

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

The Farm Service Agency (FSA) is requesting **EMERGENCY CLEARANCE** because FSA will be accepting form CCC-860 certifications in order to distribute additional CFAP 2 payments to underserved producers. Upon the approval, this will be merged with 0560-0297 information collection request upon OMB approval.

FSA will publish a final rule amending the CFAP 2 regulations to provide an additional CFAP 2 payment to underserved producers. These payments will be issued under the same authority as the producers' previous CFAP 2 payments, using CCC funds as authorized by sections 5(b), (d), and (e) of the CCC Charter Act (15 U.S.C. 714c(b), (d), and (e)), except for payments for tobacco which will use remaining funds authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act; Pub. L. 116–136). USDA implemented CFAP 2 through a final rule published in the *Federal Register* on September 22, 2020 (85 FR 59380–59388). USDA also published a final rule in the *Federal Register* on January 19, 2021 (86 FR 4877–4883), to provide additional assistance for certain commodities, but suspended implementation of that rule on January 20, 2021, to allow further evaluation of the assistance offered through CFAP. A final rule published on August 27, 2021 (86 FR 48013-48018), revised the CFAP 2 application deadline, amended provisions for contract producers, and allowed producers of sales-based commodities to use 2018 sales for their payment calculation.

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1. Circumstances that make the collection of information necessary.

Underserved producers will receive an additional payment equal to 15 percent of a producer's previous CFAP 2 payment, subject to CFAP 2 payment limitation provisions in 7 CFR 9.7. In order to determine whether a producer is eligible for the additional payment, an underserved producer must have CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification, on file with FSA with a certification of their status that is applicable for the 2020 program year. Under the previous CFAP 2 provisions, no additional benefit was available to underserved producers; therefore, CCC-860 was not included in the prior request and producers would

not have submitted this form unless they participated in another FSA program for which it was needed.

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

The information submitted by respondents will be used by FSA to determine eligibility for additional CFAP 2 payments to underserved producers. FSA is not re-opening the CFAP 2 application period and accepting new applications from producers who did not previously apply. FSA is accepting the following form from producers who previously participated in CFAP 2 in order to determine their eligibility for the additional CFAP 2 payment for underserved producers:

CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification—Applicants will use this form if they are certifying that they meet the definition of a socially disadvantaged, limited resource, beginning, or veteran farmer or rancher. Applicants who have previously participated in other FSA programs such as the Noninsured Crop Disaster Assistance Program (NAP); the Emergency Assistance for Livestock, Honey Bees, and Farm-raised Fish Program (ELAP); the Emergency Livestock Relief Program (ELRP); or the Emergency Relief Program (ERP) are expected to already have this form on file with FSA.

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 CCC-860 to FSA county offices in-person or by email, fax, or electronically using level 2 authentication. Then, FSA county office staff will enter the information into an automated system. It is available in the USDA eForms website: <https://forms.sc.gov.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.

An underserved producer is only required to submit CCC-860 to be eligible for the additional CFAP 2 payment if they do not already have CCC-860 on file with a certification that is applicable for the 2020 program year.

To minimize burden on producers, an individual who has filed CCC-860 certifying their status as a socially disadvantaged, beginning, or veteran farmer or rancher for a prior program year is not required to submit a subsequent CCC-860 certifying their status for a later program year because an individual's status as socially disadvantaged would not change in different years, and their certification as a beginning or veteran farmer or

rancher includes the relevant date needed to determine the program years for which the status would apply. An entity that has filed CCC-860 certifying its status as a socially disadvantaged, beginning, or veteran farmer or rancher for a prior program year is not required to submit a subsequent certification of its status for a later program year unless the entity's status has changed due to changes in membership. Because a producer's status as a limited resource farmer or rancher may change annually depending on the producer's direct and indirect gross farm sales, those producers must submit CCC-860 for each applicable program year.

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 6,788 small businesses or entities. Economists used 7 percent 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 CCC-860 will result in failure to provide additional CFAP 2 payments to underserved producers who have not previously certified their status due to participation in other FSA programs.

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.

This is a new information collection request.

9. Explain any decision to provide any payment or gift to respondents.

Eligible underserved producers will receive an additional CFAP 2 payment calculated as set forth in the final rule published in the *Federal Register*. No other payments or gifts will be provided to respondents.

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

Agency policy prohibits the giving out of individual information. This information is handled according to the Privacy Act of 1974 (5 USC 552a, as amended) and Freedom of Information Act. The information collected on the PARP application form may be disclosed to other Federal, State, and Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated).

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 96,973 producers who previously applied for CFAP 2 may submit CCC-860 to establish eligibility for the additional CFAP 2 payment for underserved producers. See the Reporting and Recordkeeping Requirements spreadsheet that contains all the numbers for each form.

The annual burden for this information collection package is 9,697 hours.

CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification—Applicants must use this form if they are certifying that they meet the definition of a socially disadvantaged, limited resource, beginning, or veteran farmer or rancher. The estimated burden hours for the application is 9,697 (96,973 x 0.1 hours).

Respondent cost per hour was derived by using U.S. Bureau of Labor Statistics Occupational Employment and Wages, May 2021, 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, or \$12.36, resulting in a total of \$53.71 per hour. The estimated cost is \$520,826 (\$53.71 x 9,697).

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. County office employees will update the producer's information in the automated system once the form is submitted. County employee cost per response is equal 0.1 hours multiplied by \$28.02 (estimated county employee average hourly wage; based 2022 General Schedule, Grade 7 step 6). Fringe benefits for all government workers are an additional 31 percent, or \$12.72, resulting in a total of \$40.74 per hour. The total annualized cost to the Federal Government is \$394,933 (\$40.74 x 96,940 responses x 0.1 hours).

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

This is a new information request.

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

FSA may announce the total number of CFAP 2 payment recipients and amount of payments issued by press release or other means.

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 is displaying 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.