

United States Senate  
WASHINGTON, DC 20510

October 10, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Merrick Garland  
Attorney General  
U.S. Department of Justice

The Honorable Christopher Wray  
Director  
Federal Bureau of Investigation

Dear Attorney General Garland and Director Wray:

Nearly two years ago, on October 5, 2022, I wrote to the both of you regarding whistleblower disclosures alleging hundreds of Federal Bureau of Investigation (FBI) employees had retired or resigned because of sexual misconduct allegations against them and that they did so in order to avoid accountability.<sup>1</sup> I asked for information pertaining to these protected whistleblower claims of sexual misconduct against its female employees and also asked for data relating to how the FBI held wrongdoing accountable, to include punishment against senior personnel who chose to retire before the investigation into them concluded.<sup>2</sup> The whistleblower disclosures also showed that senior officials were punished less than their subordinates even though they engaged in similar conduct. Shortly thereafter, in November 2022, I made public internal FBI records corroborating the whistleblower disclosures.<sup>3</sup> To date, the Justice Department (DOJ) and FBI have failed to produce the data I requested.

This failure is even more pronounced because of the FBI's public commitments to provide the data. Specifically, the FBI publicly committed to producing this information to me twice. First, when the Associated Press (AP) reported on my letter and asked the FBI for comment and, in response, the FBI "told AP it intended to respond to the oversight committee first."<sup>4</sup> Almost two years later, it has failed to do so. Second, at a December 5, 2023, Senate

---

<sup>1</sup> Senator Charles Grassley, Ranking Member, Senate Judiciary Committee, to Merrick Garland, Attorney General, Department of Justice, and Christopher Wray, Director, Federal Bureau of Investigation, (Oct. 5, 2022)

<https://www.grassley.senate.gov/news/news-releases/internal-memos-rampant-sexual-misconduct-at-fbi-brings-lighter-penalties-for-senior-employees-many-left-before-disciplinary-action>.

<sup>2</sup> *Id.*

<sup>3</sup> Letter from Senator Charles Grassley, Ranking Member, Senate Judiciary Committee, to Michael Horowitz, Inspector General, Department of Justice Office of Inspector General, (Nov. 2, 2022) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_justice\\_deptinspectorgeneralsexualmisconductreview.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_justice_deptinspectorgeneralsexualmisconductreview.pdf).

<sup>4</sup> Eric Tucker & Jim Mustian, *Whistleblower: 665 left FBI over misconduct in two decades*, ASSOCIATED PRESS, (Oct. 6, 2022) <https://apnews.com/article/business-personnel-sexual-misconduct-chuck-grassley-merrick-garland-9ca9ea18036814bdf12e8c62a20e08d9>.

Judiciary Committee oversight hearing, I asked Director Wray about the FBI's failure to respond to my letter.<sup>5</sup> I stated "the FBI's blatant lack of action indicates it isn't taking misconduct against women in the workplace seriously" and asked Director Wray, "why has the FBI failed to provide that very important data to this committee and when will it finally be produced as the FBI told the Associated Press you were going to?"<sup>6</sup> Director Wray responded:

I take...sexual misconduct against our own employees extremely seriously.... As to the responsiveness to your letter, let me follow-up with my team and find out where that stands, but I do want to make sure there's not any confusion—none—about how seriously I take this topic.<sup>7</sup>

I then asked, "Where's the data if that's what you're going to be willing to take so seriously?"<sup>8</sup> Director Wray restated, "I will follow-up with you about your letter."<sup>9</sup> However, to-date the FBI has failed to follow-up. After almost two years, countless staff emails and phone calls, as well as multiple public commitments to provide this information, the FBI has chosen to withhold this information from Congress and has obstructed my inquiry.

