

# DOC PRA Information Collection Requests Handbook

***Department of Commerce***

***Guide to Processing Information Collection Requests  
Under the Paperwork Reduction Act of 1995***



**OFFICE OF THE CHIEF INFORMATION OFFICER**

Office of IT Planning and Policy  
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## Executive Summary

The Paperwork Reduction Act (PRA) of 1995 gives the Office of Management and Budget (OMB) authority over the collection of certain information by Federal agencies. It is intended, "among other things, to 'ensure the greatest possible public benefit from and to maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government' and to 'improve the quality and use of Federal information to strengthen decision-making, accountability, and openness in Government and society.'" See *Information Collection under the Paperwork Reduction Act* (April 7, 2010), a Memorandum for the Heads of Executive Departments and Agencies, and Independent Regulatory Agencies from Cass R. Sunstein, Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget at [http://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/PRAPrimer\\_04072010.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/PRAPrimer_04072010.pdf), quoting 44 U.S.C. § 3501. The Act requires agencies to plan for the development of new collections of information and the extension of ongoing collections well in advance of sending an information collection request to OMB.

Although the scope of the PRA has changed over the years, its underlying policy standards remain the same.

The PRA seeks to:

- Minimize the paperwork burden on the public and other entities.
- Ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared, and disseminated by or for the Federal Government.
- Improve the quality and use of Federal information to strengthen decision-making, accountability, and openness in Government and society.
- Minimize the cost to the Federal Government of creating, collecting, maintaining, using, disseminating, and disposing of information.
- Ensure the integrity, quality, and utility of the Federal statistical system.

All information collections subject to the PRA must be submitted to OMB for approval. OMB must review and clear the Information Collection Request (ICR) before the Department of Commerce (DOC) begins to collect the information. Clearance must be obtained regardless of whether responding to the collection is voluntary or mandatory.

## PRA Information Collection Request Overview

The collection of information from citizens, businesses, or third parties enables government agencies to comply with Federal regulations, execute their missions, and provide essential services to the public. Whether the collection method is a direct request, a recordkeeping requirement that helps support regulatory enforcement, or a third-party disclosure, the information collection is essential to the effective operation of government. Under the Paperwork Reduction Act of 1995 (PRA), any set of questions or recordkeeping requirements imposed on ten or more members of the public (individuals or entities), including questions which are used by Federal agencies to collect information for statistical purposes must be approved in advance by the Office of Management and Budget (OMB).

The Information Collection Request (ICR) process requires agencies to provide both a detailed justification and supporting explanations of how the information will be collected and why the information collection is essential to a Department's mission. Additionally, the Information Collection Request process links the collection of data to the governing Federal rule or regulation, and provides an estimate of the burden imposed on the public. OMB then weighs the Bureau's business need for the information against the cost to citizens or businesses. Conservatively, the Federal government has over 8,000 OMB-approved information collections.



# DOC PRA INFORMATION COLLECTION REQUESTS HANDBOOK

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## Introduction

It is DOC policy to ensure that all information collected from the public adheres to the requirements of the Paperwork Reduction Act (PRA) of 1995, as amended. All DOC program offices must determine if an information collection requires clearance from the Office of Management and Budget (OMB) under the PRA and, if it does, obtain OMB clearance before beginning to collect the information. The PRA also requires Federal agencies to submit ICRs to the Office of Management and Budget (OMB) for clearance approval and make them available to the public for comment. OMB approval for each information collection can last a maximum of 3 years before an extension or reapproval is required. OMB cannot and will not make exceptions to these legal requirements. DOC requires all information collections to follow this process; conducting an information request without doing so is in violation of the PRA.

## Purpose

This PRA Handbook is designed to assist the Department of Commerce (DOC) employees who prepare or contribute to the preparation of an Information Collection Request (ICR), and to assist program offices in determining if an existing or new information collection meets the requirements of the Paperwork Reduction Act (PRA) of 1995, as amended by the Clinger-Cohen Act.

The PRA requires that Federal agencies prepare ICRs to explain and justify any activity that involves collecting information from ten or more non-Federal **respondents** within a 12-month period, or continuing the use of a collection for which the validity of the OMB control number is about to expire. Additionally, if the respondents are fewer than 10, but are the major representatives of an industry, PRA approval is required.

A **respondent** includes individuals; partnerships; associations; corporations; business trusts; legal representatives; organized groups of individuals; and State, territory, tribal or local governments. If you are soliciting feedback from Federal employees only, who are acting within the scope of their employment, you do not need PRA clearance approval.

*Note: Federal contractors are not employees of the government; they are members of the public.*

## Scope and Applicability

This handbook covers how to determine if an information collection requires clearance under the PRA, defines the roles and responsibilities of DOC staff for purposes of the PRA, and details the procedures required to obtain OMB approval to collect the information from the public.

Unless given prior approval from the Department to follow different protocols, DOC program offices planning to initiate or extend an information collection must adhere to the policies and procedures in this handbook.

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### Compliance, Violations and Enforcement

Compliance with the OMB's PRA clearance requirements is mandatory. Enforcement and monitoring of the PRA policies is the responsibility of the Chief Information Officer (CIO). The Office of the Chief Information Officer (OCIO) continually reviews and monitors the status of DOC's information collections by monitoring:

- The effectiveness of the PRA process
- Compliance with existing PRA policies, procedures, standards, and guidelines
- User awareness of the PRA regulations
- Active adherence to the PRA ICR Handbook requirements

Disregarding the requirements in the PRA Handbook may result in the expiration of an information collection and/or a violation of the PRA by the use of an unapproved collection. All expired information collections are reported to Congress and the President of the United States. Anyone who violates the requirements also may face administrative action ranging from counseling to removal from the Agency.

Additional PRA compliance requirements are:

- Developing the annual Commerce Information Collection Budget (ICB). OMB is required to report to Congress annually on the Federal Government's major activities under the PRA. The ICB is a mechanism for measuring and managing the burdens information collections impose on individuals, businesses, and state, local, and tribal governments. OMB uses the ICBs from Federal agencies and submits a consolidated ICB report to Congress.
- Ensuring that the publication of a proposed rule and the submission of the information collection to which it relates are properly coordinated and synchronized.
- Submission of an ICR discontinuance request for OMB approval before expiration.

### KEY PRA ROLES AND RESPONSIBILITIES

<b>KEY COMMERCE STAKEHOLDERS</b> <b>responsible for ensuring compliance with the guidance in this handbook:</b>
<ul style="list-style-type: none"><li>▪ Commerce Chief Information Officer (CIO)</li><li>▪ OCIO PRA Clearance Officer and OCIO PRA staff</li><li>▪ Commerce Bureau PRA Clearance Officers or Program Point of Contacts (POCs)</li><li>▪ Sponsors of the collection</li><li>▪ Office of the General Counsel (OGC)</li></ul>

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### **Chief Information Officer (CIO)**

Responsibilities of the Chief Information Officer (CIO) include:

- Primary responsibility for implementing and overseeing compliance with the Paperwork Reduction Act (PRA) of 1995, 5 CFR 1320. Developing PRA policy and guidance and ensuring the dissemination and implementation throughout the Department, which includes policy and guidance for Bureaus in obtaining OMB clearance for information collections.
- Responding to OMB's call for input to the Information Collection Budget (ICB), and coordinating the request for an information collection with related processes, such as rulemaking, developing the business case for an information technology (IT) system, and conducting a privacy impact assessment (PIA).
- Ensuring that appropriate Bureau information collections are submitted and reviewed by the Commerce PRA Clearance Office before they are sent to OMB for clearance. **NOTE: Under no circumstances may information be collected from the public without required prior OMB approval.**
- Ensuring that all Bureaus submit information collection requests in a sufficiently timely manner to avoid requests for emergency action from OMB. Central to the CIO's responsibility is ensuring that the Bureaus are not in violation of the PRA.
- Encouraging Bureaus to make all information collection processing activities electronic.

### **PRA Clearance Officer and Staff**

Responsibilities of the PRA Clearance Officer and staff responsibilities may include:

- Serving as the point of contact with OMB on information collections and other PRA matters.
- Processing 60-day and 30-day *Federal Register* Notices (FRNs) within five business days of receipt.
- Reviewing within 15 business days of receipt all information collections before they are sent to OMB for clearance, and providing guidance and advice to Bureau PRA Liaisons on the preparation and processing of information collections for their Bureau.
- Encouraging Bureaus and program offices to make all information collection processing activities electronic.
- Advising Bureau PRA Liaisons about their responsibility to monitor the progress of information collection requests submitted to OMB. Upon receiving notification from a Bureau PRA Liaison that a request has not been posted as a pending



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request on the OMB Website, the Commerce PRA Officer is responsible for notifying OMB immediately of the omission and ensuring that it is corrected.

- Sending all OMB inventories, and follow-up correspondence to Bureau PRA Liaisons.
- Verifying that any information collection requests and related documentation submitted for processing by the Bureau PRA Liaison have been received by OMB and are being processed.
- Preparing the annual Information Collection Budget (ICB) based on input from the Bureaus and submitting it to OMB. The ICB is a mechanism for measuring and managing the burdens information collections impose on individuals, businesses, and state, local, and tribal governments. OMB uses the ICBs from Federal agencies to develop and submit a consolidated ICB report to Congress.

### **Bureau PRA Clearance Officers or Program POCs**

Responsibilities of the Bureau PRA Clearance Officers or Program POCs may include:

- Ensuring that the information collections for their Bureau and program offices are prepared correctly and (where applicable) submitted in a timely manner to the OCIO PRA Office, who must be provided 15 business days after receipt to review the information collection.
- Ensuring the timely submission of the 60-Day and 30-Day *Federal Register* Notice. Ideally, the 60-day FRN should be submitted four months before the proposed information collection or the extension of an approved collection.
- Encouraging their program offices to make all information collection processing activities electronic.
- Monitoring the *Federal Register* to ensure that 60-day FRNs and 30-day FRNs are published (usually 3-4 business days after submission by Commerce).
- Monitoring the OMB website to ensure that requests submitted to OMB are recorded in a timely manner (2-3 business days after submission by Commerce), and notifying the OCIO PRA Office of any omissions. It is important to note that regardless of the reason for the omission, subsequent failure to obtain OMB approval for the request will be considered by OMB as a violation of the PRA.
- Reviewing and sending program offices all OMB inventories, notices, and other follow-up correspondence to ensure that they take timely action to receive OMB approval or discontinue the collection, and tracking program office activities to ensure that the appropriate action is taken in a timely manner to avoid violations.
- Providing advice and guidance to their Bureau program offices to ensure that they understand their responsibilities under the PRA.



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- Serving as the Bureau point of contact with the OCIO PRA Officer and staff.
- Providing to the OCIO PRA Office the information required for the annual Commerce information collection budget (ICB).

### **Sponsor of the collection**

The Sponsor of the collection is the office for which the information is being gathered, regardless of whether a contractor or another Federal or state program office, which is funding the collection, is performing the collection, or which is requiring that information be submitted or provided to anyone else.

Responsibilities of the Sponsor may include:

- Ensuring that the information collected is of sufficient value to warrant the burden on the public.
- Collaborate in the development of the information collection request package, including all supporting documents and *Federal Register* Notices.
- Creating the 60-Day and 30-Day *Federal Register* Notice for internal approval and publishing in the *Federal Register*.
- Submitting the package through the Bureau PRA Liaison to DOC PRA staff.
- Ensuring that the OMB approval number and expiration date are on the collection form or instrument, along with the standard burden statement that is found in the Forms section of this handbook.
- Bureau calculation of the estimated time it will take the respondent to prepare and provide the information.
- Notifying the PRA Liaison if the collection ceases to be necessary or used prior to the expiration date.

