Early Progress on Fulfilling the "Promise of Evidence-Based Policymaking"

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In early September 2017 when the Commission on Evidence-Based Policymaking (CEP) released its final **report**, *The Promise of Evidence-Based Policymaking*, Speaker of the House Paul Ryan (R-WI) and Senator Patty Murray (D-WA) committed to quickly take action on the recommendations. Yesterday, Speaker Ryan and Senator Murray introduced **legislation** (H.R. 4174 and S. 2046) to implement some of the commission's bipartisan and unanimous recommendations.

The Bipartisan Policy Center (BPC) has launched its **Evidence-Based Policymaking Initiative** to continue the work of CEP, pursuing implementation of the CEP recommendations designed to make evidence-based policymaking routine in government. Specifically, BPC's initiative is providing advice and expertise on implementation options and strategies, and extending the work of CEP as Congress and the Executive Branch pursue more evidence-based policies.

CEP's recommendations lay out a strategy for improving how government data are used, strengthening existing privacy protections, and enhancing government's capacity to build evidence. With support and technical assistance from BPC's Evidence-Based Policymaking Initiative, the "Foundations for Evidence-Based Policymaking Act of 2017" includes elements of ten of the commission's recommendations addressing each of the three major themes in the final report.

Summary of CEP Recommendations included in the Foundations for Evidence-Based Policymaking Act of 2017

Topic	Bill Section #	CEP Rec. #
Strengthening Privacy Protections		
Agency Official for Data Policy	101(a) (§315)	3-3
Chief Data Officers	202(e) (§3520)	3-3
Codification of Statistical Policy Directive #1	302(a) (§3563)	3-4
Conduct of Comprehensive Risk Assessment and Analysis of Data Sensitivity	303(a) (§3582)	3-1
Improving Secure Access to Data		
Establishment of Data Inventories with Metadata	202(d) (§3511)	4-5
Availability of Data for Statistical Activities	303(a) (§3581)	2-3
Single Process for Researcher Access to Data	303(a) (§3583)	2-8
Advisory Committee on Data for Evidence Building (National Secure Data Service Steering Committee)	101(a) (§316)	4-2
Enhancing Government Capacity		
Agency Evidence-Building Plans (learning agendas)	101(a) (§312)	5-2
Government-Wide Evidence-Building Plans	101(a) (§313(a))	5-3
Coordination of Evaluation Units through Interagency Council for Evaluation Policy	101(a) (§313(b))	5-3
Establishment of Chief Evaluation Officers	101(a) (§314)	5-1
Inventory of Evidence-Building Units	101(c)	5-1

Strengthening Privacy Protections

Privacy protections are already strong in government, but can still be improved to better protect confidential data as more use of those data occurs. The draft legislation includes portions of three of CEP's privacy recommendations:

- ***Establishment of Chief Data Officers.*** Sections 101(a) and 202(e) include provisions that would establish Chief Data Officers and their coordination, in line with CEP's recommendation for a Senior Agency Official for Data Policy, and provide a formal role for Principal Statistical Agency heads in advising on statistical policies and procedures that protect privacy and ensure confidentiality protections are appropriately applied. These sections collectively address the gap in data policy coordination necessary for efficient evidence building in government today.
- ***Codification of Statistical Policy Directive #1.*** Section 302(a) includes language directing statistical units of government to establish procedures and practices intended to protect public trust in statistical activities, by maintaining objectivity, independence, and confidentiality through the course of their work.
- ***Requirement of Comprehensive Risk Assessments.*** Section 303(a) requires the development of comprehensive risk assessments for certain publicly released

confidential data for some parts of government, strengthening efforts to protect confidentiality while making data accessible for evidence building and transparent to the public.

Improving Secure Data Access

The data that government already collects holds the potential to vastly improve the amount and quality of evidence available for policymaking. As privacy protections are strengthened, the draft legislation also includes several recommendations to improve secure data access:

- ***National Secure Data Service Planning.*** Section 101(a) establishes an advisory council to develop an implementation plan for the National Secure Data Service, in coordination with individuals inside government and experts from the research community and other stakeholders. The Service was one of CEP's strategies for simultaneously improving access to data and privacy protections when conducting data linkages through improving the federal government's data management infrastructure, expertise, and processes.
- ***Development of Data Inventories****.* Section 202(d) directs government agencies to develop inventories for what data they collect and publicly provide details about those datasets, enabling researchers and evaluators to better identify what data are available for use.
- ***Use of Data for Evidence Building****.* Section 303(a) includes several features to enable secure data access for evidence building, including:
  - Encouraging the use of data for statistical activities and evidence building. As written this provision would help clarify that the default for data collected by government should be to use them for evidence building, unless otherwise restricted by law. This provision would establish an expectation in government that data can and should be used to generate evidence about policies and programs.

Directing the establishment of a single process for qualified individuals to access restricted, confidential data collected by government for approved projects. Such a process could improve the time and ease for researchers to determine how to access data and to make an application to government to do so.

Enhancing Government Capacity

In line with CEP's recognition that improved data access and privacy protections alone cannot drive increased evidence building in government, the bill also includes recommendations from CEP to improve government's capacity to generate and use evidence in Section 101:

- ***Development of Learning Agendas.*** Requires government agencies to develop "learning agendas," an approach for identifying gaps and needs in evidence building

- ***Inventories of Evidence-Building Units.*** Directs government agencies to inventory their evidence building units to devise approaches for coordinating within departments
- ***Establishment of Chief Evaluation Officers.*** Establishes Chief Evaluation Officer positions in government agencies, institutionalizing program evaluation in government
- ***Recognize OMB's Coordination Role.*** Directs the Office of Management and Budget (OMB) to coordinate evaluation units through an Interagency Council on Evaluation Policy as well as coordinating learning agendas

The Foundations for Evidence-Based Policymaking Act addresses 10 of the 22 CEP recommendations and each of the three major themes included in the CEP **report**. There is much work to be done to carry on the CEP's bipartisan effort to bring more evidence into the policymaking process, and the "Foundations for Evidence-Based Policymaking Act" represents the first step of many in the months and years ahead.