

INFORMATION COLLECTION REQUESTS ASSOCIATED WITH NEW RULEMAKINGS

The Office of Management and Budget (OMB) must approve new or revised information collection requirements contained in proposed and final rules.

A collection of information may be entirely voluntary, may be required to obtain or retain a benefit (such as a permit or grant), or may be mandatory (with civil or criminal sanctions imposed for failure to respond).

The PRA defines “collection of information” as obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of the form or format, calling for answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, 10 or more persons, other than agencies, instrumentalities, or employees of the United States.

All rules of general applicability containing a collection of information must be reviewed and approved by OMB, even if nine or fewer persons are directly affected by the rule. It may be that the regulation indirectly affects a much larger group beyond the respondents, who need either to comply with the rule, or read the regulation to determine if it applies to them or would apply to them if they engaged in a particular course of action.

The PRA defines “recordkeeping requirement” as a requirement imposed by or for an agency on persons to:

- retain records;
- notify third parties, the Federal Government, or the public of the existence of such records;
- disclose such records to third parties, the Federal Government, or the public; or
- report to third parties, the Federal Government, or the public regarding such records.”

The regulatory specialists and the Information Collection Clearance Officer (ICCO) in the Division of Policy and Directives Management (PDM) work together to ensure that information collection requirements contained in rulemakings are submitted to OMB in accordance with the Paperwork Reduction Act of 1995 (PRA). An information collection request (ICR) must be sent to OMB when the proposed rule publishes in the *Federal Register*. The final rule cannot be published until the information collection is approved.

PROCESS

PROPOSED RULE - ICCO REVIEW AND COMPLETION OF ICR

- The ICCO will review the proposed rule to determine the new and revised information collection requirements and to ensure that they are adequately addressed in the PRA Statement in the rule preamble.
- The rule author will develop the ICR package, which consists of:
 - FWS Forms [3-2331](#) and [3-2331A](#).
 - Supporting Statement A.
 - Supporting Statement B, if requirements are surveys or require statistical analyses.
 - Forms or other collection instruments, if applicable.
 - Copy of proposed rule.
 - Existing regulations, if applicable.
 - Authorizing legislation.

- Other applicable documents; e.g., recovery plan, Notice of Funding Availability, etc.
- The author may submit the ICR package to the ICCO while the proposed rule is in the surname process. The Division Chief of the originating office must surname the ICR package and submit it electronically via email to INFOCOL@fws.gov.
- The ICCO will (1) review the ICR package and coordinate any necessary revisions with the author, and (2) enter ICR information in ROCIS and upload appropriate documents to ROCIS.
- When the Solicitor has surnamed the proposed rule, the author will notify the ICCO and provide the latest version of the proposed rule. The ICCO will send the ICR to the Department of the Interior (DOI) clearance officer for review and approval. If changes are necessary, the ICCO will coordinate with the author.
- The author must coordinate with the ICCO before sending the proposed rule to the Federal Register. The proposed rule must not be sent to the Federal Register until the DOI Information Collection Clearance Officer has approved the ICR.
- When the proposed rule publishes in the Federal Register, the ICCO will (1) enter the citation and date in ROCIS, (2) upload a copy of the published proposed rule to ROCIS, and (3) notify the DOI clearance officer to submit the ICR to OMB,

NOTE: Although OMB may approve the information collection requirements at the proposed rule stage, most likely it will issue a comment directing that the ICR be resubmitted at the final rule stage.

FINAL RULE - If OMB directs that the ICR be resubmitted at the final rule stage:

- When it is not expected that further major revisions will be made to the final rule, the author will provide a draft copy to the ICCO for review.
- The ICCO will review the final rule to make sure that the information collection requirements have not changed and the PRA Statement is correct. ICCO will coordinate any necessary revisions with the program office.
- The author must update the supporting statement as necessary and submit electronically through the Division Chief to the ICCO for review.
- When the Solicitor has surnamed the final rule, the author will notify the ICCO and provide the latest version of the final rule. The ICCO will send the ICR to the DOI clearance officer for review and approval. If changes are necessary, the ICCO will coordinate with the author.
- The ICR is not usually sent to OMB until the Executive Secretariat has cleared the final rule. The author must notify the ICCO that the rule has cleared and the ICCO will notify DOI to submit the document to OMB.

NOTE: THE FINAL RULE MAY NOT BE SENT TO THE FEDERAL REGISTER UNTIL OMB HAS APPROVED THE INFORMATION COLLECTION REQUIREMENTS.

- After OMB approves, the author will enter: (1) the OMB control number and expiration date in the PRA statement in the preamble and (2) the OMB control number in the codified section of the rule. Final rule may then be sent to the Federal Register.
- After publication in the Federal Register, the ICCO will activate the OMB control number on the effective date of the rule.

FINAL RULE – If OMB approves the information collection requirements at the proposed rule stage:

- The author will enter: (1) the OMB control number and expiration date in the PRA statement in the preamble and (2) the OMB control number in the codified section of the rule. When it is not expected that further major revisions will be made to the final rule, the author will provide a draft copy to the ICCO for review.
- The ICCO will review the final rule to make sure that the information collection requirements have not changed and the PRA Statement is correct. ICCO will coordinate any necessary revisions with the program office.
- After publication in the Federal Register, the ICCO will activate the OMB control number on the effective date of the rule.