

## INDIAN AFFAIRS MANUAL

Part 18

Regulatory Affairs and Collaborative Action

Chapter 3

Paperwork Reduction Act and Information Collection

Page 1

- 1.1 Purpose.** This chapter provides policy and procedures regarding the Paperwork Reduction Act (PRA) (44 U.S.C. § 3501 et seq.) and the information collection process as facilitated by the Indian Affairs' (IA) Office of Regulatory Affairs and Collaborative Action (RACA).

The PRA requires federal agencies obtain approval from the Office of Management and Budget (OMB) before requesting most types of information from the public. Essentially, no bureau or office may collect information from **ten or more persons** (or, if the information is being collected by means of a rule, from one or more persons) unless it is essential to a program and the collection of information has been approved by OMB.

- 1.2 Scope.** This policy applies to all offices and functions under the authority of the Assistant Secretary-Indian Affairs (AS-IA), including the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE).

- 1.3 Policy.** It is IA's policy to comply with the PRA, including OMB and Department of the Interior (DOI) requirements for any collection of information. Specifically, it is DOI's policy that Department and/or bureau information collections be structured so that they impose a minimal burden on the public.

All IA information collection justification packages will be coordinated through RACA and the Departmental Information Collection Clearance Lead.

- 1.4 Authority.**

**A. Statutes and Regulations.**

- 1) Paperwork Reduction Act of 1995 (PRA) as amended, 44 U.S.C. § 3501 et seq.
- 2) 29 U.S.C. § 794d, Electronic and Information Technology
- 3) 31 U.S.C. § 1111, Improving Economy and Efficiency
- 4) 44 U.S.C. Chapter 21, National Archives and Records Administration
- 5) 44 U.S.C. Chapter 25, National Historical Publications and Records Commission
- 6) 44 U.S.C. Chapter 27, Advisory Committee on the Records of Congress
- 7) 44 U.S.C. Chapter 29, Records Management by the Archivist of the United States and by the Administrator of General Services
- 8) 44 U.S.C. Chapter 31, Records Management by Federal Agencies
- 9) 44 U.S.C. Chapter 35, Coordination of Federal Information Policy

## INDIAN AFFAIRS MANUAL

Part 18

Regulatory Affairs and Collaborative Action

Chapter 3

Paperwork Reduction Act and Information Collection

Page 2

10) 5 CFR, Part 1320, Controlling Paperwork Burdens on the Public

### **B. Guidance.**

- 1) OMB Memorandum, Information Collection under the Paperwork Reduction Act, April 7, 2010
- 2) OMB Memorandum, Paperwork Reduction Act-Generic Clearances, May 28, 2010
- 3) OMB Memorandum, Flexibility under the Paperwork Reduction Act for Compliance with Information Collection Requirements, July 22, 2016
- 4) 381 DM 11, Information Collection Program Requirements
- 5) 381 DM 12, Clearance Procedures for Information Collections
- 6) 381 DM 13, Estimating Paperwork Burden of Proposed Legislation

### **1.5 Responsibilities.**

**A. AS-IA** is responsible for ensuring that IA, including the offices under the AS-IA, BIA, and BIE, establishes appropriate organizational arrangements and procedures, with adequate staffing and resources, to implement Departmental and OMB information collection requirements.

**B. Deputy Bureau Directors and Directors, BIA and BIE** are responsible for:

- 1) ensuring the preparation and review of all paperwork related to information collection clearance packages/justifications related to or originating from functions within their authority; and
- 2) coordinating the information collection package with RACA.

**C. Deputy Directors and Office Directors** are responsible for:

- 1) ensuring the preparation and review of all paperwork related to information collection clearance packages/justifications related to or originating from functions within their authority; and
- 2) coordinating the information collection package with RACA.

**D. Director, RACA** is responsible for:

- 1) developing, coordinating, and managing PRA information collection requirements for IA;

## INDIAN AFFAIRS MANUAL

- 2) designating an appropriate official as the IA Information Collection Clearance Officer (ICCO) with the responsibility for implementing and managing the provisions of this chapter within IA, and designating an alternate to assist the IA ICCO and act in his or her absence. These designations and alternates will be reported to the Department's Office of the Chief Information Officer, Planning and Performance Management Division; and
- 3) establishing procedures for the systematic review of existing and proposed information collection requirements.

