Congress and Evidence-Based Policymaking:

Creating a 21st Century Legislature

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Prologue

The Bipartisan Policy Center is exploring how to advance the use of evidence-based policymaking in Congress. Evidence-based policymaking uses findings from rigorous research and program evaluations to guide decisions about public policy and funding. The goal of an evidence-based approach is to more rigorously drive public funding toward policies that achieve positive social outcomes for people at the lowest possible cost.

BPC is consulting with congressional staff, other key participants in the policymaking process, and policy experts to gather ideas about the most effective ways to employ evidence-based approaches in the legislative process. From these conversations, BPC is seeking to identify the challenges to greater use of rigorous evidence in Congress, discern ways to address those challenges, and craft recommendations to build a stronger foundation of rigorous evidence in the routine work of Congress.

This white paper provides a brief overview of evidence-based policymaking and recent interest in Congress. Based on our interviews, the paper outlines the broad challenges to the wider use of evidence-based policymaking in the legislative process and suggests a broad framework for creating an evidence-based culture in Congress. Later this year, BPC will release a final report with concrete recommendations for achieving more robust evidence-based policymaking.

Table of Contents

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Introduction

The 15-member Commission on Evidence-Based Policymaking, appointed by President Obama and the bipartisan leadership of Congress, began its work in the summer of 2016 and is scheduled to report its recommendations by September of 2017.

Congress' effort to create the commission represented a welcome display of bipartisanship. In April 2015, House Speaker Paul Ryan (R-WI) and Sen. Patty Murray (D-WA) sponsored the legislation establishing the commission. Both members had introduced identical bills in the prior Congress, when each was serving as the respective chairs of the House and Senate Budget Committees. The final legislation was approved by the House and the Senate without objection, and was signed into law on March 30, 2016 (H.R. 1831, Public law 114-140).

The legislation directs the commission to "conduct a comprehensive study of the data inventory, data infrastructure, and statistical protocols related to federal policymaking and the agencies responsible for maintaining that data." The commission is also to make recommendations on how those data systems and protocols should be changed to make them more useful for evaluating the effectiveness of federal policies and programs. It is further directed to "make recommendations on how best to incorporate outcomes measurement, institutionalize randomized controlled trials, and rigorous impact analysis into program design."

At first glance, the creation of a government commission to study federal data and statistics would seem at best a subject of interest to a relatively specialized group of program managers, researchers, and academics—perhaps not rising to a level of interest or significance generated by the important and controversial policy matters that routinely confront Congress. However, the commission's creation is an important step for Congress as it seeks to modernize and strengthen its fundamental lawmaking capacity in response to the complexities of modern governing.

In creating the commission, lawmakers acknowledged that the large and growing stores of administrative and other data held by federal agencies and other entities, combined with increasingly sophisticated and complex methods to analyze that data, represent both a tremendous opportunity and a daunting challenge. Federal data stores are an important building block in the emerging field of evidence-based policymaking—an approach to policymaking that uses findings from scientifically designed research studies and program evaluations to measure whether programs achieve their stated goals.

Evidence-based policymaking requires the use of valid and reliable data to measure program outcomes. **Such an approach has the potential to provide lawmakers with valuable metrics on how well programs are working**. At the same time, however, the effective use of federal and other data sets may be limited by the sheer volume of data; outdated computer systems; difficulty accessing, analyzing, and understanding the data; inadequate staff capacity; and practical questions about how that data can be used in a legislative setting in a timely fashion

As the commission studies and prepares to make recommendations on the optimal use of federal and other data in the policymaking process, Congress should consider whether it is well-positioned to make optimal use of that data as well. In the complex and rapidly-changing policy environment of the 21st century, Congress is better able to carry out its core legislative duties if it can use data, evidence, and other modern information sources in the most effective manner possible.

What is Evidence-Based Policymaking and Why It Matters

Evidence-based policymaking is a relatively recent movement in domestic social policy (see the Appendix for additional background). It is focused on measuring the actual outcomes (and impacts) of public policies that are intended to address various domestic social problems—such as poverty, unemployment, educational achievement, homelessness, recidivism, and other pressing social issues—and use that information to fund the policies that are most effective. In an evidence-based approach, findings from scientifically-designed research and other rigorous evaluations inform policy decisions about which policy interventions work, which ones do not, and how ineffective programs can be improved. **The goal is to compile a base of evidence upon which policymakers can rely to target scarce public resources to those policies with the greatest chance of success.**

In the realm of policymaking, defining what constitutes evidence that a policy design or intervention works is a complex issue (see Box on What constitutes rigorous evidence?). Fundamentally, evidence is derived from evaluations and other rigorous studies that use data. That data can be derived from a number of sources—randomized controlled trials (RCTs) or other scientifically designed experiments, surveys, data collected by government agencies to support program operations (known as administrative, or program, data), census data, and other data that may be collected and aggregated in large sets.

Creating Evidence-Based Policy: What Constitutes Rigorous Evidence?

A key question in the effort to expand evidence-based policymaking is what type of data or information constitutes valid evidence of results. There is an active debate about the type of evidence that is both useful and practical for showing whether certain policy approaches work. While acknowledging that research guided by RCTs or other rigorous scientific designs is a valid method for showing cause and effect for certain policy intervention, some express concern that the extent to which the policymaking process—especially in Congress—can effectively use that evidence in a practical way to make policy decisions may be limited. RCT's, for example, may have limited value in some cases because they may take many years to complete, and may not provide a sound basis to apply a particular intervention on a larger scale or to groups with different characteristics than those tested originally. Large sets of administrative or other data may have useful information that can be utilized in evaluations and analysis more readily, and may potentially produce results on a shorter timeline. On the other hand, that data may also be of questionable quality, harder to access and interpret, may make it more difficult to isolate information on cause and effect for a particular policy, and may therefore lead to incorrect or misleading conclusions.

