

**STRENGTHENING THE LAWMAKING PROCESS:
HOW DATA CAN INFORM AND IMPROVE POLICY**

HEARING
BEFORE THE
**SELECT COMMITTEE ON THE
MODERNIZATION OF CONGRESS**
OF THE
HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTEENTH CONGRESS
FIRST SESSION

OCTOBER 27, 2021

Serial No. 117-12

Printed for the use of the Select Committee on the Modernization of Congress



Available via <http://govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

WASHINGTON : 2022

48-602

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STRENGTHENING THE LAWMAKING PROCESS: HOW DATA CAN INFORM AND IMPROVE POLICY

WEDNESDAY, OCTOBER 27, 2021

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON THE
MODERNIZATION OF CONGRESS,
Washington, DC.

The committee met, pursuant to call, at 12:29 p.m., in Room 2118, Rayburn House Office Building, Hon. Derek Kilmer [chairman of the committee] presiding.

Present: Representatives Kilmer, Phillips, Williams, Timmons, Latta, and Joyce.

The CHAIRMAN. All right. The committee will come to order.

Without objection, the chair is authorized to declare a recess of the committee at any time.

And I recognize myself for 5 minutes for an opening statement.

So, last week, this committee held a hearing on modernizing the congressional support agencies so they can better meet the needs of an evolving Congress. And one of the most important issues raised at that hearing was the need for better and more timely access to data.

In order for CRS and CBO and GAO and the entire alphabet soup to provide Congress with accurate and impartial information about Federal policies and programs, they need open access to data that is collected by the Federal agencies. They also need for that data to be provided in user-friendly formats.

A few years back, I sponsored the OPEN Government Data Act, which became part of the Evidence-Based Policymaking Act, for that very reason. Government data should be available to the American people because it belongs to them.

Access to data helps Americans invent new technologies and start new businesses and create jobs. It also helps improve decisionmaking. For example, the Department of Education maintains a college scorecard so consumers can compare schools and see which institutions provide the best value.

Imagine collecting and making sense of all that data on your own. You would need an advanced degree in data science, which sort of defeats the whole purpose of researching where to go to college.

By requiring Federal agencies to establish data inventories and make data more available to the public, the Evidence Act also builds efficiencies into the policymaking process. Legislation that incorporates objective evidence and data is more likely to withstand scrutiny. Data can also shed light on which government programs

are succeeding and which are failing. Data also helps lawmakers see program success and failure through a variety of lenses.

For example, decisionmakers can use data to explore why a particular program is underutilized rather than just cutting the program altogether. They might discover that consumers simply lack knowledge about the program, a program that can be fixed through a public education campaign or more targeted marketing.

Lawmakers can also use diverse sets of data to weigh whether a government program is worth the cost. The amount of money spent on a program is an important data point, but so are the returns on investment. A more holistic understanding of how Federal programs impact the American people can help legislators legislate smarter.

So today's hearing is about what Congress can do to better encourage the collection and use of evidence and data. The Federal agencies are doing their part to make data available, but it is up to Congress to incorporate data into the policymaking and evaluation processes. So I am looking forward to hearing what ideas the experts joining us today have for moving Congress toward the goal of routine evidence-based policymaking.

The committee will once again use—make use of the committee rules we adopted earlier this year that give us the flexibility to experiment with how we structure our hearings. Our goal is to encourage thoughtful discussion and the civil exchange of ideas and opinion. So—now the wonky part—in accordance with clause 2(j) of House rule XI, we will allow up to 30 minutes of extended questioning per witness. And, without objection, time will not be strictly segregated between the witnesses, which will allow for extended back and forth exchanges between members and the witnesses.

Vice Chair Timmons and I will manage the time to ensure that every member has equal opportunity to participate. Any member who wishes to speak should just signal their request to me or Vice Chair Timmons. Additionally, members who wish to claim their individual 5 minutes to question each witness pursuant to clause 2(j)(2) of rule XI will be permitted to do so following the period of extended questioning.

I feel like I really stuck that this time.

I would like now to invite Vice Chair Timmons to share some opening remarks.

Mr. TIMMONS. Thank you, Mr. Chairman.

Good afternoon. Thank you for being here today. We are really looking forward to your testimony.

I am going to share a quick story. So I am a captain in the South Carolina Air National Guard. I am a JAG officer, and I was invited yesterday to speak to 50 company grade officers at the National Guard Association over next to Union Station. And we were having this long conversation about all these different things, and I started talking about how Congress has gotten away—and it is funny. I didn't use evidence-based. I said—the way I framed it was collaborative fact-based policymaking from a basis of mutual respect.

So we have got immigration. We have got healthcare. We have got debt. We have all these huge challenges that are facing this country, and we are not doing that. We are not—it is not collabo-

rative, it is not fact based, evidence based, and it is definitely not from a basis of mutual respect often.

So the question is, what can we do to fix that? And just when I said that, it was interesting. I guess she was a captain from somewhere in the Midwest. She said, Well, where do you get your facts?

That was—and we had like a 15-minute conversation about news and about data. And the first thing that came to mind was that, when I was getting my master's degree, the statistics class, the first thing the professor said was, If you learn nothing from this class, know that if you tell me what you want the statistic to say, I will create that for you and give you evidence to support it.

So this is a very important issue, because everybody has their own facts, and I think maybe the most important thing is the lack of exchange of ideas and the lack of defense of ideas.

The chairman and I often talk about our time in the State senate, and you were forced to defend your ideas. Everyone sat in the chamber in South House 46. And if you put up an amendment, you had to go up there and defend it. And it was very quick to tell who had any idea what was going on and who didn't. So you got to the bottom of it.

So, evidence-based policymaking is the only way out of the situation we are in. The biggest challenges facing us will only be overcome if we can find a way to reform the manner in which we are conducting ourselves in this institution.

So I just really appreciate you all taking the time to come and be a part of this hearing, and I look forward to it.

With that, Mr. Chairman, I yield back.

The CHAIRMAN. Thanks so much.

The committee is honored to welcome three experts who are here to share with us their recommendation for how Congress can improve its access to and use of data and evidence in policymaking and evaluation processes.

Witnesses are reminded that your written statements will be made part of the record.

And our first witness is Poppy MacDonald. Ms. MacDonald is the president of USAFacts, a nonpartisan, nonprofit organization that collects and visualizes publicly available data with the goal of helping ground democratic debate in facts.

Prior to joining USAFacts, she served as the president and chief operating officer of Politico USA. She was also a partner at Gallup, Inc., and helped launch their World Poll. Ms. MacDonald began her career working for several Members of Congress in both the House and the Senate.

Ms. MacDonald, thank you for being with us. You are now recognized for 5 minutes.

**STATEMENT OF MS. POPPY MACDONALD, PRESIDENT,
USAFacts; DR. NICK HART, PRESIDENT, DATA FOUNDATION;
AND MS. TARA MCGUINNESS, FELLOW AND SENIOR AD-
VISER, NEW PRACTICE LAB, NEW AMERICA**

STATEMENT OF POPPY MACDONALD

Ms. MACDONALD. Turn this on. Okay? It is not lighting—oh, there we go. Perfect. All right. Thank you for that technical assist this afternoon.

Good afternoon to you all, and thank you for the opportunity to speak with you today. My name is Poppy MacDonald, and I am the president of USAFacts. I have submitted testimony for the record, but I will summarize some key points for you today.

USAFacts is a nonpartisan, not-for-profit organization dedicated to providing the American public comprehensible and understandable government data. USAFacts empowers American citizens and you and your fellow elected leaders to make data-driven decisions about the issues facing the country. We do this by providing unbiased facts, by standardizing data from Federal, State, and local government sources, and presenting it in a clear and simple manner at usafacts.org.

The data we use is consolidated from 78 Federal agencies with sources from every State and region nationwide. We don't attempt to influence public opinion in any way. We consolidate government data to support serious, reasoned, and informed debate. We exist to help all decisionmakers, as well as the public, access reliable information and empower them to make policy from a strong foundation of trusted facts.

USAFacts was created out of a clear societal need for accurate and acceptable data from the Federal, State, and local governments.

In 2015, our founder and former CEO of Microsoft, Steve Ballmer, wanted to use his personal charitable efforts to lift children out of poverty. He tasked a team of financial analysts with researching impartial data from the government about—the government's own efforts to determine where current programs are targeted and where there are additional needs.

The analysts thought it would take them a matter of weeks to compile. It actually took 6 months. The information these experts were able to compile from the government was disparate, difficult to access, and outdated.

Steve asked an important question: Why isn't the same standards for metrics and data that businesses are required to report to shareholders apply to the impact and progress of government programs and initiatives? Aren't we all shareholders in this country who deserve the same access to transparent, publicly reported data?

This knowledge gap forces citizens and policymakers at all levels into a difficult position where they are called upon to make major decisions with incomplete or dated information. In light of this challenge, usafacts.org was created as a free resource for all Americans to have access to trusted facts.

To give you the sense of the complexity of our work, there are over 90,000 State and local government agencies, and few have

standardized means of reporting information or of consolidating their data. Agency data is often siloed in the process of collection, analysis, and presentation, resulting in confusion and duplication of data. Administrative and statistical data is often collected and analyzed for the sole purpose of implementing programs at a single agency rather than use across agencies.

To give a recent example, at the start of COVID-19 pandemic, Federal and State leaders lacked standardized data to inform crucial decisionmaking. USAFacts combed through State and county reports, all of which use different methods, to create a standardized view of daily virus cases and deaths.

As a result, usafacts.org became a go-to source for many local governments as well as publicly traded companies, not-for-profits, and millions of citizens to provide comprehensive, real-time COVID data.

We filled a key need in the public awareness effort, but COVID-19 will not be the last challenge this country faces. One of the principal reasons for USAFacts' founding was to allow Americans to use data to make decisions about the future of the country in the same way that executives use data to make decisions for their companies. Modern successful businesses rely on robust, timely data to make strategic decisions, and a modern Congress should be empowered to do the same.

To support the information needs of a modernized Congress, USAFacts advocates for more open, timely, and detailed data from our government. We continue to promote recommendations that individual agencies can implement to mitigate access issues, including ensure that data is timely, complete, and accurate; create reliable and certain ways to access and understand data; ensure data sets are contextual and relevant; establish formal cross-agency and cross-government collaboration and standards; and make the data and collection processes more transparent.

The enactment of the strongly bipartisan OPEN Government Data Act in 2019, originally introduced by Chairman Kilmer, was a key initial step forward in making some data from the Federal Government accessible for Americans' personal and commercial use. It created an initial pathway for agencies to organize and distribute data to other agencies and to the general public in ways that are easy to access and understand. This has been a good start, but much more needs to be done.

In 2019, Congress appropriated \$8.9 billion for the collection of government statistics. So we have tremendous stores of data, but it is not compiled in readily accessed—to be readily accessed or understood. It is the American peoples' data, and they as well as those they elect to represent them should have timely and easy access to it.

The opportunities for improvement are vast, but the solutions are within our reach, and USAFacts remains a strong partner to help achieve them.

Thank you for your time.

[The statement of Ms. MacDonald follows:]

Poppy MacDonald Testimony
USAFacts

Good afternoon, Chairman Kilmer, Vice Chairman Timmons, and Members of the Select Committee on the Modernization of Congress. My name is Poppy MacDonald, and I am the president of USAFacts. Thank you for the opportunity to speak today. Our organization appreciates the committee's dedication to open data and commitment to leverage it as a tool to strengthen the lawmaking process and improve policy. I'm grateful for the opportunity to be here alongside Dr. Nick Hart; as members of the Data Foundation, USAFacts shares the organization's commitment to improving government and society by using data to inform public policymaking.

USAFacts is a nonpartisan, not-for-profit organization dedicated to providing the American public comprehensive and understandable government data. Our organization empowers American citizens, and you and your fellow elected leaders, to make data-driven decisions about the issues facing the country. USAFacts does this by providing unbiased facts by standardizing data from federal, state and local government sources, and presenting it in a clear and simple manner. The data we use is consolidated from 78 federal agencies along with sources from every state and region nationwide. We don't attempt to influence public opinion in any way; we consolidate government data to support serious, reasoned, and informed debate. We exist to help all decision-makers, as well as the public, access reliable information and empower them to make policy from a strong foundation of trusted facts.

