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**SENIOR LEADER MISCONDUCT:
PREVENTION AND ACCOUNTABILITY**

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
SUBCOMMITTEE ON MILITARY PERSONNEL,
Washington, DC, Wednesday, February 7, 2018.

The subcommittee met, pursuant to call, at 9:04 a.m., in room 2118, Rayburn House Office Building, Hon. Mike Coffman (chairman of the subcommittee) presiding.

OPENING STATEMENT OF HON. MIKE COFFMAN, A REPRESENTATIVE FROM COLORADO, CHAIRMAN, SUBCOMMITTEE ON MILITARY PERSONNEL

Mr. COFFMAN. This subcommittee hearing is called to order.

I want to welcome everyone to this morning's Military Personnel Subcommittee hearing. The purpose of today's hearing is to receive testimony from the Department of Defense and the services regarding efforts they have taken to investigate and hold senior leaders accountable for misconduct and to understand what programs and policies are in place to prevent misconduct.

Our military enjoys the highest confidence rating by far of any institution in American society. This well-deserved reputation has been earned through the service and sacrifice of millions of brave men and women. One by-product of this reputation is that the military and its leaders are held to a much higher standard than almost any other institution, and I know that you wouldn't have it any other way.

Consequently, the misconduct of a few can greatly impact the military's hard-earned reputation. When the misconduct involves flag or general officers, the negative effects are even greater. These incidents of senior leader misconduct, even though relatively rare, not only hurt the victims involved, but can have a lasting impact on the readiness of the unit in which the senior leader has served.

While one incident of senior leader misconduct is too many, it is important to acknowledge that the vast majority of senior leaders serve with distinction. It is also important to acknowledge that some of the acts of misconduct that the military investigates and punishes would not be investigated, much less punished, in the civilian world. Nonetheless, military leadership must continue to ensure that all senior leaders uphold the highest standards of ethical conduct, and when senior leaders fall short, they must be held appropriately accountable.

We will hear from two panels today. The first panel consists of the Department of Defense and services' inspectors general. They

will discuss the reporting and investigation of senior leader misconduct, in addition to the types of cases they investigate.

For the second panel, we are honored to have the Vice Chiefs of the Army, Navy, and Air Force, along with the Assistant Commandant of the Marine Corps. They will discuss what happens to those IG [inspector general] investigations, if they are substantiated, how they hold individuals accountable, and they will provide an overview of their prevention programs.

I look forward to hearing from our witnesses today about ethics and mentorship programs in place to prevent misconduct. I am also interested to hear how the services investigate misconduct allegations and hold wrongdoers accountable. Additionally, I would like to know what trends had developed with regard to the types of issues that are being reported and investigated. Finally, I look forward to hearing what additional actions can be taken to further reduce incidents of senior leader misconduct.

I would like to make two other administrative points. First, it is important to note that the Department of Defense's common definition of senior official includes an officer in the grade of O-7 and above, including officers who have been selected for promotion to O-7, or civilian member of the Senior Executive Service. For the purposes of today's hearing and consistent with the jurisdiction of this subcommittee, the witnesses have been asked to focus on misconduct by senior military officers in the rank of O-7 select and above.

I would also like to remind the members that the witnesses today may not be able to answer certain questions regarding specific cases if the answer would compromise an ongoing investigation or would give rise to an accusation that the military has prejudged the outcome of a pending investigation.

Before I introduce our first panel, let me offer the ranking member, Ms. Speier, an opportunity to make her opening remarks.

Ms. Speier.

[The prepared statement of Mr. Coffman can be found in the Appendix on page 57.]

**STATEMENT OF HON. JACKIE SPEIER, A REPRESENTATIVE
FROM CALIFORNIA, RANKING MEMBER, SUBCOMMITTEE ON
MILITARY PERSONNEL**

Ms. SPEIER. Thank you, Mr. Chairman.

Thank you all for being here today and for your service to our country. You know, one of the core tenets of the armed services and of our country is that no one is above the law. From the most recent recruit to the most senior officer, all service members are subject to the same UCMJ [Uniform Code of Military Justice] laws and the same ethical code of conduct. But there is a phrase in the military that goes like this, "Different spanks for different ranks." And as Don Christensen, the former general counsel for the Air Force said, and I quote, "An everyday troop is court-martialed for what a general officer is given a slap on the wrist."

So it is with great sorrow and anger that I have read countless reports of misconduct among senior leaders, including general officers and admirals. This is borne out by the data. Buried on page 66 of an 85-page DOD [Department of Defense] Inspector General

[IG] report on, quote, “Top DOD Management Challenges,” unquote, is a finding of a 13 percent increase in complaints alleging misconduct by senior officials from fiscal year 2015 to fiscal year 2017, from 710 to 803. An increase in substantiated rate increase from 26 percent to 37 percent. The most common allegations involved personal misconduct including improper relationships, improper personnel actions, misuse of governmental resources, and travel violations.

In my time on this committee, I have heard over and over the importance of the chain of command and how it leads to better justice outcomes, but many senior leaders who should be the essential core of the chain of command are not being held to the same standard as the rank and file. This corrupts fairness, justice, and morale.

To illustrate the severity of this problem, I want to highlight five cases of senior leader misconduct from just the last few years. As you will see, these senior leaders committed serious crimes and rule violations, yet received only light administrative, not judicial, punishment. Most got no public scrutiny until journalists inquired about their cases.

Army Major General John Custer had an inappropriate relationship with a woman, had his staff buy her sexy clothes, and lied to investigators about it. Lucky for him, General Martin Dempsey, then Custer’s commander, removed, and I am underscoring this, removed the substantiated account of an inappropriate relationship from Custer’s record. How do you do that? So the review board could only consider lesser charges. Custer retired at a rank and kept his pension. So he retired at rank and kept his pension. The public only knows about this incident because a whistleblower told USA Today.

Second, Air Force General Arthur Lichte was alleged to have coerced sex from a subordinate in 2007 and 2009. His victim believes she had to reciprocate the general’s advances due to his rank and position. Lichte was reprimanded and demoted to major general, but not for command rape but for a, quote, “inappropriate sexual relationship.”

Army Major General Ralph Baker assaulted a woman at an off-base event. For this he received a letter of reprimand and retired as a brigadier general. The public learned about this 9 months after it happened following a FOIA [Freedom of Information Act] request.

Army Major General David Haight’s exploits earned him the nickname “swinging general.” He had an 11-year affair and regularly swapped sexual partners, which made him a foreign intelligence threat and target. As punishment, Haight was reprimanded and retired as a lieutenant colonel.

But make no mistake, not all misconduct is sexual. At West Point, the man in charge of teaching future leaders ethics, Superintendent Lieutenant General David Huntoon, Jr., made his staff work at private charity dinners, give free driving lessons, and feed a friend’s cat. Huntoon received a reprimand and retired at rank. The IG report was kept secret for more than a year and only released via FOIA as Huntoon neared retirement.

Colleagues, these are just 5 stories out of an estimated 500 since 2013. They don't even include criminal misconduct of the type we have seen in the Fat Leonard case in which 330 Navy personnel, including 60 current and retired admirals, are under investigation for accepting bribes and gifts. And these aren't just ordinary bribes and gifts. Some of them included an \$18,000 dinner or a \$50,000 stay in a swank hotel. Sometimes these bribes and gifts were exchanged for revealing classified information. But I picked them because they are illustrative of a deep and systematic problem in the armed services.

Leaders set the standard, and when that leadership is toxic, it drips down to all levels of the military. Based on the DOD Inspector General's own data, it is clear that the current system of deterrence is not working. In today's hearing, I want to hear from all our panelists about what they are doing to exert sufficient oversight. In the case of the inspector general, how are they working to increase accountability and transparency? In the case of the vice chiefs, what are they doing to combat criminal behavior and corruption?

Thank you, Mr. Chairman, and I look forward to hearing from our witnesses.

Mr. COFFMAN. I thank the ranking member.

We will give each witness the opportunity to present his or her testimony and each member an opportunity to question the witnesses for 5 minutes. We would also respectfully remind the witnesses to summarize, to the greatest extent possible, the high points of your written testimony in 5 minutes or less. Your written comments and statements will be made part of the hearing record.

Let me welcome our first panel. Mr. Glenn A. Fine, Principal Deputy Inspector General, United States Department of Defense; Lieutenant General David E. Quantock, Inspector General of the United States Army; Vice Admiral Herman Shelanski, Naval Inspector General; Lieutenant General Stayce D. Harris, Inspector General of the Air Force; Brigadier General David A. Ottignon, Inspector General of the Marine Corps.

With that, Mr. Fine, you are recognized for your opening statement.

STATEMENT OF GLENN A. FINE, PRINCIPAL DEPUTY INSPECTOR GENERAL, U.S. DEPARTMENT OF DEFENSE

Mr. FINE. Chairman Coffman, Ranking Member Speier, members of the subcommittee, thank you for inviting me to testify about the work of the Department of Defense Office of Inspector General regarding senior official misconduct, prevention, and accountability. In my written statement, I describe how the DOD OIG [Office of Inspector General] investigates allegations of senior official misconduct and oversees military service IG investigations of these allegations. In addition, I provide statistics and trends on the number of misconduct complaints, the types of misconduct, the number of investigations, the timeliness of investigations, and substantiation rates for both the DOD OIG and the service IG investigations. I also provide additional statistics for a particular type of misconduct: allegations of retaliation and reprisal by senior officials

against whistleblowers. In my oral testimony, I would like to highlight a few key points from that statement.

First, I believe it is important to recognize that the vast majority of senior officials in the DOD perform their challenging jobs with dedication and integrity. My experience, both as the IG of the Justice Department overseeing the DOJ [Department of Justice] and the FBI [Federal Bureau of Investigation] for 11 years and from my experience for over 2 years performing the duties of the DOD Inspector General, is that only a very small percentage of these senior officials fail to uphold the high ideals and ethics required of their critical positions. However, some do commit misconduct. When they do, they need to be held accountable. The DOD OIG and the service IGs, therefore, seek to investigate allegations of misconduct in a thorough, fair, professional, and timely way.

Second, the data I present in my written statement show that there was a significant increase in the number of complaints alleging misconduct by senior DOD officials from fiscal year 2008 to fiscal year 2012, and since then the number of these complaints has been steady. During the same period, the number of allegations warranting investigation by the DOD OIG or service and component IGs has decreased.

Overall, the number of senior official cases with any findings of substantiated misconduct rose between fiscal year 2008 and 2012 from 40 to 85, but has declined since then to 49 in fiscal year 2017. However, I want to make clear our recognition that any misconduct by a senior official is unacceptable.

Third, while the types of substantiated allegations against senior officials involve a broad range of misconduct, the allegations primarily fell within five main categories, which I describe in my written statement. Within these categories, there are several areas of particular concern. For example, there are a number of substantiated allegations against senior officials engaged in inappropriate relationships, and these cases have received substantial public attention.

Fourth, the DOD OIG also has a criminal investigative arm, the Defense Criminal Investigative Service, DCIS, to handle investigations of criminal allegations. Currently, the biggest case DCIS is handling involves Glenn Defense Marine Asia [GDMA] and its owner, Leonard Francis, widely known as the Fat Leonard case. GDMA provided husbanding services to U.S. Navy ships in the Pacific, such as refueling and resupply. Francis orchestrated a scheme to defraud the U.S. Navy of tens of millions of dollars by routinely overbilling for goods and services. Francis accomplished this criminal conduct by systematically grooming and bribing Active Duty military and civilian employees of the U.S. Navy with things of value, such as dinners, gifts, hotel expenses, money, and the services of prostitutes.

To date, Francis and 17 former Navy and DOD officials, including a rear admiral and an SES [Senior Executive Service] member, have pled guilty to criminal conduct. In addition, in 2017, nine senior officials previously assigned to the Navy's 7th Fleet were indicted for conspiracy, bribery, and false statements. That case is ongoing.

Finally, my written statement discusses measures the DOD OIG has implemented to further improve investigations of misconduct. For example, to standardize investigations across the DOD and to speed the review process, we are working to implement a standardized case management database among the DOD OIG and military service IGs.

To ensure compliance with laws and regulations and to share best practices among the service IGs, we have begun conducting quality assessment reviews of the service IGs similar to peer reviews. To promote fairness, the DOD OIG provides subjects an opportunity to comment on the accuracy of our substantiated findings through the tentative conclusions letter process prior to completion of our final report.

To promote transparency, the DOD OIG considers proactive public release of our completed substantiated reports, particularly those with findings of substantiated misconduct involving high-level officials. To help address timeliness, we have also reallocated resources within the DOD OIG to increase the number of investigators working on misconduct and whistleblower cases. However, handling the increasing number and complexity of complaints requires resources, not only for the DOD OIG, but also for the service and component IGs. It is critical to adequately resource the DOD OIG, as well as the service and component IGs, particularly when the DOD continues to grow.

In conclusion, the DOD OIG and the service IGs have a challenging but critically important mission to investigate allegations of misconduct thoroughly, fairly, professionally, and timely, and we will continue to seek to fulfill that important responsibility.

That concludes my statement, and I would be glad to answer any questions.

[The prepared statement of Mr. Fine can be found in the Appendix on page 59.]

Mr. COFFMAN. Thank you, Mr. Fine.
General Quantock.

**STATEMENT OF LTG DAVID E. QUANTOCK, USA, INSPECTOR
GENERAL OF THE ARMY, UNITED STATES ARMY**

General QUANTOCK. Thank you, sir.

Chairman Coffman, Ranking Member Speier, and distinguished guests of the committee, thank you for the opportunity to testify on senior leader misconduct. On behalf of the Secretary of the Army, the Honorable Dr. Mark Esper, and our chief of staff, General Mark Milley, thank you for your support of our soldiers, Army civilians, families, and veterans.

The Army holds its senior leaders to the highest standards. The trust and confidence of the American people, which is intrinsic to who we are as an Army, is rooted in our character and our credibility. We do acknowledge problems exist, and we take senior misconduct very seriously. Over the past decade, the Army Inspector General agency substantiated allegations against only 3 percent of the general officer population per year. While recent headlines on Army senior misconduct give the appearance of widespread misbehavior, the truth is most transgressions are technical violations committed by a very small minority.

The most common substantiated allegations involving general officers are misuse of government resources, failure to follow regulations, and failure to take action. Substantiated allegations for inappropriate relationships or sexual misconduct over the past decade involved less than 1 percent of general officers. This small fraction of senior leaders does not represent the honorable service and character of the entire general officer core.

Whistleblower reprisal remains the number one allegation. The substantiation rate for whistleblower reprisal cases is 4 percent. A significant factor in the low 4 percent substantiation rate is the misuse of the whistleblower reprisal process. This typically occurs when a soldier or civilian is held accountable by a senior official for misconduct or poor performance, following a protected communication. The resulting claim of reprisal creates challenges for senior commanders who hold people accountable and then are faced with an inspector general whistleblower reprisal investigation. And in the last 3 years, whistleblower reprisal has basically had a six-fold increase and has been—is out of control, in my view.

The vast majority of the 685 general officers serving are doing the right thing every single day. The positive trend over the past 5 years has been a 51 percent reduction in the number of general officer substantiated cases from 32 in 2013 to 15 last year. This includes a decrease in substantiated allegations for official travel violations, inappropriate political activities, non-Federal entities involvement, conflicts of interest, and improper endorsements.

In closing, the overwhelming majority of Army general officers abide by the letter and spirit of our laws and regulations, and utilize sound judgment in the stewardship of taxpayer resources. Those who do not are held accountable.

Mr. Chairman, members of the committee, thank you for your continued support of our soldiers, our civilians, families, and veterans. I look forward to your questions.

[The prepared statement of General Quantock can be found in the Appendix on page 87.]

Mr. COFFMAN. Thank you, General Quantock, for your testimony. Vice Admiral Shelanski, you are now recognized.

STATEMENT OF VADM HERMAN SHELANSKI, USN, NAVAL INSPECTOR GENERAL, UNITED STATES NAVY

Admiral SHELANSKI. Chairman Coffman, Ranking Member Speier, and Military Personnel Subcommittee members, thank you very much for having us here today to discuss senior leader misconduct and the opportunity to explain our senior leader investigative process.

In the Navy, we take pride in living up to our core values of honor, courage, and commitment. We expect the highest ethical and moral behaviors of our senior leaders. Therefore, we take any allegations of misconduct very seriously, and where appropriate, investigate, and when substantiated, hold our people accountable when they do not meet our high standards.

To be clear, there must be a violation of rule, regulation, or law. There is a process in place with many offices that handle this range of violations. Our primary role as the IG is to conduct administrative investigations, not criminal or UCMJ cases.

When we receive complaints on flag officers from our hotline, Congress, or by referral from the DOD, we will open investigation on credible allegations of misconduct against one- and two-star admirals.

The investigation process is fair, deliberate, and thorough. Our investigators are highly trained and experienced professionals who rigidly adhere to the Council of Inspectors General on Integrity and Efficiency standards. We constantly strive through process improvements to produce ever more timely reports without sacrificing professional due diligence. Our investigators receive lots of oversight, from our division directors to legal review to a DOD review and their ultimate approval.

At the end of our investigation, all reports go to the CNO [Chief of Naval Operations] and the Secretary of the Navy. If any allegation is substantiated, we submit a request to the Office of the VCNO [Vice Chief of Naval Operations] that appropriate corrective action be taken and documented. Corrective action can range from verbal counseling to formal disciplinary action under UCMJ. We receive a copy of the documented corrective action recorded in our database and provide a copy to the DOD IG. This adverse information will remain in the officer's record for the entirety of their career.

In the last 5 years, we have seen a steady decrease in the number of overall flag officer complaints and also a decrease in the number of cases substantiated. The most common categories of substantiated offenses we have seen is misuse of government vehicles and drivers for personal use, improper use of official travel, improper gift acceptance, and prohibited personnel practices.

In conclusion, I believe that our investigative process is a necessary and effective tool to address questionable ethical behaviors by our senior leaders. Thank you for your continued support for our sailors, Marines, Navy families, and veterans. I look forward to your questions.

[The prepared statement of Admiral Shelanski can be found in the Appendix on page 92.]

Mr. COFFMAN. Thank you, Vice Admiral Shelanski.

Lieutenant General Harris, you are now recognized.

STATEMENT OF LT GEN STAYCE D. HARRIS, USAF, INSPECTOR GENERAL OF THE AIR FORCE, UNITED STATES AIR FORCE

General HARRIS. Okay. Thank you.

Chairman Coffman, Ranking Member Speier, and distinguished members of the subcommittee, thank you for your invitation to testify before you today.

And as the Air Force Inspector General, I am responsible to independently and continuously inspect, assess, investigate, and report to the Secretary of the Air Force on the readiness, economy, efficiency, and discipline of our force. And with the Air Force core values of integrity first, service before self, and excellence in all we do, I take special pride in helping ensure our airmen live up to those values.

Misconduct by Air Force senior officers erodes the trust in our service, the trust of our airmen, and the trust of our country. And your Air Force is committed to the development of ethical airmen

leaders, and we are equally determined to ensure accountability when standards are violated. And part of my responsibility includes resolution of complaints against Air Force general officers, officers selected for promotion to brigadier general, and retired general officers.

The top three categories of violations we have seen in the past 5 years may be generally categorized as ethics violations, improper handling of personnel matters, and unprofessional relationships, in that order. And every complaint against a senior officer is diligently acted upon.

Our cases are investigated by an independent team of investigating officers, augmented by embedded attorneys from the Office of the Air Force Judge Advocate General. And Air Force senior officer investigations are independent, thorough, impartial, objective, and we are careful to meet all legal requirements. This important work of ensuring accountability in our most senior leaders promotes the discipline, efficiency, and economy of our force.

Our process in conducting senior officer investigations includes multiple layers of internal review, with every investigation receiving a separate and independent legal review signed by the director of administrative law for the Air Force. And upon completion of each investigation, the Department of Defense Office of the Inspector General provides an oversight review, as was mentioned. Investigations with substantiated allegations are referred to the appropriate command authority to determine what disciplinary action is warranted.

And, finally, my deputy and I use a variety of venues and products to promote education and awareness across our senior officer population. It is important to me that we not only investigate complaints against our senior officers, but that we also work to reduce the incidence of misconduct by these high-ranking leaders.

Mr. Chairman, Ranking Member Speier, members of the subcommittee, I very much appreciate the committee's continuing support of our Air Force and your interest in our efforts to prevent misconduct by our senior officers. I look forward to your questions.

[The prepared statement of General Harris can be found in the Appendix on page 97.]

Mr. COFFMAN. Thank you, Lieutenant General Harris.

Brigadier General Ottignon, you are now recognized.

STATEMENT OF BGEN DAVID A. OTTIGNON, USMC, INSPECTOR GENERAL OF THE MARINE CORPS, UNITED STATES MARINE CORPS

General OTTIGNON. Thank you, Mr. Chairman.

Mr. COFFMAN. And how do you say it?

General OTTIGNON. It is pronounced Ottignon.

Mr. COFFMAN. Ottignon. I was close.

General OTTIGNON. Yes, sir.

Mr. COFFMAN. Okay.

General OTTIGNON. Thank you, Mr. Chairman, Ranking Member Speier, distinguished members of the House Armed Services Committee on Military Personnel. Thank you for the opportunity to testify today about this important topic.

My office provides the Secretary of the Navy and the Commandant of the Marine Corps an impartial and [credible] means to investigate or inquire into allegations of senior official misconduct, impropriety, or violation of law. I oversee a group of 25 dedicated professionals committed to upholding the laws that govern the service.

In the past 10 years, 15 Marine Corps generals were substantiated by a thorough investigation process led by an inspector general. Most of these cases were violations of administrative processes and standards of conduct regulations. None of them were criminal in nature.

I have complete confidence in the investigatory process and due diligence taken with each and every allegation brought forward. Every general officer investigation is reviewed for legal sufficiency and requires Department of Defense Inspector General oversight.

The seriousness of which the Marine Corps approaches character, leadership, and ethics is apparent in the demanding standards that we expect all our leaders to uphold.

In the last year, my office has traveled around the globe conducting training with commanding generals across the Corps and conducting thorough inspections to ensure that the application of our standards are consistent with our foundational core values of honor, courage, and commitment.

On behalf of the Secretary of the Navy and the Commandant of the Marine Corps, we thank Congress and this subcommittee for the opportunity to discuss such an important issue with you this morning and your continued support for our United States Marine Corps and its families. I look forward to the opportunity to answer your questions.

[The prepared statement of General Ottignon can be found in the Appendix on page 103.]

Mr. COFFMAN. Thank you, Brigadier General Ottignon, for your testimony.

We are going to limit to 5 minutes each member, but we will do a second round, if necessary, for the first panel.

Some of you mentioned during your testimony that there is a wide scope of misconduct that you investigate. Could you please give some additional examples of the types of cases you investigate, and if you see any misconduct trends emerging? Why don't we start with you, Lieutenant General Quantock.

General QUANTOCK. Yes, sir. I am just looking at the last—last year, we had 15 substantiations. The range of the kind of work that we do is late NCOERs [noncommissioned officer evaluation reporting]. We had one particular general officer that basically lied on his PT [physical training] test, height and weight type stuff. One that inappropriately approved a flyover, so misuse of government resources. The dignity and respect, how they treated subordinates, what they were substantiated for. Improperly using an IG investigation for adverse action at the junior levels was substantiated.

So those are—misuse of subordinate times, subordinate—we have made a huge effort in trying to get after certain cases where general officers make technical type of mistakes with subordinates primarily.

You know, we all have staffs, and a lot of times our staffs try to do good things for us, and they try to make our life a little bit nicer. We have beat the hell out of that the last couple years. We have got an exportable training package. When I sit down with a general officer that are going into command, we encourage them to sit down. It is about 75, 80 pages of PowerPoint slides, basically vignettes of what has got general officers in trouble. Again, a lot of technical violations from use of travel, getting rental cars, all those kind of things that sets folks up for trouble.

Mr. COFFMAN. What is dignity and respect?

General QUANTOCK. Dignity and respect is publicly humiliating somebody. That is the genesis of dignity and respect. So—but that exportable training package I think is one of the leading reasons why in 2013 we had 32 general officers out of 685, I might add, down to 15 that we have in this last year. A lot of the technical violations have been weeded out. So we continue to work this piece hard, not to mention all of the efforts of the senior leadership to get out there and make their vision well known.

Mr. COFFMAN. Next.

Admiral SHELANSKI. Yes, sir. So for us, over the last 3 years, a decrease trendwise in substantiated cases, so 10 in 2015, 4 in 2016. It looks like one will be substantiated for 2017. We are finishing that case up now.

You know, in general, most of the cases are about gifts acceptance and solicitation. So these are the technical—I am going out to lunch, and I accepted a gift of lunch from a contractor that was more than the acceptable limit. It is also in terms of endorsing non-Federal entities, so there are certain charities that were not supposed—unless they are federally recognized. In our official capacity, we are not allowed to endorse them, so one of our flag officers was seen to endorse it inappropriately, but, of course, mistakenly did not know that at the time. Also, some pay and benefits, so, for instance, leave statements, so inappropriate documentation of leave. And so those are very technical violations in general, so nothing in the order of larger, you know, more—so—and specific, no sexual harassment or any of those type of trends, sir.

Mr. COFFMAN. General Harris.

General HARRIS. Thank you. The greatest majority of our violations have been ethics violations, as has been mentioned by my peers. Misuse of a subordinate's time, misuse of a government vehicle, unauthorized gifts, postgovernment employment. But what is most important is that how we proactively, within the IG enterprise, within the inspector general enterprise, go out and educate our personnel, from the most junior to the most senior, on the different pitfalls and opportunities to lead the right example and to let them know what to look out for, and even—there is complaints sometimes that people don't think that would be an issue, giving out a challenge coin to a contractor would be a violation, but we continually educate our personnel on what the pitfalls are and what they should do to correct them.

Mr. COFFMAN. Where in the career track do you begin that education?

General HARRIS. From the very beginning.

Mr. COFFMAN. From the very beginning?

General HARRIS. Yes, sir.

General OTTIGNON. Sir, in the last 3 years, we have had four substantiations. All of those were administrative in nature, violations of Marine Corps order for fitness report evaluations, for physical fitness evaluations. One was regards to training. So our trend lines are, as I previously mentioned, all administrative in nature.

Mr. FINE. Mr. Chairman, if I can add.

Mr. COFFMAN. Sure.

Mr. FINE. Since we have oversight over all the service IGs, we have accumulated all the data on the types of misconduct, and which we described on page 10 of my testimony. It generally fell into five categories. First one, misconduct or ethical violations, such as improper accepting services from a subordinate, sexual relationships with subordinates, requiring subordinates to perform personal services for them, misusing your official position.

The second one is improper personnel matters, which also involves unwelcome physical contact with subordinates and improper hiring.

Third is misuse of government resources, such as using vehicles to commute improperly or misuse of government aircraft.

And the fourth is travel violations, traveling for purely personal reasons.

And the fifth is other, for such things as improper procurement, steering contracts.

On page 11, I talk and we discuss the trend lines, and the trend lines are generally down, but they are still significant in these categories. And of particular interest, I think to the committee, is the inappropriate relationship category. On page 12, we talk about how many there are across the services, and there has been a steady number of them. There were 10 in 2013 substantiated findings, and in the subsequent years—

Mr. COFFMAN. Mr. Fine, I am afraid I am out of time. I am going to have to—

Ranking Member Speier.

Ms. SPEIER. Thank you, Mr. Chairman.

I would like to put a chart up, if we could, that shows each of the services. And this is for you to start, Mr. Fine. So in the Air Force, the total closed cases were 54; 54 were dismissed, zero were investigated in the Air Force. In the Army, 101; 101 dismissed, zero investigated. Defense agency, 111; 110 dismissed, 1 was investigated. Thirty-six in the Navy; 36 dismissed, zero investigated.

Are you basically saying that none of these cases even deserved to be investigated?

[The chart referred to can be found in the Appendix on page 133.]

Mr. FINE. So that chart, Representative Speier, I think is from our semiannual report for a 6-month period.

Ms. SPEIER. It is one half of the year.

Mr. FINE. Yes, one half of the year in 2017. What we have is, in my testimony is a chart describing the number of cases involving senior official misconduct overall for the last 10 years, and there is a substantial number investigated. The chart that was up there has to do with, I think, three-star and four-stars, which are the highest level ones. And so this chart has to do with senior official

cases, including two-stars, one-stars, O-7 promotables, SES employees, et cetera.

We do look at all these cases seriously. We do intake. We determine whether it warrants an investigation, and these are the ones that did warrant investigation against the high-level officials who was investigated against. But as you can see from my chart on page 8, there is a significant number of ones that are investigated and are substantiated.

Ms. SPEIER. But I am totally confused then. It says that zero of these, out of 312 cases, 311 of them were dismissed. Only one was investigated. Are we basically—are you basically telling us that all of these cases were bogus?

Mr. FINE. No. And what this chart also does—it is probably a confusing chart. The top part is the DOD OIG receiving those cases. Many of them are referred down to the service or agency and are investigated and closed by them. So if there is 54, for example, that we get, we—these are the numbers we investigate, and we refer them down to the Air Force, the Army, the Marine Corps, and the Navy, and they investigate them and have investigated many of them.

Ms. SPEIER. Well, it is still not making any sense to me.

Mr. FINE. Okay.

Ms. SPEIER. So there is 54 that you receive from the Air Force. Why do you use the term “dismissed” if you were then forwarding them to the Air Force IG?

Mr. FINE. So we receive far more than those, and we refer many of them, 12 of them to the Air Force, for example, and of the others we do not—we do intake and determine they don’t require an investigation. But there are a number of them that do require investigation, as indicated by the chart below, the numbers below.

Ms. SPEIER. Well, the numbers below are the ones that are investigated by the service IGs.

Mr. FINE. Right.

Ms. SPEIER. You are not investigate—it looks like you are not investigating any, by this chart. I don’t want to take a lot of time on this. I think this chart needs to be reviewed, and I would like for you to come to my office. And I don’t know if Mr. Coffman would be inclined to hear more about this, but this is deeply troubling to me.

All right. In one of the cases that I mentioned, there was a recommendation by the IG of holding someone accountable for substantiated claims, and then it went to the—in this case, General Dempsey, who just struck one of the substantiated claims. How often does that happen?

Mr. FINE. We have a chart on page 14 that it happens sometimes. Of the allegations, of 427 allegations of substantiated misconduct, over I think it is a 5-year period, 29 of them were declined to take action, and about 80 of them are still pending. So in a small percentage of allegations they are—the service has declined to take action.

Ms. SPEIER. So you are saying—did you not present your document to us until yesterday?

Mr. FINE. We provided it, yes.

Ms. SPEIER. So I still don't have a copy of it, unfortunately. Can you just go over that for me?

Mr. FINE. Certainly. On page 12, we discuss corrective actions by rank of senior official, and this is over from fiscal year 2013 to 2017, and we describe the actual discipline corrective action that was taken, ranging from a letter of counseling to suspension to removed from assignment. Of those, the top line is declined to take action. In 29 of the 427 substantiated allegations, the service declined to take action.

Ms. SPEIER. All right. Would you please provide for me, in those 29 cases where they declined to take action, the specifics. Because I find it unjustified to have inspector generals go through the process of determining, through investigation, conduct that is inappropriate, have that be presented to the chiefs, and then have them just strike it as if it doesn't exist, as it happened in the Custer case. I mean, that is fraudulent, as far as I am concerned.

And with that, Mr. Chairman, I will yield back.

Mr. COFFMAN. Mr. Bacon, you are now recognized.

Mr. BACON. Thank you, Mr. Chairman. And thank you all for being here today.

I want to take a couple of questions for the four service reps, give you a chance to think about, so I will go to Mr. Fine and ask him a couple while you are stewing on a couple of these questions. But I take—I find most commanders try their best to do the right job on these things, but they are imperfect. Some of them have made bad decisions, just as some judges have, just as some district attorneys have. We are imperfect, but I think we strive to be the very best we can and try to get as close as perfect as we can.

So the first question I am going to come back to you all on will be if we take commanders out of the discipline and accountability process, what would be the impact on the mission or the impact on morale and unit integrity from your opinion?

Secondly, how would you address the ranking member's point that there are different spans for different ranks? So I want to come back to you all on that, give you a chance to think about it.

Mr. Fine, my data shows we have 23—or 2,327 senior leaders. 963 of those are general officers. Roughly, if you could just give an average, what would you say, how many allegations are made a year against those 2,327 senior leaders?

Mr. FINE. About 800. In our testimony, we discuss how many have been made over the last 10 years. In 2008, there was 395.

Mr. BACON. So 395 out of 2,327?

Mr. FINE. In 2008. Now in 2017, there is 803.

Mr. BACON. Eight hundred?

Mr. FINE. Yeah.

Mr. BACON. That seems like a lot for 2,327 senior leaders.

Mr. FINE. Those are the allegations, correct.

Mr. BACON. Okay. Out of those allegations, how many substantiated, just to put it on record here?

Mr. FINE. Eighty-three.

Mr. BACON. So 83. And what would that come out as a percentage? I guess it is 34 percent I think you had of the allegations that were substantiated?

Mr. FINE. Well, of the cases that we actually investigate, 30 percent of them are substantiated.

Mr. BACON. About 30 percent are substantiated. And they range from overdue reports to the more serious?

Mr. FINE. Correct.

Mr. BACON. So many of these are things that would nowhere would be considered criminal in the private sector.

Mr. FINE. Most of these are—very few, a very small percentage are criminal.

Mr. BACON. If you just give me your thoughts, how many would you say senior leaders have done something criminal, sexual assault, for example, out of this last year's data? One or two, three or four?

Mr. FINE. Very few have done criminal misconduct, except I will mention the GDMA case, the Francis case, which is a—

Mr. BACON. Right. Which is criminal, got it.

Mr. FINE. Which is criminal.

Mr. BACON. So we are talking less than a handful out of this 2,300-plus senior officers have done something criminal?

Mr. FINE. Yes.

Mr. BACON. Thank you very much.

One other thing, one of the things that concerned me as a five-time commander is the length of time it takes to investigate. When you have people under investigation for 2 years and then exonerated and their career is over, it seems to me that we have to do something better there. I mean, just as a person—I have never been investigated, thankfully, in five commands, so I have been blessed, thanking the Almighty, but I know some people have been under for 2 years and then they are exonerated, you are like, man. Is there anything we can do better there?

Mr. FINE. I think there is. We do strive for timeliness. We recognize that when you are under investigation, your promotion is held up, sometimes you can't retire, you can't be moved, and it is difficult to be under the microscope, and many of them, most of them are cleared in the end. So we do strive for timeliness.

With the number of investigations, the number of complaints, the resources, we also want to be thorough and accurate, so it is a balance there. On some of them we can handle quickly, some of them take longer. Having said that, all of the IGs, we and the service IGs, are moving to try and increase our timeliness without sacrificing quality, accuracy, and thoroughness.

Mr. BACON. Well, thank you.

Now I will go to our service reps. And I will go to the first question, if we take commanders out of the process here, what do you think the impact is on your service?