Clarifying the strengths and weaknesses of various types of research and data for policymaking is important. However, it is just one of several issues that should be addressed as part of a broader effort to expand the use of evidence-based approaches. While policymaking at any level of government is a complex undertaking, those complexities are magnified for federal lawmakers seeking to set policies for the entire nation. There may be no "one size fits all" approach for using rigorous data and evidence in support of the federal policymaking process. It may be more helpful for researchers and policymakers to focus on how the full range of available data—from RCTs to large data sets—can be used most effectively depending on different circumstances, including how national policies can be made to work most effectively under conditions that may vary from one region or locality to another and that may change over time.

By using these data to conduct research on social policy in recent decades, researchers have been building a base of evidence on successful interventions. This body of research and data has attracted the interest of philanthropic organizations, community-based organizations, and other entities that seek to help vulnerable populations, and these organizations have helped to promote and fund more research on the type of interventions and protocols that can help these groups.

Paired with advances in analytic methodologies and modern computing technology, **the widespread interest in evidence-based solutions to various social problems has led to an explosion of new research on how to target public policy and funding more effectively**. Lawmakers at the federal, state and local levels have become increasingly interested in the potential for this type of research to help inform the development of new policies and to evaluate current programs. For example:

1. A substantial body of research going back many years has shown that a well-designed program of home visitation by medical or social service professionals can measurably improve outcomes for the children of low-income families. This led the George W. Bush administration, as part of its FY 2008 budget submission to Congress, to request funds for a pilot project for home visiting grants backed by evidence of improved outcomes for low-income families. In 2010, Congress funded a five-year authorization (since extended through 2017) for an expanded program named the Maternal, Infant, and Early Childhood Home Visiting Initiative.[1]

2. Research shows that one-on-one tutoring for struggling readers delivered by certified teachers leads to significant improvement in literacy. But that approach is expensive and typically beyond the means of most school districts. An alternative model, the Reading Partners program, uses community volunteers who receive basic training and are supervised by an on-site coordinator. In 2011, Reading Partners received a three-year grant, partially funded by the federal Social Innovation Fund, to expand its program across the country. An independent evaluation by MDRC showed that the program had positive, measurable effects on several indicators of reading proficiency.[2]

3. Many public programs assist homeless individuals and families by providing temporary, emergency housing. However, rigorous research has shown that programs that offer permanent housing as quickly as possible—along with supportive services to address mental health, substance abuse, and other health issues—can lower overall public costs by decreasing the demand for emergency medical services by homeless individuals. The Department of Housing and Urban Development (HUD) has implemented this model through a supportive services program for the homeless, and HUD and the Department of Veterans Affairs have partnered to carry out a similar program focused on homeless veterans.[3]

These and other evidence-based initiatives were implemented in the George W. Bush administration and Obama administrations. However, they comprise a small percentage of total federal spending on social programs. Most long-standing social programs funded by the federal government do not have a base of rigorous research with solid evidence that they measurably improve outcomes for the targeted populations.[4]

Public opinion surveys show that a large majority of the American public believes federal programs are poorly run. At the same time, sizable majorities also think the federal government is critical to solving an array of policy issues—including strengthening homeland security, boosting the economy, improving education, expanding health care, and reducing unemployment.[5] It may be that a part of the public's frustration with some federal programs is their sense that in many cases there is not good information on whether taxpayer dollars are being spent effectively or having the desired effect.

The Trump administration, in its initial budget blueprint for fiscal year 2018, asserted that it "will take an evidence-based approach to improving programs and services—using real, hard data to identify poorly performing organizations and programs."[6] The budget proposes to significantly reduce or eliminate funding for a range of nondefense discretionary programs, asserting that some of those programs lack rigorous evidence of effectiveness. While lawmakers in both political parties agree that public resources should not be spent on ineffective programs, some are concerned that the Administration's proposals focus only on achieving spending cuts instead of seeking opportunities to improve those nondefense programs or use evidence-based ideas to redirect those funds to more effective approaches that are less costly.

In a time of tight budgets and constrained resources, a rigorous evidence-based approach to making policy and evaluating federal programs may hold the key to bipartisan efforts to tackle difficult social problems in a fiscally responsible manner. The promise and potential of an evidence-based approach to policymaking, especially in a time of divisive partisanship, is that it provides the capacity for efforts to redirect or repurpose funds from poorly performing or failing programs to policies that may deliver those services more effectively and at lower cost.

Issues and Challenges for Congress

The inherent complexity of the policymaking process in Congress makes the use of scientifically-derived information less straightforward and more challenging than in other settings. While evidence-based analysis can provide valuable data and information for lawmakers, and has the potential to serve as a basis for bipartisan consensus on a range of issues, it is unlikely to set aside the pull and tug of interests in a pluralist policymaking process, or substitute for threshold decisions such as the appropriate size or role of government. The challenge is to understand how rigorous evidence and data-driven analysis can be most effective and add the greatest value within the broader swirl of modern political decision-making, not merely substitute for it.

Several potential issues arise as lawmakers consider how to incorporate more rigorous evidence, data, and other metrics in the congressional policymaking process.

Accessibility and Credibility

Research studies or large program data sets may be difficult for nontechnical users—including policymakers and other officials—to comprehend and properly utilize. It is important that those who develop and use this data, and who conduct the evaluations, also consider the value of making the data more accessible to, and understandable by, a lay audience. To the extent that lawmakers consider evidence and supporting data to be opaque, it is more difficult for them trust the analysis on which it is based.

Ensuring the accessibility of data and evidence is important in helping lawmakers make a direct connection to the key policy questions that they are confronting. Questions about the credibility of that data, whether it is objective and free from bias, may be harder for some lawmakers to overcome. For example, lawmakers may be reluctant to fully trust analysis from executive branch agencies, even when it is contracted out to independent firms or overseen by career civil servants, simply because the president is from the other political party or because of the natural competition between the branches built into the Constitutional separation of powers. Also, lawmakers may be naturally suspicious of research and analysis based on complex data sets or scientific analysis that is opaque and difficult for nontechnical users to understand. The pace of the legislative process may not always allow them the time, even with the help of staff, to become comfortable with such research and analysis.

