

## **BY-LAWS AND OPERATING PROCEDURES**

### **Commission on Evidence-Based Policymaking**

The following by-laws and operating procedures (“By-Laws”) will govern the operations of the Commission on Evidence-Based Policymaking (“Commission”), whose support will be provided by the U.S. Census Bureau.

#### **Section I: Functions, Objective, Organization, and Operation**

The objective of the Commission is to conduct a comprehensive study of the data inventory, data infrastructure, and statistical protocols related to Federal policymaking. Specifically, the Commission will determine the optimal arrangement under which administrative data, survey data, and related statistical data series may be integrated and made available to facilitate and encourage program evaluation, continuous improvement, policy-relevant research, and cost-benefit analyses by qualified researchers and institutions while weighing how integration might lead to the intentional or unintentional access, breach, or release of personally-identifiable information or records. The Commission will make recommendations on how data infrastructure and statistical protocols should be modified to facilitate this optimal arrangement and make recommendations on how best to incorporate outcomes measurement, institutionalize randomized controlled trials, and rigorous impact analysis into program design and operations.

Finally, the Commission shall consider whether a clearinghouse for program and survey data should be established and, if so, how to create such a clearinghouse. In so doing, the Commission shall evaluate—

- a) what administrative data and survey data are relevant for program evaluation and Federal policy-making and should be included in a potential clearinghouse;
- b) which survey data the administrative data identified in paragraph (1) may be linked to, in addition to linkages across administrative data series;
- c) what are the legal and administrative barriers to including or linking these data series;
- d) what data-sharing infrastructure should be used to facilitate data merging and access for research purposes;
- e) how a clearinghouse could be self-funded;
- f) which types of researchers, officials, and institutions should have access to data and what their qualifications should be;
- g) what limitations should be placed on the use of data provided;
- h) how to protect information and ensure individual privacy and confidentiality;
- i) how data and results of research can be used to inform program administrators and policymakers to improve program design; and
- j) what incentives may facilitate interagency sharing of information to improve programmatic effectiveness and enhance data accuracy and comprehensiveness.

The Commission shall issue a final report to the President and Congress containing a set of findings and recommendations not later than 15 months after the date the majority of the Members were appointed. The issuance of a final report of the Commission shall require the approval of not less than three-fourths of the Members of the Commission.

The Commission has been formed under the authority of Public Law 114-140, the “Evidence-Based Policy Commission Act of 2016” (“Act”), which established the goals and objectives of the Commission.

## **Section II: Members**

The Commission shall consist of 15 Members, selected as follows:

- a) Three shall be appointed by the President of whom—
  - i. one shall be an academic researcher, data expert, or have experience in administering programs;
  - ii. one shall be an expert in protecting personally-identifiable information and data minimization; and
  - iii. one shall be the Director of the Office of Management and Budget (or the Director’s designee).
  
- b) Three shall be appointed by the Speaker of the House of Representatives, of whom—
  - i. two shall be academic researchers, data experts, or have experience in administering programs; and
  - ii. one shall be an expert in protecting personally-identifiable information and data minimization.
  
- c) Three shall be appointed by the Minority Leader of the House of Representatives, of whom—
  - i. two shall be academic researchers, data experts, or have experience in administering programs; and
  - ii. one shall be an expert in protecting personally-identifiable information and data minimization.
  
- d) Three shall be appointed by the Majority Leader of the Senate, of whom—
  - i. two shall be academic researchers, data experts, or have experience in administering programs; and
  - ii. one shall be an expert in protecting personally-identifiable information and data minimization.
  
- e) Three shall be appointed by the Minority Leader of the Senate, of whom—
  - i. two shall be academic researchers, data experts, or have experience in administering programs; and
  - ii. one shall be an expert in protecting personally-identifiable information and data minimization.

The term of each Member shall be for the duration of the Commission. Any vacancy in the Commission shall be filled in the manner in which the original appointment was made.

The President shall select the chairperson of the Commission and the Speaker of the House of Representatives shall select the co-chairperson. The Chair and Co-Chair shall appoint a Director, who shall supervise the staff of the Commission.

