

Written Testimony of John D. Rackey, Ph.D.
Director of Legislative Studies, Sunwater Institute¹
Before the
House Appropriations Subcommittee on the Legislative Branch
for Fiscal Year 2024
March 14, 2023

Chair Amodei, Ranking Member Espaillat, and Members of the Subcommittee, thank you for the opportunity to submit testimony. My name is J.D. Rackey, I am the Director of Legislative Studies and head of the Congressional Reform program at the Sunwater Institute, a nonpartisan, nonprofit, think tank. Prior to Sunwater, I had the privilege to serve as an American Political Science Association Fellow and Professional Staff member with the Select Committee on the Modernization of Congress during the 117th Congress. My background as a scholar and experience as a staffer has taught me that Congress is best able to execute its Article I responsibilities as the first among coequal branches of government when it adequately invests in its own capacity. With that in mind, I write to request that funding for the House Modernization Initiatives Account be set at a robust level in FY24, either by maintaining or increasing FY23 levels.

To have capacity means to have “the human and physical infrastructure needed to resolve public problems through legislating budgeting, holding hearings, and conducting oversight.”² Investing in congressional capacity helps move Congress into the modern, digital age and ensures that the institution can adequately meet the needs of an increasingly complex world. The complex nature of public policy problems means that Congress must have the appropriate tools and technology in place to intake, process, understand, and evaluate an enormous volume

¹ Affiliation listed for identification purposes only.

² LaPira, Timothy M., Lee Drutman, and Kevin R. Kosar, eds. *Congress Overwhelmed: The Decline in Congressional Capacity and Prospects for Reform*. University of Chicago Press, 2020, page 1.

of information in order to properly grapple with the pressing issues of the day.³ Since its creation the House Modernization Initiatives Account has helped move the institution forward placing Congress in a better position to serve the American people by funding the development of tools that allow members and staff to work more effectively and efficiently. This includes projects such as a committee scheduling deconfliction tool developed by the CAO which will help reduce the number of member scheduling and hearing conflicts.⁴

Improving Congressional Casework

While I applaud past advancements and achievements, there is still work that needs to be done to provide Congress with the technological and information processing capacity necessary to enable problem solving in the modern world. Congress must have the ability to intake and use information from outside experts, internal government reports, and—most importantly—constituents. The public conveys information to Congress through a wide variety of avenues. One such avenue that has been underutilized as a potential data point is that of constituent casework. Each year thousands of casework requests come into member offices from constituents seeking guidance and assistance in interacting with a sprawling federal bureaucracy. While there are limits to what individual member offices can do,⁵ direct advocacy on behalf of constituents is one of the core responsibilities of House members. Historically, the House has left managing casework up to individual member offices though guides and trainings from both the

³ Baumgartner, Frank R. and Bryan D. Jones. 2015. *The Politics of Information: Problem Definition and the Course of Public Policy in America*. University of Chicago Press.

⁴ CAO Catherine Szpindor recently testified before the Committee on House Administration's new Subcommittee on Modernization that this tool will be piloted with a few committees later this month and then be expanded to the rest of the House. See, Subcommittee Hearing: A View of House Modernization: Perspectives from the CAO, March 9, 2023. <https://cha.house.gov/committee-activity/hearings/subcommittee-hearing-view-house-modernization-perspectives-cao>

⁵ Petersen, E. R. & Eckman, S. J. (2021, April 1). Casework in a Congressional office: Background, rules, laws, and resources (CRS Report No. RL33209). <https://sgp.fas.org/crs/misc/RL33209.pdf>

CAO and outside organizations are available.⁶ However, the individualized handling of casework prevents Congress from truly contextualizing and understanding potential problems with federal agencies or individual federal programs. As the Modernization Committee’s final report from the 117th Congress notes:

“There is also no centralized, House-wide system for tagging or tracking casework, which makes it difficult for member offices and the House to know whether agencies are following through in a timely and sufficient way with casework requests and whether certain agencies or programs are receiving a high or unusual volume of requests.”⁷

