OMB Watch Comments on Improving Implementation of the Paperwork Reduction Act
Dec. 26, 2009

On Oct. 27 the White House Office of Information and Regulatory Affairs (OIRA) published a notice[1] in the *Federal Register* requesting public comment on ways to improve implementation of the Paperwork Reduction Act (PRA or the Act hereafter).[2] OMB Watch appreciates OIRA's desire to reform PRA practices and submits these comments and recommendations for OIRA's review and consideration.

OMB Watch is a nonprofit, nonpartisan research and advocacy organization promoting an open, accountable government responsive to the public's needs. Since its inception in 1983, OMB Watch has carefully monitored OIRA's implementation of the PRA and advocated for reform on behalf of the public.

These comments are organized into three sections. The first section discusses our outside perspective of the OIRA review of agency information collection requests and burden hour estimates and calls on the administration to provide agencies with more flexibility. The second section discusses information collection under the PRA in light of the rapid technological and Web improvements of the last several years and urges the administration to capitalize on those improvements to increase transparency and enhance citizen engagement. The third section identifies PRA responsibilities other than information collection and calls on OIRA to reorient itself toward those functions, most importantly information dissemination and information resources management.

Part I: Providing agencies flexibility for information collections and burden hour estimates

The free flow of information between federal agencies and the public is critical to a well-functioning society that fosters improved trust in its government. Federal agencies often need information to fulfill their missions or implement the policies and priorities of the administration. At other times, statutes may require agencies to collect certain information from certain sectors of the public. For example, the Emergency Planning and Community Right-to-Know Act[3] requires the U.S. Environmental Protection (EPA) to collect information on the release and disposal of certain chemical substances. As a result, polluters must fill out forms for the Toxics Release Inventory, which EPA uses not only to fulfill its statutory duty but to inform decisions about pollution management.

The public also benefits from the exchange of information. Individual citizens, firms, nonprofits, and other organizations must submit information to the government to receive federal benefits. For example, the Department of Education's Free Application for Federal Student Aid helps current and prospective college students determine their level of financial aid eligibility.

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[1] Cass R. Sunstein, "Improving Implementation of the Paperwork Reduction Act," Office of Information and Regulatory Affairs, Office of Management and Budget, 74 FR 55269, Oct. 27, 2009. Available at: http://edocket.access.gpo.gov/2009/pdf/E9-25757.pdf.
[2] 44 U.S.C. § 3501 *et seq.* Available at: http://ombwatch.org/files/regs/library/pra.pdf.
[3] 42 U.S.C. §11001 *et seq.* Available at: http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=BROWSE&TITLE=42USCC116.

The public may benefit in more indirect ways as well. Anytime a consumer checks the energy efficiency of an appliance or home electronic certified under EPA's Energy Star program, he or she is taking advantage of the EPA's ability to collect information from product manufacturers.

All of these examples are managed in accordance with the PRA.

Before managing the collection of information, agencies must vet forms, surveys, and other collection tools through the White House. Under the PRA, agencies are required to send to OIRA for its approval all proposed or renewed information collection requests affecting more than nine people as well as all forms used for statistical purposes. OIRA's review is premised on whether the information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility.

Currently, the review process is saddled with inefficiencies. For example:
- The PRA, and by extension OIRA, treats all information collection requests the same. OIRA does not prioritize based on exigency, economic importance, or other factors, such as whether they implement a regulation or address research gaps.
- The review process is subject to politicization. Critics of the process have in the past shown that OIRA can unilaterally reject the information collection request outright or provide a temporary approval (or encourage an agency to withdraw the request) forcing the agency to modify the request according to OIRA's wishes. The politicization can also be systemic. For example, OIRA has traditionally assigned few employees to information collection requests from the Treasury Department, even though, by OIRA's own estimates, the Internal Revenue Service imposes on the public 80 percent of all paperwork burden hours. Meanwhile, OIRA assigns considerably more employees to review requests from the EPA, Department of Agriculture, Department and Labor, and others agencies, suggesting OIRA is making a concerted effort to scrutinize social regulation more than tax or economic regulation.[4]
- OIRA spends too much time focusing on burden hour estimates. Despite painstaking efforts by both agency staff and OIRA staff, burden hour estimates are merely that – estimates. In 2005, the Government Accountability Office said burden hour estimates were imprecise and concluded, "[T]he degree to which agency burden-hour estimates reflect real burden is unclear."[5]

