

2022 SUPPORTING STATEMENT
Suspension and Debarment and Drug-Free Workplace Certifications
OMB 0505-0027 (Renewal)

Terms of Clearance:

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.**

The information will be collected by USDA Federal financial assistance agencies and staff offices as certifying information concerning applicant suitability in compliance with Federal Suspension and Debarment and Drug-Free Work Place regulations, as defined by 2 C.F.R. Parts 180, 417 and Pub.L.100-690, Title V, Subtitle D: 41 U.S.C. § 8101 *et seq.*, 2 C.F.R. Parts 182, 421. This collection includes a set of standardized forms used in several agencies and staff offices within USDA. The burden of each program's use of the forms will be accounted for in their individual information collections (please see Item 12). ~~We request that the following forms be considered as common forms within USDA.~~ Pursuant to the Office of Management and Budget's Memorandum M-18-24 (*Strategies to Reduce Grant Recipient Reporting Burden*, September 5, 2018) "effective January 1, 2020," the General Services Administration's System for Award Management (GSA/SAM) became the central repository for common governmentwide certifications and representations required of Federal grant recipients."¹

- 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.**

Information collected includes the following certifications:

- *AD-1047 Certification Regarding Debarment, Suspension, and Other Responsibility Matters – Primary Covered Transactions*
- *AD-1048 Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions*
- *AD-1049 Certification Regarding Drug-Free Workplace Requirements (Grants) – Alternative I – For Grantees Other Than Individuals*
- *AD-1050, Certification Regarding Drug-Free Workplace Requirements (Grants) – Alternative II – For Grantees Who Are Individuals*
- *AD-1052 Certification Regarding Drug-Free Workplace – State and State Agencies, Federal Fiscal Year ____.*

¹GSA/SAM is a governmentwide portal which consolidates the capabilities of multiple systems and information sources used by the Federal government in conducting acquisition and financial assistance processes. Registration in *SAM.gov* is required for eligibility for a federal award. Federal agencies use *SAM.gov* data to comply with award requirements. By completing the certs and reps in *SAM.gov*, grantee administrative processes are significantly streamlined making it easier to do business with the Federal Government.

The information will be collected from individuals or private entities; businesses or other for profit; not-for-profit; Federal, state, local or tribal governments; institutions of higher education or other research organizations; and foreign organizations. Several USDA agencies and staff offices will use the information to determine applicant suitability concerning distribution of financial assistance.

- 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 information will be collected by accessing the forms electronically (or in hard copy) for use as attachments to financial assistance applications. Typically, the information is collected once and is not shared unless for example, via FOIA requests. Requisite websites such as GSA's *SAM.gov* discussed in Item 1 above are also used to ensure compliance. (USDA agencies and staff offices will have the option of adding the forms to their individual application packages on the *Grants.gov* website that is managed by the U.S. Department of Health and Human Services. The formal process of having the forms added to *Grants.gov* will occur after they are approved by the Office of Management and Budget (OMB)).

- 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.**

As mentioned in Item 1 above the certifications and representations (certs and reps) sought by the forms are captured in the *SAM.gov* Financial Assistance General Certifications and Representations during a registration process. USDA agencies and staff offices making financial assistance awards must comply with the governmentwide regulatory provision, [2 C.F.R. Part 25](#), which requires recipients of financial assistance to register in *SAM.gov* as a pre-condition for award. *SAM.gov* registrants must indicate if they seek contracts, financial assistance, or both, and attest to certs and reps which include, but are not limited to, suspension and debarment and drug free workplace clauses. Since the clauses are represented in the Financial Assistance General Certifications and Representations in *SAM.gov*, USDA plans to limit the usage of the forms to Farm Production and Conservation Business (FPAC) agencies including the Risk Management Agency, Farm Service Agency, Commodity Credit Corporation, and Natural Resources Conservation Service conservation programs, which have a *SAM.gov* registration exemption.

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

The information collected is the minimum necessary for large and small businesses.

- 6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Suspensions and debarments are discretionary or statutory administrative actions taken by Federal agencies to protect the government by excluding persons and entities that are not presently

responsible from participating in Federal programs or activities. Federal agencies are also prohibited from awarding financial assistance unless conditions are met that speak to recipient awareness of the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance while conducting any activity with the use of Federal financial assistance. The collection supports program delivery and administration of policy activities. There are no technical or legal obstacles to reducing the burden.

