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Fundamental Responsibilities of Recognized Statistical Agencies and Units, the Trust Regulation

The federal statistical system (FSS) includes 16 recognized statistical agencies and units (RSAUs). Statistical policy and the RSAUs are coordinated by the chief statistician, operating from the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs (OIRA).

RSAUs produce data that are used for many purposes, such as informing various policy decisions, guiding federal funding, offering the public insights on population trends, and helping the private sector make informed business decisions. To effectively fulfill this function, federal statistics must earn the public's trust by being relevant, timely, accurate, objective, and confidential.

As of December 10, 2024, OMB's proposed *Fundamental Responsibilities of Recognized Statistical Agencies and Units*—commonly referred to in the statistical community as the “Trust Regulation”—took effect, aiming to promote public trust in federal statistics.

Public trust in federal statistics is a long-standing concern. In 2002, through the Confidential Information Protection and Statistical Efficiency Act (CIPSEA; P.L. 107-347), Congress found there was a

declining trust of the public in the protection of information provided under a pledge of confidentiality to the agencies [which] adversely affects both the accuracy and completeness of statistical analyses.

CIPSEA was reauthorized as part of the Foundations for Evidence-Based Policymaking Act (FEBPA; P.L. 115-435). The reauthorized CIPSEA established four fundamental responsibilities that RSAUs must adhere to:

- produce and disseminate relevant and timely statistical information;
- conduct credible and accurate statistical activities;
- conduct objective statistical activities; and
- protect the trust of information providers by ensuring the confidentiality and exclusive statistical use of their responses. (44 U.S.C. §3563)

Prior to CIPSEA enacting these requirements into law, these four fundamental responsibilities were issued in *Statistical Policy Directive (SPD) No. 1: Fundamental Responsibilities of Federal Statistical Agencies and Recognized Units*.

This In Focus explains the provisions of the final Trust Regulation and how they aim to support the fundamental responsibilities of the RSAUs. Selected issues for congressional consideration in regard to the implementation of the Trust Regulation are also discussed.

Trust Regulation Overview

Through the Trust Regulation, OMB aims to standardize certain qualities of the RSAUs as well as facilitate increased coordination and support, where applicable, between RSAUs and their respective parent agencies. These efforts aim to support RSAUs in carrying out their four fundamental responsibilities.

Supporting the Four Fundamental Responsibilities

As noted in CIPSEA, in 2002 Congress found a declining public trust in federal statistics. Since then, public trust in the federal government overall has generally declined, according to the Pew Research Center. Response rates to federal statistical surveys have also declined, such as for the Census Bureau's American Community Survey.

The Trust Regulation aims to improve public trust in federal statistics by providing formal guidance for RSAUs and their parent agencies to carry out the fundamental responsibilities listed earlier.

This guidance includes topics such as development of websites with coordinated branding across the FSS; clear strategic plans for RSAUs; improved communication and coordination between RSAUs and parent agencies; budget requests specific to RSAUs; decisionmaking authority for RSAUs in their statistical activities; and other general support needed for RSAUs to carry out their fundamental responsibilities.

Relevance and Timeliness

Timely and relevant statistics are valuable because they provide up-to-date information used in decisionmaking. To ensure relevance and timeliness, the Trust Regulation requires RSAUs to maintain regular understanding of the needs and interests of policymakers, data users, and the public. Additionally, when seeking improvements to relevance, RSAUs must consult with their parent agencies and with other stakeholders, including Congress, as appropriate.

Credibility and Accuracy

To promote credibility and accuracy, the Trust Regulation requires RSAUs to maintain publicly available policies and standards on the quality of the information they use; provide publicly available documentation on their statistical products; and ensure appropriate data lifecycle management

practices are followed. It also requires RSAU employees to follow applicable statutes and OMB policies when submitting written articles or participating in other professional development activities.

Parent agencies are generally required to support the aforementioned by allowing RSAUs appropriate autonomy in maintaining their own data quality and statistical information standards. Additionally, parent agency employees, contractors, and agents are generally prohibited from commenting on RSAU data prior to official release.

Objectivity

Objective and impartial statistics allow data users to trust that statistical products are transparent and impartial. To ensure objectivity, the Trust Regulation requires RSAUs to ensure data users have equitable access to products; maintain hiring practices that evaluate candidates based on “assessments of scientific and technical knowledge, credentials, and experience”; and maintain separation from any administrative, law enforcement, and policymaking functions of their respective parent agencies.

Parent agencies are required to generally promote appropriate autonomy of RSAUs and to foster RSAUs’ ability to carry out objective practices by limiting certain oversights on them when publishing statistical products; allow RSAUs to determine their own methods of production and dissemination of statistical products; ensure RSAUs manage their own resources; ensure compliance with Title 44, Section 3520(d) of the *U.S. Code* regarding chief data officers; and ensure RSAUs have the appropriate control of their own data.

Confidentiality

RSAU confidentiality standards established in the Trust Regulation include compliance with CIPSEA 2018 and the Federal Information Security Modernization Act of 2014.

Parent agencies are required to support these confidentiality standards by ensuring RSAUs maintain the sole authority to provide authorized access to their confidential data; complying with the Federal Information Technology Acquisition Reform Act by ensuring technology policies appropriately safeguard confidential data and ensuring effective security standards are in place; ensuring the senior agency official for privacy consults the RSAU regarding duties relating to the RSAU’s statistical activities in compliance with the Privacy Act of 1974 and the E-Government Act of 2002; and, ensuring chief Freedom of Information Act officers appropriately coordinate with RSAUs in response to Freedom of Information Act requests.

RSAUs and their parent agencies generally must coordinate to determine appropriate personnel that may access confidential statistical data. Additionally, RSAUs are required to track access to their information systems that contain confidential statistical data. These information systems must include sufficient access logs which detail the individual accessing data and the time of their access.

Compliance Review

The inspector general (IG) of each parent agency is responsible for conducting compliance reviews to determine if the parent agency is complying with Trust Regulation requirements and if the RSAU has sufficient resources to carry out the four fundamental responsibilities. The initial compliance review must be conducted on or after December 10, 2026, and thereafter at least once every three years.

Meanwhile, the Interagency Council on Statistical Policy (ICSP) may request a compliance review at any time. The ICSP must provide a written request which includes a detailed explanation of the reason a substantial change in compliance is necessary. The relevant IG is required to review any requests and determine if a compliance review is appropriate.

The chief statistician is responsible for engaging with the given RSAU and parent agency to address any deficiencies found in the IG’s report.

The Council of Inspectors General on Integrity and Efficiency (CIGIE) is required to consult with the chief statistician to develop guidance for specific compliance review procedures by December 10, 2026.

Considerations for Congress

Federal statistics broadly impact several policy and societal areas, including education, health, commuting, crime, and other demographic factors. The public, businesses, and government on all levels benefit from reliable and authoritative federal statistics. For these reasons, the Trust Regulation’s impact on the FSS may be of interest to Congress.

Coordination and Capacity

Implementing the Trust Regulation would require coordination on the part of each parent agency and RSAU along with coordination across RSAUs. These agencies have varying budgets and capacities to carry out such work. Members of Congress may consider providing oversight of the implementation process, including OMB’s role in coordination, parent agency involvement, and the capacity of individual RSAUs.

Cost

Although OMB has provided cost estimates for RSAUs to implement the Trust Regulation, Congress may consider examining these costs both comprehensively and individually for each RSAU. When determining annual appropriations, Congress may consider the costs of implementation alongside regular funding requests and other operational priorities for RSAUs.

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