

SENATE COMMITTEE ON

INTELLIGENCE

UNITED STATES SENATE



Prehearing Questions

to

John Charles McGonigle

apparent violation of the

Inspection Manual of the Intelligence Community

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manage programs and activities that are part of the IOP, which may include public and relations (b)(7)(C) ensuring compliance with the Constitution and laws of the United States by the CIA and elements of the IC through the lead executive departments that are part of the IOP (b)(7)(D) ensuring the effective execution of the overall budget for intelligence and intelligence related activities (b)(7)(E) ensuring the administration of necessary assets and budgeting within the intelligence community (b)(7)(F) ensuring maximum availability of all assets to intelligence information within the IC (b)(7)(G) and ensuring the most secure supply of intelligence to Federal Government agencies to support national security (b)(7)(H)

Under Section 103(F)(1) the purpose of the Office of the Inspector General of the Intelligence Community is "to create an objective and effective office, unaffiliated with the agency, to initiate and conduct independent investigations, audits, and reviews"

3. Please describe your understanding of "an objective and effective office" and how you intend to establish an office that achieves these standards

ANSWER: An objective and effective office requires regular availability, availability, and transparency. It requires the office to conduct its IG activities in the most efficient and effective manner and to align its IG processes with the appropriate knowledge, ability, skill, and experience to its IG projects. It will also ensure that all IG IG processes are free from personal, political, and organizational impediments to independence

4. To what extent do you believe that the timeliness and responsiveness of reporting is an element of the effectiveness of an Inspector General

a. What standards and procedures would you apply to ensure the appropriate timeliness and responsiveness of the IC IG in completion of investigations and the review of investigations

ANSWER: Timeliness and responsiveness of reporting are critical to an IG's effectiveness. The IC has a long and rich history of reporting and reporting

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...and the ... are ... and ... are It reports that ... conclusions ... on ... and ... of testimony ... to ... of ... evidence ... to the ... of the ... intelligence Similarly, reports ... on ... objectives ... of ... questionable ... on intelligence ...

... on ... of ... to ... of ... on integrity and ... (CIGI) ... the ... and ... the ... , including ... and ...

... of ...

Section 1004(g)(2)(B) provides that "no action constituting a reprisal, or ... of ... the ... and ... of ... information to the Inspector General may ... by any employee in a position to take such action, unless the complaint was ... of the information was ... of the ... that it was ... with ... of ...

5. ... of ... are ... to ... of ... to provide information to the ... and ... against ... of ... complaints or ... to the Inspector General of the ...

a. ... of ... and ... are ... to the ... to ... of ... of ... of ... of ...

... The ... of ... to inform ... employees of ... right to provide information to the DIG and ... against ... of ... a complaint or ... information to the DIG or to For example, the ... "no ..." reprisal policy is outlined on ... and ... of ... , and ... of ... of ...

plan to examine the current FOIA policies and procedures to ensure that they are properly followed and protect against inefficiencies and compliance issues that may be identified as necessary.

Source of Information

Consistent with Section 1001(g)(3)(B) and (C), "[t]he Inspector General shall have access to any employee, or any employee with authority of any element of the Intelligence Community, related to the performance of the duties of the Inspector General, as well as 'access to all records, reports, notes, documents, papers, communications, and other materials that relate to the [redacted] and activities'.

(b) [redacted] shall ensure the availability of the records [redacted] for the production of

- a. Please describe the steps you will take to ensure the availability of all government records or records of your [redacted] such records, including what records you will provide in addition to those that will be made available under 1001(g)(3)(C).

NOTE: Any withholding of these records is not likely to be FOIA exempt. What access to the records, business and other materials used in performance, investigations, reports and reviews. Under 1001(g)(3), FOIA does not mean that [redacted] will not be able to produce all of the records of the [redacted] records. However, if it is necessary, FOIA will be used to provide the records of [redacted] in order to 1001(g)(3)(B).

Section 1001(g)(3) provides authority to the [redacted] and enforcement of the [redacted] the production of information that is necessary to the performance of the duties and responsibilities of the Inspector General.

(b) [redacted] shall ensure the availability of the appropriate [redacted] and [redacted] content.

NOTE: [redacted] records and reports are available and that [redacted] of [redacted] employees.

Source of Information

Consistent with Section 1001(g)(3) "[t]he Inspector General is authorized to receive and investigate...any person concerning the existence of an

Independence

Section 100E(1)(3) provides that "[t]he Director shall not report directly to and shall exercise the general supervision of the Director of National Intelligence."

(2) Please describe your understanding of the elements of the prohibition (the "report direct") in 100E(1)(3) "under the general supervision of the Director of National Intelligence."

