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Evidence Use in Congress

*Challenges for
Evidence-Based
Policymaking*

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Executive Summary

Evidence-based policymaking holds the potential to restore some of the lost public trust in America's government institutions, including Congress. When evidence is used to make incremental changes to policies and programs, it can improve performance. The approach to collecting and using information about government policies and programs has been increasingly demanded in some parts of Congress, though its implementation today is not evenly applied throughout the institution.

Congress plays an important role in supporting a culture of evidence throughout the federal government. Notwithstanding substantial expertise and capacity to gather information through member offices, professional staff, and legislative support agencies, Congress' use of evidence is imperfect. While some parts of Congress routinely rely on evidence, congressional decision-making processes, norms, and institutional structures pose challenges to the consistent use of evidence.

Evidence Use in Congress identifies 16 barriers facing congressional use of evidence in program authorizations, budget and appropriations processes, and oversight. The barriers fall into three broad categories:

- **Perception barriers** include the perceived utility, inconsistent valuation, limited credibility, and unclear relevance of evidence.
- **Institutional barriers** include those related to processes in Congress, such as collaborative decision-making, expertise, functional alignments, and coordination with the executive branch.
- **Systemic barriers** stem from congressional processes and norms, and include challenges related to timing, supply, incentives, leaders, information sources, cognitive limits, and transparency.

In a two-volume report, *Evidence Use in Congress* describes the challenges and offers some options for creating a culture that enables the use of evidence in legislative activities. Volume 1 outlines three approaches to overcoming barriers to evidence-based policymaking in Congress. Volume 2 provides potential options to begin addressing these challenges throughout the legislative branch by prioritizing evidence, enabling greater transparency, and facilitating the role of brokers to enable the use of evidence.

Members of Congress, their staff, and the American public must determine an appropriate strategy for enabling a culture of evidence in government institutions. This report provides a starting point for those interested in encouraging Congress to make better use of evidence.



Introduction

The enduring climate of intense political polarization and substantial distrust of government in the United States offers a valuable indicator that our government is not doing everything it can to serve the public interest. How can government both continually improve and be held accountable for meeting the expectations of the American public and its leaders? The evidence-based policymaking approach can help restore elements of public trust in government, while creating more opportunities to bring together individuals in identifying solutions for important policy debates.

Improving how government programs operate has been a long-held and under-achieved goal, and the strategies to realize this vision have not been fully attained. Ultimately ensuring that evidence has a seat at the table when important decisions are made must involve Congress responsibly using gathered information to inform effective public policy and setting the expectation for the rest of government to follow suit.

Evidence Use in Congress considers the challenges faced by the legislative branch in using evidence, and offers potential solutions for more readily using evidence to inform key decisions. This is not to say that Congress never uses evidence—that is far from the case. But its uses should be more routine and there is much room for progress. Volume 1 provides an overview of the processes and mechanisms involved in congressional decision-making and outlines challenges faced by Congress in routinely using evidence in legislative actions. Volume 2 presents options for better incorporating the evidence-based policymaking approach into legislative practices. Shifting how decisions are made about important public policies to increasingly rely on evidence—rather than perceptions and beliefs about performance—to inform decisions will require some combination of revised institutional structures, enhanced staff expertise, and sufficient resources. Intentional and stronger congressional action is needed to enable a culture of evidence to become more pervasive in Congress and the whole of government.

LIMITED KNOWLEDGE OF GOVERNMENT PERFORMANCE AND EFFECTIVENESS

Public opinion trends in the U.S. over the last three decades suggest an overwhelming lack of trust in government, regardless of which political party is in control.¹ This erosion of trust persists despite some promising agreements between Republicans and Democrats about how well certain parts of government operate. For example, according to surveys most Republicans and Democrats generally agree that government effectively responds to natural disasters, to setting workplace standards, and to protecting the environment.² There are also areas of agreement about where government does not work well. The majority of Republicans and Democrats perceive that government is largely ineffective at breaking the cycle of poverty or at managing the immigration system.³

But, there are many policy areas where most Republicans and Democrats disagree on how to measure or interpret performance and effectiveness, ranging from approaches to ensuring healthcare access to strategies for strengthening the economy.⁴ The mixed beliefs and perceptions about government performance across a range of policy domains, influenced by the values of individual decision-makers, likely affects the extent to which the American public trusts government and its institutions.

Who is right about what is effective in government, what is not, and what can be improved? How does the American public assess whether perceptions about the performance and effectiveness of programs and policies align with reality? When perspectives diverge about whether or not programs achieve stated goals, how can government be held accountable for its performance? And ultimately, how can evidence better inform key policy decisions in government?

Today, far too little is known about how well and in what contexts government policies and programs achieve goals and how they can be improved. The 2017 report from the U.S. Commission on Evidence-Based Policymaking concluded that the evidence needed for informing policy decisions is too often simply not available.⁵ This means that even lawmakers who want to use evidence often struggle to successfully deploy what limited evidence does exist to inform important policies. A recent analysis suggests that members of Congress increasingly rely on one-sided information.⁶ This suggests that information processing has become increasingly complex, challenging, and partisan within Congress. Congress is virtually never the producer of evidence, and so it must provide mechanisms and resources throughout other elements of the legislative and executive branches, or outside government, to support its objective information needs.

The American public wants government to solve problems.⁷ When only hope, rather than data, inform the design of important policies that affect the American public, results can diverge from intended goals. While many factors contribute to the lack of public trust in America's institutions today, at least one factor is a historic approach to governance that has not relied enough on evidence.

A POSSIBLE SOLUTION: EVIDENCE-BASED POLICYMAKING

Whether deciding on acceptable levels of pollutant emissions to protect human health; the most effective school class sizes to maximize learning; the job training programs most likely to ensure long-term gainful employment; or the best strategies to reduce teen pregnancy; evidence has a critical role to play in the adoption, modification, and review of every type of government policy. Valid and reliable evidence can be useful for instructing which strategies are likely to be most effective for different populations, geographies, and contexts, as well as to indicate what modifications may be merited for programs and policies to ensure results.

For assessments of policy performance or effectiveness to be useful, both for accountability and for learning purposes, robust evidence about policies and programs must be brought to bear in policy debates. This evidence can then inform decision-making to guide whether performance aligns with expectations: this is evidence-based policymaking.

The goal of evidence-based policymaking is to share known information and reduce uncertainties in the implementation of government programs and policies. Over the last several decades, the conversation about evidence in the U.S. prioritized efforts to produce relevant, valid, and reliable information as a strategy for informing policymaking and reducing uncertainty. Because evidence must exist before it can be used, the emphasis of these past efforts on generating more and better evidence was intentional. Congress recognized this by launching the U.S. Commission on Evidence-Based Policymaking, which issued a strategy for improving how government produces the evidence needed for policymaking.⁸

But the generation of evidence alone does not guarantee or even encourage its use in reaching policy decisions. The demand for use must also exist. While using evidence to inform the complex policy decisions in democratic society has long been an aspirational goal and an expectation of the American public, this objective is not perceived as having been attained.⁹ There are many reasons evidence is not used as a major factor in more decision-making today, and many of these reasons are explored throughout this report.

Will increased reliance on evidence-based policymaking solve all public trust issues for government? Not likely. The use of more evidence to inform policymaking will not resolve the political problems that exist today or be singularly responsible for restoring public trust in government—but the approach holds potential for making much-needed improvements.

The Commission on Evidence-Based Policymaking outlined a vision where “rigorous evidence is created efficiently, as a routine part of government operations, and used to construct effective public policy.”¹⁰ With increased emphasis on enabling better *generation* of evidence, moving beyond the commission's recommendations will require the evidence dialogue to emphasize both making evidence more useful and more widely used. Realistically, evidence can become more integral to how decisions are made in every government process, policy, and program.

