



1400 Independence Avenue, SW
Room 2055-S, STOP 0201
Washington, D.C. 20250-0201

TO: Dominic Mancini
Deputy Director
Office of Management and Budget

THROUGH: Levi S. Harrell
Departmental Clearance Officer
Office of the Chief Information Officer

FROM: Erin Morris
Associate Administrator

SUBJECT: Request for Emergency Review and Approval for a New Information Collection Request

We are requesting emergency review and approval of an information collection package for the U.S. Department of Agriculture (USDA), Agricultural Marketing Service (AMS) for a web form to collect complaints and tips from the public as part of a new FarmerFairness.gov complaint web portal. On January 3, 2022, President Biden held a joint summit with Secretary Thomas J. Vilsack and Attorney General Merrick Garland on the state of competition in the meat and poultry industries. At the summit, Secretary Vilsack and Attorney General Garland [announced](#) that a joint web portal would be available within 30 days allowing farmers, ranchers, and other producers and growers to submit complaints about potential violations of the Packers and Stockyards Act and other anti-trust laws. The Department of Justice (DOJ) has deferred to the Department of Agriculture (USDA) to develop and deploy the web portal, though both departments' seals will appear on the portal.

The Packers and Stockyards Division (PSD) within AMS's Fair Trade Practices Program (FTPP) currently collects similar information through its forms collection 0581-0308, so we did not initially think we needed a new information collection approval. However, after beginning website development, we realized we need approval for the web form to be incorporated into this portal. The announced portal must be set up by February 2, 2022. Failure to implement within the time allotted would impact the Administration's rollout plans and potentially erode credibility and faith in the successful implementation of the joint USDA/DOJ project. Of particular importance to this project is protecting the confidentiality of the complainants, to the fullest extent possible under the law, as well as supporting relevant whistleblower protections, including newly-applicable protections [for criminal antitrust complainants against unlawful retaliation](#). The proposed webform is essential to enabling farmers, ranchers, and producers to anonymously submit complaints and tips about suspected violations of the Packers and Stockyards Act and other antitrust laws. As a result, the agency cannot reasonably comply with the normal clearance procedures under the PRA.

The submission of a complaint or tip through this new FarmerFairness.gov USDA/DOJ complaint web portal is completely voluntary. Each complainant has the option to include personal contact information. However, it is not required. In submitting a complaint or tip, complainants will be asked to provide information. AMS's PSD and the DOJ are the primary users of the information. Both agencies have committed to vigorously enforce the laws that protect farmers, ranchers and other producers and growers from unfair, deceptive, discriminatory, and anticompetitive practices. The information collected will assist both agencies with obtaining timely information about concerning practices within the livestock and poultry industries. This information will be reviewed by both agencies to determine whether violations of the Packers and Stockyards Act or other antitrust laws are occurring that may be negatively impacting farmers, ranchers, producers, or consumers. The data collected is the minimum information necessary for AMS and DOJ to effectively carry out the Administration's mandate.

In compliance with OMB regulations (5 C.F.R. Part 1320), which implement the Paperwork Reduction Act of 1995 (Pub. L. 104-13), the information collection and recordkeeping requirements that may be imposed by this action are submitted to OMB for emergency review and approval. The additional reporting requirements would not become effective prior to OMB review. Once approved the collection will be merged with OMB No. 0581-0308, Regulations and Related Reporting and Recording Requirements - Packers and Stockyards Programs-Business Form and Instruction.

Attached are the OMB 83-I, the Supporting Statement, the AMS-71 spreadsheet, and a PDF of the draft webform.

Attachments