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VOLUME 2

Evidence Use in Congress

*Options for Charting
a New Direction*

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Executive Summary

Lawmakers in Congress have expressed a growing interest in the promise of evidence-based policymaking. Bipartisan legislation has been pursued in Congress that would encourage the use of evidence to improve outcomes for key education, health, workforce, and other federal programs. These past legislative initiatives suggest growing potential for the wider use of evidence to better inform congressional decision-making in the future. However, key challenges remain for fostering a stronger culture of evidence in Congress. This stronger culture will be necessary to fully realize the potential benefits of evidence-based policymaking.

While numerous barriers exist to congressional use of evidence in decision-making, numerous options exist to enable greater use of evidence—systematically collected data that have been analyzed with rigorous research methods to provide insights about how policies and programs operate.

Through a two-volume report, *Evidence Use in Congress*, BPC describes the challenges and offers options for improving the use of evidence in the legislative branch. Volume 1 identifies three key areas of solutions that address congressional barriers to using evidence.

Volume 2 presents 19 options that aim to align the use of evidence in Congress with its institutions, practices, and norms. The options could help encourage more use of relevant, timely, and credible evidence about federal policies and programs in congressional policy debates. The options are organized into three broad categories:

- **Congressional capacity enhancements** focus on ways to enable and target resources for gathering and interpreting evidence.
- **Institutional modifications** offer ideas for adapting Congress' institutional structure to make the use of evidence in Congress and executive agencies more transparent.
- **Congressional process changes** present options for how Congress could modify its processes to better enable members and staff to make evidence use a priority in routine operations.

The options presented in this report are not recommendations, but rather are intended to start a conversation about how Congress can organize itself to access and use evidence to improve its decision-making processes, and ensure that federal programs function as effectively and efficiently as possible. Members of Congress, their staff, and the American public must determine an appropriate strategy for enabling a culture of evidence and discouraging the dissemination of false or misleading information about government policies. This paper provides a starting point for those interested in encouraging Congress to make better use of evidence in policymaking.

Now is the time for Congress to take a thoughtful and serious look at how it makes decisions, and to strengthen the culture of evidence in Congress. Creating a wider culture of evidence in Congress will strengthen its capacity to effectively carry out important legislative duties in a 21st century policy environment, and can begin to restore the trust of the American public in its government institutions.



Summary of Options for Improving the Use of Evidence in Congress

KEY: Institutional Perception Systemic | Authorizations Budget and Appropriations Oversight | Low Medium High

Option	Description	Barriers Addressed	Processes Affected	Feasibility
Options to Increase Congress' Capacity to Use Evidence				
1: Develop a Protocol for Systematic Evidence Use in Program Authorizations	Develop and implement a requirement for the generation of evidence, validation of evidence, and brokering of relevant evidence as a part of the authorization process.			
2: Conduct Evidence Trainings for Congressional Staff	Direct the Congressional Research Service to develop and provide a training program for congressional staff on the understanding and interpretation of evidence.			
3: Establish a Congressional Evidence Fellowship Program	Establish an evidence fellowship program that provides a pathway for evidence experts to provide tailored, credible, and timely evidence for Congress.			
4: Provide Additional Flexibility to Hire Evidence Specialists	Reinstitute rules that allow offices to pool funding for personnel, allowing members flexibility to hire evidence specialists.			
5: Increase Resources for Existing Legislative Support Agencies	Increase the resources provided to legislative support agencies to support additional duties for making evidence available to Congress.			
6: Establish a Database of Evidence-Building Program Designs	Establish a consistent resource for disseminating successful program designs that incorporate evidence-building activities.			
7: Collaborate with the Executive Branch on Learning Agendas and Priority Goals	Develop procedures and processes to routinely collaborate and consult on learning agendas and priority goals prior to finalizing activities.			
8: Seek Commitments for Evidence Use During Confirmations	Seek commitments from presidentially-appointed, Senate-confirmed nominees for executive branch agencies to support the objective use of evidence in their positions and in interactions with Congress.			
9: Direct Agencies to Conduct Targeted Evidence Production	Direct targeted evidence-building activities in executive branch agencies.			
10: Appropriate Sufficient Resources for Executive Branch Evidence-Building	Appropriate direct funding or enable flexibilities for the executive branch to adequately generate or procure evidence needed to support congressional decision-making.			
Options for Institutional Modifications to Increase Transparency				
11: Establish a Joint Committee on Evidence	Establish a Joint Committee on Evidence, charged with overseeing the executive branch's evidence-generating activities.			
12: Provide the Congressional Research Service with the Resources to Conduct Systematic Evidence Reviews	Develop expertise within the Congressional Research Service to develop systematic reviews for the use of evidence in the legislative process.			
13: Create a Science and Evidence Ombudsman Position	Create a senior leadership role in Congress to connect researchers and evaluators outside government to appropriate individuals within the legislative branch.			
Options for Congressional Process Changes to Incentivize Evidence Use				
14: Maintain an Evidence Record for Congressional Hearings	Establish and maintain committee-level evidence records that provide documentation of evidence used to inform policy decisions in Congress.			
15: Prepare Biennial "Evidence Plans" for Committees	Prepare a committee evidence plan at the beginning of each congressional session to identify research and data priorities for legislative uses.			
16: Align Reauthorization Schedules with Timeframes for Building Evidence	Match cycles of legislative reauthorization in Congress for federal programs with the cycles of evidence generated for those programs.			
17: Conduct Portfolio Reviews to Support Broad Evidence Use	Institute evidence-based portfolio reviews of programs that cross committee and agency jurisdictions.			
18: Establish Biennial Budget Resolution and Appropriations	Change the congressional budget resolution and annual appropriations to a biennial cycle.			
19: Extend CBO's Report on Expired and Expiring Authorizations to Two Years	Extend the Congressional Budget Office's annual report on programs with expired or expiring authorizations to cover an additional fiscal year to encourage evidence planning.			



Introduction

Regularly using evidence is an essential element for increasing the effectiveness of government programs. Without evidence, it is difficult to know whether antipoverty programs reduce poverty, if economic development initiatives promote growth, and what policies can most effectively combat the opioid epidemic. Evidence about whether a policy or program was effectively implemented or achieved its intended outcomes enables policymakers to improve initiatives by implementing promising models and effectively targeting taxpayer funds. Congress has a key role in furthering the use of evidence in policymaking throughout the federal government. Congress provides the funds for agencies to generate evidence, structures federal programs through legislation, and can signal that the use of evidence is a high priority.

Amidst the rising political tensions and partisan atmosphere of the current political era, bipartisan support for increasing the use of evidence to make policies more effective is strong. House Speaker Paul Ryan (R-WI) and Senator Patty Murray (D-WA) championed the establishment of the U.S. Commission on Evidence-Based Policymaking, which in 2017 delivered recommendations on how government could better generate evidence. While creating structures to generate evidence within federal agencies is an important and complex task itself, just as important is whether and how that evidence is used by policymakers to inform their decisions.

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Evidence refers to systematically collected data that have been analyzed with rigorous research methods to provide insights about how policies and programs operate. Evidence-based policymaking is the process through which evidence is applied to inform decisions about government policies and programs.

Evidence Use in Congress considers the question of how Congress uses and could better prioritize evidence. Volume 1 lays out the decision-making process used by congressional policymakers, the existing resources at their disposal for the use of evidence, and barriers that they face in using evidence. Volume 2 provides options to address those barriers and improve the use of evidence in Congress. Broadly speaking, *Evidence Use in Congress* frames three key barriers to the use of evidence in Congress:

- **Perception** – Perception barriers occur when evidence exists on a policy, but policymakers perceive, rightly or wrongly, that the evidence is not useful, not credible, or not relevant to the decision at hand.
- **Institutional** – Institutional barriers exist when the structure of Congress, including its decision-making process and staffing structure, impede the ability of policymakers to obtain evidence or cause evidence to compete with other priorities when making a decision.
- **Systemic** – Systemic barriers describe the norms, processes, and day-to-day procedures of Congress that can affect whether relevant evidence is available and usable for policymakers when they need it. It also describes how those factors affect their incentives to use that evidence.

The options in this report were developed to address these barriers by modifying the processes, institutional structures, and resources of Congress. Each of the options tackles a particular nuance of the need to prioritize the use of evidence in decision-making, connect policymakers to relevant and credible evidence, and to operate transparently. No single option addresses all the barriers faced by Congress. Efforts to increase the prevalence of evidence-based decisions in Congress will need to consider a variety of the options covered in this report.



