

UNITED STATES DEPARTMENT OF AGRICULTURE
Federal Crop Insurance Corporation
OMB NUMBER: 0563-0064

TITLE:

General Administrative Regulations; Subpart V-Submission of Policies, Provisions of Policies and Rates of Premium.

Purpose:

The purpose of this request to the Office of Management and Budget (OMB) is for another three year approval of a currently approved package.

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The Federal Crop Insurance Corporation (FCIC) is a wholly-owned Government corporation created February 16, 1938, (7 U.S.C. 1501). The program was amended previously, but Public Law 96-365, dated September 26, 1980, provided for nationwide expansion of a comprehensive crop insurance program. The Federal Crop Insurance Act (Act), as amended in 1994, 1996, and 1998, further expanded the role of the crop insurance program to be the principal tool for risk management by producers of farm products. The Act further required that the crop insurance program operate on an actuarially sound basis. The Act allows any person to prepare a submission or propose to the Board a policy, provision of a policy, or rates of premium. The Act as amended June 20, 2000, by Public Law 106-224 provides for independent reviews of insurance products by persons experienced as actuaries and in underwriting. The Act, as amended by Public Law 110-246, dated June 18, 2008, provided the opportunity for the submission of a concept proposal to the FCIC Board of Directors (Board) for approval for advance payment of estimated research and development expenses.

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

To meet these goals, existing crop programs must be improved and expanded, new crop products developed, and new insurance concepts studied for possible implementation. Meeting these goals requires the collection of a wide range of information that is used in part to establish insurance coverage, premiums, payments, indemnities, and allow for other program and administrative operations. It also creates an information database used to support continued development and improvement in crop insurance products that are available to producers and which meet the goal of a sound insurance program.

An applicant has the option to submit a concept proposal or a submission package for a crop insurance product and have it presented to the Board.

A concept proposal provides an opportunity for applicants with approved concept papers to receive up to 50 percent of their estimated research and development expenses in advance. If their proposed crop insurance product is subsequently approved by the Board, they are then reimbursed for the remainder of their expenses.

A person must prepare a concept proposal according to the procedures described in the Approved Procedures for Submission of Concept Proposals Seeking Advance Payment of Research and Development Expenses, published on the RMA web site at <http://www.rma.usda.gov>. A concept proposal is defined as a written proposal, prepared in accordance with these procedures, and containing enough information that the Board is able to determine that, if approved, the proposed concept will likely result in the successful development of a submission under Subpart V for a policy, provisions of policies or rates of premium.

Once the concept proposal is submitted, the Board will determine if the concept proposal is complete (the date the Board votes to contract with independent reviewers is the date the concept proposal is deemed to be a complete concept proposal for the start of the 120 day time-period for approval).

The Board will forward the complete submission to at least two independent expert reviewers with qualifications appropriate to review the type of concept proposal submitted. The reviewers will provide their assessment of whether the submission: 1) protects the interests of agricultural producers and taxpayers; 2) is actuarially appropriate; 3) follows appropriate insurance principles; 4) meets the requirements of the Act; 5) does not contain excessive risks; 6) is consistent with USDA's public policy goals; 7) does not increase or shift risk to any other FCIC reinsured policy; 8) does not offer coverage similar to another policy or plan of insurance and if producers would further benefit from the submission and it can be administered and delivered efficiently and effectively; 9) the marketing plan is reasonable; 10) FCIC has the resources to consider, implement, and administer the submission; and 11) the requested amount of government reinsurance, risk subsidy, and administrative and operating subsidies is reasonable and appropriate for the type of coverage provided by the submission.

After the Board reviews the results of the independent expert reviews and FCIC reviewers, concept proposals may be approved by the Board for an advance payment of up to 50 percent of the estimated research and development expenses.

If a concept proposal is approved by the Board for advance payment, the applicant is responsible for independently developing a submission as specified in General Administrative Regulations, Subpart V-Submission of Policies, Provisions of Policies, Rates of Premium, and Premium Reduction Plans (Subpart V). All aspects of Subpart V apply to the submission. An applicant may also develop crop insurance products as specified in Subpart V without submitting a concept proposal.

An applicant must prepare a submission package according to the procedures described in the Subpart V, published in the Federal Register on August 2, 2005. A submission is defined as a policy, plan of insurance, provision of a policy or plan of insurance, or rates of premium provided by an applicant to FCIC.

Once the Subpart V submission package is submitted, the Board will determine if the submission is complete (The date the Board votes to contract with independent reviewers is the date the submission is deemed to be a complete submission for the start of the 120 day time-period for approval).

