

[H.A.S.C. No. 117-19]

**DEPARTMENT OF DEFENSE  
INSPECTOR GENERAL AND THE  
SERVICES INSPECTORS GENERAL:  
ROLES, RESPONSIBILITIES AND  
OPPORTUNITIES FOR IMPROVEMENT**

---

HEARING

BEFORE THE

SUBCOMMITTEE ON MILITARY PERSONNEL

OF THE

COMMITTEE ON ARMED SERVICES  
HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

---

HEARING HELD

APRIL 15, 2021



---

U.S. GOVERNMENT PUBLISHING OFFICE

48-341

WASHINGTON : 2022

SUBCOMMITTEE ON MILITARY PERSONNEL

JACKIE SPEIER, California, *Chairwoman*

ANDY KIM, New Jersey

CHRISSY HOULAHAN, Pennsylvania

VERONICA ESCOBAR, Texas, *Vice Chair*

SARA JACOBS, California

MARILYN STRICKLAND, Washington

MARC A. VEASEY, Texas

JIM BANKS, Indiana

STEPHANIE I. BICE, Oklahoma

LISA C. McCLAIN, Michigan

RONNY JACKSON, Texas

JERRY L. CARL, Alabama

PAT FALLON, Texas

HANNAH KAUFMAN, *Counsel*

FORREST McCONNELL, *Counsel*

SIDNEY FAIX, *Clerk*

# CONTENTS

|                                                                                                             | Page |
|-------------------------------------------------------------------------------------------------------------|------|
| STATEMENTS PRESENTED BY MEMBERS OF CONGRESS                                                                 |      |
| Banks, Hon. Jim, a Representative from Indiana, Ranking Member, Subcommittee on Military Personnel .....    | 2    |
| Speier, Hon. Jackie, a Representative from California, Chairwoman, Subcommittee on Military Personnel ..... | 1    |
| WITNESSES                                                                                                   |      |
| Castellvi, MajGen Robert F., USMC, Inspector General of the Marine Corps ...                                | 18   |
| Heddell, Gordon S., Former Inspector General of the Department of Defense ..                                | 3    |
| O'Donnell, Sean, Acting Inspector General of the Department of Defense .....                                | 12   |
| Said, Lt Gen Sami D., USAF, Inspector General of the Air Force .....                                        | 16   |
| Smith, LTG Leslie C., USA, Inspector General of the Army .....                                              | 14   |
| Smithberger, Mandy, Director of the Center for Defense Information, Project on Government Oversight .....   | 5    |
| Snyder, VADM Richard P., USN, Naval Inspector General .....                                                 | 17   |
| APPENDIX                                                                                                    |      |
| PREPARED STATEMENTS:                                                                                        |      |
| Castellvi, MajGen Robert F. ....                                                                            | 95   |
| Heddell, Gordon S. ....                                                                                     | 41   |
| O'Donnell, Sean .....                                                                                       | 70   |
| Said, Lt Gen Sami D. ....                                                                                   | 82   |
| Smith, LTG Leslie C. ....                                                                                   | 76   |
| Smithberger, Mandy .....                                                                                    | 55   |
| Snyder, VADM Richard P. ....                                                                                | 88   |
| Speier, Hon. Jackie .....                                                                                   | 39   |
| DOCUMENTS SUBMITTED FOR THE RECORD:                                                                         |      |
| [There were no Documents submitted.]                                                                        |      |
| WITNESS RESPONSES TO QUESTIONS ASKED DURING THE HEARING:                                                    |      |
| Ms. Speier .....                                                                                            | 103  |
| QUESTIONS SUBMITTED BY MEMBERS POST HEARING:                                                                |      |
| Mr. Brown .....                                                                                             | 134  |
| Dr. Jackson .....                                                                                           | 134  |
| Mrs. McClain .....                                                                                          | 133  |
| Mr. Moore .....                                                                                             | 134  |
| Ms. Speier .....                                                                                            | 111  |



**DEPARTMENT OF DEFENSE INSPECTOR GENERAL  
AND THE SERVICES INSPECTORS GENERAL:  
ROLES, RESPONSIBILITIES AND OPPORTUNITIES  
FOR IMPROVEMENT**

---

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
SUBCOMMITTEE ON MILITARY PERSONNEL,  
*Washington, DC, Thursday, April 15, 2021.*

The subcommittee met, pursuant to call, at 4:00 p.m., in room 2118, Rayburn House Office Building, Hon. Jackie Speier (chairwoman of the subcommittee) presiding.

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

Ms. SPEIER. And it is now 4:00, so I am going to call the Subcommittee on Military Personnel to order. I want to welcome everyone to this hybrid hearing on the roles and responsibilities of the Department of Defense IG [Inspector General] and the service inspectors general.

Today we will have two panels. The first panel includes Mr. Gordon Heddell, who served as the Department of Defense IG from 2008 to 2011. He also served as IG for the Department of Labor and has extensive experience in this area.

Ms. Mandy Smithberger of the Project on Government Oversight is our second person to testify about considerations for improving the DOD [Department of Defense] and service IGs. For full disclosure, she was a wonderful member of my staff about 8 years ago, and it is nice to see you again.

In the second panel we will hear testimony from Mr. Sean O'Donnell, Acting DOD IG, and the military services' IG. While we understand the DOD IG and the service IGs have different roles, responsibility, and authority than other executive agency IGs, I think it is important we examine them closely and make sure that they have the independence, training, staffing, and resources to provide proper oversight.

I am concerned about this issue because there has been too many recent examples where the service IGs appeared to be asleep at the wheel, lacked independence, and whose responsibilities under service regulations requires confidential advisers of the commander—requires them to be confidential advisers of the commander.

From the findings of the FORSCOM [U.S. Army Forces Command] IG inspection at Fort Hood that suggested all was fine with the SHARP [Sexual Harassment/Assault Response and Prevention] program there, despite ample evidence that they were not in com-

pliance with the DOD policy let alone having an effective program; to the lagging investigations into the medical care of Private First Class Del Barba; to the failure of Navy IGs to report sexual harassment allegations against the senior executive to the DOD IG as they are required to, and enabling a serial offender to victimize several more Navy civilian employees and retire with full pension with no accountability—there is mounting evidence of a disturbing trend across the IGs of which these are just a few examples.

Besides the authorities, it is imperative we examine the true independence of the IGs across the Department and services. It is unclear to me how someone who works for the commander, who by regulation is supposed to act as the commander's, quote, "eyes and ears," unquote, and buy into that commander's leadership philosophy, can also remain impartial when investigating allegations within their own command, especially when those allegations involve retaliation for making a protected disclosure.

The last time that the service IGs testified before the subcommittee in 2018, the Army inspector general made negative comments about whistleblowers, which was stunning to me. If the individuals who are charged with investigating whistleblower reprisal complaints are prejudiced against them to begin with, we have no hope of protecting brave service members and civilians who have come forward to protect wrong—to protect the American taxpayer and call out wrongdoing.

I also think we need to better understand how DOD and the services work together when complaints come in. After all, if a person sends their complaint to the DOD Inspector General hotline but then the DOD IG passes it to the services to investigate, it seems like we are setting up a false expectation of confidentiality for complainants.

Is DOD telling complainants up front that their reports are being shared with the service IGs who may report to the very commanders who are the subject of the complaint? What is done to protect complainants and ensure a quality investigation that meets a high standard? How is retaliation not the end result, therefore discouraging service members from coming forward?

I look forward to digging into this critical set of issues today. And with that, I turn it over to Ranking Member Banks for his opening statement.

[The prepared statement of Ms. Speier can be found in the Appendix on page 39.]

**STATEMENT OF HON. JIM BANKS, A REPRESENTATIVE FROM INDIANA, RANKING MEMBER, SUBCOMMITTEE ON MILITARY PERSONNEL**

Mr. BANKS. Thank you, Madam Chair. I also want to welcome our witnesses on both panels.

Today's hearing is an important step in building our members' awareness of the role of inspectors general and the role that they play within the Department of Defense and in the services. Oversight is also an important role played by Congress. In fact, one of the first times the House of Representatives investigated the military was in 1792, due to the defeat of General Arthur Sinclair, on

the Indiana/Ohio border. I figured I would take the opportunity to selfishly work in some Indiana history for all of you.

Like the oversight and investigation responsibilities of Congress, all of the inspectors general here today play a vital role in overseeing, investigating, and preventing fraud, waste, and abuse, and mismanagement across the Department and the services.

They have been challenged by investigations, audits, and evaluations that have run the gamut of issues from major acquisition programs to material readiness to issues involving good order and discipline, all requiring inspector general organizations that are agile and independent. They also require personnel with a requisite training, experiences, and knowledge to get after the issues and provide recommendations that will inform their organizations and Congress.

On panel one, I would like to understand any recommendations that you may have for the Department of Defense and service IGs on improving their training and education. I am also interested in your thoughts on whether you think independence is an issue for any or all of these IG organizations.

For our panel two witnesses, I am interested in the manning, training, and equipping of your organizations. Do you have the personnel resources you need to effectively execute your missions? I am also concerned about the results of the audits, evaluations, and investigations and whether or not they are often focused on outputs or outcomes. I would like to understand your thoughts on how we can change that. Again, thank you for your attendance.

With that, Madam Chair, I yield back.

Ms. SPEIER. I thank the gentleman for his remarks.

We will now move to our first panel. Mr. Gordon Heddell, who is the former inspector general of the Department of Defense, followed by Ms. Mandy Smithberger, director for the Center for Defense Information, Project on Government Oversight. Thank you both for being here today and for your participation.

Mr. Heddell.

**STATEMENT OF GORDON S. HEDDELL, FORMER INSPECTOR  
GENERAL OF THE DEPARTMENT OF DEFENSE**

Mr. HEDDELL. Chairwoman Speier, Ranking Member Banks, and esteemed members of the subcommittee, thank you for inviting me to testify today. I am disturbed by the independence or the lack of independence of our military component inspectors general and a command structure that has allowed harassment, assault, and a flagrant disregard by leadership for the Sexual Harassment/Assault Response and Prevention Program known as SHARP.

There is no place in the Armed Forces of the United States for bias, discrimination, harassment, assault, or retaliation. Simply stating that we have a zero-tolerance policy will not make it so. The core strength of our Armed Forces has always been in its leadership and the men and women who follow that leadership. Inequities, however, in the way our military handles harassment and assault investigations are gnawing away at the very fabric of that strength.

While working with the TIGs, the inspectors general, of each of the military services, I found them to be men and women of very

high character. I would be surprised if that were not still true today. Army regulation AR 20-1, the Inspector General Act duties and procedures regulations, prescribes the responsibility and policy for the selection and duties of inspectors general throughout the Army. It is, in effect, the Army IG's bible.

However, as I reviewed AR 20-1, I was surprised by statements in the regulation concerning the relationship that is supposed to exist between the commander and component IGs. Some examples: component IGs only work for their commanders; they are the conscience of their commanders; they must understand the commander's personality; they must be the commander's confidant and serve as confidential adviser to the commander; they must work through the chain of command.

There is nothing unusual or improper about a good relationship or respect for the chain of command. What concerns me, however, is that we are talking about the policies and procedures that govern military inspectors general, people who are supposed to be independent.

The regulation appears to tacitly imply a reverence for the commander that is inappropriate for an inspector general. I believe there are things that the military services can learn from the Inspector General Act. There is no mention or requirement in the Act that the inspector general be the Secretary's conscience, that the IG understand the Secretary's personality, or that the IG work through a chain of command.

The IG Act does not mince words. It addresses the issue of independence head on, stating that the head of the establishment shall not prevent or prohibit the inspector general from completing any audit or investigation. The concept of independence is manifested throughout the IG Act. Lack of independence or even a perceived lack of independence is antithetical to congressional intent.

I recommend to the military service departments that they, number one, require component IGs to promptly report particularly serious or flagrant problems, abuses, or deficiencies directly to the respective TIG; number two, establish policies stating clearly that no one has the authority to alter IG reports; number three, a central Office of Inspector General Legal Counsel should be established for the purpose of providing dedicated legal services to support component IGs and no one else; number four, component IGs must have timely access to all agency records; number five, component IG assignments should not be considered collateral duty.

The position of component IG as it stands now is not a career path but a stopover on the way to something else. I recommend that component IG nominees successfully undergo training at an IG academy, a state-of-the-art academy, and when successfully completed, certified graduates be appointed to the rank of warrant officer.

For the good order and discipline of our military services, I think the time is long overdue. We must provide state-of-the-art training and the appropriate tools to our component IGs. We must make harassment, assault, and retaliation things of the past. We must do this now once and for all. Thank you.

[The prepared statement of Mr. Heddell can be found in the Appendix on page 41.]

Ms. SPEIER. Thank you, Mr. Heddell.  
Ms. Smithberger.

**STATEMENT OF MANDY SMITHBERGER, DIRECTOR OF THE  
CENTER FOR DEFENSE INFORMATION, PROJECT ON GOV-  
ERNMENT OVERSIGHT**

Ms. SMITHBERGER. Thank you, Chairwoman Speier, Ranking Member Banks, and members of the subcommittee. Thank you again for inviting me to testify today. I want to thank the subcommittee for taking the time to look at whether our inspector general system is meeting our country's needs. In particular, I am very encouraged to hear that there is already going to be a focus on two important issues: protecting the independence of inspectors general and their investigations, and having meaningful protections for whistleblowers and survivors who come forward.

As Mr. Heddell mentioned, our Federal watchdogs perform an essential role in rooting out waste, fraud, and abuse. One of their most important responsibilities is their role investigating whistleblower reprisal complaints. However, POGO [Project on Government Oversight] and government oversight entities have repeatedly raised concerns that the system for protecting military whistleblowers against retaliation is insufficient.

The DOD IG system can seem unusually complex. The various roles of the service and the Department and component IGs are complementary but slightly different. And to people who are turning to the IG system for help, those differences can be pretty confusing, particularly when they go to the DOD IG hotline.

The DOD IG is a civilian, statutory inspector general and is supposed to be independent from the Department. I think there are a couple of things about the statutory IGs that we want to keep in mind for independence. They have subpoena powers, they have audit functions, and they are also uniquely dual-hatted, reporting both to Congress and to their agency head.

In recent years, Congress has strengthened these IGs, most notably by providing each one with their own general counsel and requiring the President to provide congressional notification and justification for their removal and transfer.

Service and component IGs have less independence, and when it comes to particularly sensitive investigations like a whistleblower reprisal complaint, we sometimes have concerns that that undermines their ability to effectively do their job. At the component IG level, a Department of Justice inspector general review found that those offices often struggle to maintain adequate staff and experience because the offices compete for resources for military components engaged in military actions around the world. The same review found fully staffing field IG offices is a lower priority than staffing other service branch components.

As Congresswoman Speier mentioned, in most cases, DOD IG hands retaliation allegations over to local or command IGs who have the least amount of independence and experience in handling what are often highly complex investigations. We have worked with whistleblowers who return to that hotline only to be unpleasantly surprised that their complaint was referred to a service or component IG. Those referrals can feel like being thrown into the lion's

den, including potentially exposing whistleblowers to additional retaliation.

Despite a number of reforms, the outcomes for whistleblowers still look like a system unlikely to protect truth tellers. DOD semi-annual reports to Congress show the vast majority of reprisal claims are not investigated and only a handful of those investigated are substantiated. Even when reprisal claims are substantiated, those who retaliate are rarely punished.

Remedies for whistleblowers are also elusive, with the vast majority waiting years for any remedy, if they receive one at all. Most whistleblowers give up or they end up fighting for years to get their own records corrected.

I would be remiss to not note that DOD IG has lacked a permanent leader for over 5 years. This fundamentally undermines the foundation of the Department's inspector general system. Not having a permanent leader, especially for a long period of time, compromises the office's credibility, its independence, its management, and its strategic direction.

There are a number of other areas of oversights and reforms that can strengthen both their IG and whistleblower protection system.

First, Congress must revise the burdens of proof for military whistleblowers. The odds are stacked against servicemember whistleblowers. For civilians, the burden of proof to show a personnel action was warranted and therefore not retaliatory rests on agency officials. For members of the military, the reverse is true. And service members must prove that they were illegally retaliated against by showing there was no other reasonable explanation for the adverse personnel action they experienced.

Second, we urge the subcommittee to review whether service and component IGs have the legal support that they need.

Third, Congress must look at or should consider expanding alternative dispute resolution options for the military to help provide expedient relief.

Fourth, all IGs must do more outreach to the public and Congress about their work, including publishing their reports in a timely manner, proactively releasing information to the public that is going to be released anyway under a Freedom of Information Act request, and announcing upcoming projects that aren't law enforcement sensitive.

Finally, I hope the service IGs will complete implementation of measures to protect the confidentiality of sources. We all count on inspectors general to warn commanders, senior leaders, Congress, and the public about problems. Their ability to do so depends on effectively working with whistleblowers. When individuals come forward, usually at great personal and professional risk, they must be effectively protected. The perceived and real failures of the system must be addressed.

Thank you again, and I look forward to your questions.

[The prepared statement of Ms. Smithberger can be found in the Appendix on page 55.]

Ms. SPEIER. Thank you. Thank you both for your testimony.

I would like to ask unanimous consent that non-subcommittee members be allowed to participate in today's briefing, after all the

subcommittee members have had an opportunity to ask questions. Is there any objection?

Hearing none, so ordered.

All right. So I am going to forgo asking my questions until the end of the panel, so I offer Ranking Member Banks the opportunity now to pursue his questioning.

Mr. BANKS. All right. Thank you, Madam Chair, for that.

As I mentioned in my opening statement, I would like to understand from both of you whether you have any recommendations regarding how DOD and the services train and educate their IGs. Also, do you think they have what they need in terms of resources to execute their mission?

Ms. Smithberger, we will start with you.

Ms. SMITHBERGER. Thank you for the question. I think I am going to defer to Mr. Heddell a little bit more on some of the training though. More training is always welcome, and I know DOD IG has been doing a lot to try and enhance that training, but I think something else to look at is for some of these investigations where independence is really important for some of those investigations, I wonder in some of these cases if the DOD IG should be retaining more of those investigations than they are currently and giving DOD IG more of those resources.

As you know, the problem with training, if people are, you know, circulating in and out of these service and component IGs, is that this is not going to be part of their long-term career field and so there is diminishing returns, while if we have a civilian component that has this expertise, I think that is probably a better investment in the long term.

Mr. BANKS. Mr. Heddell.

Ms. SPEIER. Turn your mike on, please. Thank you.

Mr. HEDDELL. Yes, ma'am. The Inspector General Act, I believe, is a really good perhaps role model for all IGs. And I think one of the huge concerns that I see is that the component IG skills and the way they do their work, well-meaning, I am sure, in many—most respects, has not evolved over the years to be better than it could be.

It has—where the inspectors general, the Federal inspectors general, DOD IG, for instance, over the years, because of the wisdom of Congress, the initial IG Act of 1978 has been amended and improved and has made the inspector general a stronger, more capable, more talented and determined and an independent inspector general.

If that had not occurred, I would say that today that the DOD IG and other Federal IGs would be impotent and the whole concept of IG in Federal Government would be a failure, but it isn't a failure. Today our IGs are among the most skilled and exceptional executives in government.

The same I cannot say is true in terms of our component IGs. They are basically passing through. They do a 36-month rotation into their assignments, generally. In my opinion, it takes a lot longer than that to develop the kind of knowledge and commitment and the allegiance to what is right within the ranks of the military.

And so just about the time that I think that they are really getting their sea legs, they are moving on to another non-IG assign-

ment. One of the implications of that is that it reduces the number of mentors that would be around to be helpful.

Number two, this idea of component IGs, several thousand—2 or 3 thousand of them, it needs to become a profession. It is not, in my opinion, viewed as a profession. There needs to be very sophisticated state-of-the-art training academy.

And I believe that individuals who are nominated to become component inspectors general should go through the academy and they should be required to pass and then certified. And once they are certified I believe that they should attain—be appointed to the rank of warrant officer.

I have nothing against noncommissioned officers. They are the backbone of our military in many, many ways. But as an inspector general, I think we have to start at a higher level, and we have to work from there. It has to become a profession.

The issue, the biggest issue facing the component IGs is independence. We have to give these component IGs the backbone and the confidence to do their work, and not worry about what their commander says. I really believe that there is too much emphasis on the chain of command, that the component IG is required to go through his or her commander.

Now, I have great respect having been in the military for the chain of command, but it doesn't work, in my opinion, when it comes to inspectors general. Their chain of command must be directly from them to the respective TIG. Now, that would cause a lot of headaches under the structure today for the TIGs to take that kind of, you know, intimate control of the situation, but I think that is necessary.

We have reached a point with respect to assault, harassment, retaliation, all of these things are undermining. When I was in the military, and I am sure it is true today, the central thought among rank-and-file members is that the military takes care of its own. Well, I am sure they still believe in that, and I am sure to a great extent they do, but that is not happening. There are too many people—

Mr. BANKS. I appreciate that, sir, a lot of really great comments. And with that, Madam Chairman, I yield back.

Ms. SPEIER. All right. Thank you.

I think what we are going to do now is recess for about—I am sorry. We are not going to recess. We are going to suspend for about, I guess, 20 minutes. Actually, wait a minute. Maybe what we will do is go to Ms. Escobar for 5 minutes.

Ms. ESCOBAR. Okay. Perfect. Thank you, Madam Chair.

Mr. Heddell, I want to pick up where you just left off, because I am very curious about where you were headed with your comments with regard to the challenges around chain of command, trying to remove oneself from conflict of interest, and the added challenge with the component IGs that rotate out.

What do you think, if you had to reenvision the component IGs—and actually, this is a question for both of our panelists. If you had to reenvision this, what would the best practices be and what would it look like?

Mr. HEDDELL. You know, I think a very good—I am speaking as a former Army aviator, and so I sort of use that as my role model

here in that training is what is going to make inspectors general at the component level really competent and dedicated and able, and who buy in to the concept that everyone deserves protection. When they can't get it, it undermines the order and discipline of the military. And that is not happening.

So training is the first thing, and I think there needs to be an academy, a real, true-life academy that is focused entirely on inspectors general at the component level. And they need to be—those nominees that go to that academy need to pass the course and be certified. If they are not certified, they don't become inspectors general.

If they are certified, as I said earlier, I think they should be appointed warrant officer rank. It is a professional rank and it—and I think it raises the whole idea of inspectors general at the component level to a profession. And rotating people out after 36 months to something that is not related, they have no commitment.

And, frankly, I do think that when they know they are going to be rotated out to a non-IG position, they may be thinking about how am I going to be received when I go to the non-IG world? I think we have to remove any concerns that an IG might have that somehow they are going to be treated differently because they were an IG.

The other thing is the chain of command. There is far too much emphasis in the Army Regulation 20-1 for the reverence that a component IG must show to the commander. There are too many approvals that the commander must provide that really it should be the TIGs providing.

An example, if a component IG is doing—sees that he has got a criminal investigation on his hands, but of course he or she does not have the law enforcement authority to conduct that criminal investigation, they are required to go to their commander and then it is up to the commander to decide whether to ask, in the Army's case, the CID [Criminal Investigation Division] to open an investigation. They may or they may not, depending on the facts, but the component IG is really—he is dependent on what that decision is. I think that decision, when it comes to criminal investigations, should be made with the TIG.

The other thing, I think there is a real problem with respect to legal counsel. The TIGs have their own legal counsel, I believe, but the component IGs have to submit a request for advice. And they don't know what kind of a lawyer or attorney they are going to get, and they don't know whether that attorney, whether his or her loyalties go to the commander or to someone else.

We need a commitment that component IGs have a committed legal counsel that will support them. These are the kinds of things that will create independence on the part of the IG, it will create confidence, and it will create confidence by the people that are retaliated against, who are harassed, who are assaulted, because right now, if I am a person that is a victim of harassment, and I read AR-20, I would have to really think twice before I would go to the component IG. It is—

Ms. ESCOBAR. Mr. Heddell, I am so sorry, we are out of time. Thank you for your response.

Madam Chair, I yield back.

Ms. SPEIER. Thank you, Ms. Escobar.

We will now suspend for 20 minutes and return. Again, our apologies. This is the nature of our vote today, so we will reconvene then in 20 minutes. Thank you.

[Recess.]

Ms. SPEIER. We will now reconvene the Military Personnel Subcommittee. Mr. Fallon, you are next. You are recognized for 5 minutes. Mr. Fallon? Can someone contact Mr. Fallon so he knows that he is up?

All right. I see Ms. Strickland is with us. Ms. Strickland, you are recognized for 5 minutes.

Ms. STRICKLAND. Thank you, Madam Chair. So one of the issues that I am especially interested in is diversity, equity, inclusion [DEI] within the Department. And under the leadership of Congressman Brown in the last session, the NDAA included several provisions related to diversity.

So as I think about, you know, the conversation about the inspectors general, do you believe that we are sufficiently independent in order to ensure that this topic, specifically, will be investigated the way it should? And then are there other areas within the DEI sphere that you can explore and investigate?

Mr. HEDDELL. Is that question for me? I am sorry.

Ms. STRICKLAND. Yes, actually the question is for both of you.

Mr. HEDDELL. Oh. Well, I will take that first.

Ms. STRICKLAND. Okay.

Mr. HEDDELL. I think the problem is that at the component IG level, the issue of independence is a problem. And that needs to be addressed by a variety of suggestions, recommendations. The biggest one, I think, is simply training and then in making the component IG a profession that that person would go on throughout their career and be an inspector general, and it would be a commitment lifelong.

Ms. SMITHBERGER. Thank you for the question. I think in addition to independence, if you just look generally at command climate issues. When you look at the Department of Defense Inspector Generals in my annual report, it is pretty striking how many instances there are of people being retaliated against because they have tried to use the EEO [Equal Employment Opportunity] system. So I think that it is a significant challenge.

I know that we are adding to the capacity of the Department of Defense Inspector General to work on these issues, but you know, this is a significant challenge for the force. That independence is extremely important that, you know, obviously goes to climate as well.

Ms. STRICKLAND. Great. Thank you very much. I yield back, Madam Chair.

Ms. SPEIER. The gentlelady yields back. Is Mrs. Bice available or Mr. Brown? Mr. Fallon? Mrs. Bice? Mr. Brown? Mr. Kim? Any of those members nearby? We are happy to have them ask their questions.

While we wait for them, I will pursue my line of questioning. In your testimony—let me just get to it first.

In your testimony, Mr. Heddell, you referenced that the regulations suggest the IGs provide commanders with undocumented

informal verbal reports, which is a recipe, as you put, for suspicion and uncertainty about their independence. I don't recall if you in your list of improvements if you recommended that these be made.

Mr. HEDDELL. Now, in the interest of time, the 5-minute requirement, I did not list that. But it is an important one, because nothing that an inspector general does should be informal. Advice should not be informal. It should all be documented. And that again goes back, Chairwoman Speier, to the idea that IG—component IGs have a certain—are expected to have a certain loyalty to their commander, and that they can have these private off-the-record conversations when they shouldn't happen like that.

I am not saying that all conversations have to be formal when you are dealing with a commander. I am saying that these are conversations about their work and about their investigations and oversight. As I read the regulation, that that is what the commander expects. That they will, as the regulation said, circulate among the personnel and observe, make observations for the commander, and discuss those informally with him or her and undocumented. And so, I just see that as a very serious problem in the regulation.

Ms. SPEIER. Well, I concur with you on that. And I was surprised to see that that is the recommended method.

Ms. SMITHBERGER, you had referenced this Alternative Dispute Resolution Program that would be helpful, is operational where at the present time?

Ms. SMITHBERGER. So, currently, it is operational both at the Office of Special Counsel and the Department of Defense Inspector General. And I just on your previous question, one of the reasons that we think it would be really helpful for the service IGs, in particular, to announce their upcoming work is that we want to make sure that those investigations become investigations and reports and not just conversations from one commander to another commander. So that helps to hold everyone accountable.

Ms. SPEIER. So you are saying with the Dispute Resolution Program is presently with the DOD IG. Is that what you said?

Ms. SMITHBERGER. Correct.

Ms. SPEIER. And you are recommending that it be made available at the service level as well, is that correct?

Ms. SMITHBERGER. Either at the service level or as part of DOD IG; it is not currently available to military service members.

Ms. SPEIER. So who is it being used by?

Ms. SMITHBERGER. Civilians.

Ms. SPEIER. I see. Okay. And do you have any data on that in how it is working?

Ms. SMITHBERGER. We do. It is included in semiannual reports, but I am happy to provide more for the record.

Ms. SPEIER. Okay. If you would do that for the record, that would be helpful. Thank you.

[The information referred to can be found in the Appendix on page 103.]

Ms. SPEIER. Let's see. I think that is all the questions I have. I really very much appreciate your testimony today. It is very helpful

for us to be able to hear from those who have served, those who evaluate. Maybe just one last question.

It appears in Ms. Smithberger's testimony, you indicated that—if I can find it. You referenced the 2019 Roll Call story that found that only 1 of the 350 officials that the IGs determined had retaliated against whistleblowers was fired. So I am presuming from that that there were 350 cases that were brought by whistleblowers in which they confirmed that there was retaliation, but only one of those officers was fired. Is that correct?

Ms. SMITHBERGER. That is correct.

Ms. SPEIER. Is that alarming to either of you?

Ms. SMITHBERGER. I think it sends the signal that retaliation is tolerated and is an inconvenience at most.

Ms. SPEIER. Mr. Heddell.

Mr. HEDDELL. It is alarming, but I don't think that it is unusual in terms of statistics over the last 10, maybe even 15 years. Maybe even while I was an inspector general. And it is alarming. But I don't think it is unusual. So much has gone unreported. And so much that is reported that is investigated—I will say it is under-investigated, that is the term I would use, meaning that you don't see many substantiations. And I think the statistics alone tell you that there is a concern.

Ms. SPEIER. All right. Thank you very much. My time has expired. Your presentations are complete. I don't believe we have any other members who wish to be heard. So thank you very much. We will change out our panelists.

All right. We welcome our second panel which includes Mr. Sean O'Donnell, the Acting Inspector General for the Department of Defense; Lieutenant General Leslie Smith; Lieutenant General Sami Said; Vice Admiral Richard Snyder; and Major General Robert Castellvi.

All right. Each witness will provide a brief statement, and each member will have the opportunity to question the witnesses for 5 minutes. We ask that our witnesses summarize their testimony in 5 minutes. Your written statements will be made part of the record.

We are now going to start with the Acting Inspector General of the Department of Defense, and the confirmed Inspector General of the Department of—no, the EPA [Environmental Protection Agency], is that correct?

Mr. O'DONNELL. Yes, ma'am.

Ms. SPEIER. Mr. O'Donnell, you are recognized.

#### **STATEMENT OF SEAN O'DONNELL, ACTING INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE**

Mr. O'DONNELL. Good afternoon, Chairwoman Speier, Ranking Member Banks, and members of the subcommittee. Thank you for inviting me to discuss the roles and responsibilities of the inspectors general of the Department of Defense and the military services.

In January 2020, I was sworn in as the Inspector General of the U.S. Environmental Protection Agency. And since April 2020, I have served concurrently as the Acting Inspector General with the Department of Defense.

Today, I am here representing the Department of Defense Office of Inspector General. Through the IG Act, Congress established the DOD OIG as an independent and objective unit to prevent and detect waste, fraud, and abuse in DOD programs and operations; to promote economy, efficiency, and effectiveness of those programs and operations; and to help ensure ethical conduct throughout the DOD.

Perhaps the most important hallmark of the DOD OIG is its independence. This independence ensures the objectivity of our work and safeguards our operations against efforts to influence or obstruct. Congress has protected our independence by, among other things, placing the IG under the general supervision of the Secretary of Defense, meaning the Secretary cannot not direct or prevent the work of the DOD OIG unless such a prohibition is necessary to preserve national security. In addition, Congress also requires that the DOD OIG receive timely access to all documents and other information available to the Department.

The DOD OIG employs approximately 1,750 dedicated oversight professionals. We are responsible for, among other things, one of the largest financial statement audits in history, evaluating highly complex and highly classified DOD programs, evaluating high, excuse me, investigating billions of dollars in potential fraud.

To put our overall work into perspective, in fiscal year 2020 the DOD OIG issued 138 audit and evaluation reports, contributed to criminal recoveries of \$2.69 billion, conducted 35 administrative investigations, and oversaw 499 senior official or retaliation investigations completed by the military services and the defense agency OIGs.

We do all this despite having a proportionately smaller staff than other Federal IGs. As a point of comparison, the larger Federal OIGs typically have a ratio of departmental staff to OIG staff of between 50 to 1 and 200 to 1. The DOD OIG ratio is closer to 1,700 to 1.

The DOD OIG is not alone in ensuring robust oversight of the DOD. We are part of what we call the Defense Oversight Community, which includes the four military service IGs, the military criminal investigative organizations, the service auditors general, and the defense agency IGs. The IG Act recognizes the important role of this community by among other things requiring that the DOD OIG give particular regard to the community's work with an eye toward avoiding duplication and ensuring coordination and cooperation.

To this end, I chair the Defense Council on Integrity and Efficiency, which brings our community together through various committees and working groups. In addition, I meet quarterly with the service IGs to discuss common issues.

One of the most significant ways in which we interact with the Department of Defense is through the DOD Hotline. We offer the DOD Hotline as a confidential, reliable means to report without fear of reprisal, allegations of fraud, mismanagement, or misconduct that involve DOD personnel and operations. Last year, the DOD Hotline received approximately 16,000 contacts. This volume often requires the DOD OIG to refer hotline contacts to an appropriate entity within the Defense Oversight Community.

For senior official misconduct allegations, we will generally assume responsibility for conducting investigations against three- and four-star generals and flag officers, Presidential appointees, and Senior Executive Service members in the Office of the Secretary of Defense. Similarly, we will generally refer misconduct against one- and two-star general and flag officers and SES members within a service to the corresponding service IG.

With respect to whistleblower retaliation allegations, the DOD OIG handles complaints involving DOD contractors and other select employees, security clearances, and sexual assaults. We will generally refer whistleblower retaliation allegations involving military service members to their respective service IG.

Even when we refer a contact to another entity, we retain oversight responsibility. As such, we require that the receiving entity conduct an inquiry according to quality standards that ensure independence and objectivity. For most referrals, we also require that the receiving entity submit a written report to the DOD OIG for oversight. If we determine that the report does not meet our quality standards, we will return the report to resolve the deficiency.

We engage the Defense Oversight Community in other ways, too. Most notably and relevant to this committee is our continuing implementation of our oversight and diversity inclusion in the DOD and the handling of supremacist and extremist criminal gangs in the Armed Forces as required by section 554.

Finally, we also undertake quality assurance reviews of the service IGs' administrative investigations. In closing, overseeing increasingly complex DOD programs and operations, as well as hotline and other complaints requires the best staff, training, and resources, not only for the DOD OIG, but also for the service IGs and the broader Defense Oversight Community.

Thank you for the opportunity to testify this afternoon, and I look forward to answering your questions.

[The prepared statement of Mr. O'Donnell can be found in the Appendix on page 70.]

Ms. SPEIER. Thank you, Inspector General. We will now hear from Lieutenant General Leslie Smith, the Inspector General of the Army.

#### **STATEMENT OF LTG LESLIE C. SMITH, USA, INSPECTOR GENERAL OF THE ARMY**

General SMITH. Chairwoman Speier, Ranking Member Banks, and distinguished members of the Military Personnel Subcommittee, good afternoon.

I am Lieutenant General Leslie C. Smith, the Army's Inspector General. Thank you for the privilege of appearing before you today to speak about the Army Inspector General system and how we function to assist soldiers, Army civilians, and family members. On behalf of the Acting Secretary of the Army, Honorable Mr. Whitley, and Army Chief of Staff General McConville, thank you for support to the military.

We exist for one thing: To help ensure the readiness of our Army. Since the creation of the U.S. Army Inspector General System 243 years ago, inspectors generals have been charged to inspect, observe, train, and report misconduct. This duty has evolved to our

four key functions: inspections, assistance, investigations, and training.

At the Department of the Army, I am independent, and I report directly to the Secretary of the Army. However, in accordance with title 10, U.S. Code, I am charged by law to fully cooperate with the Department of Defense Inspector General. And we achieve this cooperation by resolving allegations of whistleblower reprisal, DOD Hotline, and Army senior official misconduct all under the direct oversight of the Department of Defense.

Under the Department of Army level, we conduct independent inspections of systemic issues and also resolve allegations of misconduct, fraud, waste, and abuse. We will refer other allegations that represent criminal misconduct to Army's Criminal Investigation Command, and discrimination cases to Equal Opportunity Offices.

Additionally, we provide policy, training, and assistance to Army IGs worldwide. We also provide trend analysis and impartial advice to Army senior leaders in all components. For example, our Inspections Directorate is in direct support of the Army's focus on countering harmful behaviors. This effort includes behaviors such as sexual assault, sexual harassment, discrimination, and extremism, among others. Also, being independent affords us the ability to understand the scope and challenges the Army faced in the privatized housing crisis and to recommend solutions to Army senior leaders. We were able to quickly shift our assets to deploy to 73 locations across the United States to get a strategic look at the problem.