MEMORANDUM FOR THE DIRECTOR, NATIONAL INTELLIGENCE DIRECTORATE
SUBJECT: Independence of the Director of National Intelligence
The Director of National Intelligence (DNI) is the head of the National Intelligence Community (NIC) and is responsible for the overall management and coordination of the NIC. The DNI is also responsible for the overall supervision of the Director of National Intelligence (ONI). The DNI is not to report directly to and shall exercise the general supervision of the Director of National Intelligence. This prohibition is intended to ensure the independence of the ONI from the DNI. The DNI is responsible for the overall management and coordination of the NIC, and the ONI is responsible for the overall supervision of the ONI. The DNI is not to report directly to and shall exercise the general supervision of the Director of National Intelligence. This prohibition is intended to ensure the independence of the ONI from the DNI.

Section 100E(1)(3) provides that in the event that the Director of National Intelligence (DNI) is unable to resolve any differences with the Director of National Intelligence (ONI) regarding execution of ICIG rules or responsibilities, the ONI shall immediately notify and submit a report to the congressional intelligence committees.

(4) *Example*: In addition to the reporting responsibility, please describe what actions you would take if the center of ICIG of the ONI sought to pressure you from "initiating coming out, or completing" any ICIG or lines, under the jurisdiction of the Director of National Intelligence (DNI) for the Intelligence Community.

MEMORANDUM FOR THE DIRECTOR, NATIONAL INTELLIGENCE DIRECTORATE
SUBJECT: Independence of the Director of National Intelligence
The Director of National Intelligence (DNI) is the head of the National Intelligence Community (NIC) and is responsible for the overall management and coordination of the NIC. The DNI is also responsible for the overall supervision of the Director of National Intelligence (ONI). The DNI is not to report directly to and shall exercise the general supervision of the Director of National Intelligence. This prohibition is intended to ensure the independence of the ONI from the DNI. The DNI is responsible for the overall management and coordination of the NIC, and the ONI is responsible for the overall supervision of the ONI. The DNI is not to report directly to and shall exercise the general supervision of the Director of National Intelligence. This prohibition is intended to ensure the independence of the ONI from the DNI.

Key to General Staff Plan

Section 1000(g)(1)(A) provides that the Inspector General, subject to the limitations in subsection (j), shall make such investigations and reports relating to the administration of programs and activities within the OMB's activities and responsibilities as are "in the judgment of the Inspector General necessary or desirable." Subsection (j) provides that subject to congressional authorization the OIG may provide the Inspector General with assistance in completing an investigation which is necessary or desirable "as necessary to protect vital national security interests of the United States."

14. **OMB's Authority and Responsibility for these positions.**

ANSWER: My understanding of these provisions of the law is that the OIG may provide reviews by the OIG and other necessary to protect vital national security interests, and that the OIG does exercise this authority. It is my duty as the Assistant Secretary of the OIG to follow the existing procedures to inform the intelligence community of all means for exercising this authority and provide the OIG with the opportunity to provide resources as appropriate.

- The OIG has the authority to investigate and report that are "necessary or desirable" to complete and report.

QUESTION: How do you view the OIG's authority to investigate and report on activities of individuals and entities regulated or controlled by relating to the administration of programs and activities within the OMB's activities and responsibilities, to determine whether they meet the standard of "necessary or desirable." For audits, inspections, and reviews of the OIG's activities in general, especially foreign-owned or controlled entities and OIG-directed OIG operations. Do all other auditing inspections, and reviews within the OIG and across the OIG, will employ a full-scale methodology to identify programs and operations that could benefit from the review. Do these OIG auditing inspections and review planning will be closely coordinated with the OIG Form.

- b. **OMB's Authority and Responsibility for these positions.**

ANSWER: Yes

e. The Director shall submit the proposed budget for the fiscal year to the Director of National Intelligence for approval and submission to the President.

SECURITY: The OIG shall develop a work plan for the fiscal year 2001-2002, to be submitted to the Director of National Intelligence for approval and submission to the President for approval and submission to the President.

f. The Director shall submit the proposed budget for the fiscal year to the Director of National Intelligence for approval and submission to the President.

SECURITY: The OIG shall develop a work plan for the fiscal year 2001-2002, to be submitted to the Director of National Intelligence for approval and submission to the President.

g. The Director shall submit the proposed budget for the fiscal year to the Director of National Intelligence for approval and submission to the President.

SECURITY: The OIG shall develop a work plan for the fiscal year 2001-2002, to be submitted to the Director of National Intelligence for approval and submission to the President.

