

Calendar No. 244

114TH CONGRESS
1ST SESSION**S. 991****[Report No. 114–151]**

To establish the Commission on Evidence-Based Policymaking, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 16, 2015

Mrs. MURRAY (for herself and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

OCTOBER 1, 2015

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To establish the Commission on Evidence-Based Policymaking, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Evidence-Based Policy-
5 making Commission Act of 2015”.

1 **SEC. 2. ESTABLISHMENT.**

2 There is established in the executive branch a com-
 3 mission to be known as the “Commission on Evidence-
 4 Based Policymaking” (in this Act referred to as the “Com-
 5 mission”).

6 **SEC. 3. MEMBERS OF THE COMMISSION.**

7 (a) NUMBER AND APPOINTMENT.—The Commission
 8 shall be comprised of 15 members as follows:

9 (1) Three shall be appointed by the President,
 10 of whom—

11 (A) 1 shall be an academic researcher,
 12 data expert, or have experience in administering
 13 programs;

14 (B) 1 shall have expertise in database
 15 management, confidentiality, and privacy mat-
 16 ters; and

17 (C) 1 shall be the Director of the Office of
 18 Management and Budget (or the Director’s des-
 19 ignee).

20 (2) Three shall be appointed by the Speaker of
 21 the House of Representatives, of whom—

22 (A) 2 shall be academic researchers, data
 23 experts, or have experience in administering
 24 programs; and

1 ~~(B)~~ 1 shall have expertise in database
2 management, confidentiality, and privacy mat-
3 ters.

4 ~~(3)~~ Three shall be appointed by the Minority
5 Leader of the House of Representatives, of whom—

6 ~~(A)~~ 2 shall be academic researchers, data
7 experts, or have experience in administering
8 programs; and

9 ~~(B)~~ 1 shall have expertise in database
10 management, confidentiality, and privacy mat-
11 ters.

12 ~~(4)~~ Three shall be appointed by the Majority
13 Leader of the Senate, of whom—

14 ~~(A)~~ 2 shall be academic researchers, data
15 experts, or have experience in administering
16 programs; and

17 ~~(B)~~ 1 shall have expertise in database
18 management, confidentiality, and privacy mat-
19 ters.

20 ~~(5)~~ Three shall be appointed by the Minority
21 Leader of the Senate, of whom—

22 ~~(A)~~ 2 shall be academic researchers, data
23 experts, or have experience in administering
24 programs; and

1 ~~(B)~~ 1 shall have expertise in database
 2 management, confidentiality, and privacy mat-
 3 ters.

4 ~~(b)~~ EXPERTISE.—In making appointments under this
 5 section, consideration should be given to individuals with
 6 expertise in economics, statistics, program evaluation,
 7 data security, confidentiality, or database management.

8 ~~(c)~~ CHAIRPERSON AND CO-CHAIRPERSON.—The
 9 President shall select the chairperson of the Commission
 10 and the Speaker of the House of Representatives shall se-
 11 lect the co-chairperson.

12 ~~(d)~~ TIMING OF APPOINTMENTS.—Appointments to
 13 the Commission shall be made not later than 45 days after
 14 the date of enactment of this Act.

15 ~~(e)~~ TERMS; VACANCIES.—Each member shall be ap-
 16 pointed for the duration of the Commission. Any vacancy
 17 in the Commission shall not affect its powers, and shall
 18 be filled in the manner in which the original appointment
 19 was made.

20 ~~(f)~~ COMPENSATION.—Members of the Commission
 21 shall serve without pay.

22 ~~(g)~~ TRAVEL EXPENSES.—Each member of the Com-
 23 mission shall be allowed travel expenses, including per
 24 diem in lieu of subsistence, at rates authorized for employ-
 25 ees of agencies under subchapter I of chapter 57 of title

1 5, United States Code, while away from their homes or
 2 regular places of business in the performance of services
 3 for the Commission.

4 **SEC. 4. DUTIES OF THE COMMISSION.**

5 (a) STUDY OF DATA.—The Commission shall conduct
 6 a comprehensive study of the data inventory, data infra-
 7 structure, and statistical protocols related to Federal pol-
 8 icy-making and the statistical and programmatic agencies
 9 responsible for maintaining that data to—

10 (1) determine the optimal arrangement for
 11 which administrative data on Federal programs and
 12 tax expenditures and related data series may be in-
 13 tegrated and made available to facilitate program
 14 evaluation, continuous improvement, policy-relevant
 15 research, and cost-benefit analyses by qualified re-
 16 searchers and institutions;

17 (2) make recommendations on how data infra-
 18 structure and protocols should be modified to best
 19 fulfill the objectives identified in paragraph (1); and

20 (3) make recommendations on how best to in-
 21 corporate outcomes measurement, institutionalize
 22 randomized controlled trials, and rigorous impact
 23 analysis into program design.