Across our Army, we have 1,441 inspectors general and 208 IG offices. We train each of these IGs through our Inspector General School certified by me and the Secretary of the Army, with additional advanced courses and continued education to produce effective IGs. And in this capacity, these field IGs meet the readiness goals of those field commanders. All Army IGs work within the parameters of our guiding regulation. That means they are responsible to their respective commanders, or responsive to me and Secretary of the Army.

Every Army IG takes an oath to uphold the standards of the Army without prejudice or partiality, even when the Army may be the problem. These words represent a tall order and one that all IGs take very seriously. If an IG falls short of this standard, I take it very seriously. And I have the authority revoke their credentials. While I don't enjoy this requirement, I have taken steps to revoke several IG credentials, both military and civilian. We occupy a position of public trust, and we must never violate that trust.

In closing, Army IGs and the Inspector General Agency are both independent and integrated. We are independent and provide credible impartial oversight. We are also integrated, serving vertically and laterally as the eyes, ears, voice, and conscience of our commanders in the field, helping preserve the Army's readiness through our four critical functions: inspections, assistance, investigations, and training.

I look forward to your questions. Thank you.

[The prepared statement of General Smith can be found in the Appendix on page 76.]

Ms. SPEIER. Thank you, Inspector General. Next, we will hear from Lieutenant General Sami Said, Inspector General for the Air Force.

**STATEMENT OF LT GEN SAMI D. SAID, USAF, INSPECTOR  
GENERAL OF THE AIR FORCE**

General SAID. Chairwoman Speier, Ranking Member Banks, committee members, thank you for the opportunity to appear before you today, along with my colleagues, to discuss our roles and responsibilities as service IGs. I am mindful of the limited time today and the number of witnesses, so I will keep my comments very brief.

We provided the committee with detailed information on the roles and responsibilities of the Department of the Air Force Inspector General. So I will avoid covering such information in any detail, but let me offer a few points to frame the dialogue.

Generally, the Department of the Air Force IG is charged with independently assessing, through investigations, inspections and reviews, the readiness, efficiency, and discipline of the Department of the Air Force, which includes both the Air Force and the Space Force.

To empower full independence, the Department of the Air Force IG and its subordinate organizations reside within the secretariat chain. And the inspector general reports directly to the Secretary of the Air Force. All authorities of the Department of the Air Force IG and all organizations within directly emanate from the Secretary of the Air Force through the Air Force IG.

At the Department of the Air Force level, the IG organization is composed of three field operating agencies and four directorates, all serving both the Air Force and the Space Force. Below the Department of the Air Force level, we have inspector general presence at 186 installations, supporting both our major commands in the Air Force and our field commands in the Space Force.

IGs below the Department of the Air Force level support and report to their chain of command. However, the Department of the Air Force IG retains oversight of their inspections and their investigations.

DAF-IG also issues the policies that govern the field IGs' responsibilities and missions and provides training for all inspector generals in the Department of Air Force. Across the Department, we have 2,620 airmen and guardians performing IG duties, of which 1,880 are military, and 740 are civilians. Total funded billets, though, for the mission stand at 1,886.

The mix of civilians and military is very important to us. Our military IGs offer experience, but also critically important currency in the issues they are charged to inspect and to investigate. Our civilian IGs bring a wealth of experience and provide helpful continuity.

Our partnership in collaboration with all our sister service IGs and DOD IG is, in my view, exceptionally good. We receive very helpful and healthy oversight from DOD IG, and across the services we share lessons learned and best practices with each other. We fully cooperate with DOD IG and have well-established over-

sight and handoff guidelines that are common to all of us that work well.

Independence of the IG at all levels is highly respected and cherished and protected within the Department of the Air Force. This element of independence is critical to executing the mission at all levels.

Although field IGs report to their chain of command, the results of their inspections and investigations are independent, and oversighted at multiple levels. If any IG experiences undue influence, they will upchannel their concerns to their next higher level in the IG chain all the way up to DAF-IG. All IGs serve under common standards of conduct.

In terms of overall capacity and resourcing, we have generally received appropriate support and priority. However, as with other organizations, we have some capacity shortfalls primarily at the installation level which we are working to address.

Again, thank you for the opportunity to appear before you today. I look forward to your questions.

[The prepared statement of General Said can be found in the Appendix on page 82.]

Ms. SPEIER. Thank you, Lieutenant General. Next, we will hear from Vice Admiral Richard Snyder, Inspector General for the Navy.

#### **STATEMENT OF VADM RICHARD P. SNYDER, USN, NAVAL INSPECTOR GENERAL**

Admiral SNYDER. Chairwoman Speier, Ranking Member Banks, and Military Personnel Subcommittee members, thank you very much for having us here today to discuss the roles, responsibilities, and authorities of the services' inspectors general.

As the Naval Inspector General, my office and duties are established by statutes, specifically, 10 U.S. Code section 8020. I report directly to the Secretary of the Navy and have the authority to inspect, investigate, and/or inquire into any and all matters affecting the discipline or the military efficiency of the Department of the Navy.

I am the senior administrative investigative official in the Department of the Navy, and the principal advisor to the Secretary, the Chief of Naval Operations, and the Commandant of the Marine Corps on all matters concerning inspections and investigations. I am the inspector general for both the Department of the Navy and the Navy as a service.

The Office of the Naval Inspector General [NAVIG] ensures an independent and objective evaluation of all complaints within NAVIG's purview, with the exception of complaints retained by Department of Defense IG. We conduct periodic inspections of commands and regions to assess program compliance, program effectiveness, and risk to the Department of the Navy. We also have an intelligence oversight responsibility.

Findings of our investigations and inspections are provided to the chain of command for action deemed appropriate. We are not involved in criminal investigations nor audits, as my office is separate and distinct from the Naval Criminal Investigative Service and the Naval Audit Service.

The Navy IG enterprise is large, consisting of 27 echelon II, 66 echelon III, 49 echelon IV, and 2 echelon V command IGs who report administratively to me for policy and oversight, and report operationally to their respective echelon commander for most command-level matters. This structure provides the supported commander a valuable command-level resource for executing their duties of command. Each of our IG offices has both an investigation and inspection function.

Because we have a large worldwide enterprise with considerable activity, we have taken steps to ensure consistency and effectiveness throughout the enterprise. I expect every IG, regardless of where they are within the enterprise, to perform their roles in a fair, impartial, and independent manner. My office is responsible for providing policy guidance, training, and professional oversight to that end. IG offices at more senior echelons provide additional oversight and may perform IG functions should there be any concern about capability, fairness, or impartiality.

We are required by statute to cooperate with the Department of Defense Office of the Inspector General. In particular, our senior official cases and military whistleblower reprisal cases are worked closely with our legal staff and are reviewed by the Department of Defense Office of the Inspector General for quality, accuracy, and oversight approval.

Cases are sometimes referred from the Department of Defense Office of the Inspector General to my office, and from my office to lower echelon Navy IG offices for information only or for appropriate action. Action referrals require a feedback report to the referring office for review and oversight.

During my almost 3-year tenure as the Naval Inspector General, I witnessed a team of Navy IG professionals dedicated to performing accurate, fair, and neutral investigations and assessments. Our goal is to provide timely, accurate, and meaningful information to enable Navy warfighting readiness and support to our sailors, Navy civilians, and their families.

Chairwoman Speier, Ranking Member Banks, and Military Personnel Subcommittee members, thank you for your continued support of the Navy and our people, and I look forward to your questions.

[The prepared statement of Admiral Snyder can be found in the Appendix on page 88.]

Ms. SPEIER. Thank you, Inspector General.

Next, we are going to hear from Major General Robert Castellvi, Inspector General of the Marine Corps.

**STATEMENT OF MAJ GEN ROBERT F. CASTELLVI, USMC,  
INSPECTOR GENERAL OF THE MARINE CORPS**

General CASTELLVI. Chairwoman Speier, Ranking Member Banks, subcommittee members, thank you for the warm welcome and the opportunity to appear before you today along with my colleagues to discuss the roles and responsibilities as service inspectors general.

As the Inspector General of the Marine Corps [IGMC], I am the senior investigative official within the Marine Corps, and I support the Secretary of the Navy and the Commandant of the Marine

Corps to promote institutional effectiveness, efficiency, discipline, ethics and integrity, and combat readiness.

I am the principal advisor to the Commandant on all matters concerning inspections and investigations. And I communicate directly and independently to the Secretary of the Navy, the Department of Defense Inspector General, and the Naval Inspector General on all Marine Corps matters.

My staff and I perform this vital role through impartial and independent inspections, assessments, inquiries, administrative investigations, and we do it without influence, pressure, or coercion. I report our findings to the Secretary of the Navy and the Commandant.

Since assuming this position less than a year ago, not once, I mean that, not once, have I ever felt any pressure or influence from either one of them or their staffs. We proudly refer to ourselves as the standard bearers of our corps—the place you go to get the answer to what rights should look like.

But my team is supplemented by 41 command inspectors general [CIGs], some of the finest officers I have met, many of them, either in person or virtually, and they are assigned to every general officer command across the Marine Corps. The command IGs work directly for their commander and serve as a functional extension. I call them a connecting file within the enterprise to me and my team at IGMC. They provide the commander the same support my office provides the Commandant within the authorities of the individual commander.

It is important to know that they are not out there on their own. My office plays a key role providing training, support, oversight, and really mentorship, and I vet their selection for these local command IGs, and we inspect them to ensure their independence, their compliance with applicable regulations.

Although the level of authority and the sphere of influence varies, all IGs have the same fundamental duties that includes conducting inspections and providing assistance, and responsibility to investigate allegations of fraud, waste, and abuse of authority. Statute dictates our cooperation with the DOD IG and provides oversight on all our work on senior official and military whistleblower reprisal cases.

The DOD IG reviews our work for quality, thoroughness, and accuracy for these cases, as well as any cases they refer to us. Following their review, the findings of our investigations and inquiries are provided to Marine Corps leadership for appropriate action.

The relationship between DOD IG and IGMC is very similar to the relationship between our office and our local IGs. Each commander enjoys the benefit of an IG to manage local issues, conduct local inspections, investigate local matters, and keep a pulse on the things that affect the morale and discipline and climate of the unit. Whereas IGMC serves as the eye and ears of the Commandant—we spend about 50 percent of our time on the road—Command IGs serve as the eyes and ears of their individual commander.

Chairwoman Speier, Ranking Member Banks, and Military Personnel Subcommittee members, thank you for your continued support to IGMC and your Corps of Marines. I look forward to your questions.

[The prepared statement of General Castellvi can be found in the Appendix on page 95.]

Ms. SPEIER. Thank you, Inspector General. Thank you all for your presentations. I am now going to offer the ranking member 5 minutes to ask his questions.

Mr. BANKS. Thank you, Madam Chair. I wonder for each of you if you can let us know as you adapt to meet today's mission if you are considering any organization or personnel changes? Let's start down here at this end of the table.

General CASTELLVI. Yes, sir. We have looked at a reorganization of our office, and that has taken place over this last several months. I told the Commandant when I first took over, that I needed about 2 months to understand where we could find some better efficiencies and provide some better oversight. I felt that there were some things like timeliness of our investigations that needed to be improved.

I thought there needed to be some better checks and balances within our own office. We needed to strengthen some of the roles, for example the Chief of Staff and our investigators. So I am pleased to say that that has been an effective look, and I am ready to put that in place this coming up summer with some personnel changes.

Admiral SNYDER. Yeah, Ranking Member, for the Navy side, really three things I would focus on. We've had an ongoing effort to take what I refer more of an enterprise approach to the way we do business. You heard about the various echelons. And my goal has been to bring us together and not stovepipe by command or by echelon. And so we put several things in place to try and work things better as an enterprise, because that is how we are going to get things done.

Just recently, we brought up some of the investigators from the lower echelon who had less workload than us, we brought them onto our staff on an assignment temporarily to help us out. That was enabled by the virtual environment we are in now, which is that second area that we are looking to take advantage of. Both in the way we work and the way we inspect. Our inspections were done almost exclusively in person. We have been able to leverage the virtual environment to help that now.

And then, lastly, looking at processes. You know, our caseload continues to go up. And we can certainly continue to put more people to that problem, but there is also an opportunity with process improvement.

General SAID. Ranking Member, I think you asked about organization change, as in moving the boxes on the wiring diagram. We don't have any major reorganization initiatives underway, but we have a few process initiatives underway. How to better inspect, what to inspect, how to improve timeliness; those are process issues, but not reorganizational issues.

General SMITH. Thank you, Ranking Member. I think for us we really are looking hard at the military-civilian mix, not only at the Department of the Army level but also at the subordinate IGs. I think the other aspects that we have learned from recent things are increasing the number of surveys that we execute and the analytics that we use to look at the details of those, because that helps

us to give a better view for the Secretary and then the subordinate commanders.

And then, lastly, is the oversight. At my level especially, my impact of making sure that the subordinate IGs understand the significance and importance of timeliness and responding to those allegations. That is the most important.

Mr. BANKS. Lieutenant General Smith, we will stick with you, when was the last time that you updated or refreshed your training or education program?

General SMITH. It is after every course it is updated. So that 3-week course that's at the Inspector General School at Fort Belvoir, we do an analysis of each one of those classes. Even through the virtual form which we continue to execute, we strongly look at those courses. And as we speak—

Mr. BANKS. Please. Go ahead.

General SAID. Ranking Member, same. We get feedback after every course, and we adjust the course material based on the feedback. We also cross-check what our sister services are teaching, and we get the best practices from them, similarly with DOD IG.

Mr. BANKS. Admiral.

Admiral SNYDER. We've really had a sea change in the last year. We have been forced to go virtual, and we took that opportunity to also revamp what we are teaching. We added a course, NAVIG 101. And we have also brought in training professionals to assist our IG professionals in delivering that training.

Mr. BANKS. Major General.

General CASTELLVI. We too had to go virtual, and we also found that we had a gap. We needed to develop very quickly an online, an IGM 101 version as a bridging solution until we can get an MTT [mobile team training] online. And because we were watching some rookie mistakes being made by brand-new command IGs that just needed a little bit more mentoring, needed to get trained earlier rather than later.

And with the COVID environment that we were in, we found ourselves needing to make sure that we had a bridging solution. And we have unveiled it.

Mr. BANKS. Got it. Madam Chair, I yield back.

Ms. SPEIER. I thank the gentleman.

Vice Chair Escobar, you are recognized for 5 minutes.

Ms. ESCOBAR. Thank you so much, Madam Chair, and many thanks to our panelists. I have a question, actually, about the command IGs. If you all wouldn't mind, each one of you sharing with me, from your perspective if you could describe the relationship between command IGs and your service and the commanders. And I am wondering if you have any recommendations or thoughts on how we can ensure absolute independence, objectivity, lack of conflict of interest in that relationship or in the work that the command IGs do?

So whoever would like to go first.

General SMITH. Thank you, Representative. So the command IG's relationship with the commander is twofold. They are responsible to the commander but responsive to me. So what that means is we have oversight of everything that they do. So they work with the commander to work the actions that are local, but every one of the

cases that are worked, we have electronic views that we can see what the level of work they do and how that is being executed.

And I will just tell you we keep the independence because of the oversight that we have. Every quarter, I review the top cases that are in our viewpoint sometimes are lagging to find out where we are, how we can improve those.

Thank you.

General SAID. Representative Escobar, the same for us. At the installation level, which is the lowest level where we have IG functions, they are a critical tool to our commanders, because they have two roles. They are doing what we call complaints resolution, and they are hearing the complaints and the concerns of our airmen and guardians, and they are attempting to deal with them on behalf of the commander. And we can talk more about that if you would like.

They are also helping the commander assess their internal readiness, their ability to deploy and employ, right? They are not providing the grade for the readiness at the installation level; that is being conducted at a higher level.

They are—similar to the Army, their independence is tight, because although they report to the chain of command, I have oversight of them in terms of the guidance that is given to them of how they execute, the training that they get, the authority to overturn their investigations and their inspections, and the ability to reach down if we sense any undue influence.

Admiral SNYDER. Congresswoman, for us, we have quite a few civilians in the down-echelon IG offices in large—in fact, a large number are non-headquarters IG folks are civilians. At those larger commands, our echelon II commands, frequently you will have the IG and the deputy IG will be—one will be a civilian, one will be a military.

So we have the continuity and the experience of the civilian folks in the command IGs, but then we have the operational experience and the military awareness of those military IGs.

Like everyone else has mentioned, that oversight piece is very important to us. Those IGs know that they can, but frankly must, move up to a higher echelon if what they have either feels inappropriate or unable to be handled at their level.

And then, lastly, it is my relationship with those commanders as well. I have complete authority and obligation to reach out to those commanders if anything is brought to my attention that is inappropriate on their behalf. And I expect them to do the same with me if the IGs aren't doing what they expect them to do.

General CASTELLVI. I think we have a similar model, and I think it works for us. We have a military and civilian mix. In most cases, it is the military that we have as the CIG with an experienced civilian that is providing that continuity.

And I heard in the previous panel about the talk about putting a warrant officer in there. I am not going to tell you, in ours—what works for us is just having experienced lieutenant colonel and colonel command IGs that actually have the credibility, the credibility to be able to walk, to be able to represent that commander and inspect and adjudicate and understand the independence and be able

to walk to another commander and say, hey, you have got a serious issue here, and I know because I have been in your shoes.

So it is important for us for the currency we believe to have those IGs to have credibility. But we have to make sure, we have to make sure that we have them appropriately trained. And I brief every commander's course. We brief them and train them in our quarterly symposiums. And that is the key. If you train them appropriately and emphasize their importance and their independence, make sure that the general officers that they work for and the commanders they work for understand the importance of that independence. And this works as a good model.

Ms. ESCOBAR. Thank you all so much. I very much appreciate it. I am out of time. Madam Chair, I yield back.

Ms. SPEIER. I thank the gentlelady. Mrs. Bice is recognized for 5 minutes.

Mrs. BICE. Thank you, Madam Chair. Thank you, gentlemen for your service and for being with us this afternoon.

My first question is to Mr. O'Donnell. Did I hear correctly that you are Acting IG for DOD as well as IG for the EPA?

Mr. O'DONNELL. Yes, ma'am.

Mrs. BICE. So that seems like a rather large undertaking to be able to manage both of those. Is that sort of a temporary situation?

Mr. O'DONNELL. As the title indicates, Acting, yes. It is temporary. It is a handful, but both offices I am blessed with really competent staff and committed professionals.

Mrs. BICE. Thank you. Okay. It was mentioned earlier that the IG, the IG position, I think, it is for the services is for 36 months. Do you all feel like that that maybe impedes the opportunity to learn and train, and maybe that timeframe needs to be reevaluated?

General SMITH. Thank you for the question. The position is actually for 46 months or 4 years. So the—48 months. I think the—it gives you the credibility as you select the commander with operational background similar to the comments that we heard earlier that they know they are the commanders, but they understand who they work for.

It is clear that I work for the Secretary of the Army and all know that, and that is where my loyalties lie. And now our job is to make sure we understand the issues and concerns that subordinate commanders may have, but also those IGs, because we have had inspectors general work for us before. We bring both of that knowledge of having the experience with commanders and also having had IGs work for us before.

General SAID. And very similarly so, experience, currency both are important. And as you heard from the opening statement, we have a mix of both military IGs and civilian IGs. On the military side, they are rotating at a higher rate than the civilians. The civilians provide exceptional experience and continuity. On the military side, we need recency and currency in the issues that the IGs are inspecting and/or investigating. For instance, we do nuclear inspections. We do inspections of readiness. And currency in what you are inspecting is critically important. Having done that mission set 10 years ago is very different than having just come out of an operational command. And having executed that mission, you know

what the latest and greatest tactics, techniques, and procedures that are relevant. Therefore, your inspections and your results are more accurate.

So you need that credibility with the recency, and that is what the military brings to the mix. Yes, they rotate at a higher rate, but there is a good balance between the two.

Admiral SNYDER. Congresswoman, I will just add. I am sorry. Just a couple of things I would add. Most of our military folks are in the inspections branch or division, and so that currency is important. And, yes, they do rotate more frequently. Many of our civilians have been around for a very long time.

For me, in particular, typically a 36-month tour, my deputy is a civilian deputy who has been there before I got there, and hopefully will be there for a long time. And my chief of staff is a civilian who has decades of experience at Navy IG.

So, the last thing I will add is I didn't think I had been an IG before either. But what I have learned is going out and identifying standards, assessing performance to those standards, and making recommendations to make the organization better, it is what we have done our whole career and that is what we do as IGs.

General CASTELLVI. Congresswoman, I will just reinforce my colleagues real quickly in some of the key things that I think are common that we all feel are important here: it's credibility, it's experience, and it's currency.

So if you have that continuity with the key civilians you have as your deputy—I have one that has been in that billet for 7 or 8 years now, and he is a retired colonel before that. Brings a great depth of experience. What he lacks is that currency of what is happening in the Fleet Marine Force at this time, having not had a more recent command or command experience out there.

So I think we have a very good mix, I think. Our inspections team is headed across the entire headquarters Marine Corps of subject matter experts, a good number of those are civilians. So it is a decent mix, and I think it seems to work.

Mrs. BICE. Thank you, gentlemen. And my time has expired. So I will yield back to Chair Speier.

Ms. SPEIER. Thank you, Mrs. Bice.

Mr. JACKSON is recognized for 5 minutes.

Dr. JACKSON. Thank you, Chairwoman, I appreciate it. And thank you to the witnesses for being here today.

After 25 years of Active Duty service to my country and retiring as a flag officer in the United States Navy, I know what it means to sacrifice and to serve my country. I served under three different Presidents in the White House Medical Unit, including 8 years in President Barack Obama's tenure when I was promoted to admiral. It was not important to me whether the President I was serving was a Republican or Democrat.

I, of course, am a Republican, but I was not concerned whether my patient or the person I served was a Republican or a Democrat. I was going to do the best of my job to the best of my ability.

During that time in the military, I served alongside a diverse group of sailors, soldiers, airmen, and Marines. When I was deployed to Iraq to lead a resuscitative medicine team in efforts on the battlefield to combat serious injuries on the battlefield, I didn't

care of a person's gender, their sexual orientation, their political views, their race, or who they were. I fought alongside them, and I fought to save their lives. I did what I needed to do, plain and simple.

There were thousands before me, there will be thousands after me that serve this country honorably. And we all do it to protect one thing, the United States of America.

Unfortunately, right before our eyes, everything is being politicized, including what is supposed to be a nonpartisan Department of Defense. I am frustrated and deeply disappointed that the organization that I dedicated my life to and that my family has dedicated their life to is falling victim to what I consider to be woke culture.

President Biden has requested that we cut spending for the Department of Defense and has proposed a top-line number that does not keep up with inflation and definitely does not support the 3 to 5 percent growth the National Defense Strategy calls for. Additionally, he requested that the Department of Defense fund social initiatives and promote the New Green Deal. This will, in fact, force the Department of Defense to make difficult decisions to cut key programs that could protect our country in an effort to promote what I consider a political agenda.

What are a few things that the Biden administration is pressing that is a lower priority for the Department of Defense than the New Green Deal and the social incentives? Number one, countering biological threats, modernizing our military, and taking care of our military families.

It truly troubles me how deeply political things have gotten and how this administration appears to be weaponizing and politicizing organizations like the Department of Defense to advance their agenda.

My first question, as part of this in recent cases undermanning, inadequate staffing, and poor training have opened the door for the DOD IG to follow political bias instead of due process. In these cases, the DOD IG predetermines a conclusion that they want to reach. And due to a lack of staff, sometimes inadequate training, and sometimes misguided political motivations, they inevitably reach their predetermined conclusions regardless of what they find. I have concerns about the IG's ability to reach these determinations if the investigators are under-qualified and under-educated.

Mr. O'Donnell I believe is on.

Mr. O'DONNELL. Yes sir.

Dr. JACKSON. Mr. O'Donnell, could you please describe for the subcommittee the challenges faced by the IG that are caused by manning shortfalls, by lack of training and education, and sometimes by misguided political motivations as the office attempts to work through what is supposed to be a nonpartisan process.

Mr. O'DONNELL. Thank you for opportunity to answer that question. Pursuant to the IG Act, one of the requirements for someone to be an inspector general is that they be chosen without regard to their partisanship. I am the current IG at the Environmental Protection Agency—in that regard, I was chosen and confirmed by the Senate without regard to partisanship. And in everything I do, there is an objectivity as required by the Inspector General Act

with respect to how we investigate, whether that is at the EPA or at the Department of Defense.

I find that my colleagues at the Department of Defense are some of the best trained, most thorough, dedicated professionals that I have worked with. I have never once encountered a situation where one of my staff have had a predetermined decision and mustered the facts in support of that. Quite the contrary, their thoroughness in collecting evidence and sorting through the evidence and in forming an opinion is the model for what I think is the entire IG community.

And so in that regard, Representative Jackson, I think that I am very confident in our ability to, in the work that we undertake, to do it thoroughly and professionally. Obviously, resources are a challenge. As I said, we are much smaller relative to the size of the Department than other OIGs, and that is why we rely on the Defense Oversight Community. But with what we have and what we do, I think you won't find a finer OIG in the IG community.

Dr. JACKSON. Thank you. I appreciate that. I think that you are going to be on the lookout to make sure that this doesn't happen. I think that, you know, this is my opinion, and I have served in the military, 25 years in Active Duty, and 4 years in the Reserves. And I think there is an impression out there that a lot of times the IG approaches investigations with a predetermined conclusion at the beginning of the investigation.

And I think that some people sometimes feel like—and this is Active Duty members speaking to me about this on a regular basis, even since I have been a Member of Congress, obviously—that they feel like the due process is not completely there. So I would just say that that is a concern. I think—

Ms. SPEIER. The gentleman's time has expired.

Dr. JACKSON. Thank you. I yield back my time.

Ms. SPEIER. All right. Ms. Jacobs, you will be first when we return. We are going to suspend for, I guess, what, 20 minutes and then return and continue the hearing.

Thank you all. Again, I apologize that we have to go through this, but it is what we have to do presently. Thank you.

[Recess.]

Ms. SPEIER. The Military Personnel Subcommittee will reconvene. I think our next colleague who was going to ask questions was going to be Ms. Jacobs, but I don't see her here yet.

Ms. JACOBS. I am here, Madam Chair.

Ms. SPEIER. There you are, okay. Ms. Jacobs, you are recognized for 5 minutes.

Ms. JACOBS. Well, thank you so much, Madam Chair.

So I would like to ask a question to the DOD IG first, and that is that despite sustained attention on the issue of sexual assault in the military by both Congress and the DOD, reports have continued to rise over the past decade.

The Fort Hood Independent Review Committee report issued in November of 2020 found that implementation of sexual assault prevention response efforts at the installation was ineffective and that the Army Sexual Harassment Assault Response and Prevention Program is structurally flawed.

Why are current efforts to prevent and respond to sexual assault in the military falling short, and how can DOD take a more effective approach? In particular, how can the DOD IG and the services work better together and increase interoperability to combat this issue?

Mr. O'DONNELL. Representative Jacobs, thank you for that question. I would say, first, if you look at the body of work that we have done particularly recently, you will see that we have done a pretty good body of work here looking at sexual response results—sexual assault responses at the Military Academy, the service academies. We presently have ongoing work dealing with the special victims counsel, so this is an important issue for us.

And then to amplify that, in the last NDAA, we were instructed to form a deputy IG position whose responsibility would be overseeing, among other things, the DOD's implementation of diversity and inclusion, which I have taken to include these issues that you raised, which have to do with sexual harassment, sexual assault. These are very important because they do serve as an impediment for morale, for recruitment.

I just can't imagine the message it sends to mothers and fathers when they send their children, their teenagers to serve. And so this is something absolutely we are taking seriously, and with this new position that we have been given through the Congress, we will be, I think, expanding that work. And one of the mandates of section 554 that you gave us was closer coordination with the Department of Defense but also with the service IGs.

Ms. JACOBS. Well, thank you. And thank you for acknowledging that. I hear from many military parents in my district about how fearful they are to be sending their, you know, young children, teenagers into the armed services, especially their daughters.

And a followup question, are service members assigned to service IGs ever rotated out in the middle of an investigation, since we know that was a problem that was found at Fort Hood with the Army CIG? And I was wondering if the same problem happens with other service IGs.

General SMITH. Ma'am, thanks for the question. For us, the important aspect is that we use the database, the IG database, so that means every case that is worked is in this system. So as that system is updated, they take that information, and even if an IG rotates, it is referred back and checked on to the others. Also, I have ultimate oversight on each one of those cases, so I have the responsibility to make sure every case is done and done to the standard as it needs to be.

General SAID. Representative Jacobs, to your specific question, it is highly unusual for us in the Department of the Air Force that an IG initiates an investigation and then in the middle of it suspends and hands off to somebody else. It does happen. It is infrequent. It is carefully handed off, and as my colleague here said, regardless of a handoff or not, the oversight is consistent.

Admiral SNYDER. Yeah, Congresswoman, for the sake of time, same thing on the Navy side. It may happen occasionally, but there is a very good handover, constant tracking of that case, and then oversight at my level.

General CASTELLVI. Congresswoman Jacobs, it is very rare that it happens, although it did happen during this last year since I have been on deck with an investigator that came down with COVID, and that happens. You have got to have, I think, a good checks and balance, and you have to have a good case management system. I think we have a good one right now, so we are monitoring that when it happens, and if we have to turn somebody over, we do, but it is very rare.

Ms. JACOBS. All right. Well, thank you all for your responses, and thank you for your service to our country.

And, Madam Chair, I will yield back the remainder of my time.

Ms. SPEIER. I thank the gentlewoman for her questions.

Are there any other members seeking to be recognized?

Okay. Hearing none, then I am going to ask my questions and that will probably bring our hearing to a close. I would like for you to write these numbers down: Department of Defense, 1,750; Army, 1,441; Air Force 1,886; Navy, 2,620. I don't have a number for the Marine Corps. How many staff does the IG have in the Marine Corps?

General CASTELLVI. Ma'am, presently, I have got about 41 on my staff, and then I extend about another 30 that are inspectors that I pull in. That is just within my headquarters, ma'am.

Ms. SPEIER. Well, within the Marine Corps, the number of inspectors general that you have is how many?

General CASTELLVI. Total, including our CIGs, I will say, it is probably somewhere in the 200 to 300 level, ma'am, but I would have to get back to you on the exact number.

Ms. SPEIER. Would you please get back to us?

General CASTELLVI. Yes, ma'am.

[The information referred to can be found in the Appendix on page 106.]

Ms. SPEIER. Okay. And let's talk about the caseload. How many contacts do each of you receive? Department of Defense?

Mr. O'DONNELL. Yeah. As I said in my opening statement, I think last year we, on our hotline, received 16,000 contacts approximately.

Ms. SPEIER. Okay. Army?

General SMITH. I think the assistance area is about 55,000 and 60,000 assistance cases.

Ms. SPEIER. Fifty-five and sixty. What do you mean by assistance cases?

General SMITH. So those are cases where personnel asks for information, and we consider those as contacts also.

Ms. SPEIER. Well, how many are complaints that are being filed?

General SMITH. The average complaint is about 7,000 cases, ma'am.

Ms. SPEIER. 7,000?

General SMITH. Yes, Representative Speier.

Ms. SPEIER. Air Force.

General SAID. Chairwoman, over the last 3 years, we averaged 11,103—

Ms. SPEIER. Per year or—

General SAID. Per year, assistance requests from the IG.

Ms. SPEIER. Navy.

Admiral SNYDER. Yes. Last year, it was about 6,600 contacts or cases.

Ms. SPEIER. Marine Corps?

General CASTELLVI. Last year it was just over 2,000. I would say half of those were assistance cases, so maybe half of those were contacts or complaints.

Ms. SPEIER. So 1,000?

General CASTELLVI. Yes, ma'am.

Ms. SPEIER. All right. What this suggests to me is that the DOD IG is woefully understaffed, and, in fact, when you have the Air Force and the Navy with more staff than the DOD Inspector General, I would suggest we have a problem.

So I guess my first question is to you. What do you believe is the appropriate number for the Department of Defense?

Mr. O'Donnell.

Mr. O'DONNELL. Yes, thank you, Madam Chairwoman. That is a difficult question in part because it is when do we need them, how can we get them and bring them in. Do we need more? Absolutely. We need more because of the amount of mandatory work that we are doing required by Congress, which accounts for about 50 percent of our work, and then there is the discretionary work that we do which diminishes, and then also there is the work that comes from requests from the Hill.

So difficult for me to quantify. Happy to discuss this more. I know that we are currently looking to expand our workforce so that we can deal with section 554, continue to do the work on the CARES Act, but, yes, I absolutely agree, we could use more resources, we could use more manpower.

Ms. SPEIER. All right. So Inspector General O'Donnell, would you provide to the committee some working number that we can look at as part of the NDAA, because these numbers are all out of whack, the way I look at them. You know, the largest number is the Navy and, next to the Marine Corps, the lowest number of complaints that are filed.

[The information referred to can be found in the Appendix on page 103.]

Ms. SPEIER. I noticed the Air Force has 740 civilians and the Navy has 740 civilians. I presume those civilians work within that office for long periods of time. What is the average length of time that a civilian works within each of your offices?

Lieutenant General SAID.

General SAID. Chairwoman, I don't know the exact number, certainly much longer than our military members that rotate at a continuing cycle, but we will get back to the committee with the average duration. It is pretty extensive. They tend to stay for a while, become subject matter experts and provide continuity.

[The information referred to can be found in the Appendix on page 104.]

Ms. SPEIER. Right, it makes sense. I mean—

General SAID. It does. Ma'am, can I just offer one thing?

Ms. SPEIER. Yes.

General SAID. So the workload, when we said 11,103 assists or requests for assists from the IG, that is just on the investigation

side, right, because as we said before, we have to do inspections of every single unit——

Ms. SPEIER. No, I understand that.

General SAID [continuing]. For readiness on a recurring basis, and that is a huge workload in itself.

Ms. SPEIER. I understand that. In fact, one of the things I—Members of Congress look at inspectors general as independent offices. When we look throughout the Federal Government, IGs are independent. They have subpoena power. They have, you know, remarkable responsibilities and the ability to audit.

To call the component IGs in particular IGs is a misnomer, and even in your roles, because part of your function has nothing to do with really the investigative function that we look at, the auditing function that we look at, the waste, fraud, and abuse function that we look at when we think of IGs, you may even be misnamed. But I do think that is what is creating part of our concern.

So where did we leave off? You were giving me—I think, Lieutenant General Said, you were telling me that you were going to get back to me on the average length of time for those who are civilians.

And, Admiral Snyder?

Admiral SNYDER. Yes, Chairwoman. I show that we have 495 civilian positions throughout the Navy IG enterprise, and I will have to take that for the record as well, ma'am, for the average length of service.

[The information referred to can be found in the Appendix on page 106.]

Ms. SPEIER. All right. So, Lieutenant General Smith, you indicated that in part of your review you have just fired two IGs. Is that correct?

General SMITH. No, ma'am, more than just two. So we have averaged, last year, of the 55 cases that, there were about 20 that were fired. And it is not just command IGs. It is at every level. So if there are allegations, we have a professional reliability branch that they come in, it is a separate investigation. We have oversight. And they get due process, but if they don't follow what the requirements are, they lose their credentials, both military and civilian.

Ms. SPEIER. We are talking about IGs.

General SMITH. That is correct, ma'am.

Ms. SPEIER. So you have fired, what was the number again?

General SMITH. This year, it was 20 IGs out of the 55 allegations that were there.

Ms. SPEIER. Okay. How about for you, Lieutenant General Said?

General SAID. Ma'am, I will have to get back to you with the exact number. I haven't fired anybody. I have de-credentialed. We take somebody out of an IG position if they don't perform to the level that we expect them to, if they have a conflict of interest, or if they become the subject of an investigation that is substantiated. They don't have any credibility at that point so we automatically remove them. So I will get back to you with a specific number. It is an automatic de-credentialed instead of a so-called firing.

[The information referred to can be found in the Appendix on page 104.]

Ms. SPEIER. So where do they go then?

General SAID. Depending on the severity of the issue, they might actually totally be discharged from the Air Force if it is really severe. If it is—because the standards are so high to be the IG, they might be able to serve elsewhere because the severity of what was substantiated is acceptable to maybe with some mentoring to continue service, but certainly not in the IG. They would lose automatic credibility.

Ms. SPEIER. All right. So you will get us those numbers.

Admiral Snyder.

Admiral SNYDER. I have not fired anybody. We are in the process of, like the Army has set up, establishing a professional conduct review board to be able to specifically look at any concerns we have with the IG professionals.

Ms. SPEIER. So how many have you removed from the IG position they hold?

Admiral SNYDER. I have not removed any.

Ms. SPEIER. You have not removed anyone?

Admiral SNYDER. No.

Ms. SPEIER. All right.

General CASTELLVI. Ma'am, of the 41 that we have, I have not fired any of them.

Ms. SPEIER. All right.

