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Restoring the Lost Promise of a Paperwork Budget

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INTRODUCTION

Everyone hates paperwork. And as far as we know, no politician has run a campaign on expanding government red tape.

Yet despite the fondest hopes of politicians in both parties, the number of official forms Americans complete keeps expanding. Federal paperwork in particular has become a burdensome millstone around the neck of the American people, amounting to about 100 hours for every employee in the United States, or about two and a half weeks of work each year.¹

One reason for this paper explosion is that paperwork reforms, although frequently proposed and occasionally adopted, are almost inevitably forgotten. Previous attempts to limit “paperwork” have been reshaped into the general attempts to reform the entire regulatory system. In the process, the seemingly simple and straightforward task of cutting paperwork hours has been snubbed.

There is a solution. If we require government officials to stick to a mandatory “paperwork budget,” both for the whole government and for each agency, we can make them think about the costs they impose on the public. Then these agencies will have to decide which types of paperwork actually benefit the country, and which

are a senseless and unnecessary encumbrance. While the goal of a strict paperwork budget has often been celebrated in theory, it is long past time to institute it in fact.²

THE CURRENT BURDEN

Thanks to an older law, the Regulatory Right to Know Act, we at least know how much paperwork the federal government requires. Today, the government estimates that the 110 billion separate questions they ask the public each year take about 11.3 billion hours to answer. This includes everything from tax forms to regulatory reports to grant applications. The burden has increased by over 125% in the past 30 years.³ The current burden means it would take over 5 million workers, working year-round, just to complete all current federal forms.⁴ These total hours are likely an underestimate, since most researchers agree that the government tends to low-ball the time required to fill out paperwork.⁵

In dollar amounts, the government estimates its paperwork costs about \$141 billion a year.⁶ But again, most researchers think the government underestimates the costs. With more realistic assumptions of the cost per hour of paperwork, about \$35 per hour, it would be almost \$400

¹ Office of Information and Regulatory Affairs (OIRA), “Inventory of Currently Approved Information Collections, July 15, 2019,” <https://www.reginfo.gov/public/do/PRAREport?operation=11>

² Paperwork reduction budgets have recently been advocated by the George Washington Regulatory Studies Center and the American Action Forum. This article, however, details why previous budgeting attempts failed and how interest in paperwork reform has declined. Marcus Peacock, “Implementing a Two-for-One Regulatory Requirement in the U.S.” George Washington University Regulatory Studies Working Paper, December 7, 2016, https://regulatorystudies.columbian.gwu.edu/sites/g/files/zaxdzs1866/ff/downloads/Peacock_Implementing-Two-For-One%2012-2016_final.pdf Sam Batkins of the American Action Forum has been the most consistent advocate. Sam Batkins, “Can a Regulatory Budget Trim Red Tape,” The Regulatory Review Blog, August 28, 2013, <https://www.theregview.org/2013/08/28/28-batkins-regulatory-budget/> As is shown below, numerous Presidents and Congresses also advocated a paperwork budget.

³ The total hours were approximately 5 billion hours in 1989, and 7 billion hours in 2000. Office of Information and Regulatory Affairs (OIRA), “Inventory of Currently Approved Information Collections, July 15, 2019,” <https://www.reginfo.gov/public/do/PRAREport?operation=11>; Government Accountability Office, “Paperwork Reduction Act: New Approach May Be Needed to Reduce Government Burden on Public,” GAO-05-424, May 20, 2005, <https://www.gao.gov/assets/250/246399.pdf>.

⁴ See agencies’ estimates of hours at Douglas-Holtz Eakins, “Oversight of the Office of Information and Regulatory Affairs,” Testimony to Subcommittee on Regulatory Reform, Committee of the Judiciary, House of Representatives, July 15, 2015, <http://www.americanactionforum.org/wp-content/uploads/files/insights/DHE7-15-15JudiciarySubcommTestPDF.pdf>

⁵ Adam Samaha, “Death and Paperwork Reduction,” Duke Law Journal 65, no. 279 (2015): 279-344. <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=3821&context=dlj> (Noting that the estimates do not include the time learning about regulations, traveling to government offices, and so forth.)

