\$0.29b Reporting allegations of waste, fraud, or abuse.

Employees shall report evidence and non-frivolous allegations of waste, fraud, or abuse relating to the programs and operations of the Department to the OIG or to a supervisor for referral to the OIG.

§0.29c Reporting allegations of employee misconduct.

(a) *Reporting to the OIG.* Evidence and non-frivolous allegations of criminal wrongdoing or serious administrative misconduct by Department employees shall be reported to the OIG, or to a supervisor or a Department component's internal affairs office for referral to the OIG, except as provided in paragraph (b) of this section.

(b) Reporting to the Department's Office of Professional Responsibility (DOJ-OPR). Employees shall report to DOJ-OPR evidence and non-frivolous allegations of serious misconduct by Department attorneys that relate to the exercise of their authority to investigate, litigate, or provide legal advice. Employees shall also report to DOJ-OPR evidence and non-frivolous allegations of serious misconduct by Department law enforcement personnel that are related to allegations of misconduct by a Department attorney that relate to the exercise of the attorney's authority to investigate, litigate, or provide legal advice.

(c) Reporting to the Drug Enforcement Administration Office of Professional Responsibility (DEA-OPR). Evidence and non-frivolous allegations of serious misconduct by employees of the Drug Enforcement Administration (DEA) shall be reported by the OIG to the Drug Enforcement Administration Office of Professional Responsibility (DEA-OPR) or to the Deputy Attorney General.

(d) Reporting to the Federal Bureau of Investigation Office of Professional Responsibility (FBI-OPR). Evidence and non-frivolous allegations of serious misconduct by employees of the Federal Bureau of Investigation (FBI) shall be reported by the OIG to the FBI-OPR except as provided in §0.29d of this sub28 CFR Ch. I (7–1–08 Edition)

part, or to the Deputy Attorney General.

[Order No. 2167-98, 63 FR 36847, July 8, 1998, as amended by Order No. 2492-2001, 66 FR 37903, July 20, 2001]

§0.29d Whistleblower protection for FBI employees.

(a) Protected disclosures by FBI employees. Disclosures of information by an FBI employee that the employee reasonably believes evidences a violation of any law, rule, or regulation, or mismanagement, gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety are protected disclosures when they are reported as provided in §27.1 of this chapter. Any office or official (other than the OIG or DOJ-OPR) receiving a protected disclosure shall promptly report such disclosure to the OIG or DOJ-OPR. The OIG or DOJ-OPR may refer such allegations to FBI Inspection Division (FBI-INSD) Internal Investigations Section for investigation unless the Deputy Attorney General determines that such referral shall not be made.

(b) Allegations of retaliation against FBI employees. Allegations of retaliation against an employee of the FBI who makes a protected disclosure shall be reported to the OIG, DOJ-OPR, or the Deputy Attorney General.

[Order No. 2167–98, 63 FR 36847, July 8, 1998, as amended by Order No. 2492–2001, 66 FR 37903, July 20, 2001; Order No. 2926–2008, 73 FR 1494, Jan. 9, 2008]

§0.29e Relationship to other departmental units.

(a) The OIG works cooperatively with other Department components to assure that allegations of employee misconduct are investigated by the appropriate entity:

(1) The OIG refers to DOJ-OPR allegations of misconduct within DOJ-OPR's jurisdiction and may refer to another component the investigation of an allegation of misconduct on the part of an employee of that component;

(2) The OIG may refer to a Department component's internal affairs office allegations of misconduct within that office's jurisdiction or may investigate such allegations on its own;