

CENSUS OF AGRICULTURE ACT OF 1997

OCTOBER 2, 1997.—Ordered to be printed

Mr. SMITH of Oregon, from the Committee on Agriculture,
submitted the following

REPORT

[To accompany H.R. 2366]

[Including cost estimate of the Congressional Budget Office]

The Committee on Agriculture, to whom was referred the bill (H.R. 2366) to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes, having considered the same report favorably thereon without amendment and recommend that the bill do pass.

BRIEF EXPLANATION

H.R. 2366, the Census of Agriculture Act of 1997, transfers the authority to take the Census of Agriculture from the Secretary of Commerce to the Secretary of Agriculture.

PURPOSE AND NEED

Every five years since 1982 a Census of Agriculture has been taken by the Census Bureau. 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 agriculture operations throughout the United States. This data is used to prepare estimates of farm income and production costs, calculate research and extension formula allocations to land grant universities, evaluate agricultural programs and policies, to administer farm programs, and plan for operations during disease or pest emergencies. The Farm Credit Administration also uses the data to evaluate farmer loan programs. The census is also intended to assist Congress in considering legislation, and in 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 such statistics to forecast future energy needs.

In recent years, the Census Bureau has proposed redefining farms to reduce the workload involved in taking a census and respond to the budget constraints imposed on the Bureau. However, this could have unintended consequences in the way census data is obtained, utilized and managed. Meanwhile, the 1997 Agriculture Appropriations bill moved funding for the Agricultural Census from the Commerce Department to the USDA. Funding has also been included in the fiscal year 1998 Appropriations bill (H.R. 2160). Furthermore, granting to the USDA the authority to conduct the Agricultural Census would be in keeping with data collection and dissemination duties already undertaken by the Department. The Agriculture Committee has determined that it would be in the best interests of all parties to transfer the authority to conduct the census from the Secretary of Commerce to the Secretary of Agriculture.

The Committee recognizes the intrusive nature of a census and the need to obtain relevant data for policymakers. Producers have serious time constraints and should only have to answer questionnaires that are concise, easily readable and understandable, and relevant to today's agricultural operations. The Committee is sympathetic to concerns of time spent filling out unnecessary paperwork.

In light of this, the Committee expects the Secretary to undertake a review of all questions currently asked as a part of the Census of Agriculture to ensure their relevancy and to assess the need for any additional questions in light of the changing structure of agriculture.

The Committee also expects the Secretary to utilize all appropriate, existing agencies within the Department in carrying out the Agriculture Census. This is especially true of those agencies which have existing field structures and can help to ensure timely and accurate completion of the Agriculture Census questionnaires.

SECTION-BY-SECTION ANALYSIS

SEC. 1. SHORT TITLE

This Act may be cited as the "Census of Agriculture Act of 1997".

SEC. 2. AUTHORITY OF THE SECRETARY OF AGRICULTURE TO CONDUCT CENSUS OF AGRICULTURE

Subsection (a) *Census of Agriculture Required*. This subsection requires the Secretary of Agriculture to conduct a census of agriculture beginning in 1998, and every fifth year thereafter.

Subsection (b) *Methods*. This subsection permits the Secretary of Agriculture to conduct any survey or collect other information collection in connection with the census, and to employ any sampling or other statistical method, as the Secretary of Agriculture deems appropriate.

Subsection (c) *Year of Information*. The information collected in each census under this section shall relate to the year immediately preceding the year the census is taken.

Subsection (d) *Enforcement*. This subsection establishes penalties for those who fail to comply with authorized census questions, but exempts certain information (social security number and religious affiliation) from requiring disclosure. Paragraph (1) states that a person over the age of 18 years who willfully gives false information relating to a question authorized by the Secretary of Agriculture to be submitted in a census shall be fined not more than \$500. Paragraph (2) provides that a person over 18 years of age who refuses or willfully neglects to answer a question authorized by the Secretary of Agriculture in connection with a census shall be fined not more than \$100. Paragraph (3) states that the withholding of a person's social security number in connection with a census is not a violation of this subsection. Paragraph (4) provides that notwithstanding any other provision of this section, no person shall be compelled to disclose information relative to that person's religious beliefs or affiliation in a religious entity. Fines and penalties in this subsection tend to be consistent with those imposed in the National Census.

Subsection (e) *Geographic Coverage*. This subsection states that the scope of a census shall include: (1) each of the several States of the U.S.; (2) as determined appropriate by the Secretary of Agriculture, it may also include the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Northern Marianas Islands, the United States Virgin Islands, and Guam; and (3) with the concurrence of the Secretary of Agriculture and the Secretary of State, any other possession or area over which the U.S. exercises control, jurisdiction, or sovereignty, may be included in the census.