Now more than ever, easily accessible data is essential to ensure that not only our elected leaders, but all Americans can make informed decisions. In the face of increasingly complex challenges in our country, USAFacts believes in a thriving democracy supported by undisputed, trusted, comprehensive government data. USAFacts was created out of a clear societal need for accurate and accessible data from federal, state and local governments. **We believe the facts deserve to be heard.**

In 2015, our founder and former CEO of Microsoft, Steve Ballmer, wanted to use his personal charitable giving efforts to help lift children out of poverty. He tasked a team of financial analysts with researching impartial data around the government's own efforts to determine where current programs are targeted and where there are additional needs. The analysts thought the research would take a matter of weeks to compile, but it actually took six months. The information these experts were able to compile from the government was disparate, difficult to access, and outdated.

Steve asked an important question: Why isn't the same standard for metrics and data that businesses are required to report to shareholders applied to the impact and progress of government programs and initiatives? Aren't we all shareholders in our country who deserve the same access to transparent, publicly reported data? This knowledge gap forces citizens and policymakers at all levels into a difficult position, where they are called upon to make major

decisions with incomplete or dated information. In light of this challenge, USAFacts was created as a free resource for all Americans to have access to trusted facts.

We maintain a regularly updated website, publish an annual report on combined federal and state spending, revenues, demographics, and outcomes, publish an annual 10-K for the government modeled after the SEC Form 10-K that public companies must file, and share contextual content in social media channels.

Without the government actively sharing the vast trove of data it collects, Americans are left without an authoritative and unbiased source to inform their conversations, their opinions on policy, or their votes.

There are over 90,000 state and local government bodies in the United States. Few have standardized means of reporting information to agencies, Congress, and citizens. Agency data is often siloed in the process of collection, analysis, and presentation, resulting in confusion and duplication of data collection. Administrative and statistical data is often collected and analyzed for the sole purpose of implementing programs for one agency rather than use across agencies.

At the start of the COVID-19 pandemic, federal and state leaders lacked standardized data to inform crucial decision making. USAFacts combed through state and county reports, all of which used different reporting methods, to create a standardized view of daily virus cases and deaths. Not only did the American people need it, we have become a go to source for many levels of federal, state and local government, as well as publicly traded companies and not-for-profits, to provide comprehensible real-time COVID data. We filled a key need in the public awareness effort, but COVID-19 will not be the last challenge this country faces.

Successfully modernizing Congress to prepare for our current and future challenges depends on members having unencumbered access to reliable data on government programs and outcomes. One of the principal reasons for USAFacts' founding was to allow Americans to use data to make decisions about the future of the country in the same way that executives use data to make decisions for their companies. Modern businesses rely on robust, timely data to make strategic decisions, and a modern Congress should be empowered to do the same. However, Congress faces the same challenges in accessing and using government data that USAFacts and the American people face. Congress should work to reduce barriers to accessing government data, both as part of its efforts to modernize and to further avail data to the American public. Again, we appreciate all of your efforts on the committee to advance this need.

To support the vision of a modernized Congress that makes decisions based on data, USAFacts advocates for more open, timely, and detailed data from our government. We continue to promote recommendations that individual agencies can implement to mitigate access issues, including:

- **Ensure data is timely, complete, and accurate:** Some government datasets are several years old, making it difficult to see the impact of spending and outcomes of programs
- **Create easy ways to access and understand data:** Offer data accessibility standards that make all datasets easy to access and analyze by all individuals, regardless of technical expertise

- **Ensure datasets are contextual and relevant:** A single number or percentage point can be misunderstood without context. Provide numbers with historical context whenever possible
- **More cross-agency and cross-government collaboration and standards:** As we learned from the COVID-19 pandemic, states report data inconsistently and with differing definitions, standards, timeframes, and visualization platforms. Mandate and fund data collections with standardized formats to improve data pipelines
- **Make the data and collection processes more transparent:** Understanding data availability and format by agency would be useful to support changes

The passing of the strongly bipartisan OPEN Government Data Act in 2018, originally introduced by Chairman Kilmer, was a leap forward in making data from the federal government accessible for Americans' personal and commercial use. It created a pathway for agencies to organize and distribute data to other agencies and to the general public in ways that are easy to access and understand. But more must be done. The mandate is largely unfunded, putting the onus on the Chief Data Officers to help educate teams within their respective agencies around the value of disseminating their specific data to the American public.

In 2019, Congress appropriated \$8.9B in taxpayer dollars for government statistics. It is the people's data. The people, and those they elect to represent them, should have easy access to the information. There are specific actions Congress must take to continue promoting the use of nonpartisan and unbiased data, including:

- **Increase training for staffers:**
 - Create nonpartisan, data-based onboarding materials for Congressional staffers and help them understand where they can go for trusted data
 - *Anecdotally, our annual report has served as onboarding materials for Congressional staffers looking to better understand government, and we recently had the opportunity to train Congressional staff through an event hosted by the Congressional Management Foundation.*
- **Promote bipartisan discussion about data:**
 - Offer more opportunities within committee meetings and the legislative drafting process for Members of Congress to have bipartisan discussions with government metrics as the foundation
 - *Anecdotally, USAFacts has appreciated the opportunity to present and discuss our annual report on the state of our country by the numbers with Speaker Pelosi and the Democratic Caucus, Minority Leader McCarthy and members of his leadership team, and a bipartisan group of US Senators. We have seen firsthand that Members of Congress are also open to and interested in governing based on a solid understanding of where our country stands based on unbiased data.*
- **Implement measurement around legislation:**
 - Ensure that each piece of legislation has a numeric goal established that can be tracked by entities responsible for implementation and reported back to Congress. Currently legislation is commonly tracked based on dollars spent; however, we recommend measuring impact and effectiveness by establishing a numeric baseline and tracking desired outcomes.

- **Establish more centralized data sources:**

- Create and fund a centralized data resource for Congress. Congress already has great resources for understanding budget implications of legislation and demographic data (CBO), tax data (JCT), and individual research questions (CRS). However, Congress could establish an additional resource to provide non-partisan non-budgetary data to help Congress understand and set benchmarks for the effects of legislation on the American public. This could be housed within an existing organization such as the GAO.

In closing, Congress and our country's citizens deserve to govern based on trusted data. USAFacts strongly supports your efforts on this committee to continue promoting solutions that increase access, accuracy, and coordination of official data sources.

When trusted data is available to everyone, decision-makers in government and the private sector realize benefits that strengthen the American economy and improve our society. The opportunities for improvement are vast, but the solutions are within our reach and USAFacts remains a strong partner to help achieve them.

Thank you for your time.

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Additional Recommendations for the Committee:

Below are 25 key areas where government data can be improved. Each is an example of where data is either missing, incomplete, not timely, or has several competing sources with different information.

1. **Police Use of Force** – We lack complete data on police use of force from local police departments, and aggregates of that data to understand the story nationally. Providing additional support to bring all states into the FBI's National Incident-Based Reporting System (NIBRS) would also help in understanding this area as well. (*Federal, State and Local*)
2. **Improved Public Health Data Sharing** – The COVID-19 pandemic exposed several challenges with how states share data with each other and with the federal government. States reported data inconsistently with differing definitions, standards, time frames, and visualization platforms. Even as the virus rebounds, some states have slowed down COVID reporting or have stopped reporting some metrics altogether. The federal government should mandate and fund emergency and preemptive data collections and provide standards and formats to improve the pipeline of data from local health agencies to the CDC. Converting several underutilized, voluntary surveys like the National Notifiable Disease Surveillance System, into mandatory collections would significantly increase awareness into future health disasters. (*State and Local*)
3. **Timely Income/Spending by Income Group** – More frequently updated data on income, spending, and government transfers by income group are key to understanding people's standard of living and the impact of certain government programs. BEA

currently releases aggregate-only numbers monthly, and IRS numbers lag by a year or more. *(Federal)*

4. **Safety/Reliability of Infrastructure** – Data hasn't updated since 2014 for several key datasets despite the push for infrastructure legislation. Examples: rail transit infrastructure conditions stopped in 2014 and roadway congestion stopped in 2011. *(Federal)*
5. **Cost of Pre-K (to governments and individuals)** – It is extremely difficult to figure out how much preschool costs across the country. Some states release data but there is no aggregation of this other than for Head start. This is relevant to analyzing proposals like those in the American Families Plan. *(Federal/State and Local)*
6. **Healthcare Average Premiums/Out of Pocket Costs** – Data on average premiums is unavailable or extremely hard to come by, even for government programs. MEPS is somewhat good but only for private employer provided healthcare, which likely only covers 20-25% of the population. *(Federal and State)*
7. **Costs of Healthcare** – It is hard to see what is driving health care costs without understanding who gets what medical care, how much it costs, and which insurance program pays. AHRQ is a good start but the cost definitions it uses are very opaque and hard to understand. It could be improved by including more data on out of pocket vs. insurance cost per procedure. *(Federal)*
8. **Gig Workers** – BLS/Census do not provide statistics on the gig economy workforce despite it becoming more prevalent. BLS has some measures on contingent workers but the definitions are out of date for today's economy. An easy win would be adding additional questions to existing survey infrastructure. *(Federal)*
9. **Disaggregation Across Datasets** – Native American populations are often excluded from government datasets. Additional support to the Bureau of Indian Affairs earmarked for increasing sampling in existing surveys would be a huge step in this effort. Additional disaggregation broadly across datasets for the territories would also be beneficial. *(Federal)*
10. **Timeliness of State and Local Spending** – The Census of Governments produces standardized data on state and local spending. However, it lags by two years or more. Having a provisional version of it available earlier would be useful, similar to what census produces for quarterly state tax revenue. *(State and Local)*
11. **NCES Timeliness** – The NCES Digest of Education Statistics is really useful, but most of its data lags 3-4 years. Also, its data is formatted in a way that makes ingestion extremely challenging to export and use. Rethinking this and other statistical compendiums with a modern design that includes more localized breakdowns and machine ingestible formats would make these more useful to modern audiences. *(Federal)*
12. **Unauthorized immigrant population** – The most recent estimate of unauthorized population is from 2018 (and until April of this year, lagged to 2015). Keeping this updated moving forward is important to minimizing misinformation in this area. *(Federal)*
13. **Improved data on the immigrant population residing in the US** – We don't currently have numbers available about who is here and for what purpose that combines people with visas, green cards, and refugee/asylee status. It is hard to see the full picture of

immigration, make decisions on the issue, and minimize misinformation without this data. *(Federal)*

14. **Preliminary / experimental data and associated context across key datasets** – Several agencies have embraced the concept of making their data available in preliminary or experimental format which greatly improves the timeliness of data and enables real-time decision-making. More should do this. *(Federal)*
15. **Continued Funding of the Household Pulse** – The experimental Household Pulse survey started by the Census Bureau during the coronavirus crisis has been a successful asset giving real-time updates on the state of the American people. It should be continued well beyond the pandemic with dedicated funding. *(Federal)*
16. **Improved Data on Outcomes of Various Stages of the Criminal Justice System** – There is a lot of data on the number of people in various stages of the system (arrests, jail, prison, parole), but nothing that effectively explains the flow of people (percent of people who move) from crime committed and/or police interaction to jail to bail to court system to prison to parole to recidivism. *(Federal/State and Local)*
17. **Better Data on the Flow of Students Through the Education System** – Similar to the criminal justice system, we have a lot of information about who is in various parts of the education system, but it is hard to paint a picture of where people drop out and why. Existing systems are state-specific and not comparable across geographies. It would be helpful to have nationally standardized information on who goes to Pre-K, then to K-12, then to college/what type of college, then graduates, then gets a job. *(Federal/State and Local)*
18. **Civic Participation** – The Census Current Population Survey used to ask a number of questions about how people participated in their community and discussed politics, but they have been discontinued. Examples included: participation in school group/neighborhood associations, service organizations, eating dinner with their households, talking to neighbors, contacting a representative, participating in a boycott, etc. *(Federal)*
19. **FOIA Data** – The data made available about FOIA requests themselves is very siloed and challenging to access. It is difficult to assess how many FOIA requests are received and executed and how these requests are categorized (media requests, requests for specific documents, requests for data). *(Federal)*
20. **Open Data Policy Progress** – Understanding data availability and format by agency would be useful in effort to support changes. For example, how much of each agency's data has been made public or can't be (and why), and how much information an agency stores vs. makes accessible to the public vs. is deemed sensitive vs. is yet to be assessed, are important in understanding progress towards better data. PDFs are generally poor formats for releasing usable data and tracking how much is presented this way can help measure progress as well. *(Federal)*

The CHAIRMAN. Thank you, Ms. MacDonald.

Our next witness is Nick Hart. Dr. Hart is the president of the Data Foundation, previously served as director of the Bipartisan Policy Center's Evidence Project. This built on his work as policy and research director for the U.S. Commission on Evidence-Based Policymaking, where he led the development of the Commission's final report and recommendations for Congress and the President. He has also served as a senior analyst for the Office of Management and Budget.