The issue of credibility also may be exacerbated by the challenge of basic communication between the research and policymaking communities. Technical reports need to be translated into cogent policy briefs that officials can quickly digest and understand. As the experience of several states has shown, building trust between the research community and policymakers, staff, and other officials is a key component in the effort to expand the use of evidence in a legislative setting. (See the appendix for additional background.)

Transparency and Usability

Federal departments and agencies collect a wide range of data on the programs they implement. In fact, the principal function of some agencies is to collect, compile, process, and analyze data to support various federal programs and to provide important data on the nation's economy and on broad trends in crime, education, housing, agriculture, and other important areas. A core group of statistical agencies, comprising the Federal Statistical System, provides the bulk of the key data that is most useful for evidence-based evaluations.[7]

There are current efforts aimed at improving the transparency and usability of existing data to make it more easily available for additional research. For example, in addition to the work of the Commission on Evidence-Based Policymaking, certain agencies are moving forward under current law to clarify, consolidate, or link existing data sets to make them more accessible and easier to use. For example, the Census Bureau, which is the federal government's central repository and coordinating agency for most demographic and economic data, has established an extensive data linkage infrastructure for existing federal data sets. The goal is to make federal data more accessible for researchers and to enable policymakers to connect existing data across agencies.

The Digital Accountability and Transparency Act (DATA) Act of 2014 requires the Treasury Department and the Office of Management and Budget (OMB) to develop a standard, government-wide database of all federal spending data that can be tracked publicly. The goal of the DATA Act is to establish a common structure for all federal spending data that can link individual recipients of federal grants or awards to the legislation that authorizes that spending. This is a complex effort, as most federal departments and agencies do not now have a common structure for spending at that level of detail. While the data structure and public website for the DATA Act are still being formed, it holds the potential to be an important data point in the effort to link spending data to program outcomes.

Privacy

Data accumulated in large data sets, especially the data held by federal agencies, also present issues related to how that data can be used effectively while also ensuring that safeguards are in place to protect individual privacy. Federal statutes and regulations set in place rules and guidelines for ensuring that personal information contained in federal administrative data is protected, but it will be necessary for those regulations to keep pace with the explosion of data collection. On the other hand, those safeguards, including regulations that wall off the data within federal departments or agencies, have the effect of closing off access to valuable data sets that could be useful in evaluating programs managed by a different agency.

Capacity

Executive branch agencies, to varying degrees, have established research and evaluation offices and research clearinghouses, both to create the expertise needed to manage evidence-based grant programs and to assist organizations that might apply for those grants. These offices and clearinghouses are an important resource for building and maintaining the growing evidence base of relevant research in the key policy areas for which the grants are made. More broadly, some federal agencies also have evaluation offices that have been created to assess the implementation of agency programs, and the findings from these evaluations often form an important component of the evidence base on how well programs are working and steps that can be taken to improve their performance.

The Government Accountability Office has recommended that this agency research and evaluation capacity should be expanded and that resources should be devoted to helping agencies coordinate their efforts so that lessons learned in one agency and can be applied more widely.[8]

The issue of technical capacity may be especially important for Congress. While some committees have been active in incorporating evidence-based criteria in legislation, there may be a broader need to establish an institutional capacity to manage and assess the vast amount of research and data that are available to evaluate federal programs and policies. In a legislative setting, lawmakers and staff must manage vast amounts of information and may have limited capacity to assess the technical detail and analysis that underpins the evaluation research used to make evidence-based policy decisions.

Timing

The pace of the legislative process in Congress is unpredictable. In some cases, there may be significant lead time, such as for multi-year authorizing legislation for major education programs, nutrition assistance, or family support. In other instances, legislative initiatives—including major legislation—can spring up relatively quickly. Research on these programs can be time consuming, with results not known for years. Independent evaluation can often take longer. For example, the federal agencies administering tiered-evidence grants generally impose evaluation requirements on grant recipients during the lifecycle of the grants, which initially was for three to five years. In some cases, they have also contracted with independent evaluators to undertake national evaluations of those programs. While preliminary or initial findings from evaluations may be known earlier, final evaluations may not conclude until well beyond the initial grant period. For example, the law creating the Maternal, Infant, and Early Childhood Home Visiting Program (MIECHV) mandated a national evaluation of the program's implementation. Initial findings were reported in January 2015, and while those findings reported on grantees' fidelity to the evidence-based criteria established in the law, evaluations of the broader outcomes for grant recipients have not been completed.[9]

Rigorous evidence of outcomes is likely more useful at the early stages of the legislative process, when legislation is being developed, programs are being designed, or current programs are approaching reauthorization. But when long lead times are not possible, or significant issues arise unexpectedly, legislators will want and need relevant evidence to make the best judgments possible in the time available. In those circumstances, legislators may not have time to await the final results of studies or independent evaluations.

Complexity of the Legislative Process

The legislative process is complex. It has many centers of power, practices based on written rules and longstanding practice, and many different pathways for important information in support of legislation to enter the process. Making rigorous evidence widely usable in this complicated process may be a challenge.

In general, Congress legislates in three broad steps. First, Congress recommends broad budget and fiscal policies through the annual adoption of a concurrent resolution on the budget. That measure does not become law, but the broad policy assumptions that underlie the resolution's budget totals contain important guidance on lawmakers' overall priorities. Second, Congress sets or renews specific policies for federal programs through laws that are in the jurisdiction of so-called authorizing committees. These authorization laws may provide funds directly (mandatory spending), or may simply authorize later appropriations (discretionary spending). In either case, authorization laws set the policies and requirements for federal departments and agencies to follow when carrying out those federal programs. Third, Congress adopts annual appropriation laws, in the jurisdiction of the Appropriations Committees, to provide funding for discretionary programs established in authorizing laws.

All three processes can incorporate rigorous evidence of outcomes into their decision-making. The major evidence-based legislative initiatives have largely been developed by congressional authorizing committees, as part of major health, education, and welfare reform measures. Some evidence-based grant programs are funded through discretionary appropriations, which are in the jurisdiction of the Appropriations Committees. And even though the budget resolution does not become law, it is the vehicle for setting broad spending and tax policies than can be informed by evidence-based research.

