

Written testimony of Casey Burgat
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Select Committee on the Modernization of Congress
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Chairman Kilmer, Vice Chair Timmons, and members of the Select Committee:

Thank you for the invitation to testify before the select committee. My name is Casey Burgat, and I am an assistant professor and director of the legislative affairs program at George Washington University. There I teach masters level courses on all things Congress. My research at GW and elsewhere has revolved around congressional reforms: how to make the First Branch work better for the American people.

With this focus, I was thrilled that this select committee was established in early 2019 with a broad directive to make the US Congress more effective, efficient, and transparent. Since then, I have followed the work of the select committee closely. I know I speak for many in the reform community when I commend Chairman Kilmer and Vice Chair Timmons for their leadership of the committee in extremely trying circumstances. And we applaud not only the committee's robust productivity, but also the example it has set in how it has gone about its work. It has been civil; it has been purposefully bipartisan; and it has been thorough; characteristics not all that common in the modern Congress. Thank you all for your work.

I was asked to focus my testimony on two primary questions. First, how might current and future congressional reform researchers measure the effectiveness of the committee's work, including the nearly 200 recommendations? And second, given that I have regularly tasked my students to research and propose recommendations for the select committee to consider, what common themes typically come up in their proposals? What problems do students relatively new to learning about Congress find the most surprising and vexing?

I'll begin with the first question regarding measuring the committee's effectiveness. Some of the committee's recommendations and resulting progress are quantifiable, and thus, can be studied as such. The impacts of increasing staff pay, diversity, and internship accessibility, for example, can be measured and compared with congresses before the changes. Importantly, this work will be aided by the committee's recommendations involving staff surveys, collection of demographic data, and

modernizing disbursement records. These data will help researchers measure changes in important elements like staff tenure and diversity of congressional staff hires.

Other recommendations, however, are much more difficult to quantify. Goals such as encouraging civility within Congress, modernizing technology, and improving constituent service processes do not come with clear measures or publicly accessible data. Moreover, the causal chain between the committee's recommendations to tangible outcomes will be long, imprecise, and conditional on exogenous variables. Most academics are allergic to such qualities.

With that said, I will offer a non-exhaustive list of the types of measures scholars may use to gauge the committee's effectiveness. Those who focus on legislative productivity and outcomes may look for changes in amendment and drafting activities. Does cosponsor action differ, in numbers, networks, and potentially cross-party counts, thanks to the electronic cosponsor recommendation and civility efforts? Are more members able to insert legislative text into bills because of the collaborative legislative drafting recommendation? Do members and offices seem to work together more often after attending the bipartisan onboarding and new member orientations?

Because their work can be less structured and pre-arranged, I suspect that most researchers will look to committees to measure potential impacts of the select committee's work. On the oversight front, enterprising researchers can study whether more bipartisan oversight efforts—using identifiers like letters signed by both the Chair and Ranking Member—are undertaken. Should certain panels follow the select committee's lead in deliberations, such as the roundtable format, bipartisan seating, and forgoing the 5-minute rule, studies can analyze differences on a variety of deliberation measures. Researchers can continue to study what types of witnesses are called to testify, use text analysis of hearing transcripts to study what types of questions are asked, and if members use their allotted time differently.

Again, many outcomes will be difficult to explicitly link to the select committee's recommendations, and as a result, your role may even be discounted in studies of your success. This is why it's key that researchers not discount the importance of qualitative research as well. To fully understand and why certain outcomes differ, there is no substitute for hearing directly from the source—member or staffer—of their thinking, motivations, and observations. This means, though, that you all make yourselves, your staff, and your data as available as possible to the pesky academics who work to answer extremely difficult questions.

Now, I will turn to the second question: when assigning my students to submit reform proposals, what common themes have developed? Many students focus on improving collaboration and civility between members, though it is typically split between the adoption of punishments or penalties for wrongdoing and incentivizing civility through public recognition or a rewards system. Half want to use sticks like fines and decreased resources; the other half want to use carrots like access to the floor or a civility plaque in the Capitol hallways. Almost all require members to judge each other on their behaviors, which history has shown us over and over again, brings a whole host of challenges and implications.

Students also commonly submit proposals to reform the budget process. Their reform ideas attempt to lessen the reliance on continuing resolutions, reinvigorate authorizing committees, improve budgetary oversight, minimize deficit spending, and do away with high-drama debt ceiling fights.

But, by far, the most common theme of student reform proposals speak to the overwhelming centralization of legislating power in leadership offices. It simply doesn't compute to them that rank-and-file members are commonly not involved in the legislative process, and sometimes completely in the dark on policy negotiations and text until the final moments prior to votes. They can't understand why bills that would assuredly pass the chamber won't be debated, let alone receive a vote on the floor. After much discussion, they begin to theoretically understand how the current balance of power serves enough interests of enough members, but they hate it. To them, many of the current processes are antithetical to how a legislature is supposed to work. It's politics at its worst.

Their solutions are unbelievably varied, from pie-in-the-sky pledges that every member read every bill to granting floor access to every member for a bill at least once per session. Increasingly, student reform ideas attempt to tackle the doom-loop felt by many members, particularly within the minority party: if I don't see a reasonable path to the floor for my issue, and if leadership decides everything anyway, why would I spend time, energy, and staff resources legislating? Aren't I better off messaging and performing constituent service?

To address this, many proposals advocate altering House rules and instituting automatic thresholds that guarantee subsequent actions, like a markup within committee or a vote on the floor. Ideas like reworking the discharge petition, identifying a certain number of cosponsors or number of bipartisan cosponsors, or signed support from a committee chair and ranking member on a bill are just a few proposals that would provide members a definite path to policymaking progress. In nearly all of these thoughts, students are quick to point out that leadership cannot be given a veto; if the specific threshold is met, the member receives the reward.

Thank you, again, for the invitation to testify before this select committee. Your work is critical to ensuring that the US Congress is the most effective legislature it can be. And I would be remiss if I didn't take this opportunity to implore you to do everything you can to make this committee—or some version of it—permanent. As you all know better than anyone, there is much work to do, and we need it more than ever. Thank you, and I look forward to any questions you may have.