



# EVIDENCE COMMISSION AFTER 5 YEARS:

**A Progress Report on the Promise for a  
More Evidence-Informed Society**



September 2022



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# Executive Summary

In 2017, the U.S. Commission on Evidence-Based Policymaking (Evidence Commission) issued a report to Congress and the President with 22 recommendations. Those recommendations focused on improving access to data, enhancing privacy protections, and capacity for evidence-informed policymaking, all building toward a vision for generating and using data as a routine activity in society.

Over the past five years, Congress and the Executive Branch have collectively taken action on the majority of these recommendations through three key implementation vehicles: the Foundations for Evidence-Based Policymaking Act, the National Secure Data Service Act, and the Federal Data Strategy. In addition, many agencies are taking steps to implement the vision of the Evidence Commission suggesting substantial progress overall in fulfilling the commission's recommendations.

In reviewing progress on implementation of the Evidence Commission's 22 recommendations, there are five clear effects to date of this effort on the evidence and data communities:

1. **The emergence of new thinking about an existing evidence system has a tremendous positive effect.** The new approach aligns cooperation across disciplinary and organizational siloes, including coordination across what is increasingly viewed as a collaborative "evidence ecosystem."
2. **Shifting from dichotomous to risk-based data protection approaches strengthen privacy capabilities and data access frameworks.** Should not be underestimated. Traditional data protection approaches are improving to align with emerging understanding of the need for integrating risk models that account for benefits of sharing and using data, enabling realistic discussions about the value of data in society and the meaningful protections that can be deployed to protect information. The benefits of this shift should not be understated.
3. **New leadership roles benefit capacity and momentum.** Chief data officers, evaluation officers, and statistical officials are improving coordination across the data and evidence ecosystem.
4. **Implementation delays resulting from the lack of capacity have effects government-wide.** Despite new capacity in agencies, capacity gaps for central coordination pose challenges for system-wide implementation of the Evidence Act and other frameworks used for accomplishing the Evidence Commission's vision.
5. **Resources are vital to the success of the evidence ecosystem, and sorely needed.** Resources for all aspects of the data life-cycle and for the people to support this work are clearly needed.

As the Evidence Commission celebrates its five-year anniversary, this is an opportunity to recognize there are clear areas for growth. These recommendations provide practical next steps for the evidence community:

1. **Prioritize the Recommendations, Best Practices, and Use Cases from the Federal Advisory Committee on Data for Evidence Building.** Established by the Evidence Act, the advisory committee will issue recommendations in October 2022 about implementation of the data service. *The evidence community can take action to support the recommendations by participating in the release, reading the report, sharing with their respective agencies and organizations, and then calling on the OMB Director to ensure those recommendations are implemented.*
2. **Encourage Publication of Guidance and Draft Regulations from the Evidence Act.** Multiple regulations and provisions from the Evidence Act are without implementation guidance needed for agencies to begin taking action. *The evidence community can call on the OMB Director to issue these guidance and regulatory actions as soon as possible to ensure implementation of the Evidence Act continues to proceed without further delay.*
3. **Facilitate Dialogue and Build Procedures within Agencies to Develop Proposals on Unaddressed Recommendations.** Several of the Evidence Commission's recommendations that require legal changes have not yet been addressed. *The evidence community can collaborate to develop draft legislative text on key provisions and call on OMB and agencies to develop proposals in the FY 2024 Budget for consideration.*
4. **Identify Resource Gaps and Request Additional Resources and Capacity to Address Needs.** Agency officials in new leadership roles continue to report gaps in funding and general operating capacity to support basic mission and duty expectations related to the Evidence Act. *The evidence community can call on political leaders to align resource needs with agency evidence-building capacity assessments or the minimum funding expectations for each agency identified by the Congressional Budget Office when the Evidence Act passed in 2017.*

In the five years since the Evidence Commission issued its final report to Congress and the President, much has changed to advance evidence-informed policymaking in the United States. Yet, there is still much room for continued progress in the years ahead.

# Introduction

In 2017, the U.S. Commission on Evidence-Based Policymaking issued its final 22 recommendations to Congress and the President. During a relatively small press conference on Capitol Hill, the members of the Commission were joined by then-House Speaker Paul Ryan and Sen. Patty Murray, the champions of the Evidence Commission who proposed its creation and who also vowed to lead further action.

Five-years later, the Evidence Commission has already proven to be one of the more successful commissions in the history of statutory commissions. The 15-member commission of politically-appointed experts in data, evidence, statistics, evaluation, and privacy issues set the stage for a generation of reforms that would catapult the federal government's data capabilities into a new era.

