

BEYOND THE EVIDENCE ACT

DIANA EPSTEIN

THE EVIDENCE ACT OPPORTUNITY

The January 2021 Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking,¹ issued within the first week of the Biden-Harris administration, provided new momentum for evidence-based policymaking. The subsequent guidance issued from the Office of Management and Budget in response, OMB M-21-27,² stresses the importance of building a culture of evidence and embedding evidence into federal agency functions and processes. This new guidance not only unifies and reaffirms key principles such as the importance of rigor and transparency in evidence-building activities, it also elevates equity as a key consideration throughout the lifecycle of evidence building.

This renewed energy around evidence-based policymaking builds on the work of the bipartisan Commission on Evidence-Based Policymaking, which garnered new attention around improving how data and evidence are used through the federal government. The commission's report, issued in September 2017, offered a set of recommendations that illustrate both the challenges and enormous possibilities that a greater focus on evidence could bring in service of improving government effectiveness. The Foundations for Evidence-Based Policymaking Act of 2018, or the Evidence Act, addressed about half of the commission's recommendations, and served as a

strong marker that the improved use of evidence must be a priority. This law includes the idea that evidence-based policymaking needs systematic planning, that we need strong data governance to use federal data assets effectively, and that we need coordinated support to share data effectively while protecting privacy and confidentiality. This chapter addresses progress toward executing on this first idea of more systematic evidence building and use in the federal government.

The Evidence Act builds on long-standing principles underlying federal policies and data infrastructure. While the government certainly is not starting from scratch, the law does create a new paradigm for federal agencies to think about how they build and use evidence. For one, it focuses on leadership by requiring agencies to designate three new senior officials (Evaluation Officers, Chief Data Officers, and Statistical Officials) who are responsible for leading implementation of the act's requirements. It also emphasizes collaboration and coordination across functions, recognizing that no single person or office can accomplish this work alone. It is designed to break down some of the long-standing siloes that have long stymied this work. It also puts in place a more strategic approach to building evidence as opposed to how it has traditionally happened in most agencies, which is very ad hoc, often in response to a particular mandate or driven by a specific group of motivated staff. And specific to the focus of this chapter, it elevates program evaluation as a key agency function. For years, the federal government had statutory systems for performance and statistics, but evaluation has been the missing link. While program evaluation was already happening in some places, it is not happening well in many other agencies, and the Evidence Act elevates evaluation as a key piece of the evidence-building enterprise. This is important because there are some kinds of questions—for example: Is a program or policy working as intended? Is it causing the intended changes?—that only evaluation can answer.

When a law like the Evidence Act passes, the Office of Management and Budget (OMB) is typically responsible for issuing guidance to agencies so they understand the details and how to implement the law. The Evidence Act is no exception, and it calls on OMB to issue guidance in a number of areas. Rather than issue guidance in many different pieces coming out of many different offices and then have agencies struggle with how to interpret and apply it, the OMB team decided to take a different approach. From the start, career staff have been coordinating internally, across OMB offices that don't always work closely together, to figure out how to issue

guidance for agencies more cohesively. We decided to issue guidance in just four main phases (not necessarily in chronological order).³ Phases 1, 2, and 3 roughly correspond to each of the three Titles of the Evidence Act, and the fourth piece of guidance is specifically related to the new program evaluation provisions in Title I. It is our hope that this coordinated approach makes it easier for agencies to understand what they are expected to do; at the same time, this intentionally reflects the kind of collaboration and coordination needed on the part of agencies and their partners both inside and outside government to implement this law meaningfully.

The Evidence Act is a rare opportunity for the government to take stock of past practices and try to create a more effective future. We know that federal agencies vary widely in their context and missions, as well as their history and current capabilities for evidence-based policymaking. To that point, the first guidance document issued by OMB provides key parameters around learning agendas, annual evaluation plans, and capacity assessments while allowing agencies flexibility to tailor these requirements to meet their specific needs.⁴ While in some ways this creates new challenges by avoiding templates and standardized reporting, the intention is to allow agencies to drive this work themselves and do it in a way that makes sense for them. Time will tell if this approach bears fruit, but the effort is likely to fail unless agencies own this work and embrace it in a way they believe will lead to real change. The last thing we want is for the Evidence Act to be a compliance or reporting exercise where agencies put in minimal effort and check the boxes without anything really changing for the better.