But each type of legislation has a different focus and often a different timing. For example, the President's budget is submitted on the same general timetable each year, with a relatively strict schedule of budget preparation leading up

to its submission. Congressional legislative action often strays from set timetables and can extend beyond statutory deadlines. Also, the lines between the authorization and appropriations processes can become blurred, with each process taking on more of a policy or funding role than would normally be the case.

This complexity may make it more difficult to find the optimal place in the legislative process to use evidence-based information, or to know what form it should take. One of the key lessons from state experience may be helpful. States that have developed the most extensive evidence-based cultures create mechanisms for researchers and legislators to exchange information on a regular basis, so that needs of legislators can be clarified (see the Appendix for additional background). While Congress' legislative process may be more fragmented and complex than many state legislatures, this type of communication may help make evidence-based research more usable by Congress.

Another issue is whether the results of rigorous, evidence-based research on program effectiveness can be reflected in cost estimates of legislation that are prepared by the Congressional Budget Office (CBO). CBO estimates are a critical part of the legislative and budget process, and the net costs or savings estimated by CBO for a particular bill is a key consideration for Members. CBO estimates do not reflect effectiveness on social outcomes, only budgetary outcomes. Much of the evidence-based research is focused on the question of delivering services at a lower cost, but those studies may not show potential savings within the standard ten-year scoring window used in the congressional budget process, or may use estimating techniques that differ from the statutory requirements and conventions CBO follows in preparing cost estimates and baseline budget projections based largely on current law.

Expanding to Other Policy Areas and Existing Programs

The focus of the evidence-based movement has been on social policy interventions. Are there opportunities to expand this type of analysis to other policy areas, including the tax code, economic and regulatory policy, or national security programs? Social policy interventions are fertile ground for analysis, in part because they generally involve interventions to groups of people whose behavioral responses to particular interventions can be observed. It may be more difficult to devise research studies that measure outcomes for policies aimed at, for example, improving infrastructure, making the tax code more efficient, or protecting the environment, whose costs and benefits are more diffuse.

Some also express concern that evidence-based analysis for social policy interventions tend to be focused on creating new programs or policies, as opposed to evaluating the performance of existing programs. Conversely, others may view that focus as subjecting social programs to a level of scrutiny that other programs, lacking in rigorous evaluations, may not have to face. Fundamentally, evidence-based policymaking is the use of scientific research, informed by rigorous evidence and data, to guide funding decisions. Broadening this framework to a wider assessment of existing programs may be important to expanding support for its routine use in the legislative and budget process.

Growing Interest in Congress

Congress has shown a growing, bipartisan interest in expanding the use of evidence-based policymaking. The legislative effort to create the Commission on Evidence-Based Policymaking is the leading example. But it is far from the only one. During the 114th Congress, lawmakers' strong interest in evidence-based policymaking culminated in legislative action on several key measures.

The Every Student Succeeds Act (ESSA), enacted in December 2015 to reauthorize federal elementary and secondary education programs, expands and modifies the program for evidence-based grants administered by the Education Department. The law created an evidence-based framework for education grants, including a definition of rigorous evidence and a tiered-evidence structure with explicit criteria for grant recipients and evaluators to follow. It also authorized pay-for-success initiatives and set aside funds for evaluations of tiered-evidence grants and formula grants authorized under the bill.

In June 2016, the House passed two bills that would also develop evidence-based frameworks for domestic policy. The Family First Prevention Services Act (H.R. 5456), sponsored by Reps. Vern Buchanan (R- FL) and Sander Levin (D-MI), establishes evidence-based prevention services to keep kids out of foster care and reduce the number placed in group homes. The bill would shift funding from traditional foster care services, which generally provide assistance only if children are placed in a foster home, to other options that would focus on evidence-based assistance to help families keep the child in a family setting. The Social Impact Partnerships to Pay for Results Act (H.R. 5170), sponsored by Reps. Todd Young (R-IN) and John Delaney (D-MD), would use the pay-for-success financing model to create evidence-based demonstration projects on a range of interventions to improve outcomes for several specified policy areas, including education, employment, recidivism, homelessness, and health. The goal is to fund proven methods, test promising new ideas, and create an evidence base for future use. (In the Senate, a companion measure (S. 1089) was introduced by Sens. Orrin Hatch (R-UT) and Michael Bennet (D-CO)).

Both bills passed the House by voice vote without objection. Although the Senate did not approve the measures before the end of the 114th Congress, they are a significant step forward for evidence-based policymaking in Congress. In particular, like ESSA, the two measures established criteria for funding both proven methods and promising new ones. This establishes the cycle of evidence needed to build the evidence base and provide for continuous learning. The measures also establish evaluation requirements for those applying for grants. H.R. 5170 would establish a statutory structure housed in the Treasury Department, and authorized the secretary to enter into contracts with state and local governments for demonstration projects that meet the evidence-based criteria under the law. The bill also establishes an interagency council with representatives from each major department and agency, and OMB, to coordinate the projects and provide guidance to Treasury in developing criteria and evidence standards. (Both bills have been reintroduced in the 115th Congress. The Family First Prevention Services Act was reintroduced on January 13, 2017 as H.R. 253. The Social Impact Partnership Act was reintroduced in the House on February 1, 2017 as H.R. 576 and in the Senate on April 27, 2017 as S. 963.)

In addition to these bills, Speaker Ryan has proposed an evidence-based approach to poverty reduction as part of the House GOP "A Better Way" policy agenda. The June 2016 report of the Speakers' Task Force on Poverty, Opportunity and Upward Mobility also proposes a tiered-evidence structure to fund programs with an evidence-based track record, but also to develop promising new approaches. The report also notes the importance of including evaluations as part of the tiered-evidence structure and the importance of building an accessible evidence base for ongoing learning about the approaches that are the most effective at the lowest possible cost.[10]

Lawmakers efforts in the 114th Congress created important momentum toward creating a stronger evidence-based culture in federal programs. Those efforts generally have certain key features in common—statutory definitions of evidence or evidence-based criteria; tiered evidence structures to focus resources both on interventions with strong evidence and those that are promising; using the tiered structure for ongoing learning about what works; and requiring independent evaluations. These common features are instructive as lawmakers contemplate other evidence-based initiatives or other ways to create a broader evidence-based culture within Congress.

