
From: Kolodziej, Kerry (NHTSA)
Sent: Friday, May 26, 2017 3:04 PM
To: Stephen Kohn
Cc: p.lyons@whistleblowers.org
Subject: RE: VIOLATION OF LAW - FAST Whistleblower Rules - Immediate Action Needed

Mr. Kohn:

Thank you for your email regarding the FAST Act's whistleblower provisions. We are conscious of the statutory deadline for promulgating regulations, which have not yet been issued. At this time, we cannot provide a specific date by which a rule will be published. We have received the proposal contained in your June 26, 2016 submission and plan to include your submission in the docket, once opened.

We note that the statutory provisions are in effect. Whistleblowers may submit information to NHTSA, and whistleblowers are afforded the protections contained in 49 U.S.C. § 30172(f). Furthermore, a whistleblower may receive an award prior to the promulgation of the regulations. See Pub. L. 114-94, § 24352(b), 129 Stat. 1720 (2015).

We appreciate your interest in this important issue.



Kerry Kolodziej

Acting Assistant Chief Counsel for

Litigation & Enforcement

Department of Transportation

National Highway Traffic Safety Administration

1200 New Jersey Avenue SE., Washington, DC 20590

From: Stephen Kohn
Sent: Wednesday, May 24, 2017 12:34 AM
To: Sharif, Shomaila (OST);
Cc: ; Hemsley, Jay (OST); Stephen Kohn; Ashley Binetti
Subject: Re: VIOLATION OF LAW - FAST Whistleblower Rules - Immediate Action Needed

Dear Secretary of Transportation:

Please see the below email regarding the whistleblower rules for auto safety.

We have not seen any notice of any proposed rule, interim rule, or final rule regarding the whistleblower law. Also, no one from your office ever contacted us and requested a meeting or any form of input/discussion regarding the detailed rules proposal we submitted.

As you know, the deadline for publishing rules under the FAST whistleblower program has expired. We are concerned that the Department of Transportation is in violation of the law, and that the department is hostile to whistleblowers.

Please let me know within 72 hours whether or not a rule has been published and/or the date for which the rule will be published.

For your information, please see the following three attachments:

A. A letter we wrote to the Secretary of Transportation regarding the whistleblower law and the requirement that rules be enacted:

<http://www.whistleblowers.org/storage/docs/autosaftey/final-dot-rulemaking-letter.pdf>;

B. Our proposed rules:

<http://www.whistleblowers.org/storage/docs/BlogDocs/blog2016/final-dot-whistleblower-%20regulations%20.pdf>.

C. We are also attaching a link to the FAST Act. It does appear as if the DOT is now in violation of this law as it relates to the enactment of whistleblower rules (see SEC. 24351) :

<http://www.whistleblowers.org/storage/docs/BlogDocs/blog2016/fast%20act%20text.pdf>.

We look forward to hearing from you by Close of Business on Thursday, May 25, 2017. If we do not hear from you by that date we will assume that the DOT will not issue the required regulations, and we will seek an alternative remedy to this issue,

Sincerely yours,
Stephen M. Kohn | Executive Director

National Whistleblower Center

3238 P Street NW, Washington, DC 20007

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in partnership with the National Geographic Society, the Smithsonian Institution, and TRAFFIC.*