



RESULTS FOR AMERICA

Evidence Act Brief

SUMMARY OF WHITE HOUSE OFFICE OF MANAGEMENT AND BUDGET GUIDANCE ON PHASE 1 IMPLEMENTATION OF THE ***FOUNDATIONS FOR EVIDENCE-BASED POLICYMAKING ACT OF 2018***

Overall Background Information

On July 10, 2019, the White House Office of Management and Budget (OMB) issued [guidance](#) to federal agencies on the first phase of implementing the [Foundations for Evidence-Based Policymaking Act of 2018](#) ("Evidence Act"), which was signed into law on January 14, 2019.

The [Evidence Act](#) was based in large part on the recommendations of the bipartisan [Commission on Evidence-Based Policymaking](#) (CEP), which was created by a [federal law](#) championed by former U.S. House Speaker Paul Ryan (R-WI) and U.S. Senator Patty Murray in 2016 to study and make recommendations on how federal agencies should strengthen their evidence and data capacity to make the federal government more effective and efficient. Over an 18 month-period, a [diverse group of 15 commissioners](#) engaged in fact-finding and deliberations that involved gathering evidence from more than 200 federal offices, testimony from more than 50 individuals, and written comments from 350 individuals. Results for America Co-Founder David Medina [testified](#) before the Commission on October 21, 2016.

The Commission released a unanimous [report](#) in September 2017 that included 22 recommendations to foster the building and use of evidence and data in federal policymaking. Many of the key pillars in the Commission's report, and

subsequently the Evidence Act, corresponded to longstanding recommendations contained in Results for America's Federal Standard of Excellence such as the designation of an evaluation officer, the creation of an agency evaluation plan and learning agenda, and the implementation of data management and privacy protection best practices.

The [Evidence Act](#), which was passed by the U.S. Senate and House with overwhelming support from both parties and signed into law in early 2019, included 11 of the recommendations from the Commission report. The Evidence Act represents a major step toward increasingly investing taxpayer dollars in what works.¹

Evidence Act Requirements for All Federal Agencies

The Evidence Act [directs](#) all federal agencies across the federal government to:

Federal Agency Personnel

- **Chief Data Officer.** Designate a career senior staff person within the agency to serve as its [Chief Data Officer](#). The Chief Data Officer is required to be part of the agency's senior leadership and responsible for data management, privacy and confidentiality, and data access. The officer is required to participate in the federal government-wide Chief Data Officers council that will, among other things, identify ways to protect data privacy and promote appropriate data sharing. (Section 202 of the Evidence Act)

Federal Agency Governing Body

- **Chief Data Officer Council.** The Chief Data Officer of each agency is required to participate in the federal government-wide Chief Data Officers council that will, among other things, identify ways to protect data privacy and promote appropriate data sharing (Section 202 of the Evidence Act)

Federal Agency Plan

- **Open Data Plan.** Develop and maintain an Open Data Plan that describes how the agency will make government data open to the public and how it will "evaluate each priority data asset for disclosure on the Federal Data Catalogue." That plan must include a point of contact to assist the public and implement the process of making data open to the public by default. Further, agencies must provide the public the opportunity to request specific data assets be prioritized for disclosure and must assist the public in expanding the use of public data assets. (Section 202 of the Evidence Act)

¹ You can find Results for America's summary of the major provisions in the Evidence Act [here](#).

Evidence Act Requirements for the 24 Federal Agencies Covered by the Chief Financial Officers Act

The Evidence Act also specifically [directs](#) the 24 federal agencies² covered by the [Chief Financial Officers Act](#) ("CFO Act") to meet the following requirements:

