



USAID
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Information Collection Requests Related to Rulemaking

A Mandatory Reference for ADS Chapter 156

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1. PURPOSE

This Mandatory Reference describes USAID's process for obtaining the Office of Management and Budget's (OMB's) approval for an Information Collection Request (ICR) under the [Paperwork Reduction Act \(PRA\)](#) when the ICR is associated with a standard, or typical, notice-and-comment rulemaking process.

For guidance on ICR procedures associated with non-standard rulemaking processes, USAID staff should contact the Bureau for Management, Office of Management Policy, Budget, and Performance (M/MPBP) at rulemaking@usaid.gov. For guidance on ICR procedures *not* associated with rulemaking, USAID staff should contact the Bureau for Management, Office of Management Services, Information and Records Division (M/MS/IRD) at icrteam@usaid.gov.

2. BACKGROUND

a. Information Collection Requests under the Paperwork Reduction Act

The purpose of the [Paperwork Reduction Act \(PRA\)](#) is to minimize burdens on the public resulting from the collection of information by the Federal Government. To implement this objective, PRA requires that federal agencies obtain approval from OMB's Office of Information and Regulatory Affairs (OMB/OIRA) whenever they seek to request the same information from ten or more non-federal persons or entities (e.g., individual people, contractors, associations, non-profits, etc.) over a 12-month period. OMB refers to these approval requests as "Information Collection Requests," or "ICRs." To inform OMB/OIRA's approval decision, PRA also requires that federal agencies seek public comment on ICRs through 60-day notices in the Federal Register, unless exempted under the Act.

b. Rulemaking

Separate from PRA, the [Administrative Procedure Act \(APA\)](#) and the [Office of Federal Procurement Policy \(OFPP\) Act](#) govern the Federal Government's process for issuing and/or modifying federal regulations codified in the [Code of Federal Regulations \(CFR\)](#) through notice-and-comment rulemaking (hereinafter referred to as "rulemaking.") Similar to the process for ICRs under the Paperwork Reduction Act, the APA and OFPP Acts require that federal agencies submit proposed regulatory changes (also referred to as "rules") for review to OMB/OIRA. In addition, similar to the process for ICRs, these Acts require that federal agencies seek public comment on most proposed rules through notices in the Federal Register before they are finalized and become effective.

c. ICRs Associated with Rulemaking

Since OMB/OIRA has review and/or approval roles for both rulemaking and ICRs, OMB requires a slightly modified, or combined, process when agencies submit a PRA

approval request associated with a new or revised rule. As described in Section 1 above, the purpose of this Mandatory Reference is to describe this modified process during the trajectory of a typical rulemaking process.

3. PRIMARY RESPONSIBILITIES

- a. **M/MS/IRD** provides centralized administrative and management support for ICRs associated with rulemaking.
 - **M/MS/IRD's ICR Team** coordinates with OMB/OIRA on the submission of ICR packages.
 - **M/MS/IRD's Federal Register Liaison (FRL)** coordinates with the National Archives and Records Administration's Office of the Federal Register (NARA/OFR) to publish information collection notices, as well as rules, in the [Federal Register](#).
- b. The **Initiating Program Office (IPO)** identifies the proposed information collection requirements associated with a rulemaking effort and compiles the ICR package.
- c. The **Code of Federal Regulations (CFR) Owner** advises and assists the IPO by determining the need for an ICR associated with rulemaking and develops the associated rule that revises their CFR. The CFR Owner is often, but not always, a staff member within M Bureau's Office of Acquisition and Assistance (M/OAA).
- d. The **Bureau for Management, Office of Management Policy, Budget, and Performance, Policy Division's (M/MPBP/POL's) Rules Coordinator (RC)** facilitates communications with internal stakeholders and liaises with OMB/OIRA's Desk Officer.
- e. The **Office of the General Counsel (GC)** provides legal counsel on the ICR process.
- f. The **Assistant Administrator, Bureau for Management (AA/M)** oversees the Agency's ICR process. In addition, as described in [ADS 156](#), AA/M serves as USAID's **Regulatory Policy Officer (RPO)** and oversees the Agency's rulemaking process. The AA/M (hereinafter referred to as the "RPO") approves any proposed ICRs associated with rulemaking.

