

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

DEPARTMENTAL REGULATION		NUMBER: 3410-001
SUBJECT: INFORMATION COLLECTION ACTIVITIES – COLLECTION OF INFORMATION FROM THE PUBLIC	DATE: May 6, 2009	
	OPI: Technology Planning, Architecture and E- Government, Office of the Chief Information Officer	

1. **PURPOSE**

This regulation establishes policy, assigns responsibilities, and provides general instructions concerning the preparation, review, and clearance associated with the collection of information and recordkeeping requirements imposed by USDA agencies on individuals, businesses, and other private institutions, and State and local governments.

2. **SPECIAL INSTRUCTIONS/CANCELLATION**

Departmental Regulation (DR) 3410-1, dated April 8, 1985, is hereby canceled; and Amendment 1 to Departmental Regulation 3410-1, dated April 19, 1985, is hereby cancelled.

3. **ABBREVIATIONS**

AICO - Agency Information Collection Officer
CIO - Chief Information Officer
DR - Departmental Regulation
E-Gov - E-Government Act of 2002
ICB - Information Collection Budget
ICO - Information Clearance Officer
ICR - Information Collection Request
OCIO - Office of the Chief Information Officer
OMB - Office of Management and Budget
PII - Personally Identifiable Information
PRA - Paperwork Reduction Act
ROCIS- RISC/OIRA Consolidated Information System
SORN - System of Records Notice
TPA&E - Technology Planning, Architecture and E-Government

4. **POLICY**

USDA agencies shall:

- a. Obtain approval from the Office of Management and Budget (OMB) before collecting information from the public according to the Paperwork Reduction Act (PRA) of 1995 and the processes in this DR. USDA's policy applies when an agency imposes any standard set of questions or recordkeeping requirements on 10 or more persons. Without OMB approval, USDA is in violation of the PRA. To prepare an information collection package see Appendix A and B for more detail.

The information collected must be:

- (1) Essential to the agency mission and have demonstrated practical utility for the agency in performing its function.
 - (2) Collected in the most efficient, effective, and economical manner possible.
- b. Address question number three in Appendix B in the supporting statement on how they will provide individuals and/or entities with the option to submit information, transact business and maintain records electronically. This will provide OMB with information on how to assess both compliance with the PRA and the E-Government Act of 2002 (E-Gov Act). Agency Information Collection Officers (AICOs) should work with their agency Web master, forms manager, and Chief Information Officer (CIO) to address any E-Gov requirements.
 - c. Ensure that information gathering activities and rulemaking impose no more than the minimum burden on the public consistent with the need for information. Regulations must be reviewed to ensure they are easy to understand and levy the least burden necessary.
 - d. Use the Regulatory and Information Service Center, Office of Information and Regulatory Affairs Consolidated Information System (ROCIS) to input information collection data for review by the USDA Office of the Chief Information Office (OCIO). Certify that the information collection meets standards detailed below and provides a record supporting such certification. This record must:
 - (1) Be developed during the agency's internal review, be supported and augmented as necessary and appropriate by public comments, and described and summarized in the agency's supporting statement for a proposed collection of information submitted for OMB review; and
 - (2) Demonstrate that every reasonable step has been taken to ensure that the proposed collection of information:

- (a) Is necessary for the proper performance of the agency's functions to comply with legal requirements and achieve program objectives;
 - (b) Is not duplicative of information otherwise accessible to the agency; and
 - (c) Has practical utility.
- (3) Agencies are expected to consult with affected parties, stakeholders and trade associations within that subject area about response time and information collected on forms. Comments made by these groups should be noted in the supporting statement.
- e. Ensure that a System of Records Notice (SORN) has been published in the Federal Register and a system of records is in place if the information collected is to be kept in a system of records subject to Privacy Act of 1974.
- f. Ensure compliance with OMB's Statistical Policy Directive No. 15, Race and Ethnic Standards for Federal Statistics and Administrative Reporting.
- g. Ensure compliance with OMB and USDA Quality of Information Guidelines, when collecting information that requires OMB clearance under the PRA. USDA agencies and offices will demonstrate in the Information Collection Request (ICR) package submitted to OMB that the information collection would result in information that will comply with OMB and USDA information quality guidelines.
- h. Timeframes. Adhere to the following OCIO and OMB timeframes for developing and processing ICRs prior to the expiration date of a currently approved ICR:
 - (1) Agency publishes a Federal Register notice with a 60-day comment period six months prior to the expiration date or in advance of the agency's need to begin collecting information for a new ICR;
 - (2) Agency submits ICR in ROCIS to OCIO for review at least four months prior to expiration date or in advance of the agency's need to begin collecting information for a new ICR;
 - (3) OCIO submits ICR to OMB in ROCIS for approval two months prior to expiration date or required effective date.
- i. Submission of an ICR to OCIO. Input the ICR data into ROCIS and submit one signed hard copy of the ICR package to OCIO when requesting OMB review and approval of an ICR. During the review process, OCIO will work with agency contacts to resolve any areas of concern. After review and concurrence, OCIO

will submit the ICR in ROCIS to OMB. The signed hard copy is kept for the official Departmental file.