### Section III: Meetings

- A. **In General.** The Commission will meet at such intervals as are necessary to carry out its duties. Meetings shall be called by the Chair of the Commission, with the concurrence of the Co-Chair. The presiding officer(s) of the Commission shall specify the use of rules of parliamentary procedure consistent with the By-Laws. Subject to such reasonable guidelines and procedures as the presiding officer(s) of the Commission may adopt, Members may participate in a meeting by means of conference telephone, or similar communications equipment, if all Members can hear one another at the same time and members of the public invited to hear them can do so.
- B. **Notice.** The Commission will publish notice of each meeting on the Commission's website at least 7 calendar days before the meeting, unless there are exceptional circumstances. The notice will include; (1) the time, date, place, and purpose of the meeting; (2) a summary of the agenda and/or the topics to be discussed; (3) a statement as to whether all or part of the meeting will be open to the public and, if any part is closed, a statement as to why; and (4) the name and contact information for an official who may be contacted for additional information concerning the meeting.
- C. **Agenda.** Commission staff will distribute the agenda to the Members before each meeting and will make available copies of the agenda to members of the public attending an open meeting. Proposed items for the agenda may be submitted to the Chair and Co-Chair by any Member of the Commission or by any member of the public. The final agenda shall be at the discretion of the Chair, with concurrence of the Co-Chair.
- D. **Quorum.** A quorum will consist of the majority of Members (including the Chair and Co-Chair) then serving on the Commission.
- E. **Voting.** A Member must attend a Commission meeting either in person or by telephone to cast a vote. When a decision or recommendation of the Commission is required, the presiding officer(s) will request a motion for a vote. Any Member (including the Chair and Co-Chair) may make a motion for a vote. No second after a proper motion will be required to bring any issue or recommendation to a vote. A motion may be approved by a majority of the Members in attendance, except the issuance of a final report of the Commission, which shall require the approval of not less than three-fourths of the Members of the Commission.
- F. **Open Meetings.** Unless otherwise determined in advance, meetings of the Commission will be open to the public. If, during the course of an open meeting, matters inappropriate for public disclosure arise during discussion, the presiding officer will order such discussion to cease and will schedule the matter for closed session. Materials brought before, or presented to, the Commission during an open meeting will be made available to the meeting attendees and will be made generally available on the Commission's website. Members of the public may submit written statements to the Commission at any time.

- G. **Closed Meetings.** All or parts of meetings of the Commission may be closed in accordance with applicable law. Meeting notices shall include information about closure.
- H. **Hearings.** The Commission may hold hearings to receive testimony or oral comments, recommendations, and expressions of concern from the public. The Commission may hold hearings at open meetings or in closed session. The Chair and Co-Chair of the Commission may specify reasonable guidelines and procedures for conducting orderly hearings, such as requirements for submitting requests to testify and written testimony in advance, and placing limitations on the number of persons who may testify and the duration of their testimony.
- I. **Minutes.** The Commission staff will prepare minutes of each meeting of the Commission and submit them to the Chair and Co-Chair of the Commission for certification of their accuracy. The Commission staff will distribute copies of the certified minutes to each Member. Minutes of open meetings will be made available to the public on the Commission's website. The minutes will include a list of the persons who participated in the meeting, and a description of the matters discussed and the resolution, if any, made by the Commission regarding such matters; and copies of all reports or other documents received, issued or approved by the Commission at the meeting.
- J. **Internal Consultation.** None of the meeting requirements in Section III shall preclude consultation and ongoing work amongst individual members.

#### **Section IV: Officials**

- A. **Co-Chairs.** The Chair of the Commission is appointed by the President, and the Co-Chair appointed by the Speaker of the House. The Chair and Co-Chair shall perform the duties specified in the By-Laws.
- B. **Director.** The Chair and Co-Chair of the Commission shall designate a Director. The Chair and Co-Chair of the Commission will work with the Director to establish priorities, identify issues that should be addressed, determine the level and types of staff and financial support required, and serve as the focal point for the Commission's membership.
- C. **Support Staff.** The Director, with concurrence of the Chair and Co-Chair, may obtain such other staff or services, appropriate to support the goals of the Commission.

#### **Section V: Subcommittees**

The Chair and Co-Chair, in consultation with the Director, have the authority to create such subcommittees as necessary for the Commission to conduct its work. The Chair and Co-Chair of the Commission will be ex officio members of each subcommittee. Only Members of the Commission will have the right to vote or make a motion for a vote in a subcommittee. No subcommittee will have any authority to provide advice or recommendations (1) directly to the President, Congress, or any agency or officer of the Federal Government or (2) to be adopted by the Commission without deliberation or consideration at a meeting of the Commission. Requirements in Section III, subparagraphs (A) to (G) shall not apply to meeting held by a subcommittee.

**Section VI: Administration**

- A. **Records.** The records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by the Commission shall be available for public inspection and copying at a single location online or in the offices of the Commission.
- B. **Expenses.** Expenses related to the operation of the Commission that are authorized by law will be borne by the U.S. Census Bureau. Expenses of any kind must be approved in advance by the Director.
- C. **Gifts and Donations.** Gifts and donations to support the operation of the Commission are authorized by law, and may be accepted, used, or disposed of for purposes that support the Commission's goals. Gifts of any kind must be approved in advance by the Chair and Co-Chair. Any gift or donation accepted on behalf of the Commission shall be disclosed on the Commission's website. The Commission shall generally not solicit gifts or donations, and no gift or donation may be accepted by the Commission that allows for co-sponsorship between the Commission and any non-governmental entity.

**Section VII: Amendments**

The By-Laws may be amended from time to time by approval of the Members.

**Section VIII: Termination**

The Commission shall terminate not later than 18 months after March 30, 2016, the date of enactment of the Act.

Approved

8/11/2016

Katharine Abraham

Ron Haskins

Date

Katharine G. Abraham  
Chair

Ron Haskins  
Co-Chair