

U.S. Department of Agriculture
Supporting Statement
Race, Ethnicity and Gender Data Collection
OMB Number 0503-0019

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.

This data collection is necessary to implement Sections 14006 and 14007 of the Food, Conservation, and Energy Act of 2008, 7 U.S.C. 8701 (hereafter referred to as the 2008 Farm Bill). Section 14006 of the 2008 Farm Bill establishes a requirement for the Department of Agriculture (USDA) to annually compile application and participation rate data regarding socially disadvantaged farmers or ranchers by computing for each program of the USDA that serves agriculture producers and landowners (a) raw numbers of applicants and participants by race, ethnicity, and gender (REG), subject to appropriate privacy protections, as determined by the Secretary; and (b) the application and participation rate, by REG, as a percentage of the total participation rate of all agricultural producers and landowners for each county and State in the United States. Pursuant to the authority in Section 14006, the agencies of the USDA are to collect the data and transmit it to the Secretary of Agriculture. Section 14007 requires the USDA use the data collected in the conduct of oversight and evaluation of civil rights compliance.

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.

Data will continue to be collected on a voluntary basis from customers at the application stage. The Natural Resources Conservation Service (NRCS) and Farm Service Agency (FSA) will continue to use a voluntary data collection form attached as a cover page to the application forms for programs that provide services to agriculture producers, farmers and ranchers. The Rural Development (RD) Mission Area currently collects customer declared REG data. The RD agencies will continue to use its current process to collect REG data for applicants and participants.

Section 14006 of the 2008 Farm Bill requires the Secretary of Agriculture to annually compile program application and participation rate data by county, State, and the entire United States regarding socially disadvantaged farmers or ranchers by computing for each program of the USDA that serves agricultural producers or landowners. Section 14006 directs the Secretary to use technologies and systems of the National Agricultural Statistics Service (NASS) to compile and present the raw numbers and participation rates to the public, via website and otherwise in electronic and paper form. The data shall be used by the Office of the Assistant Secretary for Civil Rights (OASCR), the Office of Advocacy and Outreach and the agencies to enhance coordination of outreach, technical assistance, and education efforts authorized under agriculture programs. The data will also assist the Secretary in reaching current and prospective socially

disadvantaged farmers or ranchers in a linguistically appropriate manner and improve the participation rate of farmers and ranchers in USDA programs, as reported under Section 2501A of the Food, Conservation and Trade Act of 1990. Because this is not a random sampling, the data is intended to be used as one indicator in targeting and designing outreach activities and should not be considered a statistically significant analysis. For example, it may indicate a need to focus resources in a particular county or region where low participation is indicated by the data. It could also be used as an indicator of whether outreach efforts are working effectively or not, and whether underserved communities are responding to USDA's efforts.

Section 14007 of the 2008 Farm Bill directs the Secretary to use reports generated from the data to conduct oversight and evaluation of civil rights compliance, which is the responsibility of OASCR. USDA will use the data to ensure compliance with civil rights laws in program delivery. The compliance reviews will be based on other factors, such as landowner and employee interviews, records and case file reviews. The data may also be used to focus compliance reviews on geographic areas where evidence exists of low participation in USDA programs by minorities and women.

USDA will train employees' at all organizational levels on the need for and appropriate uses of the data which will include the management of programs as well as outreach. In addition, farm and advocacy groups will be trained on how the data can be used appropriately and to encourage voluntary cooperation in completing the form.

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.

Currently NRCS and FSA collect REG data in the Business Partner System (BP) to run reports regarding program participation. The BP is a customer data warehouse that collects names, addresses, identification numbers, etc. REG data is currently collected utilizing an approved OMB form. Agencies can use form AD-2106 for collecting REG data from USDA programs, such as Farm Loan Programs to collect data on loan applications which was approved by OMB prior to the passing of the 2008 Farm Bill. (This is also authorized under section 5b.(4)(b) of DR-4370-001).

The data collected is put in the BP and linked to electronic NRCS and FSA programs data systems. This will result in compiled data at the end of the fiscal year that will indicate the numbers of applicants and participants in the various programs in every county by REG. This raw data will then be compared to the NASS census data for agricultural producers in each county so that a county-level analysis of percent of applicants and participants by REG for each program can be produced and used for the purposes listed in Item 2.

Existing REG data in the BP may not be complete because it is purely voluntary. Section 5c.(1) of DR 4370-001 prohibits collection of data based on visual assessment, so all REG data in

Service Center Information Management System must be declared by the customer on an approved form. Race, ethnicity, and gender are required fields in the BP for individuals, and there is no option for “not provided or unknown.” There is an option for “not verified.” This option was added to handle all entries that had previously been marked as “employee observed”. The “employee observed” option was removed as a result of section 5c.(1) of DR 4370-001. The only REG data that is valid for reporting are those records marked as “customer declared” due to receipt of an approved form.

This REG data will be updated, which will require existing BP customers to complete the form so field office staff can update their record. This can be accomplished when the customer submits a new application or conducts business related to their existing program contracts. This process will create minimum burden on field office staff and customers. The goal will be for all new and existing customers in the BP to be connected with REG data so an analysis described above can be made. BP data has incorporated Personally Identifiable Information (PII) data protections into the system.

Until all NRCS and FSA REG data is customer declared, the information will have to be collected. This action will be an ongoing process as new customers come in to apply. NRCS and FSA will monitor REG data by running reports on a regular basis to determine the percentage of customer declared information.

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.

USDA is the only Department required by the Farm Bill to submit an annual report to Congress and the public based on the race, ethnicity and gender of applicants and participants in programs for agricultural producers and landowners. Hence, there is no duplication of effort through other Federal agencies. USDA’s RD Mission Area agencies collect REG data for civil rights compliance for several of its programs. However, those programs do not provide services to agricultural producers and landowners. For programs that potentially serve agricultural producers, RD will need to use a separate form that RD will handle in a separate action from this data collection request.