Since requesting this data, new information has come to light highlighting the need for FBI transparency in this area. Specifically, one of the documents I publicly released in my November 2022 letter to the DOJ Office of Inspector General (OIG) was a report by the FBI's Office of Disciplinary Appeals (ODA), titled *Retirements and Resignations during Unwelcome Sexual Conduct Adjudications*, in which the ODA investigated the perception of senior FBI managers avoiding discipline through retirement or resignation.<sup>10</sup> The ODA's review was requested by then-Executive Assistant Director of the Human Resources Branch, Jeffery Sallet.<sup>11</sup>

However, it has since been reported that Sallet himself was embroiled in workplace misconduct. Specifically, on May 15, 2024, the DOJ OIG published a memorandum from the Department of Health and Human Services (HHS) OIG to DOJ OIG regarding the

---

<sup>5</sup> Oversight of the Federal Bureau of Investigation, Hearing before the Senate Judiciary Committee, 118 Cong. (Dec. 5, 2023) <https://www.judiciary.senate.gov/committee-activity/hearings/12/05/2023/oversight-of-the-federal-bureau-of-investigation>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* Director Wray also testified that "we have put in place all sorts of new procedures and policies to deal with that and to communicate, in no uncertain terms, how strongly I feel about [sexual misconduct]." However, the FBI's ability to follow its own policies and procedures is unreliable as recently evidenced by the DOJ OIG's August 2024 report titled, *Audit of the Federal Bureau of Investigation's Handling of Tips of Hands-on Sex Offenses Against Children*. See Department of Justice Office of the Inspector General, *Audit of the Federal Bureau of Investigation's Handling of Tips of Hands-on Sex Offenses Against Children*, (Aug. 2024) <https://oig.justice.gov/sites/default/files/reports/24-096.pdf>. (Showing FBI personnel did not follow policy and guidelines at the expense of sexually victimized children).

<sup>8</sup> Oversight of the Federal Bureau of Investigation, Hearing before the Senate Judiciary Committee, 118 Cong. (Dec. 5, 2023) <https://www.judiciary.senate.gov/committee-activity/hearings/12/05/2023/oversight-of-the-federal-bureau-of-investigation>.

<sup>9</sup> *Id.*

<sup>10</sup> Executive Assistant Director Jeffery S. Sallet, *Retirements and Resignations during Unwelcome Sexual Conduct Adjudications*, OFFICE OF DISCIPLINARY APPEALS, (Dec. 23, 2020) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_justice\\_deptinspectorgeneralsexualmisconductreview.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_justice_deptinspectorgeneralsexualmisconductreview.pdf).

<sup>11</sup> *Id.*

“Administrative Investigation of Allegations of...Harassment...Against Former FBI Associate Deputy Director Jeffery Sallet While He Was the Executive Assistant Director of Human Resources During March 2020 to February 2021.”<sup>12</sup> The memo details Sallet commented to a colleague that she could “join [his friend’s] harem;” suggested to a female colleague she attend a conference call with Sallet from his hotel room allegedly making the colleague “uncomfortable[];” repeatedly referred to a news anchor as a female colleague’s boyfriend in the office, allegedly making the colleague uncomfortable; “made a lot of comments about [his female colleague’s] dating life such as who would she date, who did she like, and who does she think is attractive” and made comments about others’ dating life on other occasions as well; stated to a female colleague that someone is disappointed she is not “barefoot and pregnant;” and made “negative comments about [his colleague’s] appearance.”<sup>13</sup> Ultimately, the memo found Sallet “violated DOJ’s ‘Zero Tolerance Policy,’” that “Sallet’s conduct did not adhere to the FBI Ethics and Integrity Program Policy Guide,” and “Sallet’s conduct constituted ‘Unprofessional Conduct – On Duty’ as explained in the FBI Offense Code.”<sup>14</sup>

Apparently, one of the reasons DOJ and its component agencies can’t straighten out their problems of workplace harassment is that the fox is guarding the hen house. The supreme irony of Sallet requesting the ODA’s review of senior officials retiring or resigning to avoid disciplinary action is that “Sallet left the FBI and federal service while this investigation was ongoing.”<sup>15</sup> The issues I raised in my October 5, 2022, letter to the Justice Department and FBI are as timely as ever. Indeed, on September 11, 2024, DOJ OIG issued another report related to misconduct in the office for the same reasons. The report reads, in part, “[t]he OIG investigation substantiated the allegations that the [Assistant Special Agent in Charge] ASAC sexually harassed the [Special Agent] SA.”<sup>16</sup> Like clockwork, the OIG notes that the ASAC “retired while the OIG’s investigation was ongoing.”<sup>17</sup>

