

Supporting Statement
Coronavirus Food Assistance Program 2 (CFAP 2)
OMB control number-0560-0297

FSA is requesting a revision on a currently approved OMB 0569-0297, Coronavirus Food Assistance Program (CFAP 2) and also accounted the burden hours from 0560-0299 CFAP ICR. Without CFAP ICR, the program's COVID-19 related benefit payments to farmers would be jeopardize. The 60-day notice to request for public comment on the information collection request was published on May 28, 2021. The AD-3117B-CFAP application- Continuation Sheet for Coronavirus Food Assistance Program 2 (CFAP 2) Application for Contract Producers is also added in this request but there are no impact on their burden hours since the AD-3117 CFAP are accounted for to cover the AD-3117A and AD-3117B continuation sheet forms.

1. Circumstances that make the collection of information necessary.

Producers will receive payments under the CFAP 2.0 to compensate for on-going market disruptions and to transition to a more orderly marketing system. Payments will assist producers with the purchase of materials and facilities required in connection with the production and marketing of agricultural commodities, aid in the removal or disposition of surplus agricultural commodities, and aid in the development of new and additional markets, marketing facilities, and uses for such commodities.

In order to determine whether a producer is eligible for CFAP and to calculate a payment, a producer is required to submit AD-3117, CFAP application; AD-3117A-Continuation Form for CFAP-Milk Production Modification; AD-3117B- Continuation Sheet for Coronavirus Food Assistance Program 2 (CFAP 2) Application for Contract Producers, CCC-902, Farm Operating Plan for Payment Eligibility, Parts A & B; CCC-901, Member Information for Legal Entities, if applicable; CCC-941, Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information; and CCC-942, Certification of Income from Farming, Ranching, and Forestry Operations, Optional, and AD-1026- Highly Erodible Land Conservation (HELC) and Wetland Conservation Certification.

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

The information submitted by respondents will be used by FSA and AMS to determine eligibility and distribute payments to eligible producers under CFAP.

The following forms are for the producers to complete, where applicable, to get CFAP payments:

AD-3117 – CFAP application - Producers are required to submit this form in order to be eligible for CFAP payment. Producers will be providing CFAP 2 information to the FSA County employee by either in person, or by email or fax. The FSA county office staff

will manually enter the information into an automated system except for Part G – Acreage-based Crops that is automatically populated by the system in order to print out the completed CFAP 2 application for applicant to sign it.

AD-3117A- CFAP 2 – Continuation sheet – Milk Production Modification- this form is for the milk producers to provide milk production, where applicable.

AD-3117B-CFAP application- Continuation Sheet for Coronavirus Food Assistance Program 2 (CFAP 2) Application for Contract Producers – this form will be for contract producers to provide additional information, if applicable, to apply for CFAP 2 benefits. Applicable Contract Producers will use the continuation form to help calculate the 2018 or 2019 revenue for their AD-3117 application if one of the following exceptions apply: Operation increased in size in 2020; New contract producer in 2019; Operation increased in production or number of turns in 2020, not associated to an increase of square footage for the operation; compared to 2018 or 2019 that impacted revenue; and New contract producer in 2020.

CCC-901 Member Information for Legal Entities, if applicable - Producers are required to complete this form to report information about their farming operation, if they have not previously provided it.

CCC-902- Farm Operating Plans for an Individual (Part A and B) is used to collect information about individuals to report their farm operations 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.

CCC-942 Request for an Exception to Average AGI limitation is required to submit if at least 75 percent of the person or legal entity's average AGI is derived from farming, ranching, forestry and seafood production and related activities and the participant provided required certification and documentation, the person or legal entity, other than a joint venture or general partnership, is eligible to receive payments, directly or indirectly up to the payment limit.

AD-1026- Highly Erodible Land Conservation (HELC) and Wetland Conservation Certification for producers 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. This form is exempted from the PRA for any FSA programs but included the burden hours for information.

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 decisions for adopting this means of collection. Also describe any consideration of information technology to reduce burden.

The applicants will submit CFAP 2 information by reporting to FSA County Office employees, emailing, faxing or submit using level 2 authentication online. Then, FSA county office staff will enter the application into an automated system. The system will allow all data fields to be entered, except part G will automatically populate in the system. The system will print out the completed CFAP 2 application that the applicant will sign. If applicants receive it electronically, they will email their confirmation instead of signing the completed application.

Most applicants will already have CCC-902, CCC-901, CCC-941, and CCC-942 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 electronic form versions are available in the USDA eForms website:
<https://forms.sc.egov.usda.gov/eForms/welcomeAction.do?Home>.

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 (Item 5 of OMB Form 83-I), describe any methods to minimize burden.

The information collected does not adversely impact small businesses or other small entities. There are 60,057 small businesses or entities. Economists used 7% of the small business or entities against the total respondents.

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.

