

Additional Prehearing Questions for
David Buckley
Upon his nomination to be
Inspector General, Central Intelligence Agency

Qualifications for Position

1. By statute, appointment to the position of Inspector General of the CIA is to be made “solely on the basis of integrity, compliance with the security standards of the Agency, and prior experience in the field of foreign intelligence. Such appointment shall also be made on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration or auditing.”

- **What insights about the CIA did you gain from your experience as Minority Staff Director of the House Permanent Select Committee on Intelligence that will be useful to you in performing the duties of Inspector General of the CIA?**

A. My work at the HPSCI has afforded me the unique opportunity to gain keen insights into the CIA that I hold to this day. First is that, to a person, everyone I met at the CIA was dedicated to protecting the Nation from foreign threats. It is important for those in the office of the Inspector General to appreciate the dedication and focus of the officers they are overseeing, so as not to become jaded by their investigative findings.

A second useful insight is realizing the breadth of the CIA’s mission and the complexity of how the mission is executed. These are complex, often-shifting, and driven by national priorities in the context of direct and nuanced international relationships. The complexity of the mission

demands that the work of the Office of the Inspector General be thorough in its approach but also balanced by the complete facts in its presentation of those facts.

A third insight is that organizations that do their work in secret and with internal compartmentation are in particular need of strong, independent, objective and fair oversight that will not only find individual issues but is also able to identify larger, systemic weaknesses that need to be better addressed by management, leadership, or legislation.

- **What insights about the CIA have you gained from your experience within the Executive Branch or in the private sector that will be useful to you in performing the duties of Inspector General of the CIA?**

A. Early in my career, as a counterespionage case officer, I was the first Air Force Office of Special Investigations (ASOFI) special agent to graduate from the Military Operations Training Course (MOTC), receiving clandestine HUMINT tradecraft training from the CIA and Defense Intelligence Agency (DIA). I also conducted offensive counterespionage operations with the FBI and in coordination with the CIA. I gained insight and understanding of both HUMINT and counterintelligence operations that the Agency conducts or that are conducted under its authority, direction or control. I gained insight into the pressures that exist in the fields of intelligence production and analysis and how changing national priorities must be met by a flexible and resilient workforce. At the Department of Defense, I worked with the staff of then-CIA IG Fred Hitz on coordinating inquiries that involved both DoD and CIA elements. Through this I gained further insight into certain CIA operational activity. In the private sector, I have worked as a consultant to various intelligence community components on the issues of information sharing, analytic transformation and insider threat/counterintelligence. In the course of that work, I have interacted closely with several CIA offices, including the Office of the Chief Information Officer (OCIO) and the Counterintelligence Center (CIC),

and I have gained insight into the relationships between those offices and their partner organizations within the IC.

- **Please describe how your experiences in the Inspectors General offices at the Department of Defense and Treasury have prepared you for the position of Inspector General of the CIA.**

A. My experiences at the Offices of Inspector General at Defense and at Tax Administration have directly prepared me to become the CIA Inspector General, should I be confirmed. Those experiences have afforded me a clear understanding of the importance of the role of an IG as an independent fact finder, serving as the professional eyes and ears for the Director and the Congress on matters pertaining to the IG's jurisdiction. Those experiences cemented my understanding of the critical value of the OIG in providing high quality and timely reports of investigation and audit. I also learned to operate professionally, objectively, fairly and independently, while leading a diverse workforce of auditors, investigators and inspectors, reporting results, preparing and delivering testimony, and managing budgets and personnel. I worked with geographically separated professional staff and client organizations and other government agencies, including the military services and the Department of Justice. At both offices of inspector general, I also gained firsthand experience in working with Congressional committee Members and staff to make sure that topics of concern to Congress were addressed in the IG office's work plan and that the findings of IG audits, investigations, and inspections were communicated to the appropriate congressional committees in a timely manner.

Familiarity with the CIA

2. The position for which you have been nominated will require an in-depth and sophisticated understanding of the operations, organization, and dynamics of the CIA—an organization in which you have not worked.

