

FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554 FCC DIRECTIVE	TITLE	
	FCC Paperwork Reduction Act Program	
	Directive Number: FCCINST 1112.1	Effective Date: July 2015

1. **PURPOSE:** This directive establishes the objectives and responsibilities of the Federal Communications Commission’s (FCC or Commission) program implementing the provisions of the Paperwork Reduction Act (PRA) of 1995, as amended, as well as any other related applicable Federal legislation and regulations concerning collections of information.
2. **SCOPE:** This directive applies to all bureaus and offices within the Commission with programs to maintain, retain, report or publicly disclose information collected from the public, regardless of the method used to collect such data.
3. **AUTHORITIES:**
 - a. The Paperwork Reduction Act of 1995, as amended (44 U.S.C. §§3501 *et seq*) and the Office of Management and Budget’s implementing regulations (5 C.F.R. §1320 *et seq*).
 - b. Clinger-Cohen Act of 1996, “Information Technology Management Reform Act,” (40 U.S.C. §11101 *et seq*).
 - c. The Small Business Paperwork Relief Act of 2002 (44 U.S.C. §§3504, 3506).
 - d. The Government Paperwork Elimination Act, Pub. L. 105–277.
 - e. Executive Order 12291, “Federal Regulation.”
4. **BACKGROUND:**

The Paperwork Reduction Act of 1995 establishes a process for the review and approval of information collections to:

 - minimize the paperwork burden for individuals, small businesses, educational and nonprofit 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 and society;
- minimize the cost to the federal government of the creation, collection, maintenance, use, dissemination, and disposition of information; and
- ensure the integrity, quality, and utility of the federal statistical system.

In addition to the purposes above, the PRA identifies several other purposes relating to the management of federal information resources. These include coordinating information resources management policies and practices to improve the productivity, efficiency, and effectiveness of Government programs, improve service delivery to the public, and provide for the dissemination of public information on a timely basis.

An information collection must be cleared by the Office of Management and Budget (OMB) if an agency collects information from ten or more people by means of identical questions or identical reporting, regardless of whether the collection is mandatory, voluntary, or required to obtain or retain a benefit. Information collections that require clearance also include requirements to retain records as well as requirements to disclose information to an agency, third parties or the public.

The FCC's PRA program is intended to monitor, implement, review and report on PRA activities for the agency and to reduce the burden of collecting information from the public. The PRA program consists of:

- preparing and publishing an initial Federal Register notice ("60-day notice") notifying the public of the proposed information collection and soliciting comment;
- developing and submitting Form OMB 83-I, Paperwork Reduction Act Submission to request OMB approval of the collection;
- developing and submitting a supporting statement for the collection, responding to 18 questions prescribed by OMB;
- preparing and publishing a subsequent Federal Register notice ("30-day notice") notifying the public that the clearance request and supporting statement have been submitted to OMB and that there is an additional 30-day public comment period.

5. POLICY:

The following is Commission policy:

- a. The FCC will establish and maintain a program for the collection of information, administered by the Office of Managing Director's Performance Evaluation and Records Management (PERM).
- b. Collection of information will not become effective until the OMB has reviewed the proposed collection and assigned a control number to the collection. Under no circumstances may information be collected from the public without prior approval by OMB. Continued use of any collection of information after the expiration of an OMB-approved collection is not authorized or enforceable.
- c. To ensure compliance with all applicable Federal legislation, executive orders and OMB guidance, all Bureaus and Offices shall minimize the information collection burden imposed on the public in terms of the time, effort and/or financial resources expended to provide information to the Commission, while ensuring that all data necessary to accomplish the Commission's mission are requested and received in a manner most useful to the stated purpose.
- d. Only information essential to the implementation, conduct, or management of FCC programs or in pursuit of the FCC's mission will be collected. All collections will be periodically reviewed to determine if the information received is still needed. At a minimum this review will take place prior to extension of an information collection.
- e. Forms used in the collection of information will be electronically designed, whenever possible, for ease of interpretation, completion, transmittal, processing, and retrieval by persons with disabilities.

6. RESPONSIBILITIES:

- a. The Managing Director is the Senior Agency Official designated to carry out the responsibilities of the Commission under the Paperwork Reduction Act and the implementing regulations. As such, the Managing Director ensures that procedures are established to carry out the Commission's information management activities in an efficient, effective and economical manner, and comply with the information policies, principles, standards, and guidelines prescribed by the OMB and this Directive. The Managing Director shall also establish and oversee a program office that will review, evaluate, and process information collection requests proposed by individual offices and bureaus.

