

## CENSUS OF AGRICULTURE ACT OF 1996

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JUNE 27, 1996.—Ordered to be printed

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Mr. ROBERTS, from the Committee on Agriculture,  
submitted the following

### R E P O R T

[To accompany H.R. 3665]

[Including cost estimate of the Congressional Budget Office]

The Committee on Agriculture, to whom was referred the bill (H.R. 3665) to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments (stated in terms of the page and line numbers of the introduced bill) are as follows:

Page 2, strike line 7 and all that follows thereafter through page 3, line 5, and insert the following:

“(c)(1) The Secretary shall, in 1998 and in every 5th year beginning after 1998, take a census of agriculture. In connection with each such census, the Secretary may conduct any survey or other data collection, and employ any sampling or other statistical method, that the Secretary determines is necessary and appropriate.

“(2) The data collected in each census taken under this subsection shall relate to the year immediately preceding the year in which the census is taken.

“(3) Any person who refuses or neglects to answer questions submitted to such person in connection with a census or survey under this subsection, or who answers any such questions falsely, shall be subject to section 221 of title 13, United States Code, to the same extent and in the same manner as if—

“(A) section 142 of such title 13 had remained in effect; and

“(B) the census or survey were a census or survey under such section 142, rather than under this subsection.

Page 3, after line 5, insert the following:

The failure or refusal on the part of any person to disclose such person’s social security number in response to a request made in connection with any census or other activity under this subsection shall not be a violation under the preceding sentence.

Page 3, strike line 6 and all that follows thereafter through page 4, line 19, and insert the following:

“(4) Each census under this subsection shall include each State, and as may be determined by the Secretary, the District of Columbia, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico, and any such other possessions and areas over which the United States exercises jurisdiction, control, or sovereignty. Inclusion of other areas over which the United States exercises jurisdiction, control, or sovereignty shall be subject to the concurrence of the Secretary of State.

“(5) The Secretary of Commerce may, upon written request of the Secretary of Agriculture, furnish any information collected under title 13, United States Code, which the Secretary of Agriculture considers necessary for the taking of a census or survey under this subsection. Any information so furnished may not be used for any purpose other than the statistical purposes for which it is supplied.

“(6) The Secretary of Agriculture shall, upon written request of the Secretary of Commerce, furnish any information collected in a census taken under this subsection which the Secretary of Commerce considers necessary for the taking of a census or survey under title 13, United States Code. Any information so furnished may not be used for any purpose other than the statistical purposes for which it is supplied.

“(7) Any rules or regulations necessary to carry out this subsection may be prescribed by—

“(A) the Secretary, to the extent that matters within the jurisdiction of the Secretary are involved; and

“(B) the Secretary of Commerce, to the extent that matters within the jurisdiction of the Secretary of Commerce are involved.”.

Page 5, strike lines 15 and 16 and insert the following:

(2) CONFIDENTIALITY OF INFORMATION.—Section 1770(d)(5) of the Food

Page 5, strike lines 19 and 20 and insert the following:

“(5) subsections (a) and (c) of section 526 of the Revised Statutes (7 U.S.C. 2204(a) and (c));”.

Page 6, strike lines 4 and 5 and insert the following:

(2) CONFIDENTIALITY OF INFORMATION.—Information furnished under

BRIEF EXPLANATION

H.R. 3665, the Census of Agriculture Act of 1996, transfers the authority to conduct the Census of Agriculture to the Secretary of Agriculture from the Secretary of Commerce.

PURPOSE AND NEED

Every five years since 1982 a Census of Agriculture has been conducted. Prior to 1982, there was a census taken every five years from 1954 to 1974, and in 1978. Census data collected from the Census of Agriculture provides the only source of consistent, county-level statistics on agricultural operations throughout the United States.

The census data is used to prepare estimates of farm income and productions costs, evaluate agricultural programs and policies, to administer farm programs, and plan for operations during disease or pest emergencies. The Farm Credit Administration uses the data to evaluate farmer loan programs. The census is further intended to assist Congress in considering legislative proposals and overseeing farm programs.

Data collected from the Census of Agriculture is also used by state and local governments and farm organizations to analyze and develop policies on land use, water use and irrigation, rural development, and farmland assessment. Rural electric companies use statistics to forecast future energy needs.

Over the past few years, it has become increasingly difficult for the Census Bureau to continue to be the lead agency for the Census of Agriculture because of budgetary constraints. Accordingly, both this Committee, as well as the Committee on Government Reform and Oversight, have determined that transferring the authority to conduct the Census of Agriculture to the Secretary of Agriculture would be in the best interests of all parties.

