



**Awareness of The Paperwork Reduction
Act of 1995
(PRA)
For Federal Land Management Agency
Partnership Managers
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Prepared and presented by:

Wolf Cota

**National Information Collections Officer
US Forest Service**



History



In 1942, Congress passed the **Federal Reports Act**. The purpose was to:

- * Ensure that the government collects information "with a minimum burden upon the public and at a minimum cost to the Government."
- * Require that the Bureau of the Budget (now OMB) "determine whether or not the collection of information by a Federal agency is necessary for the proper performance of the functions of the agency or for any other proper purpose."

Before 1980, more than 80% of Federal information collection activities had been exempted from the Federal Reports Act, including the entire Internal Revenue Service.

In response to the out-of-control burdens placed upon the Public by the Federal government, Congress acted to correct the problem and bring the collection burden under control.

In 1980, Congress replaced the Federal Reports Act with the **Paperwork Reduction Act (PRA)**.



What is the PRA?

- * The Paperwork Reduction Act (PRA) is designed to reduce the burden placed upon non-Federal Entities (the Public), and to prevent Government agencies from collecting unnecessary information. In today's modern electronic world, Paperwork should now be thought of as **Public Burden** Reduction Act.
- * It governs how all Federal agencies and programs are allowed to collect information from the Public, and ensures that only necessary information is collected
- * The PRA requires all Federal entities to obtain OMB approval before requesting information from the Public.
- * Your program is NOT exempt from compliance.



This is an Important Congressionally Mandated Requirement!

All ICRs must be forwarded to and approved by OMB before the information collection can begin

What Is OMB?



OMB is the Executive Office of the President of the United States, Office of Management and Budget

The Goals of the PRA

1. Minimize the burden on the public when collecting information, especially by using technology
2. Maximize the practical use of the information collected
3. Ensure that an Information Collection does not duplicate already existing information, or duplicate effort
4. Maximize the cooperation amongst program areas and Agencies (Both intra- and inter- Agency)
5. Promote openness and accountability in the collection and use of information
6. Improve integrity, quality, security, and utility of information to all users within and outside the Federal Government

What is Burden?

Burden is the time, effort, or financial resources expended by persons to respond to an Information Collection.

The burden imposed by a collection may include the time it takes to:

- Review instructions
- Fill out forms/applications/permits
- Report information/answering questions or surveys
- Search data sources/records
- Use or purchase technology and systems for the purpose of processing and maintaining information to be reported
- Record Keeping

