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of the
House Committee on Government Reform

On
Paperwork Reduction Act
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Thank you for the opportunity to testify today on the Paperwork Reduction Act.

My name is Sean Moulton, and I am a Senior Policy Analyst at OMB Watch, a nonprofit research and advocacy organization that works to encourage a more open, responsive, and accountable federal government. Public access to government information has been an important part of our work for more than 20 years, and we have both practical and policy experience with disseminating government information. For example, in 1989 we began operating RTK NET, an online service providing public access to environmental data collected by EPA. Additionally, we are very engaged in agency regulatory processes, encouraging agency rules to be sensible and more responsive to public needs. Finally, OMB Watch cares greatly about the lifecycle of government information – from collection to dissemination to archiving. Accordingly, we have been involved in each reauthorization of the Paperwork Reduction Act since it was enacted.

The Paperwork Reduction Act (PRA or the Act hereafter) of 1980 (44 U.S.C. § 3501 *et seq*.) did much more than its name implied. The 1980 PRA concentrated wide-ranging power in the Office of Management and Budget (OMB) to control the collection of information by federal agencies and to improve the management of other federal government information activities. The Act was (and continues to be) one of the most far-reaching federal information laws on the books. At the same time, it is one of the least well-known laws on the books.

I. Wrong Focus: Information as Burden

I'd like to take this opportunity to raise some overarching issues about the PRA. The most significant and common of these concerns is the perception of information only as a burden. Even though the Act has much broader scope, the rhetoric of the Act focuses too much on "reduction of information collection burdens on the public."

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Despite its name, it governs much more than paperwork reduction—it is a comprehensive information resources management law, creating the Office of Information and Regulatory Affairs (OIRA) in OMB and directing it to develop principles and guidelines to manage the entire life cycle of government information. This life cycle ranges from the collection of information, through its processing, maintenance, dissemination, to its storage and archiving.

However, most attention and effort is paid to the collecting of information and the OMB paperwork review process. The PRA established an Information Collection Request (ICR) review process, which allows OMB to review every proposal agencies have to collect information from ten or more people or for statistical purposes. The process for submitting an ICR for review is onerous, and the definition of what constitutes an information collection has considerably broadened since earlier versions of the law. The definition of what goes into calculating the burden imposed by the collection is also substantially expanded.

Congress contributed to this focus on information collection when it broadened the scope of what constitutes a government collection of information. For instance, in the 1995 reauthorization, Congress specifically redefined information collection to overturn a Supreme Court decision that had limited the scope of the PRA. In 1990, in *Dole v. Steelworkers of America*, the Supreme Court ruled that OMB lacked the statutory authority to block provisions in the Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard—or worker "right-to-know" rule—which would require that workers be informed about any hazardous substances in the workplace. The court ruled that when the government collected or required the collection of information for the purposes of notifying third parties, such as workers, that this did not fall within OIRA's authority to review as government information collection.

The 1995 PRA explicitly expanded the definitions of both "collection of information" and "recordkeeping requirement," and brought provisions such as this under OMB's purview. The "collection of information" was re-defined as "the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for ... (i)...identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States."

The language used for the definition of "recordkeeping requirement" also specifically incorporated this expansion. The provision characterizes it as "a requirement imposed by or for an agency on persons to maintain specified records, including a requirement to--

(A) retain such records;

(B) notify third parties, the Federal Government, or the public of the existence of such records;

(C) disclose such records to third parties, the Federal Government, or the public; or

(D) report to third parties, the Federal Government, or the public regarding such records.

This change means that these sorts of provisions for third party and public disclosure of safety, health and environmental hazards must go through the same review and justification process as information collections generated by agencies.

The 1995 reauthorization also significantly expanded the definition of "burden." Whereas in the 1986 Act it was defined as "the time, effort, or financial resources expended by persons to provide information to a Federal agency," it is now defined as time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—

(A) reviewing instructions;
(B) acquiring, installing, and utilizing technology and systems;
(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;
(D) searching data sources;
(E) completing and reviewing the collection of information; and
(F) transmitting, or otherwise disclosing the information.

