

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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June 13, 2019

Mr. Russell Vought
Acting Director
The Office of Management and Budget
725 17th Street NW
Washington, DC 20503

Dear Acting Director Vought,

I write to express concerns and seek clarification regarding the Office of Management and Budget's (OMB) April 24, 2019 Memorandum to executive departments and agencies, *Improving Implementation of the Information Quality Act*.¹ The Memorandum directs agencies to make changes to their internal data quality policies with regard to information disseminated by the federal government. Agency-disseminated information is broadly defined to include things like National Weather Service weather reports, air travel advisories from the Federal Aviation Administration, a variety of information about health, safety and environmental risks, and technical information that agencies both create or obtain from others in the course of developing regulations, which can include scientific, engineering, and economic analysis.²

First, the Committee seeks clarification as to whether the April 24 Memorandum seeks to supplant any portion of the previous *Guidelines*, issued in 2001³ and 2002⁴ as mandated by the Data Quality Act.⁵ The 2001 Guidelines contain a passage which is missing from the 2019 Memorandum:

¹ U.S. Office of Management and Budget (OMB), *Memorandum M-19-15*. April 2019. Accessed here: <https://www.whitehouse.gov/wp-content/uploads/2019/04/M-19-15.pdf>.

² *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies*. Sept. 28, 2001. Accessed here: <https://www.govinfo.gov/content/pkg/FR-2001-09-28/pdf/01-24172.pdf>

³ *ibid*

⁴ *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies; Republication*. Federal Register, February 22, 2002. Accessed here: <https://www.govinfo.gov/content/pkg/FR-2002-02-22/pdf/R2-59.pdf>

⁵ Public Law 106-554, Section 515

OMB does not envision administrative mechanisms that would burden agencies with frivolous claims. Instead, the correction process should serve to address the genuine and valid needs of the agency and its constituents without disrupting agency processes.

We also hope to better understand how and why OMB has changed the definition of “utility” as pertains to information products in the April 24 Memorandum. The Information Quality Act requires agencies to consider the “utility” of their information products during pre-dissemination review. But the Memorandum articulates a new definition that departs from the definition in the 2001/2002 Guidelines and does not discuss the purpose or implications of this change.

We have concerns that some elements of the Memorandum may slow the ways science informs the policymaking process in general without adding anything to its quality or reliability. For example, Implementation Update 1.4 directs agencies to conduct a second peer review of all influential information.⁶ This provision reflects a misunderstanding of the peer review process itself, and seek clarification on what purpose this provision serves.

The Committee also seeks more information about OMB’s approach to Requests for Correction (RFCs) in the Memorandum. Since the 2001/2002 Guidelines were issued, members of the public have been empowered to submit an RFC when they believe agency-disseminated information does not comply with agency guidelines. But we are concerned that the Memorandum’s new requirements for addressing RFCs would create a significant burden of new responsibilities for federal agencies and introduce layers of political review into a process that is supposed to focus on science integrity. We want to understand how OMB evaluated the potential implications of its policy recommendations around RFCs, including whether projected compliance costs to agencies were quantified.

Last, the National Academies recently released a new study, *Reproducibility and Replicability in Science*,⁷ which takes a fresh look at several issues that OMB considers in its April 24 Memorandum. For one significant example, the NAS study establishes clear definitions for “transparency,” “reproducibility,” and “replicability” in science, which to date have not been harmonized by federal agencies and the scientific disciplines. The NAS study also includes recommendations for how to enhance transparency while ensuring appropriate protections for proprietary data and personal information. We would like to discuss whether the concepts and instructions in the OMB Memorandum are in agreement with the Academies’ findings.


It is reasonable that there can be the need for some updates to the 2001 and 2002 *Guidelines* to support information quality in the digital age. However, the Committee has some questions about the necessity and intent of some of the changes in the OMB Memorandum.

In order to understand the decision-making process behind the April 24 Memorandum, we request a staff-level briefing from relevant staff at OMB. We request that OMB send employees who are capable of fully answering the questions and concerns that we outlined in this letter. Please make arrangements for this briefing with Committee staff no later than June 20, 2019. If you have any questions or concerns, please contact Janie Thompson at 202-225-6375.

⁶ As agencies are directed in Implementation Update 1.4 of the Memorandum.

⁷ <http://sites.nationalacademies.org/sites/reproducibility-in-science/index.htm>

Sincerely,



Eddie Bernice Johnson

Chairwoman

Committee on Science, Space and Technology

Cc: Rep. Frank Lucas, Ranking Member, Committee on Science, Space and Technology