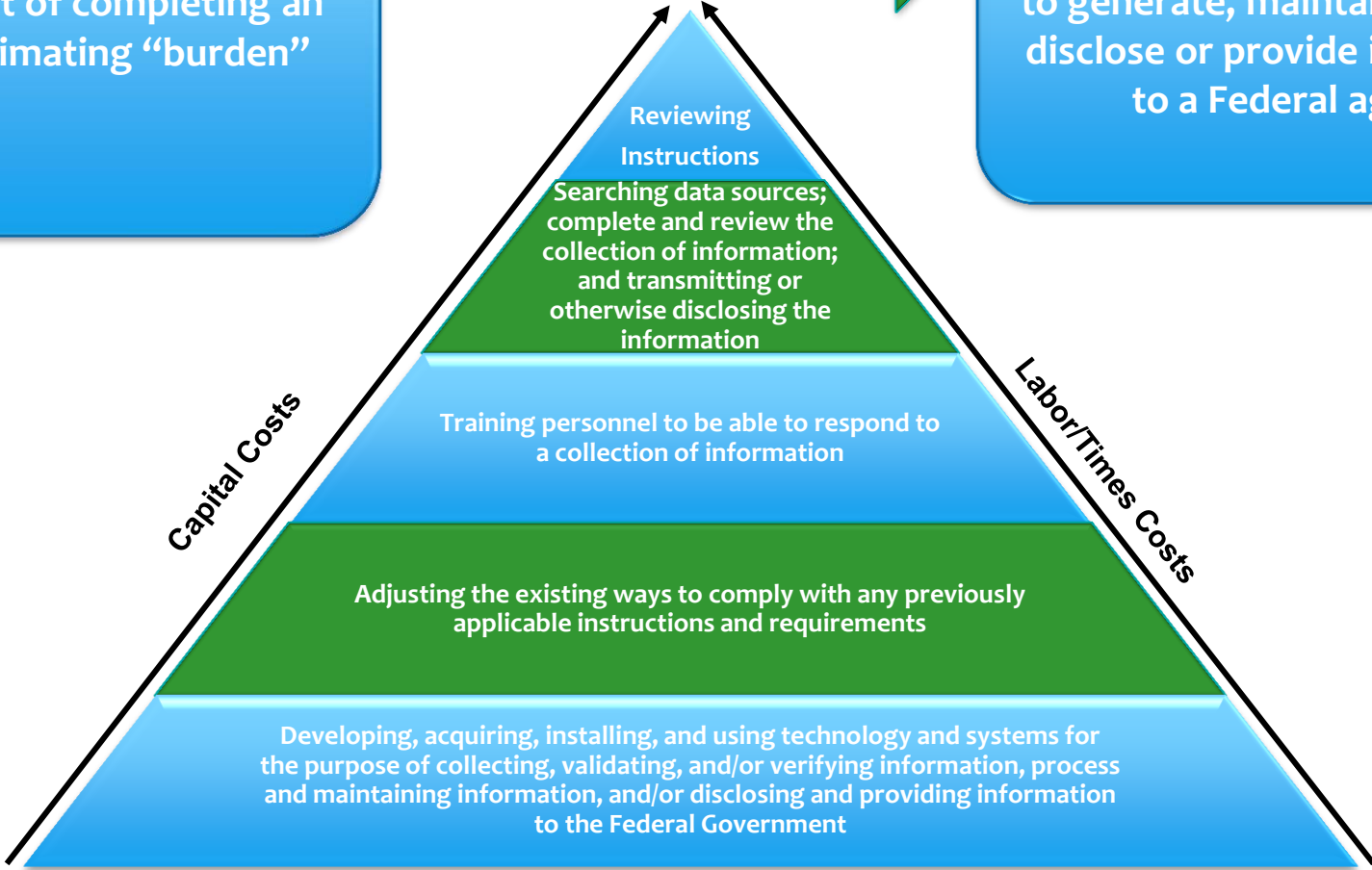


Burden also includes any Costs or Fees to the respondent associated with the collection (i.e., application fee, postage, professional services)

A critical part of completing an ICR is estimating “burden”

Definition of “Burden”

Total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to a Federal agency



Elements of “Burden”

The Drivers



The key drivers for the PRA process are:

- * *The Paperwork Reduction Act (PRA) of 1980, as amended by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35),*
- * *The Office of Management and Budget (OMB) regulations on information collections (5 CFR 1320, Controlling Paperwork Burdens on the Public)*



You should always consult with your agency's PRA Clearance/Information Collections Officer for more detailed information and guidance whenever interacting with the Public

All Federal programs must complete an Information Collection Request (ICR) when they intend to collect information from ten or more persons by means of identical questions or identical reporting, recordkeeping, or disclosure requirements within any 12 month period

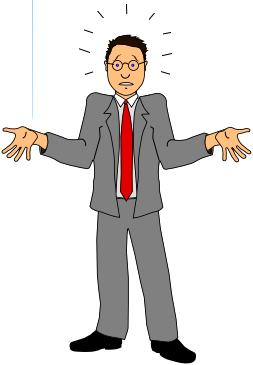


Note: OMB defines almost everything as an information collection. The following are some examples of the activities that qualify as “Information Collections”:

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| <ul style="list-style-type: none">✓ Reporting/application forms✓ Permits✓ Questionnaires/surveys/interviews✓ Contracts and agreements, MOUs✓ Interview guides and oral communications✓ Focus group scripts✓ Telegraphic or telephonic requests✓ Automated, electronic, mechanical, or other technological collection techniques✓ Websites collecting information✓ Objection and Appeals processes✓ Posting, notification, labeling, or similar disclosure requirements✓ Circulars, directives, instructions and bulletins✓ Reporting/recordkeeping requirements✓ Planning requirements✓ Standard questionnaires used to monitor compliance with agency requirements | <ul style="list-style-type: none">✓ Any other techniques or technological methods used to monitor compliance✓ Policy statements and plans✓ Rules or regulations
✓ Whether response is voluntary or mandatory makes no difference
✓ Local unit, regional, or national collection- makes no difference
✓ Collections performed by Federal contractors or under cooperative agreements are included
✓ Collections by grantees are included if the collection is conducted at the request of the agency or is part of the terms and conditions of the grant or when the Agency must approve the collection |
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This is an important, Congressionally mandated requirement – Do not try to avoid it or assume it does not apply to your program- plan ahead instead!