Dr. Hart, thanks for being with us. You are now recognized for 5 minutes.

STATEMENT OF NICK HART

Mr. HART. Thank you. And thank you all for the invitation to join today.

So the Data Foundation is an organization that is a national nonprofit and works to improve government, business, and society through open data and evidence-informed public policy. So, needless to say, I am really excited to be part of the discussion today.

The term "evidence-based policymaking" is one that has garnered a lot of attention around the world, including here in the U.S. in recent years, and part of that is based on our U.S. Commission on Evidence-Based Policymaking. It is actually a model of this in practice.

It was a group of politically appointed experts who built a body of evidence that was valid, reliable, and credible, and directly in response to a congressional inquiry or question. So they based their findings and recommendations on the evidence.

Congress then relied on that evidence in developing the Evidence Act, which included the OPEN Government Data Act. Some of their recommendations were taken literally, some were conceptual, and some are yet to still see action. But the evidence informed the creation of the Evidence Act, and this is exactly the goal of evidence-based policymaking.

Agencies are now in the midst of implementing this law, including expectations for open data, data sharing, data inventories, and new leadership roles of chief data officers and evaluation officers.

So we hope it is also leading the change in government's culture to have evidence be the norm and have this also be a pervasive expectation. It is also an incredibly important law for Congress, and I think it will be increasingly useful for congressional decision-making in coming years as agencies are developing more evidence. But, right now, it can also be leverage.

For example, agencies are currently developing what we are calling evidence-building plans, or learning agendas. Those will be published next year. And the goal of those documents is to identify gaps in knowledge so that we can build the evidence and have it available before decisions are made rather than after. So as Members of Congress or staff, can provide input to agencies at this moment on those plans.

Second, Congress can provide targeted oversight of key data laws where this body relies on the executive branch for information. In fact, there are notable gaps in implementation of the Evidence Act today. More than 2 years after implementation or enactment of the

Evidence Act, key guidance and regulatory actions for titles II, the OPEN Government Data Act, and title III are not yet available from OMB. And this includes important privacy and open data provisions that are relevant to Congress, the American people, and researchers.

Over the last decade, Congress has also passed numerous data laws, including a DATA Act, the GREAT Act, Taxpayers Right-To-Know Act, GPRA Modernization, and many others. Effective implementation of these laws can directly support congressional decision-making by making data available for your use, including on spending, awards, contracts and grants, performance, and program outcomes.

The majority of these recent data laws were largely authorized without new appropriations, and I think we need to also realistically say that we should be doing careful consideration of unintentional resource constraints that limit implementation.

And, finally, there are a great many enhancements to current law that might still require further action by Congress. Researchers need access to data to answer policy questions, yet access is often a major limiting factor.

Earlier this year, the House passed the bipartisan National Secure Data Service Act as part of the NSF reauthorization, and that was based on work from the Evidence Commission and our work at the Data Foundation.

And a data service substantially could improve researcher and evaluation secure access to survey data, administrative records, or linked information, and then potentially has major applications for understanding inequities or disparities in government policies or evaluations of important programs for education and workforce.

Congress should also consider how to bolster its own access to evidence and evidence-building capabilities independent of what is happening in the executive branch. Back in 2018, the Bipartisan Policy Center released a set of suggestions right here on Capitol Hill to do just this, and I want to highlight a few of those suggestions.

One, Congress could create a chief data officer, just like what we are seeing in the executive branch. It is a designated leader to promote training and data fluency for staff, as well as ensuring that thinking about data is somebody's day-to-day job here on Capitol Hill.

You could also establish an ombudsman, someone who can help align the evidence needs across committees and Members with expertise that exists in the research and evaluation community.

Perhaps CRS could be tasked with thinking about how to compile robust systematic reviews, bringing together a body of evidence when addressing major policy questions in an unbiased manner, especially for politically sensitive areas.

GAO could expand its focus on building capacity for modern evaluation techniques, extending beyond traditional program audits when it comes to processes.

Committees and staff could choose to develop their own learning agendas like we are seeing in the executive branch.

Planning reauthorization schedules to align the timeframe that it requires to actually build the evidence that is useful for reau-

thorization or changes in the policy design would also be important to plan for.

That said, reauthorizations and new programs can be designed to think about evidence and data needs, including the evaluation of important goals and scaling pilot projects. There may be needs for authorizing new data collections, even expanding access to certain data assets to get answers to your questions of interest.

Now, these last several items are also things that could be written directly into new legislation. And to do that, maybe there needs to be a capacity here on Capitol Hill for someone guiding that process.

So, in closing, I am really encouraged that this committee is taking such a thoughtful, deliberative approach in strengthening the institution that we are in, while recognizing the important role evidence plays in your decisionmaking. I am confident evidence-informed policymaking is one approach to establish greater trust between the American people and their government. It is also important for good government.

So thank you for your leadership on these issues, and I look forward to the questions.

[The statement of Mr. Hart follows:]



**Written Statement from Nick Hart, Ph.D., President of the Data Foundation
For the House Select Committee on the Modernization of Congress**

***“Hearing on Strengthening the Lawmaking Process:
How Data Can Inform and Improve Policy”***

October 27, 2021

Chairman Kilmer, Vice Chairman Timmons, and members of the Committee, thank you for the invitation to join today’s discussion about applying evidence to inform policymaking in Congress. I am Nick Hart, President of the Data Foundation, a national non-profit organization that works to improve government, business, and society through open data and evidence-informed public policy. The Data Foundation’s research, collaborative thought leadership, and advocacy programs advance practical policies for the creation and use of accessible, trustworthy data. We focus on promoting open data, chief data officer maturity, secure data sharing, improved data standards for information quality, and program evaluation. I am pleased to be speaking with the committee on how evidence-informed policy making can improve society.

THE CONTEXT FOR EVIDENCE-BASED POLICYMAKING

In recent years the term “evidence-based policymaking” has garnered much attention in the United States, in no small part due to the activities of the U.S. Commission on Evidence-Based Policymaking (Evidence Commission). The Evidence Commission was established by Congress through the leadership of Senator Patty Murray and then-Speaker Paul Ryan. The Commission studied the challenges in our country’s data infrastructure as well as research and evaluation capabilities for 18-months, issuing a unanimous set of findings and recommendations in 2017.¹

One year later, Congress passed the final version of the bipartisan Foundations for Evidence-Based Policymaking Act, or Evidence Act, which took action on half of the Evidence Commission’s recommendations.² Executive Branch agencies are now in the midst of implementing the Evidence Act, including expectations for openness of data, enhanced data sharing capabilities, publication of data inventories, and new leadership roles such as chief data officers and evaluation officers.

¹ U.S. Commission on Evidence-Based Policymaking. (2017). *The Promise of Evidence-Based Policymaking: Final Report of the Commission on Evidence-Based Policymaking*. Washington, D.C.: GPO.

² *Foundations for Evidence-Based Policymaking Act of 2018*. (2019). P.L. 115-435.

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The Evidence Commission’s research and recommendations that led to the Evidence Act offer an example of what evidence-based policymaking looks like in practice.³ First, experts convened to provide evidence that was responsive to a congressional inquiry. The experts relied on existing knowledge, interviews, hearings, public feedback, and a survey of federal agencies. These methods provided a body of evidence on which the commission developed findings and then reasonable recommendations. Then, Congress relied on that body of knowledge to draft the Evidence Act. Yet, not all of the Evidence Commission’s recommendations were taken literally, some were modified and others not yet acted upon. For example, while the Evidence Act established Chief Data Officers in every federal agency, the commission recommended a slightly different idea – senior agency officials for data policy. But the creation of the Evidence Act was still “informed” by the commission’s work. In fact, this is exactly the goal of evidence-based policymaking, that the evidence informs policy actions and decisions.

The Evidence Commission and Evidence Act set a new floor for the Executive Branch agencies to produce evidence that is useful for policymaking. Congress’ direction to agencies was clear – you expect agencies to improve the infrastructure and processes for building evidence and then that the evidence will be used. That does not mean this was not happening prior to the Evidence Act; agencies, congressional committees, and many of you are adept at using evidence to inform policy, regulations, and legislative ideas. The intent of the Evidence Act was to leverage existing strong points, and to provide new direction to change the government’s culture so that the use of evidence is the norm, not the exception. Changing culture is not something that can be legislated, which is why the Evidence Act wisely established leadership roles in agencies, processes for aligning demand for evidence with a timely supply, and greater transparency for data across government.

LEVERAGING RESOURCES FROM THE EXECUTIVE BRANCH

While the Evidence Act sought to improve the availability of evidence in the Executive Branch, it was relatively silent about the needs of the Legislative Branch. This is not to say that the Evidence Act is not useful for legislators and congressional staff, it certainly is. In fact, successful implementation of the Evidence Act has major implications for Congress having access to information it needs.

First, Members and staff can work with agencies that are currently developing their evidence-building plans, or learning agendas, which are scheduled to be completed and published in early 2022 as part of quadrennial strategic planning in agencies. These plans are expected to outline key policy choices and questions, then consider what data exist, as well as what might be needed to support policymakers’ decisions. A recent review of existing learning agendas identified congressional consultation was sparse.⁴ Currently the Small Business Administration and the Environmental Protection Agency are accepting open, public comments on their

³ Hart, N. (2018). Entering the Evidence Promised Land: Making the Evidence Act a Law. In N. Hart and M. Yohannes (eds.) *Evidence Works: Cases Where Evidence Meaningfully Informed Policy*. Washington, D.C.: Bipartisan Policy Center, pp. 192-203. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3766880#.

⁴ Hofman-Graham, S., M. Vantine, K. Newcomer. (2021). *Evaluating Evidence-Building Plans: A Review of Five Federal Learning Agendas*. Washington, D.C.: Data Foundation. Available at: <https://www.datafoundation.org/evaluating-evidence-building-plans-july-2021>.

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respective plans. Members and staff could be sharing priorities with agencies, who should in turn also be seeking feedback from the Legislative Branch.

Second, Congress can provide targeted oversight of key data laws, including the Evidence Act. More than two years after the law's enactment, key guidance and regulatory actions from the White House Office of Management and Budget have not yet been developed for pieces of the Evidence Act, including the OPEN Government Data Act and Part D of the Confidential Information Protection and Statistical Efficiency Act. The provisions of the Evidence Act that require regulatory actions are understandably some of the more technically complicated in the law, but also present some of the greatest potential gains for the evidence ecosystem. Over the last decade Congress also passed the Digital Accountability and Transparency (DATA) Act, the Grant Reporting Efficiency and Agreements Transparency (GREAT) Act, the Taxpayers Right to Know Act, and other broad data laws that direct the Executive Branch to produce higher-quality, more accessible, and more useful data and evidence. Effective implementation of all of these laws can directly support congressional decision-making by making data available for use, including information on spending, awards, performance, and outcomes.

Third, the majority of recent data laws were authorized without new appropriations to support the efforts they outlined. While some agencies were able to reallocate resources or receive funding flexibilities in the appropriations process, we know there is a great need for resources and capacity in the Executive Branch to support chief data officers, evaluation officers and staff, and the Federal Statistical System. A recent survey of federal CDOs conducted by the Data Foundation identified major resource gaps across agencies, including direct appropriations and staffing.⁵ The lack of clear, sustained resources can be a major impediment for implementing necessary improvements to data governance and use. Some evidence also exists that lack of clear reporting structures can be an impediment for CDOs.⁶

Fourth, interaction with the data and evaluation leaders in agencies from Members and congressional staff is an approach to staying updated about new developments, technologies, and concerns that are emerging in the rapidly-evolving data and evaluation ecosystem. For example, earlier this month the House Committee on Veterans' Affairs invited the Department of Veterans Affairs CDO to a hearing about a series of bills on data collection.⁷ It is my hope that congressional staff might increasingly build relationships with chief data officers, evaluation officers, and the heads of statistical agencies who are at the intersection of the evidence producers and the users, and may be able to support your informational needs in the years ahead.

⁵ Hart, N., T. Jones, J. Lawton, L. Sheldon, J. Willey. (2021). *CDO Insights: 2021 Survey Results on the Maturation of Data Governance in U.S. Federal Agencies*. Washington, D.C.: Data Foundation. Available at: <https://www.datafoundation.org/cdo-insights-report-2021>.

⁶ Rowley, K. and N. Hart. (2021). *Structuring the Chief Data Office for Success*. Washington, D.C.: Data Foundation. Available at: <https://www.datafoundation.org/structuring-the-chief-data-office-for-success>.

