

CIOP CHAPTER 1351.29

PAPERWORK REDUCTION ACT (PRA) and INFORMATION COLLECTION (IC)

TABLE OF CONTENTS

SECTION 29.1	PURPOSE	1
SECTION 29.2	BACKGROUND	1
SECTION 29.3	SCOPE AND APPLICABILITY	3
SECTION 29.4	POLICY	3
SECTION 29.5	ROLES AND RESPONSIBILITIES	4
SECTION 29.6	DATES	7
SECTION 29.7	CANCELLATIONS	9
SECTION 29.8	COMPLIANCE	9
SECTION 29.9	WAIVERS	9
SECTION 29.10	AUDIT PROCEDURES	9
SECTION 29.11	APPROVAL	10

Section 29.1 Purpose

29.1.1 This directive establishes the Department of Transportation (DOT) policy to minimize the paperwork burden on the public in accordance with the Paperwork Reduction Act of 1995 (PRA) and 44 USC Chapter 35.

29.1.2 This directive provides guidance to DOT organizations for implementing the PRA and the Department’s annual Information Collection Budget Report submission to the Office of Management and Budget (OMB).

(Table of Contents)

Section 29.2 Background

29.2.1 The PRA requires Federal agencies to take responsibility and accountable for reducing the burden of Federal paperwork on the public. The PRA establishes agency responsibilities to:

- minimize the paperwork burden for individuals, small businesses, educational and non-profit institutions, Federal contractors, State, local

and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

- 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;
- minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;
- strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government; and
- provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology.¹

29.2.2 The following references relate to PRA and its implementation.

29.2.2.1 [44 USC Chapter 35, Paperwork Reduction Act](#) gives authority to regulate matters regarding the collection, management, storage and dissemination of federal information and reduce the total amount of paperwork handled by the government and the general public. DOT is required to comply with this law, and has a mature process in place at each of the Operating Administrations and in the Office of the Secretary for DOT compliance and reporting.

29.2.2.2 [5 USC 552a, The Privacy Act of 1974](#) is characterized as an omnibus "code of fair information practices" that governs the collection, maintenance, use, and dissemination of personally identifiable information maintained in systems of records by Federal agencies.

29.2.2.3 [OMB Circular A-130, Management of Federal Information Resources](#) establishes policy for the management of Federal information resources and includes procedural and analytic guidelines for implementing specific aspects of these policies.

29.2.2.4 [OMB Regulation, 5 CFR Part 1320, Controlling Paperwork Burdens on the Public](#) provides the provisions of the Paperwork Reduction Act of 1995 (44 USC chapter 35) concerning collections of information.

¹ UNITED STATES CODE, TITLE 44 - PUBLIC PRINTING AND DOCUMENTS, CHAPTER 35 - COORDINATION OF FEDERAL INFORMATION POLICY, § 3501. Purpose

29.2.2.5 **OMB's Information Collection Guidance documents** see OMB/OIRA memorandum of May 22, 1995, on "Preparing to Implement S.244, the 'Paperwork Reduction Act of 1995'"; OMB Memorandum of April 25, 2000, on "OMB Procedures and Guidance on Implementing the Government Paperwork Elimination Act"; and, OMB Memorandum of September 19, 2000, on "OMB Guidance on Implementing the Electronic Signatures in Global and National Commerce Act."

29.2.2.6 [44 USC 3504, Government Paperwork Elimination Act \(GPEA\)](#) requires that, when practicable, Federal agencies use "electronic maintenance, submission, or disclosure of information", and for the use and acceptance of electronic signatures.

(Table of Contents)

Section 29.3 Scope and Applicability

29.3.1 This directive applies to all DOT organizations, to include offices within the Office of the Secretary (OST).

29.3.2 The policy applies to all DOT organizations' activities related to the collection of information by or for the Department. Collections may be mandatory, voluntary, or required in order to obtain a benefit from a sponsoring DOT organization.

29.3.3 The PRA does not apply to intelligence activities, Federal criminal investigations, certain civil actions, administrative actions, and investigations involving an agency against specific individuals or entities (see 44 USC 3518 (c) (1)).