⁶ Office of Information and Regulatory Affairs (OIRA), “Inventory of Currently Approved Information Collections, July 15, 2019,” <https://www.reginfo.gov/public/do/PRAREport?operation=11>.

billion, or about 2% of our whole Gross Domestic Product, just filling out federal forms.⁷ This figure doesn't even account for state and local forms, the quantity of which is largely unknown but undoubtedly rivals if not surpasses the federal government's total.

Everyone has some experience with government paperwork, largely around tax time. And indeed, about 8 billion hours, or 70% of the estimated federal paperwork burden, comes from the IRS, which asks prodding questions about everything from the number of children in a household to the amount of Global Intangible Low-Taxed Income for corporations.⁸

Yet other agencies' paperwork burdens remain significant. The total amount of forms in other agencies exceeds the Internal Revenue Service's and has been expanding more quickly. The American Action Forum estimates there are 23,000 separate federal forms the public must complete, of which over 5,000 are imposed by Health and Human Services, including surveys of state underage drinking prevention policies and a questionnaire about "changes of attitude" at family planning practices. The Department of Agriculture

has almost 4,000 forms, dealing with issues like a farmer's soybean acreage or the inventory of high moisture content prunes. Thousands of these forms cannot be submitted electronically.⁹

Beyond the time and cost of federal paperwork, there are other burdens that are often ignored. For one, increasing the number of forms increases the danger of private citizens being fined or jailed for even inadvertent mistakes on them. Many forms include penalties of up to a year in jail for failure to complete or return them.¹⁰ Only about 25% of federal forms are "voluntary," or have no penalty attached to them. But even that distinction is unclear for most citizens.¹¹ Given the increasing penalties and increasing ambiguities around federal paperwork, most Americans rightfully view all government paperwork as a potential peril.¹²

OIRA AND THE FAILURE OF PAPERWORK REVIEW

The Office of Information and Regulatory Affairs (OIRA) in the Executive Office of the President is the only office with the power to dam the paperwork flood. When any federal agency wants to create a new federal form, they must send an Information

⁷ See some estimates at Anne Kim, "When Paperwork Attacks! Five Ideas for Smarter Government," Progressive Policy Institute: Policy Brief, March 2012, https://www.progressivepolicy.org/wp-content/uploads/2012/03/03.2012-Kim_When-Paperwork-Attacks-Five-Ideas-for-Smarter-Government.pdf; Sam Batkins and Gordon Gray, "Regulatory and Compliance Implications of Tax Day," American Action Forum: Insight, April 15, 2014, <https://www.americanactionforum.org/research/regulatory-and-compliance-implications-of-tax-day/and> Sam Batkins, "101 Unfunded Mandates and Counting," American Action Forum: Insight, October 7, 2016, <https://www.americanactionforum.org/insight/101-unfunded-mandates-counting/>.

⁸ On the other hand, the IRS also seems to be most scrupulous about measuring its hourly burden, which might make their percent of the total disproportionately large. Douglas-Holtz Eakins, "Oversight of the Office of Information and Regulatory Affairs," Testimony to Subcommittee on Regulatory Reform, Committee of the Judiciary, House of Representatives, July 15, 2015, <http://www.americanactionforum.org/wp-content/uploads/files/insights/DHE7-15-15JudiciarySubcommTestPDF.pdf>; Demian Brady, "Tax Reform Bill Made Modest Progress Toward Simplification," Policy Paper, National Taxpayers Union Foundation, April 15, 2019, <https://www.ntu.org/foundation/detail/tax-reform-bill-made-modest-progress-toward-simplification-but-significant-hurdles-remain>

⁹ Sam Batkins, "How Many Federal Forms Are There," American Action Forum Insight, April 21, 2016, <https://www.americanactionforum.org/insight/many-federal-forms/>; OIRA, "Information Collection Review," <https://www.reginfo.gov/public/do/PRAMain>