⁷ U.S. House. (2021, October 7). *Legislative Hearing on the VA Electronic Health Record Transparency Act of 2021 and IT Reform and Data Collection Bills*. Committee on Veterans' Affairs, Subcommittee on Technology Modernization. Available at: <https://veterans.house.gov/events/hearings/legislative-hearing-on-the-va-electronic-health-record-transparency-act-of-2021-and-it-reform-and-data-collection-bills>.

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Finally, there are a great many enhancements to Executive Branch authorities that may still require further action by Congress to support the broader evidence ecosystem. For example, earlier this year the House passed bipartisan legislation acting on the Evidence Commission's headline recommendation, to establish a National Secure Data Service. That legislation was in large part based on a 2020 proposal from the Data Foundation that emphasized the need for congressional direction and oversight.⁸ The data service stands to substantially improve researcher and evaluator secure access to linked data, potentially including for supporting analyses of inequities or disparities in government policies and conducting evaluations of education and workforce programs. Ensuring that government's secure data linkage infrastructure and privacy protections are both modern and safe supports researchers and evaluators responsibly using government data to generate insights for application in policymaking. In other words, when researchers and evaluators can access the data they need to answer policymakers' questions, the more likely we are to have reliable and valid evidence available when policymakers' need it. Considering gaps in data access and analytical capabilities is a relevant and necessary role for congressional oversight of the Executive Branch's evidence-building activities.

RECOMMENDATIONS FOR EVIDENCE CAPACITY IN CONGRESS

While the Executive Branch's evidence-building capabilities can be an asset for Congress, it is also important to recognize that there are actions that Congress can and should take to also bolster its capabilities to build or access the evidence needed for key decisions. In 2018, the Bipartisan Policy Center released a set of suggestions right here on Capitol Hill that did just that.⁹ The suggestions recognized that there are real and unique challenges that Congress faces in scaling evidence-based policymaking across the institution. Those barriers include perception, institutional, and systemic barriers. The options presented generally suggest strategies for establishing institutional roles, aligning processes, and enhancing capacity in Congress.

Institutionally, actions that could be taken in Congress include creating a chief data officer role for the Congress as a designated leader to promote training and data fluency for staff, as well as improvements to this branch's data infrastructure. Opening access to information means that data can be used and we can learn about how to improve the data while also using them to generate new insights. Congress could also establish an ombudsman or senior staff role who can support aligning evidence needs from members and staff with the research and evaluation community. Notably this is different from relying on the Government Accountability Office (GAO) or the Congressional Research Service (CRS) for expertise, which I know was the topic of a recent hearing from this committee. The idea of an ombudsman is that there would be a clear intermediary to provide expertise in connecting researchers and potential evidence users.

⁸ Hart, N. and N. Potok. (2020). Modernizing U.S. Data Infrastructure: Design Considerations for Implementing a National Secure Data Service to Improve Statistics and Evidence Building. Washington, D.C.: Data Foundation. Available at: <https://www.datafoundation.org/modernizing-us-data-infrastructure-2020>.

⁹ Davis, E., T. Shaw, N. Hart, and G.W. Hoagland. *Evidence Use in Congress: Options for Charting a New Direction*. Washington, D.C.: Bipartisan Policy Center. Available at: <https://bipartisanpolicy.org/download/?file=/wp-content/uploads/2019/03/BPC-Evidence-Use-in-Congress-Volume-2.pdf>.

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With regards to the congressional support agencies, both GAO and CRS are central resources for Congress when it comes to evidence-informed policymaking. While exploring areas for potential improvements, it may be relevant to consider how CRS could also support more robust systematic reviews which bring together a body of evidence when addressing major policy questions. The value of a legislative support agency also developing these reviews, rather than the Executive Branch or researchers in general, is that the reviews can be better tailored to the legislative process and informational needs of legislators. Similar to CRS, an increased focus on building capacity for using modern evaluation approaches in GAO and with Inspectors General could provide yet another resource for Congress in assessing whether program goals and outcomes are being realized.

When it comes to congressional processes, there is also room for improvement. If committees and staff are unable to tap into the Executive Branch learning agenda process, they could instead establish similar plans for their committees based on known or expected reauthorizations. Rarely can evidence be generated on-demand to meet needs in the rapid and dynamic legislative process, so planning and investing in advance will ensure you have the evidence ready when it is needed. Similarly, planning reauthorization schedules to align with the timeframe needed to build evidence can also ensure new information is available to consider how or whether to modify a program's or policy's design in statute. Programs like Social Security Disability Insurance have operated this way, in part, for recent actions on the program's funding through the use of demonstration projects and congressionally-directed program evaluations. Then, of course, we can think big about time allocations and consider whether biennial budgeting might better align to evidence production and use, as was presented by BPC as an option in its 2018 report.

Perhaps the easiest recommendations to implement are strategies for bolstering overall capacity for evidence-based policymaking through congressional actions. Major new programs and reauthorizations alike should require the production of evidence on effectiveness, including the evaluation of whether and to what extent program goals are achieved. We have seen such requirements in many bills, like the Second Chance Act and the Family First Act, though the expectation for evaluation is not always included. Congress can specifically encourage (or require) agencies to complete studies on goal achievement. Care must be taken to not overprescribe the type of study or the research approach that agencies should employ, but the recognition of the need for data collection and evaluation provides encouragement for those in agencies seeking to build evaluation capacity in order to produce useful evidence.

CONCLUSION

In sum, new technologies and data analysis capabilities – paired with authorities such as the Evidence Act – are now in place to increase the availability of useful evidence for policymaking. Ensuring the evidence informs policy decisions can be a difficult task in Congress and our society. I am encouraged that in recent years the calls for building more evidence and using it have been bipartisan. While every member of Congress may not agree on the meaning of a

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particular form of evidence or how to solve an identified problem, starting from a common set of facts forms the basis for healthy democratic debate.

With intentional efforts from Congress, Executive Branch agencies, and the evidence-building community, I am confident that evidence-informed policymaking is one approach to establishing greater trust between the American people and their government. I am also encouraged that this committee is taking a thoughtful, deliberate approach to strengthening this institution while recognizing the important role evidence plays in your decision-making.

Thank you for your leadership on these important issues and for the invitation to join you today.

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Nick Hart, Ph.D. is President of the Data Foundation, a national non-profit organization that works to improve government, business, and society through open data and evidence-informed public policy. He is a fellow at the Bipartisan Policy Center and with the National Academy of Public Administration. Dr. Hart previously served as the Policy and Research Director for the U.S. Commission on Evidence-Based Policymaking and worked at the White House Office of Management and Budget. He has a doctorate from George Washington University's Trachtenberg School of Public Policy and Public Administration, a Master of Science degree in Environmental Science and Master of Public Affairs degree from Indiana University, and a Bachelor of Science degree from Truman State University.

The CHAIRMAN. Thanks, Dr. Hart.

And our final witness is Tara McGuinness. Ms. McGuinness is a fellow and senior adviser at New America, where she founded their New Practice Lab, which seeks to improve the design and delivery of policies focused on family economic security and well-being. She is an adjunct professor of public policy at Georgetown University and, appropriate for our committee and our attempt to boost book sales, is the coauthor of “Power to the Public: The Promise of Public Interest Technology.”

Prior to her current position, she served in the Obama administration as the director of the White House Task Force on Community Solutions.

Ms. McGuinness, you are now recognized for 5 minutes. Thanks for being with us.

STATEMENT OF TARA MCGUINNESS

Ms. MCGUINNESS. Thank you so much, Chairman Kilmer and Vice Chair Timmons, members of the committee. I am so grateful to be here today to talk about the task of equipping Congress to really work for the public in the digital age, in particular how you can use data to make better policy and really deliver outcomes.

While the millennium has brought a ruthless focus in the private sector to data for delivery, customers have been tested with messages and imagery tweaking even the timing of emails to increase how we purchase things. This modern toolkit is not accessible to congressional leaders who are trying to bring basic benefits to citizens.

Before I speak to you about the steps—and I have more detail in my written testimony—that you could take to effectively use data, I do just want to stop and pause and talk about coffee, Starbucks coffee. Starbucks uses an immense combination of user research and data to drive decisionmaking. They test what works for menu offerings to demands on a sunny day versus a rainy day.

There are far more resources available today to Starbucks than to assist the U.S. Congress in using data to make decisions, and that has to change, and your work has been an incredible part of that. Coffee isn’t nearly as important as a single thing that any committee does here, from providing, you know, safety for Americans, to keeping our water clean, to providing effective vaccines.

And I share this—you know, this became pronounced in the COVID-19 pandemic, the unprecedented urgency—you heard this from Poppy—about understanding everything from tracking the spread of the virus to delivering economic assistance in real time.

At the core of each of these challenges was a data problem, and modern tools are required not only to build these data sets, but also, as you heard from Nick, to interpret these data sets and what they mean and how you can take action on them.

I am going to focus on four key recommendations for this transformation to drive outcomes. And I have greater details in my written testimony.

First, we need real-time, machine-readable data on government priority programs to see what is working and what isn’t. I am happy to talk about my experience with this on healthcare.gov.

Second, we need Congress to be a place where the best and brightest technologists, data scientists, designers, and engineers go to work, because the policies that you make are essentially delivery, and delivery is policies.

Third, Congress needs to do what you ordered the Federal Government to do, to bring practices of plain language and user testing to your communications.

I want to say a final word about data and evidence. It really doesn't matter if you build data and evidence capacity if you don't have a willingness to learn and change what works and what doesn't. And I know that is the ultimate goal of this committee, but I do think, as we think about building on the Evidence Act, that is really the number one thing we need to focus on. Data is step one.

In this book, "Power to the Public," I went around the globe and I interviewed governments that were doing things that were profoundly different and more impactful, and there were three things that governments were doing who were having a real impact for their citizens.

One, they didn't just have data that they collected in real time. They had meaningful feedback groups to understand what their constituents need. Pairing this massive data with the human experience allows you to see what you can miss in big data sets.

Finally, they had cultures of learning, where they could learn from their constituents and change their decisionmaking. Plenty of organizations have dashboards. Far fewer of them use them to tackle root causes.

I am so grateful for the attention you all are paying to this issue. Congress' capacity to collect data and use evidence may seem like a small, technical thing, but in the digital age, it is the difference between accessing lifesaving vaccines and receiving a rental check before eviction. The ability to see what works and what doesn't work and make decisions and laws upon it can mean nothing but short of lifesaving.

I am really grateful, and I am happy to answer your questions.
[The statement of Ms. McGuinness follows:]

Improving Congress's Capacity to Serve the Public through Data and Data-driven Decision-making

*Testimony prepared for the House Select Committee on the Modernization of Congress Hearing:
"Strengthening the Lawmaking Process: How Data Can Inform and Improve Policy" - October 27, 2021
by Tara McGuinness co-author of *Power to the Public: The Promise of Public Interest Technology*¹ and
Senior Advisor, New America
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Thank you Chairman Kilmer, Vice-Chair Timmons, members of the Committee. I am grateful to join you today to talk about the important task of equipping Congress to really work for the public in the digital age. In particular, how you can improve the use of data to make better policy and deliver outcomes for the public.

- While the new Millennium has brought a ruthless focus on using data to deliver for customers in the private sector— testing messages, imagery, and even tweaking the timing of emails to increase customer response—this modern toolkit is not yet accessible to Congressional leaders trying to bring critical policies and benefits to citizens.
- Before I speak to you about steps that you could take to improve how Congress uses data to effectively deliver outcomes, I want to talk about coffee: Starbucks coffee.
- Starbucks uses a combination of user research and data to drive their decision making. They test what works - from menu offerings to staffing demands on a rainy vs. sunny day.
- There are far greater resources (in recruiting human capital - data talent, tools, cutting edge testing) and more evidence-based policy making tools available today to support Starbucks than to the U.S Congress. That has to change.
- Coffee isn't nearly as important as any single one of the scores of activities driven by this legislative body: keeping us safe, keeping our water clean, effectively providing vaccines, or food security or health insurance.
- The COVID-19 pandemic has brought an unprecedented urgency to using data equitably in policy making -- from tracking and containing the spread of the virus to delivering economic assistance in a timely and effective way. At their core these challenges are data problems: modern tools are required to build accurate data sets, interpret data and measure impacts.
- These skills and tools aren't rocket science but they do take work and require transitioning from the way things have been done.
- I am grateful that you have called this hearing to understand how Congress can improve the use of evidence based policy making.
- I will focus my testimony on clear steps this Committee can take to make sure the best practices and tools are part of your work to serve the public good.

