

This submission is being made pursuant to 44 U.S.C. § 3507 to obtain approval from the Office of Management and Budget (OMB) for a new voluntary information collection of demographic data from the Federal Communications Commission's (FCC) federal advisory committee members and applicants consistent with Executive Order 14035, as explained further below.

## **SUPPORTING STATEMENT**

### **A. Justification:**

#### *1. Circumstances that make the collection necessary.*

On June 25, 2021, President Biden issued Executive Order 14035, "*Diversity, Equity, Inclusion and Accessibility in the Federal Workforce.*" The Executive Order states that agencies shall provide resources and opportunities to strengthen and advance diversity, equity, inclusion, and accessibility across the Federal Government. In particular, section 5(e) of Executive Order 14035 states that "[t]he head of each agency shall collect and analyze voluntarily self-reported demographic data regarding the membership of advisory committees, commissions, and boards in a manner consistent with applicable law, including privacy and confidentiality protections, and with statistical standards where applicable. For agencies that have external advisory committees, commissions, or boards to which agencies appoint members, agency heads shall pursue opportunities to increase diversity, equity, inclusion, and accessibility on such committees, commissions, and boards."

Consistent with Executive Order 14035, the FCC developed this form for members and applicants to voluntarily complete. The demographic data received from the form will be reviewed, analyzed, and evaluated by the FCC's Office of Workplace Diversity and Office of Managing Director. The information will assist in the FCC's efforts to pursue opportunities, consistent with applicable law, to increase diversity, equity, inclusion, and accessibility on its external advisory committees. Review, analysis and evaluation of this data, in the aggregate, will inform the FCC's assessment of the levels of diversity, inclusion, equity and accessibility of the membership of and applicants to its federal advisory committees and consideration of whether any outreach efforts or other changes could be made to increase diversity, equity, inclusion and accessibility on FCC advisory committees.

This information affects Individuals or households.

This information will be collected via Form 5649 to be sent by email to current members and applicants. The FCC will begin collecting information from current committee members to obtain a baseline of the demographic composition of current membership. The FCC will also begin collecting information from applicants to committees which will expire and solicit new members during their renewal processes over the next three years. Each committee is on a two-year renewal cycle. In addition, the Commission will collect information from current membership two years from its initial survey of current committee members.

The form, to be emailed via a link to current members and applicants, will use the following language:

**Federal Advisory Committee Demographic Data**

How do your individual activities or your organization’s mission, goal, work and/or outreach involve “equity or service to underserved communities”? The term “**equity**” means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as persons of Hispanic, Latino or Spanish origin; American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and other persons of color; members of religious minorities; Lesbian, Gay, Bisexual, Transgender, and Queer persons (LGBTQ+), persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality. The term “**underserved communities**” refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of equity.  
[text box]

Do you or your organization have outreach activities which involve engagement with the following communities? Check all that apply.

- Black, Latino, and Indigenous and Native American persons, Asian Americans, Native Hawaiians, Pacific Islanders, and other persons of color
- Members of religious minorities
- Lesbian, Gay, Bisexual, Transgender, and Queer persons (LGBTQ+)
- Persons with disabilities
- Residents of rural areas
- Persons otherwise adversely affected by persistent poverty or inequality
- Other [\_\_\_\_\_]

Are you of Hispanic, Latino or Spanish origin?

- Yes
- No
- I prefer not to answer

Are you: (check the category or categories with which you most closely identify)

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White
- Two or more -rRaces
- I prefer not to answer

How do you currently describe yourself? Check all that apply.

- Female
- Male
- Transgender, Non-Binary, or another Gender

- I use a different term [ ]
- I prefer not to answer

Do you think of yourself as an individual with a disability?

- Yes
- No
- I prefer not to answer

Collection of Personally Identifiable Information (PII)

Personally identifiable information (PII) in the form of demographic data will be collected and maintained in accordance with the FCC/OMD-3, Federal Advisory Committee Act (FACA) Membership Files system of records notice (SORN). A Privacy Impact Assessment (PIA) has also been performed for this system. The SORN and the PIA are both posted at <https://www.fcc.gov/managing-director/privacy-transparency/privacy-act-information>.

The authority for this information collection is contained in Executive Order 14035. Independent regulatory agencies such as the FCC are not required, but are strongly encouraged, to comply with the Executive Order.