24 (b) CLEARINGHOUSE.—In undertaking the study re-
 25 quired by subsection (a), the Commission shall consider

1 if and how to create a clearinghouse for program and sur-
2 vey data, which shall include evaluation of—

3 (1) what administrative data that are relevant
4 for program evaluation and Federal policymaking
5 should be included in a potential clearinghouse;

6 (2) which survey data the administrative data
7 identified in paragraph (1) may be linked to, in ad-
8 dition to linkages across administrative data series;

9 (3) what are the legal and administrative bar-
10 riers to including or linking these data series;

11 (4) what data-sharing infrastructure should be
12 used to facilitate data merging and access for re-
13 search purposes;

14 (5) how a clearinghouse could be self-funded;

15 (6) which types of qualified researchers, offi-
16 cials, and institutions should have access to data;

17 (7) what limitations should be placed on the use
18 of data provided;

19 (8) how to protect information and ensure indi-
20 vidual privacy and confidentiality;

21 (9) how the data and results of research can be
22 used to inform program administrators and policy-
23 makers to improve program design; and

24 (10) what incentives may facilitate interagency
25 sharing of information to improve programmatic ef-

1 fectiveness and enhance data accuracy and com-
2 prehensiveness.

3 (c) **REPORT.**—Upon the affirmative vote of at least
4 three-quarters of the members of the Commission, the
5 Commission shall submit to the President and Congress
6 a detailed statement of its findings and conclusions as a
7 result of the study required by subsection (a); together
8 with its recommendations for such legislation or adminis-
9 trative actions as the Commission considers appropriate
10 in light of the results of the study.

11 (d) **DEADLINE.**—The report under subsection (c)
12 shall be submitted not later than the date that is 15
13 months after the date a majority of the members of the
14 Commission are appointed pursuant to section 3.

15 (e) **DEFINITION.**—In this section, the term “adminis-
16 trative data” means data—

17 (1) held by an agency or a contractor or grant-
18 ee of an agency (including a State or unit of local
19 government); and

20 (2) collected for other than statistical purposes.

21 **SEC. 5. OPERATION AND POWERS OF THE COMMISSION.**

22 (a) **ADMINISTRATIVE ASSISTANCE.**—The heads of
23 the following agencies shall advise and consult with the
24 Commission on matters within their respective areas of re-
25 sponsibility:

1 ~~(1) The Bureau of the Census.~~

2 ~~(2) The Internal Revenue Service.~~

3 ~~(3) The Department of Health and Human~~
4 ~~Services.~~

5 ~~(4) The Department of Agriculture.~~

6 ~~(5) The Department of Housing and Urban De-~~
7 ~~velopment.~~

8 ~~(6) The Social Security Administration.~~

9 ~~(7) The Department of Education.~~

10 ~~(8) The Department of Justice.~~

11 ~~(9) The Office of Management and Budget.~~

12 ~~(10) The Bureau of Economic Analysis.~~

13 ~~(11) The Bureau of Labor Statistics.~~

14 ~~(12) Any other agency, as determined by the~~
15 ~~Commission.~~

16 ~~(b) MEETINGS.—The Commission shall meet not~~
17 ~~later than 30 days after the date upon which a majority~~
18 ~~of its members have been appointed and at such times~~
19 ~~thereafter as the chairperson or co-chairperson shall deter-~~
20 ~~mine.~~

21 ~~(c) RULES OF PROCEDURE.—The chairperson and~~
22 ~~co-chairperson shall, with the approval of a majority of~~
23 ~~the members of the Commission, establish written rules~~
24 ~~of procedure for the Commission, which shall include a~~

1 quorum requirement to conduct the business of the Com-
2 mission.

3 (d) HEARINGS.—The Commission may, for the pur-
4 pose of carrying out this Act, hold hearings, sit and act
5 at times and places, take testimony, and receive evidence
6 as the Commission considers appropriate.

7 (e) CONTRACTS.—The Commission may contract
8 with and compensate government and private agencies or
9 persons for any purpose necessary to enable it to carry
10 out this Act.

11 (f) MAELS.—The Commission may use the United
12 States mails in the same manner and under the same con-
13 ditions as other agencies of the Federal Government.

14 (g) GIFTS.—The Commission may accept, use, and
15 dispose of gifts or donations of services or property.

