

**2017 SUPPORTING STATEMENT**  
**for**  
**BEEF RESEARCH AND PROMOTION: PRODUCER REQUEST FOR STATE TO**  
**RETAIN CHECKOFF ASSESSMENT FORM**  
**OMB NO. 0581-NEW**

**(Emergency Request)**

**NOTE TO REVIEWER:** Upon approval of this collection, the Agricultural Marketing Service (AMS) will submit a Justification Request to merge this collection into the currently approved OMB No. 0581-0093, National Research, Promotion, and Consumer Information Programs.

**A. Justification.**

- 1. EXPLAIN THE CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY. IDENTIFY ANY LEGAL OR ADMINISTRATIVE REQUIREMENTS THAT NECESSITATE THE COLLECTION.**

Congress has delegated to the U.S. Department of Agriculture (USDA) the responsibility for implementing and overseeing the Beef Research and Promotion Program. The enabling legislation for the Beef Research and Promotion Program is the Beef Promotion and Research Act of 1985 (Act) (7 U.S.C. 2901-2911).

On May 2, 2016, a national cattle organization representing beef producers (Plaintiffs) filed a complaint in the District Court for the District of Montana Great Falls Division, against Sonny Perdue, Secretary of Agriculture for USDA, seeking declaratory and injunctive relief. The Plaintiffs alleged that the current administration of the Beef Checkoff Program in Montana violates the First Amendment of the United States Constitution by allowing the Montana Beef Council (MBC)—the beef council that collects assessments in Montana—to use a portion of cattle producers’ assessments paid to the Beef Checkoff Program to fund promotional campaigns by MBC without first obtaining permission from those producers.

On June 21, 2017, a U.S. District Court Judge in Montana issued a preliminary injunction enjoining USDA from continuing to allow MBC to use the assessments that it is qualified to collect under the Beef Checkoff Program to fund advertising campaigns, unless a cattle producer provides prior affirmative consent authorizing MBC to retain a portion of the cattle producer’s assessment. As a result of this preliminary injunction, MBC must begin forwarding all Beef Checkoff Program funds directly to the Cattlemen’s Beef Promotion and Research Board (Beef Board), the entity that administers the National Beef Checkoff Program, absent proof that a producer has provided advance affirmative consent authorizing MBC to retain a portion of that producer’s assessment.

Without the producer's permission for the state to retain a portion of the Federal assessment under the Beef Checkoff Program, MBC will likely have insufficient funds to pay for ongoing projects, contracts, staff salaries, and other administrative functions and, therefore, could be forced to cease operations and potentially leave current staff unemployed.

The Beef Checkoff Program carries out projects relating to research, consumer information, advertising, sales promotion, producer information, market development, and product research to assist, improve, or promote the marketing, distribution, and utilization of beef. The Beef Checkoff Program is directed by a national industry board whose members are appointed by the Secretary of Agriculture, who also approves the Beef Boards' budgets, plans, and projects. The latter responsibility has been delegated to AMS. The funding for the Beef Checkoff Program is industry-specific, with assessments generated by producers and importers each time cattle are sold. AMS's objective in carrying out its responsibility is to assure the following: (1) assessment funds are collected and properly accounted for; (2) expenditures of funds are for the purposes authorized by the enabling legislation; and (3) the Beef Board's administration of the program conforms to legislation and USDA policy. AMS's Livestock, Poultry, and Seed Program has direct oversight of the Beef Research and Promotion Program. State beef councils collect national assessments, retain a portion, and remit at least half to the national programs. To carry out its responsibilities, this program requires the use of forms covered under OMB No. 0581-0093. However, to provide producers in Montana (and any other state subject to a similar court order) with the opportunity for the state beef council to retain a portion of the Federal assessment in the state in which assessments were collected, the form described in item 2 below is required.

