



# RESULTS FOR AMERICA

## Evidence Act Brief

### A SECTION-BY-SECTION SUMMARY OF MAJOR PROVISIONS OF THE **FOUNDATIONS FOR EVIDENCE-BASED POLICYMAKING ACT OF 2018**

*You can find the actual law here:*

<https://www.congress.gov/bill/115th-congress/house-bill/4174/text>

#### **Title I: Federal Evidence-Building Activities**<sup>1</sup>

##### **Section 312: Agency evidence-building and evaluation plan**

(a) The 24 [federal agencies](#) covered by the Chief Financial Services Act must include within their strategic plans a "systematic plan for identifying and addressing policy questions relevant to the programs, policies, and regulations of the agency." This plan must include the policy-relevant questions, methods, data, and steps the agency intends to use to develop evidence to support policymaking. In developing the plan, the agency must consult with the public, other agencies, state and local governments, and researchers.

(b) The 24 [federal agencies](#) covered by the Chief Financial Services Act must issue evaluation plans as part of their annual performance plans to describe key questions for each significant evaluation study planned for the next fiscal year, including the key information to be collected.

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<sup>1</sup> Title I amends chapter 3 of title 5 of the US Code. Section references within this title are to the specific sections within chapter 3 that the Evidence Act amends.

## **Section 313: Evaluation Officers**

(a) The 24 [federal agencies](#) covered by the Chief Financial Services Act must designate a career, senior employee of the agency as the Evaluation Officer in order to implement an agency evidence building and evaluation plan. The evaluation officer must also "continually assess the coverage, quality, methods, consistency, effectiveness, independence, and balance of the portfolio of evaluations, policy research, and ongoing evaluation activities of the agency" and the agency's "capacity to support the development and use of evaluation."

## **Section 314: Statistical expertise**

(a) The 24 [federal agencies](#) covered by the Chief Financial Services Act must appoint a statistical official "to advise on statistical policy, techniques, and procedures" for the agency. This official also serves on the Interagency Council on Statistical Policy.

## **Section 315: Advisory Committee on Data for Evidence Building**

(a) The White House Office of Management and Budget (OMB) must "establish an Advisory Committee on Data for Evidence... to 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."

(b) The Advisory Committee should be comprised of 16 members: one Chief Information Officer, One Chief Privacy Officer, one Chief Performance Officer, three Chief Data Officers, three Evaluation Officers, three members of the Interagency Council for Statistical Policy, at least 10 representatives of state and local government and non-governmental stakeholders with expertise in relevant subjects including transparency policy, privacy policy, statistical data use, information management, information technology, and research and evaluation.

(e-g) The Committee will provide recommendations to the Director of OMB on how to "facilitate data sharing, enable data linkage, and develop privacy enhancing techniques" as well as "the coordination of data sharing or availability for evidence building across all agencies." This Advisory Committee must issue an annual report and will terminate after two years.

## **Agency Strategic Plans**

(c) The 24 [federal agencies](#) covered by the Chief Financial Services Act must develop strategic plans that contain "an assessment of the coverage, quality, methods, effectiveness, and independence of the statistics, evaluation, research, and analysis efforts of the agency," including:

- "a list of the activities and operations of the agency that are currently being evaluated and analyzed"

- "the extent to which the evaluations, research, and analysis efforts and related activities of the agency support the needs of various divisions within the agency"
- "the extent to which the evaluation research and analysis efforts and related activities of the agency address an appropriate balance between needs related to organizational learning, ongoing program management, performance management, strategic management, interagency and private sector coordination, internal and external oversight, and accountability"
- "the extent to which the agency uses methods and combinations of methods that are appropriate to agency divisions and the corresponding research questions being addressed, including an appropriate combination of formative and summative evaluation research and analysis approaches"
- "the extent to which evaluation and research capacity is present within the agency to include personnel and agency processes for planning and implementing evaluation activities, disseminating best practices and findings, and incorporating employee views and feedback"
- "the extent to which the agency has the capacity to assist agency staff and program offices to develop the capacity to use evaluation research and analysis approaches and data in the day-to-day operations"

### **GAO Report**

(d) The Government Accountability Office (GAO) must issue a report within 2 years after the agency strategic plans are published that summarizes findings and highlights trends in agencies' use of evidence and data as delineated in their strategic plans and "recommends actions to further improve agency capacity to use evaluation techniques and data to support evaluation efforts."