Federal Agency Personnel

- **Evaluation Officer.** Designate a career senior staff person as the agency's Evaluation Officer who is required to provide leadership over the agency's evidence-building activities, including its evaluation activities, learning agenda, and capacity assessment. The Evaluation Officer cannot be a member of the Inspector General's staff or located in the Inspector General's office. The Evaluation Officer must be a member of the agency's Data Governance Body and the Evaluation Officer Council, described below. (Section 101 of the Evidence Act)
- **Statistical Official.** Designate a career senior staff person as the Statistical Official who is responsible for advising the agency on statistical policy techniques, and procedures. The Statistical Official is required to direct and coordinate all statistical policy for the agency, including policy and standards related to data quality, confidentiality, and appropriate data access. The Statistical Official must be a member of the agency's Data Governance Body and serve on the Interagency Council on Statistical Policy, described below. (Section 101 of the Evidence Act)

Federal Agency Agendas, Plans, and Assessments

- **Evidence-Building Plan/Learning Agenda.** Develop an evidence-building plan or learning agenda, aligned with the strategic plan required in the Evidence Act, that is at least four-years long and addresses priority questions relevant for programmatic, operational, regulatory, or policy decision-making across the agency. (Section 101 of the Evidence Act)
- **Evaluation Plan.** Develop an annual plan that describes key questions for each significant evaluation study planned for the next fiscal year, including the key information to be collected. (Section 101 of the Evidence Act)
- **Capacity Assessments.** Assess the coverage, quality, methods, effectiveness, and independence of the agency's statistics, evaluation, research, and analysis efforts. The assessment should provide a comprehensive view of the agency's capacity and needs. (Section 101 of the Evidence Act)

² U.S. Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, Treasury, and Veterans Affairs, Environmental Protection Agency, National Aeronautics and Space Administration, U.S. Agency for International Development, General Services Administration, National Science Foundation, Nuclear Regulatory Commission, White House Office of Management and Budget, White House Office of Personnel Management, Small Business Administration, and Social Security Administration.

New Federal Government-Wide Bodies Required by the Evidence Act

The Evidence Act requires OMB to create a:

Federal Governing Bodies

- **Chief Data Officers Council** within OMB comprised of the Chief Data Officers from each agency across the federal government. The Council will "establish Governmentwide best practices for the use, protection, dissemination, and generation of data; promote and encourage data sharing agreements between agencies; identify ways in which agencies can improve upon the production of evidence for use in policymaking; consult with the public and engage with private users of Government data and other stakeholders on how to improve access to data assets of the Federal Government." The Council must submit biannual reports to Congress. (Section 202 of the Evidence Act)
- **Advisory Committee on Data and Evidence** within OMB chaired by the Chief Statistician of the United States. The Advisory Committee's members must consist of specific representatives who have expertise in data, evaluation, privacy, performance, and statistics. The Advisory Committee will review, analyze, and make recommendations on how to promote the use of Federal data for evidence building," including providing "recommendations to the [OMB] Director on how to facilitate data sharing, enable data linkage, and develop privacy enhancing techniques." This advisory committee must issue an annual report. (Section 101 of the Evidence Act)

OMB Evidence Act Guidance Schedule

To assist federal agencies in implementing the key provisions of the Evidence Act described above, OMB issued the first phase of [guidance](#) related to the Act in July 2019. OMB has also committed to issuing Evidence Act implementation guidance to federal agencies in the following four phases:

- **Phase 1:** Learning Agendas, Personnel, and Planning (released in July 2019);
- **Phase 2:** Open Data Access and Management (issue date TBD);
- **Phase 3:** Data Access for Statistical Purposes (issue date TBD); and
- **Phase 4:** Program Evaluation (issue date TBD).

Summary of July 2019 OMB Evidence Act Guidance -- Phase I

OMB's July 2019 [Phase I guidance](#) on Learning Agendas, Personnel and Planning includes the following deadlines by which key requirements of the Evidence Act must be met by the 24 CFO Act agencies (other agencies are encouraged to conduct these activities as well):

- **Evaluation Officer** named by July 2019 ([OMB guidance](#), pg. 8, 10, 25–28);
- **Statistical Official** named by July 2019 ([OMB guidance](#), pg. 8, 28–31);
- **Chief Data Officer** named by July 2019 ([OMB guidance](#), pg. 8–9, 21–25) (a list of Chief Data Officers may be found [here](#));
- **Data Governance Body and Open Data Plan** submitted by September 2019 ([OMB guidance](#), pg. 8, 12, 20);
- **Evaluation Plan** submitted by September 2020 ([OMB guidance](#), pg. 10–11, 32–34);
- **Capacity Assessment** submitted by February 2022 with interim assessment by September 2020 ([OMB guidance](#), pg. 11, 35–36); and
- **Learning Agenda** by February 2022 with interim assessment by September 2020 ([OMB guidance](#), pg. 7, 15–19).

