

*New Federal Initiatives Project*

# **The Paperwork Reduction Act**

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## **THE PAPERWORK REDUCTION ACT**

The Paperwork Reduction Act of 1995<sup>1</sup> (PRA) seeks to “minimize the paperwork burden ... resulting from the collection of information by or for the Federal Government,” and “ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government.”<sup>2</sup> Other purposes of the act include coordinating government information resources, improving the “quality and use of Federal information to strengthen decision-making, accountability, and openness in Government and society,” minimizing costs to government of gathering, maintaining and using information, and ensuring that information is handled in ways consistent with federal laws related to privacy, security and access.

The Act authorizes the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget to “oversee the use of information resources to improve the efficiency and effectiveness of governmental operations to serve agency missions, including burden reduction and service delivery to the public.” While the 1995 PRA technically expired in 2001, OIRA has continued to be funded through appropriations, and implementation of the Act is not affected. Though Congress held hearings on the Act in 2006, currently no bills are under consideration for its reauthorization.

The Act provides that any collection of information involving ten or more respondents must have a valid OMB control number. To obtain that control number for an information collection request, a federal agency must (1) estimate the burden involved in complying with the request, (2) seek public comment (for 60 days) on the request and burden estimate, (3) refine the request and burden estimate based on public comment, and (4) submit the information collection request to OMB while (5) seeking public comment for another 30 days.

Unlike OIRA’s regulatory review under Executive Order 12866, which only covers executive branch agencies, its PRA authority covers all agencies except the General Accounting Office and the Federal Election Commission. Thus, it is one of the few tools through which the Executive Office of the President has transactional oversight over independent agencies, such as the Securities and Exchange Commission or the Federal Communications Commission.

### **OMB’s Request for Comment**

On October 27, 2009, the Office of Management and Budget issued a notice seeking comment on “Improving Implementation of the Paperwork Reduction Act.”<sup>3</sup> (Comments were due by December 28, 2009.)

The notice solicited public comments on “reducing current paperwork burdens, especially on small entities; increasing the practical utility of information collected by the Federal Government; ensuring accurate burden estimates; and preventing unintended adverse consequences.” It set forth a series of questions regarding ways to improve estimates of the burden imposed by paperwork requirements generally, and sought information on particular collections for which burden estimates may be inaccurate.

The notice also focused on “concerns [that] have been expressed about unintended consequences of the administration of the Act, including delays in the conduct of surveys and research in contexts in which citizens are asked, but not required, to respond to information collection requests by the Federal Government” and sought comments on whether it should distinguish between collections that are mandatory and those that are voluntary. This may signal a potentially significant shift in the implementation of the PRA. Since the Act was initially passed in 1980, OMB’s policy analysts and statisticians have not only coordinated information collection to minimize duplication among government agencies, but with their expertise in information policy, statistics and survey design, they have provided a quality-control function for information relied on for government policies and programs.

Exempting voluntary collections from OMB review, as some<sup>4</sup> have suggested, could have important ramifications. While some voluntary surveys are simply means by which agencies solicit feedback from users of government programs, websites, and tools, it is also through voluntary surveys that the federal government collects most of the statistics relied on to measure the country’s economic and social well-being, including the principal economic indicators and statistics on unemployment, health, obesity, crime, transportation, education and more. Voluntary surveys are also used to canvas the public on their opinions regarding different policies or their willingness to pay for public goods, and form the basis of estimated benefits and costs of alternative regulatory proposals.

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<sup>1</sup> Paperwork Reduction Act of 1995: <http://www.reginfo.gov/public/reginfo/pr.pdf>.

<sup>2</sup> 44 U.S.C. 3501

<sup>3</sup> Improving Implementation of the Paperwork Reduction Act.:  
<http://www.regulations.gov/search/Regs/home.html#documentDetail?R=0900006480a4bff0>.

<sup>4</sup> Reforming Regulatory Impact Analysis, Resources for the Future Report, April 2009:  
[http://www.rff.org/RFF/Documents/RFF.RIA.V4.low\\_res.pdf](http://www.rff.org/RFF/Documents/RFF.RIA.V4.low_res.pdf).

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