

Meeting 15 Notes and Actions
January 21, 2022

Next Meeting: March 18, 2022 (9 AM - Noon (EDT))

Meeting Agenda:

1. Meeting Introduction, Agenda Review, and Reminders – Emilda Rivers, ACDEB Chair and Alyssa Holdren, ACDEB Designated Federal Officer (DFO)
 2. Introductions: Keeping Pace with the Evolving Federal Data Ecosystem – Emilda Rivers, ACDEB Chair
 3. Office of Management and Budget (OMB) and Interagency Council on Statistical Policy (ICSP) Response to ACDEB Year 1 Report with Committee Discussion – Dominic Mancini, OMB and William Beach, Bureau of Labor Statistics and ICSP
 4. ICSP Update: Standard Application Process and Other Ongoing Projects with Committee Discussion – Alex Martin, National Center for Environmental Economics and ICSP
 5. National Science Foundation (NSF) Spotlight: Structural Options for America’s DataHub Consortium with Committee Discussion – Keith Boyea, NSF
 6. NSF Spotlight: America’s DataHub Consortium with Committee Discussion – Vipin Arora, National Center for Science and Engineering Statistics
 7. Next Steps and Action Items – Emilda Rivers, ACDEB Chair
- I. Meeting Introduction, Agenda Review, and Reminders – Emilda Rivers, ACDEB Chair and Alyssa Holdren, ACDEB DFO**
- a. Announcement: On Thursday, January 20, Shalanda Young, Acting Director of the Office of Management and Budget, sent a letter thanking the ACDEB for delivering the Year 1 Report and acknowledging OMB’s commitment for engaging ACDEB as it develops its Year 2 recommendations.
 - b. Agenda Review:
 - i. Federal Data Ecosystem: It is essential to anchor ACDEB’s work toward the Year 2 Report in the context of the here and now, including regular interactions with the Office of Management and Budget (OMB) and the Interagency Council on Statistical Policy (ICSP), to ensure ACDEB is keeping pace with the evolving federal data ecosystem.
 - ii. OMB and ICSP Response: OMB and ICSP kicked off an iterative conversation, which will be continued through subcommittee meetings and virtual field trips.
 - iii. Standard Application Process (SAP): The Evidence Act requires OMB to establish a single process through which data users may apply to access data for evidence building. While this process may ultimately live under the National Secure Data

Service, the ICSP is already laying the foundation for this functionality. As ACDEB shapes Year 2 recommendations, it must design an NSDS that fits within this larger context and builds on existing efforts.

- iv. America's DataHub Consortium: America's DataHub Consortium serves as a demonstration project that can inform the NSDS and the Committee's recommendations for Year 2. For today's meeting, discussion of this project emphasized structural options that NSF considered, what option was ultimately chosen and why, and plans and priorities for America's DataHub Consortium.
- c. Alyssa Holdren, ACDEB DFO, reviewed ground rules for member and public comments and questions

II. Introductions: Keeping Pace with the Evolving Federal Data Ecosystem – Emilda Rivers, ACDEB Chair

- a. Before ACDEB:
 - i. CIPSEA 2018 allowed OMB to recognize federal statistical agencies; given this authority, federal statistical agencies became a main part of the data ecosystem.
 - ii. The Evidence Act leverages the primary existing federal evidence capacity and establishes new authorities, functions, and frameworks creating the current evidence-building ecosystem, which is the underpinning of the federal statistical agencies.
- b. Evolving Federal Data Ecosystem:
 - i. Some components of the evolving ecosystem include infrastructure improvements, data sharing, and exploring privacy enhancing techniques. The Project Inventory is a living list of these examples that ACDEB can leverage for its purposes.
 - ii. Different agencies have different relationships with state and local governments. Communication vehicles are needed to highlight collaborative work that is happening; state relationships are a major part of frameworks around how to share data.
- c. Evolving Federal Statistical System: The progress that is occurring in the federal statistical system fosters an environment that:
 - i. Allows for operating as a seamless, comprehensive system
 - ii. Builds trusted stewards over sensitive data
 - iii. Continues to enable evidence building
- d. High-Leverage Moment: Within the Year 1 Report, ACDEB continued the progress of the evolving federal statistical system. In its Year 2 work, ACDEB will continue to develop relevant, actionable, and timely recommendations that balance:
 - i. The here and now, including what can be accomplished within the existing system and infrastructure, leveraging the Project Inventory and existing member expertise.