7. **Explain any special circumstances that would cause an information collection to be conducted in a manner:**
- **requiring respondents to report information to the agency more often than quarterly;**
 - **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
 - **requiring respondents to submit more than an original and two copies of any document;**
 - **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
 - **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
 - **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
 - **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
 - **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances. The collection of information is conducted in a manner consistent with the provisions found in 5 C.F.R. § 1320.

8. **If applicable, provide a copy and identify the date 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.**

On January 25, 2022, in Vol. 87, No. 16, pages 3755 to 3756, USDA's Office of the Chief Financial Officer (OCFO) published a Notice of Intent To Extend And Revise A Currently Approved Information Collection and request for comments in the *Federal Register*. No comments were received.

In the 60-day *Federal Register* notice, the OCFO accounted for the burden for all USDA agencies in the aggregate totaling 620,697 for respondents, 1,241,394 for responses and 310,349 for the annual burden. After OMB consultation during the origination of the information collection in 2015, it was decided that the agencies would account for the burden of the form(s) in their individual collection packages. Since the January 25, 2022 *Federal Register* notice publication, the USDA aggregate totals for respondents and responses as well as the annual burden changed because its Rural

Development Mission Area subsequently committed to using *SAM.gov* certs and reps, reducing the total number of respondents by 124,000, responses by 124,000 and annual burden by 62,000 hours. The 30-day *Federal Register* notice will reflect the reduced burden hours to a one hour place holder.

Describe efforts to consult with persons outside the agency to obtain their views on 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.

We reached out to all USDA agencies and staff offices to inquire about their Form usage and encouraged them to use the *SAM.gov* certs and reps. OCFO had several conversations with the FPAC agencies discussed in Item 4 to encourage adoption of the *SAM.gov* registration process which captures certs and reps attestations. However, due to statutory exemptions from 2 C.F.R. Part 25 these forms must be maintained for FPAC's use.

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

No payments or gifts are provided to respondents.

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

No additional assurance of confidentiality is provided with this information collection. Any and all information obtained in this collection shall not be disclosed except in accordance with the Privacy Act of 1974 (5 U.S.C. § 552a).

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.

Questions of a sensitive nature are not found in this information collection.

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

- **Indicate the number of respondents, frequency of response, 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 burdens for collections of information, identifying and using appropriate wage rate categories.**

As discussed in Item 8, the burden for each of the five forms will be accounted for within the individual USDA agency and staff office collection packages using the forms. The time required to complete this information collection is estimated to average 0.25 minutes per response, per form

including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The OCFO is requesting approval for one respondent and a one hour placeholder for OMB to issue a renewal of the control number for the five forms. The total estimated burden for OCFO's use of the forms is thus one hour for OCFO to distribute the approved forms to USDA agencies and staff offices. USDA agencies and staff offices using the forms will reflect the approved renewed OMB control number of the package and account for the burden within their individual collection packages when seeking OMB approval or re-authorization.

The respondents to this collection are grantees of USDA programs from several agencies. The estimated annual costs to respondents cover a wide range of professions including, but not limited to, agricultural food scientists and technicians, engineers, business operations specialists, conservation scientists and foresters, financial specialists, farmers, ranchers, and other agricultural managers. The agency also assumes that some respondents may use grant writers. The total burden hours multiplied by the hourly wage rate produces the total respondent cost based on one respondent per form. The OCFO estimates annual costs to be \$35 per respondent which includes wages and fringe benefits.

- 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 are no capital/start-up or ongoing operation/maintenance costs associated with this information collection.

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

Government costs are covered under information collections by each program using the forms.

- 15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.**

There is no change from the previous approval.

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

There are no plans to publish the collection of information.

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

USDA plans to display OMB control numbers and expiration dates for the information collection on the forms after approval.

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

USDA is able to certify compliance with all provisions found under Item 19 of OMB Form 83-1. There are no exceptions for this certification to the provisions found in the Paperwork Reduction Act of 1995 at 5 C.F.R. § 1320.9 for this collection.