



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

March 7, 2018

INSPECTOR GENERAL INSTRUCTION 7050.11

**PROCESSING COMPLAINTS OR INFORMATION UNDER THE INTELLIGENCE
COMMUNITY WHISTLEBLOWER PROTECTION ACT OF 1998**

FOREWORD

This instruction implements the Intelligence Community Whistleblower Protection Act of 1998 within the DoD Office of Inspector General.

This instruction will expire 10 years from its issuance date.

The office of primary responsibility for this instruction is Intelligence and Special Program Assessments. This instruction is effective immediately.

FOR THE INSPECTOR GENERAL:

A handwritten signature in black ink, appearing to read "Steven A. Stebbins", is positioned above the printed name and title.

Steven A. Stebbins
Chief of Staff

4 Appendices

A. Purpose. This instruction implements the Intelligence Community Whistleblower Protection Act (ICWPA) of 1998 within the DoD Office of Inspector General (OIG). Section 8H of reference (a) enacts the ICWPA. The ICWPA provides a process by which employees, or contractor employees, of the Defense Intelligence Agency (DIA), National Geospatial-Intelligence Agency (NGA), National Reconnaissance Office (NRO), and the National Security Agency (NSA) (“designees”) may report matters of “urgent concern” to the intelligence committees of Congress. (See Section 8H(a)(1)(A) of reference (a).) This instruction provides policy and procedures to ensure the DoD OIG processes complaints consistent with the requirements codified in the ICWPA.

B. Cancellation. This instruction cancels IG Instruction 7050.11, *Processing Complaints or Information Under The Intelligence Community Whistleblower Protection Act of 1998*, April 24, 2013.

C. Summary of Changes. This instruction is substantially revised and should be completely reviewed. It explains the ICWPA process, clarifies the responsibilities of the Chair of the ICWPA Working Group (WG) and the ICWPA WG, and specifies the DoD Inspector General’s (IG’s) responsibilities with respect to complaints or information received under the ICWPA.

D. Applicability. This instruction applies to the DoD OIG.

E. References. (See Appendix A.)

F. Definitions. (See Appendix B.)

G. Acronyms and Abbreviations. (See Appendix C.)

H. Wire Diagram of Intelligence Community Whistleblower Protection Act. (See Appendix D.)

I. Policy.

1. The DoD OIG will serve as an independent and objective reviewer of complainant’s information in making determinations required by the ICWPA.

2. The DoD OIG will not disclose the identity of an ICWPA complainant or information provider without that person’s consent, unless the DoD IG determines that such disclosure is unavoidable during the course of the investigation.

3. The DoD OIG, through its Whistleblower Reprisal Investigations Directorate, will ensure that any claims of reprisal against an ICWPA complainant or information provider are investigated.

4. The DoD OIG Components will ensure their employees are made aware of the ICWPA and of the need to refer any individual wanting to file an ICWPA complaint or information with the DoD OIG directly to the Defense Hotline.

J. Process Overview.

1. Consistent with references (a) and (b), any employee or contractor employee of the DIA, the NGA, the NRO, or the NSA who intends to report to Congress a complaint or information with respect to an urgent concern may make their disclosure to the DoD OIG, or to the IGs of DIA, NGA, NRO, or NSA – each of whom is considered the DoD OIG’s designee for receiving and forwarding the complaint or information to the DoD OIG.

2. Receiving the complaint or information triggers two time periods under the ICWPA, which run concurrently:

a. 7-Calendar Day Period. When one of the designees listed above receives a complaint or information regarding an “urgent concern,” the designee has 7 calendar days to provide the complaint or information to the DoD OIG. (See Section 8H(a)(2) of reference (a).)

b. 14-Calendar Day Period. When one of the designees listed above receives a complaint or information regarding an “urgent concern,” the DoD IG has 14 calendar days to determine whether the complaint or information is an urgent concern and is credible, and to forward that determination, along with the complaint or information provided, to the Secretary of Defense. (See Section 8H(b)(1) of reference (a).)

3. If the complainant or person who provided the information does not refer to the ICWPA, or indicate an intent to inform Congress, the complaint or information will be processed according to established DoD OIG processes or the established processes of one of its designees, as appropriate.

4. If the complainant or person who provided the information refers to the ICWPA or indicates an intent to inform Congress, the ICWPA WG will evaluate the complaint or information and make recommendations to the DoD IG as described in paragraph K. of this instruction. The DoD IG reviews the recommendations and makes a decision regarding the complaint or information. When a complainant or a person who provides information refers to the ICWPA or indicates an intent to inform Congress, that person’s complaint or information, along with the DoD IG’s decision regarding the complaint or information, will be forwarded to the Secretary of Defense.

K. Responsibilities.**1. The DoD IG:**

a. Reviews the ICWPA WG’s opinion and determines whether the complaint or information is an urgent concern and credible.

b. Directs the Deputy Inspector General (DIG) for Intelligence and Special Program Assessments (ISPA) to transmit the DoD IG’s signed memorandum of the determination, as well as the complaint or information, to the Secretary of Defense within 14 calendar days from the date the complaint or information was received by the DoD OIG designee or the DoD OIG. The

signed memorandum and the complaint or information is transmitted by DIG ISPA to the Secretary of Defense without regard to the DoD IG's determination regarding the credibility or urgent concern of the complaint or information.

c. Determines what, if any, further examination of the complaint or information is warranted. If further examination is warranted, the DoD IG identifies which DoD OIG Component or other DoD Component will examine the complaint or information according to its respective established processes.

