saying they're concerned about the Russian report. You're not concerned about setting any precedent here?

Mr. SHARPLEY. No, sir. We're talking about a hypothetical, once again, and—

Senator WYDEN. I'm asking you about something that conceivably could happen and because of the decision you've made, it certainly sets a precedent for in effect your office kind of picking and choosing which investigative reports you're going to keep.

I'm going to oppose your nomination because I think our highest duty here is to follow the law and the idea that the chair asked for it and that governed your judgment isn't acceptable to me.

Now let me ask you one other question if I might. My colleagues have mentioned this question of whistleblowers and you brought up CIA contractor whistleblowers. Now, this is just a yes or no answer: Do you believe that whistleblower protections should extend to CIA contractors? This is an area where there's been bipartisan interest. My colleague Senator Collins over the years has been very interested in whistleblowers. So, yes or no, do you believe whistleblower protections ought to extend to CIA contractors?

Mr. SHARPLEY. Yes, I do.

Senator WYDEN. Okay, making some progress.

Thank you, Mr. Chairman.

Chairman BURR. Senator Lankford.

Senator LANKFORD. Thank you, Mr. Chairman.

Mr. Sharpley, good to see you again. Thanks for the long visit we had. We walked through a lot of issues in a private and classified setting. I wanted to be able to follow through on a couple of those conversations.

As you know full well, the Office of Inspector General is the eyes and ears of this committee. This committee has oversight over all the intelligence entities, but we're very dependent on the independent investigations, the ongoing investigations that are happening within the Inspectors General office.

That's you, so I want to be able to get some clarity from you on this as well. Covert operations are especially difficult and there is occasionally a perception that "covert" doesn't mean they have oversight. So do covert operations have oversight and should they have oversight, the same as any other operation?

Mr. SHARPLEY. The answer, Senator—and it's good to hear from you again, sir—is yes and they do. I review all covert action efforts at least every three years and those reports are available to the committee, sir.

Senator LANKFORD. Do you have the resources that you need to be able to fulfill that requirement to have oversight on covert operations?

Mr. SHARPLEY. I currently do, Senator.

Senator LANKFORD. So you've been there a while. This is a season where you—going into a permanent nomination here, you have a little more time to be able to focus on things that are a longer look. Are there structural changes that you can look at, at this point, either within your office or around the agency, that you would say we need to take a long look in these areas?

Mr. SHARPLEY. Yes, Senator, there are. Thank you for the question. If I am confirmed, my intent is to do a top to bottom review of our organizational structure—that should not worry my staff—to ensure that our resources are focused in the right places so we can use them most efficiently.

There are areas of covert action that I believe that we could focus, I think, a little more effectively on. And as an Acting Inspector General, you don't want to make far-reaching organizational changes, particularly if there are others being in the nomination process. So if confirmed, I would go ahead and look at those programs.

Senator LANKFORD. Thank you.

Let me ask one final question about metrics for success. It is a challenge of any organization, especially an organization that has such a difficult task as the CIA has, to be able to measure success. So for dollars that are invested from the American people, that are to be overseen by this committee, and that you have the responsibility and oversight of as well, how will you work with the agency to break down into individual operations and into units within CIA to make sure that they are looking at metrics for success, that those metrics are being evaluated, whether that's the right measurement to be able to use, and that they're actually hitting the target?

Mr. SHARPLEY. Yes, Senator. I agree with you that measures of effectiveness are very important. We're spending a lot of taxpayer funds here on matters that don't see the light of day. And I think it's important from a business enterprise standpoint and from a risk valuation standpoint, that they have—that certainly covert action, and other areas of the CIA mission, have measures of effectiveness in place.

They—those areas are typically examined when we conduct an audit or an inspection. And as we spoke, sir, you'll find that in many of our reports if they—if they're not there, that we'll make a recommendation that goes to the area of, you need to look at this and examine whether this is—if this is effective or if this is efficient.

And that really goes to the, if you will, metrics of our overall approach, our standards of how we conduct our audits, our inspections to a different—in a different respect, our investigations. But I think one way of ensuring that an organization is running efficiently, or whether it's effective is to, again, look at the measures of effectiveness. And I commit to continue to look in that area.

Senator LANKFORD. That's great. Thank you.

Mr. Chairman, I yield back.

Chairman BURR. Senator Heinrich.

Senator HEINRICH. Thank you, Mr. Chairman.

Mr. Sharpley, as the deputy and then the Acting IG, did you read the Senate Intelligence Committee's full report on the CIA's torture and interrogation techniques?

Mr. SHARPLEY. Senator, no I didn't.

Senator HEINRICH. Why not?

Mr. SHARPLEY. I had no opportunity to read it. The report was placed in a classified information system within the Office of Inspector General and very shortly thereafter deleted from that system. And then the disk we thought was shredded. It was not. It had been misplaced.

Senator HEINRICH. It seems to me that it's awfully hard to learn the potential lessons of that report if—if it wasn't consumed and read and processed in your office.

Mr. SHARPLEY. Senator, I have had the opportunity to read the unclassified—

Senator HEINRICH. Most of us read the executive.

Mr. SHARPLEY. Yes.

Senator HEINRICH. However, there were certainly chapters that dealt specifically with the operations of the IG's office that, it seems to me, would've been something you'd want to be able to process to make sure that, if mistakes were made, they weren't made again.

Did you consider that before returning the report?

Mr. SHARPLEY. Senator, again, my decision to return the report is not a reflection of the value that I place on the report.

Senator HEINRICH. Did you consider reading the report before returning the report so that you could do your job more effectively?

Mr. SHARPLEY. No I did not.

Senator HEINRICH. Why not?

Mr. SHARPLEY. I did not have an opportunity to sit down and read the report because at the time the—with the timeline, the time we found the report, the request, right around that same time, had come in requesting the report be returned. I accepted—

Senator HEINRICH. But you returned it based on your own independent judgment. So you could've taken the time to read the report and then return the report.

Mr. SHARPLEY. I could have, sir, yes.

Senator HEINRICH. But you chose not to.

Mr. SHARPLEY. I chose not to, given the time at hand.

Senator HEINRICH. You said that it was your independent judgment to return the report. Walk us through that. That doesn't give us a lot of detail. What was your—what was your thinking? And what was your legal basis for why you decided that?

Mr. SHARPLEY. I conducted no legal basis, Senator. I'm not an attorney and I did not look at it. It was very straightforward. From my standpoint, the conclusion of the litigation determined that the report was a Congressional document and the chair of the committee that produced the report requested that I return it. I made the independent judgment to return it.

Senator HEINRICH. Did the vice chair request that you return it, or just the chair?

Mr. SHARPLEY. I don't recall what the letter said or what the request was.

Senator HEINRICH. Did you think through the implications of what that might mean for future reports?

Mr. SHARPLEY. I don't recall beyond what I've already testified to.

Senator HEINRICH. Could you see how people would be concerned that a decision in this case might set a precedent for future cases?

Mr. SHARPLEY. I can understand the concern, yes.

Senator HEINRICH. So with regard to the report itself and the loss and then the, finally, finding that report once again, the story that it'd been shredded which turned out not to be the case, you said it was testified to by a former employee that it was essentially a guess. That doesn't inspire a lot of confidence in how something as important as this document, as important as this report to the IG's operation, would be handled within the office.

Can you speak to how you've addressed that in subsequent—for subsequent media?

Mr. SHARPLEY. Yes, Senator. I'd be pleased to. The individual who was responsible for handling the disk is the individual who said they shredded it. When we found that disk and went back to speak with that individual, who is no longer an employee of ours or the CIA, he said—he shrugged his shoulders and said: "It was a guess. I don't actually remember seeing it being shredded. I—I just had a stack of media and—and thought that I shredded it."

