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PAPERWORK REDUCTION

Mixed Effects on Agency Decision Processes and Data Availability

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Program Evaluation and
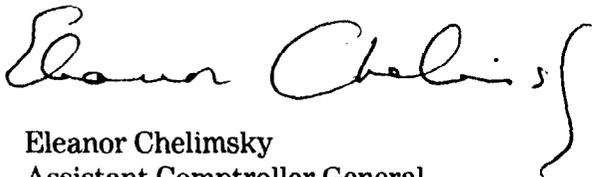Methodology Division

B-233451

September 7, 1989

The Honorable Robert A. Roe
Chairman, Committee on Science,
    Space, and Technology
House of Representatives

Dear Mr. Chairman:

In response to a request from your committee, we are submitting this report on federal efforts to control the amount of information that is gathered from the public. In particular, this report examines (1) how and how well data collection requests are handled within the Office of Management and Budget (OMB), (2) the influence of the OMB review process on agencies' decisions to collect information, and (3) the likely consequences of OMB and agency actions on the availability of data. This report contains recommendations for achieving a better balance between the need to collect data and the need to control the paperwork burden on the public.

As we arranged with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution of it until 30 days from the date of the report. At that time, we will send copies to the Office of Management and Budget and all departments and agencies covered by our review, and we will make copies available to others upon request. Please call me on 202-275-1854 if you need further information. This report was prepared under the direction of Lois-ellin Datta, Director of Program Evaluation in Human Services Areas (202-275-1370). Major contributors are listed in appendix V.

Sincerely yours,

Eleanor Chelimsky
Assistant Comptroller General

Executive Summary

Purpose

Last year, Americans devoted nearly 2 billion hours to complying with federally sponsored requests for information. Substantial concern has been raised about the effect of efforts by the Office of Management and Budget (OMB) to minimize the burden these requests place on the public. The House Committee on Science, Space, and Technology asked GAO to (1) review OMB's handling of agency requests for data collection and the timeliness and technical adequacy of the reviews; (2) determine how OMB's policies and practices influence agencies' decisions to gather information, particularly nonstatistical agencies; and (3) assess the influence of agency and OMB actions on the availability of information.

Background

Over the past four decades, the Congress has enacted a number of laws to control the burden on the public, businesses, and state and local governments of complying with federal information requests. In particular, the last major legislative effort, the Paperwork Reduction Act of 1980 (44 U.S.C. 3501), requires approval of all federal data collection involving 10 or more respondents. The act also instituted the Office of Information and Regulatory Affairs within OMB, which reviews all the information collection requests that federal agencies submit. Although reducing unnecessary paperwork burden remains a high priority, concern has been expressed about the balance between reducing burden and ensuring that sufficient information is available to monitor program operations and to perform other functions such as scientific research.

Results in Brief

OMB has developed a formal process for reviewing a large volume of information collection requests, but GAO found inconsistent application of its policies by office staff. Despite these inconsistencies, the vast majority of submissions were approved, and only a small fraction were formally modified. Nontechnical concerns accounted for the majority of the reasons given for disapprovals. The great majority of submissions were reviewed and acted upon within the legal time limits. However, in recent years, the median time for reviews has increased, and the number of exceptionally time-consuming reviews has quadrupled. Further, some submissions that were approved by OMB GAO found technically inadequate, and some technically adequate submissions were disapproved. (See pages 20-40.)

Agencies' decisions about information collection requests have been influenced by OMB's policies and practices. The submissions of a substantial fraction were almost always approved by OMB; in large measure, these agencies have established systematic review procedures. For such

agencies, an OMB review may be duplicative, adding delays without any real benefit. A small fraction of agencies have had persistent problems obtaining OMB's approval. These problems sometimes resulted from factors such as differences of opinion between OMB and agency staff about the type of information that should be collected. (See pages 41-47.)

Agency and OMB actions have been associated with a reduction in the availability of information since the early 1980's. Some reductions were positive in the sense that data that officials believed unnecessary have been discontinued. However, OMB's policies and practices appear to have been associated with a reduction in the availability of certain types of information—sometimes referred to as a "chilling effect"—from some agencies. In particular, agencies with low approval rates showed greater reductions in submissions, particularly submissions for new and research-oriented data collections. (See pages 48-61.)

Principal Findings

How Requests Are Handled in OMB

Between 1982 and 1987, OMB received over 20,000 information collection requests from 211 federal agencies. While OMB has established a formal review process, its policies have not been consistently applied by office staff. Informal procedures were used to determine if information requests were duplicative, written technical guidelines were rarely used, and the criteria for determining priority of reviews varied among staff. Part of the variation in practices may stem from the fact that new staff received little or no on-the-job training, and most have had minimal training in areas needed to judge the technical merits of an information collection request. (See pages 21-27.)

Despite variability in the actual review process, 95 percent of the submissions were approved. Twelve percent of the research approvals were accompanied by formal modifications, while 8 percent of the nonresearch approvals were formally modified. An unknown percentage were informally modified in negotiations between OMB and the agencies. Failure to demonstrate the practical utility of a collection and lack of need for a collection were the major reasons reported for disapprovals. (See pages 27-30.)

About 7 percent of the agencies have had persistent difficulties in obtaining OMB's approval. Some difficulties stem from the quality of the

submissions, but in other cases they appeared to stem from differences of opinion between OMB and the agency on what type of data should be collected. However, GAO found that many agencies had nearly perfect approval rates. (See pages 30-31.)

The great majority of submissions were reviewed and acted upon within the time limits specified by the Paperwork Reduction Act of 1980. However, the median time for reviews increased by 41 percent between the early 1980's and 1987. Some of this difference appeared to be attributable to practices OMB developed in 1987 in response to congressional concern over how to encourage public comment in the review process. Further, there has been a 25-percent increase in the number of submissions exceeding the 60-day review period, and the number of submissions in review over 90 days, although small, has quadrupled in recent years. Contrasting GAO's technical reviews of 17 submissions with OMB's decisions on these submissions showed that OMB approved 7 of 10 proposals that GAO found technically inadequate. Technical inadequacies GAO identified included low expected response rates, the potential for response bias, underreliance on conventional sampling methodology, and inadequate questionnaire design. (See pages 33-40.)

OMB's Influence on Agencies' Decisions to Gather Information

OMB's regulations and guidelines have had a heavy influence on the processes used by agencies to make information-gathering decisions. These decision processes varied across agencies. Agencies that had developed systematic procedures for deciding what data to collect had also adopted strategies of review to ensure the technical quality of their submissions. In addition, experience with OMB had resulted in agencies' giving greater attention to new data collection activities, and in some cases agencies had drawn OMB into the decision process earlier through informal presubmission contacts. Finally, nearly half the managers GAO interviewed stated that one or more aspects of their information collections were negatively affected by OMB's reviews. (See pages 41-47.)

Agency and OMB Influence on Information Availability

Together, the OMB clearance process and agency responses to it appear to have had mixed influences on the likely availability of federally sponsored information. In some cases, agency officials believed unnecessary data were eliminated. However, some nonstatistical agencies had reduced their data collection activities because of difficulties in obtaining OMB's approval. Overall, those nonstatistical agencies that had difficulty in obtaining OMB's approval for information collections submitted 20 percent fewer requests in recent years. (See pages 49-53.)

The "chilling effect" of difficulties stemming from the OMB clearance process has resulted in 3 to 8 percentage point differential reductions (for regulatory and nonregulatory agencies, respectively) in new submissions for these agencies. GAO also estimated that these same agencies experienced differential declines of 14 and 23 percentage points for research-oriented submissions. (See pages 53-56.)

Recommendations

GAO recommends that the director of OMB employ existing authority to delegate primary review responsibility to senior officials within designated agencies that have demonstrated internal review capability. The performance of these agencies could be monitored through spotchecks conducted by OMB. OMB should assist executive agencies with less-effective internal mechanisms for procedural and technical review in improving those mechanisms. OMB should enhance its guidance and assistance to agencies in improving the efficiency and quality of their data collections through increased use of sampling procedures, measures to enhance response rates and control response bias, and the more precise design of data collection instruments. In addition, the director of OMB should develop an ongoing training program for its paperwork review staff to ensure that technical and nontechnical criteria are appropriately and consistently applied to submissions. Also, the director of OMB should augment the capacity of the Office of Information and Regulatory Affairs to perform technical reviews of new and recurrent collections. Measures appropriate to this end may include the expansion of technical staff and consultation with external experts. Further, OMB should review information collection requests concurrently with the public comment period for these requests.

Agency Comments and GAO's Response

Commenting on a draft of this report, OMB concurred with all GAO's recommendations but challenged four points in the report. GAO does not agree that these challenges are supported by available evidence. (See appendix IV and chapter 6.)

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Abbreviations

FILS   Federal Information Locator System
GAO   General Accounting Office
OIRA   Office of Information and Regulatory Affairs
OMB   Office of Management and Budget
SF-83   Standard Form 83, Request for OMB Review

Introduction

Each year, nearly every adult American fills out at least one federally sponsored form, survey, or questionnaire. In fiscal year 1988, the general public, members of farm and business communities, and representatives of state and local governments spent almost 2 billion hours meeting federal information collection requirements. Over the past four decades, the Congress has expressed concern about the amount of time citizens and small business owners are asked to spend responding to federal information collection efforts. As a result, several laws have been enacted in an effort to control the burden the federal government imposes on the public. Of these, the Federal Reports Act of 1942 and the Paperwork Reduction Act of 1980 are the most significant.

The Federal Reports Act of 1942 (December 24, 1942, ch. 811, 56 Stat. 1078) requires that the government collect its information with a minimum burden on the public and at a minimum cost to the government. It authorized the Bureau of the Budget—which became the Office of Management and Budget (OMB) in 1970—to determine whether the collection of information by a federal agency is necessary for the agency's proper performance or for any other proper purpose.

In the years since 1942, federal paperwork has continued to grow. Congressional legislation, presidential initiatives, agency regulations, and research efforts have all contributed to this trend. Moreover, according to OMB, the Congress by 1979 had exempted over 80 percent of the federal paperwork burden from the 1942 act's clearance process. For example, independent regulatory agencies were exempted from OMB's review in 1973, although they were subject to GAO's review.

In reaction to the continued growth of federal paperwork, the Congress enacted the Paperwork Reduction Act of 1980 (Public Law 96-511; 44 U.S.C. 3501). The act supplanted the Federal Reports Act of 1942, extended the process enacted in 1942 to a wider range of information collection reviews, and established broad objectives for improving the management of all federal information resources. A stated goal was to minimize the paperwork burden on the public and maximize the utility of the information collected by the federal government.

The broad objectives of the 1980 act included (1) reducing the information burden imposed on the public by the federal government; (2) lowering the costs of collecting, managing, and disseminating information by federal agencies; (3) ensuring that federal agencies collect only as much information as they need and can use effectively; (4) eliminating inconsistencies among federal information policies by promoting uniformity

wherever possible; (5) improving the efficiency of government programs and minimizing the public burden through the effective use of automatic data processing and telecommunications; and (6) ensuring that the legitimate privacy and confidentiality of individuals and enterprises are safeguarded.

OMB's Responsibilities

To achieve its objectives, the 1980 act established the Office of Information and Regulatory Affairs (OIRA) within OMB and gave it authority over federal information functions, including general information policy, reduction of paperwork burden, federal statistical activity, records management activities, the privacy and security of records, agency sharing and dissemination of information, and the acquisition and use of automatic data processing and telecommunications and other information technology for managing information resources.

Information Policy

OIRA's most sweeping statutory mandate was to develop comprehensive information policies for the entire federal government. The 1980 act specified six tasks for OMB in this regard:

1. the development, implementation, and oversight of uniform information resources management policies and guidelines;

2. the initiation and review of proposals for legislation, regulations, and agency procedures to improve information management;

3. the coordination, through budget review and other means, of agency information practices;

4. the promotion of greater information sharing among agencies through the federal information locator system (FILS), the review of budget proposals, and other means;

5. the evaluation of agency information management practices; and

6. the oversight of planning and research regarding the federal collection, processing, storage, transmission, and use of information.

The act also gave OMB deadlines for many of these assignments. In 1983, we reported that while a significant portion of OIRA's resources were devoted to regulatory review activities, and emphasis had been placed on paperwork burden reduction, only limited progress had been made in

such areas as information policy, statistics, and the management of information resources.[1]

Paperwork Control

The Paperwork Reduction Act is most closely identified with OMB's paperwork control review process, by which OIRA's desk officers determine

"whether the collection of information by an agency is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility for the agency." (44 U.S.C. 3504(c)(2))

The basic requirements of the process are simple. OMB reviews all activities of executive branch and independent regulatory agencies that collect information from 10 or more persons, whether they are voluntary or mandatory. This includes collections for a range of purposes such as application for government benefits, reporting or recordkeeping requirements, and statistical surveys, all of which may occur in a variety of forms, including questionnaires and telephone surveys. Agencies are expected to ensure that (1) the collection is the least burdensome necessary for the proper performance of the agency's ability to comply with legal requirements and to achieve program objectives; (2) the collection does not duplicate information otherwise accessible to an agency; (3) the collection of information has practical utility; and (4) the cost to the agency for collecting, processing, and using the information is minimized.

Information collection requests submitted to OMB typically include a statement of justification (addressing each of 15 questions posed by OMB to guide the adequate description of the proposed data collection), a copy of the data collection instrument, and a copy of the form that formally requests approval for the collection from OMB (the Standard Form 83, or SF-83, reprinted in appendix II). The agency also must submit other relevant documentation such as regulations or statutes mandating data collection necessary to justify the need for the data to be collected, and may submit additional relevant documentation.

OMB's paperwork control functions do not end with paperwork clearance. The 1980 act also requires OMB to inventory all information collection activities; designate agencies to collect information for other

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[1]U.S. General Accounting Office, Implementing the Paperwork Reduction Act, GAO/GGD-83-35 (Washington, D.C.: April 20, 1983).

agencies in order to reduce duplication; set goals for the reduction of the burdens of federal information collection activities; oversee the completion of action on the recommendations of the Commission on Federal Paperwork; design and operate FILS, in order to control duplication by providing an inventory of information collected by federal agencies; and report annually to the Congress regarding paperwork reduction efforts.

The 1980 act also instructs OMB on the review of paperwork requirements emanating from regulations that executive agencies propose. OMB may review these regulations when agencies issue a notice of proposed rulemaking in the Federal Register. The results of OMB's review are to be treated as public comments that become part of the agency's rulemaking record and are considered by the agency as it drafts the final regulation. When the final rule is published in the Federal Register, the agency must explain how it has responded to OMB's comments.

OMB's paperwork responsibilities include one other dimension, the information collection budget. First proposed by OMB under President Carter and implemented in fiscal years 1981-82, the budget works something like the fiscal budget. Agencies plan their information collection activities for the coming year and add up the resulting "paperwork burden" on the public (measured in burden hours). OMB then reviews the agencies' information collection plans and the burden associated with them and establishes a burden hour ceiling on each agency that sets a limit on the collections the agency can carry out. OMB may also suggest particular cuts in information collections that would allow an agency to meet burden reduction goals.[2]

The 1980 act sets specific goals for an overall reduction in the burden from existing information collections of 15 percent by the end of fiscal year 1982 and another 10 percent by the end of fiscal year 1983. OMB set further goals for reductions in fiscal years 1984, 1985, and 1986. The Paperwork Reduction Reauthorization Act of 1986 called for an additional 5-percent decrease in the burden imposed by existing collections for each fiscal year between 1987 and 1990.

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[2]The same OIRA staff members who review individual information collection requests are also responsible for carrying out OMB's role in the process. Commenting on a draft of this report, OMB officials noted that the information collection budget is not binding and that OMB imposes no sanctions on agencies that exceed their negotiated budget ceilings. These officials view the budget as a planning document.

Concern About OMB's Role

There was considerable ambiguity, prior to our review, about how OMB handles information collection requests, although anecdotes abound regarding OMB's deficiencies in treating individual requests. For example, concerns have been raised about the limited technical abilities of OIRA's staff,[3] delays associated with unnecessarily protracted reviews,[4] disapprovals of information collection requests that appeared to be motivated by political rather than technical or practical grounds,[5] and OMB's overemphasis on burden reduction and its insufficient attention to the value of proposed data collection efforts.[6] OMB officials had taken the positions that agencies collect more information than is needed for national policymaking and that the federal government should not be in the business of producing information products and services that could be provided by the private sector.[7] With few exceptions, these claims and counterclaims have not been systematically investigated.

Observers have also argued that the paperwork review process has had subtle, adverse influences on executive departments and agencies. In particular, individuals have contended that in response to OMB's policies and practices, federal departments and agencies have stopped submitting requests or have devised ways of circumventing the review process entirely.[8] Some of these circumvention strategies have reduced the quality of information that is collected. The extent to which these practices occur has not been systematically addressed, however.

Objective

In response to these concerns, the chairman of the House Committee on Science, Space, and Technology asked us to answer the following questions. (1) How are agency requests for data collection handled within OMB? On what grounds—methodological or other—are data collection

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[3]M. Kritz, "Kibitzer with Clout," National Journal, May 30, 1987, p. 1407.

[4]"OMB Slows Up AIDS Survey," OMB Watch, Eye on Paperwork Action Alert, March 1989.

[5]Letter of transmittal to the report entitled "OMB Review of CDC Research," to the Subcommittee on Oversight and Investigation, House Committee on Energy and Commerce, September 1986, pp. iii and iv.

[6]K. Wallman, "Losing Count: The Federal Statistical System," No. 16, Population Reference Bureau, Inc., September 1988, p. 1.

[7]C. DeMuth, from an interview with Ann Crittenden, New York Times, July 11, 1982, n.p. See also D. Ginsburg, address before the Information Industry Association, n.p., September 20, 1984, pp. 4 and 19.

[8]Kriz, "Kibitzer with Clout."

instruments modified or disapproved? Is OMB executing its responsibilities in a timely and technically adequate fashion? (2) How do OMB's policies and practices affect agencies' decisions regarding requests to gather information, particularly in nonstatistical agencies? (3) What influence have agency and OMB actions had on the availability of information?

Scope and Methodology

We answered the committee's questions by multiple methods summarized in table 1.1. In order to answer the first question—How are data collection requests handled in OMB?—we used four data collection methods. First, using OMB's reports management system, we constructed a longitudinal data base of the universe of information collection requests agencies submitted to OMB between 1982 and 1987. This provided evidence on OMB's overall performance, including the volume of submissions handled, approval rates, reasons for disapprovals and modifications, the duration of OMB's review, and other descriptive information regarding the information collection requests submitted by federal government agencies.[9] As requested, we paid particular attention to the experiences of nonstatistical agencies, both regulatory and nonregulatory.

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[9]For the purposes of this report, the term "agency" refers to any unit that is assigned a unique four-digit agency code in OMB's reports management system. A list of all such units that actually submitted information collection requests between 1982 and 1987 appears in appendix I.

