EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY AFFAIR

SEP 30 2009

MEMORANDUM FOR CHIEF INFORMATION OFFICERS

FROM: Cass R. Sunstein (CRS)
Administrator

SUBJECT: Data Call for the 2009 and 2010 Information Collection Budgets

This memorandum provides instructions to the Chief Information Officer (CIO) on the preparation and submission of information to the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) that will be included in the 2009 Information Collection Budget (ICB) and 2010 (ICB). This annual report describes the information collection burden imposed by the Federal government on the public and progress of the agencies towards the burden reduction goals set forth in the Paperwork Reduction Act of 1995 (PRA). In this year's data call, OMB is requesting agencies to provide information on their PRA activities separately for fiscal year (FY) 2008 and for FY 2009.

1. **<u>When are responses to this memorandum due?</u>** There are two due dates for agencies to provide the information requested in this memorandum to OIRA by:

    a. Submissions of information requested in this memorandum for FY 2008 PRA activities are due to OIRA by no later than **Thursday, October 16, 2009.**
    b. Submissions of information requested in this memorandum for FY 2009 PRA activities are due to OIRA by no later than **Wednesday, November 18, 2009.**

2. **<u>Who must respond to this memorandum?</u>** The Chief Information Officers from the following agencies must comply with the requirements of this memorandum:

    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
Securities and Exchange Commission
Small Business Administration
Social Security Administration

If your agency is not listed here, you do not need to comply with this memorandum. However, agencies that sponsor information collections under the auspices of the E-gov series (i.e. collections beginning with the OMB prefix "4040") must also comply with this memorandum.

3. **What changes has OMB made to this data call?** The information requested in this data call is identical to the information requested in last year's data call. The only difference is that in this data call, OMB is requesting that agencies report retrospectively on their PRA activities for *two* fiscal years: 2008 and 2009.[1] The due date for each of these fiscal years is different (see Question 1). Agencies have additional time to provide OMB their FY 2009 PRA activity information. Because of the new capabilities made possible by the ROCIS system that enable us to request more limited information from agencies about their PRA activities than in prior years, and because of the staggered due dates for providing OMB the information in this data call, we believe that requesting agencies to provide information on their PRA activities for two fiscal years is not overly burdensome.

We are requesting information on (1) agency progress on implementing burden reduction initiatives underway and (2) agency PRA violations. Agencies should report the information requested in Appendix A and in Appendix B separately for each of these fiscal years.

[1] We want to emphasize that agencies are to report their PRA activity information by fiscal year rather than calendar year. Please also note that each annual ICB reports retrospectively on the PRA activities occurring in the previous fiscal year. For example, the 2008 ICB reported on PRA activities occurring in FY 2007, the 2009 ICB will report on FY 2008 PRA activities, and the 2010 ICB will report on FY 2009 PRA activities.

4. **How does the ICB fit into OMB's "zero tolerance" approach to violations of the Paperwork Reduction Act?** The PRA requires that agencies obtain OMB approval for all *collections of information*. A *collection of information* without current OMB approval constitutes a violation of the PRA. Each year, OMB is required to report to Congress PRA violations published in the Information Collection Budget.

   Over the past several years, OMB has been working closely with agencies to address violations of the PRA. Our goal continues to be the elimination of all existing violations of the PRA as soon as possible. Throughout the year, we have been tracking violations for your agency. As part of the ICB process, we will verify this information with you. In addition, you **must** designate any transaction related to a violation, including an expiration, reinstatement, or approval, as a lapse in OMB approval in your response to Appendix B.

5. **How does the ICB fit into OMB's initiatives under the E-Government Act?** The E-Government Act has implications for information collections covered by the Paperwork Reduction Act. While information is collected on this statute through other reporting mechanisms (i.e., the annual E-Gov Act Report), agencies should be cognizant of the E-Gov Act when preparing their ICB submission and work to coordinate agency efforts under both the PRA and the E-Gov Act.

6. **What must my agency's submission include?** The CIO's office is required to submit the following information:

   a. a detailed update on past agency initiatives to improve information collection in accordance with the instructions in Appendix A;

   b. data regarding your agency's compliance with the information collection provisions of the Paperwork Reduction Act, prepared in accordance with the instructions in Appendix B.

   All submissions should be consistent with OMB fiscal and policy guidance.