¹⁰ For instance, failing to provide a federally approved lead-based paint hazard brochure to a tenant in a rented property can lead to up to a year in prison; failing to complete a EPA regulatory compliance documents can lead to up to six months in prison; refusing to answer any Department of Commerce form under the penumbra of the census can cause fines of \$500. U.S. Attorney's Office, Middle District of Florida, "St. Petersburg Landlord Pleads Guilty to EPA Lead Paint Disclosure Offense," Press Release, August 29, 2014, <https://www.justice.gov/usao-mdfl/pr/st-petersburg-landlord-pleads-guilty-epa-lead-paint-disclosure-offense>; EPA, "Summary of Criminal Prosecutions: Ronald Wright, FY 2015," https://cfpub.epa.gov/compliance/criminal_prosecution/index.cfm?action=3&prosecution_summary_id=2646&searchParams=M5%2C%3A%2FXT%2A%5CCYZ%40%5BO%5CDFM%3C%3B1%5CF53HFUH%3FPORW%5DSK%2F16%254%22FMJ%5E%21%5FU1NNJ%2EUBE%20%0AG%3%25%3B1%2B51%3C%26L%3B%3E%27%29CZNLVZQ%28B4MKGDC%3C%3BH%40%20%20%0A; 13 U.S. Code 221, Refusal or Neglect to Answer Questions; False Answers, <https://www.law.cornell.edu/uscode/text/13/221>

¹¹ Stuart Shapiro, "The Paperwork Reduction Act; Research on Current Practices and Recommendations for Reform," Report to the Administrative Conference of the United States, February 15, 2012, p. 29–31, <https://www.acus.gov/sites/default/files/documents/Draft-PRA-Report-2-15-12.pdf>; P. Stephen Gidiere III, The Federal Information Manual: How the Government Collects, Manages, and Discloses Information Under FOIA and Other Statutes (Chicago: American Bar Association, 2006).

¹² See, e.g. Harvey Silvergate, *Three Felonies a Day: How the Feds Target the Innocent* (New York: Encounter Books, 2011), 315.

Collection Request (ICR), as they are known, to OIRA, which then decides whether to put an official “control number” on the form. Without that number, the form, whether mandatory or voluntary, can and should be ignored by the public.

Today, however, OIRA almost never refuses an ICR from an agency. In fact, there has been a consistent and bipartisan trend towards fewer and fewer ICR disapprovals over the past 40 years.¹³ In Ronald Reagan’s first term, immediately after the creation of OIRA, over 4% of all ICRs were disapproved. In George H.W. Bush’s presidency, the number dropped to 1.35%. By George W. Bush’s first term, it was down to 0.27%. Despite President Donald Trump’s supposed deregulatory policies, his OIRA has disapproved only 0.04% of over 10,000 ICRs, or 1/100th of the Reagan first-term rate. Only three requests were completely disapproved, two for no stated reason, and one, the Naval Academy Application form, with the simple request that it be resubmitted with appropriate ethnic classifications.¹⁴

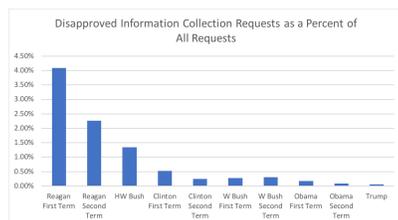


Figure 1: Percent of ICR Disapprovals by Presidential Term. Source: Search of all Completed Information Collection Request reviews on Reginfo.gov, compared to “Disapproved” and “Disapproved and Continue” conclusions

