

# Department of the Interior Departmental Manual

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**Effective Date:** 4/19/89

**Series:** Information Resources Management

**Part 381:** Origination of Records and Information

**Chapter 11:** Information Collection Program Requirements

**Originating Office:** Office of Policy Analysis

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This chapter has been given a new release number.* No text changes were made.
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## 381 DM 11

**11.1 Purpose.** This chapter provides a description of organizational responsibilities and procedures for controlling the paperwork burden which the Department imposes on the public. This directive implements the provisions of the Paperwork Reduction Act of 1980 as amended (44 U.S.C. 3501-3520) and 5 CFR 1320. The requirements prescribed in this chapter are applicable to all Departmental actions which will result in the collection of information from, or place recordkeeping requirements on, the public.

**11.2 Policy.** Collections of information made by the Department will be structured so that they impose a minimal burden on the public. 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 the Office of Management and Budget (OMB). The burden associated with each collection of information must be allowed for in the annual information collection budget.

### 11.3 Objectives.

- A. Assure Departmental compliance with the Paperwork Reduction Act.
- B. Minimize information collection burden imposed on the public.
- C. Assure that information collected from the public is essential for program operations and is used effectively.
- D. Increase public awareness and participation in development of collections of information.

**11.4 Definitions.** Definitions of terms related to the collection of information from the public can be found in Appendix 1 to this chapter. These definitions are essential to understanding this chapter, and should be read carefully.

## 11.5 Responsibilities.

A. The Assistant Secretary - Policy, Budget and Administration (PBA) is the Department's senior official under the Paperwork Reduction Act and is responsible for the development and overall management of the Department's information collection program. Additionally, the Assistant Secretary - PBA will approve the Department's information collection budget.

(1) The Director, Office of Management Improvement (PMI), is responsible for overall management of the information collection program.

(2) The Chief, Division of Directives and Regulatory Management, PMI, is designated the Department Clearance Officer and is responsible for day-to-day management of the information collection activities described in this chapter.

B. Assistant Secretaries are responsible for:

(1) Ensuring that the bureaus under their supervision establish appropriate organizational arrangements and procedures, with adequate staffing and resources, to implement these Departmental requirements; and

(2) Reviewing and approving the proposed information collection budgets prepared by subordinate bureaus.

C. Heads of bureaus whose programs include requirements for information collection activities are responsible for:

(1) Designating an appropriate official as Information Collection Clearance Officer (ICCO) with the responsibility for implementing and managing the provisions of this chapter within his/her bureau, and designating an alternate to assist the ICCO and act in his or her absence. These designations and alternates will be reported to the Chief, Division of Directives and Regulatory Management, PMI; and

(2) Establishing procedures for the systematic review of existing and proposed information collection requirements.

D. Bureau Information Collection Clearance Officers (ICCO's) are responsible for:

(1) Disseminating to appropriate program officials within the bureau all instructions received from the Department relative to information collection;

(2) Responding to questions from bureau program officials about the requirements of the Paperwork Reduction Act or the information collection approval process;

(3) Reviewing all clearance packages originating in the bureau for conformance to Department and OMB guidelines;

(4) Consolidating, reviewing and ensuring the accuracy and completeness of the annual information collection budget submission;

(5) Monitoring approval requests throughout the year to ensure that requests do not cause the bureau to exceed the allowance established by OMB; and

(6) Reviewing all proposed and final rulemaking documents to ensure that any collections of information they contain have been submitted to OMB for approval.

E. Bureau employees who propose to collect information from the public are responsible for:

(1) Ensuring that the collection of information is included in the information collection budget for the year in which it will be made or that OMB approval of an addition to the Department's allowance is obtained;

(2) Consulting with the bureau ICCO during the preliminary development of the collection of information and during all steps of the approval process;

(3) Working with the ICCO to respond to requests from the Department or OMB for information; and

(4) Ensuring that OMB approval is renewed as necessary in a timely fashion.

#### **11.6 General Requirements.**

A. No bureau may collect information or sponsor the collection of information from ten or more persons unless an approval number and expiration date for the information collection have been obtained from OMB. If the collection of information is contained in a rule, the bureau will obtain OMB approval regardless of the number of respondents.