General CASTELLVI. Not yet. We—again, I think we have a pretty good vetting process. We have denied a few from being brought on as CIGs, because we did not think or at least feel that they were the proper quality, but we have not had a firing yet.

General SMITH. So, Chairwoman Speier, I would like to clarify one thing. So when we are talking about IGs, it is more than just the lieutenant colonel or colonel command IG. We are talking about subordinate IGs.

Ms. SPEIER. I understand.

General SMITH. Yes, ma'am.

Ms. SPEIER. All right. To you, Lieutenant General Smith, the FORSCOM IG went to Fort Hood and came back and reported, I presume to General Garrett, that everything was terrific, if you recall. Maybe he didn't use the word "terrific," but he basically signed off, did a checklist, said, yes, everything is appropriate.

We then had the Secretary of the Army stand up an independent committee. We have had a number of hearings with them here. They came back with a very critical report with 70 recommendations and underscored that the IG did an inadequate job. That is frankly what has piqued our interest in looking at the IG function generally, because we have a certain perception of what an IG is, and it would appear that it is, you know, very different in application. So what happened to that IG?

General SMITH. Well, that IG, ma'am, is still in position. We have looked at learning from that mission from thereby, first, assisting the Fort Hood Independent Review team by providing them information. We have studied each one of those cases and expanded our survey pieces, which I think was a problem area from that of not talking to enough people, not making sure that we had the right breakdown for the numbers of organizations of people that we talk to and the right gender of people.

Ms. SPEIER. Lieutenant General, excuse me, but he failed. He absolutely failed in his job. He talked to very few people, he came back with the wrong assessment, he was criticized by this independent review committee, and he is still in his position.

General SMITH. Chairman Speier, I think that the key thing is that we are a learning organization, and there is areas that we can improve in that organization. I have spent time with that IG and others to make sure that we have done better.

Ms. SPEIER. You know, if I am a doctor and I perform a surgery inappropriately, if I create malpractice, I don't get to practice medicine anymore. I think that was investigative malpractice, and for that individual to still be in that position—I am not suggesting he be fired. I am suggesting he doesn't belong in that position, and that is part of the problem. We need to professionalize these component IGs and make them independent, or they are not going to provide the value that we expect from them.

General SMITH. Chairwoman—

Ms. SPEIER. How is a component IG promoted? Who makes that call?

General SMITH. Chairwoman Speier, that is done by a central selection board, so it is not their commanders on the ground that select them based off their overall background and their ability to move to the next level.

Ms. SPEIER. All right. I have just a couple more questions, and I thank the ranking member for hanging in here. How are each of these component IGs selected?

General SMITH. So, Chairwoman Speier, I select each one. We review with their background with their previous OERs [Officer Evaluation Reports], and there is an interview process. After they are selected they go through that 3-week extensive school, and we have periodic check-ins with them to make sure that they are executing their tasks to standards.

Ms. SPEIER. And they serve in that capacity, did you say, for 4 years?

General SMITH. It is up to 4 years.

Ms. SPEIER. Could be as little as 2?

General SMITH. It could be as little as 2, but it varies based off the time. But the key aspect—

Ms. SPEIER. Have you considered hiring any civilians, like the Navy and Air Force does?

General SMITH. We do. Many of the deputies in the command component, as in Forces Command, have deputies or civilians that also work on the teams and there are civilian IGs.

Ms. SPEIER. But they are not IGs?

General SMITH. They are IGs and they support—

Ms. SPEIER. Okay. So how many IGs do you have that are civilians?

General SMITH. 427, ma'am.

Ms. SPEIER. You have 427 IGs that are permanent?

General SMITH. That are civilian IGs, that is correct.

Ms. SPEIER. That are civilian IGs?

General SMITH. Right. It is in the documents that we provided, I think, to your—earlier in the week.

Ms. SPEIER. Okay. I guess we missed that. All right.

General Said.

General SAID. Chairwoman Speier, so central assignment board is typical in the Air Force, so our IGs are selected through that process. There are specific standards and specific insight into the type of person we are assigning to that position, so we are pretty selective of who ends up in the IG positions.

Admiral SNYDER. For the civilian IGs, they go through the civilian hiring process so they have to meet certain standards in order to be qualified and eligible. A selection panel is then convened. Many times someone from my staff—this is at the command level, but someone from my staff oftentimes will sit on that selection panel. When they have a proposed candidate it comes back to my office for vetting, and I have to provide my concurrence for that proposed hire before they are hired.

On the military side, it comes from the personnel system. We get an advanced copy of their record, and once again, I must approve their assignment as the IG.

Ms. SPEIER. General Castellvi.

General CASTELLVI. Yes, ma'am. For the civilian hires, the civilian hiring process, we do sit on those boards up at IG Marine Corps, and it is a collaborative process with the local commanders as well. Our Manpower and Reserve Affairs assigns officers to the commands. We vet those individuals working along with those commanders to make sure that we have the right Marines, officers serving as CIGs.

Ms. SPEIER. All right. AR 20-1, you heard the former Inspector General Heddell talk about this. I still can't get my—you all said that you are all independent. I presume that you believe that all your component IGs are independent, but you have an AR-20 that says the Army IGs work only for their commanders, they are the conscience of their commanders, that all IGs must understand their commander's expectations, standards, visions, and personality. They are the confidant of the commander.

So I want you to think about this. I am not going to even ask you to answer it now. I would like for you to give us some written response.

[The information referred to can be found in the Appendix on page 107.]

Ms. SPEIER. I don't know how that squares with being independent, and I am deeply troubled that we have a system here that for the most part does not provide the kind of oversight that we need.

The only time that sexual assault was mentioned was not by any of you. It was mentioned by a colleague. And yet, sexual assault and retaliation associated with sexual assault and sexual harassment is the big elephant in the room. It was former Inspector General Heddell who said that that was a serious issue, that inspectors general should be looking at.

[The information referred to can be found in the Appendix on pages 103-106.]

Ms. SPEIER. So I am going to close with that.

I am not going to make a big deal about this, but, Major General Castellvi, I met yesterday with family members of the AAV [assault amphibious vehicle] in which you were in charge of, and the

deaths of those nine Marines. And I must say, it is a very painful thing for all of us, but I don't quite understand how someone gets elevated to the position of an inspector general after being in charge of that particular disaster.

So with that, we will stand adjourned.

[Whereupon, at 6:28 p.m., the subcommittee was adjourned.]

---

---

# **A P P E N D I X**

APRIL 15, 2021

---

---



---

---

**PREPARED STATEMENTS SUBMITTED FOR THE RECORD**

APRIL 15, 2021

---

---



**Statement of Representative Jackie Speier**  
**Military Personnel Subcommittee**  
**April 15, 2021**

The hearing will now come to order. I want to welcome everyone to this hybrid hearing on the roles and responsibilities of the Department of Defense IG and the Service Inspectors General.

Today we will have two panels—the first panel includes Mr. Gordon Heddell who served as the Department of Defense IG from 2008 until 2011. He also served as the IG for the Department of Labor and has extensive experience in this area. Ms. Mandy Smithberger of the Project on Government Oversight, and who previously worked on my personal staff, will testify about considerations for improving the DoD and Service IGs.

In the second panel, we will hear testimony from Mr. Sean O'Donnell, acting DOD IG, and the military service IGs.

While we understand the DoD IG and the Service IGs have different roles, responsibilities, and authorities than other executive agency IGs, I think it's important we examine them closely and make sure that they have the independence, training, staffing, and resources to provide proper oversight.

I am concerned about this issue because there have been too many recent examples where the IGs appeared to be asleep at the wheel.

From the findings of the FORSCOM IG inspection at Fort Hood that suggested all was fine with the SHARP program down there, despite ample evidence that they were not in compliance with DoD policy, let alone having an effective program; to the lagging investigation into the medical care of Private First Class Del Barba; to the failure of Navy IGs to report sexual harassment allegations against a senior executive to the DoD IG, as they are required to, enabling a serial offender to victimize several more Navy civilian employees and retire with a full pension with no accountability—there is mounting evidence of a disturbing trend across the IGs, of which these are all but just a few examples.

Besides the authorities, it's imperative we examine the true independence of the IGs across the Department and the Services. It's unclear to me how someone who works for the commander—who, by regulation, is supposed to act as the commander's "eyes and ears" and buy into that commander's leadership philosophy—can also remain impartial when investigating allegations within their own command, especially when those allegations involve retaliation for making a protected disclosure. The last time that the service IGs testified before this subcommittee (in 2018), the Army Inspector General made negative comments about whistleblowers, which was stunning to me. If the individuals who are charged with investigating whistleblower reprisal complaints are prejudiced against them to begin with, we have no hope of protecting brave servicemembers and civilians who come forward to protect wrongdoing.

I also think we need to better understand how DoD and the Services work together when complaints come in. After all, if a person sends their complaint to the DoD Inspector General Hotline, but then the DoD IG passes it to the Services to investigate, it seems like we're setting a false expectation for complainants. Is DoD telling complainants upfront that their reports are being shared with the service IGs, who may report to the very commanders who are the subject of the complaint? What is done to protect complainants and ensure a quality investigation that meets a high standard? I look forward to digging into this critical set of issues today.

Testimony of Gordon Heddell  
Former Inspector General, U.S. Department of Defense  
before the

House Armed Services Committee, Subcommittee on Military Personnel

On "Department of Defense Inspector General and the Services Inspectors General:  
Roles, Responsibilities, and Opportunities for Improvement."

Chairwoman Speier, Ranking Member Banks, and esteemed members of the subcommittee.  
Thank you for inviting me to testify today. My name is Gordon Heddell. I am appearing here today in my individual capacity. I had the honor of serving as the 6th Inspector General of the U.S. Department of Labor and the 7th Inspector General of the U.S. Department of Defense. I am also a former Assistant Director of the United States Secret Service and a veteran of the United States Army. I served as a Chief Warrant Officer and helicopter pilot.

I am testifying today because of significant concerns I have with the military Inspector General system, particularly the performance of component inspectors general. I am disturbed by their independence or lack of it and a command structure that has permitted harassment and assault.

There is no place in the Armed Forces of the United States for bias, discrimination, harassment, assault, or retaliation. Simply stating that we have a zero-tolerance policy will not make it so. There is no such thing as having order and discipline in some areas but not having it in others. The magnitude of this problem is only growing. When I was fortunate enough to serve, all of

the military services had one guiding principle - that we take care of our own. Not just some of our own but all of our own. The core strength of our Armed Forces has always been its leadership and the men and women who follow that leadership. Inequities, however, are gnawing away at the very fabric of that strength

The Inspector General Act of 1978, Congress's response to the Watergate scandal, is now forty-three years old. Subsequent amendments to the Act have strengthened IG independence across the Federal government. Were it not for these improvements passed into law through the wisdom of our Congress, our IG Corps today would have become an impotent and ignored government-failure. Instead, the Federal Inspector General Community is stronger and more independent than it has ever been. Inspectors General today are among the most professional and talented executives in our Federal workforce.

I have tremendous respect for the men and women who staff our active-duty military service organizations. In my experience, while working with the TIG's (The Inspectors General) of each of the Services, the Army, Navy, Marine Corps, and the Air Force, I found each of them to be men and women of high character. I would be surprised if that were not still true today.

The results of the Ft. Hood Independent Review Panel are alarming. One has to wonder about the flagrant disregard by leadership for the Sexual/Harassment Assault Response and Prevention Program (SHARP). A fair question would be to ask the command and component Inspectors General at Ft. Hood why they have not made sexual assault and harassment their top priority.

Army Regulation 20-1 (AR-20-1), "Inspector General Activities and Procedures", updated on April 23, 2020, prescribes the responsibility and policy for the selection and duties of inspectors general throughout the Army. It describes inspector general functions. It is, in effect, the Army IG's Bible.

However, as I reviewed AR 20-1, the thing that jumped out was its emphasis on the relationship that is supposed to exist between the Commander and the command and component IG's.

Statements like:

"Army IGs work **only** for their commanders..."

"Army IG's are the **conscience** of their commanders."

The Regulation states that "to be effective, all IGs must understand the commander's expectations, standards, vision, and **personality**."

The policy also states that "The command IG must be **the Commander's confidant** and serve as **confidential advisor to the Commander**."

The policy goes on to say that IG's **must work through and with the chain of command**.

Army Regulation reminds component IG's that they have **an informal role to play**. They are directed to circulate throughout the command and observe and report **informally (often verbally)** to the Commander on matters that concern the Commander.

One has to ask oneself if they were a victim of sexual harassment whether they would be willing to report the harassment after reading such policy statements.

On the one hand, there is nothing unusual or improper about a good relationship or the necessary respect for an effective chain of command. However, what causes concern is that we are talking about the policies and procedures that govern military inspectors general, people who are supposed to exercise independence. To have an effective command and component IG system, any directive which tacitly implies such 'reverence' for the Commander is inappropriate. On the other hand, the Regulation appears to give only passing emphasis to independence and the importance of keeping the TIG and the Secretary of the Army apprised. The Regulation's requirement that IG's provide commanders with undocumented "informal verbal reports" is a recipe for suspicion and uncertainty about their independence.

I would recommend that the Military Service Departments consider the factors that have made the Inspector General Act an effective oversight tool.

The Inspector General of the Department of Defense, like all Senate Confirmed IG's "... reports to and (is) under the general supervision of the head of the Department. The law is clear that the IG "shall not" report to or be subject to supervision by any other officer of the Department. In this case, it would be the Secretary of Defense. There is no mention or requirement in the IG Act that the Inspector General be the Secretary's conscience; that the IG understand the Secretary's personality, or that the IG work through a chain of command.

The IG Act does not mince words. It addresses the issue of 'independence' head-on, stating that the head of the establishment, in this case, the Secretary of the Department of Defense, shall not prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or

investigation. The concept of "Independence" is manifested throughout the IG Act. Lack of independence, or even a perceived lack of independence, is antithetical to Congressional intent.

Although Federal Inspectors General have a dual reporting requirement to the Head of the Department and the Congress, Senate Confirmed IG's, first and foremost, view their ultimate reporting to be to the American people.

I would make the following recommendations to the Military Service Departments:

1. Establish specific reporting requirements whereby command and component IG's report directly to their respective TIG.
2. Require command and component IG's to promptly report particularly serious or flagrant problems, abuses, or deficiencies to their respective TIG.
3. Require TIG's to hold hearings internal to the Department of Defense, similar to the hearing we are having here today, where command and component IG's face questioning from their respective military service Chief of Staff (COS) on matters of grave concern.
4. Establish policy stating that while the Commander has the right to screen communications before transmittal to the respective TIG or Service Secretary, no one has the authority to alter an IG's reports.
5. The Homeland Security Act of 2002 vested certain Federal Inspectors General with full law enforcement authority. Component IG's, on the other hand, do not have such authority. When a matter is determined to be criminal, the IG must report this to the Commander, who will decide whether to refer it to the appropriate military criminal investigative organization (MCIO's). During the recent Ft. Hood criminal investigation, the Army Criminal Investigation Command,

commonly known as CID, investigated. I recommend that all referrals for criminal investigations be forwarded by the component IG directly to the respective TIG, who would refer it to the respective MCIO.

6. The Inspector-General Reform Act of 2008 further demonstrated Congressional support for independent IGs by authorizing them to obtain legal advice from their own counsel. At the component IG level fully dedicated attorneys who serve only the IG system do not exist. I recommend that the military services establish unique offices staffed with attorneys who work solely to support component IG's.

7. Component IG's must have **timely access to all** agency records. I recommend that the component IG, the dedicated attorney in recommendation 6, and the respective TIG jointly address obstacles that are placed in the component IG's path.

8. Persons selected to be component inspectors general must be individuals who are not only trusted by the command structure but by all members of the rank-and-file organization. Therefore, the system of recruitment and qualifications for selection to be a component IG are critically important.

The Army IG system consists of commissioned officers, WOs, NCOs, and Army civilians who "embrace and exemplify Army Values, Warrior Ethos, and the Army Civilian Corps Creed." The Regulation recommends "broad experience, strong written and verbal communication skills, and impeccable ethics." I suggest that Army policy be more specific.

IG assignments are, in essence, collateral duty. IG's are appointed to perform IG duties for 36 months before reassignment to a non-IG position. A 36-month assignment hardly gives them

sufficient time to mature and apply what they have learned. Such rotations also diminish the value that could be derived from maintaining a seasoned corps of mentors. The position of component IG as it stands now is not a career path but a stop-over on the way to something else. Consequently, there is no career or long-term commitment to the IG concept. The position of component inspector general should be a career-long assignment and not a collateral duty.

Training and experience are critical factors in the development of a top-performing IG. Selection to the position of component inspector general should be considered an elite assignment. Further, that selection be based not only on past performance but also on unique qualities that reflect integrity, maturity, independence, and dedication. I recommend component IG's hold the rank of warrant officer or above depending on qualifications. I also recommend that once nominated for selection, the nominee go through a rigorous training program geared to assess a nominee's overall fitness and that he or she must pass to meet final selection criteria. The Regulation should plainly state that loyalty to one's Commander is not a prerequisite for selection

The military services have stated that they know the right way forward. And I do not doubt their sincerity. Yet, we continue seeing these matters going in the wrong direction. How much longer must women and minorities in the military wait to be treated with fairness and equality and to have the same standing that all military members are supposed to have? Sometimes, even the ablest of leaders fail to see the forest for the trees.

For the good order and discipline of our military services, it is past time. We must dramatically change how military women and minorities are addressed and do so now, once and for all.

**Gordon S. Heddell**  
**Former Inspector General, Department of Defense**

Gordon Heddell was nominated by President Barack Obama and confirmed by the United States Senate to be Inspector General of the Department of Defense in July 2009. Before that, Mr. Heddell served as the Acting Inspector General at Defense (designated by President George W. Bush) for one year.

In conjunction with his role as Defense Inspector General, Mr. Heddell served as a key member of the Executive Committee of the Federal Council of Inspectors General, chaired the Information Technology Committee, served as Editor-in-Chief of the Journal of Public Inquiry, and served as Chairman of the Defense Council on Integrity and Efficiency. Mr. Heddell also served as the Chair (established by the National Defense Act 2009) of the Interagency Coordination Group of Inspectors General for the Realignment of U.S. Marine Forces from Okinawa to Guam.

Mr. Heddell was Nominated by President William J. Clinton and confirmed by the U.S. Senate in December 2000 to be Inspector General of the Department of Labor. He served there for over eight years leading efforts to combat labor racketeering and organized crime in the workplace, fraud against the Foreign Labor Certification Program, weaknesses in the Mine Safety and Health Administration, and oversight of all the programs and operations of the Department.

From July 2008, until July 2009, by designation of President George W. Bush, Mr. Heddell served simultaneously as the Inspector General at both the Labor and Defense Departments.

Before serving as inspector general, Mr. Heddell served as a special agent in the United States Secret Service for over two decades, rising to Assistant Director.

Mr. Heddell graduated number one from his Secret Service Treasury Federal Law Enforcement Academy class.

Mr. Heddell began his government service in the United States Army, serving for four years. After graduation from flight school, he served as a Chief Warrant Officer, Rotary Wing Aviator.

After retirement from the Department of Defense in December 2011, Mr. Heddell worked for Consulting Firm Booz Allen Hamilton in McLean, VA, for 14 months. While there, his title was Senior Executive Advisor.

In July 2013, Mr. Heddell returned to the Office of Inspector General at the U.S. Department of Labor at the Acting Secretary and the White House's request. He served as the Deputy Inspector General for Operations and Acting Inspector General for approximately four months until a permanent person could be nominated and confirmed by the Senate.

In January 2014, Mr. Heddell established "The Gordon Heddell Group, Inc", a small consulting firm providing information and support to business organizations regarding government operations. Today, Mr. Heddell continues his work as a private consultant, mainly giving pro bono advice to non-government organizations such as the Project on Government Oversight.

Mr. Heddell is the recipient of the prestigious Meritorious Presidential Rank Award for outstanding government service; and the Secretary of Defense Medal for Exceptional Public Service, the Department's highest civilian award. Mr. Heddell graduated from the University of Illinois, where he received his Master's Degree in Legal Studies. Before that, he received his Bachelor's Degree in Political Science from the University of Missouri. Mr. Heddell is a recipient of the Alumni Achievement Awards from both Universities. Mr. Heddell also was selected to be a Woodrow Wilson Public Service Fellow from 1994-2000.

Mr. Heddell led an initiative to create major partnerships between the Secret Service and two inner city Washington, D.C. public schools.

Mr. Heddell is a resident of Lumberville, Pennsylvania, where he lives with his wife, Nancy.

**DISCLOSURE FORM FOR WITNESSES  
COMMITTEE ON ARMED SERVICES  
U.S. HOUSE OF REPRESENTATIVES**

**INSTRUCTION TO WITNESSES:** Rule 11, clause 2(g)(5), of the Rules of the House of Representatives for the 117<sup>th</sup> Congress requires nongovernmental witnesses appearing before House committees to include in their written statements a curriculum vitae and a disclosure of the amount and source of any federal contracts or grants (including subcontracts and subgrants), and contracts or grants (including subcontracts and subgrants), or payments originating with a foreign government, received during the past 36 months either by the witness or by an entity represented by the witness and related to the subject matter of the hearing. Rule 11, clause 2(g)(5) also requires nongovernmental witnesses to disclose whether they are a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing. As a matter of committee policy, the House Committee on Armed Services further requires nongovernmental witnesses to disclose the amount and source of any contracts or grants (including subcontracts and subgrants), or payments originating with any organization or entity, whether public or private, that has a material interest in the subject matter of the hearing, received during the past 36 months either by the witness or by an entity represented by the witness. Please note that a copy of these statements, with appropriate redactions to protect the witness's personal privacy (including home address and phone number), will be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness's appearance before the committee. Witnesses may list additional grants, contracts, or payments on additional sheets, if necessary. Please complete this form electronically.

**Hearing Date:** Thursday April 15, 2021

**Hearing Subject:**

HASC Subcommittee on Military Personnel: The Role and Independence of  
Military Service Inspectors General

**Witness name:** Gordon S. Heddell

**Position/Title:** Former Inspector General of the U.S. Department of Defense

**Capacity in which appearing:** (check one)



Individual



Representative

**If appearing in a representative capacity, name of the organization or entity represented:**

**Federal Contract or Grant Information:** If you or the entity you represent before the Committee on Armed Services has contracts (including subcontracts) or grants (including subgrants) with the federal government, received during the past 36 months and related to the subject matter of the hearing, please provide the following information:

**2021**

| Federal grant/<br>contract | Federal agency | Dollar value | Subject of contract or<br>grant |
|----------------------------|----------------|--------------|---------------------------------|
| NONE                       |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |

**2020**

| Federal grant/<br>contract | Federal agency | Dollar value | Subject of contract or<br>grant |
|----------------------------|----------------|--------------|---------------------------------|
| NONE                       |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |

**2019**

| Federal grant/<br>contract | Federal agency | Dollar value | Subject of contract or<br>grant |
|----------------------------|----------------|--------------|---------------------------------|
| NONE                       |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |

**2018**

| Federal grant/<br>contract | Federal agency | Dollar value | Subject of contract or<br>grant |
|----------------------------|----------------|--------------|---------------------------------|
| NONE                       |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |

**Foreign Government Contract, Grant, or Payment Information:** If you or the entity you represent before the Committee on Armed Services has contracts or grants (including subcontracts or subgrants), or payments originating from a foreign government, received during the past 36 months and related to the subject matter of the hearing, please provide the following information:

**2021**

| Foreign contract/<br>payment | Foreign government | Dollar value | Subject of contract, grant,<br>or payment |
|------------------------------|--------------------|--------------|-------------------------------------------|
| NONE                         |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |

**2020**

| Foreign contract/<br>payment | Foreign government | Dollar value | Subject of contract, grant,<br>or payment |
|------------------------------|--------------------|--------------|-------------------------------------------|
| NONE                         |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |

**2019**

| Foreign contract/<br>payment | Foreign government | Dollar value | Subject of contract, grant,<br>or payment |
|------------------------------|--------------------|--------------|-------------------------------------------|
| NONE                         |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |

**2018**

| Foreign contract/<br>payment | Foreign government | Dollar value | Subject of contract, grant,<br>or payment |
|------------------------------|--------------------|--------------|-------------------------------------------|
| NONE                         |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |

**Fiduciary Relationships:** If you are a fiduciary of any organization or entity that has an interest in the subject matter of the hearing, please provide the following information:

| Organization or entity | Brief description of the fiduciary relationship |
|------------------------|-------------------------------------------------|
| NONE                   |                                                 |
|                        |                                                 |
|                        |                                                 |
|                        |                                                 |
|                        |                                                 |

**Organization or Entity Contract, Grant or Payment Information:** If you or the entity you represent before the Committee on Armed Services has contracts or grants (including subcontracts or subgrants) or payments originating from an organization or entity, whether public or private, that has a material interest in the subject matter of the hearing, received during the past 36 months, please provide the following information:

**2021**

| Contract/grant/<br>payment | Entity | Dollar value | Subject of contract, grant,<br>or payment |
|----------------------------|--------|--------------|-------------------------------------------|
| NONE                       |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |

**2020**

| Contract/grant/<br>payment | Entity | Dollar value | Subject of contract, grant,<br>or payment |
|----------------------------|--------|--------------|-------------------------------------------|
| NONE                       |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |

2019

| Contract/grant/<br>payment | Entity | Dollar value | Subject of contract, grant,<br>or payment |
|----------------------------|--------|--------------|-------------------------------------------|
| NONE                       |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |

2018

| Contract/grant/<br>payment | Entity | Dollar value | Subject of contract, grant,<br>or payment |
|----------------------------|--------|--------------|-------------------------------------------|
| NONE                       |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |

**Testimony of Mandy Smithberger, Director of the Center for Defense Information  
Project On Government Oversight  
before the House Armed Services Committee, Subcommittee on Military Personnel on  
“Department of Defense Inspector General and the Services Inspector Generals: Roles,  
Responsibilities and Opportunities for Improvement”  
April 15, 2021**

Chairwoman Speier, Ranking Member Banks, and members of the subcommittee, thank you for inviting me to testify today. My name is Mandy Smithberger, and I’m the director of the Center for Defense Information at the Project On Government Oversight (POGO). POGO is a nonpartisan independent watchdog that investigates and exposes waste, corruption, abuse of power, and when the government fails to serve the public or silences those who report wrongdoing. We champion reforms to achieve a more effective, ethical, and accountable federal government that safeguards constitutional principles. Forty years ago, POGO was founded by Pentagon insiders who were concerned about the department’s procurement of ineffective and overpriced weapons. Throughout our history we have promoted wise spending and have sought improvements to better protect military, civilian, intelligence, and contractor whistleblowers.

I want to thank the subcommittee for taking the time to look at whether our inspector general system is serving the needs of Congress, the Department of Defense, service members, and the public. Our federal watchdogs perform an essential role in rooting out waste, fraud, and abuse in the federal government. Their ability to perform this job effectively relies on insiders and whistleblowers who alert them to what is wrong. Inspectors general have a range of responsibilities that are important for improving the effectiveness of agency operations, but one of their most important responsibilities is their role investigating whistleblower and sexual assault complaints. However, POGO and government oversight entities have repeatedly raised concerns that the system for protecting military whistleblowers against retaliation is insufficient.<sup>1</sup>

<sup>1</sup> *Oversight of the Department of Defense Office of Inspector General’s Military Whistleblower Reprisal Investigations: Hearing before the House Oversight and Government Reform National Security Subcommittee*, 115<sup>th</sup> Cong. (September 7, 2016) (testimony of Mandy Smithberger, Director, Center for Defense Information at POGO). <https://www.pogo.org/testimony/2016/09/testimony-of-pogos-mandy-smithberger-on-oversight-of-department-of-defense-office-of-inspector-generals-military-whistleblower-reprisal-investigations/>; Department of Defense Inspector General, *2002 Military Reprisal Investigation Study* (2002). <https://www.documentcloud.org/documents/2746545-OIG-Assessment.html>; Department of Justice Office of the Inspector General, *A Review of the Department of Defense Office of Inspector General’s Process for Handling Military Whistleblower Reprisal Allegations* (July 2009). <http://www.pogoarchives.org/m/go/dod-ig-report-20090701.pdf>; Department of Defense Inspector General, *Review of Office of Deputy Inspector General for Administrative Investigations, Directorate for Military Reprisal Investigations* (May 16, 2011). <https://www.documentcloud.org/documents/351496-mri-review-report-appendices-e-f-g-foia-response>; Government Accountability Office, *Whistleblower Protection: Actions Needed to Improve DOD’s Military Whistleblower Reprisal Program*, GAO-12-362 (February 2012). <http://www.gao.gov/assets/590/588784.pdf>; Government Accountability Office, *Whistleblower Protection: DOD Needs to Enhance Oversight of Military Whistleblower Reprisal*, GAO-15-477 (May 7, 2015). <http://www.gao.gov/assets/680/670067.pdf>; Government Accountability



The inspector general system for service members can seem unusually complex. The Department of Defense inspector general, service inspectors general, and component inspectors general perform complementary, but slightly different, roles in conducting oversight of the department and military services.

The Department of Defense inspector general is a civilian, statutory inspector general and is supposed to be independent from the Department of Defense. Statutory inspectors general have subpoena powers and audit functions, and are uniquely dual-hatted, reporting both to Congress and to their agency head.<sup>2</sup> In recent years Congress has strengthened statutory inspectors general, most notably by providing each inspector general with their own general counsel and by requiring the president to provide congressional notification and justification for removing and transferring inspectors general.<sup>3</sup>

Service inspectors general, on the other hand, have less independence. They are active duty members of the military, report to their service secretary, and don't have subpoena powers or audit functions granted to statutory inspectors general.<sup>4</sup> Their role is closer to one of counselor, and are often considered the "eyes and ears" of their service secretary and service chief.<sup>5</sup> In some instances, the officials occupying these important leadership roles have appeared to cover up information that might embarrass their service.<sup>6</sup> Equally troubling, this subcommittee heard the Army inspector general say in 2018 that most whistleblowers are misusing the process and that the whistleblower protection system is "out of control."<sup>7</sup> These comments create a chilling effect that discourages others from coming forward, making it that much harder for the military and the department to uncover and address problems.

Office, *Whistleblower Protection: Analysis of DOD's Actions to Improve Case Timeliness and Safeguard Confidentiality*, GAO-19-198 (March 7, 2019), <https://www.gao.gov/assets/700/697659.pdf>

<sup>2</sup> Project On Government Oversight, *Inspectors General: Accountability is a Balancing Act* (May 20, 2009), 41, <http://www.pogoarchives.org/m/go/ig/accountability/ig-accountability-20090320.pdf>

<sup>3</sup> Inspector General Reform Act of 2008, Pub. Law No. 110-409, Sec. 6 and Sec. 3, <https://www.congress.gov/110/plaws/publ409/PLAW-110publ409.pdf>

<sup>4</sup> Government Accountability Office, *Navy Inspectors General: Investigations of Complaints and Inspection Practices Need Strengthening*, GAO/AIMD-94-128 (August 1994), 3, <https://www.gao.gov/assets/aimd-94-128.pdf>

<sup>5</sup> Secretary of the Navy, SECNAV Instruction 5430.57H (December 17, 2019), enclosure 2, <https://www.secnav.navy.mil/doni/Directives/05000%20General%20Management%20Security%20and%20Safety%20Services/05-400%20Organization%20and%20Functional%20Support%20Services/5430.57H.pdf>; Secretary of the Air Force, Headquarters Air Force Mission Directive 1-20 (January 5, 2021), 2, [https://static.e-publishing.af.mil/production/1/saf\\_ig/publication/hafmd1-20/hafmd1-20.pdf](https://static.e-publishing.af.mil/production/1/saf_ig/publication/hafmd1-20/hafmd1-20.pdf); Commandant of the Marine Corps, Marine Corps Order 5430.1A (January 28, 2019), [https://www.marines.mil/portals/1/Publications/MCO%205430.1A\\_Admin%20CH.pdf?ver=2019-02-06-090553-387](https://www.marines.mil/portals/1/Publications/MCO%205430.1A_Admin%20CH.pdf?ver=2019-02-06-090553-387); United States Department of the Army, Army Regulation 20-1: Inspector General Activities and Procedures (March 23, 2020), 1, [https://armypubs.army.mil/epubs/DR\\_pubs/DR\\_a/pdf/web/ARN8255\\_AR20-1\\_FINAL.pdf](https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/ARN8255_AR20-1_FINAL.pdf)

<sup>6</sup> Mandy Smithberger, "Watchdog: Significant Concerns Regarding Drinking Water Safety at Navy Bases Overseas," Project On Government Oversight, August 9, 2017, <https://www.pogo.org/investigation/2017/08/watchdog-significant-concerns-regarding-drinking-water-safety-at-navy-bases-overseas/>

<sup>7</sup> "Senior Leader Misconduct: Prevention and Accountability": Hearing before the House Armed Services Committee's Military Personnel Subcommittee, 115<sup>th</sup> Cong. (February 7, 2018), 7, <https://www.govinfo.gov/content/pkg/CHRG-115hhrg28972/pdf/CHRG-115hhrg28972.pdf>

For component inspectors general, both the investigative and management staff are active duty service members temporarily assigned to the IG office. Current regulations stipulate that these inspectors general work “directly for the commander,” rather than for the services, service members, or national security.<sup>8</sup> A Department of Justice inspector general review found those offices struggle to maintain adequate staff and experience because the offices “compete for resources for military components engaged in military actions around the world. Consequently, fully staffing field IG offices is a lower priority than staffing other service branch components.”<sup>9</sup> As an additional example of how component inspectors general have less independence, Army regulations state that its inspectors general are also expected to adapt to and accommodate a commander’s “goals, expectations, standards, vision, operating methods, and personality.”<sup>10</sup>

After Army Specialist Vanessa Guillén was brutally killed in 2020, pressure from Congress prompted the Army to create an independent review panel to assess the command climate and culture at Fort Hood, where Guillén had been stationed.<sup>11</sup> The findings of the independent review panel should be an important wakeup call for the services to assess whether they have the right tools in place to prevent and address criminal activity, sexual assault, and sexual harassment. As this subcommittee knows, the panel found that Fort Hood’s Sexual Harassment/Assault Response and Prevention (SHARP) program was so ineffective that it created a “permissive environment for sexual assault and sexual harassment.”<sup>12</sup> It also found there was “universal fear of retaliation, exposure and ostracism” among service members for reporting sexual assault.<sup>13</sup> These problems extend beyond Fort Hood: A recent RAND study of service members found that 31% of male survivors and 28% of female survivors reported they “experienced social or professional retaliation as a result of the assault.”<sup>14</sup>

Ultimately, the inspectors general failed to recognize the gravity of the problems at Fort Hood. As the independent review team found:

the IG should set higher standards than those set in the recent inspection where only 65% of the 60 female respondents to the IG survey stated that they believed they could file a sexual assault or harassment complaints without reprisal/retaliation. This strikes at the very heart of the SHARP Program and hardly represents “an overall positive command climate” with respect to female Soldiers.<sup>15</sup>

The nuances of the roles of the different types of inspectors general are far from clear to those who find themselves needing to turn to the inspector general system. The default for the

<sup>8</sup> Army Regulation 20-1: Inspector General Activities and Procedures, Sec. 2 1–7e [see note 5].

<sup>9</sup> DOJ IG, *A Review of the Department of Defense Office of Inspector General’s Process* [see note 1].

<sup>10</sup> Army Regulation 20-1: Inspector General Activities and Procedures [see note 5].

<sup>11</sup> Alana Wise, “Army Names Independent Panel in Fort Hood Review, Following Vanessa Guillen Killing,” *NPR*, July 30, 2020, <https://www.npr.org/2020/07/30/897277522/army-names-independent-panel-in-fort-hood-review-following-vanessa-guillen-killing>

<sup>12</sup> *Report of the Fort Hood Independent Review Committee* (November 6, 2020), ii.

[https://www.army.mil/e2/downloads/rv7/forthoodreview/2020-12-03\\_FHIRC\\_report\\_redacted.pdf](https://www.army.mil/e2/downloads/rv7/forthoodreview/2020-12-03_FHIRC_report_redacted.pdf)

<sup>13</sup> *Report of the Fort Hood Independent Review Committee*, 27 [see note 12].

<sup>14</sup> Coreen Farris, Terry L. Schell, Lisa H. Jaycox, and Robin L. Beckman, *Perceived Retaliation Against Military Sexual Assault Victims*, RAND (March 2021), 2, [https://www.rand.org/pubs/research\\_reports/RR2380.html](https://www.rand.org/pubs/research_reports/RR2380.html)

<sup>15</sup> *Report of the Fort Hood Independent Review Committee*, 28-29 [see note 12].

Department of Defense inspector general is to hand retaliation allegations over to local or command inspectors general, who have the least amount of independence and experience in handling what are often highly complex investigations.<sup>16</sup> We have worked with whistleblowers who had turned to the Department of Defense inspector general hotline only to be unpleasantly surprised that their complaint was referred to a service or component inspector general. Those referrals can feel like being thrown into the lion's den, as they potentially expose the whistleblowers to additional retaliation. Some who came forward to the Department of Defense inspector general might have opted to stay quiet had they known their concerns were going to an office with less independence.