Senator HEINRICH. I can see how an employee would—who had a stack of media on their desk would have that reaction. I'm just thinking that something as important as this maybe should have required a higher level of attention.

Mr. SHARPLEY. Yes, sir. So the changes that I referred to when we were talking about this earlier, changes I referred to, is that I put in place that there must be a supervisory-level approval before any media is shredded. So that way if other instructions have come out and for some reason it misses the IT administrator in the future, there will be a quality assurance, if you will, in place to review and authorize the shred, and that way we'll avoid something like this happening in the future.

Senator HEINRICH. Thank you, Mr. Chairman.

Chairman BURR. Thank you, Senator Heinrich.

Before I turn to Senator King real quick: Since most of your questions deal with the request I made of this IG and a request I made of every agency of the Federal Government that had copies of the RDI report, let me set the stage.

The stage is that this was battled on our behalf by the Justice Department of the Obama administration. They didn't have to do it. They believed that it was a committee document. They fought it in court. We won in the District Court, the D.C. Court of Appeals. The last court was the United States Supreme Court and they ruled there that this was committee property.

I appreciate the fact that members disagree with the actions of the chairman, but I made a determination when I initiated the belief that this was a committee document that there was precedent, there was precedent here, and you're right the next chairman can determine that they'd like to push this out. There was never a committee vote to push this out. That was a unilateral decision.

So I made the decision to pull it back in and, with the exception of several copies, all have been returned. In every case, lawyers within those agencies made a determination, based upon the court process, that I had every right to make the request and that they were, in most cases, if not all cases, obligated to return them.

So I share that with you to give you a little bit of history and maybe you won't necessarily condemn Mr. Sharpley for doing something that I think is extremely important, responding to the chairman of the committee.

Senator King.

Senator KING. Thank you, Mr. Chairman.

Not to belabor this issue too much, but when you made the decision to return the document did you consult with anyone? Did you consult with the General Counsel or anyone other than yourself in making that decision?

Mr. SHARPLEY. My counsel, my IG counsel.

Senator KING. And what was the nature of that advice?

Mr. SHARPLEY. Just that it was my decision, I was making a decision to return this; what are the circumstances surrounding the issues, is anything else I should know? And the answer was: No, this is your—this is your judgment to respond to the chair.

Senator KING. Thank you.

I think you have one of the most important jobs in the United States Government, because a secret agency in a democracy is an anomaly. I would argue it's a necessary anomaly, but it's still an anomaly, because the transparency and accountability that applies to virtually every other aspect of the United States Government isn't present by necessity.

That means those of us, including you and us, who are given—the responsibility of providing really the only oversight of this agency is especially awesome in my view. And I just want to have your commitment that you realize that this is a different job qualitatively in my view than the IG of the Department of Agriculture or even the Pentagon. Do you understand the weight of this, this position?

Mr. SHARPLEY. Absolutely, Senator. As I said in my opening remarks, it's my belief—that programs that are highly classified—the more classified they are, they see the less light of day. They don't share best practices. They focus on mission and they're not necessarily focused on efficiency and effectiveness. And I think it's—when you're dealing with those types of programs, as I have in Defense with special access programs and at Energy with nuclear weapons programs—here at CIA, that's all they do, very, very classified areas, very classified missions—you need an IG to look at this and shine that flashlight, shine that light on those activities to ensure that they're adhering to the law, that the programs are being run in an efficient and effective manner, and, as I've discussed with you in our private discussions, to give the taxpayer a seat at the table to make sure that their money, hard-earned money, and their taxes are being utilized properly.

Senator KING. And that their Constitution is being abided by.

Mr. SHARPLEY. That's correct. Yes, sir.

Senator KING. Now, Senator Coburn and I a couple of years ago had a provision in the authorization bill that instructed the GAO, which has people with full clearance, to do some analysis of the siting of physical facilities and whether we were efficiently utilizing those facilities. That report occurred. Do you view the GAO as a possible ally in your work?

Mr. SHARPLEY. Yes, Senator, I do. I understand that GAO is working at the request, at the direction of the oversight committees. There are policies and procedures that are at CIA and across the Office of Director of National Intelligence dealing with the work with the GAO.

I've worked with GAO in the past, and my only concern that I have—and this really falls back into my lap—is to reach out to GAO when they start work and do work at Central Intelligence Agency, that they check with us to ensure that the work that we've done—and we may have products that are useful, and this would be inefficient if we've already done work, independent work in that.

Senator KING. I wouldn't want the GAO to add to the inefficiency. I understand your concern. But what you're telling me is that you in certain situations would view the GAO as an ally, as an asset of your office.

Mr. SHARPLEY. Yes, I would.

Senator KING. Thank you. I appreciate that.

One final question. Do you view checking on or reviewing the integrity of the analytic process and the intelligence production process as part of your bailiwick in terms of your responsibility?

Mr. SHARPLEY. Yes, Senator, I do.

Senator KING. I think I want to emphasize that, because there's a grave danger. And you indicated, I think, earlier, talking about mission and operations, that there's a danger of contamination of intelligence product because of commitment to the mission, if you will. And again, you're one of the few bulwarks against that in this system of oversight of what is otherwise a secretive agency.

Mr. SHARPLEY. Yes, sir. I agree with that. We do have a body of work that we have looked at analytic objectivity. We plan in the coming year and out years, if I am confirmed, to continue our work in that area. I think it's a very important area.

Senator KING. I want to emphasize the importance of that, because if you look back over the past 50 years, many of our foreign policy disasters were based upon skewed intelligence, based upon the desires of the policymakers, whether it was the Bay of Pigs, Vietnam, Iraq, whatever. And so I want to really emphasize that analytic integrity, it seems to me, and objectivity is an absolutely key function because human nature is always to tell the boss what they want to hear.

Mr. SHARPLEY. Sure.

Senator KING. And you are one of the people that sits astride that process, and I hope you'll take that responsibility especially seriously.

Mr. SHARPLEY. Senator, I understand your concern. I share it. You have my commitment to take that—to take on that issue and continue to look at it.

Senator KING. Thank you.

Thank you, Mr. Chairman.

Chairman BURR. Senator Manchin.

Senator MANCHIN. Thank you, Mr. Chairman.

Thank you, Mr. Sharpley, for being here today.

Mr. SHARPLEY. Thank you, sir.

Senator MANCHIN. Having your family with you for support, I appreciate that. And the fact that you served as Inspector General at a variety of levels, maybe you might want to explain how that prepared you for the job that we're asking you to do or that you're asking us to confirm you to do—

Mr. SHARPLEY. Yes, sir.

Senator MANCHIN [continuing]. That put you in that unique position.

Mr. SHARPLEY. Yes, sir. Thank you, Senator, I'd be pleased to do that.

I fortunately had an opportunity many years ago, back in the nineties, to be a part of a group, the predecessor of the Council of Inspectors General for Integrity and Efficiency, the President's

Council on Integrity and Efficiency, to be a part of the development of the quality standards for investigations and the quality standards for inspections. Those standards are sort of benchmark best practices for oversight. They have since then matured and changed slightly, but the basic practices are there.

When I arrived at CIA IG, the reason I was asked to come aboard or compete for the position and come aboard and decided to take it was because I wanted to make sure that the processes utilized by our inspections, audits, and investigative groups use those standards.

And that's exactly what I did. I've implemented those standards across our mission set. Having had the opportunity to stand up, be a significant part of standing up, two brand-new Offices of Inspector General at the Special Inspector General for Troubled Asset Relief Program at Federal Housing and Finance Agency, I was able to utilize that knowledge, those skills that I had obtained from the previous period of time, and put them to work at those organizations. And those organizations have been very successful supporting prosecutions that have returned billions to the U.S. Treasury. That same approach I've used at CIA Office of Inspector General.