**E. IA ICCO is responsible for:**

- 1) disseminating to appropriate IA program officials all instructions received from the Department relative to information collection;
- 2) responding to questions from IA program officials about the requirements of the PRA or the information collection approval process;
- 3) working with the program offices to identify information collections and tailor information collections to impose the least amount of burden possible on the public in obtaining the information necessary to meet the program's mission;
- 4) reviewing all clearance packages originating within IA for conformance to Department and OMB guidelines;
- 5) coordinating with the Department's Office of the Executive Secretariat and Regulatory Affairs (OES) to ensure publication approval is obtained before publishing all PRA notices;
- 6) monitoring approval requests throughout the year to ensure that requests do not cause IA to exceed the allowance established by OMB;
- 7) reviewing all proposed and final rulemaking documents to ensure that any collections of information they contain have been submitted to OMB for approval;
- 8) coordinating with the Department's ICCO and OMB to obtain approvals for information collections; and
- 9) reporting to the Department's ICCO, as required.

**F. IA employees who propose to collect information from the public are responsible for:**

- 1) ensuring that the collection of information is approved by OMB before the information is collected from the public;

## INDIAN AFFAIRS MANUAL

Part 18

Regulatory Affairs and Collaborative Action

Chapter 3

Paperwork Reduction Act and Information Collection

Page 4

- 2) consulting with the IA ICCO during the preliminary development of the collection of information and during all steps of the approval process;
- 3) working with the IA ICCO to respond to requests from the Department or OMB for information; and
- 4) ensuring that OMB approves the renewal of information collections, as necessary, in a timely fashion.

### 1.6 Definitions.

**A. Information (under the PRA).** OMB regulations define “information” as “any statement or estimate of fact or opinion, regardless of form or format, whether in numerical, graphic, or narrative form, and whether oral or maintained on paper, electronic or other media.” This category includes:

- 1) requests for information to be sent to IA, such as forms (for example: OMB Control Number 1076-0153, Request for Certificate of Degree of Indian or Alaska Native Blood (CDIB)); written reports (for example: OMB Control Number 1076-0182, Sovereignty in Indian Education Grant Program); and surveys (for example: OMB Control Number 1076-0153, IDEIA Part B and C Child Count);
- 2) recordkeeping requirements (for example: OMB Control Number 1076-0122, Data Elements for Student Enrollment in Bureau-funded Schools); and
- 3) third-party or public disclosures (for example: OMB Control Number 1076-0111, Payment for Appointed Counsel in Involuntary Indian Child Custody Proceedings in State Courts).

**B. Collection of information and Information Collection** mean the obtaining or soliciting of information by an agency from ten or more persons in any given 12-month period by means of identical questions, whether the collection is mandatory, voluntary, or required to obtain a benefit. The “obtaining” or “soliciting” of information includes any requirement or request for persons to obtain, maintain, retain, report, or publicly disclose information.

**C. Burden** means the total time, effort, or financial resources required to respond to a collection of information, including that needed to read or hear instructions; to develop, modify, or assemble any materials or equipment; to conduct tests, inspections, polls, observations, or the like, necessary to obtain the information; to organize the information into the requested format; to review its accuracy and the appropriateness of its manner of presentation; and to maintain, disclose, or report the information.



## INDIAN AFFAIRS MANUAL

The time and financial resources necessary to comply with a collection of information that would be incurred by persons in the normal course of their activities (e.g., in compiling and maintaining business records) will be excluded from the "burden" if the reporting or recordkeeping activities needed to comply are usual and customary.

- D. Ten or more persons** refers to the persons to whom an information collection request is addressed by the bureau within any 12-month period, and to any independent entities to which the initial addressee may transmit the request during that period, including independent state or local entities and separately incorporated subsidiaries or affiliates, but not including employees of the respondent within the scope of their employment, or contractors engaged for the purpose of complying with the collection of information. Any recordkeeping or reporting requirement contained in a rule of general applicability is deemed to involve ten or more persons.

### 1.7 Requirements, Prerequisites and Standards.

#### A. Requirements.

- 1) Before requiring or requesting information from the public, the PRA requires federal agencies to:
  - a. seek public comment on proposed collections; and
  - b. submit proposed collections for review and approval by OMB.
- 2) The PRA requires federal agencies to justify information collections to the OMB to ensure the federal government's request for information is not unduly burdensome on the public. An "information collection" can be in any format, including but not limited to: verbal requests, regulatory requirements, administrative forms, questionnaires, surveys, and other instruments, and recordkeeping and reporting requirements. While an information collection is usually included as part of a new or amended regulation, this is not always the case.
- 3) OMB's Office of Information and Regulatory Affairs (OIRA) reviews agency information collection requests for approval or disapproval. When OMB approves an information collection, it assigns an OMB control number that the agency must display on the information collection instrument. An information collection may be approved by OMB for up to three (3) years. See 381 DM 12 for a complete list of requirements.