7. **In what format should the CIO provide this information to OMB?** The information required under this memorandum should be sent electronically to Chad Lallemand (clallemand@omb.eop.gov). Where the Memorandum asks you to enter information in tables you should submit tables in the **format specified herein.**

8. **Will OMB conduct hearings on my agency's submission?** OMB will schedule, as needed, hearings with an agency on its progress toward burden reductions goals and agency compliance with the PRA.

9. **Who 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 OMB's Office of Information and Regulatory Affairs.

10. <u>Who should I contact for further information about this memorandum?</u>

Questions about this Memorandum should be directed to: Chad Lallemand Phone: 202-395-3176. Email: clallemand@omb.eop.gov.

Attachments

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Appendix A

BURDEN REDUCTION INITIATIVE

1. **What is the purpose of this Appendix?** For the 2007 ICB, we asked agencies that generate burdens equal to or in excess of 10 million hours annually to provide OMB with up to three initiatives which would result in a cumulative burden reduction level of approximately 1% of total agency burden. We requested that all other respondents provide a single primary burden reduction initiative. For the 2008 ICB, we published summary updates of progress made by the agencies in achieving the initiatives first reported in the 2007 ICB. As we did in last year's data call (the data call for the 2008 ICB) we are again requesting that agencies provide a status update on progress made on burden reduction initiatives first reported in the 2007 ICB and then updated in the 2008 ICB. We are requesting that agencies report on their progress during FY 2008 and FY 2009.

2. **What information do I provide to update my agency's burden reduction initiative(s)?** First, you should review your agency's initiative(s) published in the 2008 ICB.[2] You should verify that the initiative summary is correct and revise and update, as appropriate, the burden reduction estimation, the OMB numbers of the affected collections, any hurdles to completion, and the status of the initiative. If the initiative has been completed, the expected completion date should contain the date(s) of OMB approval for the affected collections. For initiatives that were identified as "completed" in the 2008 ICB, you do not need to provide any further information. For initiatives that you identify in this data call as "completed" during FY 2008, you will not need to provide further information on these for FY 2009.

3. **Upcoming initiative to reduce paperwork burden.** While in this data call OMB is requesting limited information from agencies for the 2010 ICB, we are planning an ambitious government-wide burden reduction initiative, and we plan to report on this initiative in the 2010 ICB. OMB will soon begin this initiative with the publication of a Federal Register notice on improving implementation of the PRA, in which we will solicit public suggestions to improve the measurement of paperwork burden and ideas to reduce it. After considering the comments we receive in response to this notice, OMB will provide guidance to agencies on actions you must take as part of this initiative. In addition, OMB may send agencies a follow-up data call for the 2010 ICB asking agencies to provide new burden reduction initiatives.

[2] The 2008 ICB is located here:
http://www.whitehouse.gov/omb/assets/omb/inforeg/icb/2008_icb_final.pdf. Agency burden reduction initiatives begin on page 14.

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Appendix B

Compliance with the Paperwork Reduction Act of 1995

As in last year's ICB Data Call, Appendix B 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 2008 and in FY 2009. 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 follows up OMB Memorandum M-05-04, December 17, 2004, "Policies for Federal Agency Public Websites," which was issued as required by the E-Government Act and is available at www.whitehouse.gov/omb/memoranda/fy2005/m05-04.pdf. 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.

1. **What does Appendix B require?** 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 FY 2008 Information Collection Budget.

2. **How do I report this information to OMB?**

   a. OMB will provide you with a list of your agency's known PRA violations for FY 2008 and FY 2009. You must verify that the information we provide you is correct and add any violations that were excluded from the list.

   b. The table provided by OMB will have a column for each of the following items in this order: OMB number; title; date of expiration; date of reinstatement; and date discontinued. For each additional violation added during your review, you must list each collection in numerical order by OMB number. If the collection has been reinstated, include the reinstatement date and put a N/A in the date discontinued box. If the collection was discontinued instead of reinstated, include the date it was discontinued and put a N/A in the date of reinstatement box. If the violation is not yet resolved by reinstatement or discontinuation, please provide a brief explanation in the date of reinstatement box. Please refer to the following table as a model for your submission.

OMB Number	Title	Date of Expiration	Date of Reinstatement	Date Discontinued
1000-0001	Please place full title here.	1/31/06	3/22/06	N/A
2000-0002	Please place full title here.	2/28/06	N/A	4/1/06

b. If your agency has zero known violations for FY 2008 and FY 2009, OMB will indicate this in its submission to you. If your internal review yields no further violations, please include for Appendix B a brief statement that your agency reports zero violations.