

<b>DEPARTMENTAL REGULATION</b>		NUMBER: 1042-42
SUBJECT:  Agricultural Statistics Board	DATE: August 29, 2002	
	OPI: National Agricultural Statistics Service	

1      **PURPOSE**

- a      This regulation describes responsibilities of the Agricultural Statistics Board (ASB) to prepare and issue the official National and State forecasts and estimates of the Department relating to crop production, stocks of agricultural commodities, livestock and livestock products, dairy and dairy products, poultry and poultry products, agricultural prices, agricultural wage rates, chemical usage, and such other subjects as the Administrator of the National Agricultural Statistics Service may direct. Among these reports will be a monthly Crop Production report, pursuant to 7 U.S.C. 1421d, which will be issued on or before the 12th of each month.
  
- b      NASS Headquarters and State Statistical Offices will gather information for official forecasts and estimates from farmers and ranchers and from processors, dealers, cooperating State and local officials, government agencies and from other sources; and from peanut processors, holders, dealers, owners, manufacturers of peanut products, and grower cooperative associations (7 U.S.C. 951 *et. seq.*). Information will be collected by telephone, mail or internet questionnaire, personal enumeration, or by other appropriate means.

2      **CANCELLATION**

This regulation supersedes DR 1042-42 dated January 16, 1996.

3      **POLICY**

The Agricultural Statistics Board will prepare and issue prescribed reports in a timely manner and use diligence in preventing unauthorized access to confidential information.

4      **ABBREVIATIONS**

- ASB - Agricultural Statistics Board
- NASS - National Agricultural Statistics Service
- SSO - State Statistical Office

## 5 DEFINITIONS

- a ASB. The Agricultural Statistics Board for any commodity is comprised of the Chairperson, Director of Statistics Division, Chief of the appropriate Commodity Branch, and designated statisticians from Headquarters and State Statistical Offices. The Chairperson will preside over all Board meetings outlined in 7.b.c. and d. In the absence of the Chairperson, the Associate Administrator will preside over the meetings outlined in 7.b.c. and d.; otherwise the Director of the Statistics Division or Chief of Commodity Branch may preside over board meetings as designated by the Chairperson.
- b Sensitive Data. Sensitive data are SSO analyses and preliminary estimates of acreage, yield, production, stocks, and inventories used in the preparation of reports for agricultural commodities produced in the States identified below. These commodities are traded on Futures exchanges and production is concentrated in a small number of States. Knowledge of sensitive data would allow a person to anticipate ASB reports pertaining to the designated commodities.

The following commodities and States are covered by this definition:

- (1) Corn in Illinois, Indiana, Iowa, Minnesota, Nebraska, Ohio, and Wisconsin.
- (2) Soybeans in Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, and Ohio.
- (3) Cotton in Arkansas, California, Georgia, Louisiana, Mississippi, North Carolina, and Texas.
- (4) Winter wheat in Colorado, Illinois, Kansas, Missouri, Montana, Nebraska, Ohio, Oklahoma, Texas, and Washington.
- (5) Durum wheat in North Dakota.
- (6) Other Spring wheat in Minnesota, Montana, North Dakota.
- (7) Oranges in Florida.
- (8) Rice in Arkansas, California, Louisiana, Mississippi, and Texas.

- (9) Oats in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin.
  - (10) Sugar crops in Florida, Louisiana, Minnesota, and North Dakota.
  - (11) Cattle inventory in California, Colorado, Iowa, Kansas, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin.
  - (12) Hogs in Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, North Carolina, Ohio, and Oklahoma.
- c Reports. ASB publications of agricultural estimates and/or other data. These reports are authorized by law, regulation, or the Administrator of NASS.
  - d Estimates. Official National and State statistics relating to agricultural facts that have already occurred such as present inventories and acreages or crop production at the end of season.
  - e Forecasts. Official National and State statistics relating to expected agricultural happenings such as yield and production forecasts during the growing season.
  - f ASB Rooms. Restricted access areas occupied by statisticians and other employees while preparing ASB reports.