Who or what is “The Public” or “Persons”?



The “Public” or “Persons” is any non-Federal entity, such as:

- Individuals and households
- State, Local, or Tribal Governments, or their employees
- For-Profit Organizations or their employees
- Non-Profit Organizations or their representatives
- Job Applicants (prior to being hired)
- Non-Federal Cooperators
- Volunteers
- Contractors
- Visitors
- Customers
- Any/all non-Federal stakeholders

There are a few instances in which information collections DO NOT require an ICR and OMB clearance:

- ☒ Facts or opinions submitted in response to general solicitations of comments from the public
- ☒ Facts or opinions solicited in connection with public hearings or meetings (but NOT focus groups)
- ☒ Affidavits, oaths, affirmations, certifications, receipts, changes of address, and consents or acknowledgements
- ☒ Information collected from other Federal agencies
- ☒ Facts or opinions obtained through direct observation by an employee or agent of the agency
- ☒ Information gathered by Federal employees from publicly available sources, such as websites
- ☒ Facts or opinions requested from a single person
- ☒ Examinations designed to test aptitude, abilities or knowledge
- ☒ Information solicited through non-standardized follow-up questions designed to clarify responses to approved collections of information
- ☒ Information collected during: (1) the conduct of a federal criminal investigation/prosecution; (2) litigation or investigations; (3) intelligence and cryptologic activities

How Do I know If my form is already OMB approved, or if I need to obtain a new approval?

Forms approved by OMB will display an OMB number, and most will display an expiration date. This will look something like this:

OMB no. 0596-0082 Exp. 10/31/2013

Approved forms will also have a PRA Burden Statement:

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 15 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.

When in doubt, have questions, or if the approval appears expired, always consult with your PRA/Information Collections Officer

Developing your New Information Collection: Avoid Duplication

BEFORE YOU DO ANYTHING:

- ▶ **Consult with your PRA/Information Collections Officer**
- ▶ Determine whether or not you are already collecting the data you need; programs or other internal units of their Agency often have all the information they need to carry out their goals without conducting additional collections.
- ▶ Look for opportunities to conduct information collections in conjunction with other agencies or other internal program offices or units that have similar data goals as yours;
- ▶ If it is a group that you can easily reach, ask your stakeholders if and where they have submitted data that is similar to what you are collecting (do not ask more than 9);
- ▶ Search federal government websites to research collections at other agencies and internal program offices:
 - Reginfo.gov
 - Regulations.gov
 - Your Agency's website(s)

Good News! Your Agency may already have an approval for your desired ICR



Use of an existing Information Collection Approval, such as a Generic Clearance for focus groups and customer satisfaction surveys.



Revision of an existing Information Collection Approval that collects similar information, adding your particular need and burden to the approval



Non-Material revision to an existing Information Collection Approval

Avoid unnecessary duplication of effort- It is important to always consult with your Agency PRA/Information Collections Officer *early* in your planning

While there are a number of different types of ICRs with slightly different development processes, there is a “typical” process you should follow when developing your new ICR:

Determine if an ICR is needed or what type of ICR is necessary in consultation with your Agency’s PRA/Information Collection Officer

Revise/renew an existing ICR, or plan a new ICR and create the information collection package.

Complete the Supporting Statement, Part A and, if conducting any statistical analyses (such as surveys or focus groups), Part B.

Draft 60 day Federal Register request for comment notice

Submit the 60 day request for comment notice to the Federal Register for publication

After the end of the 60-day FR notice period, edit the ICR package in response to comments received, if any

Forward the updated ICR package to your PRA/Information Collections Clearance Officer for review and processing



When you design your new collection, you should bear in mind the 10 guidelines OMB has outlined for all collections



1

Necessary for performance of agency functions



2

Avoids unnecessary duplication



3

Reduces burden on small entities



4

Uses plain, coherent, and unambiguous terminology



5

Implementation will be compatible with recording and reporting practices of respondent



6

Indicates the retention period for recordkeeping requirements placed upon the respondents



7

Informs respondents of the information required under OMB 5 CFR 1320.8 (OMB Control number and expiration date, PRA Burden Statement and estimated burden per response on all instruments)



8

Has been developed by an office that has planned and allocated resources for the use of the information



9

Uses an effective and efficient statistical methodology (if applicable)

