



UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau

Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

December 7, 2016

Mr. Paul Bugg
OMB Desk Officer
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, DC 20503

Dear Mr. Bugg:

The U.S. Census Bureau respectfully requests your assistance and cooperation in submitting to OMB the attached request for emergency clearance to allow the revision of the current Title 13, United States Code confidentiality pledge in accordance with the provisions of the Federal Cybersecurity Enhancement Act of 2015 (H.R. 2029, Division N, Title II, Subtitle B, Sec. 223).

The revisions to the Title 13, U.S.C. confidentiality pledge are required due to the passage and implementation of the provisions of the Federal Cybersecurity Enhancement Act of 2015, which permit and require the Secretary of Homeland Security to provide Federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic. The Department of Homeland Security (DHS) technology currently used to provide protection against cyber malware is known as Einstein 3A; it electronically searches Internet traffic in and out of Federal civilian agencies in real time for malware signatures. When such a signature is found, DHS personnel shunt the Internet packets that contain the malware signature aside for further inspection. Since it is possible that such packets entering or leaving a statistical agency's information technology system may contain a small portion of the message's confidential statistical data, the Census Bureau can no longer promise respondents that their responses will be seen only by Census Bureau personnel or their sworn agents. However, we can assure respondents that the cybersecurity technology will provide strong protections to the collected survey responses.

Therefore, the Census Bureau requests approval to revise the current Title 13, Section 9 U.S.C. confidentiality pledge which promises respondents that their information will only be seen by agency employees or their sworn agents and will be used only for statistical purposes. This approval is needed prior to the expiration of normal clearance procedures since immediately communicating to the public any updates to our data safeguarding procedures is essential to the Census Bureau's mission. In this case, the use of normal Paperwork Reduction Act (PRA) clearance procedures is reasonably likely to prevent or disrupt the collection of information.

To facilitate immediate use of the revised pledge while maintaining compliance with the PRA, the U.S. Census Bureau is submitting an emergency request under 44 U.S.C. 3507(j)(1) for all of its affected Information Collections (see Attachments A and B), and we are requesting that the 30-day public

comment period be waived. A companion 60-day Federal Register Notice informing the public about the revision to the confidentiality pledge will be published for public comment.

If you have any questions or require any additional information regarding this request, please contact Robin J. Bachman or Mary R. Lenaiyasa at 301-763-6440.

Sincerely,

A handwritten signature in black ink, appearing to read 'JHT', with a long horizontal flourish extending to the right.

John H. Thompson
Director