2. *Use of information.* Information gathered will strengthen the FCC's ability to pursue opportunities to advance diversity, equity, inclusion, and accessibility on its advisory committees through a data-driven approach aimed to increase transparency and accountability. The information gathered will assist the FCC in evaluating, in the aggregate, diversity, inclusion, equity and accessibility on the FCC's federal advisory committees in their current composition, as well as the applicants for next iterations of expiring committees. This information, in turn, will assist the FCC in its consideration of whether any outreach efforts or other changes could be made to increase the levels of diversity, equity, inclusion and accessibility on FCC advisory committees. The information gathered will supplement information the FCC already receives through its member application process. In a Public Notice, the FCC asks committee applicants about the organization's connection to the issues which the advisory committee addresses. An underlying goal of the FCC's membership selection process is to balance the expertise and viewpoints necessary to effectively address the issues the committee will consider, as outlined in each charter.
3. *Use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.* We anticipate that respondents will submit information electronically via a form sent by email to current members and applicants.
4. *Efforts to identify duplication.* There will be no duplication of information. The information sought is unique to each federal advisory committee member and applicant. The Commission does not otherwise collect this information, and it is not available from other sources.
5. *Impact on small entities.* This information collection will not have an impact on small entities since the respondents are individuals. Furthermore, responses are voluntary, the form is short, and we estimate it will take an average of ten minutes to complete.
6. *Consequences if information not collected.* Failing to collect the information, delaying collection, or collecting it less frequently would negatively impact the FCC's ability to assess the levels of diversity, equity, inclusion, and accessibility on its federal advisory committees.

7. *Special circumstances.* There are no special circumstances associated with this information collection.
8. *Federal Register notice; efforts to consult with persons outside the Commission.* The Commission published a 60-day notice in the Federal Register for this new information collection soliciting comments from the public on June 28, 2023 (88 FR 41957). No comments were received as a result of this notice.
9. *Payments or gifts to respondents.* There will be no payments or gifts to respondents.
10. *Assurances of confidentiality.* Due to the personal and sensitive nature of the information to be collected, there is an assurance of confidentiality provided to respondents concerning this information collection. Personally identifiable information will not be released or shared internally with personnel who have responsibility for selecting advisory committee members, and committee information will be aggregated.
11. *Questions of a sensitive nature.* As explained above, response to the information collection is voluntary, and the information consists of demographic characteristics of federal advisory committee members who are appointed by the FCC Chairwoman and who perform work for the FCC's federal advisory committees and of applicants to such committees.
12. *Estimates of the hour burden of the collection to respondents.* The following represents the hour burden of the collection of information on those to whom this notice applies.
  - a. Number of estimated annual respondents: 525. The number of estimated respondents is calculated on an annual basis; however, the committees renew on a two year cycle, so the number of respondents may vary from year to year.
  - b. Total number of annual responses: 525.
  - c. Frequency of response: Biennial reporting for current members, and on occasion for applicants.
  - d. Total estimated annual burden: 0.166 hours per respondent for 525 respondents filing once. Total estimated annual hours burden is calculated as follows:  
  
**525 estimated responses x 0.166 hours per response = 87 total estimated burden hours.**
  - e. Total estimate of annual in-house cost to respondents for the hours burden: 0.
13. *Estimates for cost burden of the collection to respondents.* There are no external costs to respondents related to this information collection.
14. *Estimate of the cost burden to the Commission.* The Commission will incur costs in creating the mechanism for soliciting response and reviewing the information received. It is estimated that an IT specialist will create the form and collect and aggregate the data from the completed forms, and an attorney in the Office of Workplace Diversity (OWD) will review the responses and aggregated data. We estimate that an IT specialist will take one hour per response at the hourly rate of a GS-12, Step 5 IT Specialist (\$51.15/hour), times 525 expected responses for \$26,853.75. An OWD attorney will

analyze the aggregated data, which we estimate will take one hour per response at GS-15, Step 5 (\$84.55/hour) times 525 expected responses for \$44,388.75, for a total of \$71,242.50.

15. *Program changes or adjustments.* This is a new information collection resulting in a program change/increase of 525 total number of respondents, 525 total annual responses, and 87 total annual burden hours. These estimates will be added to OMB's Active Inventory.
16. *Collections of information whose results will be published.* The Commission does not anticipate that it will publish any of the information collected.
17. *Display the expiration date for OMB approval of the information collection.* The Commission seeks approval to not display the expiration date on Form 5649. This will prevent the Commission from having to change the OMB expiration date every time we submit an information collection for OMB approval. The Commission will use an edition date on the form instead of the OMB expiration date. OMB control numbers and expiration dates for the Commission's information collection requirements assigned by OMB pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13 can be found at <https://www.reginfo.gov/public/do/PRAMain> See 47 CFR § 0.408.
18. *Explain any exceptions to the statement certifying compliance with 5 C.F.R. § 1320.9 and the related provisions of 5 C.F.R. § 1320.8(b)(3).* There are no exceptions to the Certification Statement.

**B. Collections of Information Employing Statistical Methods:**

The Commission will not employ statistical methods to analyze and evaluate the information it receives.