This report focuses on the use of evidence as a critical next step toward beginning to restore the American public's trust in government institutions and to aid government in achieving its goals. Volume 1 of *Evidence Use in Congress* explores the complex reasons for the gaps in use of evidence in legislative policymaking, and expands on the May 2017 report from the Bipartisan Policy Center entitled *Congress and Evidence-Based Policymaking: Creating a 21st Century Legislature*. This volume expands on the barriers and proposes possible solutions based on existing research and a synthesis of more than 70 interviews conducted during the project (see Appendix).¹¹



What Is Evidence-Based Policymaking?

Policymakers can use different forms of information to define problems, draw attention to issues, determine how to best match potential solutions to the problems faced, and adopt policies that address evolving circumstances and contexts. Feedback mechanisms exist through a range of activities such as casework, complaints from constituents, administrative activities articulated by government employees, performance measures, research, and evaluation.¹² These mechanisms can provide essential information about program costs, outputs, outcomes, consequences, and goal attainment. These many forms of feedback can be relevant for informing policy decisions and broadly constitute evidence.

DEFINING EVIDENCE

In a broad sense, evidence refers to information used to assess the validity of a proposition or idea leading to a conclusion. However, as it is used by the Commission on Evidence-Based Policymaking as well as throughout this report, the term “evidence” focuses more narrowly.¹³ Evidence refers to systematically collected data that have been analyzed with rigorous research methods to provide insights about how policies and programs operate.

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Evidence includes individual data aggregated into statistics to reach conclusions about a group that could be used to improve program operations or policy implementation. Employing a systematic approach to generating evidence to inform the policy process can help identify where problems exist, as well as the scale and structure of potential policy changes.

Statistical evidence—including aggregate indicators, descriptive statistics, trends, and correlations—is useful in describing the context of policy matters and in understanding the problems to be addressed or defined in the policy process. Systematic approaches are used to generate these types of evidence to ensure reliable and valid measures of key social, economic, and other conditions in which government policies and programs operate. Policy-specific evidence—such as performance metrics, implementation studies, impact evaluations, and cost-effectiveness studies—provides detailed information useful in determining how to map potential solutions to policy problems based on criteria policymakers prioritize, such as cost, efficacy, effectiveness, efficiency, or equity.¹⁴ These forms of evidence, developed through a variety of means, collectively comprise a portfolio of evidence.¹⁵ A comprehensive portfolio is useful for policymaking because the range of questions and issues addressed by policymakers vary, as well as their priorities for matching solutions to problems.

USE OF EVIDENCE FOR POLICYMAKING

When a portfolio of evidence exists for given policies and programs, decision makers at all levels of government have a supply of evidence from which to draw. The existence of the supply means the information can be called on as needed when making important policy decisions. But the supply alone does not guarantee that the evidence will be used or that its use will be apparent. For example, rapidly increasing deaths from opioids were noted in the early 2000s, suggesting the presence of a growing problem. But little governmental action was taken at the time. What is less clear is how this information was used inside government. Was it widely shared in policy memoranda? Did policymakers choose not to take action at the time based on the information?

How evidence is used in decision-making has been a decades-long focus of interest among researchers.¹⁶ Its uses include informing specific decisions (instrumental); influencing how policymakers frame approaches to finding solutions (conceptual); supporting mobilization or opposition to specific actions (tactical); and creating requirements for activities to rely on evidence (imposed).¹⁷ In each of these types of uses, contextual information from the decision makers can influence how the knowledge is collected.¹⁸ However, some of the uses of evidence noted above are not necessarily obvious or observable to individuals outside the decision-making process. For example, a study presented to a member of Congress

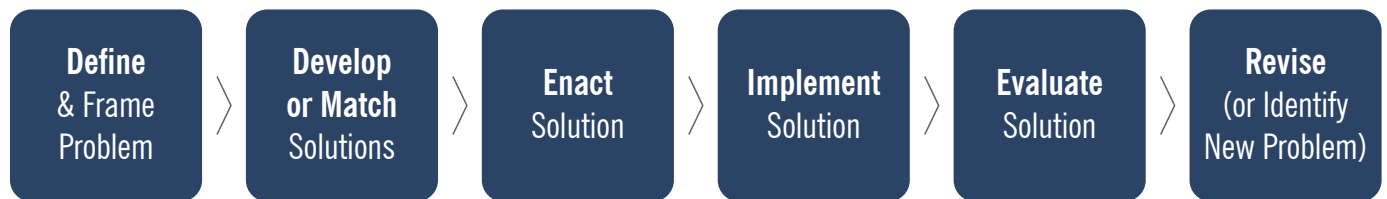
by a staffer that leads to a conclusion that action should not be taken is difficult to observe because no hearing, bill, or other documentation may result. Yet, such an instance still reflects an actual use of evidence. Determining when to act based on evidence and what action to take requires the application of values along with other inputs in the policy process.¹⁹

While there is growing demand for evidence-based policymaking and calls for more information to be interjected into congressional processes, the evidence that the increased use of data improves programs is still being developed.²⁰ A 1978 study by the National Academy of Sciences affirmed a lack of information about how often evidence is used for the improvement of programs.²¹ Nearly 40 years later, more is known today and increasingly the theory of the case is being bolstered. However, more research on the impact of evidence use at the national-scale will continue to help improve how strategies are developed and targeted for deploying limited resources in both building and using evidence.²²

In practice, the use of evidence can occur at multiple points in policymaking activities, even when policymaking does not adhere to a linear decision-making process (see Figure 1), which is often.

Evidence applied to identifying policy issues to be addressed contributes to a more informed dialogue about the nature of a problem. However, determining what a problem is in the first place is determined by societal values and perspectives of policymakers who use their own judgement to gauge whether the application or magnitude of the evidence is sufficient to merit governmental action. The very definition of a problem—which can vary based on the actor, time, or some other fact—tends to be a subjective exercise, and occurs through lobbying, constituent pressure, and personal experience, and may be informed by objective evidence. During problem definition, statistics on trends, breadth, or other characteristics that can be “known” about the situation or context may inform potential solutions.

Figure 1: Generic Policymaking Framework



Once policymakers define and analyze a problem, they must determine how to develop potential solutions to address the issue. The term “evidence-based policymaking” is often used to apply to this stage of the decision-making process, during which solutions are matched to the problems. In constructing potential solutions, it is useful for legislators to clarify how potential solution sets are expected to achieve policy goals. When evidence is developed with robust and well-applied methods and used for developing potential solutions, the evidence can be arrayed according to defined criteria and values for achieving policy goals. These criteria may include, for example, efficacy, efficiency, or some other attribute relevant for the decision. Importantly, this information and an assessment of its credibility precedes the selection of a solution.²³

The simplified depiction in Figure 1 of how decision-making occurs in public policy minimizes the complexity that exists within a highly variable suite of processes. Political scientists have largely not reached agreement on a single cohesive model or consistent theory of policymaking.²⁴ The process of selecting a preferred solution in Congress can be a source of intense political debate and discourse. When the merits of a proposal are used to reach a decision, the policy debate is informed using evidence.

DECISION-MAKING PROCESSES IN CONGRESS

Policymaking in Congress requires collaborative decision-making. Legislative routines are multifaceted, involve multiple points of decision-making, and two separate chambers. While Figure 1 depicts a generic policymaking framework, within Congress there are specific processes that enable problems to be defined and solutions to be matched and implemented through iterative and negotiated stages. Each of these stages in the legislative process also present an opportunity to increase the use of evidence to inform legislative action.