Considering both the importance of information collection and some of the drawbacks of the current OIRA review process, OMB Watch believes OMB should reduce the overall number of information collection requests it reviews in order to provide agencies with more flexibility and allow OIRA staff to devote additional time to other PRA responsibilities.

Agencies would benefit from increased flexibility when seeking to initiate information collection activities. Unnecessary delays in information collection can limit agencies' ability to respond to emerging

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[4] For proportions of burden hours imposed, see Linda D. Koontz, "Paperwork Reduction Act: New Approaches Can Strengthen Information Collection and Reduce Burden," Government Accountability Office, Testimony before the Subcommittee on Regulatory Affairs, Committee on Government Reform, U.S. House of Representatives, March 8, 2006, GAO-06-477T, at 2. Available at: http://www.gao.gov/new.items/d06477t.pdf. For OIRA staff assignments, see J. Robert Shull, Testimony before the Subcommittee on Regulatory Affairs, Committee on Government Reform, U.S. House of Representatives, March 8, 2006, at 11. Available at:
http://www.ombwatch.org/files/regs/2006/pratestimony-2006-03-08.pdf.
[5] See Linda D. Koontz, "Paperwork Reduction Act: Burden Reduction May Require a New Approach," Government Accountability Office, Testimony Before the Subcommittee on Regulatory Affairs, Committee on Government Reform, U.S. House of Representatives, June 14, 2005, GAO-05-778T, at 3. Available at:
http://www.gao.gov/new.items/d05778t.pdf.

situations or slow the development of new policies. For example, every two years, the U.S. Election Assistance Commission (EAC) surveys the 50 states, four territories, and the District of Columbia to gather information about election administration.[6] To achieve the best results, the EAC survey must be conducted soon after Election Day when data are freshest. The results of the EAC survey provide valuable information on voting technology, polling places, and difficulties voters face in casting their ballots. The EAC sends each state two identical surveys, one quantitative and one qualitative, approved by OIRA.[7]

The EAC may benefit from developing different surveys tailored to the circumstances of each state. Currently, EAC reports that state data collection varies significantly.[8] However, each survey would then be subject to OIRA approval – a time consuming effort that could delay the EAC's ability to issue inherently time sensitive surveys. Instead, OIRA should provide agencies such as the EAC with the flexibility to pursue time sensitive work without OIRA's clearance on each item.

Agencies also need clarity and flexibility when requesting voluntary public input during policy development. Public participation in government decisionmaking strengthens the ties of democracy and can help agencies craft and implement stronger policies. However, public participation is voluntary, not mandatory. These efforts are categorically different than the kinds of information collection requests mentioned above.

Nonetheless, attempts to involve the public in government decisionmaking have been swept into the information collection request review process. In May 2009, EPA launched a website to collect public opinion on a potential redesign of Regulations.gov, the public portal for commenting on regulations. The public opinion site displayed an OMB control number, indicating that OIRA had reviewed and approved the website as it would a survey or form.[9] This review was completely unnecessary, since the site was collecting voluntary public opinion. In this way, it was no different than the proposed rules agencies publish on Regulations.gov, or OMB's notice soliciting comment on the PRA that we are responding to in these comments.

OMB Watch is unaware of any guidance instructing agencies to submit public opinion forums to OIRA for review under the PRA. In fact, other agencies have launched blogs and websites to gather public opinion without displaying an OMB control number.[10] Nonetheless, at least one agency, EPA, felt approval was necessary for collecting public opinion online. We have also heard that there is agency confusion on use of new media (e.g., wikis, other online survey tools) to foster greater public participation and collaboration as envisioned by the December 8, 2009, Open Government Directive (OGD).[11] Will OIRA need to review the tools used or the documents prepared for use with the new tools when agencies

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[6] See "Election Day Survey Results," U.S. Election Assistance Commission, http://www.eac.gov/program-areas/research-resources-and-reports/completed-research-and-reports/election-day-survey-results (accessed Dec. 15, 2009).