Creating an Evidence-Based Culture in Congress

The fragmented nature of the legislative process, the clash of partisan interests, and the labyrinth of legislative procedures and practices make it more difficult to establish a coordinated structure for using research and evaluations in a more systematic fashion in the legislative process. Yet Congress also confronts increasingly complex policy issues that are informed by vast amounts of data and other technical information. It is important that Congress have a robust capacity to digest research and evaluations.

A broader commitment in Congress to an evidence-based policymaking approach likely requires ongoing efforts to help build and maintain the evidence base, to develop the technical capacity to objectively evaluate that evidence, and to provide the leadership and resources necessary to make the use of that evidence a priority. Efforts by Congress to embed an evidence-based culture within its own institutions and procedures would help give evidence-based policymaking a more certain foothold in the federal policymaking process. Perhaps as important, that commitment also could help elevate the quality of the information that Congress uses to make policy in a data-intensive world.[11]

Building Evidence-Based Capacity

Throughout the nation's history, Congress has responded to the changing demands of governing by building legislative capacity. In the 20th century especially, the scope, complexity, and demands of governing expanded with the challenges posed by two world wars, the Great Depression, and the development of modern government in the post-World War II era. Congress has responded by improving its own resources, in part by expanding the role of policy experts in support of legislative decision-making. The clearest example involves the creation of congressional support agencies to help meet the demands posed by modern legislating and the need to maintain oversight of a modern and evolving federal establishment. The creation of the Congressional Research Service (originally established in 1914 at the Legislative Reference Service), the Government Accountability Office (originally established in 1921 as the General Accounting Office), and CBO (established in 1975 as part of a reformed congressional budget process), all represent important milestones in the development of congressional legislative capacity to meet the evolving demands and modern complexities of legislating.[12]

That historical experience may help to inform how Congress approaches any effort to improve its capacity to incorporate more rigorous research and program evaluations into the legislative process. For example, the strongest level of commitment would be through a statutory framework, which would establish the broad structure of a congressional support system for using rigorous evidence in the legislative process. An evidence-based framework in law could also define key terms, set priorities for using evidence-based research, and set forth the guidelines and requirements for incorporating research and data in legislation.

An enhanced evidence-based capacity in Congress would likely be more effective if it reflected the key characteristics of Congress' current support agencies. The work of those agencies is nonpartisan, objective, and independent. Those

characteristics would also be critical to ensuring that evidence-based analysis is credible in the midst of partisan legislative battles. Further, responsiveness and sensitivity to the Congress' legislative schedule also are important features of the current support agencies. Because relevant research studies and protocols, such as rigorous program evaluations, often take years to complete, Members and staff will need guidance on when the existing evidence base for a certain policy area is still evolving or when it is good enough.

Enhancing congressional evidence or evaluation capacity could be achieved by creating a new entity or support agency within Congress, creating an office of evidence and evaluation within one of the existing support agencies, or by devising ways to coordinate the considerable expertise of those agencies to focus on evidence-based research. However fashioned, building capacity in Congress to effectively use rigorous evidence would have a number potential benefits for the legislative process, including the following:

1. Monitoring the full range of research trials and evaluations undertaken by federal agencies, states and localities, and academic researchers to support existing evidence-based initiatives for public policies.

2. Serving as a resource to Congress, in effect a congressional clearinghouse for evidence, and providing guidance on the latest research available to support public policy decision-making.

3. Assessing the quality of the research, including the uncertainties associated with various approaches and the confidence legislators should have in the existing body of research in a particular policy area.

A nonpartisan, evidence-based capacity in Congress, however structured, could also serve a broader role in the evidence-based policymaking community. As a nonpartisan entity, a congressional evidence office could provide an independent voice on the state of current research and institutional knowledge of the evidence base. It could help members and others understand where there are areas of broad agreement on what the research shows about the cause-and-effect relationship of various policy interventions and programmatic outcomes. It could also help to assess the level of uncertainty in research or where there is a divergence of expert opinion. Since the office would not be part of the executive branch, other government entities, research foundations, or other private sector groups, members may be less likely to question the objectivity of its findings or assessments. This would make it more likely that members of both parties would be confident in the agency's work products and in the evidence-based analyses that it highlights.

Another way for Congress to build evidence capacity may be to engage more actively with the states. State experience with evidence-based policymaking, especially that of many state legislatures, may hold important lessons for expanding capacity in Congress (see the Appendix). There may be a way to more effectively coordinate intergovernmental learning by creating a means for states and the federal government to exchange information on the latest research and evidence-based approaches being pursued at each level of government. This is a function once performed by the Advisory Commission on Intergovernmental Relations (ACIR), which was discontinued after 1996. Since using rigorous evidence to make policy requires ongoing attention to the latest research developments and best practices, some form of a clearinghouse for federal and state efforts could serve as an information exchange between the states and the federal government.

Creating Incentives to Use Evidence

While creating adequate capacity in Congress to effectively use evidence is important, another question is whether there are ways to create further incentives for lawmakers to incorporate rigorous evidence in the routines of the legislative process. The decentralized and fragmented nature of the legislative process provide several points of access within Congress for using evidence-based approaches to make policy and guide budget decisions. The many legislative steps typically needed in Congress to budget, authorize, and fund federal programs offer many potential obstacles to getting legislation enacted—to fund promising new approaches, terminate funding for policies that are not working, or change priorities to improve existing programs. On the other hand, those points of access also offer multiple opportunities for incorporating research and evidence into legislative initiatives.