The Evidence Commission unanimously recommended cohesive and practical improvements to the existing evidence ecosystem at that time, along with three core themes: Improved Access to Data, Enhanced Privacy Protections, and Capacity for Evidence-Informed Policymaking. The themes resonated with a broad cross-section of the federal government – many who did not identify themselves as a single community, including individuals working in statistics, evaluation, data science, privacy, open data, data governance, and research. The themes also resonated with the policymaking community, which agreed it needed actionable and useful evidence, and the Evidence Commission's recommendations presented practical strategies to align the demand for evidence with the needed supply.

Over the past five years, Congress has initiated legislative action on 18 of these recommendations. The Executive Branch, in turn, acted upon nearly all of these recommendations through the legislation or existing administrative authority. Key implementation vehicles include:

- **Foundations for Evidence-Based Policymaking Act (Evidence Act)**, is a broad-based law proposed by Rep. Ryan and Sen. Murray that was a direct outcome of the Evidence Commission's work. Enacted in 2019, it included three core titles that addressed capacity, open data and governance, and statistical data. Executive implementation activities also include the subsequent guidance, Office of Management and Budget (OMB) circulars, and memoranda related to this law.
- **National Secure Data Service Act** included in the CHIPS and Science Act, is a proposal to specifically implement the Evidence Commission's headline recommendation for the creation of the National Secure Data Service (NSDS). Enacted in 2022, it provides the authorization for the NSDS at the National Science Foundation, and also aligns with the executive guidance and recommendations from the Federal Advisory Committee on Data for Evidence Building established by the Evidence Act.
- **Federal Data Strategy (FDS)**, developed and continued under two White Houses, and which was initially launched in 2019 prior to enactment of the Evidence Act, now integrates Evidence Act priorities along with other emerging data activities in government.<sup>1</sup> Two action plans are included in the FDS. The 2020 plan laid a foundation for data governance, planning, and infrastructure activities. The 2021 plan addressed lessons learned from the prior year and identified areas to build on for full implementation by 2030.

In addition to these broad frameworks, actions at many agencies to implement the recommendations and even extend the vision and implementation strategies suggest the far-reaching impact of the Evidence Commission on federal agencies. Substantial progress is being made to realize the Evidence Commission's vision to use evidence for informing policy activities. However, substantial room for improvement also remains given delays in implementation of key provisions of the law, gaps in capacity, and limits in resources.

# Progress Report on the Evidence Commission's Vision

Organized by major recommendation themes from the Evidence Commission, this brief summarizes the progress to date, emphasizes areas where need for attention remains, and recognizes there is substantial variation across federal agencies in implementing many of the key recommendations of the Evidence Commission.

The first group of Evidence Commission recommendations were comprised of eight items all focused on improving access to data. Two specifically related to the creation of the National Secure Data Service, which was recently enacted in law, are fully satisfied as written. Similarly, the launch of the Single Application Portal and progress in the Executive Branch to coordinate access across the federal statistical system, provides a strong launch point for the public to access confidential records in the future, including from the NSDS.<sup>2,3</sup>

Other access recommendations from the commission have had more limited success to date. For example, Congress has not yet taken meaningful action on changing laws related to census data access (Title 13), tax data access (Title 26), bans on data collection and use that were previously identified, or the many issues that affect the sharing of state-collected data.











The second group of commission recommendations consisted of four measures focused explicitly on privacy matters; action has now been taken legislatively and administratively on all four of these items. The commission advocated for the use of risk assessments to better understand the emerging privacy threat of de-identification and re-identification. This concept was included in the Evidence Act. The commission also encouraged future exploration and deployment of privacy-enhancing technologies, with the NSDS playing a key role in this process. These activities have seen both legislative and executive branch momentum, including explicitly in the NSDS Act and more recently the White House Office of Science and Technology Policy (OSTP) announced a strategy that would seek to advance privacy-enhancing technology research and deployment.<sup>4</sup>




A major and important recommendation of the Evidence Commission in this second group called for the creation of what it called senior agency officials for data policy. In implementation, this position evolved into what is now called a “chief data officer” (CDO) in the federal government. Charged with data governance responsibilities, the CDOs have emerged with considerable data management responsibilities across federal agencies, including in coordination with chief information officers, statistical officials, and others.

