

PAPERWORK ASSISTANCE ACT

JULY 28, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WAXMAN, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

[To accompany H.R. 6113]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 6113) to amend title 44, United States Code, to require each agency to include a contact telephone number in its collection of information, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

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The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Paperwork Assistance Act”.

SEC. 2. AGENCY CONTACT INFORMATION REQUIREMENT.

Section 3506(c)(1)(B)(iii) of title 44, United States Code, is amended—

- (1) in subclause (IV) by striking “and” at the end; and
- (2) by adding at the end the following:

“(VI) contact information for the agency, including a website and a telephone number, by which a person may obtain a specific contact person responsible for answering questions about the information collection and other information to assist in responding to the information collection; and”.

SEC. 3. REPORT BY THE OFFICE OF MANAGEMENT AND BUDGET.

The Director of the Office of Management and Budget shall include in the report required by section 3514(a)(1)(B) of title 44, United States Code, covering fiscal year 2010 the following:

- (1) The status of implementation by agencies of the requirement in section 3506(c)(1)(B)(iii)(VI) of such title 44, as added by section 2 of this Act.
- (2) A description of how each agency has responded to complaints made to the agency related to the agency’s compliance with such requirement.

SEC. 4. EFFECTIVE DATE.

The amendment made by section 2 shall apply to new or revised collections of information approved by the Director of the Office of Management and Budget beginning 1 year after the date of enactment of this Act.

Amend the title so as to read:

A bill to amend title 44, United States Code, to require each agency to include contact information for the agency in its collection of information.

PURPOSE AND SUMMARY

H.R. 6113, the Paperwork Assistance Act, was introduced by Rep. Nancy Boyda on May 21, 2008. H.R. 6113 would help members of the public with filling out government forms by requiring each agency to include contact information for the agency on its information collections.

BACKGROUND AND NEED FOR LEGISLATION

Collecting information through paperwork is necessary in order for the government to collect taxes, administer programs, and enforce laws. It is also important that businesses and members of the public have access to the information they need to fill out government forms.

Providing contact information that a person filling out a form can use to get answers to questions about the form is one way agencies can reduce the burden of government paperwork. Agencies are not currently required to provide contact information on information collections. The National Federation for Independent Business released a survey of its members in June 2007 in which 85% of respondents said Congress should mandate that all federally required paperwork include the contact information of the agent or agency requesting the information.¹

The Paperwork Reduction Act is the primary tool for measuring and controlling paperwork requirements imposed by the federal government.² The Paperwork Reduction Act requires agencies to get approval from the Office of Management and Budget (OMB) when information is being obtained from ten or more people and agencies must include certain information on their information col-

¹Where Small Business Stands, MyBusiness Magazine (June/July 2007)(online at www.mybusinessmag.com).

²44 U.S.C. § 3501 *et seq.*

lections.³ H.R. 6113 amends the Paperwork Reduction Act to require agencies to provide contact information for the agency on information collections.

LEGISLATIVE HISTORY

H.R. 6113 was introduced by Rep. Nancy Boyda on May 21, 2008, and referred to the Committee on Oversight and Government Reform.

The full Committee held a business meeting to consider H.R. 6113 on July 16, 2008, and ordered the bill to be reported favorably by a voice vote.

SECTION-BY-SECTION

Section 1. Short title

The short title of the bill is the “Paperwork Assistance Act.”

Section 2. Agency contact information requirement

This section requires each agency that is subject to the Paperwork Reduction Act to include contact information, including a website and a telephone number, for the agency on its information collections. Under this section, agencies must provide contact information that a person can use to obtain a specific contact person responsible for answering questions about the information collection as well as to obtain any other information the agency wishes to make available to assist in responding to an information collection. Under this section, an agency may list general contact information for the agency but the agency must then provide a way for a member of the public to use that information to reach a contact person who can answer specific questions about a form.