Program Authorizations

The program authorization process aims to create and define programs in law, which are then subsequently funded through appropriations.²⁵ Every program or policy in the federal government is linked to an underlying authorization. The authorization process enables congressional committees to engage in deliberations about specific policy matters and government operations. Authorizations are reviewed periodically by the committees of jurisdiction, with cycles that range from annual to multiyear or indefinite.

During program reauthorization, which can occur at Congress' discretion, Congress may review and choose to modify program elements, or not make any program changes. Such reviews provide opportunities to consider available evidence and to establish mechanisms to enable support for generating and using evidence. Members of Congress and staff, for example, can consider available performance metrics, evaluations, and research in determining priorities and needs for a program. They can also use the authorization to embed evidence-based practices into program designs. The approaches may also establish demand for generating evidence that is useful for Congress in subsequent reauthorizations.²⁶ Several notable examples of this practice have occurred over the past decade, including reauthorizations for the Maternal, Infant, and Early Childhood Home Visiting Program and the Teen Pregnancy Prevention Program.²⁷

There are numerous challenges with the authorization process in Congress that have implications for evidence use. In recent years, the authorization process has followed an irregular pattern with an increasing number of programs operating under expired authorizations.²⁸ Numerous government programs are also established through the appropriations process without separate authorizations.²⁹ In 2018, CBO estimated that 189 authorizations of appropriations would have lapsed by the end of the fiscal year, a large number for Congress to address to return to the reauthorization schedule.³⁰ The authorization process also does not always result in the establishment of clear statements of objectives.³¹ Goals may be vague as a result of the political and policy compromises made during lawmaking.

Budget and Appropriations

While evidence will rarely tell decision-makers precisely what funding levels are necessary for spending priorities, evidence can be used to help inform how spending and revenue priorities are set. The Congressional Budget and Impoundment Control Act of 1974 established the congressional budget process, including the adoption of an annual budget resolution.³² Through the budget resolution, Congress ideally agrees on broad budget priorities for spending and revenue. Over its 40-plus-year history, the congressional budget process has rarely worked as originally envisioned and deadlines are routinely missed or never met.³³ In recent years, the process has been increasingly criticized as dysfunctional, largely due to Congress' inability to resolve political differences.³⁴

Delays in the budget resolution also affect the annual appropriations process, leaving many agencies and programs with uncertainty about resources available to operate. In turn, this uncertainty affects the ability to support evidence-building activities necessary to provide Congress relevant evidence for use. By the time full appropriations measures are enacted, Congress is that much further behind on appropriations for the subsequent fiscal year.

Changes to the budget process have long been discussed to address the structural problems and reestablish the intended "regular order" to the congressional budget and appropriations process. Recognizing the challenges for the process moving forward, the Bipartisan Budget Act of 2018 established a new Joint Select Committee on Budget and Appropriations Process Reform to propose reforms to the budget process. The committee's report is due in November 2018.³⁵

Oversight

Oversight is the process by which Congress monitors and reviews virtually every government activity, with emphasis on activities delegated to the executive branch.³⁶ The core functions of congressional oversight can either be designed to enable routine monitoring of key issues prioritized by committees, or to establish the mechanisms through which major concerns or issues can be raised during the course of implementation from implementers or advocacy groups.³⁷ Opportunities to use evidence can fall within either approach to oversight, and the very generation of evidence often calls attention to key issues that may merit congressional action.

Through the committee system, Congress convenes hearings to review recent activities of an agency or program. These hearings may include discussions of legislation, appropriations, or other general matters. For example, on January 30, 2018, the House Committee on Education and the Workforce convened a hearing to learn about the intersection of privacy and evidence-based policymaking.³⁸ During the hearing, which was not convened for the purpose of considering any particular legislation, members heard from witnesses who offered a variety of perspectives about how evidence-building needs can be met while addressing privacy concerns.

Oversight is also used by Congress to encourage calibration of executive branch activities. If Congress perceives that a program action differs from what was intended, committees may use their oversight role to redirect it. Congress also has some authorities that are more formalized mechanisms for review of targeted actions. For example, under the Congressional Review Act, Congress reviews new federal regulations when they are promulgated and can overrule issued regulations.³⁹ Similarly, the Congressional Budget Act of 1974 provided congressional committees the authority to engage in program review and evaluation activities.⁴⁰ The authority permits committees to engage in targeted evaluation activities, including studies undertaken through contracts with non-congressional entities.

Appointments and Confirmations

More than 1,000 senior positions in the executive branch are appointed by the president, with the advice and consent of the Senate.⁴¹ While the existence of the process is delineated in the Constitution as a form of oversight, the exact protocols for hearings and discussions with appointees are established by Senate procedures. When nominations are received in the Senate, they are referred to the relevant committees after which nominees are investigated, participate in hearings, and, in most cases, are voted upon by the full Senate.

Confirmation meetings and hearings can provide mechanisms for establishing relationships between senior government officials and members of Congress. During hearings conducted under oath, witnesses may be asked to make commitments to examine certain policy issues during their time in office. For example, during a confirmation hearing of an official at the Environmental Protection Agency (EPA), the witness was asked to conduct a top-to-bottom evaluation of a certain program, which the witness agreed to, and then subsequently acted upon at the EPA.⁴² Commitments to support evidence-based policymaking made under oath may offer opportunities for encouraging behaviors desired by Congress.

The authorization, budget, oversight, and appointment processes all provide opportunities for Congress to encourage the use of evidence to inform decisions. Congress has undertaken numerous opportunities to improve executive agency actions, but numerous barriers exist to the use of evidence. These are discussed in greater detail below.

INCREASING SUPPLY OF EVIDENCE IN RESPONSE TO A GROWING DEMAND

The establishment of statistical agencies, such as the Census Bureau and the Bureau of Labor Statistics, signifies a long-standing recognition by lawmakers for the need to have relevant and reliable statistical data. These institutions have a history of generating trusted information to describe the U.S. population and workforce.

Increasingly, Congress has asked the executive branch to provide more information about programs and policies to support decision-making processes. In the mid-20th century, calls for policy-specific evidence increased, largely in the health, education, and labor policy domains. Articulating the challenges of the day, former U.S. Sen. Winston Prouty said:

“Year after year we sit and listen to this. If you don’t have the facts, tell us so, and if you do have them, present them for our consideration . . . We have to have more information to evaluate the programs and justify them to our colleagues . . . That is one of the greatest weaknesses I perceive year after year.”⁴³

Congress provided resources and encouraged processes within the executive branch to enable the generation of information useful to legislative decisions. Mechanisms included the expansion of statistics and evaluation resources, and activities such as demonstration waivers to test new approaches to implementing certain human services or social security policies.



Beginning in the mid-1990s with enactment of the Government Performance and Results Act (GPRA), agencies began routinely reporting annual performance metrics to Congress in budget justification materials. When reauthorized in 2010 through the GPRA Modernization Act, the authority grew to include tracking of high-level policy goals. While performance efforts have largely been standardized across agencies, efforts to address other informational needs remain less consistent. However, over the last two decades many federal agencies launched new activities to establish improved capabilities to conduct implementation, process, and impact evaluations at the request of both the White House and Congress.⁴⁴ These efforts collectively improved the supply of evidence available for decision-making both within the executive and legislative branches, though gaps remain there, too.

In 2016, with a recognition that much of the data collected by government were not sufficiently used to support the generation of evidence relevant for policymakers, Congress passed and former President Barack Obama signed legislation establishing the Commission on Evidence-Based Policymaking.⁴⁵ In September 2017, the commission issued its final report in which it made recommendations to address the gaps in generating information needed to meet the interests of federal policymakers (see Box 1).

