

SUPPORTING STATEMENT
U.S. Department of Commerce
National Technical Information Service
Limited Access Death Master File Subscriber Certification Form
OMB Control No. 0692-XXXX

A. JUSTIFICATION

This is an expedited review request is needed in order for NTIS to implement the Death Master File Certification Program by March 26, 2014. OMB approval is required by **March 24, 2014**.

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

The National Technical Information Service (NTIS) Limited Access Death Master File, derived from the Social Security Administration's Death Master File, Subscriber Certification Form (Certification Form) will be used by NTIS to collect information related to the implementation of Section 203 of the Bipartisan Budget Act of 2013 (Pub. L. 113-67) (Act). NTIS will be issuing an interim final rule establishing a temporary certification program for persons who seek access to the Social Security Administration's Public Death Master File (DMF). Section 203 of the Act prohibits disclosure of DMF information during the three-calendar-year period following death unless the person requesting the information has been certified under a program established by the Secretary of Commerce. The Act directs the Secretary of Commerce to establish a certification program for such access to the DMF. The Secretary of Commerce has delegated the authority to carry out the DMF certification program to the Director, NTIS.

The Act requires implementation of the certification program ninety (90) days after enactment. NTIS requests emergency clearance of this collection of information in order to implement the certification program on March 26, 2014. The regular Paperwork Reduction Act process would delay the collection beyond this timeframe. To meet this timeframe, OMB approval is required by March 24, 2014.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

All persons wishing to access the DMF, including information about deceased individuals at any time during the three-calendar-year period beginning on the date of the individual's death will have to complete and submit the Certification Form. NTIS intends to use the current version of the Certification Form on an interim basis while it develops the final rule. During drafting of the final rule, change (or revision) to this PRA package will be submitted to ensure that the form is consistent with the final certification process. Each applicant will have to be re-certified

annually along with the annual renewal of their subscription to access the DMF using the certification process in place at the time of their re-certification. NTIS will use the information collected to ensure that the DMF is disseminated consistent with the use and certification requirements of the interim final rule. The information collected will not be disseminated to the public; however NTIS will post a list of Certified Persons on its website.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

NTIS will accept completed and executed Certification Forms via mail and fax. NTIS will also accept scanned completed and executed Certification Forms as email attachments.

4. Describe efforts to identify duplication.

The certifications contained in the Certification Form are unique to this program, as the requirements are set forth in the legislation are specific to this program.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Small businesses or other small entities may submit Certification Forms. NTIS has published a Request for Information to help inform this certification process. The burden of the form itself will be minimal; the restrictions on use are determined by Section 203 of the Bipartisan Budget Act.

The DMF Certification Form collects only information necessary for NTIS to conduct the program.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If NTIS continues to disseminate the DMF after March 26, 2014 and does not collect this information on an interim basis while developing the final rulemaking package, it would be a violation of Section 203 of the Bipartisan Budget Act of 2013 (Pub. L. 113-67)(Act).

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

N/A

8. Provide information of the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the 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 recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice soliciting public comments will be published to coincide with the submission of this emergency request (copy included). In response to the notice, OMB received two comments, one from a law firm on behalf of the Consumer Data Industry Association (CDIA) and the other from the National Association of Insurance Commissioners (NAIC).

CDIA asked that we add language to paragraph 1. of the form, requiring subscribers who further distribute the Limited Access DMF to certify that the persons to whom it discloses the Limited Access DMF meet the requirements for certification. We made no change to the form based on this comment because the issue is addressed in the subscription and license agreements that Certified Persons will enter into with NTIS in order to access the Limited Access DMF.

CDIA also asked that we include guidance on the meaning of key terms contained in the certification form or that we include a set of “safe harbors” that identify other legal frameworks and regimes that would constitute de factor compliance with the certification requirements. We appreciate the merit of this comment but, due to the time constraints imposed for implementing the interim final rule, we will consider this issue and potential changes to the Subscriber Certification Form as part of the upcoming full notice and comments rulemaking.

NAIC asked that OMB confirm in the certification form itself or in explanatory documents accompanying the form (such as instructions or an FAQ) that third party vendors acting as an authorized agent of an insurance regulator or a life insurer would qualify as having a legitimate business purpose under the interim certification process. The statute and regulations require that the Limited Access DMF be disclosed only to Certified Persons. To become a Certified Person, each organization will have to submit a Subscriber Certification Form setting forth the authorities under which it has a legitimate business purpose. We will not make any change to the form based on this comment.

NAIC also recommended clarifying in explanatory documents accompanying the form that compliance with regulatory settlements either fits a particular check box in section 2. of the certification form and that check box should be checked or that this circumstance would meet

the requirements of any or all boxes. Due to the time constraints imposed for implementing the interim final rule, we will not be providing any explanatory documents along with the Subscriber Certification Form but will consider this comment in revising the form in conjunction with the upcoming full notice and comments rulemaking.

NTIS published a Request for Information and Advance Notice of Public Meeting on the Certification Program for Access to the Death Master File (RFI) at 79 FR 11735, available at <http://www.gpo.gov/fdsys/pkg/FR-2014-03-03/pdf/2014-04584.pdf>. The public meeting was held March 4, 2014, from 9:00 am to 12:00 pm Eastern time at the United States Patent and Trademark Office, Madison Building West, 600 Dulany Street, Alexandria, VA 22314. The public meeting was also webcast. Written comments received in response to the RFI, and a transcription of oral comments made and comments submitted via webcast at the public meeting, will be posted at <https://dmf.ntis.gov/>. Virtually all commenters explained why their use of the DMF was legitimate and emphasized the necessity of uninterrupted access to the DMF for their business.

In addition, NTIS has been working closely with OMB to engage federal agencies to solicit their input on the certification process.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

None.

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

None.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

N/A

12. Provide an estimate in hours of the burden of the collection of information.

NTIS expects completion of the Certification Form to take about 2 hours per application and expects to receive approximately 700 Certification Forms, for a total of **1,400 hours**.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

For NTIS to achieve full cost recovery for the DMF Certification Program, as required by Section 203 of the Bipartisan Budget Act of 2013 (Pub. L. 113-67), DMF Subscribers will be required to remit \$200 per Subscriber Certification Form. The total annual cost burden is estimated to be \$200 x 700 certificates = \$140,000.

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

NTIS estimates expenses of \$140,000 in FY 2014 to recover costs associated with the rulemaking process, reviewing and processing the DMF Certification Forms under the interim final rule, and granting certifications. In future fiscal years, NTIS anticipates costs associated with other requirements of the Act, such as auditing. NTIS is working on estimates for those costs.

15. Explain the reasons for any program changes or adjustments.

This is a new information collection.

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

NTIS will publish on its website a list of Certified Persons.

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

N/A.

18. Explain each exception to the certification statement.

N/A.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

N/A.