WHAT'S THE BIG IDEA? INNOVATIVE APPROACHES TO FIXING CONGRESS

HEARING

BEFORE THE

SELECT COMMITTEE ON THE MODERNIZATION OF CONGRESS

OF THE

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

Serial No. 117–22

Printed for the use of the Select Committee on the Modernization of Congress

❄

SELECT COMMITTEE ON THE MODERNIZATION OF CONGRESS

DEREK KILMER, Washington, *Chair*

ZOE LOFGREN, California
EMANUEL CLEAVER, Missouri
ED PERLMUTTER, Colorado
DEAN PHILLIPS, Minnesota
NIKEMA WILLIAMS, Georgia

WILLIAM TIMMONS, South Carolina,
Vice Chair
BOB LATTA, Ohio
RODNEY DAVIS, Illinois
DAVE JOYCE, Ohio
GUY RESCHENTHALER, Pennsylvania
BETH VAN DUYNE, Texas

COMMITTEE STAFF

YURI BECKELMAN, *Staff Director*
DEREK HARLEY, *Republican Staff Director*

(II)

CONTENTS

OPENING STATEMENTS

WITNESSES

WHAT'S THE BIG IDEA? INNOVATIVE APPROACHES TO FIXING CONGRESS

Thursday, July 28, 2022

HOUSE OF REPRESENTATIVES,,
SELECT COMMITTEE ON THE
MODERNIZATION OF CONGRESS,
Washington, DC.

The committee met, pursuant to call, at 9:01 a.m., in Room 2118, Rayburn House Office Building, Hon. Derek Kilmer [chairman of the committee] presiding.

Present: Representatives Kilmer, Williams, Timmons, and Latta.

The CHAIRMAN. Okay. The committee will come to order.

Without objection, the chair is authorized to declare a recess of the committee at any time. And I now recognize myself for 5 minutes for an opening statement.

No pressure on any of our witnesses today, but I have been looking forward to this hearing for about 3 years. When this committee was first formed in 2019, we were given one year to do our work, and I wanted to make sure that we found a way to showcase some out-of-the-box approaches to fixing Congress, and the plan was to do a big ideas hearing at the end of the year. But as the end of the year approached, the committee received an extension through 2020, so we decided to push the big ideas hearing back. Then a few months into 2020, COVID came along and upended everything. Big ideas was put on hold while the committee focused its attention on pressing issues like continuity of congressional operations and remote work procedures. Fortunately, the committee was once again extended, this time through the end of the 117th Congress. So here we are at long last.

I share that background because I want to make clear that this hearing has been part of the committee's plan since day one. So let me explain.

A big part of making Congress work better for the American people involves focusing on tangible solutions. We have so far held 37 public hearings and passed 171 recommendations aimed at doing just that. The committee's structure requires bipartisan agreement, and we have worked hard to find common ground on some tough issues.

But in addition to focusing on what seems doable, we need to think big. We should be open to creative problem-solving and considering ideas that fall outside of our comfort zones.

I say this because Congress is not a static institution. The legislative branch is supposed to reflect the diverse use of this country, and as our society and politics evolve, so should our willingness to address the problems that made Congress less effective than it should be. New problems demand new solutions.

(1)

Our Founding Fathers designed an amazing system of government that has lasted well over 200 years, but if it were perfect, there would be no need for the 27 constitutional amendments that have been ratified since 1791. None of those amendments would have passed if citizens and policymakers weren't willing to think big and take risks.

So the good news is not all big ideas require constitutional amendments. There are plenty of innovative solutions to the big and small challenges Congress faces. And today we are joined by a panel of big thinkers who are going to share with us their ideas for making Congress work better for the American people.

The committee will use its rules that allow for a more flexible hearing format that encourages discussion and the civil exchange of ideas and opinions. So in accordance with clause 2(j) of House rule XI, we will allow up to 30 minutes of extended questioning per witness and, without objection, time will not be strictly segregated between the witnesses, which will allow for extended back-and-forth exchanges between members and the witnesses.

Vice Chair Timmons and I will manage the time to ensure that every member has equal opportunity to participate and, additionally, members who wish to claim their individual 5 minutes to question each witness pursuant to clause 2(j)(2) of rule XI will be permitted to do so following the period of extended questioning.

All right. With that, I would like to invite Vice Chair Timmons to share some opening marks as well.

Mr. TIMMONS. Thank you, Mr. Chairman.

I am really looking forward to today's discussion on out-of-the-box approaches to improving how Congress works for the American people. As you mentioned, this has been on the agenda for quite awhile, so I am really glad we are finally getting to it. We have got 6 months left, and we are hoping to get some more done.

And allow me to, again, quote the chairman who often likes to say, There are no bad ideas in the ideas room. It is entirely in the spirit that we invite our witnesses here today. A lot of the work on this committee has rightly been focused on improving the nuts-and-bolts operations of Congress. As we have seen, there is a lot of work to be done there. However, I appreciate that we can also spend time today exploring bigger, bolder ideas for reforming Congress for the benefit of the American people.

Before I move on, I want to thank the witnesses for joining us. I know this committee has heard from several of you before on other issues, and we appreciate the work and thought all of you continue to put into improving the institution.

Today we are going to hear about five very different ideas for fixing Congress. Some of them, such as extending the size of the House or extending House terms, asked us to grapple with some of the same arguments the Founders did. And I will say here, as a conservative, I believe the Founders knew exactly what they were doing. Our system of self-government, of constitutional checks and balances, and federalism is the best the world has ever seen. And I think we must tread very carefully when examining any ideas that might require amending the Constitution.

At the same time, our committee has always been well served by our willingness to explore every idea presented to us for strength-

ening Congress, which the Founders saw as the first among co-equal branches, so that we can improve the way we serve the American people. If we are going to assess what is best for the future of our public, we should first do a better job understanding where the system we have today came from. I am hopeful our witnesses will be able to provide helpful historical context on the Founders' vision to inform our discussions.

I also note that another topic we will be discussing today, AI and machine learning, in the legislative process is a big idea that is something we should prepare for. As they say, the future is now, and we should do everything we can to prepare and ensure Congress is at the forefront of technology and civic spaces. I would particularly like to talk about the calendar and the schedule and how machine learning and AI can solve the problems we have been grappling with for the last couple of years.

Really appreciate you all being here. Look forward to the conversation.

With that, Mr. Chairman, I yield back.

The CHAIRMAN. Thank you.

Well, I now would like to welcome our five expert witnesses, including one of our colleagues. Because we have a bigger panel than usual, I will ask witnesses to keep their oral remarks to about 3 minutes, and then we will have plenty of time to discuss all of the testimony once we move to a period of extended questions.

Witnesses are reminded your written statements will be made part of the record.

Let's kick things off with Lee Drutman. Dr. Drutman is a senior fellow at New America studying political reform. He is also a lecturer at the Johns Hopkins University and regular contributor to 538. Prior to New America, he was a senior fellow at the Sunlight Foundation. He's the author of "Breaking the Two-Party Doom Loop: The Case for Multiparty Democracy in America." He earned his bachelor's in political science from Brown and his Ph.D. in political science from the University of Cal, Berkeley.

Dr. Drutman, you are now recognized for 3 minutes.

STATEMENTS OF DR. LEE DRUTMAN, SENIOR FELLOW, NEW AMERICA, WASHINGTON, DC; DR. DANIELLE ALLEN, JAMES BRYANT CONANT UNIVERSITY PROFESSOR, HARVARD UNIVERSITY, CAMBRIDGE, MA; MR. JOE MARIANI, RESEARCH MANAGER, DELOITTE CENTER FOR GOVERNMENT INSIGHTS, CHICAGO, IL; DR. KEVIN KOSAR, SENIOR FELLOW, AMERICAN ENTERPRISE INSTITUTE, WASHINGTON, DC; AND THE HONORABLE JOHN B. LARSON, MEMBER OF CONGRESS, WASHINGTON, D.C.

STATEMENT OF LEE DRUTMAN

Mr. DRUTMAN. Well, thank you.

What a great honor to be here. Chairman Kilmer, Vice Chair Timmons, and members of the Select Committee on the Modernization of Congress, I really appreciate this opportunity to participate in the big ideas hearing.

So one big idea is increasing the size of the House of Representatives and making it bigger. Well, maybe it is not that big of an idea

actually, since it is something that we did in this country for the first 120 years. So let's get into that history.

In 1790, when the U.S. House of Representatives first met, there were only 65 members, each with approximately 30,000 constituents. Of course, the U.S. had only 13 States, and the country was much smaller populationwise. But because this was to be the people's House, framers envisioned Representatives with close connections to their constituents and districts small enough to make that representation meaningful.

Now, obviously, the country has grown considerably since then, and as the country grew for the first 120 years, after each Census, Congress added more seats to reflect the growing population. But after the last expansion in 1911, the House settled on 435, no good reason there, other than they couldn't agree how to add more seats during what was a somewhat divisive and polarized time.

Now, as you obviously know, since 1911, the population of the country has more than tripled, and with women's suffrage and the enfranchisement of African Americans, the eligible voting population has increased more than sixfold. But that number 435 hasn't budged. The average number of constituents per district today is 760,000, so it is hard to feel heard when you are one in three-fourths of a million.

Now, we know that the larger the district, the more distant constituents feel from their Representatives, and vice versus. Distance breeds distrust and frustration and inadequate representation. It is not the way the framers intended the House to operate, and it is just bad for our form of representative, republican democracy.

The American Academy of Arts and Science report that I coauthored—nicely printed here, of course—is part of the Our Common Purpose Project, which I am submitting for the record, recommends increasing the House by 150 members to a total of 585. This would correspond to the number of seats that have shifted between the States even as their population has grown since that 435 cap was stuck upon. And this doesn't have to happen right now. Probably the ideal timing would be after the 2030 Census, and then once instituted, the number would continue to expand as the population grows.

So in addition to bringing constituents and Representatives closer to each other, an expansion, I think, would have some other benefits. One is it would bring new faces and new ideas to Washington. Incumbency reelection rates are extremely high. I guess your constituents love you all, and I can't blame them. But, you know, over time, that can make Washington start to feel a little too Washington and keeping some fresh perspectives out. So the people's House should be close to the people.

All this could shake things up a bit for sure, but given how stuck and dysfunctional things seem to be right now, a little shakeup might be good. It could bring some new energy, some new creativity to Congress, and even help short-circuit some of the destructive hyperpartisan polarizations really undermining our system of government.

And on that front, I do think pairing an increased House with another of the Academy's recommendations, proportional multi-member districts would go a long way, because with proportional

multimember districts, you would have much more diversity of perspectives in Congress and it would really expand beyond the highly polarized binaries of solid Republican and solid Democratic districts, and that would create, I think, even more possibilities for new creative problem-solving and I think also a more committee-oriented Congress.

You know, more broadly, as a scholar of political science and history, I see that this decade ahead is actually likely to be a real moment of transformative change in our democracy, because, I mean, I think it is clear that the status quo is broken. And, you know, there are those who want to burn it all to the ground, but, you know, I at least, and I think you all, want to restore and renew the promise of liberal, republican democracy in America. And, you know, I am 100 percent convinced that we are going to need some big, bold ideas to make that work and to innovate and modernize towards a brighter future for this country.

So I look forward to working with you all to achieve some of these innovations.

[The statement of Mr. Drutman follows:]

Written Testimony
Select Committee on the Modernization of Congress Hearing
"What's the Big Idea? Innovative Approaches to Fixing Congress"
Thursday July 28th, 2022

Lee Drutman, Ph.D.
Senior Fellow, New America Political Reform Program
Co-author of the Our Common Purpose report, *The Case for Enlarging the House of Representatives*

Chairman Kilmer, Vice Chair Timmons, and Members of the Select Committee on the Modernization of Congress, thank you for the opportunity to participate in the "Big Ideas" hearing.

One big idea is increasing the size of the House of Representatives. Well, maybe it's not that big of an idea actually, since it's something that the US did for the first 120 years of our history.

So let's dig into that history. In 1790, when the US House of Representatives first met, there were only 65 members, each with approximately 30,000 constituents. Of course, the US only had 13 states, and the country was much smaller. But because this was to be the people's house, the Framers envisioned representatives with close connections to their constituents, and districts small enough to make that representation meaningful.

Obviously, the country has grown considerably since then, but for 120 years, after each Census, Congress added more seats. But after 1911, the House settled at 435 for no other reason than they couldn't agree on how to add more seats during a divisive and polarized time in our history. Since 1911, the population of this country has more than tripled, and with women's suffrage and the enfranchisement of African-Americans, the eligible voting population has increased more than six-fold. But the number 435 hasn't budged. Today, the average number of constituents per district is 760,000. It's hard to feel heard when you're one in 3/4 of a million.

The larger the district, the more distant constituents are from their representatives, and vice versa. Distance breeds distrust and frustration and poor representation. It's not the way the

Framers intended the House to operate, and it's just bad for our form of representative, republican democracy.

The American Academy of Arts and Sciences report I co-authored as part of the Our Common Purpose Project, which I am submitting for the record, recommends increasing the House by 150 members, to a total of 585. This corresponds to the number of seats that have shifted between states, even as their populations have grown, since the cap was instituted. This would not need to happen immediately – in fact, the ideal timing might be after the 2030 census. Once instituted, the number would continue to expand as the population grows.

In addition to bringing constituents and representatives closer, an expansion would have other benefits. It would bring new faces and new ideas to Washington. Incumbency reelection rates are extremely high (your constituents love you all, I guess), but over time that can make Washington a little too Washington, keeping fresh perspectives out. The People's House should be close to the people.

All this could shake things up a bit for sure, but given how stuck and dysfunctional things are right now, a little shake-up might bring some new creativity and energy to Congress, and could even help to short-circuit some of the destructive hyper-partisan polarization that is undermining our system of government. On that front, I do think that pairing an increased House with another of the Academy's recommendations, multimember districts, would go a long way. With multimember districts, the diversity of perspectives in Congress would expand beyond the highly polarized binaries of solid Republican vs solid Democratic districts, and new possibilities for creative problem solving and a more committee-oriented congress I think would emerge.

Even more broadly, as a scholar of history, I see this decade as a potential moment of transformation. The status quo is broken. There are those who want to burn it all to the ground. But I, at least, want to restore and renew the promise of liberal, republican democracy in America, and I am 100% convinced we are going to need some big bold ideas to innovate and modernize towards a brighter future for this country. I look forward to working with you all to achieve these innovations.

The CHAIRMAN. Thank you, Dr. Drutman.