B. No bureau may request approval of a collection of information, if its use would result in the bureau exceeding its information collection allowance, without proposing compensating reductions in existing information collections or, if the information collection is not contained in the ICB, obtaining special approval from OMB, in accordance with 381 DM 12.8.

C. Each bureau must ensure that all collections of information which will be part of rules are submitted for approval as soon as their contents are finalized.

D. Information collected by a grantee or contractor at the specific request of a bureau is considered to be sponsored by the bureau. A bureau that sponsors the collection of information from the public through a grant, contract or similar means will ensure that:

(1) The collector of information is aware of, and complies with, the requirements of this chapter;

(2) The request for approval is submitted to the Department in accordance with

provisions of this chapter at least 120 days before the anticipated beginning of the collection; and

(3) Information is not collected, nor a commitment made to collect information, without prior approval by OMB.

E. Remuneration for responding to collections of information will be approved only if specifically authorized by statute. The fact that payment is made to respondents does not constitute a basis for exemption from the requirement for OMB approval.

**11.7 Prerequisites for Collecting Information.** Any bureau proposing to collect information from the public will follow these procedures before collecting the information:

A. Determine if existing information held by other bureaus, or organizations in or outside of the government, can satisfy its needs.

B. 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.

C. Consider less burdensome alternatives to the proposed information collection, such as sampling or reduced frequency of reporting.

D. Ensure that the information collection imposes a minimum burden on individuals and small organizations.

E. Ensure that the design and/or procedures for information collection are relatively simple, comprehensible, and logically arranged.

F. Integrate the information collection with related activities sponsored by other bureaus or agencies in order to maximize the usefulness of information collected.

G. 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.

H. Actively seek public comment and views during the formulation of the collection of information. Bureaus should consider conducting a public hearing, issuing a public notice, issuing a direct notice to possible respondents, contacting concerned professional or manufacturing associations directly to solicit comments, or obtaining public views through a pretest or pilot test. Pretests or pilot tests distributed to ten or more persons require OMB approval as outlined in 381 DM 12.12.

**11.8 Information Collection Budget.**

A. Each bureau will develop an annual information collection budget (ICB) for all information to be collected from the public in the succeeding fiscal year. The budget will be

prepared for submission to the Division of Directives and Regulatory Management (PMI) in the summer of each year. The head of the bureau and the supervising Assistant Secretary will approve the budget before submission to the Division of Directives and Regulatory Management (PMI).

B. The information collection budget will consist of the bureau's total anticipated information collection burden for the next fiscal year. This should include collections of information contained in proposed legislation or anticipated rulemaking actions of which the bureau is aware. Each known or anticipated collection of information and its associated burden hours will constitute a line item in the ICB. Specific instructions on preparation of ICB submissions vary from year to year in accordance with OMB guidelines. PMI will forward instructions to all bureaus upon their receipt from OMB.

C. From the bureau information collection budgets, a consolidated Departmental budget will be prepared and sent to OMB. OMB will conduct budget hearings at which policy level officials of both the Department and the bureaus will justify requested items and burden levels. Based on the Department's budget request and the hearings, OMB will set a Departmental burden hour allowance for information collection in the succeeding fiscal year. This allowance will be allocated to each bureau by PMI.

D. During the year, changes can be made to the information collection budget to account for changes in the burden hours of specific collections of information in the following ways:

(1) To add a new collection of information not included in the budget and not compensated for by offsetting reductions, the bureau ICCO will request an increase in the allowance as outlined in 381 DM 12.8;

(2) To adjust burden hours to show changes in use, correct errors or reflect more accurate estimates, the bureau ICCO will submit a correction to OMB through the Department; or

(3) To make a program change (either increase or decrease) at any time, the requesting official will submit a revised clearance package to OMB through the bureau ICCO and the Department.

**11.9 OMB Approval of Individual Collections of Information.** Procedures for obtaining OMB approval of individual collections of information are prescribed in 381 DM 12. Instructions on preparing requests for OMB approval are contained in the Information Collection Handbook, available from bureau clearance officers.

