

**U.S. Department of Agriculture**  
**Supporting Statement**  
**7 CFR Part 15d – 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.**

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 requires the Department of Agriculture (USDA) to annually compile application and participation rate data for socially disadvantaged farmers or ranchers by computing for each program of the USDA that serves agriculture producers and landowners (a) the 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.**

The requested information will help USDA better determine if programs and services are reaching the needs of the 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 USDA 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, (7)

and make adjustments, as necessary, in product development and/or program delivery; and (7) measure performance of USDA personnel.

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, in electronic and paper form. This requirement only applies to Farm Production and Conservation Mission Area (FSA, NRCS & RMA) and RD.

The data shall be used by the Office of the Assistant Secretary for Civil Rights (OASCR), the Office of Partnerships and Public Engagement and select USDA 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.

USDA has no uniform method of reporting and tabulating REG data. Therefore, USDA agencies with conducted programs (Animal and Plant Health Inspection Service, and Foreign Agricultural Service) are developing strategies 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.**

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 approved OMB 0503-0019 form. The AD-2047 form is used to collect REG data when a customer is initially conducting business with FSA and voluntarily collected from a customer. REG data is also collected on the farm loan application form which was approved by OMB prior to the passing of the 2008 Farm Bill. (This is also authorized under DR-4370-001, section 5b.(4)(b).)

The data collected is put in the BP and linked to electronic NRCS and FSA programs data systems. This results in compiled data at the end of the fiscal year that indicates 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 percentage 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 (SCIMS) must be declared by the customer on an approved form. Race, ethnicity, and gender are no longer required fields in the BP for individuals. Recent changes to BP have made these fields optional. Determinations of REG are reported in the system new as customer declared only. 'Not verified' is no longer an option. The "employee observed" option was removed because of DR 4370-001, Section 5c.(1). RD also follows Equal Credit Opportunity Act guidance for collecting this data, which allows the creditor to indicate this data based on visual observation or surname, if the applicant does not self-identify. The creditor is required to inform the applicant, if they do not self-identify the creditor will note this data based on visual observation or surname. The only REG data that is valid for reporting are those records marked as "customer declared" due to receipt of an approved form.

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 be collected. This action will be an ongoing process as new customers 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. Therefore, 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 forth 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 clearly states 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 voluntarily from individuals at the time of application.

**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 Congress and the public as required by the 2008 Farm Bill and will be in violation of 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 Volume 86, Number 104, page numbers 29546-29547, was published June 2, 2021. The comments period ends August 2, 2021. There were no comments received
- (b) *Consultations with persons outside the agency*: OASCR consulted with individuals outside the agency regarding frequency, burden, cost and use of OMB form #0503-0022. As a result of the consults, OASCR received no indication of concern with burden or frequency for filling out the form. The individuals have no problem with being contacted by OMB for further input. The following individuals provided their input regarding the use of the form:
- (1) John Littles, McIntosh Seed Inc. 912-437-7821
  - (2) Richard Carolina, Oklahoma Black Historical Research Project 405-201-1996
  - (3) Delane Atcitty, Indian Nations Conservation Alliance 505-252-5340

**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 website, 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 Appendix I to OMB Circular A-130 “Federal Agency Responsibilities for Maintaining Records About Individuals.”

**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.**

This data collection asks questions on race, ethnicity and gender which are considered of a sensitive nature. However, as stated in previous questions, Congress mandated 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*.

To ensure the correct REG data is entered into SCIMS for the correct applicant, it is essential the form includes space for the applicant's name.

**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 USDA estimates will take individual applicants no more than two minutes. Applicants will respond one time. USDA estimates the collection will affect **1,200** program users and estimates **40** annual 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 determined based on the previous identification of users and the rate of U.S. population growth between 2018 and 2019. 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: Employer Costs for Employee Compensation for Civilian Workers (March 2021) <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 **\$39.01** per hour or approximately **\$0.65** per minute. Based on a two-minute unit cost (time it takes to complete the form), it costs **\$1.30** per two minutes to complete the form. Based on the two factors, participants (**1,200**) multiplied by the costs (**\$1.30**) for the public to complete the form is estimated at **\$1,548.00**.

**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 collected information 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 FY 2021 basic hourly rate for a GS-7, Step 5 employee (DC-MD-VA locality pay) is approximately \$26.43. Entering the data is expected to require approximately 10 minutes. Therefore, the estimated total Federal cost based on **1,200** participants is **\$5,280.00**.

**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 revision of a currently approved information collection. The number of respondents and responses increased by 10 however the burden hours remained unchanged from the initial approval. The reason for the increase is due to an increase in the estimated number of participants.

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

By December 31<sup>st</sup> 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

- (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 date 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 this information collection form. This collection will be an ongoing activity of USDA, unless otherwise mandated by Congress. If an expiration date is displayed on the data collection instrument, upon expiration, 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.