



Addressing How the Central Intelligence Agency Is Responding to Sexual Assault and Harassment

Interim Report by Chairman Turner and Ranking Member Himes
House Permanent Select Committee on Intelligence

U.S. House of Representatives



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Executive Summary

Pursuant to our constitutional mandate to provide congressional oversight of the intelligence community, the Committee issues this interim report on the Committee's investigation into the Central Intelligence Agency's (CIA) response to challenges involving sex-related offenses within its workforce. This effort reviewed processes and procedures related to both sexual assault and harassment at CIA. The investigation benefited significantly from brave members of CIA's workforce who came forward and trusted the Committee with their stories. The Committee similarly benefited from the cooperation by CIA, which has demonstrated an eagerness to effectively prevent and respond to sexual assault and harassment instances. This interim report concludes with an explanation of our legislative approach to address the Committee findings during this investigation. While acknowledging the distinct challenges of the mission we ask of the employees of CIA, the Committee sought to legislate both mechanisms for institutional reforms and technical changes which will provide CIA with the necessary tools and authorities to correct identified deficiencies.

Over the course of the investigation, the Committee discovered that CIA failed to handle allegations of sexual assault and harassment within its workforce in the professional and uniform manner that such sensitive allegations warrant. In addition, the investigation found many officers within CIA's workforce, at all levels, who recognized the need to improve CIA's response to sexual assault and harassment, while maintaining the necessary posture to prepare officers for the dangerous world they are asked to operate in.¹ The Committee commends the efforts, frequently initiated by the victims themselves, to create safe spaces for victims to report and relay their experiences and to improve the agency's responsiveness to such allegations. Through the Committee's investigation, it became clear that various individuals and working groups within CIA had identified prudent recommendations for improving CIA's sexual assault and harassment response processes, but that that CIA failed to fully implement some or all of those recommendations. It was evident CIA was unable to appropriately address the challenges due to its lack of certain tools and authorities. The Committee sought to provide CIA with what it needs to fix these gaps in the Intelligence Authorization Act for Fiscal Year 2024 (IAA for FY 2024).

The Committee continues to provide oversight of CIA's implementation of the reforms included in the IAA for FY 2024. In addition, the Committee continues to welcome any whistleblowers on this investigation. If further gaps reveal themselves, the Committee is prepared to utilize future legislation to fully remedy these matters.

¹ This was specifically noted in the training environment, where there is a clear need to prepare officers for challenges they will meet throughout the world, cross-culturally, and with those who may not share similar values and standards of conduct. Such preparation is crucial for officers, including dealing with uncomfortable circumstances, but this cannot become a guise under which unacceptable behaviors can hide.

Scope of Investigation

In January 2023, the Committee was approached by a whistleblower from CIA who alleged they had been physically attacked and sexually assaulted at CIA headquarters by a fellow officer. In the following weeks, additional whistleblowers engaged the committee and shared their own personal experiences of sexual assault and sexual harassment while employed by CIA. In response, the Committee launched an investigation into allegations of sexual assault and harassment within CIA. Over the course of the Committee's investigation, the Committee:

- Interviewed a total of 26 whistleblowers;
- Received 15 staff briefings from a number of diverse components of CIA;
- Sought advice from experts involved in the Department of Defense response to sexual assault and harassment;
- Obtained advice and technical legislation review from senior officials of the Equal Employment Opportunity Commission;
- Reviewed over 4,000 pages of records produced by CIA;
- Held two oversight hearings by the Subcommittee on CIA; and
 - *Sexual Harassment and Assault Within CIA's Workforce*, May 11, 2023
 - *Central Intelligence Agency's Processes for Reporting, Responding to, and Investigating Agency Employees' Allegations of Sexual Assault and Sexual Harassment*, September 19, 2023
- Engaged constructively and in partnership with CIA senior leadership, including Director William Burns.