General QUANTOCK. Sir, it would be absolutely devastating. I have commanded from company all the way up through three times as a two-star commander. Absolutely devastating if you take—you know, we are not Walmart. We send soldiers to do very dangerous things. I lost 13 soldiers as a brigade commander, over 200 Purple Hearts. I tell them to go out there and protect terrain, to escort convoys. They put their lives on the line. So some folks, you know, may have problems with some of the orders that I give. But we have to give them.

So it would be devastating. So to be able to have control over the carrot and the stick, for another word that you could use, carrot and the stick, you have got to have a lot of carrots, but you also have got to have the stick to hold people accountable and to uphold the high values that we have in the Army that are not due for—that are not really applicable to Uniform Code of Military Justice.

It would be absolutely devastating. And we are, right now, the greatest service the world has ever seen, and we would become a third-world country, a third-world army if we were to remove commanders from the Uniform Code of Military Justice.

Mr. BACON. General Quantock, thank you. I will come back on the different spansks.

General QUANTOCK. Okay.

Mr. BACON. Admiral Shelanski.

Admiral SHELANSKI. Yes, sir. I will agree with General Quantock. Certainly, it is about good order and discipline. And in terms of being—having the UCMJ capability at the commander level is essential for that good order and discipline and the morale of the crew, because they expect also fairness and justice throughout their command, and they hold each other accountable. And when one of their shipmates is not doing the right thing, they want them to be held accountable, and that has got to be done quickly and efficiently.

Mr. BACON. I saw that in the Air Force. We had a commander downgrade a court-martial, and he was held accountable for it.

With that, Chairman, I will come back for my second round to finish these two rounds of questions for the service reps.

So, General Harris, I will come back to you later on my second round with that. Thank you.

Mr. COFFMAN. Ms. Tsongas, you are now recognized for 5 minutes.

Ms. TSONGAS. Thank you, Mr. Chairman.

You know, I think we would all agree that the military is a rightly honored institution. We would not be the country we are without it. But as we have heard and is so true, it is not perfect and those serving are not perfect, so it is important that there is a process in place to look at senior leader misconduct.

So as we engage in the oversight of this process, and I am grateful for this hearing, I think we have to be reassured that the process is not biased in favor of those senior leaders being investigated. So I have to say at the outset, it really concerns me that in each service it is a general officer who functions as an inspector general. It just seems to me that there is an inherent conflict there and possibly an inherent tilt in the process in favor of the general officer.

I don't necessarily want you all to comment on it, but I think it is something that we all have to take into account. But given that that is the fact, I am curious, who provides oversight of all your work and makes sure that there is no inherent bias, that it is being performed correctly to meet—to be sure that we are truly identifying misconduct and holding general officers responsible? So I would like to start with you, Mr. Fine.

Mr. FINE. So we as the DOD OIG do provide oversight over the service IGs. We review their reports to make sure that they are thorough and complete and have done all that they should do to

track the leads, to investigate, to interview the appropriate people. So we do that level of oversight.

We also have begun doing what we call quality assurance reviews, similar to a peer review, to look at their processes, their procedures in a systematic way to make sure they are following the rules and regulations and they are adhering to quality standards and are doing the right thing. So we provide that oversight.

One of the questions that is often asked is, well, who oversees us. We are overseen by other IGs. The CIGIE [Council of the Inspectors General on Integrity and Efficiency] has a peer review process, and we are also regularly overseen by the GAO [Government Accountability Office]. So there is oversight over us, and we provide oversight over them, and that is a good thing.

Ms. TSONGAS. Do you have the ability to refer a case back if you think it hasn't been appropriately investigated?

Mr. FINE. Yes, we do, and we do that.

Ms. TSONGAS. And how often have you had to do that?

Mr. FINE. I don't have the exact numbers, but there are occasions when we do do that. We review the report. And there are times where we think they have not fully investigated or if they reached a conclusion that is not supported by the evidence, we refer it back to them for additional work.

Ms. TSONGAS. I don't know if each of you would like to comment how you do your job in a way that you feel is fairminded, given that you represent and come out of the service you are overseeing.

General QUANTOCK. Yes. Yes, Congresswoman. I would just say a couple of things. Number one is, in my last job I was a CID [U.S. Army Criminal Investigation Command] commander, so when I left that job, I had three friends, and after this job I have no friends. So the fact that, you know, this is not a highly sought after—well, maybe some for the—highly sought after job because we make hard calls with the DOD IG oversight. It is a very fair process.

Just about the investigators that do a majority of my cases are civilians, so they—and many of them have extensive years of experience. One of my investigators has got 18 years. Another has got 10 years of these kinds of cases. So it is very well.

And not only that, we have many levels of legal review of these cases to ensure we are doing due process both for the complainant and for the subject. Once an investigation is done, legal review. After that, it goes to my lawyer. He does the legal review. After that, it goes to the Office of General Counsel for their legal review. After I have had three legal reviews and I have read the case and I understand the case and I agree with the findings, I sign the case.

Ms. TSONGAS. Are the findings conclusive or can you reject the findings?

General QUANTOCK. I have never rejected the findings that have been brought to me. So after all of the scrutiny that goes on with these things, I can almost exclusively say I don't think I have overturned one case that has been brought to me. I sign it, and it goes to DOD OIG for their oversight review. So it is a very fair and thorough process.

Ms. TSONGAS. So there is only somebody higher up in the chain that could reject the findings or would likely reject the findings?

General QUANTOCK. After we get done with a case, it gets adjudicated for cases, and that is what happens. Once it comes down as substantiated, we are just calling balls and strikes. We are saying did they violate a regulation, yes or no. If the answer is yes, that the substantiation holds, even if it is for small technical violations, then it goes—after the DOD IG review, it goes over to the lawyer side of the Army, the TJAG [The Judge Advocate General of the United States Army]. The TJAG basically puts the case together and brings it to the adjudicator, the Vice Chief of Staff of the Army. And the Vice Chief of Staff, under advice of counsel, holds the person accountable, according to due process and according to the facts of the case and what he has been substantiated for.

Ms. TSONGAS. Well, I appreciate—we don't have time to hear from everybody, but still I do think it is deeply concerning that you are generals in the service you are overseeing, and I do think a civilian oversight perhaps would at least eliminate the appearance—

General QUANTOCK. Congresswoman, we have a lot of civilian oversight, but our Army is made up of soldiers, okay? The vast majority of our Army is soldiers, and I believe, having been a commander a number of times, I also can look at the case and also understand, you know—because, again, we are representing the Army. I am the Army Inspector General. And I think from our soldier's perspective, at least the vast majority who are soldiers and know the fact that the person calling the shots at the IG has been a former commander themselves, from the time I was a captain all the way up to my last position, I think it is important that that person is a soldier, a sailor, or an airman, Marine.

Ms. TSONGAS. We can agree to disagree. Thank you. My time is up.

General QUANTOCK. Yes, ma'am. Thank you.

Mr. COFFMAN. Dr. Abraham, you are now recognized for 5 minutes.

Dr. ABRAHAM. Thank you, Mr. Chairman.

Just a statement first. As a Congressman, certainly, I think as the general public we want to know that the process is intact. And what I am hearing from the panel is that the process is good and that it is accountable and, more importantly, it is responsible for the actions that are found. Certainly, as a physician, I am judged by my peers on the physician side, so, you know, I think it is—you have got to have peer review, and I certainly don't think there is any conflict there that—from being reviewed by your peers.

When I have asked for private conversations with several of the vice chiefs behind you, I have gotten them and there have been very forthcoming answers to direct questions, so I appreciate the openness that you are affording me.

So, again, just a statement that I like the process. I think the process is good, and what I am hearing is that the process is working, because we are seeing a decrease, not only in the severity of the accusations, but in the total number too.

And I am going yield the rest of my time back to General Bacon so he can continue his dialogue.

Mr. BACON. Thank you.

What would be the impact of taking the commanders out of this discipline process? General Harris, what would be your perspective from the Air Force?

General HARRIS. Sir, I agree with my peers. It would be absolutely devastating, and it would, you know, erode the good discipline and order of our force.

And then as far as disparity in punishments, our data that I have reviewed doesn't support that. We hold our officers actually to a higher standard of accountability. And there is actually two other articles of the Uniform Code of Military Justice, 133, which is conduct unbecoming, and 134, which is fraternization, which holds us accountable.

Mr. BACON. Thank you.

General Ottignon.

General OTTIGNON. Sir, I agree with my peers as well. I think removing the commander from the process would have grave implications to the good order and discipline of the organization, a fighting organization. And I agree also that the data doesn't show that. I think we hold our senior leaders more accountable in the Marine Corps.

Mr. BACON. Thank you.

Going back to General Quantock and Admiral Shelanski on the different spansks for different ranks, any feedback on that?

General QUANTOCK. Yes, Congressman. I would tell you, if I had to look at all the cases that I have looked at in my last job as a CID commander and, of course, now as the IG, it is about 6½ years, I would tell you it is huge, hugely swayed on the part of a general officer being crushed, okay, for a substantiation. And how is that? Well, what is the most egregious—usually the most egregious kind of offenses that we have general officers? Inappropriate relationships.

Now, I have adjudicated sergeant first classes, junior soldiers for inappropriate relationships. They would get a letter of reprimand. Same thing that we would give a general officer, a letter of reprimand. However, on the general officer side, they are done. And the sergeant first class isn't going to get promoted either, but he isn't going to go backwards. That general officer is done, okay, and a lot of times he will retire at a grade a lot less. So he is effectively being fined, in case for retirement, hundreds of thousands if not millions of years when you have a major general go back to the rank of lieutenant colonel.

Now, we can discount the fact that that soldier has been in combat multiple times, and that is what we would like to do sometimes by saying, well, we should just take his retirement away, but what we have done is separated him from his family multiple times, sometimes years at a time, and then we say the person doesn't deserve anything? Again, a lot of times we forget about that none of us at this table came in the Army as generals. I spent 27 years coming up the chain just like everybody else, and I have been 11 years as a general officer. I can tell you we crush general officers, and should they be crushed for these kind of offenses? Absolutely. They know since the time they were second lieutenant what is right and what is wrong. And when they do it, they expect the consequences, and we should hold them accountable.

Mr. BACON. I know I felt that way as a general officer in the Air Force. Thank you.

Admiral Shelanski.

Admiral SHELANSKI. So I agree. And one particular case that we would have that I could give you as an example. So a flag officer viewing pornography on a government computer on a ship. That type of work, should it have happened with an enlisted sailor, that enlisted sailor would probably be brought to mast, probably reduced in rate, withheld pending further, you know, 6 months, and then taken their rights away to utilize that computer. And then once that 6 months was up, they would be back in their job continuing as a sailor onboard the ship.

Flag officer, removed from his position, his command, and retired as an O-6. Much harsher and much more deeply pressing for his career.

Mr. BACON. One question I will just leave for anybody's—if they want to, you know, answer the question, does anyone here think it would be better to bring a judge from the outside to adjudicate these or does anyone here think a district attorney outside of the military would do this better?

General QUANTOCK. Only if you want to make the system much, much longer and hold people in suspended animation forever. That is the problem when you go to a purely jurisprudence system. We all have advice and advice from SJAs [Staff Judge Advocates]; we are not legally minded, but I get advice as a commander from many different individuals. So I think that would be a huge mistake.

Also, what I have been trying this 38 years that I have been in the Army, I have been trying to find the perfect profession. So as I look around all of the professions out there, I haven't found one. We are not either, but we try real hard to be that, and we hold people accountable, even for minor discretions or minor violations of Army regulations.

Mr. BACON. Thank you very much.

And I thank Dr. Abraham for yielding to me, and back to the chairman.

Mr. COFFMAN. Dr. Wenstrup, you are now recognized for 5 minutes.

Dr. WENSTRUP. Thank you very much. Thank you all for being here to approach a very difficult topic for everyone involved. I will say, and especially with what you just said, General, you know, they say, "To whom much is given, much is expected," although I wouldn't say rank is given; it is often earned, but the expectation is much greater. And I think that is a fair assessment. You do expect more from your officers and especially your general officers as you go up in rank. So I appreciate that feedback.

Mr. FINE, you mentioned earlier about gathering data from the IGs. So what do you see down the road with this? Is it going to set maybe a tone for what type of punishment is appropriate or what legal actions we need to take? What do you expect to gain from that as that comes together?

Mr. FINE. Well, we regularly gather that data and have, and I think it is important to report that for transparency to see what is going on, even by service and by rank and by offense. So we will

continue to do that. It provides transparency on the process, which is a good thing. I will mention one thing that we intend to do is also to look at this issue about the disparities, and we have—we are going to open a review and evaluation to see if there are disparities that jump out.

Now, sometimes the disparities are because the cases are different, and that is very hard to analyze. But I think, in some ways, it is important to look at the overall statistics, the numbers, and see if there are anomalies that jump out either by rank, by service, by gender, by race, by all sorts of stratifications, and we intend to do that. I think that is a useful exercise.

Dr. WENSTRUP. So you are really looking for, I guess, best practices, if you will, when it comes to setting guidelines. I mean, every case is different, and so you don't want to say this is the mandatory sentence for this, you know, because you want to take the case in its entirety. But are you expecting to have guidelines from this?

Mr. FINE. No, I don't think we are going to have guidelines. That is up to the services to implement corrective action. But it is important to see what is happening and to analyze that and to evaluate that. In terms of guidelines, I do think there ought to be standardization and guidelines for how we conduct the investigations—

Dr. WENSTRUP. Okay.

Mr. FINE [continuing]. And to make sure that it is relatively standard throughout the DOD so that if you are subject to an investigation in the Air Force, you are not going to be treated differently than if you are in the Navy. I think that is helpful, that is important, so that there are standardized, timely investigations, and we intend to look at that as well.

Dr. WENSTRUP. So are you far enough along at this point where you would maybe be making suggestions or just pointing out the differences or—

Mr. FINE. In terms of the standardization?

Dr. WENSTRUP. Yes.

Mr. FINE. Yeah. I think there are some suggestions that we have made and we will continue to make. One, there ought to be a standardized case management system, a database, and we all use it so that we track it and record it in similar ways and we share information in a similar way. I think we ought to sort of consider formats, formats of reports to be standardized; that will speed things up as well.

I think we also ought to consider—there may be some disagreement here—but sort of a tentative conclusion process to give the subject an opportunity to comment on the report to show if it is inaccurate or not. We do that. On the other hand, that does lengthen the timeline a little bit because it gives them time, and sometimes, as a result, you are required to do more work, and that is the tradeoff. But I think that is a fair process, and it gives them fairness and due process and ultimately will make the decision on what is the ultimate finding.

So I think those are the kinds of things that could be useful to standardize. And I have had discussions with the service IGs as well on that. We will continue to pursue that.

Dr. WENSTRUP. Thank you very much.

And I want to thank you all for engaging with us on this very difficult and important issue. Thank you.

I yield back.

Mr. COFFMAN. Mr. Kelly, you are recognized for 5 minutes.

Mr. KELLY. Thank you, Mr. Chairman and Ranking Member. This is an important hearing.

I want to go back kind of on the line that General Bacon had, or Congressman Bacon. Members of the service, especially senior level leaders, whether they be command sergeant majors or general officers, would you agree that they are more hard on people for disgracing their uniform and their rank and their awards than a civilian would be, because many times do you think civilians are in awe of the things that you do and, therefore, kind of give you a pass because of your service, and a sitting other general who has done the same service is less likely to be in awe of your career and the things you have done? Would you agree with that?

General QUANTOCK. Well, sir, I would just say that I don't know if "awe" is the word. I think respected. My father was a Vietnam vet. I will tell you the way they were treated back in those days was incredibly poor. But I will tell you, there is a lot of respect among us, but, yeah, of course, the people that understand the culture—culture is a big deal in the military, and it has evolved over time. I have seen huge changes for the good since 1980 until the present day, and we continue to change that culture for the good. But to make a complete statement that civilians—I mean—

Mr. KELLY. Not necessarily in awe, but they tend to give you the benefit of the doubt when maybe a peer or someone of the same or a higher rank would not want their uniform disgraced.

General QUANTOCK. I would absolutely agree. The professionalism of our noncommissioned officer corps is second to none. And I have sat on many promotion boards with them, and they get down to the standard of a particular individual, get down to the—

Mr. KELLY. Let me rephrase. Would you as a general officer in your job cut someone a break, another general officer, because they are a general officer? Or would you be harder on them because they disgraced the rank that you worked so hard to earn?

General HARRIS. Harder.

Admiral SHELANSKI. Harder. Absolutely. Absolutely.

Mr. KELLY. And I want to go back just a second, General Quantock. I think we have actually been in the same places a couple of times. I looked at your bio, and I was at Taji in 2009 and 2010, and I think you were overall, and of course, we had a facility there.

I want to ask you, Lieutenant General Ed Cardon recently commented to the AP [Associated Press] that the Army is reviewing ways to improve the senior officer corps through pilot initiatives. And can you please expand on one or more of these initiatives and explain how they reinforce ethical behavior in general officers?

General QUANTOCK. I will just tell you: It is a holistic study by the Chief of Staff of the Army, and the vice will have much more on this than I do. But, really, it is a study on basically the health of our general officer corps. Particularly with the last 15, 16 years, we have run this general officer corps into the ground. Not to men-

tion our soldiers, our sailors, our airmen, and our Marines. We have run this force into the ground.

Many of us have been away from home years at a time. So—but what—we never take a day off. When I am on leave, I am attached to my BlackBerry and on my phone. My wife and I have these discussions many times. Okay. I am never disconnected from the Army. I lose leave every single year. Even though we make sure that our subordinates take their 30 days of leave, we never take—we basically—we put it over weekends; we don't take any leave.

So the health of the force really requires us to give those general officers a little bit of reprieve. So, from making them take their leave—

Mr. KELLY. Let me move on to the next question. I want just a little more answers on things. In my experience in the military of people going forward for GO [general officer] boards or general officers or senior level leaders in the military, it has been my experience, my personal experience, that I have seen far more people punished and prevented an IG complaint to hold up a guy who the promotion board goes past his MRD [mandatory removal date], and so he never makes general officer, or he doesn't make O-6, or they don't make O-7 or O-8.

Has your experience been that far more senior leaders are punished by being held or flagged for negative transactions by an IG complaint that is not substantiated as to those who get away with doing something wrong and never get punished?

General QUANTOCK. Yes, sir. And that is the elephant in the room. That is the whistleblower reprisal issue. When we talk about numbers, whistleblower reprisal has skyrocketed because of the misuse and misapplication of whistleblower reprisal against senior officials. It is off the charts. I have been investigated twice for whistleblower—

Mr. KELLY. Let me just real quick—and you guys understand. Junior members know—or junior members of the military know if they have a commander they don't like for some reason, that if they file an IG complaint at the right time, it can end his career, even though they have done nothing wrong and nothing to substantiate it. Is that correct?

Admiral SHELANSKI. That is correct. So we, you know, we can see a rise in complaints right around the time that the list comes out.

Mr. KELLY. Mr. Chairman, I yield back.

Mr. COFFMAN. Ms. Rosen, you are now recognized for 5 minutes.

Mr. Russell, you are now recognized for 5 minutes.

Mr. RUSSELL. Thank you, Mr. Chairman. And thank all of you for being here.

I guess, Mr. Chairman, I don't understand why Members of Congress want to trash the Uniform Code of Military Justice. It is the one glue that holds our military together. We can critique it. We can oversee it. We can hold it accountable. But, God forbid, if people in the political environment ever trash the Uniform Code of Military Justice and get rid of it—you think we have screwed up the military good now, put it in the hands, with no UCMJ, and put it out there where we have people with no understanding of the institution that create, Lord knows what, good order and discipline, decisions, battlefield decisions that commanders have to make, that

would all be eroded and gone. And we would feel good about it, and then we would hold our hearings and pound fists on tables and point bony fingers talking about what went wrong as honorable people sit here before us and holding them to account.

And, yes, Mr. Chairman, I am on my high horse.

How many of these offenses, General Quantock, were discovered outside of the military?

General QUANTOCK. Sir, I can think of one where actually it was the press—it was an individual that decided to go to the press—

Mr. RUSSELL. So only one out of all of the hundreds or even thousands of accusations, they were all discovered by the institutions.

General QUANTOCK. Yes, sir. Some were anonymous complaints.

Mr. RUSSELL. Now, where I come from, that is the hallmark of professionalism. You don't see that at IBM, and God knows we don't see that here in Congress. So I guess the question would be, why is it we think that it is a broken system? Yes, we have problems. Yes, we see oversight that Congress has to be responsible of, and we have civilian control of the military, and that is the great Republic that we all serve.

But it is somewhat a little bit offensive to suggest that the institution is unprofessional or somehow broken because it discovers its own problems. In the business community, people would love to have those problems. Congress, gosh, we would love to have our own accountability where we discover the problems before the American public does.

In terms of generals overseeing the military, wow, gosh, that is kind of like Members of Congress overseeing government. How could that be? The military has a better rate of accountability than society as a whole, certainly better than Congress, and perhaps even better than Hollywood, when it comes to offenses and things like this that we see.

So I guess my question would be, what would be the damage that we see as we continue to inflate the problem, not saying ignore the problem—we have to take these things seriously, we have to hold them to account, we are doing that, we see that—but when it becomes inflated—and as was mentioned by my colleague from Mississippi, IG complaints come up, and then, you know, here come the investigations. And I have known many great warriors who were held from senior level command, were later exonerated after a 2-year period. They would have been able to keep men and women alive in battle and do great service to our Republic, but they never got the opportunity because, because, because.

Could you speak to some of the other problems in your capacity as inspector general that, when someone is exonerated, do they ever get their life back? Are they ever restored, or does the ship just pass them by?

General QUANTOCK. Sir, both happens. Sometimes the ship—it is based on timing. But sometimes the ship sails because investigations take long. I will tell you, just the other day—a couple months ago, I had a division commander that just came back from Afghanistan, and I won't talk about his name. But he comes in my office, he said: Sir, I am getting ready to resign. I have had it. I have absolutely had it.

A disgruntled employee, a week before his change in command, knowing the effect of it, throws an allegation out there. Now, what happens is, of course, we spin up an investigation. He is flagged, no award at the end of a division command, despite his sacrifices to himself and his family. The FORSCOM [U.S. Army Forces Command] commander was coming down there to pin an award on that guy, but that is off, but he still was going to pin an award on the spouse. The spouse told her husband, said: I don't want the damn award. Okay.

So the families also were impacted on this because they also sacrifice. So one day we are going to wake up, if we keep this, we are going to wake up one day and realize, who the heck wants to serve? Because we put people through hell. We put families through hell. We put the soldiers through hell. We work them like dogs. We deploy them into combat. We bring them back, and here is your thanks. You are leaving without award. There is this cloud over your head, possibly lost your reputation. And then eventually he probably would get—he will get exonerated, and then he will be—because I have looked at the case, and there is nothing there.

This is the whistleblower reprisal. I have been investigated twice for whistleblower reprisal when I came here because I held somebody accountable because they beat up a CID agent, beat up his weapon, pulled his weapon on his neighbor. And because he sent a protected communication to Congress about wanting to deploy and his unit said no, I got held up to 6 months. Or I downgraded an award from an MSM [Meritorious Service Medal] to an ARCOM [Army Commendation Medal]. I am on the awards board. I had no idea about the protected communication. Another 4 months. We do this to the general officer corps, not to mention to the entire Army all the time. The reason why the numbers are so high from DOD IG about the rise in complaints is because the misapplication of whistleblower reprisal.

The law is good. It talks about gross waste of funds. It talks about intent to kill or cause serious bodily injury to the members of the Armed Forces. It talks about grievous things, not downgrading an award. That is the problem we have. We have hijacked the system, and there is a cloud over the general officer corps because, right now, we are getting hammered.

Mr. RUSSELL. I thank the chairman.

And the only parting comment I will say is that people are dragged into the IG to serve in IG capacities. They pick them from some of the best performing folks that are out there. They go kicking and screaming. They don't want those assignments. They call all of the favors in to try to avoid them, and they still have to go. And so my hats are off to all of those that serve in our inspectors general departments within our military.

Thank you, Mr. Chairman. I will yield back.

Mr. COFFMAN. Ms. Speier, you are recognized for 5 minutes.

Ms. SPEIER. I feel compelled to speak because we have an obligation as Members of Congress to do oversight. When 400 service members are implicated in the Fat Leonard scandal, when over 60 admirals are potentially implicated, we have an obligation to look at the process. So I take great umbrage, frankly, that it is suggested somehow that we don't have a role here.

The Uniform Code of Military Justice is not on trial here. We live by the Uniform Code of Military Justice in the military. I mean, there are elements of it that I am not particularly excited about, but for the most part, it is a—frankly, a victim-centered code. We have made some changes over the years, but what we are really looking at is a couple of things, from my perspective.

Why is Congress oftentimes the last to know? We have oversight responsibility. You should come to us when you have got an issue with a senior officer and let us know so we are not reading about it in the newspaper. When you have a scandal like the Fat Leonard case in the Navy, it is incumbent on us to look at that case in particular and see, why is it no bystander, no bystander felt that they could come forward?

And to Lieutenant General Quantock, whistleblower protection, I would argue, is not enough protection, and that is why people don't come forward because they fear that there will be reprisals. There were too many people that were engaged in conduct unbecoming of officers in that case, and no one called them out.

Now, let me now ask a question. I would like from each of you to know what your backlog is, quickly, if you could.

Mr. FINE. We have a significant number of open investigations, and we report them and—

Ms. SPEIER. Do you have a number?

Mr. FINE. I can get you the exact number.

Ms. SPEIER. I just want to get numbers at this point to see whether or not we have got staffing issues.

Mr. FINE. We do have staffing issues. The complexity, the number of cases that have risen, the number of cases that we have to do, and we take them seriously. We take each of them seriously. And you can only do more with less for so long, and it does affect the timeliness of the investigations and how long people are hung up.

So I do believe that it is important to adequately resource IGs, both us and the service IGs. They are not the first people that they think of when they are growing the military. But you need to grow—

Ms. SPEIER. Okay. I have got limited amount of time. How many additional staff do you think you need?

Mr. FINE. We could use 100 more additional staff. We have 1,600 employees. That is not that much. I think we could use a significant number more.

Ms. SPEIER. All right.

Mr. FINE. I can give you more statistics and sort of basis, but we need significant resources, as do they.

Ms. SPEIER. All right.

Lieutenant General.

General QUANTOCK. Yes, Congressman, we have 50 open senior official cases going on right now. I have 20 investigators. I could easily double that. The average case is about over 400 days. Whistleblower reprisal, a separate division, I have another 20 people doing that. I have 345 open cases. Average length of a case is 391 days.

Ms. SPEIER. Okay. Thank you.

Vice Admiral.

Admiral SHELANSKI. Yes, ma'am. We have over 200 cases that are open at this time, and we are just now finishing up and getting up to our 2016 cases. So there is some lag time because of the numbers of investigators. But I would have to give you a specific number later, if that is okay.

Ms. SPEIER. All right. Thank you.
Lieutenant General.

General HARRIS. Congresswoman, we welcome the opportunity to partner with you on assessing our needs for plussing up our forces. I would like to take that question for the record and understand that our average investigation takes 187 days.

Ms. SPEIER. So yours take about half the time as the Army. Is that right? Sounds like?

General QUANTOCK. It sounds like it.

Ms. SPEIER. I think we should probably look at that. Why is it one service can do it—

General QUANTOCK. One service is much bigger than the other service. The amount of service members does have an impact; but I am not sure, I would have to look at the numbers.

Ms. SPEIER. Yeah, I think we should look at the numbers.
Brigadier General.

General OTTIGNON. Ma'am, I have 11 open cases on general officers. I have 26 whistleblower reprisal cases open. I have 300 total cases—just over 300 cases open. I average 233 days for a senior official investigation. And the remaining investigations are upwards of 300 days.

Ms. SPEIER. Okay. I think we need to be sensitive to the time it takes for these cases. We need to up, I think, the service to the person who is charged and to those who are actually providing the work among your—those who are employed. At another point in time, I would like to know, in terms of your investigators, how many of your investigators are civilians? So I will take that for the record, if each of you could provide that to me, as compared to those who are in the military. Thank you.

[The information referred to can be found in the Appendix on page 137.]

Mr. COFFMAN. Mr. Abraham, you are recognized for 5 minutes.

Dr. ABRAHAM. Just to follow up. Again, the process is good. In my opinion, it is working, simply because of the results that you all have had to this point. Moving forward, General Harris, you mentioned it a little bit in one of your answers. Since this is an open hearing, let's let the general public know, what are the services doing proactively from that second lieutenant up to that four-star to help prevent this from occurring over and over again?

General HARRIS. Thank you, Congressman, for the opportunity to respond to this. So, proactively, two areas, prevention and training. So, first, training. So, from the youngest airman, whether you are an officer or enlisted, through every course of leadership that you go through, you have an ethics training, whether it be squadron officer school or airman leadership school, all the way up to the senior leader officer course, which general officers attend.

Proactively, in the inspector general system, of course, we have our inspection process. And so not only are we assessing the readi-

ness of our force, but we are assessing the culture of that force also and providing that feedback to the commander.

Reactively, of course, the IG investigates fair, accurately, and thoroughly, any investigations, any complaints that we have to ensure that we are offering due process in upholding the standards of our service.

Dr. ABRAHAM. Other members? General.

General OTTIGNON. Just briefly, sir. I would suggest that it begins at the beginning of boot camp. It begins at the beginning of officer candidate school. It is reinforced through every service school as they continue in their career, both enlisted and for officers. It becomes much more acute as the general officer, upon selection, annual requirements that we meet each year, as well as my office providing additional training each year in the field. So it is often, and it is more focused on the ethics piece throughout that year.

Dr. ABRAHAM. Admiral.

Admiral SHELANSKI. Yes, sir. Like the generals just said, from the beginning. So midshipmen, whether in ROTC [Reserve Officer Training Corps], at the Naval Academy, or officer candidate school, get their first taste of ethical training. That goes up all through their career. It is mandatory when they reach O-5 command that they go up to the Navy War College where they go through the Navy leadership and ethics class. And then, onward from there, as a flag officer, when they first become a flag, they have ethics training.

I personally go to many of these classes. In fact, I either virtually or in person to talk about cases and where fellow commanders and flag officers before them have crossed the line.

Dr. ABRAHAM. General Quantock.

General QUANTOCK. Yes, sir. It is similar across all the services. The additional thing is that we put a lot of focus on the general officer education. Many different levels, that every time you make a step, you get an ethics brief, every year, you are getting an ethics brief.

I would also say that we also have to really get after it at the battalion and brigade level, lieutenant colonel and colonel level. At our pre-command course, you know, we have extended it to 2 weeks. So they get SJAs, and of course, they get me for an hour and a half because—and I have not missed one in my 3½ years as the IG and 6½ years when you talk about my CID time, because prevention is really the key.

If we can prevent people from walking into mistakes, that is the key. And 99⅔ percent of our soldiers out there want to do the right thing, but sometimes they walk into it. So our goal is to prevent that from happening.

Dr. ABRAHAM. Thank you.

I yield back, Mr. Chairman.

Mr. COFFMAN. I recognize myself. So one of the concerns is the length of time that it takes to go through this process. One element of that is certainly the resources in terms of the number of personnel we are throwing at it. But is there anything we can do procedurally to change the process to hasten it, to get, you know, it

is just—it is unfair to a lot of parties to just tie this thing up for so long.

Mr. FINE, do you have any recommendations?

Mr. FINE. I do think a uniform process could help speed things up, standardized databases, standardized formats, so that we know what we are doing and we can do that more quickly. I do think there ought to be sort of an assessment at the front end in the intake level whether there is sufficient indicia of credibility that it warrants an investigation. And then, if there is indication as the investigation is going along that there is a fundamental deficiency in the allegation, that it is not substantiated, we can close it in a reasonably timely way.

Mr. COFFMAN. Sure.

Mr. FINE. So I think those are things that can be done. And I do think resources, as I mentioned, is significant.

Mr. COFFMAN. Any other comments on this?

General QUANTOCK. Yes, sir. And the point that I would make, if I haven't mentioned reprisal, I would like to mention reprisal again. Forty percent of my senior official cases are caught up in reprisal because they basically have held somebody accountable. So some better guidance to DOD on how they basically interpret reprisal law so that just the significant ones fall under that and not everything. Downgrading an award, you know, hold somebody accountable because they beat somebody up and pulled a weapon on them. Somebody had—a doc who was on cocaine. Reprisal.

I mean, it goes on and on and on, the amount of cases, because all I have to do is have a protected communication followed by any kind of unfavorable personnel action, we are off to the races on a whistleblower reprisal case. And, again, average time is 391 days.

If we get some help, some guidance on that piece—I mean, again, it is good law. It is there for very good reasons. But if we could get some help in that particular area, that would help on the resource piece as well.

Mr. COFFMAN. Okay.

Admiral SHELANSKI. Yes, sir. We have initiated a couple of prototypes about intake analysis, and it has been very profitable in terms of timesaving. So we continue to look at process improvement.

But part of the issue besides that is IT [information technology]. And I think, you know, as we continue to have to scan documents and manually input things into the computer system, it is a huge waste of time.

The effort by DOD to make one type of system that we all can manage electronically eventually will save us a large amount of time and effort that right now is taken up with just antiquated systems that just eat up a lot of time.

General HARRIS. Our timeliness factors are really based on the complexity of the allegation that we are investigating, the volume of complaints, and then the availability of witnesses, takes great time. But last year, we ran a process improvement event, which got us down to the 187 days, and of course, we are still looking to get it down even further.

General OTTIGNON. I would say that the Marine Corps is very supportive of that law. I mean, that statute, we have great con-

fidence in it. Any changes that we have made over the previous years obviously has a trickle-down effect to us through the Department in procedure and policy. Statute of limitations would be a perfect example of review of how 1 year's worth of time, as the general has alluded to in examples, that is a pretty wide aperture that can provide us the complexity of a case that makes that timing go out for several hundred days to complete.

Mr. COFFMAN. Well, certainly what we want to have is a system that we—apparently we do not have right now—where we can expeditious—more expeditiously discipline officers in substantiated cases, but not hurt their careers and not hurt the military as a whole on cases that are not substantiated but drag out forever. So we—there is really a need, I think, to figure out how we can move this system along faster.

Ms. McSally, you are now recognized for 5 minutes.

Ms. MCSALLY. Thank you, Mr. Chairman.

I really appreciate it. I do want to follow up on that. While we do need a process to hold people accountable when they have had wrongdoing and we need to make sure that there are no dirtbags in senior leadership positions, I know way too many examples of very good people who are caught up in this process, whose names are maligned, who don't have a chance to defend themselves until the investigation is nearly complete. They don't even know what charges are brought against them. In the court of public opinion, they are already guilty. They are not exonerated publicly at all. So they end up—they and their families are held in shame for long periods of time, only to kind of disappear at the end of a long distinguished career.

This process—I mean, I hear and I know of way too many examples of this. So, when we are talking about these processes of sorting out the frivolous complaints, commanders have to make tough decisions. Sometimes they have to clean up organizations. Sometimes people don't like that. Sometimes people have to, you know, be held accountable below them, and we have got to be able to protect legitimate whistleblowers while also protecting due process for the accused.

