

Written Testimony for the Committee on Modernizing Congress
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Thank you Chairman Kilmer and Vice Chairman Graves for the opportunity to submit written testimony to the Select Committee on Modernizing Congress. My written testimony will touch on four topics that I hope the Committee will consider including; restoring the Office of Technology Assessment, rebalancing the jurisdictions of the standing committees in the House, once again making the discharge petition anonymous, and politically feasible concept for expanding the ability of Congress to retain staff through increased salaries.

1. Rebalancing Committee Jurisdictions to Reflect the Modern Economy

The US economy has changed immensely over the last century, but congressional committee jurisdictions have not tracked those changes. One example of this is that Information Technology recently passed Financial Services as a fraction of the economy – and Tech will soon pass Healthcare to become the single largest sector – yet there is no standing committee for Information Technology. Instead, there are 7 committees that claim partial jurisdiction over Information Technology, which means nobody has jurisdiction and there is no large dedicated staff to handle Tech issues. The results of this were visible to all during the Facebook hearings.

One symptom of the current imbalance in committee jurisdictions is that a large percentage of the incoming freshmen class all wanted to be on the Energy & Commerce Committee. Members with vastly different interests (for example, lowering the cost of prescription drugs or addressing climate change) had to compete for seats on a single E&C Committee, due to its overly broad jurisdiction.

As such, I propose rebalancing committee jurisdictions to match the modern economy, with full dedicated committees, each representing roughly 15-20% of GDP, on:

- Information Technology
- Healthcare
- Financial Services
- Science-Energy-Climate
- Commerce, Agriculture, & Natural Resources

If this suggestion seems overly ambitious or divisive to your committee, you might at least suggest that it be taken up by a successor committee.

2. Restore the Office of Technology Assessment

We live in a world now where technology has become increasingly important in our personal lives, our economy, and democracy. But Congress is not adequately prepared to lead on technical issues that could seriously affect our country's future.

For more than two decades, the Office of Technology Assessment (OTA) provided relevant, unbiased technical and scientific assessments for Members of Congress and staff. Today, the OTA would offer policy makers the tools to tackle and understand new technological developments and their impact on society. I recommend reestablishing OTA so it can provide Congress with nonpartisan reports and real-time advice on issues that require leadership from lawmakers, including data privacy, artificial intelligence, and cybersecurity.

The OTA was established in 1972. From 1972 – 1995, it served as an independent legislative branch support agency, staffed by technical experts from various disciplines. OTA's mission was to provide deep technical expertise on a wide range of issues that Congress faced. It published more than 750 technical assessments, memos, reports, and background papers on science and technology-related topics.

The OTA had three defining features: One, there was bipartisan oversight of the agency. Two, OTA's experts conducted consultations with all stakeholders, ensuring as many points of view as possible were considered. And three, their final products provided policymakers with options that accompanied detailed assessments and projections, as opposed to a single policy recommendation for which OTA advocated.

When it was operating, lawmakers used the OTA's reports to make decisions that saved the federal government money, which is why it has received bipartisan support in the past. The OTA is a wise investment. Its operating costs were \$23 million per year, less than 1% of appropriations. Past reports that saved money include the 1988 OTA study, "Healthy Children: Investing in the Future," which concluded that expanding Medicaid eligibility to all pregnant women living in poverty would cost much less than the cost of \$14,000 to \$30,000 to treat the health problems of each low birthweight infants. That study helped change Medicaid eligibility rules by expanding access to prenatal care to millions of women in poverty.

There were also two OTA studies on cancer screenings that were instrumental in expanding Medicare coverage to include routine mammograms and pap smears, thus saving both taxpayer dollars and lives. An OTA report on electronic surveillance identified gaps in legislation protecting communications privacy, and heavily informed the passage of the Electronic Communications Privacy Act of 1986, extending wiretap restrictions to new technologies.

OTA recommended in a report that the Social Security Administration develop a clear plan to get the maximum benefit from new computer technology. Committee responses to this report reportedly saved the government \$368 million. Lastly, OTA studies on the Synthetic Fuels Corporation led to its repeal, saving the government tens of billions of dollars.