Our next witness is Danielle Allen. Dr. Allen is a professor and director of the Center for Ethics at Harvard University. She is a political theorist who studies democratic theory, political sociology, and the history of political thought. She is widely known for her work on justice and citizenship in ancient Athens and modern America and is a member of the American Academy of Arts and Sciences. She is the author of, among other things, "From Voice to Influence: Understanding Citizenship in the Digital Age." Dr. Allen earned her first Ph.D. in classics from the University of Cambridge and her second Ph.D. in government from Harvard University.

Doctor, doctor, you are now recognized for 3 minutes.

STATEMENT OF DANIELLE ALLEN

Ms. ALLEN. Also known as square. That is what you get for that, doctor, doctor.

Good morning, Chair Kilmer. Thank you for the invitation. Vice Chair Timmons, Representative Latta, it is an honor to be with all of you, and thank you so much for your commitment to self-government.

You have heard my background. I have also had the honor of being a co-chair for the American Academy of Arts and Sciences Commission on the practice of democratic citizenship, but I want to share a little bit more about myself for context, where my views come from.

I grew up in southern California in a family that prized civic engagement. On my mom's side, my great-grandparents helped fight for women's right to vote, and my great-grandmother was president of the League of Women Voters in Michigan in the thirties. And on my dad's side, my granddad helped found one of the first NAACP chapters in northern Florida.

So as a matter of both family inheritance and personal conviction, I bring a deep belief to this hearing in the value to all people of the chance to participate in self-government as free and equal citizens.

I speak, therefore, from personal conviction but also speak today on behalf of the Academy's commission. The American Academy of Arts and Sciences was founded in 1780, before the Constitution and by the same people who led the Revolution. It was founded to secure for the new Nation the knowledge, resources needed for the daring experiment in self-government.

In 2018, the Academy convened a bipartisan commission to address the widespread sense that our constitutional democracy is in crisis. In 2020, we issued our report, Our Common Purpose. You have heard about it, a fair bit of it. And the report makes the case that improvement of civic culture and of political institutions must go hand-in-hand if we are going to secure the health of our constitutional democracy.

So my core message is that tweaking how Congress operates is not enough to restore the strength of the first branch of government. A healthy Congress can grow only out of the soil of a healthy civic culture. So investment in our civic well-being through civic infrastructure is investment in the health of Congress.

Civic infrastructure consists of the local places, programs, and people that encourage all residents of municipalities and regions to interact, find common ground, and solve problems together. We currently underinvest in this infrastructure, and underinvestment shows up in isolation, disengagement, mistrust, and contention, instead of participation and collaboration.

Against this backdrop, residents in local communities, just like my great-grandparents and grandparents, are seeking to turn the tide. In Inman, South Carolina, local government, business people, and community residents have collaborated on a revitalized downtown with a new public library and physical infrastructure to better support connections among residents and visitors.

In Lexington, Kentucky, the nonprofit CivicLex builds civic health through accessible coverage of local government meetings and programs for residents and relationship-building activities and resident engagement in local government.

The Citizens Campaign from New Jersey educates local residents in techniques of no-blame problem-solving, and participants form civic trusts, as they call them, nonpartisan, community-based civic associations that search for successful policies that work in other communities that might be adopted in their own. Local communities need a vote of confidence from national investment.

In our report, we recommended the creation of a trust for civic infrastructure, a new national organization for grant making, knowledge sharing, public education, and research and evaluation to strengthen civic capacity and connectivity in local communities. A pilot trust is currently forming with private support, but the scope and scale of needed investments means civic infrastructure should also be a priority for the national budget.

Future members of your body need a chance to learn the practices of democratic citizenship in rich schools of democracy at the local level. When local communities know how to bridge divides and engage residents in productive collaborations, we will be on our way to securing a healthy political culture nationally. This will improve your working conditions.

Only with innovation can we pass on to future generations our valuable inheritance of constitutional democracy in better shape than we currently find it.

So, again, we thank you for your willingness to renovate our constitutional democracy.

[The statement of Ms. Allen follows:]

CONGRESSIONAL TESTIMONY

The Trust for Civic Infrastructure

Testimony before the Select Committee on the Modernization of Congress

United States House of Representatives

July 28, 2022

Danielle Allen
James Bryant Conant University Professor at Harvard University
Director, Edmond and Lily Safra Center for Ethics at Harvard University
Chair, Commission on the Practice of Democratic Citizenship, American Academy of Arts and Sciences

Chair Kilmer, Vice Chair Timmons, and distinguished members of the Select Committee on the Modernization of Congress, thank you for having me today.

My name is Danielle Allen. I am the James Bryant Conant University Professor at Harvard University, the Director of Harvard's Edmond and Lily Safra Center for Ethics, and a Co-Chair of the American Academy of Arts and Sciences' Commission on the Practice of Democratic Citizenship.

I grew up in Southern California in a family that prized civic engagement. On my mom's side, my great-grandparents helped fight for women's right to vote in the early 20th century. My great-grandmother was President of the League of Women Voters in Michigan in the 30s. On my dad's side, my granddad helped found one of the first NAACP chapters in Northern Florida, an exceptionally dangerous undertaking. As a matter of family inheritance and personal conviction, I bring to this hearing a deep and enduring belief in the value to all people of the chance to participate in self-government as free and equal citizens.

Today I speak not only out of my own convictions but also on behalf of the American Academy of Arts and Sciences and its Commission on the Practice of Democratic Citizenship.

The Academy was founded in 1780-- before the Constitution and by the same people who led the Revolution, including John Adams and John Hancock. Ben Franklin and George Washington were early members. They sought to secure for the new nation the knowledge resources it would need for its daring experiment in self-government. Today, the Academy is an honorary society and independent, nonpartisan research center.

In 2018, the Academy convened a BIPARTISAN COMMISSION to assess and address the widespread sense that our constitutional democracy is in crisis.

In 2020, the Commission released its final report – *Our Common Purpose: Reinventing American Democracy for the 21st Century.* We made the case that in a healthy constitutional democracy, improvement of our civic culture and of our political institutions must go hand in hand. Each is necessary; neither on its own is sufficient.

You have asked to hear "Big Ideas" and "Innovative Approaches to Fixing Congress." My core message today is that tweaking how Congress operates is not in itself enough. A healthy Congress can grow only out of the soil of a healthy civic culture. Investment in our civic well-being is investment in the health of Congress. I understand that you will also be hearing about another recommendation from our Commission's report - to increase the size of the House of Representatives as the Founders intended. I endorse that Big Idea, too, but for my own testimony today, I focus on the need to support institutional change through investment in civic infrastructure.

We define civic infrastructure as the local places, programs, and people that encourage all residents of municipalities and regions to interact, find common ground, and solve problems together. We are currently underinvesting in this infrastructure. The results speak for themselves.

2

Underinvestment shows up in isolation, disengagement, mistrust, and contention instead of the participation and collaboration. Too often, even communities that have some civic infrastructure lack consistent funding and organizations work in isolation from one another.

Our Commission conducted roughly 50 listening sessions around the country. We heard despair about the state of democracy, the distrust that Americans feel for one another and our institutions, and the sense that nothing unites us. Yet we also heard a yearning for connection and common purpose. People told inspiring stories of community renewal and local efforts to bridge differences. We saw first-hand the good that can be done though investments in local civic health and what happens when those aren't there.

- Even before the pandemic 80% of Americans said they had not gotten together with others to do something for the good of their community in the past year.
- Public spaces that encourage disparate groups to come together are crumbling. In 2021, The American Society of Civil Engineers gave our parks a D+ grade.
- 60% of Americans have little to no faith in the political decision-making of their fellow citizens.

Yet even against this backdrop, many local communities are seeking to turn the tide:

- In Inman, South Carolina, a small town of 2900 people, local government, businesspeople, and community residents have come together to design and implement a plan to build community through shared experiences, forge new connections, and bolster the local economy through resident-driven master plan for a revitalized downtown. Projects include a new public library and greenway, murals, and physical infrastructure improvements to make the area more walkable, accessible, and welcoming for town residents and visitors alike.
- In Lexington, KY, civic educator and artist Richard Young launched CivicLex, a non-profit civic education organization that builds civic health through education, local media, and relationship building. Through its civic engagement programs and accessible coverage of local government meetings and proposals, CivicLex makes it easier for Lexington residents to engage with and understand local government and make change in their community.
- The Citizens Campaign, launched first in New Jersey, engages and educates local residents in techniques of "no-blame" problem-solving; participants form "Civic Trusts"—non-partisan, community based civic associations that come together in monthly solution sessions to search for successful policies at work in other communities and propose them for adoption in their own.

Our report recommended the creation of a Trust for Civic Infrastructure to bring sustained, nationwide investment in support of the places, programs, and people that encourage all residents of municipalities and regions to interact, find common ground, and solve problems together. Those working to build civic infrastructure often lack the sustained support and opportunities to share knowledge, collect and access data, and build a movement with others in this ecosystem.

The Trust for Civic Infrastructure will be a new national organization that engages in grantmaking, knowledge sharing, public education, and research and evaluation to strengthen the civic capacity and connectivity of local communities. The Rockefeller Brothers Fund has undertaken to build a pilot for such a Trust, providing seed funding and building a cross-ideological coalition of anchor national funders. Community foundations, too, will be activated to the degree possible.

While the Trust is launching with private support, the scope and scale of investments in civic infrastructure needed across the country means that we should make such investment a national priority. Just as the United States has supported the infrastructure of democracy abroad through the National Endowment for Democracy, we are hopeful that in the years to come, Congress will consider investment in civic infrastructure, whether through the Trust or another vehicle.

We believe that the work of the Trust will enrich our civic soil with the nutrients necessary to support healthy self-government in the 21st century. Our hope is that future members of your body would have the chance to learn the practice of democratic citizenship in rich schools of democracy provided by local communities. Our hope, too, is that strengthening local communities to bridge divides, create safe and vibrant public spaces, and equip local leaders to engage their fellow citizens in productive collaborations will help secure a healthy political culture generally. This will improve the conditions within which Congress must do its work.

We thank you for your commitment to the project of self-government, and for your willingness to innovate so we can pass on our valuable inheritance of constitutional democracy to future generations in better shape than we currently find it.

The CHAIRMAN. Thank you, Dr. Allen.

Our next witness is Joe Mariani. Did I get that right?

All right. Mr. Mariani is the technology and innovation leader at the Center for Government Insights at Deloitte Services LP. His research focuses on the intersection of culture and innovation in both commercial businesses and government organizations. Previously, he worked as a science teacher at St. Anselm's Abbey School, and served as an intelligence officer with the U.S. Marine Corps. Mr. Mariani earned his bachelor of arts in philosophy from the University of Chicago and his master's of arts from Dartmouth College.

Mr. Mariani, you are now recognized for 3 minutes.

STATEMENT OF JOE MARIANI

Mr. MARIANI. Thank you, Chair Kilmer, Vice Chair Timmons, members of the committee. Thank you for the opportunity to testify today.

As you heard, I am Joe Mariani, and I lead research into emerging technologies for Deloitte Center for Government Insights. And I have come to that role with a broad range of experience, from Marine Corps intelligence officer to high school science teacher, from consultant to the government to commercial technology researcher. So today's task of kind of mining the breadth of industry and academia for the big ideas that can help transform government is exactly what gets me out of bed in the morning.

So for the past 5 years, we have been looking at the potential impact artificial intelligence, or AI, could have on government, and from that research we have identified two ways that we think could help transform the legislative process.

The first is AI as microscope; that is, using AI to assess the impact of existing legislation. So machine learning or ML models can accurately find patterns in data without having to specify ahead of time what those patterns should be. So just as a microscope can look at a leaf, for example, and find structures and patterns invisible to the human eye, these machine learning models can look at programs and find patterns in their outcomes that may be invisible to humans just because of the size, scope, or even age of the data. So, for example, machine learning models have found that patterns in government R&D investment during World War II have impacted the location of innovation hubs even to today. And you can use these machine learning models on more recent policy problems as well.

In Allegheny County, Pennsylvania, researchers have used machine learning models to help understand which interventions are most effective at reducing infant mortality. And it is that ability of machine learning models to predict policy outcomes that kind of begs the next question, which is, you know, what if we did something differently? What would change?

And answering that question is exactly our second use of AI, AI as simulator. So creating an AI simulator for problems can help policymakers test different approaches in much the same way that a flight simulator allows pilots to test different ways of flying an entirely new airplane.

So researchers in Ireland have recently taken advantage of this to simulate parts of their economy, so they use data from patents,

knowledge flows, other economic trends to simulate how individual companies and investors might react to different policies. So, for example, the researchers could examine if different tax incentives or funding methods would support the creation of new high-tech small businesses in certain specific parts of the country.

And using AI in this way to simulate the complex systems that Congress deals with every day can actually improve the quality of debate and do so in three key ways. First, it can articulate the often unspoken assumptions and values that we all bring to these issues; second, it can uncover the drivers of particular problems; and, third, it can help us understand which interventions will be the most effective and at what cost.

Ultimately, these simulations can help members agree on what they disagree on. In fact, there is even evidence that just experimenting with these models alone can help drive consensus on emotionally charged issues.

Now, using AI in the legislative processes is certainly going to uncover some unique challenges. New skills, new security requirements, new business processes will likely be required. But examples already at work in other industries show that with the right human machine teaming, AI can help provide common foundation for debate, encourage consensus, and produce meaningful results for the American people.

Thank you. I look forward to your questions.

[The statement of Mr. Mariani follows:]

Written Testimony of Joe Mariani

Technology and innovation research lead, Deloitte Center for Government Insights

Deloitte Services LP

United States House of Representatives Select Committee on the Modernization of Congress

July 28, 2022

Deloitte Center *for*
Government Insights

1

tkelley on DSK125TN23PROD with HEARING VerDate Sep 11 2014 19:28 Dec 28, 2022 Jkt 048591 PO 00000 Frm 00020 Fmt 6633 Sfmt 6602 E:\HR\OC\A591.XXX A591

Insert graphic folio 28 here 48591A.007

Chair Kilmer, Vice-Chair Timmons, and members of the Committee, thank you for the opportunity to testify today. I am Joe Mariani and I lead research into emerging technology for Deloitte's Center for Government Insights. I bring a broad range of experiences to this role — ranging from high school teacher to Marine Corps intelligence officer to government consultant to commercial technology researcher. As a result, this task of mining the breadth of industry and academia for big ideas that can improve the mechanics of government is exactly what gets me out of the bed in the morning.

Breadth is also important to Deloitte, with more than 120,000 employees in the United States working in nearly every industry – including more than 25,000 dedicated employees who help federal, state, and local government agencies advance their strategic initiatives and critical missions.

