



July 21, 2014

Katherine K. Wallman  
Chief Statistician  
Office of Management and Budget  
10201 New Executive Office Building  
Washington, DC 20503

Dear Ms. Wallman:

The American Educational Research Association (AERA) is pleased to have the opportunity to comment on the Office of Management and Budget's (OMB) proposed *Statistical Policy Directive: Fundamental Responsibilities of Federal Statistical Agencies and Recognized Statistical Units*, as published in the Federal Register, Vol. 79, No. 98, May 21, 2014.

AERA is the major national scientific association of 25,000 members dedicated to advancing knowledge about education, to encouraging scholarly inquiry related to education, and to promoting the use of sound research to serve the public good. Founded in 1916, AERA is the most prominent national and international research society in the field. Our commitment to the highest standards of research integrity and responsibility for research scientists, data users, and providers is long and deep. Our members use and analyze federal statistics and data in their research and rely on the objectivity and trustworthiness of this information.

AERA applauds OMB for developing this Statistical Policy Directive. It builds upon the key tenets of important statistical guidance from OMB: *Government-wide Information Quality Guidelines* (2002); *Standards and Guidelines for Statistical Surveys* (2006); *Statistical Policy Directive No. 3, Compilation, Release, and Evaluation of Principal Federal Economic Indicators* (1985); *Statistical Policy Directive No. 4, Release and Dissemination of Statistical Products Produced by Federal Statistical Agencies* (2008); and the *President's Memorandum on the Preservation and Promotion of Scientific Integrity* (2009). It also importantly links to *Principles and Practices for a Federal Statistical Agency* issued since 1992 by the Committee on National Statistics (CNSTAT) of the National Academies in five successive editions. In addition, it laudably situates this new Directive in the wider world context of significant codes and covenants, in particular the United Nations *Fundamental Principles of Official Statistics* (2014).

As set forth at the conclusion of the Supplementary Information at FR29310, the purpose of this Directive is commendable and unique:

This Directive provides a unified articulation of Federal statistical agency responsibilities. The framework requires statistical agencies to adopt policies, best practices, and appropriate procedures to implement these responsibilities. Such a framework also recognizes the essential role of Federal Departments in supporting Federal statistical agencies as they implement these responsibilities.

All four responsibilities in this Directive are of paramount importance for each and every statistical agency and the U.S. federal statistical system: (1) to produce and disseminate relevant and timely information, (2) conduct credible and accurate statistical activities, (3) conduct objective statistical activities, and (4) protect the trust of information providers by ensuring the confidentiality of their responses. Important is the explicit indication that this Directive applies to recognized statistical units as well as to the Federal statistical agencies—emphasizing the responsibility of all units in a distributed Federal statistical system. Also, as set forth in the CNSTAT principles, especially noteworthy is the emphasis in this Directive on autonomy and independence as an essential element of ensuring objective statistical activities.

We offer the following recommendations to further strengthen this important Directive:

1. Embedded is the discussion of Responsibility 3 (objective statistical activities) is a brief, but invaluable consideration of why autonomy is important. This text pertains not only to Responsibility 3, but to all four responsibilities. As set forth in the Directive at FR29314, functioning as “separate and autonomous” is important to statistical agencies and recognized statistical units in “determining what information to collect and process, which methods to apply in their estimation procedures and data analysis, when and how to disseminate their statistical products, and which staff to select to join their agencies.” A statement on autonomy as it relates to all four responsibilities would underscore both the responsibility and accountability of Federal statistical agencies. Such a statement could be incorporated in a new section on the *Implementation* of the Directive.
2. An *Implementation* section could also make clear OMB’s expectations related “to the essential role of Federal Departments in supporting Federal statistical agencies as they implement these responsibilities.” This issue was noted in the Supplementary Information to the Statistical Policy Directive (as quoted above). Since statistical agencies are embedded in Federal Departments, their capacity to implement these responsibilities depends upon a supportive environment. Therefore, it is important that the Directive also address Departments. An *Implementation* section could mandate Federal Department to review current procedures and structures and report back to OMB after a specified time. OMB may also need to examine other Federal regulations affecting departments or statistical agencies in order to clarify and harmonize this Directive and other policies.

For example, there needs to be explicit alignment between this Directive and aspects of the Education Sciences Reform Act of 2002 (ESRA), which governs the operation of the National Center for Education Statistics (NCES). Responsibility 3 states that statistical agencies must be able to determine “when and how to disseminate their statistical products.” Indeed, the Commissioner of NCES previously had this authority prior to the enactment of ESRA, which shifted this responsibility and the authority to set confidentiality standards for NCES data to the IES Director. We agree with OMB that such responsibilities should be housed with the head of a statistical agency, but the proposed Directive does not address instances where legislation overrides this proposed language, as is the case with ESRA. Therefore, we recommend adding explicit language on the process for clarifying and harmonizing this Directive and other regulations, legislation, and policies.

3. A final recommendation relates to Responsibility 4 and the significance of the confidentiality of responses. Confidentiality is of paramount importance. An additional responsibility could be added or this responsibility could be enlarged to address both the significance of confidentiality and the importance of statistical agency leadership for instituting mechanisms for data access and use, including restricted access, consonant with the highest standards of data protection and disclosure risk assessment. The dual responsibility of confidentiality protection and expanded access to data for scientists, analysts, and other data users should be part of the mandate of statistical agencies to maximize the gains made possible through respondent participation and through other administrative data systems collected on individuals, institutions, or organizations.

We appreciate your leadership in developing this Statistical Policy Directive. We welcome its adoption to strengthen the Federal statistical system and its agencies and recognized statistical units. By so doing, you also importantly support the scientific community, data users, and the public we all serve. Please do not hesitate to call on our Association if we can be of further help as you further advance this proposed Directive.

Respectfully,



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Executive Director

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