Federal Agency Personnel

The Evidence Act requires all federal agencies to appoint Chief Data Officers. The July 2019 Evidence Act OMB [guidance](#) more specifically outlines the required qualifications for these government officials including: an ability to communicate effectively, manage organizational culture change, facilitate and implement best practices in data curation, support agency compliance, think strategically and solve complex problems regarding data-driven decision-making, facilitate complex data analysis, have strong business acumen, and understand data sciences, analytics, and statistical methods.

While the Evidence Act requires all 24 CFO Act federal agencies to designate Evaluation Officers and Statistical Officials, OMB's July 2019 Evidence Act [guidance](#) requires them to do so by July 2019. That guidance also encourages non-CFO Act federal agencies sub-agencies, operational divisions, and bureaus to designate Evaluation Officers and Statistical Officials. The guidance further directs agencies to designate Evaluation Officers with the ability to ensure the agency maintains principles of scientific integrity throughout the evaluation process, that rigorous evaluation is a priority, communicate effectively, strategically allocate evaluation resources, and successfully manage organizational culture change. The guidance also requires Statistical Officials to have the ability to plan large-scale statistical programs, to build and maintain relationships with other government officials and academics, to communicate, to understand federal privacy and confidentiality laws and regulations, and to be nationally recognized as an authority in statistics.

The [guidance](#) also directs the Chief Data Officer, Evaluation Officer and Statistical Official of CFO Act agencies to work together to craft their agency's evaluation plans (due September 2020), capacity assessment (due February 2022 with interim due in September 2020), and overall learning agenda (due February 2022 with interim due in September 2020).

Data Governance Body and Open Data Plan

The Evidence Act requires the creation of a government-wide Chief Data Officers Council, while the Evidence Act requires all federal agencies to create Data Governance Bodies, the July 2019 OMB Evidence Act [guidance](#) requires them to do so by September 30, 2019. The guidance also requires that the Data Governance Body be led by the Chief Data Officer with participation from the Evaluation Officer (where relevant), Statistical Official (where relevant), Chief Acquisition Officer, Chief Financial Officer, Chief Freedom of Information Act Officer, Chief Information Officer, Chief Information Security Officer, General Counsel, Performance Improvement Officer, Senior Agency Official for Geospatial Information, Senior Agency Official for Privacy, and Senior Agency Official for Records Management. In addition, the guidance requires that the Data Governance Body set agency data policy, coordinate the implementation of the Federal Data Strategy within the agency, inform the agency Strategic Information Resource Management Plan, and coordinate implementation of data management responsibilities within the agency.

The July 2019 OMB Evidence Act [guidance](#) also reiterates the Evidence Act's requirement that each agency develop and maintain an Open Data Plan within its Strategic Information Resources Management Plan. Under the Evidence Act, the open data plan must be updated annually, publicly available in a machine-readable format, and identify priority data assets where "disclosure would be in the public interest." It must also include "a plan to evaluate each priority data asset for disclosure on the Federal Data Catalogue." OMB's Phase 2 Evidence Act Guidance will provide more detailed guidance on agencies' Open Data Plans, including substantively updating technical aspects of the agencies' existing mechanisms for meeting open data policy objectives. Agencies are required to comply with current open data obligations until OMB's Phase 2 Guidance is issued.