Box 1: Recommendations from the U.S. Commission on Evidence-Based Policymaking Supporting Use of Evidence

The U.S. Commission on Evidence-Based Policymaking's report included 22 unanimous recommendations, which largely address issues of generating evidence by making better use of the data government already collects in the course of running programs or by conducting statistical surveys.

The commission recommendations include strategies to improve secure access to government data, to strengthen privacy protections, and to enhance government's capacity to generate and use evidence. Two of the commission's recommendations specifically relate to the use of evidence by policymakers, including in Congress:

- **Chief Evaluation Officers.** The establishment of chief evaluation officers across federal departments, a would ensure a senior leader is present within executive branch agencies to support the production of evidence, and to encourage the use of evidence throughout critical stages of the policymaking process.
- **Learning Agendas.** Government agencies would create "learning agendas" which are intended to help articulate priorities from policymakers and the public about evidence-building needs relevant to upcoming decisions. For example, if a major program reauthorization is on the horizon, the learning agenda would serve as a resource to inform those inside and outside government of evidence needed to improve decisions about the reauthorization, ensuring timely and relevant evidence would be available.

The commission's final report also included a series of principles for evidence-based policymaking that are relevant to Congress, including: transparency, privacy, humility, rigor, and capacity. The commission called for evidence that is generated to be publicly available to better enable its use, but recognized that rarely will a single study or piece of evidence address all relevant questions for reaching a policy decision. Therefore, policymakers should approach decisions with humility. In addition, the commission recommended that the capacity to use evidence should be integrated throughout government, which includes Congress.

Shortly after the commission released its recommendations, Congress began working to implement some of the suggestions to bolster the ability to generate evidence needed by decision-makers. The Foundations for Evidence-Based Policymaking Act of 2017 addresses several of the commission's recommendations.⁴⁶ The creation of the commission occurred as policymakers were increasingly articulating a preference to use conclusions from research and evaluation to inform important decisions. Policymakers are actively expressing a desire to use more and better evidence in informing decisions that affect the lives of the American public.

Other proposed legislation in the 115th Congress reflects the increasing demand for more evidence about government policies and programs, and the desire to use that evidence in reaching decisions (see Box 2). Multiple proposed bills in the 115th Congress seek to address some facet of evidence-based policymaking, and several of them demonstrate a growing interest in both having and using evidence that is perceived as credible and relevant for congressional decision-making.

Box 2: Examples of Legislation Establishing Demand for Evidence

- The *College Transparency Act*, sponsored by Sen. Orrin Hatch (R-UT) and Rep. Paul Mitchell (R-MI), directs the National Center for Education Statistics to develop a system for evaluating postsecondary policy issues, including enrollment, educational outcomes, and cost.⁴⁷
- The *Comprehensive Listing of Evidence for Assessments of Regulations Act*, sponsored by Rep. Mark Meadows (R-NC), encourages the publication of additional information used in the rulemaking process by the executive branch to improve credibility and replicability of analyses.⁴⁸
- The *Legislative Performance Review Act*, sponsored by Sen. Rand Paul (R-KY) encourages the use of information from GPRA and evidence of program performance when considering program reauthorizations, requiring that the House and Senate conduct portfolio reviews of programs to consider whether objectives are being met, program impacts, and the extent to which alternatives should be considered to achieve program goals in a more cost-effective manner.⁴⁹
- The *National Statistics on Deadly Force Transparency Act*, sponsored by Rep. Steve Cohen (D-TN), requires the provision of data about how law enforcement officers use force in their respective jurisdictions.⁵⁰
- The *STEM Research and Education Effectiveness and Transparency Act*, sponsored by Rep. Barbara Comstock (R-VA), calls for collection of data and reporting of statistics about federal research grants.⁵¹
- The *Student Right to Know Before You Go Act*, introduced by Sen. Ron Wyden (D-OR) and Rep. Duncan Hunter (R-CA), encourages the deployment of modern technologies to provide certain metrics about higher education debt, completion rates, and other educational outcomes.⁵²
- The *Survey our Servicemembers Act*, sponsored by Rep. Tom Rice (R-SC), directs the establishment of a new government survey to assess experiences of servicemembers in their interactions with the health care system operated by the Department of Veterans Affairs.⁵³



The Bipartisan Budget Act of 2018 included several other indicators about the growing demand in Congress for using evidence, and support for establishing the policies and practices in the executive branch to enable its use (see Box 3). Given the prevalence of legislation in the 115th Congress seeking to bolster the generation and use of evidence, there appears to be continued demand for evidence in multiple policy areas.

Box 3: Evidence Policies in the Bipartisan Budget Act of 2018

The Bipartisan Budget Act of 2018, enacted in February 2018, included several notable policies that encourage the generation and use of evidence.

- **Re-employment Services Authorization.** The Department of Labor received new authority to provide services for individuals receiving Unemployment Insurance to help them find strategies to return to work. The authorization limits the majority of funds to support “demonstrated” programs in states.
- **Pay for Results Authorization.** The Treasury Department received new funding to support projects in which contract payments will be connected to the achievement of pre-defined and measurable outcomes.
- **Home Visiting Reauthorization.** The home visiting program provides support for pregnant women and families to strengthen their skills for raising healthy children. The home visiting program places restrictions on funding to encourage models that have significant and positive effects in impact evaluations.
- **Family First Prevention Services Authorization.** Changes to the child welfare program included authorization of new activities to support evidence-based prevention activities in the foster care system. The new requirements for implementing prevention services deploy evaluation to help reduce unnecessary foster care placements.

Evidence Use In Congress

Congress—as both a requester and user of evidence—bears substantial responsibility for how federal policies have developed and been modified over time. However, in the congressional context, decision-making is often a complex, non-linear endeavor, where decisions are reached collaboratively and through iterative negotiations along sometimes unpredictable timelines.

The collaborative decision-making approach of Congress differs from the executive branch where hierarchical organizational structures dictate the source of decision-making authority in administrative policy contexts. Congressional processes are both complicated by—and benefit from—collaboration among users and the iterative processes employed to conduct oversight and create laws. This section begins by describing the potential users and their resources, then discusses identified barriers to evidence use.

POTENTIAL CONGRESSIONAL USERS

The typical member of Congress has at least one advanced degree, and represent a wide array of professional fields. Nearly all members of Congress have a bachelor's degree or higher.⁵⁴ Many members also hold graduate or professional degrees: 222 members have law degrees, 24 have doctorates, and 21 have medical degrees.⁵⁵ The variation in educational attainment and professional disciplines among members of Congress means that evidence will have different meanings and interpretations for what is valid and credible depending on the particular user.

Even with high levels of education, members face numerous challenges in using evidence in day-to-day activities given competing demands on their time and energy while in office. An increasing amount of their time is allocated to support re-election, as the cost of winning a congressional race between 1986 and 2014 increased by nearly 90 percent for the House and about 50 percent in the Senate.⁵⁶ Members also face constituencies that are increasing in size as the U.S. population grows, with ever-growing requests submitted to each office for casework on individual constituent issues.⁵⁷

In addition to addressing constituent requests and seeking re-election, members are expected to quickly learn about the entire breadth of the federal government's operations, funding, and both intergovernmental and private sector interactions across every policy domain. While members gain expertise through committee assignments, they are ultimately asked to vote on a wide array of topics. In the 114th Congress (2015-2016), legislation approved by Congress amounted to more than 6,000 pages of text, not including the numerous iterations of each of the 329 approved bills, or the thousands of pages of committee reports, budget estimates, and other supporting materials.⁵⁸ While the volume of text in the legislation itself may not appear daunting, the information behind the activities in Congress printed in the daily *Congressional Record* adds another 40,000 pages of material.⁵⁹ No member alone can realistically tackle the breadth of topics presented for decisions without additional support.