And, again, I have way too many examples that bring concern to me about this process, both at the service level and at the DOD IG level. So a couple of quick questions. We also I think have a culture, by the way, if any of them ask for a lawyer, they must be guilty. But then we have investigators that are acting like prosecutors, and they are not getting the legal advice that they need in order to not be trapped. So I think that is a cultural issue, not necessarily a process issue.

So how long—if an investigation goes on and somebody is exonerated, how long does that investigation stay on file? And are they kept on file in order to confirm whether that person is confirmable to a higher rank or a new job? Can anybody answer that?

Mr. FINE. I can answer to the extent that we accumulate the derogatory information, including substantiated findings, and are required to provide that to both to Department and the Senate when someone is up for promotion. We do it if there is a substantiated case. If it is not substantiated, that is not derogatory and—

Ms. MCSALLY. So unsubstantiated cases are kept on file for how long?

Mr. FINE. We keep the files. I mean, we don't get rid of the files.

Ms. MCSALLY. Okay.

Mr. FINE. But in terms of—it doesn't go into their personnel file.

Ms. MCSALLY. Are we saying that there is no process by which they are checking confirmability of any general officers with unsubstantiated cases?

Mr. FINE. When we have a records check process and we do that records check and if it is not substantiated, it does not come up as a positive on that records check.

Ms. MCSALLY. So it basically says nothing?

Mr. FINE. Right. We provide, you know, negative information to the Department—

Ms. MCSALLY. All right. What about the process of an individual who is accused not knowing necessarily what they are accused of until the investigation—in great detail, again, we have heard recently of this happening—until the investigation is wrapped up. And then they have to defend themselves after a whole package of stuff has been put together, and now they are having to, like, go through—down all these rabbit holes to figure out how to defend themselves, instead of being upfront right upfront. And this is an example from the Air Force.

General Harris.

General HARRIS. We defend our process, which we believe is fair and accurate and thorough, and so we take the time to get the information from our witnesses and the complainant in order to gather all that together, and then, at the end, then we do absolutely interview the subject so that they do have their time to speak.

Ms. MCSALLY. Do you see a concern that maybe an accused needs to know upfront what they are accused of so they can in parallel be preparing themselves to defend themselves because sometimes these rabbit holes go deep, and then you are having to unwind it if you are just handed this package at the end of the whole thing?

General QUANTOCK. Ma'am, I would just say, you have to be very careful because if you start making allegations that you just—you can set this individual up for reprisal. We do a lot of—DOD IG does it. We do it. We do a credibility assessment. In fact, there is a lot of heavy investigative load on the front end as we try to see if—if this allegation is in fact credible.

Credible determination is a big piece. Again, we work with our DOD IG brethren up here to make sure that we agree, okay. So then we will launch an investigation. But we want to get some facts together. Because we also don't want to set this general officer up, "Hey, you are under investigation for this." Well, if that person happens to be under command and it may be unsubstantiated, then any time he deals with the person who is making the complaint could set this person up for reprisal. So we are very careful in that respect.

Ms. MCSALLY. I hear you, but do you understand the concern that I am conveying, that you guys may go through a very lengthy process, and then somebody is just handed the—

General QUANTOCK. But once we determine there is credible—a credible allegation, that person is basically, “Hey, here is what you are being accused of,” and we read him rights.

Admiral SHELANSKI. And that is the same with us. We have a script that, once it is determined to be credible and we are going to investigate, there is a script that we read, and you are—the complaint is as follows; the following rule and regulation has been violated. We tell them to not interview or talk to anybody. So there is a whole script to make sure that they understand exactly what is—

Ms. MCSALLY. I hear what you are saying. Again, the vast majority of these cases are unsubstantiated and frivolous allegations. I am talking about the individual who has served their country well, who is now being held up for retirement, who is now being moved with their family and wondering what their future is, and has already been tried in the court of public opinion. And in the end, it is unsubstantiated. But them holding on, wondering what their fate is for long periods of time, not getting an ability to defend themselves until it is all over. It may make you feel better that it is unsubstantiated at the end, but the process that they went through is not a positive one. And that is one I think that really we need to shine a greater light on in order to protect those that are accused who in the end are innocent.

Is there any sort of way that they can be publicly exonerated? I know I missed the first round, but I got—Okay. All right. Thank you. I will wind up and come back again—

Mr. COFFMAN. Without objection—

Ms. MCSALLY. If you don’t mind. I won’t be long.

Is there a way for them to be publicly exonerated for something that they didn’t commit when this is all over, to at least clear people’s names?

Mr. FINE. One thing we do is we consider our reports for proactive release. If they are substantiated and involve a high-level official, we do not wait for a FOIA request years later, but we release it. At the same time, if it has already received public attention, if somebody is out there as having been accused of something, we will consider that for proactive release as well, just so that the result of that investigation can be—

Ms. MCSALLY. Well, there is a difference between being in the media and having an entire unit and everybody that has ever served with somebody hearing all the rumors and innuendoes and what is going on as far as the investigation goes.

So is there not a way that we can—when somebody is cleared, that you can, regardless of whether it has been in the public eye, say, “This person is exonerated,” or if they request that? Maybe some people don’t want that, but—

General QUANTOCK. Well, I think, as long as the person agrees, they can go to the public affairs officer and have the—say, “Hey, it was not substantiated.” But a lot of folks, people don’t realize what is going on unless they have been substantiated. Here is, at least in my view, I have seen this for 6½ years. How these things get into the press and how they get in there—I mean, I am not big into public release and public shaming; that is just not what I am into.

However, what I believe in is that, every 6 months, we have two folks that FOIA, "Give me all the substantiations for all general officers," and we do. We give them a spreadsheet; "Here is all the substantiations for all general officers." And then they pick the salacious ones, and then that makes the next headline, the next newspaper. That is how this works. So they all get out there. All the salacious ones get out there.

Ms. MCSALLY. Yeah, I am talking about the unsubstantiated ones.

General QUANTOCK. I know exactly what you are talking about. I am just saying that most people, if they are not substantiated, don't want it out there because they are under investigation, because most people don't know.

Ms. MCSALLY. I hear you.

Can you talk about the process of what investigations are done by the services and which investigations are done by the DOD IG, really briefly? I see in your testimony it says normally three- and four-stars are at DOD IG level or something that is of such a high level of attention.

But is there other determinations on that? And if the services actually close an investigation and unsubstantiate it, do we have cases where the DOD IG decides to open it up again or take it on after the fact?

Mr. FINE. So, on the front end, we do the three-star and four-star, the SES employees, Presidential appointees, intelligence-type investigations. And if there is a conflict or some reason why the service IG shouldn't do it or can't do it, we will do those as well. Otherwise, they do the investigation. When it is completed, they provide it to us for oversight. If we think it is thorough and has done all the investigative work that needs to be done, we approve it. If we don't, we can send it back to them for additional work.

Ms. MCSALLY. So is there ever cases where you then take on an investigation yourself after they have closed it?

Mr. FINE. There has been occasion, yeah.

Ms. MCSALLY. Okay.

Mr. FINE. Yeah, for good reason. Very rarely.

Ms. MCSALLY. Okay.

Mr. FINE. For additional information or for some specific reason, but it has happened.

Ms. MCSALLY. Thanks, I yield back.

Mr. COFFMAN. Ms. Speier.

Ms. SPEIER. Thank you, Mr. Chairman.

I just want to make something really clear from my perspective. I think we do have a problem with different spansks for different ranks. As I understand it, there have been 70,000 court-martials in the Air Force, for instance, and not 1 general officer has ever been court-martialed.

When some of my colleagues were talking about the UCMJ and how if—what the UCMJ does is provide for accountability where there wouldn't be—where this isn't criminal conduct. There are cases that have just been brought to my attention. For instance, Lieutenant General Ron Lewis, who misused government credit cards at two strip clubs, falsely claimed his credit cards had been stolen, fraudulently stole over a thousand dollars from a credit card

company, violated an order by going to a restricted area, and had an inappropriate relationship, he didn't get prosecuted under the UCMJ. He didn't have a court-martial. A junior enlisted would get prosecuted for that offense.

General Kip Ward, misuse of government resources for his personal gain, and his family was ordered to pay back \$82,000. That is theft. And under normal circumstances, that would be subject to a court-martial. So, as we look at this issue, I think one of the things that I would like to see, Mr. Chairman, is that we take the time to make sure that everyone is being treated fairly in the military.

I would really appreciate having from each of the services the number of court-martials, how many for enlisted, how many for officers, so we can just take a look at that as well.

[The information referred to can be found in the Appendix on page 137.]

And let me also point out to you that yesterday we passed a very strong sexual harassment bill in the House. There have been a number of Members who have resigned or are retiring as a result of sexual harassment, not sexual assault, here. And I think that, as we look at the military, we are going to expect the same level of responsibility for conduct that we are now expecting of Members of Congress.

I yield back. Thank you.

Mr. COFFMAN. We will now take a brief recess in order to set the witness table for the second panel. We will take a 5-minute recess.

[Recess.]

Mr. COFFMAN. I wish now to welcome our esteemed second panel. We would like to respectfully remind the second panel to summarize, to the greatest extent possible, the high points of your written testimony in 5 minutes or less. Your written comments and statements will be made part of the record.

Our second panel consists of General James C. McConville, Vice Chief of Staff of the Army; Admiral Bill Moran, Vice Chief of Naval Operations; General Stephen W. Wilson, Vice Chief of Staff of the Air Force; General Glenn M. Walters, Assistant Commandant of the Marine Corps.

With that, General McConville, you may now make your opening statement.

STATEMENT OF GEN JAMES C. McCONVILLE, USA, VICE CHIEF OF STAFF OF THE ARMY, UNITED STATES ARMY

General McCONVILLE. Thank you, sir.

Chairman Coffman and Ranking Member Speier, distinguished members of the subcommittee, good morning. Thank you for the opportunity to testify today.

The United States military is one of the most trusted institutions in the country, and we value that bond of trust, and we recognize that every single day we need to wake up and earn that trust. While senior misconduct in the Army is down 51 percent, we know that one act of misconduct breaks that trust of the American people.

Senior misconduct in the United States Army has no place. Our senior officers are developed through decades of formal and informal training on ethics, Army values, leadership, and character.

And we provide additional training for those leaders who have been selected to serve as general officers. The vast majority of our senior officers uphold our demanding moral and ethical standards just as we, their soldiers, and the American people expect them to.

We are not a perfect institution, but we strive to be one. Senior officers who fail to meet the Army standards are held accountable. I, along with the other Army leaders, am committed to upholding the standards of our profession and ensuring all our senior officers do the same.

I appreciate your time and attention this morning, and I look forward to your questions.

[The prepared statement of General McConville can be found in the Appendix on page 107.]

STATEMENT OF ADM WILLIAM F. MORAN, USN, VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY

Admiral MORAN. Mr. Chairman, Ranking Member Speier, thank you for the opportunity to be here to speak to the subcommittee members, the American public, but most importantly this morning, to talk to our sailors.

The foundation of our joint forces—this is going to sound like a broken record and just demonstrates how much we believe in the values of our institution. The foundation of the joint force is trust. When senior leaders fail, trust at the institution level is put at risk, which can have a profound impact on every aspect of developing and employing this force.

So we all take this topic extremely seriously. And while we all seem to be trending in the right direction, as Jim just articulated, every single one of these matters. At the end of the day, we are an institution comprised of human beings who are indeed fallible. So, to get after this, we have taken deliberate steps to train and develop our enlisted and officer corps throughout their careers, to preclude moral and ethical failures. And when they do fail, we address them in ways to preserve the larger trust in the institution.

Being transparent and accountable is part of this effort. Our goal is, by the time senior leaders are produced, they have a solid foundation formed through years of experience where the principles of ethical behavior and moral decision making and proper professional conduct are not only taught but reinforced and tested.

As you have heard from our inspector general, we not only routinely track the data, we look for trends. When we see evidence, we explore and derive lessons learned to be better leaders. And while we have ethical guidelines and even rules to limit the consequences of poor decision making, the rules alone are not what you and the American public expect from us. You expect us to live up to higher standards of professional behavior.

Transparency along these lines is central to our efforts to strengthen trust within our ranks, within the institution, with the American public, and I believe it strengthens our relationship with Congress.

So thank you for the opportunity to be transparent today, to speak candidly and directly about this critical topic, because it is the foundation of our profession. Thank you very much.

[The prepared statement of Admiral Moran can be found in the Appendix on page 113.]

STATEMENT OF GEN STEPHEN W. WILSON, USAF, VICE CHIEF OF STAFF OF THE AIR FORCE, UNITED STATES AIR FORCE

General WILSON. Chairman Coffman, Ranking Member Speier, distinguished members of the subcommittee, thank you for inviting me to testify before you today. On behalf of our Secretary of the Air Force and our chief of staff and the 670,000 total force airmen around the globe, it is an honor to be here. It is honor to be here with my vice chiefs.

Late last summer, on the eve of our 70th birthday as a Nation—a service, I had the privilege to stand a few miles from here on the turf of the Nationals Ballpark. Forty-six of America's sons and daughters were in front of me, the backdrop of the Capitol behind them. They were about to enter the United States Air Force.

In that moment, I thought about what we owe those patriotic volunteers in return for their selfless service and their selflessness. The word that came to mind was trust. I think all of us, all of us vice chiefs, view maintaining trust and confidence with the American people and with our force as the essential element of our past and future mission success. It is for that reason that we employ a deliberate and career-long continuum of learning, not only in operations and leadership, but in law and ethical standards for all airmen and certainly for our senior officers.

Despite those efforts, at times, senior officers do break bonds of trust by faltering in judgment and/or character. And in those instances, we leverage a robust system of investigation and accountability. Complaints are investigated by independent teams of professionals. Disposition is done with objectivity, steeped in process and law.

I know I can speak for my fellow chiefs here: Even one case of senior officer misconduct is too many. Our goal is for all airmen to do what is right at all times, regardless of the circumstances, and no matter the rank or the position. If they fall short of that goal, we will hold them accountable for their actions.

Thank you for your continued leadership and your partnership as we seek to achieve that goal and, by extension, maintain the trust of all airmen and the American people. I look forward to your questions.

[The prepared statement of General Wilson can be found in the Appendix on page 118.]

STATEMENT OF GEN GLENN M. WALTERS, USMC, ASSISTANT COMMANDANT OF THE MARINE CORPS, UNITED STATES MARINE CORPS

General WALTERS. Chairman Coffman, Ranking Member Speier, and distinguished members of the House Armed Services subcommittee, thank you for the opportunity to appear here today and report to you on this very important issue, the moral and ethical conduct of our Marine general officers.

We know that our Nation's citizens expect the very best from their Marines. They expect operational excellence. They trust that their Marines are women and men of the highest character, both

on the battlefield and in every aspect of their lives. We Marines expect the same from ourselves. We readily accept this responsibility.

Our core values of honor, courage, and commitment guide our moral and ethical conduct of every Marine. All Marines are custodians of these core values. Our senior leaders set the example for every Marine to emulate. They understand this responsibility, and they spend their lives upholding these values. They understand that winning our Nation's battles requires a foundation of character within every Marine, and it starts with them.

Marines learn these sacred values early and often. We believe that through our continuum of training throughout an officer's career and oversight and education provided by our inspection programs, we build ethical decision makers. At every level of officer training and education, we continually and consistently emphasize ethical leadership as the foundation of leading Marines.

Over the last 10 years, the Marines have averaged one and a half cases per year of substantiated general officer misconduct. In nearly half of these cases, the mistakes have been administrative in nature. While we take pride in the moral conduct of our generals, we acknowledge that there is always room to improve. Like every improving and learning organization, we remain proactive to evolving our education and training and programs to ensure the disciplined moral conduct of every Marine, especially our general officers.

On behalf of our Commandant, General Robert Neller, we thank the Congress and this subcommittee for the opportunity to discuss this important issue. We appreciate your continued support to ensure the joint force remains the very best military our Nation requires and expects. And I look forward to your questions.

[The prepared statement of General Walters can be found in the Appendix on page 125.]

Mr. COFFMAN. Let me ask this question, and I would appreciate an answer from the Army, Navy, then the Air Force, and then the Marine Corps. Many of us are familiar with the consequences of a court-martial, a conviction. But less familiar with some of the other administrative and nonjudicial actions that can be taken against service members.

Could you explain the other options available to you when disposing of senior leader misconduct cases and the consequences thereof?

General McConville.

General MCCONVILLE. Yes, sir, I could. You know, what is at our disposal if we don't go to a court-martial is we could do a memorandum of concern, a memorandum of reprimand, but what really hurts an officer is a general officer memorandum of reprimand that we put in their official file. And that goes in their official file. It basically ends their career as they go forward. And as they go to retire, that is seen by the board that adjudicates what rank they will retire at. So, basically, you could lose one, two, three stars, depending on what rank you retire at, which is hundreds of thousands of dollars, for some type of misconduct at that level.

Admiral MORAN. Yes, sir. I was going to mention the retirement grade determination process that all of us go through, for any flag officer, senior leader, who has had a substantiated allegation, that what we term becomes adverse information to their record. We

must do a board, and we all do that, we carry out that process. A retirement grade determination for one- and two-stars is ultimately signed off by senior leaders in the Navy. All of our services with the Secretary level. And for a three- or four-star retirement, grade determination must be approved by the Secretary of Defense.

Mr. COFFMAN. Let me fully understand this. So that—you give some sort of a letter of admonition or whatever that is there. So it is a career killer. So that person is not going to get promoted. They may be able to finish out their tour of duty or—at some level, I suppose, be able to finish their career. So then they go to retirement, and then they are reviewed by a board to determine whether or not they are going to be reduced in rank in retirement? Am I clear on that?

Admiral MORAN. If it's adverse information, yes, sir. I would add—I won't speak for the rest of the services here—but for the Navy, if a senior officer is found with substantiated allegations that are serious, they are not asked—they will not stay for the rest of their tour. They are often relieved of their command, relieved of their duties, and asked to retire, and then we go through the retirement grade determination.

Mr. COFFMAN. So somebody that you were going to allow to finish their—it was a letter of admonition. It is a career killer, but you are going to let them finish their tour of duty.

Admiral MORAN. Not necessarily. If it is serious enough for a letter of admonition, they are not going to continue.

Mr. COFFMAN. Okay.

General Wilson.

General WILSON. We have the same process. Ours would be letter of reprimand, or an Article 15 type of instance, and the same things apply. We would determine whether or not they should still serve in that job. In most cases, for a senior officer, if they have an Article 15 or letter of reprimand, then are going to be removed from that job immediately, and they will go through an officer grade determination to follow.

Mr. COFFMAN. So, effectively, if somebody got a letter of admonition, forced to retire, reduced in rank in that retirement, it is literally the equivalent of a fine of hundreds of thousands of dollars, am I correct?

General WILSON. That is correct.

Mr. COFFMAN. General Walters.

General WALTERS. Sir, we follow the same process. The one example I could give you, albeit is 10 years old, we had a selected two-star. He had a substantiated finding on him. He was retired as an O-6.

Mr. COFFMAN. Wow.

General WALTERS. So he didn't get a second star. He retired as an O-6. I actually did the calculation last night, and if you compare his O-6 retirement to an O-8 retirement, what he really lost in compensation over a 30-year retirement is \$1.9 million.

Mr. COFFMAN. Okay.

Ms. Speier.

Ms. SPEIER. Thank you all for your presentations, for your conversations yesterday.

I guess this question could be asked of you as well. Could you inform us by letter of how many court-martials there have been of general officers? The chairman just talked about, you know, the potential loss of rank and loss of hundreds of thousands of dollars over one's lifetime in retirement, although they still keep their retirement.

I am more interested in the value of a security clearance because that is worth a lot of money—a whole lot more money than \$200,000, frankly. And in some cases, these cases that have come before us where they have lied and done things that would question their moral turpitude, drunkenness, under normal circumstances, someone could in fact lose their security clearance. But I wonder how many do lose their security clearance.

Does anyone have any thoughts on that? And if you don't, if you could also provide that to us for the record. Of these cases that—we have seen so much prominence, and we can provide them to you if you don't know them off the top of your head—I would be curious to know how many actually lose their security clearance because that is more valuable, I think, than many other things.

[The information referred to can be found in the Appendix on page 138.]

Ms. SPEIER. Admiral, you talked about transparency in your opening remarks, and I think that that is really important from the congressional oversight perspective. The DOD IG does disclose substantiated cases, but to my knowledge, there isn't any means by which each of your services would disclose to Congress, for instance, substantiated cases. Could each of you inform us as to whether or not you would be supportive of that?

General McCONVILLE. As far as the Army, if this committee wants those cases, absolutely.

Ms. SPEIER. Thank you.

Admiral MORAN. Yes, ma'am.

General WILSON. Yes, ma'am.

General WALTERS. No problem, ma'am.

Ms. SPEIER. All right. Thank you.

Admiral, the Fat Leonard case has come up a number of times, and it is probably the most egregious case in the history, certainly of the Navy, if not the military in general. Because so many people were involved and so many people corrupted by this individual, I am stunned that there weren't any bystanders that spoke up.

First question, how did it actually—there were a number of cases that were investigated by NCIS [Naval Criminal Investigative Service] because there was bid rigging or overcharging for fuel or the like that he was engaged in, but many of those cases were dismissed. Have you done kind of a postmortem on that to look at where the holes were within the chain of command in terms of identifying the issues and addressing them?

Admiral MORAN. Ma'am, I hope you will respect this comment. It is an ongoing Federal investigation by the Department of Justice and the U.S. Attorney. I am very uncomfortable answering questions that could prejudice the case in any way, and so answering some of that—what you just asked—could potentially cause us problems. And when it is done, and we are hopefully getting to the very end of this now, when it is done and all the files are turned

over to us, we will do that. And there is a process in place to make sure that we evaluate every single case that comes to the Navy. Whether they are handled by the Department of Justice or not, they come to us for final resolution, and we cannot talk publicly about that until the Department of Justice is complete with their investigation.

Ms. SPEIER. No, I appreciate that. And I am not asking you to do that, but from a policy standpoint, are there any new policies that you recognize would be helpful in preventing cases like this from, you know, exploding into scandals that are of proportions that it is hard to even comprehend?

Admiral MORAN. Most of the issues revolve around the contracting for services in overseas ports, so we have taken a very strong turn on the process by which we do that. We put layers of oversight into how those contracts are issued and who is issuing them. And that sort of training in our supply corps and in our general support corps has been very strong over the last 5 years, and we think that largely has helped us drive down the number of misconduct cases that have resulted outside the scope of the GDMA case.

Ms. SPEIER. One last question. Bystanders, do you think bystanders have a duty to report? Question for each of you.

General McCONVILLE. Absolutely.

Admiral MORAN. In every single case. We talk a lot about this in sexual harassment training, sexual assault, but all what we would call behaviors that are destructive in nature. Oftentimes, it can be quelled by a bystander, and we try to teach that value to everyone.

General WILSON. Completely agree.

General WALTERS. Yes, ma'am, we teach, see something, say something.

Ms. SPEIER. Okay. Thank you.

Mr. COFFMAN. Mr. Bacon, you are now recognized for 5 minutes.

Mr. BACON. Thank you very much.

I appreciate all of you being here and your leadership. I would like to just go back to a question I asked from the previous panel about the different spansks for different ranks. Do you think we are holding people equally accountable, in your view, whether it is a midlevel, senior NCO [noncommissioned officer] to a senior officer? Thank you.

General McCONVILLE. I do. My previous—I was commanding general of the 101st Airborne Division for 3 years, had general court-martial authority, handled a lot of the cases at the lower level, and now as the Vice Chief of Staff of the Army for the last 7½ months. I believe we hold everyone appropriately accountable, and when we look at senior officers, we expect a higher standard from them, and when they don't meet the standards, we hold them accountable.

Mr. BACON. Thank you.

Admiral Moran.

Admiral MORAN. Yes, sir. Both Jim and I served as prior "1s," which are personnel commands, and in every disciplinary case, every single one that reaches the level of where we are trying to determine if someone should be retired early or retired without pay

or so on and so forth or released from Active Duty, we see every one of those packages, and as vice chiefs we see them again.

And so I think we get to see, across the board, a pretty balanced view of senior and junior cases. And I think we all also believe that if we do not do this in a fair way, we are going to be held accountable by our sailors, soldiers, airmen, and Marines, so I think we are very conscious of doing this in a correct way.

Mr. BACON. Thank you, Admiral.

General Wilson.

General WILSON. Congressman Bacon, I completely agree with my counterparts here that we hold all of our airmen to one standard. And I would also add, though, that we hold our senior officers to an exceptionally high standard, that we know that we will be judged by that. And so in my time as the vice chief, I have seen that we are not going to walk by any problem, that we are going to hold any senior officer who does any misconduct accountable for that. We are going to investigate it, then hold them accountable.

Mr. BACON. Thank you.

General Walters.

General WALTERS. Yes, sir. I agree with all my counterparts here. I will just add one thing, is to remember that our senior officers, one shot and you are adjudicated, one shot and you are down, perhaps, whereas on some of the junior ranks, we try to give them a second chance. Not—it is not a zero defect mentality. I would say it is almost a zero defect mentality the higher up you go.

Mr. BACON. I know I appreciated second chances when I was 18 and 19.

General WALTERS. Yes, sir. Me too.

Mr. BACON. I want to just sort of pose a rough hypothetical and whoever wants to speak up on it. I think part of the issue is if you have someone who has served honorably for 30 years, say they are a one- or two-star at that point, and you are 31 and 32 as a three-star, maybe involved in an unprofessional relationship or whatever it may be, and then you have to determine at retirement, do you go back to the two-star or one-star, versus someone, say, at the 8-year point and they do something similar, how hard is that, from your perspective, to determine is going back rank to the 30-year point or should it even be more serious, depending on the crime or action taken? How hard is that when you are making these determinations, I guess?

Because my point being is sometimes you go back to the last rank honorably served, but yet if it is a junior enlisted or something that maybe they suffer a career-ending decision there. So I just—I would just be curious for your insights.

General WALTERS. Perhaps I could illuminate a little bit, sir. The grade determination is a process that is in place for all of us, but the reminder is if—I don't care if it is a junior Marine or a senior Marine, if the action is criminal, then there is no rank involved. I can name that one in the last 5 years where it was a senior officer, an O-6, and he is zero.

Mr. BACON. And he would retire with no rank?

General WALTERS. He gets no retirement, he is in jail, and he is zero. He has got no rank at all.

Mr. BACON. Any other comments?

General McCONVILLE. I will follow along with the comments. I agree. It is a difference. We have had two court-martials, and one I won't talk about right now, but that have been adjudicated over the last 10 years, and both officers were of criminal-type nature, and we will court-martial them if they warrant that. But when it looks at—you know, we weigh every single case on its merits. We look at what the soldier or the officer has done over the many years, and we weigh all that, and we put it together, and we try to do the right thing when it comes to making a decision on their future.

Mr. BACON. Thank you. Mr. Chairman, I yield back.

Mr. COFFMAN. Ms. McSally, you are now recognized for 5 minutes.

Ms. MCSALLY. Thank you, Mr. Chairman.

I want to follow up on my previous line of questioning. How long are unsubstantiated reports kept in each of your services? Do you know?

Admiral MORAN. Maybe I will start. Are we talking just senior officers, ma'am?

Ms. MCSALLY. Yes.

Admiral MORAN. Yeah. So we have other terms when we talk about investigations where they are substantiations and then there are unsubstantiated but reportable information. Reportable meaning that it wasn't adverse, but it is still required by the Senate for confirmation. So it is a little bit different from—

Ms. MCSALLY. Okay. And what is an example of something that is unsubstantiated but reportable?

Admiral MORAN. Well, let's say they were—someone was accused of something. Boy, so many of these are fresh in my mind from a topic I am not at liberty to talk about. But if it was you were alleged to have gone to a dinner with a contractor and accepted that dinner, and it was unsubstantiated that it was accepted by you but it was alleged to be that you had—you did attend a dinner with a contractor, that can be reportable, but not—

Ms. MCSALLY. So there are people that are going through an entire investigative process, they are cleared, but yet in a nomination, even though they are cleared, it is reportable to the Senate for confirmation?

Admiral MORAN. The Senate is—

Ms. MCSALLY. The allegation?

Admiral MORAN. The Senate is entitled to any information on an officer being considered for promotion to the rank of O-7 and above.

Ms. MCSALLY. Okay. That was kind of my line of questioning in the last session, but it seemed like all the panelists said that unsubstantiated claims are never taken into account for jobs or rank. And so now I am hearing that they are, unsubstantiated claims are taken into account.

Admiral MORAN. They have to be accounted for. That doesn't mean that will prevent them from being promoted. It just means we have to—

Ms. MCSALLY. So within the services—I don't know if each of you can answer—is there anywhere informally or formally in your proc-

ess of considering someone for a new job or rank where you actually look at unsubstantiated investigations as part of that process?

General MCCONVILLE. Well, one of the things that we look at is titling. When we look at vetting an officer, we look at all the databases that come up to see where that—and I will give you an example. And, you know, this did not hold up the officer, but the officer was titled because his dog got loose in the neighborhoods. The MPs [military police] came by. They titled him for having a loose dog in the neighborhood, and he was, you know—actually, he was, you know, substantiated for having the dog loose in the neighborhood. So——

Ms. MCSALLY. I am talking about where people are cleared and are they somehow in any informal or formal process, are people looking at the files of their cleared allegations and cleared investigation as to whether they are going to offer them for a new job or promotion? Do you see what I am trying to get to the core of here?

General WILSON. We don't do that.

Ms. MCSALLY. Okay. Thanks, General Wilson.

General WALTERS.

General WALTERS. No, I mean, we are required to report all the information in a confirmation to the Senate.

Ms. MCSALLY. So all information includes unsubstantiated claims?

General WALTERS. You have to report whether they were investigated in some cases, and these are the rules that are set. We don't have a big stack of all the—in my office of all the unsubstantiated. I don't have any of those. That is really the legal review, and they know what parameters that the Senate requires that goes in with a confirmation package. I sign off on those. And it is usually a paragraph at the bottom that says something along the lines of we looked at OGD-278, we have looked at this, and no substantiations, but there was an entry in here, and that is all it will be. And then it will be up to the Senate to say tell me more, if they are interested.

Admiral MORAN. Congresswoman, you will remember a nonpunitive letter in your days where that is between the commander and the individual, not to be for anyone else.

Ms. MCSALLY. Yes.

Admiral MORAN. That is required—a nonpunitive letter for a flag officer or a nominee for flag is required by the Senate to be reported.

Ms. MCSALLY. Okay. But are you saying it is the current law, like we have in the law, like that if—I am talking about IG investigations that are closed and somebody has been exonerated, that still the—even though they are innocent, just because they were accused, that has to be reported to the Senate?

Admiral MORAN. No, ma'am, that is not what I am saying. I am saying that if something was issued to an officer that is up for promotion to flag, unlike for the rest of the service, anyone else with a nonpunitive, that is no one else's business. Those are still required to be brought forward.

Ms. MCSALLY. Okay. So it still goes back to my question is, is there anywhere in the process within the services that—I know we

have heard from General Wilson—that unsubstantiated investigations are looked at formally or informally by the services whether you are considering somebody for a new job or promotion?

Admiral MORAN. In a promotion boards, if it is not adverse information, it is not examined during the promotion board.

Ms. MCSALLY. I am not talking about a promotion board. I am talking about as you all sit around talking about who is going to be put into this next job or considered for the next star—

General WALTERS. Generally speaking, is we are looking at a slate is I guess what you are talking about, is we do a slate. We do slates continuing through the year because things change and demand signals on people change. I can't remember anybody—well, it is only two of us, the Commandant and I, saying, well, there is an unsubstantiated claim. That never comes up.

Ms. MCSALLY. Okay. I am over my time.

General WALTERS. Substantiated, sure.

Ms. MCSALLY. I don't know if you guys get what I am trying to get at, but accused doesn't mean guilty, and I just want to make sure that that is being taken into consideration.

Mr. COFFMAN. Dr. Wenstrup, you are now recognized for 5 minutes.

Dr. WENSTRUP. Thank you. I have a question, something that I think I am seeing a rise in, and it is not at the same level of some of the cases we have been talking about today. But you have, not general officers, but officers that have the responsibility of making sure that their troops are doing the things they are supposed to do. And I have become aware of a couple cases where the lower ranking person, either officer or enlisted, wants to resist that, and all the leader is doing is saying, listen, you have got to be in line, you have got to get your job done. Then they go, the person not doing their job, go and accuse some kind of bias, that this leader has some kind of bias. And what I am seeing is these leaders, then, they are now the accused of something just because they were trying to make sure someone did their job. They make this claim that some kind of bias, and now that leader is tied up in knots distracted from doing the job they are supposed to do every day because they have to defend themselves, and we are losing good people, because they get to the point where it is like I want out. I don't need this harassment when all I am trying to do is do what is right. And you are all shaking your heads like I am familiar with this type of antics taking place.

How do we—I am not saying that there can't be leaders that are out of line. Don't get me wrong. But how do we defend the people that are getting tied up in knots and kept from doing their job in leadership because somebody who is not doing their job decides they are going to take that route? And are you seeing a rise in this type of—

General McCONVILLE. Well, I think I can speak for our service is very concerned about those type issues. We want commanders not to be looking over their shoulders when they are making decisions. On the other hand, we want to make sure that, you know, our soldiers have access, you know, if they see something wrong, to come forward, and it really becomes trying to find that sweet spot in between. And we have to watch that as we go forward. And

you heard IG talk about that kind of concern about how maybe some people are taking advantage, and we just have to watch that, and we have to come back.

And there are things we can do when we look at some of the cases. Some of them may be triage upfront. We take a look at it. We—you know, and there is risk in that because the best thing to do is do a 4- or 500-day investigation, you will be absolutely sure that you have no issues probably at the end.

On the other hand, you may hold up someone at retirement or something like that, and I am not sure that is fair either. So we are trying to find the best way to make this fair for both involved.

Dr. WENSTRUP. I would like to see some focus on speeding up that process, because I am seeing some good people get dragged through the mud for absolutely no good reason whatsoever just because you told someone they need to get their OER [officer evaluation report] done. I mean, that is a little bit ridiculous, and then they start saying you are picking on me. So, obviously, I am speaking from a real experience, and I would love to hear from more of you.

General WALTERS. Sir, I think what we are talking—we have a process, and we want whistleblowers to have the option to come forward and tell us when wrong things are being done. But that process right now, the reprisal process is broad ranging. We have a thing called request mast. Administrative errors, any young Marine can go all the way up the chain of command to get whatever he believes or she believes is an error corrected. But what I think we are seeing a trend instead of using that request mast is they have got to go talk to the commander, then the commander's commander, and up the chain. Instead of doing that, they just pick up the phone and make a complaint on a hotline for an administrative error. They didn't get the award they think, they did not think their fitness report was accurate, or they did not get the leave they wanted, or they got declined on leave.

So these are administrative in nature, and we have the request mast process to adjudicate those and accommodate those and allows leaders to fix things when they are broken. As soon as they pick up the phone for those kinds of issues, it goes into a different process, which as you pointed out, can take too long.

Dr. WENSTRUP. By the way, it is not me involved with one of those. I was an outside observer.

Go ahead.