Additionally, H.R. 3603 (the fiscal year 1997 agricultural appropriations bill) as passed by the House provides funding to the U.S. Department of Agriculture, rather than the Department of Commerce, for conducting the Census of Agriculture, thus necessitating the transfer of authority in this bill by this Committee.

SECTION-BY-SECTION ANALYSIS

SECTION 1

Section 1 provides that the short title of the bill is the “Census of Agriculture Act of 1996”.

SECTION 2

Section 2 transfers the authority to conduct the Census of Agriculture to the Secretary of Agriculture from the Secretary of Commerce. This section requires that the Census of Agriculture shall be taken in 1998 and in every fifth year beginning after 1998 and the data will relate to the preceding year. This section authorizes the Secretary of Agriculture to conduct any related surveys and

other data collections that the Secretary determines to be necessary and appropriate. The Committee intends that the Secretary will conduct surveys of irrigation and horticulture specialties in connection with the Census of Agriculture taken in 1998, provided sufficient funding is appropriated for such purposes.

Individuals, when requested by the Secretary of Agriculture, are required to answer questions on the Census of Agriculture questionnaire. Individuals who refuse or neglect to answer Census of Agriculture the questionnaire or survey questions, or who willfully provide false answers to such questions, are subject to the penalties provided in Section 221 of Title 13, United States Code. An individual's failure or refusal to disclose such person's social security number in response to a request made by the Secretary of Agriculture in connection with the Census of Agriculture does not constitute a violation of this section.

This section requires that the Census of Agriculture include each State, and as may be determined by the Secretary, the District of Columbia, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico, and any such other possessions and areas over which the United States exercises jurisdiction, control, or sovereignty. Other areas under the jurisdiction, control or sovereignty of the United States may be included with the consent of the Secretary of State. The Committee intends that the Census of Agriculture taken in 1998 will include those areas included in the Census of Agriculture taken in 1993 and the Commonwealth of the Northern Mariana Islands, provided sufficient funding is appropriated for such purposes.

This section also provides that the Secretary of Commerce may grant the Secretary of Agriculture access to information collected in connection with Title 13 censuses or surveys that are considered necessary for the taking of a Census of Agriculture. For example, censuses of manufacturers may identify agricultural producers that have been misclassified as food "processors," and annual company organization surveys may find that business acquisitions have caused non-agricultural businesses to become agricultural producers. The Census Bureau's Agricultural and Financial Statistics Division has routinely received and used such other census and survey information to assure Census of Agriculture completeness and accuracy, and the Secretary of Agriculture would have access to this information to be used solely for statistical purposes in connection with the Census of Agriculture.

All data provided to the Secretary of Agriculture by the Department of Commerce is strictly confidential in accordance with section 1770 of the Food Security Act of 1985, as amended by this bill, which provides that this information may not be used for other than statistical purposes, may not be disclosed to the public unless such information has been transformed into statistical or aggregate form that does not allow the identification of the source of particular information, and is immune from mandatory disclosure of any kind, including legal processes.

The Secretary of Commerce shall have access to Census of Agriculture information collected by the Secretary of Agriculture to take and complete Title 13 statistical programs, including calcula-

tions, publications, and research of economic data that include the agriculture sector. Finally, this section would repeal the authority of section 142 of Title 13, United States Code, effective October 1, 1998. This will assure the coordination and smooth transition of preparations for the 1997 Census of Agriculture.

#### SECTION 3

Section 3 of the bill includes Census of Agriculture data collected by the Secretary of Agriculture under the confidentiality requirements of section 1770 of the Food Security Act of 1985 and a conforming amendment to Title 13, United States Code. Consistent with this section, the data collected for the Census of Agriculture could only be used for developing aggregate statistical data. This section prohibits the disclosure or public release of any respondent's data except in aggregate form, and the use of any respondent's data for any other than exclusively statistical purposes.

The Committee intends that the Secretary of Agriculture will utilize the National Agricultural Statistics Service (NASS) in the implementation of this legislation to ensure that the data collected for the Census of Agriculture is used only for the purposes of prepared aggregate data consistent with the requirements of section 1770 of the Food Security Act of 1985, as amended by this bill. Further, the Committee intends that no one, including the Secretary of Agriculture, will have access to individually identifiable data collected in connection with the Census of Agriculture, unless it is for the sole purpose of preparing aggregate data. Such data may not be used, disclosed, or compiled for any other purpose.

