

Foundations for Evidence-Based Policymaking Act

May 9, 2019

Board of Scientific Counselors

Susan G. Queen, Ph.D.



THE PROMISE OF EVIDENCE-BASED POLICYMAKING

Report of the Commission on Evidence-Based Policymaking



Commission Report

September 2017

Strengthen federal
evidence-building capacity

Improve access

Enhance privacy protections

Became law Jan 14, 2019

Bipartisan Support

Passed Senate by
unanimous consent

Passed House 356 – 17

One Hundred Fifteenth Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and eighteen*

An Act

To amend titles 5 and 44, United States Code, to require Federal evaluation activities, improve Federal data management, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Foundations for Evidence-Based Policymaking Act of 2018”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FEDERAL EVIDENCE-BUILDING ACTIVITIES

Sec. 101. Federal evidence-building activities.

TITLE II—OPEN GOVERNMENT DATA ACT

Sec. 201. Short title.

Sec. 202. OPEN Government data.

Foundations for Evidence-Based Policymaking Act

Title I – Federal Evidence-Building Activities

Title II – Open Government Data Act

Title III – Confidential Information Protection and Statistical Efficiency

Title IV – General Provisions

Title I – Federal Evidence-Building Activities

- Agency Evidence-Building Plans
- Agency Evaluation Officers
- Statistical Expertise
- Advisory Committee on Data for Evidence Building
- Personnel Standards & OPM Guidance
- Agency assessments required in strategic plans

Statistical Expertise

- Agency heads designate head of any statistical agency or unit as a *statistical agency official*
- Officials are to advise on statistical policy, techniques, and procedures
- Agencies without a statistical agency designate official based on expertise
- Each designated statistical official shall serve as a member of ICSP
- Implications for the membership and the role of the ICSP

Advisory Committee on Data for Evidence-Building

- Committee Chair is US Chief Statistician
- 12 senior officials from federal agencies serve as members
- At least 10 members State & local gov't and non-gov't stakeholders
- Committee terminates after 2 years
- Recommendations on how to promote use of Federal data for evidence
- *Committee shall assist the Director in carrying out the duties of Title III Part D – this ties Title I with statistical agency requirements*

Title II – Open Government Data Act

- Agency requirements:
 - Make data open by default
 - Develop Comprehensive Data Inventory
 - Designate a Chief Data Officer
- Federal Data Catalogue – single public interface
- Chief Data Officer Council
 - Establish best practices for use, protection, generation of data
 - Promote data sharing agreements and more...

Chief Data Officer Functions

- Responsible for lifecycle data management
- Coordinate with agency officials responsible for data to ensure data needs are met
- Manage data assets of the agency, including standardization & data sharing
- Consult with designated statistical official of the agency
- Carry out the requirements of the agency on information policy
- Ensure that agency data conforms with data management best practices
- Engage agency employees, the public, and contractors in using public data assets

CDO Functions, continued

- Support the Performance Improvement Officer in identifying and using data
- Support the Evaluation Officer of the agency in obtaining data
- Review the impact of the infrastructure of the agency on data asset accessibility
- Coordinate with the Chief Information Officer to improve data infrastructure
- Ensure that the agency maximizes the use of data
- Identify points of contact for roles and responsibilities related to open data
- Serve as liaison to other agencies and the OMB on the best way to use existing agency data for statistical purposes

Delegation of Responsibilities

To the extent necessary to comply with statistical laws, the Chief Data Officer of the agency shall delegate any responsibility under subsection (c) to the head of a statistical agency or unit (as defined in Title III, section 3561) within the agency

The Chief Data Officer shall defer to the individual to whom a responsibility has been delegated with respect to any data acquired, maintained, or disseminated by the agency under applicable statistical law

Title III – Confidential Information Protection and Statistical Efficiency – what's new

- Evidence: information produced as a result of statistical activities conducted for a statistical purpose
- OMB to develop a process to designate statistical agencies or units
- Codifies statistical agency responsibilities
- Agency heads shall enable, support and facilitate statistical agencies
- OMB to promulgate regulations

Part D – Access to Data for Evidence

- Presumption of accessibility for statistical agencies and units *for purposes of developing evidence*
- Unless prohibited in statute, agencies to provide data to statistical agencies
- Statistical agencies must conduct comprehensive risk assessments
 - Process must be made available to the public and easy to understand
- Standard application process for access to data acquired under Part D
- An identical process to be established for each statistical agency or unit

Research Data Center (RDC)

The National Center for Health Statistics (NCHS) operates the Research Data Center (RDC) to allow researchers access to restricted-use data. The RDC is responsible for protecting the confidentiality of survey respondents, study subjects, or institutions while providing access to the restricted-use data for statistical purposes. For access to the restricted-use data, researchers must submit a research proposal outlining the need for restricted-use data. The proposal provides a framework for NCHS to identify potential disclosure risks and how the data will be used.



NCHS Staff Manual on Confidentiality



National Center for Health Statistics



Statement of Commitment to Scientific Integrity by Principal Statistical Agencies

Our Nation relies on the flow of objective, credible statistics to support the decisions of governments, businesses, households, and other organizations. Any loss of trust in the integrity of the Federal statistical system and its products can foster uncertainty about the validity of measures our Nation uses to monitor and assess performance and progress.

Federal statistical agencies (or units) whose principal function is the collection, analysis, and dissemination of information for statistical purposes have set for themselves a high standard of scientific integrity. The following agencies are designated as "principal statistical agencies"^{1,2,3}:

- Bureau of Economic Analysis (Commerce Department)
- Bureau of Justice Statistics (Justice Department)
- Bureau of Labor Statistics (Labor Department)
- Bureau of Transportation Statistics (Transportation Department)
- Census Bureau (Commerce Department)
- Economic Research Service (Agriculture Department)
- Energy Information Administration (Energy Department)
- National Agricultural Statistics Service (Agriculture Department)
- National Center for Education Statistics (Education Department)
- National Center for Health Statistics (Health and Human Services Department)
- National Center for Science and Engineering Statistics (National Science Foundation)

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Title IV – General Provisions

The Act does not require disclosure of:

- Information or records exempt under FOIA

Agencies are to use existing resources to the extent practicable

Agencies shall select existing employees for appointments

Recent Developments

OMB Memo M-19-15

Agencies must update existing Guidelines

New: “fitness for purpose”

Includes making data available to statistical agencies

Reproducibility standard for influential information

Expectation of access to data & data protection



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

April 24, 2019

M-19-15

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Russell T. Vought
Acting Director

SUBJECT: Improving Implementation of the Information Quality Act

Introduction

The purpose of this Memorandum is to reinforce, clarify, and interpret agency responsibilities with regard to responsibilities under the Information Quality Act (IQA).¹ In 2002, the Office of Management and Budget issued *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility and Integrity of Information Disseminated by Federal Agencies*² (“*Guidelines*”). The principles and core responsibilities described in the *Guidelines* remain sound and relevant for agency practice; however, additional guidance is required to address changes in the information landscape and to incorporate best practices developed over time.³ This Memorandum updates implementation of the *Guidelines* to reflect recent innovations in information generation, access, management, and use, and to help agencies address common problems with maintaining information quality.

Background

Prudent decision making depends on reliable, high-quality information. Congress has long recognized that federal agencies should make decisions using the best data reasonably available, and Congress has entrusted OMB with the statutory role of ensuring that federal

¹ Treasury and General Government Appropriations Act, 2001, Pub. L. No. 106-554, § 515(a) (2000) (as codified at 44 U.S.C. § 3516, note).

² *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies*, 67 FR 8452 (Feb. 22, 2002), available at <https://www.federalregister.gov/documents/2002/02/22/R2-59/guidelines-for-ensuring-and-maximizing-the-quality-objectivity-utility-and-integrity-of-information>.

³ *Id.* at 8458 (contemplating the evolution of standards with experience and the need for additional implementation guidance); cf. *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility and Integrity of Information Disseminated by Federal Agencies*, 66 FR 49,718, 49723 (September 28, 2001); John D. Graham, Memorandum for the President’s Management Council (October 4, 2002), available at https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/omb/inforeg/pmc_graham_100402.pdf.

Questions?

Thank you