The third group of recommendations from the Evidence Commission focused specifically on implementation of the National Secure Data Service as a whole. The NSDS Act also contributed to addressing the previous two groups of recommendations. While not discussed in detail here, the NSDS Act covered many of the commission recommendations related to implementation. Others will be addressed in the near future administratively by the National Science Foundation in implementing the NSDS Act.

The final group of recommendations addresses capacity for evidence-building activities. The evaluation-related recommendations in this group, with explicit direction in the Evidence Act, clear guidance from OMB, and much enthusiasm from the evaluation community, saw considerable progress. Many agencies now have designated evaluation officers and developed learning agendas. Despite the piecemeal and, in many cases, lack of resources in agencies, the capacity-building and process-oriented efforts marshalled forward. Some of the administrative and coordination activities similarly saw more targeted improvements, but lack of necessary resources, which varies by agency, slowed the full implementation of these recommendations.







## Improving Secure, Private, and Confidential Data Access

Evidence Commission Recommendation:	Progress After 5 Years: CONGRESSIONAL ACTION	Progress After 5 Years: EXECUTIVE ACTION
<i>REC. 2-1: The Congress and the President should enact legislation establishing the National Secure Data Service to facilitate data access for evidence building while ensuring transparency and privacy. The NSDS should model best practices for secure record linkage and drive the implementation of innovative privacy-enhancing technologies.</i>	 In July 2022, Congress passed the National Secure Data Service Act as part of the CHIPS and Science Act (P.L. 117-167) authorizing the National Science Foundation to establish a National Secure Data Service.	 In August 2022, the President signed the National Secure Data Service Act as part of the CHIPS and Science Act (P.L. 117-167) authorizing the National Science Foundation to establish a National Secure Data Service. NSF has publicly articulated its intent to align implementation with the recommendations of the Federal Advisory Committee on Data for Evidence-Building. <sup>5</sup>
<i>REC. 2-2: The NSDS should be a service, not a data clearinghouse or warehouse. The NSDS should facilitate temporary data linkages in support of distinct authorized projects.</i>	 The NSDS Act outlines expectations for data linkages that do not establish data warehousing. Implementation is now underway at NSF.	 The NSDS Act outlines expectations for data linkages that do not establish data warehousing. Implementation is now underway at NSF.
<i>REC. 2-3: In establishing the NSDS, the Congress and the President should amend the Privacy Act and the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) to require new stringent privacy qualifications as a precondition for the NSDS to acquire and combine survey and administrative data for solely statistical purposes. At the same time, the Congress should consider additional statutory changes to enable ongoing statistical production.</i>	 The Evidence Act amended CIPSEA as part of the 2018 reauthorization to enhance privacy qualifications and considerations. Corresponding edits have not been made to the Privacy Act.	 The Evidence Act amended CIPSEA as part of the 2018 reauthorization to enhance privacy qualifications and considerations. Corresponding edits have not been made to the Privacy Act. The Executive Branch is working to implement this provision, but OMB has not yet published draft regulations for public comment that the NSDS would need to use the authority. <sup>6</sup>
<i>REC. 2-4: The Congress and the President should review and amend, as appropriate, statutes such as Title 13 of the U.S. Code to allow statistical uses of survey and administrative data for evidence building within the CIPSEA secure environment.</i>	 No meaningful action taken to date.	 The Administration proposed legislative adjustments for data sharing for income and earnings information originally envisioned in CIPSEA 2002.
<i>REC. 2-5: The Congress and the President should consider repealing current bans and limiting future bans on the collection and use of data for evidence building.</i>	 No meaningful action taken to date.	 No meaningful action taken to date.



REC. 2-6: <i>The Congress and the President should enact statutory or other changes to ensure that state-collected administrative data on quarterly earnings are available for solely statistical purposes. The data should be available through a single federal source for solely statistical purposes.</i>	 No meaningful action taken to date.	 No meaningful action taken to date.
REC. 2-7: <i>The President should direct federal departments that acquire state-collected administrative data to make them available for statistical purposes. Where there is substantial federal investment in a program, federal departments should, consistent with applicable law, direct states to provide the data necessary to support evidence building, such as complete administrative data when samples are already provided.</i>	 No meaningful action taken to date.	 No meaningful action taken to date.
REC. 2-8: The Office of Management and Budget should promulgate a single, streamlined process for researchers external to the government to apply, become qualified, and gain approval to access government data that are not publicly available. Approval would remain subject to any restrictions appropriate to the data in question.	 The Evidence Act authorized a Standard Application Process for statistical data that is currently being developed in coordination across the Interagency Council on Statistical Policy.	 In implementing the Evidence Act, OMB coordinated with the ICSP to launch the Standard Application Process for statistical data. In September 2022, the National Science Foundation published a Federal Register Notice collecting comments for the common form used to collect information, a requirement under the Paperwork Reduction Act that signifies the progress of this provision.