### **General Counsel**

Within the office of General Counsel legal advice related to the Paperwork Reduction Act is provided by the Assistant General Counsel for Legislation and Regulation (AGC L&R) and the Assistant General Counsel for Administration (AGC Administration).

Responsibilities of the General Counsel include:

- The AGC L&R provides legal advice on the PRA as it relates to rulemakings. The AGC L&R coordinates with the Commerce PRA officer to ensure that all information collections implemented and/or modified by a rule are properly identified and/or authorized by OMB before publication of the rule in the *Federal Register*.
- AGC Administration provides legal advice on the PRA as it relates to all other non-rulemaking based collections of information.

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### What is an Information Collection Request (ICR)?

Under the Paperwork Reduction Act (PRA) of 1995, the DOC is required to obtain Office of Management and Budget (OMB) approval before it can request the public to submit information or retain records. The package of materials describing an information collection that is submitted to OMB for approval is called an "Information Collection Request" (ICR). An Information Collection Request (ICR) is a set of documents that describe reporting, recordkeeping, survey, or other information collection requirements imposed on the public.

The terms "information collection" and "collection of information" mean the same and are used interchangeably.

Per 5 CFR 1320.3(c), a "collection of information" **except as provided in § 1320.4**, is a technical term that means:

- The obtaining, causing to be obtained, soliciting, or requiring the disclosure to an Agency, third parties or the public of information by or for an Agency by means of identical questions posed to, or identical reporting, recordkeeping, or disclosure requirements imposed on, ten or more persons, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit.
- "Collection of information" includes any requirement or request for persons to obtain, maintain, retain, report, or publicly disclose information. As used in this Part, 'collection of information' refers to the act of collecting or disclosing information, to the information to be collected or disclosed, to a plan and/or an instrument calling for the collection or disclosure of information, or any of these, as appropriate.

### Why Information Collections require OMB Clearance?

OMB must clear an information collection if the Agency conducts or Sponsors the collection of information from **10 or more members of the public** within a 12-month period; or if you are collecting information from the major representatives of an industry even if there are fewer than 10. In these circumstances, OMB clearance is required, regardless of whether the collection is mandatory, voluntary, or required to obtain or retain a benefit, when the information is obtained by means of identical questions or identical reporting, recordkeeping, or disclosure requirements.

However, when the information is required to be submitted in response to a rule that is applicable to the general public rather than any specific entities, **OMB clearance is required regardless of the anticipated number of respondents.**

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Generally, any information that the public is asked to provide should be presumed to require OMB clearance unless OMB makes a determination to the contrary.

Under the PRA, “**the public**” includes individuals, partnerships, corporations, universities, nonprofit organizations, State, local and tribal governments and agencies, and other associations and organizations, whether foreign or domestic. **Federal agencies are not included** in the definition of the public. OMB clearance is not required to collect information from other Federal agencies or Federal employees unless the information will be used for general statistical purposes. Under the PRA, OMB is responsible for identifying and managing the collection and use of statistical data throughout the Federal Government.



### What is considered “Information” under the PRA?

OMB regulations define “information” as “any statement or estimate of fact or opinion, regardless of form or format, whether in numerical, graphic, or narrative form, and whether oral or maintained on paper, electronic or other media”. See **Code of Regulations** - 5 C.F.R. 1320.3(h). This includes requests for information such as forms, written reports, surveys, recordkeeping requirements, and third party or public disclosures. See **Code of Regulations** - 5 C.F.R. 1320.3(c).

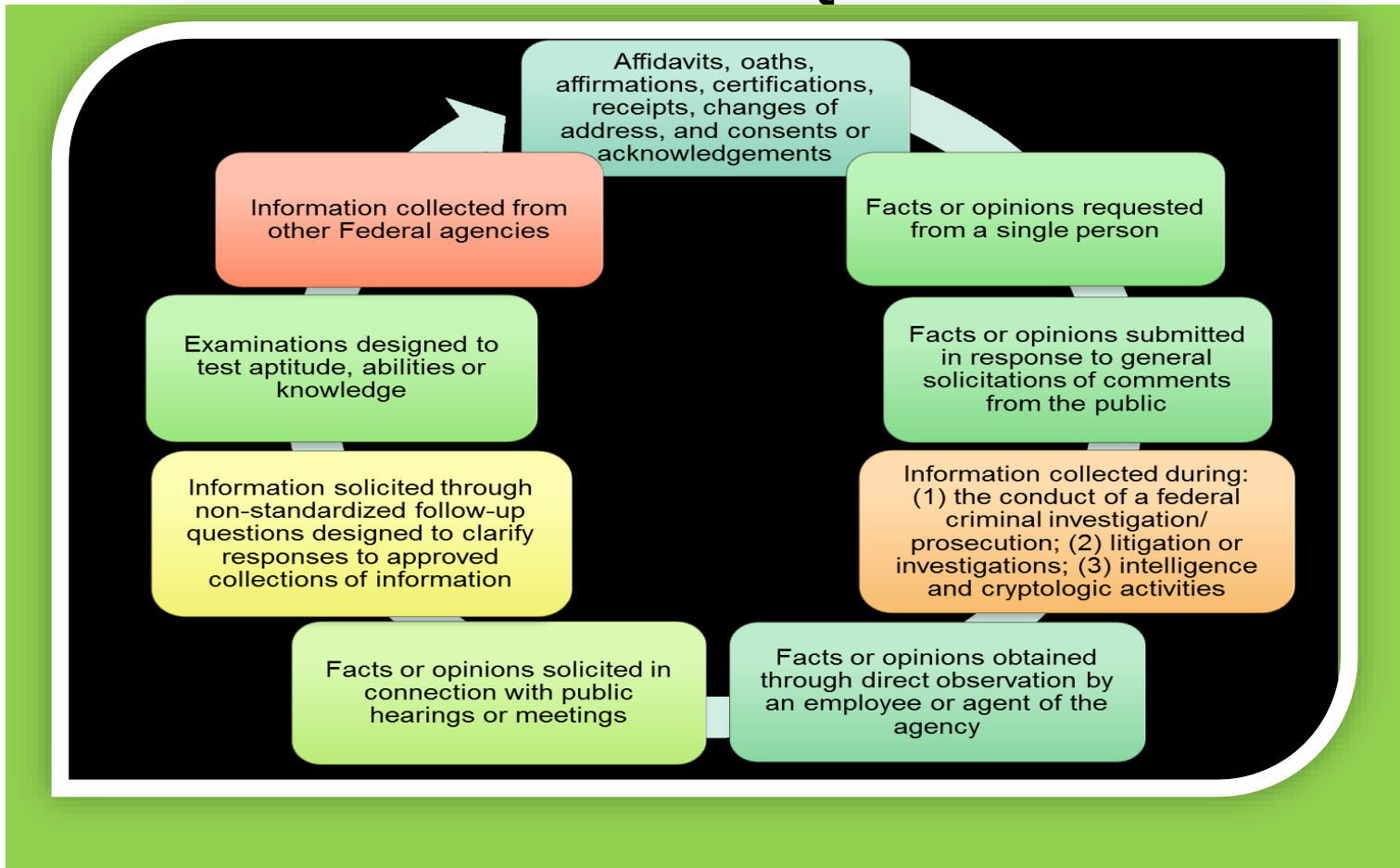
### What Is Not Considered “Information” Under the PRA?

OMB implementing guidance excludes from the definition of “information” disclosures that require people to provide only facts that “entail no burden other than those necessary to identify the respondent, the date, the respondent’s address, and the nature of the instrument.” See **Code of Regulations** - 5 C.F.R. 1320.3(h).

**OMB regulation** also defines **ten categories** of inquiry which generally are not deemed to constitute information. These inquiries are considered “routine” and not burdensome to the respondent. Response to these requests rarely requires examination of records, and usually does not require much consideration to provide the correct answer.

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### 10 CATEGORIES THAT DO NOT REQUIRE PRA CLEARANCE



#### Three additional categories are:

- Samples of products or of any other physical objects
- Facts or opinions obtained initially or in follow-on requests, from individuals (including individuals in control groups) under treatment or clinical examination in connection with research to prevent a clinical disorder, direct treatment of that disorder, or the interpretation of biological analyses of body fluids, tissues, or other specimens, or the identification or classification of such specimens
- Similar items as designated by OMB.

Certain uses of social media and web-based interactive technologies are currently excluded from the PRA. *See OIRA's memorandum dated April 7, 2010 – Social Media, Web-Based Interactive Technologies, and the Paperwork Reduction Act.*

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Additionally, the PRA exempts from its provisions the collection of information during the conduct of a Federal criminal investigation or prosecution; during the conduct of a civil action to which the United States or any official or Agency thereof is a party; or individual or entities; during the disposition of other litigation or investigative activities; and during the conduct of intelligence activities and cryptologic activities that are communications security activities. See 44 U.S.C. § 3518(c)

### **De Minimis Changes**

*De Minimis* changes of a cosmetic nature to an approved information collection do not require further approval under PRA. See [OIRA Memorandum – Behavioral Science Insights and Federal Forms guidance, dated September 2015](#).

*De Minimis* changes are changes that affect the look and feel of a collection, but do not change the nature or type of information collected. In addition, *de minimis* changes do not increase the burden of a collection, though they might reduce its burden. One example of a *de minimis* change is a cosmetic change to the colors, visual layouts, or field sizes of a collection form.

### **What Are Consolidated ICRs?**

If several existing collections contribute to the same decision or program activity, you might find it desirable to consolidate them into one ICR. For example, you might have a program that involves an application form, a reporting form, and a recordkeeping requirement; to combine these three activities in one ICR, you would request joint clearance and address each activity separately in the Supporting Statement. Although the 83-I would show the combined hours, the Supporting Statement would have to provide burden hours and cost estimates for each activity.

When consolidating multiple collections, look for ones that are logically related. Good candidates might include groups of collections that support the same program office decisions; follow sequentially (e.g., application form and recurring reporting or recordkeeping), or affect the same set of respondents in similar ways. Consolidations can offer a substantial savings in tasks connected with the ICR clearance process. They may also provide a more coherent picture of the information components of a Bureau's program.

### **What are ICR Collection Instruments?**

An information collection may consist of one or many collection mechanisms (called "instruments") in any form or format.

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### PRA INSTRUMENTS USED TO COLLECT INFORMATION



### When is an Information Collection Request (ICR) Necessary?

The need for PRA clearance is dependent on the level of control the government has over the information collection. In general, any monitoring, reporting, or recordkeeping requirement imposed on non-Federal respondents by DOC will require an ICR. When it is not clear whether you need an ICR, consult the Bureau PRA Clearance Officers or DOC OCIO PRA Clearance office for guidance.