Senator MANCHIN. Let me just—a couple of things I want to go over. Being a former governor myself and Senator King here, we know how having full control over your budget gives you the flexibility to do the things where you think it's most important. Do you feel—I'm sure you looked at the budget now. Are you siloed? Are you able to move money to where you know the critical need is? How important is that for you?

Mr. SHARPLEY. Senator—thank you, Senator. The discussion that you and I had in this area caused me to sit back on my heels, sort of stand back on my heels and reconsider this.

Senator MANCHIN. You might want to tell people a little bit what we talked about, because there were areas you identified you weren't able to do what needs to be done because—but you had money in other siloes that could help you do it.

Mr. SHARPLEY. Right. There are various siloes. One silo of money is used for salaries and awards, the other used for contracting and travel, this type of thing.

Senator MANCHIN. Yes.

Mr. SHARPLEY. And the policy of the CIA is that you can't blend those monies. You can't cross the monies across the silo. But we had a discussion, I thought it was very productive and I appreciated it. And that is—and I appreciate the chair and vice chair's advice in this area as well. And that is, if there were a way to move money across, it would allow me to address issues and needs that I have. For example, when—

Senator MANCHIN. Not that you need more money, even though everybody needs more money.

Mr. SHARPLEY. Everyone needs more money.

Senator MANCHIN. But if you don't have more money, how to be more efficient.

Mr. SHARPLEY. That's correct. This is a discussion on the efficient use of money. So I've asked my attorney to address this with the agency, to see if there's a way that I can't do that. And we are now

doubling down and addressing that to see if there is a way that we can do it.

So again, I would ask the——

Senator MANCHIN. Let us know if we can help.

Mr. SHARPLEY. Yes, sir. And I would ask the committee's support if we're not able to do it for a legal reason that I'm unaware of. But as it stands currently, I'm going to attack this and see if we can do it a little bit more efficiently.

Senator MANCHIN. I've got two more quick questions.

Mr. SHARPLEY. Yes.

Senator MANCHIN. First of all, the most important: What do you think is the greatest security risk that the United States of America faces?

Mr. SHARPLEY. Well, outside of the threats to our Nation——

Senator MANCHIN. Yes——

Mr. SHARPLEY [continuing]. Whether it be——

Senator MANCHIN [continuing]. That are obvious.

Mr. SHARPLEY. Yes. Outside of the threats, it is ensuring the integrity of our intelligence programs and that those involved in the various intelligence missions remain dedicated and true to their oath.

That is why I have taken or done a lot of work in the area of insider threat and how to strengthen the systems of the agency to ensure that when people do run astray, staff members or contractors, that we have systems in place that work, that we can detect it and counter it.

Senator MANCHIN. And then finally, if you are asked by the President to render your assessment and evaluation, do you feel confident you can speak truth to power?

Mr. SHARPLEY. I absolutely do feel confident I can speak truth to power. And if you would ask the current director and the former two directors, they would tell you the same.

Senator MANCHIN. Thank you.

Mr. SHARPLEY. Yes, sir.

Chairman BURR. Senator Harris.

Senator HARRIS. Thank you.

So I think you know, we all know, that it's very important that politics not shape the work that we do in our intelligence agencies and in the intelligence community. Can you tell this committee whether as Acting IG, if you've ever been asked or experienced any effort to limit your full independence since you've been the Acting IG?

Mr. SHARPLEY. Thank you, Senator Harris. That is a very good question. Senator Harris, I don't know if you remember our——when you were Attorney General in California, I worked at SIGTARP and you were very helpful, and I thank you again for your——

Senator HARRIS. Thank you.

Mr. SHARPLEY [continuing]. Help there. There has never been a time under any director that I've worked—or am I aware of, anyone trying to undermine the independence of this Office of Inspector General. I think it's very clear that the reputation that I've built at CIA, that that is something that I don't think anyone would attempt.

But certainly, independence is written into the very fabric of our processes. At every opportunity, conferences, onboarding, new employees, etcetera, we emphasize the importance of independence. I know that this director, Director Pompeo, is very aware of that and I'm sure very supportive of my independence.

Senator HARRIS. And will you commit to this committee that if ever you are in any way talked with or anyone indicates that they hope you might do one thing or another, that you will report that to this committee?

Mr. SHARPLEY. Absolutely, Senator. You have my commitment.

Senator HARRIS. And have you—I believe in fact that you have faced some resistance that has prevented you from getting access to information that you need to fully assess a situation in terms of performing your oversight responsibilities. Will you commit today to notifying this committee if in the future you face any resistance whatsoever in your efforts to obtain information that is necessary for you to pursue your responsibilities?

Mr. SHARPLEY. Senator, I do commit to that. I'm unaware of any circumstance since I've been the Acting Inspector General or as deputy where anybody has either encumbered or tried to or have been successful at not providing us the information we need to do our important oversight role.

Senator HARRIS. Well, please rely on this committee to help you if you need help in accomplishing that goal.

Mr. SHARPLEY. Thank you, Senator.

Senator HARRIS. And there's been a lot of discussion about whistleblowers. I understand that you have not or were not aware of the POGO, the Project on Government Oversight, report that was released yesterday regarding three open cases involving allegations that you and others committed retaliation against whistleblowers. But, obviously, this is a serious concern.

I'm going to assume that right after this hearing you're going to familiarize yourself with what's in that report. And my request to you is that you then immediately, and before we need to vote on your confirmation, report back to this committee in writing your analysis and your perspective on the contents of that report. Are you willing to do that?

Mr. SHARPLEY. Senator, I don't want to—I want to make sure that I don't conflate the two. There was a POGO article that refers to a report that was written by the ICIG. I'm unfamiliar with the report from the ICIG.

With respect to the POGO article, I am aware of that they cite the complaints that are against me on retaliation just because it was brought up in this hearing. I'm unaware of any ongoing investigations or the details of any complaints and have no—no action, or conclusions of wrongdoing have been made about my career or anything that I've done.

Senator HARRIS. So as it relates then to the ICIG letter that was referred to earlier by Senator Feinstein, will you familiarize yourself with the contents of that and report back to this committee your perspective on what that says about these three cases?

Mr. SHARPLEY. Yes, Senator. I commit to doing that.

Senator HARRIS. Okay. And you obviously understand that when we are talking about the importance of whistleblowers, for those

folks to come forward and report what they know it's an intimidating process. They are putting their jobs on the line. They are certainly opening themselves up to the likelihood of retaliation and if they don't have confidence in the system, it is likely, one, that they will not report to the IG; but two, equally likely that, wanting their information to get out and to have transparency and sunlight on the issue, that they are even prone probably to leak that information to the press.

So we are talking often, however, about classified information, which creates its own problems when that classified information is leaked to the press. So will you commit to improving and strengthening the systems that are currently in place to ensure that there is no retaliation whatsoever when whistleblowers come forward?

Mr. SHARPLEY. Senator, I can investigate concerns about retaliatory actions and I commit to you that we will continually improve upon our systems and our programs in place.

Senator HARRIS. Thank you.

Thank you, Mr. Chairman.

Chairman BURR. Thank you, Senator Harris.

Any member seek any additional questions? Seeing none—

Vice Chairman WARNER. Can I just ask one question?

Chairman BURR. Vice Chairman.

Vice Chairman WARNER. Mr. Sharpley, a lot of concern about whistleblower issues and I understand—my understanding at least, if there is an ICIG, you might not be aware of the contents of that, that investigation in the normal course.

