

UNITED STATES DEPARTMENT OF AGRICULTURE

SUPPORTING STATEMENT - PART A for

OMB Control Number 0560-0280

Request for Special Priorities Assistance (Agriculture Priorities and Allocations System (APAS))

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1. Explain the circumstances making 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.

Farm Production and Conservation (FPAC) is requesting an extension without change of an existing OMB control number. APAS is a USDA program that supports not only national defense needs (such as food for combat rations), but also emergency preparedness initiatives by addressing essential civilian needs (food and food resources) through the placing of priorities on contracts for items and services or allocating resources, as necessary and APAS regulation is in 7 CFR 789. Although a specific Presidential disaster designation is not required, the ability to prioritize or allocate items or services can be triggered by a determination by the President or designated entities that this action is necessary or appropriate to promote national defense including the imminent need for emergency preparedness. Under Defense Production Act of 1950 (DPA) (50 U.S.C. App. 2061 to 2170, 2171, and 2172), the term “national defense” includes emergency preparedness, response, and critical infrastructure protection and restoration. Authority for priorities and allocations is specified in DPA and further defined in Executive Order 13603, National Defense Resources Preparedness,” dated March 16, 2012. Executive Order 13603 replaced Executive Order 12919 and further defined jurisdictional areas and national defense preparedness roles and responsibilities for specific Departments. Executive Order 13603 did not change the intent of DPA as it applies to USDA’s functions in national defense, including emergency preparedness; instead, it gave additional jurisdiction to USDA for livestock, veterinary, and plant health resources.

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.

The United States Department of Agriculture (USDA) is requesting to renew OMB approval on a current information collection, Request for Special Priorities Assistance (Agriculture Priorities and Allocations System (APAS)). The APAS regulation is in the 7 CFR 789. This information is used to support the Agriculture Priorities and Allocation System (APAS) managed by FPAC. Priority contracts are required to be given preference over other respective contracts to ensure timely delivery of an item that has been deemed necessary only in times of emergency or to promote the U.S. national defense. Information collected on this form is used to grant a priority rating request on contract(s) between the government and private parties or between private parties for the production or delivery of food, food resources (including livestock feed and agriculture seed), fertilizer, and farm equipment.

Governments and private industry can request from USDA that a priority rating authorization be granted on a contract for items that will provide them the means to meet the requirements of maintaining or restoring national defense operations. Priority contracts require a vendor/supplier to fill the order before all other unrated orders. In addition, it provides the vendor and supplier with legal protection from other customers without rated orders with respect to timeliness of filling their other unrated orders.

The AD-2102, Request for Special Priorities Assistance for Emergency Preparedness Activities, will be used to collect information from persons for APAS, and is available electronically at <https://forms.sc.egov.usda.gov/eForms/welcomeAction.do?Home>.

The information collected on the Request for Special Priorities Assistance is limited to:

- Name, address, and contact information of the person making the request for priority rating of a contract
- Name, address, and contact information of the vendor supplying the item
- Items the person is requesting for a priority rating on a contract, including 'required by shipping dates'
- Explanatory section for the person to include circumstances requiring this request

Persons who have a responsibility in emergency preparedness, response, and recovery as well as those in the area of national defense and security (to include Federal, State, and local governments), suppliers and vendors of items for national defense will be customers of this form.

Those persons in need of an item(s) under jurisdiction of USDA will complete and submit this form to USDA for approval of a priority rating on an item(s) that have been determined to promote the national defense, and cannot be obtained timely through normal market channels.

The Request for Special Priorities Assistance for Emergency Preparedness Activities (AD-2012) is used when a person is unable to obtain items as necessary to fulfill emergency preparedness and national defense contract obligations and is a request for USDA to 'rate' this item and provides the person with authority to instruct the vendor to fill the person's order before any other non-rated order.

The person in need of the item completes and submits the form to USDA for determination. The Request for Special Priorities Assistance is either denied or approved and forwarded back to the person who submitted the request. Also, the form (and the approval or denial) returns to the requestor who filled out the form the same way it was received (USPS mail at the respondents' expense, fax or email), AFAIK, all three methods of transit are used for sensitive materials, with the proper precautions. The person provides the completed form to the vendor/supplier of the item(s) in question. A copy of the form is maintained in USDA/FPAC/FSA for record keeping. USDA will report use of its APAS to Congress, through Department of Homeland Security (DHS) annually. Due to the nature of this program, and that it's only used during times of critical shortages or threats to national defense, a hard copy must be submitted (either mailed, faxed, or hand delivered) to ensure security and authenticity of the data.