One product of that breadth is our ability to take solutions from other industries or academia and begin to understand in detail how they may work in government. For the past five years, we have studied the potential impact of Artificial Intelligence (AI) on government. We have looked at everything from how much time AI could save workers in each Federal agency to the rate of AI adoption in Federal, state, and local governments.[1,2]

From that research, we are confident AI has the potential to transform the legislative branch.

AI and human judgement as a team

Understanding how AI could benefit the legislative process starts with understanding AI's strengths and weaknesses.

AI is a powerful tool. It can handle massive volumes of data, run hundreds of thousands of repetitions, and do so with extreme speed and precision. You just have to take one look at my hand-written notes to know that precision, volume, and repetition are not traits at which most humans excel.

But AI does not, and cannot, replace human judgement. Although AI is a powerful tool, it still is only a tool that does what it is told. AI struggles to deal with tasks that can change dramatically or circumstances outside its programming. And, importantly for the purposes of legislating, AI cannot make value judgements.[3] AI can calculate the fastest, cheapest, or largest solution to a problem. But it cannot tell you if that solution is good or bad, right or wrong, desirable or undesirable.

Since good legislation needs both precision and judgements about what outcomes are desirable, AI can be an important addition to the process. The key is to think about humans and AI tools as a team, with each playing to their strengths.[4]

Applying AI to the legislative process

Like forming any team, the first step is defining the task at hand. After all, a football team is going to have a very different composition and practices than a chess team. Creating human-machine teams is no different. What you want to assess will change the type of AI tools and the governance structures needed – as well as the potential pitfalls that the human-machine team will face.

While AI can help many different areas of the legislative process — from AI assistants answering members' questions about legislation to Natural Language Processing (NLP) analyzing the US Code for

2

contradictions (which we know the Committee has already looked at) — we have identified two key applications of AI to help Congress:

1. AI as a microscope: Assess the impact of existing legislation

Legislation can impact every aspect of American life. However, the size and complexity of issues tackled by Congress can be difficult for even a group of experts to understand the impacts of a particular program or piece of legislation.

The same broad scope and volume of data that make assessing legislation a difficult problem for humans makes it an ideal challenge for AI. Machine Learning (ML) models can find patterns in inputs and outputs without having to specify ahead of time how those inputs and outputs are likely to be linked. Think of these type of ML models like a microscope. Just like a microscope can examine a leaf to find structures and patterns invisible to the human eye, so too can ML models find patterns in the outcomes of programs that may be invisible to humans.

There are already examples of ML models examining public policy in exactly this way. For several years, many different researchers have been using ML to understand the risk factors for infant mortality in childbirth. With all the data available in Electronic Health Records, many of these models can predict the likelihood of complications with 95% or greater accuracy.[5] Researchers from RAND then took those models the next step and, using data from Alleghany County, Pennsylvania, they used ML to evaluate what interventions had the biggest impact on reducing infant mortality.[6] The strength of ML models is that they are not only able to say what outcomes each intervention is likely to produce, but also among which groups. For example, researchers found that those mothers who used social services were less likely to use prenatal medical services and vice versa. These findings can then guide policy recommendations. Because both social and medical services are important to improving child health, policies aimed at building awareness of other services can have significant benefits.

While anything that improves the lives of infants is clearly a good policy outcome, other issues are less clear-cut. ML models can uncover hidden outcomes of policies or programs, but only humans can decide if those outcomes would qualify as successes or failures. In the spirit of human-machine teaming, once the ML model has uncovered the hidden outcomes of a program or piece of legislation, members or staff can then look at those outcomes and determine 1) if they are positive or negative and 2) if the overall benefits are worth the cost and difficulty of the program.

2. AI as a simulator: Test the potential impacts of future legislation

The ability of ML models to predict outcomes of policies begs the question: *What if we did something differently? How would things change?* In essence, this question seeks to create an AI "simulator" for a problem. Think of Apollo 13. When the crew suffer an explosion, they have to figure out new interventions, new ways of doing things. To see what would work and what would not, they used the ground-based simulator to try procedure after procedure until they found one that worked. Imagine having an AI simulation run through hundreds of thousands of possible interventions in minutes, instead of locking astronaut Ken Mattingly in a dark box for days.

In place of ML models trained on historical data and projecting trends into the future, these simulations are designed to capture the dynamics of complex systems like the economy or the health care system.

3

Simulations are based on models for how a portion of a complex system operates. For example, one form of simulation well-suited to legislative tasks are agent-based models that replicate how individual actors would respond to and interact in different situations. These models are good at capturing the "emergent properties" of complex systems where individual decision add up in unusual ways. Think about flocking birds: each bird just tries to stay close to the bird next to them, but all together, they make intricate patterns in the sky as they avoid obstacles and predators. The big human systems that Congress is often interested in like healthcare, the economy, or national defense exhibit similar traits.[7]

Researchers in Europe have created an agent-based model designed to help policymakers understand the likely impacts of different interventions on the Irish economy. The Innovation Policy Simulation for the Smart Economy (IPSE) uses data from patents, knowledge flows, and other economic data to model how individual companies and investors are likely to react to different policies.[8] For example, researchers can examine if different funding methods or tax incentives would help support the creation of new small businesses in a specific city or high-tech industry. Similar models could be a great benefit as Congress examines which policies could help spur domestic semiconductor manufacturing or other advanced technologies.

The benefits of policy simulation

In 1964 economist George Stigler said, "we do not know the relationship between the public policies we adopt and the effects these policies were designed to achieve."[9] ML models can help uncover the relationship between public policies and their effects. But that relationship is only helpful in making future policies if we assume the future is like the past. So, when we find ourselves in an era we know is different from the past – during a global pandemic, for example – or when we see a model based on historical assumptions drifting away from current data – such as with the widespread adoption of new technology, for example – then simulations become critical tools for understanding the likely outcomes of new public policies.

As the Apollo 13 simulator helped astronauts, AI simulations can help policymakers to:
- Uncover the drivers of a particular problem, whether that is the amperage limitations on the lunar module in Apollo 13 or the causes of regulatory noncompliance.[10]
- Understand which interventions could be effective, whether sequencing systems start-up for Apollo 13 or organizing national airspace to allow for more on-time flights.[11]
- Understand the trade-space of a given issue. Of all the effective interventions, how much is required, at what cost, and to achieve what outcome?[12]

Yet even these complex AI simulations cannot make value judgements. They cannot determine the best option. They can only assess the optimal choice for the given values and assumptions that humans specified at the start. However, by forcing the human side of the human-machine team to be specific about those values and assumptions, AI simulations may hold the potential to transform legislative processes.

For example, modeling the impact that of different policies on economic development can help validate the assumptions that undergird our positions. We may find that we assume in the model that government research and development (R&D) spending will crowd out private R&D in that industry. But this assumption can be tested, providing ground for more constructive debates. Similarly, simulations can help uncover human values that may not be well-articulated in a policy debate. For example, running a simulation to optimize economic growth may yield undesirable consequences leading

4

members to realize that, while economic growth is a goal, it may only be desirable when it improves living conditions for the public in a particular area. Testing assumptions and uncovering hidden values can help provide a more firm foundation for data-driven policy debates.

In fact, there is evidence that experimenting with models in itself may help drive consensus.[13] As members examine the values, potential interventions, and trade-space of a topic, they are likely to see more of the factors that they agree on, rather than the few on which they do not. This will certainly not bridge all ideological divides, but it can offer fertile ground for productive debate on evidence-based policies.

Potential challenges

While human-machine teaming has the potential to bring transformational benefits to the legislative process, it is not without risk. However, by focusing on the tasks we want those teams to perform, whether that be a microscope-like assessment of existing legislation or simulator-like testing of potential legislation, we can carefully control for those risks while still realizing the transformational benefits.

Data and model governance

AI's outputs are only as good as the reliability of the model and the accuracy of the data. If the data is not accurate and fit-for-purpose or the model is not robust and explainable, it can create significant issues for the privacy, security, or fairness of an AI tool. There are already several frameworks for understanding and managing the risks of using AI in government. The National Institute of Standards and Technology and US Government Accountability Office have issued several important reports on the topic, and organizations like the Department of Defense are already operationalizing much of that guidance.[14,15,16]

These guidelines are by no means one-size-fits-all. The unique tasks that any given model performs can lead to different challenges that require different controls. For example, the central role played by historical data in the "microscope-like" use of ML to assess existing programs means that those **ML models need clean, accurate data that is matched to their task**. Open public data can help ensure the availability of good data.[17] Similarly, tagging data sources with the use cases for which they are suitable can help avoid instances where data gathered in one context is used in another. For example, data that is representative for race and gender may not be representative for income level, so it should not be used in models where that is an important parameter.[18]

While ML models are based on historical data, AI simulations are primarily based on assumptions of how factors relate to each other – whether that is how individuals will react to a given choice or how smoking rates vary with rates of physical activity.[19] These assumptions can and should be based on real data, but they are still assumptions and there is never a guarantee that the future will look like the past. Therefore, when we see models based on historical assumptions drifting away from expectations, it can be a sign that those assumptions need to be adjusted to better match a changing world. For example, many mass transit models assumed only a few major modes of transit such as car, bus, train, or bike. However, the sudden, massive growth of e-scooter ridership in 2018 and 2019 would have altered these models, forcing them to reevaluate assumptions about how people get around.[20]

5

As a result, **AI simulations need** special attention paid to **transparency of assumptions**. Model governance procedures can help ensure the transparency of assumptions so human team members can understand the context by which the simulation reached its conclusions.

Security

The important role played by legislation means that security needs to be a prime consideration for any tool that can influence it. Whether it is used to assess or shape legislation, AI tools need protection beyond typical cybersecurity considerations. The potential for adversaries to manipulate the outcomes of these AI models to tip policymaking to their advantage calls for careful safeguards.[21]

The central importance of data to "microscope-like" ML models means that they can be particularly vulnerable to the poisoning of training data—that is, tampering with data used to train ML models with a goal of having those models produce undesirable results.[22] As a result, **ML models used to assess the impact of legislation need controls on the access to and quality of data**. On the other hand, **AI "simulator-like" models need safeguards placed on the variables, assumptions, and even outputs of the models** to avoid manipulation.

New processes, new skills, new training

The AI portion of the human-machine team is not the only aspect of the partnership that needs attention. Introducing new tools to the legislative process will require human team members to learn new skills, adapt to new processes, and work together in new ways.

For example, as "microscope-like" ML models uncover new outcomes of public policies, members of Congress will quickly find themselves consuming new types of data beyond bar charts and budget trends. New forms of information such as geospatial data, statistical relationships, and more are likely to become important to decision making. To ensure these new sources of information are easily consumable, members and staff may **need new data visualization tools**. Similarly, the ability to analyze, create, and present those visualizations will require greater data science skills for staff members.

The "simulator-like" AI models may bring even more radical changes. In place of an "analyze-then-present" form of giving information to decision makers, these types of models can allow for **real-time decision support** where members can sit side-by-side with staff to adjust models and examine conclusions as new data comes in. This shift has already taken place in industries such as auto racing, where Formula One race teams adjust strategy models in real-time based on thousands of data points as cars are racing around the track.[23] The shift to this mode of decision support can bring significant changes to how staffers spend their time. When Deloitte applied this concept to prototypical analysts in the intelligence community, for example, our model suggested that analysts could spend up to 39 percent more time advising decision-makers with the adoption of AI at scale.[24]

The way forward

Implementing AI in the legislative process can seem like a seismic transformation. But the shift is possible with the right commitment and investment. Similar AI models are already at work in other industries and even other parts of government. However, the experiences of other industries highlight that while the change is eminently possible, it will take considerable leadership. Leadership not just to

put the technologies in place, but also to incorporate the training, education, and business practices needed to make them work for Congress and the American people.

Lessons learned from other industries can help Congress get started on its AI journey:

Don't try to model everything

The scale of the issues that Congress tackles is often tremendous and trying to model every aspect of each issue is impossible. The Formula One example shows that even relatively simple models can quickly get out of hand. For a single race, there are more race outcomes possible than there are electrons in the universe.[25] This is where the human part of the human-machine team can help. Rather than trying to model everything, using human value judgements prior to modeling can help identify the core aspects of the problem that need to be modeled. In short, it all starts with deciding what the problem is and understanding what is important. Then the tech can get to work.

Make a platform, not a solution

As the controller of the nation's finances, Congress also has a financial duty to the public. How can Congress get the most out of AI without having to build a new tool from the ground up for every new policy debate? The answer is to build an AI-enabled platform, rather than a single point solution. This is the approach Singapore took with its Virtual Singapore 3D model of the city-state. Virtual Singapore not only models the 3D layout of the city, but it also allows for hosting all other manner of data sources such as census and geospatial data.[26] That way when a new problem emerges, developers can simply create a new app within Virtual Singapore to run simulations about the new issue. Such an approach would allow Congress tap into AI in a way that is cost-effective, efficient, and able to evolve over time as technology changes.

Invest in the human dimension

Finally, the human element of the human-machine team is critical to long-term success of digital transformations. Leaders must pay attention to the new tasks that may take up more time, new skills that may require difficult retraining, and even new career paths that may change employees' life goals. Taking care of the people will help take care of the technology.

AI is a powerful tool for the assessments and simulations that Congress needs in its legislative processes. Pairing AI with the right people and the right processes can help provide common foundation for debate, encourage consensus, and deliver meaningful results for the American people.

Endnotes

1 https://www2.deloitte.com/us/en/insights/focus/cognitive-technologies/artificial-intelligence-government-analysis.html

2 https://www2.deloitte.com/us/en/insights/industry/public-sector/artificial-intelligence-impact-on-future-intelligence-analysis.html

3 https://link.springer.com/article/10.1007/s41649-019-00096-0

4 https://www2.deloitte.com/us/en/insights/focus/human-capital-trends/2020/human-ai-collaboration.html

5 https://bmcpregnancychildbirth.biomedcentral.com/articles/10.1186/s12884-022-04594-2

6 Peet, Evan D., Dana Schultz, and Susan L. Lovejoy, Using an Innovative Database and Machine Learning to Predict and Reduce Infant Mortality. Santa Monica, CA: RAND Corporation, 2021. https://www.rand.org/pubs/research_briefs/RBA858-1.html.