## Modernizing Privacy Protections for Evidence Building





Evidence Commission Recommendation:	Progress After 5 Years: CONGRESSIONAL ACTION	Progress After 5 Years: EXECUTIVE ACTION
<p><i>REC. 3-1: The Congress and the President should amend the Privacy Act and CIPSEA to require federal departments to conduct a comprehensive risk assessment on de-identified confidential data intended for public release. De-identified confidential data subject to the Privacy Act and CIPSEA should only be made available after a disclosure review board (1) approves the release and (2) publicly provides the risk assessment and a description of steps taken to mitigate risk.</i></p>	<p> The Evidence Act amended CIPSEA as part of the 2018 reauthorization to include risk assessments and address the full intent of this recommendation, including steps to mitigate risks of disclosure and re-identification. Corresponding amendments have not been made to the Privacy Act.</p>	<p> The Evidence Act amended CIPSEA as part of the 2018 reauthorization to include risk assessments and address the full intent of this recommendation, including steps to mitigate risks of disclosure and re-identification. Corresponding amendments have not been made to the Privacy Act. The Executive Branch is currently determining how to implement this provision, including the integration with other statutes that require a dichotomous approach to risk.</p>
<p><i>REC. 3-2: The President should direct federal departments, in coordination with the National Secure Data Service, to adopt state-of-the-art database, cryptography, privacy-preserving, and privacy-enhancing technologies for confidential data used for evidence building.</i></p>	<p> The NSDS Act includes alignments for privacy-enhancing technologies and the President's recent announcement of a vision for PETs demonstrate substantial progress in the research and potential application of these approaches. Other legislative proposals have been offered to encourage PETs.</p>	<p> The NSDS Act includes alignments for privacy-enhancing technologies and the President's recent announcement of a vision for PETs demonstrate substantial progress in the research and potential application of these approaches. The Executive Branch is implementing the NSDS Act. In addition, the White House Office of Science and Technology Policy announced it is formulating a PET strategy for further advancement and adoption.<sup>7</sup></p>
<p><i>REC. 3-3: The President should direct federal departments to assign a senior official the responsibility for coordinating access to and stewardship of the department's data resources for evidence building in collaboration with senior department information technology, privacy, and other leaders. A Principal Statistical Agency head, or other appropriately qualified senior official, should serve this function.</i></p>	<p> The OPEN Government Data Act, Title 2 of the Evidence Act, established Chief Data Officers to fulfill this function.</p>	<p> The OPEN Government Data Act, Title 2 of the Evidence Act, established Chief Data Officers to fulfill this function. OMB issued implementation guidance requiring agencies to name CDOs and prioritized the positions as part of the Federal Data Strategy. While implementation guidance is forthcoming for Title 2 and other data governance, open data, data sensitivity topics, considerable progress has been made on the coordination and leadership capacity for agencies.</p>





<p><i>REC. 3-4: The Congress and the President should enact legislation to codify relevant portions of Office of Management and Budget Statistical Policy Directive #1 to protect public trust by ensuring that data acquired under a pledge of confidentiality are kept confidential and used exclusively for statistical purposes.</i></p>	<p> The Evidence Act amended CIPSEA as part of the 2018 reauthorization to include a public trust in data regulation as a key provision of the law.</p>	<p> The Evidence Act amended CIPSEA as part of the 2018 reauthorization to include a public trust in data regulation as a key provision of the law. The Federal Data Strategy principles issued by OMB reinforce similar concepts, including the role of ethical data use. In January 2021, President Biden issued a memorandum reinforcing the role of evidence-informed policymaking in government, yet OMB has not issued the draft Notice of Proposed Rulemaking required to use this authority under CIPSEA.</p>
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## Implementing the National Secure Data Service