Table 1.1: Our Study Questions and Methods Used to Answer Them

	Question	Method
1.	How are data collection requests handled in OMB?	— Analysis of information collection request data
		—Interviews with OMB officials responsible for paperwork clearance
		— In-depth review of a sample of recent information collection requests (case examples)
		— Expert reviews of the technical adequacy of a sample of recent information collection requests (case examples)
2.	How do OMB policies and practices influence agencies' decisions to collect information?	— Interviews with agency paperwork officials regarding policies and procedures for the development of information collection requests
		—In-depth review of a sample of recent information collection requests (case examples)
3.	How have OMB and agency actions influenced the availability of information?	— Analysis of information collection requests from a sample of agencies
		— Interviews with agency and OMB officials

Second, we interviewed a sample of 19 OMB officials responsible for paperwork clearance at various levels (desk officers, statistical policy analysts, assistant branch chiefs, and branch chiefs) to determine what happens to a data collection request once it enters OMB (who sees it, where it goes in the agency, and so on). In these interviews, we asked about the formal and informal procedures and criteria used to assess the data collection requests and the training required for this job.

Our third method involved an in-depth look at 17 recent submissions (or case examples). Here, we selected a sample of research, evaluation, and statistics information collection requests that OMB had reviewed in 1987. The focus of these investigations was the processes associated with the OMB review. The sample represented various types of research-oriented information collection (new versus previously collected, both statistical and nonstatistical) as well as differing dispositions (such as approved, modified, and disapproved).

Fourth, we convened a panel of experts to assess the technical adequacy of the submissions included in our case examples. (They are listed in appendix III.) The experts' decisions and rationale for those decisions

were compared with the results of OMB's review of the corresponding submission.

In answering the second question—How do OMB's policies and practices influence agencies' decisions regarding requests to collect information?—we used two methods. Our first method involved semistructured interviews with officials from a representative sample of 50 agencies. Specifically, using our longitudinal data base of the universe of actions, we selected a stratified random sample of 50 agencies based on agencies' current and prior experiences with the OMB's review process.

We classified agencies according to their relative success at obtaining approval from OMB and changes over time. The categorization resulted in five types of agencies. The types were agencies with (1) low approval rates (less than 90 percent) in both the early (1982-84) and late (1985-87) periods, (2) a low approval rate in the early period but a high rate (over 90 percent) in the later period, (3) a high approval rate in the early period and low in the later period, (4) high approval rates in both periods, and (5) limited experience with the paperwork clearance process. Within each of the first four categories, agencies were classified as having regulatory, nonregulatory, or statistical missions.

We completed interviews with 17 paperwork clearance officers responsible for 38 of the 50 agencies in our sample. We also interviewed a subsample of 17 agency managers. The purpose of these interviews was to understand the paperwork development policies and procedures in each of the agencies and the perceptions of these agency officials as to how the paperwork clearance process has affected data collection decisions. We collected documents, when they were available, describing policies and practices within agencies.

Our second method involved the 17 case examples described above. Here we examined more closely the development and submission of these collections within the agencies.

In order to answer the third general question—How have agency and OMB actions influenced the availability of information?—we used two methods. First, using the data in the reports management system for our sample of 50 agencies, we examined the submission practices of the agencies over time. Of particular interest were the changes in the types of submissions (research, evaluation or statistics, application for benefits, regulatory or compliance, and so on) made by statistical and non-statistical agencies and by agencies with high and low approval rates

over time. Second, we coupled this information with information from the interviews with agency managers and clearance officers, as well as the interviews with OMB's desk officers and managers and additional interviews for the case examples, regarding the likely effects of the actions of agencies and OMB on the availability of information.

Strengths and Limitations of the Study

Our study design contains several methodological strengths and at least one limitation. With regard to its strengths, unlike prior reports on OMB's practices, our longitudinal assessment provides a basis for examining changes over time. Further, we selected our samples to represent the diversity of experiences that agencies have had in their interactions with OMB. Thus, we are able to describe the prevalence of problems and strengths in the review process.

Finally, we used at least two different methods to answer each of the committee's questions. This strategy has several benefits. First, each method provides data on different aspects of the same process. For example, the longitudinal data used to describe the actions of OMB or agencies provides evidence on general trends. Interviews with agency officials provide complementary information on how the trends may have come about, and the in-depth study of particular cases generates evidence on the processes that may be at work. While each source of evidence, by itself, contains limitations, when all are used in concert, they yield a more complete, objective, and balanced answer to the complex questions we have been asked.

Our study design does contain a limitation. Namely, we have been asked to assess how OMB influences agencies' decisions to collect data and to ascertain the joint influence of agency and OMB actions on the likely availability of information. Many forces result in changes in organizational practices. Our design cannot account for the influences of them all. In discussing answers to our questions, we describe where appropriate influences as plausibly associated with the actions of OMB or agencies.

Report Organization

Chapters 2 and 3 provide answers to the committee's first question. In chapter 2, we describe the formal and informal process by which information collection requests are handled within OMB, outcomes of the review process, and the criteria used in making decisions to approve or disapprove a request. In chapter 3, we present our findings on the timeliness and technical adequacy of OMB's reviews. Chapter 4 presents our

findings on the second question. That is, it examines the influence of OMB's paperwork review policy and practice on agencies' decisions to collect data. Chapter 5 presents our findings on the third question. Here we examine how OMB and agency actions have influenced the availability of information. In chapter 6, we offer conclusions and recommendations for achieving a reasonable balance between the need to collect data and the need to control the federal paperwork burden on the public.

How Requests to Collect Information Are Handled in OMB

Since the enactment of the Paperwork Reduction Act in 1980, OMB has annually received from federal agencies between 3,000 and 4,000 requests for approval to collect information from the general public, businesses, states, and localities. Over 200 federal departments and agencies have submitted requests (they are listed in appendix I). To handle this volume of submissions, OMB has implemented regulations for submitting information collection requests. It has also developed a formal process for soliciting input on each request, reviewing submissions, deriving decisions, and notifying the agencies of its actions.

Although a seemingly orderly and formal review process has been developed, the main OMB reviewers, the desk officers, rely on a variety of informal practices that affect decisionmaking on individual requests. Further, although one of the main reasons for centralizing the review process within OMB was to ensure that information was not duplicative, the majority of desk officers we interviewed stated that they did not use or there were limitations in using the Federal Information Locator System to check for duplication.[1] Rather, personal experience or contacts with other desk officers served as the basis for making this determination. Part of the variation in review practices appears to stem from the fact that new desk officers received little on-the-job training, and most desk officers had minimal training in areas needed to judge the technical merits of an information collection request, such as methodology.

Although practices varied across desk officers, the outcomes of the review process were fairly predictable. Most submissions (93-95 percent) were approved, while a small fraction of these (8-12 percent of those we sampled) were ultimately modified as a result of the review process. Those that were disapproved were most often questioned on the grounds that their practical utility had not been established or that the collection was not necessary for the agency's proper performance.

This portrait suggests that the OMB review process is relatively straightforward and represents a minor obstacle for federal agencies. The overall picture, however, masks at least two important areas of concern: a small number of agencies have had persistent difficulties in securing approval to collect information and new submissions, in particular new

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[1]The Paperwork Reduction Act of 1980 mandated the creation of Federal Information Locator System to provide data on existing federal data collections for the purpose of ensuring that proposed data collections do not duplicate information already available to the federal government and for providing public access to data. The system that was established in 1983 was in operation until September 1988. However, OMB reports that it and other agencies had problems with the earlier version of FILS of insufficiency in identifying likely duplications. OMB is currently implementing the requirement for a FILS through enhancements to OMB's reports management system.

submissions directed at research, evaluation, or statistical data collection, were considerably more likely to be disapproved or withdrawn than were other types of submission.

Volume of Requests

As seen in table 2.1, over 20,000 submissions were received from 211 federal agencies between 1982 and 1987. The majority (67 percent) of the information collection requests came from 72 major regulatory agencies (for example, the Federal Trade Commission). Major nonregulatory agencies (for example, the Centers for Disease Control or the Human Nutrition Information Service) accounted for about 25 percent of the submissions, while 8 agencies whose primary mission is to gather statistical information accounted for 6 percent of the submissions to OMB. Fewer than 3 percent of the requests came from a group of about one third of the agencies, agencies that submitted a small number of requests over the 6-year period covered by our review.

Table 2.1: Number of Information Collection Requests 1982-87

| Agency type | Number of agencies | Type of submission | | | | Total |
| | | Recurrent[a] | | New | | |
		Number	Percent	Number	Percent	
Regulatory	72	10,015	73%	3,773	27%	13,788
Nonregulatory	58	2,959	59	2,097	41	5,056
Statistical	8	669	59	463	41	1,132
Other[b]	73	306	59	215	41	521
Total	**211**	**13,949**		**6,548**		**20,497**[c]

[a]We use the term recurrent submissions to refer to those that were previously approved and subsequently submitted for an extension, revision, or reinstatement.

[b]All agencies submitting fewer than 10 information collection requests in 1982-84 or submitting more than 10 in 1982-84 but submitting none in 1985-87.

[c]Excludes 28 preliminary plans and 1 unclassified action.

Table 2.1 also shows that for other than regulatory agencies, about 60 percent of submissions entailed <u>reapproval</u> of ongoing or previously approved collections for which an extension, revision, or reinstatement was being requested. We refer to these collectively as recurrent collections. For regulatory agencies, nearly 75 percent of the submissions were for reapproval of existing data collections.[2]

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[2]Not all collections labeled new in OMB's administrative data were in fact new. Some had been previously approved more than 3 years ago and were therefore treated as new collections. Others, particularly in 1982-84, were ongoing collections that had not previously required OMB's clearance.

The Review Processes

Interviews with OIRA personnel and an examination of formal and informal guidelines for reviews reveal a general logic and organization of the paperwork review process. Although practices have changed over time and differ among OIRA staff, figure 2.1 schematizes how information collection requests are handled within OMB.

The OMB review process begins when an agency submits a request (composed of an SF-83 Form and accompanying documentation) to the public docket library within OIRA (appendix II contains a copy of an SF-83). Simultaneously, the submitting agency issues a notice in the Federal Register stating that OMB's approval is being sought. This is intended to provide the public with an opportunity to comment.

The docket library serves as the main distribution point, houses current requests, and maintains the report management system, which contains information on all actions involving information collection requests. For ongoing or recurrent data collection efforts (for example, the Census Bureau's Survey of Income and Program Participation), the system contains a history of all submissions and actions on them.

According to OMB's procedures and our interviews with OMB's staff, information collection requests are distributed within 2 to 10 days to the desk officer who is assigned to the originating agency and to the office of statistical policy. The desk officer has primary responsibility for reviewing the submission package. This includes consulting OMB's records of this data collection (for example, of prior submissions) and may include checking the Federal Information Locator System and the agency's information collection budget. They also may solicit input from other sources within OMB and outside it, clarify questions with the agency, and summarize any public comments OMB receives. The desk officer makes a recommendation on whether the submission should be approved and on the duration of the approval period. The Paperwork Reduction Act stipulates that information collections can be approved for a maximum of 3 years.

Under OIRA's practices, who makes the final determination on a particular submission depends on several factors. The immediate supervisor of a desk officer, an assistant branch chief, and the branch chief have authority to approve a request. However, large submissions, those involving a million burden hours or more, must be approved by the deputy administrator or a delegate. A recommendation to disapprove a submission must be authorized by a branch chief. Furthermore, desk officers are instructed to inform their branch chiefs of any collection

Figure 2.1: OMB's Information Collection Review Process[a]

Agency

| Submission of information collection request | Agency contact with OMB | Agency modification of information collection request | Agency's internal communication of OMB's action |

Notice in Federal Register

Public comment

OMB

Docket library

Desk officer

Official action[b]

Statistical policy

Other OMB Offices

Reflected in OMB's reports management system

Others

Executive agencies, general public, and other interested groups and individuals

[a]Solid lines indicate events that always occur; dotted lines indicate events that sometimes occur.

[b]An appeal process that is available through the deputy administrator when new information is available but is rarely invoked.

that "appears to warrant review." Highly sensitive matters go to the deputy administrator. After OMB's formal action, the agency is notified in a written "notice of action," and the submission is retained in the docket library.

The Paperwork Reduction Act of 1980 allows OMB 60 calendar days to complete its review of a submission. With proper notification to the agency, this review period may be extended to 90 calendar days. However, the implementing regulations stipulate that if OMB has not acted, upon the 91st day of review the agency can request and shall receive approval. However, under these circumstances, the maximum approval period is 1 year.[3]

Variation in Practices

OIRA employs approximately 35 desk officers to handle between 3,000 and 4,000 submissions each year. As seen in figure 2.1, these staff are the "front line" of the OMB review process. How they approach paperwork review depends on the characteristics of the particular agencies they are assigned and their individual backgrounds, styles, and preferences. Interviews with a sample of 15 desk officers revealed considerable variation in their (1) use of written guidelines, (2) use of consultation with different groups for input, (3) use of criteria for prioritizing submissions, and (4) informal practices.

Use of Written Guidance and Consultations

OMB has issued implementing regulations for the Paperwork Reduction Act, has developed statistical policy circulars, and has recently issued an information collection review handbook for desk officers. The latter was available only in draft form when we were interviewing desk officers. All 15 desk officers we interviewed relied on the act or the implementing regulations for guidance on administrative and procedural issues.

Eight of the 15 indicated that they augmented these sources by referring to the draft handbook, other memos, or other OIRA staff, the last being reported as the most frequent means of augmenting written guidance. While 11 of the 15 desk officers were familiar with the draft handbook, only 6 had read it or consulted it as part of their work. With respect to technical issues (such as survey design), only 3 of the 15 desk officers

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[3]One of the case example interviews indicated that agencies were reluctant to request this type of approval from OMB; furthermore, no instances of their being considered or requested were mentioned.

reported that they relied on statistics texts or the statistical policy circulars. Eight of those interviewed cited consultation with the office of statistical policy as their primary basis for technical guidance, and 4 also relied on personal training and experience.

Input From Others

Desk officers are also responsible for obtaining information on incoming requests from relevant groups inside and outside OMB. They varied in the amount and extent of contact they reported having with these groups. In a typical month, the desk officers had about 65 to 70 contacts with such groups. About half (55 percent) of the contacts were with agency staff concerning active submissions; across desk officers, the percentage varied from 30 to 85 percent. In most cases, contacts with others inside OMB accounted for 5 to 10 percent of monthly contacts.

There was a great degree of variability in this activity from one desk officer to the next. For example, while 10 percent of monthly contacts were with the office of statistical policy, this ranged from a high of 20 percent for 1 desk officer to little or no contact, less than 5 percent, for 7 other desk officers. Further, while 10 percent of monthly contacts were with private parties outside OMB (for example, lobbyists, users, state representatives), across desk officers this percentage ranged from a low of 1 percent to slightly over 40 percent of all contacts. Differences in the collections proposed by different agencies were partially responsible for the variation in practices we observed. However, comments derived from our interviews suggest that much of this variation stemmed from stylistic differences between the desk officers.

Setting Priorities

Most desk officers are assigned to multiple agencies and may receive many submissions at the same time. Therefore, desk officers frequently have to decide which paperwork reviews to give top priority. When asked about the criteria they use in determining priorities among submissions, most desk officers indicated that they used various rules of thumb.

For 8 of 15 desk officers, information collection requests entailing new data collections were given priority, while 6 (40 percent) focused on submissions that involved large public burden. Four of the desk officers reported using both of these criteria while 5 used neither. The staff also reported using a variety of other criteria or combinations of criteria. For example, 4 desk officers reported giving priority to controversial submissions. In one instance, this was the sole criterion offered. Three desk

officers indicated that they established their priorities on the basis of the track record of the agency's submissions. In general, 10 of the desk officers relied on two or fewer factors in prioritizing their reviews. While 2 very experienced staff (15 years with the agency) offered four or more bases for prioritization, there was no overall tendency for staff with 3 or more years of tenure to rely on multiple criteria or provide a differentiated rationale for prioritization. Two desk officers could offer no rules of thumb that were used to give priority to reviews in OIRA.

Informal Practices

Most of the desk officers we interviewed offered a variety of informal rules of thumb in response to our interview questions on informal paperwork review practices. Six desk officers mentioned something about the nature of submissions that influenced the way they handle requests. For example, 1 desk officer's rules of thumb followed a series of questions like "Does it [the request] answer the SF-83 questions?" "Does it [the request] make sense?" and "How will the data be gathered?" Other such practices relied on various internal OMB resources (8 responses), including consultation with colleagues, guidance from superiors, consultation with others in OMB (such as budget examiners) and the use of handbooks. Other rules of thumb included the use of external contacts, reliance on public comments (2 desk officers), and personal style (3 desk officers), including reliance on common sense, experience, or "looking for compromises."

Training

Of the desk officers in OIRA, 16 had been trained in public policy or public administration, 6 were trained in economics, 5 in law, and 4 in business. The remainder were educated in environmental policy (2), international relations (2), history (1), sociology (1), and American studies (1). Twenty percent held either a law degree or a Ph.D, and 83 percent held at least a master's degree.

Most of the desk officers we interviewed (12 of 15) reported receiving no formal on-the-job training. One respondent characterized orientation to the job as a "sink or swim" process. However, there was mention of briefings—on changes in regulations, for example—as a primary source of on-the-job training.

Despite the lack of formal on-the-job training, the majority of the desk officers (11 of 15) thought that their educational background prepared them well for the demands of the job. Individual desk officers stated

that they had been trained in economics or had "two graduate level statistics classes" as part of their master's programs. In identifying inadequacies in their educational backgrounds, desk officers mentioned lack of training in survey design and principles of public administration. Several other desk officers remarked that formal academic training was less important than experience and common sense.

Turnover of Desk Officers

Turnover of desk officers at OMB was mentioned by agency and OMB officials as affecting the review process. We performed several analyses to get an indication of the extent of this turnover. We found that

- 17 percent of the desk officers had less than 1 year at OMB,
- 33 percent had 1-3 years of experience at OMB, and
- 50 percent had 4 or more years of experience at OMB.

While years spent at OMB gives some indication of overall office turnover, it does not reflect the changes that occur when desk officers are assigned to different agencies or when other changes occur in their responsibilities, such as a change from a desk officer to a staff policy position, all of which result in a new person being responsible for the collections from a particular agency. For our sample of 50 agencies, we found that 68 percent had 3 or more primary reviewers during 1982-87. That is, for most of the agencies we examined, there is a considerable chance that desk officer turnover will occur between consecutive reviews of recurrent submissions; approvals are granted for only up to 3 years.

Desk officer turnover was also seen in our case illustrations. In 13 of the 17 cases (76 percent), turnover occurred either prior or subsequent to action on the case.

OMB's Formal Actions

The outputs of the OMB review process were more predictable than the process that generated them. The great majority of submissions since 1982 (94 percent) have been approved. Further, as shown in table 2.2, the approval rate has increased somewhat from about 93 percent during the early years of implementation of the act to 95 percent in recent years. Similarly, the disapproval rate has declined from 4.5 percent in the early years to slightly more than 3 percent more recently. The remainder of the actions were withdrawals by the agency or decisions by an independent regulatory commission to override an OMB action.

Table 2.2: OMB's Actions on Information Collection Requests

Action	1982-84	1985-87[a]	Total
Approval[b]	93.2%	95.0%	94.0%
Disapproval[c]	4.5	3.1	3.8
Withdrawal[d]	2.4	1.9	2.1

[a]Actions through December 22, 1987. Excludes 438 information collection requests pending on that date, independent regulatory commission overrides, and OMB rulings that specific information collection requests were not subject to OMB review.

[b]Includes emergency approvals.

[c]Includes disapprovals with continuation.

[d]Includes withdrawals with continuation.