#### COMMITTEE CONSIDERATION

The Committee on Agriculture met, pursuant to notice and with a quorum present, on June 19, 1996 to consider H.R. 3665 and other pending business. Chairman Roberts provided a brief explanation H.R. 3665, and opened consideration of the bill to amendments.

Mr. Volkmer offered an amendment to provide that a person's failure to disclose such person's social security number in connection with the Census on Agriculture would not be a violation of the penalty provisions. Chairman Roberts acknowledged support for Mr. Volkmer's amendment, and upon the Chairman's motion, the amendment was agreed to by voice vote:

Mr. Gunderson then made a motion that the bill be favorably reported to the House, which was agreed to by a voice vote of the Committee.

The Committee then proceeded to other items of business.

#### REPORTING THE BILL—ROLLCALL VOTES

In accordance with clause 2(1)(2) of rule XI of the House of Representatives, the bill was reported, as amended, with a quorum actually present by a voice vote. There was no motion or request for a recorded vote.

## BUDGET ACT COMPLIANCE (SECTION 308 AND SECTION 403)

The provisions of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 (relating to estimates of new budget authority, new spending authority, or new credit authority, or increased or decreased revenues or tax expenditures) are not considered applicable. The estimate and comparison required to be prepared by the Director of the Congressional Budget Office under clause 2(1)(C)(3) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974 submitted to the Committee prior to the filing of this report are as follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 27, 1996.*

Hon. PAT ROBERTS,  
*Chairman, Committee on Agriculture,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3665, a bill to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, as ordered reported by the House Committee on Agriculture on June 19, 1996. CBO estimates that enacting H.R. 3665 would have no significant budgetary impact. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

In addition, H.R. 3665 contains no intergovernmental or private-sector mandates as defined in Public Law 104-4 and would have no impact on the budgets of state, local, or tribal governments.

The census of agriculture is a periodic census providing comprehensive data on the agricultural economy, such as the number, value, and size of farms, the value of production, and characteristics of farms and farm operators. The bill would require the Secretary of Agriculture to conduct a census of agriculture in 1998 and in every fifth year thereafter, and would provide for facilitating changes, such as the sharing of information between the Secretary of Commerce and the Secretary of Agriculture.

In anticipation of this transfer, the Administration has replaced a request for appropriations to the Census Bureau with one for the U.S. Department of Agriculture (USDA). For this purpose, the President requested \$17.5 million in 1997 appropriations for the National Agricultural Statistics Service (NASS). H.R. 3603, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, 1997, as passed by the House of Representatives, included \$17.5 million to support the transfer of the census of agriculture as requested. The 1996 appropriation for the agriculture census was \$10.2 million. The proposed level of \$17.5 million reflects the need to prepare for the 1998 census, and does not represent any significant costs for the transfer to USDA.

The Administration anticipates transferring most, if not all of the agriculture census staff from the Commerce Department's Census Bureau to NASS in USDA. The Commerce Department's budget justification for its 1997 requests shows an estimated 117 staff positions for the census of agriculture in fiscal year 1996, while the

USDA budget justification requested 114 staff years in NASS for the new census activity anticipated for 1977. While the bill would not transfer all activities, the Census Bureau might provide some services to NASS on a reimbursable basis. On balance, CBO estimates that the net budgetary impact of the change would not be significant. Some short-term transition costs may be incurred, but they are likely to be small. Potential increases and decreases in costs are outlined below.

*Potential Costs.*—When Census Bureau employees are transferred to USDA, several types of moving expenses may be incurred. For example, if USDA does not have enough space to accommodate the new employees, the agency may need to lease new space, while at the Census Bureau, the decline in staff may not be enough to allow the bureau to reduce lease expenses. NASS officials anticipate that only a few Census Bureau staff would change location before the lease on the current bureau location expires in fiscal year 1998. NASS officials believe that, by then, space may be available in USDA buildings to handle the augmented staff. Also, some costs may depend on whether existing computers can be used in their current location, or whether new ones are needed. Moving computer facilities or buying new ones can constitute a significant expense. NASS officials expect to contract with the bureau to provide computer and data processing services, at least for the 1998 census, thus avoiding any significant near-term costs.

*Potential Savings.*—On the other hand, some efficiencies may be gained if personnel and background information used in the NASS crop surveys are used to develop and maintain the census mailing lists. Dealing with similar populations could enable NASS to complete the surveys and census with a smaller work force in the future. CBO does not have sufficient information to estimate the amount of such savings, if any.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Dave Hull and Rachell Forward.

