June 22, 2016

ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY AFFAIRS

MEMORANDUM FOR CHIEF INFORMATION OFFICERS

FROM:          Howard Shelanski  *H.S.*
               Administrator, Office of Information and Regulatory Affairs

SUBJECT:       Minimizing Paperwork and Reporting Burdens; Data Call for
               the 2016 Information Collection Budget

Building on Executive Order 13563, President Obama issued Executive Order 13610, *Identifying and Reducing Regulatory Burdens*, to institutionalize regulatory lookback and specifically require agencies to prioritize "initiatives that will produce significant quantifiable monetary savings or significant quantifiable reductions in paperwork burdens . . . ."[1] Executive Order 13610 also requires agencies to focus on "cumulative burdens" and to "give priority to reforms that would make significant progress in reducing those burdens . . . ."

The Paperwork Reduction Act of 1995 (PRA)[2] expresses the national commitment to minimizing paperwork burdens and improving the quality of information collected while ensuring the greatest possible benefit to the public.[3] With the implementation of Executive Orders 13563 and 13610, Executive Departments and Agencies[4] have focused greater attention and effort on reducing burdens on the public. In the past iterations of periodic retrospective review reports required by Executive Order 13610, Executive Departments and Agencies identified over 100 initiatives producing an estimated annual paperwork burden reduction of over 100 million hours. While some of these initiatives built on past burden reduction ideas, many were new. These initiatives, which are listed in detail on agencies' OpenGov websites, save time and money for small businesses, as well as for taxpayers, veterans, manufacturers, and others.

For Executive Departments and Agencies, this year's data call is different in process, but substantially similar in substance, from last year's data call. Specifically, we ask Executive Departments and Agencies to report paperwork burden reduction initiatives using the retrospective review data call that has been sent out recently to Executive Departments and Agencies. By sending out the retrospective review data call and the Information Collection Budget (ICB) data call to Executive Departments and Agencies at

---

[1] 77 FR 28467 (May 10, 2012).
[2] 44 U.S.C. chapter 35; 5 C.F.R. Part 1320.
[3] 44 U.S.C. §3501.
[4] The Executive Departments and Agencies covered by this data call are listed in the response to question 2 below. Agencies listed below that are not considered an "independent regulatory agency" under the PRA are considered Executive Departments and Agencies. See 44 U.S.C. §3502(5).

similar times and requiring joint submission of paperwork burden reduction initiatives under one data call, we are attempting simplify reporting and improve consistency.

For Independent Agencies,[5] which are not required to participate in the retrospective review data call pursuant to Executive Order 13610, the process remains similar to previous years. All Independent Agencies that are not producing a retrospective review report with paperwork burden reduction initiatives must submit two or more new paperwork burden reduction initiatives in response to this data call, just as they did in response to previous data calls.

The process related to submissions of PRA violations remains the same as previous years for Executive Departments and Agencies as well as Independent Agencies.

Please see below for more detailed instruction on the information that is requested in this data call.

1. **When are responses to this memorandum due?**

   Submissions are due to OIRA, Office of Management and Budget (OMB) no later than **5:30 pm, Friday, July 22, 2016**.

2. **Who must respond to this memorandum?**

   All Executive Departments and Agencies as well as Independent Agencies subject to the PRA are required to respond.[6] There are different submission requirements based on whether your agency is an Executive Department and Agency or an Independent Agency. The submission requirements are found in section 5. The following Executive Departments and Agencies and Independent Agencies are subject to this data call:

   *Executive Departments and Agencies*
     Department of Agriculture
     Department of Commerce
     Department of Defense
     Department of Education
     Department of Energy
     Department of Health and Human Services
     Department of Homeland Security
     Department of Housing and Urban Development

---

[5] Please see the response to Question 2, starting on page 2, for more information on which agencies are considered Independent Agencies covered by this data call. Agencies defined by the PRA as an "independent regulatory agency" are considered Independent Agencies. 44 U.S.C. §3502.