Failure to solicit applications will result in failure to provide payments to eligible producers. Because of the short time period to receive applications and distribute payments and the need for county offices to complete portions of the application form, applications must be provided to the county offices and entered in automated system.

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;**

None.

- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

None.

- **Requiring respondents to submit more than an original and two copies of any document;**

None.

- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**

None.

- **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;**

None.

- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**

None.

- **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; or**

None.

- **Requiring respondents to submit proprietary trade secret, 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.**

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 was published on May 28, 2021 (86 FR 28747), and there were no received comments. The initial notice for OMB 0560–0297 information collection request was published on April 2, 2020, (89 FR 17351); and FSA published another notice on May 28, 2021 (86 FR 28747) to include burden hours from 0560-0299.

The 3 names for consultation on the CFAP 2 information collection request were in the following, and they do not have any comments and concerns about the collection:

Wilber Davis,
970-854-3277,
(Philips County, CO).

Riggers-Clearwater Farms JV,
(Nathan Riggers – Farm Manager),
208-791-6314,
Lewis County, ID.

Wesley Ratcliff,
214-676-2964,
Houston County, TX.

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.

All information collected is treated as confidential. Agency policy prohibits the giving out of individual information. This information is handled according to the Privacy Act and Freedom of Information Act.

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 857,950 producers may apply for CFAP 2 payments. The estimates are derived from the CBA document. See the Reporting and Recordkeeping Requirements spreadsheet that contained all the numbers for each form.

The annual burden for this information collection package is 926,051 hours.

AD-3117 – CFAP 2 Application - Producers are required to submit this form to be eligible for CFAP payment. The estimated burden hours for the application is 857,950 (857,950 x 1 hour).

AD-3117A- CFAP 2 – Continuation sheet – Milk Production Modification- this form is for the milk producers to provide milk production.

AD-3117B-CFAP application- Continuation Sheet for Coronavirus Food Assistance Program 2 (CFAP 2) Application for Contract Producers – this form is for contract producers to provide additional information, if applicable, to apply for CFAP 2 benefits. Applicable Contract Producers will use the continuation form to help calculate the 2018 or 2019 revenue for their AD-3117 application if one of the following exceptions apply: Operation increased in size in 2020; New contract producer in 2019; Operation increased in production or number of turns in 2020, not associated to an increase of square footage for the operation; compared to 2018 or 2019 that impacted revenue; and New contract producer in 2020.

CCC-901E Member Information for Legal Entities, if applicable - Producers are required to complete this form to report information about their farming operation, if they have not previously provided it. The estimated burden hours for the form is 7,614 (95,180 x 30 minutes).

CCC-901I Member Information for Individuals, if applicable - Producers are required to complete this form to report information about their farming operation, if they have not previously provided it. The estimated burden hours for the form is 7,614 (95,180 x 30 minutes).

CCC-902- Farm Operating Plans for an Individual (Part A and B) is used to collect information about individuals to report their farm operations 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. The estimated burden hours for the form is 11,520 (144,000 x 5 minutes).

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. The estimated burden hours for the form is 45,449 (181,795 x 15 minutes).

CCC-942 Request for an Exception to Average AGI limitation is a new form and is required if at least 75 percent of the person or legal entity's average AGI is derived from farming, ranching or forestry related activities and the participant provided required certification and documentation, the person or legal entity, other than a joint venture or general partnership, is eligible to receive CFAP, directly or indirectly up to the payment limit. The estimated burden hours for the form is 1,975 (7,898 x 15 minutes).

AD-1026- Highly Erodible Land Conservation (HELIC) and Wetland Conservation Certification for producers 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. This form is exempted from the PRA for any FSA programs but included the burden hours for information. The estimated burden hours for the form is 6,423 (80,290 x 5 minutes).

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 \$40.838199 (\$53.71 x 926,051).

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

There are no capital, startup, or ongoing operation/maintenance costs associated with this information collection to respondents or record-keepers.

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

The cost of form development, printing and distribution is minimal because the forms are computer generated. CFAP application information are entered in an automated system manually and will print out the completed CFAP application that the applicant will sign it. County employee cost per response is equal 1 hours for completion of the application form multiplied by \$ 27.21 (estimated county employee average hourly wage; based 2020 General Schedule, Grade 7, Step 6). Fringe benefits for all government workers are an additional 31 percent, or \$8.43, resulting in a total of \$35.64 per hour. The total annualized cost to the Federal Government is \$44,510,831 (\$35.64 x 1,248,901 responses).

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

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

The annual burden hours increased by 65,281 in the collection because FSA estimated additional burden hours to account for the new CFAP payments for contract growers and sod and pullet producers that was previously approved under the OMB control number of 0560–0299. The responses increased by 115,901 in the collection.

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.

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 the OMB expiration date.

18. Explain each exception statement to the certification statement identified in Item 19 on OMB Form 83-I.

FSA is able to certify compliance with all provisions under Item 19 of OMB Form 83-1.