

**United States Department of Agriculture
Farm Service Agency
Supporting Statement
7 CFR 785
Certified Mediation Program
OMB Control Number: 0560-0165**

FSA is requesting an extension with a revision of a currently approved Information Collection (0560-0165).

FSA has obtained OMB approval for the following forms through the request for common form.

Description	Approved Under
SF-424, Application for Federal Assistance	4040-0004
SF-424A, Budget Information Non-Construction	4040-0006
SF-424B, Assurances Non-Construction	4040-0007
SF-425, Financial Status Report	4040-0014
SF-270, Request for Advance and Reimbursement	4040-0012

Justification

1. Explain the circumstances that make the collection of information necessary.

The USDA Agricultural Mediation Program (AMP) is mandated by the Subtitles A and B of Title V of the Agricultural Credit Act of 1987 (Public Law 100-233), as amended. Under the program, USDA makes grants to state-designated entities that provide mediation to agricultural producers, their leaders and others that are directly affected by the actions of certain USDA agencies. In mediation, a trained, impartial mediator helps participants review and discuss the conflict, identify options to resolve disputes and agree on solutions. Ideally, this process helps avoid expensive and time-consuming administrative appeals and/or litigation. Cases covered by the grants include agricultural loans, whether made by USDA or commercial lenders and disputes involving USDA actions on farm and conservation programs, wetland determinations, rural water loan programs, grazing on natural forest system lands, pesticides, rural housing and business loans, and crop insurance. FSA is administering the program.

2. Indicate how, by whom and for what purpose the information is to be used. Except for new collections, indicate the actual use the Agency has made of the information received from the current collection.

FSA is using the information to determine whether participants meet the eligibility requirements to be a recipient of grant funds. Lack of adequate information to make the determination could result in the improper administration and appropriation of Federal grant funds.

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

Request for recertification of State-Certified Mediation Program (7 CFR 785.3(b))

The information is provided by State-Certified Mediation Program that have previously been determined eligible and are requesting to be recertified for the ensuing year. The regulations require the State to make a written request which addresses any changes in the program since the original approval. To effectively administer the program, State-Certified Mediation Programs submit an application for recertification, which includes completion of SF-424, SF-424A, and SF-424B. Currently, there are 42 State-Certified Mediation Programs; the estimated time to provide the information requested is 7 hours.

Annual Report (7 CFR 785.8(a))

State-Certified Mediation Programs provide an annual report to FSA that must include the goals and accomplishments of the program, program activities and outcomes of the cases opened and closed during the reporting year, mediation services provided and resolution rate for each category of issue reported for cases closed during the year, and financial status report, which may be provided on SF-425.

In addition, information on the performance and effectiveness of the program that considers the estimated average costs of mediation services per client, estimated savings to the state as a result of having the state mediation program; and recommendations for improving the delivery of mediation services to covered persons. Lastly, the annual reports may provide any additional information the state may elect to include.

All currently approved State-Certified Mediation Programs provide the annual report, the time to collect and provide the information is estimated to be 10 hours per response.

Mid-year report (7 CFR 785.8(b))

State-certified mediation programs provide to FSA a mid-year report that includes information on mediation services provided during the preceding six months. All currently approved State-Certified Mediation Programs provide a mid-year report. The time to collect and provide the information is estimated to be 5 hour per response.

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

State-certified Mediation Programs provide information using forms that are approved for government-wide use. At this time, none of the currently approved State-Certified Mediation Programs has obtained and activated a USDA account with Level 2 access that allows for electronic submissions. FSA emails the electronic forms with detailed instructions to complete the required forms or formats. The information required from State-Certified Mediation Programs is mainly financial in nature, such as budgets, and operational information specific to

each program, such as list of participants and issues mediated, list of mediators, training classes for mediators, etc.

Non-form information collections are mostly limited to copies of documents in the State-Certified Mediation Programs' possession or providing written replies to agency requests or offers. Non-form collections, as well as all forms, may be submitted by email, mail, or by facsimile.

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

There is no duplication of information involved with processing of State-Certified Mediation Programs' grant request, the monitoring of the State-Certified Mediation Programs' grant request, or the monitoring of the State-Certified Mediation Programs grant itself. State-Certified Mediation Programs provide information on an annual basis to the agency to ensure that the program is still eligible to receive federal funds.

5. Methods to minimize burden on small businesses or other small entities (Item 5 of OMB Form 83-1), describe any methods to minimize the burden.