- ii. And scoping possibilities for the longer term, including defining the target state, charting a path of actionable steps to move toward that target, and creating recommendations to keep progress going after the committee ends.
- e. Vision for the NSDS: The Evidence Act calls specifically for ACDEB to think about an NSDS; in Year 1, ACDEB established the NSDS as a philosophy, a service, and a place.
- f. Today's Meeting: OMB and ICSP will discuss where they want ACDEB to weigh in on regulations and ongoing projects, then an update on the SAP and other ICSP projects relevant to the recommendations ACDEB is building out, and lastly insights from America's DataHub Consortium, including structural options and considerations that can help inform ACDEB's recommendations for the NSDS.
- g. Final Reminders:
 - i. ACDEB can help shape the path of evolution and is mandated to do so by its charge in Title I of the Evidence Act; this is a federal government exercise that must have the expertise of the Committee, which spans federal government, private sector, state and local parties, academia, and privacy experts.
 - ii. As the federal data ecosystem and federal statistical system evolve, ACDEB can leverage this moment by building on existing legislative foundations and capitalizing on the assembled expertise of its members.

III. Office of Management and Budget (OMB) and Interagency Council on Statistical Policy (ICSP) Response to ACDEB Year 1 Report with Committee Discussion – Dominic Mancini, OMB and William Beach, Bureau of Labor Statistics and ICSP

- a. Iterative Approach: Rather than a slow, written response, OMB has chosen an iterative, informal, and conversational response that can be timelier; today's meeting marks the *beginning* of an iterative process to be continued in the subcommittee's meetings, including ACDEB's feedback on ICSP's progress.
- b. Overall Response to the Year 1 Report: Broad agreement on focus of the Year 1 report; it is useful, actionable, and consistent with OMB's priorities; among those are the dual emphasis in the report on Evidence Act implementation and an NSDS.
- c. Interplay between Title III and NSDS: OMB agrees with Year 1 Report—"[T]he Evidence Act leverages the primary existing federal evidence capacity and establishes new authorities, functions, and frameworks, creating the current evidence-building ecosystem" and (2) CIPSEA is part of the necessary framework to inform the NSDS.
- d. Evidence Commission, Evidence Act, and Vision:
 - i. Background:
 - 1. The Commission envisions a new, evidence-based ecosystem, and, once it is up and running, policymakers can retool their policy, basing it on real data; vision requires new laws and policies be put into place.

2. Key components of law include the following: Created learning agendas, increased stakeholder engagement, Congress created Evaluation Officers in every agency, organized data to support evidence building, Chief Data Officers make data open by default, where data that can't be made open, statistical agencies fulfill legal responsibilities.
- ii. Expanded Mission:
1. Federal statistical agencies need to take on an expanded mission; as data are becoming more sensitive, agencies need to be responsible and trusted stewards; this is essential to evidence building
 2. Expanded mission of the federal statistical system is to:
 - a. operate as a seamless system,
 - b. act as trusted stewards of the public's most sensitive data,
 - c. and enable the evidence-building system in an entrepreneurial way
- e. Specific Recommendations and Year 1 Response: Implementing CIPSEA 2018 and building a data service heavily overlap. It is already ICSP's mission to do the activities of an NSDS as individual agencies; next steps are to act as a seamless system, rather than siloed agencies. ICSP is in the midst of implementing the vision of the NSDS as a philosophy, service, and place, but need Committee's input on coordinating and capacity building.
- i. Response to Recommendation #1:
1. Federal Register Notice: Under the recommendation of ICSP, OMB published a proposed SAP policy in the Federal Register on January 14, asking the public for comments over the next 60 days.
 2. Access and Confidentiality:
 - a. There is an issue of balance between access and confidentiality; a major part is getting input into what that regulation needs to emphasize.
 - b. Access and confidentiality regulation is forthcoming for formal, public review soon.
 3. Trust Regulations
 - a. Purpose is to codify (put into regulatory text) relevance, independence, and trust that the statistical agencies need to uphold, as currently described in existing Statistical Policy Directives.
 - b. Looking for input from Committee on how to accomplish this.
- ii. Response to Recommendation #2

1. On Chief Statistician Role, OMB is actively considering strong candidates; this is a high priority
 2. Would like feedback from Committee on priorities for the Chief Statistician
- iii. Response to Recommendations #5 and #6:
1. Identified an inventory of projects; Committee can provide input on criteria and priorities
 2. An ideal pilot project would cut across data source types to include administrative data and statistical data
- iv. Response to Recommendation #7: Seeking Committee feedback on stakeholder engagement efforts focused on communicating benefits, trust, and transparency
- f. **Committee Feedback/Discussion:**
- i. **Comment:** Reminder about the language of the Evidence Act; the Committee’s charge is not exclusive to the statistical system but also includes evaluation officers, performance officials, and chief data officers that intersect here
 - ii. **Comment:** It's helpful to be clear about both overlap and distinctions between high-value evidence assets and statistics. Data for evidence includes, but is not limited to, data collected through the statistical system.

