

**U.S. Department of Agriculture**  
**Supporting Statement**  
**7 C.F.R. part 15 Subpart D – Data Collection Requirement**  
**OMB Number: 0503-0022**

**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 collection of information.**

Under 7 CFR 15d.4(5) “OASCR shall require agencies to collect the race, ethnicity, and gender of applicants and program participants, who choose to provide such information on a voluntary basis, in USDA-conducted programs for purposes of civil rights compliance, oversight, and evaluation.” The foundation and need for a data collection policy regarding nondiscrimination provisions is supported by USDA’s efforts to treat customers equitably and assess progress in how all customers are served, regardless of race, ethnicity, gender, or disability.

**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 requested information will help USDA better determine if programs and services are reaching the needs of the general public, beneficiaries, recipients, partners, and other stakeholders and supports USDA’s planning, outreach, and compliance efforts. The uniform collection of REG data allows USDA to administer programs from a proactive rather than a reactive position and enables the Department to assess the accomplishment of program delivery mandates and objectives. Moreover, when allegations of disparate treatment or service arise, it provides USDA the ability to determine the validity of discrimination complaints and resolve conflicts and issues in an expeditious manner.

Specifically, demographic data can be used to: (1) perform analyses during the investigation of civil rights complaints to determine whether discrimination exists; (2) conduct mandated civil rights compliance reviews; (3) compare data from the Agriculture Census or decennial census on whether groups or communities are underserved by USDA’s programs; (4) determine targeted areas for product development, marketing, and outreach; (5) customize communication for improved customer service; (6) measure the participation rates of traditionally underserved groups, such as racial/ethnic minorities, women, older farmers, and persons with disabilities, and make adjustments, as necessary, in product development and/or program delivery; and (7) measure performance of USDA personnel.

Currently, Section 14006 of the 2008 Farm Bill requires the Secretary of Agriculture to annually compile for each county and State in the United States program application and participation rate data regarding socially disadvantaged farmers or ranchers for each program of USDA that serves

agricultural producers or landowners. This requirement only applies to FSA, NRCS, RD, and RMA.

USDA has no uniform method of reporting and tabulating REG data. Therefore, all remaining USDA agencies with conducted programs (Animal and Plant Health Inspection Service, and Foreign Agricultural Service) will develop a strategy for collecting voluntary REG data from individuals for their respective federally conducted programs. These strategies will be reviewed and approved by OASCR, who will also provide oversight and monitoring of the collection of this data through its compliance activities.

USDA's collection and reporting procedures are being established per OMB's requirements for data collection on race and ethnicity. The 1977 OMB Directive 15 set forth requirements on the collection of race and ethnicity data for all federal programs and activities and the Directive was changed to allow persons to self-identify on a multi-racial basis and through new racial and ethnic categories. The new guidelines were required to be implemented by all agencies no later than January 1, 2003. See 62 Fed. Reg. 58782 (October 30, 1997). OMB has published further guidance on how to collect and tabulate data based on these new categories and multi-racial reporting possibilities.

**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.**

NRCS and FSA collect REG data in the Service Center Information Management System (SCIMS) to run reports regarding program participation. SCIMS is a customer data warehouse that collects names, addresses, and identification numbers through the use of the OMB No. 0503-0019 approved data collection form. The data in SCIMS is linked to electronic NRCS and FSA program data systems. The aggregated data is compiled at the end of the year to reflect the numbers of applicants and participants by program in every county by REG.

The voluntary REG application form is also available through USDA's e-Forms website at <http://www.sc.egov.usda.gov/>, and through the agencies' websites. Paper versions of the program applications are available at the USDA Service Centers. The data collection forms are attached as the cover page of the application forms.

FS collects REG data through a statistical survey.

Each USDA agency utilizes its own data system to input the data. Agencies will not be required to purchase a new data system.

**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.**

Section 14006 of the 2008 Farm Bill requires the Secretary to annually compile for each county and State in the United States program application and participation rate data regarding socially disadvantaged farmers or ranchers for each program of USDA that serves agricultural producers or landowners. Four USDA agencies are already collecting this data. The final rule expands the collection of this data to all USDA's federally conducted programs. Federally conducted programs include program services, benefits or resources delivered directly to the public by USDA and encompass or targets more than socially disadvantaged farmers or ranchers. The final rule would also require the voluntary collection of REG data from individuals and would therefore not be a duplication of efforts.

USDA has established the Minority Farm Register (Register) (OMB No. 0508-0005) to assist its outreach efforts. Farmers provide REG data for the Register, but not all applicants or participants in USDA programs are eligible for, or participate, therefore, the data collected would not be sufficient for compliance with the proposed rule or Section 14006 of the 2008 Farm Bill.

**5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods to minimize burden.**

The reporting requirements for this collection are intended to be as minimal as possible and are not anticipated to have any adverse effect on small businesses. The REG information will be collected from individual applicants.