**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.**

The Beef Promotion and Research Order (Order) and regulations governing the Beef Research and Promotion Program authorize the Qualified State Beef Councils (QSBCs) to collect and submit certain information as required. The information will be used by some beef producers in Montana (and any other state subject to a similar court order) who seek to have a portion of the Federal assessments remain with MBC (and any other state subject to a similar court order) instead of the full assessment collected being forwarded to the Beef Board. QSBCs administer the state beef program.

AMS developed a form needed to effectively carry out the court order that would

authorize producers to retain a portion of the Federal assessment with the QSBC rather than remitting the full Federal assessment to the national program.

**LPS-2 PRODUCER REQUEST TO RETAIN BEEF CHECKOFF ASSESSMENT FORM**

The purpose of the form will be used by some beef producers in Montana (and any other state subject to a similar court order) who request that a portion of their required Federal assessment be retained by the QSBC.

- 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.**

Upon approval, the form will become part of the AMS Integrated e-Government Report. As with other research and promotion forms, LPS-2 will be submitted directly to the Beef Board. The Beef Board is not part of a Federal agency, but is an industry commodity board that operates under Federal authority and oversight. Therefore, the provision of an electronic submission alternative is not required by the Government Paperwork Elimination Act. In addition, it is determined that LPS-2 will not be made available for electronic submission due to logistical constraints of having funds moved from a state organization to the national program. The form will be made available in a .pdf fillable format located on AMS's and the Beef Board's websites, allowing users to fill in and print off a copy to submit by fax or mail to the appropriate QSBC or Beef Board. A hard copy version is also available through QSBCs or Beef Board for users without Internet access.

- 4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION. SHOW SPECIFICALLY WHY ANY SIMILAR INFORMATION ALREADY AVAILABLE CANNOT BE USED OR MODIFIED FOR USE FOR THE PURPOSE(S) DESCRIBED IN ITEM 2 ABOVE.**

The required information is not available from any other source because it relates specifically to producers of cattle to voluntarily use the "LPS-2 Producer Request to Retain Checkoff Assessment" form to request, under certain circumstances, that a portion of their Federal assessment be retained with a QSBC authorized

under their respective statutes, rather than the full Federal assessment being remitted to the national program.

**5. IF THE COLLECTION OF INFORMATION IMPACTS SMALL BUSINESSES OR OTHER SMALL ENTITIES (ITEM 5 OF THE OMB FORM 83-I), DESCRIBE THE METHODS USED TO MINIMIZE BURDEN.**

According to 13 CFR 121.201, the Small Business Administration defines small agricultural producers as those having annual receipts of less than \$750,000. Under these definitions, the majority of beef producers that would be affected are considered small entities. We have estimated the number of respondents for this collection to be 100, and we estimate that 100 are considered small businesses.

The information collection requirements contained in this submission are voluntary. Beef producers would only complete the form if they sell beef or beef products in Montana (or another state subject to a similar court order) and if they chose to seek flexibility in whether a portion of their Federal assessments be retained with a QSBC. The form requires only a minimal amount of information, which can be supplied without data processing equipment or outside technical expertise. The data used to complete these form is routine in all business transactions.

**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 new form would be completed voluntarily by beef producers in Montana (and any other state subject to a similar court order that is authorized to collect assessments under the Act). The form, once completed by beef producers, will provide prior affirmative consent authorizing certain state beef councils to retain a portion of the Federal assessment paid by beef producers. Otherwise the full assessment for the Montana Beef Checkoff Program (and any other state subject to a similar court order) will be forwarded to the Beef Board.

By law, all cattle producers, except organic beef producers, must pay an assessment. QSBCs are legally responsible for collecting monthly assessments and remitting a portion to the Beef Board. Because the court order requires MBC to immediately begin remitting the full \$1-per-head assessment to the Beef Board, MBC must be able to provide beef producers a mechanism (e.g., form) to retain a portion of the Federal assessment in the state.