7 https://www.annualreviews.org/doi/10.1146/annurev-publhealth-040617-014317

8 https://www.nesta.org.uk/feature/smarter-policy-through-simulation/innovation-policy-simulation-for-the-smart-economy/

9 https://www.chicagobooth.edu/review/danger-making-policy-based-assumption

10 https://www.technologyreview.com/2020/05/05/1001142/ai-reinforcement-learning-simulate-economy-fairer-tax-policy-income-inequality-recession-pandemic/

11 https://www2.deloitte.com/us/en/insights/focus/tech-trends/2020/digital-twin-applications-bridging-the-physical-and-digital.html

12 Cerdá M, Tracy M, Keyes KM. 2018. Reducing urban violence: a contrast of public health and criminal justice approaches. Epidemiology 29(1):142–50

13 https://agupubs.onlinelibrary.wiley.com/doi/full/10.1029/2021EF002283

14 https://www.nist.gov/system/files/documents/2022/03/17/AI-RMF-1stdraft.pdf

15 https://www.gao.gov/products/gao-21-519sp

16 https://media.defense.gov/2022/Jun/22/2003022604/-1/-1/0/Department-of-Defense-Responsible-Artificial-Intelligence-Strategy-and-Implementation-Pathway.PDF

17 https://www2.deloitte.com/us/en/insights/industry/public-sector/open-data-ai-explainable-trustworthy.html

18 https://www2.deloitte.com/us/en/insights/industry/public-sector/open-data-ai-explainable-trustworthy.html

19 https://www.cdc.gov/pcd/issues/2021/20_0225.htm#:~:text=The%20Prevention%20Impacts%20Simulation%20Model%20(PRISM)%2C%20a%20system%20dynamics,of%20community%20initiatives%20to%20reduce

20 https://www.sciencedirect.com/science/article/pii/S1361920921003941

21 The Director of National Intelligence has included "minimizing the potential for adversarial influence" as one of the key design principles for AI in the Intelligence Community: https://www.dni.gov/files/ODNI/documents/Principles_of_AI_Ethics_for_the_Intelligence_Community.pdf   For an introduction to adversarial AI, see the World Economic Forum's short primer: https://www.weforum.org/agenda/2018/11/what-is-adversarial-artificial-intelligence-is-and-why-does-it-matter/

22 https://proceedings.neurips.cc/paper/2017/file/9d7311ba459f9e45ed746755a32dcd11-Paper.pdf

23 Joe Mariani, "Racing the future of production: A conversation with Simon Roberts, operations director of McLaren's Formula One Team," Deloitte Review 22, January 22, 2018.

24 https://www2.deloitte.com/us/en/insights/industry/public-sector/artificial-intelligence-impact-on-future-intelligence-analysis.html

25 Formula 1, "What does an F1 strategist do?." YouTube video, 10: 29, posted January 9, 2020.

26 https://www.nrf.gov.sg/programmes/virtual-singapore

The CHAIRMAN. Thanks, Mr. Mariani.

Next up we have got Kevin Kosar. Dr. Kosar is a senior fellow at American Enterprise Institute, where he studies the U.S. Congress, the administrative state, and election reform. Prior to AEI, he was the vice president of research partnerships at the R Street Institute and was the cofounder of the Legislative Branch Capacity Working Group. He also served for more than a decade as an analyst with the Congressional Research Service. He is the coauthor of the book "Congress Overwhelmed: The Decline of Congressional Capacity and Prospects for Reform." Dr. Kosar earned his bachelor of arts in political science from Ohio State University and his master of arts and Ph.D. in politics from New York University.

Dr. Kosar, welcome back. You are now recognized for 3 minutes.

STATEMENT OF KEVIN KOSAR

Mr. KOSAR. All right. Thank you much, Chairman Kilmer, Vice Chairman Timmons, and members of the select committee, for having me here.

And I also appreciated the setup you gave my topic in your introduction. You referenced rule XI clause 2(j)(2). Kind of gets to my point. And I think it is also interesting that this room is located right next to the Energy Committee's room, and above that is a portrait of the late John Dingell, who had many famous quips. One of them was that, you know, you can write the bill, but if I write the rules, I will win. But being John Dingell, of course, the language was much more salty.

The importance of rules for the legislative process and the fact that rules on the waiving of the rules ultimately can be very determinative outputs is, you know, little appreciated I think outside of Capitol Hill. It is only when you get here and you start seeing how the wheels turn that you realize how impactful they are.

So, yes, I am here to—I was called here to talk about excessive complexity of House rules for moving legislation. You know, your staff had flagged a committee I had written for The Hill wherein I decried excessive complexity, particularly citing the process by which the debt limit was raised by something like $400 billion or more, which was baffling to even long-term Congress watchers who follow this stuff. So if it is baffling to us, I mean, my goodness, how can anybody else in this country understand what occurred.

Now, I want to say, of course, you know, there is nothing inherently wrong with complex rules. I mean, you are dealing with humans who are interacting in, you know, a legislative chamber. There are a lot of things that can go wrong, and so, of course, you want to create rules and try to have them work towards a productive end. But I think what we have seen is, over time, that the number of rules have built up, and this is not a phenomenon unique to Congress. All organizations often face this blight.

I mean, we often decry red tape in government agencies. What is red tape? Well, it is a surfeit of rules. It is rules being layered on and aggregating year after year after year and ultimately creating an incoherent jumble which is exceedingly difficult to navigate and often can make it difficult for the organization to do what is expected of it.

You know, ultimately, the rules governing any human actions within an institution need to serve the ultimate objectives of the institution. They should embody the shared values of the institution, and they should be readily understandable by participants in the enterprise. And I think—you know, I am not a rules' nerd. There are those over at the Congressional Research Service where I used to work who are totally nerd out on the specifics of nerds. But just as somebody who has been watching Congress for 20 years in this town, it feels to me that there are clear signs that the rules have grown overly complex.

You know, the committee here has previously conducted a deep dive on the budget process, which is just—you know, that is one slice of legislative process which is rife with arcana—paygo, 302(b) allocations—and it goes on and on and on. You know, there are whole fields of expertise nerds who devote their lives to studying budget process and just budget process because it is that complex. And then you consider that is just part of the whole. I mean, my goodness, how is a legislator supposed to operate in this environment?

The rules—setting aside the budget rules, the rules governing legislative process are prolix, to put it mildly. You know, they begin on page 345 of the House Rules and Manual, and they conclude some 700 pages later. The manual holds rules, you know, 130 devoted to committee procedures, like you cited; 56 pages address motions and amendments; 86 pages relate to the aforementioned budget process, and so forth.

You know, as a point of contrast, the great State of Ohio, its legislative rule book has only 200 pages, and not all 200 are devoted to rules of moving legislation. They are devoted to other stuff, you know, member conduct and such things.

Do we really need that many rules here compared to the State of Ohio or perhaps other States? I think it is a fair question to ask.

And I think, you know, when you talk about rules piling up, they ultimately are going to come with a cost. Not least, as alluded to, the more rules an organization has, the fewer people who can stand up. And, of course, that is going to create power imbalances. You know, I have referenced the iron law of oligarchy. There is always somebody at the top of the organization who knows more things than other people and, therefore, is able to get their way. Well, that is kind of inherently problematic if taken to extremes for a representative legislature where you are all supposed to be equal and you all have constituencies and States to take care of.

You know, when—I conducted a study with Timothy LaPira, a professor, and Lee Drutman, and we surveyed congressional staff some years ago. We saw some clear evidence that even staff, whose job it is to help you guys do your work, were struggling to understand the rules. And we weren't asking arcana. We were asking some pretty straightforward stuff, and the percentage of folks who understood it wasn't especially high.

Another cost of the complexity of rules is that, you know, regular order starts to erode. No longer can you, you know, do the schoolhouse rock thing where you say, okay, I will introduce a bill. It is going to get referred to committee or multiple committees. There will be a committee process. A bill will emerge from it. It is going

to calendar, go to the floor, et cetera. No, not so much. It doesn't work like that. It is exceedingly complex.

And as you all know and have experienced frequently, you know, if something does get out of committee, all the rules get waived. Suddenly it goes into Rules Committee land where special rules are written, and the thing is handled in ways that are often surprising and confusing, and it is bundled up with other stuff.

So, you know, I suggest that, you know, it sounds pretty rich, but select—one thing I suggested is the select committee considers establishing a select committee to study the rules in a bipartisan way and think about ways of simplifying them and making them better in value, embody the values that you all want for the institution, one of which I think is legislator participation in a meaningful way.

It won't be easy. Rules tend to change slowly here, and the process for changing them inevitably is a majority vote by the majority party at the start of each Congress, and so that naturally drifts the rules towards being increasingly partisan and arcane. But if nothing is done, then the institution is going to continue to get bogged down in the equivalent of red tape.

With that, thank you.

[The statement of Mr. Kosar follows:]

AMERICAN
ENTERPRISE
INSTITUTE

Statement before the House Select Committee on the Modernization of Congress
On "What's the Big Idea? Innovative Approaches to Fixing Congress"

The Excessive Complexity of House of Representatives Rules on Legislative Procedure

Kevin R. Kosar
Senior Fellow

July 28, 2022

Written testimony of Kevin R. Kosar
Senior Fellow, American Enterprise Institute
Before the US House of Representatives
Select Committee on the Modernization of Congress
July 28, 2022

Thank you, Chairman Kilmer, Vice-Chairman Timmons, and members of the Select Committee for holding this hearing and receiving my testimony.

I am a senior fellow at the American Enterprise Institute, and have been studying congressional reform since 2014. From 2003 to 2014 I worked at the Congressional Research Service, which provided me with a close-up view of Congress at work.

I am delighted to be with you again. I was invited here to discuss the rules of the House of Representatives. In particular, the committee noted that I had written a column for the *Hill* wherein I decried the excessive complexity of the rules for enacting legislation.[1]

I should say at the onset that I am not an expert on the arcana of the House's legislative process rules. There is no well-worn copy of *Deschler's Precedents* on my bookshelf. Instead, I arrive as a long-time student and observer of Congress who worries that the House of Representatives' thicket of rules are not well serving legislators or our country.

But should the committee desire to discuss the particulars of any rules and their histories, I can recommend to it individuals who have devoted their lives to studying House rules.

The Complexity of House Rules

To be sure, there is nothing inherently wrong with complex rules. One need only think of the complex protocols of etiquette that have evolved over the centuries, including the recent emergence of the use of pronouns in interpersonal addresses.

Yet, ultimately, the rules governing any human actions need to serve the ultimate objectives of the institution, embody shared values, and be readily understandable by participants in the enterprise.

By these standards, I believe we see signs that the House's rules have grown overly complex. The Committee previously has conducted a deep dive on the budget process, which is rife with arcana: PAYGO, 302(b) allocations, et cetera.[2] So I will let that matter lay and instead turn to the standing rules of the House—particularly those relating to legislative procedure.

Suffice to say, they are prolix. They begin on page 345 of the *House Rules and Manual* and conclude some 700 pages later.[3] To be sure, various chunks are devoted to non-procedural matters, such as broadcasting in the House and media in the galleries. Make no mistake, though: The *Manual* holds a lot of rules and explications thereof. Approximately 130 pages are devoted to committee procedures, 56 address motions and amendments, 86 pages relate to budget

process, and so forth.

Matters become more complex when one considers that nearly all legislation is passed through special rules created by the House Rules Committee. For example, in 2019 the House passed an increase to the debt limit through a special rule. The Senate sent over debt-raising legislation (titled as a physical fitness enhancement bill), and the Rules Committee wrote a rule that bundled the rules of debate on three other bills along with a statement declaring that the debt limit shall be deemed enacted.[4]

These special rules are nuanced and change to meet the exigencies of the moment. For example, some years ago the Rules Committee created a King of the Hill rules then later created Queen of the Hill rules.[5]

Often these special rules waive or set aside various standing House rules. Don Wolfensberger of the Bipartisan Policy Center recently explained to me that Congress in 2021 adopted a standing rule that "prohibits consideration of an unreported bill pursuant to a special rule unless it's an appropriations bill or has an emergency designation pursuant to the budget act."[6] Yet, he noted, "The Rules Committee gets around this every time by waiving all points of order against consideration of every bill it makes in order."

The use of special rules to move legislation has become sufficiently complex to necessitate study by scholars. The Congressional Research Service, for example, published a piece on four recent innovations in special rules, such as the use of single engrossment for multiple legislative measures.[7]

If this all sounds quite complex, it is, and there are signs that this complexity is impairing House members' participation in the legislative process. First, there is anecdotal evidence that many House members themselves do not understand the rules. Close watchers of the House often see legislators tweet or say something inaccurate about legislative process. Second, we have more substantive evidence of incomplete understanding among legislative staff, on whom members rely to help navigate the legislative process. A survey I helped conduct in 2017 indicated a not-particularly high knowledge of a selection of the House's basic rules.[8]

Why So Much Complexity?

The bane of excessively complex processes is not unique to the House of Representatives, nor even to government. It afflicts all sorts of organizations.

New and amended rules are adaptations—efforts to create or alter general operating procedures in response to changing circumstances or stakeholder demands. The House has changed its rules for many reasons to achieve various goals, such as efficiency, and to embed particular values, such as transparency and fairness. And, most obviously, the majority party changes rules to enhance its ability to better achieve its goals, be they passing bills or dodging difficult votes. Factors such as political polarization on high-salience issues and the demand for increased transparency have spurred the adoption of new rules.

Whatever the motivation or objective, the adoption of new rules by the House is rarely accompanied by the deletion of an equivalent number of rules, or a larger effort to harmonize the whole of the rules governing legislative procedure. Hence, over time, adaptations and exceptions to the rules pile up and over the decades create a complex thicket. There are budget procedures, authorizations procedures, expedited procedures, and more.

Adding to the complexity is that some standing rules have little formal effect on the legislative process. Calendar Wednesday, for example, "allows each committee in turn to call up bills not otherwise privileged that have been reported but have not reached the House floor through a more conventional route."[9] No committee chairman has invoked the procedure in decades, presumably due to concern about upsetting House leadership, which determines the agenda for considering legislation. Other procedures, such as the discharge petition, are seldom invoked but occasionally are leveraged by legislators in the bargaining process.

To add further confusion, there are instances in which the plain meaning of words used in the legislative process diverges from what is actually occurring. As noted above, members of the House may be asked to vote on a "rule" that is not merely a rule but also deems a bill enacted—making it a bill in effect.

The Costs of Complexity

Just as it is difficult to measure the complexity of rules and procedures, it also is difficult to assess their costs—especially when they are so frequently waived. Yet, anyone who watches the House for a while will see clear signs of the costs of excessively complex procedures. Indeed, the fact that the standard procedures are waived so frequently might be taken as evidence of their onerousness, or at least their inadequacy for guiding today's legislative politics toward productive legislative action.

As a general proposition, as the complexity of an organization's rules increases, the number of participants who can competently navigate them decreases. This corollary to the "iron law of oligarchy"[10] means that in the House of Representatives most legislators find themselves little able to participate in decisions regarding chamber agenda setting and decision-making on procedural options.[11] This is especially true for legislators who are new to the chamber and may contribute to the tension between younger and older legislators that periodically flare in the chamber.