Despite both the Department of Defense inspector general and service inspectors general adopting a number of changes to enhance investigations and mechanisms for relief for whistleblowers, the outcomes still look like a system unlikely to protect truth-tellers. Data shows that whistleblowers who come forward and report retaliation are unlikely to have the inspector general system substantiate that they have been retaliated against. Department of Defense inspector general semiannual reports to Congress continue to show that the vast majority of reprisal claims are not investigated, and only a handful of those investigated are substantiated. (See Appendix A.)

Even when reprisal claims are substantiated, those who retaliate are rarely punished. In 2019 *Roll Call* found only one of the 350 officials that IGs determined had retaliated against whistleblowers was fired.<sup>17</sup> Previous Department of Defense inspector general data provided to this subcommittee showed that, for senior official misconduct more broadly, the most common discipline was counseling or reprimand.<sup>18</sup> Remedies for whistleblowers were also elusive: 85% of those whistleblowers "had still not gotten any remedy," *Roll Call* reported.<sup>19</sup> Most whistleblowers give up or end up fighting for years to get their own records corrected.

In addition, while this is not determined by this committee, as long as there is not a permanent, Senate-confirmed Department of Defense inspector general in place, the foundation of the department's inspector general system is fundamentally undermined. Not having a permanent leader, especially for a long period of time, compromises the office's credibility, independence, management, and strategic direction.<sup>20</sup> The Department of Defense inspector general has lacked a permanent leader for over five years.<sup>21</sup>

<sup>16</sup> Kenneth M. Sharpless, Department of Defense Office of Inspector General, "Whistleblower Protection: Military Personnel," 14. [https://www.dodig.mil/Portals/48/Documents/Components/Ombudsman/10%20USC%201034%20\(Military%20Personnel\).pdf?ver=2019-03-01-102137-837](https://www.dodig.mil/Portals/48/Documents/Components/Ombudsman/10%20USC%201034%20(Military%20Personnel).pdf?ver=2019-03-01-102137-837)

<sup>17</sup> John Donnelly, "Pentagon harbors culture of revenge against whistleblowers," *Roll Call*, February 25, 2019. <https://www.rollcall.com/2019/02/25/pentagon-harbors-culture-of-revenge-against-whistleblowers/>

<sup>18</sup> "Senior Leader Misconduct: Prevention and Accountability" [see note 7].

<sup>19</sup> John Donnelly, "Pentagon harbors culture of revenge against whistleblowers" [see note 17].

<sup>20</sup> "Where Are All the Watchdogs? Addressing Inspector General Vacancies": Hearing before the House Committee on Oversight and Government Reform, 112<sup>th</sup> Cong. (May 10, 2012) (testimony of Jacob Wiens, investigator at POGO). <https://www.pogo.org/testimony/2012/05/testimony-of-pogos-jake-wiens-on-where-are-all-watchdogs-addressing-inspector-general-vacancies/>

<sup>21</sup> Project On Government Oversight, "Inspector General Vacancy Tracker." <https://www.pogo.org/database/inspector-general-vacancy-tracker/>

The success of inspectors general also depends on their ability to do their job independently. While it is important to hold accountable watchdogs who are ineffective or who abuse their authority, removing inspectors general without providing cause to Congress compromises the system. We saw this recently when then-President Donald Trump removed the principal deputy who had been leading the Department of Defense inspector general office without providing a justification to Congress, which created a chilling effect throughout the statutory inspector general community.<sup>22</sup> While the current acting head, Sean O'Donnell, has been Senate confirmed, that confirmation was for his other simultaneous role as the inspector general for the Environmental Protection Agency.<sup>23</sup> The job of overseeing the Department of Defense is too large and important to be a collateral duty for any individual, no matter how qualified they may be. We hope the committee will urge the president to prioritize nominating a qualified official to lead this office.

It's important to recognize that there is an inherent tension between the act of blowing the whistle and the principles of chain of command. Yet we think there are a number of areas of oversight and reforms that can strengthen both the inspector general and whistleblower protection systems without undermining the core tenets of the chain of command.

First, we urge Congress to revise the burdens of proof for military whistleblowers. The Military Whistleblower Protection Act is significantly weaker than laws that protect most federal and private sector employees.<sup>24</sup> For civilians, the burden of proof to show a personnel action was warranted, and therefore not retaliatory, rests on the agency officials. For members of the military, the reverse is true and service members must prove that they were illegally retaliated against by showing there was no other reasonable explanation for the adverse personnel action they experienced.<sup>25</sup> Whistleblowers in the military are essentially required to prove a negative for them to stand a chance at prevailing on a whistleblower reprisal complaint. As a result, the odds are stacked against service member whistleblowers when they try to enforce their rights to report waste, fraud, abuse, and other misconduct. This leads to ongoing silence about misconduct, and allows systemic problems to persist.<sup>26</sup>

Second, we urge the subcommittee to review whether service and component inspectors general have the legal support they need. POGO's investigation of statutory inspectors general found that not having their own counsel and having to rely on agency counsel created a clear conflict of

<sup>22</sup> Charlie Savage and Peter Baker, "Trump Ousts Pandemic Spending Watchdog Known for Independence," *New York Times*, April 7, 2020. <https://www.nytimes.com/2020/04/07/us/politics/trump-coronavirus-watchdog-glenn-fine.html>; Kyle Cheney and Connor O'Brien, "Trump removes independent watchdog for coronavirus funds, upending oversight panel," *Politico*, April 7, 2020. <https://www.politico.com/news/2020/04/07/trump-removes-independent-watchdog-for-coronavirus-funds-upending-oversight-panel-171943>

<sup>23</sup> "IG Biography," United States Environmental Protection Agency. [https://www.epa.gov/office-inspector-general/about-epas-office-inspector-general/IG\\_bio](https://www.epa.gov/office-inspector-general/about-epas-office-inspector-general/IG_bio) (accessed April 12, 2021)

<sup>24</sup> 10 U.S.C. §1034

<sup>25</sup> Judicial Proceedings Panel, "Whistleblower statutes for DoD: Military vs. Civilian Federal Employee Protections," December 4, 2015, 1. [https://jpp.whs.mil/Public/docs/03\\_Topic-Areas/06-Retaliation/20151211/02\\_Chart\\_WhistleblowerProtections\\_Military\\_v\\_FedCivEmployees.pdf](https://jpp.whs.mil/Public/docs/03_Topic-Areas/06-Retaliation/20151211/02_Chart_WhistleblowerProtections_Military_v_FedCivEmployees.pdf)

<sup>26</sup> Tom Devine and Shelley Walden, Government Accountability Project, *International Best Practices for Whistleblower Policies* (April 12, 2013), 8. [https://www.whistleblower.org/wp-content/uploads/2017/11/Best\\_Practices\\_Document\\_for\\_website\\_revised\\_April\\_12\\_2013.pdf](https://www.whistleblower.org/wp-content/uploads/2017/11/Best_Practices_Document_for_website_revised_April_12_2013.pdf)

interest, including in disagreements over what information can be publicly released.<sup>27</sup> An agency counsel's duty to protect their agency can undermine a watchdog's responsibility to both expose wrongdoing and hold the agency accountable. To be effective watchdogs, inspectors general need counsel who can provide them the advice they need to be effective in providing oversight and telling department and service leaders the information they need to hear.

Third, one of the most successful recent reforms at the Department of Defense Office of Inspector General was the establishment of an alternative dispute resolution program. By offering this option for whistleblowers, cases can be resolved more quickly, and often to the greater satisfaction of all parties.<sup>28</sup> This option, however, is not fully available to service members through the inspector general system.<sup>29</sup>

Fourth, it's important to remember that the impact of inspectors general is closely tied to the ability of key officials, Congress, and the public to know about their findings and about their advice on how to remedy the problems they uncover. Their recommendations have no power beyond the ability to persuade others to take action. We would like to see all inspectors general do more outreach to the public and to Congress about their work, including publishing their reports in a timely manner, proactively releasing information to the public that would be released under the Freedom of Information Act, and announcing upcoming projects that aren't law enforcement sensitive. Doing so acts to deter misconduct and increases the likelihood that their findings will result in meaningful change.

Fifth, one of the most important ways to protect sources is, to the maximum extent possible, to preserve confidentiality. Recognizing this, the Inspector General Act restricts both the Department of Defense inspector general and the service inspectors general from disclosing whistleblowers' identities without their consent, unless such a disclosure is unavoidable during the course of the investigation.<sup>30</sup> But policies for inspectors general have not always been comprehensive and consistent. A 2019 Government Accountability Office review found the Air Force, Naval, and Marine Corps inspectors general lacked sufficient guidance on when whistleblowers' identities could be disclosed without their consent.<sup>31</sup> Two years after bringing this deficiency to their attention, the Government Accountability Office still has open recommendations for those three inspector general offices to establish procedures to implement Department of Defense policy on protecting whistleblower confidentiality.<sup>32</sup>

<sup>27</sup> Project On Government Oversight, *Inspectors General: Many Lack Essential Tools for Independence* (February 26, 2008), 22-23. <http://pogoarchives.org/m/go/ig/report-20080226.pdf>

<sup>28</sup> Project On Government Oversight, *The Watchdogs After Forty Years: Recommendations for Our Nation's Federal Inspectors General* (July 9, 2018), 23. [https://docs.pogo.org/report/2018/2018-07-09\\_POGO\\_The\\_Watchdogs\\_After\\_40\\_Years\\_IG\\_Report.pdf](https://docs.pogo.org/report/2018/2018-07-09_POGO_The_Watchdogs_After_40_Years_IG_Report.pdf)

<sup>29</sup> Department of Defense Office of Inspector General, "Alternative Dispute Resolution (ADR) Program for Whistleblower Reprisal Complaints." <https://www.dodig.mil/Components/Administrative-Investigations/Alternative-Dispute-Resolution-ADR-Program-for-Whistleblower-Reprisal-Complaints/> (accessed April 12, 2021)

<sup>30</sup> 5 U.S.C., Appendix § 7(b)

<sup>31</sup> Government Accountability Office, *Whistleblower Protection*, GAO-19-198 [see note 1].

<sup>32</sup> Government Accountability Office, *Whistleblower Protection*, GAO-19-198 [see note 1].

We all count on inspectors general to warn commanders, senior leaders, Congress, and the public about problems. Their ability to do so depends on effectively working with whistleblowers. When individuals come forward, usually at great personal and professional risk, they must be effectively protected. The perceived and real failures of this system must be addressed.

Thank you again for providing me the opportunity to testify today. I look forward to your questions.

**Appendix A**  
**Military Reprisal Data reported in Department of Defense Inspector General Semiannual Reports**

| <i>Military Reprisal Investigations</i> | 2012 |     | 2013 |     | 2014 |     | 2015 |     | 2016 |     | 2017 |     | 2018 |     | 2019 |     | 2020 |      | <i>Total</i> |
|-----------------------------------------|------|-----|------|-----|------|-----|------|-----|------|-----|------|-----|------|-----|------|-----|------|------|--------------|
|                                         | Sep  | Mar | Sep  | Mar | Sep  | Mar | Sep  | Mar | Sep  | Mar | Sep  | Mar | Sep  | Mar | Sep  | Mar | Sep  | Mar  |              |
| <i>Closed by DOD IG</i>                 | 81   | 65  | 92   | 112 | 120  | 87  | 100  | 134 | 140  | 167 | 163  | 156 | 261  | 189 | 201  | 172 | 211  | 2451 |              |
| <i>Closed by Service IGs</i>            | 198  | 83  | 183  | 168 | 239  | 298 | 213  | 234 | 468  | 453 | 379  | 449 | 469  | 425 | 499  | 544 | 498  | 5800 |              |
| <i>Dismissed by DOD IG</i>              | 68   | 58  | 76   | 104 | 95   | 74  | 81   | 110 | 111  | 140 | 147  | 147 | 233  | 169 | 181  | 157 | 189  | 2140 |              |
| <i>Dismissed by Service IGs</i>         | 99   | 35  | 83   | 59  | 67   | 128 | 76   | 103 | 190  | 241 | 228  | 261 | 250  | 238 | 307  | 321 | 324  | 3010 |              |
| <i>Investigated by DOD IG</i>           | 13   | 7   | 8    | 7   | 14   | 7   | 7    | 2   | 9    | 7   | 4    | 3   | 19   | 9   | 6    | 8   | 8    | 138  |              |
| <i>Investigated by Service IGs</i>      | 99   | 39  | 100  | 97  | 143  | 152 | 114  | 112 | 246  | 150 | 105  | 139 | 175  | 141 | 146  | 177 | 138  | 2273 |              |
| <i>Substantiated by DOD IG</i>          | 2    | 1   | 1    | 0   | 1    | 0   | 2    | 0   | 1    | 1   | 0    | 0   | 1    | 2   | 1    | 3   | 2    | 18   |              |
| <i>Substantiated by Service IGs</i>     | 18   | 2   | 9    | 9   | 17   | 12  | 17   | 11  | 33   | 16  | 13   | 10  | 18   | 12  | 18   | 24  | 16   | 255  |              |

**Dates indicate end of reporting period. "Service IGs" category includes both service and component IGs. Sources for all Appendix A tables:**

Department of Defense Inspector General, *Semiannual Report to the Congress, April 1, 2012 – September 30, 2012*, 56, <https://media.defense.gov/2019/Dec/11/2002223346/-1/1/SAR-1-APR-2012-30-SEP-2012.PDF>;  
Department of Defense Inspector General, *Semiannual Report to the Congress, October 1, 2012 to March 31, 2013*, 52, <https://media.defense.gov/2019/Dec/11/2002223353/-1/1/SAR-1-OCT-2012-31-MAR-2013.PDF>;  
Department of Defense Inspector General, *Semiannual Report to the Congress, April 1, 2013 to September 30, 2013*, 47, <https://www.dodig.mil/Portals/48/Documents/SAR/SAR-L-apt-2013-30-sep-2013.pdf?ver=2017-02-02-1531257>;  
Department of Defense Inspector General, *Semiannual Report to the Congress, October 1, 2013 to March 31, 2014*, 38, <https://media.defense.gov/2017/Nov/01/201836455/-1/1/SAR-1-OCT-2013-31-MAR-2014.PDF>;  
Department of Defense Inspector General, *Semiannual Report to the Congress, April 1, 2014 – September 30, 2014*, 38, <https://www.dodig.mil/Portals/48/Documents/SAR/SAR-L-apt-2014-30-sep-2014.pdf?ver=2017-02-02-160159-177>;  
Department of Defense Inspector General, *Semiannual Report to the Congress, October 1, 2014 – March 31, 2015*, 41, <https://media.defense.gov/2019/Dec/11/2002223354/-1/1/SAR-1-OCT-2014-31-MAR-2015.PDF>;  
Department of Defense Inspector General, *Semiannual Report to the Congress, April 1, 2015 to September 30, 2015*, 33, <https://media.defense.gov/2019/Dec/11/2002223347/-1/1/SAR-1-APR-2015-30-SEP-2015.PDF>;  
Department of Defense Inspector General, *Semiannual Report to the Congress, October 1, 2015 to March 31, 2016*, 37, <https://www.dodig.mil/Portals/48/Documents/SAR/SAR-L-apt-2015-31-mar-2016.pdf?ver=2017-02-02-160851-170>;  
Department of Defense Inspector General, *Semiannual Report to the Congress, April 1, 2016 to September 30, 2016*, 33, <https://media.defense.gov/2017/Jun/27/20011769200/-1/1/SAR-1-APR-2016-SEP-2016.PDF>;  
Department of Defense Inspector General, *Semiannual Report to the Congress, October 1, 2016 to March 31, 2017*, 43, <https://media.defense.gov/2017/Jun/27/20011769209/-1/1/SAR-1-OCT-1-2016-MAR-31-2017.PDF>;

**Military Reprisal Data reported in Department of Defense Inspector General Semiannual Reports**

|                                                      | 2012  |       | 2013  |       | 2014  |       | 2015  |       | 2016  |       | 2017  |       | 2018  |       | 2019  |       | 2020  |       | Avg. |
|------------------------------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|------|
| <b>Military Reprisal Investigations</b>              | Sep   | Mar   | Sep   | Mar   | Sep   | Mar   | Sep   | Mar   | Sep   | Mar   | Sep   | Mar   | Sep   | Mar   | Sep   | Mar   | Sep   | Mar   | Sep  |
| % DOD IG Dismissed*<br>Cases from Total Closed       | 84.0% | 89.2% | 82.6% | 92.9% | 79.2% | 85.1% | 81.0% | 82.1% | 79.3% | 83.8% | 90.2% | 94.2% | 89.3% | 89.4% | 90.0% | 91.3% | 89.6% | 86.7% |      |
| % Service IG<br>Dismissed Cases from Total Closed    | 50.0% | 42.2% | 45.4% | 35.1% | 28.0% | 43.0% | 35.7% | 44.0% | 40.6% | 53.2% | 60.2% | 58.1% | 53.3% | 56.0% | 61.5% | 59.0% | 65.1% | 48.8% |      |
| % DOD IG<br>Investigated Cases from Total Closed     | 16.0% | 10.8% | 8.7%  | 6.3%  | 11.7% | 8.0%  | 7.0%  | 1.5%  | 6.4%  | 4.2%  | 2.5%  | 1.9%  | 7.3%  | 4.8%  | 3.0%  | 4.7%  | 3.8%  | 6.4%  |      |
| % Service IG<br>Investigated Cases from Total Closed | 50.0% | 47.0% | 54.6% | 57.7% | 59.8% | 51.0% | 53.5% | 47.9% | 52.6% | 33.1% | 27.7% | 31.0% | 37.3% | 33.2% | 29.3% | 32.5% | 27.7% | 42.7% |      |
| % DOD IG<br>Substantiated from Total Closed          | 2.5%  | 1.5%  | 1.1%  | 0.0%  | 0.8%  | 0.0%  | 2.0%  | 0.0%  | 0.7%  | 0.6%  | 0.0%  | 0.0%  | 0.4%  | 1.1%  | 0.5%  | 1.7%  | 0.9%  | 0.8%  |      |
| % Service IG<br>Substantiated from Total Closed      | 9.1%  | 2.4%  | 4.9%  | 5.4%  | 7.1%  | 4.0%  | 8.0%  | 4.7%  | 7.1%  | 3.5%  | 3.4%  | 2.2%  | 3.8%  | 2.8%  | 3.6%  | 4.4%  | 3.2%  | 4.7%  |      |

\* Dismissed cases can include cases referred to service and component IGs.

**Dates indicate end of reporting period. "Service IGs" category includes both service and component IGs. Sources for all Appendix A tables (cont.):**

Department of Defense Inspector General, *Semiannual Report to the Congress: April 1, 2017 to September 30, 2017*, 49.  
[https://media.defense.gov/2017/Dec/13/2001856047-1-1/USAR\\_SEPT2017.PDF](https://media.defense.gov/2017/Dec/13/2001856047-1-1/USAR_SEPT2017.PDF);  
 Department of Defense Inspector General, *Semiannual Report to the Congress: October 1, 2017 to March 31, 2018*, 58.  
[https://media.defense.gov/2018/Jun/07/20019278453-1-1/USAR\\_MARCH2018.PDF](https://media.defense.gov/2018/Jun/07/20019278453-1-1/USAR_MARCH2018.PDF);  
 Department of Defense Inspector General, *Semiannual Report to the Congress: April 1, 2018 to September 30, 2018*, 56.  
<https://media.defense.gov/2018/Dec/06/20020698596-1-1/USAR%20SEPT%202018.PDF>;  
 Department of Defense Inspector General, *Semiannual Report to the Congress: October 1, 2018 to March 31, 2019*, 50.  
<https://media.defense.gov/2019/Dec/11/2002223355-1-1/>;  
 Department of Defense Inspector General, *Semiannual Report to the Congress: April 1, 2019 to September 30, 2019*, 52.  
<https://media.defense.gov/2019/Dec/10/2002223381-1-1/>;  
 Department of Defense Inspector General, *Semiannual Report to the Congress: October 1, 2019 to March 31, 2020*, 63.  
[https://media.defense.gov/2020/Jul/30/2002467835-1-1/USAR\\_MAR\\_2020\\_BOOK%20VS%20SIGNED\\_FINAL\\_20200730\\_508.PDF](https://media.defense.gov/2020/Jul/30/2002467835-1-1/USAR_MAR_2020_BOOK%20VS%20SIGNED_FINAL_20200730_508.PDF);  
 Department of Defense Inspector General, *Semiannual Report to the Congress: April 1, 2020 to September 30, 2020*, 61.  
<https://media.defense.gov/2020/Nov/30/2002542685-1-1/>;  
 Department of Defense Inspector General, *Semiannual Report to the Congress: April 1, 2020 to September 30, 2020*, 61.  
<https://media.defense.gov/2020/Nov/30/2002542685-1-1/>;

Mandy Smithberger  
Director of the Center for Defense Information

Mandy Smithberger rejoined POGO as the director of the Center for Defense Information in December 2014. Previously she was a national security policy adviser to U.S. Rep. Jackie Speier (D-Calif.). There, she worked on passing key provisions of the Military Whistleblower Protection Enhancement Act into law, which expands protections by increasing the level of Inspector General review for complaints, requiring timely action on findings of reprisal, and increasing the time whistleblowers have to report reprisals. Previously an investigator with POGO, she was part of a team that received the Society of Professional Journalists' Sunshine Award for contributions in the area of open government.

Mandy is an expert on national security, Pentagon reform and the Defense industry revolving door. She has appeared recently on CNN, Fox News and *NPR*, and she's been cited by various outlets, including the *New York Times*, *Washington Post*, *USA Today*, Reuters, *Politico*, and *Foreign Policy*.

Mandy received her B.A. in government from Smith College and her Masters in Strategic Studies and International Economics from Johns Hopkins University's School of Advanced International Studies. She also served as an analyst at the Defense Intelligence Agency and U.S. Central Command.

**DISCLOSURE FORM FOR WITNESSES  
COMMITTEE ON ARMED SERVICES  
U.S. HOUSE OF REPRESENTATIVES**

**INSTRUCTION TO WITNESSES:** Rule 11, clause 2(g)(5), of the Rules of the House of Representatives for the 117<sup>th</sup> Congress requires nongovernmental witnesses appearing before House committees to include in their written statements a curriculum vitae and a disclosure of the amount and source of any federal contracts or grants (including subcontracts and subgrants), and contracts or grants (including subcontracts and subgrants), or payments originating with a foreign government, received during the past 36 months either by the witness or by an entity represented by the witness and related to the subject matter of the hearing. Rule 11, clause 2(g)(5) also requires nongovernmental witnesses to disclose whether they are a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing. As a matter of committee policy, the House Committee on Armed Services further requires nongovernmental witnesses to disclose the amount and source of any contracts or grants (including subcontracts and subgrants), or payments originating with any organization or entity, whether public or private, that has a material interest in the subject matter of the hearing, received during the past 36 months either by the witness or by an entity represented by the witness. Please note that a copy of these statements, with appropriate redactions to protect the witness's personal privacy (including home address and phone number), will be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness's appearance before the committee. Witnesses may list additional grants, contracts, or payments on additional sheets, if necessary. Please complete this form electronically.

April 15, 2021

**Hearing Date:** \_\_\_\_\_

**Hearing Subject:**

Department of Defense Inspector General and the Services' Inspector  
Generals: Roles, Responsibilities, and Opportunities for Improvement

**Witness name:** Amanda (Mandy) Smithberger

**Position/Title:** Director, Center for Defense Information

**Capacity in which appearing:** (check one)

☒ Individual ☐ Representative

**If appearing in a representative capacity, name of the organization or entity represented:**

Project On Government Oversight

**Federal Contract or Grant Information:** If you or the entity you represent before the Committee on Armed Services has contracts (including subcontracts) or grants (including subgrants) with the federal government, received during the past 36 months and related to the subject matter of the hearing, please provide the following information:

**2021**

| Federal grant/<br>contract | Federal agency | Dollar value | Subject of contract or<br>grant |
|----------------------------|----------------|--------------|---------------------------------|
| n/a                        |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |

**2020**

| Federal grant/<br>contract | Federal agency | Dollar value | Subject of contract or<br>grant |
|----------------------------|----------------|--------------|---------------------------------|
| n/a                        |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |

**2019**

| Federal grant/<br>contract | Federal agency | Dollar value | Subject of contract or<br>grant |
|----------------------------|----------------|--------------|---------------------------------|
| n/a                        |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |

**2018**

| Federal grant/<br>contract | Federal agency | Dollar value | Subject of contract or<br>grant |
|----------------------------|----------------|--------------|---------------------------------|
| n/a                        |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |
|                            |                |              |                                 |

**Foreign Government Contract, Grant, or Payment Information:** If you or the entity you represent before the Committee on Armed Services has contracts or grants (including subcontracts or subgrants), or payments originating from a foreign government, received during the past 36 months and related to the subject matter of the hearing, please provide the following information:

**2021**

| Foreign contract/<br>payment | Foreign government | Dollar value | Subject of contract, grant,<br>or payment |
|------------------------------|--------------------|--------------|-------------------------------------------|
| n/a                          |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |

**2020**

| Foreign contract/<br>payment | Foreign government | Dollar value | Subject of contract, grant,<br>or payment |
|------------------------------|--------------------|--------------|-------------------------------------------|
| n/a                          |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |

**2019**

| Foreign contract/<br>payment | Foreign government | Dollar value | Subject of contract, grant,<br>or payment |
|------------------------------|--------------------|--------------|-------------------------------------------|
| n/a                          |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |

**2018**

| Foreign contract/<br>payment | Foreign government | Dollar value | Subject of contract, grant,<br>or payment |
|------------------------------|--------------------|--------------|-------------------------------------------|
| n/a                          |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |
|                              |                    |              |                                           |

**Fiduciary Relationships:** If you are a fiduciary of any organization or entity that has an interest in the subject matter of the hearing, please provide the following information:

| Organization or entity | Brief description of the fiduciary relationship |
|------------------------|-------------------------------------------------|
| n/a                    |                                                 |
|                        |                                                 |
|                        |                                                 |
|                        |                                                 |
|                        |                                                 |

**Organization or Entity Contract, Grant or Payment Information:** If you or the entity you represent before the Committee on Armed Services has contracts or grants (including subcontracts or subgrants) or payments originating from an organization or entity, whether public or private, that has a material interest in the subject matter of the hearing, received during the past 36 months, please provide the following information:

**2021**

| Contract/grant/<br>payment | Entity | Dollar value | Subject of contract, grant,<br>or payment |
|----------------------------|--------|--------------|-------------------------------------------|
| n/a                        |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |

**2020**

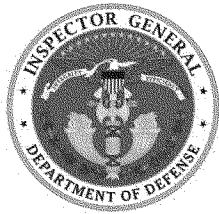
| Contract/grant/<br>payment | Entity | Dollar value | Subject of contract, grant,<br>or payment |
|----------------------------|--------|--------------|-------------------------------------------|
| n/a                        |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |

2019

| Contract/grant/<br>payment | Entity | Dollar value | Subject of contract, grant,<br>or payment |
|----------------------------|--------|--------------|-------------------------------------------|
| n/a                        |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |

2018

| Contract/grant/<br>payment | Entity | Dollar value | Subject of contract, grant,<br>or payment |
|----------------------------|--------|--------------|-------------------------------------------|
| n/a                        |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |
|                            |        |              |                                           |



**INSPECTOR GENERAL**  
*U.S. Department of Defense*

---

**Statement of  
Sean O'Donnell  
Acting Inspector General,  
Department of Defense  
for a Hearing on**

***Department of Defense Inspector General  
and the Service Inspectors General:  
Roles, Responsibilities and  
Opportunities for Improvement***

**Before the Subcommittee on Military Personnel  
Committee on Armed Services  
U.S. House of Representatives  
April 15, 2021**

Good afternoon, Chairwoman Speier, Ranking Member Banks, and Members of the Subcommittee. Thank you for inviting me to discuss the roles and responsibilities of the Inspectors General of the Department of Defense and the Military Services.

On January 27, 2020, I was sworn in as the Inspector General of the U.S. Environmental Protection Agency and, since April 6, 2020, I have served concurrently as the Acting Inspector General of the Department of Defense.

Today, I am here representing the Department of Defense Office of Inspector General (OIG). Pursuant to the IG Act, the DoD OIG was established as an independent and objective unit to detect and deter waste, fraud, and abuse in DoD programs and operations; to promote the economy, efficiency, and effectiveness of these programs and operations; and to help ensure ethical conduct throughout the DoD.

Perhaps the most important hallmark of the DoD OIG is its independence. This independence ensures the objectivity of our work and safeguards against efforts to influence or obstruct our operations. Congress has protected our independence by, among other things, placing the IG under the general supervision of the Secretary of Defense, meaning the Secretary cannot direct or prevent the work of the DoD OIG unless such a prohibition is necessary to preserve national security. In addition, Congress requires that the DoD IG receive timely access to all documents and other information available to the Department.

The DoD OIG employs approximately 1,750 dedicated oversight professionals. We are responsible for, among other things, one of the largest financial statement audits in history, evaluating highly complex and highly classified DoD programs, and investigating billions of dollars in potential fraud. To put our overall workload into perspective, in Fiscal Year 2020, the DoD OIG issued 138 audit and evaluation reports, contributed to criminal recoveries of \$2.69

billion, conducted 35 administrative investigations, and oversaw 499 senior official or retaliation investigations completed by the Military Services and Defense agency OIGs. We do all of this despite having a proportionately smaller staff than other Federal OIGs. As a point of comparison, the larger Federal OIGs typically have a ratio of departmental staff to OIG staff of between 50 to 1 and 200 to 1. The DoD OIG ratio is closer to 1,700 to 1.

The DoD OIG is not alone in ensuring robust oversight of the DoD. We are part of what we call the Defense Oversight Community, which includes the four Military Service IGs, the Military Criminal Investigative Organizations, the Service Auditors General, and Defense agency IGs, including the Federal IGs for four Defense intelligence agencies. The IG Act recognizes the important role of the Defense Oversight Community by, among other things, requiring the DoD OIG to give particular regard to the Defense Oversight Community's work with an eye toward avoiding duplication and ensuring coordination and cooperation. To this end, I chair the Defense Council on Integrity and Efficiency, which brings the Defense Oversight Community together through various committees and working groups to coordinate and discuss best practices. In addition, I meet quarterly with the Service IGs to discuss common issues.

One of the most significant ways in which the DoD OIG interacts with the wider DoD is through the DoD Hotline. We offer the DoD Hotline as a confidential, reliable means to report fraud, mismanagement, or other criminal or administrative misconduct that involves DoD personnel and operations, without fear of reprisal. Every year, the DoD Hotline receives approximately 16,000 contacts.

This volume often requires the DoD OIG to refer contacts to an appropriate entity within the Defense Oversight Community, including the Service IGs. For senior official misconduct allegations, we generally assume responsibility for conducting investigations of allegations of

misconduct against three- and four-star general and flag officers, Presidential appointees, and Senior Executive Service members in the Office of the Secretary of Defense. Similarly, we generally refer allegations against one- and two-star general and flag officers and SES members within a Service to the corresponding Service IG, and oversight the resulting report of investigation. With respect to whistleblower retaliation allegations, the DoD OIG handles complaints involving DoD contractors and other select employees, security clearances, and sexual assault. We will generally refer whistleblower retaliation allegations involving military Service members to their respective Service IG.

Even when we refer a contact to another entity, we retain oversight responsibility. As such, we require that the receiving entity conduct the inquiry according to quality standards that ensure independence and objectivity. For most referrals, we also require the receiving entity to submit a written report to the DoD OIG for oversight. If the DoD OIG determines that the report is deficient, we return the report to the reporting entity to resolve the deficiency. We include the Service IG work that we oversight in our semiannual reports to the Congress, in which we summarize our activities for the preceding 6-month period. We also look forward to working with the Service IGs in the implementation of our oversight of diversity and inclusion in the DoD and the handling of supremacist, extremist, and criminal gang activity in the Armed Forces, as required by section 554 of the FY 2021 National Defense Authorization Act.

Finally, the DoD OIG conducts detailed quality assurance reviews of the Service IGs' administrative investigations. Our reviews cover their hotline, whistleblower reprisal, and senior official complaint investigations and operations. These reviews have identified areas for improvement, such as establishing performance metrics, improving case management systems, and implementing procedures to protect complainant identity. We have also identified best

practices, such as publishing IG misconduct trends and process improvements to improve timeliness.

In closing, overseeing increasingly complex Defense Department programs and activities, as well as Hotline and other complaints, requires the best staff, training, and other resources—not only for the DoD OIG but also for the Service IGs and the broader Defense Oversight Community. Adequately funding IGs is a valuable investment—not only for handling investigations of misconduct but also for deterring waste, fraud, and abuse.

Thank you for the opportunity to testify this afternoon, and I look forward to answering your questions.

**Sean O'Donnell**  
**Acting Inspector General**  
**Department of Defense**

Mr. Sean O'Donnell joined the Department of Defense Office of Inspector General (DoD OIG) as the Acting Inspector General (IG) on April 6, 2020. Mr. O'Donnell is also the Inspector General of the U.S. Environmental Protection Agency (EPA) and was sworn in on January 27, 2020. Mr. O'Donnell serves as the Acting DoD IG in addition to his current duties as the EPA IG.

Mr. O'Donnell previously served at the U.S. Department of Justice for 15 years, most recently as a prosecutor in the Criminal Division's Money Laundering and Asset Recovery Section.

Early in his career, Mr. O'Donnell clerked for U.S. Circuit Judge Raymond Gruender on the U.S. Court of Appeals for the Eighth Circuit and U.S. District Judge Harry Lee Hudspeth on the U.S. District Court for the Western District of Texas. He also spent time in private practice, working on intellectual property and antitrust litigation, among other matters.

Mr. O'Donnell has a bachelor's degree in economics from Texas A&M University, a bachelor's degree in mathematics from the University of Washington, and a master's degree in economics and a law degree from the University of Texas at Austin.

RECORD VERSION

STATEMENT BY

LIEUTENANT GENERAL LESLIE SMITH  
THE INSPECTOR GENERAL  
UNITED STATES ARMY

BEFORE THE

SUBCOMMITTEE ON MILITARY PERSONNEL  
COMMITTEE ON ARMED SERVICES  
UNITED STATES HOUSE OF REPRESENTATIVES

FIRST SESSION, 117TH CONGRESS

ON DEPARTMENT OF DEFENSE INSPECTOR GENERAL AND  
THE SERVICES' INSPECTOR GENERALS: ROLES, RESPONSIBILITIES, AND  
OPPORTUNITIES FOR IMPROVEMENT

APRIL 15, 2021

NOT FOR PUBLICATION UNTIL RELEASED BY THE  
COMMITTEE ON ARMED SERVICES

Chairwoman Speier, Ranking Member Banks, and distinguished members of the Military Personnel Subcommittee -- Good Afternoon. I am Lieutenant General Leslie Smith, the Army Inspector General. Thank you for the privilege of appearing before you to speak about the Army Inspector General (IG) System and how we function to assist Soldiers, Army Civilians, and Families—all in the interest of enhancing and sustaining the Army's combat readiness. On behalf of the Acting Secretary of the Army, the Honorable Mr. Whitley, and our Army Chief of Staff, General McConville, thank you for your support to the military.

We exist for one thing—to help ensure the Readiness of our Army. Since the creation of the U.S. Army IG System 243 years ago at Valley Forge in 1778, Inspectors General have been charged to inspect, observe, train, and report misconduct. This duty has evolved into our four key functions: Inspections, Assistance, Investigations, and Training. I will talk about how we conduct those functions in the framework and organizational structure of the Army IG system.

At the Headquarters, Department of the Army level, I am independent, and I report directly to the Secretary of the Army. However, in accordance with Title 10, U.S. Code, section 7020, I am charged by law to cooperate fully with DoD IG, and we achieve this cooperation primarily by resolving allegations of Whistleblower Reprisal, resolving Army-related cases submitted through DoD's Hotline, and investigating Army senior officials—all under the direct oversight of DoD IG. However, as I stated earlier, and in accordance with the same statute I just mentioned, I work directly for the Secretary of the Army, but we maintain a very close working relationship with DoD IG, which enables smooth transfers of information and casework.

At the Department of the Army level, we conduct independent inspections of systemic issues; we resolve allegations against Army senior-officials; and, as stated earlier, we resolve Whistleblower Reprisal allegations and DoD Hotline cases. We refer other allegations that represent serious criminal misconduct to the Army's Criminal Investigation Command and discrimination cases to Equal Opportunity or Equal Employment Opportunity Offices. We work hand-in-hand with these agencies and others to process cases, ensuring that each individual matter gets to the right agency for assistance in what we call a "warm handoff."

