

CLEARANCE OF PUBLIC REPORTING AND RECORDKEEPING

1. PURPOSE

This Directive establishes the Animal and Plant Health Inspection Service (APHIS) policy for information collections and recordkeeping when information is collected from the public.

2. REPLACEMENT HIGHLIGHTS

This Directive replaces APHIS Directive 3031.1, dated 11/26/93.

3. AUTHORITIES

- a. Paperwork Reduction Act of 1995, Title 44 U.S.C. Chapter 35.
- b. Title 5, Code of Federal Regulations, Part 1320, Controlling Paperwork Burdens on the Public.
- c. Departmental Regulation 3410.001, Information Collection Activities, dated 04/08/85.

4. DEFINITIONS

- a. Practical Utility. The ability of an agency to use the information it collects, particularly the capability to process such information, in a timely and useful manner.
- b. Respondent. Any individual (excluding a Federal employee performing official duties), corporation, firm, partnership, institution, State, Territorial, or foreign government from whom information is obtained or requested for the use of the Federal Government.
- c. Clearance. The process of obtaining Office of Management and Budget (OMB) approval for an information collection through the Agency Chief Information Officer (CIO) and the United States Department of Agriculture, Office of the Chief Information Officer (OCIO).

5. POLICY

It is APHIS policy to collect only essential information. The collection of information will be conducted in the most efficient, effective, and economical manner possible.

6. RESPONSIBILITIES

- a. The Director, Information Technology Division (ITD) is the APHIS CIO. The CIO will assess all collections of information to ensure that regulatory requirements are met.
- b. The ITD, Applications and Information Management, Forms, Issuances and Records Management (FIRM) staff is the liaison between the APHIS CIO and the OCIO. The FIRM will notify the appropriate program 1 year before the expiration of current approval and will ensure that the information collected displays a valid OMB control number.
- c. All APHIS Programs will designate a reports liaison officer. The reports liaison officer will:
 - (1) Report changes in reporting or recordkeeping requirements involving the public to the FIRM.
 - (2) Forward all clearance requests to the FIRM after review and clearance by the appropriate program official.
 - (3) Request OMB approval for a new collection of information at least 6 months before the planned starting date.
 - (4) Request OMB approval for continuation of an existing collection of information at least 1 year before the expiration date.
 - (5) Provide information annually to the FIRM on the planned increase or decrease of activity projected for the information collection.

7. CLEARANCE REQUIREMENTS

- a. Reporting and Recordkeeping Requirements to be Cleared.
 - (1) Proposed reporting, including dockets for Federal Register publication which contain reporting or recordkeeping requirements by the public.

- (2) Revisions of reporting previously approved. This includes changes in the type and amount of information sought, number of respondents, and the time and frequency of reporting.
- b. Actions Needed Before Requesting Clearance. Before requesting clearance of reporting or recordkeeping requirements, the program will determine that:
- (1) The information requested does not exceed the limits of reasonable need or practical use.
 - (2) The number of respondents, frequency of collection, and information collected is essential.
 - (3) The requested information is not already available in the Department or from any other Government agency.
- c. Unapproved Collections of Information. Unapproved collections of information that are in use are called “bootlegs.” Upon discovering “bootleg” collections, OMB will take the following actions:
- (1) Immediately inform the APHIS CIO to cease sponsoring or conducting the collection of information until OMB approves the collection.
 - (2) Send the Administrator a letter directing him/her to “cease and desist” the collection of information, if APHIS does not immediately cease collecting the information and request OMB review of the “bootleg.” (NOTE: A letter also may be sent to Congress informing them of the violation of the Paperwork Reduction Act.)
 - (3) Issue a notice in the Federal Register that the public is not required to comply with the Agency request for information if APHIS does not respond in a reasonable amount of time.

8. EXEMPTIONS

The following information collections are exempt from OMB clearance requests:

- a. Information collections which are necessary only to identify respondents, dates, respondents’ address, consents, affidavits, acknowledgments, affirmations, certifications, receipts, and changes of address.
- b. Facts obtained by direct observation by a Federal employee or agent of the sponsoring agency.

- c. Facts or opinions submitted in response to general solicitations for comment, provided that no person is required to supply specific information.
- d. Examinations designed to test the aptitude, abilities, or knowledge of the person tested.
- e. Nonstandardized followup questions designed to clarify responses to approved collections of information.

9. INQUIRIES

- a. Direct questions concerning this Directive to the FIRM at 301-734-7477.
- b. This Directive is available on the Internet at <http://www.aphis.usda.gov/library>.

/s/

William J. Hudnall
Deputy Administrator
MRP Business Services