General WILSON. I really think we are a little bit out of balance on the whistleblower reprisal piece. About 96 percent of the cases are not substantiated, so it would tell you that we are spending a lot of time and yet it is not in balance. And to your point, that has a chilling effect, not only on the commanders, but on the force when they can't—when you were trying to execute good order and discipline and you feel this cloud above you.

And we completely agree that if somebody is going to be investigated, it should be done in a timely manner. If they are found guilty, then let's move on with that. If not, they should be also on the innocent side remove that quickly. It is taking way too long.

Dr. WENSTRUP. Thank you.

Admiral MORAN. I agree. Timeliness is the issue here, to your point, sir. And when we can get better at that, I think it will help resolve a lot of this. But we are spending the same amount of time on very few cases that are ultimately substantiated.

Dr. WENSTRUP. Thank you. I yield back.

Mr. COFFMAN. Mr. Russell, you are now recognized for 5 minutes.

Mr. RUSSELL. Thank you, Mr. Chairman, and thank each of you for being here today.

I guess a lot of the statistics that we see amalgamated together include military misconduct, what would be clearly viewed as potential misconduct, but may not be translatable in the civilian world. But it also includes a wide array of tools that are used to address that misconduct, and all of that gets rolled up into this statistical analysis.

And so I guess my question would be, what percent of the cases that we see—and some of the statistics I have looked at it is like, okay, so maybe 10 percent of the cases warrant further investigation, so 90 percent kind of thrown out. Of the 10 percent that are there, roughly 30 percent of those end up being substantiated. And those are rough figures but, you know, seems to be some consistency there. So we are still talking small percentages. But even among that portion, not all of those are for like the big headline cases that we see. A lot of them could be, you know, you moved a boat with your household goods when you shouldn't have or something.

Would you speak to that? What percent of the cases would never translate into offenses in civilian employment?

Admiral MORAN. Well, I will start, I guess. It is really hard to say. Since I graduated from high school, I have had a uniform on, so I don't really know. I will try to get that answer for you and put it in writing, but I wish I could tell you. All I know is the standards we have—

Mr. RUSSELL. Well, I mean, there are some things, just like with a sailor, I mean, you know, he is swabbing the deck or a soldier buffing the floors or whatever over something that would never—they would never have anything entered in any record or file, there would never be any offense. And I know that also can apply to general officers on certain standards of conduct that the military expects and demands certainly of our senior leaders, but yet if they were in the corporate world, this would not be anything that would translate, and yet that is still part of the statistical body. And that is what I am trying to get at, whoever would like to address that.

General McCONVILLE. You know, we have had things from officer evaluation reports being late because the commander was waiting on a discipline issue before he actually wrote the OER. So, technically, he was substantiated for late OER because he was just waiting for this thing to resolve. Of course, you know, it didn't ruin his career, but he did go through a process which delayed him, and it runs all the way to an inappropriate relationship.

And even on the civilian side, if you had an inappropriate relationship, inappropriate consensual relationship, we hold people very accountable for those type things. If you went to a gentleman's club, you know, on the civilian, but we hold people very account-

able for those type things, and I think we should have a high standard in the military.

Mr. RUSSELL. General Wilson.

General WILSON. Over the last 5 years, we have had 77 cases. As we looked at that, about 60 percent of them I am going to call an error in judgment in administrative procedures. About 25 percent of those involve personnel matters, and those that involve some type of sexual harassment or inappropriate relationship was under 15 percent.

Mr. RUSSELL. Thank you.

General Walters.

General WALTERS. Sir, I am looking at—so in the last 10 years, we have had 15 in our general officers. I was looking at them, most of them are admin. They wouldn't be taken—held accountable out in the government. I had one TAD [temporary additional duty] where he got extra money on his TD [temporary duty] claim. I guess that is theft, and that could be chargeable out in the civilian world. We took care of it. I think it was 10 bucks. And we made him cut a check, and then we reprimanded him.

Mr. RUSSELL. And I appreciate that.

And, Mr. Chairman, that is part of what I am just trying to establish is that a lot of the statistics, you know, are rolled into where it looks like a greater problem of misconduct.

And then my final question for Admiral Moran would be, we have heard mentioned in both panels today the Fat Leonard case and some things like that, but when a case comes up like that that has translated over to the Justice Department, is the military limited in how it can even comment or even defend or maybe portray the other side of the story while it is in the Justice Department and outside of the Department of Defense?

Admiral MORAN. Yes, sir, we absolutely are. So I look forward to the day when I can come back to this committee and testify about what we have learned from that and about the things we have put in place to address it. And that is much where I was going with Congresswoman McSally's question. I am very focused on that right now, and it is hard to talk about it.

And some of those cases where they go through a justice review and end up in a Navy review and are ultimately unsubstantiated after years of investigation are really tough to account for, but Congress now expects us, Senate expects us to address that, even though they were unsubstantiated, just so they know we have looked thoroughly at it. That was my point.

Mr. RUSSELL. And I think that is important to note, Mr. Chairman, because many times what might be the appearance of that they are trying to hide or harbor information, the reality is when it translates from Department of Defense over to Department of Justice, they are prohibited from providing perhaps very illuminating or alternative views, but yet they can't, and so I think that is very important to establish in the hearing today.

And with that, I yield back. Thank you.

Mr. COFFMAN. Ranking Member Speier.

Ms. SPEIER. In conversations with one of you, I guess it was over someone being reprimanded for endorsement, it came up that general officers could have outside employment. And then we checked

the UCMJ and found out there is no prohibition for general officers to have outside employment, which I think is pretty stunning. Would you approve of us passing an amendment that would prohibit outside employment?

General MCCONVILLE. I certainly would. I don't know what general officer has time to have outside employment. I would like to know who the person was.

Ms. SPEIER. That is what I was saying.

Admiral MORAN. Yes, I want his job.

General MCCONVILLE. If he is in the Army, I will get a new job for him.

Admiral MORAN. Ma'am, we will go back and look at the statutes, but I want to believe that we are prohibited from outside employment. We are not prohibited from serving on certain organizations that are for the benefit of the military services or volunteer organizations as a board member or a contributor to that. But generally speaking, we have been prohibited for as long as I can remember.

General WILSON. I agree with my colleagues.

Ms. SPEIER. All right.

General WALTERS. No, ma'am, I only experienced it once. I was invited to be a member of a board for a heroes flight, and my counsel said you can't. And it was gratis, so—I didn't have the time anyway.

Ms. SPEIER. General Wilson, I am going to ask you just to write me a memo on this, but to have 70,000 court-martials in the Air Force and never once a court-martial of an officer suggests that maybe there is something to that, so I would just like you to write me a memo to give me some of your thoughts on that.

The UCMJ also has a statute of limitations that in many cases is less than it would be in the civilian world. For instance, for bribery, UCMJ has a 5-year statute of limitations. In the general society, it can be 7 to 10 years. Would you look at the statute of limitations for, you know, various forms of conduct in the military and give us your recommendations as to which ones should be increased.

[The information referred to can be found in the Appendix beginning on page 139.]

Ms. SPEIER. And then, finally, General Walters, this was in the paper today, in case you haven't seen it.

General WALTERS. Is that USA Today, ma'am?

Ms. SPEIER. Yes. It is "Marine Corps brushed off sex charges." And what is stunning about this particular case is that you have two women who have been sexually harassed by the same person, and nothing happened. And when the one survivor of the sexual harassment went to her superior, they said no one will believe you. And if you have heard anything from the Members of Congress over the last few months is we believe the women. So I hope that this becomes an anomaly as we continue to evolve in terms of the issue of sexual harassment. I think we have a huge problem. We have a huge problem in our academies, and I think we have a huge problem in our services. That isn't even getting to the issue of sexual assault. That is the issue of sexual harassment, and I think we have got to do something dramatic to shift the culture.

And with that, Mr. Chairman, I yield back.

Mr. COFFMAN. Ms. McSally, you are now recognized.

Ms. MCSALLY. Thank you.

So as we have talked about in both panels, we have got probably an issue with reprisal whistleblower maybe being overly utilized and legitimate cases obviously need to be addressed and people need to be held accountable, but the system is being bogged down with a lot of other cases. And in some cases, as we all know, people, maybe it is their situational awareness is low and their perception of reality is such that they are reporting what they believe to be wrongdoing that you all unsubstantiate. But in some cases somebody may be fraudulently claiming wrongdoing of someone above them and you will investigate that.

Again, assuming the person has been exonerated, has there ever been examples of going back and the accused, you know, being looked at for false claims or fraudulent claims or lying to investigators or anything like that in those cases?

No examples of that at all?

General WILSON. I am not aware of any.

Ms. MCSALLY. Is there a process even to take a look at that, that somewhere along the line—

General WALTERS. I will put that under the heading of you don't want to put anything out there that will preclude someone from coming forward in the future. Good one.

Ms. MCSALLY. Totally agree. However, if somebody has brought together a false allegation—

General WALTERS. If they truly believed in their allegation, although it proved to be false, I still don't think—and it turned out not to be true, I don't think there is—

Ms. MCSALLY. My bet would be that would be the vast majority of cases, but there may be a rare case within the process that you need to take a look at whether, you know—their own conduct is the issue. Is there any sort of process there to even take a look at that, whether somebody lied or has a fraudulent claim or anything like that? Everybody deserves due process.

Admiral MORAN. I am told there is a process, but can we get back to you with a written response to that to give you more detail behind it?

Ms. MCSALLY. Sure. Great.

[The information referred to can be found in the Appendix beginning on page 140.]

Ms. MCSALLY. And I don't know if you all can answer this versus the IGs on the first panel, but what sort of training do the investigators go through? And is there any sort of review to ensure that they don't take a prosecutorial mindset of, you know, rewarding getting some kills versus fact finding and just sort of oversight of the investigator selection and processes?

Admiral MORAN. I think that is another one we can get back to you on, Congresswoman, but there have been perceptions of that in the past, and I know that I have personally had discussions with the gent sitting behind me in our IG chair, and when we see that, he normally addresses it in his command, and I trust that he will take appropriate action if there is any evidence of that.

Ms. MCSALLY. Any other comments on that?

General McCONVILLE. No, I agree. I think it is, you know, same thing with our IG. That is why we have a lot of checks and balances in the system, both in the legal side and the command side. At least from where we sit, it is not arbitrary; it is how these decisions are made, and that is why they take some time because they are reviewed at every single level to make sure we don't have things like that happening.

Ms. MCSALLY. Anyone else?

General WILSON. I just think all the IGs would say that they spend a lot of time on making sure their investigators are trained right and trained appropriately. There are probably cases where that has happened, overzealous investigators, before, but I know all of us are emphasizing with our IGs the importance of the training in doing it right.

Ms. MCSALLY. General Walters.

General WALTERS. Always have to be on the lookout for that, ma'am.

Ms. MCSALLY. Thanks.

Would you all support—I mentioned on the first panel, if someone who is exonerated wanted there to be a public statement made that they were exonerated, would you support a process that you all did that, not them, but you all did that?

General McCONVILLE. I would be glad to do it.

Admiral MORAN. Same.

General WILSON. Yes, ma'am.

Ms. MCSALLY. Is that something—

General WALTERS. No problem.

Ms. MCSALLY [continuing]. We have to do or is that something you could do within your own procedures, to allow that option if they want you to make a statement that they have been cleared?

General WALTERS. Let's look at the procedures, ma'am. And my sense is, much like the IGs told you, that once it is over, most members who are exonerated just want it to be done. They don't want to bring it up again.

Ms. MCSALLY. But if somebody would want it to be publicly—

General WALTERS. I don't see why we would not accommodate that.

Ms. MCSALLY. Can you all get back to me as to whether that is internal or whether that is something we need to do? Great. Thanks.

I yield back.

[The information referred to can be found in the Appendix on page 141.]

Mr. COFFMAN. Mr. Russell, you are recognized for 5 minutes.

Mr. RUSSELL. Thank you, Mr. Chairman.

Just one comment on the outside employment. Unless something has changed, officers in all the services are prohibited from doing outside employment. The exception probably back to the time we have been wearing tricorne hats was they could write for publication and they could, if you had some particular person whose wartime memoirs or experiences were needing to be captured or published, you know, I think of people like General Marshall and others people wanted to know, and they were allowed to publish their memoirs or do things of that nature. I am not sure that, Mr. Chairman,

a bill would be needed. I think all of that is currently in place, and then we also don't want to put prohibitions on our Guard and Reserve flag officers. My goodness, they wouldn't be able to eat and feed their families. If any of you care to comment on it, that is fine.

But, General Walters, you did not have a chance to reply to, you know, we are accustomed in Congress to often getting headlines that we don't deserve or that maybe we do, but would you care to comment on the headline that was presented earlier?

General WALTERS. No, sir. I mean, it was brought to our attention on Monday night. I know the reporter asked for some information. We couldn't turn the FOIA information, the redacted PII [personally identifiable information] fast enough for him before he published. We have our lawyers looking into it, and they are actually with the complainant right now working out the mitigation plan. So we are looking deep into it. I don't know all the facts yet, but I will find all the facts.

Ms. SPEIER. Will the gentleman yield?

Mr. RUSSELL. Of course.

Ms. SPEIER. This is a case that dates back to 2013 and 2017?

General WALTERS. Yes, ma'am. I think 2013 was in the actions—what I was briefed in last night, 2013 were the actions. The complaint came in and I think—I believe, I don't know, but I believe that mitigation was put in place, but the mitigation broke down, and now we have to go look at mitigation again.

Ms. SPEIER. Well, there was a second—there was second woman who then came forward, so there is—

General WALTERS. Right. And that one never reported, but now she has, so we have to look at it.

One of the problems is getting people to report and having trust in the system. And we have seen the increase of reporting, and we have established, through the task force, I will take this opportunity to offer a full brief on all we have done since last year.

Ms. SPEIER. I don't want to take the gentleman's time.

Mr. RUSSELL. And reclaiming the time, and I thank the gentlelady.

And it is important we establish those trust and that we do those things. And I think, Mr. Chairman, you know, with your leadership, we have seen from our service academy superintendents and commandants that have come and provided us testimony that many times there is a very good process. And when, you know, mention was made on some of that, that there being a big problem, I would disagree. I think our hearings here have substantiated that, while there are issues that certainly must swiftly be dealt with, when compared to collegiate America, my goodness, you know, colleges would love to have the problems that our academies have in terms of virtually nil in statistics. That doesn't mean that things that happen there, they have to be swiftly dealt with to the fullest extent of the uniform code and also law and criminal cases, but I think that those hearings have been very, very helpful.

And thank you for your response, General Walters, on that. And being a true conservative, I will even give back some time, Mr. Chairman.

Mr. COFFMAN. I wish to thank all the witnesses for their testimony this morning. Senior leader misconduct is an extraordinarily

important issue, and I want to thank the witnesses for their candor.

There being no further business, the subcommittee stands adjourned.

[Whereupon, at 11:50 a.m., the subcommittee was adjourned.]

A P P E N D I X

FEBRUARY 7, 2018

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

FEBRUARY 7, 2018

Opening Remarks – Chairman Coffman
Military Personnel Subcommittee Hearing
Senior Leader Misconduct
February 7, 2018

I want to welcome everyone to this morning's Military Personnel Subcommittee hearing. The purpose of today's hearing is to receive testimony from the Department of Defense and the Services regarding efforts they have taken to investigate and hold senior leaders accountable for misconduct, and to understand what programs and policies are in place to prevent misconduct.

Our military enjoys the highest confidence rating by far of any institution in America society. This well-deserved reputation has been earned through the service and sacrifice of millions of brave men and women. One by-product of this reputation is that the military and its leaders are held to a much higher standard than almost any other institution, and I know that you wouldn't have it any other way.

Consequently, the misconduct of a few can greatly impact the military's hard earned reputation. When the misconduct involves flag or general officers, the negative effects are even greater. These incidents of senior leader misconduct, even though relatively rare, not only hurt the victims involved, but can have a lasting impact on the readiness of the unit in which the senior leader has served.

While one incident of senior leader misconduct is too many, it is important to acknowledge that the vast majority of senior leaders serve with distinction. It is also important to acknowledge that some of the acts of misconduct that the military investigates and punishes would not be investigated, much less punished, in the civilian world. Nonetheless, military leadership must continue to ensure that all senior leaders uphold the highest standards of ethical conduct, and when senior leaders fall short, they must be held appropriately accountable.

We will hear from two panels today. The first panel consists of the Department of Defense and Service Inspectors General. They will discuss the reporting and investigation of senior leader misconduct, in addition to the types of cases they investigate.

For the second panel, we are honored to have the Vice Chiefs of the Army, Navy and Air Force, along with the Assistant Commandant of the Marine Corps. They will discuss what happens to those IG investigations if they are substantiated, how they hold individuals accountable, and they will provide an overview of their prevention programs.

I look forward to hearing from our witnesses today about ethics and mentorship programs in place to prevent misconduct. I am also interested to hear how the services investigate misconduct allegations and hold wrongdoers accountable. Additionally, I would like to know what trends have developed with regard to the types of issues that are being reported and investigated. Finally, I

look forward to hearing what additional actions can be taken to further reduce incidents of senior leader misconduct.

I would like to make two other administrative points. First, it is important to note that the Department of Defense's common definition of senior official includes an officer in the grade of O-7 and above, including officers who have been selected for promotion to O-7, or a civilian member of the Senior Executive Service. For the purposes of today's hearing, and consistent with the jurisdiction of this subcommittee, the witnesses have been asked to focus on misconduct by senior military officers in the rank of O-7 select and above.

I would also like to remind the Members that the witnesses today may not be able to answer certain questions regarding specific cases if the answer would compromise an on-going investigation or would give rise to an accusation that the military has pre-judged the outcome of a pending case.

Before I introduce our first panel, let me offer the Ranking Member, Ms. Speier, an opportunity to make her opening remarks.



INSPECTOR GENERAL
U.S. Department of Defense

Statement of Glenn A. Fine

**Department of Defense
Principal Deputy Inspector General,
Performing the Duties of the Inspector General
for a hearing on**

**"Senior Leader Misconduct:
Prevention and Accountability"**

**Before the
Subcommittee on Military Personnel
House Armed Services Committee
February 7, 2018**

Good morning Chairman Coffman, Ranking Member Speier, and members of the Subcommittee. Thank you for inviting me to appear before you today to discuss the work of the Department of Defense Office of Inspector General (DoD OIG) regarding senior official misconduct prevention and accountability.

I. INTRODUCTION

In my testimony, I will briefly describe how the DoD OIG investigates senior official misconduct and oversees Military Service and Component Inspector General (IG) investigations of senior official misconduct. In addition, I will provide statistics and trends on the number of misconduct complaints, the types of misconduct, the number of investigations, the timeliness of investigations, and substantiation rates for both the DoD OIG and the Service IGs. As part of that discussion, I will also provide additional statistics for a particular type of misconduct – allegations of retaliation and reprisal by senior officials against whistleblowers. Finally, I will discuss various initiatives that are being implemented by the DoD OIG regarding preventing and investigating misconduct.

Before discussing the investigations process, I believe it is important to recognize that the vast majority of senior officials in the DoD perform their challenging jobs with dedication and integrity. Only a very small fraction of senior officials commit misconduct. By virtue of their positions, however, at some point in their careers they may be accused of misconduct. Most of these allegations are not substantiated. My experience, both as the Inspector General of the Department of Justice (DOJ) overseeing the DOJ and the Federal Bureau of Investigation (FBI) for 11 years (from 2000 to 2011) and my experience for over 2 years at the DoD performing the duties of the DoD Inspector General (from January 2016 to the present), is that only a very small percentage of these officials fail to uphold the high ideals and ethics required of their critical positions.

However, some do commit misconduct, either willfully or negligently. When they do, they need to be held accountable. The DoD OIG – and the Military Service IGs – therefore seek to conduct investigations of allegations of misconduct in a fair, thorough, professional, and timely way.

In addition, the DoD and Service IGs have an important role in trying to prevent misconduct by senior DoD officials before it happens. The DoD OIG therefore focuses attention on proactive education and training for senior officials and members of the Senior Executive Service (SES) about potential misconduct. For example, I speak to every APEX class of new DoD SES employees about

the work of the DoD OIG, ethical issues they will face, the types of actions that will get them in trouble, the need to avoid reprisal if there is a complaint against them, and other potential minefields for them. Similarly, I have begun speaking to each CAPSTONE class of new generals and admirals about these topics. I also answer their questions about the investigative process, and explain what they can and cannot do if they are the subject of a misconduct allegation. Through these sessions, we hope to prevent senior officials from inadvertently crossing lines that they should not.

II. DOD OIG INVESTIGATIVE PROCESSES

However, despite proactive education and training, some officials will cross the line, and others will be accused of crossing the line. The DoD OIG and the Service IGs will therefore need to handle these allegations. In this section of my testimony, I briefly describe the DoD system for reporting and investigating allegations against senior DoD officials.

Under DoD Directive 5505.06, the Military Services and DoD Components are responsible for reporting allegations of misconduct against senior DoD officials to the DoD OIG. Senior Officials are those current or former officers in the rank of O-7 (brigadier general and rear admiral lower half) and above, those selected for promotion to O-7, members of the SES and the Defense Intelligence Senior Executive Service, and Presidential Appointees.

The DoD OIG evaluates each allegation. If the allegation warrants investigation, the DoD OIG either takes investigative responsibility for the allegation, or determines that the allegations should be investigated by a Military Service or Component IG, with oversight by the DoD OIG. Under the Directive, the Service and Component IGs are required to provide the DoD OIG the final report of investigation for review, and are also required to provide a report on disciplinary or administrative actions taken as a result of substantiated investigations.

Under this shared responsibility, the DoD OIG generally assumes responsibility for conducting investigations of allegations against three and four-star general and flag officers, Presidential Appointees, Service Secretaries, DoD Agency Directors, and SES members in the Office of the Secretary of Defense, and allegations where there is reason why the Service or Component IG should not investigate the allegations. The Military Service IGs generally conduct investigations of one and two-star general and flag officers and members of the SES within their Service or Component.

To provide an avenue for individuals to report misconduct, the DoD OIG operates a well-publicized DoD Hotline that allows anyone to confidentially report allegations of misconduct, including allegations against senior DoD officials. The DoD Hotline receives allegations such as those related to misconduct; reprisal; other matters involving fraud, waste, and abuse; or issues related to national security involving DoD programs and operations. The DoD Hotline advertises on radio, television, Twitter, outreach events, and posters displayed at DoD facilities worldwide, as well as at Defense Contractor workplaces.

The DoD OIG also has assigned an OIG official to be the Whistleblower Protection Ombudsman, with responsibility to educate DoD employees and supervisors about their rights, protections, and responsibilities under the various whistleblower protection statutes. We are currently hiring someone to assume these responsibilities as a full-time position.

The DoD Hotline receives approximately 13,000 contacts a year. Some of those involve frivolous complaints or issues having nothing to do with the DoD, and we pass them on to the appropriate agency. However, the DoD Hotline receives many serious and credible allegations involving DoD operations. The DoD Hotline both opens and closes approximately 6,000 cases annually. The Military Service IGs also operate hotlines for Service members and employees to report misconduct or to obtain assistance in matters within their Service.

To investigate administrative allegations of misconduct, the DoD OIG has established an office dedicated to conducting senior official investigations. This office – called Administrative Investigations – is staffed with investigators and attorneys who are experienced and trained in investigating a broad range of misconduct, including potential violations of the Uniform Code of Military Justice, DoD or Service regulations, and whistleblower reprisal claims. Their training includes courses regarding investigative policies, procedures, and IG authorities taught by the Federal Law Enforcement Training Center, the DoD OIG, the Service Inspector General schools, the Council of the Inspectors General on Integrity and Efficiency (CIGIE), and private organizations and universities.

The DoD OIG conducts its senior official administrative investigations using formal processes that comply with the professional standards prescribed by the CIGIE and that are generally consistent across the federal OIG community. Consistent with the IG Act, we conduct these investigations independently, without any input or direction from the DoD. Upon receipt of complaints from hotlines

or other avenues, including from DoD leadership or Members of Congress, the DoD OIG evaluates the complaints through an intake process to determine if the complaint is credible and warrants investigation. This is an important step to ensure that all complaints are treated appropriately.

If the complaint relates to a possible criminal violation, it is referred to the Defense Criminal Investigative Service (DCIS), which is the DoD OIG's criminal investigative component, to a Military Criminal Investigative Organization (MCIO), or to the FBI.

If the matter is administrative, the allegations are evaluated to determine whether an administrative investigation is warranted. Once the determination has been made to open an administrative investigation, the subject of the investigation is notified of the allegations and that an investigation will be conducted. The investigation proceeds with the collection of evidence and sworn, recorded interviews of the witnesses. Subjects also receive Privacy Act notices and, when appropriate, rights advisements.

At the conclusion of the investigation, the DoD OIG completes a report of investigation that presents the findings on the allegations, reaches conclusions on whether the allegations are substantiated or not, and explains how the conclusions were reached.

In cases where the evidence supports substantiating an allegation, we provide the subject of the investigation a tentative conclusions letter and an opportunity to comment on the report of preliminary findings, and whether anything in the report is inaccurate. We consider any comments, and either issue the final report unchanged or we amend the report if we are convinced any changes are necessary or appropriate. In some cases, we may conduct additional investigative fieldwork in response to the subject's comments.

When we complete the final report of investigation, we notify the subject and provide the report to the subject's chain of command. Under the DoD Directive, it is the responsibility of DoD management to determine the disciplinary action. The Service Secretaries or the Service Chiefs determine the appropriate action to take upon consideration of the DoD OIG report and supporting evidence, as well as other factors relating to the individual's performance or career.

The Service and Component IGs are required to provide the DoD OIG a written summary of the final disciplinary or corrective actions taken in response to substantiated allegations.

The DoD OIG and the Service IGs currently have separate investigative case management systems. The DoD OIG, in coordination with the Service IGs, is developing a standardized case management system -- the Defense Case Activity Tracking System (Enterprise) (D-CATSe) system, which will be used by IGs across the DoD. This standardized system will promote more standardized processes as well as easier, and quicker, transmittal, storage, and sharing of investigative documents and data.

The DoD OIG also considers our reports of investigation for proactive public release, particularly in substantiated cases. We do this because we believe we have a responsibility to be transparent with our reports and findings, particularly when the matters involve issues of significant public concern and relate to high-level officials' actions regarding their official duties. We therefore will consider release, with appropriate redactions, even when the investigation involves classified matters. For example, in our recent investigation involving intelligence reporting at USCENCOM, we issued and released an unclassified summary report, separate from the more detailed classified version that was not released.

Throughout our investigative process, we are mindful of our obligations under the IG Act to protect the identity of whistleblowers to the greatest extent possible. We recognize that our work relies on the willingness of whistleblowers to report allegations of misconduct, fraud, waste, or abuse and to provide information in IG investigations. Without cooperation from whistleblowers and witnesses, we are less able to detect and deter misconduct and waste, fraud, and abuse.

The DoD OIG also reviews final reports of investigation by Military Service and Component IGs. If we determine that the Service or Component IG investigation did not adequately investigate or address relevant issues or leads, or the report is deficient, we return those investigations for additional work.

In addition to reviews of individual reports, the DoD OIG has recently initiated broader systemic Quality Assessment Reviews of the Military Service IG senior official, whistleblower reprisal, and hotline investigative operations. These reviews are similar to CIGIE peer reviews or Government Accountability Office (GAO) reviews that the DoD OIG undergoes. We conduct these reviews to assess, in a systematic way, the Service IGs' compliance with regulations and professional

standards, to identify areas for improvement, and to share best practices. We have completed such reviews of the offices of the Naval Inspector General and of the Air Force Inspector General. We intend to initiate this year a review of the Army Office of Inspector General.

In addition to investigating and overseeing investigations of misconduct, the DoD OIG is required to provide information relating to senior official misconduct to the DoD and the Congress in connection with the promotion process. Specifically, we perform checks of our investigative files for military officer actions requiring Presidential or Secretary of Defense approval or Senate confirmation. The DoD OIG reports adverse information or reportable information to the Office of the Under Secretary of Defense for Personnel and Readiness, which assembles the information for the DoD and the Senate. Adverse information includes substantiated findings or conclusions from an official investigation or inquiry. Reportable information also includes information related to alleged misconduct or impropriety that is subject to an ongoing investigative, administrative, or judicial process.

III. INVESTIGATIONS OF ALLEGATIONS OF MISCONDUCT BY SENIOR OFFICIALS (NON-REPRISAL)

In this section of my testimony, I provide statistics relating to trends in the numbers and types of senior official investigations (not involving reprisal), substantiated misconduct, and disciplinary actions taken. My testimony presents this data and trends relating to:

- 1) number of misconduct complaints against senior officials;
- 2) senior official misconduct cases closed, substantiated, and substantiation rates;
- 3) types of substantiated senior official misconduct allegations;
- 4) number of investigations completed by investigative office;
- 5) component and rank of subjects for substantiated allegations;
- 6) corrective actions by rank of senior official; and
- 7) average days to complete senior official investigations.

After that data, I provide similar trend information separately for complaints involving allegations of reprisal and restriction by senior DoD officials.

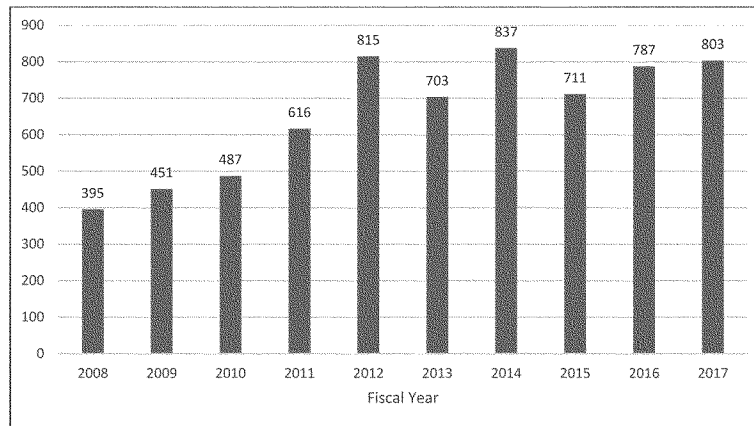
As reflected in the following tables, the trend data indicate that there was a significant increase in the number of complaints alleging misconduct by senior DoD officials from FY 2008 to FY 2012, and since then the number of complaints has been stable. During the same period, the number of allegations warranting investigation by the DoD OIG or Service and Component IGs has decreased, while the overall substantiation rate of the allegations investigated has increased. Overall, in recent years, the number of substantiated allegations of misconduct by senior DoD officials has decreased.

Misconduct Complaints Against Senior Officials

Figure 1 shows the number of misconduct complaints received by the DoD OIG and those reported to us by the Service and Component IGs involving senior DoD officials. Data on allegations related to reprisal and restriction are discussed separately in Section IV of this testimony.

As indicated in Figure 1, the number of senior official misconduct complaints dramatically increased from FY 2008 to FY 2012, rising from 395 in FY 2008 to 815 in FY 2012, but has remained relatively steady since then.

Figure 1. Misconduct Complaints against Senior Officials

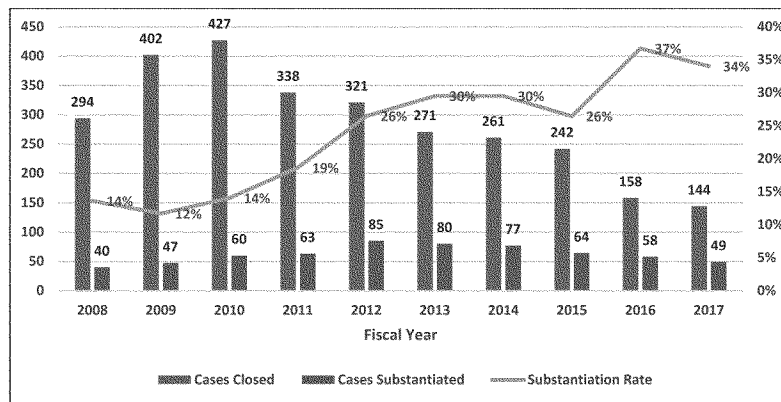


* These include both complaints received by DoD OIG and those reported by the Service and Component IGs to the DoD OIG

Senior Official Misconduct Cases Closed, Substantiated, and Substantiation Rates

As reflected in Figure 2, the number of investigations conducted by the DoD OIG and Service and Component IGs has steadily declined since FY 2010, from 427 in FY 2010 to 144 in FY 2017. As also reflected in Figure 2, the substantiation rate of investigations conducted has increased, from 14 percent FY 2010 to 34 percent in FY 2017. We believe the decline in the numbers of investigations conducted and the increase in the substantiation rate is attributable to the implementation of a more thorough complaint intake process.

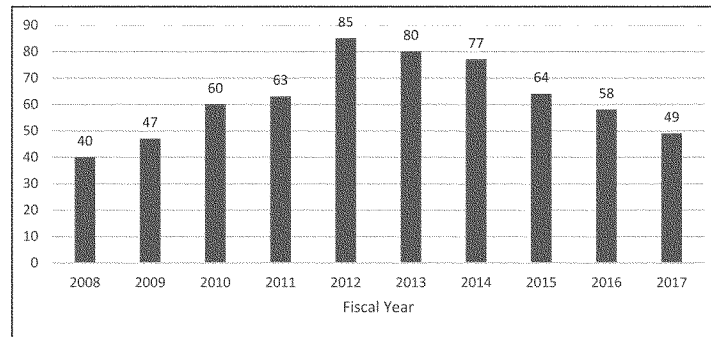
Figure 2. Number of Senior Official Misconduct Cases Closed, Substantiated, and Substantiation Rates



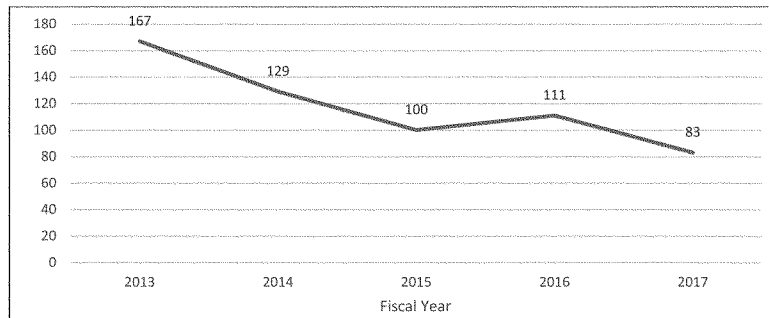
*We extracted the data from fiscal year 2008 through 2012 from our Semiannual Report to the Congress.

**Cases closed include closed investigations across the DoD.

Overall, as reflected in Figure 3, the number of senior official cases with any findings of substantiated misconduct rose between FY 2008 and FY 2012, but has steadily declined since then.

Figure 3. Number of Substantiated Senior Official Misconduct Cases**Number of Substantiated Senior Officials Misconduct Allegations**

Within each substantiated case, there may be more than one substantiated violation. Since 2013, our D-CATS database can accurately track the number and type of substantiated allegations within each case. Figure 4 shows that from FY 2013 through FY 2017, the total number of substantiated allegations against senior officials, within all substantiated cases, decreased, from 167 to 83.