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### Nine Types of Information Collection Requests (ICRs)

TYPES	ACTIONS
NEW INFORMATION COLLECTION (IC)	<ul style="list-style-type: none"><li>✓ 60-day and 30-day FRNs are required to allow for public comment, along with IC instruments and supporting statement.</li><li>✓ 30-day OMB/OIRA review/approval window begins after all windows for public comment have closed, comments received are dispositioned, and all documents are submitted to OIRA.</li></ul>
REVISION OF AN APPROVED IC	<ul style="list-style-type: none"><li>✓ Involves <u>substantive</u> revision to an approved IC. Such revisions are generally a result of changes required by law or Agency action (program budget cuts, etc.). OMB review/approval is required <b>before</b> revisions can be implemented.</li><li>✓ Public comment via 60-day and 30-day FRN is required.</li><li>✓ Must be initiated <b>before</b> the approved IC expires.</li></ul>
EXTENSION OF AN APPROVED IC WITHOUT CHANGE	<ul style="list-style-type: none"><li>✓ 60-day and 30-day FRNS are required.</li><li>✓ IC PRA statement must be updated with the new expiration date.</li><li>✓ Must initiated <b>before</b> the approved IC expires.</li></ul>
REINSTATEMENT WITHOUT CHANGE	<ul style="list-style-type: none"><li>✓ Reinstatement of a discontinued IC – original OMB control number, and IC instrument can be re-used.</li><li>✓ <u>PRA statement must be updated.</u></li><li>✓ 60-day and 30-day FRNS are required.</li></ul>
EXISTING COLLECTION IN USE WITHOUT OMB CONTROL NUMBER	<ul style="list-style-type: none"><li>✓ FRNs and all supporting documentation must be processed for OMB/OIRA approval.</li><li>✓ Must be identified as a <b>violation</b> in DOC annual report to OMB.</li></ul>
DISCONTINUED IC	<ul style="list-style-type: none"><li>✓ Requests to discontinue IC is usually a result of an Agency decision that the IC is no longer needed.</li><li>✓ Enter discontinue IC in ROCIS.</li><li>✓ Must be initiated <b>before</b> the approved IC expires.</li></ul>
REQUESTS FOR NON-MATERIAL OR NON-SUBSTANTIVE CHANGES TO A CURRENTLY APPROVED IC	<ul style="list-style-type: none"><li>✓ Verify with Bureau PRA Clearance Officer or OMB Desk Officer that request will be accepted as change vs. revision.</li><li>✓ Bureau is not required to seek public comment/No FRN required.</li></ul>
COMMON FORM	<ul style="list-style-type: none"><li>✓ If <b>NEW</b> – typically a 30-day approval window.</li><li>✓ When Requesting to use another Agency's approved IC instrument. Minimal changes allowed such as inserting DOC logo, DOC POCs/submittal information.</li><li>✓ Annual burden hours must be calculated and reported at time of request</li><li>✓ DOC must obtain approval from the Agency sponsoring the form, through OMB common form clearance process.</li></ul>
FAST TRACK/TRADITIONAL GENERIC CLEARANCE	<ul style="list-style-type: none"><li>✓ OMB response within 5 business days.</li><li>✓ FRNs are not required for each IC covered under the DOC Fast Track Generic Clearance.</li></ul>



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### **Additional details for PRA Clearance Types**

The process for obtaining a PRA Clearance varies depending on the subject matter of the data collection. The processes can differ depending on the purpose, level of detail, and platform for submission.

An **"initial" (new) ICR** may be either rule-related or non-rule-related. A rule-related ICR corresponds to the promulgation of a regulation that requires the collection of information. A non-rule-related ICR may refer to a one-time survey or collection, which has voluntary compliance or to a required provision of information, such as an application for a permit, or associated reporting.

An **ICR "extension"** is submitted to OMB for reapproval of an information collection. OMB approval is for a maximum of three years, so the Bureau must receive an extension on any ICR for which continued compliance is required. If the Bureau wishes to continue collecting the information, it must submit an ICR extension package to OMB for approval prior to the current expiration date.

The justifications in an initial ICR are usually based on estimated benefits and costs, and analogies to similar collections. In contrast, an ICR extension must discuss the differences between original expectations, as embodied in the initial ICR, and actual collection experiences and results. The extension must also respond to any conditions in the previous OMB approval.

**NOTE:** Before preparing an extension, ask your program office if the information still needs to be collected. If not, do not extend the ICR. You cannot, however simply let the ICR expire; you must submit a discontinuance request to OMB.

A **nonsubstantive change** request to an existing ICR can be submitted for review and approval, along with a one-page justification instead of a supporting statement. A nonsubstantive change can include; the introduction of new forms, the replacement of forms with updated versions, etc.

The **Traditional Generic Clearance Process** requires a 60-day Advance *Federal Register* notice requesting comments from the public in the following areas: the need for the information, its practical utility, the accuracy of the Agency's burden estimate, and on ways to minimize burden, including through "the use of automated collection techniques or other forms of information technology". See 44 U.S.C. 35079(c)(2)(A)(iv).

At the end of the 60-day comment period, DOC must send a second notice, the 30-day *Federal Register*, which notifies the public that the collection will be submitted to OMB for review. Once the notice is published, the information clearance package may be sent to OMB for approval, which could take up to 60 days. If certain requirements are met, the particular collection instead may be able to fall under the Fast-Track Clearance.

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### Fast-Track Clearance Process for Information Collection

The Fast-Track Clearance process is another option for obtaining PRA clearance. If the requirements are met below, the collection may be submitted for Fast-Track clearance, which does not require a 60-day *Federal Register* notice. There are two parts to the Fast-Track Clearance.

#### What Falls Under Fast-Track Clearance?

Information collections that focus on the awareness, understanding, attitudes, preferences, or experiences of customers or other stakeholders (e.g., delivery partners, co-regulators, or potential customers) relating to existing or future services, products or communication materials” are covered by the Fast-Track Clearance.

#### **Fast-Track Clearance important highlights include:**

- DOC has an approved generic information collection under OMB Control Number, **0690-0030**, which can be used by any Bureau.
- Respondent participation is voluntary
- No significant burden on respondents
- Extensive statistical analysis of the results is not required
- Public dissemination of results is not intended

#### What activities are covered under the Fast-Track Clearance?

Activities Covered	Activities NOT Covered
<ul style="list-style-type: none"><li>✓ Comment cards</li><li>✓ Complaint forms</li><li>✓ Focus groups</li><li>✓ One-time/panel discussion groups</li><li>✓ Moderated, non-moderated, in-person, remote usability studies</li><li>✓ Testing of surveys/IC instruments for clarity, comprehensibility, and burden hour validation</li><li>✓ Surveys</li></ul>	<ul style="list-style-type: none"><li>✓ Collections that don't meet requirements</li><li>✓ Collections on potentially controversial topics that raise issues of significant concern to other agencies</li><li>✓ Collections that do not directly benefit the program office's customer service delivery</li><li>✓ Collections that will be used for program evaluations and performance measurement purposes</li></ul>

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### Surveys

Surveys may consist of many different collection instruments; for example, Web exit surveys, online surveys, focus groups, and benefits surveys. However, all surveys must meet OMB Standards and Guidelines. [Click here to see additional survey guidance.](#)

### Forms

All forms within an information collection package must include the standard burden statement as follows.

**Agency Disclosure Notice:** *This information collection is authorized by [OMB control #XXXX-XXXX]. Public reporting burden for this collection of information is estimated to average [insert time] hours [or minutes] per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to U.S. Department of Commerce, (Insert Agency Name, Address, etc.). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.*

### When Grants and Cooperative Agreements require PRA Clearance

Any **Cooperative Agreement** that collects information from the public, including those with local and tribal governments, may require an ICR. Because the need for PRA clearance is dependent on the level of control the government has over the collection, if the need for PRA clearance is not clearly evident, questions about whether a cooperative agreement requires PRA review and approval should be directed to the DOC OCIO PRA Clearance office or the Bureau PRA Clearance Officer.

#### **Q. Does the recipient of a "Cooperative Agreement" need PRA clearance to conduct surveys under the agreement?**

**A.** In **Cooperative Agreements**, PRA review and approval is required if DOC has significant input/control into the design, methodology, and analysis of the data collection.

**Grants** - If DOC is simply giving a **Grant** to an institution, a **Grant** may not need an ICR. However, A Grant may require an ICR if DOC is directing the collection of information in any way.

#### **Q. Do we need PRA clearance for a collection conducted by a DOC contractor?**

**A.** Generally, DOC owns the data collected through contracts. If the scope of the contract includes a requirement for the contractor to collect information on behalf of/for the Federal government from ten or more members of the public using structured questions, the PRA is most likely triggered. Check with the DOC OCIO/Bureau PRA Clearance Officer to verify.

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### **Social Media and PRA Compliance**

The Social Media Memorandum issued by OIRA in 2010 explained the various uses of web-based interactive technologies that do not require PRA clearance. Specifically, PRA does not apply to general solicitations of public views and feedback; interactive meeting tools, like discussion boards and forums, when those tools are equivalent to in-person public meetings; certain general requests that take the form of contests or offer prizes; and certain ratings and rankings of material by website users.

Also, items collected to allow users to customize or influence the appearance of an Agency website are generally not subject to the PRA (for example, a website might offer a user the option of selection from a list to topics as a means of customizing the presentation of information), as long as such items do not include those that are collected beyond what is necessary to navigate or customize the website. [Excerpts from OIRA Memorandum – Flexibilities under the Paperwork Reduction Act for Compliance with Information Collection Requirements, dated July 22, 2016.](#)

### **Documents required for an ICR submission package?**

The contents of the ICR package submitted to OMB must include a ROCIS/Form 83-I, Supporting Statement, and *Federal Register* Notices depending on the type of submission. A new rule ICR package will contain a ROCIS/Form 83-I and Supporting Statement. A non-rule or ICR extension will contain ROCIS/OMB Form 83-I, Supporting Statement and citations for the First and Second *Federal Register* Notices.

### **ROCIS (formerly OMB Form 83-I)**

After the ICR has been reviewed by the appropriate stakeholders, the next step is to create the ICR package in ROCIS, which is required for all ICR submissions. ROCIS provides a summary of the important elements of the ICR, and instructions for completion are provided in the Appendix of this handbook.

### **The Supporting Statement**

Once submitted to OMB by the program office, the ICR Supporting Statement is the official document demonstrating that the proposed or ongoing collection of information complies with the PRA. It is important to keep in mind; the Supporting Statement is binding. The success of a future enforcement action could depend on the detail and quality of the Supporting Statement that you prepare.

To satisfy the requirements of the PRA and OMB's regulations, the Supporting Statement must clearly establish the need for and the use of the information, the advantages of the collection method(s) selected over alternative methods, and the estimated costs. The estimated costs include hourly costs associated with the burden hours and all non-hourly

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costs, (including all filing fees, processing costs, capital cost, and miscellaneous fees) imposed on both respondents and program office personnel by the collection.

In preparing the Supporting Statement, keep in mind that the PRA requires a Federal program office to:

- Request only the information needed to fulfill its program objectives
- Impose the minimum burden on respondents
- Evaluate whether the burden can be reduced by using automated, electronic, mechanical, or other forms of information technology
- Demonstrate "practical utility", which is to explain how the data--as collected, tabulated, and stored--will help the program office meet its objectives in a timely manner

All supporting statement responses should be written in plain English with acronyms, programs, organizations, etc. fully spelled out. No level of program understanding should be assumed. Remember these documents are for the public.

Please do not use N/A as a response to any question. If you feel a question does not apply, answer appropriately in a full sentence. For example, a good response to the question: "Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees." would be, "There are no plans to provide any payments or gifts to respondents."

While there are specific questions that must be answered, if it helps the reader understand the context around the information collection or, in the case of a revision, if regulatory or other program changes are the catalyst for the information collection package, an Introduction section may precede the actual questions and responses.

The Office of Information and Regulatory Affairs has a number of documents that may serve as useful reference material for completing a supporting statement. The documents are located at [http://www.whitehouse.gov/omb/infoereg\\_statpolicy/](http://www.whitehouse.gov/omb/infoereg_statpolicy/)

**The Supporting Statement is divided into two parts: Part A (Justification) and Part B (Statistical Methodology).** Part A is mandatory for all information collections; Part B is required for all information collections that involve statistical methods.

