

Confidentiality Change

OMB No. 0535-XXXX

A. JUSTIFICATION

In accordance with requirements of the Paperwork Reduction Act of 1995, NASS is requesting an emergency approval. Under the provisions of 44 U.S.C. 3507(j) (1), permits an agency head to request OMB issue an expedited clearance of a collection of information if it is needed sooner than the expiration of usual processing times, provided that it is essential to the mission of the agency, and the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information or is reasonably likely to cause a statutory or court-ordered deadline to be missed.

This Information Collection Request (ICR) will revise the confidentiality pledge made by NASS to all respondents on all data collection efforts. The change will incorporate provisions that became law as a part of the Consolidated Appropriations Act for Fiscal Year 2016 This was signed on December 17, 2015, and included the Federal Cybersecurity Enhancement Act of 2015 (H.R. 2029, Division N, Title II, Subtitle B, Sec. 223).

This single request will serve as an overall approval for all NASS data collection requests. This emergency request will be active for six months, during which time NASS will submit another request that will give the public an opportunity to comment on the permanent change.

Upon approval of this emergency request, NASS will change the confidentiality statement on all questionnaires to the newly approved statement. A more detailed explanation of the new confidentiality protection will be added to the NASS website at:

https://www.nass.usda.gov/About_NASS/Confidentiality_Pledge/index.php.

Questionnaires that NASS has already printed and are in use at this time or in the near future will still be used. The Federal Register Notice containing the revised confidentiality statement will serve as a notification to the public of the change in confidentiality protection.

- 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 National Agricultural Statistics Service's primary function is to gather and summarize data that will be used to issue official state and national estimates of crop and livestock production, disposition, stocks, and prices. In addition, NASS collects and publishes information relating to environmental and economic farm related data. These data are collected through hundreds of surveys conducted by NASS, which are included in the 32 Information Collections currently approved by OMB.

General authority for these data collection activities is granted under U.S. Code Title 7, Section 2204(a) which specifies that "The Secretary of Agriculture shall procure and preserve all information concerning statistics ... and shall distribute them among agriculturists."

- 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.**

NASS data are used by producers, universities, legislative bodies, agri-businesses, investors, researchers, foreign governments, and many others in their various activities. It is crucial that NASS be able to collect data from respondents and to assure them of the security of the data they provide.

- 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 adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

Nearly all of NASS information collections have a web-based component, what NASS calls electronic data reporting (EDR). The main portal for web-based data collection is <http://www.agcounts.usda.gov>. Respondents are mailed an instruction sheet to reach this site along with the survey questionnaire. Once there, the respondents have to enter a unique 17 digit survey code that NASS has provided to each respondent before they will

have access to the questionnaire. We do not want anyone other than a selected respondent to access the survey web pages.

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

Duplication is not an issue with this ICR.

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

Burden is not an issue with this ICR.

- 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.**

Any delays in this approval could significantly impact the availability of NASS data being available to data users.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with the general information guidelines in 5 CFR 1320.5.**

There are no special circumstances with this ICR.

- 8. 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.**

Not available.

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.

NASS consulted with the USDA Office of General Council and conducted cognitive testing in the development of the proposed burden statement.

9. Explain any decision to provide any payment or gift to respondents.

There are no payments or gifts to respondents.

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

Once this ICR is approved and the new confidentiality statement is approved, NASS will update the confidentiality statement on all questionnaires before data collection begins. The proposed confidentiality statement NASS will use on all questionnaires is:

The information you provide will be used for statistical purposes only. Your responses will be kept confidential and any person who willfully discloses ANY identifiable information about you or your operation is subject to a jail term, a fine, or both.

This survey is conducted in accordance with the Confidential Information Protection provisions of Title V, Subtitle A, Public Law 107-347 and other applicable Federal laws. For more information on how we protect your information please visit:

https://www.nass.usda.gov/About_NASS/Confidentiality_Pledge/index.php. Response is **to this survey is <voluntary/mandatory>**.

The word “voluntary” or “mandatory” will be used, depending on the authority associated with each data collection

11. Provide additional justification for any questions of a sensitive nature.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I. Provide estimates of annualized cost to respondents for the hour burdens for

collections of information, identifying and using appropriate wage rate categories.

No burden is associated with this ICR. The one hour of burden reported in the ROCIS submission system serves as a place holder for the system.

- 13. Provide an estimate of the total annual cost burden to respondents or record-keepers resulting from the collection of information.**

There is no annual cost burden to respondents.

- 14. Provide estimates of annualized cost to the Federal government; provide a description of the method used to estimate cost which should include quantification of hours, operational expenses, and any other expense that would not have been incurred without this collection of information.**

There is no cost associated with this ICR.

- 15. Explain the reasons for any program changes or adjustments (reasons for changes in burden).**

There are no changes in burden. The revision to the confidentiality pledge is required as a result of the passage and implementation of provisions of the Federal Cybersecurity Enhancement Act of 2015 (H.R. 2029, Division N, Title II, Subtitle B, Sec. 223),

- 16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

Nothing will be published as a result of this ICR.

- 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.**

There is no request for approval of non-display of the expiration date.

- 18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submissions” of OMB Form 83-I.**

There are no exceptions to the certification statement.

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