[7] See "The 2008 Election Administration and Voting Survey," U.S. Election Assistance Commission, November 2009, at 4. Available at: http://www.eac.gov/program-areas/research-resources-and-reports/completed-research-and-reports/program-areas/research-resources-and-reports/copy_of_docs/2008_electionadministrationvotingsurvey_508/attachment_download/file.

[8] *Id.* at 5.

[9] The public opinion site, Regulations.gov/Exchange, has since been taken down.

[10] See for example, the FDA Transparency Blog, an ongoing forum where users can share ideas for increasing transparency at the FDA, at http://fdatransparencyblog.fda.gov/.

[11] Peter R. Orszag, "Memorandum for the Heads of Executive Departments and Agencies: Open Government Directive," Office of Management and Budget, Executive Office of the President, Dec. 8, 2009, M-10-06. Available at: http://www.ombwatch.org/files/m10-06.pdf.

seek public participation? We hope not. OIRA should provide clear guidance to the agencies that such tools and efforts are not subject to information collection reviews at OIRA.

OIRA would also benefit in a less rigid system. Currently, OIRA devotes the majority of its time and resources to two functions: information collection request reviews and regulatory review. Reducing OIRA's information collection workload would allow the office to devote additional time and resources to other activities assigned to it under the PRA (discussed later).

Instituting a more flexible approach will become increasingly important if the federal government intensifies its information collection efforts. Pending legislation on climate change and health care, among other congressional and administration priorities, could compel agencies to collect more information from regulated entities and the public at large. These collections could prove critical to effective implementation of new policies and priorities and should be completed efficiently.

OMB Watch makes three recommendations for increasing agency flexibility in the information collection request review process.

1) **The OMB Director should more frequently invoke Sec. 3507(i)(1) of the PRA which allows OMB to delegate to agency chief information officers the responsibility for approving certain classes of information collection requests.** Delegation could be applied to noncontroversial information collection requests such as routine renewals for unchanged forms, or collections of relatively minor economic or policy significance, for example.[12,13]

2) **The OMB Director should allow and encourage agencies to implement pilot programs for managing information collection request review.** For example, OIRA and agencies could work together to set an annual burden hour budget that would allow the agency flexibility to collect information on issues as it sees fit without OIRA's approval as long as it is within the budget. This burden-hour budget could be limited to new information collections on new or pressing issues only, or the budget could be limited to repeat, routine collections only.[14] The OMB Director could invoke Sec. 3507(i)(1) of the PRA if need be.

3) **The OMB Director should instruct agencies that blogs, wikis, and other web-based social media tools agencies use to gather voluntary public comment will not be considered information collection requests in need of OIRA review and approval.** As discussed above, voluntary participation does not equate to a reporting imposition and should be exempt from the definition of "collection of information" under Sec. 3502 of the PRA.[15]

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[12] Sec. 3507(i)(1) states, "If the Director finds that a senior official of an agency designated under section 3506(a) is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed collections of information in specific program areas, for specific purposes, or for all agency purposes."

[13] For further discussion of the delegation issue, see Sally Katzen, Testimony before the Subcommittee on Regulatory Affairs, Committee on Government Reform, U.S. House of Representatives, March 8, 2006, at 5. Available at: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_house_hearings&docid=f:29707.pdf.

[14] A group of regulatory experts organized by OMB Watch made a similar recommendation to the administration See Gary D. Bass, Michael Byrd, Caroline Smith DeWaal, et al., "Advancing the Public Interest through Regulatory Reform: Recommendations for President-Elect Obama and the 111th Congress," OMB Watch, November 2008, at 27. Available at http://www.ombwatch.org/files/regulatoryreformrecs.pdf.

[15] See 44 U.S.C. § 3502(3).

