

## **SUPPORTING STATEMENT**

### **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 National Appeals Division (NAD) proposes to modify its existing customer service survey and conduct a customer service survey by mail pursuant to Executive Order No. 12862.

NAD was established under the Secretary of Agriculture on October 20, 1994, by Secretary's Memorandum 1010-1, pursuant to the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (P.L. 103-354, Section 271, dated October 13, 1994). The Act consolidated the appellant functions and staffs of several USDA agencies. The intent was to provide for independent hearing and review determinations that resulted from Agency adverse decisions. The Agencies served by NAD include the Farm Service Agency (FSA), Risk Management Agency (RMA), Natural Resources Conservation Service (NRCS), Rural Business-Cooperative Service (RBS), Rural Housing Service (RHS), Rural Utilities Service (RUS), and any other Agency as may be designated by the Secretary.

Administrative Judges conduct evidentiary hearings on adverse Agency decisions. However, appellants have the option of a review and determination based on the Agency record without a hearing. NAD's Director is tasked with reviewing Administrative Judge determinations when requested by either the Appellant or Agency. Currently, NAD has a staff of 75 employees which include Administrative Judges, Appeal Officers, and support staff. NAD employs 31 Administrative Judges across the nation. The Administrative Judges work out of either leased office space or from their home. Appeals Officers are located in the National Headquarters Office to assist the Director in reviewing Administrative Judge determinations. Support personnel are located at the National Headquarters Office and three (3) Regional Offices to provide assistance or support in budget, planning, training, personnel, and information technology matters. NAD maintains its National Headquarters Office in the Washington, D.C. area, and administers its appeals system through three (3) Regional Offices located in Memphis, Tennessee; Indianapolis, Indiana; and Denver, Colorado.

NAD maintains a database to track appeals requests. The database contains information necessary to process the appeal request, such as the name, address, filing data, and final results of the appeal. NAD wants to update its information that is currently used to measure the efficiency and level of satisfaction with the USDA appeals process and gather data on the public's awareness of its services. NAD gathers current data to measure the appellant's perception of the quality of how easy the determination was to read; how intently the Administrative Judge listened to the appellant; and, how courteous the Administrative Judge was during the appeal process. This data will be used to either alter current or establish new training for Administrative Judges and Appeals Officers. Current training is based on feedback from both current and previous customer feedback data.

2. Indicate how, by whom, how frequently, and for what purposes 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 survey will be sent to each appellant after his or her appeal is finalized. One survey will be sent for each completed appeal. NAD will use the information gathered from its surveys to tailor and prioritize training. It also allows for management to review perceived quality by USDA agencies to isolate agency-specific issues. For example, NAD managers found out from the current survey that a significant number of appellants did not always understand the written determination rendered by Administrative Judges. NAD designed a tailored Holistic Writing Program based on the specificity gained from the feedback surveys. NAD married up this problem with current writing programs based on the Holistic Writing standards of the new SAT. NAD contracted with a nationally known company and combined this expertise with in-house capabilities and experience to provide individual and group training programs. Also, NAD established individual performance standards for Administrative Judges that have been quite successful in improving the quality of written determinations.

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.

NAD has transformed its web site to allow prospective appellants to file an appeal electronically. Appellants can also check on updates on appeals and other pertinent information. Appellants can now take the survey electronically through NAD's website. An increasing number of appellants have access to NAD's website and have the capability to take a customer service survey electronically. This reduces postal costs and the amount of time for the process to occur. NAD continues to send paper copies to appellants who do not use NAD's website.

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.

NAD was established by the Department of Agriculture Reorganization Act of 1994. NAD conducts administrative appeals for several Agencies. No duplicate or similar information regarding administrative appeals is available or is presently being collected within USDA.

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

The collection of this information has minimal or no impact on small businesses or entities.

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.

NAD is collecting this information in compliance with E.O. No. 12862. Failure to collect this information will not impede NAD's ability to conduct administrative appeals; however, it will impair NAD's ability to develop and improve Customer Service Standards.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:
  - a. Requiring respondents to report information to the agency more often than quarterly;
  - b. Requiring respondents to prepare written response to a collection of information in fewer than 30 days after receipt of it;
  - c. Requiring respondents to submit more than one original and two copies of any document;
  - d. Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
  - e. 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;
  - f. Requiring the use of statistical data classification that has not been reviewed and approved by OMB;
  - g. That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or,

- h. 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.

No special circumstances exist that would require this collection to be conducted in a manner inconsistent with the general information collection 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, 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 on the availability of data, frequency of collection, the clarity of instructions and record keeping, disclosure, or reporting form, and on the data elements to be recorded, disclosed, or reported.

NAD published a "Notice of Request for Extension of a currently approved Information Collection" in the Federal Register, Volume 82, Number 89, Page 21789 on Wednesday, May 10, 2017. NAD received no comments.

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

NAD proposed no payment of gifts to respondents.

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

NAD will not require the appellants to identify themselves on the survey instrument. Recipients of the survey are from NAD's database of concluded administrative appeals and farm show attendees. The survey will contain a tracking number for mailing purposes so NAD can track which surveys have been returned.

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 the person from whom the information is requested, and any steps to be taken to obtain their consent.

NAD does not propose any questions of sensitive nature that are commonly considered private.

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

- a. 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.
- b. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.

	<b>Number of Respondents</b>	<b>Number of Responses per Respondent</b>	<b>Total Annual Responses</b>	<b>Hours Per Response</b>	<b>Total Hours</b>	<b>Cost to Respondent</b>
<b>Surveys Mailed</b>	2400					4,236
<b>Surveys Completed</b>	2000	1	2000	0.166	333	
<b>Non-Responses</b>	400	1	400	0.05	20	353

Burden estimates are based on 2,000 respondents @ 10 minutes each and 400 non-respondents @ 3 minutes for a total annual burden of 353 hours for a total cost of \$4,236. The majority of respondents will be family-size farmers or low income rural residents. An estimate of \$12 per hour was used to calculate the total costs to respondents to complete the survey. This cost came from a Department of Labor chart.

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.
14. There are no capital/start-up or operation and maintenance costs to respondents or record keepers.

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

Cost to the Federal government is based on one-half hour per survey at the 2017 GS-14/6 rate (\$62.62) for a total of \$62,620.00. The cost of printing the survey, mailing, and the Business Reply Mail Postage Paid rate are estimated at \$2.00 per survey for a total of \$4,000. The total Federal government cost of collecting the information is estimated at \$66,620.00.

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

This is an extension to an approved survey.

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

NAD proposes to extend the survey through fiscal year 2020. The results of the survey will not be published. In compliance with E.O No. 12862, the results of the survey will be used to establish NAD Customer Service Standards and training design.

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.

NAD is not requesting that the expiration date of OMB approval be omitted from the survey instrument.

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

No exceptions to the certification statement are requested.