Figure 4. Number of Substantiated Senior Official Misconduct Allegations

I want to make clear our recognition that any misconduct by a senior official is unacceptable. However, to place the numbers in perspective, in FY 2017 the total number of DoD general and flag officers and SES members was 2,327 (963 general and flag officers and 1,364 SES members). Therefore, in FY 2017, the number of cases involving substantiated senior official misconduct involved approximately 2 percent of the DoD senior official population.

Types of Substantiated Senior Officials Misconduct Allegations

While the types of substantiated allegations against senior officials involve a broad range of misconduct, the allegations primarily fell within five main categories:

- 1) Personal Misconduct or Ethical Violations;
- 2) Improper Personnel Matters;
- 3) Misuse of Government Resources;
- 4) Travel Violations; and
- 5) Other violations.

The Personal Misconduct or Ethical Violations category includes allegations involving inappropriate relationships, such as sexual relationships with subordinates or an improper business relationship with a subordinate. It also includes treating employees with a lack of dignity and respect, improper acceptance of gifts, misuse of position (such as improperly accepting services from a subordinate), misuse of subordinate's time (such as requiring subordinates to perform personal errands), and the improper endorsement of a non-Federal entity (such as using an official position and title improperly).

The Improper Personnel Matters category includes failure to follow regulations, improper hiring actions, prohibited personnel practices, and harassment or discrimination. Examples of such violations include unwelcome physical contact with subordinate employees and improper hiring practices.

The Misuse of Government Resources category includes the misuse of a government vehicle, equipment, supplies, or facilities. Examples of such violations include improperly using a government vehicle for commuting and misuse of military aircraft.

The Travel Violations category includes scheduling official travel for primarily personal reasons, improper authorization of military aircraft or official travel for spouse or other family

members, claiming reimbursement for hotels in excess of per diem rate without justification, improper upgrades on commercial flights, and using preferred airlines or hotels to accrue reward points.

The Other category includes various other types of misconduct, such as improper procurement or contracting and security violations.

Figures 5 and 6 show the data on the types of substantiated allegations, by fiscal year. Figure 5 shows the data as a line chart; Figure 6 provides the same data in a table.

Figure 5. Types of Substantiated Senior Official Misconduct Allegations

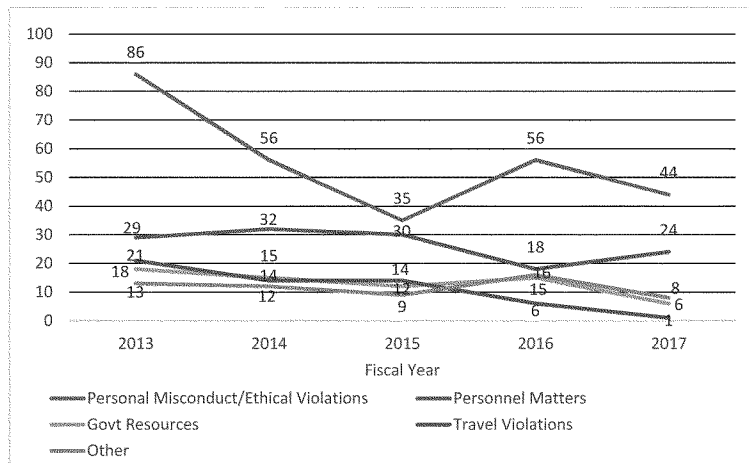


Figure 6. Types of Substantiated Senior Official Misconduct Allegations (Same Data as Figure 5)

Allegation Type	Number of Allegations by Fiscal Year					Total
	2013	2014	2015	2016	2017	
Personal Misconduct/Ethical Violations	86	56	35	56	44	277
Personnel Matters	29	32	30	18	24	133
Government Resources	18	15	12	15	6	66
Travel Violations	21	14	14	6	1	56
Other	13	12	9	16	8	58
Total Allegations Substantiated	167	129	100	111	83	590

Substantiated Allegations of Inappropriate Relationships and Sexual Harassment

Within these trends, there are areas of additional concern that I want to highlight. As reflected in Figure 7, there are a significant number of substantiated allegations against senior officials engaging in inappropriate relationships, and these cases have received substantial public attention. Examples of substantiated cases include an Army major general who engaged in a sexual relationship and “swinger” lifestyle with a GS-12 employee, starting when he was a lieutenant colonel in 2005 until the Army IG investigated him in 2015. Another example involved an Army major general who engaged in a close personal relationship with a subordinate, which included public displays of affection, thus creating the impression in the command that the two were engaged in an inappropriate relationship. In another example, a different Army major general engaged in a close personal relationship with a subordinate, caused the perception of partiality, and had an adverse impact on the command. In another example, an Army lieutenant general visited adult entertainment clubs while on official travel, engaged in physical contact with female subordinates, and attempted to kiss a female subordinate. In another example, an Air Force brigadier general engaged in an inappropriate relationship with a subordinate married officer that created the perception of favoritism. In another example, an Air Force lieutenant general engaged in an inappropriate relationship with a married female Air Force colonel through sexually suggestive e-mails and invitations to meet privately.

Figure 7. Number of Substantiated Allegations of Inappropriate Relationships and Sexual Harassment

Allegations	Number of Substantiated Allegations by Fiscal Year					Total
	2013	2014	2015	2016	2017	
Inappropriate Relationship	10	10	5	11	8	44
Sexual Harassment	0	2	0	2	0	4

Investigations of Allegations of Senior Official Misconduct Completed by Investigative Office

Figure 8 shows the number of investigations of senior official misconduct, broken down by investigative office. The Army IG conducts the largest number of the investigations, which is in line with the Army’s larger senior official population.

Figure 8. Number of Investigations of Senior Official Misconduct Completed by Investigative Office

Office of Inquiry	Number of Investigations by Fiscal Year					Total
	2013	2014	2015	2016	2017	
Air Force	54	75	60	31	27	247
Army	141	117	114	61	63	496
Defense Agencies	22	10	16	33	28	109
Joint Command/COCOM	3	7	5	1	4	20
Marine Corps	7	5	7	4	3	26
Navy	23	21	20	25	30	119
DoD OIG	27	28	20	3	6	84
Total	277	263	242	158	161	1101

Component and Rank of Subject for Substantiated Allegations

Figure 9 shows the number of substantiated allegations of misconduct by senior officials, broken down by the Service and rank of the subject, from FY 2013 through FY 2017.

Figure 9. Component and Rank of Subject for Substantiated Allegations

Component	Rank/Grade								Total ISO Substantiated Allegations
	0-6(P)	0-7	0-8	0-9	0-10	SES	PA	NAF 6	
Air Force	26	48	53	2	1	17	1	0	148
Army	32	76	63	10	0	22	0	0	203
COCOM/Defense Agencies/ Other	0	0	0	0	0	169	3	0	172
Marines	0	5	7	3	0	0	0	0	15
NAFI	0	0	0	0	0	0	0	3	3
Navy	1	13	13	9	0	13	0	0	49
Total	59	142	136	24	1	221	4	3	590

*O-6(P) are those O-6's who were selected for promotion to O-7 but were not yet been promoted.

Corrective Actions by Rank of Senior Officials

An essential part of accountability is whether disciplinary or corrective actions are taken in response to substantiated investigations. The DoD regulation governing investigations of senior DoD officials requires that the corrective actions taken in response to senior official investigations be reported to the DoD OIG. Figure 10 shows the corrective actions reported to the DoD OIG for the 590 substantiated allegations of senior official misconduct from FY 2013 to FY 2017. There were 346 corrective actions taken, and 81 are pending follow-up (action not yet reported).

Figure 10. Corrective Actions by Rank of Senior Official

Corrective Actions Taken	O-6 (P)	O-7	O-8	O-9	O-10	SES	PA	NAF 6	Total
Declined to Take Action	2	5	8	4		9	1		29
Letter of Counseling	13	29	19	4		11			76
Other	1	1	3	3		4	1		13
Recover - Money		1	3		1				5
Reduction in Rank/Grade			2			4			6
Removed From Assignment	1	1	3	1		3			9
Resigned						13			13
Restitution			1			6			7
Retired	2		3	1		15		1	22
Suspension Individual With Pay						5			5
Suspension Individual Without Pay						6			6
Verbal Counseling	6	19	22	4		21			72
Verbal Reprimand						3			3
Written Reprimand	13	29	20	3		15			80
Pending Follow - Up Action	4	15	14			46	2		81
Total	42	100	98	20	1	161	4	1	427

For 29 allegations (or 5% of the substantiated allegations), DoD Components declined to take action. A variety of reasons was provided to the DoD OIG for these decisions, such as disagreement that the finding should be substantiated, the minor type of misconduct, and the official's otherwise exemplary performance.

Average Days to Complete Senior Official Investigations

IGs across the DoD strive to conduct senior official investigations in a timely manner. However, as reflected in Figure 11 (average days to complete investigations), over the past 5 years it is taking longer for IGs to complete investigations.

Figure 11. Average Days to Complete Investigations by Investigative Office

Office of Inquiry	Average Days per Fiscal Year				
	2013	2014	2015	2016	2017
Air Force	208	176	189	192	203
Army	168	195	307	275	453
Defense Agencies	109	208	353	377	401
Joint Command/COCOM	129	176	126	126	147
Marine Corps	136	161	209	361	321
Navy	145	232	198	188	223
DoD OIG	267	316	235	269	472

There are several factors that have affected the timeliness of IG investigations during this time period. One is the increased complexity of the matters under investigation, including the increasing amount of digital and electronic evidence that needs to be reviewed. Another factor is the increased scrutiny these cases receive, which leads to greater thoroughness and lengthier reports. Another factor is the need to intake, evaluate, and refer the increasing number of complaints of misconduct, even if these complaints do not result in investigations. In addition, as reflected in the next section of my testimony, the number of whistleblower reprisal complaints and investigations has increased, requiring increased IG investigative resources, which can affect the resources available to handle senior official cases. At the same time, IGs have had relatively static or decreasing resources to assign to conduct senior official investigations, which impacts timeliness.

For example, within the DoD OIG, our budget has not kept pace with the growth of the DoD budget over the last 5 years, while the overall caseload and our oversight responsibilities have significantly increased. The same is true for many of the Service and Component IGs.

In addition, the DoD OIG recently has been asked to handle several high profile, resource-intensive investigations, such as allegations that senior officials in USCENTCOM distorted intelligence to make the efforts against ISIS in Iraq and Syria appear more successful than the intelligence warranted. The DoD OIG devoted many of its senior official investigators to conduct this important investigation, which is what caused the spike in our timeline for the few DoD OIG investigations closed in FY 2017. Specifically, we assigned a team of about 30 DoD OIG employees, led by our senior officials' investigations directorate, to thoroughly investigate these serious allegations. The USCENTCOM investigation lasted 17 months, required the review of over one million electronic documents, involved interviews of over 100 witnesses, and resulted in a classified report of 542 pages and an unclassified, publicly released report of 190 pages. This case caused the increase in the DoD OIG's average time for cases closed in FY 2017 and continued to have lagging effects for cases closed in FY 2018.

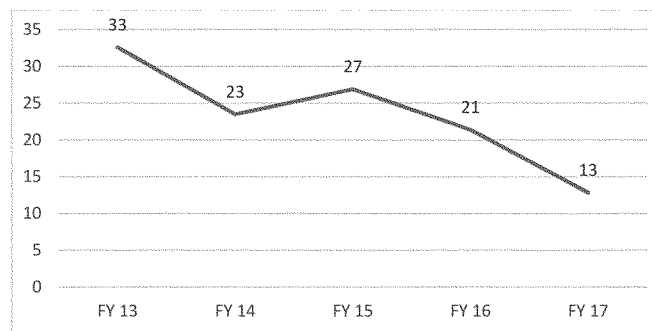
In addition, another factor affects DoD OIG timeliness. To enhance thoroughness as well as fairness, we give the subjects of substantiated investigations an opportunity to comment on our tentative conclusions before we complete our final report, to provide us any additional information they believe is relevant, and to correct any inaccuracies in the report before it is completed. We also summarize and address relevant issues raised by the subjects in their comments in our final reports. Sometimes, the comments process leads to additional fieldwork, which further extends the time for

completing reports. In addition, subjects often consult with a personal attorney before submitting a response, and in the interest of fairness, we grant reasonable requests for extensions. These actions typically delay our reports by several weeks or even months.

We will consider revising the report, and correcting any inaccuracies, if the subjects can convince us that we have something wrong. We do not change a report to appease the subject of the investigation or to change language in the report in a way that the subject simply prefers. However, if we have included something in the report that is not fully accurate or clear, we should be open to modifying it to improve the accuracy of the product. While this process can increase the amount of time to complete an investigation, we believe it is a fair and appropriate process, and we intend to continue to use it.

Yet, having noted all these factors that affect timeliness, we recognize that these investigative timelines are too long. Timeliness of investigations can affect morale, and readiness, and the pendency of an investigation can prevent senior officers from being promoted or retiring. We believe that if senior officials commit misconduct, they should be held accountable in a timely manner; if they did not, they should be cleared in a timely manner. The DoD OIG and the Service and Component IGs are therefore seeking ways to improve timeliness, including streamlining and standardizing investigative processes across the DoD.

Moreover, as discussed in Figure 12, the DoD OIG has made improvements over the past five years in the timeliness of our oversight reviews of Service and Component IG investigation reports. We also give priority to reviewing investigations involving officers who are pending career actions that require Senate confirmation. As reflected in Figure 12, we have significantly reduced the time we take to conduct such oversight reviews.

Figure 12. Average Days for the DoD OIG to Complete Reviews of Component Investigation Reports

In addition, to address timeliness, the DoD OIG has reassigned resources from other components of the OIG to its administrative investigations unit, which conducts senior official and reprisal investigations. Specifically, in 2017, we allocated 21 additional positions to the DoD OIG's administrative investigative unit, which is in the process of selecting and filling those additional positions.

However, balancing timeliness with thoroughness is a continuing challenge, with no easy answers. Each case relies upon the judgment of professional investigators to determine when there is enough evidence to complete the investigation and reports, and when the key issues have been addressed and the key questions answered in sufficient detail. But we will continue to focus attention on the timeliness of investigations, both in the DoD OIG and with the Service and Component IGs.

IV. INVESTIGATIONS OF ALLEGATIONS OF REPRISAL AND RESTRICTION BY SENIOR OFFICIALS

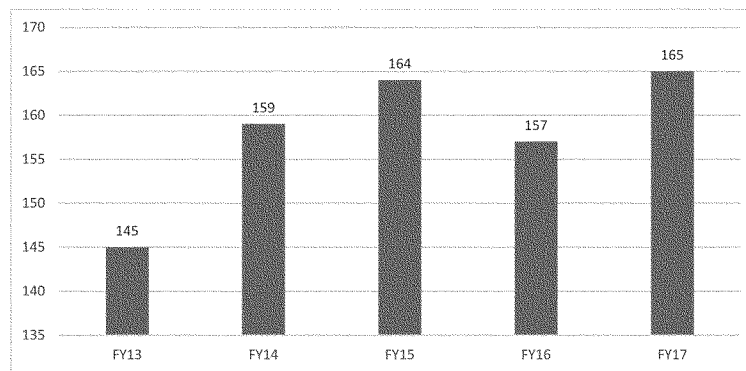
Because I know the Committee is very interested in the investigation of allegations that senior officials retaliated against whistleblowers for their protected disclosures, I will provide data on these investigations separately in this section of my testimony. The data on these types of allegations are not included in the data, discussed in Section III, regarding other allegations of senior official misconduct.

In addition to reprisal investigations, the data in this section includes investigations regarding alleged restriction of military members from making a lawful communication with Congress or an Inspector General. See 10 U.S.C. § 1034(a).

Reprisal and Restriction Complaints against Senior Officials

As reflected in Figure 13, the number of complaints received by the DoD OIG and Service and Component IGs alleging reprisal or military restriction by senior officials has increased by 14 percent over the last 5 years, from 145 in FY 2013 to 165 in FY 2017.

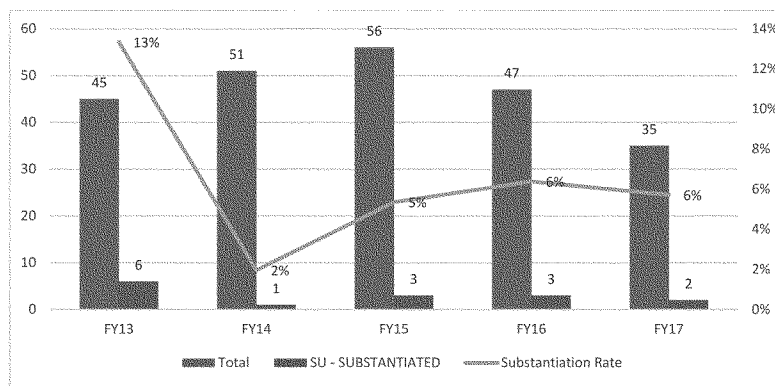
Figure 13. Reprisal and Restriction Complaints Against Senior Officials



By contrast, the number of reprisal and restriction complaints against all subjects has increased from 1013 to 1804 over the last 5 years, or 78 percent.

Figure 14 shows the total number of investigations conducted by the DoD OIG and Service and Component IGs of reprisal or military restriction by senior officials, the number of substantiated cases, and the substantiation rate. As reflected in this figure, the substantiation rate of reprisal or restriction by senior officials has decreased, from 6 in FY 2013 to 2 in FY 2017.

Figure 14. Number of Senior Official Reprisal and Restriction Investigations Closed, Substantiated, and Rate of Substantiation



Investigations Conducted by Investigative Office

Figure 15 shows the breakdown by office conducting the reprisal and restriction investigations.

Figure 15. Number of Senior Official Reprisal and Restriction Investigations Closed by Investigative Office

Office of Inquiry	Number of Investigations by Fiscal Year					Total
	2013	2014	2015	2016	2017	
Air Force	6	6	13	12	7	44
Army	17	27	24	26	13	107
Defense Agencies	0	0	1	1	4	6
Joint Command/COCOM	0	0	0	0	2	2
Marine Corps	0	0	1	0	3	4
Navy	5	6	3	1	0	15
DoD OIG	17	12	14	7	6	56
Total	45	51	56	47	35	234

Component and Rank of Senior Officials for Substantiated Reprisal and Restriction Allegations

Figure 16 shows the rank and Service of the senior official subjects in substantiated reprisal and restriction investigations.

Figure 16. Component and Rank of Senior Officials for Substantiated Reprisal and Restriction Allegations

Component	Rank/Grade							Total Reprisal and Restriction Substantiated Allegations
	O-7	O-8	O-9	O-10	GS-15	SES	PA	
Air Force	0	2	0	0	0	0	0	2
Army	4	5	2	0	0	0	0	11
COCOM/Defense Agencies/ Other	0	0	0	0	0	0	0	0
Marines	0	0	0	0	0	1	0	1
Navy	3	0	0	0	0	0	0	3
Total	7	7	2	0	0	1	0	17

Figure 17 shows the type of corrective actions taken for substantiated allegations of reprisal and restriction by rank of the senior officials. The number of corrective actions taken (18) exceeded the number of substantiated allegations (17) because more than one corrective action could apply to a substantiated allegation. In 3 cases (18 percent), the Services declined to take action. These three cases all involved allegations of retaliation against Rear Admiral Brian Losey.

Figure 17. Corrective Actions for Substantiated Allegations of Reprisal or Restriction by Senior Officials, by Rank

Corrective Actions Taken	Rank/Grade						Total
	O-7	O-8	O-9	O-10	SES	PA	
Declined to Take Action	3	0	0	0	0	0	3
Letter of Counseling	0	2	2	0	0	0	4
Removed From Assignment	0	1	0	0	0	0	1
Verbal counseling	0	1	0	0	0	0	1
Written Reprimand	2	2	0	0	0	0	4
Pending Follow-Up Action	2	2	0	0	1	0	5
Total	7	8	2	0	1	0	18

Average Days to Complete Senior Official Reprisal and Restriction Investigations by Investigative Office

Figure 18 shows the timeliness of senior official reprisal and restriction investigations, by investigative office.

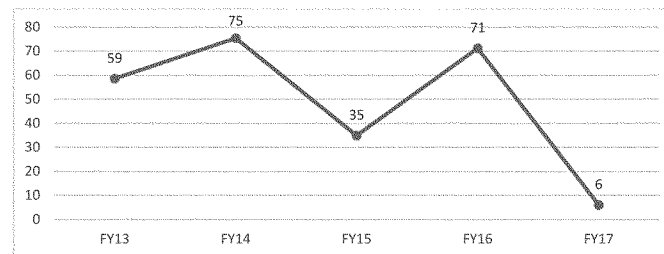
Figure 18. Average Days to Complete a Senior Official Reprisal and Restriction Investigation by Investigative Office

Office of Inquiry	Average Days per Fiscal Year				
	2013	2014	2015	2016	2017
Air Force	554	637	346	315	305
Army	525	342	371	477	432
Defense Agencies	---	---	630	567	405
Joint Command/COCOM	---	---	---	---	747
Marine Corps	---	---	173	---	324
Navy	433	448	380	542	---
DoD OIG	459	424	434	569	429

Note: The average days by Office of Inquiry is calculated based on the date the complaint was filed to the date the closure letter was sent to the complainant.

The Service IGs investigate the vast majority of military reprisal and restriction complaints, with oversight by the DoD OIG. As reflected in Figure 19, the DoD OIG has significantly improved the timeliness of its oversight process of reprisal and restriction cases conducted by the Service IGs.

Figure 19. Average Days for the DoD OIG to Complete its Reviews of Component Reprisal and Restriction Cases



However, we recognize that the timeliness of IG investigations of whistleblower reprisal throughout the DoD needs improvement. One initiative the DoD OIG has recently implemented to help improve timeliness in reprisal investigations is an alternative dispute resolution program, similar to the program used by the Office of Special Counsel. Alternative dispute resolution, or ADR, is a

voluntary process in which parties use mediation or facilitated settlement negotiations to seek resolution of a complaint prior to an otherwise lengthy investigative process. Voluntary resolutions through ADR can help reduce the time for resolving cases, and it can also allow limited investigative resources to be allocated to completing other investigations in a timely manner. In addition, early resolution through settlements also save time on the back end. Instead of waiting for remedial action to be taken in response to recommendations made in a report of investigation, complainants are made whole quickly. Our program, which began in September 2017, has already shown positive effects. Of the 81 cases that our ADR team has considered, 11 were resolved—a 14 percent settlement rate.

DoD OIG Investigations for Reprisal and Restriction Related to Reports of Sexual Assault

An important subcategory of reprisal and restriction cases involves allegations that a senior official reprisal against an individual for reporting an allegation of sexual assault. Figure 20 shows the number of these cases involving senior officials.

Figure 20. DoD OIG Investigations of Senior Officials for Reprisal and Restriction related to Reports of Sexual Assault¹

Senior Official Sexual-Assault-Related Reprisal and Restriction Investigations Conducted by the DoD OIG	Number by Fiscal Year				
	2013	2014	2015	2016	2017
Closed	1	0	2	4	2
Substantiated	0	0	0	1	0
Substantiation Rate	0%	0%	0%	25%	0%

The one substantiated case, in FY 2016, involved an Army National Guard brigadier general who gave an Army National Guard lieutenant colonel an unfavorable officer evaluation report in reprisal for the lieutenant colonel reporting a sexual assault to her chain of command.

In July 2016, DoD OIG dedicated an investigative team to handle sexual-assault-related reprisal cases. The team received specialized training relating to sexual assault and handling investigations of reprisal for reporting allegations of sexual assault. Since then, the number of these complaints has continued to rise, and we have now established a second team to deal exclusively with sexual-assault-related reprisal complaints.

¹ In July 2016, DoD OIG assumed responsibility for all sexual-assault-related reprisal complaints filed across the DoD. At that time, we assumed responsibility for several ongoing investigations being conducted by Service IGs. Before that time, we could not accurately track the number of cases alleging retaliation for sexual assault report that were being handled by the Service IGs.

The DoD OIG currently has 28 open investigations of allegations of reprisal for making a report of sexual assault. The number of complaints alleging retaliation for making a report of sexual assault has dramatically increased, rising from fewer than 10 in FY 2012 to over 80 in FY 2017.

V. DOD OIG CRIMINAL INVESTIGATIONS

The DoD OIG also has a criminal investigative division to handle investigations of criminal misconduct. This division, the Defense Criminal Investigative Service (DCIS), typically investigates allegations relating to procurement fraud, public corruption, health care fraud, product substitution, the illegal transfer of sensitive DoD technology, and cyber-crimes involving DoD programs, operations, and contracts. In these investigations, DCIS frequently partners with other DoD law enforcement agencies to work the investigation jointly. DCIS typically partners with the DoD's Military Criminal Investigative Organizations (MCIOs), (such as the Naval Criminal Investigative Service (NCIS), the Air Force Office of Special Investigations (OSI), and the Army Criminal Investigation Command (CID)), as well as with the FBI, Homeland Security Investigations (HSI) and other Federal OIGs.

Some DCIS cases involve criminal allegations against DoD senior officials. Currently, the biggest case DCIS is handling involves Glenn Defense Marine Asia (GDMA), and its Chairman and owner, Leonard Glenn Francis (widely known as "Fat Leonard"). DCIS is the lead investigative agency on this case. GDMA provided "husbanding" services to U.S. Navy ships in the Pacific, such as refueling, resupply, tugboat services, and sewage disposal. GDMA and Francis orchestrated a scheme to defraud the U.S. Navy of tens of millions of dollars by routinely overbilling for goods and services. Francis accomplished this criminal conduct by systematically grooming and bribing active duty military and civilian employees of the U.S. Navy with things of value, such as dinners, gifts, travel, hotel expenses, bribes of money, and the services of prostitutes. In return, Navy officers and civilian employees provided Francis classified U.S. Navy ship and submarine schedules, helped Francis obtain contracts, overlooked inflated bills from Francis, and even helped Francis avoid detection during the criminal investigation of him.

To date, Francis, several former employees of GDMA, and 17 former Navy and DoD officials, including a rear admiral and a SES member, have pled guilty to criminal conduct. In addition, in 2017, nine senior officers previously assigned to the Navy's 7th Fleet were indicted for conspiracy, bribery, false statements, and in some instances obstruction of justice for destroying documents. Among those charged were a rear admiral, a Marine Corps colonel, and several Navy captains.

The U.S. Navy has also established a Consolidated Disposition Authority (CDA) to determine if hundreds of Navy officers who allegedly received something of value from Francis should be charged under the Uniform Code of Military Justice or should receive administrative action. The CDA has already adjudicated more than 300 cases.

This is one of the largest and most complex public corruption criminal case in DoD history, and it involves disturbing and widespread ethical lapses throughout the Navy's 7th Fleet. We continue to work with the DOJ to pursue resolution of this case.

VI. CONCLUSIONS

In sum, the DoD OIG recognizes our important role in preventing and investigating senior official misconduct. We also recognize that the timeliness, thoroughness, and accuracy of these investigations affect DoD operations.

We therefore seek to investigate allegations of misconduct thoroughly, fairly, and timely; to seek to hold individuals who have committed misconduct accountable and to clear those who have not; and to provide transparency on this process.

Our staff strives to accomplish that difficult and continuous challenge, and we have implemented, and are implementing, several measures to further improve the process.

First, as noted above, to help prevent misconduct, we brief new senior DoD civilian and military officials about our investigative process, what actions to avoid, and what will get them in trouble.

Second, to educate DoD employees and supervisors about their rights and responsibilities regarding whistleblowing and the need to prevent reprisal against whistleblowers we are hiring a full-time Whistleblower Ombudsman.

Third, to promote expertise and experience in certain kinds of sensitive investigations, we have established two dedicated teams of investigators to handle allegations of reprisal against individuals who made reports of sexual assault.

Fourth, to help standardize investigations and speed the review process, we are working to implement a standardized case management database among the DoD OIG and Military Service IGs.

Fifth, to ensure compliance with laws and regulations, and to share best practices among the Military Service IGs, we have begun conducting Quality Assessment Reviews of the Service IGs, similar to peer reviews and GAO reviews.

Sixth, to promote transparency, we consider proactive public release of our completed reports, particularly those with findings of substantiated misconduct involving high-level officials.

Seventh, to promote fairness, we provide subjects an opportunity to comment on the accuracy of our findings through the tentative conclusions letter process, prior to completion of the final report.

Eighth, to help address timeliness, we have reallocated resources within the DoD OIG to increase the number of investigators working on misconduct and whistleblower reprisal cases.

Ninth, to further promote timeliness and to help resolve cases short of full investigations, we have implemented an alternative dispute resolution program in an attempt to reach voluntary resolution of certain complaints in a timely way, which can free resources to handle other complaints that require full investigation.

In addition to these measures, we will continue to examine other ways to improve our responsibilities with regard to investigations of senior official misconduct. However, we are also asking for help from the Congress. Handling the increasing number and complexity of complaints requires resources, not only for the DoD OIG but also for the Service and Component IGs throughout the DoD. Therefore, it is critical to adequately resource the DoD OIG, as well as the Service and Component IGs, particularly when the DoD and our caseload continues to grow.

For example, I regularly assert to agency leaders and Congress that if the agency budget grows, the IG's budget should grow at least a commensurate amount. That does not always happen. While I recognize that the IG's budget will not be first on the priority list for growth in an agency, it should not be overlooked. Adequately funding IGs is a valuable investment, not only for handling investigations of misconduct, but also for detecting and deterring waste, fraud, and abuse, and for returning money to the government. Overall, according to the Council of Inspectors General for Integrity and Efficiency, federal IGs return approximately 15 dollars for each dollar in their budget.

In short, I believe that adequate budgets are essential for the DoD OIG, and for the Service IGs, to help both timeliness and thoroughness, and we ask for your support in that regard.

In conclusion, the DoD OIG and the Service IGs have a challenging but critically important mission to investigate allegations of misconduct thoroughly, fairly, professionally, and timely. We will continue to strive to fulfill that important responsibility.

This concludes my statement and I would be glad to answer questions.

Glenn A. Fine
Acting Inspector General
U.S. Department of Defense

On January 10, 2016, Glenn A. Fine became the Acting Inspector General for the U.S. Department of Defense. Mr. Fine was named as the Department of Defense Principal Deputy Inspector General on June 1, 2015. Prior to joining the Department of Defense Office of Inspector General, he was a partner at Dechert LLP in the White Collar and Securities Litigation Practice.

Mr. Fine previously served as Inspector General of the Department of Justice (DOJ) from 2000 to 2011. He also served as Special Counsel to the DOJ Inspector General and as Director of the Special Investigations and Review Unit (1995 to 2000).

Mr. Fine earned a Bachelor of Arts degree in economics from Harvard College and his Juris Doctorate from Harvard Law School, graduating magna cum laude both times. He also obtained bachelor's and master's degrees from Oxford University where he was a Rhodes Scholar.

While at Harvard, Mr. Fine served as co-captain of the Harvard varsity basketball team and was later a 10th-round draft pick by the San Antonio Spurs.

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RECORD VERSION

**STATEMENT BY
LTG DAVID E. QUANTOCK
THE INSPECTOR GENERAL
UNITED STATES ARMY**

BEFORE THE

**SUBCOMMITTEE ON MILITARY PERSONNEL
HOUSE ARMED SERVICES COMMITTEE**

SECOND SESSION, 115TH CONGRESS

ON SENIOR LEADER MISCONDUCT

FEBRUARY 7, 2018

**NOT FOR PUBLICATION UNTIL RELEASED BY THE
COMMITTEE ON ARMED SERVICES**

Chairman Coffman, Ranking Member Speier, and distinguished Members of the Committee thank you for the opportunity to testify on senior leader misconduct. On behalf of the Secretary of the Army, the Honorable Dr. Mark Esper, and our Chief of Staff, General Mark Milley, thank you for your support to our Soldiers, Army Civilians, Families, and Veterans.

The Army holds its senior leaders to the highest standards. The trust and confidence of the American people, which is intrinsic to who we are as an Army, is rooted in our character and credibility. We do acknowledge problems exist, and we take senior misconduct very seriously. Over the past decade, the Army Inspector General agency substantiated allegations against only 3% of the general officer population per year. While recent headlines on Army senior leader misconduct give the appearance of widespread misbehavior, the truth is most transgressions are technical violations committed by a very small minority. The most common substantiated allegations involving general officers are: misuse of government resources, failure to follow regulations, and failure to take action.

Substantiated allegations for inappropriate relationships or sexual misconduct over the past decade involved less than 1% of general officers. This includes five general officers substantiated in each of the past two years. This small fraction of senior leaders does not represent the honorable service and character of the entire General Officer Corps.

Whistleblower reprisal remains the number one allegation. The substantiated rate for whistleblower reprisal cases is 4%. A significant factor in the low 4% substantiated rate is misuse of the whistleblower reprisal process. This typically occurs when a Soldier or civilian is held accountable by a senior official for misconduct or poor performance, following a protected communication. The resulting claim of reprisal creates challenges for senior commanders who hold people accountable, and then are faced with an Inspector General whistleblower reprisal investigation.

With respect to training and prevention, the Inspector General Agency:

- Routinely briefs new general officers on senior official misconduct trends at the Army's orientation course. The IG also provides incoming division and corps commanders misconduct trends and assistance associated with their new command, post, or installation.
- Developed a senior leader exportable training package that provides awareness of recent and common issues that hinder senior leaders and their staff.
- Conducts detailed working group sessions with every Army battalion and brigade pre-command course to ensure every incoming new commander and command sergeant major is updated on the most recent misconduct trends. These are our future general officers.

The vast majority of the 685 general officers serving are doing the right thing – every single day. A positive trend over the past five years has been a 51% reduction in the number of General Officer substantiated cases – from 32 to 15. This includes a decrease in substantiated allegations for official travel violations, inappropriate political activities, non-federal entities involvement, conflicts of interest, and improper endorsements.

In closing, the overwhelming majority of Army General Officers abide by the letter and spirit of our laws and regulations, and utilize sound judgment in their stewardship of taxpayer resources. Those who do not are held accountable. The bulk of substantiated allegations are not the salacious acts of misconduct that occasionally make the headlines. Most are technical violations committed by a few within the general officer ranks. Through continued education, training, professional development – and, when needed, thorough investigation and appropriate adjudication – we are committed to ensuring all leaders continue to maintain the trust and confidence of the American people.

Mr. Chairman, Members of the Committee, thank you for your continued support to our Soldiers, Army Civilians, Families, and Veterans. I look forward to your questions.



