

After reviewing the proposed rule under the criteria listed in section 3(f) of the Executive Order, the Department has determined that the regulations will not have a cumulative annual effect of \$100 million or more on the economy. They will not create a serious inconsistency or otherwise interfere with any action taken or planned by another agency, because no other Federal agency has overlapping authority with respect to the subject matter of the regulation. They will not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof, because they have no implications for recipients of such Federal funding. Also, the Department believes that the regulations do not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866. Accordingly, the proposed rules are not a "significant regulatory action" within the meaning of the Executive Order 12866. The Department recognizes, however, that these regulations do address matters of considerable public interest. Therefore, although the Department does not consider this rule to be a "significant regulatory action," the Department consulted with DHS, HHS, and the SBA during the formulation of the rule. The rule was sent for review to OMB and SBA.

F. Executive Order 12988: Civil Justice Reform

The Department has reviewed these proposed regulations in light of sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden. The Department has made every reasonable effort to ensure compliance with the requirements in Executive Order 12988.

G. The Paperwork Reduction Act of 1995

As noted above in the Preamble (Part IV, Section F), the Department has determined that § 96.91 and § 96.92 of subpart M, which cover dissemination of information about agencies and persons to the general public, constitute the type of "third-party disclosures to the general public" that are "information collections" covered by the PRA. The Department has concluded that these sections are not covered by the IAA exemptions to the PRA. Accordingly, the Department will submit an information collection request to OMB for review and clearance in conjunction with this notice of proposed rulemaking, as

required by 44 U.S.C. 3507(d) and 5 CFR 1320.11.

Section 96.91—Dissemination of Information to the Public about Accreditation and Approval Status—requires the accrediting entity to disseminate information on an agency's or person's accreditation/approval status. Section 96.92—Dissemination of Information to the Public About Complaints Against Accredited Agencies and Approved Persons—requires the accrediting entity to disseminate information on complaints about agencies and persons. The requirements of these sections specifically include:

- Requiring an accrediting entity to make available the names of agencies and persons that have been granted or denied accreditation or approval and those that have been subject to enforcement actions by the accrediting entity or the Department.
- Requiring an accrediting entity to provide information about agencies and persons that have pending applications for accreditation or approval.
- Requiring an accrediting entity to provide a summary of the accreditation/approval study on the agency or person.
- Requiring an accrediting entity to identify those agencies or persons that have been the subject of an enforcement action and provide a brief statement of the reasons for the action.
- Requiring an accrediting entity to verify information about the status of complaints received against accredited agencies or approved persons and identify whether the complaint was substantiated or not.

These proposed rules are intended to improve significantly the amount and type of information on adoption agencies and persons available to prospective adoptive parent(s) when they are in the process of selecting an adoption service provider. They are neither required nor expressly authorized by the IAA, but the Department believes that they are in furtherance of the oversight and enforcement functions of accrediting entities provided for in IAA subsections 202(b)(2) and (3). Accrediting entities may provide the information in any format, including using a Web site to publish such information about accredited agencies or approved persons.

The Department is seeking a three-year approval for these collections. The Department requests written comments and suggestions from the public and

affected accrediting entities concerning this proposed collection of information. Comments are being solicited to permit the Department to:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected;
- (4) Minimize the burden of the collection of the information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Overview of this information collection:

Type of Information Collection: New.
Title: Accrediting Entity

Dissemination of Information About Accredited Agencies and Approved Persons to the Public.

Affected Public & Abstract:
Designated Accrediting Entities (non-profit institutions or State public bodies).

The IAA requires that the Department designate accrediting entities to accredit agencies or approve persons to provide adoption services for intercountry adoptions covered under the Convention. This information collection requires any such designated accrediting entities to disseminate information to prospective adoptive parent(s) and the public on the accreditation/approval status of agencies and persons. This information collection requires accrediting entities to disclose to prospective adoptive parent(s) and the public information on complaints filed against accredited agencies and approved persons. This third-party disclosure requirement is in furtherance of section 202(b) of the IAA, which charges accrediting entities with responsibility for oversight and review of complaints against accredited agencies and approved persons.

An Estimate of the Number of Respondents and the Amount of Time Required to Comply: The number of accrediting entities to be designated by the Department after publication of the final rule is unknown. The Department estimates that the number of designated accrediting entities is likely to be less than 10, but may constitute all or a substantial majority of the relevant accrediting industry. (See 5 CFR 1320.3(c)(4)(ii)).

Burden and an Estimate of the Total of Public Burden (in hours) Per Year Associated with the Collection: 60