I have not been the only one to alert you to this problem. The DOJ OIG addressed the matter with you in a September 2021 report titled, *Review of the Federal Bureau of Investigation’s Adjudication Process for Misconduct Investigations*.<sup>18</sup> The report alerted you that over a two-year period, “60 percent of the time FBI [Office of Professional Responsibility]

---

<sup>12</sup> While the DOJ OIG initiated this investigation, the Department of Health and Human Services OIG “took over the investigation at DOJ OIG’s request due to a potential conflict of interest.” Department of Health and Human Services Office of Inspector General, *Administrative Investigation of Allegations of...Harassment...Against Former FBI Associate Deputy Director Jeffery Sallet While He Was the Executive Assistant Director of Human Resources During March 2020 to February 2021*, MEMORANDUM TO SEAN O’NEILL, DOJ OIG AIG/OVERSIGHT AND REVIEW DIVISION ET AL., (posted to oig.justice.gov on May 15, 2024) <https://oig.justice.gov/sites/default/files/2024-09/foiaroom-24-021.pdf>.

<sup>13</sup> The standard applied in fact finding was a preponderance of the evidence. *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> DOJ OIG, *Investigative Summary: Findings of Misconduct by a Federal Bureau of Investigation Assistant Special Agent in Charge for Sexual Harassment, Making Racially Insensitive Remarks, Making Misrepresentations to Supervisors, Bullying Subordinates, Threatening Subordinates with Retaliation, and Lack of Candor*, REPORT: INVESTIGATIVE SUMMARY 24-105, (Sep. 11, 2024) <https://oig.justice.gov/sites/default/files/reports/24-105.pdf>.

<sup>17</sup> *Id.*

<sup>18</sup> DOJ OIG, *Review of the Federal Bureau of Investigation’s Adjudication Process for Misconduct Investigations*, REPORT 21-127, (Sep. 2021) <https://oig.justice.gov/sites/default/files/reports/21-127.pdf>.

OPR did not document its resolutions of the misconduct matter” for separations under inquiry.<sup>19</sup> The report addressed the FBI’s failure to document substantiation decisions if the employee retires or resigns prior to or during the adjudication process:<sup>20</sup>

Closing without documenting substantiated misconduct in all matters under which an employee separates under inquiry fails to hold accountable former FBI employees who choose to separate while under investigation and empowers those employees to remain with the FBI during the pendency of an OIG or FBI misconduct investigation, knowing they can avoid a substantiation decision (so long as the misconduct does not involve potential dismissal) if they resign or retire prior to FBI OPR issuing its decision or proposal letter.<sup>21</sup>

The DOJ OIG made two recommendations pertaining to this issue.<sup>22</sup> However, after three years and as of the date of this letter, according to the DOJ OIG both recommendations remain open.<sup>23</sup> Additionally, on September 11, 2024, DOJ OIG emailed my staff that they have not accepted the FBI’s resolution of the 2 open recommendations from that report and explained they remain concerned with exceptions that the FBI would like to have for completing investigations post separation.<sup>24</sup> This problem will not go away for the FBI until it fixes its practices in a manner that inspires confidence from the American people. Thus far, it has utterly failed to do so.

