

**Statement of Senator Patrick Leahy (D-Vt.),
Ranking Member, Senate Judiciary Committee,
On the Federal Bureau of Investigation Whistleblower Protection
Enhancements Act of 2016
April 14, 2016**

Senator Grassley and I both believe that whistleblowers play an essential role in providing transparency and accountability in the Federal government. That is why we worked closely together to author the FBI Whistleblower Protection Enhancements Act being considered today. This legislation will help protect FBI employees who report wrongdoing at the agency and shields them from unjust retaliation.

Our bipartisan legislation is long overdue. We have heard of numerous instances in which FBI employees who report waste, fraud, or abuse were not afforded whistleblower protections. This has to change.

Our bill extends to FBI employees the same level of protection that is afforded other federal employees who speak out about waste, fraud, or abuse. Our legislation closely tracks the protections contained in the Whistleblower Protection Act. Importantly, we extend these protections to FBI employees who report waste, fraud, or abuse to supervisors in their chain of command. This common sense fix is crucial to protect those employees who dare to speak up and report concerns to their superiors.

The bill also provides clear guidance on the investigation and adjudication of retaliation claims. Investigations will now be handled solely by the Office of Inspector General for the Department of Justice, rather than sharing this responsibility with the Office of Professional Responsibility. This will provide much needed clarity and consistency in the process. Contested cases will now be adjudicated by Administrative Law Judges instead of by the Office of Attorney Recruitment and Management. Under this new process the Administrative Procedures Act will apply, ensuring a hearing on the record and strong procedural protections for all parties.

We have received many letters of support for this legislation from former FBI whistleblowers who faced retaliation and had their careers derailed for reporting wrongdoing. Our bill has also been endorsed by nearly thirty organizations that advocate for transparency, accountability and strong whistleblower protections.

I urge the Committee to pass this important bipartisan legislation, and hope the full Senate will follow suit. We must ensure that FBI employees are able to blow the whistle and not face repercussions for doing so.

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