In addition to these recommendations, we urge the administration, first, to maintain its policy of averaging burden hours over a three-year period, rather than switching to a shorter time frame as is suggested in the Oct. 27 *Federal Register* notice.

Second, OMB Watch urges the administration *not* to attempt to monetize burden hours, as is suggested in the notice. Monetization of burden hours, estimates of which are unreliable, would add little value to the discussion of information collections' impacts and would further complicate a process that already demands too much time of both agencies and OIRA. We urge the administration to 1) avoid further biasing cost-benefit analysis by focusing on a single cost component of the tool, and 2) review and revise cost-benefit *in toto.* Any decision on whether to monetize burden hours should result from a thorough review of the strengths and weaknesses of cost-benefit analysis as a regulatory criterion and focus on enhancing the methodologies for quantifying both costs and benefits.[16]

We believe these improvements would strengthen information collection at the federal level, benefiting both the government and the public.

Part II: Embracing technology under the PRA

The Internet, electronic data sources, and other information technology are increasingly proving themselves major factors in public policy. Public engagement and participation are now inextricably linked to agency websites, publicly accessible online databases, and other tools which have become the first line of interaction.

The government is making strides in improving its web interfaces, and users are increasingly satisfied. The most recent American Customer Satisfaction Survey found that citizen satisfaction with federal government websites reached an all-time high in the third quarter of 2009. More than 75 percent of users reported being satisfied with their experiences on a variety of government websites included in the survey.[17]

The Obama administration has shown an admirable commitment to expanding its web presence to both educate citizens and increase opportunities for participation. Most recently, OMB Director Orszag issued the OGD, which reflects President Obama's aspiration to make government more transparent, participatory, and collaborative. The Directive requires agencies to write open government plans and create open government sections on their websites. As a result, we expect more information and data will be available to the public than ever before, and that citizens will increasingly have an opportunity to work with government leaders in making the decisions that affect them.

Not only is the Directive a promising sign, the process by which it was developed portends a new era of transparency policy development and citizen engagement. The Obama administration chose to throw open the doors of the development process for the OGD, using a blog to receive citizen ideas for what should be included, subjecting those ideas to online voting, then allowing users to further refine the top vote getters in a wiki format. The process marked the first time the federal government employed Web 2.0 technologies on such a large scale.

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[16] See Gary D. Bass, Michael Byrd, Caroline Smith DeWaal, et al., "Advancing the Public Interest through Regulatory Reform: Recommendations for President-Elect Obama and the 111th Congress," OMB Watch, November 2008, at 24. Available at http://www.ombwatch.org/files/regulatoryreformrecs.pdf.

[17] See, "Citizen Satisfaction with Federal Websites Surges to New All-Time High," American Customer Satisfaction Index (ACSI) E-Government Satisfaction Index, ForeSee Results and ACSI, Oct. 27, 2009. Available at: http://www.theacsi.org/images/stories/images/govsatscores/Q3_2009_eGov.pdf.

Despite agency advances and the Obama administration's commitment, much work remains. One specific area in need of improvement is electronic reporting. In a society where Web access is nearly ubiquitous, OMB Watch believes the public desires the opportunity to report information to the government online, as do businesses.[18]

Where electronic reporting is available, it has been utilized. For example, the American Recovery and Reinvestment Act,[19] the 2009 economic stimulus package commonly referred to as the Recovery Act, requires stimulus recipients to report to the government information about how Recovery Act funds were spent. The primary vehicle for reporting is FederalReporting.gov. Recipients can also email information to the government, but paper transmittals are not permitted. The online reporting portal has facilitated the flow of information, and estimates show that roughly 90 percent of recipients have fulfilled their reporting duties to date.[20]

Transparency must be improved as well. Specifically, agencies use their websites as transparency vehicles unevenly. Some agencies catalog their stores of information. The Consumer Product Safety Commission lists in one place links to its online Freedom of Information Act (FOIA) reading room, agency reports organized by topic, and its online database for querying product related injuries.[21] Other agencies provide scant electronic information on poorly designed and difficult-to-navigate websites.

