



# Legislation and Regulations Focus Area

**Co-Chairs, Nicholas Hart and Christine Heflin, ACDEB Members**

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# Findings

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## Focus Area Discussion

Much of the subcommittee's work in recent months builds on the Year 1 report and pulls from fact finding conducted in concert with other subcommittees. Key findings include:

- **Administrative Processes Remain too Time Consuming and Burdensome for Efficient Data Sharing** – Even in the best scenarios, time frames for authorizing individuals for access and approving projects together may take a year or more. Federal Agencies requesting access for evidence/evaluation projects result in 1000s of Memorandums of Understanding and require an administrative structure to create, update, and renew the agreements.
- **Necessary and Some Unintended Variation in Laws, Rules, and Standards are Collectively Major Barriers to Data Access and Use** – Variation in the web of laws, rules, policies, practices, and data standards make data access and use for evidence-building and administrative activities complex. Identifying solutions to help users navigate existing laws, clarify meaning, and improve consistency of interpretation among jurisdictions could improve access and use.
- **The Strong CIPSEA Framework Provides a Basis for Addressing Longstanding Data Inconsistencies, such as Statistical Agency Business Lists** – The Bureau of Economic Analysis's (BEA's) limited access to business tax information and the Bureau of Labor Statistics' (BLS's) lack of access to business tax information prevents BEA, BLS, and Census from synchronizing their business lists. Synchronization of business lists would significantly improve the consistency and quality of sensitive economic statistics including productivity, payroll, employment, and average hourly earnings.

# Draft Recommendations

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## Focus Area Discussion

- **Streamline MOU Process** - OMB, in coordination with ICSP and other relevant federal councils, should explore mechanisms for streamlining the MOU process, including developing standard MOUs, updating and expanding existing templates, and establishing best practices, including encouraging multi-year agreements that anticipate recurring needs based on the same justification
- **Shared Responsibility and Safe Harbor** - OMB, in coordination with the ICSP, should explore models for shared responsibility and safe harbor and should provide guidance on how to apply such models under the regulation to expand secure access to CIPSEA data assets.
- **An Efficient Single Application Process** - OMB, in coordination with ICSP, should explore mechanisms for making the SAP more efficient by improving the processes for approving people and projects. Any changes to these processes should be evaluated carefully, weighing both utility and risk. To support this evaluation, the SAP Project Management Office should collect metrics on risk, utility, and cycle time for approvals and, for transparency, should make these metrics available to the public.
- **Statistical Agency Access to Business Tax Data** - OMB, in coordination with the ICSP, should support legislative amendments under Evidence Act Section 3575 that would allow access to and sharing of federal tax information for businesses among the Bureau of Labor Statistics, the Bureau of Economic Analysis, and the Census Bureau.

# Draft Recommendations

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## Focus Area Discussion

- **System-wide Learning Agenda** - The Federal Committee on Statistical Methodology should support a federal statistical system-wide learning agenda to promote research on timely, relevant, and actionable questions, related to topics like those identified as initial and regular projects sponsored by the NSDS.
- **Sanctions for Unauthorized Access** - OMB should explore new frameworks for determining sanctions for unauthorized access, use, and disclosure of government data assets, including developing approaches that tie penalties to data sensitivity levels and access tiers, as outlined in the regulation on expanding access to CIPSEA data, and that consider different penalty structures for different actors—like individuals and institutions.
- **Test and Model Best Practices** - The NSDS should coordinate with statistical agencies, Evidence Act councils, and communities of practice to establish best practices around implementing the requirements of the Evidence Act and should serve as a model for testing and implementing those best practices for the federal government and beyond.
- **Model State Access Rules** - The NSDS should collaborate with state and local CDOs on model state legislation and rules for data access toward harmonizing data systems.

# Draft Recommendations

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## Focus Area Discussion

- **Training to Promote Consistency** - As part of its comprehensive communication and education strategy, the NSDS, Evidence Act Councils, and other federal and non-federal stakeholders, should provide educational resources and support training on data sharing for agency lawyers at the federal, state, and local levels. For maximum effect, this training should be conducted by lawyers and should clearly describe the importance of tools like common templates and approaches. Likewise, the NSDS should provide resources and training for data staff on legal issues around data sharing.
- **Recommended Standards and Metadata** - To increase the interoperability and usability of data for policy development and to decrease cycle time for analysis, the NSDS should coordinate with stakeholders to sponsor projects aimed at establishing recommended standards for metadata, file format, and syntax for government data at all levels. The NSDS should work with data providers, data users, and related communities of practice to refine these standards through iterative testing and piloting.