This definition was vigorously opposed by the public interest community as being overly broad—especially (B) and (C)—but this was a provision on which there was virtually no "give" on the part of the business community. The public interest community so strongly opposed this broadening of the burden definition because it potentially allows regulatory costs to be counted as paperwork "burdens."

While the PRA contains provisions intended to improve government management of information resources, the focus has remained on the word "Reduction." In the 1995 reauthorization, Congress established annual government-wide goals to reduce paperwork burden 10 percent from the 1995 baseline for 1996 and 1997, and 5 percent reductions for 1998 through 2001. The simple fact is that while these goals may sound admirable and are certainly aggressive they are also arbitrary and probably unreasonable. No one disputes that the government creates an enormous paperwork requirement for companies and individuals. However, there is no definitive or comprehensive research that indicates that a significant percentage of that burden is unnecessary.

Moreover, there is no science or real-world experience applied to the quantification of a burden hour, the standard of measurement used for quantifying the burden of paperwork. Every agency uses different approaches to deriving its estimate of burden hours. For that matter, even within one agency, it is not unusual to employ different approaches to calculating a burden hour. One key thing to note: burden hours are estimates; they are not based on real-world experience or surveys (which, in turn, would be subject to the PRA). Despite this, common-sense tells us that once an information collection system is in place, the amount of time it takes to collect the information declines dramatically. Yet, the calculation of the burden hour does not reflect this reality. In all probability these burden hours are skewed too high.

It is striking that the PRA only mandates disclosure of the estimated burden hour and not what benefits are derived from the information that is collected or that it is mandated by congressional statute. As a result, the debates over the PRA are one-sided. Those who face the burden of filling out forms and other paperwork are the first to complain that the law isn't doing enough – because that is what is disclosed about the paperwork… the burden. Congress seldom hears from those who benefit from the collection of the information, mostly because they know little about the PRA.

This misconception of information as a burden and the overemphasis on information collection and the reduction of its burden are problematic for several reasons. The most fundamental of which is that it ignores the importance of information, the benefits it confers on those wise enough to collect and use it properly.

I urge Congress to consider efforts to rebalance the PRA so that there is less emphasis on burden reduction and more on addressing gaps in information collections and improving the quality and timeliness of the information that is collected.

II. The Importance of Information

Information has always been the fuel that powers the engine of progress on anything from environment to government spending to health and safety regulations. Eliminating this information to achieve some arbitrary management reduction goal is short-sighted and irresponsible. Government collection of information is needed to help inform decisions and guide action both by the government and by the public. Without information, agencies, officials and the general public cannot be certain what actions should be undertaken and government accountability would grind to a halt.

We must keep in mind that we collect information to fill a need. And while it is responsible and reasonable to take steps to minimize the work associated with collecting information, we should not do so in such a way that we fail to fulfill that need. Information has proven its usefulness to the government and the public time and time again. I would like to take this opportunity to discuss a few examples.

A. Toxic Release Inventory

Probably one of the most noted and publicly successful information programs is the Toxic Release Inventory (TRI) at the Environmental Protection Agency (EPA). In 1986, the same year as PRA's first reauthorization, Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA). The law came shortly after the Union Carbide chemical disaster in Bhopal, India killed thousands of people followed shortly after by a smaller accident at a sister plant in West Virginia. The TRI program created under EPCRA, endeavors to avoid such accidents in the future by increasing corporate accountability and prevention planning that results from communities that are more informed and involved in the risks associated with dangerous chemicals.

Certain industrial facilities that use any of some 600 chemicals in large amounts must annually disclose: toxic releases to air, land, and water; and toxic waste treated, burned, recycled, or disposed (starting 1991 under the Pollution Prevention Act of 1990). The EPA assembles this information into what was the first publicly accessible, on-line database mandated by Federal law.