But, harassment within the bureau is not the only area needing transparency at the FBI when it comes to sexual misconduct. Sadly, not only does the FBI have a problem dealing with sexual misconduct within its own house, it is also unable to efficiently investigate sexual abuse cases against children. For example, based on legally protected whistleblower disclosures, the FBI is not sufficiently investigating sexual exploitation of children and child sex tourism as investigative priorities. Specifically, the disclosures show that FBI agents do not receive adequate support to enable investigators to succeed. The ones who lose because of FBI and DOJ bureaucratic inefficiencies are victimized children. One FBI document from the Special Agent Advisory Committee states:

The FBI’s [Violent Crimes Against Children] VCAC program does not receive adequate support to enable investigators to succeed. Over the last five years, the average VCAC agent’s caseload has grown from 18 cases and 8 Guardians (26 total investigations) to 38 cases and 18 Guardians (56 total investigations) per agent, resulting

---

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> The two recommendations are to “4. [e]nsure that FBI OPR has the information it needs to adjudicate all cases by ensuring that every FBI misconduct investigation is completed, regardless of whether the subject separates” and “5. [w]rite a memorandum for each misconduct file documenting a substantiation decision and the evidence supporting it in all cases in which an employee separates under inquiry.” *Id.*

<sup>23</sup> DOJ OIG, *Review of the Federal Bureau of Investigation’s Adjudication Process for Misconduct Investigations*, REPORTS, (last accessed Oct. 10, 2024), <https://oig.justice.gov/reports/review-federal-bureau-investigations-adjudication-process-misconduct-investigations>.

<sup>24</sup> Email on file with Comm. staff. It’s my office’s understanding the state of play remains the same.

in an unmanageable workload. As the caseloads have increased, so has the volume of evidence without a corresponding increase in technical assistance or personnel. A January 2024 enhancement of the OPR penalty guidelines specifically targets VCAC investigators and is overly harsh, which has had a chilling effect across the FBI, adding fear and anxiety to personnel who are already overwhelmed.<sup>25</sup>

This is not, however, a recent issue as the FBI's failure to efficiently investigate sexual abuse cases against children stretches back decades. For example, FBI whistleblower Jane Turner, who approached my office many years ago, made public her concerns about a case involving the FBI's cover-up of sex abuse and crimes against children on Native American reservations in 2003 and requested the DOJ "make a referral to an independent agency for a formal investigation into misconduct within the FBI concerning that agency's failure to investigate and prosecute serious crimes against children."<sup>26</sup> Turner, through her attorney, claimed "[w]histleblowers and whistleblower advocates have brought this same issue to the attention of the Department of Justice for at least two decades. If they had listened to us back in the early 2000s, at least dozens of young girls would not have had to endure this trauma."<sup>27</sup> Instead of jumping at the opportunity to improve its own processes, the FBI engaged in a years-long campaign of retaliation against Jane Turner. I even wrote to then-director Mueller in 2007 urging the FBI to take responsibility for the retaliation.<sup>28</sup>

To my frustration, the FBI's tradition of failure has continued as noted in an August 2024 DOJ OIG report titled, *Audit of the Federal Bureau of Investigation's Handling of Tips of Hands-on Sex Offenses Against Children*, which "revealed instances where FBI employees did not comply with relevant law or policy" investigating child sex abuse cases.<sup>29</sup> Evidently, even

---

<sup>25</sup> If this document is not an accurate representation of the state of play, I welcome your explanation.

<sup>26</sup> Kate Reeves, *FBI Mishandled Serious Child and Sex Crimes Years before Nassar, According to 2003 Letter from Whistleblower Attorney*, WHISTLEBLOWER NETWORK NEWS, (May 23, 2024) <https://whistleblowersblog.org/government-whistleblowers/fbi-mishandled-serious-child-and-sex-crimes-years-before-nassar-according-to-2003-letter-from-whistleblower-attorney/>.

<sup>27</sup> *Id.*

<sup>28</sup> Senator Charles Grassley to Robert Mueller, Director, Federal Bureau of Investigation, (Feb. 27, 2007) <https://www.grassley.senate.gov/news/news-releases/fbi-whistleblower-jane-turner>. See also, Grassley, *FBI Whistleblower Jane Turner*, MEMORANDUM FOR REPORTERS AND EDITORS, (Aug. 14, 2007) <https://www.grassley.senate.gov/news/news-releases/fbi-whistleblower-jane-turner>, (Giving background information and comment on Jane Turner, a former child-crime agent for the bureau who suffered retaliation for reporting misconduct by FBI officials.) and Grassley, *Accountability At The FBI, Stolen Item From Ground Zero*, NEWS RELEASE, (Oct. 8, 2002) <https://www.grassley.senate.gov/news/news-releases/accountability-fbi-stolen-item-ground-zero>, (Showing Jane Turner blew the whistle on the FBI to me as early as 2002 and I have fought for her whistleblower rights ever since).