The Board will forward the complete submission to at least 5 independent persons with underwriting or actuarial experience to review the submission. The Board will also request a submission review from the Risk Management Agency (RMA) and the Office of the General Council (OGC). The reviewers will each provide their assessment whether the submission: protects the interests of agricultural producers and taxpayers; is actuarially appropriate; follows appropriate insurance principles; meets the requirements of the Act; does not contain excessive risks; is consistent with USDA's public policy goals; does not increase or shift risk to any other FCIC reinsured policy; offers coverage that is similar to another policy or plan of insurance and if the producer would further benefit from the submission and it can be administered and

delivered efficiently and effectively; the marketing plan is reasonable, FCIC has the resources to consider , implement, and administer the submission and the requested amount of government reinsurance, risk subsidy, and administrative and operating subsidies is reasonable and appropriate for the type of coverage provided by the submission.

OGC reviews the submission to determine whether the submission conforms to the requirements of the Act. After the Board reviews the results of the independent reviewers, RMA reviewers, and OGC, the Board will render a decision to approve or give notice of an intent to disapprove within 90 days after the date the submission is considered submitted to the Board, unless the applicant and the Board agree to a time delay.

At any time, the applicant may withdraw the submission by written request to the Board or modify and resubmit the submission. The applicant may negotiate a time delay in order to revise a submission. The Board may approve or disapprove a submission or a modified submission, but before they disapprove a submission they must notify the applicant of their intention. An agreement between the Board and the applicant may be completed at the Board's request that specifies the responsibilities of each with respect to the implementation, delivery and oversight of the submission. The property rights to the submission automatically transfer to FCIC if the applicant elects not to maintain the submission and FCIC has paid any amounts for research and development costs or maintenance costs. The applicant is responsible for preparing and assuring that all final policy documents and supporting materials, including actuarial documents are the same as presented and approved by the Board. Applicants will coordinate with FCIC all responses to procedural issues, questions, problems, or clarifications in regard to policies. A policy previously approved by the Board must be resubmitted for Board consideration and approval if a applicant makes any change to the previously approved policy that causes a material impact. The applicant must administer the program in accordance with all terms of the approved reinsurance agreement and any other requirements the Board deems appropriate. At any time after approval of the submission, the Board may review the program; request additional information; and require appropriate revisions to comply with legal or regulatory changes, to improve actuarial soundness, improve program integrity and protect the interests of producers.

The applicant is responsible for preparing and ensuring all policy documents, rates of premium, and supporting materials, including actuarial documents, are submitted to FCIC in the form approved by the Board, annually updating and providing maintenance changes no later than 180 days prior to the earliest contract change date for the commodity in all counties or states in which the policy or plan of insurance is sold, unless FCIC assumes maintenance of the product, addressing responses to procedural issues, questions, problems or clarifications in regard to a policy or plan of insurance (all such resolutions will be communicated to all approved insurance providers through FCIC's official issuance system), and annually reviewing the policy's performance and providing a report on the policy's performance to the Board by each anniversary date of when the product was first available to be purchased by the public. The applicant is liable for any mistakes, errors, or flaws in the submission until the policy is transferred to FCIC. The applicant must request reimbursement for research and development costs that must be supported by itemized statements and hard-copy proof. Following reimbursement of research and development costs, the applicant may request FCIC to enter into an agreement to provide reimbursement of maintenance costs, which must be supported by itemized statements and hard-copy proof by August 1 of the maintenance period. After the maintenance period, the applicant has a choice of requesting FCIC to approve a use fee and the applicant will continue to maintain the policy or transfer responsibility for maintenance and all property rights to FCIC. Insurance companies reinsured by FCIC must submit 3 hard copies or an electronic copy of new or revised non-reinsured supplemental policies and related materials to FCIC for review and approval or disapproval.

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 decision for adapting this means of collection. Also describe any consideration of using information technology to reduce burden.

The collection of information may involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. FCIC does not suggest or mandate how the applicant is to obtain or develop the information that is requested. However, a submission applicant is required to submit to FCIC, in accordance with Subpart V, an electronic copy of the submission that when printed will be an exact duplicate of the information that would have been found in the 3-ring binder or 7 hard copies of specific information that will be contained in 3-ring binders, with section dividers clearly labeling each section. Because of this requirement, if a submission is submitted in hard-copy, the submission must be sent by some form of transportation, mailed, or hand delivered. A document submitted in electronic media must be in a format that can be accessed by FCIC. This includes all necessary forms for insurance coverage. Also, data used in determining rates must be included in an electronic format that can be accessed by FCIC.

