

Policy on Accepting Reimbursable Projects

PURPOSE

The purpose of this policy is to provide criteria for U.S. Census Bureau decision makers to use in determining whether to accept mandatory or voluntary surveys or other projects proposed on a cost-reimbursable basis. Because some work requirements are not determined at the inception of the project when the initial decision to accept or reject work is made, these criteria also must be applied during the design and implementation phases of the project as well. Sponsors will need to agree to the ongoing review and evaluation of a project to ensure consistency with this policy.

LEGAL AUTHORITIES

The chief legal authorities governing reimbursable agreements are Title 13, United States Code (U.S.C.), Section 8(b), and Title 15, U.S.C., Sections 1525 and 1526. Reimbursable projects must be conducted under one authority or the other. Data collection projects conducted under Title 15, U.S.C., must have an identified legal authority from the sponsor's statute. Other government agencies must meet the criteria of the Economy Act before entering into a reimbursable agreement with the Census Bureau.

After a data collection project is approved under this policy, the sponsoring agency must submit a request for clearance to the Office of Management and Budget (OMB), as required by the Paperwork Reduction Act. No collections of data from the public can be done without OMB approval and appropriate citation on all forms associated with the collection.

SCOPE

This policy covers all projects for which the Census Bureau would receive funds and for which a BC-505-A form is required by the Budget Office, excluding product sales.

BACKGROUND

The Census Bureau has conducted work for other parties—chiefly federal agencies—for many years. This work is authorized under either Title 13, U.S.C., Section 8, or Title 15, U.S.C. Sometimes this work requires third-party approval, such as when federal tax information is used or when government printing regulations apply. During nonpeak decennial funding years, the funding from outside sources comprises approximately one-third of the entire agency budget. The largest component of reimbursable work is demographic surveys. Other work includes technical assistance to other nations and special data analyses and tabulations.

The Census Bureau is uniquely qualified to meet many of the data collection, tabulation, and analysis needs of other federal agencies and some other organizations. In addition to its professional experience and skill, the statutorily-confidential decennial and economic

census address lists are the basis for scientifically selecting representative samples for a survey. Further, the Census Bureau provides an unbiased service to its customers. It has no business interests, stockholders, or political philosophies that could create biased perceptions. This objectivity is essential in measuring and assessing critical and sensitive information that will affect markets and public policy.

Reimbursable projects also benefit the taxpayer by allowing for continuation and improvement of the Census Bureau's data collection and dissemination infrastructure required for core census and survey work. The infrastructure includes highly experienced field representatives; headquarters staff with experience in survey design, analysis, publications, and the like; and a knowledge base about changes in communities.

The Census Bureau has been approached in recent years about projects beyond what could obviously be considered within the agency's mission or "routine" work. For example, it has been asked to conduct employee satisfaction surveys for other government agencies. It has been asked to consider taking biological specimens (e.g., blood samples) from respondents to a health survey. It also has been asked to provide nonstatistical data processing services to another federal agency. While none of these projects were undertaken, much of the decision making about which work to accept has been decentralized, generally taking place at the division level.

As part of the 2001 Strategic Planning activities, the Census Bureau's Executive Staff commissioned an environmental scan, which identified the need for a formal policy, defining the scope of acceptable work for the agency to pursue or accept. Developing such a policy was explicitly stated as Objective 1.6.1 in that Strategic Plan.

POLICY

Conducting reimbursable surveys and providing other statistical services, particularly for other agencies of the federal government, are consistent with the Census Bureau's mission and aid the operational efficiency for government. It is, therefore, appropriate to actively provide information about our services, related policies and standards, and other relevant information to those agencies that may find such information useful. The Census Bureau generally does not actively provide such information to for-profit organizations. Further, consistent with federal policy, the Census Bureau does not respond to requests for proposals advertised to the public, which would place it in direct competition with a private, for-profit organization.

The types of reimbursable projects encountered at the Census Bureau fall into eight categories, which are: (1) Data Collection from Households or Individuals, (2) Data Collection from Establishments or Institutions, (3) Administrative Records/Data Linking, (4) Technical Assistance/Consulting Services, (5) Analytic Research or Reporting, (6) Special Censuses, (7) Special Tabulations, and (8) National Processing Center Projects not Involving Data Collection.

There are seven criteria that proposed projects must meet.¹ They address: mission, reputation, resources, privacy and confidentiality, quality, other agency requirements, and sensitive populations and topics. These criteria are intended to be fully consistent with, and in some cases elaborate on, the Census Bureau’s mission statement and privacy principles. The purpose of these criteria and the associated considerations is to ensure conscious and deliberate consideration of, and adequate planning for, the legal, ethical, and other obligations inherent in some projects.

The first three criteria are applicable to all reimbursable projects.² The rest are applicable to subsets, such as household surveys. Most projects will fall into one category, as depicted in the following chart.³ Definitions are provided in Attachment 3, Glossary of Terms.

