

Supporting Statement
Market Facilitation Program (MFP)
OMB control number-0560-0292

FSA is requesting OMB approval on an extension of a currently approved information collection request associated with Market Facilitation Program (MFP).

1. Circumstances that make the collection of information necessary.

This information collection is required for FSA to make MFP payments to domestic crop and commodity producers. Specifically, the Commodity Credit Corporation Charter Act (15 U.S.C. 714c) authorizes CCC to assist in the disposition of surplus commodities and to increase the domestic consumption of agricultural commodities by expanding or aiding in the expansion of domestic markets or by developing or aiding in the development of new and additional markets, marketing facilities, and uses for such commodities.

Additionally, the regulation for MFP is in the 7 CFR 1409. The information collection request is needed to provide assistance through the Market Facilitation Program (MFP) with respect to commodities that have been significantly impacted by actions of foreign governments resulting in the loss of traditional exports. FSA is administering MFP on behalf of the Commodity Credit Corporation (CCC). CCC is funding the program payments.

The funding will be provided under the authority in 15 U.S.C. 714c.

2. How, by whom, and for what purpose is information used.

The information collection requirements are described below and on the attached Reporting and Recordkeeping Requirements spreadsheet.

To calculate the MFP payment amount for an approved applicant, FSA must identify the producer and determine the crop production or amount of the commodity (such as, number of livestock or amount of historical production), the producer's share of the crop or commodity, and know how to disburse the payment based upon having the applicant's option of having a paper check mailed to the applicant, or having the payment deposited directly to an account of the applicant.

Lack of adequate information to make the determination could result in the improper administration and appropriation of CCC funds.

In order to determine whether a producer is eligible for MFP and to calculate a payment, a producer is required to submit CCC-910, Market Facilitation Program (MFP) Application; CCC-941, Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information; CCC-902, Farm Operating Plan for Payment Eligibility; FSA-578, Report of Acreage; and AD-1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation Certification. Most applicants will

already have FSA-578, CCC-902, CCC-941, and AD-1026 on file at the time of application; however, a percentage of applicants who have not previously participated in FSA programs may need to file these forms to become eligible. The new producers will complete the forms if have not yet filed with FSA.

FSA-578- Report of Acreage is used for the producers to provide FSA the acreage data to determine program eligibility.

CCC-902- Farm Operating Plans for an Individual is used to collect information about individuals that is used by FSA to determine eligibility for payments. Also, this form is designed for individuals using a social security number and requesting program payments as an individual on their own farming operation.

CCC-941- Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information is to be used for producers to do the certification of compliance with the \$900,000 AGI limitation applicable to 2011 through 2023 crop, program, and fiscal year benefits.

Form AD-1026- Highly Erodible Land Conservation (HELC) and Wetland Conservation Certification for producers to use this form to certify compliance with the highly erodible land and wetland conservation provisions as a condition of eligibility for certain USDA programs. It is not necessary to complete this form if a previously filed AD-1026 is on file in the FSA serving office and there have not been any changes in your farming operation or changes to the previously listed affiliates.

Production evidence (form FSA-578) will not be required at the time of signup. It is possible that a producer did not file a FSA-578 crop acreage report for the 2018 crop year, and they will need to late-file their 2018 crop acreage, which would require a producer to submit production evidence to substantiate a share in the 2018 crop. This will be limited to producers who will need to late-file their 2018 crop acreage to FSA. FSA estimates no more than 25,000 applicants will be required to late-file an application. The estimated burden hours for the production evidence is 6,250 (25,000 x 15 minutes). The only other possible reason for submitting production evidence is if the certified quantity is determined to be questionable.

Form CCC-910 2018-Market Facilitation Program (MFP) Application. This form is the 2018 MFP Application for use by producers requesting a MFP payment. Applicants for this payment will submit the CCC-910 MFP Application in person at a local FSA Service Center, by mail, fax, or as an e-mail attachment. This form identifies the applicant identified in Part B of form CCC-910 2018 MFP Application, the commodities elected by the producer or the elected commodities in Part C of CCC-910 2018 MFP Application, and the producer's claimed production and/or amount of commodities for the 2018 market year in Part E of form CCC-910 MFP Application. The information collected is used by FSA to calculate the MFP payment amount based upon the certified production amount(s), and to determine if the production amount(s) for the 2018 market year.

Standard Form. SF-3881-ACH Vendor/Miscellaneous Payment (OMB control number 1530-0069). FSA is using this SF under Other OMB Control Numbers for the producers to sign up to get direct payment electronically from FSA. The estimated number of producers to complete this form is 3,000 and 750 burden hours (3,000 X 15 min), and those burden hours are not included in this ICR, but the calculation is provided for information purpose.