<sup>29</sup> Department of Justice Office of the Inspector General, *Audit of the Federal Bureau of Investigation's Handling of Tips of Hands-on Sex Offenses Against Children*, (Aug. 2024), <https://oig.justice.gov/sites/default/files/reports/24-096.pdf>. I wrote separately to Director Wray concerning this report on September 5, 2024, asking the FBI to provide a briefing on the DOJ OIG's report and for the FBI to provide specific answers and documents related to the report's findings. Senator Charles Grassley to Christopher Wray, Director, Federal Bureau of Investigation, (Sep. 5, 2024) <https://www.grassley.senate.gov/imo/media/doc/grassley-to-fbi-doj-oig-nassar-follow-up.pdf>.



when the FBI implements new policy, it fails to follow its own rules at victims' expense.<sup>30</sup> This decades-long cycle must be broken by accountability and transparency.

Unfortunately, the politicization of the FBI threatens to further inhibit the bureau's ability to handle these cases. For example, based on legally protected whistleblower disclosures, FBI agents have been reassigned from investigating child exploitation and human trafficking cases to January 6 investigations under the Joint Terrorism Task Force (JTTF).<sup>31</sup> According to the disclosure, once the agent was transferred from child sexual abuse cases to January 6 cases, there was so little work to be done that the agent sat "essentially idle for 8 to 9 months" while child sexual abuse cases piled up. Eventually, the agent continued working child exploitation cases because of their importance but logged the hours as JTTF work which allegedly was the requirement.<sup>32</sup> It's been alleged by one agent that the ASAC of his office told him "child sexual abuse material investigations were no longer an FBI priority...."<sup>33</sup> I say, *tell that to the victims*. One thing is certain, the FBI will not be able to remedy its many failings in this area if it treats sexual abuse against children as a non-priority.<sup>34</sup>

The FBI must hold itself accountable to the American people. Instead, the FBI has refused to provide data I requested concerning the FBI's inability to protect employees from sexual harassment and has further shown that it cannot follow its own rules to enforce the law to protect children from sex crimes. Accordingly, no later than October 24, 2024, provide answers to the following questions:

1. Provide all data responsive to my 21 requests listed in my October 5, 2022, letter and explain why the FBI has failed to produce these records<sup>35</sup> for almost two years.

---

<sup>30</sup> For example, in one of the cases from the August 2024 report, a minor was needlessly victimized for 15 months because the FBI neither took appropriate investigative action for over one year nor referred the case to local law enforcement even after the FBI opened an investigation based on an allegation a registered sex offender committed hands-on abuse. Once the OIG raised this information to the FBI, "the subject was indicted on federal charges of Production of Child Pornography, a Felony Offense Involving a Minor Committed by a Sex Offender, and Possession of Child Pornography." This criminal could have been stopped much sooner had FBI personnel done their duty. This is absolutely unacceptable. Department of Justice Office of the Inspector General, *Audit of the Federal Bureau of Investigation's Handling of Tips of Hands-on Sex Offenses Against Children*, (Aug. 2024), <https://oig.justice.gov/sites/default/files/reports/24-096.pdf>.

<sup>31</sup> The whistleblower disclosures noted that the hours were logged into the Time Utilization Recordkeeping (TURK) system, which requires predetermined mandatory hours per investigative effort per field office.

<sup>32</sup> Declaration of Stephen M. Friend, FBI Whistleblower, to Senator Charles Grassley, Ranking Member, Senate Judiciary Committee, Enclosed in a Letter from Senator Grassley, Ranking Member, Senate Judiciary Committee, to Merrick Garland, Attorney General, Department of Justice, and Christopher Wray, Director, Federal Bureau of Investigation, (September 26, 2022) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_doj\\_fbi\\_stephen\\_friend.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_fbi_stephen_friend.pdf).