But one thing that I've looked at—and I didn't offer this amendment earlier because there was not full-fledged support, but that there would be granted to the IC, to the IC community, stay authority, which I know you are familiar with, which in effect would make sure that a whistleblower would be able to request the head of the agency to hold harmless a valid whistleblower from being reprisal, retaliated against.

Most all the rest of the Federal Government has those kind of stay authority protections. I know we talked about this briefly in my office. Do you believe that the employees—even though that this is not going to be in law, but do you believe that the employees at CIA ought to have this type of protection that every other Federal employee has had since 2001?

Mr. SHARPLEY. Senator, I support any improvement on protections to whistleblowers. I fully support them. I am not aware in my five-plus years at CIA where having stay authority would have changed the circumstance. That doesn't mean that something couldn't happen in the future where that authority could be used effectively. So I do support—

Vice Chairman WARNER. I just believe, in light of some of the concerns raised and echoing both Senator Harris and Senator King in terms of the importance of this job, our job and your job, because of the unique nature of the agency operating in secret, I do think going the extra mile that there would be this approach, in terms of holding harmless a valid whistleblower's complaint against any type of reprisal from the agency itself is terribly important. And should you be confirmed, I hope that you will—you would bring that message back to the agency.

Mr. SHARPLEY. You have my commitment, Senator.

Vice Chairman WARNER. Thank you, Mr. Sharpley.

Chairman BURR. Thank you, Vice Chairman.

Mr. Sharpley, thank you for your testimony to the committee.

I will repeat that it's my intention to move this nomination next week and I would urge members, if they have additional questions, to make those questions available before the end of business today.

Kimberly, thank you for being here to support your husband. To you, your children, and to your mother, it's great to have you here for this.

With that, the hearing is adjourned.

[Whereupon, at 3:52 p.m., the hearing was adjourned.]

Supplemental Material

SELECT COMMITTEE ON
INTELLIGENCE

UNITED STATES SENATE



QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES

**SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE**

**QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES**

PART A - BIOGRAPHICAL INFORMATION

1. NAME: Christopher Robert Sharpley
2. DATE AND PLACE OF BIRTH: 21 May 1957; Trenton, New Jersey
3. MARITAL STATUS: Married
4. SPOUSE'S NAME: Kimberly A. Bauer-Sharpley
5. SPOUSE'S MAIDEN NAME IF APPLICABLE: Kimberly A. Bauer
6. NAMES AND AGES OF CHILDREN:

NAME

AGE

[INFORMATION REDACTED]

7. EDUCATION SINCE HIGH SCHOOL:

<u>INSTITUTION</u>	<u>DATES ATTENDED</u>	<u>DEGREE RECEIVED</u>	<u>DATE OF DEGREE</u>
Naval Postgraduate School	July 1984 - July 1986	MA	July 1986
The American University	August 1979 - May 1981	BA	May 1981

8. EMPLOYMENT RECORD (LIST ALL POSITIONS HELD SINCE COLLEGE, INCLUDING MILITARY SERVICE. INDICATE NAME OF EMPLOYER, POSITION, TITLE OR DESCRIPTION, LOCATION, AND DATES OF EMPLOYMENT.)

<u>Employer</u>	<u>Position/Title</u>	<u>Location</u>	<u>Dates</u>
CIA/OIG	Acting Inspector General	Washington, DC	January 2015 - Present*
CIA/OIG	Deputy Inspector General	Washington, DC	July 2012 - Present
Federal Housing Finance Agency/OIG	Deputy IG for Investigations	Washington, DC	November 2010 - July 2012

Special Inspector General TARP (SIGTARP)	Deputy Special IG/Investigations	Washington, DC	January 2009 – November 2010
Dept. of Energy/OIG	Deputy IG for Investigations & Inspections	Washington, DC	March 2003 – January 2009
Dept. of Energy/OIG	Special Agent-in-Charge	Washington, DC	April 1998 – March 2003
Dept. of Energy/OIG	Assistant Special Agent-in-Charge	Albuquerque, NM	June 1995 – April 1998
Dept. of Energy/OIG	Special Agent	Livermore, CA	January 1993 – June 1995
Air Force Office of Special Investigations (AFOSI)	Special Agent (Civilian)	Boston, MA	June 1992 – January 1993
U.S. Air Force (Reserves) (AFOSI)	Commissioned Officer Special Agent – Director	Secretary of Air Force Special Projects	June 1992 – October 2002
U.S. Air Force (Active) (AFOSI)	Commissioned Officer Special Agent – Commander	(Washington, DC, Japan, Oakton, CA)	January 1982 – June 1992

* For periods during this time I reverted back to Deputy Inspector General.

9. GOVERNMENT EXPERIENCE (INDICATE EXPERIENCE IN OR ASSOCIATION WITH FEDERAL, STATE, OR LOCAL GOVERNMENTS, INCLUDING ADVISORY, CONSULTATIVE, HONORARY, OR OTHER PART-TIME SERVICE OR POSITION. DO NOT REPEAT INFORMATION ALREADY PROVIDED IN QUESTION 8):

Please see Question #8.

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

Education, military experience and extensive service within the Inspector General Community have afforded me substantial exposure to the intelligence community and broader national security arena. I earned a master's degree in National Security Affairs from the Naval Postgraduate School, and a bachelor's degree in Administration of Justice from The American University. I received my commission in the U.S. Air Force as a distinguished graduate of the Air Force R.O.T.C. military leadership program at Howard University. During my 35+ years in military and public service, I received professional training in counterintelligence collections, analysis and operational tradecraft; counterterrorism tradecraft; and the full range of law enforcement procedures and methodologies. As a military officer and as a civilian senior executive I led and directed intelligence, security or investigative activities involving sensitive national security matters associated with the DoD, CIA, DIA, NSA, and NRO missions. As Deputy Inspector General for Investigations and Inspections at the Department of Energy, I directed Office of Inspector General activities associated with the nation's nuclear weapons complex and system of national laboratories.

Since assuming responsibilities as CIA Deputy Inspector General in 2012, and also through my experience serving as Acting Inspector General for the past two and one half years, I have gained significant knowledge about CIA programs and operations. I direct independent audits, inspections, and investigations related to the CIA mission, making recommendations for positive change. I also direct investigative activities to detect, deter and investigate fraud, waste, and abuse. With these skills and knowledge, and in carrying out my responsibilities as Acting Inspector General, I interact effectively with CIA leadership, SSCI, HPSCI, SAC-D, HAC-D, the Inspectors General from the Intelligence Community, IG members and staff of the Council of Inspectors General on Integrity and Efficiency (CIGIE), the Department of Justice, and the President's Intelligence Oversight Board, regarding intelligence and national security related matters.

11. HONORS AND AWARDS (PROVIDE INFORMATION ON SCHOLARSHIPS, FELLOWSHIPS, HONORARY DEGREES, MILITARY DECORATIONS, CIVILIAN SERVICE CITATIONS, OR ANY OTHER SPECIAL RECOGNITION FOR OUTSTANDING PERFORMANCE OR ACHIEVEMENT):

I received a 2010 Presidential Rank Award (meritorious) for my work in building fraud investigative and financial intelligence programs, as Deputy Special Inspector General for Investigations, Special Inspector General for the Troubled Asset Relief Program (SIGTARP), during the U.S. banking and financial insurance crisis of 2008 – 2010. The programs under my leadership assisted the Department of Justice successfully prosecute individuals and entities for perpetrating billions of dollars in fraud. My successes also led to the new Inspector General of the Federal Housing Finance Agency asking me to assist him in building similar Office of Inspector General programs associated with Freddie Mac, Fannie Mae and the 12 Federal Home Loan Banks, as they entered into Federal conservatorship.