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, for example; permitting electronic submission of responses, and the basis for the decisions for adopting this means of collection. Also describe any consideration of information technology to reduce burden.

The application forms, CCC-910, CCC-902, CCC-941, and FSA-578Manual (online), are available electronically at <http://forms.sc.egov.usda.gov/eForms/welcomeAction.do?Home>. FSA also plans to allow producers with Level 2 eAuthentication accounts to apply online through www.farmers.gov/Manage/MFP.

4. Describe efforts to identify duplication. Show specifically why similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

There is no duplication of information.

5. Methods to minimize burden on small businesses or other small entities, describe any methods to minimize burden.

The information collected does not adversely impact small businesses or other small entities. The small businesses or entities number is 551,207.

6. Describe the consequences to Federal program or policy activities if the collection is not conducted or conducted less frequently, as well as any technical or legal obstacles to reducing burden.

This minimum reporting of information is necessary for FSA to administer MFP in an equitable and cost-effective manner, and to ensure the applicant is not overpaid or underpaid.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- a) Requiring respondents to report information more frequently than quarterly. None.
- b) Requiring written responses in less than 30 days. None.
- c) Requiring more than an original and two copies. None.

- d) Requiring respondents to retain records for more than 3 years. None.
- e) No utilizing statistical sampling. None.
- f) Requiring the use of statistical sampling which has not been reviewed and approved by OMB. None.
- g) Requiring the pledge of confidentiality. None.
- h) Requiring submission of propriety trade secrets. None.

8. Describe efforts to consult with persons outside the Agency to obtain their view on the availability of data, frequency of collection, the clarity of instructions and record keeping, disclosure, or reporting format (if any), and on data elements to be recorded, disclosed, or reported.

The 60-day notice requesting for comments was published on December 10, 2021 (83 FR 70432). There was one comments received on the collection but not related to the information collection.

FSA consulted with other USDA agencies and agricultural commodity interest groups to determine the scope of MFP participants, and the best method of data collection and reporting, as well as outreach to inform their members of MFP. The 3 names were in the following and do not have comments on the collection:

Josephine (Josey) Ballenger, Senior Analyst, Natural Resources & Environment Team,
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9. Explain any decision to provide any payment or gift to respondents.

There is no payment or gift given to respondents.

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

FSA policy prohibits revealing individual privacy information. Information collected is handled according to established FSA procedures implementing the Privacy Act, Freedom of Information Act, and OMB Circular 130, "Responsibilities for the Maintenance of Records about Individuals by Federal Agencies".

11. Provide additional justification for any question of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions of a sensitive or personal nature are included in the application.

12. Provide estimates of the hour burden of the collection of information.

USDA estimates that up to 898,600 producers may apply for MFP payments.

The annual burden for this information collection package is 669,850.

Respondent cost per hour was derived by using U.S. Bureau of Labor Statistics Occupational Employment and Wages, May 2020, 11-9013 Farmers, Ranchers, and Other Agricultural Managers. The U.S. mean household income, as measured by the Bureau of Labor, is \$41.35. Fringe benefits for all private industry workers are an additional 29.9 percent,¹ or \$12.36, resulting in a total of \$53.71 per hour. The estimated cost is \$35,977,644 (\$53.71 per hour x 669,850 total hours).

13. Provide an estimate of the total annual cost burden to the respondents or recordkeepers resulting from the collection of information.

There are no capital and start-up, or ongoing operation or maintenance costs associated with this information collection.

14. Provide estimates of annualized cost to the Federal Government.

The cost of form development, printing and distribution is minimal because the form is computer generated. County employee cost per response is equal to 1 hour for completion of the application form multiplied by \$23.72 (estimated county employee average hourly wage; based 2021 General Schedule, Grade 7, Step 5). A total employer compensation costs (fringe benefits) for all government workers averaged \$7.20, 37%, per hour worked from BLS website, specifically in the document of the employer costs for employee compensation. The total hourly rate for government workers is \$30.92.

The total annualized cost to the Federal Government is \$13,892,356 (\$30.92 x 0.5 hours x 898,600 responses).

15. Explain the reason for any program changes or adjustments reported.

There are no burden hours changes since the last OMB approval.

¹ U.S. Bureau of Labor Statistics. "Employer Costs for Employee Compensation." News release. March 19, 2020. <https://www.bls.gov/news.release/eccec.htm>.

16. For collection of information whose results will be published, outline plans for the tabulation and publication.

There are no plans to publish the results of MFP.

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

FSA displayed OMB expiration date.

18. Explain each exception statement to the certification statement.

FSA is able to certify compliance with all provisions.