Here are four key recommendations for making this transformation to using data to drive outcomes in the digital age:

¹ McGuinness and Schank, *Power to the Public: The Promise of Public Interest Technology*, Princeton, Princeton University Press, April 2021.

- First, we need to create real-time data on government programs to see what is working and what isn't.
- Second, we need Congress to be a place where the brightest technologists, data scientists, designers and engineers go to work -- because policy is delivery and delivery is policy.
- Third, Congress needs to do what it ordered the federal government to do: bring practices of plain language and user-testing to its communications.
- Finally, we need data to drive *decision making* by creating a culture of improvement, where the users of policies have a voice in the process and actions get taken to improve things when the data suggest something isn't working.

First: real-time data, systems that can measure what matters, in real-time:

- Much of evidence based policy relies on the ability to collect and use data to assess what is working. Congress can aid the data improvement effort that is the lifeblood of evidence-based policy by considering including that data collection in *service of delivery* be part of any legislative bill. What might this look like?
 - *Encourage automated data for social programs* with the ability to monitor service delivery in real time. For example, it is impossible to determine real wait times in the Unemployment Insurance program (despite much data collection). This information would allow program administrators to understand where there are bottlenecks in the system, or when wait times are getting very long. A Child Tax Credit data dashboard built by Code for America, a nonprofit focused on improving government service, models what any social service should have: the time it takes to complete the application, the number of benefits delivered overtime, by zipcode, the top reasons for rejected applications. It is a model of real-time, good enough data that would allow interventions to be tested to see improvements. Most programs at the state and federal level don't have this day today.
 - I know first hand, how impactful the installation of real-time data monitoring was for Healthcare.gov. The adhoc team of engineers, designers, data scientists and contractors working to turnaround Healthcare.gov in its early days didn't know what was broken until they could see where clients were stuck: the log-in, the identity verification, the part of the site where you pick a plan. It was impossible to prioritize fixes until you could see all parts of the system in one place and where people were getting through and where they met barriers.
 - The ability to see in real-time who you are serving and how applications are being processed is a key part of modern service delivery operation. If a key population is getting stuck (people with two-part last names) or is missing altogether (people with obscure but legal immigration status) the sooner this is visible, the sooner it can be addressed.
 - What else can you do to advance evidence based policy? *Require and encourage that data, where possible, be machine readable and machine collected.* This will reduce the amount of manual data collection, allowing time for analyzing and using it, and making faster adjustments to improve delivery for the people the programs are intended to serve.

During COVID we saw first hand data challenges that emerge when a data person is out for a day, where possible you want to eliminate bias or corrections.

- Finally, Congress can seek ways to create surveys to better understand public needs. The Census Pulse survey (during Covid) was an imperfect tool, but did help Congress see what the public was facing in real-time in a crisis. Congress could use other established or emergency data mechanisms to get a read on what issues are important for the public. More systematic means of using constituent complaints to individual offices could also improve the feedback loop between the public and the government.

Second, technical talent.

There are many opportunities for this Committee and others to build your own teams, create new roles and to receive technical assistance from other government agencies like USDS which have already cultivated tech talent. According to Travis Moore, head of TechCongress, out of the nearly 3,500 legislative staff in Congress, there are fewer than twenty with backgrounds and training in technology.

- This will mean investing in bringing new skills and talent to Capitol Hill, diverse leaders, representing all our communities, with new data, research and technology skills, and new systems.
- There has been progress in this area --TechCongress has fellows in offices of both parties demonstrating there are new tools and mindsets that have come to the private sector and other branches of government that are mission critical to how this body does the work of legislation and oversight. But there is more to do.
- Many Americans are raising their hands to be in service. There are not enough fellowships or roles in Congress today to bring this expertise in at the scale we need. Tech Congress had 865 technologists apply to our programs over the last year for only sixteen slots.
- This committee has already begun to expand talent by recommending the creation of a Congressional Digital Service Task Force, modeled on the bipartisan proposal for a Congressional Digital Service from Majority Leader Hoyer and Minority Leader McCarthy, This would be another important step to bringing in technically informed policymaking. As you know, the Modernization Committee hosted a pilot Congressional Digital Service fellowship in 2020 and 2021, which proved the immense value a team of engineers and designers can have in Congress. The \$2 million appropriation for an innovation lab within House Information Resources is a great start and I encourage the Committee to continue pushing for a permanent Congressional Digital Service fellowship.
- There is so much more that could be done to both build out technical talent in personnel offices, committee offices and institutional offices like the Clerk and Chief Administrative Officer (CAO), and legislative support agencies like Congressional Research Service (CRS) and US Government Accountability Office (GAO).
- There are scores of jobs available in the private sector, at places like Starbucks, with titles like “chief digital and analytics officer” “data scientist” “data engineering manager” “advanced analytics and insights officer.”
- This Committee can also bring expertise from the other parts of the federal government, like the US Digital Service. Designers, data scientists and engineers could provide valuable technical

assistance to lawmakers during the policy writing process, helping to illuminate how technical policy is successfully implemented by the executive branch. Rotations, fellowships, or exchanges could also bring expertise to committees while fostering alignment on policy objectives and outcomes. It could be incredibly useful to have someone who has actually implemented a policy improve the next generation of legislative drafting on it.

Third, plain language and user testing and iteration.

- To improve how government works today we need to build a tighter feedback loop between the people we serve and those who design policies for them and improvement overtime.
- From a book order on Amazon to a Lyft ride today's companies are constantly learning, testing and seeking data and feedback.
- One of the skills refined by technology companies is connecting data to user testing and refining how to convey ideas in plain and simple language².
- Analyzing reams of gig data isn't enough. Congress needs the ability to use data to make sure things are working for people by user testing, and trying things out small before rolling them out big.
- One well known financial services company tested the name of a single navigation item on their website with 455 participants, every year they conduct hundreds of tests with users often with over 1,000 participants in each study. No wonder government websites feel different; they have not been built and tested for what humans need the way company sites have.
- It is particularly important Congress makes sure that the public knows and understands the benefits they are eligible to receive through laws that are written.
- For example, if you are ill or are having a new baby - you might need information about medical leave or family leave, a policy that has been on the books for decades. Right now the Department of Labor website is entitled "FMLA Frequently Asked Questions"³ referring to the "Question and Answer" you might need regarding the name of the law "Family Medical Leave Act" You shouldn't have to know the name of the law from 20 years ago to get your questions answered about paid leave of medical leave and understand your rights. Our team has worked with two states on care policies testing how the families who will use them see them and what search terms they use. This type of research is something that Congress should have the capacity to do⁴.
- In 2010, Congress passed the [Plain Language Act](#) that requires that federal agencies use clear government communication that the public can understand and use. Congress needs to do what it has ordered the federal government to do: improve its own ability to write bills in plain language -- this could be through an additional level of expertise in leg council or more formal training for Congressional staff (similar to existing legal or budgeting training). This would improve public

² Tom Tullis, "Measuring the User Experience," (Presentation, UX Masterclass, Montreal, Canada, September 20, 2010).

³ FMLA Frequently Asked Questions, Department of Labor, accessed October 25, 2021, <https://www.dol.gov/agencies/whd/fmla/faq>

⁴ Brigid Schulte, "Want to design policies that really work? Test them on the users who need them first: a step-by-step guide to how New Jersey used plain language and user-testing to improve the state's paid family and medical leave program," New America, March 31, 2020, <https://www.newamerica.org/better-life-lab/blog/want-to-design-policies-that-really-work-test-them-on-the-users-who-need-them-first/>

access to understanding the laws that affect them, but would also make agency interpretation simpler, clearer, easier to implement.

Building adaptable forms and customer response systems for humans.

- Set goals on outcomes, instead of prescribing timetables. Many pieces of legislation prescribe specific implementation timelines for the delivery of IT products and procurement that can't be known at the time of drafting -- it is easier to gather analysis of what works, without arbitrary deadlines. It can be a mistake to implement a program until it is clear that it will actually reach the public; it is possible to draft requirements that better connect to delivery than arbitrary timing deadlines.
- Often laws prescribe the need for contact or call centers that are obsolete, or they prevent helpful automation by prescribing human contact. For example, to this day, the Paperwork Reduction Act makes it difficult for federal agencies to have user-friendly form “wizards” because OIRA must approve every possible permutation of the form wizard as an independent form. New tools like the ability to actually time everyone who uses a form, and even to see exactly what question they get stuck on most often, are not used, in favor of literal guesstimates of “time to complete” estimates.
- Don't be too prescriptive. Sometimes the most evidence-based solutions are not available to agencies because the legislative text prescribes the exact way evidence should be collected. Language that sets the goals for rapid learning rather than the pathway for data collection is best.
- Legislation should point to tested existing federal guidance when it exists. Much of the COVID-19 pandemic unemployment fraud would have been avoided if states were held to the same guidelines⁵ that federal agencies must adhere to for affirming someone's identity. This guidance is flexible, and it works. (The VA and SSA are not overwhelmed by fraudulently filed benefits applications.) You could keep a short list of such policies for easy reference in bills, for example the US Web Design Standards.⁶

Finally, data and evidence that does not create change is useless.

I want to say a final word about data. It really doesn't matter if you build a data and evidence capacity if you don't have a willingness to learn and change what works and what doesn't. In our book *Power to the Public*⁷, the defining qualities of governments that were having profound outcomes were threefold: government officials didn't just have data, they also had meaningful feedback loops with the humans they serve, and they had a culture where the learning from the data and from their constituents changed their decisions. Plenty of organizations have data and dashboards, far fewer of them use the learning to tackle root causes, change incentives and cultures and stop doing things that don't work.

⁵ [NIST IAL2/AAL2 guidelines](#)

⁶ “A design system for the federal government,” <https://designsystem.digital.gov/>

⁷ McGuinness and Schank, *Power to the Public: The Promise of Public Interest Technology*, Princeton, Princeton University Press, April 2021.

We need data to drive decision making by creating a culture of improvement, where the users of policies have a voice and action is taken to fix root causes when the data suggest something isn't working.

I am grateful for the attention this Committee has paid to the process of improving and modernizing Congress. We do have the capabilities to use evidence to learn what truly works *to help policy really reach people, to test what works and to improve.* I hope this testimony leaves this committee with concrete steps and recommendations.

While policy matters a great deal, it matters very little if it doesn't reach those who need it most. Congress's capacity to collect and use evidence may seem like a small technical thing, but in the digital age it is the difference between accessing life saving vaccines, receiving a rental check before eviction -- the ability to see what works and what doesn't is nothing short of life saving.

The CHAIRMAN. Thank you, Ms. McGuinness.

I now recognize myself and Vice Chair Timmons to begin a period of extended questioning of the witnesses. Any member who wishes to speak should just signal their request either to me or to Vice Chair Timmons.

So I guess this is what I want to get a better understanding of. It seems like we have got a few things we have got to work on here, right? In Congress, we have—and I think you just touched on it, Ms. McGuinness. There is both a skill problem, where we haven't built the muscle here either in the individual offices, at the committee level, or as an institution on how to use data. And there is also a bit of a will problem, right? You have got to want to do it, right? Oftentimes, the debates here are about what we think, not what we know, and what we think is not always based on fact, right?

So I guess what I would like to get a better understanding of—and each of you kind of touched on specific ideas in different ways. I want to just get operational for a second.

If we define an end goal of individual Member offices, committees, and the institution both wanting to and having the capacity to use evidence to make decisions, let's get operational. Like, what are two or three things that you think this—I airdrop you on to this committee, you know, what recommendation would you pursue if you were us to help get us there? And if you have suggestions of whether it be coffee companies, State legislatures, or foreign governments that you think we ought to look at, we are game. How is that?

You can just go down the list if—or whoever wants to go first, shoot.

Mr. HART. So I will jump in. Well, I think it is important to recognize, first of all, that Congress does evidence-based policymaking today. This is not something as a critique to say that this doesn't happen at all. There are definitely areas where committee staff are incredibly savvy, and information from CRS, GAO, CBO is all relevant.

I think my main points would be about strengthening that capacity. So certainly there are gaps in knowledge, and this is not a critique of any individual or person, but, rather, the world is constantly changing as we are thinking about how to use data better in our society. So having a process for facilitating education and training of the workforce, whether it is committee staff or individual Members, is, I think, really important as this goes forward.

Understanding complex concepts, like multiparty computation and homomorphic encryption, that most people will—their eyes will gloss over as you hear those terms, we are going to be talking about those for years to come. So figuring out the staff capacity is really important.

