



Information Collection Requirements Related to Rulemaking

A Mandatory Reference for ADS Chapter 156

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The [Paperwork Reduction Act \(PRA\), 44 U.S.C. 3501-3520](#) provides the statutory framework for the Federal Government's collection, use, and dissemination of information. The PRA generally defines a "collection of information" as the obtaining or disclosure of facts or opinions by or for an agency from ten or more non-federal persons. The Act requires an agency to justify to Office of Management and Budget (OMB) its proposed collection of information from the public by establishing the need and intended use of the information, estimating the burden that the collection will impose on respondents, and showing that the collection is the least burdensome way to gather the information. In addition, the information collected should not be duplicative of other federal information collections.

An Initiating Program Office (IPO) developing a proposed rule with a potential information collection requirement (ICR) should consult with the Bureau for Management, Office for Management Policy, Budget and Performance, Policy Division (M/MPBP/POL), the Bureau for Management, Office of Management Services, Information and Records Division (M/MS/IRD), the Code of Federal Regulations (CFR) Owner, and Office of the General Counsel (GC) to confirm whether provisions of the PRA apply to the rule. M/MPBP/POL, in coordination with M/MS/IRD, will consult with Office of Management and Budget's Office of Information and Regulatory Affairs (OMB/OIRA) as necessary to make the final determination as to whether the rule has an ICR. If so, the CFR Owner must indicate within the Notice of Proposed Rulemaking (NPRM), or proposed rule, that the provisions of the PRA apply; and the IPO must provide an ICR submission package to M/MS/IRD for initial review and submission to OMB/OIRA prior to the day that the NPRM is published in the Federal Register.

Step 1: The CFR Owner indicates within the NPRM, or proposed rule, that the provisions of the PRA apply.

If there is an ICR associated with the rule, the CFR Owner should provide the following within the text of the rule:

1. Include within the "Addresses" section of the rule how comments on the ICR should be submitted to both USAID and OMB/OIRA. Contact information for OMB/OIRA may be obtained from the Rules Coordinator.

Example:

"Comments on the Information Collection Requirement under Section E, Paperwork Reduction Act, must be submitted to both USAID and OMB/OIRA as follows:

USAID – Jane Doe at jdoe@usaid.gov.

OMB/OIRA – Email to oir_submission@omb.eop.gov, fax to (202) 395–6974, or mail to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503.”

2. Within the “Paperwork Reduction Act” section of the rule, provide the following:
 - a. Language stating that the PRA (44 U.S.C. Chapter 35) applies;
 - b. Language stating that the proposed rule contains an information collection requirement;
 - c. Language stating that USAID has submitted a request to OMB for approval of a new information collection or modification of a current information collection (noting the OMB control number if seeking to modify a current information collection);
 - d. Analysis on USAID’s estimated public recordkeeping and reporting burden to meet the proposed information collection requirement, such as initial and annual data (e.g., labor hours and costs); and
 - e. Any points that respondents should consider when commenting on the proposed collection of information.

Step 2: The IPO provides an ICR submission package to M/MS/IRD.

The IPO must provide an ICR submission package to M/MS/IRD for initial review. M/MS/IRD will submit the documents included within the ICR submission package to OMB/OIRA for review by the date that the rule is published in the Federal Register for public comment.

The IPO should submit the following as part of the ICR submission package:

1. Final version in MS Word of the proposed rule to be published in the Federal Register;
2. [Completed OMB 83-1 Form, including the signed certification sheet;](#)
3. Final version of the proposed collection instrument (e.g. form, survey, questionnaire, etc.). Please refer to [ADS 505 – Forms Management Program;](#)
4. [Supporting Statement;](#) and
5. Clearance sheet of the ICR submission package with copies of all relevant B/IO clearances.

The supporting statement should note that the proposed rule associated with the ICR will be published for public comment and should include the regulation identifier number (RIN) for the rule.

On the date that the rule is published in the Federal Register, the IPO must send M/MS/IRD a pdf version of the published NPRM.

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