**Part A – of the Supporting Statement** is a detailed description or discussion of the need, use, costs, and methodology of the information collection. Items generally included in the supporting statement include:

- Citation of the authorizing legislation (public law, executive order, etc.) or the pertinent regulation if the collection is being carried out pursuant to a proposed rulemaking.

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- The Supporting Statement must include an explicit reference to the operating unit's information quality guidelines, as required by the Data Quality Act.
- Citation of the 60-Day *Federal Register* notice (Step 2) notifying the public of the proposed information collection and soliciting comment.
- Attachments should include the data collection instrument form, questionnaire, survey, interview guide, telephone interview script, or other instruments that will be used for the collection, along with any instructions for completing the information collection, and introductory and follow-up letters to respondents.

**Part B – of the Supporting Statement** describes the methodology for developing ICRs for information collections involving statistical sampling (such as surveys and questionnaires used to make inferences about a population from a subset of that population) and is required in addition to Part A for statistical surveys.

The Bureau should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results.

A Bureau should complete a Part B:

- ✓ If you are doing any kind of sampling
- ✓ If you are doing any kind of estimation, imputation, or weighting
- ✓ If you are collecting data using any survey methods
- ✓ If you are doing pretesting or field-testing for a survey, including cognitive interviews or focus groups
- ✓ To clarify that you are not generalizing beyond the sample

### Federal Register

The information that must be included in the notice is described in the [Federal Register Document Drafting Handbook](#) chapter on Notices.

The published citation of the initial *Federal Register* notice ("60-day notice") notifying the public of the proposed information collection and soliciting comment for a non-rule or ICR extension must be entered into ROCIS. (**This is not required with submissions that involve a Notice of Proposed Rulemaking.**) Any comments to the 60-day FRN are summarized in question eight of the Supporting Statement.

The published citation of the subsequent *Federal Register* notice ("30-day notice") notifying the public that the clearance request has been submitted to OMB and that there is an additional 30-day public comment period must also be entered into ROCIS.

### Proposed Rules

The information clearance package for a collection contained in a proposed rule must be submitted to OMB on or before the day on which the Notice of Proposed Rule Making

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(NPRM) is published in the *Federal Register*. The information clearance package must include a supporting statement and a copy of the proposed regulation and preamble.

- a) A proposed regulation containing provisions creating a collection of information is to include in the preamble of the NPRM, a notification that OMB review has been requested. The preamble must advise individuals to direct comments to the Office of Information and Regulatory Affairs, OMB, Attn: Desk Officer, and indicate that comments will be most useful if received by OMB within 30 days of the notice's publication. The Sponsor must inform respondents of the information as contained in 5 CFR 1320.11. Publication of this information in the NPRM serves as the required public notice. If DOC resubmits the collection of information to OMB at the final rulemaking stage, and has complied with the requirements of the PRA at the proposed stage, a second *Federal Register* notice is not required.
- b) Request for approval for collections of information contained in proposed or current rules must be entered in ROCIS. If the rule is in the "proposed" phase, the Sponsoring organization must attach a copy of the published *Federal Register* NPRM. For current rules, the Sponsoring organization must upload a copy of the printed version of the rule in ROCIS. The clearance process for collections of information in proposed or current rules is the same as the non-rule ICR clearance process.
- c) Rule-related ICRs can be submitted as soon as the proposed rule publishes. Thirty days after submission OMB will file a comment asking for resubmission of the ICR with the draft final rule, including applicable public comments and responses in the supporting statement Part A, Question 8. Once the ICR is resubmitted with these requirements, OMB may give preapproval at any time. Final approval is generated by posting the FR citation and date.

### ICR Approval Timeline Diagram

It is best to consult your PRA Bureau's Clearance Officer for information on your submission requirements and the process well in advance of your need to assure that you will have enough time to obtain the necessary clearance for your project.

The process for an initial rule-related or nonfuel-related ICR differs only slightly from that for ICR extensions. For an initial rule ICR, public comments will be solicited along with the publication of the proposed rule in the *Federal Register*. The development of a new non-rule related ICR might take longer than the time estimated for ICR extensions because the program office must develop the Supporting Statement must consult with other researchers or conduct a literature search. This variation in ICR development time should be taken into account when planning for an information collection.

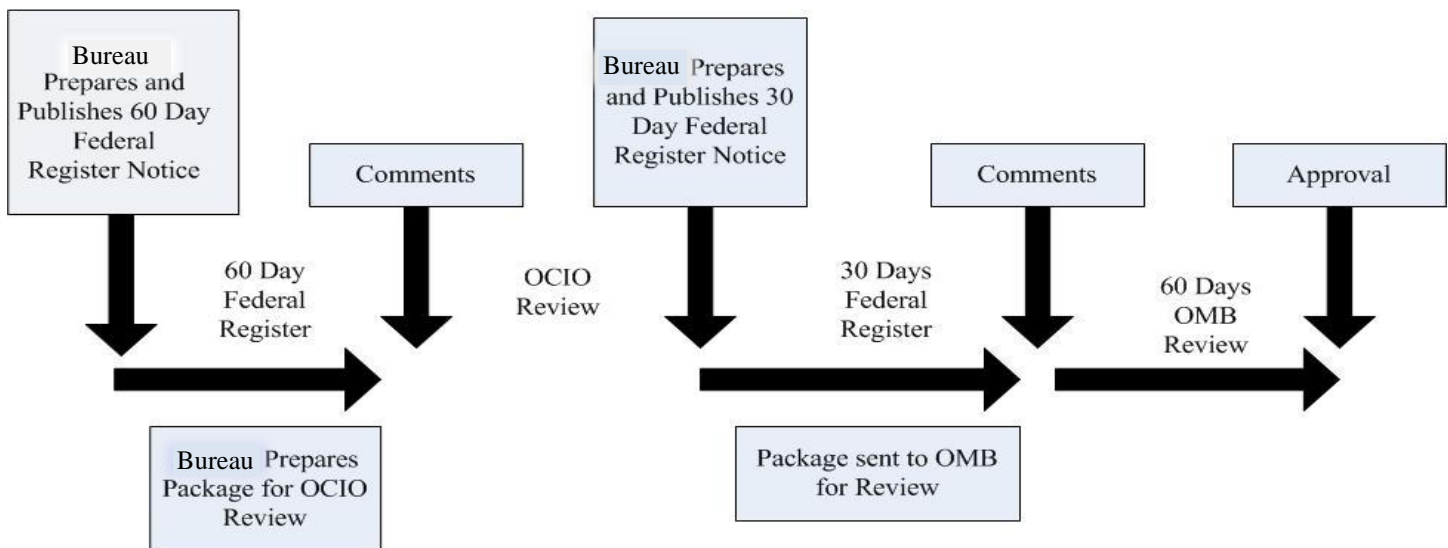
The following diagram illustrates the process for OMB approval of an ICR extension.



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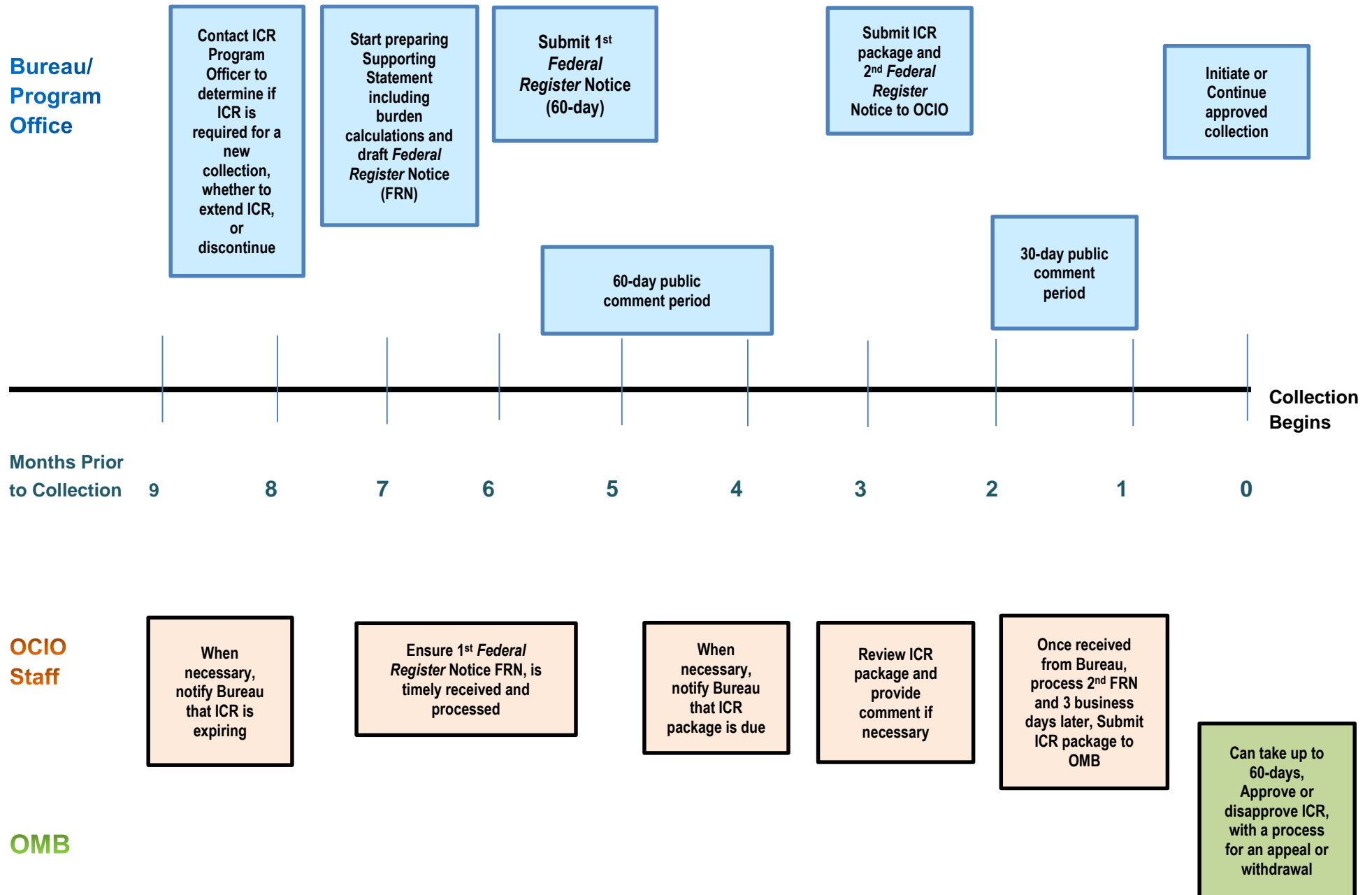
## OMB Approval Process

(Allow a minimum of 180 days to complete process)



# Detailed ICR Approval Timeline

(Non-Rule Collections and Extensions of Existing ICRs)



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## Preparing the ICR Package

During the 60-day comment period, you should be preparing your supporting statement and assembling the back-up materials. Since the Paperwork Reduction Act (PRA) requires advance opportunity for public comment of ICRs, the intent of the 60-day advance notice and comment period is to allow increased opportunity for public participation. Therefore, at the time the notice is published, the Program Office should be prepared to offer to the extent currently available to any requestors, the collection of information (e.g. the survey instrument, list of questions, etc.), a draft ICR, or a copy of the formerly approved ICR with annotations to where there will be revisions.