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

The Board would not approve a concept proposal or submission that is identical to another product so it is unlikely anyone would go to the time and expense of duplicating another policy. If the submission is a provision of a policy or rates of premium, only information applicable to the change being made must be included.

5. If the collection of information impacts small business or other small entities (Item 5 of OMB 83-i), describe any methods used to minimize burden.

A person, including an approved insurance provider, a college or university, a cooperative or trade association, or any other person may prepare a concept proposal or submission for the Board. The procedure and regulation are very specific in regards to what must be included in every concept proposal or submission regardless of who prepares it. The information collection burden would not be minimized for small businesses or entities because specific information is necessary to adequately protect the interests of producers and to assure that premium charged to producers is actuarially appropriate.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The majority of the information collection burden will be from the time an applicant starts working on a concept proposal or submission until it is completed and approved by the Board. If the Board does not have all the information required to evaluate the program, the concept proposal or submission will be disapproved. If a submission is approved and the applicant does not provide the information necessary to substantiate the request for reimbursement of research and development costs, maintenance costs or to obtain a use fee after the maintenance period, the applicant will not be reimbursed.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

a) requiring respondents to report information to the agency more often than quarterly;

- b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- c) requiring respondents to submit more than an original and two copies of any document;
- d) requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- e) 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;
- f) requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- g) 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
- h) requiring respondents to submit proprietary trade secret, or 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.

A complete concept proposal may only be submitted to FCIC during the first 5 business days of January, April, July, and October. FCIC lists, within the procedures, specific contents of a complete concept proposal. Applicants are required to submit both an electronic copy and six hard copies of their concept proposal made for FCIC personnel, the office of General Counsel, and the Board.

The submission applicant may have to report information more often than quarterly if the regulation is not followed and the applicant is repeatedly asked to provide more information in order for the Board to approve the submission. FCIC does not require the applicant to prepare a written response to a collection of information in fewer than 30 days after receipt of it. However, the applicant may have to request a time delay in order to modify a submission so that the Board does not provide a notice of intent to disapprove a submission or disapprove a submission. FCIC lists, within the regulation, specific contents of a complete submission. Applicants are required to submit either an electronic copy of the submission (that when printed would be identical to the hard copy information, except for section binders) or 7 identical hard copies of their submission. The 7 hard copies provides identical copies for the Administrator of RMA in Washington D.C., the Deputy Administrator of Research and Development in Kansas City, Missouri, and a copy for each of the five independent reviewers, so they can immediately begin their review. Copies are made for FCIC personnel, the office of General Counsel, and the Board. However, if an electronic copy is provided, copies are printed for each of the above.

Insurance companies maintain records longer than 3 years as a normal business practice. No statistical survey is conducted by these collections. No statistical data classification is used that has not been reviewed and approved by OMB. A pledge of confidentiality is not required. No proprietary trade secrets or other confidential information are requested.

8. **If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (D) soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The Federal Register Notice soliciting comments on the Risk Management Agency's intent to seek extension of approval of an information collection was published in the Federal Register, Volume 75, Number 105, on June 2, 2010, on pages 30770-30771. One comment was received. The commenter was an interested party. The comment received and FCIC's response is as follows:

Comment: The commenter requested a public hearing on the Notice of Request for Extension of a Currently Approved Information Collection and also requested the release of more information on this process. The commenter did not favor renewal of the currently approved information collection for the submission of policies, provisions of policies and rates of premium under section 508(h) of the Federal Crop Insurance Act.

Response: FCIC determined that public hearings were not appropriate. The scheduling, implementation, and efforts to record and collect comments would have required massive resources and could have delayed the extension of the currently approved information collection for the submission of policies, provisions of policies and rates of premium under section 508(h) of the Federal Crop Insurance Act. Providing the opportunity for the submission of a concept proposal to the FCIC Board of Directors (Board) for approval for advance payment of estimated research and development costs and allowing any person to prepare a submission or propose to the Board a policy, provision of a policy, or rates of premium are mandated by the Federal Crop Insurance Act and cannot be eliminated without a change in the law. Meeting these goals requires the collection of a wide range of information that is used in part to establish insurance coverage, premiums, payments, indemnities, and allow for other programs and administrative operations. It also creates an information database used to support continued development and improvement in crop insurance products that are available to producers and which meet the goal of a sound insurance program.

Consultation with persons outside of the Agency:

Clif Parks: (817) 261-7000
Karen Powell: (717) 783-6985
Jason Schickedanz: (979) 229-1481

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

FCIC may provide an initial payment to the concept proposal applicant. The Board may approve the request of an applicant for advance payment of a portion of reasonable research and development costs prior to submission and approval of the policy by the Board under section 508(h).

