

In the Senate of the United States,

March 16, 2016.

Resolved, That the bill from the House of Representatives (H.R. 1831) entitled “An Act to establish the Commission on Evidence-Based Policymaking, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Evidence-Based Policy-*
3 *making Commission Act of 2016”.*

4 ***SEC. 2. ESTABLISHMENT.***

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

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

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

4 (1) *Three shall be appointed by the President, of*
5 *whom—*

6 (A) *one shall be an academic researcher,*
7 *data expert, or have experience in administering*
8 *programs;*

9 (B) *one shall be an expert in protecting per-*
10 *sonally-identifiable information and data mini-*
11 *mization; and*

12 (C) *one shall be the Director of the Office of*
13 *Management and Budget (or the Director's des-*
14 *ignee).*

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

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

20 (B) *one shall be an expert in protecting per-*
21 *sonally-identifiable information and data mini-*
22 *mization.*

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

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

4 (B) one shall be an expert in protecting per-
5 sonally-identifiable information and data mini-
6 mization.

7 (4) Three shall be appointed by the Majority
8 Leader of the Senate, of whom—

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

12 (B) one shall be an expert in protecting per-
13 sonally-identifiable information and data mini-
14 mization.

15 (5) Three shall be appointed by the Minority
16 Leader of the Senate, of whom—

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

20 (B) one shall be an expert in protecting per-
21 sonally-identifiable information and data mini-
22 mization.

23 (b) *EXPERTISE.*—In making appointments under this
24 section, consideration should be given to individuals with

1 *expertise in economics, statistics, program evaluation, data*
2 *security, confidentiality, or database management.*

3 (c) *CHAIRPERSON AND CO-CHAIRPERSON.*—*The Presi-*
4 *dent shall select the chairperson of the Commission and the*
5 *Speaker of the House of Representatives shall select the co-*
6 *chairperson.*

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

10 (e) *TERMS; VACANCIES.*—*Each member shall be ap-*
11 *pointed for the duration of the Commission. Any vacancy*
12 *in the Commission shall not affect its powers, and shall be*
13 *filled in the manner in which the original appointment was*
14 *made.*

15 (f) *COMPENSATION.*—*Members of the Commission shall*
16 *serve without pay.*

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

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

2 (a) *STUDY OF DATA.*—*The Commission shall conduct*
3 *a comprehensive study of the data inventory, data infra-*
4 *structure, database security, and statistical protocols re-*
5 *lated to Federal policymaking and the agencies responsible*
6 *for maintaining that data to—*

7 (1) *determine the optimal arrangement for which*
8 *administrative data on Federal programs and tax ex-*
9 *penditures, survey data, and related statistical data*
10 *series may be integrated and made available to facili-*
11 *tate program evaluation, continuous improvement,*
12 *policy-relevant research, and cost-benefit analyses by*
13 *qualified researchers and institutions while weighing*
14 *how integration might lead to the intentional or un-*
15 *intentional access, breach, or release of personally-*
16 *identifiable information or records;*

17 (2) *make recommendations on how data infra-*
18 *structure, database security, and statistical protocols*
19 *should be modified to best fulfill the objectives identi-*
20 *fied in paragraph (1); and*

21 (3) *make recommendations on how best to incor-*
22 *porate outcomes measurement, institutionalize ran-*
23 *domized controlled trials, and rigorous impact anal-*
24 *ysis into program design.*

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

1 (1) *consider whether a clearinghouse for program*
2 *and survey data should be established and how to cre-*
3 *ate such a clearinghouse; and*

4 (2) *evaluate—*

5 (A) *what administrative data and survey*
6 *data are relevant for program evaluation and*
7 *Federal policy-making and should be included in*
8 *a potential clearinghouse;*

9 (B) *which survey data the administrative*
10 *data identified in subparagraph (A) may be*
11 *linked to, in addition to linkages across adminis-*
12 *trative data series, including the effect such link-*
13 *ages may have on the security of those data;*

14 (C) *what are the legal and administrative*
15 *barriers to including or linking these data series;*

16 (D) *what data-sharing infrastructure should*
17 *be used to facilitate data merging and access for*
18 *research purposes;*

19 (E) *how a clearinghouse could be self-fund-*
20 *ed;*

21 (F) *which types of researchers, officials, and*
22 *institutions should have access to data and what*
23 *the qualifications of the researchers, officials, and*
24 *institutions should be;*

1 (G) *what limitations should be placed on*
2 *the use of data provided;*

3 (H) *how to protect information and ensure*
4 *individual privacy and confidentiality;*

5 (I) *how data and results of research can be*
6 *used to inform program administrators and pol-*
7 *icymakers to improve program design;*

8 (J) *what incentives may facilitate inter-*
9 *agency sharing of information to improve pro-*
10 *grammatic effectiveness and enhance data accu-*
11 *racy and comprehensiveness; and*

12 (K) *how individuals whose data are used*
13 *should be notified of its usages.*

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

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

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

3 (1) *held by an agency or a contractor or grantee*
4 *of an agency (including a State or unit of local gov-*
5 *ernment); and*

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

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

8 (a) *EXECUTIVE BRANCH ASSISTANCE.*—*The heads of*
9 *the following agencies shall advise and consult with the*
10 *Commission on matters within their respective areas of re-*
11 *sponsibility:*

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

13 (2) *The Internal Revenue Service.*

14 (3) *The Department of Health and Human Serv-*
15 *ices.*

16 (4) *The Department of Agriculture.*

17 (5) *The Department of Housing and Urban De-*
18 *velopment.*

19 (6) *The Social Security Administration.*

20 (7) *The Department of Education.*

21 (8) *The Department of Justice.*

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

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

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

1 (12) *Any other agency, as determined by the*
2 *Commission.*

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

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

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

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

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

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

1 **SEC. 6. FUNDING.**

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

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

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

19 (b) *PROHIBITION ON NEW FUNDING.*—No additional
20 funds are authorized to be appropriated to carry out this
21 Act. This Act shall be carried out using amounts otherwise
22 available for the Bureau of the Census or the agencies de-
23 scribed in subsection (a)(1).

24 **SEC. 7. PERSONNEL.**

25 (a) *DIRECTOR.*—The Commission shall have a Direc-
26 tor who shall be appointed by the chairperson with the con-

1 *currence of the co-chairperson. The Director shall be paid*
2 *at a rate of pay established by the chairperson and co-chair-*
3 *person, not to exceed the annual rate of basic pay payable*
4 *for level V of the Executive Schedule (section 5316 of title*
5 *5, United States Code).*

6 (b) *STAFF.*—*The Director may appoint and fix the*
7 *pay of additional staff as the Director considers appro-*
8 *priate.*

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

15 **SEC. 8. TERMINATION.**

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

Attest:

Secretary.

14TH CONGRESS
2^D SESSION

H.R. 1831

AMENDMENT