

LEGISLATIVE GUIDE

Crafting legislation to improve effective implementation

This guide offers a set of questions that legislators and Congressional staff can use when crafting legislation to consider potential implementation challenges and avoid common pitfalls. This is not a checklist, but a reference guide that can be reviewed throughout the drafting process to improve chances of successful policy implementation.

Not all questions will apply to every bill, but the principles are helpful to consider across issue-set jurisdiction, and throughout the bill writing process.

1. Is the intended outcome of the legislation clear?

- a. Is there a clear definition of success for implementation?
- b. Have you tried to limit carve-outs or exceptions? If you need to make exceptions, should the policy be written differently?
- c. How will success will be measured? Does this measure the outcome, rather than a metric about the process?

2. How will tradeoffs be addressed?

- a. Have you included a framework for assessing benefits and costs that will enable effective decision-making during implementation, or granted explicit authority for implementers to do so?
- b. Is there direction on what factors implementers should prioritize when they have to make trade-offs, or granted explicit authority for implementers to do so?

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3. Have you tested your policy with implementers?

- a. Have you asked someone who will implement the legislation to read the language and talk through how they would implement it, to ensure they have the same understanding as you do?
 - i. If you can't test the legislation with someone in the agency, have you asked someone who has expertise in that area, recently worked in the agency, or run a similar program?
- b. Have you addressed the barriers to success (e.g., resources, mandates, constraints) that people responsible for implementation see, or that were shared as part of Technical Assistance?
- c. If applicable, have you talked with your constituent services / casework team about how the policy might impact constituents?

4. Have you enabled effective implementation?

- a. If you're adding work to an agency, have you explored what work might be subtracted? What old mandates or reporting requirements might be lifted, modernized, or replaced?
- b. Have you used available resources (such as calling CRS or using your Chamber's approved AI tools) to check for outdated, conflicting, or unnecessary statutes that could be removed?
- c. Have you considered if the responsible agency has the competencies, expertise, resources, and flexibilities needed to implement the policy?
- d. Have you considered ways that the policy could fail, and made updates to prevent these potential problems?

5. What feedback loops will inform implementation and adjustments over time?

- a. Does the legislation make provisions for making policy and operational changes in response to evolving needs? Have you considered the lifespan of the policy?
- b. What feedback/learning do you expect agencies to be collecting? How will they collect that feedback, and how do you expect them to adjust accordingly?
- c. If the implementing agency has a question or needs clarification, how will that be facilitated?

6. Does oversight focus on outcomes versus compliance?

- a. What measures will be used to determine whether this is working? Do performance measures translate into something meaningful for the public?
- b. Are there opportunities to see and test the service or process that is being built, rather than requesting a report about it ("demos, not memos")?
- c. Have you limited requirements for reports, and only included reports that will be used for adjustments or actions? Have you considered how much time and effort the agency implementing this policy will spend *doing* the thing vs *reporting* on the thing?