

Non-Degree Credential Researchers Network

Opportunities to Comment on Proposed Federal Data Collections: A Primer on How to Respond

Introduction

The capacity of NCRN participants to produce meaningful, reproducible, impactful analyses is very much a function of their access to current, reliable, detailed data.

In the 1970s, Congress became concerned that U.S. households and businesses were being unnecessarily burdened by an uncoordinated array of survey instruments from multiple federal agencies. In response, Congress passed the Paperwork Reduction Act (PRA), which requires every federal data collection to be cleared by the White House Office of Management and Budget (OMB) before implementation. The PRA lays out the steps and timelines for a process by which a federal agency is to submit an “Information Collect Request” (ICR) to OMB, including two successive opportunities for public comment.

Focused, thoughtful, actionable comments on ICRs from NCRN participants can lead to better data, improved access, greater research opportunities, and more robust studies. To these ends, we provide this primer on the why, what, and how of public comment on proposed federal data collections in the hope that it will motivate NCRN participants to inform statistical agencies and OMB about their views of current and proposed data collections and how these might be improved.

Why: Reasons to Provide Comments

Essentially, ICR comments are a means to address “information market failure” in the realm of federal statistics. More specifically, comments can:

- Increase federal agency and OMB understanding of the uses and value of the data collection
- Prompt a federal agency to improve sample design, the data collection instrument, collection methodology, or analytic approach
- Create avenues for a federal agency to periodically consult with NCRN participants on contemplated revisions and adjustments

The ICR comment process is non-political. It is intended to be “market-perfecting” through enabling the “sellers” and “buyers” of federal statistics to have a more full and common understanding of the desired characteristics of the “product” and the return on federal investment.

In terms of personal cost-benefit, our experience is that a relatively small investment of personal time and effort can yield substantial results for one’s research, the field more broadly, and public policy.

What: The Nature of the ICR Process

To implement a data collection, a federal agency must first submit an ICR to OMB and then receive approval as described in “terms of clearance.” Each ICR includes data collection

instrument(s), form letters to respondents, and a detailed Supporting Statement in two parts. (Part A addresses Justification. Part B describes Collection of Information Employing Statistical Methods.)

OMB clearance of a federal data collection is time-limited, typically for three years. Any substantive changes in a collection during the three-year period must be cleared by OMB.

The ICR process has two major steps, each with an opportunity for public comment:

- First, the agency announces in a *Federal Register* notice that it intends to submit an ICR to OMB and gives the public 60 days to provide it with comments on the draft ICR (particularly the data collection instrument and the Supporting Statement).
- After considering public comments, the agency prepares the ICR for formal submission to OMB.
 - The agency announces its submission in a second *Federal Register* notice and gives the public 30 days to provide comments to OMB.
 - OMB posts the full ICR, with all attachments, in the [Information Collection Review](#) section of its Reginfo.gov website.
 - The ICR includes a response to each letter received in the first comment period.
 - The ICR is assigned to the OMB desk officer for submitting agency. The OMB desk officer aims to publish a decision within 30 days of the close of the public comment period.

At a minimum, then, an agency must issue its first *Federal Register* notice 120 days before the expiration of the current clearance. Most agencies issue their first notice well in advance of the 120-day mark, often in the range of 150-180 days.

How: Guidance on Preparing Comments

NCRN participants are encouraged to comment on any aspect of the proposed data collection of interest or concern. Topics might include, for instance, needs and uses, methodology, survey design, cost, schedule, and consultation with data users.

Comment letters may be of any length or format. Commenters should use institutional letterhead when possible.

NCRN participants can consider framing their comments in any number of ways, such as:

- assessments – identifying what they do and do not like and support
- suggestions – for how the federal agency might proceed in this or future collections
- requests – for example, for a change in the design of the survey instrument, to be consulted in the future, to carry out research on an alternative approach
- observations – for example, implications of the sample size for statistical reliability

When writing to OMB, NCRN participants may consider proposing a specific “term of clearance.” For instance, a member could suggest that, as a term of clearance, OMB direct the Census Bureau to test the efficacy of an alternative set of questions and report back to OMB in a year on the results.

Andrew Reamer (areamer@gwu.edu) is available to provide NCRN participants with information on the comment process and advice and feedback on draft comments. He has been successful in submitting comments that OMB uses to frame its terms of clearance.