With regard to reasons for the decline in disapprovals, several desk officers noted that one of the consequences of the act, and its regulations, and contact with OMB is to provide agencies with a clearer understanding of the review process, thereby reducing the number of inappropriate submissions. This interpretation is consistent with the data on reductions in the number of withdrawals. However, increased presubmission contact between some agencies and their desk officers could also be associated with the small decline in the number of withdrawals and disapprovals.

OMB's Modifications

OMB can approve a request or approve it with required modifications. Analysis of remarks recorded in the report management system for 423 research, evaluation, and statistics approvals and 422 other, nonresearch-oriented approvals shows roughly 12 percent of research-oriented submissions that were approved and 8 percent of nonresearch approvals were accompanied by formal modifications. Some of these were seemingly minor changes such as requiring an expiration date on a form or indicating that the collection is voluntary. However, some have been more extensive: about 20 to 27 percent of the submissions that were formally modified had one or more questions deleted, and 7 to 8 percent had questions added. Ten to 14 percent had changes made in their respondent population or sampling plan, and 1 to 2 percent had the frequency of collection reduced.

Overall, a relatively small fraction of approvals were accompanied by major modifications described in the reports management system files. However, basing an analysis on this source alone would understate the frequency and extent of modifications required by OMB. First, 3 percent of nonresearch approvals and nearly 10 percent of research-oriented

approvals were accompanied by references in the system to a discussion elsewhere (for example, in an accompanying letter or in an earlier conversation) of unspecified conditions or modifications. From the reports management system alone, it is impossible to evaluate the nature of these conditions, and therefore they have not been included in our count of formal modifications.

Second, OMB and the submitting agency may agree on changes in a collection during the course of other formal reviews that are not indicated in the reports management system. Third, OMB may have previously disapproved the collection while indicating the changes that would make it acceptable. If the agency incorporates these changes prior to resubmission, the system record is likely to show an approval without modifications. Similarly, if an agency consults informally with OMB prior to submitting a collection, it may receive guidance on changes in the collection that OMB would like to see made before submission; if the agency makes the changes, the system may not indicate these modifications. Evidence from the case examples suggests that OMB may shape information collections at least as much or more through these mechanisms as through the formal conditions of approval recorded in the system.

Although we did not directly assess the extent to which these alterations improved or impaired these submissions, information obtained in our case studies suggests that agency officials believe these modifications generally improve the quality of the submission or reduce the amount of respondent burden. Formal and informal modifications have, however, delayed the review process.

Reasons for Disapprovals

We examined the remarks recorded in the reports management system for all 481 disapprovals of information collection requests on record in 1982-84 and all 301 on record in 1985-87. As shown in table 2.3, the most common reasons given for disapprovals were that proposed collections lacked practical utility or were not necessary for proper agency performance.

Table 2.3: Reasons for Disapprovals of Requests[a]

Reason	1982-84	1985-87	1982-87
Practical utility	23%	35%	28%
Not necessary	22	19	21
Deficient justification package	22	13	18
Procedural problems	18	14	17
Not specified[b]	14	21	16
Burden	13	15	14
Technical issues	10	17	13
Other	9	8	9
Duplication	5	9	7
Burden estimation	7	5	6
Cost or funding issues	1	4	2
Total number of reasons	**690**	**480**	**1,170**
Total number of disapprovals	**481**	**301**	**782**
Reasons per case (means)	1.4	1.6	1.5

[a]Percentages in each column add up to more than 100 because more than one reason was offered for some disapprovals.

[b]Not specified in remarks entered in the reports management system. Disapproval may have been explained in a separate letter or memorandum sent to the agency.

Source: OMB reports management system remarks file.

Deficiencies in the supporting statement, justification package, or procedures (as when an information collection was submitted before the rule underlying it was approved or an agency failed to provide sufficient public notice of the proposed collection) were frequent among reasons given for disapprovals in 1982-84 but were somewhat less frequent in 1985-87. This may reflect increased experience of agency personnel with the procedural and formal aspects of the paperwork review process. Actual or possible duplication was cited as a reason for disapprovals in fewer than 1 case in 10. And excessive burden was explicitly raised as an issue in only a modest fraction of disapprovals (although a major reason for disapproving collections that lack practical utility or that are viewed as unnecessary is presumably to prevent avoidable paperwork burdens).

Not only were research, evaluation, and statistics collections more likely than others to be disapproved, but the grounds for their disapprovals were somewhat different. Issues of practical utility and possible duplication as well as technical issues were more frequently cited in disapprovals of these collections, while procedural problems and questions about burden estimates were more likely to adversely affect other types of collections.

Duration of Approvals

Although OMB is permitted to approve information collections for a period of up to 3 years, many collections are approved for substantially less than 3 years. Nearly 67 percent of new collections for research, evaluation, or statistical purposes (research-oriented collections) have been approved for less than 2 years, and 14 percent of such collections have been approved for less than 6 months. Recurring and nonresearch-oriented collections had a greater probability of being approved for more than 2 years, but even among approved recurring nonresearch-oriented collections, about 5 percent were approved for less than 6 months.

In some cases, OMB may approve a collection for a short period because of reservations about the collection. It may not wish to halt an ongoing collection abruptly, but it may insist on changes in the collection or a better justification for the collection as a prerequisite for any further extension of the approval. However, in other cases, the agency itself may propose an expiration date for the collection less than 3 years away. This is especially likely when an agency proposes a one-time data collection that it expects to complete within a shorter time period. We compared the expiration dates agencies requested with those granted by OMB for a sample of 65 research, evaluation, and statistics submissions. Nineteen were approved for less than 2 years; of these, 8 were approved for less than a year, and 1 for less than 6 months. However, in 4 of the 8 cases with approval duration of less than a year (including the sole case in the sample of an approval for less than 6 months), the expiration date granted was the same as or later than the requested expiration date. Thus, an OMB approval for a short period is not by itself definite evidence that OMB has intervened to limit a collection. Nonetheless, in this sample of 65 cases, there were, in fact, 4 cases (6 percent of the approvals analyzed) in which a collection was approved for less than 1 year and in which this was for half, or less, of the period requested.

Variations Across Agencies and Types of Submission

The relatively high overall approval rate was not applicable to all agencies and types of submissions. There appeared to be a large number of agencies that have had perfect approval ratings in the OMB review process. We found, however, that a small number of agencies have had persistent difficulties in their relationships with OMB. Further, some types of submissions were less likely to be approved than others.

Variations in Agencies

Between 1982 and 1984, 25 percent of the agencies submitting requests to OMB had approval rates of 90 percent or less. The lowest approval rate was 38 percent; only 4 of every 10 submissions from this agency

received OMB's approval. Across time, the general approval rate increased, but 14 agencies (or 7 percent of all those submitting proposals to OMB between 1982 and 1987) experienced persistent problems in gaining approval. These included 6 regulatory agencies and 8 nonregulatory agencies. As we will discuss later, factors other than quality inadequacies in the agency's submissions can contribute to such low ratings.

However, we found that many of the 211 agencies submitting requests had perfect approval ratings in the OMB review process; that is, between 1985 and 1987, OMB approved 100 percent of their submissions. Moreover, 117 of the 211 had approval rates of 95 percent or more, and these agencies submitted 63 percent of all 1985-87 requests, had an aggregate approval rate of 98 percent (a total of 125 submissions were disapproved or withdrawn), and accounted for 86 percent of the total burden hours that were requested. As we discuss later, this profile suggests the need to reexamine whether OMB should review every request.

Variations in Types of Requests

As shown in table 2.4, new data collection efforts were less likely to be approved than were recurrent submissions—that is, previously approved collections for which an extension, revision, or reinstatement was being requested. Whereas 96 percent of all recurrent submissions were approved, 89 percent of the new requests were approved.

Table 2.4: Approval Rates for New and Recurrent Requests 1982-87[a]

Purpose of submission	Recurrent	New	Total[a]
Regulatory or compliance	96%	91%	95%
Program planning	96	87	93
Application for benefits	97	93	96
Research evaluation or statistical	95	85	90
Total	**96%**	**89%**	**94%**

[a]Includes 20,368 actions; excludes 28 preliminary plans and 1 unclassified.

Further, approval rates for recurrent requests were roughly comparable across submissions with different purposes. That is, they ranged from 95 to 97 percent, regardless of whether the purpose of the collection was application for benefits, regulatory, for program planning, or research oriented. In contrast, the approval rate for new submissions for research-oriented collections was 8 points lower than the rate for new collections associated with application for benefits.

Timeliness and the Technical Adequacy of OMB's Reviews

The majority of information collection requests were reviewed and acted upon by OMB within the time specified in the Paperwork Reduction Act of 1980. However, according to the reports management system, the median length of reviews increased by 41 percent between the early 1980's and 1987. In the early period, 1982-84, the median number of days a submission was in review was 39 days. For 1985-87, the median was 45 days. For 1987 alone, the median was 55 days. Much of this increase in 1987 appeared to be accounted for by the OMB practices that developed in response to congressional concern and culminated in the 1986 legislative amendment on procedures to enhance the likelihood of public comment.

The number of requests exceeding the 60-day review period increased 25 percent. Also, although still small numerically and proportionally, the number of submissions in review over 90 days has quadrupled in recent years. Furthermore, the case examples suggest that some reviews take longer when informal negotiations are considered (such as time devoted to presubmission reviews).

We found OMB's technical review of submissions adequate in some of the cases we examined. However, OMB initially disapproved proposals that we judged technically adequate, because the agency had failed to demonstrate to OMB that the collection had practical value or that the data were not duplicative. OMB has also approved proposals that we judged to be technically flawed. In some of these cases, OMB's reviewers stated that the presence of a legislative requirement or evidence of congressional support led them to approve the request as submitted, despite their own recognition that improvements could be made that might increase quality and reduce public burden.

While increased review time seems to be associated with reductions in burden brought about by OMB, these positive effects were limited to some kinds of new data collection activities. Delays associated with the review of recurrent data collections were not generally associated with reductions in burden.

Timeliness of Reviews

As indicated in chapter 2, the Paperwork Reduction Act stipulates that OMB is allowed 60 days to review submissions for paperwork clearance. This time period can be extended an additional 30 days if OMB notifies the pertinent agency. After 90 days have passed, if OMB has not acted,

the agency can request and shall receive approval but only for a maximum period of 1 year.[1]

Overall Assessment of Timeliness

Overall, OMB has been relatively successful in meeting legislatively prescribed milestones. We examined the elapsed time between the date of submission and the date OMB acted for all requests submitted between 1982 and 1987. Between 30 and 40 percent of the submissions were acted upon within 30 days and 70 to 80 percent met the legislated 60-day time period. By the 90th day, 96 to 99 percent had been reviewed and acted upon. Also, during the intervals between days 50 and 60 and between days 80 and 90, a disproportionate number of submissions were acted upon. These cumulative percentages and the clustering before the 60-day and 90-day points indicate that OMB has made "good faith efforts" in trying to meet the deadlines.

The patterns of elapsed times were relatively consistent across different types of submissions. Among new requests associated with research, evaluation, or statistical collections, a slightly greater percentage of submissions required more than 60 days for clearance.

Our review of the case examples (all of which were research, evaluation, or statistical collections) indicates that the length of the OMB review process was often longer than the data from the reports management system indicate. This lengthening occurred in two ways: (1) there was a type of informal presubmission review that the system's data did not reflect or (2) a proposal was sometimes submitted more than once before approval was obtained. For example, one request that resulted in an approval had been preceded by a history of disapprovals; rather than taking 40 days, as indicated in the system, the request had actually been under review for 138 days. Also, disapprovals were often followed by a resubmission that showed up with a separate file number and review period. This masked the true amount of time it took for a collection to get through the review process. Four of the 7 disapprovals among our case examples were resubmitted. While the initial reviews of these requests took between 86 and 91 days, adding the time required for reviewing the resubmissions meant that the actual review periods ranged from 120 to 550 days. (See table 3.1.)

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[1] As noted earlier, agencies rarely if ever invoked this rule.

Table 3.1: Disapprovals That Were Resubmitted: Instances From Case Examples 1982-87

Case	Number of review days indicated in the reports management system	Actual number of review days from submission to approval	Percent increase over time indicated in the reports management system
A	86	550	540%
B	87	188	116
C	90	120	33
D	91	158	74

Furthermore, of the 17 case examples, the reports management system indicates that 6 were reviewed within 60 days. However, when we count the time associated with informal reviews prior to formal submission, only 3 cases were completed within 60 days.

Changes Over Time

Over time, the median number of days between the submission of a request and an OMB action on the request has increased. The median number of days before action was taken in the early period, 1982-84, was 39 days. The median increased by 15 percent in 1985-87 to 45 days.

In addition to increases in the median time of the review, there was a 25-percent increase in the number of submissions that exceeded 60 days between 1982-84 and 1985-87. (See table 3.2.) In the early period, 1982-1984, 19 percent, or 2,066, of all submissions exceeded 60 days; by 1985-87, 27 percent, or 2,589, of cases had exceeded this first 60-day milestone.

These increases were almost entirely the result of delays occurring in 1987, the most recent year for which we have data. Only 62 percent of the requests were acted upon within the required 60 days during 1987, and the median review period was 55 days in that year. Further, while the elapsed-time distributions were virtually identical for requests submitted in 1982-84 and 1985-86, in 1987 the pattern was much different. Whereas nearly 40 percent of all submissions prior to 1987 had been acted upon within 30 days, in 1987 this was true for only about 20 percent of the submissions.

Table 3.2: Reviews of Submissions Exceeding Allowable Times

Period	Number of submissions	Duration of OMB review					
		Greater than 60 days		Greater than 90 days		Greater than 100 days	
		Number	Percent	Number	Percent	Number	Percent
1982-84	10,833	2,066	19.1%	87	0.8%	16	0.1%
1985-87	9,693	2,589	26.7	385	4.0	63	0.6
Change	−10.5%	25.3%		343%		294%	

In the early period, about 8 in 1,000 submissions exceeded the 90-day deadline (0.8 percent, or a total of 87 submissions). In the later period, 1985-87, 40 in 1,000 exceeded 90 days (4 percent, or 385 submissions). However, allowing for minor delays and potential errors in the record-keeping system, the number over 100 days may be a more realistic indicator of true violations of the 90-day limit. The numbers here were significantly smaller—0.1 percent and 0.6 percent of total submissions, respectively, for the two time periods. However, this still means that in 1985-87, the number was nearly four times what it was in the earlier period, 1982-84 (63 versus 16). According to OMB's records, a small number of submissions remained under review for 200 or more days.

Reasons for Delays

Our interviews with desk officers suggest that the most likely reason for the increases in review time in 1987 was congressional interest in greater public participation in the clearance process.[2] This congressional interest has been translated into a legislatively required practice of submitting to the Federal Register a detailed notification of intention to collect information. OMB's practices are designed to be responsive to the 30 days it takes to allow for public comment. This appears to account for some of the delay observed in 1987. As noted above, only 20 percent of the submissions were decided upon within 30 days in 1987; in earlier years, almost 40 percent were acted on in the first 30 days. Furthermore, of the 472 requests that exceeded 90 days, 247 (or 52 percent) occurred in 1987, when this policy came into effect.

It is not clear that these practices have facilitated the involvement of the general public. On the face of it, we would not expect the general

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[2]One alternative explanation for these increases in review time is that the workload has increased. Given the trends in the number of submissions, however, this does not appear to be the explanation. While the median number of days consumed by reviews increased, the number of submissions decreased by 10.5 percent. Thus, the volume of submissions does not appear to be responsible for the recent increase in delays.

public to monitor the Federal Register for notifications of paperwork submissions. More likely, the Federal Register would be monitored by special interest groups (lobbyists, professional associations), thereby providing a partial and potentially imbalanced picture of public sentiment toward a particular request. The desk officers we interviewed indicated infrequent public comment. One experienced desk officer told us that only about 2 percent of the submissions receive any public comments. Furthermore, the case examples provide some support for the suggestion that it is essentially interested parties (such as data users) who give feedback to OMB regarding data collections. If the objective is to solicit feedback from those who are interested, other procedures, which some desk officers report using, such as initiating contact with interested and knowledgeable persons and groups, might be more helpful.

Even with a 30-day public comment period, our analysis of the process (see chapter 2) suggests that to the extent that the review is delayed for public comment, such a delay may not be necessary. Instead, public comment should be viewed as additional information that can be incorporated into the final decision. In fact, the case examples indicate that at least some desk officers do a quick review when they first receive the submission, send it out to various people for comments, both internally and externally, and then do a more thorough and final review after waiting for feedback from these sources as well as public comment.

Staff turnover appears to be another factor contributing to delays in the review process. Some agency managers and clearance officers mentioned it in the interviews. Turnover was also mentioned as having affected the review in 10 of the 17 case examples. Turnover was cited as having slowed down the process by leading to more scrutiny of a submission. In one case that was under review for 87 days, was disapproved, and was then approved about 6 months after the initial submission, OMB reported that because of turnover, the initial submission probably had not been looked at before 60 days or more. In another case of a large important submission in which a year and a half elapsed from the first submission to final approval, the desk officer left OMB after the completion of the case, and the submitting agency expressed concern that it would have to rejustify everything again for the new desk officer.

Other plausible reasons for delays include factors that are beyond OMB's control. As discussed in chapter 2, the decisions on requests often entail considerable contact with the submitting agencies. The speed of the

review process, therefore, partly depends upon how quickly an agency
can respond to OMB's inquiries. Interviews with desk officers confirmed
that this was a possible source of delay. Investigation of our case exam-
ples revealed two instances in which the review may have been delayed
while OMB waited for a response from the submitting agency.

Technical Adequacy of Reviews

The information collection requests from our 17 case examples were
reviewed by three national experts who provided independent judg-
ments on the technical quality of the proposals. Specifically, they were
asked to rate the overall quality of the proposal on a 1-10 scale. The
scores of the judges were added, and we set a cut-off point above which
a submission was considered approved and below which it was disap-
proved.[3] Table 3.3 indicates the cases in which OMB and our experts
agreed and disagreed.

Table 3.3: Comparison of GAO and OMB
Assessments of 17 Information
Collection Requests

GAO rating[a]	OMB		Total
	Approved	Disapproved	
Approved	3	4	7
Disapproved	7	3	10
Total	10	7	17

[a]Our ratings are based on the experts' technical review ratings.

In 3 cases, both OMB and our experts approved submissions. In 4 cases,
OMB disapproved submissions that were approved by our experts. Three
of these were later modified, resubmitted to OMB, and approved. In 2 of
these cases, the agencies and OMB concurred that the changes resulted in
improvements to the collections.

In 7 cases, OMB approved collections that were given a low rating for
technical adequacy by our experts. In 4 of these 7 cases, OMB also

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[3]The purpose of the case examples was to examine the submission and review process in more detail.
The 17 cases examined were selected from the universe of research, evaluation, and statistical
requests for 1987 from our sample of 50 agencies (described later in detail). We chose cases to repre-
sent variation across several factors, including request type (new collection versus extension, one
type of recurrent submission) and outcome (approval versus disapproval). To better assess the tech-
nical aspects of the review process, we sought independent judgments on the technical quality of the
submissions from a panel of methodological experts. The form we prepared to guide them in their
technical reviews specified dimensions (such as survey design, sample design, and validation proce-
dures) on which the adequacy of the collection proposals could be assessed. This form was adapted
from one developed for an earlier report on OMB's paperwork review functions (see U.S. General
Accounting Office, Protecting the Public From Unnecessary Federal Paperwork, GAO/GGD-79-70
(Washington, D.C.: September 24, 1979). After reviewing the proposals with this guidance, the
experts reached independent judgments on the overall merit of each proposal.

flagged the technical flaws that our experts identified. In 3 of these 4 cases, the outcome of the review was reportedly influenced by the congressional requirements or mandates for the data. One desk officer explicitly stated that "it is required by legislation or it would not look the way it did." In 3 additional cases, both OMB and our experts disapproved submissions. In summary, OMB agreed with us on only 35 percent (6/17) of the review outcomes.