As a military officer I received Achievement, Commendation and Meritorious Service medals for acts and service during my active and reserve careers. I received several other unit citations and firearms marksmanship awards. I was a Distinguished Graduate from the Air Force R.O.T.C. program at Howard University, Washington, DC, where I received my U.S. Air Force commission in 1981.

12. ORGANIZATIONAL AFFILIATIONS (LIST MEMBERSHIPS IN AND OFFICES HELD WITHIN THE LAST TEN YEARS IN ANY PROFESSIONAL, CIVIC, FRATERNAL, BUSINESS, SCHOLARLY, CULTURAL, CHARITABLE, OR OTHER SIMILAR ORGANIZATIONS):

<u>ORGANIZATION</u>	<u>OFFICE HELD</u>	<u>DATES</u>
International Association of Financial Crimes Investigators	Advisor to the Board*	November 2011 – Present
National Rifle Association	Member	2009, 2011 – Present

* I serve in this role in my official capacity. If confirmed, I intend to resign from this position.

13. PUBLISHED WRITINGS AND SPEECHES (LIST THE TITLES, PUBLISHERS, BLOGS AND PUBLICATION DATES OF ANY BOOKS, ARTICLES, REPORTS, OR OTHER PUBLISHED MATERIALS YOU HAVE AUTHORED. ALSO LIST ANY PUBLIC SPEECHES OR REMARKS YOU HAVE MADE WITHIN THE LAST TEN YEARS FOR WHICH THERE IS A TEXT, TRANSCRIPT, OR VIDEO.) IF ASKED, WILL YOU PROVIDE A COPY OF EACH REQUESTED PUBLICATION, TEXT, TRANSCRIPT, OR VIDEO?

None.

PART B - QUALIFICATIONS

14. QUALIFICATIONS (DESCRIBE WHY YOU BELIEVE YOU ARE QUALIFIED TO SERVE IN THE POSITION FOR WHICH YOU HAVE BEEN NOMINATED):

The skills I've acquired through education, military service, law enforcement training, performing successfully in several key leadership roles, as well as my record of performance as Acting and Deputy Inspector General at CIA OIG, the Deputy Inspector General for Investigations at FHFA, the Deputy Special Inspector General for Investigations at SIGTARP and the Deputy Inspector General for Investigations and Inspections at Energy, qualify me to fill the position of CIA Inspector General. In my current capacity as Acting Inspector General, I have satisfied CIA Inspector General statutory obligations—strengthening Agency program and operational internal controls, working successfully with the Department of Justice on allegations of fraud, providing effective leadership to CIA OIG and the broader Inspector General Community, and communicating effectively with the oversight committees and CIA leadership.

PART C - POLITICAL AND FOREIGN AFFILIATIONS

15. POLITICAL ACTIVITIES (LIST ANY MEMBERSHIPS OR OFFICES HELD IN OR FINANCIAL CONTRIBUTIONS OR SERVICES RENDERED TO, ANY POLITICAL PARTY, ELECTION COMMITTEE, POLITICAL ACTION COMMITTEE, OR INDIVIDUAL CANDIDATE DURING THE LAST TEN YEARS):

I donated \$100 to the campaign of presidential candidate Donald Trump, and to the best of my recollection, \$25 each to the campaigns of presidential candidates Mitt Romney and John McCain.

16. CANDIDACY FOR PUBLIC OFFICE (FURNISH DETAILS OF ANY CANDIDACY FOR ELECTIVE PUBLIC OFFICE):

None.

17. FOREIGN AFFILIATIONS

(NOTE: QUESTIONS 17A AND B ARE NOT LIMITED TO RELATIONSHIPS REQUIRING REGISTRATION UNDER THE FOREIGN AGENTS REGISTRATION ACT. QUESTIONS 17A, B, AND C DO NOT CALL FOR A POSITIVE RESPONSE IF THE REPRESENTATION OR TRANSACTION WAS AUTHORIZED BY THE UNITED STATES GOVERNMENT IN CONNECTION WITH YOUR OR YOUR SPOUSE'S EMPLOYMENT IN GOVERNMENT SERVICE.)

A. HAVE YOU OR YOUR SPOUSE EVER REPRESENTED IN ANY CAPACITY (E.G. EMPLOYEE, ATTORNEY, OR POLITICAL/BUSINESS CONSULTANT), WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No.

B. HAVE ANY OF YOUR OR YOUR SPOUSE'S ASSOCIATES REPRESENTED, IN ANY CAPACITY, WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No.

C. DURING THE PAST TEN YEARS, HAVE YOU OR YOUR SPOUSE RECEIVED ANY COMPENSATION FROM, OR BEEN INVOLVED IN ANY FINANCIAL OR BUSINESS TRANSACTIONS WITH, A FOREIGN GOVERNMENT OR ANY ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No.

D. HAVE YOU OR YOUR SPOUSE EVER REGISTERED UNDER THE FOREIGN AGENTS REGISTRATION ACT? IF SO, PLEASE PROVIDE DETAILS.

No.

18. DESCRIBE ANY LOBBYING ACTIVITY DURING THE PAST TEN YEARS, OTHER THAN IN AN OFFICIAL U.S. GOVERNMENT CAPACITY, IN WHICH YOU OR YOUR SPOUSE HAVE ENGAGED FOR THE PURPOSE OF DIRECTLY OR INDIRECTLY INFLUENCING THE PASSAGE, DEFEAT, OR MODIFICATION OF FEDERAL LEGISLATION, OR FOR THE PURPOSE OF AFFECTING THE ADMINISTRATION AND EXECUTION OF FEDERAL LAW OR PUBLIC POLICY.

None.

PART D - FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST

19. DESCRIBE ANY EMPLOYMENT, BUSINESS RELATIONSHIP, FINANCIAL TRANSACTION, INVESTMENT, ASSOCIATION, OR ACTIVITY (INCLUDING, BUT NOT LIMITED TO, DEALINGS WITH THE FEDERAL GOVERNMENT ON YOUR OWN BEHALF OR ON BEHALF OF A CLIENT), WHICH COULD CREATE, OR APPEAR TO CREATE, A CONFLICT OF INTEREST IN THE POSITION TO WHICH YOU HAVE BEEN NOMINATED.

None.

20. DO YOU INTEND TO SEVER ALL BUSINESS CONNECTIONS WITH YOUR PRESENT EMPLOYERS, FIRMS, BUSINESS ASSOCIATES AND/OR PARTNERSHIPS, OR OTHER ORGANIZATIONS IN THE EVENT THAT YOU ARE CONFIRMED BY THE SENATE? IF NOT, PLEASE EXPLAIN.

I am employed by CIA as the Acting Inspector General and Deputy Inspector General. I have no other business connections.

21. DESCRIBE THE FINANCIAL ARRANGEMENTS YOU HAVE MADE OR PLAN TO MAKE, IF YOU ARE CONFIRMED, IN CONNECTION WITH SEVERANCE FROM YOUR CURRENT POSITION. PLEASE INCLUDE SEVERANCE PAY, PENSION RIGHTS, STOCK OPTIONS, DEFERRED INCOME ARRANGEMENTS, AND ANY AND ALL COMPENSATION THAT WILL OR MIGHT BE RECEIVED IN THE FUTURE AS A RESULT OF YOUR CURRENT BUSINESS OR PROFESSIONAL RELATIONSHIPS.

I am employed by CIA as the Acting Inspector General and Deputy Inspector General. I have no other business connections.

22. DO YOU HAVE ANY PLANS, COMMITMENTS, OR AGREEMENTS TO PURSUE OUTSIDE EMPLOYMENT, WITH OR WITHOUT COMPENSATION, DURING YOUR SERVICE WITH THE GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No.