LEARNING AGENDAS

Learning agendas are at the heart of this new approach to evidence building. The Evidence Act calls them “evidence-building plans,” but the field had been using the term “learning agenda” for a number of years, so OMB decided to stick with that term, in part to emphasize the central learning and improvement function of this work. The two terms are synonymous, however, and using the phrase “strategic evidence-building plan” can sometimes be an equally useful if not better choice because this approach is designed to encourage deliberate and strategic planning of evidence-building activities. The learning agenda is a systematic plan for identifying and addressing priority questions relevant to the programs, policies, and regulations of an agency. If done well, multiyear learning agendas

provide an evidence-building roadmap to support effective and efficient agency functioning. They provide a framework 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. A range of analytic methods and types of evidence can be used to answer the priority questions identified in a learning agenda. The important thing is to start with the question; the question should drive the method selected and not the other way around.

The Evidence Act requires learning agendas to be part of agency strategic plans. OMB expects that the learning agenda can function as a stand-alone document, but also that elements of the learning agenda should be woven through the strategic plan narrative. This alignment of evidence with strategic goals and objectives is an opening to bring the evidence builders and the strategic planners together from the outset. This has, typically, not been done in federal agencies, but the Evidence Act offers a new framework in which evidence-building priorities are aligned with strategy and envisioned together from the start. This elevates those important questions, both mission-strategic and operational, for which empirical answers will help agencies execute their missions more effectively and serve communities better. It also offers the opportunity for agencies to align their evidence-building questions to new priorities as they emerge; for example, for the Biden-Harris administration, this includes advancing racial equity, climate change, and economic recovery. Through this alignment, the learning agenda is an integral tool to building evidence that is more useful for decision makers and practitioners, in service of achieving better outcome for citizens.

STAKEHOLDER ENGAGEMENT AND TRANSPARENCY

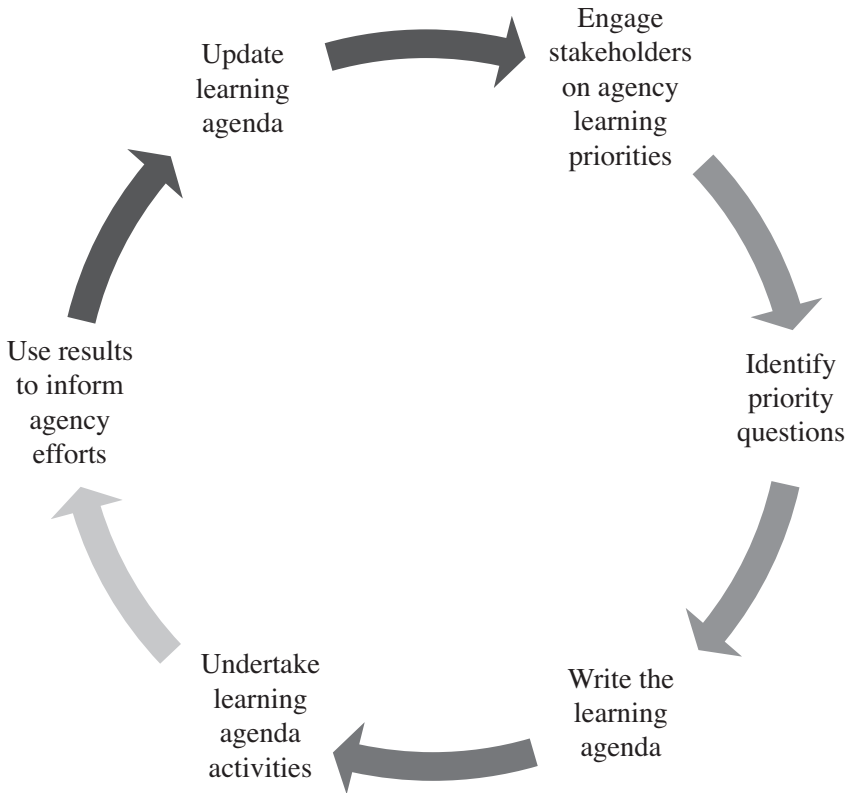
Stakeholder engagement also is required as part of the learning agenda process (see figure 7.1-1), and, in fact, the Evidence Act specifies that a range of stakeholders, including the public, state and local governments, and non-governmental researchers should be consulted. It is critically important for agencies to engage in wide-ranging and substantive stakeholder involvement from the beginning of the learning agenda process to identify the right priorities. To do this well is difficult, but the payoffs can be enormous. One element of stakeholder engagement is internal to the agency, with

