

119TH CONGRESS
1ST SESSION

S. _____

To amend title 5, United States Code, and the Intelligence Reform and Terrorism Prevention Act of 2004 to enhance protections for whistleblowers in the Federal Bureau of Investigation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. GRASSLEY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 5, United States Code, and the Intelligence Reform and Terrorism Prevention Act of 2004 to enhance protections for whistleblowers in the Federal Bureau of Investigation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “FBI Whistleblower
5 Protection Enhancement Act of 2025”.

1 **SEC. 2. ENHANCED PROTECTIONS FOR FBI WHISTLE-**
2 **BLOWERS.**

3 (a) PROHIBITED PERSONNEL ACTIONS.—Section
4 2303 of title 5, United States Code, is amended—

5 (1) in subsection (a), by striking the flush text
6 following paragraph (2)(B);

7 (2) by redesignating subsections (b), (c), and
8 (d) as subsections (c), (d), and (e), respectively;

9 (3) by inserting after subsection (a)(2)(B) the
10 following:

11 “(b) Any employee of the Federal Bureau of Inves-
12 tigation who has authority to take, direct others to take,
13 recommend, or approve any personnel action, shall not,
14 with respect to such authority—

15 “(1) take or fail to take a personnel action with
16 respect to an employee in, or applicant for, a posi-
17 tion in the Bureau because of—

18 “(A) the exercise of any appeal, complaint,
19 or grievance right granted by any law, rule, or
20 regulation—

21 “(i) with regard to remedying a viola-
22 tion of subsection (a); or

23 “(ii) other than with regard to rem-
24 edying a violation of subsection (a);

25 “(B) testifying for or otherwise lawfully as-
26 sisting any individual in the exercise of any

1 right referred to in clause (i) or (ii) of subpara-
2 graph (A); or

3 “(C) cooperating with or disclosing infor-
4 mation to the Inspector General (or any other
5 component responsible for internal investigation
6 or review) of an agency, or the Special Counsel,
7 in accordance with applicable provisions of law;

8 “(2) implement or enforce any nondisclosure
9 policy, form, or agreement that is described in sub-
10 paragraph (A) or (B) of section 2302(b)(13); or

11 “(3) coerce the political activity of any person
12 (including the providing of any political contribution
13 or service), or take any action against any employee
14 or applicant for employment as a reprisal for the re-
15 fusals of any person to engage in such political activ-
16 ity.”;

17 (4) in subsection (c), as so redesignated—

18 (A) by inserting “(1)” after “(c)”; and

19 (B) by adding at the end the following:

20 “(2) With respect to the Federal Bureau of Investiga-
21 tion, the Attorney General shall be responsible for—

22 “(A) preventing prohibited personnel practices;

23 “(B) complying with and enforcing applicable
24 civil service laws, rules, and regulations and other
25 aspects of personnel management;

1 “(C) ensuring, in consultation with the Special
2 Counsel and the Inspector General of the Depart-
3 ment of Justice, that employees of the Bureau are
4 informed of the rights and remedies available to the
5 employees under this chapter, chapter 12 of this
6 title, and section 3001 of the Intelligence Reform
7 and Terrorism Prevention Act of 2004 (50 U.S.C.
8 3341), including—

9 “(i) information with respect to whistle-
10 blower protections available to new employees
11 during a probationary period;

12 “(ii) the role of the Office of Special Coun-
13 sel and the Merit Systems Protection Board
14 with respect to whistleblower protections; and

15 “(iii) the means by which, with respect to
16 information that is otherwise required by law or
17 Executive order to be kept classified in the in-
18 terest of national defense or the conduct of for-
19 eign affairs, an employee may make a lawful
20 disclosure of the information to—

21 “(I) the Special Counsel;

22 “(II) the Inspector General of the De-
23 partment of Justice;

24 “(III) Congress (including any com-
25 mittee of Congress with respect to infor-

1 mation that is not classified or, if classi-
2 fied, has been classified by the head of an
3 agency that is not an element of the intel-
4 ligence community and does not reveal in-
5 telligence sources and methods); or

6 “(IV) another employee of the Bureau
7 who is designated to receive such a disclo-
8 sure; and

9 “(D) ensuring that the information described in
10 this paragraph is provided to each new employee of
11 the Bureau not later than 180 days after the date
12 on which the new employee is appointed; and

13 “(E) making available information regarding
14 whistleblower protections applicable to employees of
15 the Bureau on the public website of the Bureau and
16 on any online portal that is made available only to
17 employees of the Bureau, if such portal exists.

