

CHAPTER 2 - PUBLIC USE REPORTS CLEARANCE PROCESS

- 2-1. INTRODUCTION. The Paperwork Reduction Act of 1980 (P.L. 96-511) requires Federal agencies to obtain clearance before imposing information collection requirements on ten or more members of the public. The implementing regulation, 5 CFR 1320, established the Office of Management and Budget (OMB) as the oversight agency. Generally, 5 CFR identifies a variety of circumstances in which collections of information are subject to OMB review and approval. Please note that collections of information are not limited to report and application forms, but can include such items as policy statements, rules or regulations, disclosure requirements, labeling requirements, bulletins, and recordkeeping requirements. See 1320.7(1) for a more complete list of items that require OMB approval. A reference copy of that document is included as Appendix 1 of this Handbook.
- 2-2. INITIATING CLEARANCE. Program offices generating a report which imposes a burden on the public must fill out an SF-83, Request for OMB Review, to submit for both OMB and Departmental clearance. Also, included in the approval request is a supporting statement, a copy of the appropriate section of the statute or regulation authorizing the collection of information and a copy of the requirement that is being submitted for approval. (An original and six copies of all items are required.)

The most important element in the approval request is the supporting statement which justifies the need for the requirement. An important factor to remember in preparing the supporting statement is that it should address the practical utility of the data and ensure that the collection of information is the least burdensome necessary for the Department to comply with legal requirements and program objectives. A copy of the instructions for preparing the supporting statement and completing the SF-83 is included in Appendix 2. A sample of a supporting statement is also included.

The program area's RLO or the Department's RMO can provide assistance to those needing to submit a clearance request package. Program managers are advised to work with the RMO in advance of actual OMB clearance to provide alert to OMB on subject and content. This will speed further formal clearance.

- 2-3. AUTOMATED SYSTEMS. Most of the data collected on reports are processed by automated systems. A revision to an existing report or the implementation of a new report may impact the programming structure of an automated system. Changes to an existing automated system (e.g., record identification and layout) may be impacted if the reporting form is not changed. The initiators of a clearance action should check with the ADP systems analyst in IPS to ensure that automated system processing will function as intended. The IPS ADP systems analysts work closely with program area users when changes

system operations. Initiators of the reports which gather the data should also be informed of system changes which may affect the collection instrument.

2-4. CLEARANCE PROCESS. Exhibit 2.1 illustrates the public use reports clearance process. The numbered boxes on the chart are identified in parentheses in the narrative text below for cross-reference.

- a. Review of Regulations and Issuances. RMO (IPMD staff) reviews all issuances, notices, and regulations to ensure compliance with 5 CFR 1320, (#1 and #2). If an issuance, notice, or regulation contains an unapproved reporting and/or recordkeeping requirement, and an SF-83 package has not been submitted (#6), IPMD staff will advise the initiating office of the item(s) requiring OMB approval and nonconcur. A nonconcurrency goes back to the initiating office through the formal clearance channels (#4, #5, and #6) with instructions that an SF-83 package must be prepared in order to lift the nonconcurrency. The program area RLO is also provided with a copy of the nonconcurrency comments. RMO (IPMD staff) will concur if no unapproved information and/or recordkeeping requirements are found.
- b. Preparation of SF-83 Clearance Packages. The initiating office prepares a package consisting of an SF-83, a justification or supporting statement, and a copy of the requirement. Instructions for completing the SF-83 and writing the supporting statement is included in Appendix 2. These instructions must be strictly adhered to in preparing the clearance packages. Additional assistance may be obtained from the program area RLO or the RMO (IPMD staff). The RLO reviews the requirement for necessity and conformity to program standards (#8). One copy of the package is retained by the RLO and an original and six copies of all items are forwarded to the RMO.
- c. RMO and HUD Panel Reviews. The RMO reviews the requirements for justification and utility of the report and prepares a Federal Register (FR) notice informing the public that a request has been submitted to OMB for approval (#9). At the same time, copies of the package are distributed to members of a HUD Review Panel (#11a). This panel consists of the Department's Privacy Act Officer, the appropriate Division in IPS' Systems Engineering Group, and a representative from PD&R, FHEO, and CPD. (Representation on the panel is not fixed; other program areas interested in participating should contact the RMO.) The panel has five working days to review the request.