Each ICR must contain the following:

- (1) An OMB Form 83-I signed by the designated agency official or the ROCIS Certification page;
- (2) The supporting statement – Part A consisting of OMB’s 18 questions addressing the practical utility, E-Gov, and other issues;
- (3) The supporting statement – Part B if the ICR contains surveys, censuses, or employs statistical methods;
- (4) All forms or other standardized instruments that are or will be used to collect information from the public need to include the OMB approved control number, expiration date (unless OMB states otherwise) and public burden statement. Electronic collection mechanisms should include wireframes or screen prints;
- (5) The 60-day Federal Register notice. In ROCIS, input the Volume, Number and publication date;
- (6) The relevant statute(s) and regulation(s) mandating or authorizing the collection of information;
- (7) Handbooks, notices, executive orders or other materials that support the need for the collection;
- (8) Interviewer guides or customer instructions that provide guidance on providing information or completing the forms;
- (9) Letters or other explanatory material to be given or sent to prospective respondents;
- (10) Comments received on Federal Register notices if related to the burden.

Copies of the above information should be uploaded into ROCIS except for the Federal Register notice, relevant statutes and regulations and the OMB 83-I. Information for these items is entered into the appropriate fields within ROCIS.

- j. Emergency Approvals. Allocate time in the project plan for launching a new program or service for new ICRs. Emergency approvals will only be granted in extenuating circumstances for both renewals and new collections. Extenuating circumstances include:

- (1) The possibility of public harm;
- (2) The agency's need to respond to an unanticipated event; or
- (3) The agency would miss a statutory or court-ordered deadline.

Agencies should plan far enough in advance to meet the timeframes outlined in this DR when the program requires a new ICR activity. When requesting an emergency information collection, agencies should determine whether the ICR is essential to the agency mission and whether it is needed sooner rather than waiting the time to comply with public comment provisions under the PRA. **Failure by the agency to comply with the submission timeframes in this DR does not constitute an emergency or justify requesting an extension for an existing collection that is due to expire.**

- k. Discontinuance of Approved Information Collections. Notify by email or telephone, the Departmental Information Clearance Officer (ICO) at least 30 days prior to the discontinuance of the ICR and complete the Request for Discontinuance in ROCIS.
- l. Notification of Violations. Meet the paperwork obligations in order to avoid potential paperwork violations. Failure to meet such obligations places the Department at risk of incurring a paperwork violation. It also leaves the agency at risk for legal action from the public if the information collection activity continues. The Departmental ICO will notify the CIO of the potential violation. If a violation is identified, the agency **MUST** cease the information collection activity immediately. The AICO should work with the Departmental ICO to develop an acceptable plan of action for obtaining OMB approval.
- m. Information Collection Budget (ICB). OMB requires each Department to submit an annual report estimating the hours of burden to be imposed on the public in the next fiscal year and verifying accomplishments in prior years. Each year OMB determines the ICB format, reduction goals, and other required inputs.

To achieve reduction goals, agencies must carefully review their rules and regulations. They also must be prepared to offset increases in some collections by identifying decreases in others.

Agencies should plan their information collection needs far in advance and expect strict adherence to the estimates for new ICRs that were submitted in the ICB. They must be prepared to reduce other proposed or existing collections if unexpected new collections are needed during the fiscal year to keep the new burden at or below the approved levels.

- n. Regulatory Actions Requiring Paperwork Burden. (e.g., Notice of Proposed Rulemaking, Interim Final Rule, or Final Rule (DR 1512-1, USDA Regulatory Decision Making Requirements))
- (1) If a regulatory action involves paperwork burden, the agency **must** clear it with the appropriate persons, prepare and input data into ROCIS, and submit one hard copy of the ICR to the Departmental ICO at least 15 days prior to the publication of the regulatory action.
 - (2) The Departmental ICO will transmit the ICR to OMB through ROCIS or notify the sponsoring agency if the package needs editing changes or does not contain all required information.
 - (3) The agency will publish a notice in the Federal Register to inform the public of OMB's decision on the ICR.

5. **RESPONSIBILITIES**

- a. The Office of the Chief Information Officer will serve as the focal point for all Department-wide matters relating to information collection, privacy, paperwork reduction, and elimination. The Associate Chief Information Officer for Technology Planning, Architecture and E-Government designates individuals to serve as the Departmental Information Clearance Officers.
- b. The Departmental Information Clearance Officers will have the primary responsibility for ensuring that the formal ICR contains all required information and is the central point of contact for communications with OMB concerning the ICR.
- (1) Liaison with OMB on ICR management clearances and activities;
 - (2) Develop, establish, and publish Departmental ICR management policy, objectives, standards, and guidelines for the establishment and use of information collections in accordance with governing statutes, regulations, policies, and procedures;
 - (3) Ensure that information collections comply with the legal requirements of the PRA, E-Gov Act, and the Privacy Act, if applicable, to reduce, minimize, and control burden; protect sensitive information, and maximize practical utility and public benefit;
 - (4) Provide monthly reports to agency heads and AICOs showing ICRs expiring within the next 12 months or longer;

- (5) Review each ICR to ensure consistency with USDA and OMB policy, adequacy of analysis, statistical validity of the survey methods and the information being collected as well as;
 - (a) Ensuring that the ICR is necessary;
 - (b) Encouraging consolidation of collections and or forms when practicable;
- (6) Review and submit in ROCIS to OMB new ICRs, and extensions and revisions of currently approved ICRs before their expiration dates;
- (7) Prepare and forward a notice with a 30-day comment period to the Federal Register of all new and expiring ICRs. Upon publication of the notice, submit in ROCIS the ICR to OMB for review and approval;
- (8) Respond to inquiries from OMB, maintain records of transmittals and clearances, and notify agencies of OMB action;
- (9) Ensure that each information collection is inventoried, displays an OMB control number, and discloses all necessary information as described in 44 U.S.C. 3506;
- (10) Provide training and technical assistance to agency personnel in the development and clearance of ICR submissions;
- (11) Notify the agency clearance contacts of the requirements and current procedures to prepare and submit its ICB information to OCIO. OCIO will consolidate responses and submit to OMB in time to meet assigned due dates.

