

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

A. Justification

Terms of Clearance: The White House Liaison Office (WHLO) continues to wait for the Office of the Secretary to grant a budget to begin the initial developmental phase of a collection system for the Advisory Committee and Research and Promotion Board Membership Background AD-755 Form. In recent efforts, the WHLO is working with sub-agencies under USDA to allocate a budget to support the funding to automate the receipt of applications for the AD-755.

- 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:

- Christmas Trees, Blueberries, Honey, Paper and Packaging, Peanuts, Pecan, Mangos, Softwood Lumber, Lamb, Sorghum, and Raspberry do not have Acts, but fall under the Commodity, Promotion, Research, and Information Act.
- Dairy Importers and National Sheep Industry Improvement 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 candidates who are applying to be appointed to a USDA advisory committee or board by the Secretary of Agriculture.

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 includes the AD-755 section for Race, Ethnicity and Gender (REG), veterans, and disability data collection. This data collection is optional but essential to ensure that the Department of Agriculture receives a diverse range of applicants for seats on agriculture related board and committees. Most boards require a specific number of seats for certain constituencies thus the collection of information such as race, ethnicity, and gender (REG), is imperative in the board and committee building process. Under the Federal Advisory Committee Act (FACA) advisory committees must be fairly balanced in its membership in terms of points of view represented and the functions to be performed. Therefore, this information will be utilized by the White House Liaison Office to determine the current amount of outreach to all constituencies while constructing each board or committee. If outreach is lower than desired, this information will help the White House Liaison Office increase the diversity of applicants and may require additional solicitations for outreach for boards and committees across the nation to have a diverse pool of applicants.

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 form 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 committees. Pertinent information from the forms will be referred to 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 AMS. Certain information on the form is used by AMS to determine nominees' eligibility to serve. Copies of the forms with personal identifiable information (PII) redactions are made available 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 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 on 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 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. This collection is to ensure that the seats are properly filled.

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. For example, it may indicate a need to focus resources in a particular county or region where low participation is indicated by the data. It could also be used as an indicator of whether outreach efforts are working effectively or not, and whether underserved communities are responding to our efforts.

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 continue providing 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 efforts.

Because data previously collected by WHLO, Marketing Regulatory Programs (MRP) and the Farm Service Agency (FSA) have 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.

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 and submit by mail, as well, securely (encrypt) submit the form electronically. The White House Liaison Office (WHLO) has partnered with USDA’s Office of Chief Information Officer-Digital Service Center and Sales Force Contractors to develop a user interface to automate the receipt of AD-755 applications and nomination process. Due to the Covid pandemic, a high percentage of these applications were submitted electronically through a secured email box. The WHLO continues to wait for the Office of the Secretary to grant a budget to begin the initial developmental phase of a collection system. In recent efforts, the WHLO is working with sub-agencies under USDA to allocate a budget

to support the funding to automate the receipt of applications for the AD-755.

- 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 each individual candidate and if applicable, when current committee members are considered for reappointment.

- 6. Describe the consequence to Federal program or policy activities if the collection is Conducted or is conducted less frequently, as well as any 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 its applicants. Without diversity statistics, the USDA will be unable to determine the current level of outreach or the support FACA provisions for fair and balanced committees while also considering equity, diversity inclusion. Consequently, the White House Liaison Office will lack the ability to fill demographic specific seats during the board and committee building of nominations process. Not only does this affect, specific demographics negatively, it increases the amount of time needed to find applicants to fill those 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 Wednesday, January 26, 2022, FR Doc. 2022-01525 Filed 1-25-22; page 3964 (Vol. 87, Number 17). One comment was received from the U.S. Equal Employment Opportunity Commission with a request to a copy of the received AD-755 form, any accompanying instructions, and the supporting statement associated with this form, published for public comment in the Federal Register on January 26, 2022.

In consultation efforts with persons outside of USDA, the USDA Committee Management Officer contacted, two individuals at the Department of Veteran Affairs (Jeffrey Moragne and LaTonya Small), one person at Sales Force Company (April Alexa), one person at the National Institutes of Health (Sonya Freeman), and one person at the General Service Administration (Tara Dunlap Jackson) for their views on the 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 were conclusive. Based on the respondents, the average time to complete the form was 15-20 minutes and found the instructions and form to be concise and intuitive to the readers/individuals. An additional 10 minutes was added to allot for the time an applicant would package a cover letter, resume/curriculum vitae, AD-755 form and submit to a committee's corresponding agencies. Therefore, the total amount of time (burden) to complete the application form would be approximately 30 minutes.

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 and Systems of Records Federal Register notice published May 21, 1991, Vol. 56, No. 98, pages 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 sensitive in nature. Justification for its collection and use is provided above in question 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.**

The average number of respondents is 5500 a year of which 1850 are research and promotion respondents. Each respondent fills out the AD-755 form 1 time, which takes about 30 minutes to complete. Of the 2750 total burden hours for this collection 925 burden hours are for research and promotion. If an applicant wishes to be reappointed or is recommended for reappointment, the application must be updated and resubmitted for consideration.

In considering the hourly private industry professional and related occupations under the U.S. Bureau of Labor Statistics Occupational Employment and Wage Statistics for Agricultural workers, the respondent total cost including total compensation of wage and benefits is ($\$58.11 \times 5500 = \$319,605$).

In considering, the occupational employment and wage estimates statistics for agriculture workers/professionals (farming, state and local government, colleges and universities) average, the median (50%) salary = \$30,140 (14.49 per hour) and at 90% is \$54,300 (\$26.11 per hour).

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 at a centralized location on USDA Office of the Chief Information Office (OCIO) website under the electronic forms page. Subject-matter specialists evaluate applicants and recommend candidates for the Secretary or Agency head to consider. The White House Liaison Office conducts vets (background check) of the candidates. The AD-755 document is a 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 $\$115,582.50 + \$78,596.10 = \$194,178.60$

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

The hourly rate for a GS 12 step 3 to review the form is $\$42.03 \times .5$ (30 minutes) x average of 5500 submissions for vetting = $\$115,582.50$

Calculation of Federal Employee Vetting Candidates

The number of candidates actually vetted is lower than the number of applicants. Only qualified applicants are vetted unless its statutes state otherwise. About 68% of applications submitted actually make it to the candidate nomination pool ($5500 \times .68 = 3740$). The hourly rate of a GS 12 step 3 for vetting is $\$42.03 \times .5$ (30 minutes per vet) x 3740 applicants = $\$78,596.10$

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

The burden has increased due to an error calculation in the previous submission and new federal advisory committees and Research and Promotion Boards with more advisory committee member positions. Several Secure Rural Schools Research Advisory Committees merged to consolidate the # of members. Therefore, the # of respondents and responses will remain the same from the previous collection. The federal advisory committee and board member positions are filled intermittently over a 2–4-year period. We receive an average of 3 applications per committee membership vacancy.

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.