2. The **DIG ISPA** ensures the proper processing of ICWPA complaints and information and:

a. Convenes and chairs the ICWPA WG.

b. If necessary, ensures coordination with the DoD OIG Office of Security, the Office of the Secretary of Defense, and the particular DoD intelligence agency to obtain the additional security clearance access required for the ICWPA WG representatives to properly assess the complaint or information.

c. Briefs the DoD IG. This brief will include, but is not limited to:

(1) a description of the pertinent issues;

(2) the ICWPA WG's written recommendations on whether the complaint or information constitutes an urgent concern or is credible; and

(3) a memorandum for the DoD IG's signature to the Secretary of Defense transmitting the DoD IG's determination of whether the complaint or information constitutes an urgent concern or appears credible, together with the complaint or information. This transmittal must take place within 14 calendar days, as described in paragraph J. of this instruction.

d. Within 3 days of the DoD IG determining whether the complaint or information is an urgent concern or is credible, the DIG ISPA will ensure the complainant or person who provided the information is informed of each action taken on the complaint or information. (See Section 8H(e) of reference (a).)

e. If, after being notified on the action taken on the complaint or information provided, the complainant or person who provided the information desires to contact the intelligence committees directly, the DIG ISPA will ensure that person receives information on how to contact, and assist with contacting, the intelligence committees according to appropriate security practices. (See Sections 8H(d)(1) and (2) and 8H(d)(2)(B) of reference (a).)

f. Upon direction from the DoD IG, transmits the DoD IG's signed memorandum of the determination, as well as the complaint or information, to the Secretary of Defense within 14 calendar days from the date the complaint or information was received by the DoD OIG designee or the DoD OIG. The signed memorandum and the complaint or information is

transmitted by the DIG ISPA to the Secretary of Defense without regard to the DoD IG's determination regarding the credibility or urgent concern of the complaint or information.

3. The **Director, DoD Hotline** is responsible for administratively processing all ICWPA complaints or information according to reference (c), and:

a. Ensures personnel assigned to intake and process any ICWPA complaint or information have the appropriate security clearance.

b. Ensures personnel routinely monitor the Non-classified Internet Protocol Router Network, SECRET Internet Protocol Router Network, and Joint Worldwide Intelligence Communications System for ICWPA complaints.

c. Immediately notifies DIG ISPA on receiving an ICWPA complaint or information and provides DIG ISPA's ICWPA point of contact with all relevant information for review by the ICWPA WG.

d. Maintains the official record regarding the ICWPA complaint.

e. Assists the ICWPA WG when so requested by the ICWPA WG Chair.

4. The **ICWPA WG** assesses the complaint or information and recommends to the DoD IG its opinion on whether the complaint or information is an urgent concern or credible.

a. The ICWPA WG members include (all must have appropriate security clearances):

(1) DIG Auditing or designee;

(2) DIG Investigations or designee;

(3) DIG Administrative Investigations or designee;

(4) DIG Special Plans and Operations or designee;

(5) DIG ISPA or designee;

(6) DIG Overseas Contingency Operations or designee;

(7) DIG Policy and Oversight or designee; and

(8) Office of General Counsel representative.

b. The ICWPA WG:

(1) Confirms that the complainant or information provider is an employee or contractor employee of the DIA, NGA, NRO, or NSA;

(2) Determines whether it believes the complaint or information is credible and an urgent concern. The ICWPA WG may seek more information and assistance from DoD OIG Components or designees to determine if the complaint or information is an urgent concern and credible DoD (DoD Hotline will assist the ICWPA obtain requested information upon request by the ICWPA WG).

(3) Provides a written recommendation to the DoD IG identifying its determination, explaining why it believes the complaint or information is or is not credible and is or is not urgent, and recommends to the DoD IG a proposed course of action.

**APPENDIX A
REFERENCES**

- a. Title 5, United States Code, *Inspector General Act of 1978*, as amended December 5, 2008
- b. DoD Directive 5106.01, *Inspector General of the Department of Defense (IG DoD)*, April 20, 2012
- c. DoD Instruction 7050.01, *DoD Hotline Program*, October 17, 2017
- d. Section 2302 of Title 5, United State Code, *Prohibited personnel practices*

**APPENDIX B
DEFINITIONS**

1. **intelligence committees.** The term means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate according to Section 8H(i)(2) of reference (a).
2. **urgent concern.** An urgent concern according to Section 8H(i)(1)(A-C) of reference (a) means any of the following:
 - a. A serious or flagrant problem, abuse, violation of law or Executive Order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but does not include differences of opinion concerning public policy matters.
 - b. A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.
 - c. An action, including a personnel action described in reference (d), constituting reprisal or threat of reprisal prohibited under Section 7(c) of reference (a), in response to an employee's reporting an urgent concern according to Section 8H of reference (a).

**APPENDIX C
ACRONYMS AND ABBREVIATIONS**

DIA	Defense Intelligence Agency
DIG	Deputy Inspector General
ICWPA	Intelligence Community Whistleblower Protection Act
IG	Inspector General
ISPA	Intelligence and Special Program Assessments
NGA	National Geospatial-Intelligence Agency
NRO	National Reconnaissance Office
NSA	National Security Agency
OIG	Office of Inspector General
WG	Working Group

**APPENDIX D
WIRE DIAGRAM OF INTELLIGENCE COMMUNITY WHISTLEBLOWER
PROTECTION ACT**