16 **SEC. 6. FUNDING.**

17 Subject to the availability of appropriations—

18 (1) at the request of the Director of the Cen-
19 sus, the agencies identified as “Principal Statistical
20 Agencies” in the report, published by the Office of
21 Management and Budget, entitled “Statistical Pro-
22 grams of the United States Government, Fiscal Year
23 2015” shall provide funds, in a total amount not to
24 exceed \$3,000,000, to the Director for purposes of

1 carrying out the activities of the Commission as pro-
 2 vided in this Act; and

3 ~~(2) the Bureau of the Census shall provide ad-~~
 4 ~~ministrative support to the Commission, which may~~
 5 ~~include providing physical space at, and access to,~~
 6 ~~the headquarters of the Bureau of the Census, lo-~~
 7 ~~cated in Suitland, Maryland.~~

8 **SEC. 7. PERSONNEL.**

9 ~~(a) DIRECTOR.—The Commission shall have a Direc-~~
 10 ~~tor who shall be appointed by the chairperson with the~~
 11 ~~concurrence of the co-chairperson. The Director shall be~~
 12 ~~paid at a rate of pay established by the chairperson and~~
 13 ~~co-chairperson, not to exceed the annual rate of basic pay~~
 14 ~~payable for level V of the Executive Schedule (section~~
 15 ~~5316 of title 5, United States Code).~~

16 ~~(b) STAFF.—The Director may appoint and fix the~~
 17 ~~pay of additional staff as the Director considers appro-~~
 18 ~~priate.~~

19 ~~(c) EXPERTS AND CONSULTANTS.—The Commission~~
 20 ~~may procure temporary and intermittent services under~~
 21 ~~section 3109(b) of title 5, United States Code, at rates~~
 22 ~~for individuals which do not exceed the daily equivalent~~
 23 ~~of the annual rate of basic pay for a comparable position~~
 24 ~~paid under the General Schedule.~~

1 **SEC. 8. TERMINATION.**

2 ~~The Commission shall terminate not later than 18~~
 3 ~~months after the date of enactment of this Act.~~

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “Evidence-Based Policy-*
 6 *making Commission Act of 2015”.*

7 **SEC. 2. ESTABLISHMENT.**

8 *There is established in the executive branch a commis-*
 9 *sion to be known as the “Commission on Evidence-Based*
 10 *Policymaking” (in this Act referred to as the “Commis-*
 11 *sion”).*

12 **SEC. 3. MEMBERS OF THE COMMISSION.**

13 *(a) NUMBER AND APPOINTMENT.—The Commission*
 14 *shall be comprised of 15 members as follows:*

15 *(1) Three shall be appointed by the President, of*
 16 *whom—*

17 *(A) one shall be an academic researcher,*
 18 *data expert, or have experience in administering*
 19 *programs;*

20 *(B) one shall have expertise in database*
 21 *management, confidentiality, and privacy mat-*
 22 *ters; and*

23 *(C) one shall be the Director of the Office of*
 24 *Management and Budget (or the Director’s des-*
 25 *ignee).*

1 (2) *Three shall be appointed by the Speaker of*
2 *the House of Representatives, of whom—*

3 (A) *two shall be academic researchers, data*
4 *experts, or have experience in administering pro-*
5 *grams; and*

6 (B) *one shall have expertise in database*
7 *management, confidentiality, and privacy mat-*
8 *ters.*

9 (3) *Three shall be appointed by the Minority*
10 *Leader of the House of Representatives, of whom—*

11 (A) *two shall be academic researchers, data*
12 *experts, or have experience in administering pro-*
13 *grams; and*

14 (B) *one shall have expertise in database*
15 *management, confidentiality, and privacy mat-*
16 *ters.*

17 (4) *Three shall be appointed by the Majority*
18 *Leader of the Senate, of whom—*

19 (A) *two shall be academic researchers, data*
20 *experts, or have experience in administering pro-*
21 *grams; and*

22 (B) *one shall have expertise in database*
23 *management, confidentiality, and privacy mat-*
24 *ters.*

1 (5) *Three shall be appointed by the Minority*
 2 *Leader of the Senate, of whom—*

3 (A) *two shall be academic researchers, data*
 4 *experts, or have experience in administering pro-*
 5 *grams; and*

6 (B) *one shall have expertise in database*
 7 *management, confidentiality, and privacy mat-*
 8 *ters.*

9 (b) *EXPERTISE.—In making appointments under this*
 10 *section, consideration should be given to individuals with*
 11 *expertise in economics, statistics, program evaluation, data*
 12 *security, confidentiality, or database management.*