TRI is now widely recognized as a valuable source of environmental information for the public, workers, legislators, the press, regulators, investors, and industry. Since the establishment of

TRI, the simple act of publicizing the amount toxic chemicals that facilities release has pressured companies to consistently make significant reductions in the releases of these chemicals. According to TRI Explorer, EPA's online interface for TRI, total releases of the 299 core chemicals that the agency began reporting on in 1988 have dropped 59 percent. As new chemicals have been added to the TRI program, we have also seen those releases drop. EPA reported this year that since the TRI list was expanded to 589 chemicals in 1998, there has been a 42 percent reduction in total releases. TRI has become EPA's premier database of environmental information demonstrating the power of information to promote change and improvements.

One might think that an information collection that has proved so useful and beneficial over the years would be practically immune to rollback. But under the PRA's demand for reporting burden reduction, EPA is in the process of considering significant changes to the TRI reporting. And each of the burden reduction options being considered represents a significant loss of information for the public. The burden reduction ideas include raising reporting thresholds for small businesses or for certain classes of facilities or chemicals; allowing more facilities to file the simpler and less informative TRI Form A; permitting a "no significant change" report if the facility's toxic releases do not differ significantly from a baseline; and switching from specific release amounts to ranges of quantities. Each of these burden reduction proposals would accomplish its goal by sacrificing either the quantity or quality of information collected. This burden reduction at any means necessary – burden reduction by reducing the amount and accuracy of the information reported – is inappropriate.

This is not to say that there aren't legitimate actions that could be taken to help reduce reporter burden while maintaining benefit to the public. However, EPA is not considering these types of options, such as strengthening use of electronic reporting. Such an option would seem most reasonable given the importance of the TRI program and demonstrable progress it has spurred. In a period when the government is continually advancing use of the Internet through e-government and e-rulemaking policies, this seems like an obvious option to explore. In fact, EPA's reporting software for TRI, called the TRI-ME, though still a relatively new effort has already proven successful at reducing burden without eliminating any collection of information.

Despite this, EPA has yet to establish key identifiers to allow industry to submit certain types of information such as name and address only once. Creation of key identifiers not only would significantly reduce reporting burden, but it would also enhance utility of the information collected since the public and government could begin linking disparate data sets based on these common identifiers. The PRA should be breaking ground in these types of constructive efforts to better manage government information collections.

B. Early Warning Data for Tires

Another example of the need for information concerns the lives of families such as was the case with the 2000 Firestone Tire debacle in which faulty tires resulted in 203 deaths and more than 700 injuries. When a Houston reporter broke the story that Ford Explorers with Firestone tires were experiencing sudden tire blowouts then rolling over and killing the people inside, Congress was outraged to learn that an insurance investigator had given NHTSA information about a large number of fatal Ford/Firestone cases in the late 1980s, but to no avail because NHTSA had failed

to investigate. Congressional investigation and follow-up press stories revealed both secret company memoranda and foreign recalls that U.S. regulators were never informed about. In essence, though the government knew about the problem, it did not have enough information in large part because it failed to collect it.

In response, Congress passed the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act of 2000, which included a requirement that automakers submit information about potential defects to a new NHTSA early warning database that would combine industry knowledge and consumer reports. The system covers more than just tires; it covers all parts of the vehicle that might affect safety. Tires also received special attention with the first improved tire safety standard in more than 30 years. The tire safety rule that NHTSA finally released on June 26, 2003 did require tires to undergo a low-inflation pressure test (seeking a minimum level of performance safety in tires when they are under-inflated to 20 pounds per square inch) and mandate high-speed and endurance tests.