For additional information on these roles, see the Primary Responsibilities section in [ADS 156, Agency Rulemaking](#).

4. STEP-BY-STEP PROCESS

There are seven steps in the process for ICRs associated with a typical rulemaking process:

Step 1: The IPO works with stakeholders to determine whether the rule includes a collection of information subject to PRA.

Step 1a: An IPO developing a rule with a potential ICR should first consult with M/MPBP/POL's RC, M/MS/IRD's ICR Team, the CFR Owner, and GC to confirm whether regulatory changes include a collection of information subject to PRA (i.e., whether an ICR process is required).

Step 1b: If necessary, M/MPBP/POL, in coordination with M/MS/IRD, should consult with the OMB/OIRA Desk Officer to make the final determination.

Step 1c: If PRA applies, Steps 2-7 below are required. If PRA does not apply, no further action is required.

For additional guidance on ICRs associated with rulemaking, see [Digital.gov](https://www.digit.gov), the Federal government's guide to the PRA.

Step 2: The IPO compiles inputs for the ICR package.

The IPO must provide the following documents as part of the ICR package:

- A completed [OMB 83-I Form](#), including the signed certification sheet;
- The proposed collection instrument (e.g., form, survey, questionnaire, etc.). For additional guidance on forms, see [ADS 505, Forms Management Program](#); and
- A [Supporting Statement](#) using [this template](#).

The IPO should contact M/MS/IRD's ICR Team (icrteam@usaid.gov) for additional support and/or guidance as needed.

Step 3: The CFR Owner indicates within the Notice of Proposed Rulemaking (NPRM) that it includes an information collection subject to PRA.

The CFR Owner must provide the following within the text of the NPRM (for an example, see this illustrative rule on [Regulations.gov](https://www.regulations.gov)):

Step 3a: Within the "Addresses" section of the NPRM, the CFR Owner must indicate that comments on the ICR should be submitted to both USAID and OMB/OIRA. The CFR Owner must obtain contact information for OMB/OIRA from M/MPBP/POL's RC.

Example:

“Comments on the Information Collection Requirement under Section E, Paperwork Reduction Act, must be submitted to both USAID and OMB/OIRA as follows:

USAID – Jane Doe at jdoe@usaid.gov.

OMB/OIRA – Email to oira_submission@omb.eop.gov, fax to (202) 395–6974, or mail to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503.”

Step 3b: Within the “Paperwork Reduction Act” section of the rule, the CFR owner must provide the following:

- Language stating that the proposed rule contains an information collection requirement subject to PRA;
- Language stating that USAID has submitted a request to OMB for approval of a new information collection or modification of a current information collection (noting the OMB control number if seeking to modify a current information collection); who USAID seeks to collect information from, and how USAID seeks to utilize information post collection;
- Analysis of USAID’s estimated public recordkeeping and reporting burden to meet the proposed information collection requirement, such as initial and annual data (e.g., labor hours and costs); and
- Any points that respondents should consider when commenting on the proposed collection of information.

Step 4: The IPO submits the NPRM and associated ICR package for internal USAID approval, followed by submission to OMB and the [Federal Register](#).

Step 4a: Per [ADS 156.3.2.3](#), the IPO must draft an Action Memo to the RPO to request approval for the proposed rule. The IPO must attach the ICR package from Step 2 (i.e., the completed [OMB 83-I Form](#), the proposed collection instrument, and the [Supporting Statement](#)) to the Action Memo and info-copy M/MS/IRD’s ICR Team (icrteam@usaid.gov).