c. Agency Heads will:

- (1) Establish and implement an effective agency ICR Management Program within their respective organizations to meet the requirements of this regulation;
- (2) Designate an AICO who will serve as a single point of contact within their agency on ICR matters. This individual should have the authority required to interact with program managers to ensure ICRs are submitted in the timeframes required to prevent ICR violations or require emergency or extension approvals from OMB. The agency will report any changes in this designation immediately to the OCIO, including the name, title, and telephone number of the designee;

- (3) Ensure that agency program managers understand and comply with all laws including the PRA, E-Gov Act and the Privacy Act, as it relates to information collected from the public, including individuals and entities;
- (4) Ensure that new and existing ICRs meet the timeframes outlined in this DR;
- (5) Ensure that information collection needs within their agency are analyzed, including a periodic review of all regulations, that result in paperwork burden to ensure that the ICR is necessary.

d. Agency Information Collection Officers will:

- (1) Coordinate ICR management activities with the Departmental Information Clearance Officer;
- (2) Ensure that each ICR meets the requirements of this regulation and 5 CFR 1320;
- (3) Assist program managers or specialists by providing training, technical assistance, and guidance in preparing ICRs to keep public burden to a minimum;
- (4) Monitor agency ICR activities to ensure compliance with applicable statutes, regulations, policies, procedures, and standards on all ICRs:
 - (a) Review and clear PRA section in regulatory actions for any paperwork burden;
 - (b) Review and monitor agency ICRs to ensure that the 60-day Federal Register notice is published 6 months prior to the expiration date of an existing ICR, or the use date of a new ICR;
 - (c) Begin inputting the ICR data into ROCIS and notify OCIO 4 months prior to the ICR expiration date of an existing ICR, or the use date of a new ICR.
- (5) Review the monthly reports generated by OCIO and OMB in ROCIS to coordinate the preparation of renewal ICRs;
- (6) Complete a ROCIS training course in order to obtain log-in privileges to access ROCIS;
- (7) Identify and resolve PRA violations;

- (8) Ensure that an up-to-date inventory is maintained for all agency ICRs, submissions, approvals, burden hours, total responses, and supporting materials;
- (9) Ensure compliance with the Privacy Act, E-Gov Act, and the PRA;
- (10) Coordinate with the agency forms manager and Web master to ensure that all public use forms, surveys, or non-forms (collections of standardized information on the Internet) contain instructions, the OMB approved control number, burden disclaimer statement, and the expiration date, unless otherwise requested. This information should be on the first page or as close to the front as possible, when posted on the Internet;
- (11) Advise the agency records management officer of ICRs to ensure records have an authorized disposition;
- (12) As necessary, and at the request of the Departmental ICO, provide the agency information collection coordinator at the National Agricultural Statistical Service with a copy of any ICR containing statistical methodology for review and comments before submitting to OCIO.

e. Program Managers will:

- (1) Coordinate ICR activities with the AICOs when developing a new or extending/revising an existing ICR;
- (2) Ensure that the ICR is necessary for the proper performance of the agency's function and has practical utility;
- (3) Prepare and publish the 60-day Federal Register notice 6 months prior to the expiration date of an existing ICR, or the use date of a new ICR;
- (4) Submit the ICR package to the AICO;
- (5) Ensure compliance with the Privacy Act, E-Gov Act, and the PRA;
- (6) Ensure all employees, and those who act on behalf of USDA (including contractors), do not disclose Personally Identifiable Information such as name, social security number, medical records that can be used to distinguish or trace an individual's identity. Also, any information that when combined or used with other identifying information, is linked or linkable to a specific individual.

Institute procedures to protect the information's confidentiality to the extent permitted by law when respondents submit proprietary or other confidential information;

- (7) Coordinate ICRs with the agency forms manager, Web master and CIO for those ICRs that will be posted on the Internet;
- (8) Prepare an ICR for any collection of information contained in a proposed rule;
- (9) Notify AICO of any upcoming proposed rules containing a collection of information.

6. FORMS

OMB 83-I. Paperwork Reduction Act Submission

7. DEFINITIONS

- a. Burden. The total time, effort, or financial resources expended by persons to generate, maintain, or provide information to, or for a, Federal agency, including:
 - (1) Reviewing instructions;
 - (2) Developing, acquiring, installing, and utilizing technology and systems for the purpose of disclosing and providing information;
 - (3) Completing and reviewing the collection of information;
 - (4) Transmitting or otherwise disclosing the information; and
 - (5) Searching data sources.
- b. Information Collection Budget (ICB). A vehicle through which OMB, in consultation with each agency, sets annual agency goals to reduce information collection burdens imposed on the public.
- c. Information Collection Request (ICR). Obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public of facts or opinions regardless of the form or format. Typical formats include, written report forms, application forms, schedules, questionnaires, reporting or recordkeeping requirements, or similar methods calling for the collection of information.

