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From: David Addington

Fax Number: 6159165185

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Subject: NFIB Comments on American Time Use Survey, OMB Control No. 1220-0175, Notice at 84

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May 31, 2019

Hon. R. Alexander Acosta, Secretary of Labor  
c/o Ms. Erin Good, BLS Clearance Officer  
Division of Management Systems  
Bureau of Labor Statistics, Room 4080  
2 Massachusetts Avenue NE  
Washington, DC 20212

Dear Mr. Secretary:

RE: Department of Labor (DOL) Bureau of Labor Statistics (BLS) Notice  
Titled "Proposed Collection, Comment Request," on American Time Use  
Survey, OMB Control No. 1220-0175, 84 *Fed. Reg.* 24825 (May 29, 2019)

This letter is in response to the DOL/BLS notice titled "Proposed Collection, Comment Request" about the American Time Use Survey (OMB Control No. 1220-0175) and published in the *Federal Register* of May 29, 2019. NFIB is an incorporated nonprofit association with about 300,000 small and independent business members across America. NFIB protects and advances the ability of Americans to own, operate, and grow their businesses and, in particular, ensures that the governments of the United States and the fifty states hear the voice of small business as they formulate public policies.

Please stop the American Time Use Survey. Now.

First, the U.S. Department of Labor has no legal authority for the Survey. The DOL notice states that the American Time Use Survey measures, for example, "time spent with children, working, sleeping, or doing leisure activities." No provision of the Constitution of the United States grants to the Federal Government the power to inquire of its citizens about how much time they spend with their children, how much time they spend sleeping, or how much time they spend doing leisure activities. And the BLS-authorizing Act of June 13, 1888 (29 U.S.C. 1) is of no help, as Congress cannot vest by law in an agency power that Congress does not possess under the Constitution.

Second, the Survey is grossly intrusive. The DOL notice states that the Survey respondents will report "how people spend their time" and "who was with them during activities, where they were, how long each activity lasted, and if they were paid." The federal government invades the privacy of its citizens by asking them such questions.



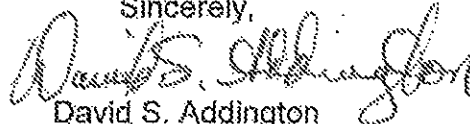
Third, the Survey wastes scarce taxpayer dollars that can be put to better use. Instead of using its limited funding to stretch beyond the realm of work into the realm of leisure, BLS should focus on its higher priority work: to "collect, collate, report, and publish . . . statistics of the volume of and changes in employment" and "make continuing studies of productivity and labor costs in the manufacturing, mining, transportation, distribution, and other industries" (29 U.S.C. 2, 2b). Even in the higher priority work, BLS should minimize the burdens it imposes on businesses and individuals.

Fourth, the Survey forces respondents to waste their resources. The DOL notice stated that the Survey will involve 10,540 respondents who will spend an aggregate of 3,074 hours responding to the survey, or an average of 17.5 minutes per respondent. The notice then reports that the Survey's Total Burden Cost (operating/maintenance) is "\$0," which can only be true if BLS values the time of the American citizen responding to its survey at zero. Even using the BLS average hourly earnings for February 2019 of \$27.66 (<https://www.bls.gov/news.release/empsit.t19.htm>), BLS is taking \$8.06 out of each respondent's pocket, or at least \$8.06 worth of the respondent's time.

Finally, federal statistical agencies such as the BLS need to recognize that more and more information for government is not better and better from the point of view of the American people, who bear the burden to answer never-ending government inquiries and for whom the agencies work. The volume of censuses, surveys, tax-related filings, and other reports that businesses and individuals must submit to the federal government is huge and growing. To a statistician, as a professional matter, more information, more accurate information, and more timely information to allow socially useful measurements and conclusions may be the goal. But when statisticians are in the government, that is not the ultimate goal -- it may be an important goal, but only within the limits imposed by public trust, public patience, and the law. Never underestimate the value of leaving the American people alone.

The American Time Use Survey is a step too far and the BLS should not take that step. Please cancel the American Time Use Survey.

Sincerely,



David S. Addington  
Senior Vice President and General Counsel

cc: Acting Director of the Office of Management and Budget  
Attn: Desk Officer for Paperwork Reduction Act Proposals  
from Department of Labor