The possibilities for better including evidence in congressional decision-making processes were drawn from a wide array of sources, including from existing literature and experts in congressional processes and evidence-use practices.³ For each option, the barriers to evidence use that it addresses and the broad congressional processes that it affects are identified. In addition, the authors have applied a feasibility rating that is intended as a broad measure of how difficult it may be to implement that particular option. These ratings take into account the technical difficulty of the option, the potential cost of the option, and the potential political barriers to implementation.

Policymakers and staff from either side of the aisle may disagree on which options are preferred, and in some cases, certain options may be perceived as counterproductive to other priorities. These varying responses will be appropriate for further discussion in making the better use of evidence in Congress a reality. While the options in this report are designed to make a substantial difference in congressional use of evidence, this report does not seek to recommend or prioritize any single option. Instead, it provides a starting point for those interested in encouraging Congress to make better use of evidence in policymaking and to provide policymakers with options to do so.

³ For a description of methods, see Appendix in Volume 1 of *Evidence Use in Congress*. Available at: <https://bipartisanpolicy.org/library/evidence-use-in-congress>.

Options to Increase Congress' Capacity to Use Evidence

To effectively incorporate evidence into legislative activities, Congress needs a sufficient level of resources, staff, and expertise to find, understand, and interpret the evidence relevant to its work. As described in Volume 1 of this report, some structures and agencies already exist that serve as knowledge brokers in certain areas for Congress, conveying evidence in a timely, relevant, and credible manner. But numerous gaps remain.

Engaging in knowledge brokering within Congress is complex. Individual knowledge brokers and their institutions need experience in the policy areas relevant to Congress, while also being viewed as credible sources of information by lawmakers. Brokers must also deliver their expertise in a way that tailors to Congress' information needs, ensuring that the evidence is made available despite the systematic barriers that experts face when they work with Congress.

The options in this section focus on ways to increase the resources at Congress' disposal for gathering and interpreting evidence. The options include ideas for strengthening communication with existing knowledge brokers in the executive branch, non-governmental organizations, and academia.


OPTION 1: DEVELOP A PROTOCOL FOR SYSTEMATIC EVIDENCE USE IN PROGRAM AUTHORIZATIONS

Develop and implement a requirement for the generation of evidence, validation of evidence, and brokering of relevant evidence as a part of the authorization process.




Barriers Addressed:

-  Institutional
-  Perception
-  Systemic

Processes Affected:

-  Authorizations
-  Budget and Appropriations
-  Oversight

Feasibility:

-  High
-  Medium
-  Low

Problem

Members of Congress and staff need access to critical information before decisions are taken if the evidence is intended to inform a decision. While in some instances the evidence necessary to answer questions during program authorizations has not been developed, in other instances the evidence may exist but has not been sufficiently tailored to the congressional decision-making context. No systematic approach exists throughout Congress for ensuring a pipeline is available for articulating information needs, obtaining information, assessing its credibility, then tailoring that information into usable formats.

Option

To increase the availability of evidence in the congressional authorization process, Congress could establish a regular protocol for receiving, validating, and interpreting evidence for its use by building on existing resource capabilities.

Congress could include a regular statutory requirement or expectation in report language for agencies to provide Congress with the evidence they have collected over the course of implementing the policies and programs authorized in a piece of legislation. The submission could include a high-level summary of relevant studies and data analyses, the agencies' key conclusions, and an assessment of how that information might inform program reauthorization. This strategy would strengthen congressional access to information by better using the resources within the executive branch (see related Options 7, 8, 9, and 10).



Once an agency or group of agencies submits relevant information, the Government Accountability Office (GAO) could be tasked with reviewing the evidence provided to the committee, assessing the studies for their relevance and quality, and providing an assessment to the appropriate congressional committees. Such a review by GAO, similar to evaluation syntheses completed by GAO in the 1990s, could help assure members and congressional staff of the validity and therefore the credibility of the evidence presented, which would be particularly useful when different parties control the chambers of Congress and/or the presidency.¹

To serve as an expert and intermediary between the relevant committee staff, the federal agencies generating the evidence, GAO, and the research community, a specialist in the evidence relevant to the legislation in question could be assigned to the committee from existing staff (Options 2 and 4), a fellowship program (Option 3), or a federal agency such as GAO through temporary assignments.

Implementation

Implementing this option would require coordination between Congress and the executive branch, using resources more efficiently within both to specifically target evidence needs. Setting an expectation on timing and relevance could specifically be tied to the development of agency learning agendas (Option 7), which are a set of broad questions some agencies use to identify their most pressing research questions and guide their evidence-building activities.² Each relevant agency could compile and synthesize evidence for research questions the agency deems most pressing, with congressional consultation, and provide a synopsis to the relevant congressional committee, GAO, and other relevant support agencies.

The success of such a protocol for improving access and translation of evidence in the authorization process would depend on the timing of each stage of the protocol. A committee would need to provide sufficient time for the agency to respond with appropriate evidence and for GAO to conduct its review. For example, if an authorization lasted five years, legislation could direct that agencies provide the relevant evidence two years prior to the expiration of the legislation, and GAO complete its review by a year prior to the expiration of the legislation.

The evidence specialist would then be brought in for the final year leading up to the expiration of the authorization, to provide direct support to committee staff and provide additional support when new evidence relevant to the committee's work is generated through hearings or other fact-finding activities.

This timing will vary depending on the authorization and agencies affected. Congressional committee staff would need to work directly with the agencies and GAO on establishing a reasonable timeframe and expectation for authorization. Given that the schedule for some reauthorizations will change due to factors beyond the control of agencies, the approach could create tension between authorizers and agencies when the authorizations occur more rapidly than anticipated or, more likely, behind schedule. In such cases, agencies may be expected under this option to refresh supplied evidence in multiple iterations to ensure its continued relevance.

This option would likely require agencies and GAO to provide substantial new and additional reporting to Congress, which may require appropriation of additional resources or reallocating existing staff resources.



OPTION 2: CONDUCT EVIDENCE TRAININGS FOR CONGRESSIONAL STAFF

Direct the Congressional Research Service to develop and provide a training program for congressional staff on the understanding and interpretation of evidence.




Barriers Addressed:

-  Institutional
-  Perception
-  Systemic

Processes Affected:

-  Authorizations
-  Budget and Appropriations
-  Oversight

Feasibility:

-  High
-  Medium
-  Low

Problem

Congress currently lacks routine or comprehensive training for staff to become educated consumers of evidence. As more advanced techniques for generating evidence have been developed and widely adopted, an understanding of those techniques is relevant for staff's ability to interpret the quality and credibility of evidence. That knowledge and skill will be essential if congressional staff members are to use the evidence generated by those techniques to inform decisions and determine when available evidence does not sufficiently address informational needs.

Option

The Congressional Research Service, which already provides basic training to congressional staff on policy issues and legislative procedures, could develop additional trainings tailored to congressional staff on issues related to evidence-based policymaking. Such trainings could include, among other topics, an overview of the key techniques used in relevant policy fields for generating evidence; strategies for assessing the strength, quality, and relevance of evidence; and approaches for identifying additional evidence relevant to their particular policy areas or legislative duties.

Implementation

Developing training will require both staff expertise and time for staff to plan appropriate modules. Implementation could be conducted in partnership with relevant professional associations or non-profit organizations, some of which already provide intermittent sessions for congressional staff. Partnerships with other non-governmental organizations could provide additional expertise on topics such as statistical modeling, data management, program evaluation, appropriateness of certain methodological choices, or other aspects of evidence generation that would inform congressional use.

On the whole, trainings for congressional staff could be developed and executed at relatively low cost.



OPTION 3: ESTABLISH A CONGRESSIONAL EVIDENCE FELLOWSHIP PROGRAM

Establish an evidence fellowship program that provides a pathway for evidence experts to provide tailored, credible, and timely evidence for Congress.

