



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

September 27, 2004

MEMORANDUM TO CHIEF INFORMATION OFFICERS
GENERAL COUNSELS AND SOLICITORS

FROM: John D. Graham, Ph.D. *JPG*
Administrator
Office of Information and Regulatory Affairs

Jennifer Newstead *JNW*
General Counsel

SUBJECT: Ensuring Full Compliance with the Paperwork Reduction Act (PRA)

In the past few years, OMB and the agencies have focused considerable attention on resolving PRA violations. OMB would like to congratulate you on the progress you have made in resolving outstanding violations. We are pleased to report that agencies have reduced outstanding violations (at the time of OMB's submission to Congress of the *Information Collection Budget (ICB)*) from 325 in FY 1998 to 18 in FY 2003. We would like to take this opportunity to thank you for the time your agency has devoted to reducing the number of outstanding PRA violations.

We indicated in the April 2004 ICB report to Congress that agencies have made great progress in reducing the number of violations that occur and in resolving them more promptly than in prior years. It is still the case, however, that a considerable number of collections become violations each year because agencies do not submit to OMB, on a timely basis, request for renewal of OMB approval. And, although most of these violations are resolved before OMB's submission of the ICB for that fiscal year, many of these violations do remain unresolved for many months – in some cases, for over a year.

Status Report on Collections with Expired Approvals in FY 2004

In order to make further progress in eliminating violations and in reducing the time that it takes to resolve the violations that do occur, OMB is asking agencies to review the status of their collections during FY 2004. Specifically, OMB is asking each agency to identify all expirations and violations that have occurred (or will occur) from October 1, 2003 to September 30, 2004. We are asking agencies to promptly resolve all violations that have arisen during FY 2004. The attached spreadsheet (Appendix A) consists of all PRA collections in our inventory that expired or will expire in FY 2004. In this list, we have indicated the date of expiration and, if appropriate, the reinstatement date for each collection. Please review the Appendix A spreadsheet and identify in the appropriate boxes the status of each PRA collection, as follows:

1. For discontinued collections, please check the appropriate box.
2. For collections that were reinstated, include in the appropriate box the date on which OMB reinstated the approval for the collection. If the collection was reinstated after the expiration date, please check the appropriate box to indicate the collection is a violation.
3. For violations that have not been resolved (i.e., OMB's approval has not been reinstated), include in the appropriate boxes the expected publication date of the 60-day *Federal Register* notice and the proposed submission date to OMB. (If the *Federal Register* notice has already been published, or the proposal has already been submitted to OMB, please indicate those dates.)

This list also contains a column to report collections that were used (or are currently in use) without an OMB control number (i.e., "bootleg" collections) that were discovered in FY 2004. For each collection without an OMB number, please check the "bootleg" box and identify the title of the collection. For "bootleg" violations that have been resolved, provide the OMB control number and title in the appropriate boxes. OMB will follow-up to ascertain why the violation occurred; how the violation was discovered; what actions have been or will be taken to remedy the violation; and when the violation was or will be remedied.

The due date for the FY 2004 spreadsheet (Appendix A) is October 8, 2004. Please send the spreadsheet to Lorraine Hunt at LHunt@omb.eop.gov.

New 120-Day Notice for Agencies with 5 or More Violations in 2004 ICB

In addition to the information requested above, we will be scheduling meetings in early fall with the CIOs of agencies with the highest number of overall, long-standing, or high-burden violations in FY 2004. OMB has been sending all agencies a monthly notice that indicates those collections for which OMB's PRA approval will expire – unless renewed – during the next 150 days. OMB will continue to send the 150-day notice to all agencies. Starting FY 2005, OMB will send a new monthly 120-day notice to those agencies that reported more than five violations in the *2004 Information Collection Budget of the United States*, which OMB submitted to Congress in April 2004 (and which is on OMB's website at <http://www.whitehouse.gov/omb/inforeg/infocoll.html#icbusg>). (Please see Appendix B for a list of the agencies with five or more violations). The new notice will include a list of all PRA collections that will expire within 120 days. (Please see Appendix C for an example of the notice OMB will send to agencies, effective September 30, 2004.) Agencies that receive this 120-day notice will be required to report to OMB on the status of each listed PRA collection, as follows:

1. For collections that will be discontinued, the agency will check the appropriate box and send the new Form 83-D to OMB. This form, which informs OMB that your agency is discontinuing a collection, will be available at <http://www.whitehouse.gov/omb/inforeg/infocoll.html>.