¹³ Search of all Completed Information Collection Request reviews on Reginfo.gov, compared to “Disapproved” and “Disapproved and Continue” conclusions. Adding “Withdrawn” conclusions increases the following numbers by about two percentage points, but does not change the overall trend. Reports of the pre-1980 era suggest that only “between one and five percent” of forms were refused by the Office of Management and Budget, which had authority before OIRA. The exact number of disapprovals for Jimmy Carter’s presidency was 0.98%. Search of Reginfo.gov, and Stuart Shapiro, “The Paperwork Reduction Act; Research on Current Practices and Recommendations for Reform,” Report to the Administrative Conference of the United States, February 15, 2012, p. 2–3, <https://www.acus.gov/sites/default/files/documents/Draft-PRA-Report-2-15-12.pdf>

¹⁴ “OIRA Conclusion: OMB Control NO: 0703–0036,” February 22, 2017, https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201610-0703-003. The administration also “Disapproved” three other ICRs, but noted that they could continue with the collection after corrections.

¹⁵ Lili Carnegelia, “Regulators’ Budget Report: OIRA Shrinks as Responsibilities Grow,” George Washington University Regulatory Studies Center, Commentaries, July 19, 2016, <https://regulatorystudies.columbian.gwu.edu/regulators-budget-report-oira-shrinks-responsibilities-grow>;

¹⁶ Stuart Shapiro, “The Paperwork Reduction Act; Research on Current Practices and Recommendations for Reform,” Report to the Administrative Conference of the United States, February 15, 2012, <https://www.acus.gov/sites/default/files/documents/Draft-PRA-Report-2-15-12.pdf>

One reason for the decline in disapprovals is that OIRA has lost the resources to control paperwork. It now employs only about 45 employees to supervise the entire federal regulatory apparatus, a reduction about half from its original level.¹⁵ Only one of its five branches deal with “Information Policy,” and that branch deals with many statistical and privacy issues beyond ICRs. Probably no more than the equivalent of 5 full-time equivalent workers supervise ICRs for the entire federal government.¹⁶

OIRA staff and administrators are also uninterested supervising paperwork requests. In interviews with a researcher for the Administrative Conference of the United States, OIRA’s information staff claimed their main contribution was improving the statistical methods of federal collections, rather than reducing or changing the total paperwork burden. They also denigrated the “retail” work of supervising most federal ICRs.¹⁷ Recent OIRA administrators have shared this lack of interest. For instance, in Cass Sunstein’s insightful Harvard Law Review article of his time as the administrator of OIRA in the Obama administration, he discussed information collection requests only once in a footnote.¹⁸ Overall, OIRA has become completely unmoored from its original

¹⁷ Stuart Shapiro, “The Paperwork Reduction Act; Research on Current Practices and Recommendations for Reform,” Report to the Administrative Conference of the United States, February 15, 2012, <https://www.acus.gov/sites/default/files/documents/Draft-PRA-Report-2-15-12.pdf>

¹⁸ Sunstein twice mentioned information collection requests as a statutory requirement in the text, but argued he wanted to focus the article on how OIRA reviewed rules. This lack of interest in information is somewhat ironic, since the main thrust of the paper was explaining how the OIRA manages to “collect widely dispersed information” about regulations in reviewing them. Cass Sunstein, “The Office of Information and Regulatory Affairs: Myths and Realities,” Harvard Law Review 126 (2013): 1838–1878; https://harvardlawreview.org/wp-content/uploads/pdfs/vol126_sunstein.pdf; See also, Lisa Heinzerling’s review of her relationship with OIRA during her time at EPA, where ICRs are unmentioned, Lisa Heinzerling, “Inside EPA: A Former Insider’s Reflections on the Relationship Between the Obama EPA and the Obama White House,” Pace Environmental Law Review 31 (Winter 2014): 325–369, <https://digitalcommons.pace.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1741&context=pelr>

purpose, which, although it is often forgotten today, was reducing paperwork.

PREVIOUS FAILED ATTEMPTS AT PAPERWORK CONTROL

Both Democratic and Republican administrations and both Democratic and Republican Congresses have made sporadic efforts to control paperwork at the federal level. But after every reform, complacency quickly sets in, and the paperwork expansion returns. The reason is that there are no consistent and mandatory rules about agencies' controlling their total paperwork burden.