Barriers Addressed:

- III Institutional
- 6D Perception
- 6D Systemic

Processes Affected:

- ✓ Authorizations
- \$ Budget and Appropriations
- Q Oversight

Feasibility:

- ≡ High
- = Medium
- Low

Problem

Reduced funding and staff support for members in individual offices and committees since the mid-1990s, coupled with an expansion in the size, breadth, and complexity of many government issues, results in staff capacity being stretched. A survey of senior congressional staff identified perceived gaps in staff capacity, specifically that improved knowledge, skills, and abilities were needed to support Congress.³ Thus, staff are not always able to focus on individual issues as much as desired, including developing expertise about the evidence supporting possible policy changes or to serve as knowledge brokers between the evidence-generating and policymaking communities.

Option

To help address this need, Congress could establish a congressional Evidence Fellowship Program to hire experts with advanced training in substantive policy areas, statistical methods, evaluation, and other areas of expertise necessary to support the use of evidence in policymaking. This program could be designed to recruit experts from academic institutions, private and non-profit research institutions, and other organizations to directly support members and congressional staff in interpreting evidence for use.

The fellowship program could provide a strategy to include specialized expertise when it is most needed in Congress. Policy priorities and schedules for program authorizations in Congress vary year-to-year, depending on the priorities of congressional leadership, the congressional calendar, and events beyond the control of Congress. Consequently, expertise in constantly changing policy areas may be necessary on an annual or even monthly basis.

Evidence fellows could serve in a capacity to interpret existing literature, reduce jargon, and focus recommendations on issues at hand. In addition, fellows could help identify additional avenues to interject greater evidence into decision-making. Their core responsibilities could include advising congressional staff on how to incorporate evidence into the development of legislation, consolidating evidence through research and connections to other experts, and supporting congressional hearings on legislation.

There are several limitations to deploying fellows, particularly from academia, within the legislative process. First, newcomers to the legislative process may be unfamiliar with the best strategies for interjecting information into congressional activities. Second, housing additional staff could be difficult within the limited confines of the congressional complex, where space is at a premium. Third, they may be perceived as having biases that shape their interpretation of evidence.

Implementation

Several existing third-party congressional fellowship programs, largely funded by private entities, support congressional fellows to increase congressional capacity. These existing initiatives, such as from the AAAS Science and Technology Fellowship program, can be used to inform a broader bipartisan effort to place fellows throughout Congress for specified periods of time.⁴

While the vast majority of existing fellows are assigned to support members who have partisan affiliations, these fellows were funded by nonpartisan non-profit or professional organizations. Importantly, selection and assignment of fellows for a formal congressional fellowship program would likely need to be conducted in a nonpartisan manner to avoid the appearance of and actual bias about evidence. For example, upon agreement by a committee or bipartisan members, fellows could be provided as “non-designated,” and thus support any staff.

One approach for fellow placement could be to target positions to align with the development of individual authorizations, or other oversight activities based on a fellow’s expertise. Such an approach will help ensure individuals’ skills and goals may align with the needs of Congress. Placements could also be based on known needs for expiring authorizations (Option 19) or needs identified in a protocol established for reviewing evidence (Option 1).

Coordination for the fellows program could be directed by an operations office of the legislative branch, a legislative support agency, or by an external entity in collaboration with congressional staff similar to existing models. If an existing congressional structure is preferred, the House Administration Committee and Senate Committee on Rules and Administration could be assigned responsibility.

A formal fellows program could be funded with a direct appropriation in the legislative branch for the entire program or supported through individual contributions from recipient offices. Offices receiving fellows could also fund positions on a reimbursable basis, which may encourage existing staff to utilize fellows’ expertise more.

OPTION 4: PROVIDE ADDITIONAL FLEXIBILITY TO HIRE EVIDENCE SPECIALISTS

Reinstitute rules that allow offices to pool funding for personnel, allowing members flexibility to hire evidence specialists.

Barriers Addressed:

- III Institutional
- ∞ Perception
- ⚙ Systemic

Processes Affected:

- ✓ Authorizations
- ⌘ Budget and Appropriations
- 🔍 Oversight

Feasibility:

- ≡ High
- = Medium
- Low

Problem

Reduced funding and staff support for members in individual offices and committees since the mid-1990s, coupled with an expansion in the size, breadth, and complexity of many government issues, results in staff capacity being stretched. A survey of senior congressional staff identified perceived gaps in staff capacity, specifically the need for improved knowledge, skills, and abilities to support Congress.⁵ Thus, staff are not always able to focus on individual issues as much as desired. This includes developing expertise about the evidence supporting possible policy changes or to serve as knowledge brokers between the evidence-generating and policymaking communities.

A majority of the American public says it is important for individuals running for Congress to have science advisors.⁶ While the fellows described in Option 3 could provide a short-term solution to providing similar expertise, members and committees may also need to hire staff for longer-term needs. Due to resource constraints, individual offices are largely unable to hire evidence experts in particular policy areas (including science advisors), beyond policy experts already on staff. In addition, the policy interests of rank-and-file members do not always align with the interests of committee leadership. Average House member budgets are about \$1.3 million and, in the Senate, the average is \$3.3 million.⁷ But these resources are spread across the breadth of issues members must cover, as well as correspondence and logistics support.



Option

An option for improving the hiring of evidence experts to support long-term staffing needs is to hire expertise outside the committee structure using pooled resources across member offices. By sharing the costs over multiple office budgets, members would be able to contribute to a common fund to hire advisors or other staff with specialized expertise to provide targeted advice, but without funding a full-time staff person in each office.

Allowing flexibility in hiring for offices is not a new practice for Congress. At one time, “Legislative Service Organizations” were a staple within Congress, with individual members paying dues to the organizations, which were housed within congressional buildings and had staff to support their membership and organizational goals. These organizations monitored policy areas for members, provided policy briefs, and served as a hub for policy activities in their areas of expertise. Some of the service organizations were bipartisan in nature, providing their resources to all the members who joined, regardless of political party.

Service organizations were phased out in the mid-1990s, as part of a decrease in the number of congressional staff. However, the mechanism for pooling resources to fill shared service needs could provide targeted capabilities beyond those available today. Shared resources structured like the service organizations, and enabled by congressional rules, could be reinstated in Congress to give individual offices the ability to support the hiring of additional staff to provide evidence expertise.

Implementation

A shared resources approach would also allow groups of interested member offices more flexibility to obtain expertise on an as-needed basis as policy objectives and needs change over time. The same mechanism could also be used to support fellows (Option 3) for short-term evidence needs.

The rules to implement this option could be modified by the Committee on House Administration and the Senate Committee on Rules and Administration. Such a rule change would likely need to include provisions that permit members to pool their representational allowances (office budgets) for hiring staff in “Legislative Evidence Support Organizations.” The structures would need to register with the chief administrative officer in the House and the sergeant-at-arms in the Senate.

This option offers a potential low-cost strategy to increase evidence capacity to meet targeted needs. Given budget flexibility, it may be more feasible for individual offices to hire experts without increasing overall congressional budgets

OPTION 5: INCREASE RESOURCES FOR EXISTING LEGISLATIVE SUPPORT AGENCIES

Increase the resources provided to legislative support agencies to support additional duties for making evidence available to Congress.

Barriers Addressed:

- III Institutional
- 66 Perception
- 66 Systemic

Processes Affected:

- ✔ Authorizations
- \$ Budget and Appropriations
- Q Oversight

Feasibility:

- ≡ High
- = Medium
- Low

Problem

Congress’ existing legislative support agencies provide financial and performance auditing services (GAO), budget estimation and economic analysis (CBO), and research and policy analysis (CRS). Congress’ support agencies provide the technical and staff knowledge for the legislative branch to serve as a co-equal to the executive branch in terms of analytical capacity. But existing legislative support agencies have constrained resources and competing priorities that limit their ability to meet the evidence needs in Congress for informing legislative activities. Between 1980 and 2015, staffing in Congress’ legislative support agencies was reduced by almost 40 percent, even as total federal spending and the breadth of the federal government increased.⁸

Option

For legislative support agencies to be most effective in supporting Congress' evidence needs, Congress could appropriate additional resources to provide enhanced staff capacity for targeted issues. While it is important to tailor the structure of these agencies to better support Congress' evidence needs, without additional funding such changes will result in difficult internal trade-offs.

For example, GAO regularly conducts reviews of executive branch programs and the evidence that undergirds them to ensure the programs are operating efficiently and effectively.⁹ In order to provide additional reviews beyond those available within existing capacity, GAO would likely need additional resources.

