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Congress of the United States
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COMMITTEE ON ARMED SERVICES
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AND ENTITLEMENTS
NATIONAL SECURITY
GUN VIOLENCE PREVENTION
TASK FORCE
Vice Chair

December 29, 2014

The Honorable Jon T. Rymer
Inspector General
U.S. Department of Defense
4800 Mark Center Drive
Alexandria, VA 22350-1500

Dear Inspector General Rymer:

I am writing to express concerns about allegations I have received that the conclusions of a recent report from your office were not supported by the findings of your investigators.

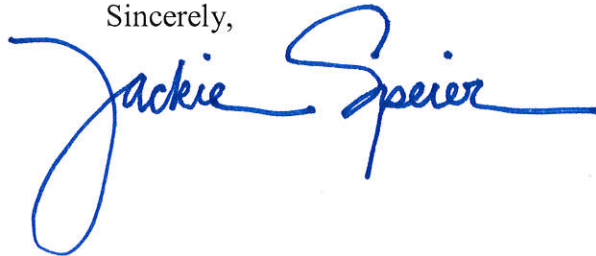
As you are aware, in August of this year your office issued a whistleblower reprisal investigation report on Mr. Michael J. Helms that concluded that he had not been retaliated against when his clearance was revoked. The report found that the grounds for revoking his clearance relied in part on evidence gathered in an Army Regulation (AR) 15-6 investigation that your office and the Merit Systems Protection Board (MSPB) both previously found to be illegal and retaliatory. The MSPB settlement ordered this investigation to be removed from Mr. Helms's personnel file because it violated his whistleblower protections, which is why I find it incomprehensible that an office entrusted with protecting whistleblowers would take no issue with using this evidence to continue to take actions against someone that made protected disclosures to Congress. In fact, it is my understanding that your investigators did find that Mr. Helms had been retaliated against for these disclosures but that their conclusions were altered over their protests.

Unfortunately, this is not the first time that your office has been accused of improper behavior regarding whistleblowers. As you aware, an article published in McClatchy in April of this year found that your office sought to revoke the clearance of your former whistleblower advocate after he made protected disclosures to congressional committees. The article also alleged that the retaliation was connected to his representation of whistleblowers' interest. In September you received a letter from both the Senate and House oversight committees that your office is interpreting protections for contractor whistleblowers "so narrowly that it disregards both the plain language and the spirit of the legislation" to have "the potential to preclude meritorious claims of retaliation." I am also concerned that your website advises those that would contact your hotline to first contact their local or command-level inspector general, where whistleblowers are more likely to be retaliated against.

Congress has clearly sent a message to the Inspectors General community that whistleblowers are essential to your work and Congress's constitutional oversight duties through the Whistleblower Protection Enhancement Act of 2012 and expanded military whistleblower protections under the National Defense Authorization Act of FY2014. The President has also strengthened those protections for members of the intelligence community by issuing PPD-19. Your office is on the frontline of enforcing these protections, and accusations that the integrity of your retaliation investigations are improperly compromised cut to your core competency to serve the American public and the warfighter.

I look forward to discussing these serious allegations with you as soon as possible.

Sincerely,

A handwritten signature in blue ink that reads "Jackie Speier". The signature is fluid and cursive, with a large loop at the beginning of the first name and a long horizontal stroke at the end of the last name.