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OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

ADMINISTRATOR  
OFFICE OF  
INFORMATION AND  
REGULATORY AFFAIRS

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MEMORANDUM FOR CHIEF INFORMATION OFFICERS

FROM: Cass R. Sunstein  
Administrator

SUBJECT: Minimizing Paperwork and Reporting Burdens; Data Call for the 2012 Information Collection Budget (ICB)

Executive Order 13563 requires agencies to engage in “periodic review of existing significant regulations” in order to explore “whether any such regulations should be modified, streamlined, expanded, or repealed so as to make the agency’s regulatory program more effective or less burdensome in achieving the regulatory objectives.”<sup>1</sup> Executive Order 13563 calls for a continuing process of scrutiny, designed to identify how best to reduce existing burdens. The President has stated that the initial results of the effort to streamline rules and reporting requirements are only “a fraction of some of the paperwork and bureaucracy and red tape that we’re going to be able to eliminate.”<sup>2</sup>

The Paperwork Reduction Act of 1995 (PRA)<sup>3</sup> expresses the national commitment to minimizing paperwork burdens and improving the quality of information collected while ensuring the greatest possible benefit to the public.<sup>4</sup> Serious efforts at reducing current burdens could eliminate unjustified costs. For example, new technologies, including “fillable fileable” electronic forms, afford significant opportunities for reducing costs and increasing simplification. These new technologies, along with agency adjustments resulting from macroeconomic conditions and improved estimates, contributed to the estimated 1.0 billion burden hour decrease reported in the 2011 Information Collection Budget (ICB).<sup>5</sup> Nonetheless, paperwork burdens have grown over the past decade. In FY 2010, the public spent an estimated 8.8 billion hours responding to Federal information collections. This figure represents a net increase of 1.4 billion burden hours from the corresponding number in FY 2000, an increase of 19 percent.

Despite this long-term increase, a number of agencies have taken steps to help produce the overall burden decrease reported last year. From FY 2009 to FY 2010, some agencies reported notable decreases, including a 5 percent decrease from the Department of Commerce. In the 2011 ICB, the Office of Management and Budget (OMB) announced 57 burden reduction initiatives

<sup>1</sup> See Executive Order 13563, Section 6(b). January 18, 2011, available at <[http://www.reginfo.gov/public/jsp/Utilities/EO\\_13563.pdf](http://www.reginfo.gov/public/jsp/Utilities/EO_13563.pdf)>

<sup>2</sup> See “Remarks by the President in Town Hall with LinkedIn,” September 26, 2011, available at <<http://www.whitehouse.gov/the-press-office/2011/09/26/remarks-president-town-hall-linkedin>>

<sup>3</sup> 44 U.S.C. chapter 35; see 5 C.F.R. Part 1320.

<sup>4</sup> 44 U.S.C. §3501

<sup>5</sup> See 2011 Information Collection Budget of the United States Government, <[http://www.whitehouse.gov/sites/default/files/omb/inforeg/icb/2011\\_icb.pdf](http://www.whitehouse.gov/sites/default/files/omb/inforeg/icb/2011_icb.pdf)>

from 26 agencies, including a 20.7 million burden hour reduction resulting from the use of electronic and telephonic certification in the USDA Supplemental Nutrition Assistance Program (SNAP).<sup>6</sup>

Although these developments are encouraging, far more should be done. To that end, this memorandum asks agencies to produce two or more burden reduction initiatives that promise to produce significant progress in the next year. This memorandum also provides instructions to the Chief Information Officers (CIOs) on the preparation and submission, to the Office of Information and Regulatory Affairs (OIRA), of information that OMB will include in the 2012 ICB.

The ICB describes (1) the information collection burden imposed by the Federal government on the public and (2) the progress of the agencies toward achieving the burden reduction goals set forth in the PRA. In this data call, we ask agencies to continue to develop new initiatives to reduce burdens on the American public in particular areas and through particular methods; details are provided below.

**1. What is the deadline for agencies to respond to this memorandum?**

Submissions are due to OIRA no later than **Wednesday, March 28, 2012.**

**2. Which agencies must respond to this memorandum?**

The Chief Information Officers from the following agencies must respond to this memorandum (if your agency is not listed here, you do not need to respond):

- 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
- 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)
- Federal Communications Commission
- Federal Deposit Insurance Corporation
- Federal Energy Regulatory Commission
- Federal Trade Commission
- National Aeronautics and Space Administration
- National Science Foundation
- Nuclear Regulatory Commission

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<sup>6</sup> *Id.*

Securities and Exchange Commission  
Small Business Administration  
Social Security Administration  
Agencies that sponsor information collections under the auspices of the E-Gov series  
(i.e., collections beginning with the OMB prefix “4040”)

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

We now ask agencies to provide OMB with two or more new initiatives, and we continue to focus on the same burden reduction areas, which are listed in the Appendix. We also continue to request updates on previously-initiated burden reduction initiatives.

Additionally, new to this year’s data call, we ask agencies to submit both new and previous burden initiatives using the attached template document; details are provided in the Appendix.