Implementation

Increasing resources to Congress' support agencies would require an adjustment to annual appropriations. However, Congress could seek to place conditions on these additional funds. For example, additional funds could be linked to evidence-based policymaking in routine authorizations (Option 1), training for congressional staff (Option 2), or systematic evidence reviews (Option 12).




OPTION 6: ESTABLISH A DATABASE OF EVIDENCE-BUILDING PROGRAM DESIGNS

Establish a consistent resource for disseminating successful program designs that incorporate evidence-building activities.

Barriers Addressed:

-  Institutional
-  Perception
-  Systemic

Processes Affected:

-  Authorizations
-  Budget and Appropriations
-  Oversight

Feasibility:

-  High
-  Medium
-  Low

Problem

The U.S. Commission on Evidence-Based Policymaking found that many programs are designed without input from knowledgeable individuals who are familiar with evidence-building strategies and needs.¹⁰ In Congress, members and staff who advocate for improving government performance and for embedding evidence-building activities in program authorizations may lack expertise or time to develop mechanisms or protocols in bill language relevant to specific programs.

As a result, data collection, evaluation designs, or other important aspects of evidence-building activities may not be sufficiently considered at the outset of a program authorization or modification, making longer-term evaluation efforts difficult. Without such information, poor program designs intended to support evidence-based policymaking could inadvertently have the opposite effect. Even when evidence expertise does exist, some congressional staff may attempt to reinvent program designs that are already working well.

Option

A legislative support office could develop a database for use by congressional staff of program designs that successfully promote evidence building. Samples of existing legislation, or model legislation, could support congressional staff in developing authorization or reauthorization proposals that include evidence generation and feedback for eventual evidence use. For example, one model used in some authorizing committees is referred to as "tiered evidence," where funds are allocated to program activities along a spectrum based on the types of evidence available to help justify program activities. Numerous other approaches could be identified and shared for use in appropriate contexts.



Importantly, the development and implementation of such a resource would also help identify gaps in program models that could lead to the allocation of resources based on existing evidence. However, the mere existence of such a database is not a guarantee that staff would rely on existing models. Instead such a database could be a resource and tool available for use.

Implementation

Developing an initial database is a low-cost activity. Maintaining the database would likely require at least one full-time employee to monitor new legislation and support information sharing and dissemination of existing resources. Professional associations and non-profit organizations may also be willing to support the development of such a resource.

Once developed, the support office could advertise the database through training programs (Option 2), fellows (Option 3), the science and evidence ombudsman (Option 13), or other existing mechanisms.

OPTION 7: COLLABORATE WITH THE EXECUTIVE BRANCH ON LEARNING AGENDAS AND PRIORITY GOALS

Develop procedures and processes to routinely collaborate and consult on learning agendas and priority goals prior to finalizing activities.




Barriers Addressed:

-  Institutional
-  Perception
-  Systemic

Processes Affected:

-  Authorizations
-  Budget and Appropriations
-  Oversight

Feasibility:

-  High
-  Medium
-  Low

Problem

Collaboration between the executive and legislative branches on evidence-building priorities has long been a goal, but has rarely been achieved. The Government Performance and Results Act (GPRA) Modernization Act of 2010 instituted the creation and reporting of priority goals for agencies to highlight major performance activities, although consultation with Congress has been lagging.¹¹ The lack of coordination between the two branches introduces asymmetries in the ability of the executive branch to generate appropriate evidence that is useful for both executive branch agencies and Congress.

Option

Increased and routine consultation between congressional committees and executive branch agencies could occur for the identification of evidence-building priorities. The Commission on Evidence-Based Policymaking recommended that agencies develop learning agendas, in addition to existing priority goal exercises. The goal of a learning agenda is to offer an honest and public assessment of what policy questions need additional information, as a strategic plan for evidence building. By sharing that information publicly, government can enable those in other entities such as universities or non-profits to contribute to the evidence needed for future decisions. In practice, if only one branch participates in the exercise of developing a learning agenda, the product will not address the evidence needs of both branches.

GAO previously recommended that executive branch agencies reach out to Congress in developing learning agendas, as a promising practice for implementation.¹² Similarly, the American Evaluation Association concludes that results of studies have more utility when the branches “jointly specify broad evaluation expectations and concerns in authorizing statutes and appropriations.”¹³

Implementation

Collaboration is a complicated task given Congress' oversight role. However, consultation and collaboration can serve mutual interests when developing rigorous and objective evidence that can then be used by decision-makers.

Implementation of this option could be as simple as agency leadership meeting periodically with congressional staff or members to discuss evidence priorities, learning agendas, or priority goals. It could also be as complicated as a formal set of procedures and activities, such as hearings, specifically convened on the topic of an agency's learning agenda or priority goals. The option could also be considered as part of the evidence plans in Congress (Option 15).

The cost of implementing this recommendation is anticipated to be low, largely reflected in existing personnel costs.

OPTION 8: SEEK COMMITMENTS FOR EVIDENCE USE DURING CONFIRMATIONS

Seek commitments from presidentially-appointed, Senate-confirmed nominees for executive branch agencies to support the objective use of evidence in their positions and in interactions with Congress.




Barriers Addressed:

-  Institutional
-  Perception
-  Systemic

Processes Affected:

-  Authorizations
-  Budget and Appropriations
-  Oversight

Feasibility:

-  High
-  Medium
-  Low

Problem

Congress relies on executive branch officials to both champion and steward evidence in a manner that is jointly productive for both branches. However, Congress may not set clear expectations about the dual roles that political appointees have in supporting evidence needs. In fact, once confirmed, executive branch political appointees have incentives to be less than forthcoming with negative results of studies or may choose to omit Congress from the prioritization of evidence-building activities.

Option

During nominee vetting procedures and confirmation hearings, Congress could routinely ask political appointees whether they support the generation and use of evidence, consistent with the principles offered by the Commission on Evidence-Based Policymaking.¹⁴ The vetting process could be used to seek affirmative support for evidence-building and use. In addition, the approach could provide a positive and meaningful gesture to encourage evidence-based policymaking and increase the resources at Congress' disposal to inform future decisions.¹⁵

At a minimum, this option could help Congress set an expectation that the executive branch should routinely generate an appropriate level of evidence to inform decision-making. The Commission on Evidence-Based Policymaking suggested this option in its final report, stating that "the Senate could use the confirmation process to seek affirmative responses regarding a political appointee's support for producing and using evidence to inform decision-making."¹⁶

Implementation

Implementing this option would require staff from Senate committees considering nominees to include additional criteria in vetting procedures. In addition, members could directly ask the nominees for their support of evidence-based policymaking during hearings or private meetings, and similarly ask them to prioritize particular research or evaluation for upcoming reauthorizations or other legislative activities.



OPTION 9: DIRECT AGENCIES TO CONDUCT TARGETED EVIDENCE PRODUCTION

Direct targeted evidence-building activities in executive branch agencies.

Barriers Addressed:

- III Institutional
- 68 Perception
- 88 Systemic

Processes Affected:

- ✓ Authorizations
- S Budget and Appropriations
- Q Oversight

Feasibility:

- ≡ High
- = Medium
- Low

Problem

Evidence that does not exist cannot be used to inform congressional decision-making. When Congress has identified important questions regarding future authorizations, oversight, or legislative activities, Congress can articulate those priorities either in law or through report language. Some in Congress have used directed evidence requests in the past, including through the support of certain research organizations. However, targeted evidence requests are not always conducted far enough in advance or in alignment with evidence needs to be useful for decision-making.

Option

Congress could increasingly rely on directed studies for targeted issues raised by members and staff. By more frequently using the authority provided by the Congressional Budget Act of 1974, Congress can direct agencies to engage in specific program reviews and evaluation activities. When committees engage in targeted evaluations or other evidence-building requests to support oversight or authorization responsibilities, the supplied evidence is more likely to be used.

Targeted evaluations have been requested by Congress for years in certain areas. For example, when reauthorizing the Social Security Administration's (SSA) demonstration authority for the Social Security Disability Insurance program in 2015, Congress directed SSA to launch a specific evaluation for a "promoting opportunity demonstration project."¹⁷ The intent of the specific request was that the information developed would be used in the next suite of major changes to the program anticipated in 2022. Targeted evaluation requests can be developed with timelines that reflect realistic expectations about the time needed to analyze long-term outcomes of interest.

One downside to targeted requests is that without additional resources, they can force difficult trade-offs between legislative branch, stakeholder, and executive branch priorities. Targeted requests may also be susceptible to political influence, steering energy and resources away from projects that may not align with existing perceptions and beliefs about a program or policy.