United States Army

Lieutenant General DAVID E. QUANTOCK

**The Inspector General
United States Army
1700 Army Pentagon 3E588
Washington, DC 20310-1700
Since: December 2014**



SOURCE OF COMMISSIONED SERVICE ROTC

EDUCATIONAL DEGREES

Norwich University – BA – Criminal Justice
Troy State University – MS – Public Administration
Naval Postgraduate School – MS – Computer Science
United States Army War College – MSS – Strategy

MILITARY SCHOOLS ATTENDED

Military Police Officer Basic and Advanced Courses
United States Army Command and General Staff College
United States Army War College

FOREIGN LANGUAGE(S) None recorded

<u>PROMOTIONS</u>	<u>DATE OF APPOINTMENT</u>
2LT	28 May 80
1LT	28 Nov 81
CPT	1 Jan 84
MAJ	1 Mar 92
LTC	1 Jan 97
COL	1 Oct 02
BG	27 Sep 07
MG	2 May 10
LTG	12 Dec 14

FROM TO ASSIGNMENT

Dec 14	Present	The Inspector General, United States Army, Washington, DC
Sep 14	Dec 14	Special Assistant to the Director of the Army Staff, Office of the Chief of Staff, United States Army, Washington, DC
Sep 11	Sep 14	Provost Marshal General/Commanding General, United States Army Criminal Investigation Command and Army Corrections Command, Washington, DC
May 10	Sep 11	Commanding General, United States Army Maneuver Support Center of Excellence, Fort Leonard Wood, Missouri
Jan 10	Mar 10	Deputy Commanding General (Detainee Operations)/Provost Marshal General, United States Forces-Iraq, OPERATION IRAQI FREEDOM, Iraq
Jul 08	Dec 09	Deputy Commanding General (Detainee Operations)/Commanding General, Task Force 134, Multi-National Force-Iraq, OPERATION IRAQI FREEDOM, Iraq
Jul 06	Jun 08	Commandant, United States Army Military Police School, Fort Leonard Wood, Missouri
Jan 05	Jun 06	Commander, 16th Military Police Brigade (Airborne)/Chief of Staff, XVIII Airborne Corps Rear Detachment, later Chief of Staff, XVIII Airborne Corps Rear Detachment, later Deputy Chief of Staff, XVIII Airborne Corps, Fort Bragg, North Carolina
Jun 03	Jan 05	Commander, 16th Military Police Brigade (Airborne), Fort Bragg, North Carolina and OPERATION IRAQI FREEDOM, Iraq
Jun 02	Jun 03	Deputy Assistant Chief of Staff, G-3, XVIII Airborne Corps and Fort Bragg, Fort Bragg, North Carolina
Jul 01	Jun 02	Student, United States Army War College, Carlisle Barracks, Pennsylvania
Jul 00	Jul 01	Chief, Security Advisory Branch, Office of the Program Manager, Saudi Arabian National Guard Modernization Program, Saudi Arabia
Jul 98	Jul 00	Commander, 504th Military Police Battalion, Fort Lewis, Washington

Jun 96	Jul 98	Operations Officer, Command Systems Operations Division, J-33, Joint Staff, Washington, DC
Jun 95	May 96	Operations Officer, 16th Military Police Brigade (Airborne), Fort Bragg, North Carolina
Jul 94	May 95	Executive Officer, 503d Military Police Battalion, Fort Bragg, North Carolina and OPERATION UPHOLD DEMOCRACY, Haiti
Jun 93	Jul 94	Assistant Operations Officer, later Operations Officer, 16th Military Police Brigade (Airborne), Fort Bragg, North Carolina
Aug 92	Jun 93	Student, United States Army Command and General Staff Officer Course, Fort Leavenworth, Kansas
Jun 89	Jun 92	Computer Systems Analyst/Programmer, later Computer System Engineer, United States Army War College, Carlisle Barracks, Pennsylvania
Aug 87	Jun 89	Student, Naval Postgraduate School, Monterey, California
May 85	Jul 87	Commander, 21st Military Police Company, later S-4, 503d Military Police Battalion, Fort Bragg, North Carolina
Nov 84	May 85	Assistant Operations Officer, 16th Military Police Brigade (Airborne), Fort Bragg, North Carolina and OPERATION ISLAND BREEZE, Grenada
Jan 84	Nov 84	Student, Military Police Officer Advanced Course, United States Army Military Police Center and School, Fort McClellan, Alabama
Oct 80	Nov 83	Platoon Leader, later Physical Security (Operations) Officer, 558th Military Police Company, 59th Ordnance Brigade, United States Army Europe and Seventh Army, Germany

SUMMARY OF JOINT ASSIGNMENTS

	<u>DATE</u>	<u>GRADE</u>
Deputy Commanding General (Detainee Operations)/Provost Marshal General, United States Forces-Iraq, OPERATION IRAQI FREEDOM, Iraq	Jan 10 - Mar 10	Major General
Deputy Commanding General (Detainee Operations)/Commanding General, Task Force 134, Multi-National Force-Iraq, OPERATION IRAQI FREEDOM, Iraq	Jul 08 - Dec 09	Brigadier General
Operations Officer, Command Systems Operations Division, J-33, Joint Staff, Washington, DC	Jun 96 - Jul 98	Major/Lieutenant Colonel

SUMMARY OF OPERATIONAL ASSIGNMENTS

	<u>DATE</u>	<u>GRADE</u>
Deputy Commanding General (Detainee Operations)/Provost Marshal General, United States Forces-Iraq, OPERATION IRAQI FREEDOM, Iraq	Jan 10 - Mar 10	Major General
Deputy Commanding General (Detainee Operations)/Commanding General, Task Force 134, Multi-National Force-Iraq, OPERATION IRAQI FREEDOM, Iraq	Jul 08 - Dec 09	Brigadier General
Commander, 16th Military Police Brigade, Fort Bragg, North Carolina and OPERATION IRAQI FREEDOM, Iraq	Jun 03 - Jan 05	Colonel
Executive Officer, 503d Military Police Battalion, Fort Bragg, North Carolina and OPERATION UPHOLD DEMOCRACY, Haiti	Jul 94 - May 95	Major
Assistant Operations Officer, 16th Military Police Brigade (Airborne), OPERATION ISLAND BREEZE, Grenada	Jan 85 - Mar 85	Captain

US DECORATIONS AND BADGES

Distinguished Service Medal (with 2 Bronze Oak Leaf Clusters)
 Defense Superior Service Medal
 Legion of Merit (with 2 Bronze Oak Leaf Clusters)
 Bronze Star Medal
 Defense Meritorious Service Medal
 Meritorious Service Medal (with 4 Bronze Oak Leaf Clusters)
 Army Commendation Medal (with 2 Bronze Oak Leaf Clusters)
 Army Achievement Medal
 Combat Action Badge
 Master Parachutist Badge
 Ranger Tab
 Joint Chiefs of Staff Identification Badge
 Army Staff Identification Badge

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RECORD VERSION

STATEMENT BY

**VADM HERMAN A. SHELANSKI
NAVAL INSPECTOR GENERAL**

BEFORE THE

**HOUSE ARMED SERVICES COMMITTEE
SUB-COMMITTEE ON MILITARY PERSONNEL**

SECOND SESSION, 115TH CONGRESS

FEBRUARY 7TH, 2018

**NOT FOR PUBLICATION UNTIL RELEASED BY THE
COMMITTEE ON ARMED SERVICES**

Introduction

Chairman Coffman, Ranking Member Speier, and military personnel subcommittee members – Thank you very much for having us here today to discuss senior leader misconduct.

In the Navy, we take pride in setting, training to, and enforcing the highest ethical standards for our leaders. We, therefore, take very seriously any allegations of misconduct on the part of our senior leadership.

Senior Official Investigations

My Investigations Division has exclusive jurisdiction to conduct administrative investigations into credible allegations of misconduct against one and two star Admirals. DoD IG normally conducts investigations on three star Admirals, and they have exclusive jurisdiction for investigations of four star admirals. Our senior official investigators are highly-trained and experienced professionals who rigidly adhere to Council of Inspectors General on Integrity and Efficiency (CIGIE) standards.

Process

Sailors, civilians and their families can submit a senior official allegation to us via the Naval Inspector General website, email, telephone, fax, in person, DoD IG, or a Member of Congress. My belief is that the system is properly designed with a presumption in favor of initiating an investigation. Our well-trained and experienced investigators are extremely thorough and we believe our process assures a fair, unbiased and accurate result. We constantly strive to produce ever more timely reports, without sacrificing professional due diligence. All of our completed Senior Official

investigations are submitted for oversight review and have been approved for closure by DoD IG. We report all investigations to the Secretary, CNO and Flag Matters. If we report that any allegation is substantiated, we attach a request to the Office of the VCNO to request corrective action be taken and documented. We receive a copy of the documented corrective action, record it in our database, and provide a copy to DoD IG. Corrective action can range from verbal counseling through formal disciplinary action under the UCMJ.

Trends

Since 2008, we have received 282 complaints alleging misconduct by flag officers. Ultimately, we determined 193 warranted an investigation, and 44 were substantiated. From 2008 through 2010, the most common categories of substantiated offenses were misuse of public funds, official vehicles, or personal staff. Those categories have all but disappeared in the last seven years. Since 2011, we've seen a few cases of misuse of government vehicles and drivers for personal use, improper use of official travel, improper gift acceptance, and prohibited personnel practices. There has been a general downward trend in complaints against flag officers since 2013. Over this ten year period, we have conducted 11 investigations into allegations of reprisal against flag officers. Only two were substantiated, six were not substantiated, and three are still in the investigation process. The most notable trend in all categories of flag officer investigations is the gradual decline of substantiated cases since 2013.

Prevention

I have a practice of visiting, either in-person, or virtually, nearly every class of Prospective-Commanding Officer/Executive Officer Leadership training given at Naval Station Newport, Rhode Island. Similarly, I try to make contact in person or virtually with the flag officers attending every week-long New Flag and Senior Executive Training Symposium (NFLEX) and the Navy Senior Leadership Seminar. I use senior official investigation case studies to illustrate the type of problems Navy leaders have faced in the past. I emphasize the need to carefully avoid any actions that might imply a restriction against communications with the IG or with Members of Congress. I further emphasize avoiding even the appearance of impropriety, and I stress proper behavior as a foundation of our Navy culture.

Conclusion

I believe that our investigation process is a necessary and effective tool to address questionable ethical behavior by our senior leaders. An independent, objective and timely investigation, in turn, provides visibility and awareness to our most senior Navy leadership to ensure the right leaders are in place and are effective in the future success of the Navy.

Mr. Chairman, Ranking Member Speier, Members of the Subcommittee, thank you for your continued support to our Sailors, Navy civilians, families and Veterans. I look forward to your questions.

Vice Admiral Herman A. Shelanski
Naval Inspector General

Vice Adm. Herman Shelanski holds a Bachelor of Science in Molecular, Cellular and Developmental Biology from the University of Colorado and a Master of Science in Electrical and Space Systems Engineering from the Naval Postgraduate School. He is a graduate of the Armed Forces Staff College, the Navy Nuclear Power School and Prototype, the Naval Reactors Commanding Officer Nuclear Engineer Course, as well as the Naval War College.

At sea, he served as the assistant navigator aboard USS Independence (CV 62), and completed several deployments in the E-2C Hawkeye. His first squadron, Carrier Airborne Early Warning Squadron (VAW) 117, won two consecutive Chief of Naval Operations (CNO) Battle "E" Awards, Safety Awards and the Airborne Early Warning (AEW) Excellence Award, and he personally was selected as the 1985 Hawkeye of the Year. He commanded VAW-121, the "Bluetails", aboard USS John C. Stennis (CVN 74) and was again awarded the CNO Battle "E" Award, Safety Award and the AEW Excellence Award. He commanded, then decommissioned the U.S. 6th Fleet's fighting command ship, USS La Salle (AGF 3), and served as the first executive officer aboard USS Ronald Reagan (CVN 76) before commanding USS Harry S. Truman (CVN 75) including a seven-month deployment to the Arabian Gulf in support of Operation Iraqi Freedom. Harry S. Truman was awarded the 2008 CNO Safety Award, Battle "E" Award and the Secretary of Defense Large Category Maintenance Award. He also commanded Carrier Strike Group (CSG) 10, consisting of Harry S. Truman and Carrier Air Wing (CVW) 3 Team comprised of 15 warships and more than 8,000 Sailors, including command of three international fleet exercises.

Ashore, he served as a NFO flight instructor; as an action officer on the Joint Staff, J6 Directorate for Command, Control, Communications, and Computers in Washington, D.C.; and as the air operations officer for the Commander, U.S. Naval Forces Central Command/5th Fleet in Bahrain. He served as the executive assistant to the deputy commander at U.S. Joint Forces Command (USJFCOM) and to the Commander USJFCOM/NATO Supreme Allied Commander for Transformation. He also served on the OPNAV staff as director of the Navy's Environmental Readiness Division. He also served as the senior military advisor to the deputy secretary of defense. He most recently served on the OPNAV staff as the division director for Assessments (N81), helping ensure the Navy delivered the most capable platforms to the fleet.

Shelanski assumed his duties as the 40th Naval Inspector General on May 15, 2015.

Shelanski's personal decorations include the Defense Superior Service Medal, the Legion of Merit, the Defense Meritorious Service Medal and additional individual, campaign and unit awards.

Updated: 19 June 2015

**DEPARTMENT OF THE AIR FORCE
PRESENTATION TO THE SUBCOMMITTEE
ON
MILITARY PERSONNEL
UNITED STATES HOUSE OF REPRESENTATIVES**

**SUBJECT: SENIOR LEADER MISCONDUCT –
PREVENTION AND ACCOUNTABILITY**

**STATEMENT OF: LIEUTENANT GENERAL STAYCE D. HARRIS
INSPECTOR GENERAL OF THE AIR FORCE**

FEBRUARY 7, 2018

**NOT FOR PUBLICATION UNTIL RELEASED
BY THE SUBCOMMITTEE ON MILITARY PERSONNEL
UNITED STATES HOUSE OF REPRESENTATIVES**

INTRODUCTION

Chairman Coffman, Ranking Member Speier, and distinguished Members of the Subcommittee, thank you for your invitation to testify before you today.

As the Air Force Inspector General, I am responsible to independently and continuously inspect, assess, investigate and report to the Secretary of the Air Force on the readiness, economy, efficiency and discipline of the Air Force to improve mission effectiveness. Part of that responsibility includes resolving any complaint involving an Air Force general officer or officer selected for promotion to brigadier general, member of the Senior Executive Service, or political appointee--and retirees of each category. Complaints against Air Force Senior Officials are investigated by a dedicated team of investigating officers, with diverse backgrounds. Our Senior Official investigators are augmented by a team of imbedded attorneys from the office of the Air Force Judge Advocate General to help ensure we meet all legal and regulatory requirements. In the past 5 years, an average of 36 Senior Official investigations involving one or more uniformed Air Force general officers or general officer-selects have been conducted each year.¹ Those investigations substantiated one or more violations in an average of 15 cases each year. So, on average, a violation of some type is substantiated in just under one half of these investigations.²

The top three categories of substantiated violations may be generally characterized as ethics issues, improper handling of personnel matters, and unprofessional relationships – in that order. Ethics issues result primarily from violations of the Joint Ethics Regulation and have included use of public office for private gain, post-government employment rules violations, and wrongfully accepting gifts. Improper handling of personnel matters is most often characterized by violating the processes and procedures for performance reports, promotion recommendations, or hiring practices. And, unprofessional relationships may be improper superior / subordinate relationships, demonstrating undue favoritism, or other similar issues.

It is critical to me, and to our Secretary, that Air Force Senior Official investigations are independent, thorough, impartial, objective, and as timely as possible. Additionally, it is crucial that we meet all legal requirements to ensure our work promotes the discipline, efficiency, and economy of our force.

To those ends, the Air Force Inspector General office responsible for the conduct and/or oversight of these investigations³ is free, both in fact and appearance, from impairments to independence. My Senior Official investigators gather and report

¹ It is not uncommon for a single investigation to involve more than one subject. In some of those investigations, most frequently Air National Guard cases, more than one uniformed military senior official is a subject.

² The average number of uniformed military senior official subjects against whom a substantiation is found each year is 16. This is one greater than the average number of cases each year because some investigations involve more than one uniformed military senior official subject.

³ A small number are conducted by DODIG, a COCOM, or OSI. IGS is involved to some degree in all these cases.

evidence in an unbiased and independent manner to determine the validity of an allegation or to resolve an issue. This includes inculpatory and exculpatory information. We strive to investigate and report in a timely manner as we appreciate this is especially critical given the impact investigations have on the lives of both our complainants and subjects, as well as the mission of the Air Force. Finally, our Senior Official investigations are initiated, conducted, and reported in accordance with all applicable laws, rules, and regulations. We conduct these investigations with due respect for the rights and privacy of all those involved. And, our imbedded attorneys, assisting in every investigation, help ensure we remain on target.

Our process in conducting Senior Official investigations is robust and includes multiple layers of review before I make a determination on findings and conclusions. From the outset, a team of one Investigating Officer and one embedded attorney is assigned to each case, and they work the investigation in partnership from start to finish. As our investigations conclude, our closure process includes a peer review, legal assistance review, reviews by the deputy and director of my Senior Official Inquiries directorate, and a formal and independent legal review signed by the Director of Administrative Law for the Air Force. Then, the report comes to me for review and approval. Following my approval, the Office of the Inspector General for the Department of Defense provides an oversight review of each of our investigations. Investigations with substantiated allegations are referred to the appropriate command action authority to determine what disciplinary action might be warranted. And finally, we do not close our case until that command action authority provides my office with a report of any actions taken.

My deputy and I use a variety of venues and products to promote education and awareness across our Senior Official population. It is important to me that we not only investigate complaints against our Senior Officials, but that we also work to reduce the incidents of misconduct by our most senior decision makers. Currently, my focus for Senior Official investigations is improving timeliness. We must continue to maintain the highest level of quality in our investigative work and reports, but also reduce the time it takes to complete these investigations.

Chairman Coffman, Ranking Member Speier, in conclusion, I very much appreciate this committee's continuing support of the Air Force and your interest in our efforts to prevent misconduct by our most senior leaders. This hearing afforded us a renewed opportunity to review and improve our processes in this important area.

Lieutenant General Stayce D. Harris

Lt. Gen. Stayce D. Harris is the Inspector General of the Air Force, Office of the Secretary of the Air Force, Washington, D.C. In this capacity, she reports to the Secretary and Chief of Staff of the Air Force on matters concerning Air Force effectiveness, efficiency and the military discipline of active duty, Air Force Reserve and Air National Guard forces. She also provides inspection policy and oversees the inspection and evaluation system for all Air Force nuclear and conventional forces; oversees Air Force counterintelligence operations and chairs the Air Force Intelligence Oversight Panel; investigates fraud, waste and abuse; oversees criminal investigations and provides oversight of complaints resolution programs. General Harris is responsible for two field operating agencies: the Air Force Inspection Agency and the Air Force Office of Special Investigations.

General Harris received a commission in the Air Force through the University of Southern California's Air Force ROTC program. She served on active duty until joining the Air Force Reserve in 1991. Her staff assignments include serving as a mobility force planner for the Deputy Chief of Staff for Plans and Operations and as the Individual Mobilization Augmentee to the Deputy Assistant Secretary of the Air Force. She has commanded an airlift squadron, an expeditionary operations group, an air refueling wing and a numbered air force. Prior to her current position, General Harris served as the Assistant Vice Chief of Staff and Director, Air Staff, Headquarters U.S. Air Force, Washington, D.C.

EDUCATION

1981 Bachelor of Science degree in industrial and systems engineering, University of Southern California, Los Angeles
 1987 Master of Aviation Management degree, Embry-Riddle Aeronautical University, Daytona Beach, Fla.
 1988 Squadron Officer School, Maxwell Air Force Base, Ala.
 1996 Air Command and Staff College, by correspondence
 2000 Air War College, by correspondence
 2006 Director of Mobility Forces Course, Hurlburt Field, Fla.
 2007 Joint Force Reserve Orientation Course, U.S. Joint Forces Command, Norfolk, Va.
 2009 Senior Leader Executive Course, Center for Creative Leadership, Greensboro, N.C.
 2010 Senior Executives for National and International Security, Harvard University, Cambridge, Mass.
 2010 Capstone General and Flag Officer Course, National Defense University, Fort Lesley J. McNair, Washington, D.C.
 2012 Fellow, Seminar XXI, Massachusetts Institute of Technology

ASSIGNMENTS

1. April 1982 - October 1983, Squadron Section Commander, Chief of Industrial Engineering, 2849th Civil Engineering Squadron, Hill AFB, Utah
2. November 1983 - October 1984, Student, Undergraduate Pilot Training, Williams AFB, Ariz.
3. November 1984 - February 1985, C-141B Initial Qualification Course, Altus AFB, Okla.
4. March 1985 - August 1990, Airlift Operations Officer and C-141B Aircraft Commander, 63rd Airlift Control Squadron; Squadron Executive Officer and Chief of Training, 14th Military Airlift Squadron, Norton AFB, Calif.
5. March 1991 - February 1995, Air Operations Officer and C-141B Pilot, 445th Airlift Control Flight, 445th Airlift Wing, March AFB, Calif.
6. February 1995 - January 1997, Mobility Force Planner, Deputy Chief of Staff for Plans and Operations, Headquarters U.S. Air Force, Washington, D.C.
7. January 1997 - January 2000, Individual Mobilization Augmentee to the Deputy Assistant Secretary of the Air Force, Washington, D.C.
8. February 2000 - January 2001, Reserve Deputy Commander, 452nd Operations Group, March Air

Reserve Base, Calif.

9. January 2001 - April 2002, Commander, 729th Airlift Squadron, March ARB, Calif.

10. May 2002 - May 2005, Vice Commander, 507th Air Refueling Wing, Tinker AFB, Okla. (July 2003 - October 2003, Commander, 494th Air Expeditionary Group, Morón Air Base, Spain)

11. May 2005 - August 2008, Commander, 459th Air Refueling Wing, Andrews AFB, Md.

12. August 2008 - July 2009, Mobilization Assistant to the Director of Strategic Plans, Requirements and Programs, Headquarters Air Mobility Command, Scott AFB, Ill.

13. July 2009 - July 2012, Mobilization Assistant to the Commander, U. S. Africa Command, the Pentagon, Arlington, Va.

14. July 2012 - February 2014, Mobilization Assistant to the Commander, 18th Air Force, Scott AFB, Ill.

15. February 2014 - July 2014, Mobilization Assistant to the Commander, Air Mobility Command, Scott AFB, Ill.

16. July 2014 - July 2016, Commander, 22nd Air Force, AFRC, Dobbins ARB, Ga.

17. August 2016 – November 2017, Assistant Vice Chief of Staff and Director, Air Staff, Headquarters U.S. Air Force, Washington, D.C.

18. November 2017 - present, Inspector General of the Air Force, Office of the Secretary of the Air Force, Washington, D.C.

SUMMARY OF JOINT ASSIGNMENTS

1. July 2009 - July 2012, Mobilization Assistant to the Commander, U. S. Africa Command, the Pentagon, Arlington, Va., as a brigadier general

FLIGHT INFORMATION

Rating: command pilot

Flight hours: more than 2,500 hours in military aircraft

Aircraft flown: C-130H, KC-135R, C-141B/C, T-38 and T-37

MAJOR AWARDS AND DECORATIONS

Defense Superior Service Medal

Legion of Merit

Meritorious Service Medal with three oak leaf clusters

Aerial Achievement Medal

Air Force Commendation Medal

Joint Meritorious Unit Award

Meritorious Unit Award

Air Force Outstanding Unit Award with three oak leaf clusters

Combat Readiness Medal with three oak leaf clusters

National Defense Service Medal with bronze star

Global War on Terrorism Service Medal

Armed Forces Reserve Medal with bronze hourglass

PROFESSIONAL MEMBERSHIPS AND ASSOCIATIONS

Air Force Association

Reserve Officers Association

Airlift/Tanker Association

Air Force Sergeants Association

Tuskegee Airmen Inc.

Women Military Aviators

American Legion

EFFECTIVE DATES OF PROMOTION

Second Lieutenant Feb. 13, 1982

First Lieutenant Feb. 13, 1984

Captain Feb. 13, 1986

Major March 5, 1993

Lieutenant Colonel Sept. 18, 1998

Colonel April 1, 2002

Brigadier General April 2, 2009
Major General Dec. 20, 2013
Lieutenant General Aug. 19, 2016

(Current as of November 2017)

STATEMENT
OF
BRIGADIER GENERAL DAVID OTTIGNON
INSPECTOR GENERAL OF THE MARINE CORPS
BEFORE THE
HOUSE ARMED SERVICES SUBCOMMITTEE ON MILITARY PERSONNEL
ON
SENIOR LEADER MISCONDUCT: PREVENTION AND ACCOUNTABILITY
7 FEBRUARY 2018
RAYBURN HOUSE OFFICE BUILDING

BGen David A. Ottignon
Office of the Inspector General of the Marine Corps

Brigadier General David A. Ottignon is currently serving as the Inspector General of the Marine Corps.

A native of Mount Laurel, New Jersey, Brigadier General Ottignon attended Ithaca College, was commissioned through the NROTC program in August 1987 and assigned as a Combat Engineer. He received a Master's of Business Administration from the University of Rochester's Simon School of Business in June 1997 and a Master of Arts Degree in National Security and Strategic Studies from the Naval War College in June 1998.

Brigadier General Ottignon has served in 3d Combat Engineer Battalion, 3d Marine Division; in 7th Engineer Support Battalion, 1st Force Service Support Group; as the Commanding Officer, 2d Combat Engineer Battalion, 2d Marine Division; Commanding Officer, Marine Wing Support Group 37, 3d Marine Aircraft Wing, and as the Commanding General, 1st Marine Logistics Group, I Marine Expeditionary Force.

His staff assignments include serving in the 1st Recruit Training Battalion, MCRD San Diego; as the Marine Officer Instructor, University of Rochester; as Executive Assistant to the Deputy Commandant for Installations and Logistics, Headquarters Marine Corps; and as the Military Assistant to the Secretary of the Navy.

Brigadier General Ottignon joint assignments include Engineer Plans Officer (J4) and Deputy Executive Assistant to the Commander, U.S. Pacific Command; and Deputy Operations Director (J3), U.S. European Command.

He has participated in peace keeping operations in Somalia (Operation Restore Hope), counter insurgency operations in the Southern Philippines (Operation Enduring Freedom – Philippines) and combat operations in Iraq (Operation Iraqi Freedom).

Brigadier General Ottignon is a graduate of the Army Advanced Engineer Officer's Course, Fort Leonard Wood, Missouri, Naval Command and Staff College, Naval War College, Newport, Rhode Island and former CMC National Security Affairs Fellow, Hoover Institution, Stanford University.

Chairman Coffman, Ranking Member Speier, and distinguished members of the House Armed Services Subcommittee on Military Personnel, I thank you for the opportunity to testify today on such an important topic. The Marine Corps Inspector General's Office provides the Secretary of the Navy and Commandant of the Marine Corps an impartial and credible means to investigate or inquire into allegations of senior official misconduct, impropriety or violations of law. I oversee a group of 25 dedicated professionals committed to upholding the laws and orders that govern the service.

While no organization is flawless, the success of the Marine Corps past and present rests upon the moral and ethical fiber of our leaders at all levels. The seriousness with which the Marine Corps approaches character, leadership and ethics is apparent in the demanding standards we expect all our leaders to uphold.

Education in ethics occurs repeatedly each year and at every rank. Our senior officials get this education in multiple forms many times throughout the year. From selection as a general officer, continuous touch points in ethics training occur at orientation, through annual symposiums at Quantico, as well as specialized training provided by the offices of our Counsel, Staff Judge Advocate and Inspector General. In the last year, this office has traveled around the globe conducting training with Commanding Generals across the Corps, ensuring and the application of our standards are consistent with our foundational core values of Honor, Courage and Commitment.

In the past ten years, fifteen Marine Corps General Officers were substantiated by a thorough investigative process led by an Inspector General. In other words, roughly 1.5% of the General Officer population were substantiated per year. Most of these substations were violations of administrative processes and standards of conduct regulations. For example, in 2013, two Generals were substantiated for using a government vehicle to travel to work from quarters and a third General was substantiated for accepting a gift of time and services from subordinates.

The average time to complete an investigation of a General Officer, regardless of whether it is substantiated, is more than 180 days (beyond the 120 day Department target).

Every General Officer investigation is reviewed for legal sufficiency and requires Department of Defense Inspector General oversight. Across the force, we have seen a significant increase in reprisal complaints over the past three years, but not a commensurate increase in substantiations.

Over the recent years, changes in the Military Whistleblower Reprisal statute (10 U.S.C §1034) have often strained resources and affected the timeliness of all investigations, to include General Officer Investigations. For example, the elongated statute of limitations to one year, and subsequent Department application of the analytical framework, challenge the services with a larger volume of complaints and unintended administrative requirements, potentially impacting operational effectiveness in a deployed environment. Coupled with the fiscally constrained environment that has decreased the size of my office, keeping pace with the growing number of complaints, which require either an inquiry or investigation will continue to challenge this office.

We believe the statutory timelines and Department guidance, along with a rigorous oversight process, result in fair and objective investigations. It is well understood that the investigatory process is deliberate, and efforts to accelerate the pace of an investigation must be balanced with due process. It is important that these investigations present facts and prevent the misuse of the system for purposes other than intended. We must continue to balance service regulations that maintain the good order and discipline of our war fighting service with the law to best ensure protections of all service members and reinforce the high standards the American public expects of its Marines.

On behalf of the Secretary of the Navy and the Commandant of the Marine Corps, thank you for your continued support of your United States Marine Corps and its families; I look forward to the opportunity to answer your questions.

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RECORD VERSION

STATEMENT BY

**GENERAL JAMES C. MCCONVILLE
VICE CHIEF OF STAFF UNITED STATES ARMY**

BEFORE THE

**SUBCOMMITTEE ON MILITARY PERSONNEL
HOUSE ARMED SERVICES COMMITTEE**

SECOND SESSION, 115TH CONGRESS

ON SENIOR LEADER MISCONDUCT

FEBRUARY 7, 2018

**NOT FOR PUBLICATION UNTIL RELEASED BY THE
COMMITTEE ON ARMED SERVICES**

Chairman Coffman, Ranking Member Speier, distinguished Members of the Subcommittee, thank you for the opportunity to testify on senior leader misconduct in the Army. On behalf of the Secretary, the Honorable Mark Esper, and our Chief of Staff, General Mark Milley, thank you for your continued support and commitment to our Soldiers, Army Civilians, Families, and Veterans.

In today's uncertain world, it is critical that our Soldiers are led by the most qualified, most talented leaders the Army can provide. Recognizing readiness as the Army's first priority, we understand that the most critical factor in delivering Army readiness is the development of leaders of character at every level. We employ a rigorous promotion and selection process to ensure only the most qualified individuals are selected to lead at our most senior ranks. Using our active component numbers as an example, in a cohort of more than 4,500 commissioned second lieutenants, fewer than 40 individuals will achieve the rank of Brigadier General, which reflects a less than 1% selection rate. On average, each Brigadier General has over twenty-five years of Army experience. Throughout their career, the Army uses institutional education, operational training, and experience to prepare its leaders to establish and sustain ethical organizational climates and to uphold the Army's values. However, even with those stringent selection criteria and professional developmental efforts, we know that senior officer misconduct does occur. We take misconduct very seriously. Although substantiated cases of general officer misconduct have decreased by 51% in the last five years, we acknowledge that one incident of senior officer misconduct is too many. The Army has developed and implemented a three-tiered approach to address senior officer misconduct: ethics training, prevention, and accountability.

The first-tier of the Army's approach to senior officer misconduct is ethics training. Instructors from the Judge Advocate General's Corps provide ethics training for general officers as part of Army Strategic Education Program courses to ensure they are trained and aware of ethical standards. General officers may also receive additional one-on-one instruction by attending a General Officer Legal Orientation course, taught at The Judge Advocate General's Legal Center and School. Additionally, all general officers receive ethics training from qualified ethics counselors annually in conjunction with their financial

disclosure requirements. While this formal ethics training for general officers is a 1-hour annual requirement, informal ethics training is a career-long pursuit. Beginning with an officer's commissioning source, Army leaders are steeped in the ethical requirements of the profession of arms, the Army values, and the importance of ethical conduct from the first day they don their uniform. Informal ethics training is conducted during leader professional development sessions, during the military decision making process, and every single day in combat. Leaders are inculcated with the idea that it is important to live as an ethical person, both on-duty and off-duty, and to apply the Army values to every decision they make. Indeed, leaders are taught that even the appearance of impropriety is enough to provoke investigation and punishment, if warranted. We teach our leaders that the foundation of the Army profession is the non-negotiable trust between the organization and its Soldiers. Violations of Army values or ethics are not just a mistake; they are a fundamental failure in meeting the standards of the Army profession.

The second tier of our systems approach to senior officer misconduct is prevention. In addition to the formal and informal ethical training our leaders receive, we undertake a dedicated training program for those officers selected to serve at the Brigadier General level. The Army Strategic Education Program (ASEP) is designed to support all three components of general officers across the total Army. Managed under the United States Army War College, ASEP includes a basic course, advanced course, and senior course. These courses provide the strategic education our general officers need to succeed as leaders, but they also reinforce personal and professional responsibilities as they relate to strategic leadership. ASEP encourages personal and professional reflection and critical self-assessment. The course promotes lifelong learning and self-assessment, as well as reinforcing our leaders' commitment as stewards of the Army profession. Among other topics, each course includes instruction on decision making, social media, time management, and the consequences of power. ASEP students hear guest lectures from the military, interagency, business, media, and academic communities to address a wide range of strategy, policy, leadership, and management issues. All four of the Army's top senior leaders, The Secretary of the Army, the Chief of Staff of the Army, the Under Secretary of the Army, and I personally meet with and speak to ASEP classes. When I speak to ASEP students, I reinforce the importance of the stringent expectations to which

we hold our senior officers. I reinforce that now, more than any other time in their career, the mere appearance of impropriety is unacceptable.

In addition to the ASEP program, the Army will also implement the General Officer Readiness program late this spring. The program is designed to improve our senior officers' performance in wellness, executive skills, and relationships. While the program was designed to address general officer readiness and not specifically misconduct, we believe that by improving our senior officers' mindfulness, their time-management skills, and their self-awareness, the program should also translate into reduced rates of misconduct.

The overwhelming majority of senior officers in the Army abide by the letter and spirit of our laws and regulations, and utilize sound judgment in their stewardship of taxpayer resources. However, when senior officers deviate from acceptable standards, we investigate and adjudicate substantiated misconduct to hold the senior officer accountable, forming the third tier of our approach.

The Army uses a thorough process to investigate and, when appropriate, adjudicate substantiated allegations of senior officer misconduct. Senior officer misconduct from all three components of the total Army is pulled to one central location for adjudication. A qualified agency, such as the Criminal Investigation Command, the Department of the Army Inspector General, or a similar agency investigates allegations against senior officers. In most cases of substantiated misconduct, the Vice Chief of Staff of the Army serves as the disposition authority. I, like prior VCSAs, receive advice from The Army Judge Advocate General. This method results in consistency in the oversight of senior officer misconduct adjudications. Each case is handled fairly, with the same adjudicative process. Dispositions may include verbal counseling, memoranda of concern, memoranda of reprimand, or referral to a General Court-Martial Convening Authority for proceedings under the Uniform Code of Military Justice.

Ethical leaders of character strengthen the bond between our Army and our Nation and preserve our All-Volunteer Force. We believe that even one incident of senior officer

misconduct is too many and can impact that trust. Therefore, we also recognize the importance of addressing every incident of misconduct with the diligence and gravity it deserves. Thanks to the diligent efforts of our Army leadership, we have better conduct and accountability than any other major U.S. institution. We thank Congress for its steadfast support of our men and women in uniform. The Army's people are our most important weapon system, and they deserve the best leadership we can provide.

