

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

## AR 13-5 (U) COMPTROLLER GENERAL ACCESS TO INFORMATION IN THE POSSESSION OF THE CIA (Formerly AR 7-24)

CPS - Agency Regulation Series 13 (Special Reporting Requirements/Restrictions) Published on 12 October 2011

### Regulation Summary

Ingested from Regulations.cia on 10 May 2013

#### I. (U) Policy

##### **(U) SUMMARY:** 12 October 2011

(U//~~FOUO~~) AR 7-24 is promulgated to comply with Intelligence Community Directive 114, Comptroller General Access to Intelligence Community (IC) Information, which directed Intelligence Community element heads to develop written procedures that detail the element's process for responding to General Accounting Office (GAO) reviews. This regulation applies to all requests by the Comptroller General for information related to intelligence activities and programs which is in the possession of the Central Intelligence Agency (CIA).

(U) The ADD/CIA signed and approved this issuance on 12 October 2011.

*(U) Because this regulation is new, boldfaced text has not been used.*

*(U) This regulation was prepared by the Office of Congressional Affairs, (b)(3) CIAAct (secure).*

#### 24. (U) COMPTROLLER GENERAL ACCESS TO INFORMATION IN THE POSSESSION OF THE CIA

**(U) SYNOPSIS.** This regulation implements Intelligence Community Directive (ICD) 114, Comptroller General Access to IC Information, and sets out procedures which apply to all

requests by the Comptroller General for information related to intelligence activities and programs which is in the possession of the CIA. These procedures are effective as of the date of the Associate Deputy Director (ADD/CIA) signature and may be amended with the approval of the ADD/CIA or designee.

- a. **(U) AUTHORITY.** This regulation is issued pursuant to ICD 114, the National Security Act of 1947 (50 U.S.C. 401 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), 22 U.S.C. 2396(a)(8) and 10 U.S.C. 127, 7231.
- b. **(U) POLICY.** It is the policy of the CIA to cooperate with the Comptroller General, through the General Accountability Office (GAO), to the fullest extent possible, and to provide timely responses to requests for information. To the extent consistent with applicable law, national security and the protection of sources and methods, the Agency shall provide GAO access to information within the possession of CIA that relates to matters that are the subject of announced GAO reviews.
  - (1) **(U) POINT OF CONTACT.** By approving these procedures, ADD/CIA has determined that CIA will maintain a single Point of Contact (POC) for coordinating review of all requests from the Comptroller General received through the GAO. This POC will be an Office of Congressional Affairs (OCA) Liaison Officer, to be selected by Director/OCA (D/OCA).
  - (2) **(U) CONSIDERATION OF REQUESTS.** CIA will cooperate with the Comptroller General to the fullest extent possible and provide timely responses to requests for information. To that end, upon receipt of a GAO request for information, the POC shall:
    - (a) (U) Promptly notify D/OCA and the Office of the Director of National Intelligence/Office of Legislative Affairs (ODNI/OLA) of the request.
    - (b) (U) Ensure that GAO's request is made in writing and clearly identifies the purpose of the request.
    - (c) (U) In consultation with appropriate CIA components and other IC

elements if appropriate, evaluate and review the request in accordance with following ICD 114 D.4.a.-c. principles:

- (1) (U) Generally, IC elements shall cooperate with GAO audits or reviews and make information available to appropriately cleared GAO personnel;
  - (2) (U) Finished, disseminated national intelligence information relevant to a GAO review, information relating to the administration of a United States Government-wide program or activity, or publicly available information shall generally be provided to GAO;
  - (3) (U) Information that falls within the purview of the congressional intelligence oversight committees generally shall not be made available to GAO to support an audit or review of intelligence collection operations; covert action; intelligence capabilities related to national intelligence activities; counterintelligence operations; intelligence analysis and analytical techniques; intelligence sources and methods; or intelligence budgets or funding; (including records or expenditures made under the authority of 22 U.S.C. 2396(a)(8) or 10 U.S.C. 127, 7231 and 50 U.S.C. 403j(b)); and,
  - (4) (U) Determine whether the information is subject to statutory restrictions, executive branch confidentiality interests or involves disclosure of sensitive intelligence sources and methods.
- (d) (U) Engage in dialogue and work with GAO, as appropriate, to:
- (1) (U) Tailor the response to address the specific objectives of the review; and
  - (2) (U) Explore alternative means to accommodate a request for access to specific information if the POC determines that GAO should not have access to the specific information requested. For example, GAO and the POC shall discuss any available alternatives to GAO access to the specific information

requested, such as oral analytic briefings or discussions.

