



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-804-7000

July 23, 2019

Mr. Joe B. Nye
OMB Policy Analyst
Office of Management and Budget
Office of Information and Regulatory Affairs
New Executive Office Building
Washington, DC 20503

VIA email: Joseph_B_Nye@omb.eop.gov

Dear Mr. Nye:

The U.S. Office of Special Counsel (OSC) seeks an emergency review of the Paperwork Reduction Act requirements for OSC's updated Form 14 to enable OSC to pursue its mission.¹ Pursuant to 5 CFR 1320.13, this letter requests emergency processing within five (5) days from the date of publication of the Federal Register Notice. This emergency processing is essential to allow timely integration of Form 14 with OSC's new electronic case management system (eCMS), which has an August 26, 2019 "go live" date. As described in more detail below, Form 14 was previously approved by OMB, but some updates were necessary due to statutory changes. There is no change in the information OSC is collecting.

The Notice of Paperwork Submission (copies enclosed) proposed for immediate Federal Register publication explains the burden of the collection requirements and invites public comment on them. OSC originally published Form 14 in October 2016 and received no comments. OMB approved Form 14 (OMB Control # 3255-0005) on September 28, 2017, and, accordingly has already provided stakeholders with the requisite notice. On July 11, 2017, OSC indefinitely postponed Form 14's effective date. *See* Federal Register Notice 82 FR 32447 (copy attached). The updated Form 14 for which OSC seeks emergency processing does not impose any burden different from that in previously-approved Form 14.

¹ The U.S. Office of Special Counsel (OSC) is a permanent independent federal investigative and prosecutorial agency. OSC's basic authorities come from four federal statutes: The Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing.

U.S. Office of Special Counsel

Mr. Joe B. Nye

July 23, 2019

Page 2 of 4

Background:

OSC must meet mandates to convert to an all-electronic recordkeeping system by December 31, 2019. *See* Presidential Memorandum, “Managing Government Records, November 11, 2011, 76 Fed. Reg. 75421, (Dec. 1, 2011); Records Management Directive M-12-18, Office of Mgmt. & Budget and National Archives and Records Administration, Exe. Office of the President, (Aug. 24, 2012). OSC must also meet mandates to make data-driven decisions about how best to accomplish its mission. *See* the Government Performance and Results Act (GPRA) of 1993; Government Performance and Results Modernization Act of 2010; Report of the Committee on Homeland Security and Governmental Affairs U.S. Senate to Accompany H.R. 2142; OMB Circular A-11, Section 270.1 (2016). To meet these Congressional, Presidential, and OMB mandates, and fulfill OSC’s mission, contractors have been working to create an electronic case management system for OSC which is to roll out on August 26, 2019. The submission of complaints through Form 14 is essential to OSC’s implementation of its electronic case management system, which is required for OSC to comply with these mandates and to be able to fulfill its mission.

OSC determined that creating a consolidated electronic filing form for complaints and disclosures is necessary to integrate electronic complaint, disclosure, and advisory request submissions with OSC’s new eCMS. Accordingly, OSC created the dynamic Form 14 to replace previously-approved Forms 11, 12 and 13. Form 14 was approved in 2017 (OMB Control # 3255-0005), and OSC is now proposing to make updates to the approved form based on changes in the law.

The updated Form 14 does not increase the burden on other agencies or members of the public from the burden of Form 14 as previously approved. The substantive updates to Form 14 reflect two statutory changes, and complainants have already been able to bring those claims to OSC. Specifically, Congress authorized whistleblowers to disclose to OSC “censorship related to scientific research” in the Whistleblower Protection Enhancement Act. And Congress amended 5.U.S.C. § 2302(b) to add a fourteenth prohibited personnel practice (“(14) access the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in paragraphs (1) through (13).”). Accordingly, OSC has no discretion to omit these additional bases for complaints from the updated Form 14.

Basis for Emergency Review:

Unanticipated Event

OSC cannot reasonably comply with the normal clearance procedures under 5 CFR Part 1320 because of an unanticipated event. *See* 5 CFR 1320.13 (a)(2)(ii). The

U.S. Office of Special Counsel

Mr. Joe B. Nye

July 23, 2019

Page 3 of 4

usual 90-day notice and publication schedule would harm OSC and the public because it would force OSC to postpone implementing the new Form 14 and integrating it with eCMS until after the new fiscal year begins October 1, 2019, and OSC does not have IT contracts sufficient to cover the eCMS implementation past September 30, 2019. *See id.*

OSC's IT contracts for eCMS implementation expire at the end of FY2019 because of unanticipated events in June and July 2019. This unforeseen exigency arose when the outside federal agency that provides OSC's contracting and procurement services abruptly cancelled its agreement with OSC. (*See* attached email exchanges.) The other agency was in the process of extending and updating OSC's contracts with the IT vendors managing the eCMS implementation when that agency unilaterally revoked its agreement with OSC. These circumstances were entirely beyond OSC's control. Because the interagency contracting/procurement agreement has been suspended, the contracts with the IT vendors will now expire at the end of FY2019. That means the contracts with the vendors who are migrating OSC to eCMS and who manage transferring the data from the dynamic Form 14 into OSC's eCMS are expiring on September 30, 2019. (OSC could not have anticipated this abrupt expiration; the process of converting to eCMS has taken years of contracts with various vendors.) Thus, OSC needs to implement Form 14 in August to allow adequate time for the contractors to address any IT issues that arise with eCMS implementation before the IT contract expires on September 30, 2019.

