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Burden and the Paperwork Reduction Act: An Overview

A fundamental purpose of the Paperwork Reduction Act (PRA)—codified at Title 44, Sections 3501-3521, of the *U.S. Code*—is to minimize the burden that federal information collections impose on the public. Agencies must often collect information to fulfill their missions and must identify the *practical utility*, or usefulness, of collecting such information. At the same time, these collections also represent a burden to the public that can be measured in terms of time, effort, and financial resources. The PRA attempts to reduce information collection burdens by establishing an overarching framework for *information resource management* (IRM). IRM is defined as “the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public.” The PRA centralizes responsibility for government-wide IRM policies and the reduction of information collection burdens with the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB). The effectiveness of the PRA at reducing burden has been a topic of congressional oversight. The Government Accountability Office (GAO) has also reported on various aspects of the PRA’s implementation. This In Focus provides an overview of burden in the context of the PRA, including how it is estimated and efforts to reduce it.

Burden in Context

Burden occurs within the context of a *collection of information*. The PRA defines *collections* to include requirements or requests from or on behalf of an agency for 10 or more persons to provide information through identical questions, recordkeeping, or disclosures to the public or a third party. *Persons* in this context includes individuals, businesses, organizations, state and local governments, and territories. Collections may be in any form or format and include electronic or automated methods. For more on federal collections of information, see CRS In Focus IF11837, *The Paperwork Reduction Act and Federal Collections of Information: A Brief Overview*.

Defining Burden. The time, effort, and financial resources required to respond to an information collection—or *burden*—includes “reviewing instructions; acquiring, installing, and utilizing technology and systems; adjusting the existing ways to comply with any previously applicable instructions and requirements; searching data sources; completing and reviewing the collection of information; and transmitting, or otherwise disclosing the information.” Burden can be incurred in any information collection, whether mandatory, voluntary, or required to obtain or retain a federal benefit.

Under OMB’s regulations, the time, effort, and money to comply with a collection requirement that would be incurred by persons does not constitute burden when an agency can demonstrate that such activities are “usual and customary.” Additionally, burden would not be imposed in a federally required collection carried out by a state, local, or tribal government if the federal agency can show that the state, local, or tribal collection would be necessary even in the absence of a federal requirement. For example, the Department of Labor stated that the burden of a certain information collection it conducts is minimal because the collection activities (e.g., maintaining records) are a necessary part of normal state labor exchange operations.

Managing Burden. The PRA establishes requirements for agencies’ information collection activities and expects that agencies will manage information to reduce information collection burdens. At different times, the PRA has assigned different roles within agencies with these responsibilities. Statute currently assigns agencies’ chief data officers (CDOs) with carrying out the PRA’s agency-level information collections and general IRM responsibilities. CDOs have several functions under statute related to agencies’ data management and data use.

Burden Estimates

The PRA tasks OMB with reviewing and approving information collections that agencies seek to conduct. Under the PRA, agencies must develop specific, objectively supported estimates of burden as part of their activities to develop information collections. Agencies submit these estimates to OIRA as part of their supporting statements—which include responses to a standardized list of 18 questions—when seeking OIRA’s approval of an information collection.

Hours and Costs. Agencies estimate burden for information collections in terms of burden hours and burden costs. Burden hours are a product of (1) the number of respondents, (2) the frequency at which responses are provided within a year, and (3) the average time to provide a response. This results in total annual burden hours. GAO has reported that agencies largely rely on existing data to estimate burden hours, including historical data, other data available within an agency, third-party data, and research studies. In the absence of existing data, agencies may rely on their professional judgment.

Agencies are also instructed to calculate the cost of burden hours to respondents by identifying and using appropriate wage rate categories. Separate from wages, agencies also estimate burden in terms of (1) total capital and start-up costs and (2) total costs for operations and maintenance and the purchase of services. Examples of these costs include

technology, system, and storage acquisitions and for testing and monitoring equipment.

Governmentwide Burden. The PRA directs OMB to set burden reduction goals for agencies and to report to Congress on burden reduction. OMB issues an annual “information collection budget,” which contains government-wide burden hours for a given year and documents efforts to reduce burden. These reports show that, since at least FY2009, the Treasury Department has been consistently responsible for a majority of the government’s total burden hours, followed by the Department of Health and Human Services. Government-wide burden totals can increase or decrease for a number of reasons, including discretionary agency actions, reestimations of burden hours, renewals or lapses in approved information collections, and new statutory requirements. For example, total burden hours reportedly increased by 1%—or 78 million total hours—from FY2021 to FY2022 because of statutory changes.