Even when members have the needed information at hand, the information may not be produced in a manner that sufficiently aligns with the potential uses in congressional processes. Staff serve as intermediaries and translators of the information members receive from various sources, including information from the media, interest groups, constituents, and academics. This information is put into more concise formats. But with brevity comes a loss of detail, meaning that as information is filtered, it can lose specific details that may affect how well it applies to a specific decision.

Members work directly with both personal staff and committee staff. The nearly 10,000 personal staff work for individual members on legislative priorities and constituent interests. The 2,200 committee staff, which largely include professional staff with topical expertise in one of the nearly 50 permanent congressional committees, work at the direction of the chair and ranking member of each committee or subcommittee in Congress.

Over the past 35 years, the number of congressional staff declined slightly.⁶⁰ But over this same period, the ability of the public to rapidly communicate complaints, perceptions, or beliefs drastically improved through the widespread adoption of the internet, email, and other web-based services. This constituent and caseload work in congressional offices also dramatically increased in recent years.⁶¹ Members and their staff are challenged to sift through volumes of information to distill relevance on given issues.



A Congressional Management Foundation survey identified that 97 percent of surveyed senior congressional staff perceive that knowledge, skills, and expertise are needed to effectively operate within congressional institutions, though just 55 percent were satisfied with those skill levels in Congress.⁶² While Members and their staff are highly educated, many are policy generalists and lack the volume of technical expertise found in the executive branch's institutions.⁶³ Some have also noted that leadership offices have increasingly concentrated information resources to help achieve political agendas, even while the nonpartisan support office staff have faced constraints.⁶⁴

In considering potential users of evidence in the congressional infrastructure, careful attention must be given to questions about the volume of information currently accessible, how information is disseminated, the extent to which sufficient staff are available to put information into a useful format, and whether current staff have the capability right skill sets to most effectively translate.

CONGRESSIONAL RESOURCES AND SUPPORTS

Congressional support agencies employ thousands of policy specialists and technical experts ranging from statisticians and microeconomists to physicists, which helps fill some of the expertise gaps noted above.

- The Library of Congress, the largest of the legislative support agencies, is officially the research arm of Congress.⁶⁵ In 2015, the Library included a staff of nearly 3,200 employees who maintain the vast stores of literature, photographs, and manuscripts, largely serving as an institution that connects researchers with information available in the library.⁶⁶ Within the library, the Congressional Research Service (CRS), with 600 employees, operates as “Congress’s own think tank” and responds to queries about policy issues relevant for developing legislation.^{67,68} The library also includes the Federal Research Division, which offers fee-for-service research products for the federal government and for other entities in partnership with the National Technical Information Service.⁶⁹
- The Government Accountability Office (GAO), the second largest of the support agencies with 3,000 staff, operates as an independent “watchdog” agency for government, auditing federal spending and conducting performance reviews of government programs.⁷⁰
- The Congressional Budget Office, the smallest of the congressional support agencies with 235 employees, provides analysis about budgetary effects and projected costs of legislation considered by Congress.⁷¹

Collectively the legislative support agencies reduced staff by nearly 40 percent between 1980 and 2015. Because the activities of support agencies are largely dependent on staff expertise, the net reduction in staffing over time among support offices has implications for the breadth of policy support provided to members of Congress and their staff. While constrained overall, the support offices have made efforts to engage in some training for professional and member office staff through seminars or other events, though such training tends to focus on orienting staffers to processes and resources available from the support agencies.

The declining staff for congressional support offices also reflects the termination of the Office of Technology Assessment (OTA), which Congress established in the 1970s to study emerging science and technology issues through a centralized and coordinated office.⁷² OTA was eliminated in 1995, with its functions partially absorbed into GAO.⁷³ Prior to OTA’s termination, Congress routinely relied on the organization for targeted studies of specific technology or science issues. Since the early 2000s members of Congress have called for the re-establishment of OTA. Beginning in 2001, former Congressman Rush Holt (D-NJ) sponsored legislation to re-establish the OTA with a lengthy list of bipartisan co-sponsors.⁷⁴ More recently, a bipartisan amendment to reinstate part of OTA was proposed for the Fiscal Year 2018 Department of Defense appropriation, though the amendment was not adopted.⁷⁵

In addition to the legislative support agencies, Congress sometimes develops temporary or permanent joint committees to provide staff resources and analysis for policy areas that span multiple congressional committees. For example, the Joint Economic Committee serves as an advisory committee about the state of the economy, similar to the Council of Economic Advisors in the executive branch. The staff of the Joint Committee on Taxation provides estimates and analysis of proposals to change the tax code.⁷⁶

Executive branch resources are also used by Congress to inform legislative activities as Congress exercises its appropriation and oversight responsibilities. Congress routinely establishes feedback mechanisms within the executive branch to support the informational needs of Congress.

Inspectors general, which exist at each major agency, have dual reporting responsibilities to Congress and agency heads. Since the 1970s, many agency inspectors general have increased in number and in their ability to conduct performance audits and other evaluative activities, with expertise and approaches analogous to GAO.

Policy, research, statistics, and evaluation offices across federal departments may be directed or requested by Congress to develop resources useful for legislative activities. For example, Congress may write specific evaluation activities into appropriations bills or committee reports to encourage their development for subsequent decision-making. No central reporting mechanisms exist to track the frequency with which such directive activities occur, though anecdotally this is a frequent expectation from congressional staff who interact with executive branch agencies.

Despite the constitutional separation of powers between the legislative and executive branches, when it comes to generating evidence relevant for policy decisions, the vast majority of information generated by government flows directly from the expertise within or contracted by executive branch agencies. However, much of this evidence is prepared for executive decision-making for program administrators, managers, constituents, beneficiaries, or implementation partners, which is a mechanism to support evidence-based policymaking in government and has co-benefits for legislative oversight when it occurs.

BARRIERS TO CONGRESSIONAL USE OF EVIDENCE

Evidence use in congressional decision-making requires sufficient institutional and individual enablers that can overcome the challenges that inhibit use. Drawing upon research on the barriers to use of evidence, this report identifies three groups of barriers to be addressed, though they are not exclusively limited to a legislative context.⁷⁷ First, perception barriers relate to how consumers of information view evidence’s utility, including the credibility of the source of the evidence, and the practice of its generation and use. Second, institutional barriers relate to existing organizational structures and whether they are well-designed to incorporate evidence use. Third, systemic barriers are those that arise due to processes and organizational or cultural norms. *Evidence Use in Congress* builds on past research to consider these perception, institutional, and systematic barriers (Figure 2).

Figure 2. Summary of Identified Barriers Affecting Congressional Use of Evidence

PERCEPTION	INSTITUTIONAL	SYSTEMIC
Perceived Usefulness Inconsistent Goals Limited Credibility Unclear Relevancy	Collaborative Decision-making Insufficient Expertise Evolving Congressional Oversight Functions Political Design Under-coordination with Executive Branch	Timing Undersupply Disincentives Champions Alternative Sources Cognitive Limits Opacity



PERCEPTION BARRIERS

Potential users of evidence in Congress may hold varying perspectives about the utility, value, and credibility of information they receive. When the evidence is generated, these perspectives may not be predicted or appropriately anticipated. Perspectives are also affected by the extent to which information is presented appropriately for the type of decision-maker and decision at hand. Different potential users hold different priorities, expectations, and needs about information that affect their perceptions and decisions.