Public Harm Reasonably Likely

Pursuant to 5 CFR 1320.13 (a)(2), OSC has determined that adherence to normal clearance procedures would result in public harm related to the inability of OSC to integrate Form 14 with the August 26th activation of OSC's new electronic case management system, which aims to fulfill OSC's Congressional mandate to operate an all-electronic recordkeeping system. If OSC complied with normal timing required for clearance procedures and PRA issuance, the updated Form 14 could not be timely integrated with the eCMS, OSC's newly designed website, and other electronic recordkeeping systems. The normal process for clearance of the updated Form 14 would prevent the collection of information because a 60/30 day posting and comment schedule would postpone implementation beyond the August 26, 2019 "go live" date for the integrated eCMS system, thus preventing the integrated data collection essential to OSC's fulfillment of its mission and statutory mandates.

The usual 90-day notice and publication schedule would also harm the government and OSC by subjecting OSC to continued IT Security risk posed by its outdated "OSC 2000" system through which Forms 11, 12, and 13 (the forms Form 14 is replacing) are processed and accepted. The Federal Information Security Modernization Act of 2014 (FISMA 2014) requires federal agencies to follow U.S.

U.S. Office of Special Counsel

Mr. Joe B. Nye

July 23, 2019

Page 4 of 4

Department of Homeland Security information security policies mandating that agencies rapidly phase out legacy IT systems lacking updated and strong information security controls. OSC 2000 is woefully outdated, insecure, and inadequate because Microsoft no longer supports the antiquated operating system used to support OSC 2000, leaving the system highly vulnerable to security incidents.

Conclusion

OSC believes it is in the best interests of the public, OSC, the Merit System OSC is charged to safeguard, and the government, to implement the updated Form 14 by July 26, 2019. OSC therefore requests emergency processing of this 5 CFR 1320 clearance process.

Thank you for your consideration. Please contact Susan Ullman, OSC General Counsel, if you have any questions, sullman@osc.gov; 202-804-7000.

Sincerely,

Bruce Gipe
Chief Operating Officer

attachments

NOTICE OF PAPERWORK SUBMISSION

Beckett, Amy

From: Brooks, E. Brad (OFR) <ebrooks@gpo.gov>
Sent: Monday, July 22, 2019 10:55 AM
To: Dar, Mahala
Cc: Gipe, Bruce; Ullman, Susan; Kammann, Karl
Subject: RE: 2019-15656 Filing of Complaints of Prohibited Personnel Practices or Other Prohibited Activities and Filing Disclosures of Information

Thanks—I'll schedule the rule now for July 24 publication.

From: Dar, Mahala [mailto:MDar@osc.gov]
Sent: Monday, July 22, 2019 10:25 AM
To: Brooks, E. Brad (OFR) <ebrooks@gpo.gov>
Cc: Gipe, Bruce <bgipe@osc.gov>; Ullman, Susan <Sullman@osc.gov>; Kammann, Karl <kkammann@osc.gov>
Subject: RE: 2019-15656 Filing of Complaints of Prohibited Personnel Practices or Other Prohibited Activities and Filing Disclosures of Information

Good morning Brad,

Thank you for your correspondence. We approve your edits and have no additional changes.

Feel free to let me know if you need anything else.

Thank you,
Mahala

Mahala Dar, Esq.
Clerk
Office of the Clerk
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 305
Washington, DC 20036-4505
(202) 804-7000 (office)
mdar@osc.gov (email)



NOTICE: This message and any attachments may contain information that is sensitive, confidential, or legally privileged. If you are not the intended recipient, please immediately notify the sender and delete this email from your system; you should not copy, use, or disclose its contents. Thank you for your cooperation.

From: Brooks, E. Brad (OFR) <ebrooks@gpo.gov>

Sent: Friday, July 19, 2019 10:26 AM

To: Kammann, Karl <kkammann@osc.gov>

Cc: Wilson, James <jwilson@osc.gov>; Dar, Mahala <MDar@osc.gov>

Subject: 2019-15656 Filing of Complaints of Prohibited Personnel Practices or Other Prohibited Activities and Filing Disclosures of Information

Good morning,

Attached is markup of your final rule announcing the effective date for a rule published back in 2017. I added info to its summary briefly recapping the subject of the original.

If you tweak my edits any, leave redlining in the markup you return. Otherwise, provide your approval and I'm ready to schedule for publication.

Thank you,

Brad Brooks

Office of the Federal Register

Scheduling Unit

o) 202 741 6061

c) 202 440 8740

View ICR - OIRA Conclusion

OMB Control No : 3255-0005
Status : Historical Inactive
Agency/Subagency : OSC
Title : FORM 14: ELECTRONIC SUBMISSION OF ALLEGATIONS AND DISCLOSURES
Type of Information Collection : Revision of a currently approved collection
Type of Review Request : Emergency
Requested Expiration Date : 6 Months From Approved
Date Received in OIRA: 07/12/2019
OIRA Conclusion Action: Improperly submitted and continue

ICR Reference No : 201907-3255-001
Previous ICR Reference No : 201706-3255-001
Agency Tracking No : OSC FORM-14
Approval Requested By: 07/22/2019
Approved Expiration Date: 09/30/2020
Conclusion Date: 07/16/2019

Please see NOA at last page

Terms of Clearance:

Abstract:

The previous version of this form was approved by OMB/OIRA to replace forms OSC-11, OSC-12, AND OSC-13, which were also previously approved by OMB. This updated electronic form will be used by current and former federal employees and applicants for federal employment, and other covered filers, to submit allegations of possible prohibited personnel practices or other prohibited activities for investigation and possible prosecution by OSC, or review and possible referral to relevant inspector general offices.

Emergency Justification:

Pursuant to 5 C.F.R. § 1320.13, OSC requests OMB authorize emergency processing of OSC's updated Form 14, which will permit the electronic filing of complaints and disclosures with OSC.

