



# ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

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## Information Interchange Bulletin No. 036

# 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](#)