18 “(3) Any employee of the Department of Justice to
19 whom the Attorney General delegates authority for any
20 aspect of personnel management shall, within the limits
21 of the scope of the delegation, be responsible for the activi-
22 ties described in paragraph (2).”; and

23 (5) by adding at the end the following:

24 “(f) A disclosure shall not be excluded from this sec-
25 tion because—

1 “(1) the disclosure was made to a person, in-
2 cluding a supervisor, who participated in an activity
3 that the employee or applicant reasonably believed to
4 be covered by this section;

5 “(2) the disclosure revealed information that
6 had been previously disclosed;

7 “(3) the disclosure was not made in writing;

8 “(4) the disclosure was made while the em-
9 ployee was off duty;

10 “(5) of the amount of time which has passed
11 since the occurrence of the events described in the
12 disclosure; or

13 “(6) the disclosure was made during the normal
14 course of duties of an employee.

15 “(g) In this section, the term ‘personnel action’
16 means any action described in clauses (i) through (xi) of
17 section 2302(a)(2)(A) of this title with respect to an em-
18 ployee in, or applicant for, a position in the Federal Bu-
19 reau of Investigation (other than a position of a confiden-
20 tial, policy-determining, policymaking, or policy-advo-
21 cating character).”.

22 (b) CLARIFICATION OF FBI WHISTLEBLOWER RE-
23 TALATION APPEALS PROCESS.—Section 2303 of title 5,
24 United States Code, as amended by subsection (a) of this
25 section, is amended—

1 (1) in subsection (d), as so redesignated, by in-
2 serting “the requirements under subsection (e) of
3 this section and” before “applicable”; and

4 (2) in subsection (e), as so redesignated—

5 (A) in paragraph (1), by striking “a final
6 determination or corrective action order by the
7 Bureau” and inserting “any adjudicative dis-
8 missal, determination, or associated corrective
9 action order made”;

10 (B) in paragraph (2)—

11 (i) by striking “If no final determina-
12 tion or corrective action order has been
13 made or issued for an allegation described
14 in” and inserting “If no appealable deci-
15 sion has been made under”; and

16 (ii) by striking “Federal Bureau of
17 Investigation” and inserting “investigating
18 office”; and

19 (C) by adding at the end the following:

20 “(3) An appeal brought under paragraph (1), or cor-
21 rective action sought under paragraph (2), shall be gov-
22 erned by the applicable legal burdens of proof described
23 in section 1221(e).”.

1 **SEC. 3. PREVENTING CONFLICTS OF INTEREST IN INVES-**
2 **TIGATIVE OR ADJUDICATIVE PROCESSES.**

3 Section 3001 of the Intelligence Reform and Ter-
4 rorism Prevention Act of 2004 (50 U.S.C. 3341) is
5 amended—

6 (1) in subsection (b)—

7 (A) in paragraph 6, by striking “; and”
8 and inserting a semicolon;

9 (B) in paragraph (7)(B), by striking “, ex-
10 cept that” and all that follows through the pe-
11 riod and inserting “; and”; and

12 (C) by inserting after paragraph (7) the
13 following:

14 “(8) not later than 180 days after the date of
15 the enactment of the FBI Whistleblower Protection
16 Enhancement Act of 2025, and consistent with sub-
17 section (j), developing and implementing uniform
18 and consistent policies and procedures that ensure,
19 to the extent practicable, that the investigative or
20 adjudicative process of an authorized investigative
21 agency or authorized adjudicative agency of an em-
22 ployee that believes he or she has been subjected to
23 reprisal under subsection (j) is free from conflict of
24 interest.”; and

25 (2) in subsection (j)(4)(A), by striking “sub-
26 section (b)(7), except that” and all that follows

- 1 through the period at the end and inserting “para-
- 2 graphs (7) and (8) of subsection (b).”.