General James C. McConville
36th Vice Chief of Staff of the Army
United States Army

Gen. James C. McConville assumed duties as the 36th vice chief of staff of the Army, June 16, 2017.

He is a native of Quincy, Massachusetts, and a graduate of the U.S. Military Academy at West Point, New York. He holds a Master of Science in Aerospace Engineering from Georgia Institute of Technology and was a National Security Fellow at Harvard University in 2002.

McConville's command assignments include commanding general of the 101st Airborne Division (Air Assault), where he also served as the commanding general of Combined Joint Task Force-101, Operation Enduring Freedom; deputy commanding general (support) of Combined Joint Task Force-101, Operation Enduring Freedom; commander of 4th Brigade, 1st Cavalry Division, Operation Iraqi Freedom; commander of 2nd Squadron, 17th Cavalry Regiment, 101st Airborne Division (Air Assault); and commander of C Troop, 2nd Squadron, 9th Cavalry Regiment, 7th Infantry Division (Light).

His key staff assignments include the U.S. Army deputy chief of staff, G-1; chief of legislative liaison; executive officer to the vice chief of staff of the Army; G-3 for 101st Airborne Division (Air Assault); J5 strategic planner for U.S. Special Operations Command; S-3 for 25th Combat Aviation Brigade; S-3 for 5th Squadron, 9th Cavalry; and S-3 for Flight Concepts Division.

McConville is senior Army aviator qualified in the AH-64D Longbow Apache, OH-58 Kiowa Warrior, AH-6, AH-1 Cobra and other aircrafts. His awards and decorations include two Distinguished Service Medals, three Legions of Merit, three Bronze Star Medals, two Defense Meritorious Service Medals, three Meritorious Service Medals, two Air Medals, the Joint Service Commendation Medal, two Army Commendation Medals, four Army Achievement Medals, the Combat Action Badge, the Expert Infantryman's Badge, the Master Army Aviator Badge, the Air Assault Badge, the Parachutist Badge, and the Army Staff Identification Badge.

McConville and his wife, Maria, have three children serving in the military.

NOT FOR PUBLICATION
UNTIL RELEASED BY THE
HOUSE COMMITTEE ON
ARMED SERVICES

ADMIRAL WILLIAM F. MORAN
U.S. NAVY
VICE CHIEF OF NAVAL OPERATIONS

BEFORE THE
HOUSE ARMED SERVICES COMMITTEE
SUBCOMMITTEE ON MILITARY PERSONNEL
ON
SENIOR LEADER MISCONDUCT

FEBRUARY 07, 2018

NOT FOR PUBLICATION
UNTIL RELEASED BY THE
HOUSE COMMITTEE ON
ARMED SERVICES

Mr. Chairman, Ranking Member Speier, and distinguished members of the Sub-Committee, I appreciate the opportunity to testify on senior leader misconduct. As you might imagine, conduct, decision making, judgement and character are developed over years of instruction, experience and learning in the Navy. From the first day of an officer's career, the Navy works towards two objectives outlined in our Leadership Development Framework: to build highly competent warfighters and to shape the character that enables leaders to be ethical stewards of the public's trust. Along the path of a career, we emphasize the importance of our oath, to defend the Constitution and to bear true faith and allegiance, and in doing so we imbue in our senior leaders the highest ethical standards of personal and professional conduct. Those who fail at these important standards are held appropriately accountable.

Flag Officers who lead our various warfare and support communities and who are responsible for implementing clear strategies to develop leaders in accordance with the Leadership Development Framework's pillars and principles are required to report their progress to the Chief of Naval Operations on a regular basis. We continually build upon instruction through experience, and by the time an officer reaches the highest levels, we demand they act as standards-based leaders who aspire to raise levels of behavior instead of rules-based followers who simply conform to minimum levels of performance.

Long before becoming Flag Officers, senior officers have led in command at multiple levels and have attended our Command Leadership and Ethics Course prior to any assumption of command. After selection for Flag Officer, every leader attends a New Flag and Senior Executive Training Symposium, and a Strategic Thinking course at the University of North Carolina, as well as an optional Navy Senior Leader Seminar. All of these courses and programs provide substantive ethics training with an emphasis on the ethical decision-making process. Flag Officers continue beyond this initial training through a variety of leader development courses, including a newly instituted 2-star course and a soon to be initiated 3-star course where the principles of ethical leadership are discussed in great detail and where each officer is provided with effective self-assessment tools intended to challenge their unconscious biases, and learn from past experiences.

Leaders at all levels of the Navy are taught that with authority comes a commensurate level of responsibility and accountability – this is reemphasized with each professional development opportunity for Flag Officers. We ensure that they, their staffs, and their spouses are aware of, and attentive to, the ethical demands of their position. In addition, as Vice Chief of Naval Operations, I issue Annual Standards of Conduct Guidance to all Flag Officers and Navy Senior Executives that provides specific and timely guidance on a broad spectrum of conduct risks. Using my guidance as a foundation, all of our Flag Officers Navy, Senior Executives and their staffs must receive in-person ethics training on an annual basis, complemented by a mandatory ethics audit. They are made fully aware that even the appearance of impropriety will severely degrade our ability to maintain and grow the public trust.

The Navy operates with transparency, maintaining a history of publicly reporting criminal and administrative misconduct by our senior leaders. Our commitment to holding senior leaders appropriately accountable in a transparent manner is evidenced by cases like those from the Glenn Defense Marine Asia, or GDMA. In addition to our fulsome cooperation with the Department of Justice, the Navy created a Consolidated Disposition Authority, or CDA, to thoroughly investigate and hold accountable all misconduct not pursued by the Department of Justice. In the past 10 years we have seen an 88% reduction of substantiated allegations of misconduct – Navy wide. Transparency is an essential characteristic of any trusting relationship and it also deters imperfect human beings when they are tempted to lean in the wrong direction. By transparently prosecuting misconduct and reenergizing our professional development and reporting mechanisms, we are a stronger force, today.

Summary

Fostering ethical leaders through character development will never be taken for granted. The Navy has a robust and thorough leader development framework that instills the values we want our senior leaders to reflect, emulate, and exemplify. As an institution we remain committed to developing leaders that have a strong ethical foundation that focuses on values-based decision making, demanding strict compliance when the rules are clear, and sound judgment when the rules are ambiguous. When

our senior leaders fail to meet these high standards – legally, ethically, professionally, or personally – we will hold them appropriately accountable in a fair but firm manner. As leaders, we are conferred with public trust, and it is our mission to maintain that trust. On behalf of our Sailors and Navy civilians, thank you for holding us accountable, and thank you for your continued partnership and support.

5/31/2016 - Present
ADMIRAL BILL MORAN

Adm. Bill Moran is a native of New York and graduated with a Bachelor of Science from the United States Naval Academy in 1981 and a master's degree from the National War College in 2006.

As a flag officer, he has served as commander, Patrol and Reconnaissance Group; director, Air Warfare (N98) on the staff of the Chief of Naval Operations; and most recently as the 57th chief of naval personnel.

His operational tours spanned both coasts, commanding Patrol Squadron (VP) 46 and Patrol and Reconnaissance Wing 2. He served as an instructor pilot in two tours with VP-30 and as a staff member for Commander, Carrier Group 6 aboard USS Forrestal (CVA 59).

Ashore, he served as executive assistant to the chief of naval operations; executive assistant to Commander, U.S. Pacific Command; deputy director, Navy staff; and assistant Washington placement officer and assistant flag officer detailee in the Bureau of Naval Personnel.

Moran assumed duties as the Navy's 39th vice chief of naval operations, May 31, 2016. He is a senior naval advisor to the secretary of the Navy and the chief of naval operations.

He is entitled to wear the Distinguished Service Medal, Defense Superior Service Medal, Legion of Merit (five awards) and other various personal, unit and service awards.

**DEPARTMENT OF THE AIR FORCE
PRESENTATION TO THE SUBCOMMITTEE
ON
MILITARY PERSONNEL
UNITED STATES HOUSE OF REPRESENTATIVES**

**SUBJECT: SENIOR LEADER MISCONDUCT – PREVENTION AND
ACCOUNTABILITY**

**STATEMENT OF: GENERAL STEPHEN W. WILSON
VICE CHIEF OF STAFF OF THE AIR FORCE**

FEBRUARY 7, 2018

**NOT FOR PUBLICATION UNTIL RELEASED
BY THE SUBCOMMITTEE ON MILITARY
PERSONNEL
UNITED STATES HOUSE OF
REPRESENTATIVES**

Introduction:

Chairman Coffman, Ranking Member Speier, and distinguished members of the Subcommittee, thank you for inviting me to testify before you today.

Air Force Senior Officials¹ are expected to be individuals of the highest character, ready to lead 670,000 total force Airmen with our core values of selflessness, integrity, and excellence in their actions. For this reason, we emphasize leadership development programs focused on ethics and the prevention of misconduct throughout an officer's career. Should an officer falter despite our developmental steps, we maintain an aggressive system of accountability to uphold trust across the force.

Our commitment to misconduct prevention begins from the moment of accession and remains energized throughout a career-long continuum of learning. Every officer, starting at lieutenant, is provided detailed instruction on ethics and conduct in our commissioning sources. Our goal there is to set the tone for a career of service. Captains complete more advanced studies in those areas during Squadron Officer School. This is deliberately timed to prepare them for mid-level leadership positions in line units across the globe. Further, a full academic quarter of instruction for majors at Air Command and Staff College, to include a week-long focus on the law, expands on knowledge regarding ethics, misconduct, and accountability. This expansion pairs with their transition into senior staffs or leadership roles over large numbers of Airmen.

Our continuum of learning continues to sharpen prevention and accountability as officers reach senior ranks. For example, squadron commanders attend training

¹ Our use of the term "Senior Officials" means Active Duty, retired, Reserve, or National Guard military officer in grades O-7 and above, and any officer selected for promotion to O-7 whose name is on the O-7 promotion board report forwarded to the Military Department Secretary (including ANG Colonels selected by a General Officer Federal Recognition Board for a Certificate of Eligibility).

courses with advanced instruction on ethics, misconduct and our system of accountability. At the rank of colonel, new group commanders attend two full days of Senior Officer Legal Orientation (SOLO) focused on advanced training in the law and individual and agency accountability. Later, if they are selected for assignment as a wing commander, these colonels return for an additional two days of legal training at SOLO. We build on these courses with a deep focus on ethics in our one-star developmental courses including Senior Leader Orientation Course and CAPSTONE. Additionally, in-depth instruction in ethics and power follows during the Advanced Senior Leader Development Program and Leadership at the Peak, our two-star and three-star courses. We also embrace the importance of the command team in development and have widened our continuum with tracks in ethics and conduct for senior officer spouses at a majority of the aforementioned courses.

Despite our aggressive curriculum efforts, we recognize that trends or gaps rise to the surface. Subsequently, we seek 360-degree annual feedback on our general officers via survey inputs from subordinates, peers, and superiors. We have extended that to receive input from our sister services and other government agencies. Additionally, we allocate focused time to discuss ethics and conduct at our tri-annual 4-star summits (CORONA). These forums serve to maintain currency across our senior most officers while also enabling key points to reach the force via their policies, commander's calls, base visits, and guest lectures at our development courses. In aggregate, we remain steadfast in our commitment to ensure senior officers, their staffs, and their spouses are prepared for the ethical standards of military service.

While we continue to invest in misconduct prevention and the goal of zero

offenses, we also understand the critical role that our system of accountability plays in upholding trust across our force. For scope, senior official misconduct in the Air Force has generally fallen into one of three categories over the last five years: violation of government ethics rules; improper handling of personnel matters; and unprofessional relationships. Every complaint is thoroughly investigated and assessed by dedicated teams of investigators and legal advisors, to include multiple layers of independent oversight. Of 181 investigations into senior official misconduct, 77 cases resulted in a substantiated finding over the previous five years.

Procedurally, our Inspector General (IG) Reports of Investigation are forwarded to the appropriate commander for command actions. The commander receives advice from legal counsel in evaluating the case and in making the disposition. This is accomplished on a case-by-case basis while remaining consistent with laws, regulations, and the fundamentals of due process. Options could range from no action to court-martial, based upon the parameters of each circumstance. Adverse personnel actions may include relief from command, reassignment, removal from promotion lists, and officer grade determinations. The latter can result in a substantial reduction in retirement benefits. Collectively these procedures are consistent with the principles of command, ensuring that misconduct is addressed at the appropriate level.

In all substantiated cases, the IG report of investigation, properly redacted, is available in response to media or Freedom of Information Act requests. This includes the release of the specific administrative disposition as a method to enhance the public's knowledge of, and confidence in, our system. Our appeal process, through the chain of command, ensures any concerns are properly addressed.

For its strengths, our system is not without shortcomings. We must continue to focus on improving timeliness. The current slow speed is having negative second and third order effects on the readiness of our force. Improved timeliness will reduce the stress on complainants, subjects, and the larger force as it navigates delays in assignments, promotions, separations or retirements. Together with our sister services as well as DoD-IG, we are working to identify and develop investigative efficiencies.

Chairman Coffman, Ranking Member Speier, in closing, we appreciate this committee's continuing support of the Air Force and your interest in our efforts to prevent senior leader misconduct. This hearing has allowed us a welcomed opportunity to review and improve important processes. The American public and all Airmen must have confidence and trust in our methods to develop senior leaders of character and to hold them accountable. We intend to consistently improve at all turns and look forward to partnerships with the DoD and Congress toward that end.

GENERAL STEPHEN W. "SEVE" WILSON

Gen. Stephen W. "Seve" Wilson is Vice Chief of Staff of the U.S. Air Force, Washington, D.C. As Vice Chief, he presides over the Air Staff and serves as a member of the Joint Chiefs of Staff Requirements Oversight Council and Deputy Advisory Working Group. He assists the Chief of Staff with organizing, training, and equipping of 660,000 active-duty, Guard, Reserve and civilian forces serving in the United States and overseas.

Gen. Wilson received his commission from Texas A&M University in 1981. He's had multiple flying tours, and led bomber; intelligence, surveillance and reconnaissance; mobility; aeromedical evacuation; and airborne command and control operations supporting Iraqi Freedom, Enduring Freedom and Combined Joint Task Force-Horn of Africa. Gen. Wilson has also held numerous command positions, including the Joint Functional Component Commander for Global Strike and Air Force Global Strike Command. Gen. Wilson is a command pilot with more than 4,500 flying hours and 680 combat hours. Prior to his current assignment, the general was Deputy Commander, U.S. Strategic Command, Offutt AFB, Nebraska.

EDUCATION

1981 Bachelor of Science, Aerospace Engineering, Texas A&M University, College Station
 1985 Squadron Officer School, Maxwell AFB, Ala.
 1989 Master of Science degree, Engineering Management, South Dakota School of Mines & Technology
 1993 Air Command and Staff College, Maxwell AFB, Ala.
 1997 U.S. Air Force Weapons School, Nellis AFB, Nev.
 2000 Master's degree in strategic studies, Air War College, Maxwell AFB, Ala.
 2005 Leadership for a Democratic Society, Federal Executive Institute, Charlottesville, Va.
 2007 Joint Force Air Component Commander Course, Maxwell AFB, Ala.
 2009 Joint Flag Officer Warfighting Course, Maxwell AFB, Ala.
 2010 Leadership Decision Making Program, John F. Kennedy School of Government, Harvard University, Cambridge, Mass.
 2013 Pinnacle Course, National Defense University, Fort Lesley J. McNair, Washington, D.C.

ASSIGNMENTS

1. June 1981 - May 1982, student, undergraduate pilot training, Laughlin AFB, Texas
2. May 1982 - September 1986, T-38 Instructor Pilot, evaluator pilot and flight commander, 86th Flying Training Squadron, Laughlin AFB, Texas
3. September 1986 - May 1987, B-1 Student, 338th Combat Training Squadron, Dyess AFB, Texas
4. May 1987 - July 1991, B-1 Instructor Pilot and Flight Commander, 77th Bomb Squadron, Ellsworth AFB, S.D.
5. July 1991 - July 1992, Chief of Weapons and Tactics, 28th Operations Support Squadron, Ellsworth AFB, S.D.
6. July 1992 - July 1993, Student, Air Command and Staff College, Maxwell AFB, Ala.
7. July 1993 - September 1995, Joint Staff Officer, Doctrine, Concepts and Initiatives Division, Plans and Policy (J5), Headquarters U.S. European Command, Stuttgart, Germany
8. September 1995 - June 1997, Chief of Safety, 28th Bomb Wing, later, operations officer, 37th Bomb Squadron, Ellsworth AFB, S.D.
9. June 1997 - June 1999, Commander, B-1 Division, and Instructor Pilot, Weapons Instructor Course, USAF Weapons School, Ellsworth AFB, S.D.
10. August 1999 - June 2000, Student, Air War College, Maxwell AFB, Ala.
11. June 2000 - June 2002, Deputy Commander, 366th Operations Group, Mountain Home AFB, Idaho

12. July 2002 - March 2004, Commander, 608th Air Operations Group, Barksdale AFB, La.
13. March 2004 - June 2006, Commander, 14th Flying Training Wing, Columbus AFB, Miss.
14. June 2006 - July 2007, Deputy Director of Air, Space and Information Operations (A2/3), Headquarters Air Education and Training Command, Randolph AFB, Texas
15. July 2007 - July 2009, Deputy Commander, Canadian North American Aerospace Defense Region, Winnipeg, Manitoba, Canada
16. July 2009 - July 2010, Commander, 379th Air Expeditionary Wing, Southwest Asia
17. July 2010 - June 2011, Director for Joint Integration, Directorate of Operational Capability Requirements, Deputy Chief of Staff for Operations, Plans and Requirements, Headquarters U.S. Air Force, the Pentagon, Washington, D.C.
18. June 2011 - October 2013, Commander, Eighth Air Force (Air Forces Strategic), Barksdale AFB, La., and Joint Functional Component Commander for Global Strike, U.S. Strategic Command, Offutt AFB, Neb.
19. October 2013 - July 2015, Commander, Air Force Global Strike Command, Barksdale AFB, La.
20. July 2015 - July 2016, Deputy Commander, U.S. Strategic Command, Offutt AFB, Neb.
21. July 2016 - present, Vice Chief of Staff of the U.S. Air Force, the Pentagon, Washington, D.C.

SUMMARY OF JOINT ASSIGNMENTS

1. July 1993 - September 1995, Joint Staff officer, Doctrine, Concepts and Initiatives Division, Plans and Policy (J5), Headquarters U.S. European Command, Stuttgart, Germany, as a major
2. July 2007 - July 2009, Deputy Commander, Canadian North American Aerospace Defense Region, Winnipeg, Manitoba, Canada, as a colonel and brigadier general
3. June 2011 - October 2013, Joint Functional Component Commander for Global Strike, U.S. Strategic Command, Offutt AFB, Neb., as a brigadier general and major general
4. July 2015 - July 2016, Deputy Commander, U.S. Strategic Command, Offutt, AFB, Neb., as a lieutenant general

FLIGHT INFORMATION

Rating: Command pilot
 Flight hours: More than 4,600, and 680 combat hours
 Aircraft flown: T-37, T-38, B-1 and B-52

MAJOR AWARDS AND DECORATIONS

Distinguished Service Medal with oak leaf cluster
 Defense Superior Service Medal
 Legion of Merit with oak leaf cluster
 Bronze Star Medal with oak leaf cluster
 Defense Meritorious Service Medal
 Meritorious Service Medal with four oak leaf clusters
 Air Medal with oak leaf cluster
 Aerial Achievement Medal
 Air Force Commendation Medal with oak leaf cluster

EFFECTIVE DATES OF PROMOTION

Second Lieutenant June 2, 1981
 First Lieutenant June 2, 1983
 Captain June 2, 1985
 Major June 1, 1993
 Lieutenant Colonel Jan. 1, 1997
 Colonel June 1, 2002
 Brigadier General Dec. 3, 2007
 Major General Sept. 1, 2011
 Lieutenant General Oct. 23, 2013
 General July 22, 2016

STATEMENT
OF
GENERAL GLENN WALTERS
ASSISTANT COMMANDANT OF THE MARINE CORPS
BEFORE THE
HOUSE ARMED SERVICES SUBCOMMITTEE ON MILITARY PERSONNEL
ON
SENIOR LEADER MISCONDUCT: PREVENTION AND ACCOUNTABILITY
7 FEBRUARY 2018
RAYBURN HOUSE OFFICE BUILDING

General Glenn M. Walters
Assistant Commandant of the Marine Corps

General Walters was commissioned as a Second Lieutenant on 12 May 1979, after graduating from The Citadel with a degree in Electrical Engineering. Upon completion of the Officers Basic Course in November of 1979, he was assigned to 3rd Battalion, 2nd Marines at Camp Lejeune as a Platoon Commander in Weapons Company. He attended flight training in Pensacola, Florida and was designated a Naval Aviator in March of 1981.

After receiving his wings, General Walters was assigned to Marine Aircraft Group-39 for training in the AH-1T, subsequently transferring to HMA-169 as the Flight Line Officer, Flight Scheduler and Adjutant. He completed two WESTPAC cruises in 1983 and 1984 with HMM-265. During June of 1986, General Walters was assigned to 1st Reconnaissance Battalion, 1st Marine Division at Camp Pendleton for duty as Air Officer and Operations Officer. In July of 1987 he was assigned to HMT-303 for refresher training in the AH-1J and subsequent transition to the AH-1W. In July 1987 he deployed on MAGTF 1-88 in support of Operation Earnest Will in the Arabian Gulf on the USS Okinawa. After returning to the United States he was assigned as the Assistant Operations Officer and S-4 in HMLA-169.

Departing MAG-39 in September of 1989, General Walters attended Multi-Engine Transition Training at NAS Corpus Christi, Texas. He then attended the United States Naval Test Pilot School in 1990. After graduation from Test Pilot School, General Walters was assigned to the Attack/Assault Department of the Rotary Wing Aircraft Test Directorate at Naval Air Station, Patuxent River. His duties included Flight Test lead for the AH-1W Night Targeting System, Integrated Body and Head Restraint System and AH-1W Maverick Missile feasibility testing. He was elected to the Society of Experimental Test Pilots in October of 1994.

In April of 1994, after his tour in Flight Test, General Walters was assigned duties in the Fleet Introduction Team for the AH-1W Night Targeting System at MAG-39, Camp Pendleton, CA. Upon completion of Fleet Introduction of the NTS system, General Walters assumed the duties as Operations Officer for HMLA-369, deploying to Okinawa in November of 1995. Returning from Okinawa in May of 1996, General Walters assumed the duties as XO of HMLA-369.

General Walters took command of HMT-303 on 4 June 1997, and relinquished command 21 months later on 2 March 1999, where he was subsequently assigned the duties of XO, MAG-39. During April of 1999, General Walters was transferred to the Aviation Branch, Headquarters Marine Corps, for service as the Head, APP-2 in the Aviation Plans and Programs Division. In March of 2001 was transferred to the Office of the Under Secretary of Defense, Acquisition, Technology & Logistics, Defense System, Land Warfare, where he was an Aviation Staff Specialist.

General Walters assumed command of VMX-22 on 28 August 2003, becoming the first Commanding Officer of the Squadron. In August of 2006 General Walters was assigned as head of the Aviation Requirements Branch (APW) in the Department of Aviation at HQMC. From January 2007 to April 2008, he served as head of the Plans, Policy and Budget Branch (APP). In March of 2008 he assumed the duties of Assistant Deputy Commandant for Aviation. After his promotion to Brigadier General in August of 2008, he was assigned to the Joint Staff as Deputy Director J-8, DDRA. General Walters came to 2nd Marine Aircraft Wing in July of 2010, and assumed command of 2nd Marine Aircraft Wing (Forward) in November of 2010. He was promoted to the rank of Major General while deployed in August of 2011, and returned in March of 2012. General Walters assumed command of 2nd Marine Aircraft Wing in May of 2012 and relinquished command in May of 2013. General Walters was promoted to the rank of Lieutenant General on 7 June 2013 and was assigned as the Deputy Commandant of Programs and Resources. On August 2, 2016 General Walters was promoted to his current rank and began serving as the Assistant Commandant of the Marine Corps.

Introduction

Chairman Coffman, Ranking Member Speier, and distinguished members of the House Armed Services Subcommittee on Military Personnel, I appreciate the opportunity to testify on the issue of the conduct of our Marine senior leaders, specifically our general officers.

We know that our Nation's citizens expect a great deal from the Marines. I submit that we Marines expect even more of ourselves, and gladly. As the smallest of the services, the Marine Corps has a reputation for being able to be highly selective. This means that the highest possible standards of moral and ethical conduct are the measure by which our senior leaders will be judged. Our core values of Honor, Courage and Commitment define and guide the character and conduct of our senior leaders and every Marine that wears the Eagle, Globe and Anchor. These principles are integral to our very culture and the standard by which Marines are known across the globe and in combat.

Marines learn these sacred values early and often. We introduce and inculcate these values within every Marine at entry-level training. We expose our officers to a continuous program of legal and ethics training as their careers progress. We institute and refine this continuum as a proactive measure – to prevent misconduct and maintain a persistent emphasis on the importance of ethical and moral conduct.

I can report to you that in recent years, the conduct of your Marine generals has been as expected and demanded. We remain engaged and attentive in order to ensure our Marine generals maintain the highest standards of conduct.

Our Core Values

Our core values of Honor, Courage and Commitment define our character as Marines, and are instilled in every young Marine officer very early in their training – even before they receive a commission – and reinforced throughout the progression of every Marine officer's career. Honor is our bedrock. As Marines, we dedicate ourselves to an uncompromising code of integrity, loyalty, dependability, respect and human dignity. Our honor creates an implicit trust and respect that enables unit cohesion necessary to win our Nation's battles.

Courage is our strength. Marines deeply value courage, both physical courage and moral courage. Physical courage remains an important trait we seek in Marines. Moral courage – an allegiance to a higher standard of conduct and an inner strength to do what is right regardless of the consequences – is what truly defines our character as Marines.

Integrity drives us to embody our commitment and determination to promote discipline and a standard of excellence that transforms us into professional warriors and citizens. Marine general officers are not above these values; they are the leaders our citizens and our Marines look to as the very example to emulate. Your Marine generals take this responsibility personally and spend their lives upholding it.

Continuum of Training

Before commissioning, at the United States Naval Academy or Officer Candidates School, we emphasize to our future Marine officers the value and importance of integrity and ethical conduct more than any other character trait. Once commissioned, every Marine officer's education continues at The Basic School in Quantico, a six-month course of instruction where we reiterate the significance of ethical and moral leadership.

Ethics training remains a principal component of our ten-month professional military education courses: for captains at the Expeditionary Warfare School; for majors at our four services' Command and Staff Colleges; and for Lieutenant Colonels and Colonels at our Top Level Schools. Prior to appointment as a general officer, most Marine officers commanded at both the lieutenant colonel and colonel levels before being selected as general officers. Before assuming each of those commands, those senior leaders attended legal courses and our Cornerstone Commanders Course, where we emphasize ethical leadership as the foundation of leading Marines. Once selected a brigadier general, each of our senior leaders attends our Corps' own Brigadier General Select Orientation Course (BGSOC); ethical conduct is the cornerstone of this course. Every general officer now serving has multiple mentors. Some mentors are retired, some currently serve in our senior ranks, and some serve outside our service.

Every year, we bring every Marine general together at our week-long General Officer Symposium (GOS). All of our lieutenant generals and generals meet four times every year at three-day Executive Off-Sites (EOS). Your Marine Corps values the importance of lifelong

education throughout a Marine officer's career. These programs remind us of who we are and the standards we must uphold.

The Conduct of Our Senior Leaders

Over the last ten years, the Marine Corps has averaged 1.5 cases per year of substantiated general officer misconduct. In nearly half of those cases, the mistakes have been administrative in nature. With the exception of these cases, the conduct of our senior leadership has upheld the high standards we expect.

While we take pride in the moral conduct of our generals, we acknowledge there is always room for improvement. This is the very reason for our education programs – to prevent future missteps. When our senior leaders err, we are committed to correcting the causes. Accountability prevails as an integral component of upholding our standards of moral and ethical conduct.

Conclusion

The principled and ethical conduct of our senior leaders remains our highest priority. Our foundational core values act as a guidepost for every Marine and, most importantly, our general officers. We believe our commitment to the lifelong education of our officers – grounded in ethical leadership at every step – ensures our values and standards endure within the fiber of our character.

In recent years, your Marine generals have served with great honor and character, and we remain proactive to ensure that standard of service continues. Those we serve deserve nothing less than the highest standards of ethical and moral leadership from our senior leaders. To the citizens of our great Nation, to this Congress and to our fellow Marines, we are committed to this end.

DOCUMENTS SUBMITTED FOR THE RECORD

FEBRUARY 7, 2018

Table 2.9 Senior Official Complaints Closed in FY 2017

Service or Agency	Total Closed	Closed by the DoD OIG			Substantiated Cases	Substantiation Rate
		Dismissed	Investigated			
Air Force	54	54	0	0	0	0%
Army	101	101	0	0	0	0%
COCOM/Defense Agency/Other	111	110	1	0	0	0%
Marine Corps	10	10	0	0	0	0%
Navy	36	36	0	0	0	0%
Subtotal FY 17 (2nd Half) Closed by the DoD OIG	312	311	1	0	0	0%
Service or Agency	Closed By Component IG With Oversight by the DoD OIG					
Air Force	12	0	12	8	67%	
Army	37	6	31	9	29%	
COCOM/Defense Agency/Other	13	2	11	5	45%	
Marine Corps	3	0	3	3	100%	
Navy	10	0	10	0	0%	
Subtotal FY 17 (2nd Half) Oversight Review by the DoD OIG	75	8	67	25	37%	
Total FY 17 (2nd Half)	387	319	68	25	37%	

**WITNESS RESPONSES TO QUESTIONS ASKED DURING
THE HEARING**

FEBRUARY 7, 2018

RESPONSES TO QUESTIONS SUBMITTED BY MS. SPEIER

Mr. FINE. There are 76 civilian investigators and 1 military who conduct senior official and whistleblower reprisal investigations at the DOD OIG. Of the 76 civilian investigators, 63 have prior military experience. [See page 27.]

General QUANTOCK. We are authorized 20 investigators for senior officials, 9 are Civilian and 11 are Military. This is investigators only, it does not include those in leadership positions or those who conduct complaint intake analysis. [See page 27.]

Admiral SHELANSKI. All of the NAVINSGEN investigators are civilian. [See page 27.]

General HARRIS. The Air Force senior official investigations office has 3 civilian investigators (GS-15s) and 8 military investigators (colonels). [See page 27.]

General OTTIGNON. GMC rates 3 civilian senior official investigators, currently 2 are assigned. Hiring actions are underway for 2 additional civilian investigators. [See page 27.]

General QUANTOCK. In FY17, the Army tried 531 courts-martial. Of that number, 36 accused personnel were officers and 495 were enlisted Soldiers. [See page 34.]

Admiral SHELANSKI. See attached chart for Navy Courts-Martial summary. [See page 34.]

NLSC Tried Cases FY2007 - FY2017

Fiscal Year	Total Navy Force	Total Navy Courts-Martial Tried	Total Navy Enlisted Force	Total Navy Enlisted Courts-Martial Tried	Total Navy Officer Force	Total Navy Officer Courts-Martial Tried
FY2007	337,547	329	281,772	316	55,775	13
FY2008	332,228	284	276,397	274	55,831	10
FY2009	329,304	268	273,177	257	56,127	11
FY2010	328,303	246	271,381	236	56,922	10
FY2011	325,123	250	267,746	241	57,377	9
FY2012	318,406	244	261,072	232	57,334	12
FY2013	323,951	299	265,901	283	58,050	16
FY2014	325,584	310	267,041	296	58,543	14
FY2015	327,862	282	269,172	265	58,690	17
FY2016	324,557	258	265,742	247	58,815	11
FY2017	323,944	257	265,030	234	58,914	23

General HARRIS. The chart below shows the number of court-martials—breaking out enlisted and officer—for the last five years. [See page 34.]

	Enlisted	Officer	Total
2013	709	32	741
2014	525	31	556
2015	509	38	547
2016	469	24	493
2017	464	24	488

General OTTIGNON. Disposition of corrective actions (court-martials) records are maintained by the Staff Judge Advocate to the Commandant. [See page 34.]

Second panel

General McCONVILLE. Since 1999, the Army has preferred courts-martial charges against four general officers. Three courts-martial were tried to completion, the fourth is ongoing. The security clearance status for these officers is as listed:

James Grazioplene: Does not have an active security clearance. Jeffrey Sinclair: Does not have an active security clearance.

David R. Hale: Does not have an active security clearance.

Roger Duff: Does not have an active security clearance.

Over the last 5 years, the Army substantiated misconduct in 113 investigations involving 121 general officers (GOs). Total number of substantiated allegations was 174. Of the 121 GOs substantiated for misconduct between FY13 and FY17:

1—was prosecuted at a General Court-Martial and 1 is the defendant in an ongoing General Court-Martial.

2—received Article 15s.

32—received Memorandums of Reprimand from the Vice Chief of Staff of the Army (VCSA) or another commander.

35—received Memorandums of Concern from the VCSA or equivalent written counseling from another commander or the Deputy Judge Advocate General (DJAG).

34—received Verbal Counseling from the VCSA, another commander, or DJAG.

1—retired GO had a master's degree previously awarded by the Army War College revoked.

5—cases were not referred for Army disciplinary action because they involved minor technical infractions investigated after the officer retired or reflected misconduct in a civilian employment capacity for a Reserve officer and were referred to the proper channel for resolution. In 5 cases, the VCSA directed no action after reviewing the investigative file and receiving legal advice.

5—cases are still pending disposition. [See page 39.]

Admiral MORAN. In a review of court-martial records going back as far as 2007, the Navy has no record of a court-martial of any flag officer. In 2016, the Department of Justice (DOJ) prosecuted a flag officer in federal court for misconduct committed while on active duty, and in 2017 the DOJ indicted a retired flag officer for offenses allegedly committed while on active duty. In these cases, DOJ involvement precluded the Navy from court-martialing these officers.

In the past five years, there have been 24 substantiated misconduct investigations against flag officers. Of these cases, 11 were a result of the Glenn Defense Marine Asia investigation. The accountability actions taken against the flag officers included relief of command, administrative counseling, Secretarial letters of censure, and non-judicial punishment. Two officers investigated for allegations of misconduct related to GDMA had their local access to classified material suspended. Of note, a Commander's decision whether to suspend local access to classified materials for a service member under their command is not part of the accountability process. Rather, this is a separate determination as to whether the adverse or derogatory information affects the standards used for clearance eligibility.

General WILSON. A search of the Air Force's current database, which goes back through 1997, reveals no courts-martial involving a general officer and no clearances revoked. [See page 39.]

In the past 5 years, Air Force Inspector General Investigations substantiated 77 military senior officials' allegations. Command action in those cases included: Article 15—1 Letter of Reprimand—21 Letter of Admonishment—11 Letter of Counseling—24 Alternative Disposition (verbal counselling or no action)—14 "Other"—3 Pending—3 [See page 39.]

General WALTERS. There have been no general officers court-martialed in the Marine Corps in the last five years.