The second thing, if you are talking about staff capacity, there also has to be somebody clearly in charge as a leader. Who do you recognize in the congressional institution to guide this process? And this is part of why I would suggest something like a CDO. We are seeing this happening—

The CHAIRMAN. Would you set that at CRS? Is that the right place for it?

Mr. HART. CRS could be the right place for it. I think there are probably arguments that it could be more independent——

The CHAIRMAN. Uh-huh.

Mr. HART[continuing]. And not aligned with existing support agencies based on the role that they would need.

The CHAIRMAN. Okay.

Mr. HART. So I guess those are a couple of my quick suggestions.

The CHAIRMAN. Go ahead.

Ms. MCGUINNESS. I would underscore the role of CDO. It made a big difference when we brought this to the executive branch. It changed our culture and even allowed us to do some translation on what it is a data scientist does and what kind of questions they ask in a policy briefing.

I think you—you know, this is testimony that has been put before this committee before that—of kind of 3,500 legislative assistants here and staff on the Hill. Fewer than 20 have deep expertise in technology. That comes from the testimony of Travis Moore, the CEO of TechCongress.

And so I think really you have an asymmetrical balance between the best talent leaving for other things that are not as important. And so signaling this as something that is important for the Federal Government to bring a wide range of skill sets to the Hill will end up producing things that you haven't even thought of about why you might need an engineer. It changes the questions you might ask someone who is coming before this committee or others.

Second, I do think the ability in the interim to draw on expertise from the Federal Government, the creation of the U.S. Digital Services, of 18F, you know, there is already existing Federal authority that will allow rotations to committees, or even brief review. Wouldn't it be helpful to have someone who worked on the last failed delivery of a policy review the legislative text for the next one? That is the sort of thing you can call on today by creating a rotating fellowship or even building your own permanent staff on this.

I think on the question of where you locate a CDO, it is certainly worth deeper exploration. The clerk and chief administrative officers will really—what is the data that you are aiming on? I think it could be very different depending on where you locate this particular role.

And, finally, I do think the ability to translate, you know, bring trainings to staff, and be not too prescriptive in how you write this into legislation. The dynamism in what the modern tool set is is different from when we were at OMB. It is very quick, and you don't want to prescribe—what makes sense today won't make sense 6 weeks from now in terms of what is the most useful set of data tools, but having evolving skills that you can bring to the staff here is critically important.

The CHAIRMAN. Great.

Ms. MACDONALD. Chairman Kilmer, you mentioned the skill and the will, which are two really important things. I would also say the time, right? So I do think congressional staff are really interested in understanding, by the numbers, where does this country stand.

We worked with Senator Romney and Senator Schumer's policy staff to put together a picture of our country by the numbers. And we did that for the President's State of the Union Address. And we felt—we analyzed State of the Union Addresses and felt like the President, no matter from what party they are, always described the state of the country as strong, stronger, you know, even better. And we thought it was a little more complex than that and that it could be described in data.

To pull together, though, a picture of our country by the numbers, which Republican and Democratic staff were, you know, very inclined and excited to do and helped devise this on, we had to pull 56 data sources across 19 Federal agencies. So to think that an individual staff member in one congressional office, even if they had the skill and the will, could go about pulling together a portrait of that on their own, it took USAFacts about 3 months by the time we pulled that data together, we created visualizations that were understandable by the public, and we built that functionality in a publicly accessible way at usafacts.org.

So I would just think about, is there somewhere within Congress that can be built with those kind of capabilities that can support staff who do have the will? And I am not sure that putting that skill in every single congressional office—I know how small those offices are and how hard they work to support constituents' needs. But I would just think about how do you create that capacity.

USAFacts certainly stands ready and willing to help, but I also think that Members of Congress deserve to have that capability right here in your own four walls.

The CHAIRMAN. Great. Thank you.

Go ahead.

Mr. TIMMONS. Thanks, Chairman.

So the chairman talked about skill and will. I am going to put it in a little bit different perspective. I see three components of this conversation: resources, process, and will. So still got will. But resources, we need impartial, unbiased, digestible, scholarly literature that addresses the relevant topic.

We have some of that with CRS. Some of that is not digestible. And then there is obviously a think tank for every position on the political spectrum that has digestible, scholarly, but partial or biased. But, at the same time, reasonable minds can differ on a lot of the solutions to these big problems. So that is not bad. It is just we have got to be able to put all that stuff into the process and try to figure out the answer.

Then we have process. So, I have been in Congress for 3 years now, and—well, I will be fair. This is the same before and now. So Financial Services, we haven't had a legitimate exchange of ideas in subcommittee or full committee in my entire time in Congress. We have not had a single—well, maybe one amendment adopted by the minority party. I am going to go ahead and couch that. Four years ago, the previous Congress, I guarantee you it was the same way. So, I mean, I am not playing politics here, because everybody does it when they are in the majority.

So there is a process issue there. We have the subcommittees, we have the full committees. We have the process there; we just don't have the will to use it.

Now, when you get to will, you have two problems. One, it is easier—well, everybody is playing gotcha all the time, and it is easier to put things together at the last minute and wait till Christmas Eve and say, All right, we are voting on this. Do you want to go home? Stick around.

I.AM GOING TO ASK YOUR THOUGHTS ON MY VERSION OF THIS IN A SECOND.

So you said Congress does engage in fact-based policymaking earlier, and I actually was trying to think of the worst example of not that, and it was COVID round two. So we did the initial—again, this is emergency, so it is not super fair. But COVID round two had a couple of programs in it to try to help small businesses not lay off their employees. It was just awful. It was poorly thought out. It didn't have any basis in reality, ultimately wasn't used. But we got the PPP loans. After that, that was—it actually worked fairly well. I would say it was a resounding success.

But, again, I am on the floor talking to a bunch of people that I love and respect, and I am just like, this is how this would work for my business. Like, you literally are going to cause me to be a felon because I can't do what you are making me do. And they are like, oh, okay, I get that now. I am like, how is this possible that we are voting on this and we haven't thought about these things?

Anyways, so, given all of that, I mean, is it—it is all three. It is resources, process, and will. Where do you all believe we are most efficient, and where do you think we can most improve?

Mr. HART. So I think it is a very powerful example that you just offered of a place where emergency action was necessary in the national interest, and there are cases where Congress may make decisions about policies where the evidence is entirely missing.

I think my response would be: How are we addressing the evidence needs going forward? So we have designed a new program. What did the program design have for the Small Business Administration, Department of Treasury, to specifically build evidence, evaluate the questions at hand so the next disaster or national emergency, where somebody says, "this is a great idea," we can actually calibrate with what happened in the past, learn, maybe make improvements, changes to the policy.

So evidence-based policymaking isn't about always having precise, perfect evidence at the beginning of a process, because we rarely do. It is about building this and continuously learning over time.

I think, in that spirit, some of the areas that we have the greatest need involve basic capacity of workforce that can do this, but also being truly transparent about what evidence we have.

So, in Congress, why can't we have something like an evidence register just like a CBO score shows up for every bill? This is the evidence we used to document the need of this particular piece of legislation. It wouldn't be that hard to add, and it would go a very long ways in being completely transparent about what evidence exists and what doesn't.

Financial Services just passed or approved a bill called the Financial Transparency Act. It was voted out of the House earlier this week, and that is about open data. And certainly there are

plenty of areas where the openness of information also enables us to have honest debates about the credibility of the data, the meaning of it, but also applying it for drafting legislation, understanding the context of a problem. So, frankly, we need to do that more.

Ms. MACDONALD. Yeah. I might just add on to what Nick said about—you said resources, process, and will, how do we create the will, and maybe it is thinking about the process. I know there was a Republican effort before to say, for every piece of legislation, we need to talk about the fiscal impact. How much is this going to cost? How are we going to pay for it?

What about a requirement—a bipartisan requirement to say, Let's talk about the impact that this legislation is supposed to have? We may disagree on what the right policy solution is, but let's talk about whichever policy position moves forward. What are the numbers it is supposed to drive? This is the population it is intended to serve. This is how big that population is. This is what we hope will change over time, and this is how we are going to measure it.

And then we can judge the effectiveness of that policy, policy-makers, and citizens by, did it move that number, did we go in the right direction? It is very similar to how businesses, right, make decisions.

I do think, as you move toward that, though, you are going to find there are challenges with government data. It is dated. It is old.

Just going to the fiscal example, when we do a 10-K for the government, which is required by the SEC for corporations who are publicly traded to provide that information to their shareholders, for our 2021 10-K for the government, we were using 2018 data. You can imagine—you talked about running a business or Steve running Microsoft and trying to use data that is 3 years dated to see are the decisions I am making today having an impact. And, certainly, the SEC wouldn't settle for a publicly traded corporation using 3-year-old data to report to shareholders in an open and transparent way.

So I do think there is a real opportunity to think about how to make that data and that transparent, real-time data part of the process, and then that will hopefully get agencies in gear to start providing that in a more public way.

But I would say it is not just at the Federal level. The reason we use dated fiscal information when we are rolling up local, State, and Federal fiscal data is because we know what the Federal Government gave to States. But by the time then counties report to States to report back to the Federal Government, that is where you get that 3-year lag.

So it really is looking at the pipeline problem. We saw it with COVID, but we see it with fiscal and other issues as well.

The CHAIRMAN. I saw Mr. Phillips gesture first, so that I will get to him, and then I will get to you.

Mr. PHILLIPS. Ah, the fast gesture.

The CHAIRMAN. Yeah. I won't say what gesture, but, you know—

Mr. PHILLIPS. I see. Thank you, Mr. Chair.

First, I wanted to say, Ms. McGuinness, that the urban studies degree holders caucus in Congress is a very small one. I think it is just me, so I wanted to salute that connection we have.

And I want to thank all of you. This is my favorite committee in Congress for reasons you can surely understand.

As we talk about this issue, I happen to be one that believes that the data is there. We can certainly do better at aggregating it, consolidating it, and sharing it. But I would argue to my colleagues that, unless we digest it together, we perceive it differently. And I think we have to find better mechanisms by which Members of Congress are in the same room in front of the same people together.

You know, hearings don't do it, because, as you all know, witnesses typically are Republican witnesses or Democratic witnesses. There is a baked-in bias, at least we perceive. So I am glad we are having this hearing.

One of my questions is actually relative to my State. The Pew Trust, as you all know, had a results-first initiative, I believe you are aware. They named Minnesota one of the States at the forefront of evidence-based policymaking.

Are there other States or other initiatives of which you are aware, any of you, that we might look at and consider bringing to Washington that are working?

Ms. MCGUINNESS. [Inaudible] I am happy to jump in on the State example—

Mr. PHILLIPS. Please.

Ms. MCGUINNESS[continuing]. And to take as a—

Mr. HART. Is she on?

Ms. MCGUINNESS. When you are --

The CHAIRMAN. Can you unmute your microphone?

Mr. PHILLIPS. Oh, your microphone.

Ms. MCGUINNESS. When you are urban planning and subway planning, it is one of these cut-and-dry things.

Mr. PHILLIPS. Yeah.

Ms. MCGUINNESS. If your math is wrong, the subway doesn't stop in the right location, is the basis of evidence.

On the States and cities, kind of outside of Federal example, I think it is remarkably uneven, and even you can find in a place like Minnesota excellence across the board. But if you add a layer of—as you see, I am working right now on early education.

Mr. PHILLIPS. Uh-huh.

Ms. MCGUINNESS. Without collecting data on demography, you don't see that it is both at the top of the class across the country unless you disaggregate for race. So I think both making sure how we collect—and I think it is a really important point on data. You know, our ability to create it and create data sets and use them and use them by the communities they are serving is mission critical, or you have enormous blind spots in what the data tells you.

On other States and localities, I think—you know, Michigan has an incredible body of work out of the Michigan Department of Health and Human Services, where they have brought a combination of evidence and user testing. And this is where you can see real impact in the delivery.

My focus is a lot on not data for data sake, but how does it change our ability to improve schools—

Mr. PHILLIPS. Uh-huh.

Ms. MCGUINNESS[continuing]. You know, get vaccines in people's arms.

In Michigan, they had the longest application for public benefits in the country. It was 1,200 words long. It was—there was—once they applied evidence to it, they could see there was no difference between the people who got through the system and had their benefits approved and the people who were stuck somewhere.

It was only through a combination of looking at real-time data from the system about where people were stuck and interviewing both frontline Michigan State workers and residents that they were able to cut this in half, make it 20 minutes, increase government efficiency. It is a project that was done under Democratic and Republican Governors in Michigan. That is one statewide race.