Additionally, we provide policy, training, and assistance to Army IGs worldwide. We also provide trends analysis and impartial advice to Army senior leaders in all components. For example, our Inspections Directorate is in direct support of the Army's focus on countering harmful behaviors. This effort includes behaviors such as sexual assault, sexual harassment, discrimination, and extremism among others. Our Inspections Directorate also recently concluded inspections on the Army's Equal Opportunity Program and the Army Suicide Prevention Program. These inspections allowed us to help Army senior leaders recognize and address these critical Army-wide issues that affect readiness. Also, being independent affords us the ability to understand the scope and challenges the Army faced during the privatized housing crisis and to recommend solutions to Army senior leaders. We were able to quickly shift our assets and deploy to 73 locations across the United States to get a strategic look at the problem and help provide insights and recommendations.

Across the Army in all components—active, reserve, and National Guard—we have 1,441 IGs in more than 200 IG offices, each with just enough military and civilian personnel to perform our IG functions effectively. We need IGs at these various echelons of command to serve the unique needs of their general-officer commanders in the numerous specialty commands and organizations across the force. In this capacity, these “field IGs,” with direct oversight from me as the head of the United States Army Inspector General Agency, adapt the four IG functions to meet the readiness needs and goals of those field commanders.

All Army IGs work within the parameters of our guiding regulation, Army Regulation 20-1, Inspector General Activities and Procedures, and the procedural guidelines found in five separate doctrinal guides, most notably The Inspections Guide and The Assistance and Investigations Guide. Those guides also articulate clearly defined processes for our smooth interaction and the transfer of casework with DoD IG and other Services as necessary. In short, we have a fully developed and highly mature IG system that routinely adapts its functions to meet the changing requirements of the Army and the Nation as a whole. In the context of this robust policy and doctrinal foundation, the Army's field IGs remain **responsible** directly to their respective commanders, but **responsive** to the Army IG and the needs of the Secretary of the Army and Chief of Staff of the Army. We also provide, to our major subordinate

command IGs, independent policy guidance, training, and oversight. Included in this mix are the IGs assigned to the Adjutants General in the 54 states and territories.

The Army provides oversight of Army readiness through the performance of the four IG functions – Inspections, Assistance, Investigations, and Training. This oversight begins at the top and works downward through each echelon of command. Ultimately, the Army's commanders are responsible for the readiness, training, good order, and discipline of their formations; our IG system is designed to complement and bolster the readiness efforts of these commanders. We strongly believe that commanders and field IGs have the ability to solve their own internal challenges with our added support as needed. The Department of the Army IG provides this support while also overseeing the Army's multitude of critical systems, functions, and programs, including Army-wide focus areas. Everything that we do as Army IGs revolves around keeping the Army in a high state of mission readiness so that we can fight and win our Nation's wars.

Every Army IG takes a special IG oath to "uphold the standards" of the Army "without prejudice or partiality"—even when the Army may be part of the problem. These words represent a tall order—and one that all IGs, particularly me, take very seriously. If an IG falls short of this standard, I have the authority to revoke that IG's credentials. While I do not enjoy this requirement, I have taken steps to revoke several IG credentials (both military and civilian). We occupy a position of public trust, and we must never violate that trust.

In closing, the IG Agency is both independent and integrated. We are an independent agency that provides credible and impartial oversight. We are also an integrated agency serving vertically and laterally as the "eyes, ears, voice, and conscience" of our commanders in the field, helping preserve the Army's readiness through our four critical functions—Inspections, Assistance, Investigations, and Training.

Thank you, again, for taking the time to discuss the importance of the Army IG System.

## United States Army

Lieutenant General LESLIE C. SMITH

**The Inspector General  
United States Army  
1700 Army Pentagon 3E588  
Washington, DC 20310-1700  
Since: February 2018**

### SOURCE OF COMMISSIONED SERVICE ROTC

#### EDUCATIONAL DEGREES

Georgia Southern University – BBA – Accounting Auditing  
Central Michigan University – MS – Administration  
National Defense University – MA – National Security and Strategic Studies

#### MILITARY SCHOOLS ATTENDED

Chemical Officer Basic and Advanced Courses  
United States Army Command and General Staff College  
National War College

#### FOREIGN LANGUAGE(S) None recorded

| <u>PROMOTIONS</u> | <u>DATE OF APPOINTMENT</u> |
|-------------------|----------------------------|
| 2LT               | 25 May 83                  |
| 1LT               | 24 May 86                  |
| CPT               | 1 Apr 89                   |
| MAJ               | 1 Mar 96                   |
| LTC               | 1 May 00                   |
| COL               | 1 May 05                   |
| BG                | 2 Sep 09                   |
| MG                | 2 Sep 12                   |
| LTG               | 7 Feb 18                   |

#### FROM TO ASSIGNMENT

Feb 18 Present The Inspector General, United States Army, Washington, DC  
Apr 15 Feb 18 Deputy The Inspector General, United States Army, Washington, DC  
Jun 13 Apr 15 Commanding General, United States Army Maneuver Support Center of Excellence and Fort Leonard Wood, Fort Leonard Wood, Missouri  
Jul 10 May 13 Commanding General, 20th Support Command (Chemical, Biological, Radiological, Nuclear and High Yield Explosive), Aberdeen Proving Ground, Maryland  
Jun 08 Jul 10 Commandant, United States Army Chemical, Biological, Radiological and Nuclear School/Deputy Commanding General, Material and Technology, United States Army Maneuver Support Center of Excellence, Fort Leonard Wood, Missouri  
Aug 07 Jun 08 Assistant Chief of Staff, G-3, 20th Support Command (Chemical, Biological, Radiological, Nuclear and High Yield Explosives), Aberdeen Proving Grounds Maryland  
Jul 05 Jul 07 Commander, 3d Chemical Brigade, United States Maneuver Support Center, Fort Leonard Wood, Missouri  
Aug 04 Jul 05 Student, National War College, Fort McNair, Washington, DC  
Jul 03 Aug 04 Chief, Nuclear, Biological and Chemical Defense Team, G-8, United States Army, Pentagon, Washington, DC  
Jun 01 Jun 03 Commander, 83d Chemical Battalion, XVIII Airborne Corps, Fort Polk, Louisiana, and OPERATION IRAQI FREEDOM, Kuwait and Iraq  
Jul 99 May 01 Nonproliferation Planner, Weapons Technology Control Division, Strategic Plans and Policy Directorate, J-5, Joint Staff, Washington, DC  
Jun 97 Jun 99 Intelligence/Operations Officer, later Operations Officer, later Executive Officer, 23d Chemical

Battalion, 19th Theater Area Command, Eighth United States Army, Korea  
 Aug 96 Jun 97 Student, United States Army Command and General Staff College, Fort Leavenworth, Kansas  
 Mar 94 Jun 96 Assignment/Future Readiness Officer, later Company Grade Assignment Officer, Chemical Branch,  
 Officer Personnel Management Division, United States Total Army Personnel Command, Alexandria,  
 Virginia  
 Aug 92 Dec 93 Commander, 21st Chemical Company, Division Support Command, 82d Airborne Division, Fort  
 Bragg, North Carolina  
 Jul 90 Aug 92 Chemical Officer, Division Artillery, 82d Airborne Division, Fort Bragg, North Carolina and  
 OPERATIONS DESERT SHIELD AND STORM, Saudi Arabia  
 Dec 89 Jul 90 Director, Nuclear, Biological, and Chemical Center, 21st Chemical Company, 82d Airborne Division,  
 Fort Bragg, North Carolina  
 Jul 89 Dec 89 Student, Chemical Officer Advanced Course, United States Army Chemical School, Fort McClellan,  
 Alabama  
 Jul 86 Jun 89 Chemical Officer, 3d Battalion, 52d Air Defense Artillery, 32d Army Air Defense Command, United  
 States Army Europe, Germany

#### SUMMARY OF JOINT ASSIGNMENTS

|                                                                                                                                            | <u>DATE</u>     | <u>GRADE</u>                |
|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------------|
| Nonproliferation Planner, Weapons Technology Control Division, Strategic<br>Plans and Policy Directorate, J-5, Joint Staff, Washington, DC | Jul 99 - May 01 | Major/Lieutenant<br>Colonel |

#### SUMMARY OF OPERATIONAL ASSIGNMENTS

|                                                                                                                                                    | <u>DATE</u>     | <u>GRADE</u>       |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------------|
| Commander, 83d Chemical Battalion, XVIII Airborne Corps, Fort Polk,<br>Louisiana, and OPERATION IRAQI FREEDOM, Kuwait and Iraq                     | Jun 01 - Jun 03 | Lieutenant Colonel |
| Chemical Officer, Division Artillery, 82d Airborne Division, Fort Bragg,<br>North Carolina and OPERATIONS DESERT SHIELD AND STORM,<br>Saudi Arabia | Jul 90 - Aug 92 | Captain            |

#### US DECORATIONS AND BADGES

Distinguished Service Medal  
 Legion of Merit (with 1 Bronze Oak Leaf Cluster)  
 Bronze Star Medal (with 1 Bronze Oak Leaf Cluster)  
 Defense Meritorious Service Medal  
 Meritorious Service Medal (with 3 Bronze Oak Leaf Clusters)  
 Army Commendation Medal (with 1 Bronze Oak Leaf Cluster)  
 Joint Service Achievement Medal  
 Senior Parachutist Badge  
 Joint Chiefs of Staff Identification Badge  
 Army Staff Identification Badge

DEPARTMENT OF THE AIR FORCE PRESENTATION  
TO THE SUBCOMMITTEE ON MILITARY PERSONNEL  
COMMITTEE ON ARMED SERVICES  
UNITED STATES HOUSE OF REPRESENTATIVES

SUBJECT: DEPARTMENT OF DEFENSE INSPECTOR GENERAL AND SERVICES  
INSPECTOR GENERALS: ROLES, RESPONSIBILITIES AND OPPORTUNITIES FOR  
IMPROVEMENT

STATEMENT OF:

LIEUTENANT GENERAL SAMI D. SAID  
THE INSPECTOR GENERAL, UNITED STATES  
AIR FORCE

April 15, 2021

NOT FOR PUBLICATION UNTIL RELEASED BY THE  
COMMITTEE ON ARMED SERVICES  
UNITED STATES HOUSE OF REPRESENTATIVES

Chairwoman Speier, Ranking Member Banks, Committee Members – Thank you for the opportunity to appear before you today along with my colleagues to discuss our roles and responsibilities as Service-IGs.

Generally, the DAF-IG is charged with independently assessing, through investigations, inspections and reviews, the readiness, efficiency, and discipline of the Department of the Air Force, which includes both the Air Force and the Space Force. To empower full independence the DAF-IG and its subordinate organizations reside within the Secretariat chain and The Inspector General (TIG) reports directly to the Secretary of the Air Force (SECAF). All authorities of DAF-IG and all organizations within, directly emanate from the Secretary of the Air Force to DAF-IG.

At the DAF level, the DAF-IG organization is composed of three Field Operating Agencies and four Directorates, all serving both the Air Force and Space Force. Below the DAF-level, we have Inspector General (IG) presence at 186 installations supporting our Major Commands, in the Air Force, and our Field Commands, in the Space Force. IGs below DAF-level support and report to their chain of command, however, DAF-IG retains oversight of their inspections and investigations. DAF-IG also issues the policies that govern field IGs' responsibilities and mission and provides the training for all new IGs.

At the installation-level, IG offices are relatively small. They support the installation command team in assessing readiness through exercises, conducting IG investigations, and providing a complaints resolution function to address concerns of airmen and guardians. Formal assessment and grading of an organization's readiness, compliance and effectiveness is not conducted by installation IGs, by design, it's conducted by the next level IG, in our case, Major Command (MAJCOM) and Field Command (FIELDCOM) IGs. Inspections by MAJCOM and FIELDCOM IGs are oversighted by the DAF Inspection Agency, which reports directly to DAF-IG. Oversight is conducted through physical presence at some inspections to ensure assessment policies and grading guidelines are followed. All inspection reports are also forwarded to the DAF Inspection Agency. Inspection standards and guidelines for readiness, compliance and effectiveness are common to all and issued by DAF-IG. Oversight for nuclear mission inspections is provided by the DAF Inspection Agency as well as the Defense Threat Reduction Agency, which reports to the Office of the Secretary of Defense (OSD).

Investigations conducted by installation IGs are oversighted by MAJCOM and FIELDCOM IGs and the Department of the Air Force Complaints Resolution Directorate (DAF-IGQ), which reports to DAF-IG, and then ultimately by DoD-IG as well. All investigations across the DAF involving a senior official, Brigadier General and above, or Senior Executive Service tier-1 and above, are conducted by the Senior Officials Directorate within DAF-IG. All senior official investigations are oversighted by DoD-IG.

Across the DAF we have 2,620 airmen and guardians performing IG duties of which, 1,880 are military and 740 are civilians. Total funded billets however stand at 1,886. The mix of civilians and military is important to us. Our military IGs offer experience, but also critically important

currency in the issues they're charged to inspect or investigate. Our civilian IGs bring a wealth of experience and provide helpful continuity.

Our partnership and collaboration with all our sister-Service IG teammates and DoD-IG is in my view exceptionally good. We receive very helpful and healthy oversight from DoD-IG, and across the Services, we share lessons-learned and best practices with each other. We fully cooperate with DoD-IG and have well-established oversight and handoff guidelines common to all of us, which work very well.

Independence of the IG at all levels is highly respected, cherished, and protected within the DAF. This element of independence is critical to executing the mission, at all levels. Although field IGs report to their chain of command, the results of their inspections and investigations are independent and oversighted at multiple levels. If any IG experiences undue influence, they will up-channel their concerns to the next, higher level in the IG chain, all the way up to DAF-IG. All IGs serve under common standards of conduct.

In terms of overall capacity and resourcing, we have generally received appropriate support and priority. But, like most other organizations, we have some capacity shortfalls, primarily at the installation-level, which we're working to address.

Again, thank you for the opportunity to appear before you today. I look forward to your questions.

### **Lieutenant General Sami D. Said**

Lt. Gen. Sami D. Said is the Inspector General of the Department of the Air Force, Office of the Secretary of the Air Force, Arlington, Virginia. In this capacity, he reports to the Secretary of the Air Force, Chief of Staff of the Air Force, and Chief of Space Operations on matters concerning Department of the Air Force readiness, efficiency and the military discipline of active duty, Air Force Reserve and Air National Guard forces. He also provides inspection policy and oversees the inspection and evaluation system for all Department of the Air Force nuclear and conventional forces; oversees Department of the Air Force counterintelligence operations; investigates fraud, waste and abuse; oversees criminal investigations; and provides oversight of complaints resolution programs. General Said is responsible for three field operating agencies: the Department of the Air Force Inspection Agency and the Office of Special Investigations, and the Department of Defense Cyber Crime Center.

General Said is a command pilot with more than 2,200 hours in both the F-15 Eagle and the F-16 Fighting Falcon. Lt Gen Said's combat flying experience includes operations Northern Watch and Southern Watch. He has commanded at the wing and squadron level. His staff and joint experience include assignments at Headquarters U.S. Air Force; the Office of the Secretary of Defense; Headquarters, International Security Assistance Force, Kabul, Afghanistan; Department of State, Washington, D.C. and U.S. Embassy, Kabul, Afghanistan. Prior to this assignment, Lt Gen Said was the Deputy Inspector General of the Air Force, Office of the Secretary of the Air Force, Arlington, Virginia.

### **EDUCATION**

1986 Bachelor of Science in Mathematics, University of Alabama at Birmingham  
 1998 Outstanding graduate, U.S. Air Force Weapons School, F-15 Division, Nellis Air Force Base (AFB), Nev.  
 1999 Squadron Officer School, by correspondence  
 2002 Air Command and Staff College, by correspondence  
 2005 Air War College, by correspondence  
 2006 Masters of Business Administration, Western Governors University, Salt Lake City, Utah  
 2008 National Security Fellow, Kennedy School of Government, Harvard University, Cambridge, Mass.  
 2011 Joint Combined Warfare School, Joint Forces Staff College, Norfolk, Va.  
 2014 Capstone, General/Flag Joint Officer Course, Fort Lesley J. McNair, Washington, D.C.

### **ASSIGNMENTS**

January 1991 - February 1991, Officer Training School, Academy of Military Science, Tenn.  
 March 1991 - March 1992, student, Undergraduate Pilot Training, Columbus AFB, Miss.  
 April 1992 - May 1992, student, Fighter Lead-in Training, Holloman AFB, N.M.  
 August 1992 - February 1993, student, F-16 Training, Klamath Falls, Ore.  
 February 1993 - March 1995, F-16 Pilot, 159th Fighter Squadron, Fla.  
 April 1995 - May 1995, F-15 Transition Course, Tyndall AFB, Fla.  
 June 1995 - January 1997, Standardization and Evaluation Pilot, Instructor Pilot, 125th Fighter Wing (FW), Fla.  
 February 1997 - December 1997, Wing Standardization and Evaluation, Instructor Pilot, 125th FW, Fla.  
 January 1998 - June 1998, U.S. Air Force Weapons School, F-15 Division, 57th FW, Nellis AFB, Nev.  
 August 1998 - August 2002, Chief of Wing Weapons and Tactics, Flight Examiner, 125th FW, Fla.  
 September 2002 - May 2003, Operations Officer, 159th Fighter Squadron, 125th FW, Fla.  
 June 2003 - May 2004, Commander, 125th Aircraft Maintenance Squadron, 125th FW, Fla.  
 June 2004 - May 2005, Wing Special Projects Officer, 125th FW, Fla.  
 June 2005 - June 2007, Chief of Wing Operations, 125th FW, Fla.  
 July 2007 - May 2008, National Security Fellow, Kennedy School of Government, Harvard University, Cambridge, Mass.  
 June 2008 - November 2008, Division Chief, Chief of Staff U.S. Air Force Strategic Studies Group - "Checkmate," Headquarters U.S. Air Force, the Pentagon, Arlington, Va.

December 2008 - April 2009, Military Assistant - Department of Defense Transition Task Force, Office of the Secretary of Defense, the Pentagon, Arlington, Va.

May 2009 - April 2011, Chief of Staff and Senior Military Assistant to the Under Secretary of Defense, Acquisition, Technology and Logistics, Office of the Secretary of Defense, the Pentagon, Arlington, Va.

April 2011 - January 2013, Commander, 144th FW, Calif.

January 2013 - July 2013, Deputy Coordinating Director, Rule of Law and Law Enforcement, U.S. Embassy, Kabul, Afghanistan

August 2013 - January 2014, Chief Combined Joint Staff, Operations (CJ-3), Headquarters International Security Assistance Force, Afghanistan

January 2014 - May 2015, Military Deputy, to The Special Representative for Afghanistan and Pakistan, Department of State, Washington, D.C.

June 2015 - January 2019, Air Force Deputy Inspector General, Headquarters Air Force, the Pentagon, Arlington, Va.

February 2019 - present, Inspector General, Department of the Air Force, Headquarters Air Force, the Pentagon, Arlington, Va.

#### **SUMMARY OF JOINT ASSIGNMENTS**

May 2009 - April 2011, Chief of Staff and Senior Military Assistant to the Under Secretary of Defense, Acquisition, Technology and Logistics, Office of the Secretary of Defense, the Pentagon, Arlington, Va., as a colonel

January 2013 - July 2013, Deputy Director, Rule of Law and Law Enforcement, U.S. Embassy, Kabul, Afghanistan, as a brigadier general

August 2013 - January 2014, Chief Combined Joint Staff, Operations, (CJ-3), Headquarters International Security Assistance Force, Afghanistan, as a brigadier general

January 2014 - May 2015, Military Deputy, to The Special Representative for Afghanistan and Pakistan, Department of State, Washington, D.C., as a brigadier general and major general

#### **FLIGHT INFORMATION**

Rating: command pilot

Flight hours: 2,200

Aircraft flown: F-15, F-16

#### **MAJOR AWARDS AND DECORATIONS**

Distinguished Service Medal

Defense Superior Service Medal with oak leaf cluster

Legion of Merit

Bronze Star Medal

Meritorious Service Medal with three oak leaf clusters

#### **OTHER ACHIEVEMENTS**

1991 Distinguished Graduate, the Academy of Military Science

1992 Distinguished Graduate, Undergraduate Pilot Training

1992 Air Training Command Commander's Trophy, Undergraduate Pilot Training

1992 Flying Training Award and Academic Award, Undergraduate Pilot Training

1992 Distinguished Graduate, F-16 Pilot Training

1992 Top Gun Award, F-16 Pilot Training

1992 Academic Award, F-16 Pilot Training

1993 Orville Wright Achievement Award, Order of Daedalians

1998 Outstanding Graduate, U.S. Air Force Weapons School, F-15 Division

1998 Academic Award, U.S. Air Force Weapons School, F-15 Division

2008 "Strategic Studies Quarterly" paper award, Air University

2015 Superior Honor Award, U.S. Department of State

#### **EFFECTIVE DATES OF PROMOTION**

Second Lieutenant Feb. 14, 1991

First Lieutenant Feb. 28, 1993

Captain May 20, 1995

Major May 29, 1999

Lieutenant Colonel May 29, 2003

Colonel June 27, 2008  
Brigadier General Jan. 4, 2013  
Major General Mar 27, 2015  
Lieutenant General Jan. 31, 2019

(Current as of February 2021)

NOT FOR PUBLICATION UNTIL RELEASED BY  
THE COMMITTEE ON ARMED SERVICES

**STATEMENT OF**

**VICE ADMIRAL RICHARD P. SNYDER  
NAVAL INSPECTOR GENERAL**

**BEFORE THE**

**SUBCOMMITTEE ON MILITARY PERSONNEL  
COMMITTEE ON ARMED SERVICES  
UNITED STATES HOUSE OF REPRESENTATIVES**

**SUBJECT:**

**DEPARTMENT OF DEFENSE INSPECTOR GENERAL AND THE  
SERVICES INSPECTOR GENERALS: ROLES, RESPONSIBILITIES AND  
OPPORTUNITIES FOR IMPROVEMENT**

**APRIL 15, 2021**

NOT FOR PUBLICATION UNTIL RELEASED BY  
THE COMMITTEE ON ARMED SERVICES

Chairwoman Speier, Ranking Member Banks, and military personnel subcommittee members – Thank you very much for having us here today to discuss the roles, responsibilities and authorities of the Service Inspectors General.

The Naval Inspector General (NAVIG) office and duties are established by statute, specifically 10 U.S. Code Section 8020. The NAVIG reports directly to the Secretary of the Navy (SECNAV) as an Echelon I (Secretariat-level) organization, and has the authority to inspect, investigate, and or inquire into any and all matters affecting the discipline or the military efficiency of the Department of the Navy (DON). NAVIG is the senior administrative investigative official in the DON and the principal advisor to SECNAV, the Chief of Naval Operations and the Commandant of the Marine Corps on all matters concerning inspections and investigations. Additional direction and authority is provided in a number of Department of Defense (DoD), SECNAV, and NAVIG policies. NAVIG is the Inspector General for both the DON and the Navy as a Service. The Deputy Naval Inspector General for Marine Corps Matters, is the principal advisor to the CMC and SECNAV on Marine Corps inspections and investigations and generally operates independently with respect to the Marine Corps as a Service. Our two offices coordinate closely, as necessary.

The Office of the Naval Inspector General (NAVINSGEN) ensures an independent and objective evaluation of all complaints within NAVIG's purview, with the exception of complaints retained by the Department of Defense IG. These complaints are received through a variety of means, including email, letter, facsimile, and phone, and at various IG offices in the NAVIG enterprise. Complaint totals have risen steadily over the last several years. In response, the DON has increased resources devoted to the Hotlines Division to address the rise in

complaints and provide increased oversight capability and to the Senior Officials Investigation Division to address a rise in senior official complaints.

NAVINGEN conducts periodic inspections of commands and region visits, to assess program compliance, program effectiveness, and risk to the Department of the Navy (DON). Special assessments and inspections, health and safety assessments, research and evaluation reports, and site visits are also conducted. In the last three years, 32 of these activities were conducted, and they were primarily focused on areas interest, risk or concern to the DON. These assessments frequently include a pre-inspection survey and focus group meetings to help identify areas of concern and provide commanders an assessment of command climate. We also have an intelligence oversight responsibility to help ensure standards are being met within the intelligence community.

NAVINGEN is not involved in criminal investigations nor audits, as NAVIG is separate and distinct from the Naval Criminal Investigative Service and the Naval Audit Service.

#### **NAVIG Enterprise**

The NAVIG enterprise, those performing IG functions throughout the Navy, is large, consisting of 27 Echelon II, 66 Echelon III, 49 Echelon IV, and 2 Echelon V Command IGs who report administratively to NAVIG for policy and oversight and report operationally to their respective Echelon Commander for most command-level matters. Additionally, the Naval Criminal Investigative Service, Office of Naval Research, and the Naval Audit Service have people performing IG functions. This structure provides the supported commander a valuable command-level resource for executing their duties of command. Each of our IG offices has both investigation and inspection functions, and all IGs are expected to perform their roles in a fair,

impartial and independent manner. NAVIG is responsible for providing policy guidance, training and professional oversight to that end. IG offices at more senior provide additional oversight and may perform IG functions should there be any concern about fairness or impartiality. The lower echelon IG offices may receive complaints directly from a complainant and investigate the complaint to conclusion on its own, with a few exceptions. All complaints, no matter where they are received, must be logged into the central tracking systems called the Naval Inspector General Hotlines Tracking System (NIGHTS). The status of each complaint is tracked from initiation to conclusion in NIGHTS. Because the NAVIG enterprise is large, world-wide, and has considerable activity, several steps have been taken to ensure consistency in approach throughout the enterprise. For example, notification requirements are in place for high-visibility complaints so that NAVIG is made aware of any complaint that may require high-level attention and expertise to address. Resources were increased for the Training Division to provide more, and more effective, training and education to our personnel. There are several other written policies in place to address issues such as confidentiality, investigative standards, IG selection processes and the conduct of preliminary inquiries. Quality assessment reviews are conducted of lower echelon IG offices, with the goal of identifying those areas that could benefit from improvement and thereafter providing the required training and mentoring to improve their performance.

#### **Independence and Impartiality**

We operate pursuant to a number of SECNAV policies, and we are governed by the principles of independence and objectivity. From our governing instruction, all IGs in the NAVIG enterprise provide independent, objective and professional IG services and operate without command influence, pressure, coercion or fear of reprisal. Navy IGs are directed to refer

a matter to the next higher echelon IG when determined it is inappropriate to inquire into a matter due any risk of undue influence or impartiality. We are required by statute to cooperate with the DoD Office of Inspector General (OIG). Our substantive work on senior official cases and military whistleblower reprisal cases is worked closely with our legal staff and is reviewed by the DoD OIG for quality, accuracy and oversight approval. Cases are sometimes referred from the DoD OIG to NAVIG for information only or for appropriate action. Similarly, some non-senior official cases are referred from NAVIG headquarters to lower echelon IG offices. Action referrals require a feedback report to the referring office for review and oversight. Complaints involving allegations against a DON senior official are reviewed by both my office and the DoD OIG. Each member of the NAVIG office is dedicated to accurate, fair, neutral and appropriately transparent investigative and inspection assessments. If an allegation of misconduct is tentatively substantiated, the subject is provided an opportunity to respond before a final decision is made. The same transparency is true for assessment results. The draft inspection results are provided to the inspected command for their review of factual accuracy. We follow multiple steps to ensure that our final product is unbiased and accurate. Findings of investigations and inspections are provided to the chain of command for action deemed appropriate.

The processes that I have seen employed during my almost three-year tenure as NAVIG, and the products produced, have been professional, fair, and neutral to all parties involved. NAVIG supports warfighting readiness through execution of investigations, assessments and oversight, and NAVIG routinely briefs the IG missions, functions and findings at the Navy Leadership and Ethics Center, Flag Officer and Senior Executive Seminars and numerous other

venues to further that mission. We are committed to enabling Navy warfighting capability and supporting our Sailors, Navy civilians and their families.

Chairwoman Speier, Ranking Member Banks, and military personnel subcommittee members, thank you for your continued support of our Navy and our people. I look forward to your questions.

**Vice Admiral Richard P. “Rick” Snyder**  
**Naval Inspector General**

Vice Adm. Rick Snyder is an honor graduate of Tulane University, with a Bachelor of Science in Management. Upon graduation, he was commissioned in the Navy through Tulane Navy Reserve Officer Training Corps Program. In November 1984, Snyder was designated a Naval Aviator.

Following initial training in the SH-60B Sea Hawk helicopter, Snyder served at Helicopter Anti-Submarine Squadron Light (HSL) 43, based in North Island, California. Subsequent flying tours included duties as an instructor pilot at HSL-40 and as a department head at HSL-46 in Mayport, Florida. Snyder also served at sea as the USS Carl Vinson (CVN-70) navigator. Shore tours included attendance at the Naval Postgraduate School in Monterey, California, where he earned a Master of Science in Operations Research and a follow-on tour as the Navy operations analyst for the Republic of Korea/U.S. Combined Forces Command in Seoul, Korea. In Washington, D.C., Snyder served the Secretary of Defense as aviation liaison for public affairs, and he was a senior fellow at the Atlantic Council of the United States. Snyder was also a senior fellow in the Chief of Naval Operations Strategic Studies group.

Shore flag officer assignments include the joint staff directorate for Strategy and Policy (J5) as deputy director for Joint Strategic Planning and the director of the Navy’s 21st Century Sailor Office, leading efforts to build and sustain resilience for Sailors and their families. Prior to his current assignment, Snyder was the director for Strategy, Plans and Policy (J5) at U.S. Northern Command and North American Aerospace Defense Command.

As commanding officer, Snyder led the Sailors and Marines of HSL-46, HSL-40, USS Bataan (LHD-5) and Expeditionary Strike Group 2.

Snyder assumed his duties as the 41st Naval inspector general on August 1, 2018.

Personal awards earned by Snyder include the Distinguished Service Medal, Defense Superior Service Medal (3 awards), Legion of Merit (3 awards), Defense Meritorious Service Medal, Meritorious Service Medal (4 awards) and the Navy/Marine Corps Commendation Medal (3 awards).

NOT FOR PUBLICATION UNTIL RELEASED BY  
THE COMMITTEE ON ARMED SERVICES

**STATEMENT OF**

**MAJOR GENERAL ROBERT F. CASTELLVI  
DEPUTY NAVAL INSPECTOR GENERAL FOR MARINE CORPS MATTERS/  
INSPECTOR GENERAL OF THE MARINE CORPS**

**BEFORE THE**

**SUBCOMMITTEE ON MILITARY PERSONNEL  
COMMITTEE ON ARMED SERVICES  
UNITED STATES HOUSE OF REPRESENTATIVES**

**SUBJECT:**

**DEPARTMENT OF DEFENSE INSPECTOR GENERAL AND THE  
SERVICES INSPECTOR GENERALS: ROLES, RESPONSIBILITIES AND  
OPPORTUNITIES FOR IMPROVEMENT**

**APRIL 15, 2021**

NOT FOR PUBLICATION UNTIL RELEASED BY  
THE COMMITTEE ON ARMED SERVICES

Chairwoman Speier, Ranking Member Banks, and military personnel subcommittee members – Thank you for the opportunity to appear before you today along with my colleagues to discuss our roles and responsibilities as Service Inspectors General (IGs).

The Inspector General of the Marine Corps (IGMC) is the senior investigative official within the Marine Corps and the principal advisor to the Commandant of the Marine Corps and the Secretary of the Navy on all matters concerning inspections and administrative investigations in the Marine Corps. IGMC supports the Secretary and the Commandant of the Marine Corps to promote Marine Corps institutional effectiveness, efficiency, discipline, ethics, integrity, and combat readiness. I communicate directly with the Secretary of the Navy, the Department of Defense Inspector General, and the Naval Inspector General on matters concerning the Marine Corps.

IGMC's staff performs its vital role through impartial and independent inspections, assessments, inquiries, and administrative investigations made without influence, pressure, or coercion. IGMC's findings are reported to the Commandant of the Marine Corps, and when appropriate, the Secretary of the Navy. Ultimately, the Service leadership determines and takes any appropriate action related to the information IGMC provides. To ensure transparency, IGMC personnel have unrestricted access, up to an individual's level of clearance, to any information within the Department, when required in the course of their duties.

The IGMC team is supplemented by 41 command IGs who serve as a functional extension of the IGMC. Throughout the Marine Corps, every commanding general or general officer level commander has their own IG team that operates within the authorities of the individual commander. My office provides training, support, and oversight for these local command IGs.

Although the level of authority and sphere of influence varies, all IGs have the same fundamental duties and responsibility to conduct inspections; investigate allegations of fraud, waste, abuse of authority; provide assistance; and monitor and report on intelligence oversight.

Marine Corps IGs conduct inspections to assess, assist, and enhance a unit's ability to prepare for and execute its assigned mission. Purposeful, coordinated, and instructive inspections assess a unit's compliance with orders and regulations and seek to identify the root causes of any challenges, particularly those beyond the capability of commanders to solve within their own means. Following each inspection, inspected commander receives feedback and must provide us with a corrective action report that addresses noted problems.

Our IGs also conduct administrative investigation into allegations of fraud, waste, inefficiency, and related improprieties throughout the Marine Corps. IGMC does not investigate crimes and all allegations of criminal activity are referred to the Naval Criminal Investigative Service. To preserve the independence and objectivity of the individual command IGs, IGMC assumes responsibility for all allegations against senior officials or related to military whistleblower reprisal, unless DoD OIG assumes responsibility for the case. In the event of any conflict of interest at a local command, IGMC will refer the case to a higher level command for investigation or other appropriate action, or take responsibility of the case. When IGMC is conflicted, we are obligated to refer an issue to either the Naval Inspector General or Department of Defense Office of the Inspector General (DoD OIG).

The majority of complaints and allegations of wrongdoing we receive come in through the Marine Corps Hotline, which is part of the assistance function of the IGs. The Hotline provides all individuals with a confidential means by which to make a complaint or seek assistance with an issue that impacts them. This tool is particularly valuable to those who do not

know where to get help, or are hesitant to seek help from their chain of command. Working hand-in-hand with IGs across the Marine Corps and DoD IG network, assistance requests from each individual contact, well over 2,000 per year, get to the appropriate person, agency, or unit for resolution. The IGMC provides a quality assurance review of the response from each Marine Corps entity for hotline requests.

Marine Corps IGs also ensure that intelligence activities that collect, retain, and disseminate information about U.S. persons operate consistent with governing regulations and laws.

Finally, the IGs embed teaching and training into everything they do. We are the standard-bearers for the Marine Corps and seek to ensure units and individual's know, or know where to go, for an example of what right looks like.

Although the IGMC supports and communicates with the Secretary of the Navy and the Commandant of the Marine Corps, Statute requires our cooperation with the DoD OIG for all IG matters. This cooperation is seen most in the assistance and investigations functions. DoD OIG requires notification from IGMC any time there is an allegation of misconduct by a senior official or complaint of military whistleblower reprisal. In some cases, DoD OIG will assume investigative responsibility, and in all cases DoD OIG provides oversight and records both IGMC and the Marine Corps' disposition of the case. This notification process and oversight, much like IGMC's oversight with local inspectors general, ensures transparency and impartiality.

Frequently, DoD OIG refers Marine Corps related cases to our office for action or information. IGMC routes these cases to the appropriate agency or local command IG and provides oversight and a quality review of the local IG's handling of the case. DoD provides additional oversight and recording for action referrals. These layers of oversight ensure

independence, transparency, thoroughness, and compliance with applicable regulations.

Although DoD OIG reviews IGMC's work, the ultimate disposition for any IG finding rests with Service leadership.

IGMC's relationship with DoD OIG is enhanced through quarterly meetings of the Defense Council on Integrity and Efficiency, which include members of the entire DoD oversight enterprise to assess governance, training and priorities. IGMC also participates in various DoD working groups, the quarterly Service IGs Meetings.

The relationship between DoD OIG and the IGMC, and the IGMC and the local command IGs is similar. This broad and varied network ensures each commander enjoys the benefit of an IG to manage local issues, conduct local inspections, investigate local matters, and keep a pulse of things that effect the morale, discipline, and climate of the unit. Whereas the IGMC serves as the eyes and ears of the Commandant, the local IGs serve as the eyes and ears of the individual commander.

Chairwoman Speier, Ranking Member Banks, and military personnel subcommittee members, thank you for your continued support of the Marine Corps. I look forward to your questions.

**Major General Robert F. Castellvi**  
**Inspector General of the Marine Corps**

Major General Castellvi is currently the Inspector General of the Marine Corps (Eff: 9 October 2020). He is from Chicago, IL, and earned his Commission through the NROTC program following his graduation from the University of Illinois.