Learning Agendas

While the Evidence Act requires the 24 CFO-Act federal agencies to develop evidence-building plans, also known as learning agendas, the July 2019 OMB Evidence Act [guidance](#) requires that each agency create a multi-year Learning Agenda that covers at least a four-year period, is overseen by the Evaluation Officer, and supports sub-agency efforts to develop aligned learning agendas. According to the guidance, the Learning Agendas should "provide an evidence-building roadmap to support effective and efficient agency functioning. Learning agendas offer the opportunity to use data in service of addressing the key questions an agency wants to answer to improve its operational and programmatic outcomes and develop appropriate policies and regulations to support successful mission accomplishment." ([OMB Phase I Guidance](#), pg.14)

Further, the July 2019 OMB Evidence Act guidance identifies key components of a Learning Agenda: internal and external stakeholder engagement, documented in the final agenda; priority questions identified by stakeholders that will have the biggest impact on agency functioning and performance (agencies may tie their questions to strategic goals); a learning agenda; and research methods that carry out the learning agenda that are as rigorous as possible and align with the agency's identified priority questions. An agency's learning agenda must be public and once the learning agenda's activities are carried out, their results should be used to drive further agency efforts.

According to the July 2019 OMB Evidence Act guidance, the 24 CFO Act federal agencies must publish their final learning agendas by February 2022 as part of their Final Strategic Plan. To reach that deadline, OMB requests that agencies submit documentation of their progress in developing their learning agendas in September 2019. An interim learning agenda is due in September 2020 with a full draft agenda due in September 2021, as part of the agency's draft Strategic Plan.

Evaluation Plans

While the Evidence Act requires the 24 CFO Act federal agencies to develop evaluation plans, the July 2019 OMB Evidence Act [guidance](#) requires them to do so by September 2020, concurrent with their FY22 Annual Performance Plan. In preparation for this final agenda, OMB requests that agencies submit by September 2019 documentation of their progress in developing their evaluation plans. These plans should, at a minimum, describe the evaluation activities for the subsequent year, including the key questions for each planned "significant" evaluation study. After the final evaluation plan is submitted in 2020, agencies are expected to provide annual updates to their plans concurrent with their Annual Performance Plan submissions.

Capacity Assessments

While the Evidence Act requires the 24 CFO Act federal agencies to develop capacity assessments, the July 2019 OMB Evidence Act [guidance](#) requires them to do so by February 2022 as part of their final Strategic Plan. OMB asks agencies to propose an approach to conducting their capacity assessments as part of their strategic plan in the Evidence Template that accompanies their FY21 Budget Submission. The following year, with their FY22 Performance Plan and Budget Submission, these federal agencies must provide a strategic plan that includes their must provide an interim capacity assessment with a full draft due in December 2021. The final capacity assessment is to be posted publicly as part of the agency's Strategic Plan in February 2022.

Federal Government-Wide Councils

The Evidence Act requires OMB to create a new Chief Data Officer Council, an interagency governing body comprised of the Chief Data Officer from each agency across the federal government, the Administrator of the Office of Electronic Government, the Administrator of the Office of Information and Regulatory Affairs, and an Ex Officio Member to represent all Chief Information Officers and Evaluation

Officers. The July 2019 OMB Evidence Act [guidance](#) builds on that directive, requiring the Council to establish best practices for the use, protection, dissemination, and generation of data, promote data sharing agreements between agencies, and identify better ways agencies can use data to make policy decisions. The Chief Data Council is required to report to Congress biannually.

The July 2019 OMB Evidence Act [guidance](#) further directs the OMB Evidence Team to convene a second interagency council -- the Evaluation Officer Council, which will be composed of the agency Evaluation Officers at the 24 CFO Act federal agencies. The Evaluation Officer Council will serve as a forum to exchange information and to advise OMB on issues that affect evaluation activities. Additional information on the composition of the Council will be released by OMB in a future guidance document.

The July 2019 OMB Evidence Act [guidance](#) also expands the membership of the existing Interagency Council on Statistical Policy to include the Statistical Officials required to be designated by each of the 24 agencies covered by the CFO Act by July 2019.

Conclusion

The Evidence Act has the potential to substantially strengthen federal agencies' ability to use evidence and data to invest in what works. Results for America is committed to continuing to help make our federal government more effective and efficient and to help it harness the power of evidence and data to address our nation's biggest challenges.