



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

The Honorable Charles E. Grassley
Ranking Member
Committee on the Budget
United States Senate
Washington, DC 20510

Dear Senator Grassley:

This responds to your letter to the Department of Justice (Department), dated May 29, 2024, regarding the Management Advisory Memorandum (MAM) that was issued by the Department's Office of the Inspector General (OIG) regarding the Department's compliance with whistleblower protections for employees with a security clearance. The MAM discussed the Department's compliance with 50 U.S.C. § 3341 and the Director of National Intelligence's Security Executive Agent Directive 9 (SEAD 9), which provide protections for federal employees who allege their security clearances have been suspended, revoked, or denied in retaliation for making a legally protected whistleblower disclosure.

Whistleblowers play an important role within the Department, the federal government, and the public. By coming forward with evidence of waste, fraud, abuse, and misconduct, whistleblowers improve government operations and strengthen the public's trust in our institutions. The Department is committed to addressing and implementing the OIG recommendations in the MAM and ensuring that all Department managers and supervisors create an environment that is supportive of lawful whistleblowing.

In furtherance of that commitment, Department policies are currently being revised to address the issues identified by the Inspector General as well as other necessary updates to ensure consistency with 50 U.S. C. § 3341. In addition, on June 7, 2024, the Department's Assistant Attorney General for Administration issued interim guidance to the leaders of Department bureaus and all heads of Department components to make clear that employees have a right to file an appeal of their security clearance suspension with the OIG if the suspension lasts longer than one year and the employee believes the suspension was in retaliation for protected whistleblowing activity (Interim Guidance).¹

¹ We are enclosing a copy of the Interim Guidance.

First, the Interim Guidance requires every Department bureau with delegated security clearance authority (i.e., the Bureau of Alcohol, Tobacco, Firearms, and Explosives; the Bureau of Prisons; the Drug Enforcement Administration; the Federal Bureau of Investigation; and the U.S. Marshals Service (collectively the Bureaus with Delegated Authority)) to immediately notify any employee who has had a security clearance suspended, that if the security clearance suspension lasts longer than one year, they may appeal to the OIG if they believe the suspension was in retaliation for a protected whistleblower disclosure. The Justice Management Division (JMD) has made these same notifications to employees within components that do not have delegated security clearance authority.

Second, the Interim Guidance directs the Bureaus with Delegated Authority to promptly undertake an assessment of positions within their bureaus to which employees with suspended security clearances appropriately could be assigned, and to assign them to one of those positions if it is feasible to do so during the security clearance suspension. JMD will work with components that do not have delegated security clearance authority to undertake this same assessment.

Finally, the Interim Guidance requires the Bureaus with Delegated Authority to provide notice and a written justification to JMD to continue an employee on an indefinite suspension beyond six months.

The Department will continue to work expeditiously to address and implement the OIG recommendations in the MAM, including revising DOJ Instruction 1700.00.01 to ensure consistency with 50 U.S.C. § 3341(j)(4) and SEAD 9.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

**CARLOS
URIARTE** Digitally signed by
CARLOS URIARTE
Date: 2024.06.12
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Carlos Felipe Uriarte
Assistant Attorney General

Enclosure

cc:

The Honorable Sheldon Whitehouse
Chairman
Committee on the Budget
United States Senate
Washington, DC 20510