[6] A list of agencies, including independent regulatory agencies, that have submitted collections of information to OIRA is available at www.reginfo.gov. After navigating to the website, hover over "Information Collection Review" and click on "Search." On the search website loads, you will be able to review collections of information submitted by a particular agency.

Department of the Interior
Department of Justice
Department of Labor
Department of State
Department of Transportation
Department of the Treasury
Department of Veterans Affairs
Environmental Protection Agency
Federal Acquisition Regulation (FAR Secretariat)
National Aeronautics and Space Administration
National Science Foundation
Small Business Administration
Social Security Administration
Agencies that sponsor information collections under the E-Gov series (i.e., information collections beginning with the OMB control number prefix "4040")
All other agencies (that are not independent regulatory agencies) that are subject to the PRA's clearance requirements for collections of information

*Independent Agencies*
Commodity Futures Trading Commission
Consumer Financial Protection Bureau
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Energy Regulatory Commission
Federal Trade Commission
National Archives and Records Administration
Nuclear Regulatory Commission
Securities and Exchange Commission
All other independent regulatory agencies that are subject to the PRA's clearance requirements for collections of information

3. **What changes has OMB made to this data call?**

This data call for the 2016 ICB covers only one fiscal year, FY 2015. Along with data that we continue to collect for the 2015 ICB (for FY 2014), this current data call will be used in an ICB that will include both FY 2014 and FY 2015, similar to the 2013/2014 ICB (covering FY 2012 and FY 2013).

As in the 2015 ICB data call, we are asking Independent Agencies to provide OIRA with one or more new initiatives since the previous data call; however, as mentioned previously, for Executive Departments and Agencies, agencies should use the recently provided retrospective review data call to submit the required burden reduction initiatives for this ICB. In last year's data call, we asked all departments and agencies for updates on existing burden reduction initiatives. In this year's data call we request updates from only Independent Agencies within the ICB data call.

The process for reporting PRA violations is unchanged from previous data calls. Reporting for this data call should cover violations from FY 2015.

4.  **How does the ICB fit into OMB's initiatives under the E-Government Act?**

    Because an agency's activities under the E-Government Act have the potential to achieve substantial reductions in paperwork burden, agencies should be aware of their E-Government Act activities when preparing their response to this data call and throughout the year each agency should work to coordinate agency efforts under the PRA and the E-Government Act.

5.  **What must my agency's submission include?**

    Each CIO's office of an Executive Department and Agency must send to OIRA by **5:30 pm, Friday, July 22, 2016,** the paperwork burden reduction initiatives reported from its latest retrospective review reports. Executive Departments and Agencies should verify that these initiatives contain up-to-date information. If the effective date of an initiative has changed, agencies should specify the reason(s) for the change. In addition, as detailed in **Appendix B**, the CIO's office is required to report PRA violations after OIRA e-mails a preliminary violations list to the agency's PRA liaison.

    Each CIO's office of an Independent Agency must send to OIRA by **5:30 pm, Friday, July 22, 2016**, two or more new initiatives to reduce paperwork burdens that focus on targeted areas in accordance with the instruction in **Appendix A**. The CIO's office of these agencies must also provide updates on previously submitted paperwork burden reduction initiatives that have not been reported as completed in a previous ICB. In addition, as detailed in **Appendix B**, the CIO's office is required to report PRA violations after OIRA e-mails a preliminary violations list to the agency's PRA liaison.

6.  **In what format should the CIO provide this information to OMB?**

    For Executive Departments and Agencies, the paperwork burden reduction initiatives in the retrospective review reports data call that was sent recently should be used to submit burden reduction initiative that have historically been submitted for this data call.

    Independent Agencies are requested to use the attached reporting template entitled "2016-ICB-templates-independent-agencies" to provide information about their new burden reduction initiatives.

    All information required under this memorandum should be sent electronically to Aaron Szabo at Aaron_L_Szabo@omb.eop.gov.

7.  **Will OMB conduct meetings on my agency's submission?**

    OMB will schedule, as needed, meetings with an agency on its progress toward burden reduction goals and agency compliance with the PRA.

8.  **Whom should I contact for further information about specific issues relating to my agency?**

    Questions about specific agency matters should be directed to your agency's desk officer within OIRA.