There have been nine* misconduct allegations substantiated against general officers, and one against an SES in the last five years. [* This number does not include 2017 contempt finding in Military Commissions case].

In each case, the senior official was counseled and/or received a non-punitive letter of caution (NPLOC). One officer who had been selected for major general was eventually removed from the promotion list after allegations were substantiated against him and his selection was reviewed by a Promotion Review Board (PRB). The PRB determined that, in light of the substantiated allegations, the officer was no longer qualified for promotion.

The Marine Corps reviews on-going and completed misconduct investigations prior to forwarding a general officer's nomination and when determining an appropriate retirement grade recommendation.

No general officer has had their security clearance revoked. [See page 39.]

General McCONVILLE. Due to recent updates, we do not recommend any changes at this point. The Military Justice Review Group (MJRG) recently studied this issue

as part of a “comprehensive and holistic review” that examined all punitive articles and recommended extending the statute of limitations (SOL) for a child abuse offense from 5 to 10 years, extending the SOL for fraudulent enlistment to 5 years or the length of the enlistment, and creating a new extension of the SOL when DNA evidence implicates an accused for certain offenses. Congress adopted these recommendations in NDAA FY17. Based on the recency and completeness of the MJRG review, the accompanying appellate issues each change generates, and the potential for due process violations, we are not requesting any changes at this time. [See page 48.]

Admiral MORAN. This issue was recently considered by the Military Justice Review Group (MJRG). In December 2015, the MJRG reviewed the question of whether the statutes of limitation in the Uniform Code of Military Justice (UCMJ) should be modified and the group’s recommendations were incorporated into the Military Justice Act of 2016 (MJA16).

The 2015 review and study of statute of limitations by the MJRG, including a comparison with federal law, found that the statute of limitations provisions under the UCMJ are largely in step with federal counterparts for common law crimes. The three recommended substantive changes that were included into MJA16 as changes to the statutes of limitations established in Article 43, UCMJ are as follows: 1) Child Abuse. Article 43(b)(2)(a) extends the statute of limitations applicable to child abuse offenses from the current five years or the life of the child, whichever is longer, to ten years or the life of the child, whichever is longer, thereby aligning with 18 U.S.C. § 3283 (in 2006, Congress raised the limitations period in the Title 18 provision from five years to ten years).

2) Fraudulent Enlistment. Article 43(h) extends the statute of limitations for Article 83 (fraudulent enlistment) cases from five years to (1) the length of the enlistment, in the case of enlisted members; (2) the length of the appointment, in the case of officers; or (3) five years, whichever is longer.

3) Cases Involving DNA Evidence. Article 43(i) extends the statute of limitations until a period of time following the implication of an identified person by DNA testing that is equal to the otherwise applicable limitations period, thereby aligning with 18 U.S.C. § 3297. Pursuant to Article 43, murder; rape and sexual assault; rape and sexual assault of a child; absence without leave or missing movement in time of war; and any other offense punishable by death may be tried and punished at any time without limitation.

The statute of limitations for all other offenses is five years; however, Article 43(d)–(g) provide several additional exceptions to the statutes of limitations described above. These exceptions provide added authority and flexibility for prosecuting offenses in a number of circumstances unique to the military justice system including for offenses committed in a time of war; when an accused is absent from territory in which the United States has the authority to apprehend him, or is in the custody of civil authorities or enemy forces; and when prosecution is considered to be detrimental to the prosecution of war or inimical to the national security. [See page 48.]

General WILSON. The Uniform Code of Military Justice provides for a five-year statute of limitations for most crimes. Congress has also provided for an increased statute of limitations for some of the most serious crimes to include murder, sexual assault, and sexual abuse of a child. While statutes of limitations vary by state and federal civilian jurisdictions, the current statute of limitations provision in the Uniform Code of Military Justice provides for adequate time to prosecute instances of misconduct within the military.

Any change to the statute of limitations must consider the purposes of such limitations. A statute of limitations ensures criminal allegations are resolved in a timely fashion, ensures the availability of evidence for both the prosecution and defense, and enables a fair process. Given the purposes of statute of limitations provisions, the adequacy of such provisions within the Uniform Code of Military Justice, and the availability of administrative actions, we do not recommend any modification to the statute of limitations at this time. [See page 48.]

General WALTERS. The Marine Corps is part of the Joint Service Committee (JSC) on Military Justice. The JSC process continuously evaluates whether changes to the UCMJ are warranted. The JSC was also part of the recent Military Justice Review Group’s comprehensive revision of the Manual for Court-Martial which resulted in Military Justice Act of 2016. The MJA of 2016 included some revisions to the length of the statutes of limitations under Art. 43, Uniform Code of Military Justice. There are no additional recommended changes at this time. [See page 48.]

RESPONSES TO QUESTIONS SUBMITTED BY MS. McSALLY

General McCONVILLE. We take sworn and recorded testimony. Each complainant, witness and subject are advised that they are required to provide truthful testimony. If it is determined that an individual provided a false official statement during an IG investigation, then the matter could be referred to the appropriate command/organization for resolution. It could also be documented as a substantiated finding in the IG database. However, it is rare for us to find that an individual provided false statements during an IG investigation. [See page 49.]

Admiral MORAN. Yes. If the claim is false, the complainant's veracity in filing the complaint could be reviewed and addressed by appropriate authorities at their discretion. "Appropriate authorities" is a direct reference to the complainant's chain of command. A commander or supervisor could/would be the appropriate authority to address an allegation of misconduct on the part of a service member or civilian (e.g., knowingly filing a false IG complaint). [See page 49.]

General WILSON. Should a report submitted to any investigative agency uncover misconduct, whether by the subject of the investigation or by the person making the report, the Air Force maintains avenues to appropriately respond to any misconduct. This might include criminal prosecution under the Uniform Code of Military Justice, if the evidence supports such action.

Integrity is one of the Air Force's core values and any lapse in integrity, to include fabricating allegations of wrongdoing to utilize the investigative process in a malicious manner, is taken seriously by all levels of command. This would include knowingly making false official statements or false claims to an investigator. [See page 49.]

General WALTERS. When a service member, in the process of making a claim of reprisal or some other allegations, is suspected of making a false official statement, which is a criminal offense under Article 107 UCMJ, the command or military law enforcement will investigate the matter in order to provide the cognizant commander relevant information to decide on how the alleged misconduct will be addressed. [See page 49.]

General McCONVILLE. All Army Inspectors General undergo a highly structured, fully accredited training program based on the adult learning model. The Army's Training and Doctrine Command and the American Council on Education are the accrediting authorities for both the Army IG Basic and Advanced Courses. Specifically for investigations, the Basic Course provides 28.5 hours of hands-on, scenario-driven instruction, and the Advanced Course provides 7 hours of advanced critical-thinking and writing instruction. In a learner-centric environment that leverages state-of-the-art, interactive simulation and other technologies, students learn both policy and doctrinal aspects of IG investigations through a combination of large- and small-group instruction facilitated by hands-on practical exercises based upon actual cases. The instructors then assess student knowledge and application skills through a combination of knowledge-based tests and application-based graded homework exercises. IG investigators continue to enhance their skills and techniques through their local IG office provided training and external training opportunities, such as the Department of Defense IG Whistleblower Reprisal Investigations course.

In addition to the above training, all investigators assigned to conduct senior official investigations participate in a week-long Investigator Development Program. This training focuses specifically on those processes and procedures unique to senior official investigations. It consists of 9 training blocks, each taught by an experienced senior official investigator. Also, all new investigators are assigned a civilian mentor who works with his/her mentee until the new investigator has demonstrated proficiency in all tasks regarding senior official investigations. Our extensive review process, which includes peer reviews, multiple legal reviews, and several leadership reviews, ensures that all investigations are thorough, accurate, and unbiased, and that the conclusions are supported by a preponderance of credible evidence. [See page 49.]

Admiral MORAN. Investigators go through Basic and Advanced Hotline training and Military Whistle Blower Reprisal Courses. The tenet that "we serve as impartial fact-finders for the directing authority, and are in no position to pass judgment or execute punishment," is reinforced through the training, during practical exercises of interviewing and report writing. Instructors, mentors, and leaders evaluate these techniques throughout the courses and also provide checks and balances, as an ongoing measure, from the Naval Inspector General Headquarters, through quality assurance checks and oversight of inquiries and reports of investigation that are within the purview of the Naval Inspector General. [See page 49.]

General WILSON. Air Force senior official investigating officers come from a variety of backgrounds. Nearly all are graduated senior-level (colonel) commanders with

20+ year careers in the Air Force or other military service. These investigating officers are chosen selectively for their past performance, judgement, and maturity. The training they receive includes interview training, investigating writing training, courses presented by the Office of the Inspector General, Department of Defense, and an extensive internal "block training" process. Central to the training is the Council for Inspectors General on Integrity and Efficiency "Quality Standards for Investigations." These standards and associated training explicitly focus on ensuring investigations are independent, fair, thorough, accurate, objective, impartial, ethical, unbiased, and accomplished with due professional care. All Air Force senior official cases are investigated using a "team concept" with an Investigating Officer and an imbedded attorney advisor assigned to each investigation from start to finish. The investigations are overseen by the Director of Senior Official Inquiries. And, each investigation receives a separate and fully independent legal review by the Director of Administrative Law for the Air Force upon its completion. Our sole focus and desired outcome is an independent, fair, accurate, thorough, and objective investigation without regard for the specific finding on any individual allegation. [See page 49.]

General WALTERS. [No answer was available at the time of printing.] [See page 49.]

General MCCONVILLE. In accordance with our procedures, we try to maintain the confidentiality of IG investigations to the maximum extent possible. Each individual who provides information or testimony in support of an IG investigation is told to not discuss the matters with anyone other than the IG. Additionally, most of our investigations are not "sensitive" or "newsworthy" and only involve a few personnel. In the typical case, we do not see the need for a public exoneration. In the rare instances when a senior official investigation becomes widely known and has adversely impacted the organization, as well as the credibility of the senior official, we would certainly support a formal statement issued via public affairs channels that enables the Army to publicly acknowledge that the senior official was cleared of any wrongdoing. [See page 50.]

Admiral MORAN. No. NAVIG does not support publically acknowledging cases that are not substantiated. This protects the subject from unwanted and unwarranted attention that may cause a negative perception about them based on false allegations and may be damaging to their career. [See page 50.]

General WILSON. The result of any investigation is always available for official purposes internally within the Air Force and is generally releasable to the subject of that investigation subject to legal requirements. However, the Air Force currently does not provide a public statement when any Airman, to include a senior leader, is exonerated of an allegation. Such statements are generally not permitted under the Privacy Act. However, if the subject of the investigation permits the Air Force to release information that SAF/IG did not substantiate an allegation against him/her, they could sign a Privacy Act release authorizing the AF to release such information. [See page 50.]

General WALTERS. When a servicemember is no longer the subject of an investigation, and will be the subject of no criminal or administrative action, it may be because that person has been exonerated or it has been determined that there is simply not sufficient evidence to proceed. In either case, there is no formal process for publically and specifically addressing the fact that a servicemember is no longer a suspect of criminal misconduct during or following an investigation. Rather, the commander has the prerogative to address the matter directly with the accused or through their counsel. [See page 50.]

QUESTIONS SUBMITTED BY MEMBERS POST HEARING

FEBRUARY 7, 2018

QUESTIONS SUBMITTED BY MS. SPEIER

Ms. SPEIER. How big is your inspections backlog? How many days does the average investigation take? How many more investigators do you need?

Mr. FINE. Whistleblower Reprisal Case Backlog

The largest backlog exists in whistleblower reprisal cases. As of March 6, 2018, there were 279 open whistleblower reprisal cases at the DOD OIG. The 279 open cases are composed of 78 investigations, 122 intakes, 50 Alternative Dispute Resolution cases, and 29 cases from the Military Services and the DOD Component IGs that the OIG is providing oversight review. Of the 78 investigations, 75 (96%) are over 180 days old and 67 (86%) are over 1 year old.

From FY 2013 to FY 2017, the number of reprisal complaints received by the DOD OIG increased from 1,059 to 1,808 (71%) and the number of intakes dismissed increased from 495 to 892 (140%). Because DOD OIG investigators had to respond to the dramatic increase in incoming complaints, they closed fewer investigations (decrease from 47 to 37).

Included in the increase in caseload is a significant increase in the number of cases where sexual assault victims have alleged that reprisal actions were taken against them. As of March 6, 2018, the DOD OIG had 84 open sexual assault related reprisal cases. The 84 open cases are composed of 30 investigations and 54 intakes.

The DOD OIG has implemented several initiatives to attempt to address the large increase in workloads.

- In FY 2013, we deployed the Defense-Case Activity Tracking System (D-CATS) enabling a paperless environment for data and documentation and the seamless transmittal of cases within the DOD OIG.
- In FY 2014, we created the Oversight Branch with investigators dedicated to performing oversight reviews of reprisal cases referred to the Military Service and DOD Component IGs.
- In FY 2016, we streamlined the oversight process, eliminating a backlog of over 200 cases, and improving the time to complete oversight reviews from 70 days to 10 days.
- In FY 2016, we initiated reviews of the investigative operations of the Military Service IGs to identify areas for improved efficiency and to share best practices.
- In FY 2017, we established an Alternative Dispute Resolution (ADR) capacity, with a team a personnel who have completed 108 ADR cases and 18 settlements.

Resources Needed

At the start of FY 2018, I reallocated 21 FTEs from other DOD OIG components to the Administrative Investigations (AI) Whistleblower Reprisal Directorate (WRI) and DOD Hotline in an attempt to improve the timeliness of the intakes and investigations conducted by the DOD OIG. The DOD OIG has been aggressively recruiting and onboarding staff to fill those FTEs, with 11 of 21 (52%) onboard.

However, more resources are needed. First, we need an increase of 21 FTES for the DOD OIG end strength in order to backfill the 21 FTEs in the other DOD OIG components from whom I reallocated resources to the whistleblower reprisal and Hotline units. This is necessary to prevent the other DOD OIG components from suffering due to personnel loss, in execution of their important missions.

Second, we need 10 FTEs to perform the process reviews of the Military Service IGs. In FY 2016 and FY 2017, the DOD OIG conducted process reviews of the Naval IG and the Air Force IG. We recently initiated a review of the Army IG. These reviews, which are similar to Federal IG peer reviews, are in-depth systemic assessments of investigative operations. They require a team of 10 full time investigators from 6-8 months to complete. We intend to conduct reviews of each Military Service IG at least once every 3 years.

Senior Official Cases

As of March 6, 2018, there were 35 open senior official cases at the DOD OIG. The 35 open DOD OIG cases were composed of 12 investigations, 13 intakes, and

10 cases from the Military Services and the DOD Component IGs where the OIG is providing oversight review. Of the 12 open DOD OIG investigations, 4 (33%) were over 180 days old and 1 (8%) was over 1 year old.

From FY 2013 to FY 2017, the number of senior official complaints the DOD OIG received increased from 703 to 803 (14%). At the same time, the average number of days the DOD OIG took to complete senior official investigations increased from 267 days in FY 2013 to 472 days in FY 2017.

There are two primary reasons for the DOD OIG taking more time to complete investigations in the past several years. First, is the increasing complexity of the cases that occurred while the number of investigators assigned to conduct investigations remained the same. The complexity of investigations is measured by the number of allegations and issues addressed, the number of witnesses interviewed, the number of documents collected, and the number of pages in the final report.

Second, the DOD OIG investigation into allegations involving intelligence reporting at U.S. CENTCOM was one of the largest investigations ever to be conducted by the DOD OIG. The investigation team addressed 25 allegations, conducted 150 interviews, collected 15 terabytes of data representing over 17 million classified documents, and produced two reports of 190 (unclassified) and 542 pages (classified). This case was conducted by 30 personnel and took 18 months to complete.

While the U.S. CENTCOM was an unusually complex case, there have been an increasing number of other more complex cases and special reviews that the office has completed in FY 2016 and FY 2017 at the request of the Secretary of Defense.

Resources Needed

We believe we need an additional 12 investigators for the ISO Directorate to conduct senior official investigations and special reviews. This would provide us the investigative capability to more expeditiously handle the increasing number of more complex investigations and special reviews.

Finally, the resources outlined above are only for our Administrative Investigations component. The DOD OIG also needs additional resources to conduct audits, evaluations, and criminal investigations; which I can discuss further if requested.

Ms. SPEIER. Do you feel the current investigations reveal patterns of behavior far enough back in the career to assist the board in making the correct determination? If not, how should this be corrected?

Mr. FINE. Yes, from our perspective, it appears that the DOD has appropriate systems in place to record and review adverse information. For career actions requiring Senate confirmation, the checks of investigative records for adverse and reportable information is required by DOD Instruction (DODI) 1320.04, "Military Officer Actions Requiring Presidential, Secretary of Defense, or Under Secretary of Defense for Personnel and Readiness Approval or Senate Confirmation."

However, we are concerned about a recent policy change regarding procedures for investigating issues or allegations presented to Army IGs and for closing cases in the Army Inspector General Action Request System (IGARS) database. A new Army policy directs that Army IGs will not close out issues or allegations in IGARS as "substantiated" or "not substantiated" when those cases were received by IGs and referred to commands for investigation. Instead, Army IGs are now instructed to record the form of action taken by the command (i.e., commander's inquiry, AR 15-6) and close the case as "Assistance." The policy also covers complaints referred to an IG by the DOD Hotline. This new policy is contrary to the DOD Hotline policy that requires findings be stated as "substantiated or not substantiated only," and is inconsistent with DODI 1320.04 which requires DOD to inform the President and Senate of adverse or reportable information. In addition, we are concerned by the characterization of certain adverse information in the Army IGARS by referring to them as "assistance" cases because it may impact the DOD's ability to provide accurate information to the President and the Senate about substantiated cases. We have raised our concerns with the Army and the Department as to how this change will affect the Army's and the Department's ability to document and review patterns of adverse behavior.

Ms. SPEIER. Provide number of senior leader misconduct cases that allegations were substantiated, with action recommended and the Service did not take action. What was the substantiated allegation in each case? What was the rationale for not acting?

Mr. FINE. From FY 2013 to FY 2017, there were 24 cases substantiated by the DOD OIG and the Military Service and DOD Component IGs where Military Service or DOD Senior Management Officials declined to take action.

The rationale provided by the Services or the DOD for not taking action included that they disagreed with the investigation conclusions, they considered the subject's

otherwise exemplary career, or that the subject was no longer in the Military or Federal Service.

Ms. SPEIER. How big is your inspections backlog? How many days does the average investigation take? How many more investigators do you need?

General QUANTOCK. Our current investigations backlog is approximately 10 cases. We base this backlog against our goal of completing 60% of our senior official investigations in less than 180 days. The 180 day metric is based on historical case processing timelines. Over the last 5 years, the average case processing time for senior official investigations was 246 days, with a median of 192 days. Note: We start our case processing timeline based on the date we received the complaint, which is different than some of the other services. In order to meet our case processing timeline goals for senior official investigations, we estimate that we need approximately 2–3 additional investigators. An updated manpower analysis is currently in progress.

Ms. SPEIER. When was LTG Quantock first made aware of complaints and/or allegations against Mr. Joseph F. Guzowski related to treating Army IG employees with dignity and respect? What actions did he take upon being made aware of those complaints and/or allegations? On what dates has LTG Quantock discussed these complaints and the resulting CID and DOD IG investigations with Mr. Guzowski? What was the content of those conversations? What comments has LTG Quantock made to Mr. Guzowski about the nature of allegations and/or complaints, the investigations, or their disposition?

General QUANTOCK. LTG Quantock learned of each allegation separately. Regarding the 2012 allegation that Mr. Guzowski gave an unwanted kiss to an IG employee, LTG Quantock was made aware in August 2015. Regarding the December 2016 inappropriate touching allegation, LTG Quantock was made aware in early January 2017. Upon learning of each allegation, LTG Quantock took immediate action. Once informed in August 2015 of the 2012 allegation, LTG Quantock immediately notified the Senior Official Investigations Division, which referred the matter to the appropriate agency to address the complaint—the Department of Defense Inspector General (DOD IG). LTG Quantock also immediately referred the 2016 allegation to the Senior Official Investigations Division, which then notified the Criminal Investigations Division (CID) and the DOD IG. CID investigated and determined there was no probable cause to believe Mr. Guzowski committed the offense of sexual battery. DOD IG pursued its own investigation. LTG Quantock discussed the DOD IG investigation findings with Mr. Guzowski only after the release of DOD IG's final report. At that time, LTG Quantock informed Mr. Guzowski that he would be temporarily detailed to the Office of the Deputy Under Secretary of the Army, pending review and appropriate action regarding the substantiated findings.

Ms. SPEIER. Do you feel the current investigations reveal patterns of behavior far enough back in the career to assist the board in making the correct determination? If not, how should this be corrected?

General QUANTOCK. The primary purpose of an investigation is to determine if there is a senior official impropriety. In the course of an investigation, we obtain evidence that is relevant to the allegations under investigation. Based on the nature of the allegation, we may identify instances of impropriety that occurred in prior years during the course of the investigation. This evidence of past impropriety would be documented in the DAIG report of investigation, and could be used by a board to inform/support its grade determination decision. Over the years, there have been a few cases where our investigations identified misconduct that occurred several years prior. In those instances, the senior official was ultimately reduced in grade based on this information.

Ms. SPEIER. How big is your inspections backlog? How many days does the average investigation take? How many more investigators do you need?

Admiral SHELANSKI. Currently the Naval Inspector General has a backlog of 73 Reprisal Investigations, 60 Hotline Investigations and 4 Senior Official Investigations that do not meet DODIG's completion timeline. An average Reprisal case takes 136 days, a Hotline case takes 79 and a Senior Official case takes 215.

Ms. SPEIER. Do you feel the current investigations reveal patterns of behavior far enough back in the career to assist the board in making the correct determination? If not, how should this be corrected?

Admiral SHELANSKI. This question requires trend analysis, a process for which we are not currently resourced. NAVINSGEN's role in a retirement grade decision for a Flag Officer is to query our data base to see if there has been any misconduct reported or documented against the Flag Officer. These record queries are also done for Flag Officer promotions.

Ms. SPEIER. How big is your inspections backlog? How many days does the average investigation take? How many more investigators do you need?

General HARRIS. Air Force senior official investigations currently has 16 open investigations and 12 complaints in intake. In CY 2017 the average case duration for an Air Force senior official investigation was 187 days. We are currently assessing our requirements to improve timeliness through additional efficiencies and manpower, if necessary.

Ms. SPEIER. Do you feel the current investigations reveal patterns of behavior far enough back in the career to assist the board in making the correct determination? If not, how should this be corrected?

General HARRIS. Air Force Inspector General senior official investigations address specific complaints that include credible evidence of a violation of law, instruction, regulation, or policy. However, we also consider each complaint in its broader context and review whether there have been any previous instances of misconduct or trends over an officer's career. Previous performance or misconduct issues would be included in the officer's record and reflected in that record as an officer meets a promotion board. Any substantiated allegations of a violation by an officer, past or present, are included in the officer's record meeting a promotion board in a Senior Officer Unfavorable Information File (SOUIF). As such, senior official investigations themselves provide one piece of information that may assist in decision making. Any individual investigation's results must be combined with an officer's official record to get a comprehensive picture of the officer's career, performance, and potential.

Ms. SPEIER. How big is your inspections backlog? How many days does the average investigation take? How many more investigators do you need?

General OTTIGNON. Currently, the Inspector General of the Marine Corps (IGMC) has:

1. Open cases:
 - a. Senior Official Investigation 8
 - b. Senior Official (Preliminary Inquiry) 3
 - c. Whistleblower Reprisal 25
 - d. Hotline Investigations 292
 - e. Total IGMC Cases open 328 as of 12 March 2018
2. The average days it takes to receive, analyze, investigate and close investigations (Averages)
 - a. 2014 186 days
 - b. 2015 220 days
 - c. 2016 280 days
 - d. 2017 330 days as of 12 March 2018
3. The IGMC office has conducted an internal look at requirements to be in compliance with the Department standards. At the minimum, the IGMC office requires an additional investigator (GS-14), an additional supervisor (GS-15) for senior official investigations and 4 paralegal administrative clerks (GS-9).

Ms. SPEIER. Do you feel the current investigations reveal patterns of behavior far enough back in the career to assist the board in making the correct determination? If not, how should this be corrected?

General OTTIGNON. Yes. The statutory board process for promotions adheres to a process in which a member's complete record is reviewed and weighed. Adverse material is considered during this process to include IG investigation reports of misconduct that may have occurred. Moreover, the Marine Corps conducts reviews every 90 days to ensure nominees or selected members for promotion have not since had misconduct

QUESTIONS SUBMITTED BY MS. TSONGAS

Ms. TSONGAS. How many civilian and military investigators serve in your office? How many contractors? What level of prior investigative experience do they have? How many investigators would you need to be fully staffed?

Mr. FINE. There are 77 investigators at the DOD OIG Administrative Investigations office, which conducts senior official and whistleblower reprisal investigations (76 civilians and 1 active duty military). The investigators possess an average of 14 years of investigative, audit, or legal experience.

As noted above, we believe we need an additional 43 FTEs to conduct senior official and whistleblower reprisal investigations and reviews of investigative operations of the Military Service IGs. The DOD OIG also needs additional resources to conduct audits, evaluations, and criminal investigations; which I can discuss further if requested.

Ms. TSONGAS. How many civilian and military investigators serve in your office? How many contractors? What level of prior investigative experience do they have? How many investigators would you need to be fully staffed?

General QUANTOCK. Our current authorizations for investigators who conduct senior official investigations are as follows: Military—11 (COL–LTC) Civilian—9 (GS14) We do not have any contractors who serve as investigators. Note that this does not include those in leadership positions, nor does it include those who conduct complaint intake analysis. Our civilian investigators have extensive investigative experience. Typically, a new civilian hire has at least 3–5 years of investigative experience. Currently, the average investigative experience for our assigned civilians is approximately 10 years. Our military investigators initially have little investigative experience. However, each investigator receives extensive training in order to become a qualified investigator of senior officials. In order to reduce current case backlog to meet our established goals, we will need approximately 2–3 additional investigators. An updated manpower analysis is currently in progress.

Ms. TSONGAS. How many civilian and military investigators serve in your office? How many contractors? What level of prior investigative experience do they have? How many investigators would you need to be fully staffed?

Admiral SHELANSKI. At NAVINSGEN Headquarters, we currently have four senior official investigators, four Hotline investigators, five Reprisal investigators, one Congressional investigator, and two supervisors, who also conduct investigations in addition to their supervisory role. The investigators are all civilian GS employees. Almost all have prior investigative experience, ranging from prior military service to a former police officer investigator. To be fully staffed, under current staffing levels, we would require a total of 16 additional investigators at NAVIG HQ and 24 additional investigators throughout the enterprise.

Ms. TSONGAS. How many civilian and military investigators serve in your office? How many contractors? What level of prior investigative experience do they have? How many investigators would you need to be fully staffed?

General HARRIS. The Air Force senior official investigations office has three civilian investigators and eight military colonel investigators, and zero contractors. Air Force senior official investigating officers come from a variety of backgrounds. These investigating officers are chosen selectively for their past performance, judgement, and maturity. Nearly all are graduated senior-level (colonel) commanders with 20+ year careers in the Air Force or other military service. The training they receive includes interview training, investigating writing training, courses presented by the Office of the Inspector General, Department of Defense, and an extensive internal “block training” process. Central to the training is the Council for Inspectors General on Integrity and Efficiency “Quality Standards for Investigations.” These standards and associated training explicitly focus on ensuring investigations are independent, fair, thorough, accurate, objective, impartial, ethical, unbiased, and accomplished with due professional care. All Air Force senior official cases are investigated using a “team concept” with an Investigating Officer and an imbedded attorney advisor assigned to each investigation from start to finish. The investigations are overseen by the Director of Senior Official Inquiries. And, each investigation receives a separate and fully independent legal review by the Director of Administrative Law for the Air Force upon its completion. Our sole focus and desired outcome is an independent, fair, accurate, thorough, and objective investigation without regard for a specific finding on any individual allegation. The Air Force senior official investigating office is currently fully staffed, although we are currently exploring options to improve timeliness through efficiencies and additional manpower.

Ms. TSONGAS. How many civilian and military investigators serve in your office? How many contractors? What level of prior investigative experience do they have? How many investigators would you need to be fully staffed?

General OTTIGNON. IGMC investigative branch has structure for 3 civilian investigators (GS–14). Currently there are 2 civilian investigators serving. Hiring actions are underway for the vacancy. Navy IG recently shifted an additional civilian investigator to IGMC for a total of 4 civilian investigators. Hiring actions are underway for this vacancy as well. Civilian investigators have an average of 3 years prior IG investigations experience.

There are no military investigators assigned to IGMC investigations branch.

Second panel

Ms. TSONGAS. For which felonies should the statute of limitations be increased?

General McCONVILLE. Due to recent updates, we do not recommend any changes at this point. The Military Justice Review Group (MJRG) recently studied this issue as part of a “comprehensive and holistic review” that examined all punitive articles and recommended extending the statute of limitations (SOL) for a child abuse offense from 5 to 10 years, extending the SOL for fraudulent enlistment to 5 years or the length of the enlistment, and creating a new extension of the SOL when DNA evidence implicates an accused for certain offenses. Congress adopted these rec-

ommendations in NDAA FY17. Based on the recent and comprehensive MJRG review, the accompanying appellate issues each change generates, and the potential for due process violations, we would not recommend any changes at this time.

Ms. TSONGAS. Which general officers have requested outside employment in the past five years? Which of these cases were approved and which were denied?

General McCONVILLE. Under the Joint Ethics Regulation, active duty general officers, like all service members, must receive prior written approval before engaging in a business activity or compensated outside employment with a prohibited source. The approval authority may disapprove outside employment if he/she determines that it will create a conflict of interest with the officer's official duties, detract from readiness, or pose a security risk. The decision to approve or deny requests for outside employment submitted by active duty general officers is made at the local level. The Army does not centrally track this information. However, we are reviewing the need and feasibility of a system that would provide Headquarters Department of the Army visibility over active duty general officers engaged in outside employment.

Ms. TSONGAS. For which felonies should the statute of limitations be increased?

Admiral MORAN. This issue was recently considered by the Military Justice Review Group (MJRG). In December 2015, the MJRG reviewed the question of whether the statutes of limitation in the Uniform Code of Military Justice (UCMJ) should be modified and the group's recommendations were incorporated into the Military Justice Act of 2016 (MJA16).

The 2015 review and study of statute of limitations by the MJRG, including a comparison with federal law, found that the statute of limitations provisions under the UCMJ are largely in step with federal counterparts for common law crimes. The three recommended substantive changes that were included into MJA16 as changes to the statutes of limitations established in Article 43, UCMJ are as follows:

- 1) Child Abuse. Article 43(b)(2)(a) extends the statute of limitations applicable to child abuse offenses from the current five years or the life of the child, whichever is longer, to ten years or the life of the child, whichever is longer, thereby aligning with 18 U.S.C. § 3283 (in 2006, Congress raised the limitations period in the Title 18 provision from five years to ten years).
- 2) Fraudulent Enlistment. Article 43(h) extends the statute of limitations for Article 83 (fraudulent enlistment) cases from five years to (1) the length of the enlistment, in the case of enlisted members; (2) the length of the appointment, in the case of officers; or (3) five years, whichever is longer.
- 3) Cases Involving DNA Evidence. Article 43(i) extends the statute of limitations until a period of time following the implication of an identified person by DNA testing that is equal to the otherwise applicable limitations period, thereby aligning with 18 U.S.C. § 3297. Pursuant to Article 43, murder; rape and sexual assault; rape and sexual assault of a child; absence without leave or missing movement in time of war; and any other offense punishable by death may be tried and punished at any time without limitation.

The statute of limitations for all other offenses is five years; however, Article 43(d)-(g) provide several additional exceptions to the statutes of limitations described above. These exceptions provide added authority and flexibility for prosecuting offenses in a number of circumstances unique to the military justice system including for offenses committed in a time of war; when an accused is absent from territory in which the United States has the authority to apprehend him, or is in the custody of civil authorities or enemy forces; and when prosecution is considered to be detrimental to the prosecution of war or inimical to the national security.

Ms. TSONGAS. Which general officers have requested outside employment in the past five years? Which of these cases were approved and which were denied?

Admiral MORAN. The following retired Navy flag officers requested, and were approved by the Chief of Naval Personnel under delegated authority, to accept compensated civilian employment from a foreign government. The Chief of Naval Personnel has not rejected any request in the past five years. Since law requires approval of both the Secretaries of Defense and State, the Department of State would need to confirm which officer's requests were ultimately approved.

Year	Name of Person	Foreign Government Approved To Receive Payment for Employment
2014	Landay, William	United Kingdom
2015	Bowman, Frank	Saudi Arabia, Egypt
2015	Creevy, Lawrence	Canada

Year	Name of Person	Foreign Government Approved To Receive Payment for Employment
201	Eccles, Thomas	Australia
2015	Gaini, Anthony	United Kingdom
2015	Hall, Thomas	Iceland
2015	Harnitchek, Mark	Afghanistan
2015	Johnson, Stephen	Australia
2015	Sullivan, Paul	Australia
2016	Eccles, Thomas	Australia
2016	Gale, David	Australia
2016	Hilarides, William	Australia
2016	Locklear, Samuel	Taiwan
2016	Sullivan, Paul	Australia
2016	Donald, Kirkland	Australia
2017	Eccles, Thomas	Australia
2017	Hilarides, William	Italy
2017	Johnson, Stephen	Australia
2018	Branch, Ted	Australia and Canada
2018	Donald, Kirkland	Australia

¹RADM David Gale was approved to work for the Government of Australia in August 2016 while still on active duty and his approved retirement date was October 1, 2016.

Ms. TSONGAS. For which felonies should the statute of limitations be increased?

General WILSON. The Uniform Code of Military Justice provides for a five-year statute of limitations for most crimes. Congress has also provided for an increased statute of limitations for some of the most serious crimes to include murder, sexual assault, and sexual abuse of a child. While statutes of limitations vary by state and federal civilian jurisdictions, the current statute of limitations provision in the Uniform Code of Military Justice provides for adequate time to prosecute instances of misconduct within the military.

Any change to the statute of limitations must consider the purposes of such limitations. A statute of limitations ensures criminal allegations are resolved in a timely fashion, ensures the availability of evidence for both the prosecution and defense, and enables a fair process. Given the purposes of statute of limitations provisions, the adequacy of such provisions within the Uniform Code of Military Justice, and the availability of administrative actions, we do not recommend any modification to the statute of limitations at this time.

Ms. TSONGAS. Which general officers have requested outside employment in the past five years? Which of these cases were approved and which were denied?

General WILSON. Air Force records available indicate that the following general officers requested, and were approved, for outside employment while on terminal leave:

Gen Larry Spencer—President, Air Force Association—approved
Lt Gen Robert Otto—Member, Oak Ridge National Lab Global Security Directorate's Strategic Advisory Group—approved

Maj Gen James Martin, Jr.—Partner (non-equity), Kearney and Company—approved

Maj Gen Scott Vander Hamm—Director of Strategic Initiatives, Innovative Defense technologies—approved