OSC has determined that using a new electronic filing form for complaints and disclosures is necessary to integrate submissions with OSC's new electronic case management system (eCMS). OSC's eCMS becomes operative on August 12, 2019. Congress has mandated that all agencies move to electronic records, and the submission of complaints through Form 14 is essential to OSC's compliance with that mandate and its ability to fulfill its mission. The contracts with the vendors who are migrating OSC to eCMS and who manage transferring the data from the dynamic Form 14 into OSC's eCMS are expiring at the end of the fiscal year. Thus, OSC needs to implement Form 14 by mid-August to allow time for the contractors to fix any issues that arise with implementation.

OSC has previously received OMB approval of Form 14 (OMB Control # 3255-0005), and, accordingly has already provided stakeholders with the requisite notice. The updated Form 14 does not increase the burden on other agencies or members of the public. The substantive updates to Form 14 reflect statutory changes. Congress authorized whistleblowers to disclose to OSC "censorship related to scientific research" in the Whistleblower Protection Enhancement Act of 2012. And Congress amended 5.U.S.C. § 2302(b) to add a prohibited personnel practice ("(14) access the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in paragraphs (1) through (13)."). Accordingly, OSC does not have discretion to omit these bases for complaints from Form 14.

Authorizing Statute(s):

US Code: 5 USC CFR 1800 Name of Law: Filing of Complaints and Allegations

US Code: 5 USC 1212 Name of Law: Powers and Functions of the Office of Special Counsel

Citations for New Statutory Requirements :

None

EO 13771 Designation:

Associated Rulemaking Information :

View ICR - OIRA Conclusion

RIN : **Stage of Rulemaking :** **Federal Register Citation :** **Date :**
Not associated with
rulemaking

Federal Register Notices & Comments :

Did the Agency receive public comments on this ICR ? No

Number of Information Collection(IC) in this ICR : 1

ICR Summary of Burden

	Previously Approved	Change Due to New Statute	Change Due to Agency Discretion	Change Due to Adjustment in Estimate	Change Due to Potential Violation of the PRA
--	---------------------	---------------------------	---------------------------------	--------------------------------------	--

Burden increases because of Program Change due to Agency Discretion : Yes

Burden Increase Due to : Miscellaneous Actions

Burden decreases because of Program Change due to Agency Discretion : No

Burden Reduction Due to :

Short Statement :

This updated electronic form will be used by current and former federal employees and applicants for federal employment, and other covered filers, to submit allegations of possible prohibited personnel practices or other prohibited activities for investigation and possible prosecution by OSC, or review and possible referral to relevant inspector general offices.

Annual cost to the Federal Government : \$0

Does this IC contains surveys, censuses or employ statistical methods ? No

Does this ICR request any personally identifiable information (see OMB Circular No. A-130 for an explanation of this term)? Yes

Does this ICR include a form that requires a Privacy Act Statement (see 5 U.S.C. §552a(e)(3))? Yes

Is this ICR related to the Affordable Care Act ? No

Is this ICR related to the American Recovery and Reinvestment Act of 2009 (ARRA)? No

Is this ICR related to a guidance document ? No

Agency Contact : Mahala Dar 202 804-7056 mdar@osc.gov

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b)(3).

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a)It is necessary for the proper performance of agency functions;
- (b)It avoids unnecessary duplication;
- (c)It reduces burden on small entities;
- (d)It uses plain, coherent, and unambiguous language that is understandable to respondents;
- (e)Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f)It indicates the retention periods for recordkeeping requirements;
- (g)It informs respondents of the information called for under 5 CFR 1320.8 (b)(3) about:
 - (i) Why the information is being collected;

View ICR - OIRA Conclusion

- (ii) Use of information;
- (iii) Burden estimate;
- (iv) Nature of response (voluntary, required for a benefit, or mandatory);
- (v) Nature and extent of confidentiality; and
- (vi) Need to display currently valid OMB control number;

(h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected.

(i) It uses effective and efficient statistical survey methodology (if applicable); and

(j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item(s) and explain the reason in the Supporting Statement.

Certification Date : 07/12/2019

Certifying Official

APC: Dar, Mahala 202 804-7056 ext. mdar@osc.gov

OMB Control No : 3255-0005	ICR Ref No. : 201907-3255-001	ICR Expiration Date :	ICR Status : Historical Inactive
Agency/SubAgency : OSC	Agency Tracking No : OSC FORM-14	Title : FORM 14: ELECTRONIC SUBMISSION OF ALLEGATIONS AND DISCLOSURES	
Request Status : Other than Approved	Last Event : Concluded	Last Event User : Nye, Joseph	Last Event Date : 07/16/2019

View IC

IC Title : FORM 14: ELECTRONIC SUBMISSION OF ALLEGATIONS AND DISCLOSURES

Agency IC Tracking Number :

IC Status : Removed

Is this a Common Form? No

Obligation to Respond : Required to Obtain or Retain

CFR Citation : 5 CFR 1800

Information Collection Instruments :

Instrument File	Form No.	Form Name	Document Type	URL	Available Electronically?	Can be Submitted Electronically	Electronic Capability
	OSC FORM-14	FORM 14: ELECTRONIC SUBMISSION OF ALLEGATIONS AND DISCLOSURES	Form	www.osc.gov	Yes	Yes	Fillable Fileable
USOSC Form 14 PROD v3.2 (003).pdf	OSC FORM-14	FORM 14: ELECTRONIC SUBMISSION OF ALLEGATIONS AND DISCLOSURES	Form and Instruction	www.osc.gov	Yes	Yes	Fillable Fileable