The following are methods used to collect information under an ICR:

- (1) Mail (forms);

- (2) Personal or telephone interviews or group interviews (such as focus group sessions);
 - (3) Communication via a Web-based application;
 - (4) Automated, electronic, mechanical, or other technological collection techniques (such as electronic transmissions from airplanes or boats to ground or satellite receiving stations); or
 - (5) Any other approach through which the respondent or potential respondent is able to provide the response, recordkeeping, or disclosure requested.
- d. Practical Utility. The usefulness of information considering its accuracy, adequacy, and reliability to carry out the agency's functions in a timely manner.
- e. Recordkeeping Requirement. A requirement imposed by or for an agency on persons to maintain specified records, including a requirement to:
- (1) Retain such records;
 - (2) Notify third parties, the Federal Government, or the public of the existence of such records;
 - (3) Disclose such records to third parties, the Federal Government, or the public;
 - (4) Report to third parties, the Federal Government, or the public regarding such records;
- f. ROCIS. The electronic database system used to input the ICR documentation and submission to OMB.
- g. Section 508. Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794(D)) requires that Federal agencies' electronic and information technology (EIT) be accessible to people with disabilities, including employees and members of the public.

8. REFERENCES

- a. Paperwork Reduction Act of 1995 (Public Law 104-13), (44 United States Code Chapter 35). Its predecessors are the Paperwork Reduction Reauthorization Act of 1986 and the Paperwork Reduction Act of 1980
- b. OMB Regulation 5 CFR Part 1320, Controlling Paperwork Burdens on the Public

- c. The Paperwork Reduction Act of 1995: Implementing Guidance (Draft, February 1997)
- d. Regulatory Planning and Review, Executive Order 12866 of October 4, 1993, as amended, further amended by Executive Order 13422 of January 18, 2007.
- e. Departmental Regulation 1512-1, USDA Regulatory Decision Making Requirements
- f. OMB's Statistical Policy Directive No. 15, Race & Ethnic Standards for Federal Statistics and Administration Report
- g. The Freedom to E-File Act (June 20, 2000)
- h. The Clinger-Cohen Act of 1996 (Information Technology Management Reform Act of 1996)
- i. OMB Circular A-130, Management of Federal Information Resources
- j. Section 508 (Information Technology Accessibility) of the Rehabilitation Act (P.L. 105-220), August 7, 1998
- k. The Privacy Act of 1974
- l. The E-Government Act of 2002 (P.L. 107-347) December 17, 2002
- m. Departmental Regulation 3600-000, USDA Information and Technology Transformation; Departmental Regulation 3610-001, USDA eAuthentication Service; Departmental Regulation 3630-001, USDA Enterprise Shared Services
- n. Data Quality Act (P.L. 106-544, Section 515)

9. **RELATED LAWS**

- a. Paperwork Reduction Act. Under the PRA, any set of questions or recordkeeping requirements imposed on 10 or more persons, which, are used by Federal agencies to collect information for statistical purposes, must be approved in advance by the Office of Management and Budget (OMB). The Information Collection Request (ICR) process requires agencies to provide detailed justification and supporting explanations of how the information will be collected and why the information collection is essential to an agency's mission. The collection of information from citizens, businesses, or third parties (States, universities) enables Government agencies to comply with Federal regulations, execute their missions and provide essential services to the public. Whether the collection method is a direct request (application), a recordkeeping requirement that helps support regulatory enforcement or a third-party disclosure, the information collection must be

essential to the effective operation of Government. All Federal agencies are to provide individuals or entities the option to submit information, transact business and maintain records electronically, or provide an explanation of why an “electronic interactive” option is not practicable.

- b. E-Government Act of 2002. Under the E-Government Act of 2002, agencies are required to ensure sufficient protections for the privacy of personal information as agencies implement citizens-centered electronic Government. Specifically, agencies are required to conduct a Privacy Impact Assessment before initiating a new collection of information that:
- (1) Will be collected, maintained, or disseminated using information technology; and
 - (2) Includes any information in an identifiable form permitting the physical or online contacting of a specific individual, if identical questions have been posed to, or identical reporting requirements imposed on, 10 or more persons, other than agencies, instrumentalities, or employees of the Federal Government. For additional information see: www.whitehouse.gov/omb/memoranda/print/m03-22.html
- c. Quality of Information Guidelines. Under OMB and USDA Quality of Information Guidelines, when collecting information that requires OMB clearance under the PRA, USDA agencies and offices will demonstrate in the clearance package submitted to OMB that the information collection will result in information that complies with OMB and USDA information quality guidelines. See: www.ocio.usda.gov/qi_guide/index.html

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APPENDIX A

PROCESS FOR PREPARING AND SUBMITTING AN INFORMATION COLLECTION REQUEST PACKAGE

The Information Collection Request (ICR) approval process varies from organization to organization depending on the number of reviews and other factors. The following are the basic procedures needed to prepare an ICR package and submit it for approval. For a new ICR, agencies should allocate time in the project plan for launching a new program or service.

