

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. 991

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. JOHNSON

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. ESTABLISHMENT.**

7 There is established in the executive branch a com-
8 mission to be known as the “Commission on Evidence-
9 Based Policymaking” (in this Act referred to as the “Com-
10 mission”).

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,
5 of whom—

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

9 (B) one shall have expertise in database
10 management, confidentiality, and privacy mat-
11 ters; and

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

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

17 (A) two shall be academic researchers,
18 data experts, or have experience in admin-
19 istering programs; and

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

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,
2 data experts, or have experience in admin-
3 istering programs; and

4 (B) one shall have expertise in database
5 management, confidentiality, and privacy mat-
6 ters.

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

9 (A) two shall be academic researchers,
10 data experts, or have experience in admin-
11 istering programs; and

12 (B) one shall have expertise in database
13 management, confidentiality, and privacy mat-
14 ters.

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

17 (A) two shall be academic researchers,
18 data experts, or have experience in admin-
19 istering programs; and

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

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

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

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

7 (d) TIMING OF APPOINTMENTS.—Appointments to
8 the Commission shall be made not later than 45 days after
9 the 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
13 be filled in the manner in which the original appointment
14 was made.

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

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

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, and statistical protocols related to Federal pol-
5 icymaking and the agencies responsible for maintaining
6 that data to—

7 (1) determine the optimal arrangement for
8 which administrative data on Federal programs and
9 tax expenditures, survey data, and related statistical
10 data series may be integrated and made available to
11 facilitate program evaluation, continuous improve-
12 ment, policy-relevant research, and cost-benefit anal-
13 yses by qualified researchers and institutions;

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

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

22 (b) CLEARINGHOUSE.—In undertaking the study re-
23 quired by subsection (a), the Commission shall—

24 (1) consider whether a clearinghouse for pro-
25 gram and survey data should be established and how
26 to create such a clearinghouse; and

1 (2) evaluate—

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

6 (B) which survey data the administrative
7 data identified in subparagraph (A) may be
8 linked to, in addition to linkages across admin-
9 istrative data series;

10 (C) what are the legal and administrative
11 barriers to including or linking these data se-
12 ries;

13 (D) what data-sharing infrastructure
14 should be used to facilitate data merging and
15 access for research purposes;

16 (E) how a clearinghouse could be self-fund-
17 ed;

18 (F) which types of researchers, officials,
19 and institutions should have access to data and
20 what the qualifications of the researchers, offi-
21 cials, and institutions should be;

22 (G) what limitations should be placed on
23 the use of data provided;

24 (H) how to protect information and ensure
25 individual privacy and confidentiality;

1 (I) how data and results of research can be
2 used to inform program administrators and pol-
3 icymakers to improve program design; and

4 (J) what incentives may facilitate inter-
5 agency sharing of information to improve pro-
6 grammatic effectiveness and enhance data accu-
7 racy and comprehensiveness.

8 (c) REPORT.—Upon the affirmative vote of at least
9 three-quarters of the members of the Commission, the
10 Commission shall submit to the President and Congress
11 a detailed statement of its findings and conclusions as a
12 result of the activities required by subsections (a) and (b),
13 together with its recommendations for such legislation or
14 administrative actions as the Commission considers appro-
15 priate in light of the results of the study.

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

20 (e) DEFINITION.—In this section, the term “adminis-
21 trative data” means data—

22 (1) held by an agency or a contractor or grant-
23 ee of an agency (including a State or unit of local
24 government); and

25 (2) collected for other than statistical purposes.

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

2 (a) EXECUTIVE BRANCH ASSISTANCE.—The heads of
3 the following agencies shall advise and consult with the
4 Commission on matters within their respective areas of re-
5 sponsibility:

6 (1) The Bureau of the Census.

7 (2) The Internal Revenue Service.

8 (3) The Department of Health and Human
9 Services.

10 (4) The Department of Agriculture.

11 (5) The Department of Housing and Urban De-
12 velopment.

13 (6) The Social Security Administration.

14 (7) The Department of Education.

15 (8) The Department of Justice.

16 (9) The Office of Management and Budget.

17 (10) The Bureau of Economic Analysis.

18 (11) The Bureau of Labor Statistics.

19 (12) Any other agency, as determined by the
20 Commission.

21 (b) MEETINGS.—The Commission shall meet not
22 later than 30 days after the date upon which a majority
23 of its members have been appointed and at such times
24 thereafter as the chairperson or co-chairperson shall deter-
25 mine.

1 (c) RULES OF PROCEDURE.—The chairperson and
2 co-chairperson shall, with the approval of a majority of
3 the members of the Commission, establish written rules
4 of procedure for the Commission, which shall include a
5 quorum requirement to conduct the business of the Com-
6 mission.

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

11 (e) CONTRACTS.—The Commission may contract
12 with and compensate government and private agencies or
13 persons for any purpose necessary to enable it to carry
14 out this Act.

15 (f) MAILS.—The Commission may use the United
16 States mails in the same manner and under the same con-
17 ditions as other agencies of the Federal Government.

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

20 **SEC. 6. FUNDING.**

21 (a) IN GENERAL.—Subject to subsection (b) and the
22 availability of appropriations—

23 (1) at the request of the Director of the Cen-
24 sus, the agencies identified as “Principal Statistical
25 Agencies” in the report, published by the Office of

1 Management and Budget, entitled “Statistical Pro-
2 grams of the United States Government, Fiscal Year
3 2015” shall provide funds, in a total amount not to
4 exceed \$3,000,000, to the Director for purposes of
5 carrying out the activities of the Commission as pro-
6 vided in this Act; and

7 (2) the Bureau of the Census shall provide ad-
8 ministrative support to the Commission, which may
9 include providing physical space at, and access to,
10 the headquarters of the Bureau of the Census, lo-
11 cated in Suitland, Maryland.

12 (b) PROHIBITION ON NEW FUNDING.—No funds are
13 authorized to be appropriated to carry out this Act and
14 the amendments made by this Act. This Act and such
15 amendments shall be carried out using amounts appro-
16 priated or otherwise made available for such purposes.

17 **SEC. 7. PERSONNEL.**

18 (a) DIRECTOR.—The Commission shall have a Direc-
19 tor who shall be appointed by the chairperson with the
20 concurrence of the co-chairperson. The Director shall be
21 paid at a rate of pay established by the chairperson and
22 co-chairperson, not to exceed the annual rate of basic pay
23 payable for level V of the Executive Schedule (section
24 5316 of title 5, United States Code).

1 (b) STAFF.—The Director may appoint and fix the
2 pay of additional staff as the Director considers appro-
3 priate.

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

10 **SEC. 8. TERMINATION.**

11 The Commission shall terminate not later than 18
12 months after the date of enactment of this Act.