9.  **Whom should I contact for further information about this memorandum?**

    Questions about this memorandum should be directed to Aaron_L_Szabo@omb.eop.gov.

## Appendix A: Burden Reduction Initiatives for <u>Independent Agencies</u>

**1. What is an appropriate initiative in response to this bulletin?**

We ask you to identify two or more initiatives, in the areas sketched below, to reduce paperwork burdens on the public and to enhance the efficiency of information collections.  We seek initiatives that:

a.  Significantly reduce the burden per response and/or overall on the public;

b.  Lead to a comprehensive review of an entire program (both within the agency and, in the case of related information collection activities, among agency components or across agencies), including regulations and procedures, with the goal of burden reduction; and/or

c.  Improve program performance by enhancing the efficiency of agency information collections (both within the agency and, in the case of related information collection activities, among agency components or across agencies).

**Please note**:  Initiatives **must not** consist of methodological changes in how agencies estimate burden.

**2. On what areas of burden reduction would we like you to focus?**

We request that Independent Agencies submit to OIRA two or more initiatives that simplify and reduce current paperwork and reporting burdens on the American people.  The most important goal should be to produce significant reductions in burdens (generally measured in terms of hours).  Please note that in 2012 Executive Departments and Agencies were asked, pursuant to Executive Order 13610, to produce at least three new initiatives that individually or in aggregate eliminated a certain number of paperwork hours – either 50,000 or two million hours, depending on the burden imposed by the agency.[7]  These lists of initiatives have been reported, updated, and expanded on in agencies' retrospective review reports, which are posted on agencies' OpenGov websites.

The suggested areas for burden reduction are similar to those from previous years.  As in the data call for the 2015 ICB, we are asking agencies to give particularly serious consideration to burden reduction initiatives that provide relief to small businesses or recipients of Federal benefits.  Because of economies of scale, a collection may be proportionally more burdensome for a small entity than a large one.  Important burden reduction efforts may involve different reporting requirements for small entities, such as

---

[7] OIRA/OMB, "Memorandum for the Heads of Executive Departments and Agencies: Reducing Reporting and Paperwork Burdens," June 22, 2012, *available at* https://www.whitehouse.gov/sites/default/files/omb/inforeg/memos/reducing-reporting-and-paperwork-burdens.pdf.

less frequent reporting or simplified "short" forms.[8]  Likewise, the process of renewing or applying for benefits can be time-consuming, confusing, and unnecessarily complex, thus discouraging participation and undermining program goals.  Sometimes agencies collect data that are unchanged from prior applications; in such circumstances, they might be able to use, or to give people the option to use, pre-populated electronic forms.  It is also worth considering whether it might be appropriate and possible, in certain circumstances, to dispense with forms entirely and to rely on more automatic, generic, or direct approval of participation.  Note that there is an overlap between the two issues that we are emphasizing; in some cases, small businesses may be overburdened by excessive reporting or paperwork requirements in connection with federal programs.

More generally, we recommend consideration of initiatives, with illustrations below, that eliminate unnecessary complexity, standardize inconsistent processes and requirements, eliminate duplicative or otherwise unnecessary reporting requirements, use pre-populated forms, and improve coordination among multiple offices that gather information from a common group of stakeholders.  Synthesis of reporting platforms within and across agencies should be considered.  Of course, agencies are not limited to these burden reduction areas, but we ask that they consider these areas in particular.  Agencies are encouraged to consult with their OIRA desk officers as needed with respect to their burden reduction plans.

- **Use of "Short Form" options:**  Significant burden reductions can be achieved by providing respondents the option of using streamlined short forms for situations of lesser complexity or importance.  This step is particularly useful for applications to receive a Federal benefit.  By adopting short forms similar in concept to the IRS Tax Form 1040EZ, agencies can eliminate unnecessary burden and complexity.

- **Reducing Record Retention Requirements:**  Administrative record retention requirements can often be costly, as regulated entities must set aside valuable storage space, time, and human resources to maintain records.  Simply reducing the amount of time that entities must retain records (to the extent consistent with law) could result in significant reductions in paperwork burden.