**7. EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT WOULD CAUSE**

**ANY INFORMATION COLLECTION TO BE CONDUCTED IN A MANNER:**

- **REQUIRING RESPONDENTS TO REPORT INFORMATION TO THE AGENCY MORE OFTEN THAN QUARTERLY;**
- **REQUIRING RESPONDENTS TO PREPARE A WRITTEN RESPONSE TO A COLLECTION OF INFORMATION IN FEWER THAN 30 DAYS AFTER RECEIPT OF IT;**
- **REQUIRING RESPONDENTS TO SUBMIT MORE THAN AN ORIGINAL AND TWO COPIES OF ANY DOCUMENT;**
- **REQUIRING RESPONDENTS TO RETAIN RECORDS, OTHER THAN HEALTH, MEDICAL, GOVERNMENT CONTRACT GRANT-IN-AID, OR TAX RECORDS FOR MORE THAN 3 YEARS;**
- **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;**
- **REQUIRING THE USE OF A STATISTICAL DATA CLASSIFICATION THAT HAS NOT BEEN REVIEWED AND APPROVED BY OMB;**
- **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**
- **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.**

There are no such special circumstances. The collection of information is

conducted in a manner consistent with the guidelines in 5 CFR 1320.

- 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 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.**

On June 21, 2017, a U.S. District court judge in Montana granted a preliminary injunction enjoining USDA from continuing to allow MBC to use the assessments that it collects under the Beef Checkoff Program to fund its advertising campaigns, unless a cattle producer provides prior affirmative consent authorizing MBC to retain a portion of the cattle producer's assessment for state promotion, research, and information programs authorized under the Act. As a result of this decision, the full \$1-per-head assessment collected by MBC must be remitted to the Beef Board unless producers provide prior affirmative consent authorizing the MBC to retain up to 50 cents of the cattle producer's assessment.

- **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 RECORDKEEPING, DISCLOSURE, OR REPORTING FORMAT (IF ANY), AND ON THE DATA ELEMENTS TO BE RECORDED, DISCLOSED, OR REPORTED.**

AMS is publishing a notice describing the information gathering requirements and will also provide a 60-day comment period.

- **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.**

There are no obstacles to consulting with industry members who must submit

information to the Beef Board. AMS has consulted with staff from the Beef Board on this new collection:

Cattlemen's Beef Promotion and Research Board; 9000 East Nichols Avenue, Suite 215; Centennial, Colorado 80112; (303) 220-9890.

**9. EXPLAIN ANY DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS, OTHER THAN REMUNERATION OF CONTRACTORS OR GRANTEES.**

No payments or gifts are provided to respondents.

**10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS AND THE BASIS FOR THE ASSURANCE IN STATUTE, REGULATION, OR AGENCY POLICY.**

To assist the Beef Board and the Secretary in the collection of proper information, the Order provides that producers and QSBCs shall maintain and make available for inspection by the Secretary and the Beef Board such books and records prescribed by the Order. The Order provides specifically that all information obtained from those books and records or from reports filed under the Order shall be kept confidential by those having the information. In addition, the Order provides for fines, imprisonment, and removal from office for employees of USDA or the Beef Board convicted of violating the confidentiality provisions of the Order as directed by 7 CFR 1260.620 and 7 CFR 1220.624. The Act governing the program provide that information acquired from respondents will be kept confidential. Reports submitted to the Beef Board or in some cases another party designated by the Beef Board are accessible only by appropriate Beef Board (or designated party) staff and certain USDA employees, most of whom are in Washington, DC. Industry members of the Beef Board do not have access to any party's reports or assessment records. The Beef Board (or designated party) staff, as well as USDA staff, are aware of the penalties for violating confidentiality requirements, which could include a fine, imprisonment, and removal from office.

**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. 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 included on these forms.

