



**Written Testimony of John D. Rackey, Ph.D.
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Chair Valadao, Ranking Member Espallat, and members of the subcommittee, thank you for the opportunity to provide testimony in support of the fiscal year 2025 (FY2025) legislative branch appropriations bill. My name is J.D. Rackey, and I am a Senior Policy Analyst for the Structural Democracy project at the Bipartisan Policy Center, a non-profit organization founded in 2007 by four former Senate majority leaders that combines the best ideas from both parties to promote health, security, and opportunity for all Americans. I have previously had the privilege of serving 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 political scientist and experience as a staffer have taught me that Congress can best execute its Article I responsibilities when it adequately invests in its own capacity. With that in mind, I request that the House Modernization Initiatives Account (MIA) maintain level funding in FY2025 at \$10 million. Further, I recommend the inclusion of report language that would create reporting requirements for entities receiving funds from the account.

To have capacity means to have “the human and physical infrastructure needed to resolve public problems through legislating, budgeting, holding hearings, and conducting oversight.”¹ Investing in congressional capacity helps move Congress into the modern age and ensures that the institution can adequately meet the needs of an increasingly digital world. The complex nature of public policy problems means that Congress must have the appropriate tools and

¹ 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.



technology in place to intake, process, understand, and evaluate an enormous volume of information. Since its creation, the MIA has helped move the institution forward and put 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.

Modernization Initiatives Account Success

As the subcommittee will recall, the MIA was created in FY2021 to help support the work of the Select Committee on the Modernization of Congress. The MIA made possible numerous projects during the Select Committee's tenure, including the initial development of *Deconflict* by the House Digital Service² and the scoping of important updates to the lobbying disclosure portal maintained by the Office of the Clerk.

Under the leadership of Rep. Stephanie Bice (R-OK), the Committee on House Administration's Modernization Subcommittee has continued to use the MIA to implement recommendations and improve congressional capacity in the 118th Congress. This includes, but is not limited to, projects such as: the bulk purchasing of eDiscovery tools for committees, which allows for the better processing of oversight inquiry documents, ultimately making oversight efforts more substantive and policy oriented; the development and piloting of FlagTrack, a tool to make processing constituent flag requests more efficient; and a study on the current state of the legislative drafting ecosystem within the House, a first step toward improving drafting tools that facilitate greater collaboration between staff and the Office of the Legislative Counsel.

² Deconflict is a scheduling tool designed to assist committees reduce the number of member scheduling conflicts during hearings and markups. More information can be found here: https://www.linkedin.com/posts/house-digital-service_this-month-the-house-digital-service-at-activity-7052695348552593409-h16p?



It is a credit to the work of this subcommittee and the Modernization Subcommittee that the administration of the MIA has been careful and deliberate. To date, the investments made possible by this account have been nothing but wins for the institution, all while maintaining the strictest level of fiscal responsibility and producing no known instances of waste or fraud—something that is often a rarity when it comes to federal spending.

The Need for Accountability

The members and staff of this subcommittee and the House Administration Committee have had relatively little turnover since the majority of the work funded by the MIA began. As such, they are aware of how the funds are being spent and the improvements that this spending has made for legislative branch operations. However, those currently working on modernization issues won't always be here, as turnover in the legislative branch is near an all-time high. Therefore, it is necessary to build an official record of what modernization funds are used for and the ongoing status of those projects.

One of the great privileges of my career has been to work with scores of individuals both inside and outside of this institution to make Congress work more effectively, efficiently, and transparently. Much of this work has been made possible by the expansive knowledge that these individuals have brought to the table; as people retire or choose new career paths, this institutional knowledge is at risk of being lost. By requiring recipients of modernization funds to provide status updates to this subcommittee and the House Administration Committee, we can ensure the long-term success of the MIA by creating the infrastructure needed for evidence-based oversight and accountability checks to ensure continued fiscal responsibility. Reporting



requirements will also contribute to the historical record of the current modernization effort so that future stewards of the institution are informed about the efforts we are currently engaged in.

The Beginning of Modernization—Not the End

The success of congressional modernization efforts since 2019 could not come at a more critical time and should be viewed as part of a process of continuous improvement. Recent achievements should be considered the beginning, not the culmination, of modernizing Congress.

The public has viewed Congress with skepticism and cynicism for most of its existence, as is the nature of legislative bodies in representative government. However, public opinion of Congress has recently dropped to considerable lows, coinciding with declining trust and confidence in government and institutions of all kinds. At the same time, we have experienced a nearly century-long trend of expansion of executive branch authority. The decline of legislative importance is troublesome for any representative government, but especially for a system of government premised on legislative primacy.³ Modernizing Congress is a step toward reversing these trends.

The upcoming Supreme Court decision in *Loper Bright Enterprises v. Raimondo* may have significant implications for the legislative branch. The case confronts longstanding debates about the degree of deference that should be accorded to the executive branch in carrying out statutes passed by Congress. As many scholars of Congress have written, a potential outcome of the case would require Congress to be much more prescriptive in its policymaking.⁴ However,

³ Cost, Jay. “How Congress Lost, Part I: The Defeated Congress.” *American Enterprise Institute*, February 5, 2024.

⁴ See, Kornberg, Maya and Martha Kinsella. “Whether the Supreme Court Rolls Back Agency Authority, Congress Needs More Expert Capabilities.” *Brennan Center*, May 30, 2023; Kosar, Kevin. “Congress should get ready for a post-Chevron America.” *The Hill*, April 9, 2024, among others.



Congress currently lacks the necessary expertise and staff capacity to do so. Should this reality come to pass, the legislative branch will need to build on the modernization that has taken place since 2019. The Modernization Initiatives Account and the projects it has stood up are building blocks that will allow Congress to meet the moment.

Conclusion

Over the past five years, the modernization movement has made tremendous progress in making Congress more effective, efficient, and transparent on behalf of the American people. On a bipartisan basis, those inside and outside the institution have routinely praised House modernization efforts as a shining example of Congress functioning as it should—hearing from experts, debating and formulating policy solutions, and following through on implementation. This subcommittee’s continued investment in the implementation of modernization initiatives is part of what has led to such success. The House Modernization Initiatives Account should continue to be funded at a robust level so that the House can continue to execute on the promise of the Modernization Committee’s recommendations. BPC recognizes the fiscal constraints facing the federal government at a time of high deficits and rising debt, but stress that this request merely maintains existing funding levels for modernization initiatives rather than increasing spending from the current levels. This will help ensure taxpayer dollars are being spent responsibly and will help build a public record of the successes and advancements that the current modernization effort has brought to Congress, ultimately allowing it to better deliver for the American people.

Thank you for the opportunity to provide this testimony.