Major General Castellvi's assignments in the Fleet Marine Force include: Rifle Platoon Commander, Weapons Platoon Commander, and 81mm Mortar Platoon Commander with 1st Battalion, 2d Marines (1985-88), participating in Operation EARNEST WILL in the Arabian Gulf with the 24th Marine Expeditionary Unit (MEU(SOC)); Platoon Commander and Executive Officer for Fleet Antiterrorism Security Team Company, Atlantic (1988-91), deploying in support of JTF Panama; Rifle Company Commander, H&S Company Commander, and Battalion Operations Officer for 2d Battalion, 9th Marines, (1991-94) deploying with 15th MEU(SOC) to Somalia for Operation RESTORE HOPE and the Arabian Gulf for the Peacekeeping Phase of Operation DESERT STORM; Commanding Officer of 2d Battalion, 3d Marines (2001-03); Commanding Officer of Headquarters Battalion, 1st Marine Division (2006-08), deploying to Operation IRAQI FREEDOM as the Senior Advisor to the 1st Iraqi Army Division; Chief of Staff of the 1st Marine Division (2009-11), deploying to Afghanistan for Operation ENDURING FREEDOM as the Chief of Staff for Task Force Leatherneck; and as the Chief of Staff for I Marine Expeditionary Force (2011-13).

Other assignments include: Project Officer and Assistant. Program Manager for Anti-armor Weapons, Marine Corps Systems Command (1994-97); Plans Chief, U.S. Central Command Theater War Plans, Marine Forces Pacific and Marine Forces Central Command (1999-01); and National Defense Strategist and Military Assistant to the Under Secretary of Defense for Policy, Office of the Secretary of Defense (2004-06).

His previous assignments as a General Officer were as Commanding General Marine Corps Installations East, Marine Corps Base Camp Lejeune (2013-15); as the Deputy Commanding General for Operations, Combined Joint Force Land Component Command, Iraq, Operation INHERENT RESOLVE (2014-15); Deputy Commanding General, II Marine Expeditionary Force / Commanding General, 2d Marine Expeditionary Brigade (2015-17); as Director of Manpower Management Division (2017-18); and as Commanding General, 1st Marine Division (2018-20).

Major General Castellvi is a graduate of the U.S. Army Infantry Officer Advance Course, the Marine Corps Command and Staff College, the School of Advanced Warfighting, and the Industrial College of the Armed Forces. He has earned Master's Degrees from the Marine Corps University, the National Defense University, and Capitol College.

Major General Castellvi was the 1993 recipient of the Leftwich Trophy for leadership. His personal decorations include the Defense Superior Service Medal, Legion of Merit w/ Gold Star, Bronze Star w/Combat "V", Defense Meritorious Service Medal, Meritorious Service Medal w/ three Gold Stars, Navy and Marine Corps Commendation Medal, Army Commendation Medal, Navy and Marine Corps Achievement Medal w/ two Gold Stars, and the Combat Action Ribbon w/ Gold Star.

---

---

**WITNESS RESPONSES TO QUESTIONS ASKED DURING  
THE HEARING**

APRIL 15, 2021

---

---



## RESPONSES TO QUESTIONS SUBMITTED BY MS. SPEIER

Ms. SMITHBERGER. The Department of Defense Inspector General has resolved over 140 cases through its Alternative Dispute Resolution (ADR) program since October 2017.<sup>1</sup> The DOD IG's semiannual reports also include how many cases are pending in the ADR process, Congress might require the inspector general to also report how many cases were referred to ADR during the same period. For comparison purposes, the Office of Special Counsel's ADR program reported high rates of settlements for completed mediation rates, see the chart below from their 2019 fiscal year report to Congress:<sup>2</sup>

| <b>Table 4 - ADR Program Activity – Mediation of Prohibited Personnel Practice Complaints</b> |                    |                    |                    |                    |                    |
|-----------------------------------------------------------------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
|                                                                                               | <b>FY<br/>2015</b> | <b>FY<br/>2016</b> | <b>FY<br/>2017</b> | <b>FY<br/>2018</b> | <b>FY<br/>2019</b> |
| <b>Cases Reviewed for Mediation</b>                                                           | 143                | 101                | 188                | 174                | 70                 |
| <b>Mediations Offered</b>                                                                     | 80                 | 71                 | 92                 | 86                 | 58                 |
| <b>Mediations Conducted</b>                                                                   | 37                 | 40                 | 65                 | 39                 | 39                 |
| <b>Cases Withdrawn Before Mediation Completed</b>                                             | 12                 | 16                 | 27                 | 11                 | 2                  |
| <b>Completed Mediations</b>                                                                   | 25                 | 24                 | 38                 | 28                 | 37                 |
| <b>Completed Mediations Resulting in Settlement</b>                                           | 20                 | 16                 | 31                 | 21                 | 24                 |
| <b>Percentage of Completed Mediations Resulting in Settlement</b>                             | 80%                | 67%                | 82%                | 75%                | 65%                |
| <b>Cases Resolved Without Need for Mediation</b>                                              | 1                  | 0                  | 1                  | 1                  | 0                  |
| <b>Carryover to Next FY – Mediations in Process</b>                                           | 17                 | 18                 | 20                 | 19                 | 18                 |

Attorneys representing whistleblowers before both the Department of Defense Inspector General and the Office of Special Counsel have told us the processes are pretty similar, but that there is continued need to educate whistleblowers about the availability of these programs as an option. Generally the perception is that ADR is very effective for helping whistleblowers find timely and meaningful resolutions to their concerns. While not always practical, these programs are most effective when whistleblowers can be helped confidentially without their name being released. [See page 11.]

Mr. O'DONNELL. Although the DOD OIG is the largest Federal OIG, we are among the smallest when compared to the budget of the department we oversee. Similarly, we are disproportionally smaller when compared to other large Federal

<sup>1</sup>Department of Defense Inspector General, *Semiannual Report to the Congress October 1, 2019 through March 31, 2020*, ii. [https://media.defense.gov/2020/Jul/30/2002467835/-1/-1/1/SAR\\_MAR\\_2020\\_BOOK%20V5%20SIGNED\\_FINAL\\_20200730\\_508.PDF](https://media.defense.gov/2020/Jul/30/2002467835/-1/-1/1/SAR_MAR_2020_BOOK%20V5%20SIGNED_FINAL_20200730_508.PDF); Department of Defense Inspector General, *Semiannual Report to the Congress: April 1, 2020 through September 30, 2020*, 58. <https://media.defense.gov/2020/Nov/30/2002542685/-1/-1/1/DOD%20OIG%20SEMIANNUAL%20REPORT%20TO%20THE%20CONGRESS%20APRIL%201,%202020%20TO%20SEPTEMBER%2030,%202020.PDF>

<sup>2</sup>Office of Special Counsel, *Annual Report to Congress for Fiscal Year 2019*, 24. <https://osc.gov/Documents/Resources/Congressional%20Matters/Annual%20Reports%20to%20Congress/FY%202019%20Annual%20Report%20to%20Congress.pdf>

OIGs. During my opening statement, I underscored that other larger Federal OIGs typically have a ratio of department staff to OIG staff of between 50 to 1 and 200 to 1. The DOD OIG ratio is closer to about 1,700 to 1. Accordingly, we evaluate our current and future resource requirements regularly. For example, as identified in Question 42, we are refining our resource needs to enable us to conduct all sexual assault- and sexual harassment-related reprisal investigations. In addition, the DOD OIG is working to determine the organization, structure, staffing, and funding required to support the execution of section 554. We will submit a report detailing this information by June 30, 2021, as required by section 554. We will continue to work with the Committee and others to further define these and other needs as necessary. [See page 29.]

Mr. O'DONNELL. We take matters of sexual harassment and assault seriously. Since FY 2016, at the suggestion of the Judicial Proceedings Panel, the DOD OIG has retained control of all whistleblower reprisal complaints within the DOD that allege reprisal for reporting or preparing to report a sexual assault, being perceived as reporting or preparing to report a sexual assault, or assisting someone in reporting or preparing to report a sexual assault. Although the DOD's anti-retaliation strategy is limited to military members reporting a sexual assault, the DOD OIG reviews all reprisal complaints, including civilians and employees of DOD contractors, subcontractors, grantees, subgrantees, and personal services contractors who report sexual assault. [See page 33.]

General SMITH. The current average time in civilian federal service of an Army IG is 11 years. It is important to note that these numbers do not reflect other IG or IG-like experiences. Approximately 90% of Army IGs are prior service and some Army IGs have previous military IG service, civilian IG service with the DOD or our Sister Services, or IG service with other Federal Departments. Still others have IG-like experience, such as auditors or as criminal investigators. Based on 2020 demographics, the IG workforce is senior with 78% of the IG civilian workforce at 50+ years old and the percentage went up to 97% for those 40+ years old.

Most Army IGs are in the OPM Job Series: 1801, but many require specialized education, training, and experience and so are in the applicable OPM Job Series (e.g., 2210 for Cyber Security).

The Inspector General is also the Functional Chief of the Army IG Career Program (CP55), to which all Army civilian IGs belong. This program provides support and resources for workforce professional development. [See page 29.]

General SMITH. By law, specifically Title 10, United States Code, Section 7020, TIG works directly for the Secretary of the Army, who directs TIG "(1) to inquire into and report upon the discipline, efficiency, and economy of the Army; and (2) perform any other duties prescribed by the Secretary or the Chief of Staff" (10 USC 7020(b)). However, TIG works directly for the Secretary of the Army on the Secretariat Staff, and is responsive to the Chief of Staff of the Army. In this sense, the Army Inspector General is more independent than those who work directly for the Chief of Staff of the Army. The Inspector General ensures that only the highest quality Army officers, NCOs, and Civilians from all components serve as an Inspector General through a vetting process. TIG also develops the policy and doctrine they must follow while also training and qualifying them to implement that policy and doctrine. TIG also oversees the Army IG system's force structure, which even field commanders cannot alter without TIG's approval. In other words, a field commander cannot disband the local IG office to avoid scrutiny. And when the IG's Commander selects the IG to investigate an allegation of impropriety, only TIG can terminate the Investigation once it has started. TIG also has investigative oversight for selected cases of significant Army interest, and TIG has the authority to alter findings if someone (a subject or suspect, for instance) requests reconsideration. In short, no one can tamper with the IG system to limit an IG's ability to inspect, assist, train, or investigate. The IG-Commander relationship is not one of reverence but one designed for the practical enhancement of Army readiness. [See page 33.]

General SAID. Across the DAF, we have 607 credentialed civilian IGs. The average experience of civilian IGs is 7.08 years. Their average duration in current IG positions is 4.65 years. [See page 29.]

General SAID. Over the last 3 years, we have de-credentialed or prevented from assuming IG duties, 17 airmen. [See page 30.]

General SAID. Independence of the IG at all levels is highly respected, cherished, and protected within the DAF. This element of independence is critical to executing the mission, at all levels. Although field IGs report to their chain of command, the results of their inspections and investigations are independent and oversights at multiple levels. If any IG experiences undue influence, they will up-channel their concerns to the next, higher level in the IG chain, all the way up to DAF-IG. All IGs serve under common standards of conduct.

The DAF-IG system is grounded in independence and objectivity at every level. As such, we do not believe changes are necessary to ensure IGs are able to thoroughly and accurately perform their duties, investigations, and inspections with full independence.

#### **INDEPENDENCE OF FIELD INSPECTORS GENERAL—DEPARTMENT OF THE AIR FORCE**

1. The investigation and inspection standards, policies and guidelines that all IGs, regardless of level, operate under, are directed by the Department of the Air Force IG.

2. The training provided to IGs is governed by the Department of the Air Force IG.

3. While field IGs report to their chain of command, the conclusions of their investigations and inspection are not influenced by the chain of command.

4. If field IGs experience any undue influence they must report such unacceptable influence to the next level IG and all the way up to the Department of the Air Force IG.

5. Investigations conducted by installation level IGs are oversighted by the next level IG, Department of the Air Force IG and DOD-IG as well.

6. Installation IGs cannot conduct investigations in which their chain of command is conflicted, directly or indirectly. Such cases must be referred to the next-level IG outside the organization. All such cases are oversighted by the installation's higher-headquarters IG.

7. Installation IGs do not conduct formal inspections of their own organizations to assess readiness, compliance, climate . . . . Such inspections are conducted by the next level IG that is totally independent of the installation commander and does not report to them. Such inspections are subject to oversight by the Department of the Air Force IG.

8. All inspections by any level IG across the Department of the Air Force are subject to oversight by the Department of the Air Force IG.

9. Department of the Air Force IG may overturn lower-level investigations and inspection results.

10. Nuclear inspections are oversighted by the Department of the Air Force IG and Defense Threat Reduction Agency.

11. Any IG not adhering to the common standards of conduct directed by the Department of the Air Force IG, including the critical element of independence, will be de-credentialed as an IG and removed from that position. We have de-credentialed and removed IGs, but not for violation of the independence standard.

12. The requirement for independence by all IGs is ingrained into Department of the Air Force IG training and policies. Direct quotes from DAF-IG policies and training are pasted below.

#### **Examples of DAF-IG Policy Emphasizing Independence**

AFI 90-301IC-1, Page 13 Paragraph 1.2.3.

"All IGs must maintain a clear distinction between being an extension of the commander and their duty to serve as fair, impartial, and objective fact-finders and problem solvers. They must be sufficiently independent so those complainants requesting IG help will continue to do so, even when they feel the commander may be the problem. Commanders must support this clear distinction for their IGs to be effective."

AFI 90-201, 1.3.4 A

"DAF/IG has statutory authority and responsibility to conduct inspections and investigations which must guarantee independence, instill confidence in the system, and be free of any appearance of undue influence."

#### **Examples of DAF-IG Training Material Emphasizing Independence**

- "The "Independence" standard specifically covers our requirement for impartiality and to guard against threats that may erode impartiality. Some of those threats include; self-interest, bias, undue influence, and organizational structure (Chain of Command) threat."
- "To sustain a credible Department of the Air Force IG system:
  - By conducting independent impartial professional inspections and reporting on all matters affecting readiness, discipline, efficiency and economy
  - By conducting responsive complaint resolution, investigations, and programs characterized by objectivity, integrity and impartiality"
- "Investigating Officers must be impartial, unbiased, objective, thorough, and available"
- "Investigating Officers (IO) must be independent and at least one level removed from subjects or complainants"
- Ethics, Independence, and Confidentiality

—“Objectivity imposes the obligation to be impartial, intellectually honest, and free of conflicts of interest.”

—“Independence is a critical element of objectivity. Without independence, both in fact and in appearance, objectivity is impaired.” [See page 33.]

Admiral SNYDER. According to the results of a recent data call, the average length of Inspector General (IG) service under the Department of the Navy for civilians is 7 years. However, IG professionals in the Navy often come to the Navy with IG experience from the Department of Defense Office of the Inspector General, other military Service IG offices, and other IG offices. The average length of all IG service for civilians is 9.25 years. [See page 30.]

Admiral SNYDER. While Army Regulation 20–1 applies to the Army Inspector General, the activities of the Naval Inspector General are governed by Secretary of the Navy Instruction 5430.57H, titled “Mission and Functions of the Naval Inspector General.” The instruction states “The NAVIG, NAVINSGEN, and the NAVIG Enterprise provide independent, objective, and professional inspections, assessments, inquiries, research and evaluation, investigations, oversight, and advice on any and all matters of importance to the DON. The NAVIG Enterprise operates without command influence, pressure, coercion, or fear of reprisal.” Additionally, Article 0310 of the U.S. Navy Regulations, which describes the composition of the Office of the Secretary of the Navy, designates the Naval Inspector General as a staff assistant within that office.

Secretary of the Navy Instruction 5430.57H further asserts:

- The Navy Enterprise IGs work operationally for their commanders and administratively for the Naval Inspector General. When carrying out their IG functional duties, they are subject to all Naval Inspector General policies, instructions, and guidance.
- A commander with an IG is required to direct appropriate inspections and investigations by their respective Command IGs, however, any inspection or investigation conducted by Navy IG Enterprise personnel, such as Command IGs, will be conducted consistent with professional standards established by the Naval Inspector General.
- The Naval Inspector General shall oversee all IG functions and report to the Secretary of the Navy on all IG high visibility matters to include, but not limited to, sexual assault and harassment, extremism, and reprisal. The Naval Inspector General reviews these matters and treats them with the utmost seriousness and importance.

Additionally, the Office of the Naval Inspector General takes the following steps to ensure independence:

- The Office of the Naval Inspector General manages and provides oversight of Navy hotline cases and investigations; if there is a conflict, real or perceived, the matter is referred to the Department of Defense Office of the Inspector General the Inspector General of the Marine Corps, in consultation with the Office of the General Counsel.
- The Office of the Naval Inspector General refers hotline complaints to one IG level above the subject’s command to avoid conflicts of interest, real or perceived.
- The Department of Defense Office of the Inspector General conducts or provides oversight of all Navy military whistleblower reprisal cases and all Navy senior official IG cases per Department of Defense and Secretary of the Navy Instruction.
- The Office of the Naval Inspector General is in the final stages of establishing a Professional Responsibility Council to review allegations of professional misconduct by Navy IG Enterprise personnel, such as conduct that undermines the integrity or independence reasonably expected of the position.
- Instructions require the entry of all subjects’ names into the Naval Inspector General Hotline Tracking System to avoid the perception of prejudgment.
- The Office of the Naval Inspector General conducts hotline quality standard reviews of hotline cases and investigations throughout the investigative process and at case closure.
- Council of the Inspectors General on Integrity and Efficiency guidelines regarding impartiality are taught and applied to the conduct and review of all inquiries. [See page 33.]

General CASTELLVI. In the Marine Corps IG community (IGMC personnel and all CIGs):

- Total number of USMC IG personnel O/H = 201
- Officers = 34
- Enlisted = 99
- DOD Civilians = 68 [See page 28.]

General CASTELLVI. **Independence:** Marine Corps Order 5040.36J w/Admin Change 1 states that “CIGs are directly responsible to, and limited by, their commander’s scope of authority. A CIG is a functional extension of the IGMC, serving a vital, supporting role in the Marine Corps Inspection Program. The relationship between the IGMC and CIGs allows direct and expeditious processing of IG-related tasks between the two entities.”

The CIG reports directly to either the commander or to the deputy commander and is the principal advisor to the commander on all inspection results, identified trends, and IG investigation matters. Although the CIG reports to the commander, the Marine Corps Order also includes safeguards to ensure objectivity and independence. As well, IGMC oversees and inspects the work of each CIG. Every investigation and hotline case is reviewed by the Marine Corps IG to ensure quality standards, which include objectivity and independence, are met. Because each case is put into a central IGMC system, and complaints are made directly to this system, CIGs cannot delete a case or complaint once it is made. IGMC has oversight of CIG cases in this system, and provides frequent spot-checks and reviews to ensure cases are handled appropriately. This is captured in the order as follows:

“Commander[s] must establish a Hotline Program for the direct receipt of complaints. All Hotline Programs established pursuant to this order shall be considered part of the IG network; shall be subject to oversight, monitoring, and review by IGMC; and shall adhere to the requirements set forth in references (e), (h), (i), (j), and this Order.”

As well, the Marine Corps Order directs the following, which allows CIGs to remove themselves from a case if they feel compromised or pressured towards a certain outcome:

“When a Marine Corps organization performing IG functions determines it inappropriate to inquire into a matter due to the existence or appearance of a conflict of interest, bias, prejudice, or other circumstance that may place the independence or impartiality of the inquiry in doubt, it shall refer the matter to the next higher office in the chain of command with a CIG.”

While no system is perfect, IGMC conducts frequent inspections and has not found any evidence that commanders attempt to limit the objectivity and independence of the CIG. The CIGs are in close and constant contact with IGMC personnel, and have open access to IGMC personnel for any concerns. As well, for all personnel, civilian and military, have various non-IG related forms of redress available if they feel there is reprisal, retaliation, or pressure from a commander for a certain outcome, and civilian personnel are protected under the Merit System and Office of Personnel Management regulations.

**Sexual Assault Reprisal:** Because of the special training required to investigate reprisal related to sexual assault, the DOD Office of the IG requires Service IGs to forward complaints of reprisal related to sexual assaults to the DOD for investigation. When any Marine Corps IG receives a complaint of reprisal related to sexual assault, whether from the victim or someone trying to help a victim, they forward the complaint to IGMC, who immediately forwards the complaint to DOD. All complaints are routed via IGMC for tracking and trend analysis. In 2019, IGMC received and sent eight complaints of sexual assault/harassment related reprisal to DOD, and in 2020 IGMC received and sent three complaints of sexual assault/harassment related reprisal to DOD. DOD declined investigation on all 11 complaints. [See page 33.]



---

---

**QUESTIONS SUBMITTED BY MEMBERS POST HEARING**

APRIL 15, 2021

---

---



#### QUESTIONS SUBMITTED BY MS. SPEIER

Ms. SPEIER. What was your total appropriated budget for FY20 and FY21? What were your budget requests for these years?

Mr. O'DONNELL. In FY 2020, the DOD OIG requested \$387,753,000, including \$24,254,000 of Overseas Contingency Operations (OCO) funding. Congress appropriated and the DOD OIG received a total of \$407,753,000. This amount included \$20,000,000 in Coronavirus Aid, Relief, and Economic Security (CARES) Act funding for pandemic-related oversight, and \$24,254,000 for oversight of OCOs. In FY 2021, the DOD OIG requested \$395,508,000, including \$24,069,000 of OCO funding. Congress appropriated and the DOD OIG received a total of \$407,500,859. This amount included \$7,900,000 of unexpended CARES Act funding carried forward from FY 2020, \$4,000,000 for pandemic-related oversight, and \$24,069,000 for oversight of OCOs.

Ms. SPEIER. How many personnel do you have, and what is the breakdown between enlisted personnel, officers, and DOD civilian employees and contractors?

Mr. O'DONNELL. As of April 24, 2021, the DOD OIG had 1,727 civilian employees. In addition, 21 military members (20 commissioned officers and 1 enlisted member) and 141 contractors work for the DOD OIG.

Ms. SPEIER. How many contacts do you receive per year? Of those contacts, can you please categorize as follows:

- Requests for inspections
- Requests for administrative investigations
- Whistleblower Complaints
- Other (and please identify as regulation question, or other request for assistance)

How many command inspections do you conduct per year? How many administrative investigations do you conduct each year?

Mr. O'DONNELL. In FY 2020, the DOD OIG received 15,724 contacts through the DOD Hotline. The DOD OIG does not track contacts by the categories requested. The DOD OIG conducted 35 administrative investigations during FY 2020, including 5 senior official investigations and 30 whistleblower reprisal investigations. In addition, the DOD OIG conducted oversight of 1,281 administrative investigations, including 120 senior official investigations and 1,161 whistleblower reprisal investigations.

Ms. SPEIER. For administrative investigations, what steps do you take to ensure independence throughout the process?

Mr. O'DONNELL. The DOD OIG was created by the Inspector General Act of 1978, as amended, as an independent and objective office within the DOD with the authority to, among other things, conduct and supervise investigations. The work of the DOD OIG is guided by the professional standards promulgated by the Council of Inspectors General on Integrity and Efficiency (CIGIE), which requires among other things, that in all matters relating to investigative work, the DOD OIG must be free—in fact and in appearance—from impairments to independence. These CIGIE standards also require that the DOD OIG be organizationally independent, and that the DOD OIG must maintain an independent attitude. For example, it is the policy of the DOD OIG that any DOD OIG staff member who may have a real or perceived conflict of interest in the outcome of a case they are working on must consult with their supervisor to determine whether the staff member should be recused. To ensure independence of its administrative investigations, the DOD OIG requires multiple levels of review for its reports of investigations (ROIs), including supervisors, senior managers, a quality assurance reviewer, and the Office of General Counsel. As part of its oversight responsibilities, the DOD OIG requires that the administrative investigations it refers to DOD Components remain independent. To this end, the DOD OIG has promulgated DOD Instruction 7050.01, "DOD Hotline Program." This DOD-wide instruction requires that any administrative investigation resulting from a DOD OIG referral must adhere to quality standards, including those promulgated by CIGIE. To ensure the independence of an administrative investigation referred to DOD Components, the DOD OIG continually evaluates whether the receiving Component is impartial. If, at any time, the DOD OIG deter-

mines that the Component lacks impartiality, the DOD OIG refers the matter to another Component that is at least one level higher in the organization.

Ms. SPEIER. How do you decide whether to make the results of an investigation public and what format do you use (i.e. website, news release)? Of the investigations that were completed in FY19 and FY20, how many reports of investigation were made public, at least in redacted form?

How do you share information with the public about upcoming work?

Mr. O'DONNELL. The DOD OIG's policy is, to the fullest extent possible, to be open and transparent about the DOD OIG's performance of its statutory duties. To this end, the DOD OIG will generally release the results of administrative investigations that were substantiated. To release information, either proactively or in response to a Freedom of Information Act (FOIA) request, the DOD OIG evaluates whether the public interest in disclosure outweighs any protectable privacy interest. When national security interests or the privacy interests of one or more individuals outweigh the public's interest in the content of an administrative investigation's final RO1, the DOD OIG's policy is to not proactively release the report. In those instances, the DOD OIG includes a summary of the report in its Semiannual Report to the Congress and may also include a summary in its monthly newsletter and on its public website. The DOD OIG's memorandum, "Proactive Release under DOD OIG Privacy Act System of Records Notice," is available here: <https://www.dodig.mil/Portals/48/Documents/Policy/ProactiveReleaseRecordsNotice.pdf?ver=2017-04-30-201108-967>

In FYs 2019 and 2020, the DOD OIG published 10 final ROIs and 2 investigative summaries on its public website. The DOD OIG also published three final ROIs in response to FOIA requests. The DOD OIG shares information about upcoming work by publishing project announcements and a monthly newsletter on its public website.

Ms. SPEIER. Since 2012, of more than 8,000 reprisal complaints made to the DOD or Service IGs, only 273 were substantiated. Why are so few reprisal allegations substantiated?

Mr. O'DONNELL. The DOD OIG conducts each of its whistleblower reprisal investigations consistent with the law, gathering all of the relevant evidence, weighing that evidence based on the statutory standard of proof, and reaching factually-supported conclusions. For many reprisal allegations, the evidence is insufficient to meet the statutory standard of proof. In addition, many reprisal allegations are resolved through the Alternative Dispute Resolution (ADR) process, which are not counted among substantiated cases. The ADR process is an alternative to formal administrative investigations to address whistleblower reprisal complaints. The DOD OIG offers ADR to both civilian and military complainants. To date, 176 Defense contractor and civilian reprisal complaints and 2 military reprisal complaints have been resolved through ADR.

Ms. SPEIER. How is training for IG staff conducted? What training is offered on investigations, in particular, and what is the duration of the training? Is training conducted in house or by a third-party agency or organization? Is training the same for all personnel, or does it vary by rank/grade and civilian or military status?

Mr. O'DONNELL. Training for IG staff is conducted in myriad ways, including through instructor-led training, virtual classrooms, or by the DOD OIG Training, Education, and Development Division or external third-party vendor. For administrative investigations, the DOD OIG provides training on statutes and policies, complaint-intake evaluation, investigative planning, interview techniques, evidence analysis, and report writing. The Federal Law Enforcement Training Center also provides DOD OIG staff training on administrative investigations. The average annual duration of administrative-investigation training is between 3 and 4 days. The DOD OIG's required training for administrative investigators is the same for all investigators and does not vary based on rank, grade, or military status. DOD OIG staff also offer training to DOD Components on how to conduct reprisal and senior official investigations, as well as a Hotline course. For example, the DOD OIG developed the DOD Joint IG Program for individuals serving as an IG or working for an IG within a joint DOD command, such as a Combatant Command or a defense agency. These courses enable the DOD OIG to work with other oversight entities within the DOD to strengthen the Defense Oversight Community.

Ms. SPEIER. How does the DOD IG decide which hotline complaints to investigate itself, and which to refer to the service IGs to investigate? Does the DOD IG make referrals to the service IGs due to capacity concerns? Are such referrals disclosed to the complainant? What oversight does the DOD IG conduct of the Service IGs when the Service IGs take over investigation of hotline complaints?

Mr. O'DONNELL. The DOD OIG generally takes investigative responsibility for allegations of misconduct by three and four-star general and flag officers, presidential

appointees, and Senior Executive Service (SES) members in the Office of the Secretary of Defense. The DOD OIG will generally refer responsibility for allegations of misconduct by one and two-star general and flag officers, and SES members within a DOD Component to the corresponding IG and retain oversight responsibility of the resulting ROI. The DOD OIG has sole authority to investigate complaints under sections 1587 and 2409, title 10, United States Code (U.S.C.), and Presidential Policy Directive 19, part B. In addition, the DOD OIG retains or assumes from the Component IGs, reprisal complaints related to reporting a sexual assault. The DOD OIG and Service IGs are authorized to receive and handle whistleblower reprisal or restriction complaints under the Military Whistleblower Protection Act, 10 U.S.C. 1034. If a Service IG handles a whistleblower reprisal or restriction complaint, the Military Whistleblower Protection Act requires the DOD OIG to oversee the investigation and approve the closing of the case.

Yes, the DOD OIG refers some of the approximately 16,000 contacts it receives each year to the Service IGs.

Yes, the DOD OIG discloses referrals to the Service IGs through the DOD Hotline website and the complaint form, which states that a complaint may be referred to a DOD Component for inquiry. If the complainant consents to disclosing their identity, the complaint will be referred with their name. If they do not consent, their name is redacted.

The DOD OIG retains oversight responsibility when it refers a complaint to another entity. Under DOD Directive 5505.06, "Investigations by DOD Components," DOD Components are required to provide the DOD OIG the final ROI for review, and are also required to provide a written report on disciplinary or administrative actions taken as a result of substantiated investigations. As such, the DOD OIG requires that the receiving entity conduct the inquiry according to quality standards that ensure independence and objectivity. If the DOD OIG determines that the report is deficient, the reporting entity must resolve the deficiency and resubmit the report. This oversight ensures that the DOD Component conducted the inquiry in accordance with Quality Standards for Hotlines established in DOD Instruction 7050.01, "DOD Hotline Program."

Ms. SPEIER. If there are case the DOD IG would prefer to retain but cannot as a result of limited capacity, what additional resources would the DOD IG need to investigate those cases?

Mr. O'DONNELL. The DOD OIG prefers to retain and conduct both sexual assault and sexual harassment-related reprisal investigations. Presently, the DOD OIG is resourced to conduct only sexual assault-related cases. To also conduct sexual harassment-related reprisal investigations, the DOD OIG will require additional resources. With regard to its senior official misconduct caseload, the DOD OIG generally takes investigative responsibility for alleged misconduct by three and four-star general and flag officers, presidential appointees, and SES members in the Office of the Secretary of Defense. If the DOD OIG broadened this group of covered individuals to also include one and two-star general and flag officers, and Component SES civilian personnel, the DOD OIG would require substantially more resources. We will continue to work with the Committee and others to further define these and other needs as necessary.

Ms. SPEIER. If the DOD IG had additional resources, what would be the highest priorities for the use of those resources?

Mr. O'DONNELL. The DOD OIG evaluates its current and future resource requirements throughout the year based on a number of factors including DOD OIG equities contained in the annual National Defense Authorization Act (e.g., Sec. 554), recurring statutory reporting requirements, specific requests from Congress and our own regular oversight planning. Our annual Management Challenges and Oversight Plan publications highlight our priority areas of oversight. These publications are available on the DOD OIG's public website at the following links: (<https://www.dodig.mil/Reports/Top-DOD-Management-Challenges/> and <https://www.dodig.mil/Reports/Oversight-Plan/>). We will continue to work with the Committee and others to further define these and other needs as necessary.

Ms. SPEIER. Has DOD IG increased visibility of substantiated misconduct for senior officials? If so, how?

Mr. O'DONNELL. Yes. In June 2016, the DOD OIG amended its proactive release policy for administrative investigations with updated guidance on factors to consider when determining whether to make a proactive release of information. The previous policy was not to publicly post final ROIs unless the DOD OIG received three FOIA requests. Under the revised policy, to release information, either proactively or in response to a FOIA request, the DOD OIG evaluates whether the public interest in disclosure outweighs any protectable privacy interest. When national security interests or the privacy interests of one or more individuals outweigh the public's inter-

est in the content of a final ROI, the DOD OIG's policy is to not proactively release the report. In those instances, the DOD OIG includes a summary of the report in its Semiannual Report to the Congress and may also include a summary in its monthly newsletter on its public website. The DOD OIG's memorandum, "Proactive Release under DOD OIG Privacy Act System of Records Notice," is available at the following link: <https://www.dodig.mil/Portals/48/Documents/Policy/ProactiveReleaseRecordsNotice.pdf?ver=2017-04-30-201108-967>

Ms. SPEIER. What was your total appropriated budget for FY20 and FY21? What were your budget requests for these years?

General SMITH. The information provided only includes the budget of the Department of the Army Inspector General (IG) Office, not inspector general field offices. The budgets for these offices are managed by their respective commands.

The DAIG budget covers 5 key areas: Payroll, TIG Travel, Inspection/Oversight mission travel, The Inspector General School Operations, and the IG Network/IG Case Management Systems/Databases.

There are three important notes for context:

1. COVID19 has had a significant impact on the DAIG and the budget for both FY20 and FY21 as resident IG School classes were replaced with virtual training and travel in support of our Inspection and Oversight mission were curtailed and, where possible, replaced with virtual inspections. This resulted in a return of unused funds in FY20 and impacted the size of the DAIG budget in FY21.

2. The budget of the DAIG historically is very dynamic and funding requirements can change significantly in the year of execution depending on changing Army priorities and emerging requirements. The Army has consistently and fully supported the mission. When more funding is needed to execute an IG mission the Army has provided the necessary funding. Also the Army has historically funded the DAIG payroll to support a 100% civilian fill rate goal.

3. Our military IGs are paid from a central account and the funding for this is not reflected in our budget. Army Senior Leadership, including the leadership of the US Army Reserves and National Guard, has historically sustained the DAIG at the highest manning priority.

The requested information follows below

FY20 Budget Request: \$21M

Total Appropriated Budget: \$21M

Note: During this year, the DAIG only executed \$18.6M and returned \$2.4M due to the impacts of COVID19 on IG Operations

FY21 Budget Request: \$19.5M

Total Appropriated Budget: \$18.2M

Note: This year's reduced budget reflects the impacts of COVID19. There is no anticipated funding shortfall this year and we anticipate returning to a pre-COVID19 budget levels in FY22.

Ms. SPEIER. How many personnel do you have, and what is the breakdown between enlisted personnel, officers, and DOD civilian employees and contractors?

General SMITH. Based on the Annual IG Force Management Report, dated 1 October 2020, the Army IG structure has:

1014 Military IGs (527 Officers, 10 Warrant Officers, 477 Enlisted)

427 Department of the Army Civilians

There are no IG Contractors as IG work is considered inherently governmental in nature

Ms. SPEIER. How many contacts do you receive per year? Of those contacts, can you please categorize as follows:

—Requests for inspections

—Requests for administrative investigations

—Whistleblower Complaints

—Other (and please identify as regulation question, or other request for assistance)

How many command inspections do you conduct per year? How many administrative investigations do you conduct each year?

General SMITH.

- Inspectors General received 2,483 Senior Official allegations in FY18–20 (closed cases). This resulted in 54 allegations substantiated by Inspectors General. (2%) Of the 2,483 Senior Official allegations closed in FY18–FY20, there were 152 allegations of statutory reprisal; 2 of these allegations we substantiated (less than 1%)

- Inspectors General received 9,274 Non-Senior Official allegations in FY18–20 (closed cases) and 4,342 allegations were referred to commanders for further action. This resulted in 1,645 total substantiated allegations. (out of 13,616 total allegation = 12.1%) In addition, Army Inspectors General actioned 74,035 Re-

quests for Assistance and 50,756 Information Requests during the same time period.

- Of the 9,274 Non-Senior Official allegations closed in FY18–FY20, there were 2,881 allegations of statutory reprisal; 63 of these allegations were substantiated (2%).
- In FY20, Department of the Army Inspectors General completed 18 systemic inspections, 70 compliance inspections, and 6 data calls. In addition, visited 96 CONUS and 24 OCONUS sites making contact with 7874 people. Field IGs conduct their own inspections based on the Organizational Inspection Program method taught at the Inspector General School. This is mandated for battalion-level and above.
- As of April 28, 2021, for FY21, Department of the Army Inspectors General completed 2 systemic inspections, 30 compliance inspections, and 4 Data calls. In addition, DAIG personnel visited 24 CONUS and 0 OCONUS sites making contact with 2,528 people.

Ms. SPEIER. For administrative investigations, what steps do you take to ensure independence throughout the process?

General SMITH.

