

Statement of Congressman Gerald E. Connolly (VA-11)
Committee on Oversight and Accountability
Full Committee Business Meeting
Wednesday, July 12, 2023

It is the middle of July and yet this Committee has only held two markups before today; one of which was on a singular vote to strip a local government of its most basic exercise of authority, to protect public safety. My colleagues across the aisle insist on maligning the District of Columbia (D.C.) for its rate of crime, yet they refuse to expel someone in their own party who has been indicted on 13 criminal charges. This Committee must return to its duty to legislate seriously and responsibly.

H.R. 4503, AI Training Expansion Act

As the Ranking Member of the Cybersecurity, Information Technology, and Government Innovation Subcommittee, I am proud to be an original cosponsor of one of the first and few constructive bills this committee has considered this Congress. The AI Training Expansion Act (H.R. 4503) builds upon the 117th Congress's Artificial Intelligence Training for the Acquisition Workforce Act by expanding the definition of those eligible to participate in AI training courses and updating the course curriculum. Specifically, the bill expands program participant eligibility from limited personnel designated by the head of the executive agency to include management officials, supervisors, employees serving in data or technology position and others. Additionally, the curriculum would grow to include information regarding how to define AI, the technology's potential benefits and risks, and organizational considerations for the development, deployment, and management of AI systems, amongst other topics.

It is imperative that Congress support training programs to improve the federal workforce's understanding of AI applications. That way, our leaders who oversee the use of AI, can gain a comprehensive understanding of this technology's potential benefits such as transforming federal services like the administration of veteran disability compensation or improving monitoring of public health risks and adverse drug effects. At the same time, officials must simultaneously weigh risks such as a lack of transparency behind the tool's decision making which would exacerbate discriminatory patterns such as criminal justice sentencing that already disadvantages minorities. With this newfound knowledge, program participants will better be equipped to make responsible, educated decisions regarding this tool.

H.R. 4502, Modernizing the Acquisition of Cybersecurity Experts Act

The Modernizing the Acquisition of Cybersecurity Experts Act (H.R. 4502) supports existing Biden Administration efforts to reduce unnecessary hiring prerequisites and bolster our government's cybersecurity expertise. As the original cosponsor of the Chance to Compete Act which would similarly lower higher education barriers to federal service, I support H.R. 4502 as an additional way to improve our federal recruitment process. This bill would allow agencies and the Office of Personal Management (OPM) to set, reduce, or eliminate education requirements for cybersecurity positions in the federal government. This bill also narrows the ability of federal agencies to solely rely on a candidates' education credentials to satisfy minimum qualifications for federal cybersecurity jobs. Furthermore, this legislation would direct the OPM to annually publish changes to education qualification standards for federal cybersecurity jobs, and information about the education level of new hires to these jobs online. The cyber workforce is a critical component of agency cyber grades on the FITARA Scorecard. I welcome efforts to improve the cyber workforce and look forward to continuing the Committee's long history of bipartisan implementation and oversight of the Scorecard.

H.R. 1695, Strengthening Agency Management and Oversight of Software Assets (SAMOSA) Act

I also support the Strengthening Agency Management and Oversight of Software Assets (SAMOSA) Act (H.R. 1695), which operationalizes optimized software asset management practices. In the fall of 2017, the Subcommittee added oversight of the Making Electronic Government Accountable by Yielding Tangible Efficiencies (MEGABYTE) Act of 2016 to the Federal Information Technology Acquisition Reform Act (FITARA) Scorecard. That year, only two agencies successfully complied with the law to maintain an automated software license inventory accounting for 80% of spending and enterprise licenses. Over the next six iterations of the Scorecard, this important effort drove significant change, and by December 2020, all CFO Act agencies used software license inventory to reduce duplicative software costs. Regrettably, since the biannual oversight of MEGABYTE sunset was from the Scorecard, the Government Accountability Office (GAO) found agencies significantly backslid on their MEGABYTE compliance. Therefore, this Committee should thoughtfully consider renewing its oversight efforts of federal agencies' software asset inventories and management practices and remain committed to years of bipartisan Scorecard implementation.

H.R. 890, Guidance Out of Darkness

Finally, I support the Guidance Out of Darkness Act (H.R. 890), which requires agencies to publish guidance documents online on the dates they are issued, publish all its guidance documents that are in effect in a single location on a designated website, display a hyperlink on its website that provides access to the guidance documents on such website, and indicate on such website if a guidance document has been rescinded. As an original cosponsor of the 21st Century Integrated Digital Experience Act, I support increasing government transparency to better educate the public and build trust with the people we serve.

Unfortunately, not all these bills for consideration today are equally thoughtful nor productive, and I oppose the following bills:

H.R. 4435, Unauthorized Spending Accountability Act

The Unauthorized Spending Accountability Act (H.R. 4435) aims to terminate federal programs funded through the annual appropriations process whose statutory authorizations have expired and to ultimately terminate all such federal programs that aren't expressly reauthorized by Congress at least every three years. This bill is an inane way of thinking and completely detached from the realities of the legislative process. As a former Senate Foreign Relations Staffer, I was in Congress in 1985, the last year Congress passed a comprehensive reauthorization of the Foreign Assistance Act of 1961. After that time, Congress began consistently enacting through freestanding authorities that did not amend the 1961 act. Neat, clean, and comprehensive reauthorizations of federal programs are not always possible. I wish they were. Unfortunately, we have a dedicated contingent in Congress who are not interested in governing and actually cheer the prospect of government shutdowns. They would undoubtedly weaponize the USA Act. If enacted, this bill would impose draconian funding cuts and eventual termination of countless critical federal programs such as the Peace Corps, the Individuals with Disabilities Education Improvement Act of 2004 and the Anti-Drug Abuse Act of 1988.