I am happy to work with other colleagues to make sure we can lift up a few other examples. But there is both State level and I think city level to some extent. The evidence regime has come quite early to a number of the country's municipalities where you have better instrumentation on city level data in a number of places than you see even at the State level. I think State is a place where those capacity needs also need to be built up.

Mr. PHILLIPS. Okay. Any municipalities that we should take a look at?

Ms. MCGUINNESS. Yeah. And, frankly, it is like often you will have one agency in a city.

Mr. Phillips. Okay.

Ms. MCGUINNESS. Like I was just yesterday in the city of New York where some agencies are excellent and other agencies, it is like no man's land.

Mr. PHILLIPS. Right.

Ms. MCGUINNESS. And, really, the ability to have a constituent in a city feel the difference is about having their experience across, you know, agencies work.

So there is actually a nationwide competition to rank cities' open dataness—data run by What Works Cities. It is a Bloomberg Philanthropies program that basically does very vigorous ranking of cities' use of data and evidence. And I am happy to provide further materials on it.

Mr. PHILLIPS. Interesting. Thank you.

Mr. HART—or Dr. Hart, I mean.

Mr. HART. So I think there are actually a great number of examples from States that I would be happy to follow up on, but I want to just maybe highlight a couple that are relevant here.

Ohio has recently, under the lieutenant governor's leadership, launched Innovate Ohio, which is essentially a data infrastructure for compiling administrative records for the State, but also—

Mr. PHILLIPS. Okay.

Mr. HART[continuing]. Includes open data. So they have done a sort of soup-to-nuts capability that enables their citizens, as well as researchers, to access information better—

Mr. PHILLIPS. Uh-huh.

Mr. HART [continuing]. And they can actually apply it for the budget process and for other activities of decisionmaking.

The State of Mississippi, for a number of years, has run something called LifeTracks, which is built out of their State longitudinal data system. It is a way of linking education and workforce data to look at long-term outcomes. And Mississippi is maybe a surprising example for that system, but they have built it by being incredibly transparent about what they were doing, have a good oversight and accountability procedures. And they have made it available to the research community.

Mr. PHILLIPS. Wonderful.

Mr. HART. Missouri, interesting example of sharing workforce data, UI data, in partnership with an organization called the Coleridge Initiative—

Mr. PHILLIPS. The Cory—I'm sorry?

Mr. HART. The Coleridge Initiative.

Mr. PHILLIPS. The Coleridge. Okay.

Mr. HART [continuing] Where data can be linked to other States. Where our Federal infrastructure is somewhat lacking, States are starting to innovate and figure out ways to solve these problems. So I think it is really incredible work happening in States.

Mr. PHILLIPS. Terrific. Thank you.

Ms. MACDONALD.

Ms. MACDONALD. I will just give quick one example.

Mr. PHILLIPS. Yeah.

Ms. MACDONALD. I will say the fed, which is the St. Louis Federal Reserve, if you go to their website, we look at it as a fantastic example of making government data publicly accessible and visualizing it in a way that is understandable to the public.

Mr. PHILLIPS. Great. Thank you all very much.

The *Chairman*. Mr. Latta, go ahead.

Mr. Latta. Well, thanks very much, Mr. Chairman. Thanks to the witnesses for being here. Glad to hear focus on something from Ohio. I am glad to hear—that is good. That is good news.

Well, you know, one of the things that, you know, that we deal with sometimes, you know, with facility, is Ms. MacDonald said we—with so many different Federal agencies out there, the amount of data that—and reports that are being generated, one of the things I have always commented on, we want to make sure that they are not just generating something just to generate. Because, you know, I don't want people to be getting paid by the word down the road, because then, again, what are you going to do with it? And if you can't use it, it is worthless.

So, you know, one of the things—I think one of the things I always start off with a question as to is: How much is being generated out there—just maybe can you give me a short answer—do you think that we really don't have to have on the Federal side that is being generated right now?

Mr. HART. The question was how much—

Ms. MACDONALD. That we don't use.

Mr. LATTI. From these agencies and departments that we have. Because, again, you know, there is a lot of things that are generated, but why? You know, is it being gen—because, again, if we are going to get it out there, is it to be used? You know, it is use-

less, and a lot of times, it is just being generated, and it is not useful for our intended purpose.

Mr. HART. So I think this is an important reason laws like the Paperwork Reduction Act exists, where Federal agencies are tasked with submitting what is called an information collection request to OMB for review. But that is about information they are collecting from the American people where we assess the burden and even the quality of the information they will get back and whether it aligns with a particular purpose.

But we also know there are plenty of places where data are submitted to government not as data, as faxed forms, for example, which we learned about early in the COVID pandemic. It makes it challenging to use data when it sits in a file drawer. And so there is an important message here as we are building new open data capabilities and infrastructure. The data have to be machine readable and high quality.

There is a process also happening under the Evidence Act that I will mention directly in response to your question, that agencies are being tasked with developing data inventories, so a way of documenting publicly what data they collect and have. They are not yet accessible from many agencies, but, in coming years, we will have much better insights, taking the ICRs that happened under the Paperwork Reduction Act and linking to the data inventories to able to answer your question hopefully much better.

Mr. LATTA. Well, let me ask you all this, because, again, what do most people do now? You know, I was on a—the other day, I was at the Library of Congress on the reading floor, and I am sure there are people out there who have—a lot of younger people wouldn't even know how to use a card file anywhere to find anything.

And when you think about the research that is going on, for some people, it is just like they just go to a search engine and punch it in. And I always tell folks, everything that is out there on the internet is not actually all factual.

But, you know, how do we—because, again, since so many people are relying on that, how do we look at that then? Because, again, if it is being put out there by departments or agencies, how do people—you know, is it being able to be accessed? Because I think it is—you just mentioned on that point that there could be some issues.

But what about that? Could I just ask everybody real quick, just on search engines and what people are looking at. Because, again, that is what people are relying on now, because you can find—you know, how many times have we heard this: You can find anything on the web?

Ms. MACDONALD. That is a really good point. I would say, for USAFacts, we are thinking about optimizing for Google, for Bing, right? We know that Americans, when they have a question, they are going to a search engine. And then how do we ensure that that government data pops up, right, first in the response and that they have a—Americans have a trusted source for that information?

I would say too, to your point about are there agencies that are collecting maybe data that is not usable or not helpful, I do think that where USAFacts sees a challenge is we look at not only the

78 Federal agencies, but the 90,000 local government entities. They are all collecting data. But if there are no standards about what data is collected, when it is reported, how it is reported, is that actually useful or helpful if none of that data matches up, in terms of understanding school districts and comparing them across the country, or understanding the efficiency or the effectiveness of government?

So I think standardization about what should be collected and Congress saying, This will be helpful for us in judging the effectiveness of this policy. This is what needs to be collected and really making those requirements clear would be really helpful in moving us forward.

Ms. MCGUINNESS. I am happy to jump in next. Is that working?

Mr. LATTA. Yep.

Ms. MCGUINNESS. I think this line of questioning raises three important points, and I want to underscore what Poppy just said on common data standards. It would be really different—we are collecting a huge amount of data in a way that doesn't allow you, because many laws have defined a family or a child or even a young person at a different level, but allowing various agency data sets which originate by legal requirements from different bills. To give you a full picture, I think there is real work to do on standardizing data in the next generation of laws, being thoughtful about whether the definition of a child across agency may be useful to get a full picture of what is happening for the public.

Second, I do think there is a real difference between what you are using data for, and we are going to need it for many things—longitudinal studies, you know, more intensive evidence-based work. But, also, it was a striking lack to me in the Federal Government the data that is available to program administrators for making programs better for the public, yet you have reams of back-end data that could in no way tell you today how many people are applying for SSDI, and where did they get stuck, and how long did it take.

And so I think I would put special emphasis on prioritization across the government data that we are collecting to have outcomes for your constituents, and I think, right now, that prioritization doesn't exist. And, also, back to the tool of the ability to see it in real time. The ability for it to be machine readable, or, frankly, where you can take the humans out of the process, so that when someone is sick in said State and they are the data agent who sends the PDF to HHS with how many people got COVID today, when they have COVID, you can still get data numbers if you are doing this in a profoundly less manual way. So I think real prioritization for what matters in serving the public is an important line of questioning.

And to the extent to which, you know, the next generation of laws, many challenges I faced in creating consumer-friendly products were often that, two decades ago, something was mandated by collection in a piece of legislation. So where you can be prescriptive about the outcome for data that you want in your next law rather than how you collect it so that it doesn't become outdated. I think that is a really important role for this committee. How obsolete something becomes really quickly on this data side is real impor-

tant, and so much of this is prescribed by law, and then you are wasting money collecting it in a kind of manual fashion.

Mr. LATTA. If you would indulge me for just one last question, because, again, this—you know, as we look at what is being collected and how it is being presented, you know, Ms. MacDonald, in your testimony, you stated that, “Why isn’t the same standard for metrics and data that businesses are required to report to shareholders applied to the impact and progress of government reports and initiatives?”

And, again, I think this goes back to, you know, the—I can remember back when I was in the Ohio Legislature, and our Legislative Service Commission prepare the—everything—a bill came out, and you go through and with the analysis. For one of my bills—I chaired a very complicated committee, and so our bills were like sometimes a thousand pages long, so just the analysis was a hundred pages long. And I know, going to the floor, I said, We can’t give everybody a hundred-page analysis.

So we had another agency cut that down to 10 pages. So, you know—but when you think about that, how do we, you know, change the mind set on the—again, this is a whole thing that we are talking about. How do you change the mind set to get something usable so it is just not—you know, just like a bunch of verbiage out there? It is just like you read 100 pages to try to figure out, okay, I only needed this.

So how do we get to that point? Because, again, if companies are required by their shareholders or anybody else to have to hit a standard and we are not doing it, so, you know, again, I think it is—that is one of the issues that we are going to have out there.

Ms. MACDONALD. I will say we do—we find it ironic, and as Steve Ballmer having—had to sign a 10-K form on behalf of Microsoft attesting that the data was accurate and current, did find it ironic when he was searching for the government’s 10-K that there are standards and they are not followed by the government, but they are set by the government.

And then in terms of usability and accessibility, I would just say your observation is correct that people don’t like to read, right? So how do we make data really visual, use as few words as possible so that the point gets across? And I think data visualization, like quick, short summaries is a really important way to think about how to present that information.

We do—a Form 10-K is not accessible or usable, just to be clear, but we do our annual report on government, and, if you look through it, you will just notice it is, you know, primarily visual with, not only there is a few words there, but I would say it is not a lot of words; it is a lot of visuals to help paint a really quick, clear picture in data, visualized.

Mr. LATTA. Well, thank you very much.

Ms. MACDONALD. Uh-huh.

Mr. LATTA. Thank you for your indulgence, and I yield back.

The CHAIRMAN. A few of you touched on the Evidence Act. And, Dr. Hart, you talked about some of the other policies that Congress has passed trying to drive the use of data.

So let me ask two things on this front. You said some of these things have been authorized but not appropriated to. Can you get

a little more specific for us in terms of things—again, I airdrop you on to this committee. If you there are things you think we should recommend get appropriated to, that is something in our—you know, that is something we can do.

The other thing I want to ask—and I kind of tee this up just so folks can think about it. What would Evidence Act 2.0 look like? I mean, you have said that there are some gaps. You know, if you have got some perspectives on things that are—you know, our committee or working in tandem with other committees ought to be thinking about in that regard, I would value your direction.

Mr. HART. So a couple of reactions both on the appropriations and the Evidence Act 2.0.

So my organization conducts a survey of the Federal CDOs each year, and gaps in resources is a very common response across the Federal CDO community. Some of these offices are one person in large Cabinet-level departments. Many are staffed through loan, fellows across agency apparatuses.

So if we are serious about data governance for the executive branch, we have to be able to invest in it.

The CHAIRMAN. Yeah.

Mr. HART. Evaluation, similarly, as a field, as a function of government is often underinvested in. Some agencies have what are called set-aside authorities, so they can take a portion of an appropriation and allocate it for evaluation. Some have direct funding. Many have no explicit funding.

So even though program evaluation is now designated by OMB as a core function of government, which the Evidence Act contributed to, many agencies are still dramatically underinvesting in the field.

As for Evidence Act 2.0, there are a number of recommendations from the Evidence Commission that offer an easy starting point for ideas to explore. Those recommendations were unanimous across the politically appointed Members, Republicans and Democrats. And the Evidence Act included, frankly, some of the recommendations that were easier to do, particularly in short order.

But the vision of the Evidence Commission was always that some future legislation would step in to address the remaining 11 recommendations. And that includes the National Secure Data Service to deal with some of the data access and linkage issues that are really at the heart of evidence building.