A baroque and often rule-waived legislative process also makes it difficult for the individual legislator to perform a central duty for which he was elected: legislating on behalf of constituents. As one astute observer of the House remarked to me,

> There is no conveyor belt or pathway that a legislator can follow to move a bill along. He can't invoke a procedure to move it forward. He has to invoke a powerful person in the House to get it through.[12]

Regular order, and the cognizable and predictable routine it provided, is lost in today's House.

Exceedingly complex legislative procedures also mean that the House can obscure what it is doing to dodge accountability. The aforementioned use of a Rules Committee resolution—purporting to "provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans; and for other purposes"—to raise the debt limit by $480 billion exemplifies the sort of deception made possible by baroque legislative procedures.[13] Even with Congress.gov making legislative information more available to the public than ever, voters nonetheless will struggle to find the legislation that raised the debt limit.

Oppositely, complex legislative procedures can be used to set up legislators of an opposing party to take tough and meaningless votes. Many years ago, the chamber's standing rule, the "motion to recommit with instructions," could be used to force votes on "gotcha amendments"—so named because they force the majority to take a stand on an issue they would rather avoid. This is no longer the case, as the majority has greatly curbed the use of the rule.

Two Paths to Reform

Present-day House rules are the product of a partisan process—for it is the majority that decides their content each new Congress. Central to the renewal of rules is the majority wish to prevent the minority from thwarting its legislative efforts. Partisan advantage is inherent to the process.

What is not inherent to the process is the protection of other important values and objectives, such as fairness, deliberation, transparency, bipartisanship, and the like. Nor does the process inherently aim at making the rules clearer and more cognizable. Unsurprisingly, over time House rules increasingly become more complex, more partisan, and more unmoored from the shared values that sustain the institution.

There are at least two pathways for reform.

First, Congress could establish a select committee to modernize the House's legislative procedures. This committee might begin with a blank slate, asking, "How should a bill become a law, and what values should the procedure for adoption uphold?" For certain, the committee will face difficult questions, such as whether in polarized times with television cameras on it is desirable to have open debate on the floor of the House, or whether debate should be relegated to committee conventions. The committee might also benefit from reviewing states' legislative procedures for best practices.

Second, legislators could demand that the Rules Committee itself be directed to review the standing rules and revise them to make them simpler and to better comport with particular values, such as transparency and deliberation. They also might demand the Rules Committee foreswear certain types of special rules, such as those that force legislators to vote on en bloc amendments that bundle dozens of amendments.[14] (These votes can be particularly difficult for members to explain to constituents.)

In both instances, such reforms may have the best chances of succeeding during the weeks immediately preceding the start of a new Congress, when the majority must select its speaker and draft a resolution to revise the House's rules.

What seems inadvisable is for the House to continue to triage the rules every two years, with little effort being made to address the state of the rules as a whole.

I thank the committee for permitting me to appear before it, and I am happy to respond to any questions it has now or for the record.

Notes

[1] Kevin Kosar, "Fixing Congress Requires Fixing How It Legislates," *Hill*, October 19, 2021, https://thehill.com/opinion/white-house/577363-fixing-congress-requires-fixing-how-it-legislates/.

[2] US House of Representatives, Select Committee on the Modernization of Congress, "Recommendations for Improving the Budget and Appropriations Process: A Look at the Work of the Joint Select Committee," September 19, 2019, https://modernizecongress.house.gov/committee-activity/hearings/recommendations-improving-budget-and-appropriations-process-look-work.

[3] As a point of comparison, the guidebook for legislators in the Ohio House is 200 pages. Ohio Legislative Service Commission, *A Guidebook for Ohio Legislators: 134th General Assembly*, 2021, https://www.lsc.ohio.gov/documents/reference/current/guidebook/17/Guidebook.pdf.

[4] H. Res. 716, 117th Cong. (2021), https://www.congress.gov/bill/117th-congress/house-resolution/716.

[5] Anonymous, *Queen-of-the-Hill Rules in the House of Representatives*, Congressional Research Service, September 24, 2015, https://www.everycrsreport.com/files/20150924_RS20313_700b7e8475e55bd6b1fcb3298094a639eb4864d1.pdf.

[6] See Rule XXI, Clause 12 as amended by H. Res. 8, 117th Cong. (2021), https://www.congress.gov/bill/117th-congress/house-resolution/8.

[7] Megan S. Lynch and Mark J. Oleszek, "Recent Innovation in Special Rules in the House of Representatives," in US Senate, Committee on Rules and Administration, *The Evolving Congress* (Washington, DC: US Government Printing Office, 2014), 245–57, https://www.govinfo.gov/content/pkg/CPRT-113SPRT89394/pdf/CPRT-113SPRT89394.pdf.

[8] Timothy LaPira et al., "Congressional Capacity Survey," 2017, https://dataverse.harvard.edu/dataverse/congressionalcapacity/. For an analysis of the survey, see Kristina Miler, "What Do Congressional Staff Actually Know?" in *Congress Overwhelmed: Congressional Capacity and Prospects for Reform*, ed. Timothy M. LaPira, Lee Drutman, and Kevin R. Kosar (Chicago: University of Chicago Press, 2020).

[9] Anonymous, "How Measures Are Brought to the House Floor: A Brief Introduction," Congressional Research Service, September 16, 2015, 3, https://www.everycrsreport.com/files/20150916_RS20067_9467c7fb686bb40579c819999b7bcd7f21b9001f.pdf.

[10] This sociological theory contends that "all organizations, including those committed to democratic ideals and practices, will inevitably succumb to rule by an elite few." This effect flows from the imperatives of running an organization, the zeal of some to lead and the specialized skills they possess, and from the desire of members for clarity in understanding their duties and workflow. Jeff Sluyter-Beltrão, "Iron Law of Oligarchy," Brittanica.com, September 14, 2017, https://www.britannica.com/topic/iron-law-of-oligarchy.

[11] On leadership leveraging of knowledge and information asymmetries, see James M. Curry, *Legislating in the Dark: Information and Power in the House of Representatives* (Chicago: University of Chicago Press, 2015).

[12] Due to this individual's position on the Hill, he/she is unnamed.

[13] H. Res. 716.

[14] Last week, the House began consideration of a minibus appropriations bill with en bloc voting for dozens of amendments at a time. James E. Clyburn, "Whip Recap," July 19, 2022, https://majoritywhipforms.house.gov/news/email/show.aspx?ID=TZZLC5KWVU26QKPOYKVE3BLK4Y.

The CHAIRMAN. Thanks, Dr. Kosar.

And our final witness, last but not least, is our colleague, Representative John Larson. Mr. Larson has represented Connecticut's First District since 1999. He serves on the House Committee on Ways and Means, was the chair of the Subcommittee on Social Security. Mr. Larson is also the former vice chair and chair of the House Democratic Caucus.

Mr. Larson, welcome. You are now recognized.

STATEMENT OF THE HON. JOHN B. LARSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT

Mr. LARSON. Well, thank you, Mr. Chairman and Mr. Timmons, Mr. Latta. Great to be here.

And I applaud you for the big ideas that are coming forward, and I think they are essential to a democracy. There are many that I would like to explore, and I apologize I got here a little late, because I am very interested in the testimony.

And what Kevin was just alluding to, I think part of the problem, whether it is a Member or staff, is getting acclimated to Congress, especially for the first time, even if you have had State legislative background or interests and you may understand or have a grasp of the legislative process. But it is different here, and it is compounded by the distance that a number of people have to travel.

Not everybody has a short trip like you do, Representative Kilmer, but it is—and the stress that that creates both on the individual and, I dare say, families as well. We could spend the day talking about the impact on spouses and families and how little Congress does with regard to that, to the ongoing, I think, atrocity that people have to sleep in their own buildings because of the cost of living here, and they sleep in the House and shower down in the locker room, you know, contrary to what public opinion is about what happens to congressional Members.

So some time ago—and I think I was on House Administration at the time—I had introduced a bill that said one of the ways that we could correct this was to have 4-year terms for Members of Congress, not dissimilar to what the Senate does; have 4-year terms and then stagger those terms so that there still would be an election cycle every 2 years, but only half of the 435 Members would be up for election. Why? So that you would have an opportunity, first and foremost, to learn and acclimate with regard to the practice.

Two former Presidents, President Eisenhower and President Johnson, both felt and were astounded at the enormous amount of pressure that is placed on a Member in the House of Representatives. And as all of you know too well, you no sooner get here, and the first thing you are doing, even before you are sworn in, is down at your respective DCCC or the Republican Committee to Reelect raising money. And everyone that you meet in the first days that you are here will all tell you the same thing: What you have got to do is make sure that you go down and raise money.

So the brief acclimation that people have, and most of it off campus at—I remember the trip up to Harvard where we had—you know, we spent maybe a day-and-a-half, I just think it requires far more time than that and that people ought to be allotted the time

to make sure that they and their families get to adjust to the very rigorous schedule that Congress has.

Most people do not understand that the day isn't done for a Member of Congress after voting is through. For a number of people when they are here, the fundraising continues, and there is always your constituent work back in your district as well. It is a 24/7 job. And to have that election cycle every 2 years only compounds the problem.

Our colleagues in the Senate, as you all know, you know, have 6-year terms, and they are staggered so that only a third of the body is up. Why shouldn't the House have a similar system, keeping with the tradition of having election every 2 years, but only half the body? And after the first election, it would work, you know, odd or even numbers, however it would be determined by the House. People would then have that opportunity and I believe, therefore, able to focus more clearly on the task in front of them and to familiarize themselves with the process, including, as Kevin said, their staffs as well having that opportunity to fully appreciate, understand both their colleagues, the process, and fundamentally how a bill really becomes law up here.

And, with that, Mr. Chairman, I yield back, and I am happy to answer any questions, especially from the person voted the handsomest man in Congress. I don't know how many people know that, but I just wanted that for the record.

[The statement of Mr. Larson follows:]

JOHN B. LARSON
FIRST DISTRICT, CONNECTICUT

COMMITTEE ON WAYS AND MEANS
SUBCOMMITTEE ON SOCIAL SECURITY
CHAIRMAN
SUBCOMMITTEE ON SELECT REVENUE MEASURES

Congress of the United States
House of Representatives
Washington, DC 20515-0701

WASHINGTON OFFICE
1501 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
202-225-2265
202-225-1031 (FAX)

DISTRICT OFFICE
221 MAIN STREET, SECOND FLOOR
HARTFORD, CONNECTICUT 06106
860-278-8888
860-278-2111 (FAX)

INTERNET ADDRESS
http://larson.house.gov

July 25, 2022

Good Afternoon Chair Kilmer and Ranking Member Timmons,

It is an honor to come before you today to discuss ways to innovate and improve how Congress functions. I fear that our constituents are losing optimism that their democracy can really work for them. To that end, doing everything in our power to make Congress function more efficiently and be more responsive to those we represent is essential.

As a former history teacher, studying how the arc of democracy is directly intertwined with the well-being of the populous is sobering, but makes our grand national experiment all the more worth fighting for. I've spent my career, spanning four decades in public service, introducing and championing for legislation that expands peoples access to the voting booths, heightens their knowledge of our governmental systems and responds to the concerns of the most vulnerable.

In 2008, I introduced a bill, House Joint Resolution 99, that would increase House of Representatives terms from two years to four, and stagger them so every election year, half of the House would be up for reelection. At first glance this might seem like self-serving job security, but the goal is to change the current culture where campaigning almost a full-time activity.

While I don't expect sympathy, the toll that running for election immediately upon election takes on a lawmaker is not just exhaustion and time. Focus, ability to understand the job and be responsive, to grow a deep knowledge not just of the issues that matter to me, my constituents and my staff but on how the complex inner workings of Congress can be used to serve the people who put their trust and faith in us. These are all things that take time, time that we simply don't have.

Both Democrats and Republicans alike are told by their caucuses to being dialing for dollars even before their freshman orientation is complete. The "permanent campaign" is the reality of

PRINTED ON RECYCLED PAPER

daily life. We have little to no time to demonstrate the long-term merits of decisions that defy the passions of the moment. Every deviation from the sentiments of our constituents—including often necessary cooperation across party lines—can be fodder for our would-be opponents. Our current system intensifies polarization and magnifies the instability we have recently come to know so well.

At least two modern day Presidents felt this way as well. In his memoirs, former President Dwight Eisenhower said that "By the end of four years [in office] I had become convinced that the term of members of the House of Representatives is too short."

In his 1966 State of the Union address, President Lyndon Johnson went further, calling for a constitutional amendment providing a four-year House term that would give newly elected members a chance to learn their craft and allow more time for governing rather than campaigning.

History teaches us that settling on a two-year term for the People's House was a compromise between factions that called for one- or three-year terms and to help justify the longer terms of Senators, after the Federalists were attacked for "creating an 'aristocratic' chamber in Congress to represent state interests." On this process, President Johnson quipped, "Thus there was little magic in the number two, even in the year of its adoption. I am convinced there is even less magic today, and that the question of tenure should be reexamined in the light of our needs in the twentieth century." And the same holds true today in the twenty-first century, fifty-six years and a lot of Congressional gridlock later.

Hamilton and Madison vigorously fought for a term longer than one year, advocating that a two-year term was a good balance, long enough to allow first-term House members to attain knowledge and experience in office, while also short enough to allow them to be accountable to their constituents through frequent-enough elections. In Federalist #53 they declare that liberty is not confined to a "single point of time" rejecting the idea that elections must take place annually in order to minimize the risk of tyranny. At the time, travel to and from the Capitol was a major concern, leaving little to no time to legislate in one year. Although travel that would take weeks or even months by horse has now been reduced to less than a day by air travel, the trappings of our modern world still impact House members. Congress works in fits and starts, traversing home on weekends and every few weeks for district work periods. But in an age of mass

communications, social media and twenty-four-hour news, frequent elections are no longer necessary to determine the public will. The legislators of Jefferson's day could campaign at leisure between brief sessions; today Members of the House must steal time from loaded schedules in the DC to campaign strenuously in our districts.

Then there is efficiency. Technology and the speed with which we can potentially legislate has not led to a Congress known for its alacrity and responsiveness. Instead, we are bogged down. In the first Congress, 142 bills were introduced, resulting in 108 public laws. In the 88th (Johnson's time) Congress, 14,022 bills were introduced in the House, of which 1,267 were enacted into public law. In the 116th 11,488 introduced in the House, 344 enacted into public law- 81 of which were non-legislative, honorary dedications.
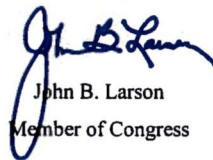
> Said President Johnson, "For this public servant--part judge and author of laws, part leader of his people, part mediator between the executive branch and those he represents--is scarcely permitted to take his seat in the historic Hall of the House, when he must begin once more to make his case to his constituency.
>
> The Congressman's effectiveness as a legislator is reduced by this. His district's right to be fully represented in Congress is diminished by this. The nation's need to be led by its best qualified men, giving their full attention to issues on which our security and progress depend, is ignored by this."