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## **Definitions of Terms Related to the Collection of Information**

The terms defined below relate to collection of information from the public and are used extensively in 381 DM 11 and 12. They are based on the definitions contained in 5 CFR 1320 and 44 U.S.C 3501.

1. "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.

(a) 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.

(b) A collection of information that is also sponsored by a unit of state or local government is presumed to impose a federal burden except to the extent the agency shows that the state or local requirement would be imposed even in the absence of a federal requirement.

2. "Bureau" refers to bureaus and offices of the Department.

3. "Collection of information" or "information collection" means the obtaining or soliciting of information by an agency from ten or more persons 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.

(a) A "collection of information" includes the use of written report forms, application forms, schedules, questionnaires, reporting or recordkeeping requirements, or other similar methods. Similar methods may include contracts, agreements, policy statements, plans, rules or regulations, planning requirements, circulars, directives, instructions, bulletins, requests for proposal or other procurement requirements, interview guides, disclosure requirements, labeling requirements, telegraphic or telephonic requests, and standard questionnaires used to monitor compliance with agency requirements.

(b) A requirement to obtain or compile information for disclosure to the public through posting, notification, labeling, or similar method is a "collection of information" whenever the same requirement would be a "collection of information" if the information were provided to the agency. The public disclosure of information originally supplied by the Federal Government to the recipient for disclosure to the public is not included within this definition.

(c) A collection of information contained in a rule of general applicability must be approved by OMB, even if there are fewer than ten respondents per year.

4. "Information" means any statement of fact or opinion, whether in numerical, graphic, or narrative form, and whether oral or maintained on paper, magnetic tapes, or other media. "Information@" does not generally include items in the following categories:

(a) Affidavits, oaths, affirmations, certifications, receipts, changes of address, consents, or acknowledgments, provided that they entail no burden other than that necessary to identify the respondent, the date, the respondent's address, and the nature of the instrument;

(b) Samples of products or of any other physical objects;

(c) Facts or opinions obtained through direct observation by an employee or agent of the sponsoring agency or through nonstandardized oral communication in connection with direct observations;

(d) Facts or opinions submitted in response to general solicitations of comments from the public, published in the Federal Register or other publications, provided that no person is required to supply specific information pertaining to the commenter, other than that necessary for self-identification, as a condition to the agency's full consideration of the comment;

(e) A request for facts or opinions addressed to a single person;

(f) Examinations designed to test the aptitude, abilities, or knowledge of the persons tested and the collection of information for identification or classification in connection with such examinations;

(g) Facts or opinions obtained or solicited at or in connection with public hearings or meetings; or

(h) Facts or opinions obtained or solicited through nonstandardized follow-up questions designed to clarify response to approved collections of information.

5. "Information collection allowance" refers to the annual allocation made by the Office of Management and Budget (OMB) to each Federal agency for the collection of information from the public. The allowance is expressed in hours of burden which the agency may impose on the public.

6. "Information Collection Budget (ICB)" refers to the planning document required by OMB for information collection activities. The budget is compiled every year based on instructions provided by OMB. Individual information collections are listed separately along with the estimated burden associated with each.

7. "Person" means an individual, partnership, association, corporation, business trust, or legal representative; an organized group of individuals, a state, territorial or local government or branch thereof, or a political subdivision of a State, territory, or local government. Current employees of the Federal Government are excluded from this definition for purposes of the

collection of information within the scope of their employment.

8. "Program Change" means a change in burden resulting from the imposition, modification or revocation of a requirement imposed by the government, e.g. change in sample size, reporting frequency or amount of information required. Program changes are also referred to as either program increases or program decreases.

9. "Sponsor." A bureau is considered to sponsor a collection of information if it collects the information, causes another agency to collect the information, contracts or enters into a cooperative agreement with a person to collect the information, or requires a person to provide information to another person. A collection of information undertaken by a recipient of a federal grant is considered to be sponsored by a bureau only if:

(a) The recipient of a grant is collecting information at the specific request of the bureau; or

(b) The terms and conditions of the grant require specific approval by the agency of the collection of information or the collection procedures.

10. "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.

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