

STATEMENT OF GUNDEEP AHLUWALIA
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BEFORE THE
COMMITTEE ON SMALL BUSINESS
U.S. HOUSE OF REPRESENTATIVES

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Good afternoon, Chairman Chabot, Ranking Member Velazquez, and Members of the House Small Business Committee. I am Gundeep Ahluwalia, Chief Information Officer (CIO) for the Department of Labor (DOL). Thank you for inviting me here today to discuss DOL's efforts to reduce paperwork burden through compliance with the Paperwork Reduction Act (PRA). I appreciate this opportunity to discuss DOL's responsibilities under the PRA and our efforts to provide relief and fair treatment to all business owners, particularly small ones, and individuals.

DOL is committed to reducing the burdens that America's businesses and individuals deal with every day as a result of Federal regulations and paperwork. The Paperwork Reduction Act is an important tool for DOL, and all federal agencies, to use in reducing unnecessary burdens on the American public.

DOL administers three types of information collections covered by the PRA: recordkeeping, reporting, and third-party disclosures. In carrying out DOL's broad and varied mission, the Department administers more than 180 Federal laws. Many of these laws provide for recordkeeping requirements that allow the Department to hold violators of worker protection standards accountable for their non-compliance. Other laws provide for employees and employers to share information to facilitate compliance. DOL reporting requirements allow the Department to provide important economic statistics that enable decision makers at all levels of government and in the private sector to make informed decisions. In administering these laws and related programs, the Department actively seeks to minimize the paperwork burden it imposes on the American public while maintaining its mission and fulfilling its statutory and programmatic responsibilities.

Achieving the aforementioned results is no small task. DOL currently maintains an inventory of 467 active information collections with a combined burden of 168 million hours and nearly \$5.7 billion in other costs. Furthermore, the Office of the Chief Information Officer (OCIO) annually reviews and submits for Office of Management and Budget (OMB) consideration more than 300 information collection requests (ICRs). While the number of ICRs has doubled since the last time a DOL CIO testified before a Congressional committee in 2005, the time burden has remained virtually unchanged from the 166 million hours mentioned 12 years ago. Much of the increased clearance activity can be attributed to new legislation enacted during that time.

The Department remains committed to the goals of the PRA and continues to explore and implement new ways to reduce burden hours imposed on the public. The Department recently developed its response to the FY 2017 data call for the Information Collection Budget (ICB) and

is continuing to work to identify paperwork burden reduction initiatives. DOL employs several strategies to reduce burden, including:

- Comprehensively evaluating and periodically updating information collections contained in regulatory text and information collections that implement regulations but do not themselves rise to a regulation;
- Exploring streamlined information collection methodologies;
- Reducing redundancy; and
- Deploying automated information collection techniques when feasible.

With respect to reducing paperwork burden, OMB has called on CIOs in Executive Departments and Agencies not only to consider paperwork burden reduction initiatives that would serve ICB purposes, but to work more closely with regulatory policy officials to identify where paperwork burden reduction initiatives would serve as compliance mechanisms pursuant to President Donald J. Trump's Executive Order (EO) 13771, *Reducing Regulations and Controlling Regulatory Costs* (i.e., would serve as an existing regulatory action the agency plans to eliminate or propose for elimination, consistent with Sections 2 and/or 3 of EO 13771). As you may know, EO 13771 generally requires agencies to issue two deregulatory actions for each regulatory action. The incremental costs associated with the regulatory actions must be fully offset by the savings of deregulatory actions.

The Department takes the PRA very seriously. As a mission-critical responsibility, DOL provides full management support and has established well-defined policies and procedures for implementing and managing the PRA. The following briefly discusses DOL's PRA Management structure.

The PRA requires each agency head to designate a CIO to carry out the responsibilities of the agency under the PRA.¹ The CIO is responsible for establishing and administering a process that is sufficiently independent of program responsibility to evaluate fairly whether a proposed collection of information should be approved.² Accordingly, the DOL established such an independent process and issued an internal policy directive for implementing the Department's information collection management program.

The Department of Labor Manual Series includes a chapter that establishes DOL's procedures for implementing its PRA program. This internal policy directive assigns to DOL sub-agency heads the responsibility of ensuring sub-agency compliance with the PRA and other applicable laws and policies.

Furthermore, the directive assigns DOL's information collection management to the Departmental Clearance Officer and DOL sub-agency-level management to Agency Clearance Officers who manage the PRA program within each DOL sub-agency and provide both in-depth programmatic and PRA expertise that further ensures DOL's information collections effectively meet the PRA's provisions regarding the need for the information, practical utility of the

¹ See 44 U.S.C. 3506(a)(2)(A).

² See 44 U.S.C. 3506(c)(1).

information collection, minimizing the public burden for the collection, and enhancing the quality and usefulness of the information collected.

As part of assigned duties, the Departmental Clearance Officer manages the day-to-day activities of implementing the PRA for the CIO. The Departmental Clearance Officer reviews information collection requirements contained in regulatory documents and in information collection requests to ensure:

- Legal authority or necessity for the collection of information;
- Compliance with the PRA, the E-Government Act of 2002, Privacy Act, and other applicable laws; and
- The collection imposes minimum burden on the public and offers practical utility.