29.3.4 Information collection requirements may be satisfied through the use of a variety of different modes of collection. The mode of data collection includes the way in which respondents are contacted and how their responses are obtained. Typical data collection modes include technology (web, e-mail, databases), telephone, in-person (or face-to-face), and mail.

(Table of Contents)

Section 29.4 Policy

29.4.1 It is DOT policy to improve the integrity, quality, and utility of information disseminated to internal and external users; ensure timely dissemination of public information; provide public access to government information; and encourage the protection of the privacy and security of individual information.

29.4.2 DOT goals and implementation of the DOT Strategic Plan are supported by information collection activities, which include obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, the facts or opinions by or for DOT, regardless of form or format.

29.4.3 DOT shall strive to reduce the public's information collection burden hours each fiscal year by maintaining focused attention on new and large information collection efforts, and by streamlining external and internal processes. Burden is determined by the total time, effort, or financial resources expended by the public to generate, maintain, or provide information to or for a Federal agency or the public, including the resources expended for the following:

- Reviewing instructions
- Developing, acquiring, installing, and utilizing technology and systems
- Adjusting the existing ways to comply with any previously applicable instructions and requirements
- Searching data sources
- Completing and reviewing the collection of information
- Transmitting, or otherwise disclosing the information

29.4.4 To further reduce information collection burden hours, DOT shall limit record-keeping and reporting requirements to the minimum necessary, for policy development, effective management planning, and external reporting. Record-keeping requirements imposed by DOT personnel may include records retention, notification, and disclosure to third parties, the Federal Government, or the public.

29.4.5 DOT shall promote the use of information technology in accordance with the Government Paperwork Elimination Act (GPEA) and the PRA wherever feasible in order to increase program efficiency and effectiveness.

29.4.6 DOT shall ensure that the collection of information as defined in 5 CFR Part 1320.7 has been approved by OMB and displays a current valid OMB control number and burden statement on the collection document.

29.4.7 DOT shall use the Information Collection Budget (ICB) report, submitted annually to OMB, in planning, implementation, and control processes for the forthcoming year. The ICB is the vehicle through which OMB, in consultation with DOT, sets annual agency goals for the reduction of information collection burdens imposed on the public. The ICB will serve as a DOT management oversight tool in conjunction with management reviews, to assess information collection priorities. The ICB will also be used to forecast the lowest possible level of paperwork burden on the public.

(Table of Contents)

Section 29.5 Roles and Responsibilities

29.5.1 The **Office of Primary Responsibility (OPR)** for this chapter is the DOT Chief Information Officer (CIO) as explained in DOT Order 1351.1, IT Directives Management.

29.5.2 Responsibility for DOT's public reporting, information collection and record-keeping lies with the officials defined in this policy section. These responsibilities may be delegated as deemed appropriate:

29.5.3 The **DOT Chief Information Officer (CIO)**, the senior management official responsible for DOT Information Collections, shall:

29.5.3.1 Provide strategy, policy, and direction to DOT organizations regarding the planning and management of DOT information collection activities.

29.5.3.2 Designate a DOT PRA Clearance Officer who shall provide consultation, interpretation of PRA laws and OBM regulations, guidance on implementation of PRA policy and procedure, and review and approve PRA requests for information.

29.5.3.3 Review DOT rules for PRA and GPEA language and provide comments as appropriate to the DOT Office of General Counsel.

29.5.3.4 Maintain liaison with OMB for approval of all information collections and related matters.

29.5.3.5 Review each proposed information collection process to ensure that the collection of the desired data meets the criteria established in 44 USC 3506, has practical utility, is a proper function of the organizations involved, and does not impose an undue burden on the public.

29.5.3.6 Ensure that DOT information collections do not overlap or duplicate those of other agencies.

29.5.3.7 Ensure that with each information collection submission, appropriate consideration for automation (as required by GPEA and PRA) is included in the supporting justification statement.