Evidence Commission Recommendation:	Progress After 5 Years: CONGRESSIONAL ACTION	Progress After 5 Years: EXECUTIVE ACTION
<p><i>REC. 4-1: The National Secure Data Service should be established as a separate entity in the Department of Commerce that builds upon and enhances existing expertise and infrastructure in the federal government, especially at the Census Bureau, to ensure sufficient capacity in secure record linkage and data access for evidence building.</i></p>	<p> In July 2022, Congress passed the National Secure Data Service Act as part of the CHIPS and Science Act (P.L. 117-167) authorizing the National Science Foundation to establish a National Secure Data Service as a supplement to the existing statistical system capabilities.</p>	<p> In August 2022, the President signed into law the National Secure Data Service Act as part of the CHIPS and Science Act (P.L. 117-167) authorizing the National Science Foundation to establish a National Secure Data Service as a supplement to the existing statistical system capabilities. NSF will next establish the data service at the National Center for Science and Engineering Statistics, a federal statistical agency, to use the strong privacy protections of CIPSEA.</p>
<p><i>REC. 4-2: The NSDS should establish a Steering Committee that includes representatives of the public, federal departments, state agencies, and academia.</i></p>	<p> The Federal Advisory Committee on Data for Evidence Building is weighing recommendations about governance of the NSDS, and the implementation and administrative process will be determined by NSF. The Evidence Act established ACDEB as an interim advisory body to make recommendations about the NSDS and it will publish its final report in October 2022.</p>	<p> The Federal Advisory Committee on Data for Evidence Building is weighing recommendations about governance of the NSDS, and the implementation and administrative process will be determined by NSF. The Evidence Act established ACDEB as an interim advisory body to make recommendations about the NSDS and it will publish its final report in October 2022. OMB delegated the authority to the Department of Commerce, and the committee is currently chaired by the director of the NSF National Center for Science and Engineering Statistics.</p>
<p><i>REC. 4-3: To ensure exemplary transparency and accountability for the federal government's use of data for evidence building, the NSDS should maintain a searchable inventory of approved projects using confidential data and undergo regular auditing of compliance with rules governing privacy, confidentiality, and access.</i></p>	<p> The NSDS Act requires a public inventory of projects. The Federal Advisory Committee on Data for Evidence Building's draft recommendations reinforce this point, which would be determined administratively by NSF during implementation of the NSDS.</p>	<p> The NSDS Act requires a public inventory of projects. The Federal Advisory Committee on Data for Evidence Building's draft recommendations reinforce this point, which would be determined administratively by NSF during implementation of the NSDS.</p>

REC. 4-4: The NSDS should have specific administrative and implementation flexibilities including the ability to leverage public-private partnerships and to collect and retain user fees.	 The Federal Advisory Committee on Data for Evidence Building's draft recommendations reinforce this point, which would be determined administratively by NSF during implementation of the NSDS.	 The Federal Advisory Committee on Data for Evidence Building's draft recommendations reinforce this point, which would be determined administratively by NSF during implementation of the NSDS.
REC. 4-5: The Office of Management and Budget should increase efforts to make information available on existing federal datasets including data inventories, metadata, and data documentation in a searchable format.	 The OPEN Government Data Act, Title 2 of the Evidence Act, established new requirements for government-wide data inventories, meta-data, machine-readable open data.	 The OPEN Government Data Act, Title 2 of the Evidence Act, established new requirements for government-wide data inventories, meta-data, machine-readable open data. However, OMB has not yet issued implementation guidance for this provision nor has it fully encouraged the development of the data cataloging functionality via data.gov.

## Strengthening Federal Evidence-Building Capacity

Evidence Commission Recommendation:	Progress After 5 Years: CONGRESSIONAL ACTION	Progress After 5 Years: EXECUTIVE ACTION
REC. 5-1: The President should direct federal departments to increase capacity for evidence building through the identification of establishment of a Chief Evaluation Officer, in addition to needed authorities to build a high performing evidence-building workforce.	 The Evidence Act established evaluation officers in the largest departments and agencies of government, and also directed OPM to establish an evaluation occupational series or other mechanism for building the evaluation workforce. The law also requires written evaluation policies and an inventory of evidence-building units to assess overall capacity.	 The Evidence Act established evaluation officers in the largest departments and agencies of government, and also directed OPM to establish an evaluation occupational series or other mechanism for building the evaluation workforce. The law also requires written evaluation policies and an inventory of evidence-building units to assess overall capacity. Substantial progress has been made to identify officials, produce evaluation policies and plans, form the Evaluation Council, and post materials at evaluation.gov.