**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. UNLESS DIRECTED TO DO SO, AGENCIES SHOULD NOT CONDUCT SPECIAL SURVEYS TO OBTAIN INFORMATION ON WHICH TO BASE HOUR BURDEN ESTIMATES. CONSULTATION WITH A SAMPLE (FEWER THAN 10) OF POTENTIAL RESPONDENTS IS DESIRABLE. IF THE HOUR BURDEN ON RESPONDENTS IS EXPECTED TO VARY WIDELY BECAUSE OF DIFFERENCE IN ACTIVITY, SIZE, OR COMPLEXITY, SHOW THE RANGE OF ESTIMATED HOUR BURDEN, AND EXPLAIN THE REASONS FOR THE VARIANCE. GENERALLY, ESTIMATES SHOULD NOT INCLUDE BURDEN HOURS FOR CUSTOMARY AND USUAL BUSINESS PRACTICES.**

The Agency estimates that there would be 100 respondents with 1 response for a total of 8.30 burden hours. Estimates of the burden and recordkeeping for this collection of information are summarized on the AMS-71 spreadsheet.

- **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.**

The estimated annual cost of providing the information to the Board by the total estimated number of persons subject to information collection burden (100 persons and 8.30 burden hours) would be \$194.80. This total has been estimated by multiplying 8.30 (total burden hours) by \$23.47, the hourly earnings of first-line supervisors of farming, fishing, and



forestry workers as obtained from the U.S. Department of Labor Statistics' *National Compensation Survey: Occupational Employment and Wages, May 2016* (NCS Occupational Wages). This publication can also be found at the following Web site:

<https://www.bls.gov/oes/current/oes451011.htm>.

**13. PROVIDE AN ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS OR RECORDKEEPERS RESULTING FROM THE COLLECTION OF INFORMATION. (DO NOT INCLUDE THE COST OF ANY HOUR BURDEN SHOWN IN ITEMS 12 AND 14).**

- **THE COST ESTIMATE 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. THE ESTIMATES SHOULD TAKE INTO ACCOUNT COSTS ASSOCIATED WITH GENERATING, MAINTAINING, AND DISCLOSING OR PROVIDING THE INFORMATION. INCLUDE DESCRIPTIONS OF METHODS USED TO ESTIMATE MAJOR COST FACTORS INCLUDING SYSTEM AND TECHNOLOGY ACQUISITION, EXPECTED USEFUL LIFE OF CAPITAL EQUIPMENT, THE DISCOUNT RATE(S), AND THE TIME PERIOD OVER WHICH COSTS WILL BE INCURRED. CAPITAL AND START-UP COSTS INCLUDE, AMONG OTHER ITEMS, PREPARATIONS FOR COLLECTING INFORMATION SUCH AS PURCHASING COMPUTERS AND SOFTWARE; MONITORING, SAMPLING, DRILLING AND TESTING EQUIPMENT; AND RECORD STORAGE FACILITIES.**
  
- **IF COST ESTIMATES ARE EXPECTED TO VARY WIDELY, AGENCIES SHOULD PRESENT RANGES OF COST BURDENS AND EXPLAIN THE REASONS FOR THE VARIANCE. THE COST OF PURCHASING OR CONTRACTING OUT INFORMATION COLLECTION SERVICES SHOULD BE A PART OF THIS COST BURDEN ESTIMATE. IN DEVELOPING COST BURDEN ESTIMATES, AGENCIES MAY CONSULT WITH A SAMPLE OF RESPONDENTS (FEWER THAN 10), UTILIZE THE 60-DAY PRE-OMB SUBMISSION PUBLIC COMMENT PROCESS AND USE EXISTING ECONOMIC OR REGULATORY IMPACT ANALYSIS ASSOCIATED WITH THE RULEMAKING CONTAINING THE INFORMATION COLLECTION, AS APPROPRIATE.**

- **GENERALLY, ESTIMATES SHOULD NOT INCLUDE PURCHASES OF EQUIPMENT OR SERVICES, OR PORTIONS THEREOF, MADE: (1) PRIOR TO OCTOBER 1, 1995, (2) TO ACHIEVE REGULATORY COMPLIANCE WITH REQUIREMENTS NOT ASSOCIATED WITH THE INFORMATION COLLECTION, (3) FOR REASONS OTHER THAN TO PROVIDE INFORMATION OR KEEPING RECORDS FOR THE GOVERNMENT, OR (4) AS PART OF CUSTOMARY AND USUAL BUSINESS OR PRIVATE PRACTICES.**

There are no capital, startup, operation, or maintenance costs associated with this program.