The first effort to limit federal paperwork was the 1942 Federal Reports Act. This act allowed the President's office to supervise and limit the increasing number of required forms, especially questionnaires, that emerged from the New Deal and World War II. In a few years, the act reduced the number of federal forms in half. But soon the White House lost interest in limiting requests, and the paperwork total surpassed the previous amount.¹⁹

President Jimmy Carter was the first President to take a personal interest in paperwork. His executive order in 1979 actually mandated a paperwork budget for those agencies under presidential control. He succeeded in cutting down the burden of federal

paperwork by 15% in just two years, an unparalleled success, never before equaled and never again repeated.²⁰

President Carter also championed and helped pass the Paperwork Reduction Act of 1980, which created both OIRA and the new ICR system.²¹ According to the statute's "purposes" preamble, the goal of the new agency was to "minimize the paperwork burden for individuals."²² One early judicial ruling said that "The cornerstone of the PRA is the ICR."²³

Yet, beginning in the Reagan administration, OIRA shifted its focus under the Paperwork Reduction Act to supervising all federal regulations, and became associated with evaluating the costs and benefits of different proposed regulations.²⁴ Reagan did continue Carter's goal of a paperwork budget, and promised a 13% reduction in paperwork in his first year in office, but the administration's interest lay elsewhere. Amendments to the Paperwork Reduction Act in 1986 contained aspirational goals of reducing paperwork a few percentage points a year, but had no discernible effect. Agencies began backsliding from Carter's reforms, and, despite relatively frequent ICR disapprovals in the Reagan

¹⁹ Luther Stringham, "Government Questionnaires and the Federal Reports Act of 1942," *Public Administration Review* 3, no. 2 (Spring 1943): 150-7.

https://www.jstor.org/stable/972298?seq=1#page_scan_tab_contents; OIRA, "Managing Information Collection and Dissemination," Records Management Center, OIRA, 2002, p. 12, https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/assets/OMB/inforeg/paperwork_policy_report_final.pdf

²⁰ President Jimmy Carter, Executive Order 12174, Federal Paperwork Reduction, November 30, 1979, American Presidency Project, <https://www.presidency.ucsb.edu/documents/executive-order-12174-federal-paperwork-reduction>; See "Signing of Paperwork Reduction Act," *Public Papers of the Presidents of the United States: Jimmy Carter, 1980-1981*, 2794-6.

²¹ The act emerged out of the discovery that the vast majority of reporting requirements came not from statutes, but from regulations, meaning that to control paperwork regulation had to be controlled as well. For instance, the Federal Paperwork Commission, which did the research preceding the act, discovered that although the Occupational Safety and Health Act of 1970 itself had only 5 demands for reports from employers,

OSHA regulation referenced 400 separate reporting requirements. But see even forgotten paperwork reduction attempts, such as the Small Business Paperwork Relief Act of 2002, "The Legislative history of the Paperwork Reduction Acts," <https://www.givemeliberty.org/docs/TaxResearchCD/OtherIndexes/PRAbrief.pdf>; Richard Neustadt, "Taming the Paperwork Tiger: An Experiment in Regulatory Management," *Regulation Magazine* (1981): 28-31, <https://object.cato.org/sites/cato.org/files/serials/files/regulation/1981/1/v5n1-6.pdf>; See Timeline of past regulatory and paperwork reform efforts at "Regulatory Policy Timeline," *Argive.org*: <https://argive.org/reform-timeline>.