### **Evaluation And Personnel Standards**

(e) The White House Office of Management and Budget (OMB) shall "issue guidance for program evaluation for agencies" and "identify best practices for evaluation that would improve Federal program evaluation." The Office of Personnel Management (OPM) shall "identify key skills and competencies needed for program evaluation," establish an occupational series for program evaluation within an agency, and "establish a new career path for program evaluation within an agency."

## **Title II: Open Government Data Act<sup>2</sup>**

### **Federal Agency Responsibilities To Make Data Open By Default**

(c) All federal agencies must have a strategic information resource management plan that, among other things, includes an open data plan. The open data plan must be updated annually, be publicly available, and identify priority data assets where "disclosure would be in the public interest" and have "a plan to evaluate each priority data asset for disclosure on the Federal Data Catalogue."

All federal agencies must designate a point of contact within the agency to assist the public and implement a process to evaluate and improve the timeliness, completeness, consistency, accuracy, usefulness, and availability of open Government data assets.

Further, all federal agencies "must engage the public in using public data assets of the agency and encourage collaboration" by "providing the public with the opportunity to request specific data assets to be prioritized for disclosure and to provide suggestions for the development of agency criteria with respect to prioritizing data assets for disclosure,... assisting the public in expanding the use of public data assets," and "hosting challenges, competitions, events, or other initiatives designed to create additional value from public data assets of the agency."

### **Section 3511: Data inventory and Federal data catalogue**

(a)-(b) All federal agencies shall "develop and maintain a comprehensive data inventory" including metadata on each data set, and publish it on the Federal data catalogue website. In identifying open data sets, agencies must consider the risk of disclosing of personally identifiable information. The Office of Management and Budget must issue guidance to agencies on making data available under an open format and open license, taking into consideration security, privacy, intellectual property, and the expectation to disclose data available under the Freedom of Information Act. Agency heads shall make public data assets available online.

(c) The General Services Administration (GSA) must host the Federal Data Catalogue on "a single public interface online" to share agency data assets. OMB and GSA must develop and maintain an online repository of tools, best practices, and standards for federal open data including "definitions, regulations, policies, checklists, and case studies related to open data policy" to "facilitate collaboration and the adoption of best practices."

### **Section 3520: Chief Data Officers**

(a)-(e) All federal agencies must designate a career staff member as [Chief Data](#)

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<sup>2</sup> Title II amends chapter 35 of Title 44 of the US Code. Section references within this Title are to the specific sections within chapter 35 that the Evidence Act amends.

Officer responsible for managing the data assets of the agency, ensuring the standardization of data format, sharing of data assets, and publication of data assets to maximize the use of data for the production of evidence, the improvement of agency operations, and cybersecurity. The Chief Data Officer has to report annually to Congress on its compliance with this provision of law and any challenges in complying.

(f) Chief Data Officer Council, which includes the Chief Data Officer of each agency as well as other agency IT and evaluation officials must "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 Chief Data Officer Council must submit a biennial report to Congress. Within 4 years the Government Accountability Office will "submit to Congress a report on whether the additional duties of the Council improved the use of evidence and program evaluation in the Federal Government." Within 3 years, the GAO shall submit to the Congress a report on the value of information made available to the public as a result of this law, whether the publication of additional data would be valuable to the public, and the completeness of the comprehensive data inventory in the federal data catalogue. Within 1 year, and every 2 years thereafter, OMB shall publish a report on agency performance and compliance. The Chief Data Officer Council terminates two years after the GAO submits the above described report to Congress.

### **Title III: Confidential Information Protection and Statistical Efficiency Act of 201<sup>3</sup>**

#### **Section 3581: Presumption of accessibility for statistical agencies and units**

(a) All federal agencies shall make available data to statistical agencies for "purposes of developing evidence."

#### **Section 3582: Expanding secure access to CIPSEA data assets**

a)-(c) All Federal statistical agencies shall expand access to their data to develop evidence while protecting such assets from inappropriate access and use. Statistical agencies must categorize their data as to its sensitivity level, conduct a comprehensive risk assessment of any data prior to any public release, remove personal identifying information, and make public the criteria for conducting such a risk assessment.

#### **Section 3583. Application to access data assets for developing evidence**

a) The White House Office of Management and Budget (OMB) must establish a

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<sup>3</sup> Title III amends chapter 35 of Title 44 of the US Code. Section references within this Title are to the specific sections within chapter 35 that the Evidence Act amends.

common application form with timely and transparent application process for federal agencies, the Congressional Budget Office (CBO), State, local, and Tribal governments, researchers, and other individuals to access the statistical agencies or units data assets for purposes of developing evidence.