Implementation

Targeted evaluation requests can be made through the authorization or appropriations processes, and may be directed with or without additional resources. Direction can also be provided in either committee report language or in legislation, the latter likely having a greater effect. Routine use of the targeted authority could correspond to hearings about evidence needs, general oversight activities, evidence plans (Option 15), and executive branch learning agendas (Option 7).

OPTION 10: APPROPRIATE SUFFICIENT RESOURCES FOR EXECUTIVE BRANCH EVIDENCE-BUILDING

Appropriate direct funding or enable flexibilities for the executive branch to adequately generate or procure evidence needed to support congressional decision-making.

Barriers Addressed:

- III Institutional
- 68 Perception
- ⚙ Systemic

Processes Affected:

- 🕒 Authorizations
- 💰 Budget and Appropriations
- 🔍 Oversight

Feasibility:

- ≡ High
- = Medium
- Low

Problem

Long-term funding commitments and mechanisms for routinely generating and using evidence are largely nonexistent across the executive branch today. In the absence of those mechanisms, the executive branch will face chronic difficulties in addressing Congress' needs for evidence about government policies and programs.

Option

To meet the demand for evidence—whether individual studies, systematic reviews, or other compilations of information—Congress may choose to appropriate or otherwise make available flexibilities that enable or encourage additional evidence-building activities to occur. In 2017, the Commission on Evidence-Based Policymaking recommended that sufficient resources be made available for all aspects of evidence building, including data collection, data management, analysis, and evaluation.¹⁸

Like the commission, the authors of this report do not include specific estimates of how much funding is currently allocated for evidence-building activities. Even in the absence of such information, Congress could pursue an increase in direct appropriations for targeted programs or authorize mechanisms to specifically increase the flexibility for allocating funding to support evidence-building that meets Congress' needs.

One flexibility demonstrated across several agencies, including the Department of Labor and the U.S. Public Health Service, is the provision of “set-asides” in appropriations. Set-asides direct agencies to use up to a certain amount of funding for evidence-building activities, and they establish an expectation that such funds are made available. Historically, set-asides have not always been effective at promoting evidence building; in at least one example, an agency lost its set-aside authority due to a failure to use it.¹⁹ Set-asides may be favorable from a congressional context because the mechanism can enable more funding to be targeted toward evaluation without a net increase in agency appropriations. However, that same rationale is one of its limitations, because agencies sometimes perceive that set-asides compete with program operations.

Another flexibility mechanism suggested by the Commission on Evidence-Based Policymaking was to establish “Evidence Incentive Funds.”²⁰ These funds would convert unobligated balances at the end of a fiscal year into a new budget account that can be used to support evidence-building activities. The benefit of such a fund is that it would not be perceived by program managers as competing with other program resources, since unobligated balances are generally unavailable after the period of appropriation. However, from a congressional perspective, funds that roll over into another purpose create mixed incentives. For example, Congress may be less inclined to offer direct appropriations for other evidence-building activities because of the incentive funds. Or, agencies that previously relied on set-asides or direct appropriations may increasingly rely on the incentive funds, which would not necessarily result in a net increase in spending for evidence-building but could instead displace existing funds.



Implementation

To provide the flexible mechanisms for enabling more evidence generation, Congress would need to incorporate directives for programs in appropriations bills. Once established, Congress could then place additional restrictions or reporting requirements on the funding mechanisms to ensure the resources are allocated as intended. For example, Congress could require that set-asides or new incentive funds are only available for agencies upon submission of a learning agenda (Option 7) or following consultation on congressional evidence plans (Option 15). The cost of the flexibility mechanisms would have no direct budgetary effect since existing appropriations would be relied on to enable more resources for evidence building.

Options for Institutional Modifications to Increase Transparency

If evidence is to be used effectively in Congress, the transparency of its use will be critical to assuring lawmakers and the public that it is not being manipulated for partisan political or special-interest priorities. However, ensuring transparency is easier said than done. The vast array of evidence that is available can make it difficult to understand what particular evidence was used to make decisions, and how that evidence was used. Congressional processes are not currently designed to make those linkages clear, and in some cases Congress' institutional structure is not tailored to provide such transparency.

The options in this section would adjust Congress' institutional structure to make the use of evidence more transparent. The options focus on improving congressional oversight of federal agencies' evidence-building activities, and on tools to make the evidence used in policymaking more accessible to the public. By giving evidence an explicit role in the institutional structure of Congress, these options make the use more transparent and increase the incentives for lawmakers to focus their attention on the role of evidence in the policymaking process.

OPTION 11: ESTABLISH A JOINT COMMITTEE ON EVIDENCE

Establish a Joint Committee on Evidence, charged with overseeing the executive branch's evidence-generating activities.

Barriers Addressed:

- III Institutional
- ∞ Perception
- ⚙ Systemic

Processes Affected:

- 🕒 Authorizations
- 💰 Budget and Appropriations
- 🔍 Oversight

Feasibility:

- ≡ High
- = Medium
- Low

Problem

Despite the existing availability of evidence in some policy domains, there may be a lack of political will to use that evidence in the policymaking process. Some executive branch staff perceive that Congress is disinterested in performance information and program effectiveness. Consistent leadership is lacking in Congress beyond a handful of members who routinely ask for and champion evidence initiatives. Specific and sustained political leadership to champion evidence-based policymaking is necessary for productive institutional use of evidence.

Option

One way to improve dialogue about the generation and use of evidence in Congress could be to establish a Joint Committee on Evidence (JCE). Similar to other joint committees, like the Joint Economic Committee and the Joint Committee on Taxation, the JCE could have bipartisan and bicameral leadership specifically dedicated to the oversight of the executive branch's evidence-generating activities. This option was suggested internally during the deliberations of the Commission on Evidence-Based Policymaking, though the commission did not ultimately offer any recommendations about legislative capacity.²¹

The JCE could be responsible for identifying ways to support coordination of federal evidence-based policymaking activities and producing a yearly report on the status of evidence-based policymaking in the federal government. The joint committee could help ensure that hearings, oversight, and the publicity that go with them would be used specifically for vetting evidence that supports federal policy. The committee could also encourage Congress to employ staff specifically assigned to understand and assess the validity and reliability of evidence in legislative processes (e.g., Options 3, 4, and 5).



There are limitations to the joint committee model. While some joint committees, such as the Joint Committee on Taxation, are known for their bipartisan approach to policy issues and oversight, others have been politicized over time. A JCE would be at risk of similar politicization, with evidence becoming seen as a political rather than analytic tool. In addition, the establishment of a congressional committee would require significant time and resources. Members of Congress already have limited time with the existing committee structure. To successfully establish a JCE would require congressional commitment of sufficient time and resources to make it successful.

In addition, depending on the duties assigned to the joint committee, it could create conflicts with existing committee jurisdictions and distract from the goals of the joint committee approach.

Implementation

The structure of a JCE could be modeled after the Joint Economic Committee, with a bicameral and bipartisan membership, and with the chair alternating between the Senate and the House every Congress. The committee would have its own staff, which would ideally include a mix of expertise in the congressional process, program evaluation, statistics, and social science research. This would impose new direct costs on the legislative appropriation.

A JCE could support oversight for crosscutting evidence activities, such as those that would be authorized through the proposed Foundations of Evidence-Based Policymaking Act of 2017 (H.R. 4174). That bill would implement all or part of 10 of the commission’s 22 recommendations. For example, it would establish chief evaluation officers and chief data officers in federal agencies and require that learning agendas be developed by federal agencies. Congressional oversight of these policies would ensure oversight of the evidence-building activities of the executive branch.

Alternatively or in addition, a JCE could take on a review of Congress’ evidence capacity, like past joint committees on congressional organization.²² For example, a JCE could be tasked with considering what options from this report could be adopted to reform how Congress uses evidence.

OPTION 12: PROVIDE THE CONGRESSIONAL RESEARCH SERVICE WITH THE RESOURCES TO CONDUCT SYSTEMATIC EVIDENCE REVIEWS

Develop expertise within the Congressional Research Service to develop systematic reviews for the use of evidence in the legislative process.