23. AS FAR AS CAN BE FORESEEN, STATE YOUR PLANS AFTER COMPLETING GOVERNMENT SERVICE. PLEASE SPECIFICALLY DESCRIBE ANY AGREEMENTS OR UNDERSTANDINGS, WRITTEN OR UNWRITTEN, CONCERNING EMPLOYMENT AFTER LEAVING GOVERNMENT SERVICE. IN PARTICULAR, DESCRIBE ANY AGREEMENTS, UNDERSTANDINGS, OR OPTIONS TO RETURN TO YOUR CURRENT POSITION.

I have no immediate plans, agreements or understandings regarding post-government service, written or otherwise.

24. IF YOU ARE PRESENTLY IN GOVERNMENT SERVICE, DURING THE PAST FIVE YEARS OF SUCH SERVICE, HAVE YOU RECEIVED FROM A PERSON OUTSIDE OF GOVERNMENT AN OFFER OR EXPRESSION OF INTEREST TO EMPLOY YOUR SERVICES AFTER YOU LEAVE GOVERNMENT SERVICE? IF YES, PLEASE PROVIDE DETAILS.

No. There is currently no understanding of post-government employment, implied or otherwise. However, I have during the past five years explored post-government employment opportunities, none of which still exist nor am I still pursuing. I followed appropriate ethics requirements on these occasions.

25. IS YOUR SPOUSE EMPLOYED? IF YES AND THE NATURE OF THIS EMPLOYMENT IS RELATED IN ANY WAY TO THE POSITION FOR WHICH YOU ARE SEEKING CONFIRMATION, PLEASE INDICATE YOUR SPOUSE'S EMPLOYER, THE POSITION, AND THE LENGTH OF TIME THE POSITION HAS BEEN HELD. IF YOUR SPOUSE'S EMPLOYMENT IS NOT RELATED TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED, PLEASE SO STATE.

My spouse is employed. Her employment is not related in any way to the position for which I have been nominated.

26. LIST BELOW ALL CORPORATIONS, PARTNERSHIPS, FOUNDATIONS, TRUSTS, OR OTHER ENTITIES TOWARD WHICH YOU OR YOUR SPOUSE HAVE FIDUCIARY OBLIGATIONS OR IN WHICH YOU OR YOUR SPOUSE HAVE HELD DIRECTORSHIPS OR OTHER POSITIONS OF TRUST DURING THE PAST FIVE YEARS.

<u>NAME OF ENTITY</u>	<u>POSITION</u>	<u>DATES HELD</u>	<u>SELF OR SPOUSE</u>
Virginia Tennis Association	Secretary	January – August 2013	Spouse
Sharpley Family Trust	Co-Grantor/Co-Trustee	September 2014 – Present	Self & Spouse

27. LIST ALL GIFTS EXCEEDING \$100 IN VALUE RECEIVED DURING THE PAST FIVE YEARS BY YOU, YOUR SPOUSE, OR YOUR DEPENDENTS. (NOTE: GIFTS RECEIVED FROM RELATIVES AND GIFTS GIVEN TO YOUR SPOUSE OR DEPENDENT NEED NOT BE INCLUDED UNLESS THE GIFT WAS GIVEN WITH YOUR KNOWLEDGE AND ACQUIESCENCE AND YOU HAD REASON TO BELIEVE THE GIFT WAS GIVEN BECAUSE OF YOUR OFFICIAL POSITION.)

My wife and I were invited by the CIA Officers Memorial Foundation to attend the Ambassador Richard M Helms Award Ceremony on 4 March 2015 and 14 April 2016. The market value of attendance for each person was \$1,000, for a total of \$2,000 per event.

28. LIST ALL SECURITIES, REAL PROPERTY, PARTNERSHIP INTERESTS, OR OTHER INVESTMENTS OR RECEIVABLES WITH A CURRENT MARKET VALUE (OR, IF MARKET VALUE IS NOT ASCERTAINABLE, ESTIMATED CURRENT FAIR VALUE) IN EXCESS OF \$1,000. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE A OF THE DISCLOSURE FORMS OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CURRENT VALUATIONS ARE USED.)

Please see my submitted nominee OGE Form 278e, dated 15 June 2017, for complete information.

29. LIST ALL LOANS OR OTHER INDEBTEDNESS (INCLUDING ANY CONTINGENT LIABILITIES) IN EXCESS OF \$10,000. EXCLUDE A MORTGAGE ON YOUR PERSONAL RESIDENCE UNLESS IT IS RENTED OUT, AND LOANS SECURED BY AUTOMOBILES, HOUSEHOLD FURNITURE, OR APPLIANCES. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE C OF THE DISCLOSURE FORM OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CONTINGENT LIABILITIES ARE ALSO INCLUDED.)

Please see my submitted nominee OGE Form 278e, dated 15 June 2017, for complete information.

30. ARE YOU OR YOUR SPOUSE NOW IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION? HAVE YOU OR YOUR SPOUSE BEEN IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION IN THE PAST TEN YEARS? HAVE YOU OR YOUR SPOUSE EVER BEEN REFUSED CREDIT OR HAD A LOAN APPLICATION DENIED? IF THE ANSWER TO ANY OF THESE QUESTIONS IS YES, PLEASE PROVIDE DETAILS.

No.

31. LIST THE SPECIFIC SOURCES AND AMOUNTS OF ALL INCOME RECEIVED DURING THE LAST FIVE YEARS, INCLUDING ALL SALARIES, FEES, DIVIDENDS, INTEREST, GIFTS, RENTS, ROYALTIES, PATENTS, HONORARIA, AND OTHER ITEMS EXCEEDING \$200. (COPIES OF U.S. INCOME TAX RETURNS FOR THESE YEARS MAY BE SUBSTITUTED HERE, BUT THEIR SUBMISSION IS NOT REQUIRED.)

2012	2013	2014	2015	2016
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[INFORMATION REDACTED]

32. IF ASKED, WILL YOU PROVIDE THE COMMITTEE WITH COPIES OF YOUR AND YOUR SPOUSE'S FEDERAL INCOME TAX RETURNS FOR THE PAST THREE YEARS?

Yes.

33. LIST ALL JURISDICTIONS IN WHICH YOU AND YOUR SPOUSE FILE ANNUAL INCOME TAX RETURNS.

Federal, Commonwealth of Virginia.

34. HAVE YOUR FEDERAL OR STATE TAX RETURNS BEEN THE SUBJECT OF AN AUDIT, INVESTIGATION, OR INQUIRY AT ANY TIME? IF SO, PLEASE PROVIDE DETAILS, INCLUDING THE RESULT OF ANY SUCH PROCEEDING.

No. However, I neglected to include income from the sale of stock on my 1994 tax return and the IRS later billed me for the amount owed, approximately \$200. I paid the amount in full and disclosed the matter to security officials at my then-employer, DOE.

35. IF YOU ARE AN ATTORNEY, ACCOUNTANT, OR OTHER PROFESSIONAL, PLEASE LIST ALL CLIENTS AND CUSTOMERS WHOM YOU BILLED MORE THAN \$200 WORTH OF SERVICES DURING THE PAST FIVE YEARS. ALSO, LIST ALL JURISDICTIONS IN WHICH YOU ARE LICENSED TO PRACTICE.

Not applicable.

36. DO YOU INTEND TO PLACE YOUR FINANCIAL HOLDINGS AND THOSE OF YOUR SPOUSE AND DEPENDENT MEMBERS OF YOUR IMMEDIATE HOUSEHOLD IN A BLIND TRUST? IF YES, PLEASE FURNISH DETAILS. IF NO, DESCRIBE OTHER ARRANGEMENTS FOR AVOIDING ANY POTENTIAL CONFLICTS OF INTEREST.

No. A review of my financial holdings and those of my spouse determined there are no conflicts of interest.