The collection of these new test results combined with other data enables NHTSA to issue warnings, urge additional testing and conduct recalls sooner. The early warning data led to several recalls by Bridgestone/Firestone in 2004 of more than 750,000 tires. The recalls were prompted because data collected indicated that the tires could experience belt detachment similar to the 2000 problem, which can lead to a loss of control of vehicles and possible crashes. Overall, in 2004 the early warning system contributed to an increase in the recall rate of almost 30 percent, 30.6 million vehicles. In the long run it will lead to better cars and tires and save lives. The information now allows the agency to be ahead of the problem, informed and saving lives. Even Bridgestone/Firestone acknowledged this in a August 20, 2004 letter to NHSTA, in which the company explains that the purpose of the recall is "to avoid potential future issues."

III. Information Management

The federal government spends billions of dollars on equipment and personnel to create, collect, maintain, disseminate and share information. It is an ongoing concern of Congress and the public that those dollars should be effectively spent on the information lifecycle. In the name of cutting red tape, we could imperil the collection of information we need in order to protect the public. Instead of a simplistic mandate to reduce the number of so-called “burden hours,” we should revitalize the original information *management* aspects of the PRA and study ways to gather all the information we need, at the level of quality and timeliness that we need, in ways that take advantage of modern information technology that has the potential to automate the information collection process and reduce time spent inputting data while simultaneously improving the quality of that data.

The goal of the PRA should not be an overly simplified and crude percentage reduction in paperwork. Congress should make effective and efficient management of information the goal of the PRA. Focus should be placed on identifying government-wide methods to streamline and automate information collection without sacrificing quality and timeliness of information. The 1995 PRA attempted to address some of the issues involved.

Several of the 1995 reauthorization provisions focus on effective use of resources to accomplish agency missions and improve agency performance. The Director of OMB was instructed to develop and utilize of common standards for information collection, storage, processing and communication, including standards for security, interconnectivity and interoperability. Congress added the responsibility for development and utilization of standards in recognition of the critical need for some commonality in interfaces, transparency of search mechanisms, and standardized formats for sharing and storing electronic information.

Agency responsibilities for IRM also expanded. The head of each agency became responsible for "carrying out the agency's information resources management activities to improve agency productivity, efficiency, and effectiveness." Agencies were directed to develop and maintain an ongoing process to ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions and, in consultation with the OMB Director and the Director of the Office of Personnel Management, conduct formal training programs to educate agency program and management of about information resources management.

I would urge the subcommittee to hesitate before being overly critical of the agencies performance in trying to achieve the reduction goals Congress set in the 1995 reauthorization. These targets and any future objectives set under the PRA need to be considered also within the context of the information explosion in our society that increases each year. When the original PRA was passed in 1980 as with the first reauthorization in 1986, the Internet was not even a glimmer in the public's eye yet. Even in 1995, the last reauthorization, we had barely begun to exploit the opportunities of the Internet. Since then we have seen an explosion of applications, and the amount of computing capacity available to individuals and business has grown exponentially. Each year we produce, distribute, and save more information than the year before. Chief Information Officers have become a standard position in many corporations to help manage the expansion of data that companies now must manage. The government is not apart from these trends. Taking into consideration the tremendous growth our society has experienced in the creation of information, the government's fairly stable to low growth in paperwork burden is actually quite surprising. The question should be why the government is not keeping pace in the information age with filling the gaps in information collection; why we cannot do a better, more efficient job of collecting relevant information?

This is the information age we live in, and we continue to develop better and more effective tools for gathering, delivering, organizing and analyzing information. The U.S. government is only beginning to explore these options. In 2003, Congress passed the first E-Government Act, of which agencies only now are beginning to implement.

The TRI-ME software developed by EPA to streamline TRI reporting provides us with a good example. The electronic reporting software has reduced the reporting burden for submitters by hundreds of thousands of hours without reducing the quantity or quality of information at all. The Estimates of Burden Hours for Economic Analyses of the Toxic Release Inventory Program, written by Cody Rice in EPA's Office of Environmental Information in 2002, estimated an even higher level of burden reduction than reported in EPA's 2003 ICRs. A sample of facilities testing TRI-ME estimated a 25 percent reduction in calculations, form completion, and

recordkeeping/mailing activities. The report projected 283,000 hours of reduced burden with just 60 percent of facilities using the program.