- **Electronic communication: "fillable fileable" forms (or data systems):**  Electronic communication can substantially reduce burdens on respondents and simultaneously increase efficiency in data collection and processing.  In particular, OMB seeks initiatives that implement "fillable fileable" approaches where feasible, appropriate, and consistent with law.  By reducing or even eliminating the use of paper, such initiatives allow entirely electronic communication between agencies and the private sector.  They may include the pre-population of appropriate forms, particularly those imposing high burdens.

---

[8] To promote such burden reduction, it may be useful for agencies to work with their Small Business Paperwork Relief liaison.  See the list of agency contacts available at http://www.whitehouse.gov/omb/inforeg_infocoll.

- **Frequency of information collection:** In some instances, monthly or daily information collections can be far more burdensome to the public than collections on a quarterly, bi-annual, or annual basis. OMB seeks initiatives that reexamine the frequency of routine reporting requirements to determine whether less frequent reporting would meet program needs.

- **Maximizing the re-use of data that are already collected:** Administrative or program data can sometimes be re-used or shared to reduce the paperwork burdens imposed on the public. Such administrative or program data may be held either within the agency asking for the new information or by other agencies, including statistical agencies. OMB encourages agencies to share data to the extent practical, appropriate, and consistent with law.[9]

### 3. What information about these initiatives must we submit?

The reporting template (Word file) entitled "2016-ICB-templates-independent-agencies" includes fields for the information that we request you submit. All burden initiatives should be included within the same template document. When you submit your completed template document, we ask that you replace the words "independent agencies" in the file name with the name of your agency (*e.g.*, "2016-ICB-templates-FCC").

Within the burden reduction initiative template, we ask that your submission include:

a. **Agency**: your agency name.

b. **Status**: a designation of the status of the burden initiative. Next to the word "Status," please state "New" for new initiatives or one of four choices for previous initiatives: "Complete," "In-progress," "Suspended," and "Unsuccessful."

c. **Office(s)**: the name of the office(s) primarily responsible for implementing the initiative.

d. **Initiative Title**: a title of the initiatives, as assigned by your agency. For updates on previous initiatives, we ask that you use the same title as previous years.

e. **Reduction Area(s)**: the areas we suggest agencies focus their attention; these areas are described above. We request that agencies check the boxes of each of the areas that apply, as initiatives can address more than one suggested reduction area.

---

[9] OMB M-11-02, "Memorandum for the Heads of Executive Departments and Agencies: Sharing Data While Protecting Privacy," November 3, 2010, *available at* https://www.whitehouse.gov/sites/default/files/omb/memoranda/2011/m11-02.pdf.

f.  **Description**: a concise description of the program(s) that are affected, including statutory and regulatory citations; a description of the affected public; and a description of the agency structure that implements the program (both within the agency and, in the case of related information collection activities, among agency components or across agencies).

g.  **Collection(s) Affected**: a list of the titles and OMB Control Numbers of the collections affected by this initiative.  We ask that agencies list the estimated reduction in burden hours and cost for each collection; the definition of burden hours and cost is consistent with existing practice under the PRA.  An example of the proper format for an entry in this field is: *"Survey of Options" (8888-8888) – 100,000 burden hour reduction, $15,000 cost burden reduction; "Form XYZ" (8888-9999) – 8,000 burden hour reduction, $55,555 cost burden reduction.*

h.  **Estimated Reduction**: an estimate of the total reduction in burden hours and costs for the entire initiative.  To the greatest extent possible, this information should represent the sum of the information provided in the "Collection Affected" field.  Using the example above, an agency would enter *108,000* before the words "total burden hours" and *$20,555* before the words "total cost burden."

i.  **Date of Completion**: the projected or actual month and year for the completion of the entire initiative.  We request that you state "Completed in" for completed initiatives, "Expected in" for in-progress initiatives, and "Not completed as expected in" for suspended or unsuccessful initiatives.

j.  **Challenges**: perceived difficulties in accomplishing this initiative, including statutory or policy barriers.