37. IF APPLICABLE, LIST THE LAST THREE YEARS OF ANNUAL FINANCIAL DISCLOSURE REPORTS YOU HAVE BEEN REQUIRED TO FILE WITH YOUR AGENCY, DEPARTMENT, OR BRANCH OF GOVERNMENT. IF ASKED, WILL YOU PROVIDE A COPY OF THESE REPORTS?

Annual OGE Form 278 for 2015, Annual OGE Form 278e for 2016 and 2017, and Nominee OGE 278e dated 15 June 2017. Yes, I will provide.

PART E - ETHICAL MATTERS

38. HAVE YOU EVER BEEN THE SUBJECT OF A DISCIPLINARY PROCEEDING OR CITED FOR A BREACH OF ETHICS OR UNPROFESSIONAL CONDUCT BY, OR BEEN THE SUBJECT OF A COMPLAINT TO, ANY COURT, ADMINISTRATIVE AGENCY, PROFESSIONAL ASSOCIATION, DISCIPLINARY COMMITTEE, OR OTHER PROFESSIONAL GROUP? IF SO, PROVIDE DETAILS.

No, I have not been the subject of a disciplinary proceeding or cited for a breach of ethics or unprofessional conduct. I am aware of complaints made against the CIA OIG and previous OIGs where I was employed, but I am not aware of any where I was the subject.

39. HAVE YOU EVER BEEN INVESTIGATED, HELD, ARRESTED, OR CHARGED BY ANY FEDERAL, STATE, OR OTHER LAW ENFORCEMENT AUTHORITY FOR VIOLATION OF ANY FEDERAL, STATE, COUNTY, OR MUNICIPAL LAW, REGULATION, OR ORDINANCE, OTHER THAN A MINOR TRAFFIC OFFENSE, OR NAMED AS A DEFENDANT OR OTHERWISE IN ANY INDICTMENT OR INFORMATION RELATING TO SUCH VIOLATION? IF SO, PROVIDE DETAILS.

No.

40. HAVE YOU EVER BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL VIOLATION OTHER THAN A MINOR TRAFFIC OFFENSE? IF SO, PROVIDE DETAILS.

No.

41. ARE YOU PRESENTLY OR HAVE YOU EVER BEEN A PARTY IN INTEREST IN ANY ADMINISTRATIVE AGENCY PROCEEDING OR CIVIL LITIGATION? IF SO, PLEASE PROVIDE DETAILS.

No. I am unaware of ever having been a party of interest in any agency proceeding or civil litigation. However, I am aware of complaints being made against the CIA OIG generally or the former Inspector General, where I have been interviewed and submitted affidavits.

42. HAVE YOU BEEN INTERVIEWED OR ASKED TO SUPPLY ANY INFORMATION AS A WITNESS OR OTHERWISE IN CONNECTION WITH ANY CONGRESSIONAL INVESTIGATION, FEDERAL, OR STATE AGENCY PROCEEDING, GRAND JURY INVESTIGATION, OR CRIMINAL OR CIVIL LITIGATION IN THE PAST TEN YEARS? IF SO, PROVIDE DETAILS.

No. Although I was not interviewed, I am aware generally of congressional inquiries involving CIA OIG.

43. HAS ANY BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, DIRECTOR, OR PARTNER BEEN A PARTY TO ANY ADMINISTRATIVE AGENCY PROCEEDING OR CRIMINAL OR CIVIL LITIGATION RELEVANT TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED? IF SO, PROVIDE DETAILS. (WITH RESPECT TO A BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, YOU NEED ONLY CONSIDER PROCEEDINGS AND LITIGATION THAT OCCURRED WHILE YOU WERE AN OFFICER OF THAT BUSINESS.)

No, not applicable.

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

No. However, I understand generally that I am named as a witness in an administrative proceeding involving a former CIA Inspector General.

PART F - SECURITY INFORMATION

45. HAVE YOU EVER BEEN DENIED ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION FOR ANY REASON? IF YES, PLEASE EXPLAIN IN DETAIL.

No.

46. HAVE YOU BEEN REQUIRED TO TAKE A POLYGRAPH EXAMINATION FOR ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION? IF YES, PLEASE EXPLAIN.

Yes. Prior to my employment at CIA I took three 'counterintelligence' polygraph examinations related to security clearances and access to sensitive nuclear weapons and defense Special Access Program data. I have taken two 'full-scope' polygraph examinations associated with my employment at CIA.

47. HAVE YOU EVER REFUSED TO SUBMIT TO A POLYGRAPH EXAMINATION? IF YES, PLEASE EXPLAIN.

No.

PART G - ADDITIONAL INFORMATION

48. DESCRIBE IN YOUR OWN WORDS THE CONCEPT OF CONGRESSIONAL OVERSIGHT OF U.S. INTELLIGENCE ACTIVITIES. IN PARTICULAR, CHARACTERIZE WHAT YOU BELIEVE TO BE THE OBLIGATIONS OF THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY AND THE INTELLIGENCE COMMITTEES OF THE CONGRESS RESPECTIVELY IN THE OVERSIGHT PROCESS.

Both the National Security Act of 1947 and the CIA Act of 1949, as amended, specifically Section 17 that created the CIA OIG in 1989, require that the intelligence oversight committees be kept fully informed. I believe congressional oversight is essential to ensuring that national security objectives are furthered, and that laws are followed. The independent work of the CIA OIG helps inform the committees in this regard. The issuance of CIA OIG Semiannual Reports, summarizing audit, inspection and investigative activities, along with the sharing of completed audit and inspection reports, supports an open avenue of communications between the OIG and the committees. I have supported these established mechanisms while serving as the Acting Inspector General at CIA. I believe unfettered communications between the OIG and the committees is one of the hallmarks of OIG independence, and is essential to ensuring an exchange of ideas and key concerns.

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

The Inspector General of the Central Intelligence Agency is independent and objective, and maintains effective communications with the Director, CIA and his senior team, and importantly, the congressional oversight committees. The Inspector General is responsible for promoting economy, efficiency, and effectiveness in CIA programs and operations, by conducting independent and objective audits, inspections, and investigations. The Inspector General detects and deters fraud, waste and abuse within CIA. Audit and inspections work focuses on priority and high-risk mission areas in order to achieve the broadest positive impact. Annual planning for audit and inspections work is coordinated with key stakeholders to help ensure that limited resources are directed most effectively. Investigative activities involving allegations of crimes and civil negligence, although conducted independently, are accomplished in collaboration with the Department of Justice, and when appropriate, in coordination with the CIA Office of General Counsel. Whistleblowers and others raising concerns are provided anonymous or confidential methods to share concerns without fear of reprisal, and are protected by the Office of Inspector General from reprisal. These activities are reported in Semiannual Reports to the CIA Director and the oversight committees. The Inspector General is an active member of the Intelligence Community Inspector General Forum (IC IG Forum) and the Council of Inspectors General on Integrity and Efficiency (CIGIE), maintaining a productive relationship with their membership in order to share best practices and identify opportunities for collaboration where overlapping agency mission interests are identified. In order to accomplish the OIG mission, the Inspector General builds and maintains a professional and diverse workforce, and provides opportunities for staff development and professional growth.

AFFIRMATION

CHRISTOPHER R. SWARLEY, DO SWEAR THAT THE ANSWERS I HAVE PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

22 SEP 2017 [SIGNATURE]
(Date) (Name)

[SIGNATURE] _____
(Notary)



TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

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

[SIGNATURE]

Date: 22 Sep 2017

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 of 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.