As Congress proceeds with reauthorization of the PRA, it should consider sorting out conflicting messages sent by this law and other laws. For example, section 3505(a) of the PRA requires the annual reductions in information collection burdens that I've mentioned earlier. This provision has created an agency culture of limiting the collection of information – even when it is very important to do so. We often hear agency personnel talk about the importance of collecting some information, only to decide not to go forward because of the PRA reduction requirements and the probability that OMB would reject the collection.

At the same time, sections 115 and 116 of the Government Performance and Results Act require agencies to provide quantifiable indicators and measures in assessing agency performance. To properly implement GPRA, agencies inevitably must collect new information. Yet the mandated annual reductions in information collections under the PRA put a damper on this. As a result, GPRA's objective of having publicly trusted performance indicators may be seriously falling short.

This conflict can easily be resolved by dropping section 3505(a) of the PRA. But the conflict raises a more fundamental issue regarding the PRA – its purpose. The real strength of the PRA is in its potential to help government manage its information resources, from collection to dissemination to archiving. Unfortunately the theme of reducing paperwork – no matter the repercussion – conflicts with a strong law on managing information resources. We strongly urge Congress to make appropriate changes in the law, including changing the name of the law from the Paperwork Reduction Act to Information Resources Management Act or a similar title, to clearly establish that its primary purpose is to improve the management of government information.

IV. Information Dissemination and Public Access

Unlike information collection and burden reduction, the issues of dissemination and public access have received too little attention in the PRA. Prior to the 1995 reauthorization, the PRA did not contain a definition of public information, nor was dissemination included the purpose of the law. Dissemination of information to the public promotes use of the data. Without use, the information serves little purpose. Without use, the information collection becomes an exercise in paperwork and bureaucracy. Many audiences can find use for information and the government should encourage all of them to use any data it collects – states, communities, industry, public interest groups, journalists, academics, and ordinary citizens.

Returning to the TRI example mentioned earlier, states and communities regularly use the TRI data to guide further inquires and focus efforts to protect human health. A recent case is Louisville, Kentucky, which by EPA estimates has the unhealthiest air in the southeast region of the United States. Data collected from EPA air monitors throughout the city showed dangerous levels of 18 hazardous air pollutants. Citizens and local officials coupled the monitoring data with TRI information to identify the facilities responsible for the hazardous air pollution. This connection lead to the city's new aggressive air pollution plan, called the Strategic Toxic Air

Reduction (STAR) program. STAR will require industrial facilities that release hazardous air pollutants to reduce their emissions.

The new early warning data example mentioned earlier offers a different lesson about the difficulty of getting access to important safety information. Unfortunately, Department of Transportation has decided to withhold this "early warning" data about auto safety defects, including warranty claim information, auto dealer reports, consumer complaints, and data on child restraint systems and tires. The information represents a potentially powerful tool for the public to hold manufacturers and the government accountable. However, DOT has claimed that disclosure could "cause substantial competitive harm" and therefore the information remains confidential, even from a specific Freedom of Information Act request. The agency made this decision even though similar defect information has been routinely made public before. Without public access the early warning database will warn no one. Public Citizen and other groups are now challenging the policy in court.

Congress has made some positive steps forward on these issues with the PRA since its initial passage. The 1995 reauthorization added language to strengthen opportunities for the public to gain access to government information and developed a framework for improving the management of the federal government's information resources.

The 1995 reauthorization included a new purpose: to "provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology." This theme is indicative of a significant change in thinking about the purposes and uses of government information. The last PRA reauthorization also included a definition for public information, which read "any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public." While this may seem like a small item, it should be noted that the original 1986 Act did not contain any definition of "information"—public or otherwise. This demonstrates the serious lack of recognition of the public nature of government information that has hindered government over the years. As Congress moves forward with a new round of reauthorization, this language needs to be expanded. Currently the definition is limited to information upon which affirmative agency action has been taken.

