

**UNITED STATES DEPARTMENT OF AGRICULTURE**

Farm Service Agency  
Washington, DC 20250

**Notice CM-695**

**For:** State and County Offices

**Implementing DR 4370-001 About Collecting Race, Ethnicity, and Gender Data**

**Approved by:** Acting Deputy Administrator, Farm Programs



**1 Overview**

**A Background**

DR 4370-001, “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”, was issued October 11, 2011. DR 4370-001:

- implements Food, Conservation, and Energy Act of 2008, Sections 14006 and 14007 (7 U.S.C. §2279-1(a) – (d))
- establishes USDA policy for collecting race, ethnicity, and gender data for conducting oversight and evaluation of civil rights compliance in programs offered by FSA, NRCS, RMA, RBS, RHS, and RUS.

**Note:** A copy of DR 4370-001 is available at  
<http://www.ocio.usda.gov/directives/doc/DR4370-001.pdf>.

**B Purpose**

This notice provides State and County Offices information about:

- implementing policies contained in DR 4370-001
- procedures to collect race, ethnicity, and gender from program participants
- using AD-2106 to collect race, ethnicity, and gender data
- instructions for entering the data collected in SCIMS
- instructions for date stamping and maintaining AD-2106.

Disposal Date	Distribution
August 1, 2012 1-19-12	State Offices; State Offices relay to County Offices

## 2 General Information

### A Introduction

OMB has approved AD-2106 to collect race, ethnicity, and gender data. For FLP applications, OMB has approved using the following forms to collect race, ethnicity, and gender data:

- FSA-2001
- FSA-2211
- FSA-2212
- FSA-2301
- FSA-2683.

No other forms may be used to collect race, ethnicity, or gender data.

### B Collecting Race, Ethnicity, and Gender Data

County Offices shall provide AD-2106 to each customer requesting to participate in FSA programs. As provided on AD-2106, completing AD-2106 is voluntary; however, County Offices shall request AD-2106 be completed by:

- the customer, if the customer is an individual
- each member of the entity or joint operation, if the customer is an entity or joint operation.

**Notes:** AD-2106 is **not** required for an entity or joint operation; however, a separate AD-2106 should be requested from each member.

**FLP applicants are not required to complete AD-2106.** For FLP, race, ethnicity, and gender data are collected on FLP application forms.

Customers who provide race, ethnicity, and gender data on AD-2106, or an FLP application form, **do not need to complete AD-2106 again**, unless they want to update information previously provided. Counties with multi-county producers shall remain in close contact to ensure that multiple requests are **not** made to complete AD-2106.

AD-2106 and FLP application forms are available on the:

- FFAS Employee Forms Website at  
<http://intranet.fsa.usda.gov/dam/ffasforms/forms.html>
- USDA Service Center Agencies eForms website at  
<http://forms.sc.gov.usda.gov/eForms/welcomeAction.do?Home>.

## 2 General Information (Continued)

### C Entering Race, Ethnicity, and Gender Data in SCIMS

For new customers, the race, ethnicity, and gender information collected on AD-2106, or an FLP application form, shall be entered in SCIMS according to 1-CM.

**Note:** If the customer chooses not to provide race, ethnicity, and gender data, entries will be made using the using the “Employee Observed” determination code until further notice.

When an existing customer submits AD-2106 or an FLP application form, compare race, ethnicity, and gender information to the data currently entered in SCIMS, and make any appropriate changes according to 1-CM.

**Important:** When data is provided by the customer, be sure to select “Customer Declared” in the appropriate “Determination Code” field in SCIMS.

After the race, ethnicity, and gender data have been entered in SCIMS, as “Customer Declared”, it should **not** be changed unless the customer completes a new AD-2106 or FLP application form.

Data previously entered using the determination code, “Employee Observed”, should be updated if:

- the customer has provided race, ethnicity, and gender information on AD-2106 or an FLP application form
- review reveals that the race, ethnicity, and/or gender information previously provided on AD-2106 or an FLP application form had been incorrectly entered and/or the incorrect determination code was used in SCIMS.

### D Date Stamping and Maintaining Completed AD-2106's

AD-2106's shall be date stamped when received.

Completed AD-2106's shall be filed in the participants “PE-2, Producer Eligibility” folder.

**Note:** This notice does **not** modify existing filing procedures for FLP application forms.

### 3 Action

#### A State Office Action

State Offices shall:

- ensure that County Offices are notified of the contents of this notice
- emphasize to County Offices the importance of obtaining accurate race, ethnicity, and gender data from individual customers, or entity or joint operation members
- emphasize to County Offices the importance of accurately entering data provided in SCIMS
- direct any questions about this notice concerning:
  - SCIMS to Rick Blackwood by either of the following:
    - e-mail to **rick.blackwood@wdc.usda.gov**
    - telephone at 202-720-5422
  - FLP to Bill Cobb by either of the following:
    - e-mail to **bill.cobb@wdc.usda.gov**
    - telephone at 202-720-1059.

#### B County Office Action

County Offices shall:

- follow the contents of this notice to ensure that:
  - each participant is given the opportunity to provide race, ethnicity, and gender data
  - data provided is accurately and timely loaded in SCIMS
- contact the State Office to resolve questions.

#### C Amending 25-AS and 1-CM

Further instructions will be provided in forthcoming amendments to 25-AS and 1-CM.