H.R. 1209, Fair and Open Competition Act (FOCA)

The Fair and Open Competition Act (H.R. 1209) reverses President Biden's Executive Order 14063, officially titled Use of Project Labor Agreements (PLAs) for Federal Construction Projects and would prohibit federal agencies from considering the use of PLAs when awarding or obligating funds for a construction contract. As a result, this bill would eliminate an important tool for controlling costs and

ensuring worker safety. As a strong supporter of PLAs dating back to my days in local government helping build a multi-billion-dollar transit extension from Washington, D.C. to Dulles International Airport. Phase 1 of that project had a PLA with my support. Republicans in the Virginia General Assembly, however, blocked a PLA for Phase 2 of the project and that phase suffered from unprecedented instances of shoddy and fraudulent construction work. The case for PLAs is clear. Good, safe, well-paying jobs. The case for eliminating PLAs is grounded in an ideological crusade not grounded in the hard work of rebuilding our nation's infrastructure. I would also like to submit this statement for the record from the Sheet Metal and Air Conditioning Contractors' National Association (SMACNA), which opposes H.R. 1209.

H.R. 3358, Mission Not Emissions Act

The Mission Not Emissions Act (H.R. 3358) would ultimately prohibit any person or entity from requiring a federal contractor to disclose greenhouse gas emissions and climate-related financial risk as described in the proposed rule. If passed, the bill would also prohibit any person or entity from requiring that a federal contractor provide a greenhouse gas inventory or any other report on greenhouse gas emissions, or to develop and validate emissions reduction targets. As Chair Emeritus of the Sustainable Energy and Environment Coalition, I reject this regression which undermines the progress we made with the Inflation Reduction Act, the biggest investment in fighting climate change in our nation's history, and reverses progress we have made to ensure a more secure and sustainable federal acquisitions process.

H.R. 3230, Unfunded Mandates Accountability and Transparency Act

The Unfunded Mandates Accountability and Transparency Act (H.R. 3230) revises rulemaking requirements for unfunded mandates to require more input from the private sector and state and local governments. Expanding the definition of "major rule" to include the vague qualification of any regulation with significant adverse effects on competition, employment, investment, productivity, innovation, public health and safety, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic and export markets would increase the number of bills subject to an unfunded mandate point of order to include private sector cost. It would also, however, fail to take in the full consideration of the interests of future generations and historically underserved communities. In addition, the bill would also require federal agencies to prepare and publish a burdensome analysis of the impacts of the regulation prior to promulgating any proposed or final major rule. Finally, this bill would also expand judicial review of federal regulations making it easier for entities to go to court to block regulatory actions. While we must stem the tide of unfunded mandates, I worry that my colleagues on the other side of the aisle conflate unfunded mandates with regulations. Unfunded mandates impose requirements without funding assistance on localities and state governments. I support efforts to reform the Unfunded Mandates Reform Act to take a realistic view of these costs, but I do not support efforts such as this which would strip important public health, safety or other critical regulations. That is why I reintroduced the Restore the Partnership Act (H.R. 3480) to restore the balance of federalism and strengthen the intergovernmental partnership by establishing a "Commission on Intergovernmental Relations of the United States" (the Commission) at the federal level. I hope that we can find common ground on unfunded mandate reform which protects both taxpayers' pocketbooks and health.

H.R. 192, To prohibit individuals who are not citizens of the United States from voting in elections in the District of Columbia

H.R. 192, to prohibit individuals who are not citizens of the United States from voting in elections in D.C. is yet another Republican effort to force the will of Congress on the District. Congressional Republicans are hardly the example to D.C. government they think they are. For years,

Republicans have pushed for voter suppression laws across the country. They know they cannot win on ideas, so they resort to making it harder for Democrats to vote. According to the Voting Rights lab, just this year Republicans have pushed to pass 18 bills across 10 states that will add new restrictions to voting or election administration. Alternatively, Democrats have advocated to expand ballot access through increase mail voting, added new forms of acceptable identification to vote, and expanded early voting. This is to say nothing of the Big Lie the Republican party tells about the 2020 election. They scream “election integrity” when they really mean, “next time, we will cheat to win.” Now Republicans want to inject this poison into the democratic bloodstream of the nation’s capital. Republicans have absolutely no standing to interfere with D.C.’s elections.

H.R. 4428, Guidance Clarity Act

The Guidance Clarity Act (H.R. 4428) would require federal agencies to state on the first page of any guidance documents that such guidance does not have the force and effect of law and is intended only to provide clarity to the public about existing legal requirements or agency policies. Agency-issued guidance does not have the force of law, so stating on every guidance document could be confusing, particularly for programs that rely on a combination of statute and implementing guidance. It could also potentially allow corporations and industry to not comply with regulations and provide them with more options to challenge agency guidance in court. We cannot allow this bill to hamstring agencies from actions as serious as holding polluters accountable, protecting worker safety, and ensuring the public has safe food and medicine.