OMB Watch believes web-based tools and other information technology have the potential to strengthen PRA implementation, if the administration continues to find new ways to apply its open government commitments to information collection and management. OMB should embrace technological improvements and web-based tools to facilitate reporting, increase the utility of government information for the public, and stimulate citizen collaboration in government decisionmaking.[22]

Taking a broad technology-based view of information collection could reduce burden across the board and improve public access to information. With that in mind, OMB Watch makes the following four recommendations.

1) **The federal government should take a more holistic view of the idea of burden.** Consistent with the above discussion of burden hour estimates, we believe the current scrutiny placed on individual information collection requests is misapplied and an inefficient way to reduce the overall paperwork burden imposed by government. Instead, OMB and agencies should work together to develop an overarching view of information collection that places an emphasis on electronic reporting and transparency as means to hasten citizen interaction with the government.

2) **Agencies should make online, electronic reporting the default method for all new information collections and should work to move existing collections online where appropriate.** We believe

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[18] In 2007 and 2008, OMB Watch participated in a project to develop recommendations on regulatory reform. As part of that project, OMB Watch contracted with Lake Research Partners to survey public attitudes on regulation and regulatory reform. The survey included focus groups of small business groups who identified as a priority increasing opportunities to submit forms electronically.

[19] Pub.L. 111-5

[20] See Gene L. Dodaro, "Recovery Act: Recipient Reported Jobs Data Provide Some Insight into Use of Recovery Act Funding, but Data Quality and Reporting Issues Need Attention," Testimony Before the Committee on Oversight and Government Reform, House of Representatives, Nov. 19, 2009, GAO-10-224T, at 6. Available at: http://www.gao.gov/new.items/d10224t.pdf.

[21] See http://cpsc.gov/library/library.html.

[22] This is not intended to dismiss the importance of paper and face-to-face interactions. Rather our support for use of information technologies is in addition to traditional forms of dissemination and fostering participation.

respondents to information collections, especially businesses, would appreciate the opportunity to be able to report electronically.

To reiterate, electronic reporting should be the default; but it should not be considered mandatory. Agencies may encounter situations where electronic reporting is infeasible or undesirable. OMB Watch recommends electronic reporting as a rule of thumb. Also, as with all reporting, national security exemptions as well as privacy and security concerns need to be thoroughly addressed.

3) **The administration should continue to take advantage of Web 2.0 technologies as a means to collaborate with citizens.** The broad and constructive response to the administration's Open Government Directive development process proves that web-based tools work as a means to engage the public and shows that citizens are clamoring to participate and collaborate in decisionmaking.

4) **OMB should work with agencies to begin considering a one-stop reporting source.** In the Oct. 27 *Federal Register* notice, OMB asked, "Should OMB encourage agencies to adopt 'one-stop' information collection techniques, which consolidate multiple forms via a single electronic form to reduce the burden on the public?"

OMB Watch supports this idea. Either within an agency or across agencies, firms, organizations, and citizens may welcome the opportunity to log into a central portal to fulfill a variety of reporting or participation functions. OMB should make sure that agencies and the public are both involved in any initiatives to develop a one-stop source. Again, privacy and security concerns would need to be thoroughly examined.

We encourage the administration to take this idea one step further. Ultimately, the portal should also serve as the basis for information dissemination. For reported information that is also subject to certain transparency requirements, the portal could feed into a central database with public access.[23]

We believe the concept of one-stop reporting can reduce reporting burdens. Those who report are often asked for the same information time after time. The one-stop concept means, more accurately, reporting only one time (when possible). If an entity with a legal obligation to report information to the government only has to report its name, address, and other key items one time, it will reduce reporting time. The government needs to embrace the semantic web, sometimes called Web 3.0, for its notion of distributed databases. If information is properly tagged, it can easily be shared from one database to another, allowing new "mash-ups."

For example, FederalReporting.gov represents a useful model. It allows recipients of federal Recovery Act funds to report quarterly on the use of federal money. At the same time, those recipients must register with the Central Contractor Registration (CCR), which displays information about the entity that rarely changes. Thus, once registered, recipients do not have to report on FederalReporting.gov the same data that they reported in the CCR.