Section 5. Department of Justice

1. The Director shall submit the proposed budget for the fiscal year to the Director of National Intelligence for approval and submission to the President.

a. The Director shall submit the proposed budget for the fiscal year to the Director of National Intelligence for approval and submission to the President.

SECURITY: The OIG shall develop a work plan for the fiscal year 2001-2002, to be submitted to the Director of National Intelligence for approval and submission to the President.

b. The Director shall submit the proposed budget for the fiscal year to the Director of National Intelligence for approval and submission to the President.

consistently applied by the Director as well as those approved by the DOD. It is my duty to report all such information to the Department of Justice and to the ICJ Office. In some circumstances such reports can come from other offices including the Office of the General Counsel.

Consultation with Report

16. Under such circumstances and through such procedures to be approved for the ICJ to consult with regard to the ICJ, an officer of the ICJ shall consult with the officer of the Inspector General before making a report, regarding the findings and recommendations of the report.

17. It is appropriate for the ICJ to consult with witnesses or persons of influence who can provide information relevant and useful to an official ICJ inquiry investigating a violation or review. Such consultations must be made, however, without compromising the ICJ's independence or the confidentiality of ICJ matters or sources, and without reference to E.O. 12333, paragraph 1.003, and ICJ security regulations.

18. To the extent that you believe such consultation is appropriate, whenever, in any, to you believe that Inspector General should be consulted, a record of such consultation and record the results in the text of the report.

19. The legal and policy matters, and in accordance with ICJ security regulations, all ICJ matters of intelligence and ethics, investigations, reports and actions shall be documented for the record. The fact that information conveyed during the conduct should be included in the text of a particular ICJ report will be dependent on each individual case upon the relevance and materiality of the information provided.

20. Under such circumstances, if any, to you believe it would be appropriate for a report to report that the ICJ will investigate or review a particular matter.

21. Section 1001(j)(4) of the ICJ Act shall be the authority to prohibit the ICJ from inhibiting or delaying or completing any such investigation.

inspecting or auditing provided the DOD determines the need and policies it
deems necessary to protect vital national security interests of the United States and within
the framework of the congressional intelligence committees of the same as the
exercise of this authority. The statute does not confer DOD authority to require the
release of information, but the DOD may request that the ICIG conduct an
investigation or review of the activity the example would replicate efforts of the ICIG
that would be classified, in order to provide a more complete picture of the ICIG's disclosure

c. Under what circumstances, if any, do you believe it would be appropriate for
officials to request that the ICIG conduct a report or a specific matter?

ANSWER: Under section 100E(1)(4) limitations on ICIG activities may be
imposed only by the DOD, if necessary to protect vital national security
interests of the United States, and the submission of a statement of reasons to the
congressional intelligence committees.

d. Under what circumstances, if any, do you believe it would be appropriate for
officials to request that the ICIG limit the distribution of a report beyond those
authorized by the congressional intelligence committees? Under what
circumstances, if any, is it appropriate to limit the distribution of ICIG reports
to the congressional intelligence committees?

ANSWER: In general, I will discuss the ICIG at several and applicable laws,
regulations and policies regarding the dissemination of ICIG audit investigation
reports and review reports. Dissemination laws and policies are of varying
limitations or restrictions on the ICIG's ability to provide an ICIG report to the
congressional intelligence committees.

e. Under what circumstances, if any, do you believe it would be appropriate for
officials to request that the ICIG change findings, recommendations, or other
pertinent material in a report or a specific matter?

ANSWER: Generally the ICIG reporting is provided. Confidentiality of the report
is being maintained and there may have been a change in the report or they may
ICIG report. I will evaluate this report on a case-by-case basis.

Coordination with the Office of Legislative Affairs and General Counsel
The congressional intelligence committees communicate directly with offices of Congress
and in the intelligence community effect accordingly coordinating these
communications with the relevant offices of legislative affairs
I will request that you continue to provide of these communications with the
committees

NOTE: I will continue to communicate directly with the intelligence
committees

a. Cases where need be given due to the appropriate relationship between the
Inspector General and the OIG Office of General Counsel when these
communications under legal issues

NOTE: Section 1005(j) provides for an independent OIG counsel
Accordingly, I will request and ensure that counsel independent of
the agency's Office of General Counsel. I will have the in general in a close
working relationship between the General Counsel and Inspector General and that
responsive staff. I will continue to hold and foster this working
relationship

b. I will ensure the appropriate role of the Inspector General's Office and will
ensure that the OIG is a member of the Office of General
Counsel

