

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

A. Justification

The White House Liaison vision is to develop an integrated system that provides electronic access to USDA's advisory committee management information and government services to our staff, advisory committees, and its members. So far, a Federal Advisory Committee Management Workgroup to support the White House Liaison Office in these efforts has been established. Although we are still in the conceiving phase of an electronic system, the plan is to create an electronic membership application service for our applicants to complete the AD-755 form online before the next OMB renewal.

- 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. 2901 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:

- Blueberries, Honey, Peanuts, Mangos, Christmas Trees, Softwood Lumber, Lamb, Sorghum, Raspberry and the Paper and Paper Based Packaging 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 White House Liaison Office (WHLO) uses the AD-755 to collect information 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.

Additionally, White House Liaison Office is amending the AD-755 to include a section for federally registered lobbyist. This feedback collection is necessary and in response to the Office of Management and Budget (OMB) issuance of revised guidance on August 13, 2014 to Executive Departments and agencies concerning the appointments of federally registered lobbyists to boards and commissions. The prohibition against appointing or re-appointing federally registered lobbyists to clarify that the ban applies to persons serving on advisory committees, boards, and commissions in their individual capacity and does not apply if they are specifically appointed to represent the interests of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry sector, labor unions, environmental groups, etc.), or state or local governments. This change will ensure that the Department of Agriculture receives all qualified applicants for seats on agriculture related board and committees. In the past particular lobbyist were prohibited to serve on advisory committees thus the collection of lobbyist information is imperative in the board and committee building nominations process. This information will be utilized by the White House Liaison Office and USDA agencies to determine the lobbyist status of all constituencies while constructing each board or committee. This information will help the agencies increase the pool and diversity of applicants for boards and committees across the nation.

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 collected from the form allows USDA to adhere to the Federal Advisory Committee Act (FACA) requirements in Section 6(c) that requires the President to provide a report called Annual Report to Congress. In adherence, “the President shall, no later than December 31 of each year, make an annual report to Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding fiscal year.” This collection is used to satisfy the evaluation requirements for the Annual Comprehensive Review from Section 7 of FACA as well. By not complying with FACA statutes, puts the Secretary at risk of USDA advisory committees being terminated by Congress. These advisory committees are pertinent to Agricultural industry and providing key information from the form is necessary to manage the advisory committee program

at USDA. The AD-755 forms are returned to the Secretary of Agriculture and managed through USDA's Enterprise Content Management System (SORN). A copy of the form is maintained and secured by the USDA agency providing support services to the advisory committee. In order to serve on any USDA Advisory Committee, pertinent information from the form is forwarded to the White House Liaison Office in the Office of the Secretary for the necessary background clearances.

Additionally, the form is completed by nominees to research and promotion boards and is returned to and maintained by the USDA Agricultural Marketing Service (AMS). Certain information collected from the form is used by AMS to determine nominees' eligibility to serve. A copy of the form is transmitted from the Office of the Secretary through the Office of Executive Services to the responsible agency. Information from the 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 White House Liaison Office 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.

Race, ethnicity and gender (REG) data will be collected on a voluntary basis from constituents at the application stage. The WHLO will store the information on file. Various Boards and Committees retain seats allotted to specific demographics. Without official REG data, it will be very difficult to determine whether these seats will be filled by applicants of the appropriate race or ethnicity. For example, many of the Secure Rural Schools Resource Advisory Committees reserve one seat for Native Americans and without the use of this form the Agency has no other way to collect this information to ensure that these seats are properly being filled by the required interest group.

Because this is not a random sampling, the data is intended to be used as one indicator in targeting and designing outreach activities and is in no way considered to be a statistically significant analysis. It may also indicate a need to focus resources in a particular county or region where low participation is indicated by the data. In addition, the data could be used as an indicator of whether outreach efforts are working effectively or not, and whether underserved communities and/or groups are responding to our efforts. Outreach activities associated with advisory committees may ensure that all of its customers (in this case, the applicants) are treated fairly, regardless of race, color, sex, national origin, religion, disability, sexual orientation, or age. Some of these activities help USDA provide good customer service, increase participation, and find different approaches for outreach at the national, State or local level.

For example, the Advisory Committee on Minority Farmers advises the Secretary on the administration of the Outreach and Assistance for Socially Disadvantaged Farmers and Ranchers Competitive Grant Program. Also, advises the Secretary on how to increase participation of socially disadvantaged farmers and ranchers in USDA programs, and the civil rights activities that affect them.

