

U.S. DEPARTMENT OF AGRICULTURE  
WASHINGTON, D.C. 20250

<b>DEPARTMENTAL REGULATION</b>		<b>Number:</b> 4370-001
<b>SUBJECT:</b> Collection of race, ethnicity, and gender data for civil rights compliance and other purposes in regard to participation in the programs administered by the Farm Service Agency, the Natural Resources Conservation Service, the Risk Management Agency, the Rural Business Service, the Rural Housing Service, and the Rural Utilities Service	<b>DATE:</b> October 11, 2011	
	<b>OPI:</b> Departmental Management	

1. **PURPOSE**

This Departmental Regulation (DR) implements sections 14006 and 14007 of the Food, Conservation and Energy Act of 2008 (7 U.S.C. 2279-1(a) – (d)). This DR establishes the USDA policy for the collection of race, ethnicity, and gender data for civil rights compliance, for the purposes of conducting oversight and evaluation of nondiscriminatory participation, and assessing outreach and participation in programs of the Farm Service Agency, the Natural Resources Conservation Service, Risk Management Agency, the Rural Business Service, the Rural Housing Service, and the Rural Utilities Service.

2. **SPECIAL INSTRUCTIONS/CANCELLATION**

This is a new Policy enacted by the 2008 Farm Bill and implemented by this Departmental Regulation. It does not cancel or replace any previous Departmental Regulations.

3. **POLICY**

Agencies will collect race, ethnicity, and gender data from applicants and participants in each program of the Department of Agriculture that serves agricultural producers and landowners. This regulation provides the format and procedures that Agencies will follow for collecting, storing, and reporting such information. This policy is intended to implement the requirements of sections 14006 and 14007 of the Food, Conservation and Energy Act of 2008 (7 USC 2279-1(a) – (d)).

4. **DEFINITIONS**

Within the context of this policy, the following abbreviations and definitions apply:

- a. **Agency.** A major program organizational unit of the Department of Agriculture (“USDA”) with delegated authorities to deliver rural development, agricultural or food programs, activities, benefits, and services, i.e. the Farm Service Agency

(“FSA”), the Natural Resources Conservation Service (“NRCS”), the Risk Management Agency (“RMA”), the Rural Business Service, the Rural Housing Service, and the Rural Utilities Service (collectively “the Rural Development Mission Area” or “RD”).

- b. Applicant. Any person, organization, or other entity that submits an application for Agency services, whether such application is complete or incomplete.
- c. American Indian or Alaska Native. A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- d. Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- e. Black or African American. A person having origins in any of the black racial groups of Africa. [Terms such as “Haitian” or “Negro” can be used in addition to “Black or African American.”]
- f. Ethnicity. Characteristics of an individual common to a specific group based on birthplace, ancestry, culture, or language.
- g. Gender. Male or female designation.
- h. Hispanic or Latino. A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. [The term, “Spanish origin” can be used in addition to “Hispanic or Latino.”]
- i. Native Hawaiian or Other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- j. OAO. The Office of Advocacy and Outreach, USDA.
- k. OASCR. Office of the Assistant Secretary for Civil Rights, USDA.
- l. OMB. Office of Management and Budget, the Executive Office of the President.
- m. Participant. Any person or group of persons that participates in a program of an Agency that serves agricultural producers and landowners.
- n. Recipient. A State, public or private agency, institution, organization or any of their instrumentalities, or any individual to whom Federal financial assistance is extended, directly or through another recipient, for a program or activity, including any successor, assignee, or transferee thereof.

- o. REG. Data on the race, ethnicity, and gender of a particular Agency program applicant or participant, or a compilation or tabulation of such data on a number or group of program constituents.
- p. SCIMS. The Service Center Information Management System is currently a database used by the Farm Service Agency, the Natural Resources Conservation Service, and the Rural Development Mission Area.
- q. Secretary. The Secretary of Agriculture.
- r. State. Each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, the American Samoa, Wake Island, the Canal Zone, all other territories and possessions of the United States, and any political subdivision of any State, or instrumentality of any State, including an agency, institution, or organization of the state political subdivision or instrumentality.
- s. USDA. The United States Department of Agriculture.
- t. White. A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

## 5. PROCEDURES

- a. All Agencies that have programs that serve agricultural producers and landowners will take the following actions:
  - (1) Provide all Applicants and Participants with a REG form (Department of Agriculture form AD-2106).
  - (2) Biannually compile program application and participation rate data by collecting and computing for each program of each such Agency, raw numbers of Applicants and Participants by race, ethnicity, and gender; and
  - (3) Biannually compile the application and participation rate by race, ethnicity, and gender as a percentage of the total eligible all agricultural producers and landowners.
- b. Each Agency must take the following actions:
  - (1) Establish or revise, as necessary, current data collection procedures for USDA programs to allow OASCR or the Agency to analyze the demographics of their program participants and applicants.

- (2) All Agencies must use the OMB-approved form (AD-2106).
- (3) Respondents must be informed that providing this information is to be used for statistical purposes only and will not be used to determine an Applicant's eligibility for the service for which they have applied.
- (4) Minimize the burden of providing demographic information by taking the following actions where possible:
  - (a) Informing respondents that REG information need not be provided if they have already provided that information. However, if a respondent wishes to update or correct their data, Agencies will allow them the opportunity to do so.
  - (b) Allowing REG to be collected on separate OMB approved program forms, through either electronic or non electronic mechanisms, or a combination of both electronic and non electronic collection mechanisms, or at different times. All REG data collected shall be entered into SCIMS or other Agency customer database.
  - (c) Utilizing an electronic medium such as the Internet when collecting race, ethnicity, and gender data where possible.
- (5) The data will reside in the SCIMS database or other Agency customer database.
- (6) The data collection form, AD-2106 will be available through the USDA e-Forms web site at <http://forms.sc.egov.usda.gov/>. Applicants, Program Beneficiaries or Participants with an electronic credential may be able to submit the form electronically. Those without a credential may fill out the form on-line, print it, sign it, and deliver it to their Service Center by fax, mail or in person. The paper version of the form will also be available.

c. Agencies must not:

- (1) Collect data that is based on a visual assessment that is not provided by the respondent.
- (2) Change existing data unless changed by the customer by completing form AD-2106.

## 6. RESPONSIBILITIES

a. Agencies must:

- (1) Submit to the Secretary an annual report in a format proscribed by the National Agricultural Statistics Service (“NASS”), which conforms to this policy, on the race, ethnicity and gender of all program Applicants and Participants.
  - (2) In developing such a Report, provide demographic data in such form and format as required by NASS, and seek the guidance and assistance of NASS as needed.
  - (3) Ensure that reports are readily available on a USDA public website.
- b. OAO will:
- (1) Consult, advise, and provide technical assistance to Agencies to assist them in implementing this policy.
  - (2) Monitor the administration of this regulation and take necessary steps to assure the full and orderly implementation of its requirements.
- c. OASCR will use the data, the analysis, and report submitted to the Secretary in planning and conducting compliance reviews.

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