Findings

Following months of investigation, the Committee reached eight key findings related to CIA's handling of sexual assault and harassment. These findings were generally illustrative of long-standing issues with the internal reporting structure at CIA. The results of the investigation informed the Committee's legislative provisions in the Intelligence Authorization Act for Fiscal Year 2024. The eight findings were:

- **Finding 1:** There was confusion and disorder in the process for reporting sexual assault and harassment.
- **Finding 2:** Victims were aware of little to no accountability or punishment for the perpetrators of the assaults or harassment often because of an inadequate investigatory process.
- **Finding 3:** Victims were deterred from coming forward because victims did not have anonymity and were unable to seek confidential assistance.
- **Finding 4:** There was ineffective training for employees on how to identify and report cases of sexual assault and harassment.
- **Finding 5:** There was an inconsistent approach to, or lack of, timely coordination with law enforcement.
- **Finding 6:** The Threat Management Unit (TMU) had an unclear role and lacked the necessary training for sexual assault investigations, which complicated the TMU's role in response efforts.
- **Finding 7:** The Sexual Assault Prevention and Response Office lacked the necessary resources and authority to fulfill its intended purpose.
- **Finding 8:** The Office of Equal Employment Opportunity had internal issues that rendered it unable to effectively engage in response efforts.

These findings were addressed in the Committee passed IAA for FY 2024. The legislation included specific provisions to address reporting consolidation, add authorities to provide options to victims such as a confidential reporting option, and augment the reporting process to allow for greater transparency.

Legislative Fixes

I. Committee Mark-Up

Following the investigation, the Committee carefully crafted legislation that would address the eight findings addressed on the previous page of this report. The subsequent legislative text was placed in the IAA for FY 2024. On July 13, 2023, the Committee held a mark-up on H.R. 3932, the IAA for FY 2024. The bill passed the Committee by voice vote. Below is a summary of the provisions passed by the Committee.

Title VIII – Reporting and Investigation of Allegations of Sex-Related Offenses and Sexual Harassment in Central Intelligence Agency

Sec. 801. Reporting and Investigation of Allegations of Sex-Related Offenses and Sexual Harassment in Central Intelligence Agency

(a) Sense of Congress: This section expresses the Sense of Congress that establishing clear policies and procedures and enhancing training are necessary first steps toward protecting victims of sexual assault and harassment and that comprehensive culture change driven by CIA leadership will be necessary to accomplish meaningful improvements to the workplace environment. It also underscores Congress's belief that it is vital for CIA to maintain an independent and neutral person that all employees may speak to confidentially about work-related concerns.

(b) Sex-Related Offenses and Sexual Harassment Within the Agency: The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 at seq.) is amended by adding the following new sections:

SEC. 30. Sex-Related Offenses and Sexual Harassment Within the Agency: This section imposes new requirements on the CIA Director to create uniform policies and training for all aspects of CIA's response to allegations of sex-related offenses and sexual harassment, as well as coordinating the Agency's response to allegations of sex-related offenses and sexual harassment. This section also requires the CIA Director to submit a biannual report on the number and type of sexual harassment and sex-related offenses reported and addressed within CIA.

SEC. 31. Victim and Whistleblower Counsel: This section creates a Victim and Whistleblower Counsel, who reports directly to CIA's Chief Operating Officer and maintain independence from the Office of the General Counsel, for the purpose of providing representation, guidance, and facilitating resources for individuals who report allegations of sexual harassment and sex-related offenses under the confidentiality of an attorney-client relationship.

SEC. 32. Reporting and Investigation of Allegations of Sex-Related Offenses and Sexual Harassment: This section creates a process for reporting and investigating allegations of

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sexual assault and sex-related offenses within CIA and would be codified as a new section to the CIA Act. Individuals who report allegations of sexual harassment or sex-related offenses have the option to file a restricted report, which remains confidential and does not result in a formal investigation; or an unrestricted report, which shall require a serious incident report within eight days and results in a formal investigation.

SEC. 33 Special Victim Investigator: This section creates a new Special Victim Investigator position authorized to investigate or facilitate the investigation of unrestricted reports containing allegations of sexual assault and sexual harassment. The Special Victim Investigator will be staffed by a credentialed federal law enforcement officer and may be an assignee or detailee from another federal law enforcement agency. This section requires the Special Victim Investigator to coordinate sexual assault investigations with federal, state, local, and tribal law enforcement agencies as necessary and appropriate in the event the victim chooses to pursue civilian criminal charges.

(f) **Implementation and Reporting Requirement:** This section requires the CIA Director to implement its provisions and consolidate all CIA's responsibilities related to policy, training, and reporting sexual harassment or sex-related offenses into a single office within 180 days. This section also requires the CIA Director to report to the House Permanent Select Committee on Intelligence (HPSCI) and the Senate Select Committee on Intelligence (SSCI) on the status of its implementation every 90 days for the next 24 months.