Subsection (f) *Cooperation with the Secretary of Commerce*. Paragraph (1) provides that on a written request by the Secretary of Agriculture, the Secretary of Commerce may provide to the Secretary of Agriculture any information collected under title 13 of the U.S. Code that the Secretary of Agriculture considers necessary for the taking of a census or survey.

Likewise, paragraph (2) provides that on a written request by the Secretary of Commerce, the Secretary of Agriculture may provide information to the Secretary of Commerce that was collected under this section that the Secretary of Commerce considers necessary for taking a census or survey under title 13 of the U.S. Code.

Paragraph (3) states that information obtained pursuant to this subsection may not be used for any purpose other than the statistical purposes for which the information is furnished. For purposes of sections 9 and 214 of title 13 of the U.S. Code, any information provided under paragraph (2) will be considered as furnished under title 13 of the U.S. Code.

Subsection (g) *Regulations*. This subsection authorizes the Secretaries of Agriculture and Commerce to issue regulations necessary to carry out this section, to the extent that the regulation concerns a matter under their jurisdiction, by the respective Secretary involved.

SEC. 3. REPEAL OF SUPERSEDED PROVISIONS

This section amends and repeals portions of title 13, United States Code and portions of title 7, United States Code.

Subsection (a) *Repeal*. This subsection repeals Section 142 of title 13, United States Code which had assigned to the Secretary of Commerce the duties relating to the taking of a census of agriculture which are assigned to the Secretary of Agriculture by section 2 of this Act.

Subsection (b) *Clerical Amendments*. This subsection makes clerical amendments to Subchapter II of chapter 5 of title 13, United States Code in paragraph (1) of the Act by striking the existing subheading and replacing it with a new subheading entitled "SUBCHAPTER II—POPULATION, HOUSING AND UNEMPLOYMENT." Paragraph (2) amends the analysis included in chapter 5 of title 13, United States Code by deleting the reference to section 142 repealed by subsection (a) of Section 3 of this Act, and by striking the reference to the existing heading for subchapter II and inserting the new subchapter heading added by subsection (b)(1) of this section.

Subsection (c) *Cross Reference*. This subsection amends section 343(a)(11)(F) of the Consolidated Farm and Rural Development Act by striking the reference to section 142 of title 13, United States Code, which had required the Secretary of Commerce to conduct a national census of agriculture.

Subsection (d) *Effective Date*. This subsection makes the effective date of this section of the Act as October 1, 1998.

SEC. 4. CONFIDENTIALITY OF INFORMATION

This section makes technical changes to title 13, United States Code and the Food Security Act of 1985, title 7, United States Code.

Subsection (a) *Information Provided to Secretary of Agriculture*. Paragraph (1) of this subsection grants the Secretary of Commerce the authority to provide information to the Secretary of Agriculture pursuant to section 2(f) of this Act. Paragraph (2) amends section 1770(d) of the Food Security Act of 1985 (7 U.S.C. 2276(d)) by adding a new paragraph, (10), which includes section (2) of this Act as a provision of law covered by the provisions of the Food Security Act of 1985 limiting the disclosure of information.

Subsection (b) *Information provided to Secretary of Commerce*. This subsection amends section 1770 of the Food Security Act of 1985 (7 U.S.C. 2276) by adding a new subsection (e), which specifies that the prohibitions on the disclosure of information contained in the Food Security Act of 1985 do not prohibit the Secretary of Agriculture from releasing information gathered under section 2(f)(2) of this Act to the Secretary of Commerce.

COMMITTEE CONSIDERATION

The Committee on Agriculture met, pursuant to notice and with quorum present, on September 24, 1997 to consider H.R. 2366 and other pending business. Mr. Stenholm provided a brief explanation of the bill. Chairman Smith recognized Mr. Bishop, who raised a question regarding provisions of the bill dealing with the imposition of fines. The Chairman then recognized Mr. Goode, who raised a similar question with Counsel. Counsel provided a brief explanation, and a representative of the Census Bureau stated that the

Bureau had never “fined anyone for noncompliance”. Mr. Barrett moved that H.R. 2366 be adopted and reported favorably to the House, which was agreed to by voice vote. The Committee then proceeded to other items of business.

REPORTING THE BILL—ROLLCALL VOTES

In compliance with clause 2(1)(2) of rule XI of the House of Representatives, H.R. 2366 was reported by voice vote with a majority quorum present. There was no request for a recorded vote.

