

From: Horowitz, David (HHS/OGC)
To: Emily Bremer
Cc: Jeffrey Lubbers

Emily,

We have no comments on the draft ACUS recommendations. Here are some HHS recommendations, some of which overlap with the ACUS draft recommendations:

- Certain data collections should be exempted from PRA clearance to the maximum extent permitted by law. In addition, OIRA can take additional steps to use tools and discretion available under the PRA to provide maximum flexibility to allow the agencies to exercise their policy judgment and apply their technical expertise. The following are among the areas where exemptions and/or additional discretion may be appropriate:
 - Voluntary collections
 - Collections not involving the general public
 - Public health surveillance
 - Program evaluation
 - Urgent need for data
 - Outside the United States
 - Imposing burdens below a set de minimus standard
- OIRA should facilitate increased use of “emergency” clearances to take fuller advantage of the broad authority provided by the PRA to use this tool in appropriate instances to expedite processing timeframes; streamline documentation that the agency is required to prepare and submit; and waive Federal Register publication requirements.
- OIRA should consider using the PRA provision that specifically allows for the delegation to HHS the authority to approve collections in specific program areas or for specific purposes. For example, OIRA could delegate to HHS the authority to approve de minimis collections that are associated with minimal burden hours, below a defined threshold, and are not otherwise significant. Or, voluntary collections could be delegated, which would allow OIRA to increase its focus and expedite the processing of the more significant mandatory ICRs.
- As discussed above, the generic ICR methodology should be applied more broadly and transparently and OIRA should allow more than one generic focus group information request application to be processed at a time.
- OIRA should automatically provide inferred approvals and associated control numbers after 60 days of review have elapsed. And, such inferred approvals should be granted for the maximum time period allowable under the PRA. The default should automatically generate the control numbers after sixty days, for the maximum time period, to create the proper incentives for timely review.

- OIRA desk officers should generally confine their inquiries to matters related to the collection and protection of data and avoid venturing beyond the boundaries of the PRA into matters of substantive policy and areas within the agencies' core technical expertise.
- OIRA should consider developing updated and clear guidance as to what data elements must be included in an ICR, together with other details about OIRA's expectations, and apply the guidance uniformly. Such guidance would enhance the transparency, consistency, and predictability of OIRA desk officer review and facilitate agency use of streamlined pathways, such as emergency clearances, generic ICRs, and inferred approvals.

Hope you find this to be helpful.

David

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