29.5.3.8 Prepare and submit to OMB a consolidated DOT Information Collection Budget (ICB) Report. This consolidated report shall include all information collection activities required by DOT from the public in the 12 preceding months, in accordance with the OMB annual guidance.

29.5.3.9 Coordinate the DOT organization's information collections, which contain statistical methods for approval by the DOT Research and Innovative Technology Administration (RITA), Bureau of Transportation Statistics (BTS).

29.5.3.10 Develop innovative and effective ways to involve the public in decisions regarding information collection activities.

29.5.3.11 Refine policies and procedures to identify and facilitate future paperwork reductions within DOT.

29.5.4 The **General Counsel Office** shall:

29.5.4.1 Coordinate all significant rulemakings with the DOT CIO. A notice of proposed rulemaking (NPRM) is issued by law when an agency of the United States government adds, removes, or changes a rule (or regulation) as part of the rulemaking process. It is an important part of United States administrative law and is required and defined by the [Administrative Procedure Act](#).

29.5.4.2 Forward comments received from DOT CIO on rulemaking efforts to the originator of the rule.

29.5.4.3 Ensure coordination with the DOT CIO's office for rulemaking efforts that are generated within the General Counsel Office and have an impact on PRA.

29.5.5 **Heads of DOT Organizations** shall:

29.5.5.1 Designate an Information Collection Clearance Officer (ICCO) for their organizations. Changes to the designee shall be forwarded to the DOT CIO's Office as soon as possible.

29.5.5.2 Ensure that proposed information collections are submitted with supporting documentation to the DOT CIO for clearance and OMB approval.

29.5.5.3 Submit to the DOT CIO an annual Information Collection Budget (ICB) Report as required in 5 CFR Part 1320, Controlling Paperwork Burdens on the Public.

29.5.6 **OA Chief Counsel** shall:

29.5.6.1 Coordinate rulemakings with their ICCO and General Counsel (C50) for PRA implications.

29.5.6.2 Submit the paperwork material to the ICCO if the rulemaking is impacted by the PRA.

29.5.7 **Information Collection Clearance Officers (ICCOs)** shall:

29.5.7.1 Maintain an up-to-date inventory of all OMB approved information collection activities.

29.5.7.2 Determine if information collections have been appropriately considered for automation as defined in GEPEA.

29.5.7.3 Determine which information will have an impact on the public and is subject to the PRA.

29.5.7.4 Review Rulemakings that are associated with an information collection.

29.5.7.5 Submit requests for renewal of previously approved information collections to the DOT CIO's office.

29.5.7.6 Submit the information collection package that is associated with a Notice of Proposed Rulemaking (NPRM) to the DOT CIO's office.

29.5.7.7 Submit the information collection package that is associated with a Final Rulemaking to the DOT CIO's office.

29.5.7.8 Submit a request for change to an existing approved OMB information collection request to the DOT CIO's office.

29.5.7.9 Submit a discontinuance to cancel completed information collection activities.

29.5.7.10 Prepare and submit 60-day and 30-day Federal Register Notices requesting public comment on proposed information collection activities. The notices shall include a brief description of the need for the information and its proposed use, a description of the likely respondents and proposed frequency of response, and an estimate of the burden hours that will result from the information collection approval.

29.5.7.11 Review comments received from the 60-day Federal Register Notice and incorporating the comments and agency's responses into the information collection package.

29.5.7.12 Coordinate with other internal and external organizations as needed.

29.5.7.13 Determine that the use of the information to be collected conforms to the requirements of the Privacy Act of 1974 (5 USC 552a).

29.5.7.14 Complete and submit supporting justification to the DOT CIO's office for approval. Justification must include: supporting statement, a copy of the 60-day and 30-day Federal Register Notices, collection instrument (survey, form, etc.) and any documentation as to why the collection of information is necessary.

