



## Paperwork Reduction Act

### I. Overview of PRA

The purposes of the PRA are to minimize the burdens on the public of collections of information by or for the Federal government; to maximize the utility of information collected by or for the Federal government; to improve the quality and use of Federal information to strengthen decision-making; to minimize the cost to the Federal government for collection, use, dissemination, etc. of information; and to improve responsibility and accountability of OMB and Federal agencies for information collections.

To achieve these goals, the PRA requires agencies to obtain OMB approval prior to collecting information, to display an OMB control number on all collections of information, and to follow a specified process for public comment and OMB review.

### II. Trigger

The PRA applies to any kind of “government sponsored” “collection of information.” Both of these terms are defined very broadly.

#### A. “Collection of information” 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 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.

PRA applies to more than just required submission of forms. It also covers such things as telephone surveys and personal interviews.

Federal Regulations provide additional explanation of these concepts:

- Collections may be in any form or format.
- Collections may include required disclosures to the public through posting, notification, labeling or similar requirements.
- Collections include questions posed to agencies or employees of the United States if the results are to be used for general statistical purposes including information about Federal activities and programs.

- The term “ten or more persons” refers to the persons to whom the agency addresses a collection within any 12-month period, as well as the others to whom the original addressees may reasonably be expected to transmit the collection
- For the purposes of this definition of “persons” does not include employees of the respondent acting within the scope of their employment or current employees of the Federal government when acting within the scope of their employment.
- Rules of general applicability. Any recordkeeping, reporting, or disclosure requirement contained in a rule of general applicability is deemed to involve ten or more persons.
- Industry-wide. Any collection of information addressed to all or a substantial majority of an industry is presumed to involve ten or more persons.

**B. Conduct or Sponsor.** A Federal agency is considered to “conduct or sponsor” a collection of information if the agency collects the information, causes another agency to collect the information, contracts or enters into a cooperative agreement with a person to collect the information, or requires a person to provide information to another person, or in similar ways causes another agency, contractor, partner in a cooperative agreement, or person to obtain, solicit, or require the disclosure to third parties or the public of information by or for an agency.

### III. Process and Timing

A government office cannot ask or require the public to provide it with information just because that office has decided that it needs or wants the information. In response to public complaints about the costs and burdens of responding to governmental requests for information, Congress enacted the Paperwork Reduction Act (PRA), which requires public comment and OMB approval of agencies’ “collections of information.”

Pursuant to the PRA, agencies must obtain OMB approval prior to collecting information and display an OMB-issued “control number” in order to be enforceable. In addition, agencies must display the expiration date of OMB approval.

There is a specified process for obtaining the clearance required.

Plan Ahead. If the PRA applies to an action, the most important thing to do is to plan ahead. Review and clearances requirements can be very time consuming, and the collection of information cannot begin until all necessary review has been completed.

PRA Coordinators. The Office of the Chief Information Officer (CIO) has primary responsibility for overseeing PRA compliance for NOAA Fisheries, and has developed a PRA protocol that requires a PRA sponsor for each individual action, Regional PRA coordinators, HQ PRA Coordinators, and an NOAA PRA Clearance officer.

If the action has PRA implications, the PRA sponsor is responsible for that action and should immediately begin by contacting the Regional PRA Coordinator to complete a PRA review package.

Complete the PRA Package. First, the action will be assigned a PRA tracking number. A form 83I, required by OMB, needs to be completed and includes any necessary supporting information pertaining to the expected time and financial burdens the collection requirement will impose, and justification for the requirement. A key concept here is that of “burden hours.” For example, this means it must be disclose how much time it will take the affected public to read or listen to the request, gather the required data, and complete forms or otherwise respond.

Review and Comment. Once these materials have been completed at the regional level, they must undergo internal review, followed by public comment and OMB review.

In total, the CIO's office recommends planning for approximately a 9-month process to allow for appropriate internal reviews as well as external review and clearance of information collection requirements.

## IV. Renewals

OMB clearance of an information collection can be of no more than 3 years in duration. If the information collection will be in existence for more than 3 years, "renewal" of the OMB clearance must be obtained. The renewal process is just as time-consuming as the process for new collections, so it is necessary to plan ahead.

The CIO's office has developed a tracking system and protocol pursuant to which the PRA Coordinators will send reminders out about the need for a renewal approximately 10 months prior to the expiration date. The schedule for sending reminders is based around a new date called the "renewal date" which is actually 30 days prior to the expiration date. This is intended to build flexibility into the review process. It is important to remember that renewals can be just as time-consuming as original clearance requests.

## V. Emergencies: Special procedures available

If there is not sufficient time to obtain OMB clearance, there are several options an agency may choose to pursue. The agency may delay the rulemaking while waiting for OMB clearance. The action may move forward with the rulemaking, but defer effectiveness of collection and associated regulations (may be appropriate when a larger rulemaking package includes a collection of information) or, agencies may request an emergency and/or expedited review by OMB.

### A. Agencies may request expedited OMB review

An agency head or the Senior Official, or designee, may request OMB to authorize emergency processing of submissions of collections of information. Any such request must include a written determination that

- The collection of information:
- Is needed prior to the expiration of the review and clearance periods; and
- Is essential to the mission of the agency; and that
- The agency cannot reasonably comply with the normal clearance procedures 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 a statutory or court ordered deadline to be missed.

The request must state the time period within which OMB should approve or disapprove the collection of information. The agency must 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. The agency must set forth in the *Federal Register* notice, unless waived or modified, a statement that it is requesting emergency processing, and the time period stated for OMB review.

### B. OMB may provide special clearance for 90-day duration.

In these cases, OMB will approve or disapprove each such submission within the time period the agency states, provided that such time period is consistent with the purposes of the PRA. If OMB approves the collection of information, it shall assign a control number valid for a maximum of 90 days after receipt of the agency submission (5 CFR 1320 et seq.).