13 (c) *CHAIRPERSON AND CO-CHAIRPERSON.—The Presi-*
 14 *dent shall select the chairperson of the Commission and the*
 15 *Speaker of the House of Representatives shall select the co-*
 16 *chairperson.*

17 (d) *TIMING OF APPOINTMENTS.—Appointments to the*
 18 *Commission shall be made not later than 45 days after the*
 19 *date of enactment of this Act.*

20 (e) *TERMS; VACANCIES.—Each member shall be ap-*
 21 *pointed for the duration of the Commission. Any vacancy*
 22 *in the Commission shall not affect its powers, and shall be*
 23 *filled in the manner in which the original appointment was*
 24 *made.*

1 (f) *COMPENSATION.*—*Members of the Commission shall*
 2 *serve without pay.*

3 (g) *TRAVEL EXPENSES.*—*Each member of the Com-*
 4 *mission shall be allowed travel expenses, including per diem*
 5 *in lieu of subsistence, at rates authorized for employees of*
 6 *agencies under subchapter I of chapter 57 of title 5, United*
 7 *States Code, while away from their homes or regular places*
 8 *of business in the performance of services for the Commis-*
 9 *sion.*

10 **SEC. 4. DUTIES OF THE COMMISSION.**

11 (a) *STUDY OF DATA.*—*The Commission shall conduct*
 12 *a comprehensive study of the data inventory, data infra-*
 13 *structure, and statistical protocols related to Federal policy-*
 14 *making and the agencies responsible for maintaining that*
 15 *data to—*

16 (1) *determine the optimal arrangement for which*
 17 *administrative data on Federal programs and tax ex-*
 18 *penditures, survey data, and related statistical data*
 19 *series may be integrated and made available to facili-*
 20 *tate program evaluation, continuous improvement,*
 21 *policy-relevant research, and cost-benefit analyses by*
 22 *qualified researchers and institutions;*

23 (2) *make recommendations on how data infra-*
 24 *structure and statistical protocols should be modified*

1 to best fulfill the objectives identified in paragraph
2 (1); and

3 (3) make recommendations on how best to incor-
4 porate outcomes measurement, institutionalize ran-
5 domized controlled trials, and rigorous impact anal-
6 ysis into program design.

7 (b) *CLEARINGHOUSE*.—In undertaking the study re-
8 quired by subsection (a), the Commission shall—

9 (1) consider whether a clearinghouse for program
10 and survey data should be established and how to cre-
11 ate such a clearinghouse; and

12 (2) evaluate—

13 (A) what administrative data and survey
14 data are relevant for program evaluation and
15 Federal policymaking and should be included in
16 a potential clearinghouse;

17 (B) which survey data the administrative
18 data identified in subparagraph (A) may be
19 linked to, in addition to linkages across adminis-
20 trative data series;

21 (C) what are the legal and administrative
22 barriers to including or linking these data series;

23 (D) what data-sharing infrastructure should
24 be used to facilitate data merging and access for
25 research purposes;

1 (E) how a clearinghouse could be self-fund-
2 ed;

3 (F) which types of researchers, officials, and
4 institutions should have access to data and what
5 the qualifications of the researchers, officials, and
6 institutions should be;

7 (G) what limitations should be placed on
8 the use of data provided;

9 (H) how to protect information and ensure
10 individual privacy and confidentiality;

11 (I) how data and results of research can be
12 used to inform program administrators and pol-
13 icymakers to improve program design; and

14 (J) what incentives may facilitate inter-
15 agency sharing of information to improve pro-
16 grammatic effectiveness and enhance data accu-
17 racy and comprehensiveness.

18 (c) *REPORT.*—Upon the affirmative vote of at least
19 three-quarters of the members of the Commission, the Com-
20 mission shall submit to the President and Congress a de-
21 tailed statement of its findings and conclusions as a result
22 of the activities required by subsections (a) and (b), together
23 with its recommendations for such legislation or adminis-
24 trative actions as the Commission considers appropriate in
25 light of the results of the study.