- (e) (U) If the request includes a request for access to another agency's information, refer the request to the other agency for response directly to GAO or obtain the written consent of the other agency to provide the information to GAO in the CIA response.
- (f) (U) For the GAO personnel identified by the GAO as those who will have access to the information requested, ensure that GAO verifies their eligibility for access to classified national security information according to the following ICD 114 D.6.b.(2) (a-d) requirements:
  - (1) (U) The individuals possess the appropriate security clearance or have obtained a limited security approval from CIA and have signed an approved non-disclosure agreement;

(b)(3) NatSecAct

(3) (U) GAO and the designated GAO personnel have acknowledged and agreed to abide by the classification, dissemination controls, and other special handling requirements of any document or information provided to GAO;

(4) (U) The retention and dissemination of intelligence information by GAO shall comply with Executive Order 12333, part 2, as it pertains to U.S. persons information.

- (g) (U) Notify GAO of any delay in responding to the request.
- (h) (U) Provide information to GAO in a manner consistent with the obligation to protect sources and methods.
- (i) (U) After review and evaluation of the request and consultation with appropriate CIA components, make a determination as to whether any information responsive to the request can be provided to GAO and provide a prompt response to GAO. The response shall:

- (1) (U) Be in writing;
  - (2) (U) Inform GAO of the classification and sensitivity of any information provided, including the confidentiality obligations and penalties at 31 U.S.C. 716(e) and section 348(b) of Public Law 111-259, as well as any special handling instructions; and
  - (3) (U) If a denial of access to information, notify D/OCA and set out the justification for the denial, with a copy of the response provided to ODNI/OLA.
- (3) **(U) REQUESTS ON BEHALF OF OVERSIGHT COMMITTEES.** As a general rule, if GAO makes a request on behalf of or to obtain information responsive to a tasking by an intelligence oversight committee, the POC will ensure that the CIA response to GAO does not contain information prohibited in paragraph b.(2)(c)(3) above. The response to GAO shall indicate that information responsive to the tasking, but not authorized for release to GAO under the provisions of ICD 114, shall be made directly available to the requesting intelligence oversight committee. The POC shall prepare an additional response for the intelligence oversight committee that contains information responsive to the committee request, but not authorized for GAO access.
- (4) **(U) ACCESS AND DISPUTE RESOLUTION.** The POC shall attempt to resolve all access issues in consultation with appropriate CIA components, other agencies as necessary, and GAO. When access issues cannot be resolved by the POC, the outstanding access issues shall be elevated to D/OCA or higher for review and resolution.
- (5) **(U) REPORT TO ASSOCIATE DEPUTY DIRECTOR (ADD/CIA).** On a quarterly basis, or as otherwise directed by the ADD/CIA, the POC will provide the ADD/CIA via D/OCA a brief summary of substantive GAO requests for information and CIA's response. At a minimum, this summary shall include all requests initiated by the intelligence oversight committees, as well as requests that may be considered by CIA to be particularly sensitive.

- (6) **(U) OFFICE OF INSPECTOR GENERAL (OIG)**. The POC will notify the CIA OIG of all requests from the GAO for information in CIA's possession. Notification will take place in a timely fashion and will be in writing.
- (7) **(U//~~AIUO~~) NOTIFICATION TO DNI**. A copy of these procedures shall be provided to ODNI/OLA after review by Director CIA/Information Release Officer (DCI/IRO) and pre-approval in writing by Director/Chief Information Office/Information Management Services (D/CIO/IMS), per AR 70-5 (U) DECLASSIFICATION AND RELEASE.

/s/

V. Sue Bromley

Associate Deputy Director, Central Intelligence Agency