Barriers Addressed:

-  Institutional
-  Perception
-  Systemic

Processes Affected:

-  Authorizations
-  Budget and Appropriations
-  Oversight

Feasibility:

-  High
-  Medium
-  Low

Problem

Existing policy research and evaluation is often tailored to a specific program within a restricted geography, subpopulation, or other constraining set of factors. The vast majority of such efforts are not national-scale projects that would be more relevant to congressional decision-making. To be most relevant for national-scale decisions and to reconcile conflicts among narrower studies, numerous studies are often aggregated to summarize the body of evidence available relevant to the policy area under consideration. The collection of numerous studies is often conducted as either a meta-analysis or systematic review.

Conducting meta-analyses and systematic reviews requires technical knowledge of the field and a significant amount of in-depth research into the findings and methodologies of the various studies under consideration. In the congressional context, it also requires an understanding of the degree to which a study is relevant to policy deliberations. Congressional staff generally do not have either the time or expertise to produce such reviews.

Option

Congress could provide additional resources to CRS to provide larger-scale systematic reviews at Congress' discretion. This option, could be a new institutional mechanism for systematic review of existing policies and programs, including assessments of quality and effectiveness.

Creating this function in CRS would give Congress a pool of researchers dedicated to collating and presenting evidence in a manner specific to their needs.

By implementing this option, Congress could directly address some key barriers that prevent it from using evidence most effectively. First, by establishing it at CRS, an existing legislative support agency, Congress would have a built-in level of trust between the researchers and congressional offices. Members of Congress and staff may distrust the analyses of executive agencies, academic institutions, and other research organizations—even if they are conducted objectively and rigorously—due to the political reputation of the institution or the lack of relationships between the institutions and member offices. Using CRS to conduct systematic reviews would leverage its existing credibility to serve as a knowledge broker between the research community and Congress.

This function would also allow the research provided by this institution to be tailored specifically for congressional needs, and additional technical assistance to be accessed on an ongoing basis. Typical academic studies contain too much detail and jargon to be used quickly and usefully in the policymaking process. In addition, researchers tend to include too many caveats to findings that made it difficult to identify a final recommendation from their work. CRS is already experienced in supporting Congress with information that is tailored to its needs, and this additional function would allow CRS to provide that work on a larger scale.

Implementation

Given CRS's broad purview to conduct policy analysis on behalf of Congress, it likely would not need any additional statutory authority to conduct additional work. As discussed in Option 5, however, significant new work for legislative support agencies would require additional resources. Establishing this new legislative support function for CRS would require additional staff to ensure it has the correct expertise to conduct the reviews and sufficient personnel to make them timely. CRS is unlikely to undertake systematic reviews on its own, absent the necessary resources and organizational structure. A request from Congress and specific appropriations to begin serving this function would be necessary.



OPTION 13: CREATE A SCIENCE AND EVIDENCE OMBUDSMAN POSITION

Create a senior leadership role in Congress to connect researchers and evaluators outside government to appropriate individuals within the legislative branch.

Barriers Addressed:

- III Institutional
- ∞ Perception
- ⚙ Systemic

Processes Affected:

- ✓ Authorizations
- \$ Budget and Appropriations
- Q Oversight

Feasibility:

- ≡ High
- = Medium
- Low

Problem

Congress currently lacks an evidence intermediary between researchers or evaluators and congressional offices. While Congress has special roles in place for a parliamentarian, historian, counsel, chaplain, and numerous other roles who serve both the Congress and the public, there is currently no such role for science or evidence in Congress.

Several professional associations have taken it upon themselves to establish mechanisms that enable researchers to respond to requests from reporters, though similar mechanisms are not available in any organized way for Congress.

Option

Establishing a science and evidence ombudsman in Congress would establish an office for the public, researchers, evaluators, congressional staff, and even members to turn to with questions about resources, processes, and organizational supports in place to use evidence in congressional decision-making. An ombudsman could provide a central resource for connecting relevant constituencies, including committee staff who engage in evidence-building activities. For example, an ombudsman can coordinate with researchers and evaluators unfamiliar with congressional processes to facilitate processes for transmitting research to the appropriate committees.

Implementation

If designed as an office similar to that of the Parliamentarian of the House of Representatives, implementation would require a small support team. A science and evidence ombudsman could be designated from within the existing congressional staff or identified as a new role.

Options for Congressional Process Changes to Incentivize Evidence Use

In the legislative process, use of evidence to influence decision-making occurs within a broader set of priorities, including demands of constituents, priorities of political parties, and underlying values. These decision-making criteria are at the core of how lawmakers carry out their duties. More consistent use of evidence by Congress can and should be in harmony with those criteria, and would better inform the full range of key policy decisions confronted by lawmakers to ensure their efforts are most effectively fulfilling the policy goals of constituents.

Today, legislative processes are not designed to give a central role to evidence in reaching policy decisions. Former Rep. John Dingell once suggested that if his opponent wrote the substance, and he wrote the procedure, he would prevail every time.²³ If evidence is to become a priority in decision-making for individual members of Congress, it must also become a greater priority in congressional procedures and processes.

The options in this section focus on modifying congressional processes to better enable members of Congress and their staff to make evidence use a priority.

OPTION 14: MAINTAIN AN EVIDENCE RECORD FOR CONGRESSIONAL HEARINGS

Establish and maintain committee-level evidence records that provide documentation of evidence used to inform policy decisions in Congress.

Barriers Addressed:

- III Institutional
- 66 Perception
- ⚙️ Systemic

Processes Affected:

- ✔️ Authorizations
- 💰 Budget and Appropriations
- 🔍 Oversight

Feasibility:

- ≡ High
- = Medium
- Low

Problem

Congressional hearings provide a process through which Congress gathers evidence and reviews both existing policies and potential modifications to policies. Currently, each committee publishes a record of its hearings with written testimonies submitted by witnesses, transcripts of the hearing, and written responses to additional questions posed by the members. Despite this, the evidence provided to Congress that serves as the basis for statements and justifications of agency decision-making is not always transparent or publicly available.

When agencies compile and submit their annual budget requests prior to appropriations hearings, they typically include a variety of performance and spending data.²⁴ Even in these comprehensive documents, the underlying research and evaluations may not be available to congressional staff.

Likewise, in hearings beyond budgetary issues, witnesses may be asked to address the research and evaluations that support their claims to Congress, but they may not always supply their sources for independent analyses. Congressional staff using evidence have reported challenges in obtaining referenced studies and evaluations, which limits the use of evidence in policymaking.

Option

Congress could institute a congressional “evidence record” for use during and after hearings. A congressional evidence record would require witnesses from executive branch agencies to submit or ensure the public availability of relevant portions of the evidence cited in their testimonies. Such a record could serve to increase the use of evidence in the congressional oversight process and better reveal what evidence was used in congressional decision-making.



To the extent that the evidence referenced during a hearing does not contain sensitive, confidential, or classified information, or material subject to copyright limitations, the evidence record should contain the original referenced policy analyses, program evaluations, or other evaluative studies referred to in testimony or statements. Making the original evidence available would allow congressional staff to independently review it. In addition, an evidence record would increase transparency for researchers and the public about the evidence supporting federal policies, and improve the ability to identify knowledge gaps and future research opportunities.

This option is similar in intent to several bills filed during the 115th Congress, which would encourage transparency for evidence used in developing regulations or budget estimates. Similarly, the American Evaluation Association encourages the creation of a clearinghouse for information about programs, and the Commission on Evidence-Based Policymaking suggested that evidence should be made publicly available.²⁵

Implementation

A congressional evidence record could require limited additional funding from Congress, as well as additional time for federal employees to compile the evidence for submission to Congress. The records could be preserved at the individual committee-level and maintained by the Library of Congress for future reference.

In addition, unlike typical hearing documentation, evidence records could be used to encourage generation of new evidence to address lawmakers' questions. For example, by holding the record open for submission of additional information for a longer period of time, such as one year after a hearing, new evidence could be generated to support lawmakers' needs. This would also provide additional connections between the oversight process and the evidence used to support decisions by explicitly linking the evidence generation of federal agencies with the inquiries of lawmakers.

OPTION 15: PREPARE BIENNIAL “EVIDENCE PLANS” FOR COMMITTEES

Prepare a committee evidence plan at the beginning of each congressional session to identify research and data priorities for legislative uses.




