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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: Neomi Rao *Neomi Rao*  
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SUBJECT: Minimizing Paperwork and Reporting Burdens; Data Call for  
the 2018 Information Collection Budget (FY 2017 Data)

This Memorandum provides a data call for the Information Collection Budget (ICB),<sup>1</sup> and reaffirms the importance of minimizing paperwork burdens as a component of comprehensive regulatory reform. On January 30, 2017, President Trump issued Executive Order (EO) 13771, *Reducing Regulation and Controlling Regulatory Costs*, which recognizes that “it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations.” In addition, the Paperwork Reduction Act of 1995 (PRA)<sup>2</sup> expresses the national commitment to minimizing paperwork burdens and improving the quality of information collected by the government while ensuring the greatest possible benefit to the public.<sup>3</sup>

As requested in last year’s data call, departments and agencies subject to EO 13771<sup>4</sup> should report information collection initiatives in FY 2017 that served as burden reduction activities for both the ICB and annual burden reduction responsibilities under EO 13771. Agencies are required to estimate the monetized information collection burden reductions and to provide a general timeline when the burden reductions will be realized. This information should have been submitted to the Office of Information and Regulatory Affairs (OIRA) using the EO 13771 templates sent with the 2017 Data Call for the *Unified Agenda of Federal Regulatory and Deregulatory Actions*. OIRA will refer to those burden reduction submissions when reporting FY 2017 burden reduction initiatives in the ICB report to Congress.

<sup>1</sup> 44 U.S.C. § 3505(a)(1).

<sup>2</sup> 44 U.S.C. chapter 35; 5 C.F.R. Part 1320.

<sup>3</sup> 44 U.S.C. § 3501.

<sup>4</sup> For more information about the applicability of EO 13771, see Office of Mgmt. & Budget, Memorandum No. M-17-21, “Guidance Implementing Executive Order 13771” (Apr. 5, 2017).

Pursuant to OMB guidance, the historically independent agencies do not currently participate in EO 13771.<sup>5</sup> In order to satisfy their obligations under the PRA, these agencies must submit two or more new paperwork burden reduction initiatives in response to this data call.

The process for submissions of PRA violations remains the same as previous years.

Submissions are due to OIRA no later than **5:30 pm, September 5**. Detailed information about submissions can be found in the appendices. Questions about specific agency matters should be directed to the agency's OIRA desk officer. Questions about this Memorandum should be directed to Cortney Higgins, [Cortney\\_Higgins@omb.eop.gov](mailto:Cortney_Higgins@omb.eop.gov).

Appendix A: Detailed Instructions for Submission

Appendix B: Reporting Paperwork Reduction Act Violations

Appendix C: Burden Reduction Initiatives for Historically Independent Agencies

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<sup>5</sup> The term historically independent agencies refers to “independent regulatory agenc[ies]” as defined by the PRA. *See* 44 U.S.C. § 3502(5).

## Appendix A: Detailed Instructions for Submission

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

Submissions are due to the Office of Information and Regulatory Affairs (OIRA) no later than **5:30 pm, September 5.**

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

All agencies subject to the PRA are required to respond.<sup>6</sup> However, there are different submission requirements based on whether an agency is subject to EO 13771. The submission requirements are found in section 5.

The following agencies are subject to this data call:

- Commodity Futures Trading Commission
- Consumer Financial Protection Bureau
- 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
- General Services Administration
- National Archives and Records Administration
- National Aeronautics and Space Administration
- National Science Foundation
- Nuclear Regulatory Commission

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<sup>6</sup> A list of agencies that have submitted information collections to OIRA is available at [www.reginfo.gov](http://www.reginfo.gov). After navigating to the website, hover over "Information Collection Review" and click on "Search" to review information collections submitted by a particular agency.

Office of Personnel Management  
Securities and Exchange Commission  
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 subject to the PRA’s clearance requirements for information collections

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

As in previous ICB data calls, all historically independent agencies are required to provide OIRA with two or more new initiatives since the previous data call.

Unlike last year’s data call, OIRA will directly draw burden reduction initiatives from agency submissions to OIRA using the EO 13771 templates that were sent out as part of the 2017 Data Call for the *Unified Agenda of Federal Regulatory and Deregulatory Actions*. OIRA will refer to those burden reduction submissions when reporting FY 2017 burden reduction initiatives in the ICB report to Congress.

The process for reporting PRA violations is unchanged from previous data calls. Reporting for this data call should cover violations from FY 2017.

**4. How does the ICB fit into OMB’s initiatives under the E-Government Act of 2002?**

Because an agency’s activities under the E-Government Act of 2002 (“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?**

After OIRA e-mails preliminary violations lists to the PRA liaison at agencies, the Chief Information Officers’ (CIO) offices must report PRA violations to OIRA, as detailed in **Appendix B** by **5:30 pm, September 5**.

For historically independent agencies, the CIO’s offices must send two or more new initiatives to reduce paperwork burden that focus on targeted areas, in accordance with the instruction in **Appendix C**, by **5:30 pm, September 5**. The CIO’s offices 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**, an agency’s 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?**

All departments and agencies should submit final PRA violations lists to OIRA using the excel worksheets that contain the preliminary list of violations as provided by OIRA.

