

Statement of Congressman Gerald E. Connolly (VA-11)
Committee on Oversight and Accountability
Full Committee Business Meeting
Wednesday, September 19, 2023

H.R. _____, the Modernizing Government Technology Reform Act

I want to thank Chair Nancy Mace for working with me on a bipartisan reauthorization of the Modernizing Government Technology (MGT) Act. The MGT Act was legislation I coauthored with Republican Representative Will Hurd, and it was enacted as part of the FY2018 National Defense Authorization Act (P.L. 115-91). The bill did two fundamental things. First, it authorized all CFO Act agencies to establish IT Working Capital Funds (WCF), which the Subcommittee has historically tracked through the FITARA Scorecard. Second, the bill established a centralized Technology Modernization Fund (TMF) and a governing board for the TMF. While we have never been able to get sufficient support for the TMF from our colleagues on the Appropriations Committee, the Biden Administration saw the value of the Fund when it requested \$9 billion for the TMF as part of its COVID recovery plan. We were ultimately able to secure \$1 billion in the American Rescue Plan Act (117-2). The TMF has used that funding to help bring agencies into the 21st century. Examples include digitizing the Department of Veterans Affairs' (VA) customer support and Better Veterans Benefits Management systems, modernizing the U.S. Office of Personnel Management's (OPM) website, and implementing a zero-trust architecture at the U.S. Agency for International Development (USAID).

Building off the original MGT Act's success, the MGT Reform Act will extend the authorization for the TMF through 2030 and sustain this critical IT investment tool for federal agencies. The bill reiterates that Congress would like the TMF to recoup some of the funding it provides agencies to remain a revolving fund for agency IT projects. The bill provides an annual authorization of \$50 million for the TMF, which I hope our appropriators will meet or exceed.

The IT needs of the federal government are great. They are, however, underfunded. A recent Government Accountability Office (GAO) report stated, "the U.S. government spends over \$100 billion on information technology. Most of that will be used to operate and maintain existing systems, including aging—or "legacy"—systems. These systems can be costly to maintain and vulnerable to hackers." It is clear, that even a one-time billion cash infusion is barely a drop in the bucket when it comes to sufficiently funding our federal government's IT modernization needs.

At the start of the COVID-19 outbreak, Congress acted swiftly to provide unprecedented levels of economic relief to the American people through the multitude of stimulus bills. For once, political will wasn't the missing ingredient in serving those in need of assistance. It was the government's outdated IT infrastructure that hamstrung recovery. Despite a robust legislative response and unprecedented financial support, many individuals and small businesses were denied timely assistance because of severely deficient IT infrastructure at the federal, state, and local levels of government. Call centers were overwhelmed, and websites crashed. Amidst the chaos, fraudsters were able to acquire government funds that they did not deserve. Billions of dollars in taxpayer dollars were wasted as a result. Deficient IT left sensitive government systems and data vulnerable to cyberattacks. During the early months of the pandemic, criminals took advantage of overwhelmed public IT systems, many of which were ill-prepared to deliver vital public services securely at the scale required. In light of these events, we must learn from our mistakes. We cannot afford to wait until we are in the midst of the next global disaster to modernize federal IT.

H.R. 4984, the D.C. Robert F. Kennedy Memorial Stadium Campus Revitalization Act

I support the D.C. Robert F. Kennedy Memorial Stadium Campus Revitalization Act (H.R. 4984) as it would enable full utilization of 142 acres of federal land in D.C. Specifically, the bill would direct the federal government to lease to D.C. for 99 years and allow the District to transform the land from primarily parking lots to commercial development, residential development, recreational facilities and perhaps even a stadium. As a former local representative, I know the importance and criticality for a locality to have authority over their own domain. We must allow D.C. to return this underutilized federal land to productive use and authorize the District to generate tax revenue from mixed-use development.

H.R. 4428, the Guidance Clarity Act of 2023

The Guidance Clarity Act of 2023 (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. This Act is concerning, particularly for programs that rely on a combination of both statutes and guidance, but also because it could create a blueprint for corporations and industry to not comply with regulations and provide them with more options to challenge agency guidance in court. As a result, this bill could undercut agencies tasked with holding polluters accountable, protecting worker safety, and ensuring the public has safe food and medicine.

H.R. 5040, the Cannabis Users' Restoration of Eligibility Act

As a cosponsor of the Cannabis Users' Restoration of Eligibility Act (H.R. 5040), I fully support the legislation. H.R. 5040 would first, prevent prior and contemporaneous marijuana use from being an obstacle to passing the federal security clearance process and the suitability process for federal employment and second, provide the opportunity for someone who has previously been denied a security clearance or a federal job opportunity to have that denial reviewed.

It is a well-known fact that the war on drugs disproportionately affected and still affects predominantly Black and Brown Americans. John Hudak, a former expert at Brookings wrote a book called, "Marijuana A Short History," which outlined the explicitly racist roots of cannabis policy. U.S. government officials initially vilified cannabis as an insidious substance flowing across the border like immigrants from Mexico. Then, the drug was painted as a substance for the inner city claiming it led to murder, rape, and insanity and eventually laws were created to a variety of minority groups across America. Hudak also found that, "despite cannabis usage rates between Whites and non-Whites being similar, Black Americans are arrested for cannabis offenses at a rate of nearly 4:1, compared to Whites. And in a nation with nearly 700,000 cannabis-related arrests each year (a number that was over 800,000 a few years ago), these policies affect an enormous number of Americans." These kinds of numbers are no coincidence, they illustrate a concerted effort to attack our communities of color.

The war on drugs has begun to affect our national security. Despite the recent, but rapid liberalization of marijuana laws in most states, thousands of Americans are being denied security clearance or ineligible for federal employment solely because they admit to having used marijuana – even if it was completely lawful under state law. These obsolete federal marijuana laws are preventing too many qualified Americans from serving their government. When our federal government is already facing an impending retirement wave and our current workforce has also endured government shutdowns, pay freezes, hiring freezes, and lost pay as a result of sequestration-related furloughs, the last thing we need is to exacerbate the problem by making the already nearly-impossible security clearance process even more arduous.

In 2021, I along with 30 other colleagues, signed onto a letter to President Biden urging him to rectify instances in which several White House staffers were reportedly suspended, put on probation, or asked to resign after honestly disclosing past cannabis use. The letter also went on to request that the White House clarify its employment suitability policies, remove past cannabis use as a potential disqualifier, and apply these policies with consistency and fairness.

We are proud that just one year after this letter, the President announced that he was issuing a blanket pardon to people who had been convicted of simple possession of marijuana under federal law, and further announced that his Administration would review the scheduling of marijuana under the Controlled Substances Act. But again, it is not enough to talk the talk. The federal government also needs to walk the walk by reforming its own policies. Congress must act now to reverse our history of racist policies.

H.R. _____, the Safe and Smart Federal Purchasing Act of 2023

The Safe and Smart Federal Purchasing Act of 2023 would require the Director of OMB to evaluate the procurement activities of each agency to determine whether the provisions of section 15.101-2 of the Federal Acquisition Regulation have created any national security risk.