Section 14006 of the 2008 Farm Bill states “LIMITATION. Except as otherwise provided, the data under this section shall not be used for the evaluation of individual applications for assistance.” In compliance with this congressional mandate, USDA is required to collect the REG data regarding program application and participation rates separately from the data that an applicant or participant may provide as a part of their program application. The information collected for the purposes set out in Section 14006 of the 2008 Farm Bill is provided by the applicant or participant on a voluntary basis. The collection form clearly informs the respondent that the questionnaire is voluntary. The data collection form has a statement that if the questionnaire was previously completed the respondent does not have to complete it again.

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. 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.

If REG data is not collected on applicants and participants in USDA programs that serve agricultural producers and landowners, the Department will be unable to report accurately to the Congress and the public as required by the 2008 Farm Bill and will be in violation of this Federal law.

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

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 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.

(a) *Federal Register Notice:* Federal Register Notice Volume 85, Number 158, page numbers 49617- 49618; requested public comments on this information collection published August 14, 2020. There were no public comments received.

(b) *Consultation with persons outside the agency:* OASCR consulted with Individuals outside the agency regarding frequency, burden, cost and use of OMB No. 0503-0019. As a result of the consultations with persons outside the agency, there were no concerns with burden or frequency use in filling out the form. The following individuals provided input on the form and have no problem with being contacted by OMB for further input:

- 1) Lillian Alexander, Black Family Land Trust, Inc., 434-247-9500;
- 2) Zach Ducheneaux, Intertribal Agriculture Council, 605-222-3852; and
- 3) Kimberly Ratcliff, 100 Ranchers, 214-676-3357.

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.

Section 14006 of the 2008 Farm Bill states "PRIVACY PROTECTIONS. - In carrying out this section, the Secretary shall not disclose the names or individual data of any program participant." In using the data for reports, making reports public on the Web site, or otherwise, the Secretary will ensure that there is full compliance with this provision of the 2008 Farm Bill. 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.

To the extent that asking questions related to race, ethnicity and gender is considered sensitive, this data collection asks questions of a sensitive nature. However, as said in response to questions for this Supporting Statement, Congress has mandated that this data be collected. Measures will be employed to protect the privacy of the information provided. In preparing the data collection instrument, the agency followed the OMB *Standards for the Classification of Federal Data on Race and Ethnicity*.

In order to ensure that the correct REG data is entered into SCIMS for the correct applicant, it is essential that the form include blanks for name and Tax Identification Number.

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.

For the FSA, NRCS, and RD, it is estimated the number of respondents will be 1.91 million responding one time. Each response is estimated to take two minutes, for a total of 63,793 burden hours.

The estimated cost to the public is based on two factors: the estimated number of users and the estimated time it takes the public to complete the form. The number of users is derived from voluntary participant data collected in REG stats. The number of users is based on actual 3-year REG stats participation. The OASCR estimated the time it takes the public to complete the form is two minutes. Based on the Department of Labor, Bureau of Labor Statistics data: Civilian workers by occupational and industry group (June 2020) <https://www.bls.gov/news.release/ecec.t02.htm>. The compensation cost for all workers includes costs for wages, salaries and benefits is indicated at \$38.20 per hour or approximately \$0.64 per minute. Based on a two-minute unit of measure (time it takes to complete the form), it costs \$1.27 per two minutes to complete the form. Based on the

two factors, 1.913 million participants multiplied by the costs for the public (\$1.27) to complete the form estimated at \$2,436,902.

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 are no capital/startup or ongoing 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 NRCS and FSA will be entered into the SCIMS database and RD will update the information collected in the database by the equivalent of a GS-7 employee. The average basic hourly rate for a GS-7, Step 5 employee is approximately \$20.26. Entering the data is expected to require approximately 10 minutes. Thus, the estimated total Federal cost based on 1.91 million participants is \$6.50 million.

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

The decrease in burden hours is attributed to the use of actual USDA REG program statistics data in comparison to previously used Census of Agriculture statistics data. REG Stats is the official tool of the United States Department of Agriculture (USDA) for making program application and participation rate data available to the public on the Internet. The REG Stats website provides summary information about the number of individuals and entities that apply for, and receive, federal assistance from four USDA agencies or mission areas – the FSA, NRCS, RD, and the Risk Management Agency (RMA). Currently, we are using actual participation data indicated at 1.91 million in comparison with previous Census of Agriculture data indicated at 32 million farming operations. The decline in the number of participants reduced the number of burden hours from 106,667 to 63,793. The difference is a -42,874 decline in burden hours.

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

By December 31st of each year, data presented and compiled, using systems and technologies of the NASS, for Section 14006 will be reported to Congress and made

available to the public via USDA's website and in electronic and paper formats. As required by Section 14006 of the 2008 Farm Bill, data will be tabulated as follows:

“For each county and State in the United States, the Secretary of Agriculture shall annually compile program application and participation rate data regarding socially disadvantaged farmers and ranchers by computing for each program of the Department of Agriculture that serves agricultural producers and landowners

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- (A) raw numbers of applicants and participants by race, ethnicity, and gender, subject to appropriate privacy protections, as determined by the Secretary; and
- (B) the application and participation rate, by race, ethnicity and gender, as a percentage of the total participation rate of all agricultural producers and landowners.”

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 ongoing activity of USDA, unless otherwise mandated by Congress. If an expiration number is displayed on the questionnaire that will be used as the data collection instrument, when the expiration date is past, the form will be out of date and will 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.