Federal Enterprise Architecture Business Reference Model

Line of Business : Litigation and Judicial Activities

SubFunction : Legal Investigation

Privacy Act System of Records

Title : OSC/GOVT-1, OSC Complaint,

FR Citation : 77 FR 24242

Number of Respondents : 6000

Number of Respondents for Small Entity : 0

Affected Public : Federal Government

Percentage of Respondents Reporting Electronically : 100%

Annual IC Burden :

Approved	Program Change Due to New Statute	Program Change Due to Agency	Change Due to Adjustment in Agency	Change Due to Potential Violation	Previously Approved

	Approved	Program Change Due to New Statute	Program Change Due to Agency	Change Due to Adjustment in Agency	Change Due to Potential Violation	Previously Approved
Annual Number of Responses for this IC	0	0	0	-6,000	0	6,000
Annual IC Time Burden (Hours)	0	0	0	-6,917	0	6,917
Annual IC Cost Burden (Dollars)	0	0	0	0	0	0

OMB Control No :	ICR Ref No. :	ICR Expiration Date :	ICR Status :
3255-0005	201907-3255-001		Historical Inactive
Agency/SubAgency :	Agency Tracking No :	Title : FORM 14: ELECTRONIC SUBMISSION OF ALLEGATIONS AND DISCLOSURES	
OSC	OSC FORM-14		
Request Status :	Last Event :	Last Event User :	Last Event Date :
Other than Approved	Concluded	Nye, Joseph	07/16/2019

View IC

IC Title : Form 14: Electronic Submission of Allegations and Disclosures

Agency IC Tracking Number :

Is this a Common Form? No

IC Status : New

Obligation to Respond : Voluntary

CFR Citation : 5 CFR 1800

Information Collection Instruments :

Federal Enterprise Architecture Business Reference Model

Line of Business : General Government

SubFunction : Executive Functions

Privacy Act System of Records

Title : OSC/GOVT-1, OSC Complaint,

FR Citation : 82 FR 45076

Number of Respondents : 6000

Number of Respondents for Small Entity : 0

Affected Public : Federal Government

Percentage of Respondents Reporting Electronically : 100%

Annual IC Burden :

	Approved	Program Change Due to New Statute	Program Change Due to Agency	Change Due to Adjustment in Agency	Change Due to Potential Violation	Previously Approved
Annual Number of Responses for this IC	6,000	0	6,000	0	0	0
Annual IC Time Burden (Hours)	6,917	0	6,917	0	0	0
Annual IC Cost Burden (Dollars)	0	0	0	0	0	0

Documents for IC :

Title	Document	Date Uploaded	Uploaded By
Form 14 Electronic Submission of Allegations and Disclosures	USOSC Form 14 Full Form 071219.pdf	07/12/2019	Dar, Mahala

OMB Control No :	ICR Ref No. :	ICR Expiration Date :	ICR Status :
3255-0005	201907-3255-001		Historical Inactive
Agency/SubAgency :	Agency Tracking No :	Title : FORM 14: ELECTRONIC SUBMISSION OF ALLEGATIONS AND DISCLOSURES	
OSC	OSC FORM-14		
Request Status :	Last Event :	Last Event User :	Last Event Date :
Other than Approved	Concluded	Nye, Joseph	07/16/2019

View ICR Documents

Supporting Statement A

Document	Version	Date Uploaded	Uploaded By
Form 14 PPRA Supporting Statement (Final).pdf	1.0	06/07/2017	Ndongo, Tarik

Supporting Statement B

Document	Version	Date Uploaded	Uploaded By
USOSC Form 14 PROD v3.2 (003).pdf	1.0	09/15/2017	Ndongo, Tarik

Supplementary Documents

Title	Document	Document Type	Date Uploaded	Uploaded By
Federal notice (OSC Final Rule Form 14)	Federal Notice (OSC Final Rule Form 14).docx	Draft Federal Register Notice	06/07/2017	Ndongo, Tarik

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 07/16/2019

Office of Special Counsel

FOR CERTIFYING OFFICIAL: Mahala Dar

FOR CLEARANCE OFFICER: Mahala Dar

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 07/12/2019

ACTION REQUESTED: Revision of a currently approved collection

TYPE OF REVIEW REQUESTED: Emergency

ICR REFERENCE NUMBER: 201907-3255-001

AGENCY ICR TRACKING NUMBER: OSC FORM-14

TITLE: FORM 14: ELECTRONIC SUBMISSION OF ALLEGATIONS AND DISCLOSURES

OMB ACTION: Improperly submitted and continue

OMB CONTROL NUMBER: 3255-0005

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 09/30/2020

DISCONTINUE DATE:

COMMENT: Terms of the previous clearance remain in effect.

OMB Authorizing Official: Paul Ray
Administrator,
Office Of Information And Regulatory Affairs

View ICR - OIRA Conclusion

OMB Control No : 3255-0005
Status : Historical Inactive
Agency/Subagency : OSC
Title : FORM 14: ELECTRONIC SUBMISSION OF ALLEGATIONS AND DISCLOSURES
Type of Information Collection : Revision of a currently approved collection

ICR Reference No : 201907-3255-001
Previous ICR Reference No : 201706-3255-001
Agency Tracking No : OSC FORM-14

Type of Review Request : Emergency
Requested Expiration Date : 6 Months From Approved
Date Received in OIRA: 07/12/2019
OIRA Conclusion Action: Improperly submitted and continue

Approval Requested By: 07/22/2019
Approved Expiration Date: 09/30/2020
Conclusion Date: 07/16/2019

Please see NOA at last page

Terms of Clearance:

Abstract:

The previous version of this form was approved by OMB/OIRA to replace forms OSC-11, OSC-12, AND OSC-13, which were also previously approved by OMB. This updated electronic form will be used by current and former federal employees and applicants for federal employment, and other covered filers, to submit allegations of possible prohibited personnel practices or other prohibited activities for investigation and possible prosecution by OSC, or review and possible referral to relevant inspector general offices.