FCIC will provide a one-time payment to the applicant for reimbursement of costs directly related to the research and development of the submission, subsequent to Board approval. Following payment of research and development costs, the applicant may request FCIC to enter into an agreement to provide a payment to reimburse maintenance costs, subsequent to Board approval, associated with the annual cost of maintaining the policy during the maintenance period. At the end of the maintenance period, the applicant may request to enter into an agreement with FCIC to continue to maintain the policy and charge each approved insurance provider who markets the product, a use fee as approved by the Board for the

use of such policy or coverage for that reinsurance year.

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

A concept proposal or submission, including any information generated from the concept proposal or submission, will be considered confidential commercial or financial information for purposes of 5 U.S.C. until approved by the Board. An applicant may waive such confidentiality by advising FCIC in writing, or by releasing such information to a person other than FCIC. Information that can be withheld by the Secretary under 5 U.S.C. shall not be released to the public at any time. Once the Board approves a concept proposal or submission, all information provided may be released to the public unless protected by 5 U.S.C. Any concept proposal or submission disapproved by the Board will remain confidential commercial or financial information in accordance with 5 U.S.C.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No questions of a sensitive nature are contained in the procedures and regulation.

12. Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

Reading Document:

FCIC estimates that they will receive 36 proposals which would require 2 positions/applicants to read the document for a total of 72. It is then estimated that 22 proposals would receive advance payment and would require 3 positions/applicants to read the document for a total of 66, finally it is estimated that there would be 10 applicants submitting an application without advanced payment requiring 5 position/applicants to read the document for a total of 50, for a total of 188 to read document.

FCIC estimated that people in 3 positions (actuary, economist, and office assistant) and a total of 36 applicants will submit a concept proposal for a total of **108 respondents**. FCIC estimated 22 applicants whom submitted a concept proposal will receive an advanced payment and develop the concept proposal into a complete submission, and 10 applicants will submit a complete submission without advanced payment. Therefore, a total of 32 applicants will submit and complete submission. FCIC estimated that people in 14 positions (marketing manager, computer manager, financial manager, technical writer, actuary, accountant, lawyer, economist, computer programmer, underwriter, paralegal, marketing researcher, statistician, and office assistant) and a total of 32 applicants will submit a submission for a total of **448 respondents**.

FCIC estimates **260 annual responses** due to 36 applicants completing one objective (preparing the concept proposal submission) and 32 applicants completing seven objectives (preparing the submission, modifying the submission, corresponding with the Board, preparation and presentation to the Board, responding to issues, negotiating agreements, costs and fees and maintenance of approved products). To determine approximate annual burden hours, FCIC estimates 36 applicants will prepare a concept proposal and 32 applicants will prepare a submission.

See spreadsheet for breakout of burden.

Total annual cost of burden to respondent

The estimated total burden cost per year is \$4,570,475.

- 13. Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information, (do not include the cost of any hour burden shown in items 12 and 14). The cost estimates should be split into two components: (a) a total capital and start up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.**

There are no capital/start-up or ongoing operation/maintenance costs associated with this information collection.

- 14. Provide estimates of annualized cost to the Federal government. Provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.**

The estimated cost to the Federal Government per year is \$8,634,026. See separate cost sheet breakdown of cost.

- 15. Explain the reasons for any program changes or adjustments reported in Item 13 and 14 of the OMB Form 83-i.**

The increase in burden is due to changes mandated through legislation in the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill). Section 12022 of the 2008 Farm Bill provides an opportunity for applicants with approved concept papers to receive up to 50 percent of their estimated expenses in advance. If their proposed crop insurance product is subsequently approved by the Board, they then are reimbursed for the remainder of their expenses. If they submit a proposed product to the Board and it is rejected, they receive no additional funds but are not required to repay the advance. Only if they fail to submit a completed submission without just cause would they be required to repay the advance. Applicants with poor track records on submissions may be prohibited from receiving advance payments, but would still be eligible to develop crop insurance products under section 508(h) procedures in current law.

FCIC has added 1,296 burden hours for applicants to read the procedures and to prepare the concept proposal. FCIC has also added 64,512 burden hours for applicants whom submitted a concept proposal and received an advanced payment to develop the concept proposal into a complete submission.

- 16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.**

The data is not planned for publication.

- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

FCIC does not produce or distribute forms; therefore, there is no request to not display an expiration date on forms.

- 18. Explain each exception to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act."**

This information collection meets the certification requirements of SF-83-I, Item 19.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

The information collections represented in this docket do not employ statistical methods.