SELECT COMMITTEE ON
INTELLIGENCE

UNITED STATES SENATE



**Post-hearing Questions
for
Mr. Christopher Sharpley
upon his nomination to be
the Inspector General of the
Central Intelligence Agency**

October 24, 2017

QUESTIONS FOR THE RECORD*From the Vice Chairman*

1. **You mentioned during your testimony that you are “comfortable” with existing whistleblower programs. Do you plan any enhancements? If yes, what enhancements to the existing activities, including outreach, will you implement?**

Answer: I have built Whistleblower Programs at the two newest Offices of Inspector General and have been recognized for that work, along with other accomplishments, when awarded a Presidential Rank Award for Meritorious Service. Since arriving at CIA OIG in July 2012, I have taken actions to strengthen the CIA OIG Whistleblower Program. In an effort to further strengthen the program I have contacted specialists within the Council of Inspectors General on Integrity and Efficiency (CIGIE) community, who are recognized as having expertise in managing whistleblower programs. If confirmed, my intent is to request these specialists review CIA OIG whistleblower processes and consider possible recommendations for further improvements.

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

Answer: The CIA OIG published its *Office of Inspector General Strategic Plan* in October 2014, which in addition to providing mission, vision and values statements, outlines current organizational goals and objectives. These serve as general guideposts for our auditors, inspectors, investigators and support teams. CIA OIG is a member of CIGIE and as such, we adhere to the published CIGIE General and Qualitative Standards. Adherence to these standards is a measure of the professional caliber and performance of member OIGs. The Standards specifically identify timeliness, along with objectivity, professionalism, thoroughness, and independence, as principles of operation. We avoid establishing numerical measures that could give the appearance of undermining our objectivity, e.g., pre-establishing a number of findings and recommendations, or investigations that will be opened, for the year. One additional valuable measure we use is the positive impact our work has on Agency programs and operations. We highlight “positive impact” stemming from our findings and recommendations in our Semiannual Reports (SARs) to the Director, which are provided to the intelligence oversight committees.

Regarding all whistleblower investigations, we follow CIGIE Quality Standards for Investigations, which are reflected in our Investigations Procedures Manual and our investigators have received related training. Case Progress Reviews are conducted between investigators and their supervisors regularly, to ensure investigations are conducted in a timely, efficient, thorough, and objective manner. CIA OIG participates in the CIGIE peer review process, and our professional components are reviewed every three years. Our reprisal investigations are subject to an appeal process, which includes External Panel Reviews chaired by the Intelligence Community Inspector General.

3. **I appreciate your support for authorities that will help protect CIA whistleblowers from retaliation, including stay authority. In both your testimony and written response, you expressed support for stay authority, but noted “we have never had a need for it.” Given that stay authority must be requested by a whistleblower to avoid a possible retaliatory act, how are you able to assess whether there has been a need for it? Do you believe a proactive stay authority could prevent retaliatory actions?**

Answer: I support stay authority for whistleblowers, so long as the provisions do not interfere with other authorities designed to protect national security. To clarify my previous responses, my understanding is that stay authority is most useful in situations where an action, such as removal or security clearance revocation, has not yet been taken. Whistleblower retaliation complaints brought to my office’s attention to date have typically alleged that the personnel/security action has already occurred and therefore, use of a stay would not be an option. However, I believe that stay authority could be used to delay

secondary related actions such as preventing loss of employment associated with the initial alleged retaliation action.

4. In conversations with past CIA Inspectors General, they have raised concerns that the lack of sufficient accesses by OIG staff could affect the OIG's ability to properly conduct audits and perform evaluations. Some audits and evaluations were in highly compartmented programs or offices. In your responses to pre-hearing questions, and in the hearing on October 17th, you testified that you had not experienced any issues with access during your tenure as Deputy Inspector General. On reports within the last three years:

Answer: I agree with the point made by the former Inspectors General. To clarify, as Acting Inspector General since February 2015, I have never been denied access to data, systems, personnel and/or programs. Due to the sensitive nature of the CIA mission and of national security matters generally, controlling access to highly classified information is crucial. There have been a limited number of times when OIG staff were required to obtain program "read-ins" before gaining access to compartmented programs. There have also been a limited number of times when OIG staff have been required to have updated security processes prior to read-ins and access. Further, there have been a limited number of occasions when Agency staff have questioned whether OIG should have access to certain data based on the "need-to-know" principle. In these instances, senior OIG staff interceded and the access and data were made available. My assessment is that none of the above instances were attempts to obstruct the OIG, but were instead intended to protect sensitive data by Agency staff unfamiliar with OIG authorities. All audits and evaluations were properly conducted in accordance with OIG standards and practices.

- a. Please provide a list of reports, audits, or evaluations across the entire CIA that have not been conducted because IG personnel lacked the ability to access critical data, systems, or personnel;

Answer: To my understanding, there are no such reports, audits, or evaluations.

- b. Please provide a list of IG reports, audits, or evaluations which have experienced delays in accessing data, systems, or personnel due to accesses, security clearances, or restricted handling limitations. Explain where these delays may have changed or impacted outcomes;

Answer: There has been one report, involving one specific compartmented program, where there was a delay, but the delay did not change or impact the outcome. The delay involved arranging access for an expert from another U.S. intelligence agency on temporary duty to assist with CIA OIG work.

- c. Please report on instances where an IG report's findings confidence level has been diminished or downgraded due to an inability to properly access full data, full systems, or personnel;

Answer: To my understanding, there are no such instances.

- d. Please explain to the Committee, during your tenure as acting CIA IG, what barriers you eliminated, or what efforts you undertook, to improve access that caused you to testify that the IG has not experienced any issues with full access to data, systems, or personnel in performing quality IG audits and evaluations.

Answer: I have endeavored to strengthen the professionalism of CIA OIG and demonstrate the value of our work to the CIA mission. Additionally, I have strengthened communications at all levels so that the OIG mission is understood and there is clarity regarding practices, procedures and approach. I believe this has bolstered OIG professional credibility. I have engaged senior Agency staff in our annual Workplan process so their concerns regarding possible problems in high-risk mission areas are understood by my staff. My working relationship with Agency leadership is one of openness and a willingness to speak truth-to-power—independence is never compromised. I have periodically collaborated with the Office of General Counsel (OGC) to communicate the existence of OIG access authorities to OGC lawyers supporting programs and operations across the Agency mission. This proactive effort has raised awareness ahead of possible misunderstandings. The value of the OIG, to

both the CIA mission and key stakeholders, remains strong when there is good communication, trust, independence, objectivity and credibility.

5. **The CIA Whistleblower policy document, AR 13-6, is classified and designated "FOR CIA INTERNAL USE ONLY." For every other IC agency, these policies are unclassified and available for public review. Will you commit to reviewing these policies, declassifying them, and posting them to a public-facing website?**

Answer: I believe every individual subject to this regulation should have access to it, and it is my understanding that Agency staff as well as contractors with access to Agency systems can readily access it. If confirmed, I will consult with appropriate Agency officials who have such authority to ascertain whether the Agency will release this regulation, in whole or in part.

From Senator Feinstein

6. **On what date did you find the missing disk containing the full classified Senate Intelligence Committee Report on CIA's Rendition, Detention, and Interrogation Program? When did you inform the Committee that you had found the missing disk?**

Answer: The disk containing the full classified Senate Select Committee Report on CIA's Rendition, Detention, and Interrogation Program was discovered by OIG staff in a secured safe in the CIA OIG vault on 23 November 2016. Between 23 and 25 November 2016 (Thanksgiving fell on the 24th), I placed separate telephone calls to Messrs. Chris Joyner and Mike Casey, Majority and Minority Staff Directors, to inform them. Neither were available, so I left each a voicemail advising the disk had been found. I briefed Messrs. Joyner and Casey together, in person, on 15 December 2016 regarding the circumstances surrounding the found disk.