program administrations and implementors, those who understand how programs and policies truly function and are often best positioned to articulate the evidence they need to do their job better. Also important are stakeholders external to the agency, whether that is the state and local governments who receive federal funds and administer federal programs or the communities and members of the public who are the intended beneficiaries. It is these individuals who often have not been engaged but who may offer the most accurate assessment of the challenges they face and how they experience federal programs and policies. Nonprofits and other levels of government also are valuable generators of evidence and can push evidence up to the federal level through a meaningful stakeholder engagement process. Stakeholder engagement cannot begin and end with a posted Request for Information (RFI) or a checklist of token individuals consulted to meet the requirements of the law. It must be a sustained and iterative effort that occurs throughout the learning agenda cycle to ensure agencies are focused on the most salient priority questions and that the evidence they generate has the potential to be used by those who can benefit the most from this knowledge.

Strategic plans are public documents, which means that agency learning agendas are posted publicly (as are agency Capacity Assessments and Annual Evaluation Plans, two other planning documents required by the Evidence Act). This promotes transparency and accountability and also provides new opportunities for partnerships through more equitable and inclusive sharing of priorities. Learning agendas are an open broadcast to the world about an agency's evidence priorities. This offers a chance for academics, practitioners, think tanks, philanthropic foundations, and other researchers to align their own research portfolios with these priorities. Doing so allows researchers' work to be more policy-relevant and actionable, and it allows agencies to benefit from the added capacity, skills, and expertise these partners can bring to their efforts.

All this, of course, takes resources, but there are numerous ways in which agency budgets and those of their partners can incorporate evidence-building activities such as evaluation. Evaluation should be viewed as a core mission function and not something that detracts from service delivery; it is critical for program improvement and not a "nice to have" activity that happens on the side. From a federal award perspective, an evaluation cost is allowable and can be either direct or indirect, at the discretion of the federal awarding agency, unless prohibited by statute or regulation. As

FIGURE 5.5.1 The Learning Agenda Cycle, Excerpted from OMB M-19-23



stated in 2CFR 200.413: “Typical costs charged directly to a Federal award are the compensation of employees who work on that award, their related fringe benefit costs, the costs of materials and other items of expense incurred for the Federal award. If directly related to a specific award, certain costs that otherwise would be treated as indirect costs may also be considered direct costs. Examples include extraordinary utility consumption, the cost of materials supplied from stock or services rendered by specialized facilities, program evaluation costs, or other institutional service operations.” This language should serve as an invitation and opening for federal awardees to allocate a portion of their budgets toward evidence-building activities such as program evaluation, when appropriate.⁵ Agencies also should consider available evidence when complying with the OMB uniform grants guidance on program design and also when using performance

reporting to add to the body of evidence or determine new opportunities for learning.

DEDICATION, SUPPORT, AND PERSISTENCE

Building an evidence-based government is a long-term proposition; the cultural change needed to more systematically infuse evidence into decision making will not happen overnight. Nonetheless, many agencies have embraced this work and have made solid progress since the Evidence Act became law. For example, most agencies have named their designated officials—the Evaluation Officers, Statistical Officials, and Chief Data Officers—and those officials are collaborating and working together. The cross-agency councils for each of those officials meet regularly, and the councils are connecting on shared priorities and opportunities for collaboration. Agencies produced multiyear Learning Agendas, Annual Evaluation Plans, and Capacity Assessments and published them on their agency websites in the spring of 2022. Links to all these documents are also available at the new [Evaluation.gov](https://www.evaluation.gov)⁶ website, which launched in September 2021 and provides a central online presence for federal evaluation and the Evaluation Officer Council.