- b. The Associate Managing Director for Performance Evaluation and Records Management (PERM) is responsible for conducting the activities of the program in a prompt, efficient, and effective manner, including:
1. Acting as liaison with OMB for the submission of requests for review;
 2. Preparing agency directive(s) and other written instructions on all phases of the program;
 3. Making a determination, in response to inquiries from the bureaus and offices, whether a proposal falls within the purview of the PRA and therefore must be submitted to OMB for review. If an opinion is required regarding a final determination, the Associate Managing Director for PERM shall prepare a request to the General Counsel for a written legal interpretation and opinion, and shall notify the requesting Bureau or Office in writing of the determination;
 4. Providing guidance to the bureaus and offices in the preparation of the requests for OMB review;
 5. Reviewing all proposals to ensure that all necessary requirements and criteria have been met prior to submission of requests to OMB for review;
 6. Providing monthly notification to bureaus and offices of information collections due to expire during the next 120, 90, 60 and 30 days;
 7. Notifying the appropriate Bureau or Office Chief by letter, signed by the Managing Director, if the Bureau/Office has not taken action (*i.e.*, extension or revision) on an information collection that is 30 days from expiration;
 8. Overseeing Bureau/Office preparation of a notice for publication in the Federal Register to inform the public when an information collection has been submitted to OMB for approval;
 9. Overseeing Bureau/Office preparation of a notice for publication in the Federal Register to inform the public of OMB approval action on FCC forms, the expiration date, and the status of existing editions of revised forms;
 10. Periodically updating and amending 47 C.F.R. § 0.408, and OMB Control Numbers assigned pursuant to the Paperwork Reduction Act, which lists each section of the Commission rules containing an approved information collection requirement; and
 11. Coordinating all activities of the Paperwork Reduction Act program within the Commission.

- c. The Bureau/Office Chiefs are responsible for:

1. Implementing their respective information collection programs to ensure that the information collection requests accomplish the mission of their respective Bureau/Office;
2. Ensuring compliance and implementation of responsibilities associated with the Paperwork Reduction Act of 1995, as amended;
3. Providing guidance, support, and assistance to PERM regarding PRA requests and compliance, including:
 - a) Identifying any proposal (e.g., Notice of Proposed Rulemaking (NPRM), form, rule section, report, etc.) which contains a collection of information, as defined in 5 CFR 1320.7(c) and (d), and would impose a reporting, recordkeeping or

record retention requirement on the U.S. public.

- b) Requesting a determination from PERM, when necessary, as to whether such a proposal requires OMB review and approval in compliance with the PRA.
- c) Ensuring that the proposed information collection does not unnecessarily duplicate existing requirements.
- d) Estimating the public burden, as defined in 5 C.F.R. § 1320.7(b), to be imposed by any such proposal.
- e) Minimizing the public burden by ensuring the practical utility, as required by 5 C.F.R. § 1320.4(b)(3) and defined in 5 C.F.R. § 1320.7(q), to the Commission of all data collected, and providing justification for the data collection.
- f) Ensuring that each Agenda Item contains a PRA statement as required by the Commission Agenda Handbook.
- g) Determining whether the proposal is expected to have a significant effect on domestic small business, and evaluating alternatives to mitigate this impact, as required by 5 C.F.R. § 1320.6(h).
- h) Preparing necessary submissions Information Collection Budget as directed by OMB in 5 C.F.R. § 1320.10.
- i) Preparing the Request for OMB Review and supporting documentation, including any required justifications, on all proposed information collections for which the bureau or office is responsible.
- j) Ensuring that every currently approved information collection (*i.e.*, extension or revision) is submitted to PERM for processing to OMB at least 150 days prior to its expiration.
- k) Submitting the SF-83 package and letter to OMB when an information collection is requested for expedited or emergency review, along with a memorandum from the Bureau Chief to the Managing Director justifying the need for expedited or emergency review.
- l) Coordinating expedited Federal Register publication requests with the Office of the Secretary, including providing a cost estimate of the expedited publication and indicating whether the entire item or a portion thereof is to be reproduced.

d. The General Counsel shall:

- 1. Provide legal advice, interpretations and opinions on the PRA and the OMB regulations and compliance with the PRA and regulations; and
- 2. When requested by the Managing Director or his designee, provide a written opinion whether a proposed information collection is subject to the legal and statutory requirements of the Act, and/or whether the proposal is in compliance with the Act and OMB regulations.

For 
Jon Wilkins
Managing Director