II. Signed into Law

On December 22, 2023, a House-Senate agreed-to conferenced version of the IAA for FY 2024 was signed into law as part of the National Defense Authorization Act for 2024. The Victim and Whistleblower Counsel provision, Section 31, was not included in the final bill. The Committee is still considering if a Victim and Whistleblower Counsel is necessary within CIA and will continue to monitor the implementation of CIA sexual assault prevention reforms to ascertain if this position is necessary within CIA.

Sec. 7339. Reporting and Investigating Allegations of Sexual Assault and Sexual Harassment Within the Central Intelligence Agency

(a) **Sense of Congress:** This section expresses the Sense of Congress that establishing clear policies and procedures and enhancing training are necessary first steps toward protecting victims of sexual assault and harassment and that comprehensive culture change driven by CIA leadership will be necessary to accomplish meaningful improvements to the workplace environment. It also underscores Congress's belief that it is vital for CIA to maintain an independent and neutral person that all employees may speak to confidentially about work-related concerns.

(b) **Sexual Assault and Sexual Harassment Within the Agency:** The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 at seq.) is amended by adding the following new sections:

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SEC. 30. Sexual Assault and Sexual Harassment Within the Agency. This section imposes new requirements on the CIA Director to create uniform policies and training for all aspects of CIA's response to sexual assault and sexual harassment, as well as coordinating CIA's response to allegations of sexual assault and sexual harassment. This section also requires the CIA Director to submit a biannual report on the number and type of sexual harassment and sex-related offenses reported and addressed within CIA.

SEC. 31. Reporting and Investigation of Allegations of Sexual Assault and Sexual Harassment: This section creates a new process for reporting and investigating allegations of sexual assault and sexual harassment within CIA. Individuals who report allegations of sexual assault or sexual harassment have the option to file a restricted report, which remains confidential and does not result in a formal investigation; or an unrestricted report, which requires a serious incident report within eight days and results in a formal investigation. CIA's Sexual Harassment/Assault Response and Prevention (SHARP) office will act as the primary point of contact and entry point for all restricted and unrestricted reports of sexual assault and sexual harassment. Finally, this section imposes a common perpetrator notice requirement where the discovery of common perpetrators via unrestricted reports are reported to senior-level management and victims, which would give victims the option to change their restricted report to unrestricted.

SEC. 32. Special Victim Investigator: This section creates a new Special Victim Investigator position authorized to investigate or facilitate the investigation of unrestricted reports containing allegations of sexual assault and sexual harassment. The Special Victim Investigator will be staffed by a credentialed federal law enforcement officer and may be an assignee or detailee from another federal law enforcement agency. This section requires the Special Victim Investigator to coordinate sexual assault investigations with federal, state, local, and tribal law enforcement agencies as necessary and appropriate in the event the victim chooses to pursue civilian criminal charges.

(e) Implementation and Reporting Requirements: This section requires the CIA Director to conduct an Agency climate survey, implement the provisions of this bill, and consolidate all CIA's policy and training responsibilities related to sexual assault and sexual harassment into a single office within 180 days. This section also requires the CIA Director to report to HPSCI and SSCI on the status of its implementation every 90 days for the next 24 months.

Conclusion

In January 2023, when the Committee received its first CIA whistleblower who alleged they had been sexually assaulted at CIA, it moved swiftly to further investigate the issue at hand. The Committee discovered that CIA failed to handle allegations of sexual assault and harassment within its workforce in the professional and uniform manner that such sensitive allegations warrant. To its credit, CIA was eager to work with the Committee to meaningfully address these shortcomings and to assist the Committee in its investigation.

The IAA for FY 2024 should address many of the problems uncovered during the Committee's investigation of sexual assault and harassment at CIA. The Committee will use its oversight powers to ascertain whether the FY 2024 legislation, which is now law, is sufficient to correct the deficiencies found in the Committee's investigation. Should the FY 2024 provisions fall short, the Committee is committed to continuing to strengthen the law to address sexual assault and harassment at CIA.

The Committee is dedicated to being an advocate for brave whistleblowers. If you are a victim of sexual assault and harassment at CIA, the Committee invites you to contact us, in accordance with your agency guidelines and federal whistleblower laws. Your experience can be shared with congressional investigators safely and securely. Please call Majority or Minority staff at (202) 225-4121.