Every ICR, whether for a new collection or to extend or revise an existing collection, must include electronic copies of the following:

### **Order of ICR Package**

- 1) Create ICR package in ROCIS (see Appendix for instructions)
- 2) Supporting Statement(s) and Burden Spreadsheet
- 3) Copy of any forms, surveys, scripts for telephone surveys, focus groups, screen shots of Web site, etc. (all foreign language translations versions should be included) in the ICR. See Forms Section 3 for public burden statement
- 4) Citation of the 60-day and/or 30-day *Federal Register* Notice
- 5) Copies of any pertinent handbooks, manuals or other program instructional materials; or reports

### **Review the Completed ICR package in ROCIS**

Conduct a review of the completed ICR package to ensure that the Supporting Statement Part A questions are properly answered. Make sure that all the forms, burden table, and pertinent collection materials are included. If the collection involves statistical methods include Supporting Statement Part B, and additional questions must be answered.

### **Enter/Upload Information into ROCIS**

Once the ICR package is prepared and reviewed, it must be uploaded into ROCIS. Ensure that the pertinent statutes, regulations and all of the above information are included. After the 60-day and/or 30-day *Federal Register* Notice is published, enter the citation into ROCIS. A summary of any comments received and actions taken in response to these comments must be included as part of the ICR submission. Verify that all the forms, burden grid, and pertinent collection materials are uploaded and can be opened. Once the package is entered into ROCIS and passes the check for completeness, send an email to notify the DOC PRA Clearance office that the package is ready for submission.

### **Submit for Approval**

Once the ICR package has been submitted to the DOC PRA Clearance office, allow a minimum of two weeks or longer (depending on the complexity of the package) for the review and processing of the ICR. After the OCIO signs off on the package, the ICR is submitted in ROCIS to OMB. Once OCIO has reviewed and approved the ICR, it will be

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submitted to OMB. Keep in mind that OMB has 60 days to review and make a decision on an ICR package. OMB concludes a decision in ROCIS, issuing a Notice of Action, which includes the OMB control number and the expiration date of the ICR. The OMB Notice of Action contains one of three responses: Approval, Disapproval with a process for appeal, or Withdrawal. Additionally, terms of clearance can be attached to the ICR.

### **Appeals**

As the approval authority for all information collection requests, OMB may request amendments to proposed collections or disapprove them altogether. Agencies can request an appeal of certain OMB actions. The standard period of approval for request is three years from the date of approval, and the expiration date must be included (unless approval not to display the expiration date is granted by OMB) on the form or collection instrument along with the OMB control number.

### **Emergency Approvals (5 CFR 1320.13(a) through 5 CFR 1320.12(e))**

OMB only grants emergency approvals for both extensions and new collections, in extenuating circumstances. Failure of the Agency to properly plan does not constitute a request for emergency approval by OMB. An Agency/Bureau head or the CIO (or their designee) may request emergency processing of a collection of information under the following circumstances:

- When the collection of information –
  - is needed prior to the expiration of time periods established under the PRA and is essential to the mission of the Agency
- When the Agency cannot reasonably comply with the normal clearance procedures under the PRA because –
  - public harm is reasonably likely to result if normal clearance procedures are followed; an unanticipated event has occurred; or
  - the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information or is reasonably likely to cause the Agency to miss a statutory or court-ordered deadline.

Each request for an emergency approval must be accompanied by a cover memorandum on Agency letterhead, signed by a designated official, justifying that the circumstances specified in the "Emergency Approval Requests" exist. In addition, the Bureau is to submit information indicating that it has taken all practicable steps to consult with interested agencies and members of the public in order to minimize the burden of the collection of information.

1. Public notice. The Bureau must publish in the Federal Register a notice that the emergency clearance request has been submitted to OMB for review (unless such notice is waived or modified by OMB). This notice is to include a statement that the Bureau is requesting emergency processing within a specified time period.

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Unless otherwise agreed to by OMB, the Agency should solicit public comments on the emergency collection for all of the time period specified for OMB review, and request that comments be submitted to the Office of Information and Regulatory Affairs of OMB, Attn: Desk Officer for (Bureau).

2. Potential OMB Actions. OMB will approve or disapprove an emergency collection of information within the time period stated by the Bureau, provided that such time period is consistent with the purposes of the PRA. An inconsistent time period is one that does not permit OMB to evaluate independently whether the proposed collections of information:
  - Is necessary for the proper performance of the Bureau functions;
  - Imposes unnecessary or excessive burden;
  - Unnecessarily duplicates other available information;
  - Maximizes practical utility; and
  - Otherwise meets the substantive criteria embodied within the PRA

Approval of an emergency submission is valid for not more than (180 days) six months from the date of the requested approval.\* If the information collection will continue to be needed after six months, the normal request process must be initiated immediately upon approval of the emergency request.

*\*The Paperwork Reduction Act of 1995, P.L. 104-13, Section 2, 44 U.S.C. 3507(j)(2) authorized emergency approvals of up to 90 days. The "Information Technology Management Reform Act of 1996," P.L. 104-106, Section 5605(d) amended 44 U.S.C.3507(j)(2) to authorize emergency approvals of up to 180 days. This provision took effect on August 8, 1996.*

### Emergency Extensions

- Emergency Extensions are used to request OMB approval to continue an approved collection for no longer than three months beyond the current expiration date. The requirement to extend a collection should be determined sufficiently far enough in advance, so that it should never be necessary for the Agency to request an emergency extension. Subsequent requests for emergency extensions will not be approved. Emergency extension requests are strongly discouraged; however, if an emergency extension becomes necessary, the request must be fully justified in writing and signed by a senior program official.

### When Commerce does not obtain OMB approval for an ICR

The **Paperwork Reduction Act is a law** and failure to comply with the requirements of the Act constitutes breaking the law. The Chief Information Officer (CIO) is the senior policy official for the Department of Commerce responsible for compliance with the law. When OMB becomes aware of a violation of the Paperwork Reduction Act that violation will be brought to

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the CIO's attention. If the violation is not resolved in a timely manner, it can result in official Departmental reprimands, and may have budget implications.

If an unapproved collection has already occurred and it is ongoing in nature, the Bureau should bring the violation to the attention of the Departmental PRA Clearance Officer and work to resolve the violation as soon as possible. If an unapproved collection is conducted even once, action must be taken to rectify the violation to prevent further occurrence. Failure to notify OMB prior to a collection's expiration date that the collection is no longer needed and that reapproval will not be requested will be considered by OMB as a violation of the PRA. This will apply regardless of whether the information continues to be collected after expiration.

Annually, each Bureau must submit to DOC a summary of information collection activity for the previous fiscal year and a forecast for the coming fiscal year. This report is included in the annual [Information Collection Budget \(ICB\)](#). This summary must also include a description of each violation and the action taken, if any, to resolve the issue.

### **What happens if the law is ignored?**

While the consequences of violating the Paperwork Reduction Act do not involve fines or jail sentences, there are legal ramifications to conducting or sponsoring a collection of information without OMB approvals. When a collection occurs without approval, DOC leaves itself open to lawsuits from individuals in the public. Unapproved requirements in rules cannot be enforced. The only exception is if a law specifically requires the public to submit information.

For collections where the response is voluntary, mandatory, or required to obtain or retain a benefit, if OMB discovers the collection it will instruct the DOC to stop the collection and get clearance. If the DOC ignores this, or develops a record of conducting unapproved collections, OMB has many ways of making the DOC regret its behavior. For example, Federal agencies have experienced a number of instances in which enforcement action was blocked due to deficiencies in the OMB clearance of the information collection.



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## REFERENCES AND ADDITIONAL RESOURCES



### **5 Code of Federal Regulations (CFR) 1320**

**The Paperwork Reduction Act, of 1995, as amended by the  
Clinger-Cohen Act, 44 U.S.C 3501-3520**

**The Information Technology Management Reform Act of 1996, P.L.  
104-106, Section 5605(d) amended 44 U.S.C.3507(j)(2)**



### **Frequently Asked Questions About PRA / Information Collection**

**OMB-OIRA Federal Collection of Information**

**PRA Fast Track Process \ HowTo.gov**

**Information on the Paperwork Reduction Act Fast Track Process**

## **PRA Information Collection Electronic Resources**

<https://www.federalregister.gov/articles/search>

[http://www.cio.noaa.gov/services\\_programs/prainst\\_SS.html](http://www.cio.noaa.gov/services_programs/prainst_SS.html)

<http://www.reginfo.gov/public/jsp/Utilities/faq.jsp>

[https://www.whitehouse.gov/sites/default/files/omb/inforeg/pmc\\_survey\\_guidance\\_2006.pdf](https://www.whitehouse.gov/sites/default/files/omb/inforeg/pmc_survey_guidance_2006.pdf)

<http://www.hhs.gov/ocio/policy/collection/infocollectfaq.html#>

<https://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/pra-faqs.pdf>

<http://www.whitehouse.gov/sites/default/files/omb/inforeg/memos/reducing-reporting-and-paperwork-burdens.pdf>

<http://www.archives.gov/federal-register/write/resources.html>

[https://www.whitehouse.gov/sites/default/files/omb/inforeg/pra\\_flexibilities\\_memo\\_7\\_22\\_16\\_finall.pdf](https://www.whitehouse.gov/sites/default/files/omb/inforeg/pra_flexibilities_memo_7_22_16_finall.pdf)



# ***Appendices***

***Sample Forms and Documents to assist in preparing  
PRA Information Collection Requests packages***

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### INSTRUCTIONS FOR CREATING ICR PACKAGE IN ROCIS (FORMERLY OMB 83-I)

(NOTE: Answer all questions, spell check, and check for completeness on both screens. The instructions below should be used in conjunction with 5 CFR 1320, which provides information on coverage, definitions, and other matters of procedure and interpretation under the Paperwork Reduction Act of 1995). The following data fields must be completed in ROCIS. Incomplete information collection requests will not be processed until all of the required data fields are completed, supporting statement(s), and collecting instruments(s) are in ROCIS.

1. **OMB CONTROL NUMBER/AGENCY INFORMATION COLLECTION REQUEST (ICR) TRACKING NUMBER.** If the information collection has previously received or now has an OMB control or comment number, enter the number, otherwise leave blank.
2. **TITLE.** Provide the official title of the information collection. If an official title does not exist, provide a description that will distinguish this collection from others.
3. **TYPE OF INFORMATION COLLECTION. (CHECK ONE)**
  - a. Check **“New Collection”** when the collection has not previously been used or sponsored.
  - b. Check **“Revision”** when the collection is currently approved by OMB, and the request includes a material change to the collection instrument, instructions, its frequency of collection, or the use to which the information is to be put. Provide the reason for the revision in paragraph 2 of Supporting Statement Part A. ROCIS automatically defaults to “revision”. If the collection is not a revision, change to “extension”.
  - c. Check **“Extension”** when the collection is currently approved by OMB, and the sponsor wishes only to extend the approval past the current expiration date without making any material change in the collection instrument, instructions, frequency of collection, or the use to which the information is to be put.
  - d. Check **“Reinstatement without change”** when the collection previously had OMB approval, but the approval has expired or was withdrawn before this submission was made, and there is no change to the collection.
  - e. Check **“Reinstatement with change”** when the collection previously had OMB approval, but the approval has expired or was withdrawn before this submission was made, and there is change to the collection.
  - f. Check **“Existing collection in use without OMB control number”** when the collection is currently in use but does not have a currently valid OMB control number. (NOTE: You must provide an explanation in paragraph 2 of the supporting statement as to why the collections is in use without an OMB number).