To address this problem the Modernization Committee passed Recommendation 172 which would allow Congress to track aggregated and anonymized casework data across member offices.⁸ The development of such a tool would not only allow members to better serve their constituents but would also allow Congress as a whole to treat casework requests as systematic data that could inform oversight activities in a closer to real time manner. Traditionally, Congress has been perceived as a slow and oftentimes unresponsive institution. An improved casework system that treats constituent requests as valuable data would give Congress the opportunity to proactively head off problems as they develop. Over time, this would not only benefit Congress in the carrying out of its representative and oversight functions, but it would also help to ensure the American people are getting a government that works for them.

Modernization Initiatives Account

As the Modernization Committee noted, implementing such a program would require a system of standardized casework categories and tracking. It tasked the CAO with developing

⁶ See, Popvox Foundation *Caseworker Resources* <https://www.popvox.org/casework> and Congressional Management Foundation *Caseworker 101* <https://www.congressfoundation.org/office-toolkit-home/improve-casework-menu-item/casework-101/terms/summary>, among others.

⁷ U.S. Congress, House Select Committee on the Modernization of Congress. “Final Report, 117th Congress.” *Washington: U.S. Government Publishing Office*, December 15, 2022, page 149.

⁸ Recommendation 172: The House should develop an optional system to allow offices to share anonymized constituent casework data and aggregate that information to identify trends and systemic issues to better serve constituents. *Ibid*, page 163.

such a system and to produce a comprehensive dashboard or report that would be made available to member offices and the relevant committees of jurisdiction—depending on the issue.⁹ Ideally, this is a project that could be funded through the House Modernization Initiatives Account. The account was created to help support the work of the Modernization Committee and while the committee no longer exists in its initial form, its work continues. It is important to the continued success of the House’s bipartisan modernization efforts that adequate funding be available to fully implement modernization initiatives. I request that funding levels be robust, rather than minimal, to account for unforeseen problems that may arise in the development of new tools and products as well as to support ongoing maintenance of existing projects. As CAO Szpindor recently testified, “the House should consider how yearly costs need to be factored into future operating budgets. *New programs and initiatives need more than startup funds* [emphasis added], they need ongoing operational support to keep them sustainable.”¹⁰ Ultimately, the adage is true—you get what you pay for. If we want a Congress that has the capacity to meet the needs of the day and to act as a counterweight to the executive branch, then Congress must provide funding to match that commitment.

The Select Committee on the Modernization of Congress worked diligently during the 116th and 117th congresses to develop and pass 202 bipartisan recommendations, over 60 percent of which have been fully or partially implemented. To paraphrase an observation from one Congressional Research Service analyst, the Modernization Committee is likely the premier example of a congressional reform committee for its approach to the issues and its focus on

⁹ Ibid.

¹⁰ Testimony of Catherine L. Szpindor before the Subcommittee on Modernization. A View of House Modernization: Perspectives from the CAO, March 9, 2023. https://cha.house.gov/sites/evo-subsites/cha.house.gov/files/evo-media-document/catherine-szpindor-testimony_a-view-of-house-modernization_final.pdf

implementation.¹¹ That success was made possible through the funding of many of the Modernization Committee's initiatives by this Subcommittee's support for the House Modernization Initiatives Account. This account should continue to be funded at a robust level so that the House may continue to execute on the promise of the Modernization Committee's recommendations. This will allow Congress to take necessary steps toward improving the efficiency and effectiveness of its own internal procedures and processes so that it can better deliver for the American people.

Thank you for the opportunity to submit this testimony.

¹¹ The Committee's success has also gained praise from outside of the institution. See, <https://www.washingtonpost.com/opinions/2023/02/09/house-modernization-committee-bipartisan-collaboration-lessons/> and <https://thehill.com/blogs/congress-blog/politics/591962-the-promise-of-the-house-select-committee-on-the-modernization/>, among others.