The most important aspect of the 1995 definition language was the phrase "regardless of form or format." In this phrase, the Act laid down as a fundamental principle that it does not matter whether "public information" is print, electronic or otherwise (e.g., microfiche); the requirements for dissemination and public access will be the same. As the government began conducting more of its business electronically, Congress recognized the importance of maintaining a level of access to this, and future, format for information. This language (echoed in the responsibilities of the Director of OMB) ensures not only current access but also—as it is reinforced in agency records management responsibilities for archiving information maintained in electronic format—ongoing access to historically (and otherwise) valuable data and information.

The last reauthorization also gave the Director of OMB the added responsibility to provide direction and oversee "agency dissemination of and public access to information." Agency responsibilities also expanded for information dissemination and provision of public access.

Under the earlier versions of the PRA agencies had no direct responsibilities—and hence no mandate and no incentive—for information dissemination. Provisions under section 3506 not only require each agency to "ensure that the public has timely and equitable access to the agency's public information" but also lay out some critically important principles. Unfortunately, this section only addresses what agencies should do as it disseminates public information. It does not mandate public access to government information.

As Congress goes forward with reauthorization, the issue of public access must be taken further and established more firmly. The Freedom of Information Act, a powerful safety net in requiring disclosure of government records, should become a vehicle of last resort in the Internet age we live in. Congress should modify the PRA to include a new and innovative provision that creates an affirmative responsibility for agencies to publicly disseminate, in a timely manner, any and all information collected by government agencies except for information that is exempt from disclosure under FOIA.

In the 1995 reauthorization Congress mandated the creation of the Government Information Locator Service (GILS) to assist agencies and the public in locating information and promoting information sharing and equitable access by the public. However, the legislation only required a GILS to "identify the major information systems, holdings, and dissemination products of each agency" and failed to require the program to provide access to the information. Moreover, GILS has been by-passed by the ubiquity of the Internet and the growth of information on agency web sites. Congress should revise the GILS program, building on the E-Government Act, and mandate creation on a public access system that allows the public to integrate information and databases from multiple programs and agencies.

It is time for the United States to have a law that requires public access to government information – and the PRA is the best vehicle to make that happen.

V. Politicization of Paperwork

Another concern about the PRA has been its susceptibility for manipulation by administrations as a backdoor for achieving politically motivated goals with regards to the regulatory process. With oversight authority residing at OMB, which is a political office of the White House, concerns have been raised that PRA can be too easily used as a tool to force agencies to revise regulatory requirements or tactics by the disapproval of its paperwork. Given the amount of time and resources OIRA devotes to little else beyond paperwork reduction goals and a form-by-form review process, these concerns are well founded.

Many believe that OIRA has used its paperwork authority, in combination with regulatory review powers granted by executive order, to interfere with substantive agency decision-making about policies and programs. Jim Tozzi, who worked as a Deputy Director at OIRA during the 1980s, acknowledged this to the *Washington Post*: "I have to plead guilty to that. The paperwork is a way in, you know?" We would urge Congress to discourage this misuse of the PRA by requiring OIRA to publicly explain and justify any information collection requests it alters, declines or delays. These explanations should be published in the *Federal Register* as well as compiled and reported annually to Congress.

Moreover, OIRA has historically focused greater oversight and review on the paperwork of agencies such as the Environmental Protection Agency, the Department of Housing and Urban Development and the Occupational Safety and Health Administration than it did on the paperwork of others (such as the IRS). Agencies such as EPA, USDA, DOL, HHS, DOT, and Dept. of Education have a disproportionate number of OIRA desk officers overseeing their work compared to the amount of paperwork they actually produce.

