**NWC** |NATIONAL WHISTLEBLOWER CENTER **1875 Connecticut Ave. NW, 10th Fl, Washington, D.C. 20009 | (202) 342-1903 | www.whistleblowers.org**

May 23, 2019

The Honorable William P. Barr

Attorney General

Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

Director Christopher A. Wray

Federal Bureau of Investigation

935 Pennsylvania Avenue, NW

Washington, D.C. 20535

**RE: Priority Open Recommendations at the Department of Justice**

**Federal Bureau of Investigation (FBI) Whistleblower Retaliation Complaints**

Dear Attorney General William P. Barr and Director Christopher Wray,

The Federal Bureau of Investigations (FBI) has not implemented four separate priority recommendations made by the U.S. Government Accountability Office (GAO) over four years ago concerning whistleblower retaliation complaints. Given the critical role that whistleblowers play in helping FBI address wrongdoing and succeed with its mission, **we urge the FBI to immediately update its regulations to implement the GAO recommendations.**

In a April 10, 2019, letter to you entitled Priority Open Recommendations: Department of Justice ([GAO-19-361SP](https://www.gao.gov/assets/700/698610.pdf)), Gene L. Dodato, the Comptroller General of the United States, states:

**Federal Bureau of Investigation (FBI) Whistleblower Retaliation Complaints.** We have four priority recommendations in this area. In January 2015, we recommended improvements to DOJ’s handling of FBI whistleblower retaliation complaints to help FBI whistleblowers ensure that they are fully protected from retaliation and enhance DOJ’s accountability. … DOJ concurred with each of these recommendations but, as of April 2019, has not updated its regulations to provide clarity, given complainants timeframes for returning decisions, developed an oversight mechanism to ensure compliance with requirements, or assessed the impact of efforts to reduce the duration of complaints or requirements.

Note that the four recommendations pertaining to FBI whistleblower retaliation complaints, as well as the specific actions needed now, can be found in full on pages 6-7 of the GAO’s letter.

The National Whistleblower Center is a non-partisan, nonprofit organization that has worked for over thirty years to promote whistleblower rights and protections through a variety of avenues, including litigation, legislative advocacy, and public education. The National Whistleblower Center has amassed extensive research, as well as statements from top law enforcement officials, showing that those with information about fraud, corruption, and other criminal behavior must have legal avenues to bring to light those abuses without fear of retaliation. **The law provides for FBI employees to make protected disclosures without retaliation; the practical reality must, as well.**

Whistleblower retaliation complaints highlight ongoing, systemic problems in the FBI’s handling of protected disclosures, which can and should be immediately rectified in accordance with GAO recommendations. In order for an FBI employee to make a protected disclosure, they must know whom to give that information to in a legal manner. Additionally, transparency about the process for the whistleblower themselves, including a decision timeframe regarding the complaint, is crucial for an effective system. Finally, FBI leadership must put oversight functions in place to internally monitor these issues.

The NWC urges the DOJ and FBI to rectify its failure to implement the GAO recommendations and to act promptly to protect whistleblowers.

Sincerely,



John Kostyack

Executive Director

National Whistleblower Center



Maya Efrati

Policy Counsel

National Whistleblower Center