

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Millicent L. Brown,

Senior Manager, Records Management
Branch Office of the Chief Administrative
Officer, Mission Support, Federal Emergency
Management Agency, Department of
Homeland Security.

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2020-0016]

Meeting To Implement Pandemic Response Voluntary Agreement Under Section 708 of the Defense Production Act

AGENCY: Federal Emergency
Management Agency, Department of
Homeland Security.

ACTION: Announcement of meeting;
request for comments.

SUMMARY: The Federal Emergency
Management Agency (FEMA) will hold a
meeting remotely via web conference
to implement the Voluntary Agreement
for the Manufacture and Distribution of
Critical Healthcare Resources Necessary
to Respond to a Pandemic. A portion of
the meeting will be open to the public.

DATES: The meeting will take place on
Tuesday, May 25, 2021, from 1 to 3 p.m.
Eastern Time (ET). The first portion of
the meeting, from approximately 1 to 2
p.m. ET, will be open to the public.

Written comments for consideration
at the meeting must be submitted and
received by 12 p.m. ET on Monday, May

24, 2021. Follow-up comments must be
received by 5 p.m. ET on Wednesday,
June 2, 2021, to be considered.

ADDRESSES: The meeting will be held
via web conference. Members of the
public may view the public portion of
the meeting online at: [https://
fema.zoomgov.com/j/1608166430?pwd=
ZnJWa2JsT2FJOFBL
SEFMWU0yZStzdz09](https://fema.zoomgov.com/j/1608166430?pwd=ZnJWa2JsT2FJOFBLSEFMWU0yZStzdz09).

Reasonable accommodations are
available for people with disabilities. To
request a reasonable accommodation,
contact the person listed in the **FOR
FURTHER INFORMATION CONTACT** section
below as soon as possible. Last minute
requests will be accepted but may not be
possible to fulfill.

To facilitate public participation,
members of the public are invited to
provide written comments on the issues
to be considered at the meeting. The
Meeting Objectives listed below outline
these issues. Written comments must be
identified by Docket ID FEMA-2020-
0016, and submitted by one of the
following methods:

- **Federal eRulemaking Portal:**
<https://www.regulations.gov>. Follow the
instructions for submitting comments.

- **Email:** FEMA Office of Response
and Recovery, Office of Business,
Industry, Infrastructure Integration,
OB3I@fema.dhs.gov.

Instructions: All submissions must
include the docket ID FEMA-2020-
0016. Comments received, including
any personal information provided, may
be posted without alteration at [https://
www.regulations.gov](https://www.regulations.gov).

Docket: For access to the docket and
to read comments received by FEMA, go
to <https://www.regulations.gov> and
search for Docket ID FEMA-2020-0016.

FOR FURTHER INFORMATION CONTACT:

Robert Glenn, Office of Business,
Industry, Infrastructure Integration, via
email at OB3I@fema.dhs.gov or via
phone at (202) 212-1666.

SUPPLEMENTARY INFORMATION: Notice of
this meeting is provided as required by
section 708(h)(8) of the Defense
Production Act (DPA), 50 U.S.C.
4558(h)(8), and consistent with 44 CFR
part 332.

The DPA authorizes the making of
“voluntary agreements and plans of
action” with, among others,
representatives of industry and business
to help provide for the national
defense.¹ The President's authority to
facilitate voluntary agreements was
delegated to the Secretary of Homeland
Security with respect to responding to
the spread of COVID-19 within the
United States in Executive Order

¹ 50 U.S.C. 4558(c)(1).

13911.² The Secretary of Homeland
Security has further delegated this
authority to the FEMA Administrator.³

On August 17, 2020, after the
appropriate consultations with the
Attorney General and the Chairman of
the Federal Trade Commission, FEMA
completed and published in the **Federal
Register** a “Voluntary Agreement for the
Manufacture and Distribution of Critical
Healthcare Resources Necessary to
Respond to a Pandemic” (Voluntary
Agreement).⁴ Unless terminated prior to
that date, the Voluntary Agreement is
effective until August 17, 2025, and may
be extended subject to additional
approval by the Attorney General after
consultation with the Chairman of the
Federal Trade Commission. The
Agreement may be used to prepare for
or respond to any pandemic, including
COVID-19, during that time.

On December 7, 2020, the first plan of
action under the Voluntary
Agreement—the Plan of Action to
Establish a National Strategy for the
Manufacture, Allocation, and
Distribution of Personal Protective
Equipment (PPE) to Respond to COVID-
19 (Plan of Action)—was finalized.⁵ The
Plan of Action established several sub-
committees under the Voluntary
Agreement, focusing on different
aspects of the Plan of Action.

The meeting will be chaired by the
FEMA Administrator or her delegate,
and attended by the Attorney General or
his delegate and the Chairman of the
Federal Trade Commission or her
delegate. In implementing the Voluntary
Agreement, FEMA adheres to all
procedural requirements of 50 U.S.C.
4558 and 44 CFR part 332.

Meeting Objectives: The objective of
the meeting is to update the general
public, and private industry partners, on
the status of the Voluntary Agreement,
PPE Plan of Action, and Plans of Action
concerning Medical Devices, Medical
Gases, Diagnostic Testing Kits, and Drug
Products/Drug Substances.

Meeting Closed to the Public: By
default, the DPA requires meetings held
to implement a voluntary agreement or

² 85 FR 18403 (Apr. 1, 2020).