1. **Prepare and Publish the Sixty Day Federal Register Notice.**

The Agency Information Collection Officer arranges for publication of a notice in the Federal Register informing the public of the intention to request clearance for an information collection (new or renewal) and soliciting comments for the 60-days. The information that must be included in the notice is described in the *Federal Register Document Drafting Handbook* chapter on Notices. Just a note that while you can talk in some generality in the abstract section of the Federal Register Notice (FRN), the estimate of burden and respondents needs to be fairly accurate. This means you may need to do some research prior to finalizing the notice in order to justify and have confidence in your estimates. The Agency CIO notifies the sponsoring program office of the FRN publication date and the date when an ICR package must be submitted. Regardless of when the request is submitted, it cannot be submitted to OMB (through the Departmental Information Collection Officers) until the 60-day public comment period has ended.

Note: If an ICR is tied to rulemaking, the 60-day and 30-day notices are embedded in the proposed rule.

2. **Prepare the Package**

During the 60-day comment period, you should be preparing your supporting statement and assembling the back-up materials. Every ICR, whether for a new collection or to extend or revise an existing collection, must include one hard copy of the following and be submitted to the Office of the Chief Information Officer (OCIO).

Order of ICR Package

- * Emergency ICP Request Memo (See Emergency Approval Section 5)
- 1) Completed OMB 83-I form or the Risk/OIRA Consolidation Information System (ROCIS) ICR data version;
- 2) Supporting Statement(s) and Burden Spreadsheet (Grid) (See Appendix B for more details);

- 3) Copy of any forms, surveys, scripts for telephone surveys, focus groups, screen shots of Web site, etc. (all foreign language translations versions should be included) in the ICR. See Forms Section 3 for public burden statement;
- 4) Copy of the 60-day Federal Register Notice;
- 5) Copies of any pertinent statutes or regulations, that reference collection requirements or provide guidance on what or how information should be collected;
- 6) Copies of any pertinent handbooks, manuals or other program instructional materials;
- 7) Copies of reports; and
- 8) The 30-day Federal Register Notice is prepared by the Departmental ICO.

When the 60-day comment period ends, you will only need to document under Question 8 in the Supporting Statement if comments were received. Make sure the agency has listed the name, addresses and telephone number of 3 individuals that they consulted about the ICR package regarding the time it took to review and complete any forms.

Enter/Upload Information into ROCIS

Check to ensure that the pertinent statutes, regulations and all of the above information in step two, with the exception of the 30- and 60-day Federal Register notices, have been uploaded into ROCIS. All comments should be uploaded into the comment section within ROCIS.

The statutes number and title and the publication date information for the 60-day notice, are entered into ROCIS by the agency coordinator and the 30-day Federal Register information is entered by OCIO.

Review the Completed ICR package in ROCIS

Review the completed ICR package in ROCIS to ensure that the Supporting Statement Part A comprised of eighteen questions are properly answered. If the agency is a partner in the Service Center Initiative question 19 must be answered. If the collection does involve statistical methods, Supporting Statement Part B with five additional questions must be answered. Verify that all the forms, grid, etc are uploaded and can be opened. Make sure you complete the certification page. This is the last page in ROCIS.

Submit for Approval

Once the package is prepared and entered into ROCIS, the signed hard copy of the ICR approval package is forwarded to the Technology Planning, Architecture and E-Government (TPA&E) within the OCIO. Allow a minimum of two weeks or longer (depending on the complexity of the package) for the review and processing of the ICR. OCIO will publish the 30-day Federal Register notice. After the Departmental Clearance Officer signs off on the package, the ICR is submitted in ROCIS to OMB.

As the approval authority for all information collection requests, OMB may request amendments to proposed collections or disapprove them altogether. The standard period of approval for request is three years from the date of approval, and the expiration date must be included (unless approval is granted by OMB to not display the expiration date) on the form or collection instrument along with the OMB control number.

3. Forms

Any and all forms within an information collection package must include the OMB approval number and the standard burden statement as follows.

Public reporting burden for this collection of information is estimated to average [insert time] hours [or minutes] per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 05xx-xxxx. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to U.S. Department of Agriculture, (Insert Agency Name, Address, etc.).

4. ICRs Tied to a Rule

Two weeks **prior to publishing** the proposed and final rule in the Federal Register, submit a hard copy of the package to OCIO, for review and enter the ICR into ROCIS. Once the rule is published in the Federal Register the information collection can be submitted to OMB.

5. Emergency Approvals

OMB only grants emergency approvals in extenuating circumstances for both renewals and new collections. As a part of the emergency request, the program official must provide a cover memorandum addressing one or more of the following circumstances.

- When the collection of information –
 - is needed prior to the expiration of time periods established under the PRA;
 - and
 - is essential to the mission of the agency; and
- When the agency cannot reasonably comply with the normal clearance procedures under the PRA because –

- public harm is reasonably likely to result if normal clearance procedures are followed;
- an unanticipated event has occurred; or
- the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information or is reasonably likely to cause the agency to miss a statutory or court-ordered deadline.

Approval of an emergency submission is valid for only six months. If the information collection will continue to be needed after six months, the normal request process must be initiated immediately upon approval of the emergency request.

6. Emergency Extension

An emergency extension is used to continue an approved collection for no longer than three months beyond the current expiration date. The requirement to renew a collection should be determined sufficiently far enough in advance so that it should never be necessary for the agency to request an emergency extension.

APPENDIX B

Guidelines for Preparing the Supporting Statement Parts A and B

The supporting statement of an information collection package consists of responses to 18 (sometimes 24) standard questions established by the Office of Management and Budget (OMB). The supporting statement is the heart of the package and serves as the formal mechanism for justifying the *need* and *practical utility* for imposing reporting and recordkeeping burden on the public.