## 6 RESPONSIBILITIES

- a Chairperson of the ASB. The Deputy Administrator for Programs and Products of NASS is designated as the Chairperson of the ASB. In the absence of the Chairperson, section 5.a. defines the "acting" designee.
  - (1) Select the members for each ASB report;
    - (a) For reports to be signed by the Secretary of Agriculture (see Section 9.a.), the Chairperson will select a minimum of five additional members including members from NASS State Statistical Offices as appropriate; and
    - (b) For other ASB reports, members will be selected as deemed necessary by the Chairperson.
  - (2) Call for and preside over all meetings of the ASB;

- (3) Approve instructions, techniques, and procedures to be followed in analyzing pertinent data and preparing official estimates;
  - (4) Approve each report; and
  - (5) Release each report or give notice of any delay.
- b Secretary of the ASB. A NASS statistician at Headquarters, designated by the Administrator will:
- (1) Assist the Chairperson in preparing instructions and compiling statistical data;
  - (2) Prepare agendas and issue notices of ASB meetings;
  - (3) Arrange for receipt of sensitive data and ensure their security;
  - (4) Arrange secure facilities for meetings and publication; and
  - (5) Prepare and release ASB reports.
- c U.S. Government Employees. Will prevent unauthorized disclosures.

7 DATA AND REPORT SECURITY

- a All Data. Information in all ASB reports will be withheld from unauthorized disclosure and publication until the day and hour of public issuance. The Chairperson or designee may notify SSOs, in advance of publication, of any changes made by the ASB to estimates submitted by their offices, except as to commodities and reports described in Section 7.b.
- b Yield Forecast Data. Information for Crop Production yield forecasts for corn, winter wheat, other spring wheat, cotton, soybeans, and oranges in the States defined in Section 5.b., will be withheld from unauthorized disclosure and publication until the day and hour of public issuance. In addition, the yield forecasts for these crops will only be determined in ASB rooms after the rooms are secured. This precludes any contact with the named SSOs after the final data analysis begins. The yield forecasts to be prepared under these conditions are:

Winter Wheat -	May – August
Spring Wheat -	July - August
Corn -	August - November

Soybeans	-	August - November
Cotton	-	August - December
Oranges	-	October - December (January - August reports will be prepared following procedures in c & d below.)

c Prospective Plantings, Acreage, Annual Production, and Stocks.

The Chairperson will preside over ASB meetings where U.S. level prospective plantings, acreage, annual production, and stocks estimates for corn, winter wheat, other spring wheat, cotton, and soybeans are analyzed and determined. State office personnel may be called upon by the Chairperson or designee to provide additional analysis.

d Cattle and Hogs.

The Chairperson will preside over all ASB meetings where U.S. level semi-annual inventory of cattle and quarterly inventory of hogs and pigs are analyzed and determined. State office personnel may be called upon by the Chairperson or designee, to provide additional analysis.

e Statutory Provisions Relating to Unauthorized Disclosure of Crop Information and Issuance of False Statistics.

- (1) "Whoever, being an officer, employee or person acting for or on behalf of the United States or any department or agency thereof, and having by virtue of his office, employment or position, become possessed of information which might influence or affect the market value of any product of the soil grown within the United States, which information is by law or by the rules of such department or agency required to be withheld from publication until a fixed time, willfully imparts, directly or indirectly, such information, or any part thereof, to any person not entitled under the law or the rules of the department or agency to receive the same; or, before such information is made public through regular official channels, directly or indirectly speculates in any such product by buying or selling the same in any quantity, shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both.

No person shall be deemed guilty of a violation of any such rules, unless prior to such alleged violation he shall have had actual knowledge thereof." (18 U.S.C. 1902.)

- (2) "Whoever, being an officer or employee of the United States or any of its agencies, whose duties require the compilation or reports of statistics or information relating to the products of the soil, knowingly compiles for issuance, or issues, any false statistics or information as a report of the United States or any of its agencies, shall be fined not more than \$5,000 or imprisoned not more than 5 years, or both." (18 U.S.C. 2072.)
- (a) Authorized Disclosure. "In the case of information furnished under a provision of law..., neither the Secretary of Agriculture, any other officer or employee of the Department of Agriculture or agency thereof, nor any other person may--
- (1) use such information provided for a purpose other than the development or reporting of aggregate data in a manner such that the identity of the person who supplied such information is not discernible and is not material to the intended uses of such information; or
  - (2) disclose such information to the public, unless such information has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information.
- (b) Duty of Secretary; Immunity from Disclosure; Necessary Consent.
- (1) ...no department, agency, officer, or employee of the Federal Government, other than the Secretary of Agriculture, shall require a person to furnish a copy of statistical information provided to the Department of Agriculture.
  - (2) A copy of such information (A) shall be immune from mandatory disclosure of any type, including legal process; and (B) shall not, without the consent of such person, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.
- (c) Violations; Penalties. Any person who shall publish, cause to be published, or otherwise publicly release information collected pursuant to a provision of law...in any manner or for any purpose...shall be fined not more than \$10,000 or imprisoned for not more than 1 year, or both." (7 U.S.C. 2276.)