Accuracy of Burden Estimates. As part of the information collection approval process, OMB evaluates whether the information collection minimizes burden. OMB has stated “that measuring burden is often difficult and imprecise in the absolute, but reliable and consistent measures of changes are possible.” In 2018, at the request of the Senate Committee on Homeland Security and Governmental Affairs, GAO reported on the processes that produce burden estimates. GAO found that agencies do not receive many comments on burden estimates from the public during the PRA’s required notice and comment periods and that agencies are unlikely to consult with the public on burden estimates beyond these required *Federal Register* notices. GAO also reported that OIRA has at times approved information collections that do not estimate the cost of burden hours. Additionally, GAO found mathematical errors in estimates and inconsistencies in some of the burden data that is published on reginfo.gov. GAO states that OMB developed pra.digital.gov in response to GAO’s recommendations that OMB ensure uniformity in estimates and ensure that review processes are operating effectively.

Efforts to Reduce Burden

The PRA directs OMB to minimize burdens, “with particular emphasis on those individuals and entities most adversely affected.” OMB has issued guidance to agencies with approaches to reducing burden. Some of this guidance has been in response to executive orders. For example, in 2012, OMB issued a memorandum in response to E.O. 13610, *Identifying and Reducing Regulatory Burdens*, that provided agencies with examples of ways to reduce burden, including those that simplify and streamline information collections, such as by using electronic methods for collecting information and maximizing the reuse of previously collected data. In 2015, OMB issued a memorandum in response to E.O. 13707, *Using Behavioral Science Insights to Better Serve the American People*, encouraging agencies to use behavioral science to improve federal forms, because “designing questions in ways that provide useful information for agencies can be more difficult than it seems.” OMB encouraged agencies to apply behavioral science insights to forms that affect the most

respondents, take the longest to complete, are subject to high error rates, or are frequently submitted as incomplete.

In response to a number of executive orders from President Biden, OMB issued a memorandum in April 2022 to agencies on reducing burden in public benefit programs. It instructed agencies to better estimate burden by considering psychological and learning costs (e.g., time to comprehend eligibility requirements, delays in completing a form due to stress). OMB noted that these costs may result in more complete but potentially higher burden estimates. It also stated that while agencies are generally aware of how increases in burden are perceived, increases due to more rigorous analysis and transparency into the burdens of information collections are examples of how agencies are improving such collection requests. In the memorandum, OMB also pointed to activities that reuse existing data—such as data matching, using automatic program enrollment, and prepopulating forms with existing information—as potential options for reducing burden.

Information Technology and Burden Reduction. The PRA directs OMB to promote the use of information technology (IT) to reduce burden. Within agencies, chief information officers are to promote the use of IT to reduce burdens. The House committee report on the E-Government Act of 2002 noted some concerns over OIRA’s oversight of the PRA’s IRM mandates. The committee moved forward with passing the E-Government Act’s framework for managing *electronic government*—which relies on agencies using IT to improve operations—as separate from the PRA’s IRM framework while acknowledging that addressing IRM under the PRA was an option for managing electronic government. Nevertheless, the E-Government Act attempted to reduce burden—adopting the PRA’s definition of it—through the use of activities that involved integrating data, eliminating duplicative data, and enabling interoperability among federal information systems. The committee stated that such activities sought to reduce stovepipes and reporting burdens through the idea of “collect once and use many,” which meant to reuse existing data across many government purposes and transactions.

Considerations for Congress

Congress may have options for improving data reuse to reduce burden under the PRA. For example, the Computer Matching and Privacy Protection Act of 1988 (CMPPA) governs administrative processes for certain cases of data matching between federal agencies and between agencies and certain nonfederal recipients of federal data. A report sponsored by the Administrative Conference of the United States suggested that the CMPPA could be amended to include purposes that reduce burden. Congress may also consider data management to reduce burden. For example, GAO has reported that government-wide data standards could reduce burden in some cases. Some OMB guidance advises agencies to use data standards to enable interoperability, to leverage data standards for several reasons, and to plan for data reuse. Using data standards can also be challenging, in part because they operate within multiple policy frameworks that may require additional coordination.

Natalie R. Ortiz, Analyst in Government Organization and Management

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