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[23] For example, consider a firm that received Recovery Act funds and is also subject to the Toxic Releases Inventory reporting requirements. The firm may benefit from the opportunity to submit both its emissions reports and its report on use of stimulus funds via one electronic portal. If both of these data sets fed into one central system, that system could then be opened to the public, since both TRI and the Recovery Act require public disclosure. Then, third parties could mash-up the data contained in the central system to attempt to find information about the environmental record of stimulus fund recipients. This is only one of myriad opportunities third parties would have to aggregate and distill government information like never before.

Part III: Using the PRA as an information resources management and dissemination tool

The PRA encompasses much more than just information collection, burden hour estimates, and the OIRA review process. The Act also adds to OMB's list of responsibilities information resources management, information dissemination, statistical policy, records management, privacy and security, and information technology.

OMB Watch believes that OMB has traditionally given short shrift to certain responsibilities under the Act. As discussed above, OIRA labors over information collection request reviews and burden hour estimates. Other responsibilities, particularly information resources management and dissemination, are not tended to with equivalent effort.

OMB has issued constructive government-wide guidance on information resources management and dissemination only twice in the last decade: once in 2004 to instruct agencies on best practices for website management and once in 2000 when OMB issued a major revision of Circular A-130, *Management of Federal Information Resources*.[24] Instead, OIRA has frequently used the PRA to erect obstacles before agencies. OMB's Data Quality Act guidelines, peer review bulletin, and risk assessment policies, all of which OMB Watch has criticized in the past, were written under the auspices of the PRA. (OMB has more frequently embraced its responsibilities to drive government-wide statistical, security, and privacy policies.)

This neglect is not entirely the fault of OMB. The exact details of the information resources management and dissemination responsibilities have always been vague, and as the world becomes increasingly paperless, the Paperwork Reduction Act becomes increasingly irrelevant.

Reauthorization of the PRA could prove an auspicious opportunity to clarify OMB's responsibilities and improve information resources management policy to better align the Act with modern needs.[25] Authorization for PRA appropriations expired at the end of FY 2001.[26] While OMB Watch is not aware of any legislators seriously considering reauthorization, the timing is ripe for both reauthorization and reform.

Improving dissemination under the PRA fits with the Obama administration's larger campaign to enhance government transparency. OMB Watch has been encouraged by Attorney General Eric Holder's FOIA memo and the administration's posture toward affirmative dissemination.[27] As discussed earlier, the OGD also has great potential to transform the way government shares information with its citizens. Improved implementation of the PRA could complement these other successes.

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[24] "Memorandum for Heads of Executive Departments and Agencies: Management of Federal Information Resources," Office of Management and Budget, Circular A-130. Available at:
http://www.whitehouse.gov/omb/assets/omb/circulars/a130/a130trans4.pdf.
[25] OMB Watch has testified twice in recent years on the need to reauthorize the PRA and opportunities for reform. See J. Robert Shull, Testimony before the Subcommittee on Regulatory Affairs of the House Committee on Government Reform, March 8, 2006. Available at: http://www.ombwatch.org/files/regs/2006/pratestimony-2006-03-08.pdf, and Sean Moulton, Testimony before the Subcommittee on Regulatory Affairs of the House Committee on Government Reform, June 14, 2005. Available at:
http://ombwatch.org/files/regs/2005/moultonPRAtestimony.pdf.
[26] See 44 U.S.C. § 3520.
[27] See "Memorandum for Heads of Executive Departments and Agencies: The Freedom of Information Act (FOIA)," Office of the Attorney General, March 19, 2009, which directs agencies to adopt a presumption of openness.

Information resources management can also be considered a transparency issue. The proliferation of federal websites has challenged agencies to adequately manage information resources. At times, agencies have failed, like when changes to web page content are not archived. Without the proper policy framework and leadership, these failures are bound to continue.