## 8 TRANSMISSION AND HANDLING OF SENSITIVE DATA

- a Transmission to Washington, D.C. Supporting comments and data analysis for sensitive commodities, from each SSO, will be transmitted electronically to Washington, D.C., in encrypted or otherwise secure form.
- b Handling Procedures in Washington, D.C. All electronic transmissions of crop yield forecast data defined in Section 7.b. will be captured in machine media and placed in a packet without being decrypted. This packet will be signed by the Secretary of the ASB or designee and locked in a safe in the ASB rooms.
- c Safeguarding Information in the ASB Rooms.
  - (1) Immediately before the Board convenes for Crop Production forecasts, the ASB Secretary will have a guard stationed at the entrance of the ASB rooms. All windows in ASB rooms will be sealed, all doors to ASB rooms secured, and all means of communication disconnected or confiscated to prevent contact between persons within the ASB rooms and persons outside.
  - (2) After the ASB rooms have been secured, the ASB Secretary or designee will proceed with the decryption.
  - (3) The guard outside the ASB rooms shall not permit any communication between persons within the ASB rooms and persons outside except as provided below. The guard shall unlock the door only to permit:
    - (a) Entrance of the Secretary or Acting Secretary of Agriculture, authorized NASS employees, and other persons with written permission passes from the Chairperson;
    - (b) Delivery of written communications and supplies for ASB use;
    - (c) Notification to the guard from the ASB Secretary to convey emergency instructions essential to report completion; and
    - (d) Departure of:
      - (1) Any person in the case of extreme emergency, in which event a guard will accompany and remain with such person outside the ASB rooms until the release of the report; or
      - (2) All persons in case of fire or other serious emergency, in which event all persons having data access will be removed to secure quarters, accompanied by a guard, and remain in

those quarters until the release of the report, either in its entirety or as a U.S. Summary.

## 9 REPORTS AND SCHEDULE OF REPORTS

- a Reports to be Approved by the Secretary of Agriculture. The following ASB reports will be signed and approved by the Secretary or Secretary designate, the Chairperson, and ASB members, before being issued or published:
- (1) Crop Production - Monthly;
  - (2) Crop Production - Annual Summary;
  - (3) Grain Stocks reports containing corn, wheat, and soybeans;
  - (4) Small Grains - Annual Summary;
  - (5) Winter Wheat Seedings - Annual Summary;
  - (6) Prospective Plantings;
  - (7) Acreage report;
  - (8) Cattle - January and July Inventory reports; and
  - (9) Quarterly Hogs and Pigs - Inventory reports.
- b Other ASB Reports. All other reports designated by the Administrator. Such reports shall be approved by the Chairperson before issue.
- c Annual Release Schedules. On or before the first day of December the schedule for the ensuing year of dates and hours of release for all statistical reports in (a) above will be approved by the Secretary of Agriculture. Subsequently, a listing of all ASB reports will be published with dates and times of issuance.

## 10 RELEASE OF REPORTS

- a Release Room. The ASB Chairperson will designate suitable space for all press personnel desiring to transmit reports upon official release. This room shall be located within the area secured during Crop Production forecast preparation.
- b Release Procedure. Press personnel will be allowed access to the Release Room as early as one and one half hour before the scheduled release time, depending on the complexity of reports to be released. They will be provided with paper and



machine media copies of the reports. No communication lines will be activated until just before official release. At the exact time provided for the official issuance, the ASB Secretary will permit transmission of press service material.

- c Delay in Releasing Reports. If a report is not completed and approved for issuance at the designated time, the Chairperson, not less than 10 minutes before the release time, will inform the guard of the time when the report will be released. The guard will immediately notify the representative designated by the Chairperson, who, in turn, shall notify the Secretary of Agriculture.

#### 11 EMPLOYEE CERTIFICATION OF KNOWLEDGE OF REGULATION

The Associate Administrator or authorized representative will obtain from each NASS employee or other person having access to sensitive report data, in advance of access, a certification that the person has read this regulation and will be governed by it.

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