Emergency Justification:

Pursuant to 5 C.F.R. § 1320.13, OSC requests OMB authorize emergency processing of OSC's updated Form 14, which will permit the electronic filing of complaints and disclosures with OSC.

OSC has determined that using a new electronic filing form for complaints and disclosures is necessary to integrate submissions with OSC's new electronic case management system (eCMS). OSC's eCMS becomes operative on August 12, 2019. Congress has mandated that all agencies move to electronic records, and the submission of complaints through Form 14 is essential to OSC's compliance with that mandate and its ability to fulfill its mission. The contracts with the vendors who are migrating OSC to eCMS and who manage transferring the data from the dynamic Form 14 into OSC's eCMS are expiring at the end of the fiscal year. Thus, OSC needs to implement Form 14 by mid-August to allow time for the contractors to fix any issues that arise with implementation.

OSC has previously received OMB approval of Form 14 (OMB Control # 3255-0005), and, accordingly has already provided stakeholders with the requisite notice. The updated Form 14 does not increase the burden on other agencies or members of the public. The substantive updates to Form 14 reflect statutory changes. Congress authorized whistleblowers to disclose to OSC "censorship related to scientific research" in the Whistleblower Protection Enhancement Act of 2012. And Congress amended 5.U.S.C. § 2302(b) to add a prohibited personnel practice ("(14) access the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in paragraphs (1) through (13)."). Accordingly, OSC does not have discretion to omit these bases for complaints from Form 14.

Authorizing Statute(s):

US Code: 5 USC CFR 1800 Name of Law: Filing of Complaints and Allegations
US Code: 5 USC 1212 Name of Law: Powers and Functions of the Office of Special Counsel

Citations for New Statutory Requirements :

None

EO 13771 Designation:

Associated Rulemaking Information :

View ICR - OIRA Conclusion

RIN : **Stage of Rulemaking :** **Federal Register Citation :** **Date :**
Not associated with
rulemaking

Federal Register Notices & Comments :

Did the Agency receive public comments on this ICR ? No

Number of Information Collection(IC) in this ICR : 1

ICR Summary of Burden

	Previously Approved	Change Due to New Statute	Change Due to Agency Discretion	Change Due to Adjustment in Estimate	Change Due to Potential Violation of the PRA
--	---------------------	---------------------------	---------------------------------	--------------------------------------	--

Burden increases because of Program Change due to Agency Discretion : Yes

Burden Increase Due to : Miscellaneous Actions

Burden decreases because of Program Change due to Agency Discretion : No

Burden Reduction Due to :

Short Statement :

This updated electronic form will be used by current and former federal employees and applicants for federal employment, and other covered filers, to submit allegations of possible prohibited personnel practices or other prohibited activities for investigation and possible prosecution by OSC, or review and possible referral to relevant inspector general offices.

Annual cost to the Federal Government : \$0

Does this IC contains surveys, censuses or employ statistical methods ? No

Does this ICR request any personally identifiable information (see OMB Circular No. A-130 for an explanation of this term)? Yes

Does this ICR include a form that requires a Privacy Act Statement (see 5 U.S.C. §552a(e)(3))? Yes

Is this ICR related to the Affordable Care Act ? No

Is this ICR related to the American Recovery and Reinvestment Act of 2009 (ARRA)? No

Is this ICR related to a guidance document ? No

Agency Contact : Mahala Dar 202 804-7056 mdar@osc.gov

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b)(3).

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a)It is necessary for the proper performance of agency functions;
- (b)It avoids unnecessary duplication;
- (c)It reduces burden on small entities;
- (d)It uses plain, coherent, and unambiguous language that is understandable to respondents;
- (e)Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f)It indicates the retention periods for recordkeeping requirements;
- (g)It informs respondents of the information called for under 5 CFR 1320.8 (b)(3) about:
 - (i) Why the information is being collected;

View ICR - OIRA Conclusion

- (ii) Use of information;
- (iii) Burden estimate;
- (iv) Nature of response (voluntary, required for a benefit, or mandatory);
- (v) Nature and extent of confidentiality; and
- (vi) Need to display currently valid OMB control number;

(h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected.

(i) It uses effective and efficient statistical survey methodology (if applicable); and

(j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item(s) and explain the reason in the Supporting Statement.

Certification Date : 07/12/2019

Certifying Official

APC: Dar, Mahala 202 804-7056 ext. mdar@osc.gov

OMB Control No : 3255-0005	ICR Ref No. : 201907-3255-001	ICR Expiration Date :	ICR Status : Historical Inactive
Agency/SubAgency : OSC	Agency Tracking No : OSC FORM-14	Title : FORM 14: ELECTRONIC SUBMISSION OF ALLEGATIONS AND DISCLOSURES	
Request Status : Other than Approved	Last Event : Concluded	Last Event User : Nye, Joseph	Last Event Date : 07/16/2019

View IC

IC Title : FORM 14: ELECTRONIC SUBMISSION OF ALLEGATIONS AND DISCLOSURES

Agency IC Tracking Number :

IC Status : Removed

Is this a Common Form? No

Obligation to Respond : Required to Obtain or Retain

CFR Citation : 5 CFR 1800

Information Collection Instruments :

Instrument File	Form No.	Form Name	Document Type	URL	Available Electronically?	Can be Submitted Electronically	Electronic Capability
	OSC FORM-14	FORM 14: ELECTRONIC SUBMISSION OF ALLEGATIONS AND DISCLOSURES	Form	www.osc.gov	Yes	Yes	Fillable Fileable
USOSC Form 14 PROD v3.2 (003).pdf	OSC FORM-14	FORM 14: ELECTRONIC SUBMISSION OF ALLEGATIONS AND DISCLOSURES	Form and Instruction	www.osc.gov	Yes	Yes	Fillable Fileable