Response: OMB agrees strongly about coordination across new roles and their related committees.

Response: There are regular meetings between and across councils; don’t see the new officials as separated; they are part of the seamless statistical system—and seamless evidence ecosystem more broadly.
 - iii. **Question:** Deadlines for confidentiality and accessibility and trust regulations have been revised for later this spring (March/April); can we get OMB’s commitment that ACDEB will see these regulations that are about two years behind?

Answer: There remains a high commitment to delivering these regulations; one regulation is close to being submitted for formal, public review (forthcoming soon); schedule is ambitious on trust regulation, and OMB understands the frustration with these deadlines slipping.
 - iv. **Question:** Used the term “NSDS 1.0” when describing the SAP—what is meant by that term and how should ACDEB think about this?

Answer: Establishing the NSDS is an inherently iterative process, so this phrase directs ACDEB towards a) building a first version of an NSDS rather than solving every conceivable issue, and 2) using the SAP as an effective building block toward the first version of an NSDS as the SAP provides an opportunity to work through challenges.

- v. **Question:** There has been recent research (NBER) that examined distribution of funds through PPP and found that distribution was inefficient and inequitable. They point to a lack of robust administrative data as the cause. What about role of being efficient stewards of individual tax payer money, which is one of the major benefits of administrative data?

Answer: Administrative data, along with statistical data, will be a key component of NSDS; it is important to shepherd access to administrative data; a pilot project now or in the future would cut across data source types; agree that this is an area to emphasize.

Answer: On CDO Council, there is intense work on coordinating administrative and statistical data.

- vi. **Question:** CEP thought one of the major components of federal statistical agencies should be sharing data unless there is some explicit legal barrier to doing so. There are structures that are part of federal statistical system that will play important role in any NSDS (in particular FSRDC's system, which exists already and has the capability to make data available to researchers). What is the impediment behind using some of the existing systems to increase data use and make data available?

Answer: There are different approaches to MOUs, different definitions of terminology; when thinking about seamlessness, centralization, and different approaches to interpreting regulations; the hope is that presumed access will help smooth sharing across the statistical system. There is a need to be facilitated in the evolution toward this goal—to stop thinking like siloed agencies and think about acting as a system. FSRDC existed before Evidence Act and will be wrapped up into the emerging ecosystem, along with access, rules, and frameworks; at a crossroads now and hope the future will be more representative of the philosophy of the Evidence Act.

- vii. **Question:** Thought Evidence Act would get lawyers out of the room and simplify access? Seems like Evidence Act has made data sharing more difficult and concerned that ACDEB recommendations will be used to bog down the system

Answer: OMB hears this frustration; the evolution of the system is toward more data sharing. What OMB would emphasize is the need to think about pilot project that could show how to overcome some of these barriers; would encourage advice on pilots

- viii. **Question:** ICSP has a lot to offer the NSDS. Can ICSP speak further about what sort of feedback is being sought? One of the challenges is when things are being presented as a proposal for recommendation or being told that this will be the process. Would like to hear more—is this a recommendation, and, if so, what is the recommendation?

Answer: SAP is required by the Evidence Act; ICSP believes that policy has been built; ICSP is working on governance document that would incorporate comments. Could

say this is provisional and subject to a lot of commentary; ICSP's intent was to make this a solid step of meeting requirements of this part of Title III.

Answer: Also mentioned stakeholder engagement in the access and confidentiality regulation; this will be a set of questions, rather than a statement; emphasize getting early stakeholder engagement

