

# NWC | NATIONAL WHISTLEBLOWER CENTER

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*By Email: [request.schedule@nara.gov](mailto:request.schedule@nara.gov)*

National Archives and Records Administration  
8601 Adelphi Road  
College Park, MD 20740-6001

**RE: DAA-0048-2015-0003**

To Whom It May Concern,

This letter is written on behalf of the National Whistleblower Center regarding the Department of Interior Records Request for Records Disposition Authority, Records Schedule Number DAA-0048-2015-0003 (herein referred to as “records destruction request”). **The National Whistleblower Center strongly encourages the National Archives and Records Administration (NARA) to deny this request.** The National Whistleblower Center is particularly concerned with the inclusion of the Fish and Wildlife Service, the Office of the Secretary, and the Office of the Inspector General, all as part of the Department of Interior, in this request. The National Whistleblower Center considers this proposed change to be detrimental to the values of transparency and accountability within the Department of Interior. As such, and for the reasons explained below, the National Whistleblower Center believes that the records destruction request should be not be granted.

The National Whistleblower Center is a non-partisan, nonprofit 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 is deeply involved in efforts to fight illegal wildlife trafficking by incentivizing whistleblowers to come forward with information to appropriate law enforcement authorities through its Global Wildlife Whistleblower Program. This initiative both requires and encourages transparency and accountability in these three relevant offices in the Department of Interior, as well as other relevant agencies. In 2016, the National Whistleblower Center won a Grand Prize and the People’s Choice Award in the Wildlife Crime Tech Challenge, an initiative of USAID in partnership with the National Geographic Society, the Smithsonian Institution, and TRAFFIC. The Challenge was incorporated in the implementation of the National Strategy for Combatting Wildlife Trafficking, which is included in the Eliminate, Neutralize, and Disrupt (END) Wildlife Trafficking Act signed by President Obama in October 7, 2016, and is consistent with President Trump’s Executive Order No. 13773 (Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking), signed on February 9, 2017.

The funds awarded by USAID through the Challenge allowed the National Whistleblower Center to proactively work to educate and raise awareness of the opportunities for whistleblowers to play a role by assisting law enforcement in halting illegal wildlife trafficking, as provided by law.

As the Department of Interior has jurisdiction over the implementation of several crucial wildlife conservation laws, including such laws with whistleblower provisions, the National Whistleblower Center is deeply concerned with any substantial reduction in its obligations of recordkeeping as a conduit towards greater transparency and accountability. The National Whistleblower Center is specifically troubled that the records destruction request includes A) marine issues, including fishing and conservation, B) endangered species issues, and C) the timber trade. Note that all three of these topics are incorporated in laws which also include whistleblower protection and reward provisions, which motivate those with information to assist law enforcement agents in investigating, prosecuting, and punishing crime which would otherwise be unreported.

The roles of the Fish and Wildlife Service, the Office of the Secretary, and the Office of the Inspector General work in tandem at the Department of Interior to ensure that not only are the current laws and mandates followed, but that it is done effectively. These offices require sufficient keeping and archiving of documentation in order to safeguard the work of the Department of Interior in enforcing the laws on fisheries and marine fishing, endangered species, and timber trade. Indeed, the role of the Office of Inspector General as an internal audit and accountability mechanism for the Department of Interior relies on such documentation, while the Office of the Secretary is mandated by laws, including those on wildlife whistleblowing as noted above, to produce documents which facilitate such accountability and transparency on the actions of the Department of Interior. It would not be possible for the three entities to fulfill their tasks to ensure that the laws are enforced effectively and efficiently to the greatest extent possible with the risk of documentation being discarded if this records destruction request is granted.

Once destroyed, such records can never be accessible; as a result, the continued maintenance of such records is critical. Granting such a request would include too much risk and facilitate a lack of accountability in these offices, and the National Whistleblower Center strongly encourages the National Archives and Records Administration to deny it.

Moreover, recent events have demonstrated that the Department of Interior should be focused on increased, rather than decreased, recordkeeping, including as done with the National Archives and Records Administration. The Government Accountability Office, which serves as the government's internal audit institution, recently examined these very laws through its report titled, "Combating Wildlife Trafficking: Opportunities Exist to Improve the Use of Financial Rewards", publicly released May 8, 2018. The report examined the wildlife whistleblower reward provisions under the mandate of both the Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration (under the Department of Commerce). The GAO found significant areas for improvement in the implementation of existing laws with wildlife whistleblower reward provisions, and made seven recommendations.

It is notable that four of those recommendations were directed at the Department of Interior's Fish and Wildlife Service. This includes recommendations to track and document information (Rec. 1), specify and codify factors used (Rec. 3), and review the effectiveness of the agency's work to implement changes which would improve usefulness (Rec. 6). The GAO's determination is that current record-keeping practices and the use of effective practices are currently insufficient to comply with existing laws and best practices, and as a result require strengthening. Furthermore, in order to comply with the GAO recommendations, which the Department of Interior's Fish and Wildlife Service concurred (see GAO-18-297), the Fish and Wildlife Service, as well as the Office of the Secretary and the Office of the Inspector General, will require ongoing access to and ability to review a wide array of these documents. As a result, the Department of Interior request to the National Archives and Records Administration would be clearly deleterious and counter-productive to both these specific goals and to the underlying foundational importance of prioritizing best practices for transparency and accountability.

In conclusion, the National Whistleblower Center affirms its strong opposition to the Department of Interior Records Request for Records Disposition Authority, Records Schedule Number DAA-0048-2015-0003, and encourages the National Archives and Records Administration to deny this request.

Sincerely,



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Executive Director  
National Whistleblower Center



Scott A. Hajost  
Managing Director  
Global Wildlife Whistleblower Program  
National Whistleblower Center



Maya Efrati  
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