Barriers Addressed:

-  Institutional
-  Perception
-  Systemic

Processes Affected:

-  Authorizations
-  Budget and Appropriations
-  Oversight

Feasibility:

-  High
-  Medium
-  Low

Problem

The availability of timely and relevant evidence is a precursor to its use during legislative authorizations and other oversight activities. Today there are not many mechanisms that allow policymakers to convey priorities about upcoming research and data needs.

If research and evaluation are to be used by policymakers in Congress, the evidence must address their policy questions. Lawmakers may have a different perspective than researchers or programs managers, especially as they seek to create or revise programs in ways that navigate the complexities of the legislative process.

Option

Committees could develop and report evidence plans at the beginning of each Congress, disseminating the key questions and priorities to federal agencies, researchers, and other stakeholders. These plans could identify key research questions or evidence needs for upcoming reauthorizations scheduled in that Congress, or for authorizations expiring in later years (Option 16).

Evidence plans could offer a legislative branch parallel to executive branch agency learning agendas recommended by the Commission on Evidence-Based Policymaking. Developing the questions for evidence-building and use is complex, and could benefit from the perspective of both those implementing the programs as well as elected officials who set policy. The commission envisioned that the legislative and executive branches would be in consultation regarding priority-setting exercises (Option 7). Evidence plans in Congress could be directly informed by agency learning agendas, and those agendas would benefit from the perspective of lawmakers.

Notably, separate plans have the benefit of articulating priorities for different branches of government, particularly when priorities diverge. However, separate plans may also result in confusion about government-wide priorities and result in fewer, murkier signals, rather than clearer ones, about what evidence is needed for future decisions. Disagreement between majority and minority perspectives could further exacerbate the conflict. Such disagreement could, however, be short-term during initial implementation. In some states, similar mechanisms have been used to establish routine interactions between policymakers, the research community, and program managers.²⁶ Over time, this type of routine interaction could help to inform and synchronize committee evidence plans and agency learning agendas, and enable researchers and evaluators to target their efforts more effectively.

In developing these plans, committees could also consider supplemental information that would help them to link agency research agendas and evaluations more clearly to authorizing legislation. For example, committees could articulate needs for cost-effectiveness analyses, which compare programmatic outcomes with the costs of achieving those outcomes. The availability of cost-effectiveness analysis during reauthorization can be used to identify ways to maximize program outcomes in the least costly manner.

Congressional evidence plans could also be updated periodically to reflect key issues that have come to light through new or updated research, or through agency performance monitoring. Hearings could examine the research and assess whether there are new research questions that could supplement or extend the committee's plan.

Implementation

Developing evidence plans would add to the responsibilities of existing committee staff, who likely have little additional time beyond their current legislative duties. In the House, these plans could feed into the existing committee oversight plans that are prepared each Congress to minimize the resource needs for establishing a new process.

Providing additional resources to support plan development may be necessary, or committees could utilize resources outlined in other options presented in this paper, such as an enhanced congressional support agency role (Option 5), evidence fellowships (Option 3), or other staffing arrangements. The support agency option for preparing evidence-based policymaking plans would also address the concern that the plans could become overtly partisan if prepared solely by partisan committee staff.

As a variation of this approach, the options in this volume for a Joint Committee on Evidence (Option 11) or enhancing the role of the Congressional Research Service (Option 12) could create the capacity for a consolidated evidence plan for Congress. This could also create a comprehensive learning agenda for Congress that highlights upcoming major reauthorizations or major developments in research and evaluation affecting mandatory spending, including revenues and tax expenditures. A consolidated plan may also align with a congressional portfolio review (Option 17), by identifying key research questions or evidence needs that cut across committee jurisdictions or standard budget categories.



OPTION 16: ALIGN REAUTHORIZATION SCHEDULES WITH TIMEFRAMES FOR BUILDING EVIDENCE

Match cycles of legislative reauthorization in Congress for federal programs with the cycles of evidence generated for those programs.

Barriers Addressed:

- III Institutional
- 66 Perception
- ⚙️ Systemic

Processes Affected:

- ✔️ Authorizations
- \$ Budget and Appropriations
- 🔍 Oversight

Feasibility:

- ≡ High
- = Medium
- Low

Problem

Legislative activities conducted by Congress and evidence-building activities conducted largely outside the legislature are not aligned well. While some reauthorization activities are predictable, many reauthorizations are intermittent, behind schedule, or on unpredictable timelines. The uncertainties around timing can introduce challenges in conveying the relevant evidence at the right points in the legislative process.

Option

Authorizing committees could be more intentional about matching their cycles of legislative reauthorization of federal programs with the cycle of evidence-building for those programs, deferring action until requested evidence has been generated. For example, a multiyear cycle of reauthorization could be aligned with the development of agency “learning agendas” (Option 7) or committee evidence plans (Option 15).

While the biennial evidence plans in Option 15 seek to align the availability of evidence to the timing of decision-making, this option instead modifies the decision timing to match availability of evidence. As the Commission notes in its final report, the “supply of evidence to support policymaking is more likely to increase when there are consistent signals from policymakers that the production of evidence is a priority.”²⁷ By matching legislative reauthorization cycles with the cycle of evidence, including deferring action when sufficient evidence is not available, lawmakers would create an expectation, both in Congress and in the executive branch, that rigorous evidence will underlie their decisions about those programs going forward.

The authorization cycle can also be modified to enable explicit requirements for program evaluation in authorizing legislation, with hearings convened periodically to receive interim updates on those evaluations and consider any course corrections needed in the research ahead of the deadline for reauthorization. For example, action taken in 2015 to modify the Social Security Disability Insurance program was contingent on the establishment of demonstration projects, which were timed to be used in the next authorization of the program. Option 1 elaborates on the details of such an approach for how committee staff could work with GAO to create a pipeline of evidence and review that aligns more closely with reauthorization cycles.

One potential outcome of reauthorization may be a decision not to reauthorize a particular program or policy. Or Congress may determine that a sunset protocol is merited for activities not intended to be indefinite. However, a sunset protocol should only be employed as part of a comprehensive approach using evidence about program outcomes and how program objectives can be achieved most effectively.

Implementation

For some authorizations, aligning the timing with evidence generation may be difficult due to a need for long-term outcome measurement. In such cases, deferring action on policy priorities may not be practical for either policy or electoral reasons. In those instances, evidence plans (Option 15) that articulate a measured approach for multiple intermediate outcomes may be preferable.

Alignment of authorization schedules will also vary based on the type of program, the size of congressional committees, and unforeseen priorities such as disaster response. But for all committees, embedding a planned and regular cycle of evidence review from agencies into oversight routines would help establish an expectation for evidence use, including during hearings featuring agency officials who coordinate evidence activities.

OPTION 17: CONDUCT PORTFOLIO REVIEWS TO SUPPORT BROAD EVIDENCE USE

Institute evidence-based portfolio reviews of programs that cross committee and agency jurisdictions.

Barriers Addressed:

- III Institutional
- 66 Perception
- ⚙️ Systemic

Processes Affected:

- ✓ Authorizations
- S Budget and Appropriations
- Q Oversight

Feasibility:

- ≡ High
- = Medium
- Low

Problem

Some policy issues—such as reducing poverty, investing in infrastructure, or improving education—cut across standard budget lines managed by the budget committees, committee and agency jurisdictions, and cover both spending and revenues. Decisions about policy areas that are addressed by multiple agencies or congressional committees often result in disjointed, undercoordinated, or misaligned policy activities. The budget resolution provides general guidance about funding levels for broad themes of budgetary actions. The appropriations subcommittees and the array of authorizing committees each generate their own guidance or directives on related issues. Each is confined to committee jurisdictional authorities that can reinforce agency silos. In these instances, evidence use may similarly be limited in application because of the existing congressional processes.

Option

A portfolio review is one approach for improving coordination on policy decisions that span congressional committee jurisdictions or involve multiple agencies.²⁸ The principal purpose of conducting a portfolio-scale examination of policies is to calibrate policy objectives with an overarching goal and then to ensure various spending, tax provisions, regulations, and other policies support progress in achieving that goal. A formal review conducted by members and staff, with input from agencies, could be used to identify whether goals can be achieved more effectively.

One component of a portfolio review could be an evidence assessment for current federal programs. Such a comprehensive review could provide insights about how effectively these programs are working, in isolation or in combination, and in what contexts. Using performance measures, research, and other evidence, the goal of a portfolio review is to help identify program gaps, areas of duplication, issues with under-performance, and inefficiencies in resource allocation. The portfolio review could become a basis for informing recommendations in the budget resolution in the subsequent budget cycle (Option 18), or the basis of a leadership plan to coordinate authorizing committees' efforts to reform a set of programs as part of a broader strategy of reform.