IV. ICSP Update: Standard Application Process and Other Ongoing Projects with Committee

Discussion – Alex Martin, National Center for Environmental Economics and ICSP

- a. Overarching Question: How do we maximize the benefits of this new, unified process (SAP) going forward?
- b. The Standard Application Process: The Evidence Act requires the development and implementation of an SAP to apply for access to confidential government data for evidence building; all agencies will use the SAP to streamline application process and reduce redundancy for data users and providers.
- c. Ecosystem
 - i. The SAP provides a unified experience as part of the evolving federal data ecosystem; this service grew out of CIPSEA 2018 requirements and is being built with room for growth.
 - ii. “Front Door”: Within this ecosystem, the SAP is the unified “front door,” and, as such, is a natural place to start.
- d. Key Elements:
 - i. SAP Data Inventory to facilitate data discovery,
 - ii. Common Application Form regardless of data provider,
 - iii. Standardized Review Criteria
 1. Features: Used by all agencies, merits of proposal and applicants themselves, review of suitability across four authorization levels
 2. Authorization levels 1-4 are geared to capture the different types of review that currently go on for different tiers of access.
 - iv. Timeframes so that applicants can track progress, application can be tracked, and feedback can be provided to users
 - v. Appeals Process for negative determination
 - vi. Public Reporting to increase transparency for how the SAP is functioning
- e. Phase I: Implementation of the SAP is a phased approach; pilot provided useful feedback from data users and providers that informed proposed policy.

- f. Phase II: Built out portal in terms of scope and functionality to incorporate the requirements of the SAP policy; Phase II will provide all key elements.
- g. Growth: Phase II is not the end; establishment of governing body to oversee SAP evolution and continuing growth; OMB has requested public comment on proposed SAP policy (see FRN).
 - i. Initially, the SAP will focus on data within the Data Inventory, which is anything accessed through statistical agencies, but some agencies provide access to administrative data already, and the SAP will continue to grow as the ecosystem evolves; metadata focused for now on data discovery.
 - ii. State Data: Relationship-building with states will continue from both data user and data provider perspectives; Committee can provide input on how to facilitate improvements related to state and local data.

h. Committee Feedback/Discussion:

- i. **Question:** Can the SAP be used to request agency administrative data that is not in the SAP Data Inventory? In the Data Inventory, is this largely statistical survey data, or is it administrative data across government?

Answer: The vision for the SAP is a process that will continually improve and grow as the data ecosystem evolves. Initially, the SAP will focus on providing access to data in SAP Data Inventory, which will include anything that can be accessed through statistical agencies. Envision room for growth as things like the accessibility regulation are promulgated and fold these expansions in. Data will be a mix, and some agencies provide access to administrative data already.

- ii. **Question:** Do agencies have the resources they need to produce the metadata for the Data Inventory?

Answer: The goal is to facilitate data discovery, so the focus is on providing metadata that facilitates that discovery process.

- iii. **Question:** Can we get more detail on the 4 layers of tiered access?

Answer: There are four layers laid out in the proposed policy; they are four authorization levels, named Levels 1-4, that are geared to requirements to access different types of data.

- iv. **Question:** We have heard nothing about the role of states in what we have discussed today. State data will be an important part of any NSDS. How do states figure in this development of the portal?

Answer: Agencies, including the Bureau of Justice Statistics and the Bureau of Labor Statistics, have input/data from states; relationship-building with states will continue with ongoing engagement; looking at it from data users and data provider perspective.

Answer: ICSP recognizes importance of state and local data and wants to hear about how to engage and facilitate improvements related to state/local data going forward.

- v. **Question:** Will federal agencies use SAP to gain access to each other’s data sets? Commerce Data Governance Board looked at several internal data sharing agreements; tried thinking about standard MOU; however, told standard MOU wasn’t possible and to focus on guidelines.

Answer: This topic has come up a lot in SAP discussions; the SAP portal would be the source for government researchers accessing data for purposes of evaluation; it doesn’t cover things like joint statistical projects; ICSP welcomes recommendations about how to improve the inter-agency sharing processes.

V. National Science Foundation (NSF) Spotlight: Structural Options for America’s DataHub Consortium with Committee Discussion – Keith Boyea, NSF

- a. America’s DataHub Consortium can serve as a demonstration project for the NSDS, especially in terms of thinking through how to compare and choose structural options.
- b. Process: Determined what the DataHub would need to accomplish, created a document that was a vision statement rather than an endless list of possible tasks the DataHub could address.
- c. Key Characteristics:
 - i. Attract and engage broadest of organizations: no one organization has all of the relevant and necessary experience, different perspectives are helpful given the scale of the DataHub, and multiple perspectives encourage voices not normally heard
 - ii. Flexibility: Expect DataHub’s priorities to shift over time; “relational contracting” as competency-based contractor selection followed by one-on-one negotiation of key issues; offering flexibility of terms and conditions, especially intellectual property to attract non-traditional voices
- d. Structural Options: Considered traditional contracts, FFRDCs, financial assistance agreements (grants), and NSF “Other Arrangement” authorities
 - i. FFRDCs: Flexible, collaborative, and prestigious, but did not meet relational contracting goals, competency-based assessments, and flexibility in scope and scaling
 - ii. Other Arrangement Authority (OA): After studying models, interviewing experts, and comparing existing capabilities to NSF needs, it offered the best solution.