Federal Enterprise Architecture Business Reference Model

Line of Business : Litigation and Judicial Activities

SubFunction : Legal Investigation

Privacy Act System of Records

Title : OSC/GOVT-1, OSC Complaint,

FR Citation : 77 FR 24242

Number of Respondents : 6000

Number of Respondents for Small Entity : 0

Affected Public : Federal Government

Percentage of Respondents Reporting Electronically : 100%

Annual IC Burden :

Approved	Program Change Due to New Statue	Program Change Due to Agency	Change Due to Adjustment in Agency	Change Due to Potential Violation	Previously Approved

	Approved	Program Change Due to New Statute	Program Change Due to Agency	Change Due to Adjustment in Agency	Change Due to Potential Violation	Previously Approved
Annual Number of Responses for this IC	0	0	0	-6,000	0	6,000
Annual IC Time Burden (Hours)	0	0	0	-6,917	0	6,917
Annual IC Cost Burden (Dollars)	0	0	0	0	0	0

OMB Control No :	ICR Ref No. :	ICR Expiration Date :	ICR Status :
3255-0005	201907-3255-001		Historical Inactive
Agency/SubAgency :	Agency Tracking No :	Title : FORM 14: ELECTRONIC SUBMISSION OF ALLEGATIONS AND DISCLOSURES	
OSC	OSC FORM-14		
Request Status :	Last Event :	Last Event User :	Last Event Date :
Other than Approved	Concluded	Nye, Joseph	07/16/2019

View IC

IC Title : Form 14: Electronic Submission of Allegations and Disclosures

Agency IC Tracking Number :

Is this a Common Form? No

IC Status : New

Obligation to Respond : Voluntary

CFR Citation : 5 CFR 1800

Information Collection Instruments :

Federal Enterprise Architecture Business Reference Model

Line of Business : General Government

SubFunction : Executive Functions

Privacy Act System of Records

Title : OSC/GOVT-1, OSC Complaint,

FR Citation : 82 FR 45076

Number of Respondents : 6000

Number of Respondents for Small Entity : 0

Affected Public : Federal Government

Percentage of Respondents Reporting Electronically : 100%

Annual IC Burden :

	Approved	Program Change Due to New Statute	Program Change Due to Agency	Change Due to Adjustment in Agency	Change Due to Potential Violation	Previously Approved
Annual Number of Responses for this IC	6,000	0	6,000	0	0	0
Annual IC Time Burden (Hours)	6,917	0	6,917	0	0	0
Annual IC Cost Burden (Dollars)	0	0	0	0	0	0

Documents for IC :

Title	Document	Date Uploaded	Uploaded By
Form 14 Electronic Submission of Allegations and Disclosures	USOSC Form 14 Full Form 071219.pdf	07/12/2019	Dar, Mahala

OMB Control No :	ICR Ref No. :	ICR Expiration Date :	ICR Status :
3255-0005	201907-3255-001		Historical Inactive
Agency/SubAgency :	Agency Tracking No :	Title : FORM 14: ELECTRONIC SUBMISSION OF ALLEGATIONS AND DISCLOSURES	
OSC	OSC FORM-14		
Request Status :	Last Event :	Last Event User :	Last Event Date :
Other than Approved	Concluded	Nye, Joseph	07/16/2019

View ICR Documents

Supporting Statement A

Document	Version	Date Uploaded	Uploaded By
Form 14 PPRA Supporting Statement (Final).pdf	1.0	06/07/2017	Ndongo, Tarik

Supporting Statement B

Document	Version	Date Uploaded	Uploaded By
USOSC Form 14 PROD v3.2 (003).pdf	1.0	09/15/2017	Ndongo, Tarik

Supplementary Documents

Title	Document	Document Type	Date Uploaded	Uploaded By
Federal notice (OSC Final Rule Form 14)	Federal Notice (OSC Final Rule Form 14).docx	Draft Federal Register Notice	06/07/2017	Ndongo, Tarik

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 07/16/2019

Office of Special Counsel

FOR CERTIFYING OFFICIAL: Mahala Dar

FOR CLEARANCE OFFICER: Mahala Dar

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 07/12/2019

ACTION REQUESTED: Revision of a currently approved collection

TYPE OF REVIEW REQUESTED: Emergency

ICR REFERENCE NUMBER: 201907-3255-001

AGENCY ICR TRACKING NUMBER: OSC FORM-14

TITLE: FORM 14: ELECTRONIC SUBMISSION OF ALLEGATIONS AND DISCLOSURES

OMB ACTION: Improperly submitted and continue

OMB CONTROL NUMBER: 3255-0005

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 09/30/2020

DISCONTINUE DATE:

COMMENT: Terms of the previous clearance remain in effect.

OMB Authorizing Official: Paul Ray
Administrator,
Office Of Information And Regulatory Affairs

July 11, 2017 Federal Register Notice

Rules and Regulations

Federal Register

Vol. 82, No. 134

Friday, July 14, 2017

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

OFFICE OF SPECIAL COUNSEL

5 CFR Part 1800

[OMB Control No. 3255-0005]

Filing of Complaints of Prohibited Personnel Practices or Other Prohibited Activities and Filing Disclosures of Information

AGENCY: U.S. Office of Special Counsel.

ACTION: Final rule; delay of effective date.

SUMMARY: This document delays the effective date of the final rule and information collection activity published in the June 9, 2017 issue of the *Federal Register*. The U.S. Office of Special Counsel (OSC) will issue a new effective date in due course.

