

SUPPORTING STATEMENT FOR FBI WHISTLEBLOWER REQUEST FOR CORRECTIVE ACTION

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Pursuant to 5 U.S.C. § 2303, and its implementing regulations at 28 C.F.R. pt. 27, the Department of Justice (DOJ) Office of Attorney Recruitment and Management (OARM) has the delegated authority to adjudicate claims of whistleblower reprisal by former and current employees of, and applicants for employment with, the Federal Bureau of Investigation (FBI). Individuals who wish to file a claim of whistleblower reprisal may file a complaint, called a “Request for Corrective Action (RCA),” with OARM. OARM created an optional RCA form for individuals who wish to file an FBI whistleblower complaint with OARM, which is available on OARM’s public website at: <https://www.justice.gov/oarm/page/file/934161/download>. The form collects information that is relevant and necessary for OARM to determine whether it has jurisdiction over a claim. The form may be printed and filled out manually and sent to OARM via mail or fax; alternatively, the form may be completed online and submitted to OARM electronically via the Internet. The number of RCAs received by OARM varies from year to year; however, the vast majority of RCA submissions are received from current FBI employees.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Via the optional RCA form, individuals voluntarily provide information about their employment status with the FBI, their personal contact information, the alleged whistleblowing disclosure(s), the alleged retaliatory action(s) by the FBI (or an employee of another DOJ component), the exhaustion of their administrative remedies, and information regarding any designated representative. RCA forms are screened only by a limited number of OARM staff, as related to their role in assisting the Director of OARM with adjudicating FBI whistleblower reprisal claims brought under 28 C.F.R. pt. 27.

Under 28 C.F.R. pt. 27, individuals must file an RCA with OARM in order to have OARM review their FBI whistleblower reprisal case. The RCA form on OARM’s public website increases transparency of the claims process, allows individuals to more easily discern the information required for OARM’s review, and simplifies the process for filing an RCA. The information requested on the RCA form is relevant and necessary to OARM’s adjudication under 28 C.F.R. pt. 27.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other

forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

The RCA form is available on OARM's public website in form-fillable PDF format, which may be digitally signed and submitted over the Internet at [REQUEST FOR CORRECTIVE ACTION FORM \(justice.gov\)](#). Individuals may also print and fill out the form manually and submit it to OARM via mail or fax.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.

OARM is the only office within the Department that collects this data. The amount and type of information specifically requested on the RCA form is unique to the individual seeking corrective action and relevant and necessary for OARM's adjudication of the respondents' claims under 28 C.F.R. pt. 27.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

There is no significant impact on small business or other private entities.

6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The RCA form is available at any time on OARM's public website for any individual who wishes to file an FBI whistleblower reprisal complaint with OARM. The form is made available to increase transparency of the claims process and to enable FBI whistleblowers to more easily file claims of reprisal with the adjudicating office (OARM). Removing the form from OARM's website may make filing a complaint more burdensome for the respondent in terms of identification and submission of the information required by OARM to assess its jurisdiction over the claims. The amount and type of information specifically requested on the RCA form is relevant and necessary for OARM's adjudication of the respondents' claims under 28 C.F.R. pt. 27, and cannot be reduced.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances.

8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

The 60-Day Notice was published in the Federal Register on May 24, 2023 (88 FR 33647). The comment period ended on July 24, 2023. No comments were received.

The 30-day Notice was published in the Federal Register on August 24, 2023 (88 FR 57968). The comment period ended on September 25, 2023. No comments were received.

9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.

No government funds will be used as payment or for gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Confidentiality is not required in the processing of this information collection.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

The RCA form does not pose questions of a sensitive nature, and the form makes clear that submission of the information is entirely voluntary.

12. Provide estimates of the hour burden of the collection of information. The statement should:

The number of total respondents varies but averaged historically doesn't exceed 15 whistleblower complaints to OARM per year. The amount of time necessary to complete the RCA form also varies depending on the complexity of the claims, but averages up to approximately 3 hours. Thus, the annual hourly burden would come to approximately 45 hours.

Estimated Annualized Respondent Cost and Hour Burden

Activity	Number of Respondents	Frequency	Total Annual Responses	Time Per Response	Total Annual Burden (Hours)	Hourly Rate*	Monetized Value of Respondent Time
Name of collection instrument	15	1	15	3 hours	45	N/A	N/A
Unduplicated Totals	15		15		45		

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

The annual IC cost burden for this collection is \$0.

14. Provide estimates of the annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.

The estimated annual cost to the Federal Government for reviewing and handling the initial processing of the RCA forms is approximately \$3836.25 (based on an average of 15 FBI whistleblower complaints per year; an average of 3 hours necessary to review and process each

form; and the salary of the full-time OARM attorney responsible for handling case intake (based on an hourly rate of \$85.28 (GS-15, Step 10/Rest of U.S. locality)).

15. Explain the reasons for any program changes or adjustments.

Agency experience over time.

16. For collections of information whose results will be published, outline plans for tabulations, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The information collected is used internally within DOJ, as necessary for OARM to make a jurisdictional assessment over respondents' claims under 28 C.F.R. pt. 27, and will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We are requesting no exemption. OARM will display the OMB number and expiration date on the instructions and electronic form.

18. Explain each exception to the certification statement.

This collection of information does not include any exceptions to the certificate statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This collection does/does not contain statistical data.