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5 U.S. Code § 2303 - Prohibited personnel practices in the Federal Bureau of Investigation

U.S. Code

Notes

Authorities (CFR)

(a) Any employee of the Federal Bureau of Investigation who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to an employee in, or applicant for, a position in the Bureau as a reprisal for a disclosure of information—

(1) made—

- (A)** in the case of an employee, to a supervisor in the direct chain of command of the employee, up to and including the head of the employing agency;
- (B)** to the Inspector General;
- (C)** to the Office of Professional Responsibility of the Department of Justice;
- (D)** to the Office of Professional Responsibility of the Federal Bureau of Investigation;
- (E)** to the Inspection Division of the Federal Bureau of Investigation;
- (F)** as described in section 7211;
- (G)** to the Office of Special Counsel; or
- (H)** to an employee designated by any officer, employee, office, or division described in subparagraphs (A) through (G) for the purpose of receiving such disclosures; and

- (2)** which the employee or applicant reasonably believes evidences—
 - (A)** any violation of any law, rule, or regulation; or
 - (B)** gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

For the purpose of this subsection, “personnel action” means any action described in clauses (i) through (x) of section 2302(a)(2)(A) of this title with respect to an employee in, or applicant for, a position in the Bureau (other than a position of a confidential, policy-determining, policymaking, or policy-advocating character).

- (b)** The Attorney General shall prescribe regulations to ensure that such a personnel action shall not be taken against an employee of the Bureau as a reprisal for any disclosure of information described in subsection (a) of this section.
- (c)** The President shall provide for the enforcement of this section in a manner consistent with applicable provisions of sections 1214 and 1221 of this title.
- (d)**

(1) An employee of the Federal Bureau of Investigation who makes an allegation of a reprisal under regulations promulgated under this section may appeal a final determination or corrective action order by the Bureau under those regulations to the Merit Systems Protection Board pursuant to section 1221.

(2) If no final determination or corrective action order has been made or issued for an allegation described in paragraph (1) before the expiration of the 180-day period beginning on the date on which the allegation is received by the Federal Bureau of Investigation, the employee described in that paragraph may seek corrective action directly from the Merit Systems Protection Board pursuant to section 1221.

(Added Pub. L. 95-454, title I, § 101(a), Oct. 13, 1978, 92 Stat. 1117; amended Pub. L. 101-12, § 9(a)(1), Apr. 10, 1989, 103 Stat. 34; Pub. L. 114-302, § 2, Dec. 16, 2016, 130 Stat. 1516; Pub. L. 117-263, div. E, title LIII, § 5304(a), Dec. 23, 2022, 136 Stat. 3250.)

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