²² All 10 "purposes" described in the act's preamble involved controlling paperwork. Paperwork Reduction Act of 1980, 94 Stat. 2812, December 11, 1980 <https://www.govinfo.gov/content/pkg/STATUTE-94/pdf/STATUTE-94-Pg2812.pdf>;

²³ Jim Tozzi et. al. v. EPA, Civ. No. 00-0173, http://www.thecre.com/regbylit/20010702_paperwork.html

²⁴ President Ronald Reagan, EO 12291, "Federal Regulation," February 17, 1981, <https://www.archives.gov/federal-register/codification/executive-order/12291.html>

administration, the paperwork burden grew by billions of hours.²⁵

The 1995 Paperwork Reduction Act amendments, passed by a Republican Congress with Democratic President Bill Clinton's signature, ambitiously proposed reducing paperwork by 50% in 5 years, but the act was not mandatory and the goals were barely mentioned in later years.²⁶ The "Chief Information Officers," created inside agencies by the act to supervise information collection, began to focus more on information technology procurement and gradually reduced their roles supervising ICRs.²⁷

More recent presidential administrations have also tried to control federal paperwork, but none was willing to go as far as even attempting an paperwork budget. George W. Bush's administration asked its agencies to detail how they minimized burdens whenever they submitted their annual paperwork burden, but it was just a request.²⁸ President Barack Obama pushed some agencies to eliminate at least 2 million hours of annual burdens, but didn't ask that they keep new requests in check, and so the totals again expanded.²⁹ Although the Trump administration has used its annual calls for paperwork data to ask agencies to limit paperwork,

its request is completely hortatory. In fact, unlike previous administrations, Trump's OIRA has issued no new paperwork reduction memos.³⁰ Thus the Trump administration has continued the long-term trend of ever-decreasing interest in the ever-increasing paperwork burden.

ENFORCING ACCOUNTABILITY

Most previous paperwork budgeting attempts failed because there were no means to hold agencies accountable. Fortunately, procedures exist to help track the paperwork agencies produce and circulate. With technological tools like updated electronic filing and digital document storage, OIRA or state governments could better exercise their oversight function and more easily field agency information collection requests.³¹ Technology can both help implement a paperwork budget and streamline the process of enforcing it.³² Due to the absence of these technologies and procedures, some earlier paperwork reforms have even been counterproductive. In the most egregious examples, the Paperwork Reduction Act notices can expand the size of federal forms completed by the public

²⁵ OIRA, "Managing Information Collection and Dissemination," Records Management Center, OIRA, 2002, p. 17 https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/assets/OMB/inforeg/paperwork_policy_report_final.pdf.

²⁶ Samaha, "Death and Paperwork Reduction," 290 <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=3821&context=dlj>;

²⁷ OIRA, "Managing Information Collection and Dissemination," Records Management Center, OIRA, 2002, p. 22, https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/assets/OMB/inforeg/paperwork_policy_report_final.pdf.

²⁸ Joshua Bolton, "Fiscal Year 2004 Information Collection Budget," OMB Bulletin N^o04-01, <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/assets/OMB/bulletins/fy04/04-01.pdf>

²⁹ Samaha, "Death and Paperwork Reduction," <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=3821&context=dlj>

³⁰ Neomi Rao, Administrator, Office of Information and Regulatory Affairs, "Memorandum for Chief Information Officers," Executive Officer of the President, Office of Management and Budget, August 6, 2018, <https://www.whitehouse.gov/wp-content/uploads/2018/08/Minimizing-Paperwork-and-Reporting-Burdens-Data-Call-for-the-2018-ICB.pdf>; <https://www.whitehouse.gov/omb/information-regulatory-affairs/federal-collection-information/>. The administration has proposed a new "Federal Data Strategy" but that focuses on better use of data and outreach, rather than paperwork." Federal Data Strategy," <https://strategy.data.gov/>

³¹ The only discussion of ICRs in Sunstein's article on OIRA was to mention how he created online "dashboards" which displayed all ICRs under OIRA review, which did make review of ICRs significantly easier. Cass Sunstein, "The Office of Information and Regulatory Affairs," p. 1854, https://harvardlawreview.org/wp-content/uploads/pdfs/vol126_sunstein.pdf.