Implementation

Portfolio reviews could be directly implemented as part of the budget process, and operate as an input to the congressional budget resolution.²⁹ To do so, the budget committees could establish subcommittees or task forces to review policies that cross budget functions or committee jurisdictions.

A biennial budget cycle (Option 18) could align well with an evidence-based portfolio review for the budget resolution. For example, the budget committees could conduct a portfolio review of selected program areas in the first session of a Congress, with the following session devoted to working with the authorizing committees to develop legislation or to conduct additional oversight.



However, portfolio reviews need not be exclusively tied to the budget process; they could also be designated to special or temporary committees, or a new Joint Committee on Evidence (Option 11). Enabling the use of evidence as part of this process would require formal procedures to include evaluations and performance measures in these reviews, though by design many of these forms of evidence may also only address aspects of a policy issue. Policymakers would face the daunting task of overlaying the evidence across the portfolio to inform eventual decisions.

Whether in the budget process or elsewhere in the legislative process, portfolio reviews as described here would be difficult to implement due to the politicization of the budget process. A portfolio review conducted under highly partisan conditions, such as in the budget process, might itself become a partisan exercise in which evidence is used selectively to justify pre-determined stances. Specifically syncing the reviews to the budget process would, however, provide a strategy for routinizing the activity.

OPTION 18: ESTABLISH BIENNIAL BUDGET RESOLUTION AND APPROPRIATIONS

Change the congressional budget resolution and annual appropriations to a biennial cycle.

Barriers Addressed:

- III Institutional
- ∞ Perception
- ⚙ Systemic

Processes Affected:

- ✓ Authorizations
- ⌘ Budget and Appropriations
- 🔍 Oversight

Feasibility:

- ≡ High
- = Medium
- Low

Problem

Congress' annual budget deadlines have crowded out some of the essential, but time-consuming, basic oversight of federal agencies and programs in both the authorization and appropriations committees. With Congress relying increasingly on continuing resolutions, the number of budget confrontations has increased substantially in recent years.

An annual report by the Congressional Budget Office on unauthorized appropriations and expiring authorizations routinely shows that Congress has allowed authorizing statutes for many federal programs to expire without timely renewal. While appropriations for most of these programs continue to be provided each year, the programs lack updated guidance through regular reauthorization to accommodate changing conditions, technologies, and knowledge. Oversight of these programs suffers, despite annual review in the appropriations process.

Using evidence effectively in a policymaking setting requires time, both to allow evidence to be developed and to have sufficient lead time to incorporate it ahead of the key decision points. In Congress, the crowded legislative calendar allows lawmakers little time to digest complex research and use it effectively to legislate, especially to make improvements in federal programs as part of the oversight process. Creating more time for lawmakers to address routine responsibilities by reducing procedural points of contention could allow Congress to more readily use evidence and evidence-based approaches in legislation.

Option

Biennial budgeting is an option that could lessen the frequency of major budget battles in Congress. Reducing the attention on budgeting activities could enable Congress to increase oversight and other non-budgetary activities. Within Congress, a culture of evidence may be more likely if there is a distinct period in the legislative calendar set aside to focus on evidence. While advocates for biennial budgeting do not generally focus on its potential to create more time for Congress to consider evidence, it could have such a practical effect.

Under most proposals for biennial budgeting, including the Bipartisan Policy Center's 2015 Commission on Political Reform, the congressional budget resolution and appropriations bills would be approved every other year.³⁰ The year before or after the biennial budget would be devoted principally to congressional oversight and any needed adjustments in spending due to emergencies or unexpected events.

Implementation

Variations of the proposal have been suggested, such as biennial budget resolutions with annual appropriations or phasing appropriations acts over two years. But those options would not set aside an entire session of Congress solely for oversight activity and considering authorizing legislation. Either approach could enable additional energy to be placed on program reviews through the appropriations or authorization committees.

Converting to a biennial budget cycle would send a clear signal to federal departments and agencies, and to the public, that more effective oversight is a high priority. Such a step could also provide agencies with more time to conduct rigorous evaluations and learn how programs can be improved, instead of devoting a high level of resources to meet the next budget deadline.

Critics of biennial budgeting generally claim that the idea is unrealistic and unworkable; that a broad review of spending and revenue priorities is too important to do every other year; and that biennial appropriations would actually diminish congressional oversight and make federal departments and agencies less accountable.³¹ Critics are concerned that these factors would lead to a broader shift in power from Congress to the executive branch.



OPTION 19: EXTEND THE CONGRESSIONAL BUDGET OFFICE'S REPORT ON EXPIRED AND EXPIRING AUTHORIZATIONS TO TWO YEARS

Extend the Congressional Budget Office's annual report on programs with expired or expiring authorizations to cover an additional fiscal year to encourage evidence planning.

Barriers Addressed:

- III Institutional
- 68 Perception
- 68 Systemic

Processes Affected:

- ✔ Authorizations
- \$ Budget and Appropriations
- Q Oversight

Feasibility:

- ≡ High
- = Medium
- Low

Problem

CBO is required to provide an annual report to Congress on programs for which authorizations of appropriations have expired or will expire by the end of the current fiscal year. This document summarizes where action is needed to reauthorize programs. While CBO's annual report highlights the potential reauthorizations for the upcoming year, the short timeframe is of limited use for enabling evidence-building activities.

To be most useful in the legislative process, the staff charged with compiling and consolidating evidence need to begin their work well in advance of the next legislative action. Researchers or evaluators outside government need even more lead time. While CBO's report provides notice of up to nine months for expiring legislation, research and studies of the magnitude needed can take several months or years to compile, and then must be communicated to legislative staff to incorporate into policy. If long-term outcomes are of interest, including those that may take multiple years to evaluate, a short timeframe for considering reauthorizations will almost never be adequate.

Option

To better inform the reauthorization process, Congress could direct CBO to extend the scope of its expiring authorizations report to two years, instead of one. A longer timeframe would better allow congressional staff and other legislative support agencies to plan evidence-building activities and staffing with sufficient notice to be useful for the legislative process. In addition, additional knowledge about the timing for reauthorizations could be useful for other options included in this report, such as timing the hiring of a congressional fellow (Option 3) or study commissioned by a support agency (Option 12).

Implementation

This option could be implemented by CBO at the request of the House or Senate Budget Committee. It would require additional CBO staff time, which would not necessarily require additional appropriations, but could take time away from other work CBO staff conducts on behalf of Congress.

Implementing Options From This Report

Members of Congress, their staff, and the American public must determine an appropriate strategy for making the use of evidence the norm in government decision-making. This paper provides a starting point for those interested in encouraging Congress to make better use of evidence in policymaking. The options in this paper would make a substantive difference in how evidence is used in Congress.

Initial steps towards implementing some of these options would not be difficult. There are meaningful steps Congress can begin to take immediately. For example, a few of these options could be considered as targeted additions to upcoming legislation. Directing agencies in authorizing legislation to conduct targeted research is a straightforward approach, particularly if questions arose in the authorization process that existing evidence was not able to sufficiently answer. In addition, establishing a long-term pipeline for evidence could be included in several pieces of major legislation expiring in the coming years. Upcoming legislative actions on nutrition assistance programs in the Farm Bill or reauthorization of drug control policies offer opportunities for encouraging the production of new evidence and the use of existing evidence.

This report's options on congressional process reforms may be well suited for consideration by the newly formed Joint Select Committee on Budget Process Reform established by the Bipartisan Budget Act of 2018. In particular, portfolio reviews (Option 17) and biennial budgeting (Option 18), should be given serious consideration as part of the committee's recommendations.

In pursuing major new reforms to existing processes, protocols, resources, or systems, Congress could implement several of these options as pilot programs, such as a congressional fellowship program, and evaluate them to assess the extent to which the options achieve their goals. Piloting and evaluating options would help ensure that the approaches intended to encourage evidence-based policymaking are themselves based on evidence.

Congressional leadership on evidence-based policymaking will continue to be necessary in the coming years to build and maintain a culture of evidence in the federal government. Considering these options and taking a serious look at how Congress uses evidence in its processes, structures, and norms will be a key sign that the institution is ready to take up that mantle of leadership.



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