



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

June 19, 2012

VIA ELECTRONIC MAIL

Robert E. Coakley

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Dear Mr. Coakley,

This is a response to your letter dated June 8, 2012, regarding the contractor's report and associated Conference recommendation on the Paperwork Reduction Act (PRA). I intend to address your allegation that the Administrative Conference, or its contractor, Professor Stuart Shapiro, violated the PRA in the performance the research leading to the recommendation.

I begin by noting that you participated fully in the Conference's recommendation process, filing separate comments at two meetings of the Committee on Administration and Management, and again prior to the June plenary session. You also participated in at least one meeting organized by the Small Business Administration Office of Advocacy in which small business views were the focus of the discussion. Finally, you were recognized by Chairman Verkuil and granted the extraordinary privilege of addressing the members of the Assembly in an oral presentation during the June plenary session. You have had numerous opportunities to express your concerns; nevertheless, the members of the committee voted to forward the draft PRA recommendation for consideration by the full Conference, and the full Conference voted in strong support of the final PRA recommendation.

Your charge that there was a violation of the Paperwork Reduction Act is very serious. It is also baseless. To suggest that the Conference's contractor violated the PRA merely because he interviewed more than nine non-government individuals does not reflect an accurate understanding of the facts in this case. First, the consultant's research strategies were not dictated by the Conference. More importantly, Professor Shapiro did not conduct a survey or engage in an "information collection" with "identical questions" that would trigger the requirements of the PRA. See 5 CFR 1320.3(c). Instead, Professor Shapiro solicited information based on open-ended questions that varied based on the expertise of the respondent. The respondents were free to choose the information to be provided and free to interpret the questions differently. Asking questions in such a manner does not violate the PRA.

Thank you for your participation in the process. Surely, the considered views of everyone involved helped ensure a balanced recommendation that will lead to improvements in the process.

Sincerely,

Shawne C. McGibbon | General Counsel