³² Currently, the government's "How to Guide" for the Online ICR form by agencies takes up a 124 page PDF. General Services Agency, "ROCIS How To Guide for Agency Users of the Information Collection Request (ICR) Module," September 1, 2017, https://www.rocis.gov/rocis/jsp3/common/ROCIS_HOW_TO_Guide_for_AGENCY_Users_of_ICR_Module-090117.pdf See current regulatory, but not paperwork, electronic filing suggestions at Tayler Lonsdale, Maleka Momand, Yihwan Kim, and Brad Hakes, "Improving Regulations.gov: A Perspective from Silicon Valley," Argive.org, June 15, 2017, <https://static1.squarespace.com/static/586bee97c534a5731df8f6c4/t/5942c4c0be6594acc08fa2a5/1497547972474/Argive+Improving+Regulations.gov-2.pdf>; Todd Rubin's and Cary Coglianese's "Improving Regulations.gov," The Regulatory Review, May 28, 2019, <https://www.theregview.org/2019/05/28/coglianese-rubin-improving-regulations-gov/>. For the government's electronic regulatory control reforms under the "eRulemaking Initiative" which began in 2002, see "Welcome to the eRulemaking Initiative," website, <https://www.fdms.gov/fdms/public/aboutus>;

and require extra paper to print.³³ A new federal technology platform for agencies and ICRs could show that the agency that controls information also knows how to collect and display it.

Unfortunately, unlike the sporadic federal attempts, efforts to control paperwork at the state and local levels have been almost nonexistent. We have no good numbers on the size of such burdens, how many forms states and local governments demand, or how those burdens have changed. It is possible this paperwork, which includes everything from environmental impact reports for development to city contractor reports on their workforce composition, could rival in size and scope those imposed by the federal government. The only equivalent of the federal paperwork reduction act we have found is a Texas law that limits certain information requests that can be made of teachers.³⁴ The absence of any effort to control or even report total paperwork at the state level is shocking. At the very least, states should begin mandating that their regulators report the size and cost of their paperwork burden, which could be a stepping stone to stricter accountability.

At the federal level, a single mandatory paperwork budget imposed by OIRA for both the overall government and for each department, and directed through a new technology platform that enforces it, would push all federal agencies to make tough decisions. While the current administration has promised to control regulation “through a budgeting process,” they haven’t made an equivalent order to control paperwork.³⁵ Under the Paperwork Reduction Act, OIRA already has broad discretion

to limit ICRs and thus create an effective paperwork budget.³⁶ A presidential mandate to keep information collections to a set amount each year could at least prevent this burden from getting worse. Otherwise, if current trends continue, in 30 years we may be wondering why we each spend over a month and a half of our working lives filling out government forms.

³³ See requirements of notice in “Revenue Procedure 2017–40,” Publication 1167: General Rules and Specifications for Substitute forms and Schedules,” IRS Bulletin 2017–26, June 26, 2017, <https://www.irs.gov/pub/irs-prior/p1167--2017.pdf>; PBGC Paperwork Reduction Act Notice, ERISA Section 4010, <https://www.pbgc.gov/sites/default/files/paperwork-reduction-act-notice.pdf>

³⁴ “Paperwork Reduction Act: Texas Education Code 11.164,” TexasAFT.org, <https://www.texasaft.org/resources/know-rights/paperwork-reduction-act/>; New York has periodically tried to pass acts mandating digital reports and documents instead of paper, but even these bills have failed to pass. See S4149B, New York State Senate, <https://www.nysenate.gov/legislation/bills/2017/s4149>

³⁵ For regulatory budgeting executive order, Trump, Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, Federal Register 9339, February 3, 2017 <https://www.federalregister.gov/documents/2017/02/03/2017-02451/reducing-regulation-and-controlling-regulatory-costs>; For general call to limit data collection, Neomi Rai, Administrator, OIRA, Memorandum for Chief Information Officers, July 21, 2017, <https://www.whitehouse.gov/wp-content/uploads/2017/12/MEMORANDUM-FOR-CHIEF-INFORMATION-OFFICERS.pdf>

³⁶ “Paperwork Reduction Act,” 44 USC 3501, <https://www.law.cornell.edu/uscode/text/44/3501>