**4.  Updates on Progress Made on Previous Burden Reduction Initiatives.**

As we did in the data call for the 2015 ICB, we ask that you provide OIRA with burden reduction initiatives that made greater use of short forms, revised record retention requirements, utilized electronic forms, changed the frequency of information collection, or re-used already collected data.  As in previous ICB data calls, we are requesting that you provide a status update on progress made on burden reduction initiatives from FY 2014.

To improve consistency in reporting across the Federal Government, we ask agencies to use the template document entitled "2016-ICB-templates-independent-agencies," to update OIRA on its previous burden initiatives.  The template document can accommodate multiple initiatives, and the entry fields are the same for reporting on both new and previous initiatives.  When you report on previous initiatives, we request that you verify the "Status" and the projected or actual "Date of Completion" are up-to-date.

**Appendix B: Violations**

**1. Reporting Violations of the Paperwork Reduction Act.**

As in the data call for the 2015 ICB, this Appendix requires you to report on violations of the PRA and OMB's regulations implementing the PRA. In this year's data call, OMB is requesting that you report PRA violations occurring in FY 2015. OMB is also reminding you of the importance of the requirement that a senior agency official certify that PRA standards have been met. Specifically, OMB calls on CIOs to review their procedures to ensure that this certification process is robust. This includes ensuring that, when seeking OMB approval of an information collection, you have taken steps to (1) reduce burden on the members of the public providing the information, (2) determine whether small entities are affected by the collection and to reduce burden on these entities, and (3) establish a plan for the management and use of information to be collected and identify necessary resources.

In addition, OMB reminds you of the importance of periodically reviewing your websites to ensure that all forms subject to the PRA have been approved by OMB. This reminder follows up on the 2004 OMB Memorandum, "Policies for Federal Agency Public Websites."[10] That OMB Memorandum noted that agencies are already required under the PRA to manage information collections from the public or State and local governments (including website surveys or questionnaires) in the manner prescribed in OMB's PRA implementing regulations.

This Appendix explains what you must submit to OMB to report violations of the information collection provisions of the PRA and OMB's implementing regulations, 5 C.F.R. § 1320, over FY 2015. OMB is required to report PRA violations to Congress and will report the information you submit in the 2016 ICB.

**2. How do I Report Violations of the PRA to OIRA?**

As we did after the data call for the 2015 ICB, OIRA will provide you, within two weeks of the publication of this data call, with a list of your agency's known PRA violations for FY 2015. You must verify that the information we provide you is accurate, correct information that you believe is incorrect, and add any violations that do not appear on the list.

OIRA reports two categories of PRA violations: (1) collections in use without OMB approval and (2) lapses in renewal or discontinuation. Violations falling under the first category, collections in use without OMB approval, occur when the agency fails to receive OIRA approval for the information collection request before it begins to collect information. Violations falling under the second category, lapses in renewal or

---

[10] OMB M-05-04, "Memorandum for the Heads of Executive Departments and Agencies: Policies for Federal Agency Public Websites," December 17, 2004, which was issued as required by the E-Government Act and is available at www.whitehouse.gov/omb/memoranda/fy2005/m05-04.pdf.

discontinuation, occur when the agency fails to submit its request to OIRA to renew or discontinue, as appropriate, its approval for a collection prior to the expiration date.

For this data call, OIRA identifies two types of lapses in renewal or discontinuation: (1) collections that expired during FY 2015 and were reinstated after the expiration date during FY 2015[11] and (2) collections that expired during FY 2015 and were not renewed or discontinued before the expiration date in FY 2015[12].

If your agency has zero known violations for FY 2015, OIRA will so indicate in its submission to you. If your internal review yields no further violations, please send a brief statement that your agency reports zero violations.

---

[11] There may be some collections that technically expired in FY 2014 (and may have been reinstated within FY 2015) but occurred so late in the fiscal year (e.g., September 30, 2014) that they were not accounted for in the previous data call. Therefore, they have been included within this data call and have not been differentiated.

[12] There may be some collections that have reinstatement dates that are in FY 2016 that are included. To the extent that they have been reinstated, that date is provided.