Finally, when conducted by certain agency offices, including Chief Financial Officers or Inspectors General, an investigation often carries the title of "audit." OMB recognizes that the Inspectors General have an important statutory function that requires independence in the conduct of their investigations. OMB seeks public comment on how best to implement the objectives of the Paperwork Reduction Act of 1995 while maintaining the practical ability of the Inspectors General to perform their statutory functions.

## F. Proposed Section 1320.5—General Requirements

In general, proposed § 1320.5 reflects a number of legislative changes to 44 U.S.C. 3506(c) and 3507(a), and in light of those legislative changes amends and consolidates provisions in existing § 1320.4, § 1320.6, § 1320.11, § 1320.15, and § 1320.21. The purpose of this section is to provide a road-map of agency clearance obligations under this Part.

Proposed § 1320.5(a): This paragraph, in subparagraph (1)(i)–(iii) and subparagraphs (2)–(3), provides an outline of agency and OMB obligations for clearing proposed collections of information under this Part, and reflects the legislative changes in 44 U.S.C. 3507(a).

Paragraph 1320.5(a)(1)(iii) identifies the information that an agency is to submit to OMB as part of its submission of a proposed collection of information for clearance.

In response to President Clinton's statement at the signing of the Paperwork Reduction Act of 1995, to direct agencies to permit electronic submission of responses, the agency, under proposed  $\S 1320.5(a)(1)(iii)(E)$ , is to include in its submission to OMB a statement about whether (and is so, to what extent) the proposed collection of information involves the use of automated collection techniques or other forms of information technology (including permitting electronic submission of responses); the agency is also to explain to OMB its basis for this decision. This builds on activities undertaken earlier in the process. Proposed § 1320.8(a)(5) requires the agency to evaluate this issue in its consideration of the collection of information, and proposed § 1320.8(d)(1)(iv) requires the agency to seek public comments on this issue.

In addition, the information to be submitted under paragraph 1320.5(a)(1)(iii)(C) includes an explanation of the decision that it would not be appropriate, under

proposed § 1320.8(b)(1), for a proposed collection of information to display an expiration date. Under proposed § 1320.5(a)(1)(iii)(D), an agency is to explain a decision to provide for any payment or gift to respondents, other than remuneration of contractors or grantees. This information also includes, under proposed  $\S 1320.5(a)(1)(iii)(F)$ , a summary of the public comments received under proposed § 1320.8(d), including actions taken by the agency in response to the comments, and the date and page of publication in the Federal Register of the notice therefor.

This paragraph, in subparagraph (1)(iv), provides the information that agencies are to set forth in the Federal **Register** notice announcing that the agency has submitted a proposed information collection for OMB clearance. Subparagraph (1)(iv) is equivalent to existing § 1320.15, but is amended to reflect the legislative changes in 44 U.S.C. 3507(a)(1)(D). Subparagraph (1)(iv) also directs agencies, except as provided in proposed § 1320.13(d), to request public comments within 30 days of publication because, under 44 U.S.C. 3507(b), OMB is directed to provide at least 30 days for public comment prior to making its decision concerning the agency's clearance request.

Proposed § 1320.5(b): This paragraph stresses the agency's obligation, under 44 U.S.C. 3512, to display a currently valid OMB control number and to inform the persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. This paragraph, in subparagraph (ii)(A)–(B), elaborates on possible ways in which the agency can so inform the respondents. This paragraph serves the same function in the first sentence in existing § 1320.4(a). As noted above, with respect to the definition of "display" in proposed new § 1320.3(f), the Conference Report explains that "[f]or collections of information contained in a rule, agencies must provide the required information in a manner reasonably calculated to inform the public. Notice may be provided in the preamble to a final rule containing the collection of information, or in a general notice in the volume of the Code of Federal Regulations in which the agency's regulations appear." H. Rep. 104–99, p. 37. These examples are illustrative; the information may also be set forth, as in existing § 1320.5(e)(2), in the regulatory text of the final rule (including through a technical amendment), or, as in

proposed new § 1320.3(f)(2) and proposed new § 1320.5(b)(2)(ii)(B), in a separate notice in the **Federal Register** announcing OMB approval.

Proposed § 1320.5(c): This paragraph is equivalent to existing § 1320.11(e), and identifies the sections in this Part under which an agency should submit different kinds of proposed collections of information, specifically, for collections of information contained in proposed rules published for public comment in the Federal Register and for current regulations that were published as final rules in the Federal Register. Subparagraph (5) of this paragraph defines when a submission to OMB is deemed to have been received, and applies with respect to the time frames for OMB review. This subparagraph is equivalent to existing § 1320.11(j) except that it has been revised to clarify that it applies only to the receipt of a ''properly submitted'' package. If OMB concludes that a package has not been 'properly submitted," OMB will notify the agency of this conclusion and indicate what corrective steps need to

Proposed § 1320.5(d)(1): Subparagraph (1) of this paragraph is equivalent to existing § 1320.4(b)(1), (b)(2), and the first two sentences of (b)(3). The third sentence of existing § 1320.4(b)(3) is no longer necessary. The guidelines set forth in existing § 1320.6 have been moved to proposed new § 1320.5(d)(2), which immediately follows, and the requirement to discuss the "practical steps" for consultation have been superseded by the 1995 Act's requirements for a comment period prior to submission to OMB.

Proposed § 1320.5(d)(2). Subparagraph (2) of this paragraph is equivalent to existing § 1320.6. Existing § 1320.6(e) is now reflected in proposed § 1320.5(a)(1)(iii)(D); existing § 1320.6 (h) and (j) are now reflected in proposed § 1320.9(c) and (f); and existing § 1320.6(k) is now reflected in proposed § 1320.5(a)(1)(iii)(D), § 1320.8(a)(5), and  $\S 1320.8(d)(1)(iv)$ . These guidelines are also amended by adding three new provisions. Subparagraph (2)(vi) directs agencies to avoid using statistical data classifications that have not been reviewed and approved by OMB. Subparagraph (2)(vii) directs agencies to avoid collecting information at the request of another country or an international organization unless such request has been reviewed, coordinated, and approved by OMB. Subparagraph (2)(viii) directs agencies not to make confidentiality pledges to respondents unless they have adequate authority to honor such pledges. An agency need not comply with each of the policy