



EXECUTIVE OFFICE OF THE PRESIDENT
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: John D. Graham, Ph.D. JAG
Administrator
Office of Information and Regulatory Affairs

SUBJECT: Ensuring Full Compliance with the Paperwork Reduction Act

In a November 14, 2001 memorandum from the office of the OMB General Counsel and my office, we stated our determination to work with agencies to eliminate violations of the Paperwork Reduction Act (PRA) by the end of FY 2002. While most agencies have made significant progress in reducing the number of violations—all but one agency has resolved more than half of their existing violations from last year's ICB—the Administration has not yet reached the goal of zero violations. I cannot emphasize enough the importance of agencies eliminating all current PRA violations as quickly as possible and avoiding future violations. Complying with the Act's information collection provisions is for the most part a straightforward administrative task. Full compliance is an achievable goal that we can and must meet.

On June 6, 2002, I asked your agency to identify progress on violations reported in the ICB for FY 2001, and to identify any new violations that had occurred since October 1, 2001. Using these and other data, we have identified "old" (existing) and "new" (recently expired or recently discovered) violations that had not been resolved as of October 1, 2002. (See chart on next page for a breakdown of violations by agency.) While most agencies have done a good job of resolving the existing violations, some agencies are still having significant problems in clearing up these old violations. Many agencies are allowing a significant number of packages to lapse - - that is, failing to obtain OMB re-approval when the time period for OMB clearance ends - - thereby creating "new" violations. Six agencies—U.S. Department of Agriculture, U.S. Department of State, Small Business Administration, Federal Emergency Management Agency, Department of Commerce, and National Aeronautics and Space Administration—had 10 or more new violations from October 1, 2001 to the reporting date of June 6, 2002. Many of those new violations remained unresolved as of October 1, 2002.

I recognize that agencies are continuing their work to resolve existing violations. For example, VA has resolved 16 of 18 violations and HHS has resolved 12 of 15

violations. Overall, 31 of the 82 violations that are still unresolved are currently at OMB for review, and an additional 33 of those 82 violations have had their 60-day Federal Register notice published. Only 18 have had no action taken to resolve the existing violation.

Our goal now is to achieve zero violations by no later than April 1, 2003. To accomplish this, agencies must make stronger efforts not only to resolve existing violations, but to put into place policies that will prevent future violations from occurring. Each agency already has developed, and described to us, detailed plans to eliminate future violations; these plans should be carried out diligently. If the plans are not effective in eliminating new violations, agencies should reevaluate and strengthen their plans. Attention should be given at the highest levels of the agency to assure that agencies are complying with their responsibilities under the PRA.

To assist you in determining the efficacy of your agency's PRA clearance system, I have attached a list of collections that have expired in the last 30 days and those that are due to expire in the next 150 days. The PRA contact for each agency receives these lists monthly and should be using them for short-term planning purposes. This list should be a supplement to an agency-generated list that tracks all currently approved and expired information collections, so that your agency knows the status of all agency collections and can plan far enough in advance for the expiration of all currently approved packages. In order to ensure that your agency's procedures are functioning correctly to avoid future violations and quickly clear up violations that have occurred in the past 30 days, please do the following for all collections on the attached list:

1. For those collections that have expired (if any), verify that the information collection activities have been discontinued by the program. If it is determined that the program is still collecting the information in violation of the PRA, immediately initiate procedures to reinstate the information collection under the PRA and determine why the collection was not sent to OMB for extension of the existing clearance in a timely fashion. **The 60-day *Federal Register* notice for these collections should be published no later than December 13, 2002. The information collection request for approval should be received by OMB no later than February 28, 2003.**
2. For those collections that are due to expire on or before March 31, 2003, verify that the 60-day *Federal Register* notice has been published. If the notice has not yet been published, **a notice should be placed in the *Federal Register* no later than December 13, 2002, and an information collection request should be sent to OMB no later than February 28, 2003.** An emergency extension may be granted, at the discretion of the OIRA desk officer, for those collections that are set to expire prior to submission of the information collection request to OMB. **Starting now, however, emergency extension requests will not be granted unless the agency has published a 60-day *Federal Register* notice (unless it demonstrates exceptional circumstances).** Therefore, **any emergency**

extension request must be accompanied by a citation for the 60-day Federal Register notice and a date of publication.

3. For those collections due to expire on or after April 30, 2003, make any changes to the currently approved packages that are necessary (including changes to the burden estimates) and publish the 60-day *Federal Register* notices at least four months prior to the expiration date of the collection. These collections should be submitted to OMB no later than one month prior to the expiration date.

OMB will be sending the Information Collection Budget (ICB) bulletin for FY 2002 to your agency very shortly. As in the past, we are asking agencies to make a thorough accounting of all violations that have been identified as existing violations in previous ICBs and those that have occurred or been identified since the last ICB in which the agency participated. In addition, to further emphasize the importance of our goal of zero violations, we are asking agencies to send OMB the *Federal Register* cite and date of the 60-day notice for all unresolved violations. Failure to publish a *Federal Register* notice for any unresolved violation will be considered an incomplete response to the ICB bulletin. It is important that agencies make a concerted effort to identify all collections that are in violation as of September 30, 2002, and work to resolve all violations prior to submitting their ICB exhibits to OMB.

Attachments

Agency	# total violations	# violations in 2001 ICB	# violations unresolved	# violations at OMB	# new violations reported as of 6/6/02	# new violations unresolved	# new violations at OMB	# total unresolved violations
Agriculture	44	21	12	4	23	12	3	24
Housing and Urban Development	39	37	13	10	2	1	1	14
State	23	7	2	0	16	0	N/A	2
Veterans Affairs	18	11	2	2	7	0	N/A	2
Small Business Administration	18	N/A	N/A	N/A	18	10	1	10
Commerce	15	5	1	1	10	4	3	5
Health and Human Services	13	4	0	N/A	9	3	0	3
Defense	12	5	0	N/A	7	4	0	4
Justice	11	5	2	1	6	4	3	6
Federal Emergency Management Agency	11	N/A	N/A	N/A	11	6	1	6
NASA	10	N/A	N/A	N/A	10	0	N/A	0
Education	6	3	0	N/A	3	1	1	1
Social Security Administration	3	N/A	N/A	N/A	3	3	0	3
Federal Energy Regulatory Commission	3	N/A	N/A	N/A	3	2	0	2
Labor	1	N/A	N/A	N/A	1	0	N/A	0
Interior	1	1	0	N/A	0	N/A	N/A	0
Federal Communications Commission	1	N/A	N/A	N/A	1	0	N/A	0
TOTALS:	229	99	32	18	130	50	13	82

** The following agencies