There are no small businesses in this request. The collection will not have a significant economic impact on a substantial number of small entities since FSA is collecting information from States mainly. It also contains normal business recordkeeping requirements and minimal essential reporting requirements. Small businesses will not be affected by the regulation.

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.

The regulation requires the minimum information needed to determine whether a State's mediation program is eligible for re-certification, application for Federal Assistance, reporting requirements, and mid-year reports. Without the collection of information, FSA would not be able to properly administer the federal funds in an equitable and cost-effective manner.

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. There are no information collection requirements that require information more frequently than quarterly.
- b) Requiring written responses in less than 30 days. There are no information collection requirements that require written responses in less than 30 days.
- c) Requiring more than an original and two copies. There are no information collection requirements that require more than an original or single copy of a document.
- d) Requiring respondents to retain records for more than 3 years. There are no such requirements.
- e) No utilizing statistical sampling. There are no such requirements.

- f) Requiring the use of statistical sampling which has not been reviewed and approved by OMB. There are no such requirements.
- g) Requiring the pledge of confidentiality. There are no such requirements.
- h) Requiring submission of propriety trade secrets. There are no such requirements.

8. Describe efforts to consult with persons outside the Agency to obtain their view on 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.

FSA published a 60-day notice in the Federal Register on September 25, 2023 (88 FR 65650) requesting comments by November 23, 2023. There was one comment received but it was not related to the information collection.

FSA maintains close contact with State-Certified Mediation Programs and provides guidance and advice on issues as they occur. FSA contacted 3 persons in the following. They do not have any comments on the information collection.

Andrea Pacheco
Oregon Certified Mediation Program
Post Office Box 1594
Hood River, Oregon 97031-1275
Phone: (541) 386-1283 extension 2.

Leif Jacobsen
Colorado Certified Mediation Program
Colorado Department of Agriculture
305 Interlocken Parkway Broomfield, Colorado 80021-0000
Phone (303) 477-0054.

Patricia Driscoll Rhode Island Certified Mediation Program
Center for Mediation and Collaboration Rhode Island 831 Bald Hill Road Warwick, Rhode Island 02886-0711
Phone: (401) 273-9999.

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

There is no payment or gift was given to respondents.

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

There is no assurance of confidentiality provided to respondents for the information required in this collection. The information collected pertains mostly to administering federal grants according to rules and regulations.

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.

The information collected under this docket is financial in nature. As a condition for the receipt of federal grant funds, AMPs disclose financial information as well as information of their business operations. However, the information is required to properly administer federal funds.

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

The estimate of hour burden of the information collection is in the attached Reporting and Recordkeeping requirements spreadsheet.

The estimate of annual cost for the information collections is as follows:

Respondent's Cost Per Hour – Budget Analyst	\$39.42.
Secretary/administrative assistant	\$21.12.

Total Annual Respondent Cost: \$204,624.

Cost per hour for respondents (average hourly wage mean) was derived from the U.S. Department of Labor's Occupational Employment and Wages, September 2023, tables which are found at the Bureau of Labor Statistics website at: <https://www.bls.gov/ooh/home.htm>. The benefit cost for state and local government workers is \$22.23.

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

The regulation and associated information collection place no burden costs on respondents for capital, start-up, operation, maintenance, or the purchase of services.

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

FSA employees provide guidance and assistance to State-Certified Mediation Programs in obtaining and reporting the information needed. In addition, they provide templates for completion to ensure information provided is complete and accurate, and to reduce the time it takes State-Certified Mediation Programs to gather and submit the requested information. Lastly, employees review the information provided to effectively administer federal grant funds according to applicable rates and regulations. FSA estimates that employees spend 54 hours on information submitted from each State-Certified Mediation Program, for a total of 2,160 hours.

The estimated annual cost to the Federal Government is $2,160 \times \$75 = \$162,000$.

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

The number of respondents remains at 42. The burden hours decreased by 126 because the SF-270 was not in the calculation. The increased responses of 126 was omitted in error in the calculation previously for the estimated number of unduplicated responses to average, four responses per respondent. Those unduplicated responses would include providing one mid-year report, one annual report, one request for Recertification, and submitting a Request for Advance or Reimbursement (SF-270), at least one time per fiscal year.

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

The information collections under this OMB control number will not be tabulated or published.

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.

Most of the information collected is in narrative form – information collection instruments utilized for this collection are used by multiple agencies. Therefore, displaying the expiration date on instruments used by multiple agencies that each obtains its own OMB approval will be confusing to participants.

18. Explain each exception statement to the certification statement identified in items 19 and 20 on OMB Form 83-I.

There are no exceptions requested.