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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

GABRIELLE A. BATKIN, STAFF DIRECTOR
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November 20, 2014

The Honorable Christine E. Wormuth
Under Secretary of Defense for Policy
U.S. Department of Defense
1400 Defense Pentagon
Washington, DC 20301-1400

Dear Ms. Wormuth:

The ability of federal employees to report waste, fraud, and abuse is essential for good government and for the protection of taxpayer dollars. For this reason, Congress has enacted laws that protect federal employees that act as whistleblowers from retaliation.¹ These laws also protect whistleblowers that report concerns to Congress, including express protections for federal employees who provide information to Congress.²

I was therefore concerned to find that your office has issued a policy that would appear to contravene these protections. I recently reviewed Standard Operating Procedure 5.15.1, issued on January 7, 2013, which states that all contact with Members of Congress or their staff requires approval by you or the Office of Legislative Affairs. The policy does not provide any exception for disclosures to Congress that are protected by law.

I request that you provide the Subcommittee with an explanation as to how this policy does not violate the law. In the alternative, I request that your office reissue the policy with appropriate language clearly stating that it does not apply to protected disclosures to Congress and to provide the Subcommittee with a copy of the updated policy. I request that this information be provided as soon as possible, but in no case later than **December 5, 2014**.

The jurisdiction of the Subcommittee on Financial and Contracting Oversight is set forth in Senate Rule XXV clause 1(k); Senate Resolution 445 section 101 (108th Congress); and Senate Resolution 64 (113th Congress).

¹ See 5 U.S.C. § 2302(b)(8).

² 5 U.S.C. § 7211.

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Please contact Sarah Garcia at (202) 224-7155 with any questions. Please send any official correspondence relating to this request to Kelsey_Stroud@hsgac.senate.gov.

Sincerely,



Claire McCaskill
Chairman
Subcommittee on Contracting Oversight

cc: Ron Johnson
Ranking Member
Subcommittee on Contracting Oversight