Technical Problems Frequently Identified by the Experts

Problems in submissions frequently identified by our experts included (1) insufficient use of sampling techniques, (2) difficulties in data collection instruments, (3) expected response rates too low, and (4) too much potential for response bias.

Better use of sampling was seen as a way of conserving resources as well as of obtaining more-reliable data. For example, some of the collections would solicit responses from all members of the universe, or all persons in a certain category, but then would let members of the sample or universe self-select and not respond. In one important case, the motivation not to report or respond might be strongest for exactly that group whose responses were most critical. Expected response rates were often not reported or were unacceptably low. Our experts suggested that in many such cases, a more accurate yet less burdensome approach would be to seek data from a sample of respondents, deciding the percentage of potential respondents that would give an adequate representation of the universe, and attempting to obtain a higher response rate from those sampled. The quality of the data, and therefore their usefulness, was expected to improve with this approach.

Another common observation made by both the OMB reviewers and our experts was that the agencies appeared to be unable to narrow their questions and ask only for information that was really needed and would be used. Excessive detail increases the burden on respondents and generally degrades the quality of their responses.

The potential for obtaining biased responses was a concern of our experts in a third of the case examples (6/17). This problem is particularly important when questions are asked of persons who have a vested interest in the topic and there is no documentation to verify the validity of their responses. Several submissions our experts reviewed did not contain safeguards against this type of bias or ways of estimating the size and direction of bias.

Are Delays Worth While?

In this chapter, we have shown a 41-percent increase between the early 1980's and 1987 in the median number of days required for OMB's reviews.

What benefits accrue from the review process? With regard to burden, our answer to this question is that OMB's reviews are plausibly associated with a reduction in the amount of burden associated with selected types of information collection requests. These include new research-oriented data collection activities that are required for receiving benefits (whether cash or noncash assistance) or mandatory.

The results from a content analysis of OMB's comments on these submissions (which show a large increase in the proportion of these submissions being modified as a result of OMB's review) suggest that observed delays were related to substantial reductions in burden. Increased attention and guidance from OMB were associated with reductions in median burden hours per respondent of 47 and 90 percent for new research, evaluation, or statistical data collections that were mandatory and for those required for the receipt of benefits, respectively.

However, while the burden per respondent seems to have been reduced in these cases, increased delays associated with most of the submissions, including the vast majority of those for recurrent data collection, were not characterized by reductions in burden.

Further, we have also shown that the technical adequacy of the reviews was questionable—some were approved that have potentially serious flaws. In addition, as we demonstrated in chapter 2, only a small percentage (5 to 7 percent) of submissions are disapproved or withdrawn and a minority (8 to 12 percent) are formally modified. In summary, this pattern of data raises a serious question about the value of the review process as it is currently constituted.

The Influence of OMB's Actions on Agency Decisions to Collect Information

Mechanisms for responding to the Paperwork Reduction Act and OMB's implementing guidelines have become a prominent feature of agency decision processes regarding information collections. All the agencies we reviewed have developed processes for the internal review of proposed information collections, but these processes vary across the agencies. Some of the agencies that have been the most successful in obtaining OMB's approval for information collections have developed extensive internal guidance on the preparation of collection requests, and they conduct technical reviews of proposed collections to ensure the technical adequacy of their requests. In addition, some agencies give greater attention to new data collection activities in their internal reviews, and in some cases agencies draw OMB into the decision process earlier, through informal presubmission contacts. For some agencies, the OMB review process has necessitated additional time to complete the various reviews that have been initiated. Finally, overall reactions to the process have been mixed; nearly half the managers we interviewed stated that some decisions to collect information had been negatively affected by OMB's reviews.

The Information Collection Request Development Process

The development of requests to collect information involves a number of stages. In the first stage, development can be initiated in several ways. A request for a new collection may be initiated by the program office that has responsibility for particular issues or subject matter. The Congress may also initiate a new information collection, as in the case of studies specifically mandated in legislation. A program office or an agency official with paperwork responsibilities may initiate the preparation of a request for the extension, revision, or reinstatement of a recurring collection.

Once a proposed information collection has been developed, the paperwork necessary to submit a collection request to OMB must be prepared. That is, as noted earlier, the SF-83 must be filled out, and a justification statement must address 15 questions regarding the collection.

After a collection has been prepared in a program office, it goes through one or more intradepartmental reviews. Various offices may have responsibility for reviewing requests prepared by a program office. In some instances, such as in the Environmental Protection Agency and the Department of Commerce, both an agency or program office clearance officer and a department-level clearance officer review the request. Some proposed collections undergo a technical review, either within the

responsible program office or elsewhere. For example, in the Department of Labor, proposed statistical surveys are reviewed by the Bureau of Labor Statistics. Proposed collections may also undergo review by a department's office of general counsel. If the outcome of an internal review is negative, a request may be returned to the initiating office for modification.

When the department's clearance officer or other authorized official signs the request, the package is sent to OMB for review. Simultaneously, the agency sends a notice of the information collection to the Federal Register.

As a result of prior experience with OMB, agencies may add layers of review in an attempt to identify potential problems and bring agency managers and staff closer to the discussion with OMB. For example, the Department of Commerce now requires that all collections from the Bureau of the Census be sent through the assistant secretary for administration and the undersecretary for economic affairs prior to their delivery to OMB. Prior to the 1980 act, the Bureau sent proposals directly to OMB for review.

Time Requirements

The departments' clearance officers and other clearance officers we interviewed in major agencies reported that the time required to process new submissions varied considerably. The majority indicated that developing new requests generally took less than 2 months. Others stated that the typical duration greatly exceeded 2 months (for example, one department clearance officer estimated that it took 4 to 6 months). Another department clearance officer told us that the high end of the range was 12 months to develop a new submission. Most of the clearance officers indicated that the amount of time devoted to developing new requests had been unaffected by OMB's implementing regulations. However, in five major departments, the clearance officer indicated that it takes longer now than it did prior to the regulations to develop new requests.

For recurrent requests, most clearance officers reported that shorter time intervals were required, relative to new submissions. Requests were generally developed within a month, and frequently the requests were prepared within a matter of days. As above, the majority of the clearance officers we interviewed reported no change in the amount of time required to develop a recurrent request. Only two department

clearance officers indicated that elapsed time had increased; one said it
had decreased since the implementation of the 1980 act.

When the time spent in the development and review of the collection
and the submission package within the agency is added to the time
required for OMB's review, a typical information collection cannot be
expected to be operational or "in the field" for over 3 months (this
period can range from 2 months to over a year). Many factors may
affect the length of the development period in the agency (for example,
pretesting adds to the development period) and the review period in OMB
(for example, complex research, evaluation, or statistical collection may
require longer review periods than compliance collections). The case
examples indicated that some agencies are aware of these factors and
take account of them in planning information collections.

The Characteristics of Successful Paperwork Development Practices

As stated in chapter 2, we found that many of the agencies and depart-
ments that submit requests to collect information had perfect or nearly
perfect records in gaining OMB's approval. In large measure, they have
responded to OMB's clearance process by establishing parallel types of
review, potentially duplicating OMB's function. In particular, some of the
successful agencies we reviewed have developed formal, up-to-date,
written paperwork clearance guidelines that address, in detail, issues
such as levels of review and who is responsible for the review. Further,
in several instances, we discovered that the agencies had compiled
examples of successful practices, showing the necessary forms and illus-
trating what has worked in obtaining OMB's approval.

Another feature of some successful agencies is the role played by the
clearance officer. For example, documents from the Department of Com-
merce suggest that the department's clearance officer provides consider-
able feedback on individual requests.

We also found instances in which department and agency policies
require specialized reviews of requests before they are submitted to OMB.
For example, according to the clearance officer in the Department of
Education, statistical collections must go through a technical review.

Finally, in addition to developing parallel review functions, we found
that, in some cases, successful agencies contact OMB regarding the prog-
ress or outcome of reviews of collection requests that have been submit-
ted. One department had initiated discussions with OMB about
developing a system that would allow it to access OMB's docket library

directly. The rationale behind this proposal was that the department is often not sure that OMB had received the request, especially when there had been substantial delays in OMB's beginning its official review.

Systematic review processes do not ensure success within OMB. In some agencies, factors outside the paperwork clearance process have affected success with OMB's review. For example, within one department that has a well-documented, systematic paperwork clearance process, two agencies (one statistical, the other nonstatistical and nonregulatory) have had very different experiences with OMB's reviewers. The statistical agency had an approval rate nearing 100 percent for 1985-87, while the other had a rate of under 50 percent. Discussion with an official in the latter agency suggested that the agency was having difficulties for several reasons, including the inexperience of desk officers and the involvement of a staff member in another reviewing office at OMB who had a personal agenda. At one point, the agency initiated presubmission discussions with higher-level OMB staff in an attempt to alleviate its policy and substantive difficulties with a particular collection. Since then, the agency has had few difficulties with that collection.

Various Strategies Employed to Gain OMB's Approval

Agencies use various strategies to gain OMB's approval of their information collections. Interviews with clearance officers revealed two types of strategy: (1) identification of collections requiring added attention and (2) contact with OMB prior to actual submission.

Requests Receiving Special Attention

Almost all department and agency clearance officers (16 of 17) whom we interviewed reported that special attention was directed at specific types of collections or at collections stemming from specific units within their jurisdictions. In particular, 10 of 17 clearance officers reported that they gave special attention to requests coming from specific units. These include, for example, the Bureau of the Census, the Bureau of Public Debt, and the Office of Toxic Substances. Further, units or collections that have had previous difficulties were reported as receiving special attention by 3 of 17 clearance officers.

As for individual requests, new collections were mentioned as receiving special attention by 6 of 17 clearance officers, politically sensitive requests were mentioned by 3 of 17, and large-burden collections were

identified by 4. In addition, specific topic areas were identified as receiving added attention. These included, for example, requests related to AIDS, child abuse, and the decennial census.

Presubmission Contacts

All 17 clearance officers whom we interviewed reported some presubmission contact with OMB. The level of contact varied dramatically across departments and agencies, involving 1 to 100 percent of all 1987 submissions. The majority (10 of 17) of the clearance officers indicated that 5 percent (or fewer) requests involved any presubmission contact with OMB. The most frequent reasons offered for these contacts included "bouncing ideas" off OMB staff, discussing sensitive or special interest collections, and emergencies. When asked what fraction of these collections were subsequently submitted to OMB, the majority (11 of the 17) indicated that all were eventually submitted. We did not assess whether requests had been substantially altered as a result of these presubmission contacts with OMB.

The Role of the Information Collection Budget

Another factor affecting an agency's decision to collect information is the information collection budget, which determines the maximum number of hours an agency can require the public to spend annually responding to its information collections. Agencies must plan their annual information collections with this ceiling in mind. Since 1981, a reduction in the overall burden of existing data collections has been called for each year, by legislation in some years and by OMB directive in others. Current legislation calls for a 5-percent reduction in existing paperwork burdens in each year from fiscal year 1987 through fiscal year 1990.[1]

Some agency officials described concerns about the effect of the information collection budget process on information collections. Some officials indicated that the process has been used to "redline" specific information collection not favored by OMB. OMB itself has indicated that it may recommend specific collections for reduction or elimination in the course of this budget's process. Concerns were also raised by individual agency officials about the cost of this process and about the lack of consistency between timelines for preparation and review of the information collection budget and fiscal budget timelines.

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[1]Such reductions are calculated on the existing inventory of information collections. If a congressional mandate requires a new information collection by an agency, the agency's base is increased to allow for it. However, when congressional action increases the burden of an existing collection, the agency's base is not formally increased.

A number of agency officials expressed concern about the continual reductions in the information collection budget that have been required each year. While some indicated that the automation of collections or the consolidation of forms had allowed their agencies to meet past reduction goals, we were also told by officials for one agency that required burden reductions had forced them to eliminate all program evaluation collections in order to continue mandated collections relevant to benefits entitlement. Officials for several agencies suggested that requirements for further reductions were unrealistic, given the extent of the reductions already made. One official indicated that collections had already been reduced to the "bare bones," another official that the agency's collections had reached the "absolute bottom" that could be attained "without compromising agency functions." Officials at other agencies made no specific references to the information collection budget process.

Overall Experience With OMB

Overall, the agency managers we interviewed reported both positive and negative experience with OMB and the paperwork review process. Of those reporting negative experience with OMB, many cited the turnover and inexperience of the desk officers as factors. Although some of the agency managers we interviewed indicated that the review process had a neutral effect or no effect on their capacity to plan information collections, their ability to continue existing collections, or the contents of their collections, nearly half the respondents indicated that OMB's reviews had a negative effect on one or more of these activities. For example, one unit in a large department documented numerous problems associated with what its members described as "conflicting signals from OMB." The opinions of officials in this unit were summarized by one official as follows:

"Different offices in OMB are requesting or demanding detailed changes in what questions are asked, how the questions are worded and what survey will carry the questions. These requests now occur routinely during the final weeks of the forms review process. They are sufficiently frequent and inconsistent to be causing us significant problems in planning our work. As important, these requests and demands tend to bypass or subvert the professional judgment of [our] statisticians concerning matters in which they are trained, experienced, and held accountable by their supervisors in the Department and by users of the data."

The official concluded that higher costs and uncertainty in planning surveys has resulted from increasingly arbitrary, conflicting, and last-minute signals and directions from OMB.

When these respondents were divided into agencies with high versus low approval rates in 1985-87, agency managers in low-approval-rate agencies were somewhat more likely to cite losses in data collections or to be critical of the value of OMB's changes in the contents of their collections.

How Agency and OMB Actions Have Influenced the Availability of Information

OMB's and agencies' practices appear to have had positive, neutral, and negative influences on the likely availability of information. On the positive side, some agencies have eliminated collections that agency officials viewed as duplicative or no longer useful. Further, in some agencies, officials told us that availability had not been influenced at all by the OMB clearance process. On the negative side, some agencies have stopped collecting some data because of difficulties encountered in the clearance process; that is, for these agencies, OMB review has had a "chilling effect" on the likely availability of information.

Since the early 1980's, the number of information collection requests submitted to OMB has declined by about 10 percent. Thus, overall, there may be less information available now than in the past. This reduction was not uniform across agencies and types of information, however. Among the decreases, regulatory agencies such as the Federal Trade Commission have submitted about 17 percent fewer requests. Further, the nonstatistical agencies (both regulatory and nonregulatory) that experienced difficulties in obtaining clearance from OMB have submitted disproportionately fewer requests in recent years. For these agencies, we found differential reductions associated with low approval rates of 3 to 8 percentage points for new collections and 14 to 23 percentage points for all research-oriented collections. In addition, the respondent burden associated with new submissions has been reduced. However, recurrent collections constitute the largest source of burden—and the number of submissions in this category has not declined. Also, data collection requests from statistical agencies such as the Bureau of the Census have increased in number since the early 1980's.

Finally, submissions were increasingly focused on collecting the "bare essentials." That is, requests involving information that is required to receive benefits or that is mandatory were more likely to be submitted than those involving voluntary participation. Research-oriented submissions are more likely to fall into the latter category. While only useful data should be collected, limiting collections to the bare essentials required by law may sacrifice information important for program evaluation and other public purposes.

The majority of agency officials we interviewed indicated that strategies to circumvent the OMB review process had been tried, regardless of agency approval rates. The use of these tactics did not appear to have been frequent enough to offset the reductions in formal submissions.

Influences of OMB and Agency Practices on Data Availability: Some Illustrations

Illustrations derived from interviews with agency officials suggest that reductions in the availability of information have been both negative and positive.[1] For the former, the OMB review process has resulted in the elimination of data collection activities regarded as worth while. This has been referred to as the chilling effect of OMB review. In other words, obstacles encountered as part of the OMB review process have led some agencies to abandon or scale back some of or all their desired data collection efforts. However, the review process has operated as intended for some agencies. That is, agency officials believe unnecessary data collection has been eliminated or quality has been improved.

Illustrations of Chilling Effects

"The Catch 22"

One agency official we interviewed stated that data are now less available, especially with regard to effects of the programs under their jurisdiction. Further, the office has been caught in a "Catch 22." That is, OMB's budget examiners have called for data detailing program effects to justify funding, while OIRA cuts away the data collections needed to provide such information. For this agency, the official noted that data on program recipients have in effect been eliminated, and, since the early 1980's, paperwork reviews and resulting cuts in collections have made it impossible to analyze patterns of program participation by various demographic categories. Thus, changes in who is getting specific benefits are unknown for this agency's program.

Active Discouragement

In one agency, an official stated that information had not been gathered in a particular area because of OMB's strong position that the less information collected about this area the better. According to the official, reviews of 5 or 6 requests had caused so much difficulty with OMB that further collections on this topic area had been discouraged. The official stated that representatives of OMB's budget division also have actively discouraged work in the area. Studies on one topic in this area were approved only after a lot of negotiating. And data collection in this area may have been hindered by expectations of OMB's negative reception of requests.

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[1]The illustrations in this section were drawn from interviews with agency officials. They represent the views or perceptions of these individuals. We were not able to verify their statements. In responding to a draft of this report, OMB provided its views on the events that may have transpired for some illustrations (see appendix IV).

Small Studies Abandoned	An agency official indicated that the OMB review process had not affected long-term data collection but that short-term collections had been negatively affected. According to this official (1) the time required for preparation of the request and its reviews had discouraged getting them started; (2) the agency's capacity to respond to discrete, short-term events had been impeded by the review process; and (3) some recurrent, small-scale collections had been terminated in order to meet information collection budget reduction targets.
Developmental Research	An official from a research agency stated that OMB's criteria thwart the developmental process of research that is built on a more open-ended exploratory methodology and that later culminates in the kind of structured, quantified research with identifiable users that can be justified by OMB criteria. The area of AIDS and estimates of its transmission by drug users to the general heterosexual population was cited as an example of an area and a type of research that just is not done because of OMB's review requirements.

Illustrations of Positive Reductions in Availability

Self-Examination	In another agency, the official we interviewed indicated that the agency used the Paperwork Reduction Act as justification for a self-examination of the agency's information portfolio. Statistical data collections were discontinued in 1980, in part because of the impending passage of the act. Other collections were terminated in the mid-1980's for lack of use. One submission that OMB had disapproved was not resubmitted because the agency determined that management issues could be decided without this data collection.
Joint Ventures	According to an official in one agency, OMB disapproved a proposal to collect employment data, offering the rationale that it was redundant with an existing form used by another agency. In response, both agencies developed a joint form that satisfied their separate needs and minimized burden.

Influences on Availability: General Changes in Submissions

The availability of up-to-date information for program management, congressional oversight, and public accountability depends on a variety of factors. Of particular concern is whether agencies continue to take the necessary first step by submitting requests for review.