At the end of the day, House members are running for office every day leaving less time to actually benefit the constituents we swore an oath to serve. A Constitutional Amendment to extend house terms to four years and stagger their elections could create a body of competent legislators who can attain experience, promote the will of their constituents, and set aside time to campaign every few years.

Thank you for your time today and I look forward to your questions.

Sincerely.

John B. Larson
Member of Congress

The CHAIRMAN. I am really bringing my A game.

Thank you, Chairman Larson.

I now want to recognize myself and Vice Chair Timmons to begin a period of extended questioning of the witnesses. Any member who wishes to speak should just signal their request to either me or Vice Chair Timmons.

I want to start actually with Dr. Drutman. So I just want to think through kind of what the pros and cons of adding more members to the House are. So last hearing, we focused on constituent services, and I think it is probably undeniably so that your capacity to do casework and to address constituent concerns is probably easier with a smaller district. You know, at the same time, over the course of the hearings that we have had, it is striking how many witnesses that we have had who have spoken about the importance of relationships within the legislative body, and I can see probably some downside if you substantially increase the size. It is already hard to have relationships with 400 and—you know, if you include the delegates, 440 others other than yourself. You know, that is tricky.

And so I am just curious if you can talk a little bit about what is achieved by increasing the number of members and, you know, if you have got a sense of the puts and the takes.

Mr. DRUTMAN. Yeah. Well, like everything, there is pros and cons. So, certainly, it does bring members closer to their constituents if the districts are smaller. I think it has the potential to make Congress more representative of the people as a whole if there are more members. But, you know, it does—it is more members for you all to interact with.

I mean, I guess the question is at—you know, if you go the proposal that we have put forward in this report, is to add 150 members, so to go from 435 to 585. So that is, you know, more people to get to know, but, you know, I think Con—I mean, I think the House has gotten to a point where it is just hard to get to know everybody, especially if you are only here for, you know, for 2 years potentially and then you are—because I know most people are here for longer, but constantly running for reelection.

So in terms of members getting to know each other, I think to your point, Congressman Larson, if people spent less time having to go into their fundraising dens and more time just hanging out, if folks were here more and not just flying in on Tuesday and flying out on Thursday and, you know, folks actually brought their families here and spent more time here, that would help.

But, you know, I mean, there is certainly a tradeoff. With size, it is harder to, you know, get to know everybody. But, on the other hand, you know, when was the last time the House deliberated as a whole? So I think——

The CHAIRMAN. I was even just thinking about like in committees, right? Already it is a little bit tricky in committees. And we are lucky we have 12 people on this committee, so our capacity to actually have dialogue is all right. You know, if you look behind you, the Armed Services Committee, really big. Right?

Mr. DRUTMAN. Right. So, I mean, one thing to think about is also the committee structure, right? I mean, Kevin is talking about the complexity. And, you know, there is some things a committee has

done with simplification, but there is a lot of things that Congress has called on to legislate on and think about and oversee. And I think if you had a larger Congress, you might have the potential for more committees and subcommittees, that there just has to be a level of specialization among Members of Congress, you know, that it is really hard to be a generalist given all of the things that you need to be thinking about.

So having a larger member—having more members might allow for more potential for people to really focus on particular sub-committees, which, you know, where you could develop some real expertise. Like, there is a certain amount you have just got to trust each other and delegate to each other to really solve some very hard and tricky problems.

The CHAIRMAN. Dr. Allen, did you want to weigh in on this?

Ms. ALLEN. A small footnote. My understanding is that both the U.K. Parliament and the German Bundestag are larger than our Congress. Their populations are smaller, of course. So I think it would be very productive if your committee were to reach out to them and ask that question about what it means to operate in a body of that scale.

The CHAIRMAN. Go on, Dr. Kosar.

Mr. KOSAR. They are both about 700 members.

Just to riff off Lee's point, with respect to oversight, I mean, 435 members who have to oversee, you know, $6 trillion worth of spending, there is approximately 180 executive agencies. You know, as the executive branch has grown in size and complexity, the number of Members of Congress has not, and the size of staff has actually declined since the 1980s in the House. And so you just think about the information of symmetries there, you know, obviously, adding more members——

The CHAIRMAN. Yeah. That is fair.

Dr. DRUTMAN [continuing]. And then I want to bring Vice Chair Timmons in the conversation—can you speak a little bit about how this would work? You know, how would adding seats to the Chamber and reapportionment work?

And you made kind of passing reference to maybe not using single-member districts but having a different approach. I was hoping you could say a little bit more about that.

Mr. DRUTMAN. Yeah. So, you know, I think in addition to increasing the size of the House, we ought to think about increasing the size of districts to go from single member to proportional multi-member districts, three to five members per district.

And I think one of the challenges in this moment of our politics is, you know, things have become so deeply divided. Hyperpartisan polarization is real. It is a tremendous problem, and there is just a tremendous amount of gamesmanship that is going on in trying to crush the other side.

I mean, I am watching in horror as I see the DCCC putting money to elect the most extreme Republicans. But within the single-member district with a zero-sum winner-take-all election, you win by disqualifying the other side. And one way to disqualify the other side is to have their side be the most extreme. Now, that is, I think, an incredibly dangerous and dumb game, but it is the logic of our single-member system and the binary choice that it forces.

Now, imagine, you know, if you have three- or five-member districts, you know, it is not zero-sum. It is not winner take all anymore. You have a diversity of representatives who represent the larger diversity of that district. I mean, you all represent very diverse districts. And, you know, I mean, you—I know you work very hard to try to represent all of your constituents, but ideologically, valueswise, you know, demographically, there is some constituents who it is hard for you all to represent, even if we did increase the size of the house and, thus, reduce the size of the district.

So I think if we had proportional multimember districts where three or five members represented a district and split up the district and represented different constituents and different perspectives, we would have less of this binary zero-sum that is really destroying the ability of Congress and our government to work. You would see more conservative Democrats, more liberal Republicans, maybe some, you know, new parties, new perspectives represented, and you combine that with increasing the size of the House, I think you create a Congress that is just much more representative of the diversity and pluralism in this country and I think much better able to work out some complex compromises, because everything is not, you know, we have got to crush the other side because they are evil. And that is the mindset that I think is really overwhelming the ability of this Congress to function, and it is terrifying where this is leading, to me.

The CHAIRMAN. Vice Chair Timmons.

Did you want to weigh in?

Mr. LARSON. Well, I just wanted to make a comment about that. I think the biggest threat that we face in our democratic republic— and I apologize for not catching all the testimony. But when Mr. Kosar was talking about the rules, the House has already passed over 400-plus bills that sit in the Senate, and they haven't voted on a one of them, and that was a practice both under Harry Reid and is still a practice—I would say Mitch is far more successful about it.

But for a member of the House, and whether you are a Democrat or a Republican, the committee chairs and that whole process has been neutered by a Senate rule. Nothing in the Constitution that says that you need 60 votes to pass a bill, nothing in the Constitution that says a filibuster is constitutionally authorized. It may be, some would argue, a tradition. But this isn't Mr. Smith goes to Washington. This is people simply in their room saying—calling a culture vote, and no House bill moves in the United States Senate.

And you can argue that even the last two bills that the House has voted on from the Senate, major bills, the infrastructure bill and most recently the so-called gun violence bill, never went through a public hearing in the House, never was vetted, and came from the other body.

And it is alarming how much this has happened and becoming part of the norm, instead of what is called regular order. These things used to be sorted out in what is called a conference committee. There are very few people in Congress today that can even recall what a conference committee is. But that is where the so-called issue of hyperbipartisanship got resolved within those committees of conference when there was disagreement.

But the House is now at an enormous disadvantage because of a Senate rule. And, frankly, the media pays no attention to it. Seventy percent of the bills that pass the House that sit over in the Senate are bipartisanly passed. So this notion that we are bipartisanly always at one another's throats simply isn't true. On the major issues where there are philosophical, ideological, and regional differences, that has always been the way it has been throughout history, and rightfully so.

But a democratic majority, whether it is Republican or Democrat, needs to govern. And it can't be minority rule and ruled by culture vote, or what they call Rule 22. We are sending over something I would like to submit for the record, an op-ed on the new catch-22 is rule 22.

The CHAIRMAN. Ba-dump. Thank you.

Vice Chair Timmons, go ahead.

Mr. TIMMONS. Thank you. Thank you.

Representative Larson, I actually like your idea about the 4-year term, and I want to give you something to think about. I don't know the answer to it. How would you deal with redistricting?

Mr. LARSON. That is a great question. I mean——

Mr. TIMMONS. It gets really tricky.

Mr. LARSON. Well, it does, and it depends—and, of course, redistricting is something that is left up to the States.

Mr. TIMMONS. But if half the members have 4-year terms and they are alternating, then someone would be in the middle of their term poss—I mean, I guess you could do it State by State, so certain States would get reelected at——

Mr. LARSON. Right.

Mr. TIMMONS. Anyway, something to think about.

Mr. LARSON. Well, in terms of, yes, what would that mean if you went—I get the question. What would it mean if you went, say, odd and even districts? You know, how would that break down in terms of who is up for election in that 2-year cycle? And——

Mr. TIMMONS. When you redraw the lines, it would get really tricky. But something to think about.

I am going to talk about the calendar and the schedule, and you are going to fix this; I feel it. Welcome to the party.

So the variables are this: 435 Members of Congress serve on an average of 5.4 committees and subcommittees. We have 20 standing committees, 5 select committees, around—I am just guessing—75 subcommittees. So there is a hundred people that have authority to schedule hearings and markups, and we just run around all the time.

In 2019, we had 65 full days. Generally speaking, we don't have hearings or markups outside of 9 a.m. to 5 p.m., so that is 520 hours. But in those 520 hours, we have to have conference and caucus meetings, constituent meetings, floor votes, committee meetings, subcommittee meetings, and fundraisers.

So we have to be here more. We need more time, but we are only getting—like, the best schedule I can come up with, which is not going to get adopted, has 104 days, full days, which is not going to happen. If we get 80, we will be lucky.

Can AI fix this to where we just deconflict it a little bit?

Mr. MARIANI. I won't promise that it can fix it. The good news is what you are describing is basically just an optimization problem, right? Like, there is a ton of data, and we need, within these defined parameters, find the optimal solution. And the good news is that is exactly the type of thing that AI is really good at, right? We talk about human machine teaming because AI's strengths are exactly what humans are weak at, and humans' strengths are exactly what AI is weak at.

So this problem that you are speaking of, we have so much data and so many variables and we can't just crunch all those numbers; that is exactly where AI can help. When we start to talk about contextual variability and emotion and value judgments, that is where humans are significantly better. We need to bring them together. But scheduling, AI can help.

Mr. TIMMONS. The biggest challenge is committee and subcommittee meetings are generally left to the chair, and they don't want to be told what to do. And floor votes are left to the majority leader, and he is not going to listen to anybody. That is what he gets to do.

So can you factor that in? How do you factor in—can we do an optimization without being directive? Can we make suggestive optimizations?

Mr. MARIANI. Sure, absolutely. And the other way to do it is kind of what—that second model that we talked about that is kind of like AI as simulator, you can sort of set the parameters of the system. You know, hey, here are all the rules that are in play, here is kind of what we want to accomplish, and then allow people to kind of play around it. So you could have, you know, different players in that model, the different committee chairs and different other folks that need your time to play around with that. And from that, you can create one, two, three, maybe even a few optimum models that then human judgment can choose between because, say, hey, we don't want to work on Christmas Eve or something. So, yeah, absolutely.

Mr. TIMMONS. What business would we hire to help with that? I mean, we have been trying to create a committee calendar—a unified committee calendar just so people can just see. We are not trying to use AI to fix anything. We just want to make it so you can actually tell what you are doing when you are doing it as opposed to just picking time out of thin air and being like, oh, interesting. You know, 90 percent of the subcommittee actually has another committee meeting at the same time. That is not great. Let's maybe do it an hour later, an hour earlier.

So we can't even figure out a way to get a unified committee calendar, no less optimize it. So do you know anybody that does this?

Mr. MARIANI. Yeah. I think the good thing is, you know, these types of optimization problems, you know, kind of as we talked about, they can be found kind of across government, across industry. So there is lots of folks that have expertise in applying these, creating them, and feeding them to the context.

I think to your point, the challenge is, hey, everyone out there has experience adopting AI protocols and using them potentially at scale. How do you then cross that with the unique context of having those technological tools work in Congress?

And I think what we are starting to see is, you know, as we heard from some of the other examples, other legislatures, other parliaments starting to take those first tentative steps and using AI, small scale processes. South Africa has an AI-enabled personal assistant that gets kind of at what you are talking about. You know, members can ask it questions, and it will automatically respond back about, you know, here is the content in a bill or, hey, here is the time and conference room you need to get to in the next 2 minutes.

So those types of things are already out there, and they are discovering some of those unique challenges of using AI in a legislative context.

Really, I think to your question, the challenge is learning from both, so learning from those examples in industry where they are already doing this stuff, you know, how do you do this at scale, and then learning from those small scale proofs of concept that are out there in, you know, South Africa, the Netherlands, Brazil, about what are the unique requirements to do this in a legislative context.

Mr. TIMMONS. Thank you.

Yes, ma'am.

Ms. ALLEN. Again, small footnote. Every college and university has this problem, and we have methods for solving it. So I would recommend calling a major public university and asking them how they——

Mr. TIMMONS. Middle schools also do it.

Ms. ALLEN. True. But the relevant scale, the relevant scale that you need, you know. And, yes, there are optimization tools. So I think you would easily find something usable.

Mr. TIMMONS. One real quick followup.

Dr. DRUTMAN, ignoring the policy considerations around having another 150 Members of Congress and the staff and all that stuff, my biggest question is just space. Where do they go? Like, we can't put another 150 people on the floor. I mean, I guess we could build another House Office Building.

Mr. DRUTMAN. Yeah. Right. I mean, you have got that parking lot south of——

Mr. TIMMONS. Okay.

Mr. DRUTMAN. And some beautiful parks.

Mr. TIMMONS. It is overwhelming to think about adding another 150 members.