- 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.**

FPAC makes every effort to comply with the E-Government Act, 2002 (E-Gov) and to provide for alternative submission of information collections. The form and instruction are available on-line through USDA e-Forms website and can be completed (except for signature) electronically. The objective of this collection is to assist persons in obtaining items necessary for emergency preparedness or national defense and to determine if the applicant has made a reasonable effort in resolving this problem through normal market channels. According to the FSA Office of General

Council, an original signature is needed to provide a source to authenticate the validity of the information and pursue legal remedies, when necessary.

Regarding the use of automated collection techniques, it should be noted that FPAC strategically prioritizes IT investments to maximize benefits for farmers and the agricultural sector. Given the infrequent invocation of Allocation Programs and Systems (APAS) in routine operations, FPAC has not prioritized developing or acquiring a dedicated Software as a Service (SaaS) platform for APAS. As a fiscally responsible agency, FPAC focuses limited resources on IT solutions with significant returns on investment, which APAS does not currently meet. However, FPAC maintains established procedures, including coordinating with Field Offices, to effectively manage APAS requirements when they arise, ensuring preparedness for emergency situations and national defense. FPAC continuously evaluates its IT needs and will reassess the feasibility of a dedicated APAS platform as requirements evolve or cost-effective solutions become available, remaining committed to fulfilling its responsibilities under the Defense Production Act.

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.

There is no similar data collection available. Every effort has been made to avoid duplication. No other Agency in USDA is authorized to implement a priorities and allocations program. As a result, there is no Department duplication for the information collected on this form. USDA did review the use of the form with other Federal Agencies, and worked in unison with other Agencies with priorities and allocations authorization to develop a form that was similar among Agencies (Defense Production Act Reauthorization (DPAR) of 2009 Pub. L. 111-67, 123 Stat. 2006, September 30, 2009). USDA's form is similar to the Department of Commerce's Form BIS-999, OMB NO. 0694-0057; exp date 10/31/2027.

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

Collection of this information does not impact any small businesses or other small entities. There are no small businesses or small entities in this collection.

6. Describe the consequences 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.

Given the infrequent invocation of the Agriculture Priorities and Allocations System (APAS) – used only in times of Presidential authority in regard to critical shortages or threats to national defense and/or national security – the absence of this data collection could compromise FPAC's ability to fulfill its mission of ensuring food security and supporting agricultural stability during emergencies. Without APAS, FPAC would lack a mechanism to rapidly assess and prioritize resource needs in the agricultural sector, hindering the time-sensitive delivery of essential food, food resources, fertilizer, and farm equipment to affected areas. This could impede the effectiveness of national emergency preparedness and response operations, limit the ability to maintain national security, and delay the execution of the President's intent in addressing critical shortages or threats to the agricultural sector.

Furthermore, it is mandatory for respondents to complete AD-2102 during a presidentially declared

DPA event in order to access the benefits, priorities, and protections afforded under the Agriculture Priorities and Allocations System (APAS).

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

- Requiring respondents to report information more than quarterly. There are no information collection requirements that require reporting on more than a quarterly basis.
- Requiring written responses in less than 30 days. There are no information collection requirements that require written responses in less than 30 days.
- Requiring more than an original and two copies. There are no information collection requirements that require more than an original document or a single copy of a document.
- Requiring respondents to retain records for more than 3 years. There are no such requirements.
- Not utilizing statistical sampling. There are no such requirements.
- Requiring use of statistical sampling which has not been reviewed and approved by OMB. There are no such requirements.
- Requiring a pledge of confidentiality. There are no such requirements.
- Requiring submission of proprietary trade secrets. There are no such requirements.

It is mandatory for respondents to complete AD-2102 during a presidentially declared DPA event in order to obtain benefits and prioritized actions. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.5.

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. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

The Federal Register notice was published on June 3, 2025 (90 FR 23514). No comments received.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instruction and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

FPAC conferred with the following representatives from whom information is to be obtained or who must compile records. They commented that they were very familiar with the process and have no comments on the form.

- o E. Noel and T. Fischer, (202) 482-3634; DPAS@bis.doc.gov.

- o For DoD: G. Figueiredo-Maddox; (571) 372-6272; gianna.e.figueiredo-maddox.civ@mail.mil.
- o For DHS/FEMA: K. Reid; (202) 212-2900; FEMA-DPA@fema.dhs.gov.

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.

Information required to be submitted to USDA in connection with the enforcement or administration of APAS is deemed to be safeguarded by Federal Privacy Laws, such as The Privacy Act of 1974; The eGovernment Act of 2002; The Paperwork Reduction Act of 1995; and by USDA Privacy Policies, such as DR3515-002: Privacy Policy and Compliance of Personally Identifiable Information; DR3505-03: Access Control for Information and Information Systems; and, DR3440-002: Control and Protection of “Sensitive Security Information”.