<p><i>REC. 5-2: The Congress and the President should direct federal departments to develop multi-year learning agendas that support the generation and use of evidence.</i></p>	<p> The Evidence Act required the largest agencies and departments to produce learning agendas, or evidence-building plans, as part of quadrennial strategic planning.</p>	<p> The Evidence Act required the largest agencies and departments to produce learning agendas, or evidence-building plans, as part of quadrennial strategic planning. Substantial progress has been made to publish learning agendas, make information available through performance.gov, begin developing cross-agency agendas, and using the agendas to encourage the use of evidence as intended.</p>
<p><i>REC. 5-3: The Congress and the President should direct the Office of Management and Budget to coordinate the federal government's evidence-building activities across departments, including through any reorganization or consolidation within OMB that may be necessary and by bolstering the visibility and role of interagency councils.</i></p>	<p> While the Evidence Act does not explicitly address OMB reorganization, it does provide for a CDO Council to coordinate data governance, reauthorizes the Interagency Council on Statistical Policy, and provides OMB authority to coordinate certain data confidentiality practices.</p>	<p> OMB took steps with the Federal Data Strategy to coordinate itself, recognizing that some challenges remain in the coordination capabilities.</p>
<p><i>REC. 5-4: The Congress and the President should align administrative processes to support evidence building, in particular by streamlining the approval processes for new data collections and using existing flexibilities in procurement policy.</i></p>	<p> Congress is currently drafting reforms to the Paperwork Reduction Act, likely to be filed for the 118th Congress. Other administrative processes and hiring authorities have garnered attention related to artificial intelligence and broad data/technology legislation in the 117th Congress.</p>	<p> OMB took steps to administratively create efficiencies for paperwork reviews and some procurement actions.</p>
<p><i>REC. 5-5: The Congress and the President should ensure sufficient resources to support evidence-building activities about federal government programs and policies.</i></p>	<p> Activities to prioritize resources in appropriations have been piecemeal, with some support for resources in targeted agencies but not in broad funds or support for the statistical system, evaluation function, or the chief data officer community.</p>	<p> Activities to prioritize resources in budget requests have been piecemeal. OMB did provide guidance under some appropriated funds allowing for the use of resources to support data infrastructure and capacity (e.g., American Rescue Plan, Infrastructure Investment and Jobs Act).</p>

In the five years since the Evidence Commission issued its recommendations – which included a change in presidential administrations and a global pandemic – some level of progress has been made on nearly all of the commission's recommendations.

Yet, whether the final outcomes and goals of the Evidence Commission's vision were achieved – or will be in the future – it is still too early to say. What impact will the NSDS ultimately have on data access and cutting-edge privacy technique development once fully implemented? What other impacts on the evidence community will the NSDS produce? Will agency budgets reflect the need for more capacity-building resources as CDOs and evaluation officials become more established and their impact seen? These questions will hopefully be answered in the coming years.

But in terms of achieving the vision since the commission issued its recommendations, here are five key effects that can be asserted from the Evidence Commission's effort:

- 1. Emergence of new thinking and approaches about an existing evidence system has a tremendous effect.** In 2017, the Evidence Commission presented a new way of thinking about the intersection of disciplinary and organizational silos – statistics, data science, evaluation, policy analysis, and other related areas that data touches but might not have been recognized as belonging in the evidence community. While these topics may seem similar and related, in government and in some academic institutions, they are very much isolated. Yet working toward the same goals to achieve common data sharing and use strengthens the case and resources for conducting evidence-building activities. This way of approaching the evidence ecosystem – and imagining a more cohesive narrative for the larger community – bolstered the capacity that exists today, likely led to the passage of the legislation, and even supported the Executive Branch implementation of initiatives to date.
- 2. Shifting from dichotomous to risk-based thinking should not be underestimated.** When it comes to considering how our government and society protects data for public release, much has changed – and will continue to change. The public has strong feelings about how their data are or are not being protected. Knowing that keeping data protected is incredibly important and necessary, the evolution of looking at it through a risk-based framework rather than a binary or dichotomous yes or no framework is one of the great contributions of the Evidence Commission. That this concept is now embedded in federal law for data, in the same way it is recognized for health and environmental matters, is significant and practical. A realistic approach to managing risk under the law means that federal agencies and researchers can also navigate data sharing and use without being hamstrung by the legal responses that insist nothing can ever be safe. The implementation of the Evidence Commission's recommendations demonstrates that it is possible to increase access to and availability of data without sacrificing increased privacy. The long-overdue realism offers great potential for also improving real privacy protections with new technologies by recognizing where harms and threats may exist.
- 3. New leadership roles benefit capacity and momentum.** While each have specific roles to play, chief data officers, evaluation officers, and statistical officials all have the capacity-building function, the ability to raise attention to the evidence ecosystem, and the targeted capability to identify early challenges for re-prioritizing.<sup>8,9</sup> These new roles reflect the overdue recognition that people are critical for bolstering the evidence ecosystem, providing leadership and enthusiasm, and also spearheading innovation, allocating resources, and encouraging modernization. This is significant.
- 4. Implementation delays resulting from the lack of capacity have effects government-wide.** While the Evidence Act charged OMB with issuing guidance and regulations to support various evidence-building activities under the law – including for open data mandates, data inventories, data sharing regulations, and the public trust regulation – the lack of capacity at OMB to adequately staff and prioritize these activities causes delays in implementation government-wide. Unfortunately, even the Federal Data Strategy as an implementation vehicle, with the use of fellows and other creative staffing strategies, posed limits in creating the requisite capacity for satisfying the capacity needed to implement core requirements of the Evidence Act. In many ways the delays in releasing the action plans of the FDS bolsters a recommendation and observation from the Evidence Commission about the central role that OMB needs to play in the evidence ecosystem. When at full capacity, OMB can serve as a coordinator and as a repository for the central guidance to send agencies in a common direction for implementation in building capacity, building evidence, or other related activities outlined by the Evidence Commission.