Agencies, and independent entities downloading and using agency data, also grapple with effective and accurate presentation of government information. One major challenge is the lack of unique identifiers. For example, currently, the public cannot identify the relationship between a parent company and its subsidiary or visa versa.[28] In recent years, agencies have also struggled with methods of identifying individuals without using Social Security numbers.[29] Agencies that receive information need clarity on how to disseminate that information in the most effective way, respecting both the needs of users and the privacy of those reporting.

OMB Watch believes that a change in current practices must emanate from the White House. OMB should reorient its views on PRA implementation by decreasing paperwork clearance functions and increasing its focus on improving information resources management, including dissemination issues. OMB Watch recommends the following five reforms:

1) **OMB should be a leader in reauthorization and reform of the PRA.** Reauthorization will not occur without White House support, and as the caretaker of federal information policy, OMB must be intimately involved. OMB should ensure that agencies' voices are heard during legislative development and that agencies varying needs are accommodated. OMB should also attempt to include public views – either through the comments collected in response to the Oct. 27 notice or through alternative means, or both. In any reauthorization effort, information resources management should overtake the Act's prevailing theme, paperwork reduction. Additionally, the modified law could serve as a vehicle to mandate the presumption of openness advocated by the Obama administration.

2) **OMB should promote the use of interactive technology to disseminate information.** New web tools are being developed everyday, and they possess the potential to improve the utility of government information by enhancing its presentation and facilitating access to it. OMB should encourage agencies to present information and data in user-friendly formats with full search and sort functions, to employ data visualization techniques where appropriate, and to fully consider the impacts of database and webpage architecture on usability. Interactive technology can foster a culture of transparency and disclosure consistent with the administration's goals.

3) **OMB should work with agencies to identify best practices for information resources management and dissemination.** There has been a dearth of attention paid to information resources management and dissemination at the federal level, especially in light of the rapid advances in information technology and web-based dissemination. As a result, it is likely that different agencies have developed vastly different views of the strengths and weaknesses of current policies and practices. Either formally or informally, OMB should survey and catalog agency experiences, comments, and recommendations. OMB may be able to use the open government plans agencies are producing as a starting point for cataloging these experiences.

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[28] The current identifier system used by the federal government was developed by Dun & Bradstreet, a private firm, and its methodology is not made available to the public.

[29] See "Initial OMB Watch Reaction to Sensitive Information on FedSpending.org," OMB Watch, April 20, 2007, detailing the U.S. Department of Agriculture's use of social security numbers as a personal identifier in government spending databases. Available at: http://www.fedspending.org/personalid_short.php.

4) **Drawing on the experiences and recommendations of agencies, OMB should revise Circular A-130.** Circular A-130 marked a step forward with OMB's last major revision in 2000 and has proven serviceable in the years since, but technological advances are outpacing the Circular's usefulness. Emerging technology issues have challenged agency implementation of the Circular and of information resources management and dissemination policy in general. OMB Watch believes Circular A-130 is due for a comprehensive review and reform. (It was to be reviewed every three years since 2000.) OMB may also need to revise the OMB memorandum *Policies for Federal Agency Public Websites*, a corollary of the Circular.[30] OMB should include the Office of the Chief Information Officer and/or Chief Technology Officer as appropriate. Revisions to the circular should address at least the following issues:

- *The availability and dissemination of data that underlie federal data sets.* It is essential to both reliability of information and reuse of data that agencies make available underlying data. The PRA already instructs agencies to release underlying data under Sec. 3506(d)(1)(B), but compliance is spotty. OMB and agencies should explore the best methods for releasing underlying data.
- *Open programming.* Open programming interfaces (such as application programming interfaces) allow users to access and manipulate information in ways government cannot. Open programming is viewed by the technology community as an essential component of an open source culture; the administration should view it as an essential component of an open government.
- *Government use of publicly available web services.* At times, agencies have been wary of using free web services, such as YouTube and Twitter, out of fear they will be perceived as favoring those companies or vendors. OMB and agencies should examine the source of this reluctance and develop policies on when use of free web services is acceptable.[31]
- *Syndication and personalization of information.* The ability to personalize web-based information is transforming the way users interact with websites, web services, and one another. OMB and agencies should explore the best ways to syndicate information, such as RSS feeds and email notifications, and allow citizens to personalize their online interaction with government by using preferences, web profiles, or other tools.[32] Personalization policies should tie in to cookies policy, which OMB announced its intent to review earlier this year.[33]
- *Accessibility.* The federal government must continue to ensure federal websites are accessible to users with disabilities. The adoption of the types of Web 2.0 technologies OMB Watch and others recommend may complicate agency efforts to maintain and improve accessibility. OMB should work with agencies to identify and implement best practices.