Category of Reimbursable							
Projects	Criteria ^{1/}						
	M	R	R/I	P/C	Q	ADREC	S
Data Collection from Households or Individuals (DCHI)	X	X	X	X	X	X	X
Data Collection from Establishments or Institutions (DCEI)	X	X	X	X	X	X	
Administrative Record/Data Linking (ADREC)	X	X	X	X	X	X	
Technical Assistance/Consulting Services (TA/CS)	X	X	X				
Analytic Research or Reporting (AR)	X	X	X	X	X		
Special Censuses (SC)				X	X		
Special Tabulations (ST)		X		X	X		
National Processing Center Project not Involving Data Collection (NPC) (Telephone Assistance, Mail Services, Coding, Forms Design, Data Capture)	X	X	X	X	X		
1/ Mission (M), Bureau Reputation (R), Resource/Infrastructure (R/I), Privacy/Confidentiality (P/C), Quality (Q), Administrative Records (ADREC), Sensitive Populations or Topics (S)							
Note: An “X” means that the project category is subject to that particular criteria.							

¹ Additional criteria or review may be required for some projects, beyond this policy, before a decision can be made. Specifically, this is the case for Administrative Records projects (see the *Administrative Records Handbook*). Implementation of this policy can often be accomplished by integrating it into those existing reviews.

² As a practical matter, Special Censuses and Special Tabulations are assumed to meet these criteria, with one exception (i.e., Special Tabulation projects are subject to one component of Criteria II).

³ In some cases, two categories could apply (e.g., a data collection involving households that will link results to administrative records). If so, questions in both sets of applicable considerations apply. Externally proposed research projects involving census confidential data, typically conducted at the Center for Economic Studies or a Research Data Center, are considered Analytic Research or Reporting projects.

Attachment 1 provides a checklist that is designed to determine if a project meets the requirements of this policy. **The checklist must be completed for each new reimbursable project.** Attachment 2 provides a summary of the same information in flow chart format. The following explanation of the criteria is summary in nature and should not be used in lieu of the checklist.

If the Census Bureau is participating in one portion of a larger project (e.g., performing sample design for a survey to be conducted by another organization), then the category is determined by the nature of the Census Bureau's involvement. However, to complete the checklist accurately, the decision maker should make a reasonable effort to determine what the sponsor intends for the larger project.

A project must:

I. Be consistent with the Census Bureau's mission

This criterion is considered met if the project possesses all of the following characteristics:

- Has identifiable legal authority (i.e., both a Census Bureau or Department of Commerce (DOC) authority and a sponsoring agency authority, if another government agency).
- Is consistent with DOC requirements for agreements and other relevant Census Bureau policies.
- Will be used for statistical purposes only (if project involves data collection by the Census Bureau).
- Adheres to the Census Bureau mission of high-quality data collection, provision, and analysis.
- Does not harm relationships with partner agencies.
- Is designed to benefit the public good.

II. Have a positive or neutral effect on the Census Bureau's reputation

This criterion is considered met if the project possesses the following items:

- Likely positive or neutral impact on the agency's reputation as an objective, unbiased data collector.
- Adhere to professional integrity standards, such as those published by the American Statistical Association or the International Statistical Institute.

And one of the following:

- A governmental sponsor with clear functional separation between its statistical and any domestic enforcement or regulatory functions.
- A nongovernmental sponsor disassociated with partisan activities.

- Written acknowledgement by the Division Chief, approved by the cognizant Associate Director, that he/she has determined that it is in the Census Bureau's interest to undertake the project, despite one of the above items not being met.

III. Be feasible without jeopardizing resources and infrastructure needed to support other Census Bureau commitments

This criterion is considered met if:

- Sufficient resources (including equipment and staff expertise) are available, or can be made available, in a full cost-recovery manner, without putting appropriated projects at risk.
- Participating divisions or offices concur with this assessment.

IV. Be consistent with the Census Bureau's commitment to privacy and confidentiality

This criterion is considered met if:

The project can be conducted in accordance with the Census Bureau's privacy principles.

- A survey is collected under Title 13, U.S.C., and the sponsor understands the requirements to follow the Census Bureau's disclosure-avoidance rules and procedures.
- A survey is collected under Title 15, U.S.C., and the sponsor agrees to the following:
 - Maintain the data in accordance with all applicable laws, including the Privacy Act, the Freedom of Information Act, the Trade Secrets Act, and its own statute (if a government agency).
 - Advise respondents that the Census Bureau is an agent of the sponsor and that disclosure in a form permitting identification of an individual respondent is prohibited, except when the data are collected from public records.

V. Be consistent with the production of high-quality data

This criterion is considered met if the project:

- Includes preparation of documents that describes the methodology, statements of data limitations, and reliability measures for each aspect that the Census Bureau is contracted to perform.
- Is a data collection, and:
 - Has a stated objective that the data collection can reasonably be expected to meet.

- The sponsor is willing to collaborate in an effort to meet existing Census Bureau guidelines for coverage rates, response rates, variance estimation, pretesting, evaluation, analysis, and other relevant quality guidelines.