The supporting statement is a public document and should be written in a manner that provides the average person with an understanding of why information must be collected from them and what use USDA will make of the information. The entire information collection package is entered into a docket library at OMB when it is submitted and is available to the public upon request for their review.

The guidelines provided in this document are meant to assist the author of a package develop the supporting statement. Some general guidelines are provided as well as specific question by question guidelines. By following the guidance below, an agency may minimize the delays in obtaining approval. However, as every information collection is unique, the requirements for the supporting statement may vary.

General Guidelines

- All supporting statement responses should be written in plain English with acronyms, programs, organizations, etc. fully spelled out. No level of program understanding should be assumed. Remember these documents are for the public.
- Please do not use “Not Applicable” (N/A) as a response to any question. If you feel a question does not apply, answer appropriately in a full sentence. For example, a good response to the question:

“Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.”

would be:

“There are no plans to provide any payments or gifts to respondents.”

- An Introduction section may precede the specific questions and responses, if it helps the reader understand the context around the information collection or, in the case of a revision, if regulatory or other program changes are the catalyst for the information collection package.

Justification (Questions and Responses) – Part A

The bulk of the narrative in the supporting statement should go into the responses for questions 1 and 2.

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The response to this question should cover the **need** for the information collection. Specific references to statutes, executive orders, regulations, notices, directives, or other relevant documents that the agency feels directs them to collect the information should be cited (and included as attachments to the package). After reading this response, the reader should have a full understanding of why the government must collect the information described.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate how the agency has actually used the information received from the current collection.

Question 2 must address the many characteristics of the information collection including:

- What information will be collected - reported or recorded? (If there are pieces of information that are especially burdensome in the collection, a specific explanation should be provided.)
- From whom will the information be collected? If there are different respondent categories (e.g., loan applicant versus a bank versus an appraiser), each should be described along with the type of collection activity that applies.
- How will this information be used - provide ALL uses?
- How will the information be collected (e.g., forms, non-forms, electronically, face-to-face, over the phone, over the Internet)? Does the respondent have multiple options for providing the information? If so, what are they?
- How frequently will the information be collected?
- Will the information be shared with any other organization inside or outside USDA or the government?
- If this is an ongoing collection, how have the collection requirements changed over time?

Ultimately, the justification for collecting information must provide an explanation of the practical utility. Just because there is a need (refer to question 1) doesn't mean the agency has a definite plan for using the information. Furthermore, it is not acceptable to speak in broad terms when describing the use. For example, to say the collection of information is necessary to "ensure compliance" or "for program evaluation" is too general. Specific examples of how certain information will be used to determine compliance or what area of a program is being evaluated and how the information collected will enable that evaluation to occur is required.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The response to this question should address any automated or electronic methods (i.e., telephonic ordering, Web-based applications) that are used, or are planned for use in the near future, to collect information. (Note: Facsimile transmission of information does not count toward the use of automated, electronic, or mechanical collection techniques.)

Specifically, the agency should address plans to offer an electronic alternative for respondents in conjunction with the eGovernment Act of 2002 (e-Gov Act). The response for the transaction should be consistent with the agency's plans to comply with e-Gov Act as documented in its most recent e-government progress report. If an agency does not currently offer an electronic alternative, a description of plans to move in that direction, with a timeline, should be included. If the collection is not being considered for electronic delivery, a detailed justification of this decision must be provided.

Please note that forms or other collection instruments and their accompanying instructions that will be offered electronically on the Internet must be approved by OMB before they are posted. Copies of both the forms and the instructions should be included as attachments to the supporting statement.

Note: The response to this question should be consistent with the information provided in field 13(b)(1) of the OMB 83-I form.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2.

The response to this question should address duplication of information collected from other sources within USDA, from other government sources, and from outside sources. If it appears to the reader that the collection is duplicative of another collection effort, explain the circumstances that make the collection unique and necessary. If you are aware that information is collected elsewhere in the government (e.g., SSN) then the response should include a description of why it would be necessary to collect it from a member of the public again.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

The response to this question should be consistent with the information provided in field 5 of the OMB 83-I. If there are special provisions related to the information collection that affect small businesses, please describe those in this response.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted, or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The response to this question should address the impact on the agency's mission if the collection is not conducted or is conducted less frequently. This explanation may include justification such as an inability to deliver program benefits, an inability to measure agency progress against Government Performance and Results Act (GPRA) performance objectives (state the specific objectives), or the timely implementation of a new program.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

Please do not indicate "N/A" for any response. If the answer to any subpart is "yes", then a full explanation of the circumstances surrounding the collection should be provided. Remaining subparts with "no" answer, or "no" answers to all subparts the following response is appropriate.

There are no [other] special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years even if the collection of information activity is the same as in prior years. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The response to this question should include a full citation for the 60-day Federal Register notice and include a specific statement as to whether any comments were received. If comments were received, they should be enumerated along with an explanation of what response the agency took to the comments. It is helpful to attach copies of the correspondence, or other mechanism of communication, received from the public.

The response should also include a reference to three individuals or organizations who are either respondents or interested parties in the collection that have been consulted about the burden estimate and other characteristics (i.e., frequency, clarity of instructions) of the collection. The reference should include a phone number for OMB to use in case contact with the public is desired. This requirement especially applies to collections which have been ongoing for more than three years.