## INDIAN AFFAIRS MANUAL

### **B. Prerequisites for Collecting Information.**

Per the Department's policy (381 DM 11) any bureau proposing to collect information from the public will follow these procedures before collecting the information:

- 1) Determine if information already held by IA, or organizations inside or outside of the government, can satisfy its needs.
- 2) Ensure that the information being collected is necessary for the performance of bureau functions and that thorough planning for the dissemination, use, storage, and disposition of the information has been completed.
- 3) Consider less burdensome alternatives to the proposed information collection, such as sampling or reduced frequency of reporting.
- 4) Ensure that the information collection imposes a minimum burden on individuals and small organizations.
- 5) Ensure that the design and/or procedures for information collection are relatively simple, comprehensible, and logically arranged.
- 6) Integrate the information collection with related activities sponsored by other bureaus or agencies in order to maximize the usefulness of information collected.
- 7) Ensure the protection of privacy and the proprietary interests of respondents through proper application of bureau or Departmental requirements for compliance with the Freedom of Information Act, the Privacy Act, and OMB Circular A-130. This may require the development of a System of Records Notice (SORN).
- 8) Actively seek public comment and views during the formulation of the collection of information.

### **C. Standards.**

- 1) An overview of the approval process, including a timetable for the preparation of clearance packages, is included in 381 DM 12, Appendix 1.
- 2) IA employees can also find additional information on RACA's intranet website: <https://inside.bia.gov/asia/raca/pr-a-ic>.

### **1.8 Procedures for Obtaining Approval to Collect Information from the Public.**

#### **A. Each program office must:**

## INDIAN AFFAIRS MANUAL

Part 18  
Chapter 3

Regulatory Affairs and Collaborative Action  
Paperwork Reduction Act and Information Collection

Page 7

- 1) Consult with BIA's Privacy Officer in the Office of Information Management Technology to ensure that all requirements related to the Privacy Act are met with respect to the collection of information.
- 2) Ensure that all PRA documents are 508 compliant, which requires initiating contact with staff responsible for DOI Section 508 compliance. The DOI Section 508 Coordinator is located in the Office of the Chief Information Officer (OCIO). Access to links for Section 508 resources may be found at <https://www.doi.gov/ocio/section508/references>.
- 3) Regularly review how it implements its program to identify information collections requiring OMB approval.
- 4) Notify and coordinate with the IA ICCO upon identifying an information collection, or otherwise determining the need to collect information from the public.
- 5) Prepare the information collection justification package in the format provided by the IA ICCO to justify the need for any information collection, including identifying what information is needed, how it will be collected, and an estimate of the costs and burden hours necessary to provide and collect the information.
- 6) Develop any appropriate information collection instruments, including any instruction or guidance, in coordination with the IA ICCO.
- 7) Directly contact actual public respondents (for renewed approvals) or potential public respondents (for new approvals) for their input regarding the information collection.

### **B. The IA ICCO must:**

- 1) Assist the program office in determining whether an information collection requires OMB approval.
- 2) Review draft IA regulations to identify information collections.
- 3) Coordinate with OES to ensure publication approval is obtained before publishing all PRA notices.
- 4) Guide the program office through the process to obtain OMB approval, including drafting the 60-day and 30-day Federal Register notices and regulatory preamble language soliciting public comment on the proposed information collection.
- 5) Provide signatory approval of the Federal Register notice(s) for an information collection (or request the RACA Director's signature).
- 6) Review the information collection justification package for sufficiency and direct the program office to address deficiencies.

## INDIAN AFFAIRS MANUAL

---

Part 18

Regulatory Affairs and Collaborative Action

Chapter 3

Paperwork Reduction Act and Information Collection

Page 8

---

- 7) Enter the necessary information into OMB's Regulatory Affairs Combined Information System (ROCIS) system.
- 8) Coordinate with the Department ICCO for approval.
- 9) Coordinate the submission of the information collection justification package to OMB.

### Approval



---

John Vahsuda

Principal Assistant Secretary-Indian Affairs

AUG 16 2019

Date