Overall Submission Levels

The number of requests submitted to OMB during 1985-87 declined by a little more than 10 percent relative to the number of submissions in the previous 3 years. Total requests dropped by about 1,100 between the two periods. The average numbers submitted annually were about 3,600 in the first period and a little over 3,200 in the second period, for a decline in the annual rate of about 380 submissions. Although the analysis above does not indicate whether there has been a general diminution of available information, it does establish the possibility that one has occurred. More-detailed analyses are needed to explore this possibility. These are presented below.

Regulatory, Nonregulatory, and Statistical Agencies

As shown in table 5.1, most of the aggregate decline stemmed from the decline in submissions from regulatory agencies such as the Federal Trade Commission. (Appendix I indicates which of the 211 agencies were classified regulatory, nonregulatory, statistical, or other.) During 1982-84, 72 regulatory agencies submitted over 7,500 requests for OMB's review. During 1985-87, about 1,200 fewer requests were submitted. Eight agencies with statistical information-gathering as their primary mission, such as the Bureau of the Census, increased their submissions by about 8 percent, from 545 to 589. And other agencies, while submitting few requests in either period (204 and 317 for 1982-84 and 1985-87, respectively), also showed an increase in the number of requests submitted to OMB. Nonregulatory agencies submitted somewhat fewer requests, declining by 2 percent.

Table 5.1: Changes in Information Collection Requests by Agency Type

Agency type	Number of agencies	Number of submissions[a]		Change
		1982-84	1985-87	
Regulatory	72	7,523	6,283	−16%
Nonregulatory[b]	58	2,561	2,504	−2
Statistical	8	545	589	8
Other agencies[c]	73	204	317	55
Total	**211**	**10,833**	**9,693**	**−10%**

[a]Includes all submissions that were approved, disapproved, withdrawn, or ruled not subject to OMB review.

[b]All agencies submitting 10 or more information collection requests in 1982-84 and at least 1 in 1985-87 and not identified as regulatory or statistical are classified as nonregulatory agencies.

[c]Agencies submitting fewer than 10 information collection requests in 1982-84, or submitting 10 or more in 1982-84 but submitting none in 1985-87, are classified "other agencies." This category may include agencies with regulatory or statistical functions.

Differential Agency Experience

If the clearance process has had a chilling effect on agencies' decisions to submit requests, we might expect to find that submissions had declined for agencies that had the most difficulty in obtaining clearance from OMB's reviewers. Using data from the 43 statistical, regulatory, and nonregulatory agencies in our sample of agencies, our analyses suggest that the OMB review may indeed have resulted in a reduction of submissions for agencies with relatively low approval rates.

As shown in table 5.2, agencies with relatively high approval rates reduced their submission level by 5 percent. Those with low approval rates in 1985-87 submitted 19 percent fewer requests. Further, the effect was found in both regulatory and nonregulatory agencies.[2] These results suggest that the availability of data from agencies that have had frequent difficulties with the clearance process is likely to be diminished to an extent beyond that associated with similar agencies with fewer OMB problems. The 9-percentage-point additional reduction for regulatory agencies with low approval rates and the 19-percentage-point additional reduction for nonregulatory agencies with low approval rates could be interpreted as an indicator of the chilling effect of OMB review on these agencies.

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[2]The agencies in our sample have been classified by the approval rate for their submissions during 1985-87. However, agencies with high approval rates during 1985-87 were also more likely to have their submissions approved during 1982-84. Among the 50 agencies, those with high 1985-87 approval rates saw 94 percent of their submissions approved in 1982-84, while those with lower rates in 1985-87 experienced a 90-percent approval rate in 1982-84.

Table 5.2: Changes in Submissions by Agency Type and Approval Rate for Selected Agencies

Agency type	Approval rate 1985-87	Number of agencies	Number of submissions		Change
			1982-84	1985-87	
Regulatory	High	14	2,150	1,933	−10%
	Low	6	439	354	−19
Nonregulatory	High	9	454	454	0
	Low	6	360	291	−19
Statistical	High	8	545	589	8
Combined[a]	High	31	3,149	2,976	−5
	Low	12	799	645	−19
Total		**43**	**3,948**	**3,621**	**−8%**

[a]Data for the 7 other agencies in the sample of 50 have been excluded from this and subsequent analyses because of the very small number of submissions from these agencies and because agencies with very few submissions cannot be meaningfully classified by approval rate.

Is this necessarily a bad outcome? Our data indicate that higher rates of OMB disapprovals for some agencies cannot be interpreted to mean that the public has been protected from technically inadequate data collection by those agencies. As described in chapter 3, OMB's own technical reviews are open to question. And as we have reported in our illustrations, some disapprovals and decisions not to submit requests in particular areas are the result of nontechnical concerns associated with other factors stemming from OMB.

Types of Submission

As described in prior chapters, agencies submit a variety of types of requests. The extent to which OMB's policies and practices influence agency decisions could be manifested in the types of requests submitted. In assessing whether agencies decided to alter the types of requests they submitted, we looked at changes in the mix of new versus recurrent requests, research-oriented and other types of information, and the response status of the submissions (that is, whether participation was voluntary, required for the receipt of benefits, or mandatory). We contrasted the changes experienced over time by high- and low-approval rate agencies in the number of submissions in different categories.

New Versus Recurrent Collections

As seen in table 5.3, the 8-percent aggregate decline in submissions from the 43 agencies in our sample was a result of two opposite trends. Submissions involving previously collected data (that is, recurrent collections) increased by about 6 percent, but as many as 36 percent fewer

new submissions were submitted between 1985 and 1987 as were
submitted between 1982 and 1984. Further, because statistical agen-
cies increased the number of their new submissions by nearly a quar-
ter, the substantial decline for regulatory and nonregulatory
agencies is obscured by the aggregate figure. Specifically, new sub-
missions were reduced by 46 to 50 percent for these agencies.[3]

Table 5.3: New Versus Recurrent Submissions by Agency Type

Agency type	Number of agencies	Type of submission	Number of submissions		Change
			1982-84	1985-87	
Regulatory	20	New	728	394	−46%
		Recurrent	1,860	1,893	2
Nonregulatory	15	New	404	203	−50
		Recurrent	408	542	33
Statistical	8	New	207	256	24
		Recurrent	336	333	−1
Combined	43	New	1,339	853	−36
		Recurrent	2,604	2,768	6
Total			**3,943**	**3,621**	**−8%**

Differential Experience

The reductions in new submissions were even greater for agencies with
low approval rates (see table 5.4). Overall, agencies with low approval
rates submitted 51 percent fewer new submissions in the later period. In
contrast, those with high approval rates submitted 31 percent fewer
new requests.

[3]Not all the reduction in submissions OMB identified as new can be attributed to the OMB review
process. In particular, some portion results from the fact that shortly after the passage of the 1980
act, there was an influx of submissions that OMB labeled "new," even though some had been collected
by the agency prior to the requirement that all information collection efforts be reviewed by OMB. It
is not possible to ascertain how much this effect has inflated the size of the 1982-84 counts. Thus, we
have characterized these results as reflecting probably the maximum reduction in new submissions.

Table 5.4: New Versus Recurrent Submissions by Agency Type and Approval Rate

Agency type	Approval rate	Types of submission					
		New			Recurrent		
		1982-84	1985-87	Change	1982-84	1985-87	Change
Regulatory	High	568	310	−45%	1,582	1,623	3%
	Low	160	84	−48	278	270	−3
Nonregulatory	High	210	113	−46	244	341	40
	Low	194	90	−54	164	201	23
Statistical	High	207	256	24	336	333	−1
Combined	High	985	679	−31%	2,162	2,297	6
	Low	354	174	−51%	442	471	7

Agency Types

Within regulatory and nonregulatory agencies, the differences between agencies with high versus low approval rates were not as great. The number of new submissions was reduced between 45 and 46 percent for those with high approval rates but between 48 and 54 percent for those with low approval rates. The 3-to-8-percent age-point differential between high- and low-approval rate agencies seen in table 5.4 could be interpreted as the net chilling effect on new collections of OMB policies and practices (taking into account the surge of submissions labeled as new collections resulting from the passage of the 1980 act).

The Shift Away From Research-Oriented Requests

Agency Types

Within regulatory agencies, research-oriented submissions—those involving the collection of research, evaluation, or statistical information—declined more than nonresearch requests. That is, regulatory agencies submitted 32 percent fewer research-oriented requests while reducing their nonresearch submissions by about 10 percent. (See table 5.5.) Both types of submission fell by about the same amount (12 and 8 percent for research and nonresearch, respectively) in nonregulatory agencies. For statistical agencies, research-oriented requests accounted for the entire increase.

Table 5.5: Changes in Research Versus Nonresearch Collections by Agency Type

Agency type	Number of agencies	Type of submission	Number of submissions 1982-84	1985-87	Change
Regulatory	20	Research	242	165	−32%
		Nonresearch	2,347	2,122	−10
Nonregulatory	15	Research	161	141	−12
		Nonresearch	653	604	−8
Statistical	8	Research	415	459	11
		Nonresearch	130	130	0
Combined	43	Research	818	765	−6
		Nonresearch	3,130	2,856	−9
Total			**3,948**	**3,621**	**−8%**

[a]Research submissions include research, evaluation, and statistical collections.

Differential Experience

Table 5.6 reveals that the reduction in research-oriented requests was concentrated among agencies with low approval rates. That is, whereas the number of research-oriented submissions was unchanged on the average for agencies with high approval rates, submissions declined by over one third for those with lower approval rates. Regulatory agencies with poor approval rates reduced their research-oriented submissions by 41 percent and nonresearch-oriented requests by 14 percent. These were greater reductions than witnessed for similar agencies with high approval rates.

Table 5.6: Changes in Research Versus Nonresearch Collections by Agency Type and Approval Rate

Agency type	Approval rate	Research[a] 1982-84	1985-87	Change	Nonresearch 1982-84	1985-87	Change
Regulatory	High	159	116	−27%	1,991	1,817	−9%
	Low	83	49	−41	356	305	−14
Nonregulatory	High	83	82	−1	371	372	0
	Low	78	59	−24	282	232	−18
Statistical	High	415	459	11	130	130	0
Combined	High	657	657	0	2,492	2,319	−7
	Low	161	108	−33	638	537	−16

[a]Includes research, evaluation, and statistical collections.

For nonregulatory agencies with low approval rates, about 24 percent fewer research-oriented requests were submitted and 18 percent fewer nonresearch requests went to OMB for approval. Submissions in each category for nonregulatory agencies with high approval rates were virtually unchanged. For research-oriented submissions, the net additional reduction in submissions associated with difficulties in obtaining OMB

approval was roughly 14 percentage points and 23 percentage points for regulatory and nonregulatory agencies, respectively.

Type of Participation

Over time, fewer discretionary information collection requests were submitted to OMB, particularly from regulatory agencies. Specifically, the number of requests involving voluntary participation declined by 16 percent overall in our sample of agencies. For regulatory agencies, the decline was 27 percent (see table 5.7). However, requests requiring mandatory participation increased by 3 percent, and those required for the receipt of benefits declined only modestly (about 7 percent). Submissions by statistical agencies increased by 51 percent for benefits-oriented collections and 24 percent for data collection involving mandatory participation.

Table 5.7: Changes in Types of Submission by Agency Type

Submission type	Agency type	1982-84	1985-87	Change
Voluntary	Regulatory	459	335	−27%
	Nonregulatory	195	178	−9
	Statistical	340	325	−4
Total		**994**	**838**	**−16%**
Required for benefits	Regulatory	743	662	−11%
	Nonregulatory	480	463	−4
	Statistical	45	68	51
Total		**1,268**	**1,193**	**−6%**
Mandatory	Regulatory	1,289	1,280	−1%
	Nonregulatory	73	96	32
	Statistical	153	190	24
Total		**1,515**	**1,566**	**3%**

Reductions in Burden or Size of Submissions

Rather than not submitting an information collection request, an agency might reduce the burden of the collection in a variety of ways (such as asking fewer respondents to complete an information request, asking fewer questions per respondent, or improving the clarity of the questions asked). To provide comparable indicators of change in burden across agencies, we examined median values across submissions of the average number of hours estimated per respondent and total burden estimated per submission.[4]

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[4]Data reported are for approved submissions. Burden-hour data were not available for other submissions.

On both indicators, we found that the 211 agencies in the aggregate had not altered the size of their submissions over time. The median number of burden hours for 1982-84 was 2,500; for 1985-87, the median was 2,496. In addition, we found virtually no difference in the distribution of requested burden hours. During both periods, nearly 40 percent of the submissions requested 1,000 or fewer total burden hours. An additional 21 percent of the submissions involved 1,000 to 5,000 total burden hours. Further, 6 percent of the requests submitted during the two periods entailed 500,000 or more burden hours (these 6 percent of submissions account for 94 percent of the total federal paperwork burden). Similarly, for the average number of burden hours per respondent, median values were 1.8 and 1.9 for the early and later periods, respectively. However, these overall figures mask changes that appear to have occurred in some groups of requests.

New Versus Recurrent

New submissions tended to be shorter for the 211 agencies in later years—median values of 1.5 hours for 1982-84 and 1 hour for 1985-87. Medians for recurrent requests changed little.

Differential Experience

Agencies with low approval rates had decreased the size of some submissions. For new submissions, regulatory agencies with poor approval rates reduced their median burden hours per respondent by about two thirds (median values 10.0 and 3.4 hours for 1982-84 and 1985-87, respectively; for new collections from regulatory agencies with high approval rates, there was a smaller reduction in median hours per respondent, from 2.0 to 1.3 hours). Recurrent submissions from nonregulatory agencies with low approval rates also tended to be shorter in later years (medians of 2.5 and 1.9 hours for 1982-84 and 1985-87, respectively). Other types of agencies either maintained submissions of roughly comparable size or increased the burden per respondent.

Informal Practices

It has been suggested that in addition to agencies' altering the number, type, or size of information collection requests that they submit to OMB for review, they have devised ways of circumventing the review process altogether. They may also have engaged in procedural strategies to increase the speed of the review or increase the chances of approval. We found that most agencies—regardless of their submission approval rates—have engaged in some informal practices. In general, according to interviews with agency officials, any one strategy was not used very

often. And despite the fact that some agencies reported using multiple strategies, circumvention does not appear to have been frequent enough to offset losses in data collection that have resulted from reductions in submissions.

Circumvention Strategies

Interviews with agency officials reveal that a substantial majority (14 of 17, or 82 percent) have used ways to circumvent the OMB review procedure. At least one third of the agencies reported using up to three different strategies, and nearly half engaged in two or more circumvention strategies. The implementation of these practices was rare to occasional, but they do give an indication of what agencies have been willing to do to avoid the OMB review process.

As we described in chapter 1, agencies are required to submit requests for clearance to gather information involving 10 or more individuals. Interviews with agency officials revealed that a majority (13 of 17, or 76 percent) have—whether rarely or occasionally—circumvented this requirement by dividing up a survey so that no single instrument affects more than 9 respondents. Further, slightly over half (9 of 17) of the agency officials we interviewed indicated that they have—albeit rarely—avoided paperwork review by carrying out an information collection without submitting a data collection request to OMB for review. And 7 of 17 officials indicated that they have avoided the clearance process by gathering information through consultants kept on retainer or through broadly specified grant awards. While these agency officials acknowledged that this strategy had been used, most indicated that it was rarely employed.

While individual circumvention strategies were used infrequently, circumvention may be more frequent than implied by the frequencies of individual tactics. Our interviews revealed that all three of the circumvention strategies discussed above were used—at least rarely—by about one third of the agencies in our sample. Nearly half the officials reported engaging in two or more circumvention strategies. Only 3 officials (of 17) indicated that they never tried to circumvent OMB review. There were no substantial differences in the use of circumvention by agencies with high versus low approval rates.

Examples of Alternative Data Collection Strategies

One official told us that the 1980 act clearly permeates thinking in his agency with regard to planning as well as program evaluation. For one example, he indicated that grants are awarded without solid data

requirements to feed into evaluations. He told us that every time a paperwork review becomes a possibility in connection with a project, a lot of energy goes into finding an alternative. Our interviews have identified a variety of examples of how agencies use alternative data collection strategies to collect data that are seen by the agency as needed while avoiding OMB review. Examples include the use of public forums, focus groups, and joint ventures.

Public Forums

Partly in response to problems associated with the OMB review process, one agency used a public forum, instead of a survey, to obtain public attitudes about a federal program. The official we interviewed indicated that the use of public forums was more costly (about twice as much) but more timely than the use of a survey. Questions about the reliability of the data were also expressed. However, the official suggested that this format had a side benefit of improving public relations for the agency by enhancing public participation.

Focus Groups

Agency officials in one interview indicated that their preference was to use a survey to gather information. On some occasions, however, they have avoided OMB's review by conducting focus groups. These are generally small groups with a leader who facilitates structured discussions of topics. Focus groups are also used to gather opinions, attitudes, beliefs, and behavioral measures. The data collection process is generally not as structured as in a survey questionnaire. In this way, with small groups, it can be argued that no more than 9 individuals receive the same set of questions.

Cooperative Ventures

One agency reported that its efforts to evade the clearance process have included seeking nonfederal sponsorship of studies. The agency then uses the data that are collected. In one particular case, resistance at the federal level resulted in the study's being primarily funded through a foundation, with some assistance from federal agencies. The agency official we interviewed stated that the data were used in a legal decision regarding a jurisdictional dispute between his department and a state. The official went on to speculate that if the collection had depended on OMB's review, the study could not have been done.

"Dear Colleague" Letters

In one case, agency officials told us that OMB interpreted a letter to institutions as a data collection effort. This had not been the intent of the agency. Rather, according to agency officials, the letter had been written to institutions to inform them of a change in the law and to invite them to contact the department with questions. OMB initiated a review and, according to the agency official, held other information collection

requests "hostage" (did not approve other requests) until the issue was resolved.

Procedural Tactics

Rather than avoid the OMB clearance process, agencies have attempted in some cases to reduce the review period by requesting expedited reviews (13 of 17, or 76 percent). However, agencies varied in the extent to which such requests were made, ranging from rarely to frequently. And some officials indicated that this tactic had not been effective in obtaining earlier approvals.

Our interviews also revealed that some agencies contacted OMB staff before official documents were submitted in some instances. This was reported by about 40 percent (7 of 17) of the officials we interviewed.

Other tactics to increase the likelihood of a favorable disposition include soliciting congressional support or appealing to the public (such as potentially affected groups) for support of the proposed data collection.[5] In 2 of 17 interviews, agency officials acknowledged attempts to enlist congressional support, but this was done rarely. In another case, an agency official reported that OMB's resistance to the collection of certain types of data led to the agency's receiving congressional support. In this instance, the conference report stated that it was the conferees' intent that the secretary of the department, not the director of OMB, determine whether there was a need for certain data to be collected. Seven of 17 agency officials indicated that they occasionally or rarely solicit support from the public.

As with the results for circumvention strategies, we found little evidence to suggest that agencies with low approval rates were more or less likely to employ any of these tactics.

Combined Use of Procedural Tactics

Unlike the circumvention strategies, the majority of agencies (9 of 17) reported using only one procedural strategy, in most cases that of asking for an expedited review. Five officials reported using two tactics—at least rarely. Only one agency official told us that they used all three tactics. The use of these strategies did not differ by agencies' approval rates.

