

SCIENCE, DATA ACCESS, AND INFORMATION QUALITY

Federal agencies too often mask politically driven regulations as scientifically based imperatives. The supposed science underlying these rules is often hidden from the general public and unavailable for vetting by experts. But credible science and transparency are necessary elements of sound policy.

MAJOR POINTS

- The Data Access Act⁵² requires federal agencies to ensure that data produced under grants to and agreements with universities, hospitals, and non-profit organizations is available to the public through procedures established by the Freedom of Information Act (FOIA).⁵³ However, the Office of Management and Budget (OMB) has unduly restricted application of the Data Access Act in its guidance to agencies for administering grants.⁵⁴
- The Information Quality Act requires the OMB “to promulgate guidance to agencies ensuring the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies.”⁵⁵ However, the Information Quality Act’s effectiveness has been limited by a lack of agency accountability. Courts have ruled that the act does not permit judicial review of an agency’s compliance with its provisions.⁵⁶

APPROPRIATIONS

Congress should prohibit agencies from expending any funds for:

- Any grant for which the recipient does not agree to make all data produced under the grant publicly available in a manner consistent with the Data Access Act, and in compliance with the standards of the Information Quality Act.

LEGISLATION

To achieve the necessary statutory reforms to improve federal policies on data access and information quality, Congress must:

- Require the OMB to amend its guidance on compliance with the Data Access Act (Circular A-110)⁵⁷ in a manner consistent with the plain language of the law, that is, make all federally funded research data subject to FOIA. Lawmakers should also expand the scope of the Data Access Act to include risk assessments, surveys, and administrative orders.⁵⁸
- Amend the Data Access Act to require federal agencies to ensure that data produced under grants and cooperative agreements with state and local governments are available to the public through FOIA.
- Amend the Federal Acquisition Regulation⁵⁹ to require federal agencies to ensure that data produced under contracts (which agencies must use if procuring services) are available to the public through FOIA.
- Mandate that federal awarding agencies require recipients of grants, agreements, cooperative agreements, or contracts to make *all* data produced under the award publicly available in a manner consistent with the Data Access Act.
- Amend the Information Quality Act to (1) allow judicial review of agencies' adherence to the act and to implementing agency guidance, for any final agency action (under any statutory authority), and handling of correction requests under the act; and (2) mandate that agency failure to comply with the Information Quality Act or with its guidelines is an automatic finding of arbitrariness and capriciousness under the Administrative Procedure Act.
- Mandate federal awarding agencies' adoption of the "Final Information Quality Bulletin for Peer Review,"⁶⁰ but eliminate the presumption in the bulletin that "[p]rincipal findings, conclusions and recommendations in official reports of the National Academy of Sciences" adhere to information-quality standards and principles.

OVERSIGHT SUBJECTS

Congress should examine the:

- Agency implementation of the Data Access Act and the Information Quality Act.