Foundations for Evidence-Based Policymaking Act

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Commission on Evidence-Based Policymaking

- Commission grew out of bipartisan agreement between Congress and the Obama administration that, with more and better evidence, the federal government could make better decisions on the budget and in authorizing and reforming programs

- Created by legislation co-sponsored by Speaker Paul Ryan and Senator Patty Murray, enacted March 30, 2016 (P.L. 114-140)

- Members appointed by the President, Speaker of the House, House Minority Leader, and Senate Majority and Minority Leaders –
    - 1/3 with expertise in privacy and confidentiality
    - 2/3 experts on program administration, data, or research

Developing the Commission's recommendations

- Commission spent 8 months gathering input from multiple perspectives

- Following its fact-finding, Commission met in closed session to consider all of the input received

- Areas of agreement distilled into 22 recommendations
  - Endorsed unanimously by all 15 Commissioners

- Final Commission report sent to President and the Congress on September 7, 2017

Themes in Commission's recommendations

- **Improved access to data** – Improve access to data for statistical purposes by program administrators and researchers, facilitate linking of data sets

- **Stronger privacy protections** – Strengthen privacy protections by making them more uniform across government and more dynamic in the face of changing risks associated with the use of data

- **Greater capacity** – Fill existing gaps in capacity for creating and using evidence to inform policy

Commission's final report became a blueprint

- **Recommendations widely endorsed** – More than 100 organizations issued statements supporting the report's recommendations and 36 former statistical agency heads endorsed them

- **Key recommendations incorporated into proposed legislation** – Co-filed in the House and Senate by Speaker Paul Ryan and Senator Patty Murray in the fall of 2017

- **Foundations for Evidence-Based Policymaking Act enacted** – After being passed by Congress, signed into law by President Trump on January 14, 2019 (P.L. 115-435)

Evidence Act provisions related to data access

- **Presumption of access to data for statistical purposes** – Where not prohibited by law, data held by agencies to be made available to statistical units for purpose of developing evidence

- **Data inventories** – Inventories of available data, with appropriate metadata, to be created and maintained

- **Researcher access** – Single process for researcher access to be developed

- **Advisory Committee** – Advisory Committee on Data for Evidence Building to be created; committee charged to "review, analyze, and make recommendations on how to promote the use of Federal data for evidence building"

Evidence Act provisions related to privacy

- **Codification of Statistical Policy Directive No. 1** – Among other provisions, information collected for statistical purposes shall be used exclusively for such purposes

- **Chief Data Officers** – Agencies required to designate chief data officers with responsibility for managing and protecting data assets

- **Risk assessments** – Agencies required to carry out risk assessments prior to public release of data assets

Evidence Act provisions related to capacity

- **Learning agendas** – Agencies required to develop evidence-building agendas

- **Evaluation Officers** – Agencies required to appoint an evaluation officer with responsibility for developing and implementing learning agendas

- **Recognition of evaluation profession** – Office of Personnel Management directed to recognize the evaluation field with a new occupational series

Evidence Act creates many opportunities

- **Recently appointed Advisory Committee on Data for Evidence Building will play a critical role** -- Creating an institutional structure that facilitates access to data for statistical purposes central to realizing full promise of the Evidence Act

- **Much that can be done in the meantime** – Very much look forward to hearing from my fellow panelists