Sincerely,

JUNE E. O'NEILL, *Director*.

#### INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that enactment of H.R. 3665, as amended, will have no inflationary impact on the national economy.

#### OVERSIGHT STATEMENT

No summary of oversight findings and recommendations made by the Committee on Government Reform and Oversight under clause 2(l)(3)(D) of Rule XI of the Rules of the House of Representatives was available to the Committee with reference to the subject matter specifically addressed by H.R. 3665, as amended.

No specific oversight activities other than the hearings detailed in this report were conducted by the Committee within the definition of clause 2(b)(1) of Rule X of the Rules of the House of Representatives.

HOUSE OF REPRESENTATIVES,  
 COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,  
*Washington, DC, June 19, 1996.*

Hon. PAT ROBERTS,  
*Chairman, Committee on Agriculture,*  
*Washington, DC.*

DEAR MR. CHAIRMAN: On Wednesday, June 19, 1996, the Committee on Agriculture ordered H.R. 3665 to be favorably reported to the full House. H.R. 3665 authorizes the Secretary of Agriculture to conduct the census of agriculture and eliminates this authority from the Secretary of Commerce as of October 1, 1998.

H.R. 3665, which was introduced by you and other Agriculture Committee Members on Tuesday, June 18, 1996, was referred to the Committee on Government Reform and Oversight, with an additional referral to the Committee on Agriculture.

We understand that our staffs along with both the Department of Agriculture and Commerce, have worked with members of your staff in putting together the specific language of H.R. 3665.

In the interest of time, this Committee has no objection to expediting consideration of H.R. 3665 by the full House without consideration by this Committee or its Subcommittee on National Security, International Affairs, and Criminal Justice. However, our waiver on consideration of H.R. 3665 should not be considered as precedent for any future referrals of similar measures relating to census activities, including the census on agriculture. Moreover, if the bill is conferenced with the Senate, we would support naming Members of this Committee on the Conference.

Sincerely,

WILLIAM F. CLINGER, Jr.,  
*Chairman.*

WILLIAM H. ZELIFF, Jr.,  
*Chairman, Subcommittee on*  
*National Security, Inter-*  
*national Affairs, and*  
*Criminal Justice.*

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HOUSE OF REPRESENTATIVES,  
 COMMITTEE ON AGRICULTURE,  
*Washington, DC, June 19, 1996.*

Hon. WILLIAM F. CLINGER, Jr.,  
*Chairman, Committee on Government Reform and Oversight,*  
*Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter informing me that the Committee on Government Reform and Oversight has agreed to waive consideration of H.R. 3665 so as to expedite its consideration in the House.

On Wednesday, June 19, 1996, the Committee on Agriculture ordered H.R. 3665 to be favorably reported to the full House. H.R. 3665 authorizes the Secretary of Agriculture to conduct the census of agriculture, and terminates this authority in the Secretary of Commerce as of October 1, 1998.

H.R. 3665, which was introduced by me and other Agriculture Committee Members on Tuesday, June 18, 1996, was referred to



the Committee on Government Reform and Oversight, with an additional referral to the Committee on Agriculture.

Your waiver of consideration of H.R. 3665 will allow this important legislation to be considered expeditiously by the full House, and hopefully permit a conference with the Senate in the Congress. I agree with you that your waiver of consideration of H.R. 3665 should not be considered as precedent for any future referrals of similar measures relating to census activities, including the census on agriculture. Moreover, if H.R. 3665 is conferenced with the Senate, I will support your recommendation of naming Members of the Government Reform and Oversight Committee to the Conference.

Sincerely,

PAT ROBERTS, *Chairman.*

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### SECTION 526 OF THE REVISED STATUTES

SEC. 526. (a) \* \* \*

\* \* \* \* \*

*(c)(1) The Secretary shall, in 1998 and in every 5th year beginning after 1998, take a census of agriculture. In connection with each such census, the Secretary may conduct any survey or other data collection, and employ any sampling or other statistical method, that the Secretary determines is necessary and appropriate.*

*(2) The data collected in each census taken under this subsection shall relate to the year immediately preceding the year in which the census is taken.*

*(3) Any person who refuses or neglects to answer questions submitted to such person in connection with a census or survey under this subsection, or who answers any such questions falsely, shall be subject to section 221 of title 13, United States Code, to the same extent and in the same manner as if—*

*(A) section 142 of such title 13 had remained in effect; and*

*(B) the census or survey were a census or survey under such section 142, rather than under this subsection.*