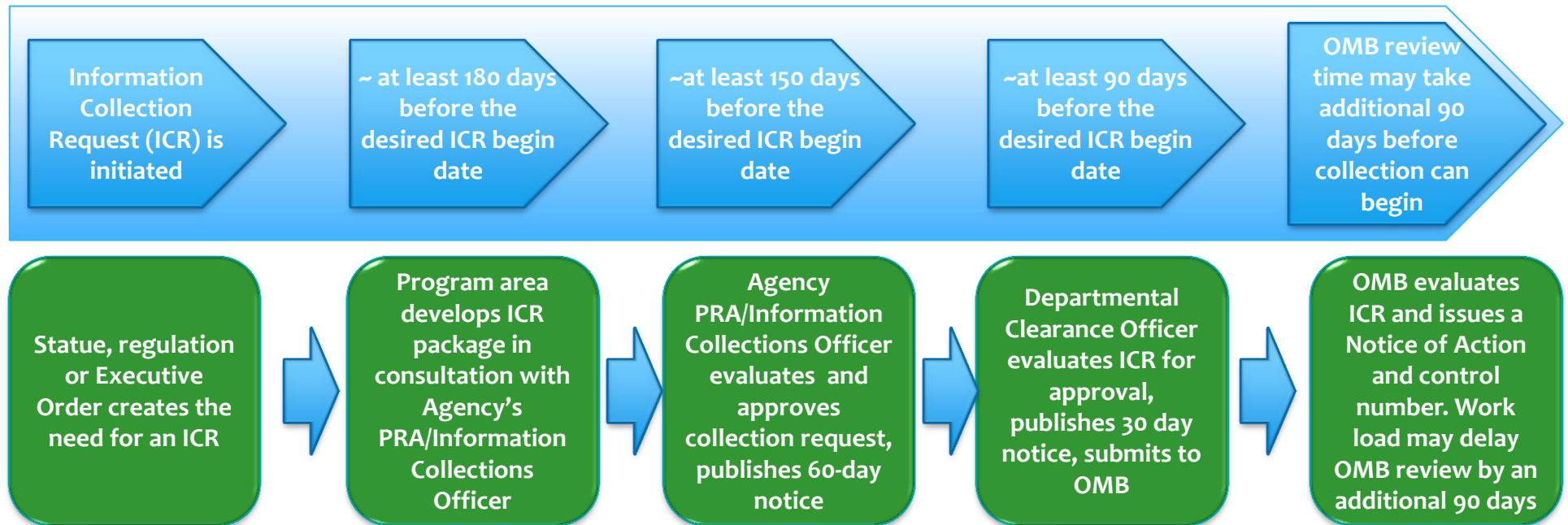


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Makes appropriate use of IT

What is the Timeline for the ICR development & approval process?

The ICR process typically takes 9 months from beginning to end:



Don't wait! Since OMB may take an additional 90 days for review due to their workload, early submission is critical for collections that are time sensitive; the more lead time, the better!

Evaluating & Reducing the Burden

Prior to submitting the ICR to your PRA/Information Collections Officer, evaluate your proposed ICR to determine if you can further reduce burden.



Keep these principles in mind:

- ✓ **Keep it Simple:** Simplify the instructions, to reduce the time required to read them
- ✓ **Keep it plain:** Use common, plain language in conversational form with no jargon. Always spell out acronyms the first instance referenced.
- ✓ **Keep it Clean:** Remove areas where the requested data is no longer required or used
- ✓ **Keep it Relevant:** Look at whether or not the same data requirements apply after conducting a collection a few times
- ✓ **“Phishing” is Not Allowed:** “Fishing” for information from the public is not allowed; all collected data must have some practical utility to the program. “It would be nice to have” or “Just in case we need it” are NOT valid purposes.
- ✓ **Automate:** Seek out opportunities to automate collections with IT that were not previously available and/or feasible
- ✓ **Check with Others:** Consult with personnel in other Agencies’ similar programs and your own Agency’s forms expert for tips on how to reduce burden
- ✓ **Give serious consideration to comment received:** If you receive constructive comments from the public in response to the 60-day Federal Register Notice, seriously reevaluate the collection with the comments received in mind

Remember:
Simple = Less Burdensome

Burden estimate breakouts-What is an Information Collection (IC) within the ICR?

Your PRA/Information Collections Officer may ask you to break out your Burden estimates. An ICR may contain more than one IC. An IC is a set of information collected by an agency that is associated with a given affected public and/or obligation to respond.