5) **OIRA, along with the Office of the Chief Information Officer, should provide leadership on establishing identifiers, starting with organizational identifiers, in order to prepare for the semantic web and data mash ups.** New web-based data integration, aggregation, and interpretation tools need consistent and reliable identifiers to properly illuminate the relationships between citizens, firms, or other organizations and the government.

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[30] Clay Johnson III, "Memorandum for Heads of Executive Departments and Agencies: Policies for Federal Agency Public Websites," Office of Management and Budget, Executive Office of the President, Dec. 17, 2004, M-05-04. Available at: http://www.whitehouse.gov/omb/assets/omb/memoranda/fy2005/m05-04.pdf.

[31] A group of open government advocates organized by OMB Watch made a similar recommendation to the administration. See "Moving Toward a 21st Century Right-to-Know Agenda," OMB Watch, November 2008, at 58. Available at: http://ombwatch.org/files/21strtkrecs.pdf.

[32] *Id.* at 59.

[33] See Vivek Kundra and Michael Fitzpatrick, "Federal Websites: Cookies Policy," Open Government Initiative, July 24, 2009. Available at: http://www.whitehouse.gov/blog/Federal-Websites-Cookie-Policy.

To the extent that OIRA pursues a one-stop, or distributed multiple stops, for reporting, it must develop the appropriate building blocks under its information resources management functions. One sorely needed task is the convening an intergovernmental, interagency task force to develop best practices for organizational and individual identifiers, as a starting point. (Other identifiers will be necessary beyond these.)

Ideal identifier practices should include the following: 1) a standing, national body to develop good identification practices (e.g., like Financial Accounting Standards Board does for accounting practices), 2) a Web ontology for identifiers that is flexible and can catch the richness of interlinking identifiers (e.g., a corporation, its wholly owned subsidiaries, and its partially owned subsidiaries), 3) non-proprietary identifiers (e.g., not Dun & Bradstreet's controlled identifiers), 4) non-duplicative and unique identifiers, 5) persistent and extensible identifiers that are authoritative, 6) identifier attributes (e.g., type of entity such as nonprofit or for-profit entity), and 7) international identifiers (which would require international coordination).

Conclusion

To review, OMB Watch recommends the following:

- The OMB Director should more frequently invoke Sec. 3507(i)(1) of the PRA which allows OMB to delegate to agency chief information officers the responsibility for approving certain classes of information collection request.

- The OMB Director should allow and encourage agencies to implement pilot programs for managing information collection request review.

- The OMB Director should instruct agencies that blogs, wikis, and other web-based social media tools agencies use to gather voluntary public comment will not be considered information collection requests in need of OIRA review and approval.

- The federal government should take a more holistic view of the idea of burden.

- Agencies should make online, electronic reporting the default method for all new information collections and should work to move existing collections online where appropriate.

- The administration should continue to take advantage of Web 2.0 technologies as a means to collaborate with citizens.

- OMB should work with agencies to begin considering a one-stop reporting source.

- OMB should be a leader in reauthorization and reform of the PRA.

- OMB should promote the use of interactive technology to disseminate information.

- OMB should work with agencies to identify best practices for information resources management and dissemination.

- Drawing on the experiences and recommendations of agencies, OMB should revise Circular A-130.

- OIRA, along with the Office of the Chief Information Officer, should provide leadership on establishing identifiers, starting with organizational identifiers, in order to prepare for the semantic web and data mash ups.

We thank you for the opportunity to comment.