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

If the agency plans to provide a payment or gift to respondents a thorough explanation, including justification for this action, description and monetary value of the item, and basis for the decision to take such action must be provided.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

If the agency has unique confidentiality policies or other privacy policies apply, they should be cited and discussed in terms of what protections will be provided to respondents.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This question pertains primarily to issues of race/ethnicity, disability, and other private issues such as social security number. It is not impossible to obtain OMB approval to collect this type

of information, but the explanation for what it is needed for and how it will be used (reflecting back to the response to question 2) must be very sound. For information collections involving questions of race/ethnicity, the agency should ensure that the OMB *Standards for the Classification of Federal Data on Race and Ethnicity* (<http://www.whitehouse.gov/omb/fedreg/ombdir15.html>) are followed. Furthermore, reflecting back to the response provided in question 4, an explanation of why the agency cannot obtain the desired information - such as SSN - from another source should be included.

12. Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

This is a two part question and both parts must be addressed.

A) Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

This response must be detailed enough for the reader to understand how the agency developed the burden estimates - e.g., sources of data, changes in program requirements. It is not necessary to indicate collection instrument by collection instrument how the estimated response time was derived; however, a general statement on how those numbers were developed is necessary. Whenever there is more than one source of burden - i.e., multiple forms, surveys, recordkeeping requirements - the agency should use a burden table or grid to show the burden estimate for each collection requirement (forms or non-forms). At a minimum, the table or grid should include columns for:

- a) description of the collection activity
- b) corresponding form number (if applicable)
- c) number of respondents
- d) number of responses annually per respondent
- e) total annual responses (columns c x d)
- f) estimated hours per response
- g) total annual burden hours (columns e x f)

Only the columns corresponding to the number of annual responses and the total annual burden hours should be totaled. *NOTE: The number of respondents affected by the collection (and recorded in field 13(a) of the OMB 83-I) does not equal the sum of the number of respondent's column. The number of respondents is the actual number of individuals the collection is estimated to impact in a given year.*

Recordkeeping burden should be addressed separately and should include columns for:

- a) description of recordkeeping activity
- b) number of recordkeepers
- c) annual hours per recordkeeper
- d) total annual recordkeeping hours (columns b x c)

In calculating a total burden amount, the total annual burden hours should be summed with the total annual recordkeeping hours.

In developing burden estimates, there are several considerations which should also be taken into account.

- 1) In complex collections, the burden estimate may need to be calculated separately for different categories of respondents (e.g., loan applicant versus a bank versus an appraiser or the public and a contractor performing a survey for an agency). A single grid can still be used for this, but some narrative should be provided to describe the burden estimation approach used for each group of respondents.
- 2) The burden estimate may need to account for different methods of collecting the same information. For example, if a form existing in hard copy format is now available on the Internet and the capability also exists to submit the information to the agency electronically, then separate burden calculations for submission of the same information should be included to reflect the different time requirements associated with each method of collection. This can also be included, with proper notations in the description column, in the same table or grid, as long as detailed narrative explaining the duplication is provided in the response.
- 3) If the agency does not offer other methods for reporting required information other than physically visiting a field or headquarters office, then the agency must include round trip travel time in the burden estimate. If multiple collection options are offered, then travel time should be calculated for only the percentage of responses that the agency feels will result from a physical visit to an office.

B) Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.

The estimate of annualized cost to respondents is a **theoretical** cost accounting for the idea that the respondent's time spent complying with the information collection request is worth something - i.e., time is money. The total burden hours should be multiplied against an average hourly wage rate for the respondent universe. Minimum wage may be used, but only if that wage is reasonable for the class of respondent affected. An explanation of the wage rate used should be provided and the source, if applicable, cited. If multiple respondent groups exist, then the burden hours for each group should be factored against an appropriate hourly wage rate and summed.

13. Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information, (do not include the cost of any hour burden shown in questions 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.

While the response to part two of question 12 dealt with a theoretical cost of the respondent's time, this question and its response should address the ACTUAL cost a respondent must bear as a result of the information collection. In most situations, this will be zero; however, the agency should consider all aspects of the information collection to determine if any equipment, software, or services must be procured by the respondent in order to provide the agency with the information requested.

If the agency does not feel there are any costs of this nature, the following response should be provided.

“There are no capital/start-up or ongoing operation/maintenance costs associated with this information collection.”

14. Provide estimates of annualized cost to the Federal government. Provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.

The response to this question covers the **actual** costs the agency will incur as a result of implementing the information collection. The estimate should cover the entire life cycle of the collection and include costs, if applicable, for:

- employee labor and materials for developing, printing, storing forms
- employee labor and materials for developing computer systems, screens, or reports to support the collection
- employee travel costs
- cost of contractor services or other reimbursements to individuals or organizations assisting in the collection of information
- employee labor and materials for collecting the information
- employee labor and materials for analyzing, evaluating, summarizing, and/or reporting on the collected information

This information is best summarized in a table or grid. When costs for employee time are being described, a separate table or grid entry should be noted for each different grade/step category involved in the collection activity. For example, if a GS-11 field employee spends 15 minutes processing an application and a GS-13 analyst at headquarters spends 30 minutes evaluating the application before approving or disapproving the request, these two separate activities and the associated time/costs should be calculated separately.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.

This response should address any changes from the previous approval of the collection. If no changes have been made then the following statement would be appropriate.

“There are no changes to the information collection since the last OMB approval.”