<sup>33</sup> *Id.*

<sup>34</sup> Concerningly, when this whistleblower raised concerns to his superiors about breaches of FBI policy and procedure in domestic terrorism assessments and investigations, the FBI retaliated against him by placing him on Absent Without Leave status, taking away his badge, gun, and suspending his clearance. I wrote to you about this issue. When the FBI did respond, the letter didn't even mention him by name, yet purported to respond to my and Senator Johnson's letter about him. Prepared Senate Floor Statement by U.S. Senator Chuck Grassley, Ranking Member, Senate Judiciary Committee, *The Continuing Justice Department and FBI Failure to Respond to Congressional Oversight*, (Nov. 30, 2022) <https://www.grassley.senate.gov/news/remarks/the-continuing-justice-department-and-fbi-failure-to-respond-to-congressional-oversight>.

<sup>35</sup> "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports,

2. Since the December 5, 2023, Senate Judiciary Committee oversight hearing when you testified that you'd work to produce responsive data to me, what steps have you taken to do so? Describe in detail.
3. What disciplinary action did the FBI take against Jeffery Sallet considering the HHS OIG memo? If none, why none? Is Sallet currently collecting his federal pension or other retirement benefits? Did he receive a monetary bonus while under inquiry or investigation?
4. What disciplinary action did the FBI take against the ASAC in the September 11, 2024, Investigative Summary? If none, why none? Is that ASAC currently collecting their pension or other retirement benefits? Did he receive a monetary bonus while under federal inquiry or investigation?
5. What steps have you taken, or do you plan to take, to close recommendations 4 and 5 of the DOJ OIG's September 2021 report? Provide all records and explain why each recommendation has been open for over three years.
6. What steps have you taken, or do you plan to take, to ensure FBI agents are able to adequately perform their investigative duties in child sexual abuse and trafficking investigations? Provide all records.
7. After January 6, how many FBI agents were reassigned from investigating child exploitation and human trafficking cases to January 6 investigations? In your answer, list each agent by field office.
8. For the last five years, broken down by year and field office, provide:
  - a. The number of Guardian leads the FBI has received with an element of child sexual abuse or trafficking.
  - b. The number of assessments, and preliminary or full investigations opened with an element of child sexual abuse or trafficking.
  - c. The number of FBI agents assigned to work on cases with an element of child sexual abuse or trafficking.
  - d. The number of FBI agents who were transferred from a position of investigating cases with an element of child sexual abuse or trafficking to other positions which did not investigate those cases.
9. For the last five years, broken down by year, provide:

---

notes, electronic data (emails, email attachments, and any other electronically created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (regardless whether they resulted in final documents).

- a. The number of investigations that contain an element of child sexual abuse or trafficking which ended with:
    - i. Conviction/sentence,
    - ii. Acquittal,
    - iii. Case dismissal,
    - iv. Administrative closure without conviction,
    - v. Remain open.
  - b. The number of investigations referred to state, local, tribal, and territorial law enforcement which ended with:
    - i. Conviction/sentence,
    - ii. Acquittal,
    - iii. Case dismissal,
    - iv. Administrative closure without conviction,
    - v. Remain open.
10. List the time utilization and recordkeeping hours for every field office for the last five years for cases involving child sexual abuse or trafficking.
11. Recommendation 11 on the DOJ OIG's August 2024 report is to "[i]mplement a comprehensive training program specific to the [Crimes Against Children and Human Trafficking] CAC/HT program for both current and future agents, task force officers, and other FBI employees assigned to this program."
- a. Provide the curriculum for the "Crimes Against Children Basic Investigator" course which the FBI told the DOJ OIG it developed.
  - b. Provide the curriculum for the training program for supervisors which the FBI told the DOJ OIG it is developing.
  - c. Explain why the FBI did not develop these programs until recently.

Thank you for your prompt attention to this matter. Should you have any questions, please contact Jace Pimentel of my Committee staff at (202) 224-0624.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget