Legislation on Evidence-Based Policymaking

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Evidence-Based Policymaking

Sep 7 2017 Commission releases final report *The Promise of Evidence-Based Policymaking*

Report included recommendations to improve data access, strengthen privacy protections and enhance government's capacity for evidence building

Oct 31 2017 Speaker Ryan & Senator Murray introduce the *Foundations of Evidence-Based Policymaking Act*

Nov 15 2017 House approves HR 4174 by voice vote

Foundations for Evidence-Based Policymaking Act

Major Aims:

- **To increase the government's capacity to build evidence**

- **Improve the use of evidence in policymaking**

- **Increase reviews and evaluations of policy and programs**

- **Expand data access, data sharing and data protections**

- **Coordinate government-wide evidence building**

Administrative Requirements

- **Development of several agency and government-wide plans**

- **Establishment of new positions and Advisory Committees**

- **Evaluations and assessments of Committees and Councils**

- **Associated agency, OMB and GAO reporting requirements**

- **Promulgation of new regulations and guidance documents**

HR 4174

Title I Federal Evidence Building Activities: establishes agency Chief Evaluation Officer position, a Council and an Advisory Committee

Title II OPEN Government Data Act: establishes agency Chief Data Officer position and CDO Council

Title III Confidential Information and Statistical Efficiency

Agency Chief Data Officer

- **Responsible for lifecycle data management of the agency**

- **Responsible managing data assets of the agency, including standardization of data format and sharing data assets**

- **Ensure agency data conforms with data management best practices, encourage collaborative approaches to improve use**

- **Serve as agency liaison to other agencies and OMB on the best way to use existing agency data for statistical purposes**

Chief Data Officer Council

- **To establish government-wide best practices for data use**

- **To promote data sharing agreements between agencies**

- **To identify ways to improve the production of evidence**

- **To consult with the public on how to improve access**

- **To identify and evaluate new technology solutions for improving the collection and use of data**

Title III Statistical Agency Requirements

Title III includes current CIPSEA with the following changes:

- **New definitions for "Data Asset" and "Evidence"**

- **New provision for designation of statistical agencies & units**

- **New provision for federal statistical agency responsibilities**

- **New provisions on accessibility of data & expanding access**

- **Development of standard application process to obtain data**

- **Requirements for regulations for several Title III provisions**

Title III Regulations

- **To implement coordination and oversight of confidentiality and disclosure policies (§3562); OMB to issue guidance on process for designating statistical agencies and units**

- **To carry out responsibilities of statistical agencies in §3563 for accuracy, relevance, objectivity and confidentiality**

- **To carry out the provision on presumption of accessibility of data assets for statistical agencies and units in §3581**

- **To implement accessibility of nonpublic data assets to statistical agencies and units (§3582) including assessments of sensitivity levels and comprehensive risk assessment of data assets**

Statistical Policy Directive 1: Federal Statistical Agencies Must:

Function in an environment that is *clearly separate and autonomous* from the other administrative, regulatory, law enforcement, or policy making activities within their respective Departments

Seek to avoid *even the appearance* that agency design, collection, processing, editing, storage, analysis, and dissemination processes may be manipulated

Congressional Budget Office

CBO cost estimate published 12/18/17, assumed legislation would be enacted near the start of calendar year 2018

CBO expects that compliance with legislation will increase the administrative expenses of federal agencies

Major agencies would need eight additional employees

CBO estimates implementation would cost $75 million over 2018-2022, assuming appropriation of the necessary funds

Opportunities

- **Demonstrates value of data for evidence & evaluation**

- **Increased collaboration across agencies & externally**

- **Establishes standard processes for data sharing**

- **Provides greater transparency and accountability**

- **Sets up new framework for access and use of data**

Challenges

- **Managing high expectations for gov't-wide coordination**

- **New positions, Committees, and Councils may duplicate or conflict with those currently in place**

- **Existing legislative barriers must still be addressed**

- **Overcoming conflicting policy and legal interpretations**

- **Agency resource and capacity constraints to carry out new requirements – without additional support**

Appropriations: Statistical Agencies

Appropriations Subcommittee	Statistical Agency
Agriculture, Rural Development, FDA, and Related Agencies	Economic Research Service; National Agricultural Statistics Service
Commerce, Justice, Science, and Related Agencies	Bureau of Economic Analysis; Bureau of Justice Statistics; Census; National Center for Science and Engineering Statistics
Energy and Water Development and Related Agencies	Energy Information Administration
Financial Services and General Government	Statistics of Income
Labor, HHS, Education, and Related Agencies	Bureau of Labor Statistics; National Center for Education Statistics; National Center for Health Statistics; Office of Research, Evaluation and Statistics
Transportation, HUD, and Related Agencies	Bureau of Transportation Statistics

Statistical Agency Budgets

Agency	FY17 Budget
Bureau of Economic Analysis	$103.3
Bureau of Justice Statistics	$45.5
Bureau of Labor Statistics	$609.0
Bureau of Transportation Statistics	$26.0
Census	$1470.0
Energy Information Administration	$122.0
Economic Research Service	$86.8
National Agricultural Statistics Service	$171.2
National Center for Education Statistics	$272.5
National Center for Health Statistics	$160.4
National Center for Science and Engineering Statistics	$60.0