



PRINCIPAL DEPUTY UNDER SECRETARY
OF DEFENSE
2100 DEFENSE PENTAGON
WASHINGTON, DC 20301-2100

DEC - 4 2014

POLICY

The Honorable Claire McCaskill
Chairman
Subcommittee on Contracting Oversight
Committee on Homeland Security and Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, D.C. 20510-6250

Dear Madam Chairman:

I am replying on behalf of the Under Secretary of Defense for Policy to your letter of November 20, 2014, regarding whistleblower protections in conjunction with Standard Operating Procedure (SOP) 5.15.1 issued by the Office of the Under Secretary of Defense for Policy. We appreciate your interest in this matter.

Let me assure you that this internal SOP was never intended to contravene any of the protections provided by law to potential whistleblowers; nor was it intended to discourage the filing of complaints in any fashion. We will review this SOP promptly, with an eye toward clarifying that it does not alter existing employee obligations, rights or liabilities relating to communications with Congress or any other whistleblower protection.

My office will provide to you a copy of the revised SOP as soon as it is completed.

Sincerely,

A handwritten signature in blue ink that reads "Brian P. McKeon".

Brian P. McKeon

cc:
Senator Johnson, Ranking Member



THOMAS R. CARPER, DELAWARE, CHAIRMAN

CARL LEVIN, MICHIGAN
MARK L. BRYOR, ARKANSAS
MARY L. LANDRIEU, LOUISIANA
CLAIRE M. CASKILL, MISSOURI
JON TESTER, MONTANA
MARK BEGICH, ALASKA
TAMMY BALDWIN, WISCONSIN
HEIDI HEITKAMP, NORTH DAKOTA

TOM COBURN, OKLAHOMA
JOHN MCCAIN, ARIZONA
RON JOHNSON, WISCONSIN
ROB PORTMAN, OHIO
RAND PAUL, KENTUCKY
MICHAEL B. ENZI, WYOMING
KELLY AYOTTE, NEW HAMPSHIRE

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

GABRIELLE A. BATKIN, STAFF DIRECTOR
KEITH B. ASHDOWN, MINORITY STAFF DIRECTOR

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 I(k); Senate Resolution 445 section 101 (108th Congress); and Senate Resolution 64 (113th Congress).

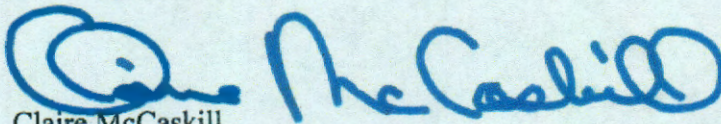
¹ See 5 U.S.C. § 2302(b)(8).

² 5 U.S.C. § 7211.

The Honorable Christine E. Wormuth
November 20, 2014
Page 2

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