Historically independent agencies are requested to use the attached reporting template entitled "2018-ICB-template-agency name" to provide information about their new burden reduction initiatives, as described in Appendix C.

All information required under this memorandum should be sent electronically to Cortney Higgins at [Cortney\\_Higgins@omb.eop.gov](mailto:Cortney_Higgins@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.

## Appendix B: Reporting Violations of the Paperwork Reduction Act

As in previous Information Collection Budget (ICB) data calls, this Appendix requires agencies to report on violations of the Paperwork Reduction Act (PRA) and the Office of Management and Budget's (OMB) regulations implementing the PRA. In this year's data call, OMB requests that agencies report PRA violations occurring in FY 2017. OMB also reminds agencies 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, agencies 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 stresses the importance of periodically reviewing agency 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>7</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 agencies must submit to OMB to report violations across FY 2017 of the information collection provisions of the PRA and OMB's implementing regulations.<sup>8</sup> OMB is required to report PRA violations to Congress and will report the information agencies submit in the 2018 ICB.

Consistent with the process of previous ICB data calls, OIRA will provide agencies, within two weeks of the publication of this data call, with a list of an agency's known PRA violations for FY 2017. Agencies must verify that the information OIRA provides is accurate, correct information that 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

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<sup>7</sup> Office of Mgmt. & Budget, Memorandum No. M-05-04, "Memorandum for the Heads of Executive Departments and Agencies: Policies for Federal Agency Public Websites" (Dec. 17, 2004). M-05-04 was issued as required by the E-Government Act and is available at <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2005/m05-04.pdf>.

<sup>8</sup> 5 C.F.R. Part 1320.

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 2017 and were reinstated after the expiration date during FY 2017<sup>9</sup> and (2) collections that expired during FY 2016 and were not renewed or discontinued before the expiration date in FY 2016.<sup>10</sup>

If an agency has zero known violations for FY 2017, OIRA will so indicate in its submission. If an agency's internal review yields no further violations, please send a brief statement that the agency reports zero violations. If an agency does not report to OIRA that the agency had zero violations for FY 2017, then the 2018 ICB may not recognize in the table of total number of violations that the agency was "good" and had zero violations for FY 2017.

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<sup>9</sup> There may be some collections that technically expired in the previous fiscal year (and may have been reinstated within FY 2016) but occurred so late in the fiscal year (e.g., September 30, 2015) 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.

<sup>10</sup> 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.

## Appendix C: Burden Reduction Initiatives for Historically Independent Agencies

### 1. What is an appropriate initiative in response to this data call?

OIRA asks historically independent agencies to identify two or more initiatives, in the areas described below, to reduce paperwork burdens on the public and to enhance the efficiency of information collections. OIRA seeks initiatives that:

- a. Significantly reduce the burden per response or overall burden 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; 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 should agencies focus?

OIRA requests that historically 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).

The suggested areas for burden reduction are similar to those from previous years. As in previous data calls, OIRA requests that agencies 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>11</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. In some cases, small businesses may be overburdened by excessive reporting or paperwork requirements in connection with federal programs. Sometimes agencies collect data that are unchanged from prior applications; in such circumstances, they may be able to use, or to give people the option to use, pre-populated electronic forms. Also worth considering is whether, in some circumstances, to dispense with forms entirely and to rely on more automatic, generic, or direct approval of participation.

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<sup>11</sup> To promote such burden reduction, it may be useful for agencies to work with their Small Business Paperwork Relief liaison.



More generally, OIRA recommends 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. 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 to use 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. They may include the pre-population of appropriate forms, particularly those imposing high burdens.
- **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>12</sup>

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<sup>12</sup> Office of Mgmt. & Budget, Memorandum No. M-11-02, “Memorandum for the Heads of Executive Departments and Agencies: Sharing Data While Protecting Privacy” (Nov. 3, 2010).

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

The reporting template (Word file) entitled “2018-ICB-template-agency name” includes fields for the information that OIRA requests agencies to submit. All burden initiatives should be included within the same template document. When agencies submit the completed template document, they should replace the words “agency name” in the file name with the name of the agency (e.g., “2018-ICB-template-FCC”).

Within the burden reduction initiative template, agencies submissions should include:

- a. **Agency:** 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 initiative, as assigned by the agency. For updates on previous initiatives, please use the same title as previous years.
- e. **Reduction Area(s):** agencies should check the box of each of the areas that apply, as initiatives can address more than one suggested reduction area.
- f. **Description:** a concise description of the affected program(s), 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. Agencies should 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. Agencies should 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 each initiative, including statutory or policy barriers.

#### **4. Updates on progress made on previous burden reduction initiatives.**

As in previous ICB data calls, agencies should 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, agencies should provide a status update on progress made on burden reduction initiatives from FY 2016.

To improve consistency in reporting across the Federal Government, agencies should use the template document entitled “2018-ICB-template-agency name,” 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 agencies report on previous initiatives, they should verify the “Status” and the projected or actual “Date of Completion” are up-to-date.