Additionally, the Departmental Clearance Officer provides overall management of DOL's information collection enterprise, including but not limited to:

- Managing efforts to reduce DOL's public paperwork burden in accordance with applicable laws, Administration directives, such as EO 13771, and Departmental guidance and priorities;
- Coordinating information collection activity with OMB and DOL agencies;
- Conducting public consultations as required by the PRA;
- Providing training and technical assistance on PRA requirements;
- Managing data associated with DOL's information collection inventory;
- Providing leadership for identifying and implementing burden reduction strategies; and
- Coordinating with other agencies on common information collections conducted with other Departments.

Throughout the year, the Departmental Clearance Officer collaborates with Program Agency Clearance Officers to:

- Monitor program performance against the ICB to ensure that reported goals are realized;
- Evaluate program activities to ensure compliance with the PRA;
- Determine the need for an ICR and best mechanism to obtain clearance; and
- Manage the life-cycle of existing collections of information to ensure continued effectiveness, efficiency, and utility, and to ensure that expiring collections are submitted to OMB in a timely manner.

To help program agencies comply, OCIO also developed an internal DOL PRA Manual that provides more detailed guidance to help programs administer their PRA programs. Among other things, the Manual provides samples of various documents and templates an agency may use to make common disclosures such as the PRA's public burden statement.

Through its rigorous internal review process, the Department aggressively controls the amount of burden it imposes on the American public and ensures the practical utility and enhanced usefulness of its information collections with five main strategies:

1. Review of Rulemaking Actions: This strategy ensures regulatory actions are based on mission critical needs and impose minimum practicable burden. The review ensures that the public burden has maximum practical utility and public benefit.
2. Assessing the Use of Technology: This strategy involves implementing the Government Paperwork Elimination Act of 1998, the Clinger-Cohen Act, E-Government Act of 2002, and Federal Information Technology Acquisition Reform Act by strategically deploying automated information collection techniques in order to reduce public paperwork burdens.
3. Routine Review of Information Collection Activities: This strategy involves carefully assessing all new information collection requests and all collections of information seeking OMB approval for any extended or revised information collection requirements to ensure programmatic necessity, legal authority, maximum practical utility and public benefit, and burden reduction strategies.
4. Burden Reduction Initiatives: This strategy involves initiating systemic enterprise-level efforts through Departmental burden reduction initiatives, as already mentioned in the earlier reference to the ICB.
5. Public Consultation: To help ensure the practical utility of information it collects, including the frequency and collection methods, the Department relies heavily on the public consultation process required by the PRA. Key stakeholders and industry experts are consulted as part of the Department's rulemaking process and interested parties as well as the general public are afforded two opportunities to comment on proposed information collection activities, which collectively provide the public 90 days to provide input on the practical utility of DOL's information collections as well as provide insights for reducing the burden imposed. The OCIO encourages DOL program agencies to make information collections available on regulations.gov during the initial 60-day public comment period when comments go to the agency. The OCIO also provides a direct link to each ICR in the 30-day Federal Register Notice when the request is submitted for OMB review. This not only increases transparency; it allows interested parties to provide more meaningful comments for the agency to consider.

Through a rigorous internal review process and aggressive burden reduction strategies, the Department of Labor is committed to reducing the paperwork burden on the American public. In addition, the Department has a very strong program of compliance assistance to help all businesses comply with our requirements. For example, the Department has a National Contact Center that may be reached at 1-866-4-USA-DOL or through a “contact-us” feature on the DOL Website. All DOL agencies provide compliance assistance materials on their agency Websites, along with local office contact information. The Office of the Assistant Secretary for Policy (OASP) maintains the Department’s Employment Law Guide which describes the major statutes and regulations administered by the Department that effect businesses and employees. In addition, OASP developed and maintains the Department’s Employment Laws Assistance for Workers and Small Businesses (elaws) Program which includes more than 30 interactive e-tools that provide easy-to-understand information about DOL laws and regulations. Elaws is available

24/7 to assist the public, both employees and employers, in understanding their roles and responsibilities to comply with these various laws. Elaws is available at www.dol.gov/elaws.

Information collection and the ease of submission are critical for the American public, including small business owners. Benefits.gov, an interagency e-Gov initiative that includes all cabinet-level agencies, is an example of effective and efficient communication between those of us in Government agencies and the people we serve. Benefits.gov offers over 1,200 assistance programs through its Website and mobile responsive pages that connect small business and other members of the public with online applications that provide loans and other forms of assistance. This online assistance also includes disaster assistance through the Federal Emergency Management Agency (FEMA). DOL has been supporting FEMA through record levels of traffic to assist with recovery efforts for the recent trio of Hurricanes (Harvey, Irma, Maria) that impacted Texas, Florida, and other Territories. The value of this cross-agency initiative is demonstrated by the fact that DisasterAssistance.gov received more than 29.6 million sessions, during which 3 million survivors (including small businesses), completed on-line applications for much needed assistance from August 25 through the end of September of this year.

That concludes my prepared testimony. I would be happy to answer questions you may have.