

2009 Supporting Statement

Advisory Committee and Research and Promotion Board Membership Background Information OMB No. 0505-0001

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.**

Section 1804 of the Food and Agriculture Act of 1977 (7 U.S.C. 2281, et seq.) requires the Department to provide information concerning advisory committee members' principal place of residence, persons or companies by whom employed, and other major sources of income. The Agriculture and Food Act of 1981 (Pub. L. 97-98) reiterates this requirement.

Additionally, the Agricultural Marketing Service (AMS) has oversight of various commodity research and promotion boards established by statute. These include:

- Potato Research and Promotion Act (7 U.S.C. 2611 et seq.)
- Cotton Research and Promotion Act (7 U.S.C. 2101 et seq.)
- Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.)
- Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.)
- Farm Security and Rural Investment Act of 2002; P.L. 107-171 (2002 Farm Bill)
- Food, Conservation, and Energy Act of 2008; P.L. 110-246 (2008 Farm Bill)
- Beef Research and Information Act (7 U.S.C. et seq.)
- Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4801 et seq.)
- Soybean Promotion, Research, and Consumer Information Act (7 U.S.C. 6301 et seq.)
- Fluid Milk Promotion Act of 1990 (7 U.S.C. 6401 et seq.)
- Watermelon Research and Promotion Act (7 U.S.C. 4901 et seq.)
- Mushroom Research, Promotion, and Consumer Information Act (7 U.S.C. 6101 et seq.)
- Popcorn Research, Promotion, and Consumer Information Act (7 U.S.C. 7481-7491)
- Hass Avocado Promotion, Research and Information Act (7 U.S.C. 7801-7813)
- Commodity, Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411-7425)

NOTE:

- Honey, Sorghum, and Raspberry do not have Acts, but fall under the Commodity, Promotion, Research, and Information Act.
- Dairy Importers and National Sheep Center are authorized under the Farm Bill Food, Conservation, and Energy Act of 2008 (2008 Farm Bill, signed into law

June 18, 2008)

Board members under each program are appointed by the Secretary. Some of the information contained on Form AD-755 is used by the Department to conduct the background clearances of prospective board members required by departmental regulation. The clearance is required for all committee members who are appointed by the Secretary.

The Office of the *White House Liaison* collects the AD-755 *Information Collection form* for the purpose of checking on the background of the nominees to make sure there are no delinquent loans to the United States Department of Agriculture, USDA, as well as making sure they have no negative *record* that could be a negative reflection to the USDA.

2. Indicate how, by whom, how frequently, 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.

The information obtained from the forms is used in the compilation of an annual report to Congress. Failure of the Department to provide this information would require the Secretary to terminate the pertinent advisory committee. Forms will be returned to and maintained by the USDA Agency providing support services to the advisory committee. Pertinent information from the forms will be referred to the Office of the Secretary for the necessary background clearances.

Additionally, forms and supplemental attachments are completed by nominees to research and promotion boards and are returned to and maintained by AMS. Certain information on the form and attachments are used by AMS to determine nominees' eligibility to serve. Copies of the forms are referred to the Office of the Secretary. Information from these forms and documents, such as business experience, background and education, is used by the Secretary to make appointments, while other pertinent information is utilized in the necessary background clearances.

The Office of the White House Liaison uses the AD-755 form specifically to have background checks performed on the nominees to confirm that the nominees are not delinquent with any loans to the USDA, as well as to confirm that they do not have a negative history with the USDA that could cause any controversy.

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 White House Liaison has permission to post the AD-755 Advisory Committee membership Background Information on the Internet. The applicants are able to complete and print the AD-755, but cannot submit the form electronically.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose described in item 2 above.**

The Department of Agriculture is the only agency required to submit this annual report to Congress, there is no duplication with the requirements of other Federal agencies which might be using the same individuals as committee members.

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

This information collection activity has not impact on small businesses. Information will be collected only from individual committee members.