Step 4b: After the RPO approves the Action Memo and the proposed rule is published, the IPO must notify M/MS/IRD’s ICR Team that the memo was approved and provide the accompanying ICR documents. M/MS/IRD’s ICR Team must then submit the full ICR package to OMB/OIRA for review. This package must include the ICR documents listed in Step 2, as well as the documentation citation number of the published proposed rule from the [Federal Register](#).

Note: When an ICR is associated with rulemaking, feedback on the ICR is only collected as part of the NPRM's general public comment process. The IPO should not garner separate public comments on the ICR package outside of this process.

Step 5: OMB/OIRA reviews the proposed ICR package and may render an initial decision.

Step 5a: OMB/OIRA's desk officer analyzes the materials included in the ICR package and provides initial comments on the ICR while deferring their final review and approval to Step 7, when they review the final rule.

Step 5b: M/MS/IRD's ICR team must share comments received from OMB on the ICR package with the IPO, the CFR Owner, and M/MPBP's RC.

Step 6: The IPO makes revisions, as needed, based on comments from the public and OMB, and M/MS/IRD coordinates publication of the final rule and approval of the final ICR package.

Step 6a: After comments are received on the proposed rule, the CFR Owner must share them with the IPO and other members of the rulemaking team.

Step 6b: Per [ADS 156.3.2.4](#), the IPO must develop an Agency response to the comments received and adjust the rule, if necessary. Responses to comments and associated changes to the proposed regulation, may result in associated changes to the ICR package (outlined in Step 2 above). If so, the IPO must make changes accordingly.

Within the "Paperwork Reduction Act" section of the final rule, the IPO must use the following language:

"This rule contains information collection requirements that have been submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. chapter 35). This information collection requirement has been assigned OMB Control Number XXXX-XXXX, entitled "[INSERT TITLE]"."

Step 6c: Once the final rule is ready for publication, the IPO must provide the final ICR package to M/MS/IRD's ICR team and FRL.

Step 6d: M/MS/IRD's FRL must coordinate submission of the final rule for publication in the Federal Register. After publishing the final rule, M/MS/IRD's ICR Team must submit the final ICR package to OMB/OIRA in ROCIS, OIRA's regulatory information system.

Step 7: OMB/OIRA reviews the final ICR package and renders their decision.

Step 7a: The OMB/OIRA desk officer analyzes the materials included in the ICR package and determines if the documentation meets the requirements of the PRA. The OMB/OIRA desk offer will convey this decision in the form of a Notice of Approval or Disapproval.

Step 7b: Once a decision is rendered, M/MS/IRD's ICR team must notify the IPO, RC, and CFR Owner of OMB's decision. If OMB/OIRA provides approval, the IPO may then proceed with the proposed information collection.

Note: If the ICR package is disapproved and/or requires substantive changes, the IPO must consult with M/MS/IRD, the CFR Owner, and M/MPBP/POL's RC to ensure that appropriate measures are taken to resolve OMB's concerns. M/MS/IRD's ICR Team must then resubmit the revised ICR package to OMB for review and approval.

5. RESOURCE INFORMATION

The following links provide additional information about USAID's ICR processes associated with rulemaking.

- [ADS 156, Agency Rulemaking](#): This chapter provides the USAID's policy directives and required procedures to develop, review, issue, and amend rules that will be published in the Federal Register and codified in the CFR, primarily in Titles 2, 22, and 48.
- [ADS 516, Federal Register Notices](#): This chapter provides USAID's policy directives and required procedures for preparing and submitting documents to be published in the Federal Register.
- [ADS 505, Forms Management Program](#): This chapter provides guidance on developing, generating, and utilizing forms as administrative tools by standardizing and simplifying them, and applying acceptable forms design standards.
- [Digital.Gov's Guide to Paperwork Reduction Act](#): This platform, managed by the U.S. General Services Administration (GSA), provides useful links to additional PRA resources.

For more information and inquiries pertaining to ICR procedures associated with rulemaking, contact M/MPBP/POL's RC at rulemaking@usaid.gov, and/or M/MS/IRD's ICR Team at icrteam@usaid.gov.

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