Meanwhile, a vibrant community of career civil servants has been quietly pushing the work on learning agendas and evaluations forward, including the Evidence Team at OMB.⁷ This team, which the author leads, is a small group of career staff that collaborates with other OMB offices and provides support and resources to agencies in a number of areas, including developing learning agendas, increasing agency capacity to build and use evidence, and providing expert advice and technical assistance on evaluation activities and initiatives for a broad range of federal agencies and functions. The team also partners with the Office of Evaluation Sciences at GSA to run a regular Evaluation and Evidence Training Series for federal staff, with thousands of attendees to date. Unknown to many on the outside, the team developed and maintains a comprehensive MAX (intranet) page with many different resources and tools as the anchor of a broader community of practice. In addition to the new Evaluation Officer Council, the Interagency Council on Evaluation Policy (ICEP) was rebooted and expanded, which provides a venue for evaluation experts across the government to work together to provide consultations, resources, events, and other peer support for the federal evaluation community.

LOOKING FORWARD

As this chapter noted at the outset, the 2021 Presidential Memorandum and associated OMB guidance gave new energy to federal evidence and evaluation efforts. The Memorandum specifically discusses agency learning agendas and annual evaluation plans, as well as other aspects of the Evidence Act. Its focus on transparency provides an additional opportunity to elevate the program evaluation standards and practices OMB issued in March 2020. This is the first time the government has had cross-agency standards for program evaluation, and these standards—relevance and utility, rigor, independence and objectivity, transparency, and ethics—are designed to improve the quality and use of evaluation across federal agencies.

The increased focus on program evaluation should help agencies prioritize answering more of these evaluative questions and with increased quality. By creating more demand for evaluation activities, it also may afford new opportunities for partnerships with state and local governments, nonprofits and community partners, and academics. The knowledge gained from these evaluations can help communities better understand which programs may work best in their own contexts and with their populations.

The Executive Order on Advancing Racial Equity and Support for Underserved Communities through the Federal Government⁸ and its focus on data provides another important mechanism to not only advance evidence but ensure it is built and used in ways that advance equity for all. Priority questions around equity should be incorporated into agency learning agendas and the strategic evidence-building plans of their partners, and agencies must consider how they meaningfully involve all relevant stakeholders throughout the learning agenda process. This explicit focus on equity means the federal community and its many partners must consider how to put in practice what has often been an overlooked but critical consideration.

Getting these efforts right will take time, energy, and persistence, but this can be a turning point in building a stronger focus on evidence across the government. Federal agencies will need partners both inside and outside the government to create a culture where we collaborate, ask the tough questions, take risks, and share promising practices. If embraced and implemented thoughtfully, we can, together, make real progress in understanding how to best serve the American people.

NOTES

The views presented are those of the author and do not necessarily represent the views of the Office of Management and Budget, the Executive Office of the President, or the United States government, except where expressly stated as such.

1. Memorandum on Restoring Trust in Government through Scientific Integrity and Evidence-Based Policy, White House, January 27, 2021, www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientific-integrity-and-evidence-based-policymaking/.

2. See OMB M-21-27, White House, www.whitehouse.gov/wp-content/uploads/2021/06/M-21-27.pdf.

3. See OMB M-19-23, figure 1, White House, www.whitehouse.gov/wp-content/uploads/2019/07/M-19-23.pdf.

4. See OMB M-19-23, White House, www.whitehouse.gov/wp-content/uploads/2019/07/M-19-23.pdf.

5. See 2 CFR 200.202 Program Planning and Design and 2 CFR 200.301 Performance Measurement. For related information, see www.cfo.gov/wp-content/uploads/2021/Managing-for-Results-Performance-Management-Playbook-for-Federal-Awarding-Agencies.pdf.

6. See <https://evaluation.gov>.

7. I am indebted to my Evidence Team colleagues Erika Liliedahl, Erica Zielewski, and Danielle Berman, who are as much the intellectual owners of this chapter as I am. I would also like to acknowledge former teammate John Tambornino, who contributed valuable insights to OMB's Evidence Act work and former Evidence Team Lead Bethanne Barnes, who laid the foundation for so much of our current efforts.

8. See "Advancing Racial Equity and Support for Underserved Communities through the Federal Government, Executive Order," White House, January 20, 2020, www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/.

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