Mr. DRUTMAN. Right. I mean, you know—but also, people work from home more now. I mean, it is post-pandemic, we have sort of figured out remote work a little bit, I mean, not that it can all be remote. But I think you can build another office—there is space south of the three existing office buildings. I mean, I hate to lose those beautiful parks, but, you know——

Mr. TIMMONS. You know, it is interesting, our first year, one of our early hearings, somebody suggested moving the Capitol to Nebraska. So we could maybe couple moving the Capitol to Nebraska with that. I am just kidding.

Mr. DRUTMAN. I mean, sure. There is plenty of land there. I mean, it would be in the middle of the country.

Mr. TIMMONS. I think the chairman would appreciate that.

Mr. DRUTMAN. Yes.

Mr. TIMMONS. But thank you.

I.yield back.

The CHAIRMAN. Mr. Latta.

Mr. LATTA. Well, thanks, Mr. Chairman and Mr. Vice Chairman, for today's hearing, and to our witnesses. And this is kind of—it is interesting, the hearing that we are having today.

First of all, people are agreeing with me. First of all, I can make this very simple. You know, we always talk about schedules. We did it in the Ohio legislature. This is not rocket science. On Tuesday, Wednesday, Thursdays when we had session, we started at a certain time in the senate. If they said we are starting at 11:30, start at 11:30. Next day we are going to be in session on the floor at 1 o'clock, we were on the floor. Next day 1:30. The other thing is you weren't allowed to run committee hearings during session. Very simple.

So, you know, I have advocated these things, so it is good to hear these things come up. The other thing that is also good to hear come up I advocated is this. Our committee sizes are too large. And the other thing is that if you go back 50, 60 years ago, members didn't serve on two, three, four committees. They served on one and became experts on that committee.

So, you know, we can simplify things from people always being broken up where they need to be at a certain time by simplifying the process. And so I will just throw my two cents in there real quick.

But, Mr. Kosar, you know, one of the things that I think you mentioned, you know, about the—you were talking about the executive branch and how large it has got and Congress hasn't kept up. I think part of the problem is Congress has just abdicated its power to the executive so you don't have to take the blame. You know, it is just like, we have done it, you guys take care of it, and it is out of our hands now. So how do we pull that back in to start saying we are going to start bringing that power back to the House, back to the Senate so that the executive doesn't have it?

Because, again, you know, I can remember as a kid—my dad was here from 1959 to 1989, but I can remember driving down Independence Avenue, where these office buildings are today, they were Quonset huts left over from World War II. Look at photographs. That is what we had. It is amazing that this government operated at a much smaller scale than we have today. But how do we bring that back?

Mr. KOSAR. Well, as a person on the right, certainly I would suggest that Congress consider doing something to pare back the size of the executive branch. I mean, do we really need all 180 agencies? It has been a long time since I think I have seen any sort of concerted effort to do some sort of, like, let's put together a bipartisan list and let's start zeroing things out. Maybe hold a vote at the start of each Congress and hold hands and jump together. It can be done through a legislative procedure, an expedited one, or something like that. That would put incentives in the right direction and, you know, make the job a little more manageable.

You know, I think that there also is—you know, the information asymmetries are so immense. I don't think the House did itself any

favors in growing government but then reducing the number of staff over the past 40 years. I think technology can help make up for it. I think this is where AI is very interesting.

You know, when committees get together and study a problem, you know, 3, 4 years later, very few people on the committee are still there, many of the staff have left, and what you have is a bunch of printed hearing volumes. And that knowledge is just fading from memory because you guys are all working on new stuff. And being able to manage that knowledge, especially so new members can come in and get up to speed fast and get a sense of what really, you know, are the options and what should be done, what are the problems, I think that is part of the mix.

The basic incentive, like, you know, James Madison thought that the legislature would be the most powerful entity of all in the three branches. You know, the ability to exercise power, power of the purse, power over the law, he thought that would be absolutely irresistible to members. I think he would be baffled by the fact that members, as you note, frequently just delegate authority. They delegate authority up towards leadership and they delegate authority over towards the executive branch and, therefore, have grown this massive administrative state.

So some of this is going to be an attitudinal change, but I think also the kind of difficulty that the individual member has in exerting his or her will, like, why put in the work to try to reign in an agency or change policy if your bill is not going to get out of committee, if it is not going to get called for a vote, and if the Senate is going to sit on it.

Empowering members to get stuff done I think has to be part of the equation.

Mr. LATTA. Let me—just a real quick followup for you. You know, you are also talking about, you know, our rules and procedures has gotten pretty well out of hand. Do we just go back to just a manual?

Mr. KOSAR. No. I think we have to go a little bit beyond that. I think there are some—you know, some of these specializations, I think, are valuable. I think perhaps, you know, when you are talking about a trade treaty or certain other specified areas, having an expedited procedure can be valuable. But, certainly, the whole corpus needs to be paired back. I mean, you have got rules that are on the books, but not even used. Calendar Wednesday has been around for how long? When was the last time it has been a vote? Fifty years ago, but it is in the book, theoretically it can be invoked?

Congress even—Don Wolfensberger told me that Congress had picked up a new rule at the start of last January, and regularly it waives the rule.

Mr. LATTA. It is a problem.

Mr. Mariani, quick question. I am the rank on Communications Technology, right across here at Energy and Commerce, and we are talking about all the AI, and one of the things—of course, we have had a lot of questions about, in the past, about how algorithms are set, especially when we are talking about AI.

How would you make sure that those algorithms are correct, that they are not biased to one side or the other?

Mr. MARIANI. Sure, absolutely. And the short answer is, I think, everyone involved at every step of the process has a role in ensuring that those AI models are accurate and equitable. And that starts even before the models are made. It starts with selecting and collating the data to make sure it is accurate and clean, and kind of most important for equity, too, kind of fit for purpose, because you can gather one data set in one context and it can be a representative and, you know, not biased one way or the other. But if you use it to answer a different question in a different context and all of a sudden, it can accidently introduce bias.

Those types of controls and governance processes, then, need to extend into the next phase where you are making the model and using it. And focusing on transparency and those steps is probably the most important so you can identify kind of what are the model weights, what are the variables, what are the assumptions that we are using.

And then even into Members yourself, to make sure that when you are using the outputs, that you have kind of the literacy of how those models work so you can understand kind of their left and right lateral limits, because, you know, AI is a powerful tool, but it is not an infallible oracle. Really, it is just more of a decision aid for yourself, and probably also unique to the legislative context, and also having enough knowledge to be able to communicate to constituents how those models are being used so you can build their trust in confidence in how AI is being used as well.

Mr. LATTA. Two more questions, if I could, Mr. Chairman?

Thank you very much.

Dr. Allen, you know, in your testimony, again, you are talking about—we always are trying to figure out at home, across the whole country, how to get people back engaged but, you know, a lot of people, they are pulling themselves in. You know, they stay home. They are in front—you know, it is just like years ago when—I am not going to date myself, but I am going to say this, but when you could go to the corner store and pick up a cassette tape and you are going to take it home and watch a movie. The theaters all said, nobody is ever going to do that. Nobody is ever going to stay home and watch it on their own TV, this movie. Well, they were all proven wrong.

And we see more and more where people now—it is always—you know, they just keep pulling things back. They are not out there communicating with one other. A lot of neighborhoods, you never see your neighbors until spring. You know, everybody just kind of disappears for 6 months.

So I guess my question is, is that, you know, we want to get people actively involved again in the political process, which our Founders wanted us all to be. How do we get these people reengaged? You know, it is just like disengaging themselves from, you know, their phones. You know, like—it is a different piece of legislation, 94 percent of all accidents that occur on the road today are driver error. And most of it—I rode with the highway patrol not too long ago in Ohio, and it is because of people playing with their what? Their phones.

So how do we get people reengaged in this?

Ms. ALLEN. I really appreciate the question. I think we all have direct experiences of the sort of disconnection that people are living with and then the negative psychological and behavioral consequences that flow from that. The good news is that there really are people in communities across the country who know how to pull people back.

At the end of the day, social connection is rewarding, it is empowering, it supports mental health and well-being. And so when people have an opportunity to participate again, they tend to come back. So they don't just participate once. But in order for that to work, you need those, in effect, civic entrepreneurs who are going to put in the time and energy to build the context, to issue the invitation, to follow up with people and so forth.

And that is what we have historically had a habit of investing in, and that habit has fallen away. So if you look at the sort of earliest history of the country, take Massachusetts in the colonial period, 1600s even, you know, the State government, such as it was, sort of colonial assembly insisted that every town put resources into a school. That was sort of really the beginning of public school, and you can think of that as the first example of civic infrastructure. And the purposes were civic. They, you know, were economic too, but actually civic first.

And then throughout the late 19th century, early 20th century, we had these extraordinary philanthropists. You know, Andrew Carnegie and so forth, who built libraries all over the country, and he was not alone. Our contemporary billionaires do not invest in civic infrastructure in the same kind of way, and that is something that we should all recognize. And even the question of what can Congress do to incentivize private philanthropy back into supporting these local-level civic entrepreneurs is really important.

So the short message is that people are out there who know how to pull people back into connection, but they are not getting support in the way that they have historically gotten in this country.

Mr. LATTA. Thank you.

Mr. Chairman, I know I have gone over my time, but I have so many other questions. But thank you very much for your indulgence.

The CHAIRMAN. I wanted to follow up with Mr. Larson. I don't think there is anything magic about 2 years. I think there is a sense, though, that maybe the intent of the Founders was to make sure that we were closer to our constituents, more accountable to our constituents. I imagine that might be a pushback against extending the length of the term. I just want to get your sense of how would you respond to that.

Mr. LARSON. Well, actually, you are absolutely right, the Founding Fathers had a major debate over this because they thought it should be 1 year. And the idea was that in a democracy, they wanted to make sure you had one chamber that was close to the people and that the people elected every year. And that is the concept. And I think actually Eisenhower and Johnson used almost the exact same phrase that you did: There is nothing magic about 2 years.

But the idea of staggering them would, I think, also help create competition upstream for those that are in the House but don't

have to necessarily give up a seat in order to run for a governorship or run for the United States Senate. But the primary goal here is, I think both Johnson and Eisenhower recognized, people really need to understand the responsibility and role. And to do that in a 2-year period, obviously it has been done, but when you complicate that with both the need to raise money and the family concerns that that has on spouses and children, it just seems to me to be a far more humane way to go about this business that we are in and allow both for greater understanding, camaraderie, and, I think, a better legislation in the final run.

The CHAIRMAN. Dr. Kosar, I want to get your sense—I have been struck over the course of this committee's existence that, I guess, by two dynamics related to the rules. One, we have a bunch of rules that we don't actually follow, right? There is just a ton of underbrush, right?

I have been here nearly 10 years. I don't think we have done calendar Wednesday, right? But it is in the rules, right? There is all of these rules that we consistently waive, and Lord knows that the budget and appropriations process, we have—in that instance, there is laws that govern that process that by and large we don't follow either.

I guess I am just curious your sense of, has there—can you point to an example of either another—a parliament or a State legislature that has done this process that you are suggesting that has successfully kind of cleared that underbrush and kind of Control-Alt-Delete on the rules and refreshed it?

Mr. KOSAR. Unfortunately, no. And I think, you know, in part when you look at State legislatures, I don't think they have had the kind of kudzu problem that the House has had where things have gotten so out of control so rapidly. Their pairings, I think, are more modest, incremental changes, but things didn't get out of control. Things got out of control here, and now we have, you know, each Congress, you know, little tweaks of the rules but no fundamental revisiting, because it is just not part of the process.

But, you know, I certainly would love to see and, again, this may be where our friends at Congressional Research Service or NCSL, National Council of State Legislatures, could partner up to work together, and just lay the House rules next to the rules of four States where we have well-functioning legislatures and just compare.

The CHAIRMAN. Yeah. Well, I also—I guess I find myself thinking, your recommendation of whether it be another select committee or continuing the work of this select committee, to do a deeper dive into this. I am just curious how much you think that actually fixes stuff. You know, we had a year of people testifying in front of this committee, well, we should get back to regular order.

And, you know, I came out of a State legislature where every bill was taken up under an open rule, where if you had an amendment that was at all germane to the bill, you could offer it, it would be debated, and it would be voted on.

In my experience in the State legislature, that was abused probably five, maybe six times for gotcha politics. You know, the notion of doing that here is laughable, right? Like, it would be used for

gotcha politics at every angle, and that is not a rules problem; that is a culture problem, right?

So I am just curious how much you think we should invest in a deep dive into rules change in light of that dynamic?

Mr. KOSAR. Yeah. Yeah. Well, you know, there is a sick kind of relationship between the rules and the behavior. And, you know, there has been this process where, when it comes to the floor, you know, some bad behavior crops up so the rules get tightened more.

The CHAIRMAN. Yeah.

Mr. KOSAR. Bad behavior springs up elsewhere. I mean, it is almost like dealing with a rebellious child or something like that. Like, I am going to put more rules on you to stop you from doing it, and then the buggers figure out a way to get around it.

The CHAIRMAN. Yeah.

Mr. KOSAR. You know, they are extremely inventive, and so you just keep ratcheting and ratcheting. And that is the dynamic. And I think, no, it is going to require a larger conversation amongst Members to get people to say, like, do we want to keep living this way? Is this how we want to be legislators, or do we want to change the rules in a way—and we had a bit of that in the class of 1974 when they came over and took over Congress. They said we are not playing by these rules. And they just had—you had enough of them making a cultural demand change, and the rules were changed so that they could do what they could do.

The CHAIRMAN. Dr. Allen, one of the values of my long commute that Mr. Larson mentioned is the—a lot of time to read. So I read the Our Common Purpose report. I thought it was really thoughtful. My recollection was chapter four was the civic bridge-building chapter. And you spoke to this dynamic that part of the division that you see in Congress is driven by division in our communities.

I had this crazy experience this last fall where two things happened. One, we had a series of attacks on religious institutions in Tacoma. There was an Islamic center that got burned to the ground, two Buddhist faith leaders got assaulted outside their temple, and a church got vandalized all within the span of 3 weeks. And in the spirit of something good coming out of something bad, we actually saw an interfaith alliance sort of spring up and say, hey, we are going to pull together. Everybody, get them all in the same room, and say that is not what we are about in this community. And it was actually a really great event.

Afterwards, one of the faith leaders came up to me and said, you know, that was really powerful, but if we are going to do this right, this wouldn't just be a 90-minute exercise; this would be something that we do on an ongoing basis. And he said, just out of curiosity, any Federal support for something like that? And I said, no, not really.

And then literally a month later, I visited a YMCA in my district, thinking they were going to talk to me about Mike Quigley's bill, the GYMS Act, because gymnasiums are losing money. That is not what they wanted to talk about.