**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.**

USDA is required to report on the rate of participation of its customers by the REG under its long standing civil rights responsibilities. USDA's civil rights policy requires each agency to analyze the civil rights impact of decisions, actions, and policies that will affect the USDA workforce, federally conducted and assisted programs, and activities. In order to assess the civil rights impact, data on programs, activities, and employment must be analyzed in a consistent manner with respect to the REG of customers, applicants, and participants.

If the REG data is not collected on applicants and participants in USDA federally conducted programs, USDA will not be able to collect and report demographic data on its applicants and program participants. In addition, USDA would not be able to determine if programs and services are reaching and meeting the needs of the general public, beneficiaries, partners, and other stakeholders based on demographic data. Moreover, when allegations of disparate treatment or service arise, USDA will not have the ability to determine the validity of discrimination complaints or to resolve conflicts and issues in an expeditious manner.

Failure to collect this information will also have a negative impact on USDA's outreach and compliance activities. This could result in an inability to equitably deliver programs and services to applicants and producers, and ultimately an inability to hold the agencies accountable.

**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;  
*This is not a requirement of this information collection*
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after the receipt of it;  
*This is not a requirement of this information collection.*
- requiring respondents to submit more than an original and two copies of any document;  
*This is not a requirement of this information collection.*
- requiring respondents to retain records, other than health , medical, government contract, grant-in-aid, or tax records for more than three years;  
*This is not a requirement of this information collection.*
- 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:  
*This is not a requirement of this information collection.*
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;  
*This is not a requirement of this information collection.*
- 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;  
*This is not a requirement of this information collection.*  
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. This is not a requirement of this information collection.

**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**

**5CFR 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.**

(a) A *Federal Register* Notice requesting public comments on the Notice of Request for Extension or Renewal of a Currently Approved Information Collection was published December 29, 2017, (FR 2017-27448). USDA received 14 comments on the Notice, however, none of the comments pertained to the collection package of race, ethnicity and gender data. For example, one of the comments recommended that agencies incentivize the efficient development and management of water infrastructure, in part, by providing more flexibility to the U.S. Army Corps of Engineers and its partners. Another comment involved a new report which shows the Earth's atmosphere appears to be less sensitive to changing CO2 levels than previously assumed. Still another comment cited that Agencies need to fix the ESA which tramples on private property rights more than any other statute.

(b) Consultation with persons outside the agency: OCR did not consult with anyone on the collection package because all of the information is provided from the agencies. OASCR has the responsibility for oversight to ensure mission areas are collecting the data.

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

There will be no payments or gifts to respondents.

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

In carrying out the regulation, the Secretary shall not disclose names or individual data of any program participant. When using the data for reports and publishing reports on the USDA website, or otherwise, the Secretary will ensure that there is full compliance with civil rights laws as well as requirements under Personally Identifiable Information. The reports to Congress and the public will contain aggregate totals and will not disclose names or individual data. Information collected under this request will be stored in USDA databases. These databases are fully compliant with applicable provisions of the Privacy Act of 1974 and OMB Circular A-130 "Responsibilities for Maintenance of Records about Individuals by Federal Agencies."

**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.**

The information on race, ethnicity and gender will only be shared with persons who have an official need to know, and will be protected from public disclosure pursuant to the provisions of the Privacy Act, 5 U.S.C. § 552a(b) (Privacy Act).

Providing this information is optional for all applicants and program participants. In preparing the data collection instrument, the agency followed the OMB *Standards for the Classification of Federal Data on Race and Ethnicity*.

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

**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 costs to respondents for the hour burdens for collection of information, identifying and using appropriate wage rate categories.**

This is a voluntary collection effort that USDA estimates will take individual applicants no more than 2 minutes. Applicants will respond one time. USDA estimates that the collection will affect no more than 1,190 program users and therefore estimates a maximum of 40 total annual burden hours. The estimated cost to the respondent is \$1,061. The average hourly wage of \$26.53 per hour is based on the Department of Labor Bureau of Labor Statistics (BLS) salary statistics.

**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 is no capital (startup) or on-going operation (maintenance) costs to respondents 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 information for USDA Agencies will be entered into the database by the equivalent of a GS-7 employee. The average basic hourly rate for a GS-7, Step 5 employee according to the Office of Personnel Management is approximately \$19.20. Entering the data is expected to take approximately 10-minute intervals. Thus, the estimated maximum total cost to the Federal Government based on processing 1,190 responses is estimated at \$3,808.

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

This is a reinstatement of a currently approved information collection. The number of respondents, responses and burden hours have decreased from initial approval. The reason for the decrease is due to over estimation of respondents, responses, and burden hours in previous collection. In this renewal we are requesting 40 burden hours and 1,190 respondents and responses.

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

There are no plans for tabulation or publications.

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

The agency is seeking approval to not display the OMB expiration date on the form associated with this information collection. This collection will be an on-going activity of USDA, unless otherwise mandated by Congress. If an expiration date were to be displayed on the questionnaire, when that expiration date passes the form will be out of date and would require retiring and destroying forms that have the past expiration date.

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

There are no exceptions to the certification statement.