VI. NSF Spotlight: America’s DataHub Consortium with Committee Discussion – Vipin Arora, National Center for Science and Engineering Statistics

- a. America’s DataHub Consortium is a demonstration project for what ACDEB wants to do; it is an initiative that explores evidence building opportunities and challenges within a structure that is flexible, scalable, collaborative, and phased to respond to trial and error.
- b. Vision Statement: The DataHub covers areas of data collection, interpretation, analysis, dissemination, access, linkage, security, and privacy; while its work takes place within science and engineering contexts, the vision is growing and can help inform things broader than initially considered.
- c. Process: Forming the DataHub was a daunting task made viable by iterative processes and partnerships.
- d. Purpose: NCSES provides critical information on the scientific process that drives American wellbeing; the DataHub advances this work to support government-wide needs.
- e. Functions
 - i. Similar to those of the NSDS
 - ii. Example: Bridging the knowledge gap on global science and engineering talent; “can we exercise the presumption of accessibility in the Evidence Act to get access to data?”—these are the types of questions where America’s DataHub can provide a bridge to get to policy-relevant evidence (functions are broader than science and engineering)
- f. Phased Approach: Nothing is set in stone; phases allow the DataHub to be systematic about its approach in order to learn at each step along the way and to be able to inform things like the NSDS that go beyond the DataHub’s initial vision
- g. Consortium Structure: Brings together different organizations and people to unify them under one structure and benefit from their expertise, resulting in greater innovation
- h. **Committee Feedback/Discussion:**
 - i. **Question:** This model, which was talked about as a “consortium” and “collaboration” is a bit different than what ACDEB has been talking about. The characteristics of an NSDS have more of an infrastructure component (i.e. “place”). What structure, if any, exists in the DataHub? Have there been any completed projects? The first NSF presentation outlined how contractual model worked; some of those considerations are different than what the Committee is considering, given a difference in goals.

Answer: On the last comment, yes, this model is about informing, as some of the functions are similar to an NSDS.

Answer: Regarding infrastructure, the DataHub is not a place; if you wanted to create infrastructure, the model allows agencies to do that. Right now, infrastructure is processes and collection of organizations and ability to put out requests for solutions.

Answer: On projects, the DataHub is reviewing submissions in response to request for solutions.

VII. Next Steps and Action Items – Emilda Rivers, ACDEB Chair

- a. This meeting started what will be an iterative conversation that will continue to take place in subcommittee meetings and virtual field trips
- b. Overview of Response to Recommendations: the following are opportunities for ACDEB to provide input and continue iterative processes with OMB and ICSP:
 - i. Recommendation 1: Proposed SAP policy out for comment; seeking input on access and confidentiality regulations and trust regulations
 - ii. Recommendation 2: Role of Chief Statistician
 - iii. Recommendation 3: Not currently addressed; can become part of iterative conversations going forward
 - iv. Recommendation 4: Not currently addressed; can become part of iterative conversations going forward
 - v. Recommendation 5: Value-driven pilots, Project Inventory
 - vi. Recommendation 6: Data Protection Toolkit
 - vii. Recommendation 7: ICSP communication plan
- c. Funding: So far, there has not been specific funding; agencies are prioritizing work in order to meet these mandates
- d. Partnerships: Moving forward in Year 2 will require a partnership of all of ACDEB’s expertise; can be very aware of what the existing resources are and how to best leverage them as ACDEB thinks through Year 2
- e. NSF: Big takeaway was an engagement among the statistical agency, the contracting office, and legal representatives to come up with a solution that is progressing
- f. Next week, subcommittees (Legislation and Regulations; Governance, Transparency, and Accountability; Technical Infrastructure; Government Data for Evidence Building; and Other Services/Capacity-Building Opportunities) will be up and running again. Materials to review ahead of subcommittee meetings:
 - i. Prior to today’s meeting, members received information on the Year 2 process, including a roadmap, workflows, and use case information; support team will review these materials in the upcoming subcommittee meetings.
 - ii. Public comments on Year 1 Report are available on the ACDEB website.
- g. Evidence@BEA.gov is where people can provide additional comments and questions.

- h. Next Meeting: On March 18, subcommittees will provide updates on Year 2 progress and will discuss next steps for the Committee's work.