- d. HUD Approval. A nonconcurrency by any of the panel members or the RMO (#10a and #12a) results in the return of the package through the RLO (#8) to the initiating office. Once modified, the request may be resubmitted. When concurrences by the RMO and the

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panel are secured (#10b and #12b), the RMO forwards the request to OMB (#13). At this time the FR notice is forwarded to the Office of General Counsel (OGC) for publication.

- e. OMB Approval. OMB has at least 60 calendar days to take action on the request. The RMO will receive a notice of action from OMB (see Appendix 3 for a sample) and will notify the appropriate RLO who in turn notifies the program staff. If the requirement has been approved, the notice will contain the OMB clearance number and expiration date. These must be part of any report subsequently issued for the purpose of public information collection. If OMB approval has not been granted, program area staff are advised to consult the RMO for appropriate resubmission procedures.

2-5. REPORTS MONITORING. The RMO (IPMD staff) maintains the inventory of the Department's existing reports. Program area staff and their RLOs are alerted monthly of changes in that inventory. Appropriate personnel receive two listings from the RMO staff to assist them in their program management.

- a. Reporting Alert. The RMO uses the monthly Reporting Alert, HUD-131.1, to notify program areas of all public use report activity for the past month. (A copy of this report is in Appendix 4.) RLOs inform the affected program areas of any changes. RLOs are also responsible for ensuring that all expired or cancelled forms are either discontinued or reinstated.

- b. 30/60/90 Day Monthly Listing. The RMO notifies the RLOs, via the 30/60/90 Day Monthly Listing, or HUD-131.2, of all approved reports which will otherwise expire in 90 calendar days or less. (See Appendix 5 for a sample HUD-131.2.) Program areas are encouraged to use this inventory to facilitate their planning and timing of new and updated reports clearances.

2-6. THE INFORMATION COLLECTION BUDGET. The Department is also required by 5 CFR 1320 (Appendix 1) to assemble an information collection budget (ICB) for each fiscal year and submit it to OMB for review and approval. The ICB is an annual estimate of the total number of public reporting burden hours required by HUD, and also serves as a planning document that anticipates the effect of changes on public reporting burdens for the upcoming fiscal year. Each program area is responsible for its portion of the budget and IPMD is responsible for preparing the Departmental ICB based on the

program areas inputs.

- a. Initial Guidance. Annually, an OMB bulletin provides the Department with procedures and requirements for preparing the budget. The RMO sends copies of the bulletin to the program areas and conducts training sessions to highlight and explain significant requirements.

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- b. ICB Preparation. Program areas review their previously approved reporting requirements for continuing need and "practical utility" against planned program requirements and changes, and construct a plan to cancel, consolidate, simplify, and reduce reports accordingly. New requirements and those in use without OMB approval must be included to arrive at an estimate of the required level of burden hours. This estimate and supporting justifications and schedules are forwarded to the RMO.
- c. RMO Response. The reports management staff in IPMD analyzes the program area data and recommends improvements in the presentation and resolves any discrepancies with RLOs. Upon resolution of the program area budgets, the RMO assembles the Departmental ICB, provides an analysis of the key initiatives, and sends it to OMB for review and approval.
- d. OMB Review/Approval. OMB reviews the Department's submission against current and planned Federal initiatives, resolves discrepancies with the Department, and then assigns a burden hour allowance passback for the fiscal year. The RMO notifies the RLOs of revisions or amendments to the budget and their allowed level of burden for the upcoming fiscal year. Subsequent program area requests for new public use reports which would cause the Department to exceed its allotted public burden hour level for the fiscal year must be offset by decreases in existing reports.
- e. ICB Monitoring. The RMO monitors execution of the ICB during the year and notifies the RLOs periodically of the status of their burden hour allowance. The RMO and staff also monitor the ICB against SF-83 requests, as they are submitted for Departmental clearance, for adherence to the ICB plan.
- f. Assistance. For more information on the ICB process, contact IPMD (the RMO and staff) or the appropriate program area RLO.

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