- The Inspector General (TIG) retains oversight of all Army 1,441 IGs who are organized into 208 offices (93 Active Component, 67 U.S. Army Reserve, and 28 U.S. Army National Guard).
- Field IGs work directly for the commander of their assigned unit or organization but within the parameters (policy guidance, personnel selection, training, and oversight) established by TIG and his staff.
- A field IG is responsible to his or her commander, but responsive to TIG and the needs of the Secretary of the Army and the Army Chief of Staff.
- All IGs within the Army IG enterprise, regardless of location of assignment, must abide by Army Regulation 20–1 (Inspector General Activities and Procedures), pertaining to conduct of assistance inquiries, investigative inquiries, and investigations, as well as personal conduct.
- If TIG loses confidence in an Army IG's ability, he can and will immediately suspend their IG credentials. If, after proper due process, he is still of this opinion, he will revoke their credentials and remove the inspector general from their position of trust.
- IGs work under the authority of TIG. If there is an allegation against an IG, the command either directs the investigation or TIG can authorize a higher echelon IG conduct the investigation. However, IG investigations are typically not used for negative action unless TIG approves. A command investigation allows for the possibility of a negative administrative action. A DAIG team provides oversight of every investigation against Army IGs, and provides information for TIG's final determination.
- DAIG maintains oversight on Field IG cases through IGARS and case back-briefs. Every week, TIG receives updates on various cases of senior leader interest. Every month, he reviews the oldest cases across the enterprise and those of senior leader interest. Every quarter, he hosts a forum where command inspectors general (CIGs) update him directly on their oldest 50 cases and he provides assistance, as required. These CIGs brief any obstacles to completing investigations. CIGs also know they have an open door to contact TIG concerning investigations, inspections, or significant personnel matters.
- DODIG conducts oversight on whistleblower reprisal and senior official cases.

Ms. SPEIER. How do you decide whether to make the results of an investigation public and what format do you use (i.e. website, news release)? Of the investigations that were completed in FY19 and FY20, how many reports of investigation were made public, at least in redacted form?

How do you share information with the public about upcoming work?

General SMITH. The Freedom of Information Act (FOIA), 5 U.S.C. §552, provides the statutory framework for the Agency's decisions whether to make the results of Army Inspector General (IG) investigations public. Army IG investigations may be released to the public via the Army's FOIA Library (available at <https://www.rmda.army.mil/readingroom/>), or through the Army Public Affairs Office. Investigations may also be released directly to individual members of the public via written correspondence. Of the 191 Senior Official investigations that were completed in FY19 and FY20, DAIG made 3 public. The Army Inspector General Agency generally does not share information with the public about planned or ongoing work.

Ms. SPEIER. Since 2012, of more than 8,000 reprisal complaints made to the DOD or Service IGs, only 273 were substantiated. Why are so few reprisal allegations substantiated?

General SMITH.

- Overall, the relatively low FY 18–20 whistleblower reprisal substantiation rates can be primarily attributed to the following factors:
  - 1) The key elements and variables of a whistleblower reprisal allegation are not clearly understood by many complainants.
  - 2) In the majority of whistleblower reprisal investigations the Army conducts, the preponderance of evidence reveals no connection between a protected communication and the alleged personnel action.
  - 3) While not perfect, Army commanders and leaders are committed to the professional Army Ethic that requires promoting a positive environment, taking care of Soldiers and civilians, developing disciplined and cohesive units, and maintaining readiness.
- In FY18–FY20, we completed investigations into 2,881 allegations of statutory reprisal that were presented to inspectors general; 63 of these allegations were substantiated (2%).
- DODIG conducts oversight of every whistleblower reprisal case conducted by Army IGs. Army IG whistleblower reprisal cases only close after a DODIG review of the evidence and analysis, and approval of the Army IG's findings.

Ms. SPEIER. How is training for IG staff conducted? What training is offered on investigations, in particular, and what is the duration of the training? Is training conducted in house or by a third-party agency or organization? Is training the same for all personnel, or does it vary by rank/grade and civilian or military status?

General SMITH.

- All detailed Army IGs from all three Components (Active, Reserve, National Guard) (including DA civilians) are trained and certified by The Inspector General School (TIGS). This school is accredited by the American Council on Education and the U.S. Army Training and Doctrine Command (TRADOC). The Inspector General School Basic Course is three weeks in duration, with one week dedicated to investigations. This training is conducted by a combination of military and civilian staff and faculty with a requirement for all primary instructors to have field IG experience prior to being selected to the billet. All instructors also go through a three phase, 90-day certification process, to include attending an external Instructor Training certification course executed by TRADOC, before they are deemed fully certified to instruct at TIGS.
- TIGS curriculum is constantly evolving to ensure that we remain relevant to the needs of the Army and the Nation. This evolution is governed by a disciplined series of course reviews, faculty reviews, and constant communication with IGs in the field.
- All Army IGs have access to Army Regulation 20–1 (Inspector General Activities and Procedures), along with five separate doctrinal guides. The combination of this policy and associated doctrine governs how IGs in the field execute all four of their IG functions; Inspections, Assistance, Investigations, and Teaching and Training. As with our curriculum, Army IG doctrinal guides are frequently updated to meet the changing requirements of the Army.
- Senior Army Inspectors General can attend the TIGS IG Advanced Course to further refine their skills and knowledge of IG processes. Additionally, DA civilian IGs are required to attend TIGS Advanced Course every five years as a part of functional training for all 1801-series personnel.
- All Army IGs can access a variety of TIGS produced instructional videos detailing IG procedures and techniques as well as interactive simulation software of how to conduct IG investigative interviews, to include a version specific to Whistleblower Reprisal cases.

Ms. SPEIER. What standards do you use for inspections and investigations? Do you, for example, follow either the Silver Book or Blue Book standards promulgated by the Council of the Inspectors General on Integrity and Efficiency (CIGIE)? Or CIGIE's 2011 standards for conducting investigations? Or other standards, and which ones? What quality assurance efforts have you implemented to make sure any standards are met? Do you require staff to document compliance?

General SMITH. The U.S. Army Inspector General system developed more than 20 years ago clear standards and processes for the conduct of IG Inspections and IG Investigations. These standards and processes directly reflected—and in most cases exceeded—the standards established by the Council of Inspectors General on Integrity and Efficiency (CIGIE). These standards and processes exist in the form of doctrinal guides developed as an adjunct to Army IG policy prescribed in Army Regulation 20–1.

The Army IG system, defined in paragraph 1–7 of Army Regulation 20–1, charges general officer Commanders in the field to use their assigned IGs to focus their inspectors general inspection efforts on systemic issues affecting the readiness of the command. Systemic issues represent a pattern of non-compliance among multiple

Army organizations, usually within a specific Army command. The IG, as a type “systems analyst,” looks for these patterns and then recommends inspection topics (focusing on these systemic issues) to the Commander, who will approve the topics based upon the readiness needs of the entire command. The Commander, as an expert in the field of his or her command, selects these inspection topics independently and within the goals he or she intends to achieve regarding the command’s readiness. These IG Inspections are not merely compliance inspections but instead are top-to-bottom assessments of major Army functions, systems, or programs that are not functioning appropriately within the command and are therefore a risk to mission readiness. IGs assigned to Commanders throughout the various echelons of command are in a unique position to identify where those lapses exist and to steer their Commanders toward the problem areas. The IG’s independence in this case comes from the fact that the Commander empowers the IG by signing an Inspection Directive, which in turn affords the IG the authority to carry out the inspection without external influence from anyone in the command.

The Army IG Inspections Process, outlined in The Inspections Guide and updated annually, is a detailed roadmap for how an Army IG will inspect a systemic issue. The process has three phases and 17 discrete steps that have fully integrated, and in many cases exceeded, the seven standards set forth in the Quality Standards for Inspections and Evaluations published by CIGIE. Most importantly, Army IGs inspect independently without external influence on behalf of the Commander and within the Commander’s authority. Additionally, Army IGs are qualified to conduct IG inspections by graduating the Army IG Basic Course after The Inspector General vets them and approves them for IG duty. The planning of an IG inspection is extensive and resembles in detail the Military Decision-Making Process used to plan combat operations.

Quality control of IG Inspection Reports occurs in multiple ways. First, the report must route through the Commander for approval before submission. Next, Command IGs are required to send a listing of approved, completed IG Inspection Reports up through their higher Army Command (ACOM), Army Service Component Command (ASCC), or Direct-Reporting Unit (DRU) for subsequent transmittal to DAIG. DAIG’s Inspections Directorate reviews selected reports from the scores of inspections conducted each year to check on quality standards and relevance to broader Army systemic issues. DAIG’s Inspections Directorate also makes all DAIG-level Inspection Reports available to Army IGs on the Inspector General Network as examples. Lastly, DAIG conducts Staff Assistance Visits with all ACOMs, ASCCs, and DRUs in order to review the quality of assistance case work; the quality of Reports of Investigation; and the quality of Inspection Reports.

Army IGs conduct IG Investigations in much the same way as they conduct Inspections—by following the The Assistance and Investigations Guide, which is updated annually. It details a 16-step investigations process, which is a subset of the larger Inspector General Action Process used for both the Assistance and Investigations functions. This detailed process, like the Inspections Process, fully integrates all aspects of CIGIE’s investigatory standards.

Investigations is the function performed least often by Army IGs, because the IG’s Commander has other options to resolve allegations of impropriety. IGs normally refer allegations to Commanders throughout the command for resolution, but the IG must follow-up to ensure that the subordinate command resolved the matter properly and that the resulting product was of high quality as well as legally and logically sufficient. IGs also do not investigate serious criminal misconduct; instead, IGs refer those allegations to the Army’s Criminal Investigations Division (CID). IGs must refer all allegations of sexual assault to CID and allegations of sexual harassment to the local Victim Advocate and/or the local Sexual Assault Response Coordinator. Serious criminal matters are not appropriate for IG action because other established avenues of redress are available along with individuals specially trained to handle these matters.

As trained and qualified investigators, IGs primarily conduct administrative investigations, and usually only when the matter is sensitive in nature and requires discretion. There is one exception: by law (10USC1034), IGs must investigate allegations of Whistleblower Reprisal, which Army IGs investigate under the auspices of DOD IG. In turn, DOD IG provides extensive quality control of the final report. The IG’s investigatory independence from the command rests in the fact that after a general officer Commander initiates an IG Investigation, only The Inspector General of the Army can terminate it. Therefore, no one in the command can place undue influence on the local Command IG and push that IG to terminate an ongoing IG investigation.

Ms. SPEIER. Do you think changes are needed to ensure that the Command IGs truly can feel free to operate independently and objectively? For example, who de-

cides what inspections and investigations to perform—the IG or the commander? Can an IG pursue an investigation that a commander opposes?

General SMITH. Regarding Inspections:

- As outlined in AR 20–1, inspectors general will use a deliberate process to identify, evaluate, and set priorities for potential inspections of systemic and other issues for approval by the directing authority and inclusion in the Organizational Inspection Program (IG inspections are but one of three types of inspections incorporated into this program; the other two are Command Inspections and Staff Inspections). IGs should reasonably expect to complete at least four inspections of systemic issues a year, but the size of the IG staff section and the commander's priorities will ultimately determine the number of inspections conducted.
- Detailed doctrinal guidelines for preparing, executing, and completing IG inspections appear in The Inspections Guide, one of the two primary guides linking our policy to our doctrine. The process, as outlined in The Inspections Guide, represents IG doctrine and it is authoritative in nature; IGs may shape, tailor, and adapt the techniques and steps to meet the commander's guidance and needs, while still preserving the integrity of the IG inspections process across the Army.

Regarding Investigations:

- IAW AR 20–1, the investigation is the IG function that provides the commander/directing authority another means through which to resolve allegations of impropriety. The primary purpose of IG investigations and investigative inquiries is to resolve allegations of impropriety. IGs may investigate violations of policy, regulation, or law; mismanagement; unethical behavior; fraud; or misconduct. However, IGs will provide the command the opportunity to resolve allegations within command channels. Therefore, IGs will refer all command-appropriate allegations to the command in accordance with guidance from the directing authority or, if criminal in nature, to CID. Directing authorities should opt for an IG investigation or investigative inquiry when extreme discretion is necessary or when the command investigation is not likely to be efficient or effective. Once an IG initiates an investigation or investigative inquiry, the IG will complete the entire investigative action to determine if the allegations are “substantiated” or “not substantiated” and if any issues are “founded” or “unfounded”.
- TIG has emphasized, and AR 20–1 specifies, findings for investigations must be supported by the evidence.
- WBR and HL investigations are provisionally approved by commanders and Directing Authorities, but actually reviewed by DAIG and ultimately approved by DODIG.
- DAIG maintains investigative oversight for select cases of significant interest to provide Army Senior Leader oversight over the cases.
- AR 20–1 and The Assistance and Investigations Guide describes detailed procedures for IGs to request assistance or reconsideration from higher commanders, and even higher level IGs, when there are disagreements about the findings of cases.
- At the DAIG level, we can disagree, amend, and/or overturn the findings of down-trace cases where DAIG has been designated as the Office of Record (OOR) as long as facts support this decision and we obtain a favorable legal review at the DAIG level.

Ms. SPEIER. Who/how is legal advice provided to the Service IGs? Who/how is legal advice provided to Component IGs?

General SMITH. The Inspector General (TIG), US Army, receives legal advice from legal advisors assigned to the Department of the Army Inspector General (DAIG). TIG's legal office consists of a senior legal advisor, a deputy legal advisor, and other attorneys who provide a wide spectrum of advice on issues including, but not limited to, Ethics, Investigations, FOIA and the Privacy Act, and General Administrative Law issues. Army component IGs (i.e., IGs assigned to Army Commands and subordinate units, or to Army National Guard or US Army Reserve units) receive legal advice, especially regarding the conduct of investigations and assistance cases, primarily from their command's supporting legal office (typically an Office of the Staff Judge Advocate (OSJA)). The SJA and the OSJA's attorneys are Command IGs' immediate legal advisors. On occasion, Command IGs of Army units receive legal advice from DAIG's legal office, especially where interpretation of Army IG policies and procedures, as contained in Army regulations or policy documents, is at issue.

Ms. SPEIER. What kind of training does your Service provide Commanders about their relationship with their respective IG (for example, command, installation, etc.)?

General SMITH.

- The Inspector General and The Inspector General SGM execute senior leader training for all individuals selected for General Officers during several leadership programs (Basic, Commander, Advanced). This training is focused on the role of Inspectors General, current trend analysis, and how the IG can enable readiness and warfighting capability.
- The DAIG Analysis and Inspections Follow-Up Office (AIFO) also produces a Senior Official Front Office Exportable Training Package that is designed as a collective training event intended to train Senior Officials and their personal/support staffs to avoid potential ethical pitfalls.
- The Inspector General and The Inspector General SGM, as well as select members of the DAIG staff (primarily senior COL's and Senior Enlisted Advisors) conduct monthly engagements with officers and senior NCO's who have been selected for battalion and brigade level command positions. This occurs either in-person or virtually during the second week of the Battalion/Brigade Pre-Command Course (PCC), a DA mandatory training event for all command-select senior leaders managed by the US Army TRADOC. Much like the senior leader training provided at the Capstone program, this both large and small group discussion focused on role of Inspectors General, current trend analysis, and explaining how the IG can enable readiness and warfighting capability.
- Many installations also incorporate the IG office into their own Company Commander/First Sergeant Courses, newcomer's briefs, and other key events linked to their camp, post, or station. As a part of the Teach and Train function, Command IGs routinely execute periodic office calls with brigade and battalion leadership teams to discuss trend analysis, root causes, and organizational mitigation measures.

Ms. SPEIER. How do you implement lessons learned with other oversight roles?  
General SMITH.

1) Sharing lessons learned with other Services IGs: The Quarterly Service IG Meetings provide an opportunity for TIG to share issues and lessons learned with other Service IGs. TIG collaborates with other Service IGs with various topics of inspections amongst the other Services.

2) Sharing lessons learned with other Army oversight entities: We do share information with other oversight entities. For example, we collaborate with the Army Audit Agency in support of each other's initiatives and share inspection plans and results as needed.

3) Sharing lessons learned with DODIG. There is a constant two-way dialog between the United States Army Inspector General Agency and DODIG reference allegations with shared jurisdiction (e.g., Whistleblower Reprisal, DOD Hot Line, and Senior Official Investigations). Lessons learned are shared informally on a daily basis and formally through Army IG attendance at DODIG Whistleblower Reprisal Training classes and conferences. TIG also attends a meeting with other Service IGs hosted by DODIG. This forum also discusses lessons learned.

4) Sharing lessons learned with Army Commanders. The Inspector General uses a variety of strategic communication products to communicate with key leaders in the field. The United States Army Inspector General Annual Report (see FY 19 report attached), the Company Leaders Inspector General Handbook Template (see attached FY 18 template attached), Inspector General Updates (see attached IG Update: Appearance and Grooming Standards template) and the Senior Leader Exportable training package (copy attached) and the All these products are designed to inform leaders at all levels of the issue that Army IGs commonly encounter and provide tips on how to avoid such misconduct in the future

Ms. SPEIER. What was your total appropriated budget for FY20 and FY21? What were your budget requests for these years?

General SAID. The DAF-IG enterprise-wide budget numbers, when aggregated, were approximately as follows:

FY20: \$31M requested and \$24M appropriated

FY21: \$33M requested and \$22M appropriated

Ms. SPEIER. How many personnel do you have, and what is the breakdown between enlisted personnel, officers, and DOD civilian employees and contractors?

General SAID. Across the DAF we have 2,620 airmen and guardians performing IG duties, of which 1,880 are military and 740 are civilians. On the uniformed military side, 1089 are enlisted and 791 are officers. Total funded billets however stand at 1,886. The mix of civilians and military is important to us. Our military IGs offer experience, but also critically important currency in the issues they're charged to inspect or investigate. Our civilian IGs bring a wealth of experience and provide helpful continuity.

Ms. SPEIER. How many contacts do you receive per year? Of those contacts, can you please categorize as follows:

- Requests for inspections
- Requests for administrative investigations
- Whistleblower Complaints
- Other (and please identify as regulation question, or other request for assistance)

How many command inspections do you conduct per year? How many administrative investigations do you conduct each year?

General SAID. Over the past 3 years we have received an average of 11,103 contacts per year. Those contacts were comprised of requests for assistance, referrals to another unit or agency as necessary, whistleblower complaints, and senior official complaints. The vast majority of these contacts are requests for assistance (65%) or referrals (15%).

The average number of whistleblower and senior official complaints over the past 3 years has been 504 per year.

Of the 504 whistleblower and senior official complaints received each year, an average of 143 each year resulted in a formal investigation, while the remainder were resolved during our rigorous complaint analysis/preliminary inquiry phase. Over the last three years, total number of DAF investigations resulting from IG complaints averaged approximately 353 cases per year.

DAF-IGs are responsible for conducting administrative whistleblower investigations, both reprisal and restriction, as well as senior official investigations. Over the past 3 years we have conducted an average of 143 of these investigations each year.

Importantly, DAF-IG also conducts a variety of comprehensive independent reviews of matters such as the Racial Disparity Review, contracted military housing, unauthorized use of RC-26 aircraft during civil unrest, and others.

DAF-IG monitors retaliation of whistleblowers by ensuring every complainant that comes to the IG to report potential retaliation/reprisal is briefed (educated) on the specific protections within the Military Whistleblower Protection program, and we advise them to contact the IG in the future if any adverse actions are taken against them (or suspected) as result of the member's whistleblower complaint—IAW 10 USC 1034, DODD 7050.06, and AFI 90-301.

IG inspections are driven by AFI 90-201, DOD policy, or law rather than "requests for inspections." Over the past 3 years we have conducted an average of 6,864 inspections per year. These activities include Unit Effectiveness Inspections (primarily focused on readiness to meet wartime taskings, compliance, and unit climate) for our field and operational units; Management Inspections for a variety of intermediate, MAJCOM/FIELDCOM, and DAF headquarters functions; Special Access Program inspections; Nuclear Surety Inspections; Medical Inspections; Wounded, Ill, and Injured Facility Inspections; Cemetery Inspections; Radioactive Material Permit Inspections; "By-law" Inspections such as—Combating Trafficking in Persons, Federal Voting Assistance Program, Personnel Accountability, Suicide Prevention Program, Transition Assistance Program, Equal Opportunity, Sexual Assault Prevention & Response Program, Intelligence Oversight; and others.

Ms. SPEIER. For administrative investigations, what steps do you take to ensure independence throughout the process? [QFR #23, for cross-reference.]

General SAID. Independence of the IG at all levels is highly respected, cherished, and protected within the DAF. This element of independence is critical to executing the mission, at all levels. Although field IGs report to their chain of command, the results of their inspections and investigations are independent and oversights at multiple levels. If any IG experiences undue influence, they will up-channel their concerns to the next, higher level in the IG chain, all the way up to DAF-IG. All IGs serve under common standards of conduct.

#### **INDEPENDENCE OF FIELD INSPECTORS GENERAL—DEPARTMENT OF THE AIR FORCE**

1. The investigation and inspection standards, policies and guidelines that all IGs, regardless of level, operate under, are directed by the Department of the Air Force IG (DAF-IG).
2. The training provided to IGs is governed by the DAF-IG.
3. While field IGs report to their chain of command, the conclusions of their investigations and inspection are not influenced by the chain of command.
4. If field IGs experience any undue influence they must report such unacceptable influence to the next level IG and all the way up to the DAF-IG.
5. Investigations conducted by installation level IGs are oversights by the next level IG, DAF-IG and DOD-IG as well.

6. Installation IGs cannot conduct investigations in which their chain of command is conflicted, directly or indirectly. Such cases must be referred to the next-level IG outside the organization. All such cases are oversighted by the installation's higher-headquarters IG.

7. Installation IGs do not conduct formal inspections of their own organizations to assess readiness, compliance, climate . . . . Such inspections are conducted by the next level IG that is totally independent of the installation commander and does not report to them. Such inspections are subject to oversight by the DAF-IG.

8. All inspections by any level IG across the Department of the Air Force are subject to oversight by the DAF-IG.

9. DAF-IG may overturn lower-level investigations and inspection results.

10. Nuclear inspections are oversighted by the DAF-IG and Defense Threat Reduction Agency.

11. Any IG not adhering to the common standards of conduct directed by the DAF-IG, including the critical element of independence, will be de-credentialed as an IG and removed from that position. We have de-credentialed and removed IGs, but not for violations of the independence standard.

12. The requirement for independence by all IGs is ingrained into DAF-IG training and policies. Direct quotes from DAF-IG policies and training are pasted below.

#### **Examples of DAF-IG Policy Emphasizing Independence**

AFI 90-301IC-1, Page 13 Paragraph 1.2.3.

- "All IGs must maintain a clear distinction between being an extension of the commander and their duty to serve as fair, impartial, and objective fact-finders and problem solvers. They must be sufficiently independent so those complainants requesting IG help will continue to do so, even when they feel the commander may be the problem. Commanders must support this clear distinction for their IGs to be effective."

AFI 90-201, 1.3.4 A

- "DAF-IG has statutory authority and responsibility to conduct inspections and investigations which must guarantee independence, instill confidence in the system, and be free of any appearance of undue influence."

#### **Examples of DAF-IG Training Material Emphasizing Independence**

- "The "Independence" standard specifically covers our requirement for impartiality and to guard against threats that may erode impartiality. Some of those threats include; self-interest, bias, undue influence, and organizational structure (Chain of Command) threat."
- "To sustain a credible Department of the Air Force IG system:
  - o By conducting independent impartial professional inspections and reporting on all matters affecting readiness, discipline, efficiency and economy
  - o By conducting responsive complaint resolution, investigations, and programs characterized by objectivity, integrity and impartiality"
- "Investigating Officers must be impartial, unbiased, objective, thorough, and available"
- "Investigating Officers (IO) must be independent and at least one level removed from subjects or complainants"
- "Ethics, Independence, and Confidentiality
  - o Objectivity imposes the obligation to be impartial, intellectually honest, and free of conflicts of interest.
  - o Independence is a critical element of objectivity. Without independence, both in fact and in appearance, objectivity is impaired."

Ms. SPEIER. How do you decide whether to make the results of an investigation public and what format do you use (i.e. website, news release)? Of the investigations that were completed in FY19 and FY20, how many reports of investigation were made public, at least in redacted form?

How do you share information with the public about upcoming work?

How do you decide whether to make the results of an investigation public and what format do you use (i.e., website, news release)? Of the investigations that were completed in FY19 and FY20, how many reports of investigation were made public, at least in redacted form?

General SAID. IG investigations generally involve allegations related to personal matters, conduct, and/or performance. As such, they often are governed by the Privacy Act. Hence, investigations are made available in redacted form when requested under the Freedom of Information Act (FOIA). We recognize and diligently work the balance between the public's right to know the results of IG investigations versus personal privacy and appreciate more disclosure is appropriate and necessary when investigations involve senior officials, general officers, and members of the Senior Executive Service than those involving more junior members. Investigations that

have been requested by multiple parties under the FOIA are posted to the DAF FOIA Reading Room website.

Other IG work such as our 2020 Racial Disparity Review are made available to the public via the DAF website.

Finally, we routinely share information with DOD-IG to support their congressional and public reporting requirements related to investigations.

*How do you share information with the public about upcoming work?* Information regarding upcoming work such as our 2020 Racial Disparity Review, privatized housing review, and ongoing Disparity Review is made available, when appropriate, through the DAF website, via DAF Public Affairs, and direct messaging to airmen and guardians.

Ms. SPEIER. Since 2012, of more than 8,000 reprisal complaints made to the DOD or Service IGs, only 273 were substantiated. Why are so few reprisal allegations substantiated?

General SAID. Every reprisal complaint received by DAF-IG is thoroughly reviewed, addressed, and resolved in accordance with the law as well as DOD and DAF policy. As it relates to "so few reprisal allegations being substantiated," we find that many complainants use the term reprisal without a full understanding what reprisal technically entails. Frequently, when reprisal complaints don't meet the elements present in the law for reprisal to exist, reprisal itself may be not substantiated. However, in these cases another violation such as abuse of authority may exist, which results in the allegation being re-characterized and investigated as such. Whether a complaint relates to reprisal, abuse of authority, or another allegation of wrongdoing, the outcome of each case is driven by its specific facts and evidence, and determinations as to whether a complaint is substantiated or not substantiated are made using the preponderance of the evidence standard. DAF-IG findings in reprisal and restriction investigations undergo multiple IG and legal reviews before they are provided to DOD-IG for final approval. Likewise, DOD-IG provides oversight reviews of all our senior official investigations.

Ms. SPEIER. How is training for IG staff conducted? What training is offered on investigations, in particular, and what is the duration of the training? Is training conducted in house or by a third-party agency or organization? Is training the same for all personnel, or does it vary by rank/grade and civilian or military status?

General SAID. *For Complaints Resolution and Investigations:* Inspector General Training Course-Complaints Resolution (IGTC-Q) is required for all officer, enlisted and civilians (regardless of rank or grade) to become a Department of the Air Force complaints resolution investigator. Training is conducted by DAF-IG and other agency subject matter experts. The IGTC-Q course duration is 5 days. Training also occurs during the quarterly (DAF-wide) DAF-IG scheduled video teleconference meetings (DCS or Zoom). DAF-IG also hosts and conducts an annual World Wide training conference. In addition to initial training, all DAF-IG complaints resolution and investigations personnel are required to receive refresher training every 3 years.

*For Inspections:* The Inspector General Training Course-Inspections (IGTC-I) is a three to five day course taught by either military or government civilian instructors. The course teaches the fundamentals of inspections at Wing/Delta and MAJCOM/FIELDCOM levels and is centered around the CIGIE Quality Standards for Inspection and Evaluation for Inspectors General. IGTC-I is taught at the Department of the Air Force Inspection Agency (DAFIA), at Kirtland AFB, New Mexico. Before COVID, the courses were taught in-residence, but due to COVID restrictions, all courses are currently taught virtually. To significantly enhance focus on exercise planning and warfighting readiness, DAF-IG added the Readiness Exercise Advanced Planning, Evaluation and Reporting (REAPER) course in 2017; also taught by DAFIA. Additionally, DAFIA provides the Nuclear Surety Inspector Course, to address DAF-specific Nuclear Inspection requirements in conjunction with Defense Threat Reduction Agency's Nuclear Weapons Technical Inspector Course. Training is the same for all students irrespective of rank/grade or military/civilian status. Finally, DAFIA participates in IG summits, workshops and seminars, and provides IG cross-tell messages focused on current IG inspections policy, processes, and lessons learned.

Ms. SPEIER. Have you implemented the GAO recommendations from 2019 to better protect the identity of whistleblowers? If not, when will you implement these recommendations, and why has implementation been delayed?

General SAID. Yes. The Automated Case Tracking System (ACTS) upgrade in November 2020 enhanced the protection of privacy for whistleblowers and complies with the GAO recommendations. Specifically, the upgrade imposed stricter case accessibility limits by organization to ensure non-DAF organizations using ACTS cannot see DAF cases (and vice versa) or cases outside their own organization. It added

a flag on cases to display whether a complainant has consented to release of their identity outside of the IG. The upgrade enabled access restrictions for cases that posed a conflict of interest for IGs (e.g., when a complaint is about an IG). And, it imposed a 10 year retention date for cases that were discarded to ensure all entries into ACTS are accounted for.

Ms. SPEIER. What standards do you use for inspections and investigations? Do you, for example, follow either the Silver Book or Blue Book standards promulgated by the Council of the Inspectors General on Integrity and Efficiency (CIGIE)? Or CIGIE's 2011 standards for conducting investigations? Or other standards, and which ones? What quality assurance efforts have you implemented to make sure any standards are met? Do you require staff to document compliance?

General SAID. *For Complaints Resolution and Investigations*: IG investigations are governed by Air Force Instruction 90–301, “Inspector General Complaints Resolution” and are conducted IAW CIGIE Quality Standards, compliance is mandatory. Those standards are provided below, and DAF–IG investigation findings undergo multiple IG and legal reviews before they are provided to DOD–IG for final approval.

QUALIFICATIONS: Either a Qualified IG IO or an IG trained IO conduct IG Investigations

INDEPENDENCE: Investigative organization must be free from impairments to independence; must be organizationally independent; and must maintain an independent attitude.

DUE PROFESSIONAL CARE: Due professional care must be used in conducting investigations and in preparing related reports.

PLANNING: Organizational and case-specific priorities must be established and objectives developed to ensure that individual case tasks are performed efficiently and effectively.

EXECUTING INVESTIGATIONS: Investigations must be conducted in a timely, efficient, thorough, and objective manner.

REPORTING: Reports must thoroughly address all relevant aspects of the investigation and be accurate, clear, complete, concise, logically organized, timely, and objective.

MANAGING INVESTIGATIVE INFORMATION: Investigative data must be stored in a manner that allows effective retrieval, reference, and analysis, and protection (ACTS).

*For Inspections*: DAF–IG inspections are currently conducted IAW Air Force Instruction 90–201 “The Air Force Inspection System” and December 2020 “CIGIE Quality Standards for Inspection and Evaluation” (Blue Book). Quality assurance measures are inherent to the DAF Inspection System through its Oversight Inspection construct. Inspections and inspectors at one level are periodically observed by the next higher command echelon. For example, the Department of the Air Force Inspection Agency IG inspectors conduct nuclear and non-nuclear oversight inspections on MAJCOM/FIELDCOM IGs, while MAJCOM/FIELDCOM IGs provide oversight of their subordinate Wing/Delta IGs. All formal inspections at the Wing/Delta level and above require a formal report to be placed into central repository utilized by the DAF–IG enterprise. The DAF Inspection System specifically and deliberately follows the prescribed “CIGIE Quality Standards for Inspection and Evaluation” (Blue Book) listed here:

INDEPENDENCE: Ensures that inspectors, inspection organizations, and their reports are impartial and without bias in both fact and appearance.

COMPETENCE: Ensures that the personnel conducting an inspection collectively have the knowledge, skills, abilities, and experience necessary to conduct the inspection

PLANNING: Ensures that inspectors give attention to the selection of an inspection's subject matter and the preparation necessary to conduct each inspection

EVIDENCE COLLECTION AND ANALYSIS: Ensures that evidence collected and analyzed is focused on the inspection objectives and supports the findings, conclusions, and recommendations.

REPORTING: Ensures the clear communication of inspection results to those charged with governance, appropriate officials of the inspected entity, other officials charged with oversight of the inspected entity, and, when appropriate, the general public. Inspection reports document factual data accurately, fairly, and objectively, and present findings, conclusions, and recommendations in a persuasive manner.

FOLLOW UP: Ensures that recommendation follow-up is a shared responsibility between the inspection organization and management officials in the inspected entity. Corrective action taken by management is essential to improving the effectiveness and efficiency of government operations.

QUALITY CONTROL: Ensures that inspectors and inspection organizations are following Blue Book standards.

Ms. SPEIER. Do you think changes are needed to ensure that the Command IGs truly can feel free to operate independently and objectively? For example, who decides what inspections and investigations to perform—the IG or the commander? Can an IG pursue an investigation that a commander opposes?

General SAID. Independence of the IG at all levels is highly respected, cherished, and protected within the DAF. This element of independence is critical to executing the mission at all levels. Although field IGs report to their chain of command, the results of their inspections and investigations are independent and oversights at multiple levels. If any IG experiences undue influence, they will up-channel their concerns to the next, higher level in the IG chain, all the way up to DAF-IG. All IGs serve under common standards of conduct.

The DAF-IG system is grounded in independence and objectivity at every level. As such, we do not believe changes are necessary to ensure IGs are able to thoroughly and accurately perform their duties, investigations, and inspections, while maintaining full-independence. Please see the answer to QFR #23 above for more information.

Yes, an IG may pursue an investigation that a commander opposes. And, if an IG is pressured by a commander as it relates to the performance of IG duties and responsibilities, that IG must report the issue to his or her IG functional chain all the way up to DAF-IG.

Ms. SPEIER. Who/how is legal advice provided to the Service IGs? Who/how is legal advice provided to Component IGs?

General SAID. At the DAF-IG level, the Department of the Air Force Judge Advocate General (DAF/JA) assigns and embeds a number of dedicated attorneys to DAF-IG. These attorneys are focused solely on IG matters.

Our Major/Field Command and installation-level IG offices are supported by their respective Staff Judge Advocate offices at each command and location. Those legal offices assign attorneys to IG matters as a part of an individual attorney's portfolio. An attorney is assigned to provide legal assistance to each IG investigating officer for investigations. And, a different attorney is assigned to complete a separate legal sufficiency review at the completion of each IG investigation.

Ms. SPEIER. What kind of training does your Service provide Commanders about their relationship with their respective IG (for example, command, installation, etc.)?

General SAID. *For Complaints Resolution and Investigations:* DAF-IG educates all in-bound Wing/Delta and Group commanders of the IG roles and responsibilities during the commander's course at Maxwell AFB. In addition, AFI 90-301 requires that IGs at all levels "Educate Air Force members, commanders, and civilian leadership regarding rights of and protection for those contacting an IG."

*For Inspections:* The DAF provides its newly-assigned Wing/Delta and Group Commanders training covering a wide spectrum of issues to aid them in serving successfully in these critical position. In terms of Inspectors General relationships, DAF-IG provides a 90 minute block of instruction to each group during this 5-day commanders' training course. This IG-related instruction covers Wing/Delta and Group commander responsibilities, lessons learned, benchmark programs, and the commander's role with IGs as these offices conduct independent investigations as well as compliance and readiness inspections. Additionally, we update this curriculum with pertinent updates gleaned from recent investigations and inspections.

Ms. SPEIER. How do you implement lessons learned with other oversight roles?

General SAID. *In the context of complaints resolution and investigations,* lessons learned are shared with our sister services and also cascaded down through the DAF-IG enterprise during our quarterly (DAF-wide) DAF-IG scheduled video teleconference meetings. Additionally, we conduct an annual World Wide training conference. DAF-IG also utilizes Notices to All IGs or NOTIGs to quickly react to necessary policy and guidance changes or to share substantive trends.

*Lessons learned from inspections* are shared by our Department of the Air Force Inspection Agency (DAFIA). DAFIA collaborates laterally with the other services and also provides the DAF-IG enterprise a constant flow of information garnered from inspection lessons learned and benchmarks via a variety of venues and processes. Foremost is providing all MAJCOM/FIELDCOM and Wing/Delta IGs pertinent information on issues found during inspections. This information, in both classified and unclassified mediums, covers a wide spectrum of functional areas to include the DAF medical community, nuclear enterprise, and operational units in the Air Force and Space Force. Additionally, lessons learned from inspection execution are folded back into updates to our IG training curriculum to aid in improved inspection tools, techniques and procedures. Finally, DAFIA leads inspection process

review groups attended by MAJCOM/FIELD COM IGs, Air Staff, and USSF Staff that are designed to articulate lessons learned and benchmarks and convert these into needed policy upgrades.

Ms. SPEIER. What was your total appropriated budget for FY20 and FY21? What were your budget requests for these years?

Admiral SNYDER. The total appropriated budget for the Office of the Naval Inspector General fiscal year 2020 actual amount is \$9,079,000; \$1,150,000 for support and \$7,929,000 for pay. The total enacted amount for FY21 is \$14,147; \$3,281,000 for support and \$10,866,000 for pay. The budget request for FY20 was \$10,281,000 and FY21 was \$15,573,000.

Ms. SPEIER. How many personnel do you have, and what is the breakdown between enlisted personnel, officers, and DOD civilian employees and contractors?

Admiral SNYDER. The Office of the Naval Inspector General, which serves as the headquarters for the Navy Inspector General Enterprise, has a total of 113 personnel onboard. This includes 22 enlisted personnel, 33 officers, 58 Department of Defense civilians, and 0 contractors. The Office of the Naval Inspector General's reserve unit has an additional 20 Selected Reserve officers that provide part-time support at the headquarters. The Navy Inspector General Enterprise is made up of an additional 473 personnel onboard. According to the results of a recent data call, this consists of about 1 percent enlisted personnel, 8 percent officers, 90 percent Department of Defense civilians, and 1 percent contractors.