5. **Resources are vital to the success of the evidence ecosystem, and sorely needed.** When the Evidence Commission recommended resources and several strategies to supply resources in its final recommendation, it reiterated the vital nature of adequate funding. However, the Evidence Commission stopped short of indicating an ideal number for data collection, data sharing, data governance, data analysis, data management, and evaluation activities. Every agency has varying data needs, but every agency needs to be able to use and present their data. In practice, resources for all aspects of the data lifecycle and for the people to support this work are clearly needed to build long-term and sustained capacity for evidence-informed policymaking, whether through set-asides, new funds, or appropriations.<sup>10</sup>

## Recommendations and Next Steps to Achieve the Promise of Evidence-Informed Policymaking

As the Evidence Commission celebrates its five-year anniversary, the successes of what has been implemented to date should be celebrated. At the same time, this is an opportunity to recognize there are clear areas for growth and next steps in the years ahead. We offer these four recommendations for practical next steps to the evidence community looking for where to turn next:

1. **Prioritize the Recommendations, Best Practices, and Use Cases from the Federal Advisory Committee on Data for Evidence Building.** Established by the Evidence Act to signal Congress' interest in the discussion about the National Secure Data Service, the advisory committee – or ACDEB – will issue recommendations in October 2022 about implementation of the data service. *These recommendations will also likely be more expansive in calling on the OMB Director to focus attention on providing necessary resources and capacity for the evidence ecosystem. The evidence community can take action when then recommendations of ACDEB are released by participating in the release, reading the report, sharing with their respective agencies and organizations, and then calling on the OMB Director to ensure those recommendations are implemented.* Further, the evidence community can also call on the NSF director to support rapid implementation of the National Secure Data Service based on the ACDEB recommendations.
2. **Encourage Publication of Guidance and Draft Regulations from the Evidence Act.** Multiple regulations and provisions from the Evidence Act are without implementation guidance needed for agencies to begin taking action. That guidance should come from OMB to ensure effectively coordinated time and resources within the evidence ecosystem. Without this guidance, agencies are left trying to figure out the best way to implement the regulations on their own, resulting in various interpretations and a non-uniform implementation across the federal government. *The evidence community can call on the OMB Director to issue these guidance and regulatory actions as soon as possible to ensure implementation of the Evidence Act continues to proceed without further delay.*
3. **Facilitate Dialogue and Build Procedures within Agencies to Develop Proposals on Unaddressed Recommendations.** Several of the commission recommendations that require legal changes have not yet been addressed. While several of these recommendations are arguably more controversial, making specific changes to the tax code or the Census Act would enable the use of statistical data for statistical activities. These changes are consistent with provisions included in the bipartisan Evidence Act, and utilizing administrative action to implement these changes may open new pathways to support the use of data in the short-term while waiting for the congressional authorization that is required for long-term changes. For the other areas, legislative strategies developed with some skill and acumen are likely needed to address student unit record bans, tax data, and other areas for high-value, low-risk rewards. Those in the evidence community have the subject matter expertise and skill to elevate these items in their agencies. *The evidence community can collaborate to develop draft legislative text on key provisions and call on OMB and agencies to develop proposals in the FY 2024 budget for consideration.*
4. **Identify Resource Gaps and Request Additional Resources and Capacity to Address Needs.** Agency officials in new leadership roles continue to report gaps in funding and general operating capacity to support basic mission and duty expectations related to the Evidence Act. New resources or creative mechanisms must still be identified to support this work. In addition, resources must be identified to support state, local, and tribal capacity for data sharing, management, and use if the expectation is for them to align with federal needs and interests. It is not enough for political leaders to merely say they support data and evidence – the allocation of sustained resources must be demonstrated as part of that support. *The evidence community can call on political leaders to align resource needs with agency evidence-building capacity assessments or the minimum funding expectations for each agency identified by the Congressional Budget Office when the Evidence Act passed in 2017.*

