

**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 a new information collection associated with a proposed rulemaking (Certification Program for Access to the Death Master File/RIN 0692-AA21).

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

The National Technical Information Service (NTIS) Limited Access Death Master File Subscriber Certification Form (Certification Form) is used to collect information related to the implementation of Section 203 of the Bipartisan Budget Act of 2013 (Pub. L. 113-67) (Act). Section 203 of the Act prohibits disclosure of Limited Access Death Master File (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.

NTIS established a temporary certification program for persons who seek access to the DMF using the Certification Form, and received emergency PRA clearance for the Certification Form in March 2014.

NTIS will be issuing a notice of proposed rulemaking and seeks clearance to revise the Certification Form to include the collection of additional information necessary for NTIS to continue its diligent oversight of the certification program. After six months of using the current version of the Certification Form, NTIS has learned that collection of additional information is necessary and will greatly improve its ability to determine whether respondents satisfy the requirements of Section 203 of the Act.

In addition, NTIS seeks clearance of a new “Limited Access Death Master File (LADMF) Systems Safeguards Attestation Form,” (Attestation Form) through which accredited certification bodies attest that a party seeking to be certified to access Limited Access DMF has systems, facilities, and procedures in place as required under §1110.102(a)(ii) of the proposed rule.

**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 a Certification Form. NTIS intends to continue using the current version of the Certification Form on an interim basis while it develops the final rule. Once comments are received in response to the proposed rule, NTIS will determine whether additional changes to the revised Certification Form are necessary 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 from NTIS, using the certification process and the Certification Form 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 until the final rule is published. The information collected will not be disseminated to the public.

Under the proposed rule, applicants must also be assessed by an independent third party accredited certification body. The assessment must include the Controls set forth in NTIS Publication 100, and the accredited certification body must attest to NTIS, using the new Attestation Form, whether the applicant's LADMF systems safeguards program implementation satisfies those requirements.

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

**4. Describe efforts to identify duplication.**

The certifications contained in the Certification Form and the Attestation 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 and/or Attestation Forms, but NTIS lacks information about the types and sizes of entities impacted by the rule. NTIS included in its notice of proposed rulemaking a request for information from the public about the types of entities impacted by this rule, whether those are small or large entities under

SBA's size standards, and the level of or a description of the type of impacts that the rule will have on those entities.

The revised Certification Form and the new Attestation Form collect 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.**

Pursuant to Section 203 of the Act, NTIS may only disseminate the Limited Access DMF to Certified Persons, and NTIS cannot determine whether a person meets the requirements for certification without collecting both the information in the Certification Form and the information in the Attestation Form for each applicant. NTIS requires all Certified Persons to re-certify annually to ensure their continued compliance with Section 203 of the Act.

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

Not Applicable.

**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.**

NTIS will publish notice of this information collection within its publication of the proposed rule.

NTIS has been working closely with OMB and other relevant Federal agencies on requirements of 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.**

Not Applicable.

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

NTIS expects completion of the Certification Form to take about 4.0 hours per application and expects to receive approximately 550 Certification Forms, for a total of 2,200 hours.

NTIS expects the additional burden hours for filling out the Attestation Form to range from 2 hours to 200 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 \$400 per Subscriber Certification Form. The total annual cost burden is estimated to be \$400 x 550 certificates = **\$220,000**. In addition, applicants will incur the cost of being assessed by an accredited certification body and having the accredited certification body complete and submit the Attestation Form. NTIS expects applicants this additional cost to range from \$270 - \$27,000.

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

NTIS estimates expenses of \$220,000 in FY 2015 to recover costs associated with the rulemaking process, reviewing and processing the DMF Certification Forms and Attestation Forms under the 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 associated with a proposed rulemaking (RIN 0692-AA21). The rulemaking revises the Certification Form and adds the Attestation Form to improve NTIS's ability to determine whether respondents satisfy the requirements of Section 203 of the Act.

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

Not Applicable.

**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.**

Not Applicable.

**18. Explain each exception to the certification statement.**

Not Applicable.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

Not Applicable.