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Written Testimony

House Committee on Appropriations

Subcommittee on the Legislative Branch

April 2, 2019

Chairman Ryan and Ranking Member Herrera Beutler, and Members of the Subcommittee, thank you for the opportunity to submit testimony.

As you write your bill, I ask that you consider two areas in which the House could be more effective with your help: the co-sponsorship process and staff access to classified information.

Co-Sponsorship Process

A great deal of legislative and Clerk's Office staff time could be saved if we modernize the way we add cosponsors to bills.

Legislative staff and interns are constantly calling and emailing around for cosponsors and running signed cosponsor sheets to the Capitol, when they could be doing other work. Processing the lists of names takes hours of Clerk staff time, as the cosponsor sheets are handwritten and can be easily misread. Members with similar or identical last names are often signed onto the wrong bills because the cosponsor sheet was not clear.

There is no good reason for our co-sponsorship process to be like this in 2019. It is neither efficient nor secure. Considering all the bills and all the cosponsors every

Congress, saving time here could free up thousands of hours of legislative staff and Clerk staff hours.

I propose that we give House officers the charge and funds to come up with a new electronic system that might provide offices with a checklist of bills they can sign onto. The ideal system would let offices know whether they have signed on before and give bill sponsors updates when they get new cosponsors. An online system to do this would not be hard to create, could increase efficiency and could increase accountability.

Currently, we use Members' signatures as the marker of approval and even security for co-sponsorships. However, we all know many times junior staff and even interns are permitted to sign those forms with no real accountability. If offices could designate specific staff to sign off on co-sponsorship via an online system with a secure login it would increase accountability and improve record keeping.

The ideal solution might look like a menu of bills with check boxes. Sponsors could put their bills on a system that would automatically alert users that a bill is open for cosponsors. Offices would then get regular lists of newly introduced bills with an indicator that the author is looking for cosponsors and an indicator that they have signed on before.

If an authorized staffer checks the box for a bill, the clerk and sponsor would be electronically notified and the Member would be automatically signed on with no paperwork, but with traceable electronic record.

I hope the Subcommittee will consider giving House officers the direction and tools they would need to create an online system like this to improve co-sponsorship and save time and money in the long run.

Personal Staff Access to Classified Information

I serve on the Armed Services Committee, which, as you know, is responsible for overseeing the Department of Defense and portions of the Department of Energy. Without putting too fine a point on it, we oversee a number of matters that are highly classified.

Like all of you, I have the obligation to keep abreast of all issues brought before Congress and, inevitably, I must rely on staff to assist me with my work, conduct research for me, and act as a sounding board. When it comes to the classified work of the Armed Services Committee, however, there are times when I cannot rely on help from my personal office staff.

The problem arises from the nature of security clearances for staff. For reasons not entirely clear, the highest level of clearance personal office staff can receive is “Top Secret.” Holding this level of clearance isn’t all that unusual for government employees: approximately one million people have clearance at this level, half of whom are contractors.¹ However, a fair amount of the Armed Services Committee’s work requires access to Top Secret “Sensitive Compartmented Information,” or TS/SCI, which is, in effect a higher level of clearance. While no personal office

¹ “Fiscal Year 2017 Annual Report on Security Clearance Determinations, Office of the Director of National Intelligence, available at https://fas.org/irp/congress/2016_cr/hpsci-hac.pdf. As of October 1, 2017, 1,194,962 individuals were “in access” to top secret clearance. The more comprehensive Fiscal Year 2015 Annual Report on Security Clearance Determinations, Office of the Director of National Intelligence, available at https://www.dni.gov/files/documents/Newsroom/Reports%20and%20Pubs/2015-Annual_Report_on_Security_Clearance_Determinations.pdf, reported 622,549 federal employees in access, 428,069 contractors in access, and 170,060 others.

staffer is allowed to obtain it, select committee staff, leadership staff, and tens of thousands of executive branch employees and contractors are allowed. TS/SCI information is often shared with foreign partners and cannot be shared with our staff who are U.S. citizens and have been vetted and granted a security clearance. Of course, Members of Congress, as constitutional officers, are not required to have a security clearance, but our access is often restricted as well.

This problem isn't unique to the Armed Services Committee. Roughly half of the Members of the House Intelligence Committee signed a letter asking for TS/SCI clearances for one of their personal office staff.² Considering that we all have to vote on legislation that concerns highly classified matters, and often have to review materials and be briefed accordingly, it may make sense for every member of Congress to have the option to designate one staffer at the TS/SCI level. But for now, we should at least provide this level of support to members who serve on committees that routinely deal with national security matters.

I do believe any change in this space should be accompanied by proper safeguards. All staff who receive clearances should be provided appropriate counter-intelligence and information management training. I don't believe there's an additional cost to Congress for upgrading a staffer's clearance from TS to TS/SCI, and, in fact, many of our staff come from the executive branch and are already cleared at this level, then lose this higher clearance when they come to work for Congress.

The second issue I would like to address is the finite space and storage available to receive information of a sensitive nature. I believe we should look to increase

² See, e.g., this March 2016 letter from eight members of HPSCI concerning clearances, available at https://fas.org/irp/congress/2016_cr/hpsci-hac.pdf. There is a more recent non-public letter, discussed in this Roll Call story from Nov. 27, 2018, available at <http://www.rollcall.com/news/policy/democrats-security-clearances-house-intel-aides>.

available secure facilities and to increase the use of electronic document management to facilitate our routine oversight work. We should no longer rely on document couriers and locked filing cabinets in 2019. The third issue is the relatively small staff and resources dedicated to managing member and staff access to classified information.

Investing in modern techniques to manage access to classified information and enabling Members of Congress to have the support they need to oversee the U.S. government's \$78 billion intelligence budget will strengthen the legislative branch's ability to securely supervise the expenditure of taxpayer dollars. It may also bring increased efficiencies to Congress's internal classified operations. Some of these efforts will initially be costly, but by reducing time spent transporting, auditing, and destroying physical documents; faxing clearance forms, sweeping unsecured spaces to be used for classified discussions, and many other inefficiencies, we will be able to save costs across government.

I ask that the subcommittee provide additional funding the Office of House Security to begin to resolve these issues so Congress can more vigorously and responsibly exercise its constitutional oversight duties.

Thank you again for your time today and for all you're doing to make Congress work better for the American people.