1 (d) *DEADLINE.*—*The report under subsection (c) shall*
 2 *be submitted not later than the date that is 15 months after*
 3 *the date a majority of the members of the Commission are*
 4 *appointed pursuant to section 3.*

5 (e) *DEFINITION.*—*In this section, the term “adminis-*
 6 *trative data” means data—*

7 (1) *held by an agency or a contractor or grantee*
 8 *of an agency (including a State or unit of local gov-*
 9 *ernment); and*

10 (2) *collected for other than statistical purposes.*

11 **SEC. 5. OPERATION AND POWERS OF THE COMMISSION.**

12 (a) *EXECUTIVE BRANCH ASSISTANCE.*—*The heads of*
 13 *the following agencies shall advise and consult with the*
 14 *Commission on matters within their respective areas of re-*
 15 *sponsibility:*

16 (1) *The Bureau of the Census.*

17 (2) *The Internal Revenue Service.*

18 (3) *The Department of Health and Human Serv-*
 19 *ices.*

20 (4) *The Department of Agriculture.*

21 (5) *The Department of Housing and Urban De-*
 22 *velopment.*

23 (6) *The Social Security Administration.*

24 (7) *The Department of Education.*

25 (8) *The Department of Justice.*

1 (9) *The Office of Management and Budget.*

2 (10) *The Bureau of Economic Analysis.*

3 (11) *The Bureau of Labor Statistics.*

4 (12) *Any other agency, as determined by the*
5 *Commission.*

6 (b) *MEETINGS.*—*The Commission shall meet not later*
7 *than 30 days after the date upon which a majority of its*
8 *members have been appointed and at such times thereafter*
9 *as the chairperson or co-chairperson shall determine.*

10 (c) *RULES OF PROCEDURE.*—*The chairperson and co-*
11 *chairperson shall, with the approval of a majority of the*
12 *members of the Commission, establish written rules of proce-*
13 *dure for the Commission, which shall include a quorum re-*
14 *quirement to conduct the business of the Commission.*

15 (d) *HEARINGS.*—*The Commission may, for the pur-*
16 *pose of carrying out this Act, hold hearings, sit and act*
17 *at times and places, take testimony, and receive evidence*
18 *as the Commission considers appropriate.*

19 (e) *CONTRACTS.*—*The Commission may contract with*
20 *and compensate government and private agencies or per-*
21 *sons for any purpose necessary to enable it to carry out*
22 *this Act.*

23 (f) *MAILS.*—*The Commission may use the United*
24 *States mails in the same manner and under the same condi-*
25 *tions as other agencies of the Federal Government.*

1 (g) *GIFTS.*—*The Commission may accept, use, and*
 2 *dispose of gifts or donations of services or property.*

3 **SEC. 6. FUNDING.**

4 (a) *IN GENERAL.*—*Subject to subsection (b) and the*
 5 *availability of appropriations—*

6 (1) *at the request of the Director of the Census,*
 7 *the agencies identified as “Principal Statistical Agen-*
 8 *cies” in the report, published by the Office of Manage-*
 9 *ment and Budget, entitled “Statistical Programs of*
 10 *the United States Government, Fiscal Year 2015”*
 11 *shall provide funds, in a total amount not to exceed*
 12 *\$3,000,000, to the Director for purposes of carrying*
 13 *out the activities of the Commission as provided in*
 14 *this Act; and*

15 (2) *the Bureau of the Census shall provide ad-*
 16 *ministrative support to the Commission, which may*
 17 *include providing physical space at, and access to, the*
 18 *headquarters of the Bureau of the Census, located in*
 19 *Suitland, Maryland.*

20 (b) *PROHIBITION ON NEW FUNDING.*—*No funds are*
 21 *authorized to be appropriated to carry out this Act and*
 22 *the amendments made by this Act. This Act and such*
 23 *amendments shall be carried out using amounts appro-*
 24 *riated or otherwise made available for such purposes.*

1 **SEC. 7. PERSONNEL.**

2 (a) *DIRECTOR.*—*The Commission shall have a Direc-*
 3 *tor who shall be appointed by the chairperson with the con-*
 4 *currence of the co-chairperson. The Director shall be paid*
 5 *at a rate of pay established by the chairperson and co-chair-*
 6 *person, not to exceed the annual rate of basic pay payable*
 7 *for level V of the Executive Schedule (section 5316 of title*
 8 *5, United States Code).*

9 (b) *STAFF.*—*The Director may appoint and fix the*
 10 *pay of additional staff as the Director considers appro-*
 11 *priate.*

12 (c) *EXPERTS AND CONSULTANTS.*—*The Commission*
 13 *may procure temporary and intermittent services under*
 14 *section 3109(b) of title 5, United States Code, at rates for*
 15 *individuals which do not exceed the daily equivalent of the*
 16 *annual rate of basic pay for a comparable position paid*
 17 *under the General Schedule.*

18 **SEC. 8. TERMINATION.**

19 *The Commission shall terminate not later than 18*
 20 *months after the date of enactment of this Act.*

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114TH CONGRESS
1ST Session

S. 991

[Report No. 114-151]

A BILL

To establish the Commission on Evidence-Based
Policymaking, and for other purposes.

OCTOBER 1, 2015

Reported with an amendment