

September 20, 2019

RE: Funding the Foundations for Evidence-Based Policymaking Act of 2018 in the FY 2021 President's Budget Request

Dear Acting Director Vought --

The Data Coalition strongly supports effective implementation of a monumental new law called the Foundations for Evidence-Based Policymaking Act of 2018 (P.L. 115-435), which includes the OPEN Government Data Act and the Confidential Information Protection and Statistical Efficiency Act. Congress passed this authorizing legislation late last year with overwhelming bipartisan support, and the President signed the bill with an affirmative recommendation from senior advisors in early 2019.

The Evidence Act was designed to improve access to government data while simultaneously strengthening privacy protections. When taken together, the core titles of the Evidence Act present a framework to revolutionize the value of government data for policymakers and the American public. The Data Coalition maintains that successful implementation of the Evidence Act will have a substantial return on investment for policymakers and the American public.

But fulfilling the goals of the legislation and the vision outlined unanimously by the U.S. Commission on Evidence-Based Policymaking – which made the recommendations that formulated much of the legislation – cannot be achieved without sufficient resources in Executive Branch agencies. One of the greatest risks today for achieving this vision is the lack of funding and personnel to drive needed culture change within agencies.

The risks to effective implementation of the Evidence Act have become abundantly clear over the past nine months. Notably, the FY 2020 President's Budget did not include any new funding requests to support implementation of the new law. In the interim, OMB issued the first phase of implementation guidance to agencies, which affirms a perspective outlined by the Evidence Commission and articulated in the Evidence Act: ensuring senior leaders are in place to execute the law is essential.¹ The Evidence Act creates roles for new chief data officers, evaluation officers, and statistical officials across the federal government. In order for agencies to succeed in becoming more evidence-based and providing the evidence needed to inform decisions in the Executive Branch, agencies must be appropriately resourced with empowered leaders.

To address the emerging needs and to minimize the future risks for implementing the Evidence Act effectively, we urge OMB to work with Congress to ensure the new champions for data and evidence receive adequate resources in the FY 2021 Budget Request. In addition, agencies are expected to implement a suite of largely new activities, such as developing learning agendas, coordinating across data offices and with external stakeholders, developing robust data inventories, improving the metadata associated with existing datasets, and producing more accessible or open data. These priorities are all consistent with the President's Management Agenda and the Federal Data Strategy.

¹ Vought, Russ. Phase 1 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Learning Agendas, Personnel, and Planning Guidance. M-19-23. Washington, D.C.: White House Office of Management and Budget, 2019. Available at: <https://www.whitehouse.gov/wp-content/uploads/2019/07/M-19-23.pdf>

RE: FY 2021 President's Budget Funding for Evidence Act Implementation

In considering the amount of resources to devote to implementation, the Congressional Budget Office (CBO) provided an indication of the absolute minimum. CBO's score of a draft version of the legislation suggested a discretionary annual cost of \$14 million in fiscal year 2020 and \$16 million in 2021.² The real cost will certainly be higher within agencies. The final law and direction in OMB's guidance to more expansively apply the new leadership roles suggests resources in excess of this amount are likely needed for effective implementation.

In short, additional resources are critically needed by agencies to successfully implement the Evidence Act, to fulfill the bipartisan vision of the Evidence Commission, and to succeed in making government data accessible, high-quality, and useful. The White House has an opportunity to send an important signal through the FY 2021 Budget Request about the prioritization of how this law will be implemented.

While we recognize you have difficult choices to make for the FY 2021 discretionary budget request, the Data Coalition strongly urges the White House to make targeted investments to implement key provisions of the Evidence Act. Mechanisms to support these additional resources could include new direct appropriations, the use of set-aside authorities, application of working capital funds, among other strategies.

The Data Coalition members look forward to continuing to work with the White House and OMB to increasingly use government data as a strategic asset. I would be pleased to discuss the request further with you or your staff at any time. Thank you for your consideration.

Respectfully,



Nick Hart, Ph.D.
CEO
Data Coalition

CC:

Margaret Weichert, Deputy Director for Management
Paul Ray, Acting Administrator of OIRA
Suzette Kent, Federal Chief Information Officer
Jeff Schlagenhauf, Associate Director for Economic Policy
Peter Warren, Associate Director for Performance and Personnel Policy
Dom Mancini, Deputy Administrator of OIRA
Nancy Potok, Chief Statistician of the United States

² Congressional Budget Office. Cost Estimate for HR 4174 – Foundations for Evidence-Based Policymaking Act. Washington, D.C.: CBO, 2017. Available at: <https://www.cbo.gov/system/files/115th-congress-2017-2018/costestimate/hr4174.pdf>