



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

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The Evidence Act: Title I Basics

What is the Evidence Act?

The [Foundations for Evidence-Based Policymaking Act of 2018](#) (the “Evidence Act”) requires federal agencies to modernize their data management practices and to develop plans to improve federal evidence-building in support of policymaking. The Evidence Act is comprised of four titles: evidence-building activities; open data; data confidentiality and statistical efficiency; and general provisions. This Bulletin focuses specifically on Title I: Federal Evidence-Building Activities ([5 U.S.C. §§ 311–315](#)). Title I applies to agencies subject to the [Chief Financial Officers \(CFO\) Act of 1990](#), which includes all Cabinet-level agencies.

What is “evidence”?

The Evidence Act uses the definition of “evidence” from [44 U.S.C. § 3561](#), which states that “the term ‘evidence’ means information produced as a result of statistical activities conducted for a statistical purpose.” OMB has further expounded on what constitutes “evidence” through [guidance](#), encouraging a broad view of the term and noting it can include quantitative or qualitative information derived from various sources.

What does Title I require?

Pursuant to [5 U.S.C. § 306](#), agencies are required to develop and make available on their public website a strategic plan that contains specific elements such as general goals and objectives and program evaluations used to establish or review such agency goals and objectives. Title I of the Evidence Act builds upon this obligation by requiring agencies to include in their strategic plans an agency evidence-building plan (also referred to as “the Learning Agenda”) to identify and address policy questions relevant to agency programs, policies, and regulations.

There are several statutory frameworks, executive orders, and OMB guidance documents governing and guiding agency use of evidence in decision-making and policymaking beyond the Evidence Act, including the [Government Performance and Results Act \(GPRA\) Modernization Act of 2010](#); [Executive Order 12,866](#), [Regulatory Planning and Review](#); and an OMB Memorandum on [Evidence-Based Policymaking: Learning Agendas and Annual Evaluation Plans](#).

Evidence-Building Plan Requirements

An agency’s evidence-building plan must include:

1. A list of policy-relevant questions for which the agency intends to develop evidence to support policymaking.
2. A list of data the agency intends to collect, use, or acquire to facilitate the use of evidence in policymaking
3. A list of methods and analytical approaches that may be used to develop evidence to support policymaking.
4. A list of any challenges to developing evidence to support policymaking, including any statutory or other restrictions to accessing relevant data.
5. A description of the steps the agency will take to accomplish paragraphs (1) and (2).
6. Any other information as required by guidance issued by the Director (of OMB).

Other Requirements Under Title I

Title I of the Evidence Act includes additional requirements beyond the development of an evidence-building plan, including:

- Agencies are also required to develop an evaluation plan which includes those evaluation activities that meet the statutory definition of evaluation (as noted in previous [OMB guidance](#)) and [each agency’s definition of “significant.”](#)
- Although CFO agencies are statutorily required to comply with Title I, OMB encourages all non-CFO Act agencies (as well as sub-units or operational divisions within CFO Act agencies) to implement a learning agenda and evaluation plan, as appropriate.
- Agencies are required to consult with stakeholders, such as the public and state and local governments, as part of their Learning Agenda development efforts.
- Finally, Title I requires agencies to designate an Evaluation Officer and an agency official with statistical expertise and establishes an Advisory Committee on Data for Evidence Building.

Additional Resources

ACUS Admin. Procedure Sourcebook, [Government Performance and Results Act](#)

ACUS Rec. [2017-6](#), Learning from Regulatory Experience

ACUS Rec. [2013-7](#), GPRA Modernization Act of 2010: Examining Constraints To and Providing Tools For, Cross-Agency Collaboration
GAO, [Evidence-Based Policymaking: Practices to Help Manage and Assess the Results of Federal Efforts](#)
[Evaluation.gov](#)