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[5]This describes some results of our interviews with agency managers. In these interviews, managers were asked how frequently, if ever, they solicited congressional mandates.

Conclusions, Recommendations, and Agency Comments and Our Response

Conclusions

Our review of OMB and agency experience with the paperwork review process yields several conclusions. We found that OMB has established an orderly set of procedures for the submission and review of information collection proposals. However, the implementation of OMB's review procedures was not consistent. The criteria and information sources used to make decisions about the handling and disposition of proposed information collections varied among desk officers. They differed in the criteria they use to prioritize reviews and the sources from which they gathered information. OMB lacked sufficient formal procedural training to ensure consistent practices from one desk officer to the next. The problems caused by such inconsistency among desk officers were exacerbated by the rate of staff turnover among the officers. Most agencies we examined can expect to face a change in desk officers every few years, so that even if a collection has been previously approved, there is a high probability that the currently responsible desk officer is not familiar with it.

Although the great majority of reviews have been completed within the period called for by statute, in recent years the median duration of reviews has increased and more reviews have exceeded the 90-day maximum. The requirement for a public comment period on proposed collections has contributed to the increase in the duration of reviews (although few collections draw any public comments). Desk officer turnover also appeared to contribute to delays, in part because new desk officers were less likely to be familiar with any of the collections they were reviewing or with the agency personnel involved.

OMB's paperwork reviews have yielded some positive results. Some collections appeared to agency officials to have been improved as a result of formal or informal modifications brought about by OMB, and some redundant or unnecessary collections have been eliminated. However, the technical quality of OMB's reviews was uneven. OMB's reviews have led to technical improvements in some cases, but our assessment based on experts' ratings found that in several cases, OMB's reviews failed to prevent collections with serious technical flaws from going forward.

We found a considerable range of variation in the procedures agencies used to prepare collection proposals for review by OMB and in their experiences with the OMB review processes. A number of agencies have had virtually all their proposed collections approved by OMB without major modification. These tend to be agencies that

1. established parallel types of review, potentially duplicating OMB's function;

2. have provisions for technical review of collections when necessary;

3. provided written paperwork clearance guidelines;

4. provided considerable feedback on individual requests from the department clearance officer;

5. compiled examples of successful practices; and

6. communicated with OMB to monitor the progress or outcome of reviews.

For these agencies, regular OMB reviews appeared to have little effect on the quality or burden of their information collections. For these agencies, OMB review may be duplicative, adding time to the preparation of data collections without any real benefit.

However, some agencies have experienced greater difficulty in receiving approval for proposed information collections. Some agencies have well-developed procedures but had problems associated with differences of opinion with OMB regarding information collection issues. Here, the OMB review process interfered with data collection efforts of these agencies. More-consistent application of formal policies and quicker diagnosis of the sources of problems could improve the situation of these agencies.

Based on our assessment of a sample, there was considerable variation in the technical quality of information collections proposed by agencies. We found that some agencies could improve the quality of their information collections while controlling or reducing burden by

1. greater use of conventional statistical sampling methods,

2. focusing their data collection instruments more precisely on the issues of concern,

3. taking measures to improve response rates, and

4. taking steps to reduce or at least measure response biases in circumstances in which such biases appear plausible.

We also found that some agencies attempted to avoid OMB review through mechanisms that may decrease the quality and increase the cost of the information collected.

Finally, we found that some agencies have stopped collecting some data because of difficulties encountered in the clearance process. For these agencies, OMB's review has had a chilling effect on the likely availability of data. This effect has been pronounced for new collections and for research-oriented collections. Some agencies have indicated that information collection budget constraints have limited them to carrying out collections required by statute, while preventing them from performing program evaluations or collecting new data on problems arising within their areas of authority.

In light of these findings, we offer the following recommendations.

Recommendations

Given that many agencies have developed systematic procedures for reviewing data collection requests, we recommend that the director of OMB employ existing authority to delegate primary review responsibility to the senior officials within designated agencies that have demonstrated capability. The performance of these agencies could be monitored through spotchecks conducted by OMB. For executive agencies with less-effective internal means for procedural and technical review, we recommend that OMB help improve those means. We recommend that OMB enhance its guidance and assistance to agencies for improving the efficiency and quality of their data collections through increased use of conventional sampling procedures, measures to improve response rates, safeguards to control response bias or estimate the bias, and more precise design of data collection instruments.

To facilitate sound reviews within OMB, we recommend that the director of OMB develop an ongoing training program for the agency's paperwork review staff to ensure that technical and nontechnical criteria are appropriately and consistently applied to submissions. Further, we recommend that the director of OMB augment OIRA's capacity to perform technical reviews of new and recurrent collections. Measures appropriate to this end may include expansion of technical staff and consultation with external experts. Finally, we recommend that OMB conduct its review of information collection requests concurrently with the public comment period for these requests.

Agency Comments and Our Response

Commenting on a draft of this report, OMB concurred with all our recommendations. The office found them reasonable and consistent with its intent to improve further the administration of the information collection review process. (A copy of OMB's letter is in appendix IV.) However, OMB challenged four points in our report. First, using findings from the report, OMB asserted that its decisionmaking regarding information collection requests has been judicious and fair. Second, although it acknowledged that review periods exceeding 90 days are unacceptable and stated that it intends to correct this situation, it believes that increases in length of review time are consistent with the need for public input into the review process and are not always problematic, as we imply. Third, OMB disagreed with our assessment of the technical adequacy of its reviews, arguing that agreement between OMB and GAO was higher than we reported. It also cautioned that our sampling frame did not provide a basis for generalization. OMB thought it was unlikely that 70 percent of its approvals were associated with technically flawed collection efforts. Finally, OMB took issue with our claims about the chilling effect of the paperwork review process on the availability of information.

With regard to the first point—whether the process is judicious and fair—we did not say that the process was unfair or injudicious. However, we believe that OMB in making its case has overlooked several other findings in our report. As discussed throughout the report, a small fraction of agencies experienced considerable difficulty in gaining approval. For example, in one agency, only about 4 of every 10 submissions were approved. Factors other than the technical quality of submissions may contribute to such difficulties. These include differences of opinion between OMB and the agency on the type of information that should be collected. We believe that a fair process would not treat differently agencies with submissions of similar technical quality.

Furthermore, our interviews with desk officers strongly suggest that there was considerable variability in how these individuals judged the technical and nontechnical merits of submissions. It seems to us that a judicious review of information collection requests would be conducted by adequately trained reviewers who consistently applied accepted criteria and procedures.

With respect to OMB's second claim—the length of the review is not always a problem—we agree that ongoing collections are not as likely to

be affected as new proposals. Further, we also agree that public partici-
pation is key to the review process but noted ways to improve the effi-
ciency of reviews while obtaining such input. As for the "fast track"
review procedures, our analyses show that agencies varied considerably
in the frequency (ranging from never to frequently) with which they
asked for expedited reviews. We do not know what accounts for this
variability. Maybe some agencies were in no particular hurry, maybe
they were unaware of these options, or maybe they have had limited
success in achieving expedited reviews.

In its third point, OMB made two comments about our technical review of
17 information collection requests: (1) the final agreement rate was
higher than we reported and (2) our sample of 17 was not selected in a
way that would allow for generalization. In examining the correspon-
dence between OMB's decisions to approve or disapprove requests and
our judgments based on our experts' ratings, we reported agreement in
only 6 of 17 cases (35 percent). We also noted that 3 of 4 requests that
OMB disapproved were subsequently resubmitted and approved. Even
including these three cases in the overall agreement rate does not alter
our general conclusion: agreement was limited. That is, we agreed with
OMB at best in only 9 of 17 cases (about 53-percent agreement). Further,
these 3 cases do not affect our finding that in 7 of 17 cases, OMB
approved requests we found technically flawed.

With respect to the point about our sample selection, we agree that our
sampling plan does not allow for generalization to all approvals. We
have not made such a statement. We believe the data that are presented
are sufficient to justify concern about—and, indeed corrective actions
on—the technical adequacy of reviews conducted within OMB. This con-
cern is accentuated by our findings on (1) the limited technical back-
grounds of some desk officers, (2) the infrequent use of formal technical
materials as part of the review process, (3) insufficient input from the
statistical policy branch to desk officers, and (4) limited training of
newly recruited desk officers. These findings and the results of our tech-
nical review, we believe, increase the likelihood that the public is being
requested to participate in data gathering activities that are sometimes
below commonly accepted research and statistical standards. OMB's
admission that it may have erred "on the side of giving the agency the
benefit of the doubt in marginal situations" also supports our conclusion
about the need to improve the technical review processes within OMB
and within some agencies submitting the requests.

The final point raised by OMB concerns our conclusion that OMB has had a chilling effect on the availability of information. It states that discouraging

"agencies whose proposals have higher-than-average disapproval rates based upon technical deficiencies, from continuing to seek to collect such data ... may in fact have a salutary impact on American citizens."

If proposals from these agencies were disapproved primarily on the basis of technical considerations, we would agree. However, our analysis of the reasons for disapprovals obtained from the reports management system shows that the reasons most frequently given (for example, limited practical utility, the collection is not necessary) are based on less clear cut criteria, allowing the desk officer to exercise substantial personal discretion.

The majority of OMB's response regarding the chilling effect is devoted to providing alternative explanations or extenuating circumstances surrounding our illustrations. We have clarified earlier in this report that these illustrations represent the agencies' views of what transpired. Our analysis of the chilling effects of OMB on agency decisions acknowledged that there were many forces in operation that could influence agencies. To pare away some of these competing explanations, we relied on three methods, each with different methodological strengths and weaknesses. These included interviews, case studies, and longitudinal analyses of archival data contained in OMB's reports management system. For example, our statistical analyses based on the system's data imposed controls for general reductions in submissions, changes in classifications of information in the system, and other general trends (such as reductions in funds for information-gathering activities) that occurred between 1982 and 1987. While individual results can be challenged, we believe that, in combination, our illustrations, statistical analyses, and interviews suggest that agencies that have experienced difficulties gaining OMB approval have discontinued some of their efforts to collect information they believed was important in response to OMB's policies and practices.

Agencies Submitting Information Collection Requests to OMB 1982-87

Code	Agency type[a]	Abbreviation	Agency
0300	4	EOP	Executive Office of the President
0310	4	WHO	The White House Office
0348	3	OMB	Office of Management and Budget
0349	4	OSTP	Office of Science and Technology Policy
0350	4	TRADEREP	Office of the United States Trade Representative
0412	3	IDCA	United States International Development Cooperation Agency/Agency for International Development
0417	4	IAF	Inter-American Foundation
0420	3	PEACE	Peace Corps
			Department of Agriculture
0503	4	AgSEC	Office of the Secretary
0505	4	OFM	Office of Finance and Management
0506	4	AgGPA	Office of Governmental and Public Affairs
0507	4	TRANS	Office of Transportation
0518	4	ARS	Agricultural Research Service
0524	4	CSRS	Cooperative State Research Service
0525	4	OGPS	Office of Grants and Program Systems
0527	4	EXS	Extension Service
0535	2	SRS	National Agricultural Statistical Service
0536	3	ERS	Economic Research Service
0537	3	ACS	Agricultural Cooperative Service
0551	1	FAS	Foreign Agricultural Service
0560	1	ASCS	Agricultural Stabilization and Conservation Service
0563	4	FCIC	Federal Crop Insurance Corporation
0572	1	REA	Rural Electrification Administration
0575	1	FmHA	Farmers Home Administration
0576	4	ORDP	Office of Rural Development
0577	4	OICD	Office of International Cooperation and Development
0578	4	SCS	Soil Conservation Service
0579	1	APHIS	Animal and Plant Health Inspection Service
0580	4	FGIS	Federal Grain Inspection Service
0581	1	AMS	Agricultural Marketing Service
0583	1	FSIS	Food Safety and Inspection Service
0584	1	FNS	Food and Nutrition Service
0586	3	HNIS	Human Nutrition Information Service

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Code	Agency type[a]	Abbreviation	Agency
0590	4	P&SA	Packers and Stockyards Administration
0596	1	FS	Forest Service
			Department of Commerce
0605	3	ADMIN	General Administration
0607	2	CENSUS	Bureau of the Census
0608	2	EASA	Economic and Statistical Analysis
0610	1	EDA	Economic Development Administration
0625	1	ITA	International Trade Administration
0640	1	MBDA	Minority Business Development Agency
0648	1	NOAA	National Oceanic and Atmospheric Administration
0651	1	PTO	Patent and Trademark Office
0652	4	SATR	Science and Technical Research
0660	4	NTIA	National Telecommunications and Information Administration
0690	4	OS	Office of the Secretary
0691	•	BEA	Bureau of Economic Analysis (included in 0608 EASA)
0693	4	NBS	National Bureau of Standards
			Department of Defense
0701	3	AF	Department of the Air Force
0702	3	DOA	Department of the Army
0703	3	NAVY	Department of the Navy
0704	3	DODDEP	Departmental and Others
0790	4	OS	Office of the Secretary
			Department of Health and Human Services
0910	1	FDA	Food and Drug Administration
0915	3	HSA	Health Services Administration
0920	3	CDC	Centers for Disease Control
0925	3	NIH	National Institutes of Health
0930	3	ADAMHA	Alcohol, Drug Abuse, and Mental Health Administration
0935	4	HRA	Health Resources Administration
0937	2	OASH	Office of the Assistant Secretary for Health
0938	1	HCFA	Health Care Financing Administration
0960	1	SSA	Social Security Administration
0970	4	FSA	Family Support Administration
0980	1	HDSO	Office of Human Development Services
0990	3	HHSDM	Departmental Management

(continued)

Code	Agency type[a]	Abbreviation	Agency
0991	4	OS	Office of the Secretary
0992	4	OFA	Office of Family Assistance
			Department of Interior
1004	1	BLM	Bureau of Land Management
1006	1	RB	Bureau of Reclamation
1010	1	MMS	Minerals Management Service
1018	1	FWS	United States Fish and Wildlife Service
1024	1	NPS	National Park Service
1028	1	GS	Geological Survey
1029	1	OSMRE	Office of Surface Mining Reclamation and Enforcement
1032	3	MINES	Bureau of Mines
1076	1	BIA	Bureau of Indian Affairs
1090	4	ASPBA	Assistant Secretary for Policy, Budget, and Administration
1093	3	OS	Office of the Secretary
			Department of Justice
1103	4	DOJADM	General Administration
1105	3	LA	Legal Activities
1110	3	FBI	Federal Bureau of Investigation
1115	1	INS	Immigration and Naturalization Service
1117	1	DEA	Drug Enforcement Administration
1120	4	FP	Federal Prison System
1121	2	OJP	Office of Justice Programs
1190	4	CRT	Civil Rights Division
			Department of Labor
1205	1	ETA	Employment and Training Administration
1210	3	PWBA	Pension and Welfare Benefits Administration
1212	1	PBGC	Pension Benefit Guaranty Corporation
1214	4	LMRCP	Bureau of Labor Management Relations and Cooperative Programs
1215	1	ESA	Employment Standards Administration
1218	3	OSHA	Occupational Safety and Health Administration
1219	1	MSHA	Mine Safety and Health Administration
1220	2	BLS	Bureau of Labor Statistics
1225	3	DM	Departmental Management
1292	4	OIG	Office of the Inspector General

(continued)

Code	Agency type[a]	Abbreviation	Agency
1293	4	ASVET	Office of the Assistant Secretary for Veterans' Employment and Training
1400	4	STATE	Department of State
1405	3	AFA	Administration of Foreign Affairs
			Department of Treasury
1505	3	DO	Departmental Offices
1510	3	FMS	Financial Management Service
1512	1	BATF	Bureau of Alcohol, Tobacco, and Firearms
1515	1	CUSTOMS	United States Customs Service
1520	4		Bureau of Engraving and Printing
1525	4	MINT	Bureau of the Mint
1535	3	BPD	Bureau of the Public Debt
1545	1	IRS	Internal Revenue Service
1557	1	OCC	Comptroller of the Currency
1800	4	ED	Department of Education
1801	4	EDMIS	Miscellaneous Department of Education
1810	3	OESE	Office of Elementary and Secondary Education
1820	3	OSERS	Office of Special Education and Rehabilitative Services
1830	3	OVAE	Office of Vocational and Adult Education
1840	3	OPE	Office of Postsecondary Education
1850	2	OERI	Office of Educational Research and Improvement
1860	4	EDSI	Office of Intergovernmental and Interagency Affairs
1870	4	OCR	Office of Civil Rights
1875	4	OPBE	Office of Planning and Budget and Evaluation
1880	3	EDMAN	Departmental Management
1885	3	BEMLA	Office of Bilingual Education and Minority Language Affairs
1892	4	EDIG	Office of Inspector General
			Department of Energy
1901	3	ENDEP	Departmental and Others
1902	1	FERC	Federal Energy Regulatory Commission
1903	3	ERA	Economic Regulatory Administration
1904	1	CE	Conservation and Renewable Energy
1905	2	EIA	Energy Information Administration

(continued)

Code	Agency type[a]	Abbreviation	Agency
1910	3		Office of Administration
2000	1	EPA	Environmental Protection Agency
2010	1	PPE	Policy Planning and Evaluation
2020	4	GCEC	General Counsel and Enforcement Counsel
2030	4	ARM	Administration and Resource Management
2040	1	WATER	Water
2050	1	SWER	Solid Waste and Emergency Response
2060	1	AR	Air and Radiation
2070	1	PTS	Pesticides and Toxic Substances
2080	1	RD	Research and Development
2090	4	AdmO	Office of the Administrator
			Department of Transportation
2105	3	OST	Office of the Secretary
2106	3		Office of the Secretary-Aviation
2115	1	USCG	U.S. Coast Guard
2120	1	FAA	Federal Aviation Administration
2125	1	FHWA	Federal Highway Administration
2127	1	NHTSA	National Highway Traffic Safety Administration
2130	1	FRA	Federal Railroad Administration
2132	1	UMTA	Urban Mass Transportation Administration
2133	1	MarAd	Maritime Administration
2135	4	SLSDC	Saint Lawrence Seaway Development Corporation
2137	3	RSPA	Research and Special Programs Administration
2138	3		Research and Special Programs Administration-Aviation
			Department of Housing and Urban Development
2501	4	HUDSEC	Office of the Secretary
2502	1	OH	Office of Housing
2503	1	GNMA	Government National Mortgage Association
2504	4	SEECB	Solar Energy and Energy Conservation Bank
2506	1	CPD	Office of Community Planning and Development
2508	4	HUDIG	Office of the Inspector General

(continued)

Code	Agency type[a]	Abbreviation	Agency
2510	4	HUDGC	Office of the General Counsel
2528	3	PD&R	Policy Development and Research
2529	1	FHEO	Office of Fair Housing and Equal Opportunity
2535	3	OA	Office of Administration
2577	3	PIH	Office of Public and Indian Housing
2700	3	NASA	National Aeronautics and Space Administration
2900	1	VA	Veterans Administration
3001	3	ACTION	ACTION
3002	4	ACUS	Administrative Conference of the United States
3014	4	ATBCB	Architectural and Transportation Barriers Compliance Board
3024	1	CAB	Civil Aeronautics Board
3035	4	CRC	Commission on Civil Rights
3037	4	CPBSH	Committee for Purchase from the Blind and Other Severely Handicapped
3038	1	CFTC	Commodity Futures Trading Commission
3041	1	CPSC	Consumer Product Safety Commission
3046	1	EEOC	Equal Employment Opportunity Commission
3048	4	EXIMBANK	Export-Import Bank of the United States
3060	1	FCC	Federal Communication Commission
3064	1	FDIC	Federal Deposit Insurance Corporation
3067	3	FEMA	Federal Emergency Management Agency
3068	1	FHLBB	Federal Home Loan Bank Board
3070	4	FLRA	Federal Labor Relations Authority
3072	1	FMC	Federal Maritime Commission
3076	4	FMCS	Federal Mediation and Conciliation Service
3084	1	FTC	Federal Trade Commission
3086	3		Foundation for Population Assistance
3090	3	GSA	General Services Administration
3095	4	NARA	National Archives and Records Administration
3116	3	USIA	United States Information Agency
3117	1	ITC	International Trade Commission
3120	1	ICC	Interstate Commerce Commission
3124	4	MSPB	Merit Systems Protection Board
3125	4	NCPC	National Capital Planning Commission
3133	1	NCUA	National Credit Union Administration
3135	3	NEA	National Endowment for the Arts

(continued)

Code	Agency type[a]	Abbreviation	Agency
3136	3	NEH	National Endowment for the Humanities
3137	3	IMS	Institute of Museum Services
3138	4	NIBS	National Institute of Building Sciences
3139	4	FFIEC	Federal Financial Institutions Examination Council
3140	4	NMB	National Mediation Board
3145	3	NSF	National Science Foundation
3147	4	NTSB	National Transportation Safety Board
3150	1	NRC	Nuclear Regulatory Commission
3200	4	OTHINDAG	Other Independent Agencies
3206	3	OPM	Office of Personnel Management
3207	4	PANAMA	Panama Canal Commission
3208	4	PADC	Pennsylvania Avenue Development Corporation
3220	3	RRB	Railroad Retirement Board
3235	1	SEC	Securities and Exchange Commission
3240	3	SSS	Selective Service System
3245	1	SBA	Small Business Administration
3250	4	SI	Smithsonian Institution
3312	4	OTHTEMPC	Other Temporary Commissions
3316	3	TVA	Tennessee Valley Authority
3420	3	OPIC	Overseas Private Investment Corporation
7100	1	FRS	Federal Reserve System
9000	4	FAR	DOD/GSA/NASA (FAR)

[a]1 = regulatory; 2 = statistical; 3 = nonregulatory; 4 = other.