VI. Accommodate source agency requirements for using administrative records

This criterion is considered met if the project:

- Uses administrative records in a manner consistent with the source agencies' requirements.
- Complies with the Administrative Records Restricted Access Policy and the procedures specified in the Administrative Records Handbook.

VII. Address sensitive populations and topics thoughtfully

This criterion is considered met if the project:

- Includes sensitive topics or populations and:
 - Can be designed to meet requirements levied by a sponsoring agency's Institutional Review Board.
 - Can be designed to mitigate risk to the Census Bureau associated with such sensitivities adequately.
 - Is elevated to the Executive Staff for decision if the risk is moderate to high.
- Does not include sensitive topics or populations, or medical or psychological interventions.

Primary aspects of determining risk level include:

- Extent to which anonymity or confidentiality can be maintained.
- Targeting of one or more sensitive population groups.
- More than nominal incentives.
- One or more sensitive topics.
- Potential for social, economic, legal, or psychological harm.
- Medical or psychological intervention.

Primary aspects of mitigating risk include ensuring:

- Informed consent.
- Confidentiality of data.
- Presence of appropriate medical or other professional personnel, as warranted.
- Appropriate training or procedures to address problematic situations.

To assess the risk level of a project, as well as to design appropriate risk mitigation, see the final section of Attachment 1.

If all of the questions in Attachment 1 are answered satisfactorily, the project can be accepted. If one or more responses indicates “elevate,” then the Division Chief must elevate the decision to the Executive Staff level. If the responses indicate that the project must not be accepted, the Census Bureau cannot carry out the project unless modifications are made to address identified concerns. Division Chiefs should further elevate any project they deem appropriate, such as those that raise issues not anticipated in this policy, to the Executive Staff level.

For projects subject to Criterion VII, Sensitivities: Four or more risk points indicate a moderately high-risk project. Such projects must have a formal risk mitigation plan for the Division Chief’s approval. Projects with more than six risk points must be elevated to the Executive Staff for a decision. The risk mitigation plan is required for such projects before the Executive Staff can determine project acceptability.

IMPLEMENTATION

The Reimbursable Policy Team was rechartered to address implementation details, including automation of the attached checklist, to facilitate use. It also will provide tools needed to facilitate staff and sponsor awareness. These will be available from the Office of Analysis and Executive Support (OAES) upon completion.

Summary: Division Chiefs are the primary decision makers in this policy and are responsible for ensuring compliance among their staff. Reimbursable Contact Persons (RCPs), designated by each Division Chief, are responsible for completing the policy checklist for each new project. No one may commit the Census Bureau to a project until the criteria specified herein are applied and approved by the Division Chief or above. The Executive Staff is responsible for making a final decision, based on these criteria, when a project is elevated. OAES will work with divisions to ensure timely Executive Staff consideration. Divisions will periodically report on reimbursable projects to the Executive Staff in a manner prescribed by OAES in order to evaluate the impact of this policy.

Additional Detail: When a potential reimbursable project comes into the Sponsoring (i.e., lead) Division, the RCP will take the specifications (Statement of Work [SOW] or any information describing what work the sponsor is requesting) for the project and complete the Reimbursable Policy checklist for the proposed project. The RCP is encouraged to work with the Census Bureau project manager when completing the checklist.

When a recurring project has changed, a new checklist must be completed if the project meets the criteria for being a “new project,” as defined in the glossary. If a recurring project is unchanged, a new checklist is not required.

In many instances, the sponsor initially contacts the Census Bureau informally, with a SOW being developed subsequently. The checklist is applied at this point, prior to or concurrent with cost estimation.

The RCP must provide his/her counterpart(s) in any participating division the opportunity to review and concur with the checklist. If a participating division disagrees, the RCP must document the dissent and append it to the checklist, which will be elevated consistent with the policy.

Once other division concurrence is obtained, the RCP provides the document to the Division Chief, usually along with the BC-505-A and the SOW. The Division Chief's signature on the checklist signifies approval. The checklist must be included in the full packet of documentation routed for approval for any new project.

The Division Chief is responsible for using his/her judgment in elevating proposed projects when appropriate, beyond what is explicitly directed by the policy, in potentially problematic instances not fully anticipated by this policy. In most such cases, the appropriate Associate Director will be able to determine whether the project can be accepted. In unusual cases, including those explicitly specified in the checklist, a project must be elevated to the DSEP.

In those cases, the RCP or Division Chief will work with OAES to schedule such a review. Necessary documentation includes the project specifications, the completed Reimbursable Policy checklist, documentation to support why the division should take on this project, and any participating division dissent.

After this process is complete, the Census Bureau can finalize agreement with the sponsor about the cost, timing, and other details of the work. An agreement is then signed, funds are transferred, and work is initiated.

DATE POLICY BECOMES EFFECTIVE

Upon signature, these criteria are in effect. However, the documentation requirements will take effect when OAES provides implementation materials to program areas.

SIGNATURE AND DATE SIGNED

_____/s/_____
Charles Louis Kincannon
Director

_____/2/3/03_____
Date

Attachment 1: Checklist
Attachment 2: Decision Tree Flow Chart
Attachment 3: Glossary of Terms