DATES: As of July 14, 2017, the effective date of the final rule published at 82 FR 26739 on June 9, 2017, is delayed indefinitely.

FOR FURTHER INFORMATION CONTACT: Susan K. Ullman, General Counsel, U.S. Office of Special Counsel, by telephone at 202-254-3600, by facsimile at (202) 254-3711, or by email at sullman@osc.gov.

SUPPLEMENTARY INFORMATION: On June 9, 2017 (82 FR 26739), OSC published a final rule revising its regulations regarding the filing of complaints and disclosures with OSC and updating OSC's prohibited personnel practice provisions. This document indefinitely delays the effective date of that final rule.

Dated: July 11, 2017.

Bruce Gipe,

Chief Operating Officer.

[FR Doc. 2017-14814 Filed 7-13-17; 8:45 am]

BILLING CODE 7405-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2016-9592; Directorate Identifier 2016-NE-30-AD; Amendment 39-18952; AD 2017-14-08]

RIN 2120-AA64

Airworthiness Directives; CFM International S.A. Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain CFM International S.A. (CFM) CFM56-3, -3B, and -3C turbofan engines. This AD was prompted by a report of dual-engine loss of thrust control (LOTC) that resulted in an air turn back. This AD requires initial and repetitive checks of the variable stator vane (VSV) actuation system in the high-pressure compressor (HPC). We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 18, 2017.

ADDRESSES: For service information identified in this final rule, contact CFM International Inc., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: 877-432-3272; fax: 877-432-3329; email: aviation.fleetsupport@ge.com. You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781-238-7125. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9592.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9592; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800-647-5527) is

Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

David Bethka, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7129; fax: 781-238-7199; email: david.bethka@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain CFM CFM56-3, -3B, and -3C turbofan engines. The NPRM published in the *Federal Register* on March 9, 2017 (82 FR 13077). The NPRM was prompted by a report of dual-engine LOTC that resulted in an air turn back. The NPRM proposed to require initial and repetitive checks of the VSV actuation system in the HPC. We are issuing this AD to maintain the actuators ability to fully reach commanded position, and prevent LOTC and reduced control of the airplane.

Comments

We gave the public the opportunity to participate in developing this final rule. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Change Applicability

CFM, Boeing, Anonymous, and Jet2.com requested that the Applicability paragraph be limited to engines operating in the tropical regions specified in CFM Service Bulletin (SB) CFM56-3 S/B 72-1169, rather than fleet-wide. A change of applicability to specific regions would avoid unnecessary burden for operators that do not fly in tropical zones and do not fly less than 150 hours per month.

We disagree. Operators may experience high moisture environments outside of the specified tropical zone that is described in CFM SB CFM56-3 S/B 72-1169. Operators that are outside of the specified tropical zone have experienced restricted VSV movement events. We did not change this AD.

HHS/OSC Interagency Acquisition Cancellation Correspondence

From: [Mcabee, Melissa \(OS/ASA/PSC/OD\)](#)
To: [Eleftherion, Anthony](#); [Gipe, Bruce](#); [Simmons, Jacob](#); [Beckett, Amy](#)
Cc: [Van Buskirk, Jared \(OS/ASA/PSC/FMP\)](#); [Simpson, James \(OS/ASA\)](#); [Jackson, Shanelle \(OS/ASA/PSC/FMP\)](#)
Subject: OSC MOU Draft for review
Date: Monday, June 24, 2019 12:19:11 PM
Attachments: [AMS non-DOD letter to customers 06142019.pdf](#)
[PSC - Civilian Template MOU - Final to PSC.docx](#)
Importance: High

Mr. Eleftherion,

In order to facilitate efficient and orderly processing of MOUs, affected non-DoD agencies are directed to submit a draft MOU package that includes the following: (1) the MOU with the necessary information filled out (Word format), (2) an attachment that contains a list of all active contracts/orders and the information listed below in Section B(1) (Word format), and (3) a FAR 17.5 attachment (PDF format). **Do not send a separate MOU for each active contract/order placed by PSC.** Send the complete draft MOU package to the PSC Head of Contracting Activity (Acting), Melissa McAbee, at Melissa.Mcabee@psc.hhs.gov. For tracking purposes, the subject line of the "draft MOU package" email must state the following: Draft MOU for [Insert Funding/Requesting Agency] – Due Date For Next Contract Action [Insert Date].

PSC and HHS will review the draft MOU package and provide track changes and comments, if necessary.

Once the final MOU package is complete with the required signature(s) from the funding/requesting agency, send the final MOU package (PDF format) to the PSC Head of Contracting Activity (Acting), Melissa McAbee, at Melissa.Mcabee@psc.hhs.gov. The subject line for the "final MOU email" must state the following: Final MOU for [Insert Funding/Requesting Agency] – Due Date For Next Contract Action [Insert Date].

Melissa M. McAbee
Head of Contracting Activity (Acting)
Acquisition Management Services
Program Support Center
U.S. Department of Health and Human Services

Office: (301) 492-4710
Mobile: (202) 868-9548



This e-mail message, including any attachments, may contain information that is sensitive, confidential, or otherwise protected from disclosure under applicable law and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. If you are not an intended recipient, or have received this message in error, please delete it without reading it, and please do not print, copy, forward, disseminate, or otherwise use this information. If you think you have received this e-mail message in error, please notify the sender immediately.

From: Kammann, Karl
To: Gipe, Bruce; Ullman, Susan; Beckett, Amy; Simmons, Jacob; Eleftherion, Anthony
Subject: Fwd: Interagency Acquisitions Conducted by PSC
Date: Friday, June 14, 2019 1:34:48 PM
Attachments: [AMS non-DOD letter to customers 06142019.pdf](#)
[ATT00001.htm](#)

Passing along, not sure if you all received.