**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 ICB submission and, throughout the year, should work to coordinate agency efforts under the PRA and the E-Government Act.

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

The CIO’s office is required to submit a detailed description of two or more new agency initiatives to reduce burdens, focusing on targeted areas, in accordance with the instructions in the Appendix. All submissions should be consistent with OMB fiscal and policy guidance.

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

We ask agencies to use the template document attached to the data call e-mail to provide information on burden reduction initiatives. The information required under this memorandum should be sent electronically to Patrick Fuchs ([Patrick.J.Fuchs@omb.eop.gov](mailto:Patrick.J.Fuchs@omb.eop.gov)).

**7. Will OMB conduct hearings on my agency’s submission?**

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

**8. Whom should I contact at OIRA 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 OMB’s Office of Information and Regulatory Affairs.

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

Questions about this memorandum should be directed to Patrick Fuchs ([Patrick.J.Fuchs@omb.eop.gov](mailto:Patrick.J.Fuchs@omb.eop.gov)).

## Appendix

### Burden Reduction Initiatives

#### 1. What is an appropriate burden reduction 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 the manner by which agencies estimate burden.

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

To address the long-term increase in burdens detailed earlier in this memorandum, we request that agencies submit to OMB 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). The suggested areas for burden reduction are consistent with those from last year. As in last year's data call, 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 less frequent reporting or simplified "short" forms.<sup>7</sup> 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 areas 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

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<sup>7</sup> 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](http://www.whitehouse.gov/omb/inforeg_infocoll)

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 continue to ask that they consider these areas in particular. Agencies are encouraged to consult with 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.
- **Use of electronic communication and “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.
- **Reducing 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.<sup>8</sup>

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

The template document entitled “2012ICB\_Templates\_Agency” 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 word Agency in the file name with the name of your agency (e.g. “2012ICB\_Templates\_USDA”).

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<sup>8</sup> See OMB M-11-02, “Memorandum for the Heads of Executive Departments and Agencies: Sharing Data While Protecting Privacy,” November 3, 2010, *available at* < <http://www.whitehouse.gov/sites/default/files/omb/memoranda/2011/m11-02.pdf>>

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

- a. **Agency:** an agency name found by clicking on the drop-down list next to the word “Agency.” If your agency is not listed, please select the “Other” choice.
- b. **Status:** a designation of the status of the burden initiative. When you click on the drop-down list next to the word “Status,” you will find a choice for “New” initiatives and 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.
- f. **Description:** a concise description of the program or programs 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). Please note that we have instituted a limit of 1500 characters for descriptions of initiatives.
- g. **Collections 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 Opinions” (8888-8888) - 100,000 burden hour reduction, \$15,000 cost burden reduction; “Form XYZ” (8888-9999) - 8,000 burden hour reduction, \$5,555 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 “Collections 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(s) of Completion:** the projected or actual month and year for the completion of the entire initiative, selected by clicking on and scrolling through the “Click to select a month/year” field. For the “Click to select a completion status for the entire initiative” drop-down list, we ask that you select “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.**

In the 2011 ICB, we similarly asked agencies to provide OMB 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 agencies provide a status update on progress made on burden reduction initiatives of the previous year.

To improve consistency in reporting across the Federal Government, we ask agencies use the same template document, entitled “2012ICB\_Templates\_Agency”, to update OMB on its previous burden initiatives. We request that you re-format the information you provided in previous years to fit with the fields and character limits of the new template. 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 update the “Status” and the projected or actual “Date of Completion.”

### Violations

#### **5. Reporting Violations of the Paperwork Reduction Act.**

As in last year’s ICB data call, 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 2011. 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 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.”<sup>9</sup> 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 the last fiscal year. OMB is required to report PRA violations to Congress and will report the information you submit in the 2012 Information Collection Budget.

#### **6. How do I Report Violations of the PRA to OMB?**

OMB will provide you with a list of your agency’s known PRA violations for FY 2011. You must verify that the information we provide you is correct and add any violations that do not appear on the list.

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<sup>9</sup> See 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](http://www.whitehouse.gov/omb/memoranda/fy2005/m05-04.pdf)>

The list provided by OMB will have columns for each violation's "OMB Control Number," "Title", relevant dates (date columns vary based upon violation category), and "Status." The "Status" field allows you to select whether a corrective action is completed, in-progress, or neither. We classify violations based on the following categories:

- a. Collections previously approved and then reinstated after the violation was discovered. We ask that you include the "Expiration Date" prior to the violation and include the approved or projected "Reinstatement Date."
- b. Collections previously approved and then discontinued instead of reinstated after the violation was discovered. We request that you include the "Expiration Date" prior to the violation and include the approved or projected "Discontinuation Date."
- c. Collections previously in use without approval and then approved after the violation was discovered. We ask that you include the new or projected "Approval Date."
- d. Collections in violation and not yet involved in the process of approval or discontinuation. We request that your agency explain why it has not taken corrective action.

If your agency has zero known violations for FY 2011, OMB 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.