Ms. SPEIER. How many contacts do you receive per year? Of those contacts, can you please categorize as follows:

- Requests for inspections
- Requests for administrative investigations
- Whistleblower Complaints
- Other (and please identify as regulation question, or other request for assistance)

How many command inspections do you conduct per year? How many administrative investigations do you conduct each year?

During calendar years 2018, 2019, and 2020, the Office of the Naval Inspector General opened 17,001 cases in the Naval Inspector General Hotline Tracking System, for an average of 5,667 cases per year. From 2018 to 2020, the Office of the Naval Inspector General received or conducted the following (the below numbers are totals over the three years):

- 4 requests for inspection
- 17 command inspections and area assessments
- 1,038 investigations (693 full investigations and 345 preliminary inquiries)
- 460 military whistleblower reprisal cases (Navy)
- 5,258 assistance cases
- 5,987 referral cases

Ms. SPEIER. For administrative investigations, what steps do you take to ensure independence throughout the process?

Admiral SNYDER.

- The Office of the Naval Inspector General manages and provides oversight of Navy hotline cases and investigations; if there is a conflict, real or perceived, the matter is referred to the Department of Defense Office of Inspector General or the Inspector General of the Marine Corps, in consultation with the Office of the General Counsel.
- The Office of the Naval Inspector General refers hotline complaints to one inspector general level above the subject's command to avoid conflicts of interest, real or perceived.
- The Department of Defense Office of Inspector General conducts or provides oversight of all Navy military whistleblower reprisal cases and all Navy senior official inspector general cases per Department of Defense and Secretary of the Navy instruction.
- The Office of the Naval Inspector General is in the final stages of establishing a Professional Responsibility Council to review allegations of professional misconduct by Navy Inspector General Enterprise personnel, such as conduct that undermines the integrity or independence reasonably expected of the position.
- Instructions require the entry of all subjects' names into the Naval Inspector General Hotline Tracking System to avoid the perception of prejudgment.
- The Office of the Naval Inspector General conducts hotline quality standard reviews of hotline cases and investigations throughout the investigative process and at case closure.
- Council of the Inspectors General on Integrity and Efficiency guidelines regarding impartiality are taught and applied to the conduct and review of all inquiries.

Ms. SPEIER. How do you decide whether to make the results of an investigation public and what format do you use (i.e. website, news release)? Of the investigations that were completed in FY19 and FY20, how many reports of investigation were made public, at least in redacted form?

How do you share information with the public about upcoming work?

Admiral SNYDER. The Office of the Naval Inspector General releases reports in accordance with the Freedom of Information Act, Title 5, United States Code, Section 552. The Freedom of Information Act states that an agency shall make available for public inspection all records that the agency determines have become or are likely to become the subject of subsequent requests, or records that have been requested three or more times. Additionally, the Secretary of the Navy instruction on the Freedom of Information Act, SECNAVINST 5720.42G, interprets the Freedom of Information Act to require posting of any records that have been requested three times. The Department of the Navy further recommends, but does not require, the proactive posting of materials that have been requested once to eliminate the need for tracking number of requests. No reports of investigation completed during fiscal year 2019 were posted. One report of investigation completed during fiscal year 2020 was posted. When an investigation, command inspection, or area assessment is released to the public, the document is posted in the Freedom of Information Act Reading Room on the Office of the Naval Inspector General's website. The Office of the Naval Inspector General does not generally make public its upcoming work, but it does provide Navy leadership an inspection schedule for the next three years every year.

Ms. SPEIER. Since 2012, of more than 8,000 reprisal complaints made to the DOD or Service IGs, only 273 were substantiated. Why are so few reprisal allegations substantiated?

Admiral SNYDER. Many reprisal allegations are not substantiated because they do not meet the statutory requirements of a reprisal action. Other forms of retaliation that do not meet the statutory reprisal requirements are handled as hotline complaints and potential violations of Navy policy.

Ms. SPEIER. How is training for IG staff conducted? What training is offered on investigations, in particular, and what is the duration of the training? Is training conducted in house or by a third-party agency or organization? Is training the same for all personnel, or does it vary by rank/grade and civilian or military status?

Admiral SNYDER. The Office of the Naval Inspector General conducts hotline and military whistleblower reprisal training for staff and enterprise inspector general personnel. All training was previously delivered in-person but is currently conducted virtually by the Office of the Naval Inspector General's Training and Certification Division via Microsoft Teams and Blackboard Collaborate. While under revision/update, the current methodology for training Navy IG personnel is:

- Attend NAVIG 101, a 16-hour training course that is an introduction to inspector general business.
- Attend NAVIG 201, a 32-hour training course that focuses on basic hotline investigator skills including investigations and case management.
- Attend NAVIG 202, a 32-hour training course that provides the basic foundation for military whistleblower reprisal.
- Further inspector general training to be followed up with "proficiency" certification and credentialing managed and/or overseen by the inspector general chain of command.
- The Department of Defense Office of Inspector General provides military whistleblower reprisal training to all reprisal investigators.
- The Office of the Naval Inspector General Hotline Intake, Case Management, and Quality Unit provides hands-on training for enterprise personnel.
- The Office of the Naval Inspector General has recently taken steps for enterprise investigators to be temporarily detailed to the Office of the Naval Inspector General for Hotline Intake and Case Management for approximately one month for hands-on training.
- Navy Inspector General Enterprise personnel are trained on hotline quality standards, hotline processes, hotline investigations, report writing, and the Naval Inspector General Hotline Tracking System during Quality Assurance Reviews, Quality Assurance Assists, and Quality Assurance Validation Reviews.
- New Office of the Naval Inspector General hotline investigators are provided hands-on hotline training on all hotline processes within their first 30 days on-board.
- The Training and Certification Division has developed a schedule for in-service training. In-service trainings are specific, investigative topics that are taught by subject matter experts in order to assist in closing any investigative deficiency

gaps in the enterprise. These events normally occur on a monthly basis and are attended by an average of 80 inspectors general from across the enterprise.

- The Office of the Naval Inspector General standardized training is provided to all personnel regardless of rank or grade as inspectors general are required to acquire the same skills for consistency.

Ms. SPEIER. Have you implemented the GAO recommendations from 2019 to better protect the identity of whistleblowers? If not, when will you implement these recommendations, and why has implementation been delayed?

Admiral SNYDER. Yes.

Ms. SPEIER. What standards do you use for inspections and investigations? Do you, for example, follow either the Silver Book or Blue Book standards promulgated by the Council of the Inspectors General on Integrity and Efficiency (CIGIE)? Or CIGIE's 2011 standards for conducting investigations? Or other standards, and which ones? What quality assurance efforts have you implemented to make sure any standards are met? Do you require staff to document compliance?

Admiral SNYDER.

- Governing policies for executing DON IG investigations include the following:
  - Council of the Inspectors General on Integrity and Efficiency Quality Standards for Inspections and Evaluations (Blue Book)
  - Council of the Inspectors General on Integrity and Efficiency Quality Standards for Investigations
  - Council of the Inspectors General on Integrity and Efficiency Hotline Best Practices
  - Association of Inspectors General Principles and Standards for Offices of Inspector General (Green Book)
  - Department of Defense Directive 5505.06, "Investigation of Allegations against Senior DOD Officials"
  - Department of Defense Directive 7050.01, "The DOD Hotline Program"
  - Department of Defense Directive 7050.06, "Military Whistleblower Protection"
  - Department of Defense guide titled, "Guide to Investigating Military Whistleblower Reprisal and Restriction Complaints"
  - Secretary of the Navy Instruction 5370.5C, "DON Hotline Program"
  - Secretary of the Navy Instruction 5430.57H, "Mission and Functions of the Naval Inspector General"
  - Secretary of the Navy Instruction 5800.12C, "Investigation of Allegations Made against Senior Officials of the Department of the Navy"
  - Naval Inspector General Investigations Manual
- Command inspections and area assessments in the Navy Inspector General Enterprise utilize the Office of the Naval Inspector General Enterprise Inspection Manual.
- Navy Inspector General Enterprise personnel are trained on hotline quality standards, hotline processes, hotline investigations, report writing, and the Naval Inspector General Hotline Tracking System during Quality Assurance Reviews, Quality Assurance Assists, and Quality Assurance Validation Reviews. Quality Assurance Reviews and Quality Assurance Validation Reviews are conducted to ensure compliance with regulatory guidance.
  - Quality Assurance Reviews are conducted once every two years.
  - Quality Assurance Validation Reviews are conducted as required.
- Hotline Quality Investigation and Case Review are conducted on every case prior to closure to ensure compliance with regulatory guidance.
- Quality reviews are conducted on all whistleblower reprisal investigations prior to closure.
- Substantiated investigations and case dispositions in certain other cases (e.g., senior officials or military whistleblower reprisal investigations) receive a legal sufficiency review from a Department of the Navy attorney.
- Staff are required to document compliance in the Naval Inspector General Hotline Tracking System, and in reports of review to commands. The reports of review are kept for future reference.
- Subject matter experts that serve as Inspection Team members sign a non-disclosure agreement in which they acknowledge the required Ethical Standards of Conduct for an inspection.

Ms. SPEIER. Do you think changes are needed to ensure that the Command IGs truly can feel free to operate independently and objectively? For example, who decides what inspections and investigations to perform—the IG or the commander? Can an IG pursue an investigation that a commander opposes?

Admiral SNYDER. Changes are not necessary to ensure Command Inspectors General can operate independently and objectively. The Office of the Inspector General conducts continuous training and oversight of Command Inspectors General and has

guidance in place to ensure independence and impartiality throughout the execution of inspections and investigations by Command Inspectors General. Additionally, the administrative relationship between the Naval Inspector General and Command Inspectors General enables oversight of the Command Inspectors General to ensure they are able to execute their roles in an independent and objective manner. Inspections and investigations can be directed by either the Command Inspector General or the commander, but only the commander can authorize investigations on matters outside of inspector general business. Command Inspectors General can pursue an investigation that a commander opposes with the support and assistance of the Office of the Naval Inspector General.

Ms. SPEIER. Who/how is legal advice provided to the Service IGs? Who/how is legal advice provided to Component IGs?

Admiral SNYDER. The Office of the Naval Inspector General has two military attorneys from the Navy's Judge Advocate General Corps and three civilian attorneys from the Navy Office of the General Counsel on staff. In addition to traditional legal practice areas such as ethics, fiscal law, military justice, and civilian personnel law, these attorneys also work closely with investigation and inspection teams to ensure that the correct legal standards are applied and products are legally sufficient. These attorneys mainly provide legal advice to the headquarters staff but are available to the rest of the enterprise for reachback on inspector general matters. For most legal support, enterprise inspectors general are encouraged to work with their local legal counsel. These may be Judge Advocate General Corps and/or Office of the General Counsel attorneys, depending on the command or office.

Ms. SPEIER. What kind of training does your Service provide Commanders about their relationship with their respective IG (for example, command, installation, etc.)?

Admiral SNYDER. Commanders and senior enlisted leaders in the Navy attend the Navy Leadership and Ethics Center prior to assuming duties as a commander, executive officer, or senior enlisted leader. The Naval Inspector General meets with attendees from every Prospective Major Command Leadership Course, Command Leadership Course, Executive Officer Leadership Course, and Command Master Chief/Chief of the Boat Course, either in-person or virtually, to educate them on the duties of inspectors general and their relationship with Command Inspectors General and the Office of the Naval Inspector General. The Naval Inspector General also speaks with Navy flag officers and Senior Executive Service personnel at the New Flag and Senior Executive Training Symposium, the Intermediate Flag and Senior Executive Training Symposium, the Advanced Flag and Senior Executive Training Symposium, and the Navy Flag Officer and Senior Executives Symposium. Commanders and other inspector general professionals can attend the NAVIG 101 foundations course. This 2-day orientation discusses the relationship and connections between the Naval Inspector General and the enterprise as well as who, how, and the importance of the Navy Inspector General Enterprise's mission. During command inspections and area assessments, the Naval Inspector General meets with commanders and reiterates the importance of their inspector general mission and their relationship with their Command Inspector General.

Ms. SPEIER. How do you implement lessons learned with other oversight roles?

Admiral SNYDER. The Office of the Naval Inspector General implements lessons learned in several ways including engagements with Navy leaders, inspector general professionals, and commands via the following:

- Membership in the Navy Senior Management Council
- Regular meetings with the Under Secretary of the Navy and the Vice Chief of Naval Operations
- Navy Secretariat Orientation Seminars
- Posting command inspection reports
- Case studies analyzed at the annual Navy Inspector General Enterprise Symposium
- Bi-weekly virtual town halls with the Navy Inspector General Enterprise
- The Office of the Naval Inspector General training course revisions

Ms. SPEIER. What was your total appropriated budget for FY20 and FY21? What were your budget requests for these years?

General CASTELLVI. The Office of the Inspector General of the Marine Corps (IGMC) total appropriated budget for both fiscal years 2020 and 2021 is \$3,309,000. The Department of the Navy, Assistant for Administration allocates appropriated funds for civilian pay, travel, and support (materials). A breakdown of both years is as follows:

- FY20 appropriated budget was \$1,674,000.
- FY21 appropriated budget is \$1,935,000.

In addition, the Commandant of the Marine Corps authorized the IGMC to task any organization within the Marine Corps to provide Subject Matter Experts, as temporary assistant inspector Generals (TAIGs), to assist the IGMC Inspections Division in the performance of its mission and functions; primarily travel support to carryout comprehensive unit inspections. The IGMC provides costs associated with such support, with the exception of travel time compensation. IGMC funding requirements for TAIGs is estimated and requested through Headquarters Marine Corps, Administration and Resource Management Fiscal Branch, from the Deputy Commandant for Programs and Resources through the annual Program Objective Memorandum. The IGMC did not prepare formal budget requests, throughout Future Years Defense Plans, in support of its mission.

Ms. SPEIER. How many personnel do you have, and what is the breakdown between enlisted personnel, officers, and DOD civilian employees and contractors?

General CASTELLVI. In the Office of the Inspector General of the Marine Corps (IGMC):

- Total number of Marine Corps inspectors general (IGs) personnel on-hand (O/H) = 31
- Officers = 13
- Enlisted = 7
- DOD Civilians = 11

In the Marine Corps IG community (IGMC personnel and all command inspectors general (CIGs)):

- Total number of Marine Corps IG personnel O/H = 201
- Officers = 34
- Enlisted = 99
- DOD Civilians = 68

Ms. SPEIER. How many contacts do you receive per year? Of those contacts, can you please categorize as follows:

- Requests for inspections
- Requests for administrative investigations
- Whistleblower Complaints
- Other (and please identify as regulation question, or other request for assistance)

How many command inspections do you conduct per year? How many administrative investigations do you conduct each year?

How many contacts do you receive per year? For the 12-month period ending 16 April, Marine Corps inspectors general received 2173 contact. Of those 2173 contacts, 978 contacts were received by IGMC, and 1195 were received by subordinate Command Inspectors General.

General CASTELLVI. In 2019, the Marine Corps received 1,812 contacts; in 2020, the Marine Corps received 2,060 contacts. Of the 2,020 contacts, 13 percent were related to implementation of COVID force protection measures.

Of those contacts, can you please categorize as follows:

Requests for inspections: 0. Marine Corps IGs establish an inspection schedule to ensure each command is inspected on a regular basis. Each commander uses his or her own IG for any ah-hoc inspections, in addition to the scheduled inspections.

Requests for administrative investigations: The Marine Corps does not track/record whether the contact requested an investigation. Each contact is analyzed to determine whether an actual investigation is warranted (does the contact address a matter that violates any order, rule, law, or policy?). If the complaint alleges a violation of an order, rule, law, or policy, an initial inquiry is done to determine whether there is information that was not known to the contact that precludes investigation. In 2018, Marine Corps IGs conducted 98 investigations; in 2019, there were 51 investigations and in 2020, there were 47 investigations.

Whistleblower Complaints: In 2019, Marine Corps IGs received 77 complaints of military whistleblower reprisal; 12 of those complaints met prima facie for investigation under 10 USC 1034; 1 investigation substantiated reprisal.

In 2020, Marine Corps IGs received 51 complaints of military whistleblower reprisal; 8 of those complaints met prima facie for investigation under 10 USC 1034; 1 investigation substantiated reprisal.

Other (and please identify as regulation question, or other request for assistance): The Marine Corps initially categorizes all contacts as Assistance Cases. Marine Corps IGs sub-classify cases as Fraud/Waste/Abuse of Authority/Mismanagement (FWAM); Congressional Inquiries; Dependent/Quality of Life Issues; Freedom of Information Act Requests; Misconduct; Reprisal; and Non-IG (anything else that is not reprisal, senior official related, or FWAM). Some examples of non-IG matters are requests to correct records, cancellation, or modification of military permanent change of station orders, notification of scams, civilian hiring practices, voter issues,

awards processing, and civil matters (neighbor disputes; off-base landlord issues; non-military harassment not on a military installation, etc.).

In 2019, Marine Corps IG received 1745 non-whistleblower reprisal contacts.

In 2020, Marine Corps Inspectors General received 2012 non-whistleblower reprisal contacts.

How many administrative investigations do you conduct each year? In 2018, Marine Corps Inspectors General conducted 98 investigations; in 2019, there were 51 investigations and in 2020, there were 47 investigations.

Ms. SPEIER. For administrative investigations, what steps do you take to ensure independence throughout the process?

General CASTELLVI. IGMC takes a proactive approach to independence. Commanders receive education about the IGs, the IGs' role, and the commanders' relationship with the IGs. Throughout this training, IGMC stresses the importance of independence and objectivity. IGMC also trains the IGs, and stresses that they have a direct line to all personnel in the IGMC office, to include the IGMC, if they feel they need support or guidance in navigating a case or an issue.

For cases that IGMC tasks to a CIGs for investigation, IGMC is the directing authority and has supervision and review responsibilities for the case. The end report of investigation must demonstrate independence and objectivity, as well as completeness and thoroughness, before IGMC will approve the report.

For all cases received by the CIG, IGMC reviews the reports of investigation as part of the IGMC oversight and inspection process.

Ms. SPEIER. How do you decide whether to make the results of an investigation public and what format do you use (i.e. website, news release)? Of the investigations that were completed in FY19 and FY20, how many reports of investigation were made public, at least in redacted form?

How do you share information with the public about upcoming work?

General CASTELLVI. IGMC shares the results of investigations, in accordance with the Freedom of Information Act (FOIA), when they are requested. In 2019 and 2020, IGMC responded to 21 and 15 FOIA requests, respectively. The information released in response to FOIA is released directly to the requesting individual.

*How do you share information with the public about upcoming work?* IGMC does not publically share information about upcoming work. Inspections in the Marine Corps are generally short/no-notice, and sharing information publically would inhibit the IG's ability to get an "any-day" look at a unit. As a matter of course, to protect the investigative process and the privacy and rights of all complainants, witnesses, and subjects, IGMC does not discuss investigations until they are complete. For these same reasons, the IG does not publically announce their commencement.

Ms. SPEIER. Since 2012, of more than 8,000 reprisal complaints made to the DOD or Service IGs, only 273 were substantiated. Why are so few reprisal allegations substantiated?

General CASTELLVI. Many reprisal complaints that meet prima facie under 10 U.S.C. Section 1034 fail to demonstrate a direct correlation between the protected communication and the personnel action taken. For example, a complainant will make a protected communication, and shortly thereafter receive an unfavorable personnel action, but upon examination, it is apparent that the personnel action was a valid, reasonable response to something other than the protected communication.

An IGMC investigator interviews every reprisal complainant. During this recorded and transcribed interview, the complainant is given an opportunity to fully explain his or her case, and provide information that was not included in the original complaint. As well, the investigator will ask questions to ensure full understanding of the issues at hand, and seek clarifying documenting when appropriate. After this interview, a preliminary inquiry of records, and occasionally additional interviews with witnesses is made. After the inquiry, IGMC notifies Department of Defense (DOD) of its recommendation to investigate or dismiss the case because there is no indication of a correlation between the protected communication and personnel action. IGMC must get DOD approval to close a reprisal case. The complainant receives a copy of the completed report of investigation, regardless of finding, if the IGMC completes and investigation.

In 2019, the Marine Corps received 77 reprisal complaints. Of those 77 complaints, 12 required an investigation to determine whether or not there was a direct correlation between the protected communication and the personnel action. Only 1 of the 12 cases that met criteria for a full investigation found a direct correlation between the protected communication and personnel action.

In 2020, the Marine Corps received 51 reprisal complaints. Of those 51 complaints, 8 required an investigation to determine whether or not there was a direct correlation between the protected communication and the personnel action. Only one

of the eight cases that met criteria for a full investigation found a direct correlation between the protected communication and personnel action.

Common reasons that cases fail to go to investigation or substantiate are misconduct of the complainant that led to the personnel action; no evidence that the person taking the personnel action knew of the protected communication; the personnel action was required by a higher regulation and was non-discretionary; and evaluations that are lower than a complainant desires when an established pattern of performance existed well before the protected communication.

Ms. SPEIER. How is training for IG staff conducted? What training is offered on investigations, in particular, and what is the duration of the training? Is training conducted in house or by a third-party agency or organization? Is training the same for all personnel, or does it vary by rank/grade and civilian or military status?

General CASTELLVI. Training for IG staff is conducted in-house and via third party, and the same training is offered to all personnel.

Historically, in-house training was conducted by mobile training teams. COVID-19 restrictions challenged IGMC's in-house training efforts, but recognizing the need to keep the IG community engaged and up-to-date, IGMC instituted quarterly teleconferences and ad-hoc computer-based training. Additionally, IGMC has almost completed the development and implementation of two online IG courses. One of these courses will serve as a certification course. IGMC will resume in-person training in the near future.

Certification as a Marine Corps IG requires completion of an IGMC mobile training team (MTT) course; the DOD IG Joint IG Course; the Association of Inspectors General Inspectors General Course; the Federal Law Enforcement Training Center IG Course, or another Service's inspector general training course. All IGs are required to complete 80 hours of job-related training every two years to remain current, and attend a Marine Corps training event or symposium once every two years.

The DOD IG is currently offering its joint IG course virtually. The two-week course allows the student to receive IG accreditation upon completion. Class size is currently increasing in an attempt to catch up from time lost during the pandemic.

IGMC's MTTs are three to four days of in-person lecture, discussion, practical application, and evaluation on all core IG topics. While all topics are covered, the focus is on Council of the Inspectors General on Integrity and Efficiency (CIGIE) Blue Book standards and their application to assistance and investigations.

To preserve the integrity of the investigative process and the independence of the command IG, IGMC conducts all senior official investigations and all investigations concerning whistleblower reprisal. Investigators receive on-going in-house training as policies and procedures related to investigations change.

Ms. SPEIER. Have you implemented the GAO recommendations from 2019 to better protect the identity of whistleblowers? If not, when will you implement these recommendations, and why has implementation been delayed?

General CASTELLVI. Yes. IGMC made case management system enhancements during the 1st quarter of calendar year 2020 and implemented a new case management system, the Inspector General Case Action Manager (IGCAM). The IGCAM has an option to restrict access of identifying information about confidential complainants to any subordinate organization below the level that received the complaint.

Even if a contact does not request confidentiality, by default, IGMC will protect his or her identity as much as possible by not releasing any information beyond that which is required to address the contacts concern.

As well, IGMC has adopted a report-writing style to minimize the use of the names of complainants and witnesses when possible.

Ms. SPEIER. What standards do you use for inspections and investigations? Do you, for example, follow either the Silver Book or Blue Book standards promulgated by the Council of the Inspectors General on Integrity and Efficiency (CIGIE)? Or CIGIE's 2011 standards for conducting investigations? Or other standards, and which ones? What quality assurance efforts have you implemented to make sure any standards are met? Do you require staff to document compliance?

General CASTELLVI. **Standards:** Marine Corps IGs use CIGIE's Blue Book Standards: Quality Standards for Inspections and Evaluation, for all inspections and investigations.

**Quality Assurance and Compliance:**

*Inspections:* IGMC inspects all command inspectors general adherence to CIGIE standards during IGMC inspections and provides the commanders with a report on the findings of the inspections. IGMC makes a detailed follow-up report within 30 days of the inspection, and requires a corrective action plan within another 30 days. Any non-mission capable command receives another inspection after a short period of time given to correct deficiencies.

IGMC employs subject matter experts (SME) to conduct inspections. Following the initial inspection, the lead inspector reviews the SME's adherence to CIGIE standards; following the lead inspector's review, the director of inspections reviews the report for final approval.

*Investigations:* IGMC conducts all whistleblower reprisal and all senior official investigations to ensure independence. Investigators self-certify their work, which is reviewed by in-house counsel for legal sufficiency before final review and approval by the IG. Once IGMC approves an investigation, the report and all supporting documents are sent to DOD for final oversight and review. Throughout the process, from investigator to final DOD approval, reports are measured against CIGIE standards.

For all other investigations, the investigator self-certifies compliance with CIGIE standards and the report is reviewed by an attorney for legal sufficiency. IGMC does a final review of all cases referred to the local IG. For cases received at the command level, IGMC review is made via the inspection process.

Ms. SPEIER. Do you think changes are needed to ensure that the Command IGs truly can feel free to operate independently and objectively? For example, who decides what inspections and investigations to perform—the IG or the commander? Can an IG pursue an investigation that a commander opposes?

General CASTELLVI. IGMC recognizes that there is room for conflict, or the appearance of conflicts, based upon the fact that CIGs work for the commanders. A solid relationship between the commander and the IG is imperative, and should be mutually beneficial. We are open to considering any suggestions or recommendations to strengthen the authorities of the IGs in a way that fully integrates them into the command and staff team as an independent advisor to the commander, without inhibiting the commanders' ability to maintain good order and discipline.

IGMC's efforts to create independence and objectivity focus on education of the IGs and the commanders of the role of each, the value of one to the other, and the vital importance of independence and oversight.

The IGMC case management system has a complainant/contact directly into the system design. This ensures all contacts are put into the system, and nothing is lost or misplaced. IGMC has visibility and oversight of everything in the system, and whether via direct review of a case, or during an inspection, reviews the CIG's work for all quality standards, to include independence and objectivity.

Most importantly, all IGs know they can come directly to any member of the IGMC staff for assistance if they feel their independence or objectivity is at risk, or if they feel they are being pushed to act against their best judgement. Should this occur, IGMC will remove the case in question from the local command and assign it to a higher headquarters or to someone within IGMC.

While commanders have some discretion on inspections, IGMC mandates the minimum inspection requirements, not the commander. The commander has discretion on exact timing and anything beyond the IGMC established minimum inspections, but IGMC sets the baseline requirement and reviews all inspections, and also inspects the inspectors in the execution of their duties.

Ms. SPEIER. Who/how is legal advice provided to the Service IGs? Who/how is legal advice provided to Component IGs?

General CASTELLVI. IGMC obtains independent legal advice from a civilian attorney assigned to the IGMC. IGMC Counsel provides comprehensive legal advice in all areas under the cognizance of IGMC, including administrative investigations. To maintain independence, IGMC's counsel reports to the Counsel for the Commandant of the Marine Corps (CMC) (CL), who reports to the Department of the Navy Office of the General Counsel.

Component IGs receive legal advice from the command staff judge advocate and/or CL counsel assigned to the geographic command. Component IGs are also free to contact IGMC Counsel to discuss any and all IG matters or concerns.

Ms. SPEIER. What kind of training does your Service provide Commanders about their relationship with their respective IG (for example, command, installation, etc.)?

General CASTELLVI. The IGMC presents an introductory class to all O-5 and O-6 Marines selected for command. Additionally, the IGMC teaches all newly selected/promoted brigadier generals about the IGs, and the commanders' relationship with their IGs.

During inspections, the IGMC will meet with the commanders in the local inspection area and provide necessary guidance or information related to IG matters and the commanders' relationship with the IGs.

During inspections, the IGMC or his representative will speak with the commander about his or her inspection program, make recommendations to improve

things, and note any identified gaps in the relationship between the commander and the IG.

On an ad-hoc basis, IGMC will speak at the general officer symposiums, held twice each year, to discuss any relevant IG trends or observations.

Ms. SPEIER. How do you implement lessons learned with other oversight roles?

General CASTELLVI. IGMC provides quarterly updates with the CMC on trends observed and challenges across the Marine Corps, as identified by inspections, investigations, and assistance cases.

IGMC also shares information and trends associated with inspection results with the deputy commandants responsible for the various inspected programs. These trends serve to identify trouble spots, or areas where orders and directives are unclear or require a standard that is unobtainable with current resources.

IGMC conducts in- and out-briefs for each inspection, where the inspection team discusses what they have seen across the Marine Corps and to share lessons learned and best practices. During out-briefs, the inspection team discusses all findings and discrepancies, and helps to identify the root-cause of non-compliance or poor execution. From this information, the commander can decide where to enhance training or provide additional resources.

At all training opportunities for commanders and IGs, the IGMC shares best practices and lessons learned so that all may benefit.

Ms. SPEIER. Did the Marine Corps IG interview the widow of Chai Suthammanont in its investigation of the death of Mr. Suthammanont at Marine Corps Base Quantico? If not, why not?

When will the Marine Corps IG release the report investigating the death of Chai Suthammanont or create a publicly releasable document that details the results of the investigation into the death of Chai Suthammanont?

Is the report on Chai Suthammanont's death a product of the Marine Corps Office Inspector General? If not, which agency owns this report?

Does the Marine Corp Inspector General serve as counsel for the Marine Corps?

Did the Marine Corps IG interview the widow of Chai Suthammanont in its investigation of the death of Mr. Suthammanont at Marine Corps Base Quantico? If not, why not?

General CASTELLVI. The IGMC did not investigate the death of Mr. Suthammanont.

*When will the Marine Corps IG release the report investigating the death of Chai Suthammanont or create a publicly releasable document that details the results of the investigation into the death of Chai Suthammanont?* The IGMC did not investigate the death of Mr. Suthammanont and thus has no report to release.

*Is the report on Chai Suthammanont's death a product of the Marine Corps Office Inspector General? If not, which agency owns this report?* The IGMC did not investigate the death of Mr. Suthammanont. The Commander, Marine Corps Installations National Capital Region owns the report on Mr. Suthammanont's death.

*Does the Marine Corp Inspector General serve as counsel for the Marine Corps?* The IGMC provides information to Marine Corps leaders to inform their decisions. The IGMC informs leadership of trends, identified deficiencies and problems, and resource shortfalls. When appropriate, IGMC will identify potential solutions and challenges. However, the IGMC would not be considered counsel for the Marine Corps.

---

#### QUESTIONS SUBMITTED BY MRS. McCLAIN

Mrs. McCLAIN. As you conduct an investigation into the space command basing decision, are you working with Air Force IG Sami D. Said on examining the mission readiness impacts of moving personnel that are successfully accomplishing the mission at Peterson AFB? I am concerned the Air Force decision to move the command from Colorado Springs will make it difficult to retain critical personnel with expertise in space operations considering the command has been at Peterson for nearly two years. There is precedence in losing civilian employees declining to relocate when a mission has been moved."

Mr. O'DONNELL. Yes, the DOD OIG is working with relevant Air Force organizations and personnel, including personnel from the Air Force IG's office, as part of the DOD OIG's evaluation of the Air Force selection process for the permanent location of the U.S. Space Command headquarters. The project announcement is available on the DOD OIG's public website at the following link: [https://media.defense.gov/2021/Feb/19/2002585712/-1/-1/1/D2021-DEV0SO-0099.000\\_REDACTED.PDF](https://media.defense.gov/2021/Feb/19/2002585712/-1/-1/1/D2021-DEV0SO-0099.000_REDACTED.PDF)

### QUESTIONS SUBMITTED BY DR. JACKSON

Dr. JACKSON. Mr. O'Donnell, in an instance where a whistleblower does not request anonymity, can you tell me whether the DOD OIG contacts or interviews the whistleblower, assuming they have presented a credible allegation?

Mr. O'DONNELL. Yes, the DOD OIG generally contacts whistleblowers who do not request anonymity for additional information when their complaints do not contain sufficient details to determine appropriate action on the complaint. In addition, whistleblowers may be interviewed as part of a subsequent audit, evaluation, or investigation. [Question #4, for cross-reference.]

Dr. JACKSON. Over the past five years, how many instances occurred when the DOD IG elected not to interview or contact a whistleblower to follow-up on allegations of potential waste, fraud and abuse submitted to its Hotline? If there are any, can you please provide me with detailed information regarding the rationale for that decision or those decisions?

Mr. O'DONNELL. As discussed in response to Question 4, the DOD OIG generally contacts whistleblowers who do not request anonymity for additional information when their complaints do not contain sufficient details to determine appropriate action on the complaint. However, the DOD OIG does not track the rate at which whistleblowers are interviewed to provide additional details or as part of subsequent audits, evaluations, or investigations.

### QUESTIONS SUBMITTED BY MR. BROWN

Mr. BROWN. You noted in your testimony that you look "forward to working with the Service IGs in the implementation of our oversight of diversity and inclusion in the DOD and the handling of supremacist, extremist, and criminal gang activity in the Armed Forces, as required by section 554 of the FY 2021 National Defense Authorization Act." How are you intending to use the new DOD IG to address extremism in the Department and racial, gender, and ethnic disparities? Can you please describe who is involved in establishing the roles and responsibilities for the Deputy IG for D&I and the decision-making processes involved?

Mr. O'DONNELL. The DOD OIG will use the new Deputy Inspector General (DIG) in a manner consistent with applicable laws, including section 554 of the FY 2021 National Defense Authorization Act and the Inspector General Act of 1978, as amended. The DOD OIG is working to determine the organization, structure, staffing, and funding required to support the execution of those duties and responsibilities. The DOD OIG will submit a report detailing this information by June 30, 2021, as required by section 554.

Mr. BROWN. The FY21 NDAA requires that the DOD IG submits to HASC/SASC a report describing the Deputy IG for D&I's roles, responsibilities, organization, and additional administrative details 180 days after enactment, which is June 30, 2021. Is your office on track to meet this due date? Besides the report that you are required to issue to Congress, where else will you publish the roles and responsibilities for the Deputy IG for D&I?

Mr. O'DONNELL. Yes, the DOD OIG is on track to submit a report describing the new DIG's roles and responsibilities, and organization, including structure and staffing, by June 30, 2021, as required section 554 of the FY21 NDAA. The roles and responsibilities of the new DIG are published on the DOD OIG's public website at the following link: <https://www.dodig.mil/About/Organization/>

### QUESTIONS SUBMITTED BY MR. MOORE

Mr. MOORE. I deeply respect the role whistleblowers play in providing transparency and accountability; they shed light on wrongdoing that would otherwise go untouched. I realize that the Hotline may receive many submissions which on their face do not merit follow-up for example due to lack of substantive evidence or personal bias. But setting those aside, what standard to you use in determining who receives follow-up, including an interview and review of submitted materials?

Mr. O'DONNELL. Specifically, if a whistleblower timely submitted multiple evidentiary submissions, including hundreds of pages of legal and factual analyses, relevant to an investigation that the DOD Office of Inspector General was at that time conducting, and if that whistleblower made multiple offers to meet, would it not be standard practice to interview the whistleblower?

The DOD OIG conducts a thorough and independent review of each complaint it receives, in accordance with CIGIE and DOD standards. In many cases, a whistleblower or complainant provides a full description of the information in their posses-

sion along with the names of witnesses or documents that contain direct evidence of the matter under review. The DOD OIG fully reviews the information contained in the whistleblower's or complainant's complaint to determine whether and what additional information might be needed to further review the complaint. For example, in a case where the whistleblower or complainant provides hundreds of pages of legal and factual analysis, it is not necessary to collect additional information when that complainant is not a percipient witness, but rather an aggregator of publicly available information. Another example might be where other Government entities, including administrative or law enforcement entities, have already interviewed the non-percipient witness.

Mr. MOORE. I recognize that every Inspector General does its best to ensure that its reports are accurate upon publication. I also realize that from time-to-time mistakes are made; that is why the Government Auditing Standards and DOD OIG policy provide guidance for the correction of inaccuracies identified after the issuance of and OIG report.

My question is what if there is an error or inadequate evidence supporting one or more statements in a published OIG report. Where is Congress or even members of the public to go if an IG is unwilling to look at the matter or have an independent review done to get the issues reviewed independently?

Mr. O'DONNELL. I take seriously questions or concerns raised by the Congress or the public regarding the accuracy of a published report. As such, I am always willing to review those questions and give them all due consideration. I have the authority to withdraw or amend a final report that I determine to be inaccurate or not supported by competent evidence, and I have not hesitated to do so under the appropriate circumstances. This is a very rare occurrence, and when it does happen, pursuant to law, policy, and practice, we address it publicly. Should Congress or members of the public have concerns that the contents of a published DOD OIG report are erroneous, they may always address such concerns to me.