Perceived Usefulness

Policymakers use information in different ways.⁷⁸ The usefulness of materials provided to decision makers are increased when the information is provided at a time-appropriate point and is perceived to be credible and relevant. Given the systemic and institutional barriers, however, perceived utility is also a function of the clarity and brevity through which information is presented to address the constraints of the decision-maker. Decision-makers are constrained in their ability to collect and process information, and thus, will use what they find immediately pertinent and discard less useful information.⁷⁹ Therefore, Congress relies on an informed public and resources of the executive branch to provide useful information when needed. But even then, Congress includes many realists that acknowledge the limits and uncertainties in evidence that can lead to multiple conclusions from the same study.⁸⁰

Inconsistent Goals

Congressional goal statements have been criticized as “nebulous,” “lofty,” “unrealistic,” or “absent” in legislation.⁸¹ The value of any form of evidence will directly correlate with the perceived ability to anticipate and address the goals of an individual decision-maker or group of decision-makers. These challenges are exacerbated because decision-makers, particularly in the congressional setting, do not always agree on program or policy goals. Members of different parties or even factions within political parties may have their own preferences about the goals of a program or policy, thus making agreement on congressional goal statements difficult. In addition, as party control, presidential administrations, and individual lawmakers change over time, so do the policy preferences and goals of decision-makers, making the consistent valuation of evidence difficult.

Limited Credibility

For evidence to be viewed as credible by decision-makers, they must trust the generator and conveyor, and view the information as objective or validating for the decision-maker’s argument. While it would be unlikely for a policymaker to re-analyze data in a study to assess or replicate findings, policymakers in Congress are likely to consider the source of information, perceptions of quality, presence of critiques, and the possibility of a political agenda behind the provider when judging credibility. Whether intended or not, the producers of evidence must develop strategies to encourage trust in their methods, analysis, and conclusions.

Unclear Relevancy

Understanding the quality of evidence requires some expertise to determine the relevance of evidence to the policymaking process, though lawmakers may not perceive a need to do so. Thus, evidence that could be perceived to be relevant to a policy choice at hand is not, and vice versa. For example, to understand whether an antipoverty program successfully improved the economic prospects of program participants, policymakers would naturally want to review the employment and wage status of the program participants upon completion of the program. However, the time required to measure a programs’ outcomes appropriately may be longer than decision-makers are willing to wait. A positive financial outcome immediately upon leaving a program could be temporary, or conversely, the benefits of a program may be latent, and not appear until years later. In addition to collecting evidence in the appropriate time frame, other possible challenges to perceived relevancy exist, including using measures of a program’s outputs (activities) instead of outcomes (effects on participants), misinterpreting the results of studies of program implementation as measuring impact, or meaningfully addressing uncertainty in conclusions.

INSTITUTIONAL BARRIERS

The design and structure of institutions affect the extent to which decision-making processes can effectively use evidence. Democratic elements of the congressional structures, which have general benefits for society, can limit the role evidence plays in congressional decision-making.

Collaborative Decision-making

The deliberative structure of congressional decision-making is a defining characteristic of the democratic, legislative body. While a positive attribute of democratic society, that structure can make it difficult to include evidence in the policymaking process. While evidence itself can support bipartisanship and collaboration, the collaborative decision-making model can cause negotiation or compromise to introduce conflicts when compromises are translated into law, including by introducing competing objectives into legislative language.⁸² Given the role of conference committees and the need to gather support for legislation through the House and Senate as separate collaborative bodies, the organizational structure of Congress causes evidence to compete with other priorities by necessity.

Insufficient Expertise

Many members and staff have a great deal of expertise on specific policy matters. But, the institution generally lacks sufficient expertise and resources to broker existing knowledge from government agencies, academia, and think tanks. A key driver of this challenge is high levels of staff turnover. Even when users can accept the face validity of the evidence, they may not be able to translate evidence into meaningful action or inputs into the policy process in a timely and appropriate manner. Complex regression analyses or sophisticated data analysis approaches may generate estimates that are not easily translated into binary choices, like deciding to increase or decrease funding for a program. Studies may present seemingly conflicting information about whether an intervention is effective. Even when expertise does exist to conduct such translation or knowledge brokering, fast-paced policy decisions require rapid translation of statistics, research, and evaluation.

Evolving Congressional Oversight Functions

Depending on perceptions about how Congress engages in oversight activities, the role of Congress in using evidence may differ. If monitoring all programs consistently is the goal, then evidence-based policymaking would imply equitable coverage. If Congress instead builds mechanisms for others to provide meaningful feedback and defers on highly technical matters, oversight may appear more *ad hoc*, by design. The multiple forms of oversight may create perceptions that Congress does not care about evidence, when that is not necessarily the case. Thus, how Congress exercises oversight functions may vary by committee, member, staffer, and over time to evolve with changing interests in Congress. The changing perspectives about what role should be taken in oversight creates some confusion about the “right” level of evidence use in congressional action.

Political Design

Congress is, by design, a partisan institution. Political parties must vie for power, control, and influence during virtually every action. Individuals engage in organizational politics to achieve senior leadership roles and influence even within their own political party. Because of the political design, even when the goals of a policy are agreed on, the interpretation of what evidence means may not be. For example, a member who created a program may not view favorably evidence that suggests the program is not working as intended.⁸³ The party and individual politics also mean that some decisions may prioritize the needs for electoral gains or some other political advantage over the use of evidence at a given point in the legislative process. In addition, the consolidation of information functions within the leadership offices has been suggested as a means to selective use evidence more to justify political agendas when convenient, rather than comprehensive use.⁸⁴

Under-coordination with Executive Branch

The legislative branch relies heavily on resources and expertise available in the executive branch. In many instances, Congress establishes mechanisms and processes for agencies to encourage the supply of information its members need. Because of Congress’s oversight and appropriations responsibilities, coordinating with the executive branch in obtaining evidence that can be used is necessarily complex. GAO surveys have documented gaps in the executive branch even reaching out to congressional staff to consult about evidence-building activities.⁸⁵ Executive branch officials have incentives to not share negative results that could adversely affect program resources or operations with Congress, and may similarly over-represent positive results from research and evaluation. The perverse institutional incentive structure reduces the credibility of the executive branch in performing as a broker of evidence, though that relationship may be precisely what Congress requires and expects.



SYSTEMIC BARRIERS

The systemic barriers involve the norms, processes, and procedures that Congress relies on for day-to-day operations and year-to-year continuity can be necessarily limiting for a dialogue about what evidence exists. These barriers emphasize the pace of legislative activities, the availability of evidence, poor incentive structures, absence of champions, numerous alternative information sources, and a lack of transparency about decision-making.

Timing

Congressional activities occur at both a rapid pace and sometimes on an unpredictable time frame. The speed and pace of legislative action is driven by a number of factors, including constituent expectations for rapid action, the 24/7 media cycle, increasing pressure from social media campaigns, electoral demands, and the availability of policy windows to achieve action. Even the best evidence provided to Congress is not usable if the evidence is not available in the right form at the right time. Once legislative vehicles are drafted or moving, the use of new evidence may be constrained, as interest-group politics take root on a policy issue. But in the rapid schedule of Congress where time spent on an issue competes with other activities, constituent demands, or electoral goals, procedural mechanisms and norms can still be instituted to better accommodate the use of evidence in congressional processes. This is especially the case when recognizing that on net for the breadth of government activities, change is often incremental and slow to occur.⁸⁶

Undersupply

Evidence cannot be used if it does not exist, even if the demand for use is present. Surveys conducted by the GAO suggest the absence of supply is a persistent challenge today that affects the use of evidence.⁸⁷ When evidence is not available in one policy decision, a policymaker may be less likely to pursue the use of evidence in the next decision. Yet undersupply is not necessarily a limitation for all policy domains, some of which have been quite successful in developing evidence requested and subsequently used throughout the congressional process. Such approaches include directed studies expressly written into appropriations bills or program authorizations. In these cases, Congress provided clear signals about where evidence would be most useful for future decisions to encourage supply.