14. **PROVIDE ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT. ALSO, PROVIDE A DESCRIPTION OF THE METHOD USED TO ESTIMATE COST, WHICH SHOULD INCLUDE QUANTIFICATION OF HOURS, OPERATION EXPENSES (SUCH AS EQUIPMENT, OVERHEAD, PRINTING, AND SUPPORT STAFF), AND ANY OTHER EXPENSE THAT WOULD NOT HAVE BEEN INCURRED WITHOUT THIS COLLECTION OF INFORMATION. AGENCIES ALSO MAY AGGREGATE COST ESTIMATES FROM ITEMS 12, 13, AND 14 IN A SINGLE TABLE.**

There are no additional costs associated with this information collection. The Beef Board or a party designated by the Beef Board will process the form using assessment funds. By law, the Federal government does not bear any cost for overseeing the research and promotion programs. All costs to the government are reimbursed by the Beef Board.

15. **EXPLAIN THE REASON FOR ANY PROGRAM CHANGES OR ADJUSTMENTS REPORTED IN ITEMS 13 OR 14 OF THE OMB FORM 83-I.**

This is a new collection and will eventually be merged into the information collection approved under 0581-0093. The burden results from the creation of a form that will provide certain beef producers in Montana (or another state subject to a similar court order) with additional flexibility about whether a portion of the Federal assessment collected remains with QSBCs, or the full amount forwarded to the national board. (See AMS-71)

<u>REG. NO.</u>	<u>REASON</u>	<u>PREVIOUS BURDEN</u>	<u>NEW BURDEN</u>	<u>DIFFERENCE</u>	<u>TYPE OF CHANGE</u>
1220.228	Court Order	0	8.30	8.30	PC

**PC = Program Change**  
**A = Adjustment**

- 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.**

Periodically, AMS or the Beef Board may be asked for information concerning the amount of assessments that have been retained for state programs. Any of the data obtained from this information collection would be published in the aggregate so as not to identify an individual entity. Using totals, as opposed to individual information, is common practice for reporting industry statistics. For example, USDA's National Agricultural Statistics Service uses similar policies. There are no complex analytical techniques that would be applied to this data.

- 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.**

AMS requests approval not to display the expiration date for OMB approval of the information collection. The impact of the expiration date requirement on administrative and regulatory forms for the programs can adversely affect the operation and enforcement of statutes. Inadvertent use of a form with an expired date poses an opportunity for those looking for a means of disruption to challenge the validity of the collection of information.

- 18. EXPLAIN EACH EXCEPTION TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19, "CERTIFICATION FOR PAPERWORK REDUCTION ACT SUBMISSIONS," OF OMB FORM 83-I.**

The agency is able to certify compliance with all provisions under Item 19 of OMB Form 83-I.

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

- **THE AGENCY SHOULD BE PREPARED TO JUSTIFY ITS DECISION NOT TO USE STATISTICAL METHODS IN ANY CASE WHERE SUCH METHODS MIGHT REDUCE BURDEN OR IMPROVE ACCURACY OF RESULTS. WHEN ITEM 17 ON THE FORM 83-I IS CHECKED “YES”, THE FOLLOWING DOCUMENTATION SHOULD BE INCLUDED IN THE SUPPORTING STATEMENT TO THE EXTENT THAT IT APPLIES TO THE METHODS PROPOSED.**

This information collection does not employ statistical methods.