FPAC has established protocols for handling confidential data obtained during information collection. This includes limiting access to such information to authorized personnel only, providing training on data security and confidentiality, and implementing secure storage and transmission methods. FPAC procedures for preventing the disclosure of sensitive information during any proceedings related to DPAS enforcement ensure compliance with all applicable laws and regulations regarding data protection. Routinely, FPAC consults with the USDA Privacy Office (contact information below) in matters of handling information.

The Privacy Office
U.S. Department of Agriculture
Washington, DC 20250
Phone: 202-720-8755
Fax: 202-720-3445
Email: usdaprivacy@usda.gov

This package was reviewed and approved by FPAC Assistant Privacy Officer, Samantha Jones, on May 28, 2025.

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.

There are no questions of a sensitive or personal nature on the Request for Special Priorities Assistance.

12. Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

Providing the information requested for the Request for Special Priorities Assistance is estimated to take 30 minutes (0.50) to complete the form and the burden hours for the form is 25 hours. FPAC estimates that 50 Request for Special Priorities Assistance will be completed annually. This estimate is based on the following:

- DOC, which implements a similar priorities program has never had more than 50 information collection requests in a year
- the nature of emergencies dictates that only rare occurrences for this collection will be seen.

Collection of the information is a one-time occurrence for respondents. The original Request for Special Priorities Assistance will be returned to the applicant after a determination by USDA. USDA maintains a copy of the completed form for 3 years.

The current respondents hourly average rate from the Bureau of Labor Statistics (BLS) website (current as of March 2024) is \$42.30 (<https://www.bls.gov/ooh/management/farmers-ranchers-and-other-agricultural-managers.htm>). According to the BLS website, the total employer compensation costs (fringe benefits) for all workers averaged \$14.68 per hour worked, for a total of \$56.98 fully loaded (<https://www.bls.gov/news.release/ecec.nr0.htm>).

The estimated respondent's cost is \$1,424.50 (\$56.98 x 25 burden hours).

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 startup cost component annualized of its expected useful life; and (b) a total operation and maintenance and purchase of services component.

There are no capital and startup or ongoing operation and maintenance costs associated with this information collection.

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

The estimated annual recurring cost to the Federal government is \$43,579.20. FPAC estimates that two full-time program senior-level specialists (DC Locality, Grade GS-14, Step 1) will assume responsibility for this data collection and will review approximately 50 applications related to approximately 8 emergency occurrences or events (based on FEMA's yearly planning agenda). Each occurrence results in approximately 30 days of man-labor to process and track information requests, totaling 480 staff hours annually. USDA uses the Request for Special Priorities Assistance (RSPA) form to 'rate' this item and provides the person with a determination of the authority to instruct the vendors to fill the person's order before any other non-rated order. FPAC staff either denies or approves and forwards back the RSPA decision to the person who submitted the request. The agency

uses all three methods of transit (USPS mail, fax, or email) for sensitive materials, with the proper precautions. USDA will report use of its APAS to Congress, through the Department of Homeland Security (DHS), annually.

Due to the nature of this program, which is used only during times of critical shortages or threats to national defense, a hard copy must be submitted (either mailed, faxed, or hand delivered) to ensure security and authenticity of the data.

Due to the high probability that occurrences will overlap, the agency estimates that the 25 hours annually for respondents to submit run concurrently; this summary uses a 3-month per year total man-hours figure. Therefore, using the 2024/2025 General Schedule for the Locality Pay Area of Washington-Baltimore-Arlington, DC-MD-VA-WV-PA and a GS-14, Step 1 program analyst, the fully loaded wage (including both base pay and fringe benefits) is \$90.79 per hour (source: <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/25Tables/html/DCB.aspx>). The total estimated annual cost to the Federal government is calculated as follows:

Total Cost = \$90.79/hour x 480 hours = \$43,579.20

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

There are no changes to the burden hours since the OMB approval. This is an extension of a currently approved information collection request. The burden estimates remain unchanged, the agency anticipates 50 estimated number of respondents, and 50 estimated total annual response and an 25 estimated total annual burden hours to the Agency's OMB Inventory.

- *No. of Respondents: 50*
- *No. of Responses per Respondent: 1*
- *Total Annual Responses: 50*
- *Hours per Response: 0.5*
- *Total Burden Hours: 25*
- *Base Hourly Wage Rate: \$56.98*

Therefore, the Total Cost: \$1,230.92

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

The information collected is not intended for publication.

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

USDA is including the OMB control number and expiration date.

18. Explain each exception to the certification statement.

USDA is able to certify compliance with all provisions.