OTA also identified a number of missed opportunities including a 1984 report that all but called one of President Reagan's pet projects -- the space-based missile system, the Strategic Defense Initiative (SDI) -- a wishful fantasy. This report was followed by two additional studies, released in 1985 and 1988, that noted that the SDI had a noticeable possibility of ending up as a "catastrophic failure." In September, 1995, the OTA released a study entitled *Bringing Healthcare Online: The Role of Information Technologies* identifying the challenges and opportunities of expanding telemedicine. This study highlighted the importance of interoperability of electronic health records – advice that, had it been acted on, would have saved billions of dollars and thousands of lives.

Since the defunding of OTA, Congress has found other sources of S&T assessment, although none are as comprehensive or singularly dedicated to being a resource on S&T policy issues for Congress as OTA once was. The Congressional Research Service (CRS) does not have a significant technology assessment capability, although CRS does produce some work on S&T topics for Congress. Congress has recently tasked GAO with developing a new, expanded office to generate more S&T assessments for Congress. In response, in January 2019, GAO established the Science, Technology Assessment, and Analytics team, but it remains to be seen if this will effectively fill the gap left by OTA. One potential issue is GAO typically operates on a months-, or years-long timescale. The pace of legislating today requires agile “quick response” resources that are brief and delivered on a tight timeline.

External entities have also sought to provide S&T expertise to Congress. Academia, other research groups like the National Research Council, and a range of think tanks all produce reports, briefings, and Congressional testimony to help advise Congress on S&T issues. Industry representatives and lobbyists often work to inform—and influence—Congressional staffers and members on technical issues. There are also fellowship programs that place people with technical backgrounds within Congressional offices. But without independent technological expertise in the legislative branch, it makes it difficult for Congress to properly evaluate the divergent claims of executive agencies, academic centers, interest groups, and lobbyists.

Twenty years later, many of the topics that OTA studies are still relevant, whether it's a study on the rise of antibiotic resistant bacteria or electronic surveillance in the digital age. These are the kinds of complex issues country will continue to face, and Congress needs the thorough, nonpartisan, technical analysis of the OTA to better inform our policy.

I urge this Committee to look seriously at what was lost when the OTA was dismantled and what we stand to gain from restoring the OTA so Congress once again has access to credible and nonpartisan scientific expertise.

3. Signing Discharge Petitions should once again be an Anonymous Act

One of the most frustrating failures of our democracy is that measures with large, bipartisan support have not been allowed to be brought to a vote. Speakers from both parties have prevented votes on measures that could enjoy broad support from a bipartisan centrist coalition, because of fears that it would “make them look weak” or because of intimidation from the extreme wing of their party.

The Rules of the House provide the Discharge Petition as the safety-valve against this dynamic. However it has been ineffective in recent years because members have been unwilling to sign onto discharge petitions with members of the opposition party, due to fears of retribution from either the Speaker or factions of their own party.

Therefore the House should repeal the Discharge Petition Disclosure Bill passed by the House in 1993. This will once again make signing a discharge petition an anonymous act, and thereby protect the signer from retribution or vilification. It will once again empower moderate, centrist, bipartisan coalitions to bring legislation to the floor independent of the wishes of leadership or the extreme wings of either party.

4. Establish an Endowed Foundation to Supplementing Congressional Staff Salaries

It is imperative that Congress be able to attract and retain high-quality staff. This requires salaries competitive with the private sector. Without these, expertise is lost and the revolving door accelerates. However, politically it is difficult to run for re-election on a platform of raising staff salaries in Washington.

This is not a new challenge, and it is one made increasingly hard by the decreasing size of the MRA. According to the Congressional Research Service, the appropriation for the MRA decreased from a high in FY2010 of \$660.0 million to \$554.7 million in FY2014, FY2015, and FY2016. For FY2017, the MRA level was increased by \$8.3 million, to \$562.6 million (+1.5%). This level was continued for FY2018. The FY2019 level of \$573.6 million represents an increase of \$10.998 million (+2.0%) – barely covering inflation. The result of this is that while the work of Congress has not gotten less important, the funds available for staff salaries today is almost \$100 million less than it was in 2010.

One possible way around this conundrum is to establish a privately funded endowment to fund several well paid staff positions in the office of each member Congress. To avoid conflicts of interest or corruption, contributions to the fund could only be made posthumously and anonymously.

5. Charging Stations

If nothing else, we should be able to agree on a bipartisan basis that we need to replace the page-call buttons under the seats in the House with mobile phone charging outlets.