BUDGET ACT COMPLIANCE (SECTIONS 308, 403, AND 424)

The provisions of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a)(1) of the Congressional Budget Act of 1974 (relating to estimates of new budget authority, new spending authority, 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)(3)(C) of rule XI of the Rules of the House of Representatives and sections 403 and 424 of the Congressional Budget Act of 1974 submitted to the Committee prior to the filing of this report are as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 1, 1997.

Hon. ROBERT F. SMITH,
*Chairman, Committee on Agriculture,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2366, the Census of Agriculture Act of 1997.

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

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

H.R. 2366—Census of Agriculture Act of 1997

The Congressional Budget Office has reviewed H.R. 2366, the Census of Agriculture Act of 1997, as ordered reported by the House Committee on Agriculture on September 24, 1997. CBO estimates that enacting H.R. 2366 would have no significant budgetary impact. Because H.R. 2366 would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

In addition, H.R. 2366 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 and would not affect 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. In the past, the census of agriculture was conducted by the Department of Commerce, but appropriations were provided and personnel were transferred for this purpose to the U.S. Department of Agriculture starting in fiscal year 1997. 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. Because the bill would not affect the frequency and scope of the census, it would have no significant effect on the cost of conducting it.

The CBO staff contacts for this estimate are Dave Hull and Rachel Forward. The estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee finds the Constitutional authority for this legislation in Article I, clause 8, section 18, that grants Congress the power to make all laws necessary and proper for carrying out the powers vested by Congress in the Government of the United States or in any department or officer thereof.

OVERSIGHT STATEMENT

No summary of oversight findings and recommendations made by the Committee on Government Reform and Oversight, as provided for in clause 2(1)(3)(D) of rule XI, and under clause 4(c)(2) of rule X of the Rules of the House of Representatives, was available to the Committee with reference to the subject matter specifically addressed by H.R. 2366.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT
REFORM AND OVERSIGHT,
Washington, DC, October 1, 1997.

Hon. ROBERT F. SMITH,
Chairman, Committee on Agriculture, Washington, DC.

DEAR MR. CHAIRMAN: On Wednesday, September 24, 1997, the Committee on Agriculture ordered H.R. 2366 to be favorably reported to the full House. H.R. 2366 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. 2366, which was introduced by Mr. Stenholm and other Agriculture Committee Members on July 31, 1997, was referred to the Committee on Government Reform and Oversight, with an additional referral to the Committee on Agriculture. We understand that our Committee staff, along with both the Departments of Agriculture and Commerce, have worked with members of your staff in putting together the specific language of H.R. 2366.

In the interest of time, this Committee has no obligation to discharging consideration of H.R. 2366 by the full House without consideration by this Committee. However, our waiver on consider-

ation of H.R. 2366 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 to the Conference.

Sincerely,

DAN BURTON, *Chairman.*

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 2(1)(3)(A) of rule XI, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Agriculture oversight findings and recommendations are reflected in the body of this report.

COMMITTEE COST ESTIMATE—

Pursuant to clause 7(a) of rule XIII of the Rules of the House of Representative, the Committee report incorporates the cost estimate prepared by the Director of the Congressional Budget Office pursuant to sections 403 and 424 of the Congressional Budget Act of 1974.

ADVISORY COMMITTEE STATEMENT—

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH—

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

FEDERAL MANDATES STATEMENT—

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office (CBO), contained in the CBO costs estimate for this bill appearing in this Committee report, pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

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):

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 or section 2(f) of the Census of Agriculture Act of 1997—

(1) * * *

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CHAPTER 5—CENSUSES

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[SUBCHAPTER II—POPULATION, HOUSING, AGRICULTURE, IRRIGATION, AND UNEMPLOYMENT]

SUBCHAPTER II—POPULATION, HOUSING, AND UNEMPLOYMENT

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[142. Agriculture and irrigation.]

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[SUBCHAPTER II—POPULATION, HOUSING, AGRICULTURE, IRRIGATION,, AND UNEMPLOYMENT]

SUBCHAPTER II—POPULATION, HOUSING, AND UNEMPLOYMENT

* * * * *

[§ 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], 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) * * *

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

(1) * * *

* * * * *

(8) section 4 of the Act entitled “An Act to establish the Department of Commerce and Labor”, approved February 14, 1903 (15 U.S.C. 1516); [or]

(9) section 2 of the joint resolution entitled “Joint resolution relating to the publication of economic and social statistics for Americans of Spanish origin or descent”, approved June 16, 1976 (15 U.S.C. 1516a)[.]; or

(10) section 2 of the Census of Agriculture Act of 1997.

(e) *INFORMATION PROVIDED TO SECRETARY OF COMMERCE.—This section shall not prohibit the release of information under section 2(f)(2) of the Census of Agriculture Act of 1997.*