So I think that is a pretty safe place to begin exploring. We have talked about data standards just in the last couple of minutes, and I would also really highlight the need for processes—very clear processes to identify when we need data standards.

The CHAIRMAN. That is great.

Anyone else want to swing at that pitch or—

Ms. MCGUINNESS. I think, on the 2.0, I would strongly [inaudible] 2.0 recommendations, but also this recognition that to carry out those recommendations involves talent and time and resources, so that twinning of the tech talent—

Mr. TIMMONS. Could you turn your mike on.

Ms. MCGUINNESS [continuing]. The twinning of the tech talent proposition for both Congress but also the Federal Government, the resourcing of the CDOs. But, also, frankly, leading policymakers

need to be better data translators so that it doesn't sit entirely on the CDO to be answering these questions. So I think really making sure that Evidence 2.0 contemplates the how to do what was prescribed, not just the what.

Ms. MACDONALD. I think Nick—Dr. Hart already shared this in his testimony, but I will say that, shouldn't Congress have its own chief data officer and its own capability? I would say not for—definitely not for duplicating data that already exists in the Federal Government, but for accessing that data and making it available to Members of Congress and their staff for decisionmaking.

The CHAIRMAN. Is USAFacts' information entirely based on government data?

Ms. MACDONALD. We use only government data. We think that is the best way to ensure that, first of all, we are making the people's data accessible, but also to ensure that there is not any kind of partisanship introduced into the site. So it is just government data. We don't use opinion polling. We don't use predictive analysis. We use just the data as reported.

The CHAIRMAN. And is your sense—and I ask this because, one, some of you have spoken to some of the deficiencies with regard to Federal data, and, two, not everybody trusts the Federal Government right now.

So is your sense that there is legitimacy to those numbers or have you seen gaps that—I think it is important if our committee—just to zoom out for a second. I think one of the things that is broken in Congress is oftentimes when we engage on issues, the first questions that people ask are who is for it and who is against it, not what is the problem you are trying to solve and how does this solve it, right?

And that is, I think, something that needs to change, and I think evidence is very important in that regard, particularly if people trust the evidence.

So can you assuage our concerns on that and—

Ms. MACDONALD. Well, there has been an erosion of trust in every major institution in America, right—academia, banking, and Congress—but we do think that—and government, right? But we do think that the people who are public servants, working inside of Federal agencies, who are tasked with collecting data and reporting it across party lines, they are there as public servants to make this data available.

And so we think it is a good source for the facts. And so, are there ways to improve it, to standardize it? Absolutely, but we think that people fund this data—I mentioned the \$8.9 billion that was appropriated in 2019, and it should be accessible to lawmakers and to citizens for decisionmaking.

The CHAIRMAN. Okay.

Mr. HART. So I would just add—I mean, to the question of public trust, this is an incredibly important point for our government data collections. And if you have ever met someone that works in the Federal statistical system, I think they will assure you that we have a great deal of protections by design in the system on core data collections—the Census, the work of the National Center for Health Statistics, education statistics. So I trust the data that the

Federal statistical system is producing, and I can say that emphatically.

When we talk about evaluation and the work of administrative records, the same is true. The workforce producing this data, producing the evaluation and the insights, is incredibly talented and skilled. So, hopefully, that translates for the American people that they could also trust the information is coming out of this very objective system.

The CHAIRMAN. We are good? All right.

Mr. TIMMONS. Thank you so much.

Ms. MCGUINNESS. Thank you.

The CHAIRMAN. I actually do have one other thing. Hold on. Let me just—yep. Go ahead.

Ms. MCGUINNESS. One thing on data and trust. Can you hear me?

The CHAIRMAN. Yep.

Ms. MCGUINNESS. Which is—I think this—the importance of having large-scale data sets, which, collected by the Federal Government, meet a higher standard of protection than data collected by any other source—and there is profoundly more data collected, you know, in the private sector—I do think that pairing of qualitative and quantitative data can't be underestimated for people's ability to catch the blind spots.

The diversity of data analysts in the government is really important. There are plenty of cases in my research where a data set came from a single source, like 311, that overrepresents certain voices. And it wasn't until you had a group of data scientists that came from all the communities that were served by this that allowed you to see—or do a set of interviews. So I really think pairing back to people's ability to trust kind of numbers and statistics, pairing in 2.0 qualitative and quantitative data so people can hear their own voices and for things that the experts didn't know to ask show up is really important.

The CHAIRMAN. Is there anything we didn't touch on in terms of just building capacity within the institution, building this muscle? I have heard your message loud and clear on having a chief data officer for the Congress. You know, I think in your testimony, at least one or two of you spoke to the importance of kind of staff trainings.

Anything we didn't cover on that front? I just want to make sure we have—

Ms. MCGUINNESS. One piece that really gets to Representative Latta's question about—

The CHAIRMAN. I don't think it is on.

Ms. MCGUINNESS. One piece that gets to Representative Latta's question about the gobbledygook, the ability to translate some of these materials, I do think very straightforward, you know, the 2010 Plain Language Act, which has kind of made these mandates of the Federal Government on usability could very easily be done back to lightweight, like a CDO. You know, leg counsel reviews every bill. You could have a plain language expert. This is what you have. I am sure leg counsel in Capital One reviews every—you know, every disclaimer that goes to the public, but having someone who has the skills of translating this back into English, I think,

could make an enormous difference in a short period of time for someone to read a bill and know what it says.

So I think that is one recommendation. A plain language expert here alongside leg counsel could go a long way.

The CHAIRMAN. That is great.

Mr. HART. I think we touched on this idea that there could be some support capacity for—similarly in drafting legislation, who is thinking about the data collection, and this is actually necessary to make sure you can evaluate the program. Currently, that is probably committee by committee, and there is no consistent resource. So building that resource, I think, would be really important.

The CHAIRMAN. That is good.

Go ahead.

Ms. MACDONALD. Well, I may be ending on a Pollyanna note, but I just want to go back to something Vice Chair Timmons brought up in his introductory marks, where he said, I haven't been part of a conversation since I joined Congress that was a bipartisan group of Members starting from agreement on the facts, right?

And I do—I have been a part of one of those conversations. It was on the Senate side where there was a bipartisan group of Members, and we sat down and rocked through the government data by the numbers. And you had somebody on the far right and the far left starting to talk about the obesity epidemic based on the numbers. And we had staff in the room and Senators say, We haven't had one of these conversations in Congress.

But I think there is a real opportunity if you make this data available and accessible to bring Members together from both sides of the aisle. They may not agree on what is the right solution or what is the right path forward, but they can start from agreement on the facts, and I think that could rebuild trust from the American public as well.

The CHAIRMAN. Good. Good note on which to end.

I want to thank all three of our witnesses for their testimonies today and thank our committee members for their participation. I also want to thank the House Armed Services Committee for letting us commandeer their room once again, and thank the staff of this committee for putting together another great hearing with some terrific witnesses. So thank you for that.

Without objection, all members will have 5 legislative days within which to submit additional written questions for the witnesses to the chair which will be forwarded to the witnesses for their response. I ask our witnesses to please respond as promptly as you are able.

Without objection, all members will have 5 legislative days within which to submit extraneous materials to the chair for inclusion in the record. Phew.

And, with that, this hearing is adjourned. Thanks. Thanks, everybody.

[Whereupon, at 1:35 p.m., the committee was adjourned.]

APPENDIX I

**Select Committee on the Modernization of Congress Hearing “Evidence-Based Policymaking”
October 27, 2021 1:00 pm Williams (GA)**

Ms. McGuinness, in your testimony, you mentioned the usefulness of the Child Tax Credit data dashboard created by Code for America. Would you have recommended creating something like the data dashboard in the bill text providing for the expanded Child Tax Credit?

Yes, I think it is critical that federal agencies have real-time access to basic, automated data about how residents are being served through their programs. I think the model of the dashboard that Code for America built for the child tax credit should be the norm. In my written testimony I detailed the importance of legislation that sets *goals and outcomes for data and technology*. But, legislation must be carefully drafted to ensure it is not overly prescriptive about how agencies meet these goals. The tools and practices of consumer service delivery are improving and changing all the time. If legislation outlines the outcomes, that will allow agencies to be held accountable for a goal and to prevent the situation that happens too often: the agency is locked into the practices that were the norm when the bill was passed but that quickly become obsolete.

What would legislative text look like to advance the child tax credit and make sure data is collected to ensure the program is delivered in an evidence based way? Legislation should mandate that there is a simple, mobile friendly, front door for non-filers to receive tax benefits like the child tax credit as well as the Earning Income Tax Credit and future stimulus checks. Legislative text could also ask that the IRS and Treasury have a way to measure progress in reaching all Child Tax Credit eligible families in real-time.

I would recommend that legislative text not overprescribe *how* the agency does this. Instead, legislation should require the outcome. For example, program administrators should be able to assess on a weekly basis how they are doing against the baseline of all child tax credit eligible beneficiaries, including disaggregated data about how they are doing on reaching non-filers. Some data analytics should also be open to the public, so that tax filers can better understand the process.

What other recommendations do you have to center outcomes and progress measurements in the legislative text we write?

Much of evidence-based policy relies on the ability to collect and use data to assess what is working. Congress can, when drafting, aid the data improvement effort by considering including that data collection in *service of delivery* be part of any policy. Most programs at the state and federal level don't have this. Congress should, on high-impact programs, ensure that laws include goals for the minimum viable type of data agencies need to help their customers access benefits in a timely way. Legislative language should where possible require that *data be machine readable*.

Congress can provide appropriate levels for funding through annual appropriations to make sure that agencies have the talent they need to do this work.

Here is one concrete example of how Congress could elevate best data practices. The real time-data collection on the rate of homelessness, by community, is an essential element of the success that dozens of communities are making to end homelessness¹. This work has been done in spite of federal data standards, not because of them. Congress could add language to existing federal funding on programs serving the homeless to mandate the collection of community level, by-name data², with high data standards and a common definition of 0 homelessness. In short, Congress could make evidence-based policy by utilizing the data practices that have been effective in helping communities assess and address their challenges.

If we are to implement outcome-based data collection and real time updates on programmatic progress, this will require more technical talent within our federal government.

Ms. McGuinness, in most cases, would the agencies responsible for data-driven programs themselves have the resources and know-how to establish these processes, or would they need additional resources and technological assistance?

For agencies to use data to drive programs requires three things. First, management objectives from the top (prioritizing customer service across agency silos). Second, capability, in-house or vendor knowledge to set the right data goals and to roll-up data across existing systems. Finally, new resources or flexibility with existing resources: agencies need resources that are not restricted from being used for this work.

Very often different sub agencies, agencies, or offices are charged with different parts of a benefit, but there is no way to look across these silos and see how it is going. Very often there is a ton of IT or backend data collected daily, but a rolled up set of useful data is not available to program administrators in a way that it can drive their decision making. While some additional resources may be required in some cases, this is often about agencies prioritizing the sharing of data (from IT systems and call centers and states) that lives across systems and rolling this data into a usable, real-time format that program administrators can access.

Ms. McGuinness, what lessons can Congress take from the United States Digital Service to cultivate technical talent in the legislative branch?

A critical lesson Congress can draw from the US Digital Service (USDS) is the impact of cultivating tech talent and integrating them at all levels of decision making. The experience of USDS shows that the further upstream technologists are in the policy making process the better the delivery will be. For USDS to reach the scale of their needs required: investing in recruiting and cultivating tech talent. President Obama himself made recruitment a priority, members of congress might need to do the same. Reaching the numbers of hires the federal government has required a plan, resources and new flexibilities.

¹ <https://www.governing.com/community/building-a-lasting-solution-to-the-nations-homeless-crisis>

² <https://community.solutions/the-by-name-list-revolution/>

One clear path Congress could take is to lean on the talent cultivation USDS has done by bringing USDS experts to consult on drafting legislation or for rotations on the Hill. Congress could bring expertise from the US Digital Service to consult on legislative drafting. Designers, data scientists and engineers could provide valuable technical assistance to lawmakers during the policy writing process, helping to illuminate how technical policy is successfully implemented by the executive branch. Rotations, fellowships, or exchanges could also bring expertise to committees while fostering alignment on policy objectives and outcomes. Additionally, Congress could work to bring USDS staff to work on the Hill following their federal service. USDS staff served fixed terms of service, so Congress could create hiring pathways for USDS alumni to work on the Hill.

Another, just as critical approach is to build your own talent by setting a goal to fundamentally increase the technical expertise of congressional staff by recruiting for new roles in your offices and expanding work with Tech Congress.