SF-83 and Instructions

Standard Form **83**
(Rev. September 1983)

Request for OMB Review

Important

Read instructions before completing form. Do not use the same SF 83 to request both an Executive Order 12291 review and approval under the Paperwork Reduction Act.

Answer all questions in Part I. If this request is for review under E.O. 12291, complete Part II and sign the regulatory certification. If this request is for approval under the Paperwork Reduction Act and 5 CFR 1320, skip Part II, complete Part III and sign the paperwork certification.

Send three copies of this form, the material to be reviewed, and for paperwork—three copies of the supporting statement, to:

Office of Information and Regulatory Affairs
Office of Management and Budget
Attention: Docket Library, Room 3201
Washington, DC 20503

PART I.—Complete This Part for All Requests.

1. Department/agency and Bureau/office originating request

2. Agency code
___ ___ ___ ___

3. Name of person who can best answer questions regarding this request

Telephone number
( )

4. Title of information collection or rulemaking

5. Legal authority for information collection or rule (cite United States Code, Public Law, or Executive Order)

_____ USC _____, or_____

6. Affected public (check all that apply)

1 ☐ Individuals or households
2 ☐ State or local governments
3 ☐ Farms
4 ☐ Businesses or other for-profit
5 ☐ Federal agencies or employees
6 ☐ Non-profit institutions
7 ☐ Small businesses or organizations

PART II.—Complete This Part Only if the Request is for OMB Review Under Executive Order 12291

7. Regulation Identifier Number (RIN)

___ ___ — ___ ___ — ___ ___ ___ ___ , or, None assigned ☐

8. Type of submission (check one in each category)

Classification	Stage of development	Type of review requested
1 ☐ Major	1 ☐ Proposed or draft	1 ☐ Standard
2 ☐ Nonmajor	2 ☐ Final or interim final, with prior proposal	2 ☐ Pending
	3 ☐ Final or interim final, without prior proposal	3 ☐ Emergency
		4 ☐ Statutory or judicial deadline

9. CFR section affected

_____ CFR _____

10. Does this regulation contain reporting or recordkeeping requirements that require OMB approval under the Paperwork Reduction Act and 5 CFR 1320? . . . . ☐ Yes ☐ No

11. If a major rule, is there a regulatory impact analysis attached? . . . . 1 ☐ Yes 2 ☐ No
If "No," did OMB waive the analysis? . . . . 3 ☐ Yes 4 ☐ No

Certification for Regulatory Submissions

In submitting this request for OMB review, the authorized regulatory contact and the program official certify that the requirements of E.O. 12291 and any applicable policy directives have been complied with.

Signature of program official

Date

Signature of authorized regulatory contact

Date

12. (OMB use only)

Previous editions obsolete
NSN 7540-00-634-4034

83-108

Standard Form 83 (Rev. 9-83)
Prescribed by OMB
5 CFR 1320 and E.O. 12291

PART III.—Complete This Part Only If the Request is for Approval of a Collection of Information Under the Paperwork Reduction Act and 5 CFR 1320.

13. Abstract—Describe needs, uses and affected public in 50 words or less

14. Type of information collection *(check only one)*

Information collections not contained in rules

1 ☐ Regular submission
2 ☐ Emergency submission *(certification attached)*

Information collections contained in rules

3 ☐ Existing regulation *(no change proposed)*
4 ☐ Notice of proposed rulemaking (NPRM)
5 ☐ Final, NPRM was previously published

6 Final or interim final without prior NPRM
A ☐ Regular submission
B ☐ Emergency submission *(certification attached)*

7. Enter date of expected or actual Federal Register publication at this stage of rulemaking *(month, day, year)*: _____

15. Type of review requested *(check only one)*

1 ☐ New collection
2 ☐ Revision of a currently approved collection
3 ☐ Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection

4 ☐ Reinstatement of a previously approved collection for which approval has expired
5 ☐ Existing collection in use without an OMB control number

16. Agency report form number(s) *(include standard/optional form number(s))*

17. Annual reporting or disclosure burden

1 Number of respondents . . . .
2 Number of responses per respondent. . . . .
3 Total annual responses *(line 1 times line 2)* . . .
4 Hours per response . . . .
5 Total hours *(line 3 times line 4)*

18. Annual recordkeeping burden

1 Number of recordkeepers . . . .
2 Annual hours per recordkeeper. . . . .
3 Total recordkeeping hours *(line 1 times line 2)* . .
4 Recordkeeping retention period . . . . years

19. Total annual burden

1 Requested *(line 17-5 plus line 18-3)* . . . . . .
2 In current OMB inventory . . . .
3 Difference *(line 1 less line 2)* . . . .
Explanation of difference
4 Program change . . . .
5 Adjustment . . . .

22. Purpose of information collection *(check as many as apply)*

1 ☐ Application for benefits
2 ☐ Program evaluation
3 ☐ General purpose statistics
4 ☐ Regulatory or compliance
5 ☐ Program planning or management
6 ☐ Research
7 ☐ Audit

23. Frequency of recordkeeping or reporting *(check all that apply)*

1 ☐ Recordkeeping
Reporting
2 ☐ On occasion
3 ☐ Weekly
4 ☐ Monthly
5 ☐ Quarterly
6 ☐ Semi-annually
7 ☐ Annually
8 ☐ Biennially
9 ☐ Other *(describe)*: _____

20. Current *(most recent)* OMB control number or comment number

21. Requested expiration date

24. Respondents' obligation to comply *(check the strongest obligation that applies)*

1 ☐ Voluntary
2 ☐ Required to obtain or retain a benefit
3 ☐ Mandatory

25. Are the respondents primarily educational agencies or institutions or is the primary purpose of the collection related to Federal education programs? ☐ Yes ☐ No

26. Does the agency use sampling to select respondents or does the agency recommend or prescribe the use of sampling or statistical analysis by respondents? . . . . ☐ Yes ☐ No

27. Regulatory authority for the information collection
_____ CFR _____ ; or _____ FR _____ ; or, Other *(specify)*: _____

Paperwork Certification

In submitting this request for OMB approval, the agency head, the senior official or an authorized representative, certifies that the requirements of 5 CFR 1320, the Privacy Act, statistical standards or directives, and any other applicable information policy directives have been complied with.

Signature of program official	Date

Signature of agency head, the senior official or an authorized representative	Date

Standard Form 83A
(Revised September 1983)
Instructions for Standard Form 83
Request for OMB Review
Instructions for Requesting OMB Review Under Executive
Order 12291 or Approval of a Collection of Information
Under the Paperwork Reduction Act and 5 CFR 1320

General Instructions

For requests for review under E.O. 12291, complete Parts I and II of the SF 83, sign the Certification for Regulatory Submissions and send three copies of the completed SF 83, three copies of the draft regulation and three copies of any supporting material (including a Regulatory Impact Analysis if required) to OMB.

For requests for approval of a collection of information, complete Parts I and III (skip Part II), sign the Paperwork Certification and send three copies of the completed SF 83 and three copies of the supporting statement and forms, questions, or other instruments for which approval is requested, to OMB. The submission must include the revelant portion of any statute, regulation, handbook or other document that establishes a recordkeeping, reporting, or disclosure requirement, and copies of the notice submitted to the *Federal Register* informing the public that OMB approval is being sought. (This notice is not required for collections of information in proposed rules submitted for OMB review under 5 CFR 1320.13.)

OMB will not accept a submission unless all entries in Part I and, as appropriate, Part II or Part III are completed and the SF 83 has been properly signed. Submissions for E.O. 12291 review must be signed by the appropriate program official and by the official responsible for reviewing submissions of regulations to OMB (OMB's authorized regulatory contact) or that person's designee. Submissions for approval of a collection of information must be signed by the appropriate program official and by either the agency head, the Senior Official designated under the Paperwork Reduction Act and 5 CFR 1320.8, or that person's designee.

Requests should be submitted to:

Office of Information and Regulatory Affairs
Office of Management and Budget
Attention: Docket Library, Room 3201
Washington, DC 20503

Note: *Do not request review under E.O. 12291 and approval under the Paperwork Reduction Act and 5 CFR 1320 on the same SF 83.*

Instructions for Part I
1. Department/Agency and Bureau/Office Originating Request.—Provide both the name of the department or agency and the name of the bureau or office within the department which is issuing the regulation or proposing the collection of information.
2. Agency Code.—OMB has assigned a four digit numerical code to each agency and will supply it upon request.
3. and 4.—Self explanatory.
5. Specific legal authority.—Cite title and section of the United States Code. If a regulation or a collection of information is authorized by more than one statute or section, cite the principal legal authority.

If a regulation or a collection of information is mandated or authorized by a law which has not yet been codified into the United States Code, cite the Public Law number. If a regulation or a collection of information is authorized only by Executive Order, cite the E.O. number.
6. Affected Public.—Check all categories that apply. Note that if a significant effect on small business is predicted, the Regulatory Flexibility Act requires agencies to evaluate alternatives to mitigate this impact and 5 CFR 1320.6(h) requires agencies to take all practical steps to develop separate and simplified collection of information requirements for small businesses and other small entities. SBA's Office of Advocacy is available to assist agencies in evaluating the impact of their proposal on small business. OMB may ask for additional information on the specific industries affected (e.g., by Standard Industrial Classification) or other revelant data.

Instructions for Part II
General Instructions
Executive Order 12291 defines a regulation as any "agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy, or describing the procedure or practice requirements of an agency." This includes more than proposed and final rules. Statements of policy that appear in the *Federal Register* as notices rather than rules, as well as guideline documents and policy statements that are not published in the *Register*, are to be submitted for OMB review if they set or interpret agency policy.

The following are not subject to OMB E.O. 12291 review:
a. Regulations issued by the—
General Accounting Office,
Federal Election Commission,
Independent regulatory commissions as defined in 44 U.S.C. 3502(10).
Facilities and laboratories owned by the Federal Government but operated by contractors, and Governments of the District of Columbia, and U.S. territories and possessions.
b. Regulations issued with respect to a military or foreign affairs function of the United States.
c. Regulations related to internal agency organization, management or personnel.

Specific Instructions
7. Regulation Identifier Number (RIN).—This is the number that the Regulatory Information Service Center assigns to a regulatory action when it is submitted for publication in the *Unified Agenda of Federal Regulations*. If a RIN has not been assigned to this regulatory action, check "None assigned."
8. Type of Submission (check one in each category).—
Classification
1. and 2.—Check "major" if the regulation is likely to result in:

An annual effect on the economy of $100 million or more; or
A major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, or geographic regions; or
Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the U.S. based enterprises to compete with foreign based enterprises in domestic or export markets.
Otherwise, check "nonmajor."

Stage of Development
Self explanatory for regulations issued through informal rulemaking.
A guideline document or other regulation which is not issued through informal rulemaking should be submitted as:

Previous editions obsolete
NSN 7540-00-165-0506

83-204

Standard Form 83A (Rev. 9-83)
Prescribed by OMB
5 CFR 1320 and 12291

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GAO/PEMD-89-20 Paperwork Reduction

1. Proposed or draft.—If, following OMB review, the regulation will be circulated outside the agency for comment, and then revised and resubmitted to OMB.

2. Final or interim final, with prior proposal.—If an earlier version of the regulation had been reviewed by OMB, circulated for outside comment, revised, and is now ready for final issuance.

3. Final or interim final, without prior proposal.—If the regulation will proceed directly from internal agency review to OMB for review before final issuance without being circulated for outside comment and appropriate revision.

Type of Review Requested

1. Standard.—Refers to the normal process of submitting a proposed or final regulation to OMB for review under section 3 of E.O. 12291.

2. Pending.—Refers to OMB's review, under section 7 of E.O. 12291, of rules which were issued in final (or proposed) form before February 17, 1981, and which are about to take effect (or become final). Agencies should review section 7, paragraphs (b), (d), and (f) of the Executive Order for further instructions.

3. Emergency.—Refers to OMB's review, under section 8(a)(1) of E.O. 12291, of regulations which the agency has chosen to publish without prior OMB review in order to respond to an emergency situation.

4. Statutory or judicial deadline.—Refers to OMB's review, under section 8(a)(2) of E.O. 12291, of regulations which the agency has chosen to publish without prior OMB review in order to avoid violating a statutory or judicial deadline.

9. CFR Section Affected.—Cite as specifically as possible the section of the *Code of Federal Regulations* which will be affected by the regulation being submitted. If the regulation affects more than one section of the CFR, cite to the principal section affected. If the regulation is not to be published in the *Federal Register* or otherwise codified into the CFR (and therefore will not actually revise CFR text), cite the CFR section which is most closely related to the submission.

10. Self explanatory.

11. If a Major Rule, is There a Regulatory Impact Analysis Attached?—A regulatory impact analysis must accompany the submission of a major regulation unless OMB has waived the analysis.

12. (OMB USE ONLY)

Instructions for Part III

General Instructions

These instructions should be used in conjunction with 5 CFR 1320, which provides information on coverage, definitions, and other matters of procedure and interpretation under the Paperwork Reduction Act of 1980. If you have any questions, contact the OMB Desk Officer for your agency.

Page 2

Specific Instructions

13. Abstract.—Provide a statement of not more than 50 words covering the agency's need for the information, the uses to which it will be put, and a brief description of the respondents.

14. Type of Information Collection.—Check only one category. If the collection of information is not explicitly set forth in a rule, check either 1 or 2. Regular submissions (1) are those which are reviewed under 5 CFR 1320.12. Emergency submissions (2) must include the certification required by 5 CFR 1320.17(a). In addition, agencies requesting emergency clearance must provide the information required by 1320.17(b) and (c). If the submission does not meet the requirements for an emergency clearance, the agency's Clearance Officer may ask the OMB Desk Officer for an expedited review.

If the collection of information is explicitly set forth in a rule, check one of the categories 3 through 6. If it is in an existing regulation to which no change is proposed, check 3. If it is submitted with a Notice of Proposed Rulemaking (NPRM) under 5 CFR 1320.13, check 4. If it is contained in a final regulation for which an NPRM had been published, check 5. If the collection of information is contained in a final or interim final rule for which an NPRM had not been published, check 6A or 6B. (See above for a discussion of material to be submitted with requests for emergency clearances.)

15. Type of Review Requested (check only one category).—

1. New.—If this collection of information has not previously been conducted or sponsored by the agency.

2. Revision.—If this collection of information is currently approved by OMB, and the agency wishes to make a substantive or material change in the collection, its burden estimate, or the use to which the information is to be put.

3. Extension.—If this collection of information is currently approved by OMB, and the agency wishes only to extend the approval past the currently assigned expiration date without making any other change in the collection of information or its burden estimate.

4. Reinstatement.—If this collection of information previously held OMB approval, but the approval has expired or was withdrawn before this submission was made.

5. Existing collection in use without an OMB control number.—If this collection of information is currently in use but does not have a currently valid OMB control number.

16. Agency Report Form Number(s).—Supply any identifying numbers or codes that the agency has assigned to the collection of information. If the instrument is a Standard or Optional Form, or is being proposed for such use, the submission to OMB by the agency must be through the General Services Administration (see 5 CFR 1320.15 for further information about this procedure).

17. and 18. Annual Reporting or Disclosure Burden, and Annual Recordkeeping Burden.—The definition of burden, and a discussion of burden elements, is contained in 5 CFR 1320.7(b).

In general, burden includes, but is not limited to, the time required to:

● Read or hear any instructions;
● Generate the information;
● Process, compile, and review the information; and
● Record, disclose, or report the information.

The burden of making any required reports or disclosures should be reported at question 17 and should include the burden of keeping records necessitated by the disclosure or report. The burden of keeping any required records not necessitated by a disclosure or reporting requirement should be reported at question 18.

18-4.—If the recordkeeping retention period is not specified as a number of years - for example, if records are to be retained for the life of a given machine - enter a point estimate (not a range) at 18-4, and explain the estimate in the supporting statement.

For collections of information contained in *new proposed rules*, enter zero (0) on the SF 83 and describe the burden to be imposed, if the regulation becomes final, in the supporting statement. If the *proposed rule revises* an existing collection of information, enter the burden level for the existing requirement on the SF 83 and explain the burden impact of the revision in the supporting statement. In both cases, at the time of publication of the final regulation, the agency must inform OMB of the actual burden of the collection of information.

If several collections of information are submitted to OMB for approval in a single package (covered by an SF 83), describe the burden for each collection in the supporting statement, and provide an estimate of the burden for the entire submission at questions 17 and 18.

19. Total Annual Burden.—

1. Enter the sum of the annual reporting burden (17-5) and the annual recordkeeping burden (18-3) on this line.

2. Enter the burden (hours) currently approved by OMB for this collection of information.

● Enter zero (0) for any collection whose OMB approval has expired.
● Enter zero (0) for a new submission.

3. Enter the difference between 19-1 and 19-2 on this line. The difference, if any, must be explained at lines 19-4 and/or 19-5.

