

INDIAN AFFAIRS MANUAL

1.1 Purpose. This chapter documents Indian Affairs' (IA) policy and procedure regarding the Paperwork Reduction Act (PRA) (44 U.S.C. § 3501 et seq.) and the information collection (IC) process.

The PRA requires federal agencies to 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 offices under the AS-IA, the Bureau of Indian Affairs (BIA), the Bureau of Indian Education (BIE), and the Bureau of Trust Funds Administration (BTFA).

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 Departmental and/or bureau ICs be structured so that they impose a minimal burden on the public.

1.4 Authority.

A. Statutes and Regulations.

- 1) 44 U.S.C. 31, Records Management by Federal Agencies
- 2) 44 U.S.C. § 3501 et seq., Paperwork Reduction Act (PRA), as amended
- 3) 5 U.S.C. § 552a, Privacy Act of 1974
- 4) 5 CFR Part 1320, Controlling Paperwork Burdens on the Public

B. Guidance.

- 1) Executive Order (EO) 12291, Federal Regulation, 1981
- 2) EO 12866, Regulatory Planning and Review, 1993
- 3) EO 13563, Improving Regulation and Regulatory Overview, 2011
- 4) EO 13610, Identifying and Reducing Regulatory Burdens, 2012

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- 5) OMB, Office of Information and Regulatory Affairs (OIRA) Memorandum, Strategies for Reducing Administrative Burden in Public Benefit and Service Programs, December 15, 2022
- 6) OMB Memorandum M-22-10, Improving Access to Public Benefits Programs Through the Paperwork Reduction Act, April 13, 2022
- 7) OMB Memorandum, Flexibility under the Paperwork Reduction Act for Compliance with Information Collection Requirements, July 22, 2016¹
- 8) 381 Department Manual (DM) 11, Information Collection Program Requirements
- 9) 381 DM 12, Clearance Procedures for Information Collections
- 10) 381 DM 13, Estimating Paperwork Burden of Proposed Legislation
- 11) 387 DM 1, Policy and Guidance for Creating, Using, and Maintaining Forms

1.5 Responsibilities.

- A. **AS-IA** is responsible for ensuring that IA establishes appropriate organizational arrangements and procedures, with adequate staffing and resources, to implement Departmental and OMB information collection requirements.
- B. **Directors, IA, BIA, BIE, and BTFA** are responsible for:
 - 1) ensuring the preparation and review of all paperwork related to IC clearance packages/justifications related to or originating from functions within their authority;
 - 2) coordinating the IC package with the IA Office of Regulatory Affairs and Collaborative Action (RACA); and
 - 3) delegating the above responsibilities to appropriate Deputy Bureau Directors, Associate Deputy Directors, and Office Directors as needed.
- C. **Director, RACA** is responsible for:
 - 1) developing, coordinating, and managing PRA/IC requirements for IA;

¹ Additional PRA/IC guidance and references are located on the OMB OIRA webpage here:
<https://www.whitehouse.gov/omb/information-regulatory-affairs/>

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- 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
- 3) establishing procedures for the systematic review of existing and proposed IC requirements.

D. IA ICCO reports to the RACA Director, and is responsible for:

- 1) disseminating to appropriate IA program officials all instructions received from the Department relative to ICs;
- 2) responding to questions from IA program officials about the requirements of the PRA/IC approval process;
- 3) working with IA program offices to identify ICs and whether an IC requires OMB approval;
- 4) working with IA program offices to tailor ICs to impose the least amount of burden possible on the public in obtaining the information necessary to meet the program's mission;
- 5) guiding IA program offices through the process to obtain OMB approval, including drafting the 60-day and 30-day Federal Register Notices (FRNs) and regulatory preamble language soliciting public comment on the proposed IC;
- 6) reviewing all clearance packages originating within IA for conformance to Departmental and OMB guidelines;
- 7) providing signatory approval of the FRN(s) for an IC (or requesting the RACA Director's signature);
- 8) 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;
- 9) entering the necessary information into OMB's Regulatory Affairs Combined Information System (ROCIS);
- 10) monitoring approval requests throughout the year to ensure that requests do not cause IA to exceed the allowance established by OMB;
- 11) reviewing all proposed and final rulemaking documents to identify ICs and to ensure the ICs have been submitted to OMB for approval;
- 12) coordinating with the Department's ICCO and OMB to obtain approvals for ICs;
- 13) working with RACA Directives staff to post approved PRA forms/ICs online; and
- 14) reporting to the Department's ICCO, as required.

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E. IA Program Offices 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;
- 2) consulting with the IA ICCO upon identifying an IC, during the preliminary development of the collection of information, and during all steps of the approval process;
- 3) preparing the IC justification package in the format provided by the IA ICCO to justify the need for the IC, 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;
- 4) developing appropriate IC instruments, including any instruction or guidance, in coordination with the IA ICCO;
- 5) working with the IA ICCO to respond to requests from the Department or OMB for additional information;
- 6) consulting with IA's Privacy Officer in the Office of Information Technology, as necessary, to ensure that all requirements related to the Privacy Act are met with respect to the collection of information;
- 7) ensuring that all PRA documents are compliant with section 508 of the Rehabilitation Act;
- 8) reviewing how it implements its program to identify ICs requiring OMB approval; and
- 9) contacting actual public respondents directly (for renewed approvals) or potential public respondents (for new approvals) for their input regarding the information collection.

1.6 Definitions.

A. 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.

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

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reporting or recordkeeping activities needed to comply are usual and customary.

- B. Collection of information/IC** means obtaining or soliciting information by a federal 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. 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.
- C. Information (under the PRA)** is defined by OMB 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 that will be sent to IA, such as forms or surveys;
 - 2) recordkeeping requirements; and
 - 3) third-party or public disclosures.
- D. Ten or more persons** refers to the persons to whom an IC 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 Standards, Requirements, and Procedures.

A. Standards and 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

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on the public. While an IC is usually included as part of a new or amended regulation, this is not always the case.

- 3) OMB's OIRA reviews agency IC requests for approval or disapproval. When OMB approves an IC, 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.
- 4) All IA PRA/IC justification packages must be coordinated through RACA; RACA will in turn coordinate with the Department's ICCO on behalf of IA.
- 5) An overview of the approval process, including a timetable for the preparation of clearance packages, is included in 381 DM 12, Appendix 1.
- 6) IA employees can also find additional information on RACA's SharePoint site: <https://doimsp.sharepoint.com/sites/doi-asia-raca/SitePages/Information-Collections-PRA.aspx>

B. Procedures.

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 IC, such as sampling or reduced frequency of reporting.
- 4) Ensure that the IC imposes a minimum burden on individuals and small organizations.
- 5) Ensure that the design and/or procedures for the IC are relatively simple, comprehensible, and logically arranged.
- 6) Integrate the IC with related activities sponsored by other bureaus or agencies in order to maximize the usefulness of the information collected.

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- 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.

Approval



Bryan Newland
Assistant Secretary – Indian Affairs

December 26, 2024

Date