The set of information may also be defined by the instrument (e.g., a form), an activity (e.g., grantee record keeping, filing taxes), or any other logical grouping determined by the Agency that will provide explicit, broken-out burden estimates by affected public, and by the obligation to respond.


The purpose for this is for accurate reporting of the different types of Burdens to Congress each year.

 The “Affected public” is either:

1. Individuals & Households
2. The private sector
3. State, Tribal, & Local governments

The “obligation to respond” is either:

1. Mandatory (fines or jail if no reply)
2. Required to obtain or retain benefits
3. Voluntary

 An “information collection instrument” is the mechanism for gathering the information. The most obvious and easily identified type of instrument is a paper form or a survey, but it may be a web-based application, a telephone or focus group script, regulatory requirements such as grantee reporting requirements or objection processes that have no formal form or format, or any other means you use to gather information.

Important Things to Remember

- ▶ Without a valid OMB control number, information collections from non-Federal entities cannot be undertaken by any Federal Agency Program
- ▶ There is no such thing as a “Creative Workaround” to avoid complying with the PRA. Anything labeled or intended as such is a Violation
- ▶ Final OMB approval is required before you can begin to use a new collection
- ▶ Any collections undertaken without prior OMB approval can be legally challenged by the public
- ▶ Collections conducted without prior OMB approval can also be made the subject of Congressional hearings- this means your Agency’s top leader can be called before Congress to explain why it is your program violated the PRA.



This is an Important Congressionally Mandated Requirement!

How much time will it take me to prepare an ICR from scratch?

Typically it will take a subject matter expert of your program, working alongside your PRA/Information Collections Officer, approximately:

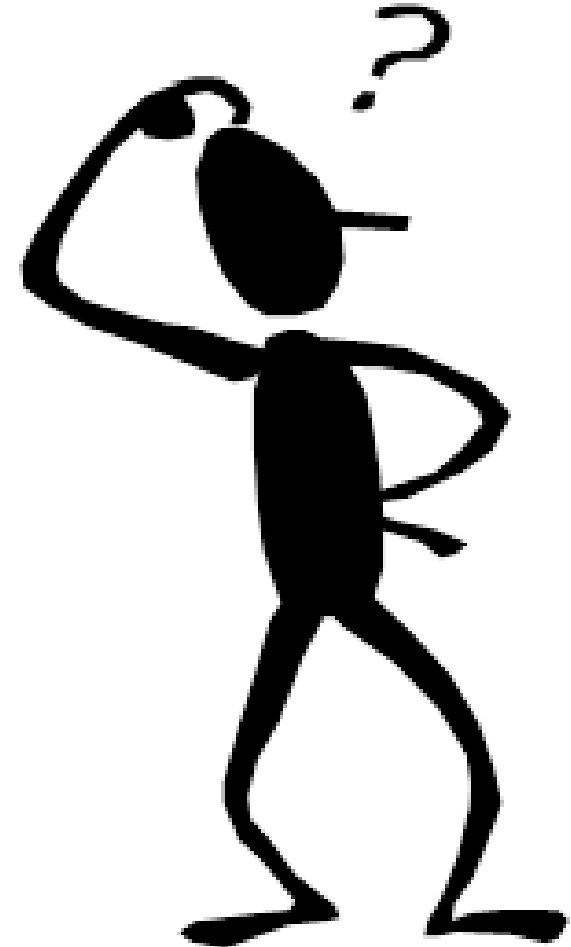
- 4-8 hours to prepare the first draft of the Supporting Statement(s), including the time for consultations and research
- 1-3 hours responding to Agency PRA Officers' questions and comments, if any
- 1/2 hour to prepare the draft 60-day FRN
- 1 hour to respond to Public Comments received, if any
- 1-2 hours to revise and update Supporting Statement(s) in response to public comments received, if any
- 1-2 Hours responding to OMB questions and comments, if any

- For a total of 5-16 work hours, spread out over the 9 month approval process

Where Can I Find Additional Material on Information Collections and the PRA?

- 1. Contact your Agency's PRA/Information Collections Officer**
- 2. OMB PRA Guidance Website: http://www.whitehouse.gov/omb/infoereg_infocoll**
- 3. Current Federal Information Collection Inventory and status:
<http://www.reginfo.gov/public/do/PRAMain>**

Questions?



If you have any questions in the future, please feel free to contact



Wolf Cota
National Information Collections Officer
US Forest Service

wdcota@fs.fed.us

(202) 205-1319