Disincentives

Members of Congress may not be rewarded for using evidence that expressly disagrees with the perceptions or interests of their constituencies. Evaluation that differs from expectations must compete with “entrenched interests.”⁸⁸ In fact, a member who relies on available though not widely understood evidence may be penalized electorally by constituents or political opponents. Evidence, by its very nature, is generally agnostic to political considerations that drive electoral decision-making. On the other hand, there are no meaningful penalties in place for the misuse or under-use of evidence in the legislative process. Structural disincentives are also in place throughout congressional processes that may create additional barriers. For example, legislative scorekeeping rules sometimes prevent cost savings from a change to one policy area to count as cost savings when they affect programs in another area, even when the evidence shows savings are achieved. These procedural hurdles to evidence-based initiatives may make it more difficult to craft legislative responses based on evidence.

Champions

Speaker of the House Paul Ryan (R-WI) and Sen. Patty Murray (D-WA) established a strong base of support for certain evidence generation activities.⁸⁹ Bipartisan leadership was instrumental in the enactment of legislation incorporating evidence requirements in recent years, such as the Every Student Succeeds Act. A GAO survey also identified that nearly 20 percent of federal program managers perceive a lack of congressional support for evaluation as a barrier to their efforts to engage in evidence-building activities, and another 40 percent of managers were unable to judge whether or not the issue was a barrier.⁹⁰

Leadership in instituting evidence-based approaches has long been cited as a critical component for sufficient capacity to engage in use of evidence. Past research suggests that Congress can explicitly ask for results, provide resources, and require frequent evaluation.⁹¹ However, in Congress today there are few champions to promote evidence as a legislative priority.

Alternative Sources

As a partisan institution, Congress reflects a wide range of strongly-held views on the role and size of government. Partisan interests have increasingly grown to align with certain sources of information over the last 50 years, selectively using data to promote their own perspectives. Members and staff are also approached by ad hoc constituent concerns that may offer unrepresentative case studies for problems, or solutions, that exist in the policy context. More than 11,000 registered lobbyists walk the halls of Congress to influence policy and represent targeted interests that may not always offer objective presentations of evidence.⁹² All this information must be weighed simultaneously in reaching policy decisions, sometimes generating information “noise” that is distracting for those who want credible evidence to use.

Cognitive Limits

Policymakers face challenges in identifying in advance what information is useful for decisions, including when information could be used to clarify knowledge gaps or to reduce uncertainty.⁹³ When it is available, research that validates existing beliefs in the political process is most likely to be used to support policy statements.⁹⁴ However, not all evidence can offer such validation. Sometimes evidence directly contradicts the prior positions of a policymaker. Highly ideological policy debates may even inadvertently lead legislators to interpret information in a manner that reinforces prior beliefs.⁹⁵ False stories posing as legitimate media reports reflect the challenge in not just identifying credible information, but doing so while challenging preconceived biases about what is known or unknown. Nonetheless, work related to science communication has gained greater attention in academic circles, including through the development of new journals for the scientific community to better understand communication with each other and policymakers.⁹⁶

Opacity

Decision-making processes can lack transparency, limiting knowledge about what uses of evidence occur. When legislation is negotiated behind closed doors or does not proceed through regular order, determining when, how, and to what extent existing evidence was considered is simply not possible. Take, for example, the Tax Cuts and Jobs Reform Act which made substantial changes to the U.S. tax code outside of regular order and with little transparency.⁹⁷ However, one major program that was not directly altered was the Earned Income Tax Credit (EITC), for which there is substantial evidence that suggests sizeable and positive effects on income stability for low-income families.⁹⁸ While current law for the EITC was described in the 700-page conference committee report on the bill, no rationale was offered for making or not making modifications to the evidence-based credit, though inserting a description of available evidence would have been possible within the description of how the current law functions.⁹⁹ Moving towards a system of transparency will also have its own tradeoffs, as private negotiations can be a key tool in effectively coming to legislative compromises. However, even as an opaque process can be seen as having advantages, it continues to be a barrier to including evidence in congressional policymaking. Similarly, efforts within the executive branch where studies are produced but not released limits Congress’ ability to use that information productively.

Numerous barriers for congressional use of evidence exist. The 16 barriers to using evidence identified each, in isolation, present a real and substantial challenge to responsible and greater use of evidence. In Congress, however, many of these barriers operate in synergistic ways, meaning rarely is the issue a single barrier. The challenge for determining how to encourage Congress to better use evidence consistently is one of identifying strategies for enabling evidence to play an increasingly valuable role in the legislative context, while overcoming identified barriers.



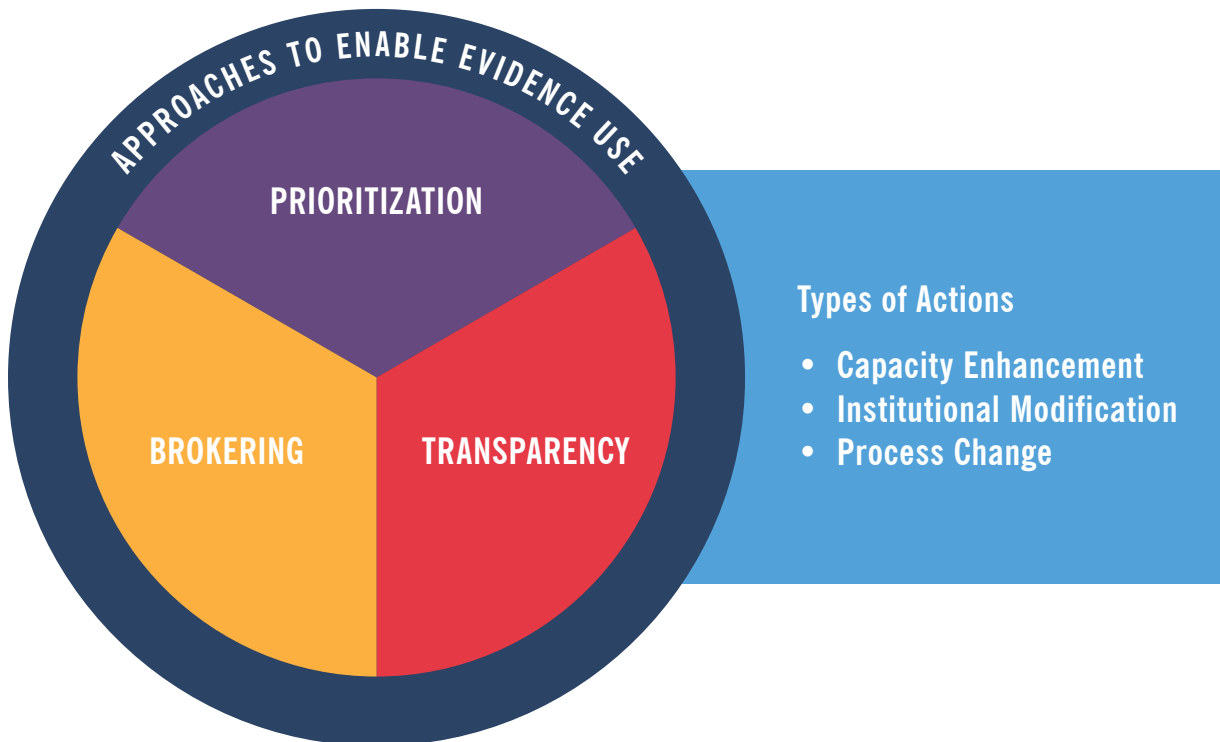
Overcoming Barriers To Enable Routine Use

Existing research suggests that to encourage use, users should be involved in the evidence-building process. Opportunities for such involvement include focusing on evaluation of changeable policies and articulating actions, disseminating interim results, providing lay-accessible summaries, and identifying appropriate mechanisms for disseminating results.¹⁰⁰ Research about the use of evidence largely envisions a single decision-maker or an executive, not a bicameral legislative body. The legislative context differs, suggesting a range of solutions may be needed to penetrate the long-standing institutional processes, procedures, and norms within the legislative branch, but also to supplement the existing capabilities of professional and political staff.