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- g. Select **“Nonmaterial/Nonsubstantive Change”** for minor changes to an information collection. Use only when an existing information collection has minor changes, such editorial changes to the collecting instrument. Do not request a nonmaterial/nonsubstantive change if there is a change to the program or burden hour. Program and burden hour changes must be submitted as a revision.

### 4. TYPE OF REVIEW REQUESTED. (CHECK ONE)

- a. Check **“Regular”** when the collection is submitted under 5 CFR 1320.10, 1320.11, or 1320.12 with a standard 60-day review schedule.
- b. Check **“Emergency”** when the Bureau is submitting the request under 5 CFR 1320.13 for emergency processing and provides the required supporting material. Provide the date by which the sponsor requests approval. (NOTE: The sponsor must prepare a written determination to explain why an exception is needed. The determination must include a description of the “unanticipated event has occurred” or “a court ordered deadline to be missed.” (See Section 1320.13 (2, ii & (iii)). Emergency processing. The Department PRA Clearance Officer or designee, and the sponsor will confer with OMB via a conference call to determine whether the collection of information can be cleared under the emergency process).
- c. Check **“Delegated”** when the Bureau is submitting the collection under the delegated authority conditions OMB has granted the Agency.

### 5. REQUESTED EXPIRATION DATE.

- a. Determine which expiration date option to choose:
  - 1) Check **“Three years”** if the sponsor requests a three-year approval for the difference.
  - 2) Check **“Other”** if the sponsor requests approval for less than three years. Specify the month and year of the requested expiration date.
- b. OMB approval for new collections, revisions, extensions, reinstatements, and existing collections of information in use without a currently valid OMB control number may not exceed three years.

### 6. DOES THE ICR CONTAIN SURVEYS, CENSUSES, OR EMPLOY STATISTICAL METHODS?

Check **“Yes”** if the information collection uses statistical method and provide supporting statement B under Management Document. (See Appendix A(b) Collections of Information Employing Statistical Methods for instructions).

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**7. DOES THE SUPPORTING STATEMENT SERVE AS A JOINT ICR AND PRIVACY IMPACT ASSESSMENT (PIA)?**

If “Yes” provide a statement in supporting statement A. When the Bureau undertakes new electronic information collections, the Bureau may conduct, submit, and make it publicly available, as part of the supporting statement (the request to OMB to approve a new Bureau information collection). (See M-03-22 for further instructions).

**8. IS THIS ICR RELATED TO THE AFFORDABLE CARE ACT (PPACA, P.L. 111-148 AND 111-152)?** Check “Yes” or “No”

**9. IS THE ICR RELATED TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009?** Check “Yes” or “No”

**10. AGENCY CONTACT.** Enter the Bureau’s Clearance Officer Name.

**11. ABSTRACT.** Provide a detailed statement, covering the Bureau’s need for the information, uses to which it will be put and a brief description of the respondents.

**12. AUTHORIZING STATUTES.** Enter all statutes. Executive orders, and laws that govern the collected information.

**13. ASSOCIATED RULEMAKING INFORMATION.** Select either “Proposed Rule, Interim Final or Final Rule, not associated with rulemaking or Other Documents for OIRA Review” as appropriate. Provide the RIN number, the Federal Register citation and date for ICRs review at the proposed rule stage. OMB considers an ICR incomplete if the Notice of Proposed Rulemaking (NPRM) has not been published. If the NPRM is not published, check the appropriate stage of rulemaking and upload the draft rule in the Manage ICR Documents. Be sure to indicate the document type as ‘proposed rule’ or ‘final rule’.

**14. FEDERAL REGISTER NOTICES AND COMMENTS.** Provide the 60 and 30-day notices *Federal Register* citation and date. Check the appropriate box to indicate whether any public comments were received during the 60-day comment period. If checked “Yes” summarize and describe actions taken in number eight of Supporting Statement A and upload the comments and response in ROCIS under Manage ICR Documents.

**15. ANNUAL COST TO FEDERAL GOVERNMENT.** See Item 14 of Supporting Statement A. Do not use commas or a dollar sign.

**16. CITATIONS FOR NEW STATUTORY REQUIREMENTS.** Enter all statutes, Executive Orders, and laws that required, if any, new or change in burden that governs the collection of information.

**17. BURDEN INCREASES OR DECREASES DUE TO AGENCY DISCRETION.** Check either change in regulation or miscellaneous.

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18. **SHORT STATEMENT.** Provide a reason for any program changes or adjustments reported on how the reduction in burden was achieved or why the increase in burden occurred.
19. **AFFECTED PUBLIC.** Mark all categories that apply. Mark 'Federal Government' only when the collection requires using statistical methods.
20. **OBLIGATION TO RESPOND.**
  - a. Check "**Voluntary**" when the response is entirely discretionary and has no direct effect on any benefit or privilege for the respondent.
  - b. Check "**Require to Obtain or Retain Benefits**" when the response is elective, but is required to obtain or retain a benefit.
  - c. Check "**Mandatory**" when the respondent must reply or face civil or criminal sanctions.
21. **CODE OF FEDERAL REGULATION (CFR) CITATION:** Enter the appropriate CFR citation if an information collection does not have a form or survey but is required by statute or regulation.
22. **INFORMATION COLLECTION INSTRUMENTS.**
  - a. An instrument is described as paper or electronic form, a survey web-based application, a telephone script, or any other means used to collect the information. Select "Yes" or "No" if the electronic form's URL and information about the electronic form instrument is to be shared with E-Gov initiative, Business Gateway forms Catalog, and E-Forms. When asked "is this a Common Form or send to E-Form?" Select "No".
  - b. The sponsoring organization must inform respondents of the following:
    - 1) Reasons the information is being collected
    - 2) Way information is to be used
    - 3) Estimated burden
    - 4) Explanation of whether responses are voluntary, required to obtain a benefit, or mandatory
    - 5) Nature and extent of confidentiality. (This only applies where personal identifiers are being used. In this case, a system of record must be identified)
    - 6) A statement that (Bureau) may not conduct or sponsor a collection of information unless it displays a valid OMB control number. The respondent is not required to respond to a collection of information unless it displays a valid control number.
  - c. Depending on the nature of the collection of information, the above information can be provided in the collection instrument in the respondent burden statement, its instructions, near the title of the electronic collection instrument, or for online applications, on the first screen viewed by the respondent, or the preamble of the regulation containing the collection of information.

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### 23. ANNUAL REPORTING AND RECORDKEEPING HOUR BURDEN.

- a. Enter the number of respondents and/or record-keepers. If a respondent is also a record-keeper, report the respondent only once.
- b. Enter the number of responses provided annually. For recordkeeping as compared to reporting activity, the number of responses equals the number of record-keepers.
  - 1) Enter the estimated percentage of responses that will be submitted/collected electronically using magnetic media (i.e., diskette), electronic mail, or electronic data interaction.
  - 2) Facsimile is not considered an electronic submission
- c. Enter the total annual recordkeeping and reporting hour burden.
  - 1) “**Program change**” is the result of deliberate Federal government action. All new collections and any subsequent revision of existing collections (e.g., the addition or deletion of questions) are recorded as program changes.
  - 2) “**Adjustments**” is a change that is not the result of a deliberate Federal government action. Changes resulting from new estimates or actions not controllable by the Federal government are recorded as adjustments.
- d. **ROCIS** automatically calculate the reporting hours. Use the following formulas to indicate the reporting hours in the Supporting Statement A. Multiply the number of respondents by the number of minutes it takes to complete the information requested, and divide by 60 = reporting hours ( $200 \times 5/60 = 16.67$  or 17 hours). To aggregate the overall total for multiple respondents and reporting hours in ROCIS, divide the reporting hours by the number of respondents ( $17/200=0.085000$ ).

This figure is entered under “This ICR Requests Change in Net Burden”. Enter the aggregated total and complete the IC burden worksheet to record the burden hour. ROCIS automatically records new figures under program change. If the burden hour for existing ICR is an adjustment, move the figures under adjustment.

### 24. ANNUAL REPORTING AND RECORDKEEPING COST BURDEN (IN THOUSANDS OF DOLLARS).

The costs identified in this item must exclude the cost of hour burden identified in Item 13 of the Supporting Statement A.

- a. Enter total dollar amount of annualized cost for all respondents of any associated capital or start-up costs.
- b. Enter recurring annual dollar amount of cost for all respondents associated with operating or maintaining systems or purchasing services.
- c. Enter total annual reporting and recordkeeping cost burden.
- d. Enter any cost burden currently approved by OMB for this collection of information. Do not provide a cost if this is the first submission after October 1, 1995.

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### 25. FREQUENCY OF RECORDKEEPING OR REPORTING.

- a. Check “**Recordkeeping**” if the collection of information explicitly includes a recordkeeping requirement.
- b. Check “**Third party disclosure**” if a collection includes third-party disclosure requirements as defined by 5 CFR 1320.3(c).
- c. Check “**Reporting**” for information collections that involve reporting and check the frequency of reporting that is requested or required of a respondent. If the reporting is on “an event basis,” check “On occasion”.

### 26. LINE OF BUSINESS/SUBFUNCTION. Chose a line of business/sub function from the category in the dropdown box.

### 27. CERTIFICATION FOR PAPERWORK REDUCTION ACT SUBMISSION. The Director, Enterprise Records Service or designee will certify that the collection of information encompassed by the request complies with 5 CFR 1320.9. Provisions of this certification that the Bureau cannot comply with should be identified and fully explained in Item 18 of the Supporting Statement A.



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# SAMPLE

### Instructions for completing - Request for Approval under the Generic Clearance for the Collection of Routine Customer Feedback

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**TITLE OF INFORMATION COLLECTION:** Provide the name of the collection that is the subject of the request. (e.g. Comment card for soliciting feedback on xxxx)

**PURPOSE:** Provide a brief description of the purpose and use of this collection. If this is part of a larger study or effort, please include this in your explanation. If applicable, please provide any background information about this feedback request that may assist the reviewer in understanding the feedback effort (i.e., making an electronic version of a publication, which previously had only a paper version available to the public, etc.)

**DESCRIPTION OF RESPONDENTS:** Provide a brief description of the targeted group or groups for this collection of information. These groups must have experience with the program. The respondents described in this section should match up to the categories of respondents reported under the **Burden Hours** section.

**TYPE OF COLLECTION:** Check one box. If you are requesting approval of other instruments under the generic, you must complete a form for each instrument.

**CERTIFICATION:** Please read the certification carefully. If you incorrectly certify, the collection will be returned as improperly submitted or it will be disapproved.

**PERSONALLY IDENTIFIABLE INFORMATION:** Provide answers to the questions.

**GIFTS OR PAYMENTS:** If you answer yes to the question, please describe the incentive and provide a justification for the amount.

#### **BURDEN HOURS:**

**CATEGORY OF RESPONDENTS:** Identify who you expect the respondents to be in terms of the following categories: (1) Individuals or Households ;( 2) Private Sector; (3) State, local, or tribal governments; or (4) Federal Government. Only one type of respondent can be selected.

**NUMBER OF RESPONDENTS:** Provide an estimate of the number of respondents.

**Participation Time:** Provide an estimate of the amount of time required for a respondent to participate (e.g. fill out a survey or participate in a focus group)

**Burden:** Provide the Annual burden hours: Multiply the Number of responses and the participation time and divide by 60. Another method to calculate the burden that is typically used in USPTO PRA submissions is to divide the participation time (which for these types of feedback requests typically is in minutes, such as 15, 20, 30 minutes) by 60. This results in a decimal number (20 minutes divided by 60 = 0.33 hours), which is then multiplied by the number of responses.

