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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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April 14, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Comey,

On December 16, 2016, President Obama signed into law the Federal Bureau of Investigation Whistleblower Protection Enhancement Act.¹ The new law clarified that FBI employee protections include disclosures made not just to specific officials listed in the previous regulation but also to supervisors and officers within the chain of command up to and including the head of the agency, members of Congress, and the Office of Special Counsel.²

However, the FBI's official whistleblower policy directive still does not reflect the changes to the law. It was apparently last reviewed on February 19, 2017 and still posted on the FBI's internal system as of yesterday—nearly *four months* after the FBI WPEA became effective. Yet, it erroneously tells FBI employees that they are only protected for disclosures to the certain, specific officials that could receive protected disclosures before the new law.

Further, multiple employee communications issued at least a month prior to this policy on whistleblower protection in the FBI were inaccurate. I understand these and other errors were brought to the attention of agency leadership. Significant errors, including the February 2017 policy, reportedly remain in place.

¹ Federal Bureau of Investigation Whistleblower Protection Enhancement Act of 2016, Pub. L. No. 114-302, 130 Stat. 1516 (2016).

² *Id.*

An updated version of the training on FBI whistleblower protections was provided to the FBI by the Office of the Inspector General months ago, and has yet to be implemented. Further, no other effort allegedly has been made to ensure that FBI employees are fully aware of their new statutory rights under the FBI WPEA.

Accordingly, please provide the Committee with a copy of a correct, updated policy. Additionally, please describe what specific steps the FBI will take to ensure its employees are properly and timely informed and trained on these statutory clarifications through guidance and training.

Thank you in advance for your cooperation with this request. Please respond no later than April 27, 2017. If you have questions, contact DeLisa Lay of my Committee staff at (202) 224-5225.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style.

Charles E. Grassley
Chairman
Senate Judiciary Committee

cc: The Honorable Dianne Feinstein
Ranking Member
Senate Judiciary Committee