

David Ganz
U.S. Commission on Civil Rights
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March 23, 2023

Joseph Nye
Office of Management and Budget, OIRA
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Dear Mr. Nye,

Please find our below Supporting Statement to USCCR's PRA Information Clearance Request. Please let me know if you need us to clarify, supplement, or otherwise modify our responses.

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.

As required by 42 U.S.C. § 1975a(d), the U.S. Commission on Civil Rights (USCCR) is required to establish at least one FACA advisory committees in each state and the District of Columbia to research and study civil rights issues impacting states and localities. Committees have also been established in the U.S. territories, such as Guam and Puerto Rico. These advisory committee members are classified as "representatives" in the GSA-filed charters and are members of the public who have applied or been nominated to participate with our committees. The GSA-approved charters note that "committees membership will be composed of representatives of diverse viewpoints." USCCR's regulations, 45 CFR § 703.5, note that committees members should be "broadly diverse." USCCR needs to collect information from potential advisory committee members in order to identify potential candidates and determine their ability to sit on committees. As indicated by the above legal authorities, the members must be balanced with respect to viewpoints and perspectives represented, members must be varied and diverse, and members must be qualified to serve on committees. Thus, the collection process and application questions used by USCCR allow its employees to select potential committee members that will meet the above criteria.¹

2. Indicate how, by whom, 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.

¹ Throughout this document instead of attaching copies of pertinent rules and laws, links are provided. From the above paragraph: <https://www.law.cornell.edu/uscode/text/42/1975a>, <https://www.law.cornell.edu/cfr/text/45/703.5>.

The information is used by USCCR employees to create slates of candidates for committees, which are then given final approval by USCCR Commissioners, who are Special Government Employees.

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.

Applications are made available and submitted via an electronic platform: SurveyMonkey. This platform reduces the burden of sorting and analyzing the individual applicants to one of the 56 advisory committees and reduces the burden on applicants by not requiring them to submit paper applications or to save application files to their computers and then to email them to USCCR.

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

There is no duplication as the information received through this data collection is not otherwise available to USCCR staff or Commissioners or in any other format.

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

The information collection does not relate to small business or entities and instead relates to individual applicants to committees.

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.

The applicant information is necessary to determine the qualifications of potential members, and, if not collected, the agency would not be able to receive applications or screen applicants and to properly staff its committees with bipartisan members who represent diverse ethnic, geographic, political, and other backgrounds.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner: ·

7A: requiring respondents to report information to the agency more often than quarterly;

The information requested by USCCR of a respondent is not of a reoccurring nature. Once a respondent/applicant submits an application to sit on an advisory committee, the respondent/applicant will not be asked for future submissions. Once the application is reviewed by agency personnel and the respondent/applicant is appointed as a committee member by

USCCR Commissioners, the application process for that individual terminates. Committee member appointments occur every four year terms; once a term is ended, the committee member may resubmit an application in which case, there is a new application process.

7B: requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;

Committee applications are accepted on a rolling basis. Thus, once enough qualified applicants are received and the Commission believes a balanced slate of candidates can be appointed, the collection of applications for that committee is completed. As a result, there is a benefit to applicants responding quickly, which may be in less than 30 days.

7C to 7H:

None of the information requested in the application relates to multiple copies of applications, trade secrets, health, personal or business records, statistical information, confidentiality pledges, or other information discussed in questions 7C to 7H.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. 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 format (if any), and on the data elements to be recorded, disclosed, or reported.

USCCR published its 60-day Notice on January 11, 2023, 88 FR 1557, <https://www.federalregister.gov/documents/2023/01/11/2023-00371/agency-information-collection-activities-proposals-submissions-and-approvals-qualification>. USCCR did not receive any comments.

Current members of the agency's advisory committees were asked to complete a draft application and provided responses and feedback to Commission staff in the development of the applications, which functioned to minimize the information collection burden. USCCR plans to continually receive feedback if further application changes are considered.

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

No such payments or gifts are made to applicants.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

The collection requires a SORN, which OMB informed USCCR it approved. On March 22, 2023, it was mailed to Congress and submitted to the Federal Register for publication. The

SORN was published in the Federal Register, which is available here: www.federalregister.gov/documents/2023/03/21/2023-05709/privacy-act-of-1974-system-of-records. A PIA was not conducted.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Applicants, on a voluntary basis only, are asked to provide information about their religious and political affiliation, disability status, race, gender identity, educational attainment, occupational information, and sexual orientation. This information is necessary to ensure that committee members represent the various backgrounds of their states, which ensures the committees are representative of all aspects of American society and contain diverse viewpoints. Personnel information such as race, gender, sexual orientation, language proficiency, and religious affiliation, are not a basis for selecting members. The application explains that this information is requested to ensure a diversity of viewpoints.

12. Provide estimates of the hour burden of the collection of information.

The number of total respondents for membership on all 56 committees is estimated to be approximately 300 respondents per year. A consultation with a sample of respondents was conducted and the annual hour burden is less than 1 hour and no more than once every four years. There is only one form. The annualized cost to individual respondents would be less than 1 hour times their appropriate wage rate category, which is unknown.

13. Provide an estimate for 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 already reflected on the burden worksheet).

None. Applicants can complete the application on any desktop, smart phone or tablet that has internet service; if they do not have the foregoing, then they can call USCCR staff to complete the form on their behalf. There is no additional cost to the agency as the same software is used for many additional routine business uses.

14. Provide estimates of annualized costs to the Federal government.

There is no accurate way to estimate costs to the agency aside from reporting that staff spend approximately 60 salary hours per Committee assuming 20-25 applicants per Committee, plus any review time of applicant slants by SGE Commissioners, which is unknown.

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

None.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time

schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Information will not be published.

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.

USSCR does not seek the above approval concerning the OMB approval number expiration date.

18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

There is no such exception.