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**FEDERAL COST:** Provide an estimate of the annual cost to the Federal government. This estimate can be calculated in a number of ways. For surveys, customer comment cards/complaint forms, and usability testing (if a survey is used), this estimate is calculated by first determining the hourly rate, and the estimated time that it takes USPTO personnel to conduct/process the survey. The hourly rate is calculated by taking the GS rating/step and adding 30% to that rate to account for overhead and other costs. For example, if a GS-5, step 1 employee was conducting or processing the survey, the rate used would be \$21.23 (\$16.33 + \$4.90). Once the rate and estimated time is determined, the estimated cost is calculated by multiplying the number of responses received by the estimated time and then multiplying that amount by the rate.

In the case of focus or small discussion groups, the estimate is calculated by determining how many hours it will take to prepare for the group discussion, facilitate the group discussion, and then prepare reports/recommendations. The total time to complete these activities is then multiplied by the hourly rate for the personnel who are conducting the groups.

If the USPTO decides to contract the handling of the surveys, usability testing, focus groups, and discussion groups to outside vendors, then the total estimated cost to the USPTO for this work shown in the contract would be provided. Please note, however, that the calculations do not need to be provided in the generic clearance request. Only the estimate of the annual cost to the USPTO needs to be provided.

**If you are conducting a focus group, survey, or plan to employ statistical methods, please provide answers to the following questions:**

**The selection of your targeted respondents.** Please provide a description of how you plan to identify your potential group of respondents and how you will select them. If the answer is yes, to the first question, you may provide the sampling plan in an attachment or describe the sampling plan and the customer list or other source used to define the universe of potential respondents. If the answer is no, then please provide a description of how the potential group of respondents will be identified and how they will be selected. Please note that additional information must be provided whether “yes” or “no” is selected.

**Administration of the Instrument:** Identify how the information will be collected. More than one box may be checked. Indicate whether there will be interviewers (e.g. for surveys) or facilitators (e.g., for focus groups) used.

If “Web-based or other forms of Social Media” or more than one option is selected, please provide a brief description of each option. For example, if “web-based or other forms of Social Media” is selected, then describe whether an electronic survey or some other form of electronic collection is being used, whether interactive software such as WebEx is being used so that participants in a focus or discussion group can attend the group remotely, etc. If more than one option is selected, then describe how the feedback collection is conducted using each option. Depending on the option, this can include information such as whether the survey is handed out to participants, whether the phone interviews and the paper surveys are the same, whether the paper and electronic surveys are the same, the number of focus groups and the estimated number of participants per group, etc.

If interviewers or facilitators will be used in focus or small discussion groups, please describe what their role will be in conducting the groups. Will they have pre-selected topics for the group or facilitate an open discussion? Will the interviewers/facilitators hand out a survey during the group? Will this survey be electronic or in paper? A script showing how the interviewer/facilitator is envisioned to conduct the focus and discussion groups, along with a list of possible questions to be asked during the discussion, can also be provided as an attachment to the generic clearance request.

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# SAMPLE

### Completed Form - Request for Approval under the Generic Clearance for the Collection of Routine Customer Feedback

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**TITLE OF INFORMATION COLLECTION:** EDA Customer Satisfaction Survey 2015 (Applicant)

**PURPOSE:** Collect applicant and grantee experience data on an annual basis.

**DESCRIPTION OF RESPONDENTS:** Applicants that applied to EDA in the past year and for those grantees whose project has closed within the past year.

**TYPE OF COLLECTION:** (Check one)

- |   |  |
|---|--|
| <input type="checkbox"/> Customer Comment Card/Complaint Form         | <input checked="" type="checkbox"/> Customer Satisfaction Survey |
| <input type="checkbox"/> Usability Testing (e.g., Website or Software | <input type="checkbox"/> Small Discussion Group                  |
| <input type="checkbox"/> Focus Group                                  | <input type="checkbox"/> Other: _____                            |

**CERTIFICATION:**

I certify the following to be true:

1. The collection is voluntary.
2. The collection is low-burden for respondents and low-cost for the Federal Government.
3. The collection is non-controversial and does not raise issues of concern to other Federal agencies.
4. The results are not intended to be disseminated to the public.
5. Information gathered will not be used for the purpose of substantially informing influential policy decisions.
6. The collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the future.

Business Unit Certification: ORA/PNPD

OCIO Certification: NA

To assist review, please provide answers to the following question:

**Personally Identifiable Information:**

1. Is personally identifiable information (PII) collected? ☐ Yes ☒ No
2. If Yes, is the information that will be collected included in records that are subject to the Privacy Act of 1974?  
☐ Yes ☐ No
3. If Applicable, has a System or Records Notice been published? ☐ Yes ☐ No

**Gifts or Payments:**

Is an incentive (e.g., money or reimbursement of expenses, token of appreciation) provided to participants?

☐ Yes ☒ No

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### BURDEN HOURS

Category of Respondent	No. of Respondents	Participation Time	Burden
Applicant (Non-Profits, State, Local, or Tribal governments)	Est. 500	10 minutes	83.33 hr.
<b>Totals</b>	<b>500</b>	10 minutes	<b>83.33 hr.</b>

The EDA estimates that 100% of the surveys will be submitted electronically. (Based on past experience with customer satisfaction surveys, we expect approximately a 33% response rate based on survey responses. Effectively, the true burden will likely be 33% of the maximum possible rate reported in the table above: Estimated true burden: 27.8 hours.)

**FEDERAL COST:** The estimated annual cost to the Federal government is a GS-13 step 4 at 30 hours: \$48/hr. (pre-tax) \* 30 hours = \$1,440

**If you are conducting a focus group, survey, or plan to employ statistical methods, please provide answers to the following questions:**

#### The selection of your targeted respondents

1. Do you have a customer list or something similar that defines the universe of potential respondents and a sampling plan for selecting from this universe?  
[X] Yes [ ] No

If the answer is yes, please provide a description of both below (or attach the sampling plan)? If the answer is no, please provide a description of how you plan to identify your potential group of respondents and how you will select them?

EDA maintains a database with information on applicants and grantees. A query of that database in conjunction with a standard report from NOAA's GrantsOnline will provide e-mail addresses for applicants and grantees. EDA intends to provide all applicants that applied within the past year and all grantees based on closing their project within the past year.

#### Administration of the Instrument

1. How will you collect the information? (Check all that apply)  
[X] Web-based or other forms of Social Media  
[ ] Telephone  
[ ] In-person  
[ ] Mail  
[ ] Other, Explain: live poll software
2. Will interviewers or facilitators be used? [ ] Yes [X] No

**Remember: All instruments, instructions, and scripts must be submitted with the request.**

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## SAMPLE APPROVED SUPPORTING STATEMENT PART A

**Supporting Statement**  
**U.S. Department of Commerce**  
**Bureau of Economic Analysis**  
**Annual Survey of Foreign Ocean Carriers'**  
**Expenses in the United States (Form BE-29)**  
**OMB Control No. 0608-0012**

### **A. Justification**

#### **1. Explain the circumstances that make the collection of information necessary.**

The Bureau of Economic Analysis (BEA) produces the International Transactions Accounts (ITAs) of the United States. These accounts provide a comprehensive and detailed view of economic transactions between the United States and other countries. In addition, they provide input into other U.S. economic measures and accounts, contributing particularly to the National Income and Product Accounts (NIPAs). The ITAs are used extensively by both government and private organizations for national and international economic policy support and for analytical purposes. The services transactions accounts are contained within the current account of the ITAs and are divided into several major components. The information collected on this survey is used to derive the transport services component of the ITAs. Transport services is a major component of trade in services in the ITAs, accounting for 12.7 percent of U.S. exports of services and 19.7 percent of U.S. imports of services in 2014.

The proposed information collection, BE-29 Annual Survey of Foreign Ocean Carriers' Expenses in the United States, is necessary to provide information on U.S. trade in transport services and to ensure the quality of the transport component of the ITAs.

The survey would be mandatory under the authority of the International Investment and Trade in Services Survey Act (P.L. 94-472, 22 U.S.C. 3101-08, as amended), hereinafter "the Act". It is the subject of this supporting statement. The BE-29 annual survey will be required from U.S. agents of foreign ocean carriers who handle 40 or more port calls in the reporting period by foreign ocean vessels, or have total covered expenses in the reporting period for all foreign ocean vessels handled by the U.S. agent of \$250,000 or more. The BE-29 survey requires U.S. agents of foreign ocean carriers operating in the United States to report the carriers' expenses in U.S. ports and shipping weights of cargo handled. The covered expenses are: 1) port call services such as pilotage, towing and tugboat services, harbor fees, and berth fees; 2) cargo-related services such as loading, unloading, and storing cargo at U.S. ports; 3) fuels and oils (bunkers) purchased in U.S. ports; 4) other vessel operating expenses such as stores and supplies, vessel repairs, and personnel expenses in the United States; and 5) other expenses such as U.S. agents' and brokers' fees and commissions and expenses related to maintaining U.S. offices, such as rent, advertising, and wages.

In Section 3 of Executive Order 11961, as amended by Executive Orders 12318 and 12518, the President delegated responsibility for performing functions under the Act concerning trade in services to the Secretary of Commerce, who has re-delegated it to the Bureau of Economic Analysis (BEA). The implementing regulations for the international services surveys conducted under the Act can be found in 15 CFR Part 801.

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### **2. Indicate how, by whom, and for what purpose the information is to be used.**

The information will be used by BEA in estimating the transport services component of the U.S. ITAs. For each country and region, BEA will estimate the expenditures of foreign-operated ocean carriers in U.S. ports based on the expenses reported by U.S. agents of foreign carriers covered by the survey. The annual collection of data will provide timely indicators of movements in transactions. Some specific uses of the data to be collected are discussed in greater detail below.

#### **(a) Compile and improve the U.S. economic accounts:**

Data from the BE-29 survey will be used by BEA to estimate the transport services component of the U.S. ITAs, which also contribute to the NIPAs and the Input-Output Accounts.

#### **(b) Support U.S. government policy on services trade:**

Data from the proposed survey are also needed by the government to monitor U.S. exports and imports of transport services; analyze their impact on the U.S. and foreign economies; support U.S. international trade policy on transport services; and assess and promote U.S. competitiveness in international trade in services. In addition, they will improve the ability of U.S. businesses to identify and evaluate market opportunities.

The data are used by several U.S. government agencies including the Office of the U.S. Trade Representative, the International Trade Administration of the Commerce Department, the Departments of Treasury and State, the Council of Economic Advisers, and the Federal Reserve Board to support U.S. international economic policy. The data also help identify areas where U.S. trade in services may be restricted.

The United States is a signatory to regional and multilateral commercial agreements that cover trade in services. The data from this and related surveys provide information that can be used both during negotiations and as an aid in monitoring resulting agreements. For example, trade in services are covered both by the General Agreement on Trade in Services, which is the principal World Trade Organization agreement on trade in services, and by the North American Free Trade Agreement among the United States, Canada, and Mexico.

#### **(c) Other government uses:**

Several agencies, including the U.S. Commercial Service (Commerce) and the Export-Import Bank, facilitate U.S. trade by providing information and assistance to businesses. They use data from the annual survey for this purpose. They also use the data to examine the impact of trade in services on developing countries.

