

September 22, 2019

To: Senate Whistleblower Caucus:

Sens. Chuck Grassley (R-Iowa), Ron Wyden (D-Ore.), Thom Tillis (R-N.C.), Ed Markey (D-Mass.), Ron Johnson (R-Wis.), Tammy Baldwin (D-Wis.), Joni Ernst (R-Iowa), Gary Peters (D-Mich.), John Boozman (R-Ark.), Tom Carper (D-Del.), Deb Fischer (R-Neb.), Tammy Duckworth (D-Ill.), Marsha Blackburn (R-Tenn.) and Kyrsten Sinema (D-Ariz)

From: Joseph P. Carson, PE, federal agency whistleblower about U.S. Merit Systems Protection Board (MSPB) failing or refusing to make a required Congressional report per 5 U.S.C. §1204(a)(3) jpcarson@tds.net 865-300-5831

Dear Senators,

To follow up on my previous letter of September 10, 2019 about this matter, as I understand Senate holds, see https://en.wikipedia.org/wiki/Senate_hold, it takes two or more Senators, acting in coordination, to keep a hold on a confirmation vote without publicizing it in the Congressional Record. That seems (to me at least) to be what is happening with the Senate Confirmation votes for B. Chad Bungard, PN695, Dennis Dean Kirk, PN187 and Julia Akins Clark, PN183 to MSPB.

Per 5 U.S.C. §1213(g)(1), I made a whistleblower disclosure to the U.S. Office of Special Counsel (OSC) about MSPB's apparent 40 year-long failure or refusal to make the Congressional report required by 5 USC section 1204(a)(3). 5 U.S.C. section 1213(g)(1) applies when the whistleblower is not an employee of the agency about which the disclosure is made. This section of law gives OSC complete discretion about referring the disclosure to the involved agency head, but if it is referred, then the law requires:

The head of such agency shall, within a reasonable time after the information is transmitted, inform the Special Counsel in writing of what action has been or is being taken and when such action shall be completed.

Additionally, the agency head's report to OSC becomes a permanent, publicly available record, per 5 U.S.C. §1219(a)(4).¹ Given OSC's apparent 40 year failure or refusal to refer whistleblower disclosures made per 5 U.S.C. §1213(g)(1) and its (to this point) not even acknowledging my disclosure, I would appreciate your interest in how OSC treats my disclosure.

¹ However, OSC has apparently not, in its 40 year history, exercised its discretion to refer such a disclosure to an agency head - its website does not describe this disclosure mechanism, nor does it apparently contain any resultant agency head reports.