2. For ongoing collections that will continue to be conducted beyond the expiration date of OMB's approval, the agency will include in the appropriate boxes the publication date of the 60-day *Federal Register* notice and the proposed submission date to OMB.

While the 120-day notice is not intended to substitute for the agency's own internal tracking system, it will provide the agency with sufficient time in which to prepare its 60-day *Federal Register* notice; address any public comments that the agency receives and make appropriate revisions to the collection; submit the proposed collection to OMB; and obtain OMB's approval for the collection. This notice should be completed by your agency and returned to Lorraine Hunt at LHunt@omb.eop.gov no later than the 10th day of the following month.

New Form 83-D for Discontinued Collections

As mentioned, OMB has created a new Form 83-D to record PRA collections that an agency plans to discontinue. This form will help OMB maintain a current record of discontinued collections in order to ensure they will not be considered violations in the upcoming *Information Collection Budget*. This will also reduce the amount of time and energy that the agencies and OMB must devote each year, in preparing the ICB, to distinguishing between those expirations of OMB approval that reflected discontinued collections versus those that reflected violations. Effective October 1, 2004, we ask that all agencies submit the Form 83-D for collections the agency will discontinue. Please submit the form prior to the collection's expiration date. The electronic form will be located at <http://www.whitehouse.gov/omb/inforeg/infocoll.html>.

We are aware that these measures will require additional time and effort in the near term. However, we believe that these measures will ultimately reduce the time and energy that the agencies and OMB must devote annually in the preparation of the Information Collection Budget. This includes reviewing the expirations that have occurred during the prior fiscal year to identify those expirations that were violations (as opposed to discontinued collections) and, in those cases, to determine how long the violation lasted. Also, and equally important, implementing these measures should help to ensure that agencies take necessary action to renew OMB's approval for ongoing collections on a timely basis and, when a violation does occur, that agencies resolve those violations as quickly as possible.

Thank you for your assistance in this effort. If you have any questions about this effort, please contact Carolyn Lovett at (202) 395-7151 or [Carolyn L. Lovett@omb.eop.gov](mailto:Carolyn.L.Lovett@omb.eop.gov).

Attachments

Appendix A

Agency:	Name of Agency	OMB Contact Person:	Phone:	E-mail:
Date:	9/2/2004	Carolyn Lovett	(202) 395-7151	Carolyn Lovett@omb.eop.gov
Subject:	FY 2004 PRA Expirations	Agency Contact Person:	Phone:	E-mail:
Return Date:		Name		

	OMB NUMBER	TITLE	EXPIRATION DATE	REINSTATEMENT DATE	VIOLATION	DISCONTINUED COLLECTION	60-DAY FED REG NOTICE	SUBMISSION DATE TO OMB
1	1111-1111	Title of PRA Collection	11/30/2004		X		12/5/2004	3/2/2005
2	1111-1111	Title of PRA Collection	2/31/2004			X		

	"Bootleg" Collections	TITLE	OMB NUMBER	REINSTATEMENT DATE	60-DAY FED REG NOTICE	SUBMISSION DATE TO OMB
1	X	Title of PRA Collection	1111-1111	8/25/2004		
2						
3						

<p>Appendix A will be sent electronically to the individual agency.</p>

Appendix B

The following agencies reported five or more violations in the *2004 Information Collection Budget*:

1. Department of Agriculture
2. Department of Commerce
3. Department of Defense
4. Department of Education
5. Department of Health and Human Services
6. Department of Homeland Security
7. Department of Housing and Urban Development
8. Department of Interior
9. Department of Justice
10. Department of State
11. Department of Transportation
12. Small Business Administration
13. Social Security Administration

Appendix C

Agency:		Name of Agency	OMB Contact Person:		Phone:	E-mail:
Date:		10/1/2004	Carolyn Lovett.		(202) 395-7151	Carolyn Lovett@omb.eop.gov
Subject:		FY 2005 Monthly Expiration Update	Agency Contact Person:		Phone:	E-mail:
Return Date:		10/10/2004	Name			
	OMB NUMBER	TITLE	EXPIRATION DATE	DISCONTINUED COLLECTION	60-DAY FED REG NOTICE	SUBMISSION DATE TO OMB
1	1111-1111	Title of PRA Collection	10/31/2004	X		
2	1111-1111	Title of PRA Collection	11/30/2004		12/5/2004	3/2/2005