#### **(d) Non-government uses:**

International organizations and private researchers also use data from the annual survey in assessing the impact of U.S. trade in services on the U.S. and foreign economies. International organizations that regularly make use of BEA data on U.S. trade in services include the United Nations, International Monetary Fund, Organization for Economic Cooperation and Development, and World Bank. Numerous private researchers use the data; use by researchers affiliated with the National Bureau of Economic Research has been among the most extensive.

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The Section 515 Information Quality Guidelines apply to this information. The information is collected according to documented procedures in a manner that reflects standard practices accepted by the relevant economic/statistical communities. BEA conducts a thorough review of the survey input data using sound statistical techniques to ensure that the quality of the data is high before the final estimates are released. The data are collected and reviewed according to documented procedures and best practice standards along with on-going review by the appropriate supervisor. The quality of the data is validated using a battery of edit checks to detect potential errors and to otherwise ensure that the data are accurate, reliable, and relevant for the estimates being made. Data are routinely revised as more complete source data become available. The collection and use of this information complies with all applicable information quality guidelines, e.g., those of the Department of Commerce, the Office of Management and Budget (OMB), and BEA.

### **3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.**

BEA offers electronic filing through its eFile system for use in reporting the BE-29 annual survey form. The eFile system enables respondents to download the survey forms in PDF format for each reportable U.S. company, enter the required data, and submit the forms securely to BEA. BEA utilizes a secure messaging system, accessible through the eFile system, to ensure the confidentiality of correspondence with BE-29 respondents.

In addition, BEA provides links to all its survey forms and reporting instructions on its web site ([www.bea.gov](http://www.bea.gov)). Survey forms may be downloaded, printed, and submitted via fax or mail.

### **4. Describe efforts to identify duplication.**

Data on foreign ocean carriers' expenses in the United States are only available from surveys conducted by BEA.

The Census Bureau conducts economic surveys of establishments in services industries and includes on those surveys broad questions pertaining to revenues derived from sales to foreign persons. While these surveys do not identify the type of service or the country of the foreign customer, both of which are required by the ITAs, BEA has used information reported on Census surveys to expand the mailing lists for several of its surveys.

### **5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

The information collection excludes most small U.S. agents of foreign ocean carriers from mandatory reporting. A BE-29 annual survey will not be required from U.S. agents that handle fewer than 40 port calls in the reporting period by foreign ocean vessels, and have total covered expenses in the reporting period for all foreign ocean vessels handled by the U.S. agent of less than \$250,000. Thus, the exemption level will exclude most small U.S. agents from mandatory reporting.

To reduce reporting burden, respondents may provide estimates of their transactions when precise data cannot be obtained without undue burden.



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**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

The data are needed on an annual basis to adequately monitor U.S. international trade in transport services, especially in the current economic environment where such trade is changing rapidly in size, variety, and complexity. Statistics on exports and imports of transport services are published by BEA as part of the ITAs and NIPAs, which are compiled quarterly. In addition to these quarterly estimates, monthly estimates must be derived from these data for inclusion in the joint BEA-Census Bureau monthly news release on trade in goods and services. The quality of these quarterly and monthly estimates would be diminished if the data were collected less frequently.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

No aspects of the Annual Survey of Foreign Ocean Carriers' Expenses in the United States require a special justification.

**8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the Agency in response to those comments. Describe the efforts to consult with persons outside the Agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

This submission follows a public request for comments in the *Federal Register* September 3, 2015 (Vol. 80, pages 53277-53278). No comments were received. BEA maintains a continuing dialogue with respondents and with data users, including its own internal users through the Bureau's Source Data Improvement and Evaluation Program, to ensure, to the extent possible, that the required data serve their intended purposes, that the survey instructions are clear, and that unreasonable burdens are not imposed.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

No payments or gifts to the respondents will be made.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or Agency policy.**

BEA provides respondents with assurance that it will keep the reported data confidential. The following statement is taken directly from the reporting instructions for the survey: "**Confidentiality** – The Act provides that your report is CONFIDENTIAL and may be used only for analytical or statistical purposes. Without your prior written permission, the information filed in your report CANNOT be presented in a manner that allows it to be individually identified. Your report CANNOT be used for purposes of taxation, investigation, or regulation. Copies retained in your files are immune from legal process."

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Sec. 5(c) of the Act (22 U.S.C. 3104) provides that the information collected can be used only for analytical and statistical purposes and access to the information shall be available only to officials and employees (including consultants and contractors and their employees) of agencies designated by the President to perform functions under the Act. The President may authorize the exchange of information between agencies or officials designated to perform functions under the Act, but only for analytical and statistical purposes. No official or employee (including consultants and contractors and their employees) shall publish or make available any information collected under the Act in such a manner that the person to whom the information relates can be specifically identified. Reports and copies of reports prepared pursuant to the Act are confidential, and their submission or disclosure shall not be compelled by any person without the prior written permission of the person filing the report and the customer of such person, where the information supplied is identifiable as being derived from the records of such customer.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

No questions of a sensitive nature are asked.

**12. Provide estimates of the hour burden of the collection of information.**

The BE-29 survey, as proposed, is expected to result in the filing of approximately 80 reports on an annual basis. BEA expects approximately 70 to be filed annually by respondents that would report mandatory data on the survey and 10 filed by respondents that would file an exemption claim. The average annual burden for completing the survey with data is estimated at 3 hours and the average annual burden for other responses is 1 hour, resulting in an overall respondent burden of an estimated 220 hours.

**70 x 3 hours per response = 210 burden hours**

**10 x 1 hours per response = 10 burden hours**

This estimate covers the amount of time for respondents to review the instructions, search existing data sources, gather and maintain the data needed, and complete and review the information collection.

The actual burden will vary from respondent to respondent depending on the number and amounts of their transactions and the ease of assembling the data. The estimated cost to the public is \$8,800, based on an estimated reporting burden of 220 hours and estimated hourly cost of \$40.

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).**

Other than respondent cost associated with the estimated burden of 220 hours (see A.12 above), the total additional annual cost burden to respondents is expected to be negligible. Total capital and start-up costs are insignificant because new technology or capital equipment would not be needed by respondents to prepare their responses to the survey. As a consequence, the total cost of operating and maintaining the technology and capital equipment will also be insignificant. Purchases of services to complete the information collection are also expected to be insignificant.

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**14. Provide estimates of annualized cost to the Federal government.**

The annual project cost to the Federal Government for this survey is estimated at \$10,700, which consists of \$8,500 for salaries and related overhead and \$2,200 for equipment, supplies, form design, and computer processing.

**15. Explain the reasons for any program changes or adjustments.**

This request is for an extension without change of a currently approved collection. The estimated change in the burden hours is a decrease of 9 hours (from 229 to 220). There has been an overall decrease, from 72 to 70, in the estimated number of respondents meeting the (unchanged) mandatory requirements for filing on an annual basis. Additionally, there has been an overall decrease, from 13 to 10, in the estimated number of respondents that would file exemption claims.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

The data from this survey will be used to estimate international transport services transactions by major world region and selected countries for the quarterly U.S. ITAs and for a detailed annual presentation of U.S. international services that is published in the *Survey of Current Business* each October. These estimates will be published on BEA's web site ([www.bea.gov](http://www.bea.gov)). The data will also provide the basis for the estimates of transport services transactions in monthly estimates of international services transactions, which are included in a joint BEA-Census Bureau news release on U.S. trade in goods and services.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

The OMB expiration date will be displayed on the forms.

**18. Explain each exception to the certification statement.**

The BE-29 information collection is consistent with the certification in all aspects.

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## SAMPLE APPROVED SUPPORTING STATEMENT PART B

Supporting Statement  
U.S. Department of Commerce  
Bureau of Economic Analysis  
Annual Survey of Foreign Ocean Carriers'  
Expenses in the United States (Form BE-29)  
OMB Control Number: 0608-0012

### B. Collections of Information Employing Statistical Methods

**1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g. establishments, State and local governmental units, households, or persons) in the universe and the corresponding sample are to be provided in tabular form. The tabulation must also include expected response rates for the collection as a whole. If the collection has been conducted before, provide the actual response rate achieved.**

The potential respondent universe for the BE-29 survey is all U.S. agents of foreign ocean carriers operating in the United States. Reports are required from U.S. agents of foreign ocean carriers who handle 40 or more port calls in the reporting period by foreign ocean vessels, or have total covered expenses in the reporting period for all foreign ocean vessels handled by the U.S. agent of \$250,000 or more.

BEA intends to mail a notice to approximately 80 U.S. companies annually, notifying the companies of the requirement to file the survey, and providing links to eFile, BEA's electronic filing system. BEA will estimate data for respondents that do not report their data in a timely manner and for U.S. persons that fall below the reporting threshold for the annual survey. Estimates will be based on prior reports and growth in the value of transactions from a matched sample of respondents. BEA will allocate the estimated data by country and by type of transaction based on the distribution of reported transactions for inclusion in the published totals. Thus, estimates will cover the entire universe of transactions.

Response rates to this annual survey in past years have been high, approximately 80 percent. BEA expects that these high response rates will continue for the survey, providing information of sufficient accuracy and reliability for its intended purposes.

**2. Describe the procedures for the collection, including: the statistical methodology for stratification and sample selection; the estimation procedure; the degree of accuracy needed for the purpose described in the justification; any unusual problems requiring specialized sampling procedures; and any use of periodic (less frequent than annual) data collection cycles to reduce burden.**

The BE-29 survey will be administered to U.S. agents of foreign ocean carriers who have expenses in the United States. BEA expects most of the potential respondents to file the survey on a timely basis. In the case that a survey is not filed, or is filed too late to be used for the current estimate, BEA will generate an estimate based on data previously reported or estimated for the non-respondent using information from companies that

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did respond. No unusual problems have been identified that would require the use of specialized sampling procedures. BEA will collect data from a cutoff sample of firms meeting the reporting criteria.

The list of respondents will be derived from public and private sources, including business directories and establishment lists.

A high degree of accuracy is needed for the purposes stated in the justification. The proposed survey is an annual survey conducted four times a year.

**3. Describe the methods used to maximize response rates and to deal with nonresponse. The accuracy and reliability of the information collected must be shown to be adequate for the intended uses. For collections based on sampling, a special justification must be provided if they will not yield "reliable" data that can be generalized to the universe studied.**

Any company contacted by BEA must respond in writing by filing a completed form BE-29 or a valid exemption claim. Non-respondents will be contacted by BEA staff and, in the event of continued nonresponse, will be referred to the Office of General Counsel for further action. BEA expects that at the time of the final revised estimates, reports will be received from nearly all companies required to report. To facilitate response, a notice will be sent to each company on an annual basis notifying the company of the requirement to file the survey and providing links to eFile, BEA's electronic filing system, and Excel and PDF versions of the survey.

**4. Describe any tests of procedures or methods to be undertaken. Tests are encouraged as effective means to refine collections, but if ten or more test respondents are involved OMB must give prior approval.**

No tests were conducted; however, the survey has been conducted in previous years. Additionally, BEA maintains a continuing dialogue with respondents and data users, including its own internal users through the Bureau's Source Data Improvement and Evaluation Program, to ensure, to the extent possible, that the required data serve their intended purposes, that the survey instructions are clear, and that unreasonable burdens are not imposed.

**5. Provide the name and telephone number of individuals consulted on the statistical aspects of the design, and the name of the Agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the Agency.**

The survey is designed and conducted within BEA by the Balance of Payments Division. For further information, contact Christopher Stein via email at [christopher.stein@bea.gov](mailto:christopher.stein@bea.gov) or by phone at 202-606-9850.