4. Program Change.—is a change in burden which is the result of deliberate action by the Government. Examples of program changes are:

● Adding, dropping, or changing questions.
● Changing the frequency of a collection of information.
● Requiring or requesting more, fewer, or different respondents to record, retain, disclose, or report information.
● Changing eligibility requirements for an assistance program in a way that changes the number of applicants or potential applicants for the benefit.

5. Adjustment.—is a change in burden which is not the result of deliberate agency action. Examples of adjustments are:

- Corrections of errors in burden estimates.

- Corrections of the record to provide an estimate of the burden for a collection of information currently in use without an OMB control number.

- Reestimates in burden due to factors outside the agency's control, such as population changes , a change in the number of firms in an industry, or a change in use because a different number of respondents decide to respond or to make use of the collection of information instrument.

20. Current (or most recent) OMB Control Number or Comment Number.—If the collection of information had previously received or now has an OMB control number or comment number, enter the number. If the collection has had different numbers, or has had both a control number and a comment number, enter the number that was most recently assigned.

21. Requested Expiration Date.—Enter the month and year through which OMB *approval is requested. The date should be* no more than three years from the expected date of OMB approval. For "emergency" approvals submitted under the provisions of 5 CFR 1320.17 the requested date should not be more than *90 days* after the date of OMB's receipt of the agency's submission.

22. Purpose.—

1. Application for benefits.—Is a collection of information which a person completes in order to participate in, receive, or qualify for a grant, financial assistance, or other benefit (including employment) from a Federal agency or program.

2. Program evaluation.—Is a formal assessment, through objective measures and systematic analysis, of the manner and extent to which Federal programs achieve their objectives or produce other significant effects. It is used to assist internal agency management and policy making.

3. General purpose statistics.—Are data collected chiefly for use by the public or for general government use, without primary reference to the policy or program operations of the agency collecting the

data. This category should also be used to indicate activities required to design, manage, or evaluate general purpose statistical programs.

4. Regulatory or compliance.—Are collections of information undertaken for the purpose of measuring or enforcing compliance with laws or regulations. The category includes collections of information incidental to regulation, such as applications for waiver and exemptions. Applications for licenses, certificates, and the like, are also included in this category.

5. Program planning or management.— Includes all collections of information (other than program evaluation and audits) relating to progress reporting and grants management, financial and supply management, procurement and quality control, and other collections of administrative information that do not fit in any other category. This category also includes surveys and other collections of information used to develop new regulations or to review existing regulations.

6. Research.—Refers to collections of information to further the course of scientific or medical research, rather than for a specific program purpose.

7. Audits.—Refers to collections of information conducted for the purpose of verifying the accuracy of accounts and records.

23. Frequency of Recordkeeping or Reporting.—

1.—If the collection of information request or requirement explicitly includes a recordkeeping requirement, check this item. If the collection of information also includes a disclosure or reporting component, check the appropriate item 2 through 9.

2 through 9.—For collections of information that involve reporting, check the frequency of reporting that is requested or required of a respondent. If the reporting is on "an event" basis, check "on occasion" (item 2). Also check item 2 for all disclosure requirements.

24. Respondent's Obligation to Reply.—

1. Voluntary.—Means that response is entirely discretionary and has no direct effect on any benefit or privilege for the respondent.

2. Required to obtain or retain a benefit.—Means that the response is elective, but is required to obtain or retain a benefit. This includes licensing and permit requirements.

3. Mandatory.—Means that the respondent must reply or face civil or criminal sanctions. OMB will recognize a collection of information as being mandatory only if a statute expressly:

- Requires respondents to provide the information, or

- Authorizes an agency to require the respondents to provide the information.

If more than one status applies (for example, the first page of a form is mandatory but the second page is optional), check the box which corresponds to the strongest obligation to respond. (Mandatory is the strongest obligation, and voluntary is the weakest.)

25. Self explanatory.

26. Does the Agency Use Sampling to Select Respondents or Does the Agency Recommend or Prescribe the Use of Sampling or Statistical Analysis by Respondents?—Check "Yes" if information is collected from a subset of all potential respondents on the basis of a selection made by the agency, and the results are used to infer the characteristics of the whole from the sample. Also check "Yes" if the respondents are asked or required to use similar sampling or other statistical techniques in generating or collecting the information requested or required by this collection.

27. Regulatory Authority for the Information Collection.—If the regulatory authority is contained in an existing regulation, cite as specifically as possible to the principal section of the *Code of Federal Regulations* which states the requirement. If the requirement is contained in a regulation that has not yet been codified into the CFR, cite the final rule and provide the date it appeared in the *Federal Register.*

A supporting statement, as described on page 4, must accompany each request for approval of a collection of information.

Page 3

Supporting Statement for Requests for OMB Approval Under the Paperwork Reduction Act and 5 CFR 1320

General Instructions

A supporting statement must accompany each request for approval of a collection of information. The statement must be prepared in the format described below, and all statements must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. If Section B does not apply, indicate that the collection does not employ statistical methods.

OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

A. Justification.—Requests for approval shall:

1. Explain the circumstances that make the collection of information necessary. Include identification of any legal or administrative requirements that necessitate the collection.

A copy of the appropriate section of each statute and of each regulation mandating or authorizing the collection of information should be attached to the supporting statement.

2. Indicate how, by whom, and for what purpose the information is to be used and the consequence to Federal program or policy activities if the collection of information was not conducted.

3. Describe any consideration of the use of improved information technology to reduce burden and any technical or legal obstacles to reducing burden.

4. Describe efforts to identify duplication.

5. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in 2.

6. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

7. Describe the consequence to Federal program or policy activities if the collection were conducted less frequently.

8. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

9. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained, or those who must compile records, should occur at least once every three years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that mitigate against consultation in a specific situation. These circumstances should be explained in the supporting statement.

In the supporting statement, provide:

a. The names and telephone numbers of those consulted and the year in which the consultation took place. Indicate the agencies, companies, State or local governments, or other organizations represented by those consulted.

b. A summary of any major problems that could not be resolved during consultation.

c. A description of other public contacts and opportunities for public comment, and a summary of the comments received.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

12. Provide estimates of annualized cost to the Federal Government and to the respondents. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without the paperwork burden.

13. Provide estimates of the burden of the collection of information. The statement should:

● Provide number of respondents, frequency of response, annual burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not make special surveys to obtain information on which to base burden estimates. Consultation with a few potential respondents is desirable. If the burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated burden, and explain the reasons for the variance.

● If the request for approval is for more than one form, provide burden estimates for each form for which approval is sought and summarize the burdens on the SF 83. If only one form is submitted, you need not duplicate the information entered on the SF 83.

● If the proposed collection of information was not included in the agency's Information Collection Budget (ICB) or if the burden shown on the SF 83 is different from that in the ICB, explain the difference.

14. Explain reasons for changes in burden, including the need for any increase

15. For collections of information whose results are planned to be published for statistical use, outline plans for tabulation, statistical analysis, and publication. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

B. Collections of Information Employing Statistical Methods.—Descriptions of collections of information submitted for approval that employ statistical methods shall contain the following information. References to stratification may be ignored if that technique is not used.

If the collection of information does not employ statistical methods, so indicate.

If the collection employs statistical methods:

1. Describe (including numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g., establishments, State and local government units, households or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. The tabulation should also indicate expected response rates for the collection as a whole. If the collection had been conducted previously, the actual response rate achieved during the last collection should be noted.

2. Describe the procedures for the collection of information including:

● Statistical methodology for stratification and sample selection,
● Estimation procedure,
● Degree of accuracy needed for the purpose described in the justification,
● Unusual problems requiring specialized sampling procedures, and
● Any use of periodic (less frequent than annual) data collection cycles to reduce burden.

3. Describe methods to maximize response rates, and to deal with issues of nonresponse. The accuracy and reliability of information collected must be shown to be adequate for intended uses.

For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.

4. Describe any tests of procedures or methods to be undertaken.

Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from ten or more respondents. A proposed test or set of tests may be submitted for approval separately or in combination with the main collection of information.

5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.

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Ms. Doris Northrup	President, CODA, Inc.
Dr. Peter Rossi	Distinguished Professor of Sociology, University of Massachusetts, Amherst
Dr. Lee Sechrest	Professor, Department of Psychology, University of Arizona

Comments From the Office of Management and Budget

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

MAY 25 1989

Ms. Eleanor Chelimsky
Assistant Comptroller General
U.S. General Accounting Office
Washington, D.C.   20548

Dear Ms. Chelimsky:

We appreciate the opportunity to comment on your draft report entitled "Paperwork Reduction: Mixed Effects on Agency Decision Process and Data Availability (GAO Code 973619)."

At the outset, we wish to commend your staff for the professional fashion in which they conducted their review. We attempted to cooperate to the fullest extent during the course of the review, and it is my understanding that, aside from the fact that some of our files took longer than expected to locate, the General Accounting Office (GAO) was completely satisfied with our involvement.

I am pleased to report that we find the recommendations contained in the draft report (Chapter 6) both reasonable and consistent with our desire to further improve administration of the information collection review process under the Paperwork Reduction Act. Specifically you recommended:

1)   That the Director of the Office of Management and Budget (OMB) employ existing authority to delegate primary review responsibility to those senior officials within designated agencies that have a demonstrated capability, and that, for those agencies with less effective internal mechanisms for procedural and technical review, we assist in improving those mechanisms.

We concur. We are anxious to delegate primary review to qualified agencies and will take further steps in this direction.

2)   That OMB provide enhanced guidance and assistance to agencies in improving the efficiency and quality of their data collections through increased use of sampling procedures, measures to enhance response rates and control response bias, and more precise design of data collection instruments.

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We concur. We intend to provide guidance to agencies on
standards of professional statistical practices. Additional
guidance to agencies will be provided as resources permit.

3) That the Director develop an ongoing training
program to assure that technical and non-technical criteria
are appropriately and consistently applied to our review of
information collection proposals.

We concur. Although we have taken measures to assure
such consistency (e.g. issuance in January 1989 of our
Information Collection Review Handbook) we will institute
training sessions as you suggest.

4) That OIRA augment its capacity to perform technical
reviews of agency proposals, perhaps by expanding technical
staff and consultation with external experts.

We concur. It is our desire to bolster our Statistical
Policy Branch with additional highly qualified statisticians
and agree that we need to make greater use of outside
experts.

5) That OMB conduct its review of information
collection requests concurrently with the public comment
period for these requests.

We concur. In the main, our reviews are concurrent. We
will take steps to ensure that all desk officers follow this
procedure when appropriate. There are many instances,
however, particularly when a large volume of public comments
is expected, that it is more efficient to await receipt of
public comments before we perform our reviews in order to
avoid duplicative effort.

In addition to addressing your specific recommendations,
I would like to respond to a number of important matters,
including certain allegations contained in your report.

The set of statistics that is most widely used in
examining our information collection review process relates
to the final action we take on agency requests to collect
information from the public - i.e. whether we "approve" or
"disapprove" an agency's request. Your findings show (Table
2.2) that from the period 1982-1987, 94 percent of agency
requests to collect information from the public were
approved, and only 3.8 percent were disapproved (2.1 percent
were withdrawn by agencies).

Your data (Table 2.4) also show that, during this
period, the approval rate for "new" information collections
was somewhat lower than that for previously approved
collections (90 percent vs. 96 percent). This finding is

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consistent with what we would expect given that previously
approved collections had in fact undergone OMB scrutiny on
at least one previous occasion.

As you noted in Chapter 2 of your report, prior to
taking an action to approve or disapprove an information
collection, OMB may require that modifications be made to
particular collections. On this aspect of the process, your
report states:

> "Although we did not directly assess the
> extent to which these alterations improved or
> impaired these submissions, interviews with
> agency and OMB staff and information obtained
> in our case studies suggest these
> modifications generally improve the quality of
> the submission or reduce the amount of
> respondent burden."

We believe that your findings in this area demonstrate
that our decisionmaking process has been judicious and fair.

Your report provides a thoughtful analysis of changes
that have occurred over time in our Paperwork Reduction Act
reviews. Two of your findings in this area are of
particular interest to us. First, during the period
1982-1987 you found that the median length of our reviews
has been steadily increasing. Your report (p. 3.1) states:

> "Much of this increase appears to be accounted
> for by OMB's practices that developed in
> response to Congressional concern and
> culminating in the 1986 legislative amendment
> regarding procedures to enhance the likelihood
> of public comment on ICR's."

This assessment is quite correct. We believe it is
critical to provide adequate time for the affected public to
comment on agency proposals to collect information from
them. Public participation is key to the process.
Moreover, extended OMB reviews, per se, are not necessarily
a problem. Since the vast majority of reviews we conduct
are for information collections that have been approved
previously, remain approved during the course of our review,
and are in use, the length of our review generally will not
have a significant impact on the information collection
activity.

The length of our reviews may have an impact on new
collections, however, at the same time, it is particularly
important for the public to have an opportunity to comment
since, in all probability, the agency proposal has not been
subjected to prior public scrutiny. This does not mean that
agencies must assume that we will take 50-60 days to review
their requests. We have instituted a process (see our
regulations at 5 CFR 1320.15) whereby agencies may request

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expedited review, and many agencies have utilized this
process. In addition, emergency approvals, which can occur
in as short a period as one day, are granted when statutory
criteria and procedures (see 44 USC 3507(g)) are met.

You also report that the number of reviews exceeding 90
days, although still very small, has been increasing. We
intend to correct this situation. Obviously we should not
exceed 90 days in reviewing an agency's request for
approval.

As part of your assessment of the technical adequacy of
our reviews, you selected 17 "case examples" for an
independent review by "three national experts." In essence,
you asked these individuals whether, based upon the
technical adequacy of the proposal, they would have approved
or disapproved the agency's request, and you then compared
the decisions of the experts with OMB's decisions on these
17 items. The results of this comparison are as follows:

o   For the 7 cases that OMB disapproved, the experts
       would have disapproved 3 and approved 4.

o   For the 10 cases that OMB approved, the experts
       would have approved 3 and disapproved 7.

Your report notes that 3 of the 4 cases OMB had
disapproved were resubmitted and ultimately approved,
resulting in an actual "disagreement" with the experts on
only 1 case.

Regarding the cases approved by OMB, since GAO has not
provided us with the identity of the cases involved, we are
not able to defend our actions. However, the implication of
GAO's findings is that OMB has erred, if at all, on the side
of leniency rather than strictness in approving information
collections. While it is possible that we may err on the
side of giving the agency the benefit of the doubt in
marginal situations, we find it hard to imagine that 70
percent of our decisions to approve agency requests are
flawed, given the fact that technical reviews were performed
at OMB as well as at the agencies. I would also point out
that the 17 cases you selected for review were
"representative," and not chosen using random methods.

I would now like to turn to the issues raised in
Chapter 5 of your draft report, relating to the effect of
the OMB approval process on the availability of information
to the Federal government. Your report (p. 5-1) states:

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> "OMB's and agencies practices appear to have
> had positive, neutral and negative influences
> on the likely availability of information. On
> the positive side, some agencies have
> eliminated collections that are duplicative or
> no longer useful. Further, in many other
> agencies, officials told us that availability
> had not been influenced at all by the OMB
> clearance process. In addition, for
> statistical agencies, data availability
> appears to have increased since the early
> 1980's. On the negative side, some agencies
> have stopped collecting data because of
> difficulties encountered in the clearance
> process. For these agencies, OMB review has
> had a 'chilling effect' on the likely
> availability of information."

With regard to your conclusion that, for those agencies
that have encounted difficulties with OMB, the review
process has had a "chilling effect" on the availability of
information, such an effect may not be undesirable.
Specifically, if the OMB process discourages agencies from
seeking approval to collect unnecessary or excessively
burdensome data, or discourages agencies whose proposals
have higher-than-average disapproval rates based upon
technical deficiencies, from continuing to seek to collect
such data, the result may in fact have a salutary impact on
American citizens. The fact that agency requests for OMB
approval have declined is neither necessarily a result of
the process itself nor necessarily a matter of concern.

What is critical is whether the process has resulted in
the collection of fewer data that in fact are needed to
achieve legitimate Federal purposes. You have provided
several illustrations in this area in Chapter 5 of your
report.

In your first illustration, which you label "The
Catch-22," you discuss the allegation that OMB's budget
examiners call for data on program impacts from the agencies
to justify funding of these programs, but the Office of
Information and Regulatory Affairs (OIRA) "cuts away" at
these data collections. I must challenge this assertion. I
know of no instance in which OIRA has rejected an agency
proposal to collect information that had been specifically
requested by OMB budget officials. It may be that in the
case you cite the agency was proposing to collect
information in excess of what was necessary to demonstrate
"program impacts."

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Your second illustration is labeled "Active
Discouragement." Here, you quote an agency official who
stated that information had not been gathered in a
particular area because of OMB's alleged position that "the
less information collected about this area the better." I
do not know whether such a statement was uttered by an OMB
employee. If it was, it was inappropriate. What is not
inappropriate, however, is a determination, which we are
required to make under the Paperwork Reduction Act, as to
whether an information collection, or an area of information
collection, by an agency is necessary. Discouraging
agencies from collecting data that are unnecessary or that
do not have practical utility is, in my view, clearly
consistent with our statutory mandate.

The third illustration you present is labeled "Small
Studies Abandoned." The essence of this illustration is
that some information collections requiring fast-turnaround
are not undertaken because of the time required to develop a
request for and obtain OMB approval. While we cannot
dispute that this may have occurred, it is important to note
that we have taken steps, through the establishment of the
expedited approval process referred to above, to provide a
mechanism to respond to agency needs to collect information
on a rapid basis. All agencies may avail themselves of this
process. In addition, several agencies including the Food
and Drug Administration and the National Center for
Education Statistics, have requested and received approval
for "fast track surveys" that permit them to collect
important data from the public in a very rapid fashion.

Your final illustration is labeled "Developmental
Research." In this section you state an agency official's
claim that "OMB's criteria thwart the developmental process
of research . . . ." As the sole example of this alleged
problem your report states "The area of AIDS and estimates
of transmission by drug users to the heterosexual population
was cited as an example of an area and a type of research
that is just not done because of OMB review requirements."
We believe this is not a fair characterization. First, the
vast majority of research on AIDS is funded through grants,
and is not, under our regulations, subject to OMB review.
Second, you should be aware that we have taken an active
role in supporting the limited amount of AIDS research that
is subject to our review. For example, in November 1988 I
wrote to Robert Windom, M.D., then Assistant Secretary of
Health at the Department of Health and Human Services (HHS)
suggesting that we meet to discuss coordinating the
collection of AIDS-related data. During a full day briefing
on this subject OMB and HHS came to a clear understanding
about the OMB process and how it could function to expedite
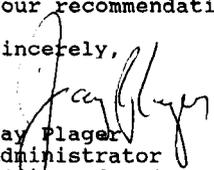requests for approval of AIDS-related research.

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   Prior to this, OIRA was active in pressing for the
conduct of a feasibility study for a nationwide HIV
seroprevalance survey. Although initially opposed by some
on the ground that it would be nearly impossible to do, the
pretest is in fact now being conducted. If it is determined
that a full scale household seroprevalance study can be
conducted with an acceptable level of scientific precision,
its results could make an extremely valuable contribution to
the Federal government's efforts to combat AIDS.

   We hope these comments provide additional useful
information to you and your staff. Please be assured that
we will proceed to implement your recommendations.

                              Sincerely,

                              Jay Plager
                              Administrator
                              Office of Information
                                 and Regulatory Affairs

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