



THE FOUNDATIONS FOR EVIDENCE-BASED POLICYMAKING ACT WILL LEAD TO A NATIONAL DATABASE

HR 4174/S 2046,¹ the Foundations for Evidence-Based Policymaking Act (FEPA), introduced by House Speaker Paul Ryan and Senator Patty Murray, is another federal bill that will **increase 1) the non-consensual surveillance of free-born American citizens, and 2) the probability of a comprehensive national database on every American.** This legislation responds to the report² by the Commission on Evidence-Based Policymaking (CEP),³ an entity created by FEPA's authors. The justification is to monitor the effectiveness of federal programs, but deep problems with the bill outweigh any possible benefits:

- FEPA mandates that every federal agency create an “evidence building” (data-mining) plan that must include “a list of . . . questions for which the agency intends to develop evidence to support policymaking” and “a list of data the agency intends to collect, use, or acquire to facilitate the use of evidence in policymaking.” **This would allow any bureaucrats to propose to collect any data on any citizen on any topic they want, to answer their desired policy questions.**
- Each agency is also directed to create “...a list of any challenges” to this goal, including “any statutory or other restrictions to accessing relevant data.” This responds to CEP’s recommendation that “Congress and the President should consider repealing current bans and limiting future bans on the collection and use of data for evidence building.” This recommendation presumably covers the student unit-record prohibition⁴ and the prohibition⁵ on creating a national K-12 student database.⁶
- The Director of the Office of Management and Budget must then use all these evidence-building (data-mining) plans to **develop “a unified evidence-building plan” for the entire federal government.** Although the public must be “consulted,” and lip service is paid to issues of privacy and confidentiality of data, these are only items to be considered. **There are no actual prohibitions or even limitations on proceeding with data collection, regardless of the sensitivity of the data.**
- **The federal government is demonstrably incompetent at data security; moreover, the government routinely ignores the overwhelming data it already has that shows the ineffectiveness of many (most) federal programs.**⁷ There is no reason to believe an even more enormous trove of data can be secured, or that it will actually change government behavior in any meaningful way.
- Most importantly, **collecting and holding massive amounts of data about an individual has an intimidating effect on the individual—even if the data is never used.** This fundamentally changes the relationship between the individual and government. **Citizen direction of government cannot happen when government sits in a position of intimidation of the individual.**⁸

A bill like FEPA would be expected from a totalitarian government.⁹ Congress should solve the “program effectiveness” problem by returning to the Founders’ vision and drastically reducing government’s bloated size and scope. This solution would obviate the need for the Orwellian surveillance scheme initiated by FEPA.

¹ <http://bit.ly/2ynay2e>

² <https://www.cep.gov/cep-final-report.html>

³ <https://www.cep.gov>

⁴ <https://thenationalpulse.com/commentary/congressman-wants-more-federal-data-mining-parents-fooled/>

⁵ https://www.hslda.org/docs/news/ESEA_No_Database.pdf

⁶ <https://townhall.com/columnists/emmettmcgroarty/2017/09/18/congressional-panel-wants-to-create-massive-citizen-database-but-dont-worry-its-bipartisan-n2383107>

⁷ <https://www.cep.gov/content/dam/cep/events/2017-02-09/2017-2-9-effrem.pdf>

⁸ <http://bit.ly/2m9Dkln>

⁹ <http://wapo.st/2m8KNkG>