They said, all the polarization, all the talks they see, that you see in Washington, D.C., has shown up in our Y. They said, we have literally had arguments and fights break out over pick your red or blue issue.

And they said it has become so bad we have hired a consultant that is training our staff, training our board in conflict resolution, and we are going to host this—as you suggested—you know, we are going to host sort of bridge-building discussions where we get people to talk to each other and listen to each other, rather than have The Jerry Springer Show show up in our YMCA.

And they said, any Federal support for that? And I said, you know, not really. At least not currently.

And, you know, the report that—Our Common Purpose report acknowledges that we do support this sort of civic infrastructure investment through the National Endowment for Democracy, but that support is to other countries, to strengthen democracy in other countries.

And so I see—I absolutely see value in this. In fact, Vice Chair Timmons and I—and we have 10 Democrats and 10 Republicans on a bill to maybe not create a trust, but set up a pilot program that could accept private philanthropy, and to do this grant making to local organizations.

I think the question that most commonly comes up is, one, how do you measure success? And two, why is this an innately Federal obligation. Right? You know, you mentioned that there is philanthropists that are supporting this endeavor already. You know, as I have spoken with colleagues on the floor and said, hey, do you want to sign on to this, probably the most common question I get is, why is this something the Federal Government ought to do?

So can you respond to both of those?

Ms. ALLEN. Absolutely.

The CHAIRMAN. Sorry for the long windup, but I wanted to give you a sense—I actually do think you are really on to something because we are seeing it in our communities.

Ms. ALLEN. No, absolutely. I mean, we are seeing it all over, and I want to lift up your bill. I think it is the Building Civic Bridges Act. I think it is very important, so happy to lend my voice in support of it——

The CHAIRMAN. Thanks.

Ms. ALLEN [continuing]. At whatever appropriate points.

But in brief, I mean, I think there is sort of three really important points. And I will admit that as our commission conversations on this started, I was a skeptic about the trust for civic infrastructure for exactly the reason that you just articulated, the question of, well, you know, should the Federal Government be doing this? Should this be really what we do at a local level anyway? And, you know, I changed my view, basically, and I came to change my view for a number of reasons.

The first is just recognizing that our practice of investing in the infrastructure of democracy in other countries came at a time historically when we were really building a strong wall defense against the challenge of communism. And we have to be honest that at this point in time, the greatest challenge for democracy on the globe right now is our weakening democracy. And we need civic strength here at home.

The CHAIRMAN. Hear! Hear!

Ms. ALLEN. We need it as a matter of defending democracy for the globe. So in that regard, the same motivation that led to those

national investments in the past pertain, but they pertain here at home.

Now, the challenge, of course, is the question of, you know, once you think the Federal Government should be involved, you sort of worry, well, won't that become very partisan in terms of what kinds of investments there are. And so in that regard, I think, a way to avoid that problem is really to focus on a project of seeking to match other investments that local communities are defining.

So the investments—there should be a sort of broad set of principles, design principles for the kinds of investments, but not a kind of blueprint of like here is everything everybody must do, because local communities need to be able to provide definition for that to give us the diversity and flexibility across the country of defining precisely what this infrastructure should look like.

So then what might be some of those broad design principles that Congress might be sort of interested in in sort of matching grant program? One I think is the idea that civic infrastructure should help ensure that self-government is operational. Okay. And so what does that mean exactly?

I mean, we expect that with more investment of civic infrastructure, you should see higher trust, higher volunteerism, and more effective community problem-solving. Those are all measurable things. We have some existing data approaches that do measure them. We could improve on them and would need to. And one of the things the trust should do would be to improve precisely the sort of set of indicators being used to measure whether or not self-government is operational at that local level.

A second design principle is for all. Self-government for all. We have another challenge, which is that, insofar as our civic infrastructure investments have historically been—I refer to the colonial period where sort of States—the colonial State of Massachusetts required towns to invest in schools. We had flag schools(ph) and so forth. We have a situation now where well-resourced communities are able to invest in civic infrastructure, and those with lower property tax bases are just not in the same sort of way.

So there is a need for Congress' investment, again, to sort of elicit investment in those communities where the issue of support is more challenged. But, again, I do think it is really important that this be about drawing out philanthropic dollars as well, ensuring that community foundations are fully activated across the whole of their community.

And then what Congress can also assist in is helping people build bridges across jurisdictional and regional lines, which is a major challenge right now for people who are trying to support investments in this space.

And then the last design principle I would point to is connectedness, another version of bridge building. We have been able for decades to measure increases in residential ideological polarization, worsening dynamics of hypersegregation for low-income communities of color, and increasing experiences of loneliness and disconnection across demographic groups, and, honestly, we see those data points showing up in also things like mass shootings and so forth.

So this is connected to a lot of big stuff in our society. So just as we can measure all the ways in which those things have been worsened, those—reversing those dynamics would be indicators of success for investments in civic infrastructure around that design principle of connectedness.

The CHAIRMAN. That is great.

Vice Chair Timmons.

Mr. TIMMONS. I guess I am going to throw out another big idea and just get you all's feedback on it. I think one of the biggest challenges our society is facing is right here. Technology, interconnectedness, our inability to interact with one another. You know, we often talk about whether the hyperpartisanship in Congress is a Congress problem or a society problem, and it is probably a little bit of both.

But I think one of the biggest challenges is our inability to, I guess, digest information, because you get a lot of information that, previously, humans just wouldn't get because the journalism would weed it out before it got that far, and now you have things being posted on social media anonymously and just by crazy people.

And so how do we grow past the challenges that technology and interconnectedness are creating? Anybody.

Ms. ALLEN. I am happy to speak to that if—so I think your question gets to the deepest issues we are all facing and the question that all of these suggestions relate to, which is, we are facing a crisis of representation, of the activity and practice of representation. And it is not a crisis of any particular individual's making; it is a crisis that at the end of the day has been finally driven all the way home by the invention of social media. And I just want to be very clear about why and how and, therefore, why your committee is so important.

Basically, you know, we all know the Federalist papers, we all know Federalist 10. The argument of Federalist 10 was that the design of the Constitution, among other things, its job was to mitigate the problem of faction. And the answer to how it is supposed to mitigate is delivered in Federalist 10. It is a two-part answer. We only teach one part of the answer.

We teach the part of the answer that it is about representative government. The notion that you don't have direct democracy; you have representatives who are going to filter and synthesize opinion from around the country.

But there is a second part to Madison's answer, and it was literally that the breadth of the country being a broad republic would make it hard for people with extreme views to find each other and coordinate. Okay?

So geographic dispersal was literally a pillar of the original design. Okay? So Facebook knocked that pillar out from under us.

And so all the work we are trying to do in terms of thinking about the future of Congress is answering the question of how to have effective representation when we no longer have the pillar of geographic dispersal supporting the information ecosystem that supports healthy deliberation.

So, yes, you need rules changes, okay, in order to improve the process of deliberation and recognizing that circumstantial change. Yes, we need a bigger House to be connected to the whole of the

country, and, yes, we need investment in civic infrastructure that helps people navigate a completely changed information ecosystem. We need all of these things in order to have a healthy Congress.

Mr. KOSAR. Yeah. I mean, I guess a quick kick would be just Members should get off Twitter. But, no, it is a long-standing problem that, you know, elites in the country have always had a greater voice in the ears of Congress. I mean, this is political science in the forties that complained to the—the problem of pluralism is that it always—its chorus always sings with an upper-class tone. So it is imbedded in the system. Some people are going to be better connected, some people are going to have the means to get here and communicate, et cetera, et cetera.

But, certainly, technology has exacerbated it. It has, as you have noted, just to sort of mediate things. And we have also seen since the seventies a massive uptick in the number of interest groups, not-for-profit, trade, otherwise here in Washington, D.C. So you guys are getting hit from a million directions with a lot of voices. But interestingly enough, most of those are very self-interested voices that their views don't necessarily jive with those of the public. But when you are constantly hearing that sort of stuff, it naturally is going to try and pull your brain towards those issues and those solutions and that sort of thing.

So how do you counteract it? It is not easy. I mean, turning off Twitter is one part of it, but you are still going to have people beating their way to your front doors and, you know, trying to come to your fundraisers, and do all sorts of stuff like that.

So we have got to think about new tools for helping you guys better get a sense of the communities and what their views are on other things. One of the interesting experiments that was, you know, being done—I heard about a few years ago was this Steve Kull, social scientist, was working on something called "voice of the people," where he would put together these really deep focus groups, on postal reform and other stuff, of regular Americans, and they would come up with solutions about how you could get something done, but they were coming up with solutions that just never got a voice on the Hill.

You all have been stuck in the position of, you know, you go back to your districts, you try to do a town hall, but guess what? Elites will hijack those. You know, interest groups will send people because they want to create a Twitter moment or a YouTube moment, and they wreck that too.

And so, like, it is really a tough position, and I don't know if there are, you know, technological tools that can help you kind of separate the kind of elite noise and get a better sense of what, you know, the average community can make, other than just the shoe leather you all put in so much, but it is a real thing.

The CHAIRMAN. Dr. Drutman, I think——

Mr. DRUTMAN. I just want to address your question as well because it is a crucially important question and, I mean, social media has done a lot of good things in connecting a lot of people and it has also done a lot of bad things in connecting other people, I think. I mean, the business incentives of social media, of course, are to drive what gets the most clicks, what is the most emotional,

and that is the stuff that people want to read, which is how terrible the other side is.

There is a lot of confirmation bias, a lot of—when you look at studies like why do people share stuff on social media, it is because it makes them feel good. It makes them feel like they are right. They have got it all figured out, and it reinforces the kind of emotional charge that they get by hating on the people that they like to hate on essentially.

And, you know, that is a real problem. But, you know, a lot of these trends of division started before social media. They started with cable news, they started with talk radio, before social media, you know, took over. In fact, it is interesting. I have looked at some studies. It is really older Americans who are most victimized by this, by fake news, because they haven't grown up in this environment of social media and Facebook and where they can really more easily distinguish, and also, they are most set in their views and most likely to believe the worst things about the other side, you know, know.

So a lot of it is really coming from political leadership and, you know—like, it is a reinforcing dynamic because political leaders say, well, I just have to—what my angry followers are saying, I should amplify that. As the expression goes, Twitter is not the real world, but it is a representative sample of people who are the most engaged in politics.

Now, one thing that gives me some hope is that, well, social media is obviously everywhere throughout western democracies and the world. Not every country that has social media is as polarized and divided as the U.S. So makes me think that there is something distinct about what is happening in the United States, and I think that distinct thing is the endless demonization of the other side that is coming from leadership and political elites and media elites, and that filters down and that is where most people get their opinions from and then they want to hate on the other side.

Also, the geographical sorting that a lot of the polarizations really that people live in communities that are very solidly "R" or very solidly "D." And when you are surrounded by like-minded people, you tend to become more extreme. And when people on the other side are far away and distant, they become scarier and it is easier to demagogue and fearmonger about who they really are.

So some of this bridge building is important. People are more polarized in real life, actually, than they are on social media, which is something that I don't think we really appreciate. So, you know, I think social media amplifies a lot of what is happening, but it is not—it is an amplifier, not a root cause of a lot of the division.

And, you know, it is true, people's attention spans are shorter, but the belief in conspiracy—I published a rather interesting paper recently—that belief in conspiracy theories hasn't increased over time; it is just that it is consolidated more on a few that become more amplified.

So, I mean, the lack of people's understanding about politics—I mean, this is—political scientists have always kind of taught, oh, American people don't know anything about politics. American people are so dumb, right? But like—you know, that is not really fair because most people know what they need to know from shortcuts

and heuristics, and they depend on political leaders to represent them and help them to figure out what they know. And when political leaders don't do that responsibly, we—it is very hard for people who really depend on leadership. Leadership matters.

The CHAIRMAN. Go ahead, Mr. Larson, and then Mr. Mariani.

Mr. LARSON. Well, I just wanted to—these are all good questions, and I am enjoying listening.

But Representative Cole and DeLauro have a bill on history and civics and, frankly, it is not being taught the way it should be within our school systems. Some do it better than others, but across this Nation, the lack of civic understanding and responsibility, which is critical for a republic, isn't taught. And between that and financial literacy, Congress is loathed to mandate educational instruction on the States that is responsibility of the State, but especially in this day and age where you are bombarded with information, and people—it is hard to distinguish the difference between the two.

And, frankly, anyone can produce a scientist or an economist or something that supports their point of view and there really isn't a Nation that has been grounded in its civic responsibility.

There is another notion and idea also that we should have to go along with that, what Australia does with 100 percent voting, and having voting as a requirement. And making sure that civic instruction, in order to get out of high school, that you understand how that works and how we apply that.

The CHAIRMAN. Go ahead.

Mr. MARIANI. I will just strike an optimistic note on the technological side, which is technology certainly has created some of these challenges, but it is ultimately a tool, right? So it is value agnostic. It kind of just does what we tell it. And to Dr. Kosar's point, there are some technology platforms that just by tweaking the rules, you can drive towards consensus. So vTaiwan is a social platform that Taiwanese government uses to drive towards some of these things that consensus on even fraught issues like internet regulation.

But to Dr. Allen's point about, you know, trust in government, you can see one of the things that we have been looking at in our research is, one of the factors that can drive that is this kind of idea of, you know, psychic distance; like, how close you feel to that is kind of how much you trust it. So the public trusts local government more than State, State more than Federal, and so on.

So by creating distance technology, you know, you don't have to go to your county clerk anymore, you don't need to meet in person with your Representative. By creating a distance, it can feed that distrust, but we have also seen the opposite begin to take place.

If you can create a good customer experience for the public, that actually goes a long way. Even if it is a digital customer experience, that goes a long way to building trust. So we have seen this kind of high correlation between the customer experience of government services and public's trust in government.

So if we kind of have the mindset shift that everyone is describing, we can actually use these technological tools to actually build some of the trust that we are all looking for.

The CHAIRMAN. Okay. I feel like this was well worth waiting 3 years for this hearing. This was really meaty.

I want to thank our witnesses for their testimony today and thank our committee members who were able to attend. I also want to thank our staff for pulling together another great hearing with such outstanding witnesses. And I want to acknowledge the Armed Services Committee for letting us squat in their room.

Without objection, all members will have 5 legislative days within which to submit additional written questions for the witnesses to the chair which will be forwarded to the witnesses for their response. I ask our witnesses to please respond as promptly as you are able.

Without objection, all members will have 5 legislative days within which to submit extraneous materials to the chair for inclusion in the record.

And, with that, our hearing is adjourned. Thanks, everybody.

[Whereupon, at 10:32 a.m., the committee was adjourned.]