- **Please explain how you would become quickly and thoroughly familiar with the Agency's operations, organizations, and dynamics if confirmed.**

A. If confirmed, I will work directly with the Director and his senior staff, and with the staff of the Office of Inspector General (OIG), in immersing myself in the Agency's operations, organizations and dynamics. I have received assurance of such cooperative assistance from the CIA's leadership should I be confirmed. The current Deputy Inspector General, with whom I have spoken, is confident that the OIG has thorough visibility into Agency offices and operations.

Duties of the Position

3. One of the key statutory responsibilities of the position of Inspector General of the CIA 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 would go about determining the agenda for the Office of Inspector General's inspections, investigations, and audits.**

A. If confirmed, I would first take into consideration the statutory (financial statements, covert action, etc.) and OMB-directed audit requirements. I would then work closely with the CFO, CIO and other component heads to develop a risk-based approach to our audit planning and scheduling process, seeking to identify and address those areas or operations of greatest risk or vulnerability. However, even with a comprehensive audit plan, my experience has shown unanticipated program risks will emerge and need to be addressed. I will use the audit plan as a guide but will maintain the organizational flexibility to reassess and reprogram resources to address those instances.

Similarly, I anticipate that I will use a risk-based approach to guide which offices and operations are to be subject of inspection. I believe the inspection planning process will give the IG office greater flexibility in identifying areas that need internal control and program management evaluation.

Unlike audits and inspections, the office of investigations is, I believe, largely reactive in nature. Topics for investigation are not "scheduled," but must be address when received. I will initiate investigations concerning allegations of violations of law or agency policies and directives.

- **In doing so, how would you plan to interact with the Director of the CIA?**

- A. I will coordinate the audit and inspection plan with the Director and his executive staff and will work to deconflict schedule and scope as appropriate. I will keep the director fully and currently informed on the conduct of criminal and administrative investigations. Ultimately, I will audit, inspect and investigate as I deem appropriate.

4. In general, what will be your approach to ensuring the independence of the Office of the Inspector General of the CIA, given that the Inspector General reports directly to and is under the general supervision of the Director of the CIA?

- A. The IG has a vital function to perform – to help assure the integrity and efficiency of Agency operations – and serves the Director, the President and the Congress in the conduct of the function. Given that responsibility and function, if confirmed, I will make decisions objectively and independent of any undue influence. I will deliver facts to decision makers and monitor the actions taken based on those facts.

5. Do you believe the IG needs his or her own legal counsel and control over his or her own budget?

- A. Yes, I believe that the Inspector General is probably best served by legal counsel that is managed independent of the Agency's General Counsel. I also believe there is great value to a close working relationship between the General Counsel and the Inspector General and their respective staffs.

I also believe the IG should have his or her own budget and appropriation.

6. Are there any other changes to the CIA's Office of Inspector General's authorities contained in S. 3611, the Intelligence Authorization Act for Fiscal Year 2010, which you wish to comment upon?
- A. I have read the CIA IG provisions contained in S.3611 and do not have any other comment to offer at this time.
7. The CIA has a number of longstanding material weaknesses that have prevented it from being able to receive anything but a "disclaimer of opinion" – essentially an "F" – on its financial statements.
- **What role should the IG play in moving the CIA towards getting a clean opinion on its financial statements?**
- A. While I have not seen either the financial statements or audits, generally, as the auditor of the Agency's financial statement, the IG needs to remain independent of the preparation of the Agency's financial statement and should have no material role in its preparation or presentation. The IG's audit of the financial statement, though, should clearly articulate any shortcomings of the financial statement and identify recommendations that, when implemented, lead to an auditable statement.

Director Hayden's Inquiry into the OIG

8. In 2007, then CIA Director Hayden launched an inquiry into the practices of the OIG. While the Committee was not provided access to the resulting report, we were provided the unclassified recommendations that Director Hayden made based on this report, which he published to the CIA workforce in an unclassified form. These recommendations *implied* a number of problems within the OIG – including: not clearly reflecting the views of subjects of investigation; not providing all exculpatory evidence in published reports; inadequate procedures to ensure subjects could review reports of their interviews; and slow reporting. The Committee had serious concerns about the appropriateness of this inquiry and the manner in which it was conducted.
- **Are you familiar with this inquiry and the recommendations that resulted from it?**

A. I am aware that Director Hayden directed an inquiry into the practices of the OIG, but as a nominee I am not aware of the specifics of its actual conduct or outcome. If confirmed, I will review the report and its recommendations.