For instance, the USDA's 1999 paperwork burdens accounted for 0.9 percent of the total burden imposed by government paperwork, yet six of 34 desk officers at OIRA (18 percent) were assigned to the agency in 2001. Similarly, EPA's paperwork burden consisted of 1.7 of the total government paperwork, yet it also has six desk officers overseeing its work. In contrast, the Treasury Department, which constituted over 82 percent of government paperwork burden, only had one assigned desk officer. (Data based on GAO FY 1999 estimates and the list of OIRA desk officers' assignments as of October 15, 2001.)

We would recommend Congress eliminate this imbalance of attention by mandating in any PRA reauthorization that OIRA must assign staff to agencies in proportion with the amount of paperwork burden associated with each agency.

Additionally, Congress should empower the public to know more about OMB's actual implementation of the PRA, to make sure that OMB is not using the information clearance process as "a way in" to distorting regulatory priorities. OMB is required by law to maintain a docket room for information clearance decisions and related records, which it does do. That docket is only available, however, in OMB's offices here in Washington, D.C. OMB's PRA decisions have enormous consequences for the entire nation, not just the people of Washington, D.C., so people outside of Washington should be given access to those records. We are not calling for anything innovative or even difficult to do; right now, most federal agencies, in compliance with the E-Government Act, maintain Internet-accessible versions of their rulemaking dockets, and people all over the world can download documents from those dockets and hold the agencies accountable. OMB should do the same. We would also recommend that OMB link the online disclosure of its rulemaking activity with that of the PRA activities since many of the actions are related.

We would also urge Congress to refrain from attaching to any PRA authorization non-germane provisions. Often, an important and broad government-wide bill, such as a PRA reauthorization, can attract numerous amendments and riders that deal with unrelated, or even vaguely related, issues. For example, there has been great attention given to the Data Quality Act that was passed as an appropriations rider in 2001. We have created a website providing updates on implementation of the law at http://www.ombwatch.org/article/articleview/2668/. In monitoring the law, we have been surprised to see the expansionist approach OMB has taken to interpreting this rider than was never debated in Congress. Without doubt this rider has become a highly controversial law. One issue that has emerged from industry is whether data challenges filed under the law are judicially reviewable. We strongly urge Congress not to add any provisions that make DQA challenges reviewable in a court of law.

VI. Conclusion

The PRA has the power and potential for being a useful law to help agencies better manage information and to ensure greater public accountability. To fulfill this potential, the next PRA reauthorization needs to move the executive branch of the federal government further into the information age with stronger requirements and focus on more effective use of information resources, as well as improved commitments to widespread dissemination of information and meaningful public access.

Specifically, we have urged Congress to:

- Rebalance the PRA with less emphasis on burden reduction and more on addressing gaps in information collections and improving the quality and timeliness of information collected.
- Eliminate section 3505(a), which contains specific annual goal for burden reduction.
- Rename the law to Information Resources Management Act or a similar title to reflect a shift to effectively managing the information resources as opposed to blindly reducing government paperwork.
- Put on the focus on reducing unnecessary paperwork burdens. This can be done by requiring common identifiers within and across agencies so that e-reporting and public access is easier and more efficient to accomplish.
- Public discussion of paperwork burden should be linked to public benefit derived from the collection. Moreover, if the information is mandated by Congress, it should be so noted.
- Include a provision that creates an affirmative responsibility for agencies to publicly disseminate, in a timely manner, any and all information collected by government agencies except for information that is exempt from disclosure under FOIA.
- Revise the GILS program and mandate it serve as a public access system that allows the public to integrate information and databases from multiple programs and agencies.
- Require OIRA publicly explain and justify any information collection requests it alters, declines or delays.
- Require OIRA to develop and maintain an Internet-accessible version of its information collection docket, including downloadable versions of documents exchanged during the PRA clearance process. And insure this online docket is linked with the regulatory review docket OMB maintains.
- Mandate that OIRA assign staff to agencies in proportion with the amount of paperwork burden associated with each agency.

I sincerely thank you for the opportunity to address this Committee. Chairman Miller and members of the Committee, I look forward to our dialog and your questions on this issue.

Thank you.