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Ms. Brooke Dickson
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, DC 20503

SUBJECT: Proposed Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility and Integrity of Information Disseminated by Federal Agencies

Dear Ms. Dickson:

Thank you for the opportunity to make comments regarding the proposed guidelines contained in the draft of Public Law 106-554, Section 515. The University of California, San Diego is keenly interested in the developments contained in Section 515. I would like to call your attention to the following concerns:

The language contained in the notice dated June 28, 2001, and in the drafted Section 515 itself is ambiguous to the extent that research universities supported by federal agencies may face significant administrative obstacles that inhibit timely release of information gained from basic scientific research. Specifically, paragraph V.ii.a. states, "With respect to scientific research information, the results must be substantially reproducible upon independent analysis of the underlying data." Clearly, this directive imposes a layer of effort above and beyond the traditional and effective arena of peer review. What is not clear is who is responsible for (and who will pay for) this independent analysis, and what threshold of quality will be expected of the parties conducting said analysis. Since peer review is designed to address the integrity of data in the research community, there is a strong concern that such a requirement would chill the relationship of university research and federal agencies by adding what appears to be an unnecessary burden of administration. Additionally, the scope of "underlying" data (as opposed to "research" data, which is defined in OMB Circular A-110) is not clearly addressed nor described in any part of the Section, and could in effect subject researchers to unreasonable claims on records or data not directly related to the research effort.

Since the reporting of basic research is designed for a very specific public, the consideration of "whether the information is useful to all users of the information, including the public" is problematic given no definition of "public," and in fact may be used by individuals who may object to the research on non-scientific grounds to impede the effort of information dissemination by challenging the usefulness of the data. The resulting effect of such a directive would be to expose researchers to possible harassment based not on the quality of the research data, but on unrelated philosophical and/or political matters regarding the perceived importance.

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Although the notice recognizes OMB's desire to "design the proposed guidelines to apply to a wide variety of government-wide dissemination activities," the efforts of universities' research endeavors, including safeguards and accountability standards that are already in place, deserve unique and distinct considerations that are not inherent in the draft of Section 515. Without these considerations, supporting the provisions is difficult, given the broad language aimed at casting a wide net upon all government-related activities. The result cultivates the prospect for inefficiency and complication, which is directly contradictory to government standards already in place, such as the Paperwork Reduction Act, Freedom of Information Act, Public Law 106-554, and other federal directives designed to simplify government processes.

In consideration of these issues, we recommend that the results of research be specifically excluded from Section 515. If this exclusion is not feasible, we recommend the following standards should be incorporated in the guidelines:

- Peer review should be the standard for the utility of university research data;
- The phrase "whether the information is useful to all users of the information, including the public" should exclude university research data;
- Application of the Paperwork Reduction Act, the Freedom of Information Act, Public Law 106-554, OMB Circular A-103, and other federal directives should be referred to within the guidelines to reduce duplication of effort;
- Definition of terms throughout the Section should be included to elucidate intent.

We support the effort of the federal government to provide information and data that is of high quality and integrity. However, the level of ambiguity in both the notice of June 28, 2001, and the draft of Section 515 warrant further consultation and clarification of both the purpose and procedural implementation, especially with respect to the conduct of research and related activities, including the dissemination of research data and accountability practices.

I appreciate the opportunity to be able to comment on the proposed guidelines. Please let me know if I can provide further information.



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