Incorporate Evidence-Based Requirements as Part of the Budget Process or Broader Budget Process Reform

Part of the growing interest in evidence-based legislating is the prospect that rigorous evidence can help lawmakers target federal resources more effectively, or improve program performance for a given level of federal resources. Finding ways to incorporate more rigorous evidence into the congressional budget process might help provide a foundation for evidence-based policies that might be recommended in legislation reported by the committees of jurisdiction.

Evidence-based requirements also could be incorporated as part of broader proposals for more comprehensive reform of the budget process. Lawmakers could establish processes to use performance metrics and evidence-based research and evaluations in the process, with the goal of identifying innovative ways to streamline current programs, reduce overlap and duplication of effort, and budget federal resources more efficiently. Such a process could be incorporated into congressional budget resolution recommendations or implemented at the authorizing or appropriations committee levels.

Use Evidence to Improve Congressional Oversight

A key incentive for the expanded use of rigorous evidence in the legislative process is the prospect that it could provide information to improve congressional oversight. Some oversight is conducted by authorizing committees, typically as part of legislation to renew policy guidance to departments and agencies—or reauthorizations. Congress' record of enacting reauthorizations in a timely fashion in recent years has been poor. Congress also conducts oversight through the annual appropriations process when agencies and departments are seeking new funding for the upcoming fiscal year. Oversight through appropriations also has suffered in recent years because of disruptions and delays in the regular order of considering separate regular appropriations bills in the House and Senate.

New evidence-based requirements could be added to the authorization and appropriations processes to introduce such information to the important routines of the legislative process. These requirements could take a few forms, ranging from committee reporting requirements to a range of procedural provisions. They could also be phased in, applying initially to proposed new programs and then more broadly to evaluation of existing programs or policies.

While these steps could help create incentives to incorporate more rigorous evidence into the legislative process, it is also important to avoid an incentive structure based on excessively rigid requirements for reporting and enforcement. If the requirements are too rigid or onerous, such a structure runs the risk of becoming an exercise in

compliance, or of simply being ignored. To be successful, such requirements should follow from a broader consensus within Congress and its leadership to use rigorous evidence and data as a foundation to strengthen Congress as an institution capable of legislating effectively in a modern, data-driven policy environment.

Conclusion

In recent years, lawmakers have made significant strides toward incorporating more rigorous evidence into the policymaking process. Important initiatives for a range of social programs were put in place during the George W. Bush and Obama administrations that established new evidence-based criteria for certain federal grant programs, enhanced executive branch research and evaluation capacity, and laid the groundwork for ongoing efforts to build rigorous evidence into the annual budget process. The Trump administration, in its fiscal year 2018 budget blueprint, has called attention to the use of rigorous evidence and research to evaluate the effectiveness of current social programs and to justify proposed reductions in a range of nondefense discretionary programs.

In the 114th Congress, lawmakers continued the momentum for expanding the use of rigorous evidence in the legislative process. Bipartisan majorities approved legislation creating the Commission on Evidence-Based Policymaking to find better ways to use federal data for research and evaluation, with the commission expected to report its final recommendation by September 2017. The Every Student Succeeds Act, which reauthorized federal elementary and secondary education programs, established a new statutory framework for using evidence-based criteria to steer federal grants to proven methods for improving student achievement, and for testing promising new methods that could help educators make important innovations in the future. Legislation that would create new statutory frameworks for an evidence-based approach to foster care services (H.R. 5456) and social impact financing (H.R. 5170) moved forward, passing the House in June 2016 by voice votes.

The common thread weaving through all these initiatives is strong bipartisan support. Rigorous evidence of what works has the potential to forge a consensus in a variety of policy areas around a simple precept—that, once established, federal programs should improve the lives of those they serve as effectively as possible, and at the lowest possible cost. Establishing a consistent link between policy goals and outcomes would be a major step forward, and has the potential to be expanded into a range of policy areas as a basis for reaching agreement on ways to improve government efficiency and effectiveness.

There remain many questions about the widespread application of rigorous evidence and data that should be addressed as federal policymakers consider ways to use more evidence on a routine basis in the policy and legislative process. With respect to Congress, there is a larger question. **How should an inherently political institution like Congress incorporate data-driven metrics in a broader framework for making effective public policy and funding decisions?** Decisions about the proper role and size of the federal government, priorities among national goals, and the broad political circumstance set the context for national policymaking. Yet, once those threshold decisions are made, key questions about how they should be implemented are better informed by a more consistent reliance on analysis derived from rigorous evidence of what approaches are most effective.

The challenges posed by the rapid technological change of the 21st century may be on par with those Congress has faced in the past. Embracing an evidence-based approach to policymaking holds the prospect of improving policy outcomes, but it may also better equip Congress to evaluate policies and proposals in an increasingly data-driven environment. By improving congressional capacity to access, understand, and apply rigorous data and evidence, the legislative process will benefit and enable lawmakers to fulfill their legislative responsibilities in the most effective manner possible.

Appendix: Evolution of Evidence-Based Policymaking

The evidence-based policy movement represents an evolution in the long history of efforts to incorporate measures of government performance into public policy. In the post-World War II era, rapid growth in the size and functions of the federal government began to generate greater interest—both in the policymaking and academic community—on ways to incorporate more and better information on program performance as a standard component of the annual budget process. By the 1960s, triggered by the rapid growth of spending at the federal and state levels on a range of social policies, the idea of "performance budgeting" began to take hold. A succession of reforms by different names were tried, requiring agency officials to use measures of program performance as they formulate budget proposals, and encouraging policymakers to use these measures to inform decisions they make on how to allocate funds.

In succeeding decades, interest in gathering and applying information on program performance increased as spending and deficits rose. With available resources consistently strained by the pressure of high and persistent deficits, government managers and policy advocates alike were searching for ways to justify public expenditures for ongoing social policies and for new initiatives.

The enactment in 1993 of the Government Performance and Results Act (GPRA) established a statutory framework for federal agencies to establish strategic plans for budget policy, to create specific goals based on those plans, and to detail the performance metrics by which progress toward those goals would be measured. GPRA marked an important milestone in the decades-long effort to incorporate metrics or measures of performance into the annual budget process. By creating a permanent, statutory framework for federal agencies, GPRA established standard routines for departments and agencies that became a permanent fixture of agencies' annual budget formulation efforts.