³ DHS Delegation 09052, Rev. 00.1 (Apr. 1, 2020);
DHS Delegation Number 09052 Rev. 00 (Jan. 3,
2017).

⁴ 85 FR 50035 (Aug. 17, 2020). The Attorney
General, in consultation with the Chairman of the
Federal Trade Commission, made the required
finding that the purpose of the voluntary agreement
may not reasonably be achieved through an
agreement having less anticompetitive effects or
without any voluntary agreement and published the
finding in the **Federal Register** on the same day. 85
FR 50049 (Aug. 17, 2020).

⁵ See 85 FR 78869 (Dec. 7, 2020). See also 85 FR
79020 (Dec. 8, 2020).

plan of action be open to the public.⁶ However, attendance may be limited if the Sponsor⁷ of the Voluntary Agreement finds that the matter to be discussed at a meeting falls within the purview of matters described in 5 U.S.C. 552b(c). The Sponsor of the Voluntary Agreement, the FEMA Administrator, found that a portion of this meeting to implement the Voluntary Agreement involves matters which fall within the purview of matters described in 5 U.S.C. 552b(c) and that portion of the meeting will therefore be closed to the public.

Specifically, the meeting to implement the Voluntary Agreement may require participants to disclose trade secrets or commercial or financial information that is privileged or confidential. Disclosure of such information allows for meetings to be closed pursuant to 5 U.S.C. 552b(c)(4). In addition, the success of the Voluntary Agreement depends wholly on the willing and enthusiastic participation of private sector participants. Failure to close the meeting to the public could have a strong chilling effect on participation by the private sector and cause a substantial risk of premature public release of sensitive information. Such a release of sensitive information could result in participants withdrawing their support from the Voluntary Agreement and thus significantly frustrating the implementation of the Voluntary Agreement. Frustration of an agency's objective due to premature disclosure of information allows for the closure of a meeting pursuant to 5 U.S.C. 552b(c)(9)(B).

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

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DEPARTMENT OF HOMELAND SECURITY

[Docket Number DHS-2021-0024]

DHS Individual Complaint of Employment Discrimination, DHS Form 3090-1

AGENCY: Department of Homeland Security, (DHS).

ACTION: 60-day notice and request for comments; extension without change of a currently approved collection, 1610-0014.

SUMMARY: The Department of Homeland Security, will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted until July 20, 2021. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: You may submit comments, identified by docket number Docket # DHS-2021-0024, at:

○ *Federal eRulemaking Portal:* <http://www.regulations.gov>. Please follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number Docket # DHS-2021-0024. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

SUPPLEMENTARY INFORMATION: 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.

It is the policy of the Government of the United States to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age, disability, protected genetic information, or status as a parent, and to promote the full realization of equal employment opportunity (EEO) through a continuing affirmative program in each agency.

Persons who claim to have been subjected to these types of discrimination, or to retaliation for opposing these types of discrimination or for participating in any stage of administrative or judicial proceedings relating to them, can seek a remedy under Title VII of the Civil Rights Act (Title VII) (42 U.S.C. 2000e *et seq.*) (race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin), the Age Discrimination in Employment Act (ADEA) (29 U.S.C. 621 *et seq.*) (age), the Equal Pay Act (29 U.S.C. 206(d)) (sex), the Rehabilitation Act (29 U.S.C. 791 *et seq.*) (disability), the Genetic Information Nondiscrimination Act

(GINA) (42 U.S.C. 2000ff *et seq.*) (genetic information), and Executive Order 11478 (as amended by Executive Orders 13087 and 13152) (sexual orientation or status as a parent).

The Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) adjudicates discrimination complaints filed by current and former DHS employees, as well as applicants for employment at DHS. The complaint adjudication process for statutory rights is outlined in the Equal Employment Opportunity Commission (EEOC) regulations found at Title 29, Code of Federal Regulations, Part 1614, and EEOC Management Directive 110. For complaints alleging discrimination prohibited by Executive Order 11478, DHS follows procedures similar to the procedures for statutory rights, to the extent permitted by law.

The recordkeeping provisions are designed to ensure that a current employee, former employee, or applicant for employment claiming to be aggrieved, or that person's attorney, provides a signed statement that is sufficiently precise to identify the aggrieved individual and the agency, and to describe generally the action(s) or practice(s) that form the basis of the complaint. The complaint must also contain a telephone number, email address, and address where the complainant or the representative can be contacted. The complaint form is used for original allegations of discrimination and for amendments to pending complaints of discrimination. The form also determines whether the person is willing to participate in mediation or other available types of alternative dispute resolution (ADR) to resolve the complaint; Congress has enacted legislation to encourage the use of ADR in the federal sector, and the form ensures that such an option is considered at this preliminary stage of the EEO complaint process.

A complainant may access the complaint form on the agency website and may submit a completed complaint form electronically to the relevant Component's EEO Office. The complaint form can then be directly uploaded into the DHS EEO Enterprise Complaints Tracking System, also known as "icomplaints."

The burden of compliance with the information collection requirement does not impact small businesses or other small entities.

The information collection frequency specified in the DHS complaint form is the minimum amount necessary and appropriate for the agency to determine whether the allegations should be accepted for investigation, dismissed

⁶ See 50 U.S.C. 4558(h)(7).

⁷ "[T]he individual designated by the President in subsection (c)(2) [of section 708 of the DPA] to administer the voluntary agreement, or plan of action." 50 U.S.C. 4558(h)(7).