Section 3. Report by the Office of Management and Budget

This section requires the Director of OMB, for the report covering the year 2010, to include in the annual report OMB is required to submit to Congress under the Paperwork Reduction Act, the status of implementation by agencies and a description of how each agency has responded to complaints made to the agency related to the agency’s compliance with the requirements of section 2.

Sec. 4. Effective date

This section provides that agencies must begin including contact information on new or revised information collections that are approved by the Director of OMB beginning one year after the date of enactment.

EXPLANATION OF AMENDMENTS

Rep. Towns offered an amendment in the nature of a substitute, passed by voice vote, to require each agency to include the agency’s website address on information collections; to clarify that a person must be able to use the contact information provided on an information collection to reach a person who is responsible for answering questions about the form; and to strike the language requiring a report by the Government Accountability Office. Pursuant to a

³ 44 U.S.C. § 3506(c)(1)(B)(iii).

request by Rep. Watson, language was included in the Towns amendment to require OMB to provide a status report on implementation of the bill.

COMMITTEE CONSIDERATION

On Wednesday, July 16, 2008, the Committee met in open session and favorably ordered H.R. 6113 to be reported to the House by a voice vote.

ROLLCALL VOTES

No rollcall votes were held.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to terms and conditions of employment or access to public services and accommodations. The bill requires executive branch agencies to include certain information on information collections and does not relate to employment or access to public services and accommodations in the legislative branch.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of Rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report, including the need for agencies to provide a way for members of the public to get answers to questions about government paperwork.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report, including ensuring that agencies provide contact information on information collections to make it easier for members of the public to fill out government paperwork.

CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress to enact the law proposed by H.R. 6113. Article I, Section 8, Clause 18 of the Constitution of the United States grants the Congress the power to enact this law.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

UNFUNDED MANDATES STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104-4) requires a statement on whether the provisions of the report include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

EARMARK IDENTIFICATION

H.R. 6113 does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

COMMITTEE ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 6113. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 6113 from the Director of the Congressional Budget Office:

JULY 23, 2008.

Hon. HENRY A. WAXMAN,
*Chairman, Committee on Oversight and Government Reform,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 6113, a bill to amend title 44, United States Code, to require each agency to include contact information for the agency in its collection of information.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

PETER R. ORSZAG.

Enclosure.

H.R. 6113—A bill to amend title 44, United States Code, to require each agency to include contact information for the agency in its collection of information

H.R. 6113 would amend the Paperwork Reduction Act to require all federal agencies collecting new or revised information from the public to provide contact information, including a Web site and

telephone number, where respondents can obtain a specific contact person responsible for answering questions about the information. CBO estimates that implementing H.R. 6113 would have no significant impact on the federal budget. Although the legislation could affect agencies not funded through annual appropriations (such as the Tennessee Valley Authority or the U.S. Postal Service), CBO estimates that any net increase in spending by those agencies would not be significant.

Information from the Office of Management and Budget, the Internal Revenue Service, and the Social Security Administration indicates that most agencies already have telephone numbers and Web sites devoted to providing information pertaining to their forms, policies, and procedures. Thus, CBO estimates that implementing the bill would not significantly increase future costs of preparing paper or electronic documents used throughout the federal government or of responding to inquiries about requests for information.

H.R. 6113 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 44, UNITED STATES CODE

* * * * *

CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

* * * * *

SUBCHAPTER I—FEDERAL INFORMATION POLICY

* * * * *

§ 3506. Federal agency responsibilities

(a) * * *

* * * * *

(c) With respect to the collection of information and the control of paperwork, each agency shall—

(1) establish a process within the office headed by the Chief Information Officer designated under subsection (a), that is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved under this subchapter, to—

(A) * * *

(B) ensure that each information collection—

(i) * * *

* * * * *

(iii) informs the person receiving the collection of information of—

(I) * * *

* * * * *

(IV) whether responses to the collection of information are voluntary, required to obtain a benefit, or mandatory; **[and]**

* * * * *

(VI) contact information for the agency, including a website and a telephone number, by which a person may obtain a specific contact person responsible for answering questions about the information collection and other information to assist in responding to the information collection; and

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