Again, USDA intends to use the data as an indicator in assessing participation of constituencies; however, USDA will exercise caution in use of the data and will not use

the data as a sole factor for decisions regarding appointments to boards and committees. Those assessments will be based on other factors, such as records and vetting results. The data may also be used as an indicator in directing compliance reviews to geographic areas where there are indications of low participation in USDA programs by constituencies, thus serving as an “early warning system” that warrants further investigation. Further, the White House Liaison Office plans to provide training to employees at all organizational levels to educate them on the need for and appropriate uses of the data. This will increase their understanding of the value of the data to helping them manage outreach.

Because data previously collected by WHLO, MRP and FSA has been based only on employee visual identification, the current data may be unreliable for useful analysis in indicating specific areas and locations of problems—which need to be addressed-- or successes, which may serve as models in future outreach efforts.

- 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.**

Instructions on how to submit an application is provided on the USDA advisory committee website along with a link to access the AD-755 Advisory Committee membership Background Information form are provided on USDA’s Advisory Committee website, http://www.usda.gov/wps/portal/usda/usdahome?contentidonly=true&contentid=advisory_committees.xml . The applicants are able to complete and print the AD-755, but cannot submit the form electronically. We request all candidates who wish to be considered for any committee submit an Application for Advisory Committee Membership and resume to the Secretary of Agriculture with a cover letter addressed to the Secretary of Agriculture. All nomination materials should be mailed in a single, complete package to: Thomas Vilsack, Secretary, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC, 20250.

- 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 no 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 may 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 of research and promotion board nominees to submit this information would hinder the Secretary's ability to make judicious appointments to those boards.

If race, ethnicity, and gender data is not collected on applicants for USDA boards and committees, the Department will be unable to determine the diversity of applicants. Without diversity statistics, the USDA will be unable to determine the current level of outreach. Consequently, the White House Liaison Office will lack the ability to fill demographic specific seats during the board and committee building process. Not only does this affect, specific demographics negatively, it increases the amount of time needed to find applicants to fill demographic specific seats. Thus, without REG data, the time needed to build a board or committee will increase substantially.

Failure to collect this information and REG data will also have a negative impact on USDA's outreach and could result in an inability of the agencies to equitably deliver services to certain constituencies

- 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 Monday, December 22, 2014, page 76296 (Vol. 79, Number 245). No comments were received during the allotted collection time.

- 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 was published October 2, 2006, Vol. 71, No.191, page 58365-58367 for the USDA/OES, Enterprise Content Management.

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. The agency is collecting this information to provide a background clearance of its applicants. Further 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.**

There are about 2,320 advisory board respondents and 781 AMS research and promotion respondents, for a total of 3,101. Each respondent fills out the AD-755 form 1 time, which takes approximately 30 minutes to complete. Of the 1,550 total burden hours for this collection 391 burden hours are for research and promotion.

We polled the committees/boards; the average consensus is the current members make about \$50.00 an hour. The respondents total cost is ($\$50.00 \times 1,550 = \$77,500.$)

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:

The AD-755 is distributed online through Federal websites. Subject-matter specialists evaluate applicants and choose candidates for the Secretary or Agency head to consider. The Office of the White House Liaison also vets the candidates. The AD-755 documents self-disclosed information about applicants and serves as the primary communication tool between the applicant, subject-matter specialists, and the ultimate decision making official. Without the AD-755 (as proposed), the communication about applicants tends to be based on subjective judgments. Such subjective judgments can ultimately lead to costly mistakes in judgment and use of human resources to correct those mistakes.

Total cost to the Federal government is \$310,955.00.

Calculation of Federal Employee Handling and Evaluation of the AD-755

The hourly rate for a GS 12 step 5 to review the form is $\$42.70 \times .5$ (30 minutes) $\times 3,101$ submissions = \$66,206.

Calculation of Federal Employee Vetting Candidates

The number of candidates actually vetted is lower than the number of applicants. Only qualified applicants are vetted. About 68% of applicants actually make it to the candidate pool ($3,101 \times .68 = 2,109$). The hourly rate of a GS 13 step 3 for vetting is $\$46.42 \times 2.5$ hrs. $\times 2,109$ applicants = \$244,749.00.

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 adjustment increase in burden by 378 hours and a program increase of 12 hours due to an additional number of advisory committee member positions and new Research and Promotion Board. The board and committee member positions are filled intermittently over a 2-4 year period. We receive an average of 3 applications per member vacancy. A program change was made to the form adding question 8a about lobbying.

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.