The levers to address the barriers described above are grouped into three types of actions: capacity enhancements, institutional modifications, and process changes. Capacity enhancements acknowledge that while substantial expertise and funding exists in Congress to support the use of evidence, the application of these resources is inconsistent and may not be allocated efficiently or at the level to match the needs of congressional offices. Institutional modifications can offer structural changes to the organization of Congress. Finally, process changes can emphasize areas where procedures, norms, and protocols throughout existing congressional decision-making processes can be modified to enable space and expectations for evidence to be incorporated into dialogue.

Based on existing research and interviews conducted for this report, three types of options are identified for responding to the barriers that relate to each of the levers: prioritization, brokering, and transparency. Each of these approaches is based considerably on what we know from the field of adult learning regarding the need to align knowledge motivations with professional demands (prioritization), to offer flexible mechanisms that support different types of knowledge acquisition (brokering), and to reflect on the range of information that can encourage re-organizing knowledge to

Figure 3. Approaches to Addressing Barriers to Evidence-Based Policymaking



understand new conclusions (transparency).¹⁰¹ Each concept is described in greater detail below.

Prioritization

Options that seek to prioritize evidence throughout congressional decision-making are those that would elevate the profile of dialogue about evidence in policymaking. The role of champions in advocating both the generation and use of evidence in policymaking has long been articulated as a necessity. But enabling conversations about evidence to routinely elevate through the course of partisan or political debates requires stalwarts who are willing and eager to encourage colleagues to embrace evidence to inform their decisions.

Beyond individuals who can articulate and promote the value and benefits of using evidence, processes within the legislative branch could better embody the use of evidence by building in steps that support sufficient documentation and time the availability of evidence with the decision processes for reauthorizations, budgeting, or other oversight functions.

Combining the recognition of champions with the processes that better enable and support the use of evidence, a priority of using evidence could be hardwired into legislative actions. The combination of leadership with appropriate processes increases the likelihood of positive attitudes toward evidence use, elevates awareness of how and in what contexts evidence is useful, and supports the institutionalization of evidence use.¹⁰²

Brokering

The need to provide timely and useful evidence to decision-makers means that access to information, communication between researchers and decision-makers, and the ability to understand what evidence says—and doesn't say—must be accommodated within the legislative context. Brokering enables connections to be made between those who generate evidence, those who implement programs, and policymakers, all while recognizing individuals learn and process information in different ways. Brokering provides intermediaries between those who demand evidence, those who generate it, and the eventual users.¹⁰³

Brokering has long been viewed as a strategy for connecting various research interests to policymaking. And numerous types of brokers can be said to already exist. For instance, congressional support offices serve a retail brokering function on the front line with some members in Congress.¹⁰⁴ Wholesale brokers are less prevalent today, though Congress relies to some extent on the executive branch to fulfill this capacity. The brokering function is highly dependent on human resources, with sufficient skills, capacity, and personnel to translate, connect, and disseminate.

Transparency

Options that encourage transparency recognize the need for democratic society to have information for how decisions are reached and how evidence is used, eventually allowing for better evaluation of the use of evidence itself. The Commission on Evidence-Based Policymaking found that transparency is a fundamental principle of generating and using evidence. In the congressional context, transparency is essential to support the use of evidence when credibility is constantly under threat because of partisan, political, or interest group equities, and when numerous stakeholders engage in congressional deliberations.

The burden could be placed, in part, on researchers, universities, or other evidence generators to enable policymakers to use their information.¹⁰⁵ But Congress should also be expected to use evidence to the best of the institution's ability. Both approaches to improving usefulness and encouraging use are complementary. Congressional processes, organizational structures, and resources can better align to place greater burden on Congress to make good decisions that benefit the American public. Enabling transparency about important policy questions, the availability of data and research on specific issues, and familiarity with knowledge gaps serves to enable evaluation of evidence use in determining whether the effort on evidence-based policymaking itself improves decision-making outcomes.

The goal of using evidence is to provide lawmakers with the ability to better understand the implications and uncertainties of decisions, not to dictate



what those decisions will be.

Thus, the use of evidence in the congressional context must achieve a reasonable balance between the ability of generators to make useful evidence and the ability of potential users to articulate demand and priorities. At a minimum, addressing each of the core issues related to prioritization, brokering, and transparency within the solutions could be a step toward robustly addressing the barriers currently facing Congress' routine use of evidence.

The options described in Volume 2 of this report acknowledge the complexities of the barriers Congress currently faces, and strive to provide evidence with a seat at the table in congressional decision-making. No single option described in Volume 2 of *Evidence Use in Congress* will be a panacea for Congress. In fact, numerous options that offer benefits for the use of evidence may impose restrictions or limitations on other aspects of congressional operations. Imposition of new processes and procedures to encourage the use of evidence in policymaking can slow decision-making processes and impose new transaction costs.¹⁰⁶ So evidence-based policymaking itself is not without trade-offs.

But if Congress is serious about strengthening its own ability to improve government performance—with potential gains in public trust—all options must be on the table for an open and honest dialogue.

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Appendix: Methods

From June 2016 to January 2018, project staff met with 71 individuals in House and Senate staff positions, from legislative support agencies, from Executive Branch agencies, and from non-governmental or academic institutions. The meetings included 20 Republican staffers, 12 Democratic staffers, and 39 individuals without an identified partisan affiliation. Individuals were identified using expert judgment and snowball sampling based on recommendations on initial interviewees. Meetings used an unstructured open interview format to enable discursive conversations with knowledgeable individuals. In addition, the Bipartisan Policy Center hosted a closed-door roundtable with more than 40 individuals to discuss the issues identified and presented in this report.

Interviewed individuals and roundtable participants represented current or former staff of the following organizations (note individual member offices not listed):

HOUSE

- Leadership Offices
- Appropriations Committee
- Budget Committee
- Education and Workforce Committee
- Ways and Means Committee

SENATE

- Leadership Offices
- Appropriations Committee
- Budget Committee
- Health, Education, Labor, and Pensions Committee
- Finance Committee

CONGRESSIONAL SUPPORT

- Joint Economic Committee
- Congressional Budget Office
- Congressional Research Service
- Government Accountability Office

EXECUTIVE BRANCH

- Commerce Department
- Commission on Evidence-Based Policymaking
- Government Services Administration
- Homeland Security Department
- Office of Management and Budget
- Treasury Department

STATES

- Idaho
- Utah
- Washington

OTHER

- America Forward
- American Evaluation Association
- Brookings Institution
- George Mason University
- George Washington University
- Georgetown University
- Harvard University
- Heritage Foundation
- John Hopkins University
- Laura and John Arnold Foundation
- MDRC
- Massachusetts Institute of Technology
- National Academy of Science, Engineering, and Medicine
- National Governors Association
- Pew Research Center
- Urban Institute








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