NOTE: The OIG is an OIG component. I will request that the
OIG's operations and activities be subject to OIG audit. Investigations
inspections and reviews in the same manner as any other OIG component. By
 statute, the OIG General Counsel is the chief legal officer of the OIG and the
legal interpretation of the OIG's work is controlling on the OIG. However, as
part of my OIG work, I will request to clarify any legal interpretations applicable
to the activities or programs and activities. I will request that these legal
interpretations I will have through my concerns with the OIG's Office of
General Counsel are not required. I will request that the OIG, if
necessary, to the OIG's Office of General Counsel

NSA will, if authorized, continue to exercise the national control of the resources will be reported periodically to the oversight of the appropriate agencies. If the national control of the resources is necessary, I will coordinate with the appropriate agencies.

- b. I will provide a copy of the national control of the resources to the appropriate agencies and the appropriate agencies will be responsible for the management of the resources.

NSA will, if authorized, play an active role in advising the IC and the appropriate agencies on the effectiveness of the national control of the resources and the potential effect of proposed legislation. I will be consistent with the OIGB responsibilities as set forth in the statute at section 1000(c)(2)-(4).

- c. I will provide a copy of the national control of the resources to the appropriate agencies and the appropriate agencies will be responsible for the management of the resources.

NSA will, if authorized, play a leadership and coordination role in the oversight of continuing in the IC by performing case-by-case investigations and leading IC-wide periodic self-audit programs. I will be consistent with the OIGB responsibilities as set forth in the statute at section 1000(c)(1).

1000(e)

NSA will ensure the highest availability of the national control of the resources to the appropriate agencies and the appropriate agencies will be responsible for the management of the resources.

- a. I will ensure the highest availability of the national control of the resources to the appropriate agencies and the appropriate agencies will be responsible for the management of the resources.

NSA will, if authorized, generally lead the national control of the resources to the appropriate agencies and the appropriate agencies will be responsible for the management of the resources. I will be consistent with the OIGB responsibilities as set forth in the statute at section 1000(c)(1).

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te,"select","committee","ON","intelligence","ON","August","for","classification",["reasons","reason","Reasoner","reasoner","reason's","reasoned","seasons"],"this","data","is","not","Set","forth","here","Page","of","IN","you r",["view","views"],"what","are","the","Major","challenges","facing","the","first","inspector","general","of","t he","intelligence",["community","community's"],"if",["confirmed","conformed"],"how","do","you","intend","to","ad dress","these","challenges","and","what",["priorities","prioritizes"],"including","for","the","selection","of"," subjects","for","audits",["inspections","inspection","inspections","inspections","infections","injections","ins pecting","inspectors","insertions"],["investigations","investigation","investigation's","investigating","investi gators"],"and",["reviews","previews","review","review's","reviewer","reviewed"],"would","you","establish","to"," 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lyses","to","determine","the","areas","of","greatest","risk","and","vulnerability","IN","the","similarly","I","W ill","challenge","the","forum's","investigations","group","to","identify","trends","IN","fraud","and","abuse","a nd","to","devise","proactive","programs","to","address","these","trends","personnel","and","budgetary","resource s","of","the",["if's","IV's","Ag's","IQ's","ING's","In's","in's","Io's","Ir's","I's","ID's","id's","it's","fig's ",["Hg's","gig's","jig's","G's","Mg's","pig's","rig's","dig's","wig's"],"office","section","provides","that","the ",["inspector","general","shall","ensure","that","personnel","shall",["have","Wave"],"the","required","training", "and","experience","to","enable","the","to","carry","out","duties",["effectively","effective","ineffectively","r effectively","defectively"],"section","provides","that","the","inspector","general","shall","create","within","t he","office","of","the","inspector","general","of","the","intelligence","community","A","career","cadre","of","s ufficient","size","to","provide","appropriate","continuity","and","objectivity","needed","for","the","effective ",["performance","of","the","duties","of","the","inspector",["general","generally","general's","generals"],"please ",["describe","the","present",["organization","organizations","organizational","organization's","urbanization","r eorganization","reorganizations"],"staffing","both","with","respect","to","authorized","positions","and","positi ons","currently","filled",["training","braining","raining","straining","trailing","draining","training's"],"and", "resources","of","the","office","of","the","inspector","general","IN","the",["answer","answers"],"this","inform ation","is","contained","IN","the",["oil's","fig's","gig's","jig's","pig's","rig's","dig's","wig's"],"most","rec 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d","by","personnel",["policies","polices","polities"],"that","impede","the",["recruitment","Recruitment"],"OR",
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nity","communities"],"acquisition",["programs","program","program's"],"Page","of","IN","your",["view","views"],
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