If there are changes, then either a summary of those changes or a table describing each change should be included. The response should be detailed enough for the reader to track the reason for changes from the previously approved burden amount to the current burden request. Changes must be described as either 1) program changes - changes that were implemented proactively by the agency (e.g., a regulatory change which eliminated or added reporting/recordkeeping requirements; a change in frequency of collection; a change in the method of collection) regardless of whether or not the changes were directed by legislation or 2) adjustments - changes due to things not necessarily in the agency's control (e.g., a change in the number of respondent, a change in program funding levels) or changes in the burden estimation approach (e.g., addition of a form currently in use, but not previously approved; a change in a burden estimate, changes due to previous miscalculations in the burden estimate).

If the information collection approval request is a reinstatement, then the current approved burden will be zero. The change in burden reflected in field 13(e) of the OMB 83-I should represent the entire burden request (carried down from field 13(c) of the OMB 83-I). This amount represents a program change because the agency is reinstating the collection. The response, however, should also include additional narrative to explain the changes, if any, in the collection between the current burden request and the last approved burden amount. In preparing this portion of the response, the guidelines in the previous paragraphs should be followed.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

If the agency plans on performing certain analyses and developing statistics, reports, or other items summarizing the results of the collection activity, the response should describe each of these plans including a timeframe for development and publication. The response should clearly state whether the information will be distributed internally or externally.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Before responding to this question, the author should determine whether the agency plans to include an expiration date of the information collection **approval** on the form. This is not to be confused with other dates printed on the form such as the form creation date or the last revision date.

If the agency prefers not to print the expiration date of OMB approval, then a statement such as the one provided below should be included followed by an explanation of why the agency feels it would be inappropriate to display the expiration date.

“The agency is seeking approval to not display the OMB expiration date on the (forms/surveys/questionnaires) associated with this information collection.”

If the agency does plan to print the expiration date of OMB approval on all forms/surveys/questionnaires, then a statement such as the one below would be appropriate.

“The agency plans to display the expiration date for OMB approval of the information collection on all instruments.”

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I" Certification for Paperwork Reduction Act."

The certification statement is provided on the second page of the OMB 83-I and as the last page in ROCIS. The author of the information collection supporting statement and the authorized certifying official should read the statement provisions to ensure that there are no exceptions. If there are exceptions, a detailed justification of each should be provided.

If there are not exceptions to the certification statement, the following response would apply:

"The agency is able to certify compliance with all provisions under Item 19 of OMB Form 83-I."

19. How is this information collection related to the Service Center Initiative (SCI)? Will the information collection be part of the one stop shopping concept? (Only Service Center Agencies need to answer this question.)

Supporting Statement – Part B

B. Collections of Information Employing Statistical Methods

When Item 17 on the Form OMB 83-I is checked "Yes", responses to the following questions should be included in the Supporting Statement to the extent that it applies to the methods proposed. If there are no statistical methods involved, the agency should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results.

Agencies should review OMB's Survey Guidance for assistance prior to answering Part B questions.

All information collections involving surveys or questionnaires, regardless of whether or not statistical methods are used, are subject to a review by the National Agricultural Statistics Service (NASS). NASS is viewed by OMB as an in-house source of expertise in survey development, sampling frame development, and survey methods. Their suggestions and comments should be strongly considered in preparing the information collection approval request. Please coordinate with David Hancock (202-690-2388) of that agency to arrange for this review to occur prior to submitting the information collection for agency and Departmental processing.

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in

tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.

The response should describe the respondent universe and how that universe was or will be selected. The method of sampling should also be explained. With respect to the response rate, the narrative should cover the actual percentage response rate that is anticipated. Also, the agency should describe the efforts that will be undertaken to ensure a high response rate including pre-survey telephone calls or correspondence, post-mailing reminders, etc. If correspondence will be used to boost the response rate, copies of all letters, telephone scripts or other materials should be included in the package. If the collection has been conducted previously, then a summary of that activity should be provided including the response rate achieved.

2. Describe the procedures for the collection of information including:

- **Statistical methodology for stratification and sample selection,**
- **Estimation procedure,**
- **Degree of accuracy needed for the purpose described in the justification,**
- **Unusual problems requiring specialized sampling procedures, and**
- **Any use of periodic (less frequent than annual) data collection cycles to reduce burden.**

The response should include an answer to each of the subparts of this question. Where the collection is considered ongoing - i.e., has been conducted previously and is continuing for the foreseeable future - a description of any changes that have been made in the procedures or statistical methodology of the collection since the last approval should be discussed.

3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to be adequate for intended uses. For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.

This question and a part of question 1 under this section are somewhat redundant so the same response can be applied to both. However, a more thorough discussion of what the agency's plan of action is for dealing with non-response must be provided. If the collection is categorized as qualitative and does not necessarily employ a sampling frame or other proven statistical methods, then an explanation of exactly what practical utility the collection will have for the agency must be discussed. This discussion should include a listing of the specific uses the agency will plan for the data collected.

4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of tests may be submitted for approval separately or in combination with the main collection of information.

The response should fully describe any planned tests of the collection including who is in the test sample, how they were chosen, what the evaluation criteria for the test will be or was used, and specific comments from the participants of the test. If applicable, a summary of how the collection instrument or statistical methods were changed as a result of the test phase should be provided.

5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.

Include all individuals who have contributed to or commented on the survey, sample frame, statistical methods or other aspects of the collection. Make sure that the representatives of NASS are referenced or the submission will be returned to the agency for this review to occur.