- 6. Describe the consequence to Federal program or policy activities if the collection is Conducted or is conducted less frequently, as well as nay technical or legal obstacles to reducing burden.**

Failure of the Department to provide this information in the report to the Congress would require the termination of the pertinent advisory committee by the Secretary. Also, failure research and promotion board nominees to submit this information would hinder the Secretary's ability to make judicious appointments to those boards.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5.**

This information collection is conducted in a manner consistent with the guidelines established in 5 CFR 1320.5.

- 8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice. 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.**

Describe efforts to consult with persons outside the agency to obtain their views and the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting form, and on the data elements to be recorded, disclosed, or reported.

The 60-day Federal Register notice was published on Friday, November 7, 2008, page

66212 (Vol. 73, Number 217). No comments were received.

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

There are no payments or gifts.

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

The form itself identifies those items of information, which will be made a part of the public record, i.e., the report of Congress. Other information is used in connection with the Department's background clearance process and is maintained confidentially pursuant to provisions of the Privacy Act. Systems of Records Federal Register notice published May 21, 1991, Vol. 56, No. 98, page 23263-23270.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or 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.

All of the information provided is of a sensitive nature. Justification for its collection and use is provided above in questions 10.

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

- **Indicate the number of respondents, frequency of responses, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burden for collections of information, identifying and using appropriate wage rate categories.**

Number of respondents is 1740. Each respondent fills out the AD-755 form (and AMS supplemental attachment) 1 time, which takes about 30 minutes to fill out. The burden hours for this collection are 870.

We polled the committees/boards; the average consensus is the current members make about \$50.00 an hour. The respondents cost is \$42,100.

13. **Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information, (do not include the cost of any hour burden shown in items 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.**

There is no capital or start-up cost with this collection of information.

14. **Provide estimates annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost and any other expenses that would not have been incurred without this collection of information.**

Summary of Cost to the Government:

Agencies send the AD-755 form along with various other information in the packet to all of the State Certified Organizations. Estimated costs \$2.10 per packet. The organization makes copies of the form, and either mails it to potential respondents or respondents may pick up a copy while attending a meeting. (It would be impossible to make an estimated guess as to how many copies each certified organization makes of the AD-755. There are over 500 certified organizations in the country). The respondents then mail or fax a completed copy of the AD-755 back to the certified organizations. The organization decides on the respondents they are interested in having as nominees and mails those form back to the Agency.

Estimate \$ 2.10 per mailing x 500 State Certified Organizations = \$ 1,050

The Agency reviews the forms of those chosen for nomination, and forwards a copy of the individual forms for that committee or board to the Office of the White House Liaison. The Office of the White House Liaison reviews each AD-755 form, making sure that the AD-755 has been signed to allow the different agencies (RD, FSA, and OIG) to perform background clearances.

Agencies review 1,740 respondents x 30 minutes = 870 hours

870 hours x \$24.15 (Government employee, GS 9/1) Total: \$21,010.50

Office of the White House Liaison reviews completed forms, checking to make sure each form has been completed and signed by the nominees.

Office of the White House Liaison reviews 1,740 AD-755 forms x 15 minutes = 435 hours

435 hours x \$31.17 (estimated White House Liaison Office, GS 11/3) Total \$13,558.95

Office of the White House Liaison faxes names, addresses, SSN, and DOBs (not AD-755 form) to FSA, OIG, and RD for background checks.

White House Liaison fax time = 5 minutes per board/committee
There are 72 boards/committees

5 minutes x 72 = 6 hours
6 hours x \$31.17 = \$187.02

Mailing:	\$ 1,050.00
Government salary:	21,010.50
White House Liaison salary:	13,558.95
White House Liaison Fax:	<u>187.02</u>
Total:	\$35,806.47

15. Explain the reasons for any program changes or adjustments reported in items 13 or 14 of the OMB Form 83-I.

There is an increase in burden from 842 to 870 due to the adding two new committees.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

We have no plans to tabulate or publish.

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

No approval is being sought.

18. Explain each exception to the certification statement identified in Item 19 “Certification for Paperwork Reduction Act.”

The agency is able to certify compliance with all provisions under Item 19 of OMB form 83-I.