

Supporting Statement for Paperwork Reduction Act Submission for  
Form 898: Advisory Committee Membership –Nominee Information  
OMB Control No. 3245-0124

**A. Justification**

1. Circumstances necessitating the collection of information

The U.S. Small Business Administration currently has seven advisory committees. The creation of some of these committees was mandated by statute; others, while statutorily authorized, were established at the discretion of the agency. Regardless of the basis for their creation, SBA's advisory committees are established and operated according to the requirements and procedures set out in various statutes, regulations and operating procedures, primarily the Small Business Act, 15 U.S.C. § 631, et seq., the Federal Advisory Committee Act (FACA), 5 U.S.C. app 2, as amended, GSA's implementing regulations at 41 C.F.R. Part 102-3 and SBA's standard operating procedures for advisory committees, SOP 90 54 (5).

SBA's SOP 90 54 (5) establishes the agency's policies and procedures governing creation and use of advisory committees. This policy requires all individuals applying for advisory committee membership to be persons of outstanding qualifications known to be familiar and sympathetic with small business needs and/or be owners of small businesses. SOP 90 54 also lists the kind of information advisory committee nominees must submit in order to be considered for advisory committee membership and directs agency management and legal counsel to evaluate each nominee for eligibility requirements and make a determination as to whether an actual or potential conflict of interest may exist if that individual is appointed to an advisory committee. The information collected through this form assists agency management and legal counsel with these determinations. (Relevant excerpts from SOP 90 54 (5), Chapters 3 and 7, are attached).

SBA made some minor revisions to Form 898 in an effort to improve the quality of information received from advisory committee nominees and to enhance the evaluation and conflict of interest determination process. Specifically, SBA added a question to ask each respondent to identify the advisory committee to which he/she would like to apply for membership and whether the respondent is employed by a small business. We also revised the question as to whether respondent is an applicant or recipient of SBA Assistance to be consistent with SBA's definition of SBA Assistance found at 13 C.F.R. 105.201(e) and we added a signature block to ensure that the actual advisory committee applicants were completing the form and certifying that the information is accurate. The signature also helps us authenticate information received by the agency for FACA reports and Congressional inquiries.

In an effort to streamline the form, SBA also eliminated questions asking for respondent's work telephone number, whether they are on a Federal payroll, employed by a state government and whether they are currently serving on any other Federal

advisory boards. Under FACA and SBA policy, this information is not required for SBA to make a determination regarding eligibility to serve on an SBA advisory committee.

The Form 898 has also been reformatted for readability. The former design proved to be confusing for respondents and people inadvertently skipped questions. The redesign, especially the incorporation of “yes/no” checkboxes increases the likelihood that respondents will answer all questions.

## 2. How, by whom and for what purpose information will be used

The U.S. Small Business Administration uses Form 898 to gather general information about advisory committees’ nominees. The information is used by agency management and legal counsel to determine whether nominees meet statutory and other eligibility requirements for membership to one of SBA’s advisory committees and whether an actual or potential conflict of interest may exist if that individual is appointed to an advisory committee

The SBA also uses the information to comply with:

- A. FACA’s statutory reporting requirements
- B. Responses to requests for information under the Freedom of Information Act.
- C. Responses to requests for information from GSA Federal Committee Management Secretariat and Congress.
- D. For purposes of communicating with committee members.

## 3. Technological Collection Techniques

This form is available electronically for respondents to download and complete before faxing, mailing or scanning and emailing the completed form back to the agency. Currently SBA does not have capability to accept this form electronically through its web site. Currently faxing and emailing are the least burdensome collection methods available and enable the agency to capture signatures without the expense of electronic signature encryption. However, in an effort to comply with the Government Paperwork Elimination Act (GEPA), the agency intends to explore the practicability of the electronic submission of the forms.

## 4. Avoidance of Duplication

Similar information is not available from current resources.

## 5. Impact on small businesses or other small entities

Respondents are individuals, not small businesses, and although some of the requested information might implicate small businesses or small entities that a nominee owns or is affiliated with, there is no burden on any small business to respond to this information collection.

## 6. Consequences if collection of information is not conducted

The SBA would not have the information necessary to make informed decisions about the eligibility of advisory committee nominees and whether an actual or

potential conflict of interest may exist if that individual is appointed to an advisory committee.

7. Existence of special circumstances

Confidential information is solicited, but the agency can demonstrate that it will protect the confidentiality of the information to the extent permitted by law.

8. Solicitation of Public Comment

Notice was published in the Federal Register February 27, 2008, at 73 FR 10505. No public comments were received.

9. Payment or gifts

No payment or gift of any kind will be given to the respondents.

10. Assurance of confidentiality

A notice to respondents titled Notices Required by Law has been made a part of Form 898. This notice advises each respondent of, among other things, the protections against disclosure of sensitive and confidential information under the Freedom of Information Act (5 U.S.C. 552), the Privacy Act (5 U.S.C. 555a) and the purposes for the collection of information. SBA also has a Privacy Act System of Records that covers this information collected from advisory committee nominees. (Copy of SBA's Privacy Act System of Records, Advisory Council Files -- SBA 3 is attached).

11. Questions of a Sensitive Nature

Some of the questions asked are or could be deemed sensitive. Answers to these questions are specifically required by SOP 90 54 (5) as based on FACA and the Small Business Act. The request for residential address and telephone is used to determine geographic-based eligibility and enable SBA to contact the nominee by mail, email or telephone. Questions on the receipt of SBA Assistance help SBA make a conflict of interest determination and questions on the nominee's criminal history and debarment or suspensions help SBA determine whether the nominee meets the character standards that have been set for eligibility. Any personal information collected in response to these or other questions is maintained in a Privacy Act System of Records – SBA 3, and will be kept confidential to the extent permitted by law.

12. Estimate of hourly burden of the collection of information

Approximately 100 persons each year respond to this information collection. It takes each respondent approximately one hour to complete the form. This estimate was gathered by a random sampling of the respondents. Estimated Burden: 1 hour x 100 respondents = 100 hours.

13. Estimate of total annual cost burden for submission of form

Any cost to respondents as a result of this information collection is de minimis, and does not include any capital or startup costs.

14. Estimated annualized cost to the federal government

There is no little or no additional cost to the federal government as a result of Form 898. The government employees designated to process this form and any attachments work for SBA's Office of Intergovernmental Affairs and Office of General Counsel and review this form as part of their regular, assigned duties.

15. Explanation of program changes in items 13 or 14 on OMB Form 83-1

There has been no change.

16. Collection of information whose results will be published

None of the information collected will be published in any identifiable form. At most aggregated information may be published in various agency reports that include advisory committee data.

17. Expiration date for collection of information

Not applicable

18. Exceptions to certification in Block 19 on OMB Form 82-1

Not applicable

**B. Collections of Information Employing Statistical Methods**

Not applicable