*The failure or refusal on the part of any person to disclose such person's social security number in response to a request made in connection with any census or other activity under this subsection shall not be a violation under the preceding sentence.*

*(4) Each census under this subsection shall include each State, and as may be determined by the Secretary, the District of Columbia, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico, and any such other possessions and areas over which the United States exercises jurisdiction, control, or sovereignty. Inclusion of other areas over which the United States exercises jurisdiction, control, or sovereignty shall be subject to the concurrence of the Secretary of State.*

(5) *The Secretary of Commerce may, upon written request of the Secretary of Agriculture, furnish any information collected under title 13, United States Code, which the Secretary of Agriculture considers necessary for the taking of a census or survey under this subsection. Any information so furnished may not be used for any purpose other than the statistical purposes for which it is supplied.*

(6) *The Secretary of Agriculture shall, upon written request of the Secretary of Commerce, furnish any information collected in a census taken under this subsection which the Secretary of Commerce considers necessary for the taking of a census or survey under title 13, United States Code. Any information so furnished may not be used for any purpose other than the statistical purposes for which it is supplied.*

(7) *Any rules or regulations necessary to carry out this subsection may be prescribed by—*

*(A) the Secretary, to the extent that matters within the jurisdiction of the Secretary are involved; and*

*(B) the Secretary of Commerce, to the extent that matters within the jurisdiction of the Secretary of Commerce are involved.*

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## TITLE 13, UNITED STATES CODE

\* \* \* \* \*

### CHAPTER 1—ADMINISTRATION

\* \* \* \* \*

#### SUBCHAPTER I—GENERAL PROVISIONS

\* \* \* \* \*

#### § 9. Information as confidential; exception

(a) Neither the Secretary, nor any other officer or employee of the Department of Commerce or bureau or agency thereof, or local government census liaison, may, except as provided in section 8 or 16 or [chapter 10 of this title—] *chapter 10 of this title or section 526(c)(5) of the Revised Statutes—*

(1) \* \* \*

\* \* \* \* \*

### CHAPTER 5—CENSUSES

\* \* \* \* \*

#### SUBCHAPTER II—POPULATION, HOUSING, AGRICULTURE, IRRIGATION, AND UNEMPLOYMENT

141. Population and other census information.

[142. Agriculture and irrigation.]

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#### SUBCHAPTER II—POPULATION, HOUSING, AGRICULTURE, IRRIGATION, AND UNEMPLOYMENT

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**【§ 142. Agriculture and irrigation**

【(a) The Secretary shall in 1979, in 1983, and in every fifth year beginning after 1983, take a census of agriculture.

【(b) In conjunction with the census to be taken under subsection (a) of this section in 1979, in 1988, and every tenth year beginning after 1988, the Secretary shall take a census of irrigation and.

【(c) The data collected in each of the censuses taken under this section shall relate to the year immediately preceding the year in which such census is taken.】

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**SECTION 343 OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT**

SEC. 343. (a) As used in this title:

(1) \* \* \*

\* \* \* \* \*

(11) The term “qualified beginning farmer or rancher” means an applicant, regardless of whether the applicant is participating in a program under section 310E—

(A) \* \* \*

\* \* \* \* \*

(F) who does not own land or who, directly or through interests in family farm corporations, owns land, the aggregate acreage of which does not exceed 25 percent of the median acreage of the farms or ranches, as the case may be, in the county in which the farm or ranch operations of the applicant are located, as reported in the most recent census of agriculture taken under section 142 of title 13, United States Code, or *section 526(c) of the Revised Statutes (7 U.S.C. 2204(c))*, as the case may be, except that this subparagraph shall not apply to a loan made or guaranteed under subtitle B; and

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**SECTION 1770 OF THE FOOD SECURITY ACT OF 1985**

CONFIDENTIALITY OF INFORMATION

SEC. 1770. (a) \* \* \*

\* \* \* \* \*

(d) For purposes of this section, a provision of law referred to in this subsection means—

(1) \* \* \*

\* \* \* \* \*

【(5) section 526(a) of the Revised Statutes (7 U.S.C. 2204(a));】

*(5) subsections (a) and (c) of section 526 of the Revised Statutes (7 U.S.C. 2204(a) and (c));*

\* \* \* \* \*

*(e) Nothing in this section shall be considered to prohibit any release of information under section 526(c)(6) of the Revised Statutes (7 U.S.C. 2204(c)(6)).*

\* \* \* \* \*