- **If so, what are your views on the problems implied to exist within OIG at the time and the recommendations that were adopted?**

A. I have not yet been afforded the opportunity to review the report or its recommendations and therefore have no basis on which to comment. If confirmed, I will review the report and its recommendations, and I look forward to sharing my views with the Committee.

- **Do you believe it is appropriate for an agency head to launch an inquiry into his or her OIG? Please explain why or why not.**

A. No. The Inspector General is Presidentially appointed and Senate confirmed and needs to be, in substance and in appearance, independent from the Director. Whether or not the office of the Inspector General is performing to the Director's expectations – or within the boundaries of professional standards – should be of concern and of direct interest of the Director, the President, and the Congress. The Council of Inspectors General on Integrity and Efficiency, with leadership as provided by the Director OMB and the FBI and the IG community, is in a better position to independently conduct reviews of Inspectors General, using the Standards that the CIGIE has promulgated, and to work with Offices of Inspectors General to improve practices and operations.

- **Have you faced similar problems to those implied by General Hayden's recommendations in your prior positions in IG offices? If so, what actions have you taken to address them?**

A. Yes. IGs and their offices are not perfect. They should seek feedback and have an appropriate measure of transparency. A key element to quality control is listening and appropriately reacting to the consumers of the report, whether the consumer is Congress, the Department of Justice, or an Agency accountability board. If the consumer cannot rely on the

report, I believe that would be a key indicator that there might be a problem with the conduct and reporting of the investigation.

In March of 1995, I was appointed as the Special Assistant to the DoD IG. The Office received complaints from some Defense components concerning the quality of some administrative (non criminal) reports of investigation. After an internal review validated some of the concerns (thoroughness, tone, etc.) the administrative investigations section was reorganized, professional criminal investigators were detailed into the office, standards and procedures were refreshed and enhanced, and direct feedback sought from consumers. The quality improved dramatically and the reputation of the office was restored.

At the Office of Investigations of the Treasury Inspector General for Tax Administration, where I was Assistant Inspector General for Investigations from 1999-2005, we promulgated a detailed special agent manual (policy) that fully implemented the Quality Standards for Investigations, executed a strong inspection program that reviewed closed and open cases, interviewed agents, supervisors, customers in the IRS and DOJ, and tracked the implementation of recommendations. The office and its operations were eventually subject to external peer review. Supervisors were held accountable for deviations from policy, as were investigators. When consumers voiced concern or pointed out potential problems in reports, those matters were taken seriously. Refresher training was common and ongoing.

Relationship of the CIA Inspector General to the ODNI Inspector General

9. Please describe any potential overlap or conflict you may see between the role of the CIA Inspector General and that of the ODNI Inspector General – both as that office currently stands and as it would be expanded in S. 3611, the Intelligence Authorization Act for Fiscal Year 2010, and the steps you would take to reduce conflict.
 - A. Today, as a non-statutory IG, the ODNI IG works, as I understand it, to perform IG functions within the ODNI and to informally coordinate the activities of the IC OIGs in matters that cross organizational boundaries.

Both of these functions are appropriate, in my view. I am not aware of any conflict between the ODNI/OIG and the CIA/OIG.

I have read and considered section 405 of S. 3661 concerning the establishment of an IC IG at the ODNI. First, I feel that the DNI needs a statutory inspector general to conduct the functions of an inspector general within the ODNI. My reading of the provision leads me to believe that the legislation could be interpreted as providing that office with IG jurisdiction, responsibilities and authorities throughout the entire intelligence community (over the programs and activities within the responsibility and authority of the Director of National Intelligence), and the legislation provides for deconfliction of the instances where the IC IG and, in this case, the CIA IG would share jurisdiction. I believe that in order to guide the deconfliction decision-making process, the IC IG and CIA IG would need to create a memorandum of understanding that the offices would use on day-to-day matters concerning investigations, audits and inspections. Such an agreement would guide most of the matters under consideration by identifying the office of primary responsibility for the planning and execution of routine IG matters. For the other matters that fall outside the norm or are a matter of contention, the IGs would need to directly discuss, collaborate and hopefully agree on the best approach, using the Forum for rare instances and the Director and DNI, as proscribed in the legislation, as a last resort.