Both the George W. Bush and Obama administrations built on the GPRA framework. The Bush administration implemented its Program Assessment Rating Tool (PART). The PART process required OMB to rate agency performance based on evaluations and metrics submitted by the agencies, and in theory provided a useful structure for gathering rigorous evidence on program outcomes as a measure of agency performance. In 2010, the Obama administration worked with Congress to enact the GPRA Modernization Act (GPRAMA) to enhance and strengthen the performance framework put in place under GPRA. In particular, GPRAMA put in place new structures to focus more attention in the agencies on government-wide performance, address issues that may cut across agency and departmental jurisdictions, create new performance leadership positions and give OMB new responsibilities to enhance the transparency and consistency of agency strategic plans and performance reviews.

These efforts, especially the statutory framework put in place under GPRA, mark important milestones in the use of performance metrics in the federal policymaking and budget process, but they have also met with mixed success. While the routines of budgeting now include performance metrics under GPRA, at least in the executive branch, the extent to which they affect policy decision-making is less clear, in part because agency performance measures may not make a clear link to actual program outcomes. Furthermore, performance measures cannot assess the causal impact of programs on outcomes, so the question of attribution remains. Lawmakers are left wondering whether the massive amounts of information generated to measure program performance under GRPA, as amended, tells them whether the outcomes experienced by the targeted population—for better or for worse—are attributable to that program or to other factors.[13]

Brief History of Federal Initiatives

By the early 2000s, federal lawmakers began to incorporate the growing body of evidence based on program evaluation into policy and budgetary decision-making. In the Bush administration, officials saw evidence-based approaches as a natural outgrowth of the PART exercise used for the annual budget formulation process. The Obama administration made aggressive efforts to incorporate research-based evidence and evaluations as part of agencies' annual budget submissions. Both administrations worked with Congress to enact specific policy initiatives that would use existing, high-quality research to target funds, and to build a more robust evidence base where high-quality evidence may be lacking.[14]

The focus of these initial evidence-based efforts has been on the extensive array of federal grants to states, local governments, and private entities such as academic institutions, nonprofits, charities and philanthropies. These grants fund a wide range of social programs, including early childhood development, education, health, homelessness, and unemployment. Totaling more than $600 billion a year, they have long been a major part of federal strategy for combatting various social problems. However, policymakers and analysts have expressed concern over the years that it is often difficult to know whether the funds have significantly improved conditions for the groups targeted for assistance. By making the applicants for federal grants show that their methods are backed by rigorous evidence of improved outcomes for those being served, policymakers hoped to better target grant funds toward programs that work, and away from those that do not.

The Obama administration worked with Congress to put in place several initiatives to emphasize evidence-based funding for an array of grant programs. However, a key issue faced by lawmakers was the difficulty in establishing clear guidance for grant applicants and program managers on what constitutes acceptable evidence of effectiveness. For example, randomized controlled trials or other rigorous research experiments were not necessarily available in every policy area being targeted. In this situation, promising approaches that did not meet some standard of rigorous evidence might be passed by for funding.

To address this problem, the Obama Administration and the congressional committees of jurisdiction focused on an approach referred to as "tiered evidence grants." Under this funding approach, available grant funding generally is divided into three tiers based on the level of evidence grantees can show for their interventions. The highest level, receiving the largest allotment of funds, is for grant applicants that can show extensive evidence of successful outcomes, based on rigorous evidence from RCTs or other rigorous studies that can demonstrate causality. The next tier, allotted a smaller amount, is for interventions showing more modest levels of evidence but that have some demonstrated success in achieving the stated outcomes. The lowest tier reserves a smaller amount of funds for promising approaches or concepts that are not yet backed by rigorous evidence but that are backed up by other data, cost-benefit analysis, or other independent assessments of effectiveness.

The major tiered-evidence grant programs were enacted into law in 2010 and 2011. These grant programs are administered by the Departments of Health and Human Services, Labor, Education, and the Corporation for National and Community Service. While the evidence tiers vary in structure, they all follow the principle of directing most of the available funds for grantees that use methods backed by strong evidence, but reserve some funding for approaches with more modest evidence or that show promise. Following is a list of these original tiered-evidence programs and their basic purpose (A second generation of tiered-evidence grant programs followed, including the Labor Department's Trade Adjustment Assistance Community College and Career Training Grant Program, and the Education Department's First in the World program.):

What is "Pay for Success?"

Pay for Success (PFS) is a new financial instrument used by governments to leverage private capital into funding projects that fulfill unmet public needs. First, the government and an external organization/intermediary agree on what goals the PFS-funded project is supposed to accomplish and the metric(s) by which success will be measured. The intermediary then pays service providers using funds raised from private investors. As part of the process, an independent, third-party evaluator determines whether the project met the previously agreed-upon metrics of success. If the project's goals are deemed to have been met, the government repays investors (with interest) through the intermediary; if the project is deemed a failure, then the government incurs no cost.

PFS holds the potential to make better use of taxpayers' money by directing it toward projects that have demonstrable benefits for their communities. If the government simply provides services directly, it could spend millions of taxpayer dollars on services that don't end up achieving their desired outcome. Under PFS, only private investors bear the risk of wasted money—taxpayers are not required to pay for a project that hasn't worked. Supporters of PFS believe that the financial incentive to maximize returns will encourage the intermediary to ensure services are provided in the most efficient and cost-effective manner.[16]

Since 2012, fifteen PFS projects have been launched across the United States. The projects focus on innovative ideas for reducing recidivism, improving educational achievement, reducing homelessness, and improving outcomes for those with mental health challenges.[17] These projects largely have been driven by states or localities, with the federal role focused more on providing funds for feasibility studies. Legislation to expand the federal role has been considered in the 114th Congress (H.R. 5170) and reintroduced in the 115th Congress (H.R. 576).