29.5.7.15 Analyze their organization's PRA submissions for methods of reducing the burden hours.

29.5.7.16 Review rules for PRA and GPEA requirements and incorporating appropriate PRA language as it affects the rule.

(Table of Contents)

Section 29.6 Dates

29.6.1 This directive is effective the date it is signed.

29.6.2 The DOT PRA Clearance Officer provides to Operating Administration's Information Collection Clearance Officers a recurring Annual Information Collection Request (ICR) Renewal Schedule during the fourth quarter of the year. This schedule lists all information collections which will expire in the following calendar year.

29.6.3 The following time schedule shall ensure information collections are received in DOT's Office of the Chief Information Officer (OCIO) prior to the expiration date of an ICR and submitted to OMB on-time. An ICR is a formal packet prepared by a Federal Agency and submitted to OMB for review and approval to collect information from 10 or more entities, parties, people etc. ICRs are determined by specific programs and will be reviewed for renewal six months prior to expiration.

29.6.3.1 Within six months before the expiration date, the ICCO and information collection owner (staff person within DOT acting on behalf of a program office) and the program office appraises the accuracy and validity of the burden estimates of a previously approved ICR, thus, determining if changes or discontinuance of the ICR are necessary, or if a new ICR is needed. If an ICR includes surveys, grants, rules or privacy issues, the program office must coordinate the collection with the appropriate office or person, DOT's Bureau of Transportation Statistics, Grant Manager, Chief Counsel, General Counsel, and or Privacy Officer.

29.6.3.2 Not less than five months before expiration date, the program office will prepare and submit a FRN for publication providing a 60-day public comment period. Each program office is responsible for obtaining a docket number and submitting the FRN to Docket Management, a system that is currently used to support DOT regulatory and adjudicatory actions. The submission must include a signed original, three copies and copy saved to a disk.

29.6.3.3 Within four months before expiration date, each program office is responsible for updating the Information Collection Tracking System (ICTS) and ROCIS as events occur, i.e., input FRN publication dates and attaching supporting documents. The program office prepares a draft Supporting Statement and gathers supporting documentation. Program office is responsible for retrieving and reviewing public comments received from the 60-day FRN and incorporating a program office response in a 30-day FRN.

29.6.3.4 Within three months prior to expiration date, the program office reviews and submits a complete ICR package for review via ROCIS and the ICTS. The program office will ensure that data is complete, logical and consistent in both ICTS and ROCIS. Each program office is held accountable for ensuring that the dual entry of the ICR is complete and consistent before submitting to the DOT PRA Clearance Officer.

29.6.3.5 Within two months before expiration date

- DOT PRA Clearance Officer submits ICR package to OMB via ROCIS requesting a new OMB control number or an extension of an existing OMB control number. The function of the PRA Clearance Officer is to serve as liaison between the Department and OMB.
- OMB reviews and approves the ICR package and issues a Notice of Action (NOA.) OMB returns the disapproved ICR package to the DOT PRA Clearance Officer who coordinates the resolution of OMB issues.

- Program office retrieves NOA from ROCIS system and notifies the affected parties of the action taken by OMB, including any comments and the time period in which the collection has been approved.
- The ICCO updates ICTS with OMB clearance information and closes out the record.

(Table of Contents)

Section 29.7 Cancellations

29.7.1 There are no DOT PRA directives currently in place, although there have been a number of information DOT communications regarding PRA. This directive supersedes and cancels all earlier communications specific to this topic.

(Table of Contents)

Section 29.8 Compliance

29.8.1 The Heads of Organizations shall review their respective PRA practices annually to verify appropriate actions have been taken to reduce the burden on the public.

29.8.2 Further scrutiny and additional reviews by the DOT CIO will result if a review finds that PRA practices are not in compliance with this policy and or applicable law.

(Table of Contents)

Section 29.9 Waivers

29.9.1 Waivers to this directive are to be submitted to the DOT CIO for approval/disapproval. Grant of waivers in no way implies exemption from sound and rigorous management practices.

(Table of Contents)

Section 29.10 Audit Procedures

29.10.1 The ACIO for IT Policy Oversight shall monitor implementation and reporting of paperwork reduction information.

(Table of Contents)

Approval



Nitin Pradhan
DOT Chief Information Officer

9/21/2009

Date