If they do this that should get us over the short term hump. I believe we have only a couple of totally new contract requests, most are modification to existing.

Anthony, can you request the MOU from them so we can get that in place to get these submitted contracts done?

Begin forwarded message:

From: "PSC Communications (OS/ASA/PSC/OD)"
<PSCCommunications@hhs.gov>
Date: June 14, 2019 at 11:12:21 AM EDT
To: Undisclosed recipients;;
Subject: Interagency Acquisitions Conducted by PSC

Dear Customer,

Please refer to the attached letter regarding your important acquisition requirements. If you have any additional questions please contact Melissa Mcabee at melissa.mcabee@psc.hhs.gov.

Thank you.



To: Non-Department of Department of Defense Customers
From: Melissa McAbee, Program Support Center, Acting Head of Contracting Activity
Date: June 14, 2019
Re: Interagency Acquisitions Conducted by PSC

Effective immediately, the Department of Health and Human Services (HHS), Program Support Center (PSC) is terminating its assisted acquisition program for non-HHS agencies.

As the result of an internal review that is ongoing, PSC has determined that it does not have the policies, procedures, or internal controls necessary to conduct assisted acquisitions for agencies outside of HHS. PSC is not accepting new requirements from non-HHS funding/requesting agencies, and PSC has identified the following as the maximum limits of its authority to continue providing acquisition support to non-HHS agencies while PSC completes the ongoing review of its assisted acquisition program:

1. Active Contracts/Orders

For those non-HHS agencies that have active contracts/orders with PSC, PSC does not intend to enter into new contract actions after 30 September 2019, and PSC does not intend to enter into new contract actions that will result in a period of performance that extends past 30 September, 2020. For contract actions that have a period of performance that extends past 30 September, 2020, PSC is prepared to either transfer contract administration to a contracting office specified by the non-HHS funding/requesting agency on a priority basis or reduce the period of performance. Effective immediately, if funding acceptance is required for contract administration by PSC, a determination and findings signed in accordance with FAR 17.502-2(c), and advanced payment for all of the estimated cost of furnishing the supplies or service included in the contract action is required before funding acceptance by PSC (FAR 17.502-2(d)). Contract actions that have not expired by their terms or have not been transferred by 30 September, 2020 will be terminated for convenience.

For those non-HHS funding/requesting agencies that have been identified as having an active contract action with PSC that requires a Contract Security Classification Specification, DD 254 (DD-254), a Memorandum of Understanding (MOU) has been drafted and will be provided to affected non-HHS funding/requesting agencies concurrent with this notification. Additional requirements apply to contract actions affected by a DD-254.

2. New Work and Solicitations

Any funding document for new work will be canceled by PSC and returned to the non-HHS funding/requesting office as soon as reasonably prudent. Active solicitations will be canceled, and no new awards will be made by PSC on behalf of non-HHS agencies. The reasonable basis for such cancellations is PSC's determination that it does not have the policies, procedures, or internal controls necessary to conduct assisted acquisition services for agencies outside of HHS. Canceling and returning funding will allow non-HHS agencies to utilize funding within an internal contract office or with another shared service organization. PSC will cooperate in providing information that will assist non-HHS agencies in utilizing work that has been completed.

Questions concerning this policy decision should be directed to Melissa McAbee at Melissa.McAbee@psc.hhs.gov.

Eleftherion, Anthony

From: Mcabee, Melissa (OS/ASA/PSC/OD) <Melissa.Mcabee@psc.hhs.gov>
Sent: Tuesday, July 16, 2019 6:57 AM
To: Eleftherion, Anthony
Cc: Simpson, James (OS/ASA); Van Buskirk, Jared (OS/ASA/PSC/FMP); Hagberg, Tami (HHS/OGC)
Subject: RE: OSC - MOU Review - Action Item to PSC to Complete a Review of the MOU

Good morning Mr. Eleftherion,

In my absence last week, additional policy decisions were made that will not permit us to continue supporting your organization. Please see the information below and give me a call if you would like to discuss. I can also provide information on the additional shared service providers that may be able to take over your requirements.

Return of Funding: PSC is actively returning MIPRs/funding that has not been accepted by PSC or applied to a contract. If an organization has sent funding (purchase request) to PSC that has not been accepted or applied to a PSC contract, the organization may send an email to acquisitions@psc.hhs.gov to request the return of funding that has not been applied to a PSC contract. Funding that has been applied to a PSC contract may not be returned until a close-out review of the contract is completed.

Non-DoD Customers: On June 14, 2019, PSC announced the maximum limits of its authority to continue providing acquisition support to non-HHS agencies while PSC completes the ongoing review of its assisted acquisition program. The ongoing review has resulted in a determination that PSC does not have the policies, procedures, and internal controls in place to accept funding (purchase requests) from non-HHS agencies for assisted acquisition contracts. Existing PSC contracts/orders will expire by their terms at the end of the current period of performance.

Transfer of Contracts: The ongoing review of PSC's assisted acquisition program has resulted in a determination that PSC does not have the policies, procedures, and internal controls in place to support the transfer of PSC contracts to non-HHS agencies.

Communication: Due to the volume of calls/emails from non-DoD and DoD customers, PSC is currently unable to respond to individual requests for information. PSC is prioritizing communication by date of expiration of the current contract period of performance for each affected agency. PSC assisted acquisition contracting officers are not authorized to schedule calls or release documents from contract files.

Melissa M. McAbee
Head of Contracting Activity (Acting)
Acquisition Management Services
Program Support Center
U.S. Department of Health and Human Services

Office: (301) 492-4710
Mobile: (202) 868-9548