1. *Investing in Innovation* (Education Department)——Grants to local educational agencies and nonprofit organizations that have demonstrated success in improving student achievement or student growth (In 2015, this program was renamed the Education and Innovation Research (EIR) grant competition, as provided under ESSA).

2. *Teen Pregnancy Prevention Program* (Department of Health and Human Services)——Grants to states, localities, universities, and nonprofits to fund innovative, evidence-based approaches to prevent teen pregnancy.

3. *Home Visiting Program* (Department of Health and Human Services)——Grants to states, localities, tribal entities, and nonprofits to support home visiting programs with evidence of success in helping at-risk parents, pregnant women, and young children

4. *Workforce Innovation Fund* (Labor Department)——Grants to state and local workforce agencies to fund innovative workforce and training programs with evidence of improvements in public workforce systems.

5. *Social innovation Fund* (Corporation for National and Community Service)——Grants to institutions that support local and community-based organizations with evidence of improved outcomes for low-income communities in the areas of youth development, economic opportunity, and healthy futures.

This tiered structure is a tool for developing the "virtuous cycle of evidence" considered critical by advocates for the ongoing program evaluation needed to ensure that programs continue to produce results and effective outcomes. This structure also implies the need for agencies to devote resources to build internal capacity in program evaluation expertise, in part to monitor whether the range of grants meet established criteria, but also to provide technical assistance to organizations applying for the grants. In fact, the major tiered evidence grants also include a requirement for independent evaluations during the grant period, which typically is three to five years.[15] Consequently, the agencies that manage these grants have developed an evidence-based infrastructure, including maintaining clearinghouses of the results of various grants and pilot projects, to create a resource for program managers and for outside researchers seeking to learn from the evidence that's been gathered to date. This infrastructure also helps agencies to integrate the growing evidence base into the routines of the annual budget preparation process, so the data on outcomes from various grants can help to inform agency priorities for new programs and to help assess how well existing programs are working. The tiered-evidence structure can also inform program design and improvement for other programs that the agency administers.

The grants issued under this tiered structure generally use federal funds provided through annual appropriations. Another approach used in recent years, especially at the at the state and local level, involves a financing mechanism known as Pay for Success (PFS). PFS is a contracting mechanism whereby private funds from philanthropies, community organizations, nonprofits, foundations, or other interested groups fund evidence-based initiatives established by the government. Under the PFS approach, the government entity agrees to reimburse the private investor, including a previously-agreed upon rate of return, for programs or services that show clear evidence of successful outcomes. Federal involvement with PFS projects within the existing tiered evidence grant structure has been limited to date, but some agencies are evaluating more extensive use of this approach going forward (see box on page 20).

Lessons From State Experience

States have been active in pursuing the use of performance measures and rigorous evidence to use as a basis for policy and to inform budget decisions, and that experience may hold important lessons for Congress. State budget pressures can vary greatly and change rapidly. Unlike the federal government, which is a sovereign entity, states do not have standing statutory authority to raise funds by issuing debt when deficits occur, and most live under constitutional or statutory balanced budget requirements. Like the federal government, however, state budgets are increasingly constrained by long-term obligations to an aging population and by rising health care expenditures, especially for the state share of the Medicaid program. In that environment, states have a strong incentive to produce the most effective program outcomes at the lowest cost, especially for various human resource and income security programs.

The evidence-based movement in the states also was given a strong push in the 1980s and 1990s by the federal government in the form of waiver authority for states to use federal funds "to experiment with new approaches to welfare policy."[18] The waiver authority, granted under Section 1115 of the Social Security Act, allowed states to experiment with innovative approaches for improving outcomes for welfare recipients, as long as those interventions were evaluated with rigorous testing, including randomized controlled trials. These waivers added significantly to the growing body of research around evidence-based best practices, but also gave states important experience with using rigorous evidence and data to make policy.

Many states built upon these early experiences and created the institutional and technical capacity needed to build and sustain those early evidence-based efforts. In one of the earliest examples, the state of Washington established a State Institute of Public Policy in 1983 to support state policymakers by synthesizing the available research in various

public policy areas. The State Institute of Public Policy has been instrumental in helping Washington state policymakers establish statutory evidence criteria, create methods for evaluating research across a range of policy areas, and develop cost-benefit tools for comparing the return on investment for various evidence-based approaches.

Over the ensuing years, other states have added research and evaluation capacity and have pursued evidence-based solutions to address a range of social policies. The Pew-MacArthur Results First Initiative recently reported that most states are now active to varying degrees in taking some evidence-based policymaking actions.[19] States that are the most active in pursuing evidence-based approaches to policymaking share certain common features. They encourage ongoing communication between the research and policymaking community, through working groups of stakeholders and other outreach efforts, to help build trust in the research and to ensure that it focuses on the questions of greatest interest to policymakers. Active states focus on building a robust data infrastructure to link data sets held by different state agencies and make that data more easily accessible. Those states also commit to build and maintain the technical capacity, including experienced staff, needed to assist policymakers in tracking outcomes and providing objective analysis of the evidence base in a particular policy area.

State experience also shows that sustaining the consistent use of data, evidence, and performance measures also flows from the active involvement and support of the legislature. Some state legislatures, for example, have established a statutory framework to ensure that performance and program outcomes data are used in the budget process even as new gubernatorial administrations transition out or transition in. Many states also have established nonpartisan research committees that report to the legislature and its committees, and that are charged with evaluating data and research on various public policy issues. These organizations provide an important institutional infrastructure that give state legislatures more capacity to evaluate existing research and data, enable the legislatures to independently evaluate the evidence base, and provide an important institutional memory during periods of turnover in lawmakers and staff.[20]

State associations, such as the National Governors Association (NGA) and the National Conference of State Legislatures, also provide a way for states to share best practices and are a source of expertise for states seeking to learn what the latest evidence shows about common sets of issues. For example, in the summer of 2016 the states agreed to a state compact to address the nation's opioid crisis using NGA guidance on the range of evidence-driven solutions that have shown success in reducing opioid addiction around the country.[21]

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Notes

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