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FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554 FCC DIRECTIVE	TITLE	
	FCC Paperwork Reduction Act Program	
	Directive Number: FCCINST 1112.2	Effective Date: March 2021

1. **PURPOSE:** This directive establishes the objectives, procedures and responsibilities relating to 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. **BACKGROUND:** The Paperwork Reduction Act of 1995 establishes a process for the review and approval of information collections to:
 - A. 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;
 - B. 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;
 - C. improve the quality and use of federal information to strengthen decision making, accountability, and openness in government and society;
 - D. minimize the cost to the federal government of the creation, collection, maintenance, use, dissemination, and disposition of information; and
 - E. ensure the integrity, quality, and utility of the federal statistical system.
3. **CANCELLATION:** This instruction supersedes FCCINST 1112.1, FCC Paperwork Reduction Act Program, dated July 2015.
4. **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.
5. **AUTHORITY:**
 - A. The Paperwork Reduction Act of 1995, as amended (44 U.S.C. § 3501 *et seq.*) and the Office of Management and Budget’s (OMB) 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.”

6. 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 the Managing Director (OMD).

B. Collection of information, as defined in the PRA, 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.

7. ROLES AND RESPONSIBILITIES:

A. The Managing Director is the Senior Agency Official designated to carry out the responsibilities of the Commission under the PRA and the implementing regulations. With respect to those responsibilities that are assigned by statute to the Chief Data Officer (CDO), the OMD coordinates with the CDO, as needed, to satisfy the requirements of the PRA. As such, the Managing Director or his/her designee 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.

B. The OMD 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. When necessary, OMD shall coordinate such determination with the Office of the General Counsel concerning any legal issues to ensure FCC compliance with the PRA;

(4) Providing guidance to the bureaus and offices in the preparation of requests for review to ensure that all requirements and criteria have been met prior to submission of requests to OMB;

(5) Providing notification to bureaus and offices of information collections due to expire during the next 150 days or thereafter, as needed;

(6) Overseeing Bureau/Office preparation of notices for publication in the Federal Register to inform the public when (a) an information collection is proposed, (b) an information collection has been submitted to OMB for approval, and (c) OMB has approved an information collection,

(7) Periodically updating and amending 47 C.F.R. § 0.408, which lists each section of the Commission rules containing an approved information collection requirement and the associated OMB Control Numbers assigned pursuant to the PRA;

(8) Reviewing, editing and approving extensions and renewals of existing information collections as to which the Managing Director has received delegated authority from OMB;

(9) Reviewing and editing regular extensions and renewals, revisions to existing collections and new information collections; and

(10) Coordinating all activities of the PRA program within the Commission.

C. The Bureaus and Offices are responsible for:

(1) Implementing their respective information collection programs to ensure that the information collection requests accomplish the mission of their respective Bureau or Office;

(2) Ensuring compliance and implementation of responsibilities associated with the PRA of 1995, as amended;

- (3) Providing all necessary assistance to OMD 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 C.F.R. § 1320.3(c) and (d), and would impose a reporting, recordkeeping or record retention requirement on the U.S. public; Requesting a determination from OMD, when necessary, as to whether such a proposal requires OMB review and approval;
 - b) Ensuring that the proposed information collection does not unnecessarily duplicate existing requirements;
 - c) Estimating the public burden, as defined in 5 C.F.R. § 1320.3(b), to be imposed by any such proposal;
 - d) Minimizing the public burden by ensuring the practical utility, as required by 5 C.F.R. § 1320.5(d)(1)(iii) and defined in 5 C.F.R. § 1320.3(l), to the Commission of all data collected, and providing justification for the data collection;
 - e) Ensuring that each Agenda Item that adopts or proposes rules contains a PRA statement;
 - f) Determining whether the proposed information collection 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. § 1320.9(c);
 - g) Preparing necessary submissions to the Information Collection Budget as directed by OMB in 5 C.F.R. § 1320.7;
 - h) The designated Bureaus/Office PRA representative(s), rulemaking authors and/or other Bureau/Office staff will work in conjunction with PRA representative(s) and/or staff in other Bureaus/Office to obtain all required information to develop the supporting statement for rulemakings, new or revised applications etc. that contain information collection requirements that impact more than one Bureau/Office in an efficient, thorough and timely manner. Additionally, the PRA representative(s) and other designated staff will ensure that there is no duplication of rules, missing information collection requirements and that all relevant data is included in the supporting statement(s) for submission to OMB;
 - i) Preparing the Request for OMB Review and supporting documentation and associated Federal Register notices, 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 is submitted to OMD for public notice and comment and processing to OMB (*i.e.*, extension or revision) at least 150 days prior to its expiration; and
 - k) Coordinating expedited Federal Register publication requests with the Office of the Secretary to ensure that the items are published on the requested publication dates.

D. The Office of the General Counsel shall:

- (1) Provide legal advice, interpretations and opinions on the PRA and OMB regulations and compliance with the PRA and OMB regulations; and
- (2) When requested by the Managing Director or his/her 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 follows the Act and OMB regulations.

8. GENERAL PROCEDURES:

A. The FCC's PRA program is intended to monitor, implement, review and report on the agency's PRA activities and to reduce the burden of collecting information from the public. An information collection must be cleared by OMB if an agency collects information from ten or more persons 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 include requirements to retain records as well as requirements to disclose information to an agency, third parties or the public.

B. The PRA program consists of:

- (1) preparing and publishing an initial Federal Register notice ("60-day notice") notifying the public of the proposed information collection and soliciting comment, except in cases where the proposed information collection is contained in a proposed rule and is submitted to OMB and published in the Federal Register together with the NPRM;
- (2) developing and submitting information from the Form OMB 83-I, Paperwork Reduction Act Submission, to request OMB approval of the collection within OMB's submittal system, ROCIS;
- (3) developing and submitting a supporting statement for the collection, responding to 18 questions prescribed by OMB;
- (4) 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. However, this notice is not required for renewals or extensions of existing information collections with less than 5,000 annual burden hours as to which OMB has delegated approval authority to the Managing Director;
- (5) in the case of an information collection that is contained in a new or modified rule, preparing and publishing a final notice (e.g., post approval, effective date, compliance date) in the Federal Register notifying the public that OMB approval has been received and the agency can collect the required information.

9. EMERGENCY PROCESSING BY OMB: Any request for OMB approval without completing the full process specified in 5 C.F.R. § 1320.10, 1320.11, or 1320.12 must meet the criteria for emergency processing as outlined in 5 C.F.R. § 1320.13. Bureaus and Offices seeking emergency processing must have the approval of the Office of the Chairman or Chairwoman and coordinate closely with OMD to create and submit the detailed justification and associated materials needed for any request for OMB emergency action.

10. EFFECTIVE DATE AND IMPLEMENTATION: This Directive is effective immediately and shall be implemented promptly upon distribution.

Mark Stephens
Managing Director