



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

April 24, 2013

## **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 Department of Defense Office of Inspector General. The Intelligence Community Whistleblower Protection Act provides a process by which employees, or contractor employees, of the Defense Intelligence Agency, National Geospatial-Intelligence Agency, National Reconnaissance Office, and the National Security Agency may report matters of “urgent concern” to the intelligence committees of Congress.

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

A handwritten signature in black ink, appearing to read "SD Wilson", is positioned above the typed name.

Stephen D. Wilson  
Assistant Inspector General  
for Administration and Management

3 Appendices

**A. Purpose.** This Instruction implements the Intelligence Community Whistleblower Protection Act (ICWPA) of 1998 within the Department of Defense Office of Inspector General (DoD OIG). Section 8H of the Inspector General Act of 1978, as amended, implements 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) may report matters of “urgent concern,” Appendix B, to the intelligence committees of Congress.

**B. References.** See Appendix A.

**C. Definitions.** See Appendix B.

**D. Acronyms.** See Appendix C.

**E. Applicability.** This Instruction applies to the Office of Inspector General.

**F. Policy.** It is OIG policy that:

1. The IG will serve as an independent and objective fact finder in making determinations as envisioned by Congress in enacting the ICWPA.

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

3. The IG, through its Whistleblower Reprisal Investigations Directorate, will investigate any claims of reprisal taken against an ICWPA complainant or information provider.

4. The 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 IG directly to the Defense Hotline.

**G. Responsibilities.**

1. The **Deputy Inspector General for Intelligence and Special Program Assessments (DIG-ISPA)** is responsible for ensuring the proper processing of ICWPA complaints and information and will:

a. Verify that the originator of a complaint or information is eligible to use the provisions of the ICWPA.

b. Convene and chair the ICWPA Working Group (WG).

c. Coordinate with the Office of the Secretary of Defense and the particular DoD intelligence agency to obtain whatever additional security clearance access may be required for the ICWPAWG representatives to properly assess the complaint or information.

d. Ensure that the IG is able to provide the Secretary of Defense a written determination of the credibility of the complainant or information provider within 14 calendar days, in a matter determined by the ICWPAWG to be an urgent concern.

e. Inform an eligible originator of each action taken in the notification process within three days of taking the action.

f. Assist an eligible originator, upon assertion of the right to contact the intelligence committees directly under section 8H(d)(1) and (2) of the IG Act reference (a), to obtain direction from the Secretary of Defense for making that contact in accordance with appropriate security practices.

2. The **Director, Defense Hotline** is responsible for the administrative processing of all ICWPA complaints or information and will:

a. Assign personnel with Top Secret security clearances and Sensitive Compartmented Information (SCI) read on capability, as necessary, to intake and process any ICWPA complaint or information.

b. Ensure that all ICWPA complaints or information are processed expeditiously in accordance with published Defense Hotline procedures.

c. Immediately notify the DIG-ISPA upon receipt of an ICWPA complaint or information.

d. Implement procedures within the Defense Hotline to ensure that any ICWPA complaint or information, once logged into the Defense Hotline, is forwarded immediately to the DIG-ISPA.

e. Establish and maintain an official file of record regarding the ICWPA complaint.

f. Routinely monitor the Non-Classified Internet Protocol Router Network, Secret Internet Protocol Router Network, and Joint Worldwide Intelligence Communications System for ICWPA complaints.

3. The **DIGs for Auditing, Investigations, Administrative Investigations, and Policy and Oversight, and the Assistant Inspectors General (AIG) for the Office of Communications and Congressional Liaison (OCCL) and the Office of the General Counsel** will provide permanent representatives to the ICWPAWG. The permanent representatives must have Top Secret security clearances and be indoctrinated for SCI. Alternate representatives, with proper clearances, may appear, as required.

4. The **ICWPAWG** will serve as the steering group for the initial disposition of all ICWPA complaints or information and will:

- a. Be convened and chaired by the DIG-ISPA.
  - b. Determine whether the complaint or information constitutes an urgent concern and whether it appears credible.
  - c. Develop and execute a plan for completing the urgency and credibility determinations within the 14 day deadline for the IG to deliver written notification to the Secretary of Defense.
  - d. Assign responsibility to one or more Components to complete a substantive inquiry of the complaint or information itself. If the inquiry should be conducted outside the OIG, recommend to IG that the Inspectors General offices of DIA, NGA, NRO, or NSA, complete a substantive inquiry of the complaint or information itself. This substantive inquiry is a separate action from the urgency and credibility determinations.
  - e. Review and advise the IG of the findings and recommendations, if any, of the completed substantive inquiry. If applicable, upon direction by the IG, provide findings and recommendations to the concerned DoD Component or to the DIA, NGA, NRO, or NSA for implementation.
5. The **Component**, if designated by the ICWPAWG, will be responsible for completing the substantive inquiry of the issue raised by an ICWPA complaint or information and will:
- a. Conduct a substantive inquiry in accordance with standards and procedures established by the Component.
  - b. Report its findings and recommendations, if any, to the ICWPAWG.
  - c. Inform the DIG-ISPA and the AIG-OCCL of any congressional contacts received while conducting the inquiry.
6. If the IG requests DIA, NGA, NRO, or NSA to conduct a substantive inquiry raised by an ICWPA complaint or information, the IG for that entity will be responsible for completing the substantive inquiry and for reporting the findings and recommendations, if any, to the ICWPAWG.

**APPENDIX A  
REFERENCES**

- a. Appendix of Title 5, United States Code
- b. DoD Directive 5106.01, *Inspector General of the Department of Defense*, April 20, 2012

**APPENDIX B  
DEFINITIONS**

1. **Eligible Originator.** An employee of, or an employee of a contractor to, the DIA, NGA, NRO, or NSA, who intends to report a complaint or information asserted to be a matter of urgent concern to the intelligence committees of Congress.
2. **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.
3. **Urgent Concern.** An urgent concern 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 section 2302(a)(2)(A) of Title 5, USC, constituting reprisal or threat of reprisal prohibited under section 7(c) of reference (a), in response to an employee's reporting an urgent concern under section 8H of the IG Act, as amended.

**APPENDIX C  
ACRONYMS**

AIG	Assistant Inspector General
DIA	Defense Intelligence Agency
DIG	Deputy Inspector General
DoD	Department of Defense
ICWPA	Intelligence Community Whistleblower Protection Act
ISPA	Intelligence and Special Program Assessments
NGA	National Geospatial Intelligence Agency
NRO	National Reconnaissance Office
NSA	National Security Agency
OCCL	Office of Communications and Congressional Liaison
OIG	Office of Inspector General
SCI	Sensitive Compartmented Information
WG	Working Group