In order for evidence-informed policymaking activities in the United States to become routine, that is, for the Evidence Commission's vision to become a reality, attention to the remaining recommendations of the Commission is necessary and the creation of new resources for implementation activities would be a tremendous benefit.

The achievements of the Evidence Commission measured against its legislative and administrative successes to date are unquestionable and have been vast. But the desired outcomes – the intent to effectuate improvements in outcomes in key program metrics by using evidence to drive better decision-making – are yet to be seen across many programs and activities in government. The hope remains that these outcomes are realistic and within reach based on the current trajectory of implementation.

Congress, Executive Branch officials, and the evidence stakeholder community have invested considerable time and energy into this process over the past five years. In the five years ahead, the next challenge is to ensure it is not for naught. Ensuring the capacity and resources are strong and abundant, that the data service is transparent and robust, and that these efforts maintain public trust are all essential. Ultimately it is the use of evidence in government that is the next key barrier to be addressed, regardless of which political party or ideological perspective controls the Executive Branch or Congress. Politics will always influence decision-making; the challenge will thus always be to ensure evidence and science has a seat at the table in decision-making for evidence to inform. If the seat at the table remains, the evidence promise holds true and the Evidence Commission's vision becomes one step closer to a reality.



## Endnotes

<sup>1</sup> R. Vought, “Federal Data Strategy - A Framework for Consistency, M-19-18” (White House Office of Management and Budget, June 4, 2019), <https://www.whitehouse.gov/wp-content/uploads/2019/06/M-19-18.pdf>.

<sup>2</sup> Office of Management and Budget, “The Interagency Council on Statistical Policy’s Recommendation for a Standard Application Process (SAP) for Requesting Access to Certain Confidential Data Assets,” in *Federal Register* (Office of Management and Budget, 2022), 2459–62, <https://www.federalregister.gov/documents/2022/01/14/2022-00620/the-interagency-council-on-statistical-policy-recommendation-for-a-standard-application-process-sap>.

<sup>3</sup> Office of Management and Budget, “The Interagency Council on Statistical Policy’s Recommendation for a Standard Application Process (SAP) for Requesting Access to Certain Confidential Data Assets.”

<sup>4</sup> A. Macgillivray and T. deBlanc-Knowles, “Advancing a Vision for Privacy-Enhancing Technologies,” White House Office of Science and Technology Policy, June 28, 2022, <https://www.whitehouse.gov/ostp/news-updates/2022/06/28/advancing-a-vision-for-privacy-enhancing-technologies/>.

<sup>5</sup> See comments from NSF staff at the quarterly meeting of the Council of Professional Associations for Federal Statistics on September 9, 2022.

<sup>6</sup> Office of Management and Budget, “The Interagency Council on Statistical Policy’s Recommendation for a Standard Application Process (SAP) for Requesting Access to Certain Confidential Data Assets.”

<sup>7</sup> White House Office of Science and Technology Policy. “Request for Information on Advancing Privacy-Enhancing Technologies” in *Federal Register*. Office of Science and Technology Policy, 2022. <https://www.federalregister.gov/documents/2022/06/09/2022-12432/request-for-information-on-advancing-privacy-enhancing-technologies>.

<sup>8</sup> N. Hart et al., “CDO Insights: 2021 Survey Results On the Maturation of Data Governance in U.S. Federal Agencies” (Data Foundation, 2021), <https://www.datafoundation.org/cdo-insights-report-2021>.

<sup>9</sup> S. Mumford and N. Hart, “Federal Evaluation Officials 2021: 2021 Survey Results on Agencies’ Emerging Evaluation Capacity to Implement the Evidence Act” (Data Foundation, 2021), <https://www.datafoundation.org/survey-of-federal-evaluation-officials-2021>.

<sup>10</sup> K. Fatherree and N. Hart, “Funding the Evidence Act: Options for Allocating Resources to Meet Emerging Data and Evidence Needs in the Federal Government” (Data Foundation, 2019), <https://www.datafoundation.org/funding-the-evidence-act-paper-2019>.

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