COMPUTERS IN THE LEGISLATURE

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Only a short time ago, the application of computers to the legislative process was regarded by some as a novel idea. Experienced legislators, however, did not have to be persuaded that radical improvements were necessary in both the recordkeeping and information-gathering functions of legislatures if those policymaking bodies were to remain productive.[1] Following a study of the benefits of data processing, the United States House of Representatives moved to establish an office for developing computer systems in 1971. This discussion focuses on the impact of the computer on the legislative process.

The computer is frequently superimposed on a pre-existing function and at times the application adds to that function. More often, an existing function is analyzed in terms of whether it can be made more effective through automation. Functions are endeavors that require both human participation and mechanical methods. It is natural, therefore, that some of these functions are improved when you assist the human methods with computer technology. If we dissect the House into classes of functions, we can then determine how computers are used to support and add to these functions.

The House initially turned to data processing as an aid in handling its administrative functions: payroll and equipment inventories, for example. Unlike other institutions, however, the House's central management is difficult to locate. The central authority is equivalent to the political authority of the moment; it may shift quite easily depending on the issues. In addition, there are many autonomous units—House members and committees—which are in fact separate jurisdictions. Consequently, a totally automated system is presently impossible. Nevertheless, it is likely that a commission study which is examining ways to develop rational administrative processes in the

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1. Caldwell, *Legislative Record Keeping in a Computer-Journal*, 5 HARV. J. LEGIS. 1 (1967).

House will recommend movement in this direction.[2] At the moment, systems supporting the overall administrative function are rather mundane.

There are a few exceptions, however. The provisions of at least one law make it infeasible for the House to fulfill its obligations without using computers in an administrative way. The Federal Election Campaign Act of 1971[3] requires candidates for public office to submit lists of their contributors and all receipts and expenditures during a federal campaign. The House is charged with receiving this information and making it available to the public within forty-eight hours. Without the computer, this cannot be done.

Another interesting use of the computer in the general administrative area has resulted from a suit against the House by Common Cause. The suit alleges that members of Congress misuse the franking privilege in communications with constituents; specifically, that the frank is used in a political context. Common Cause found that congressional mailings were sent out at a highly accelerated rate just prior to an election, and trickled down to nothing after the election occurred. The House has subsequently agreed to provide Common Cause with an extensive information data base on its members. At the same time, the House is compiling its own data base and apparently intends to fight the Common Cause computer analysis with its own.

In the legislative area, the House has used computers quite effectively. For example, voting is currently under a computer system. Before the voting system was installed, members' names were called alphabetically. Errors resulted from alleged ghost voting and simple miscounts by the staff charged with the tabulation function.[4] But the primary reason for replacing the manual method was the inordinate amount of time necessary to complete the process. With the new automated system the voting process can be completed in fifteen minutes, enabling the members to use their time more effectively. Other

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2. Commission on Administrative Review, United States House of Representatives, the Honorable David Obey, Chairman.

3. 2 U.S.C. § 438(4) (Supp. II 1972) (amended 1974).

4. *See, e.g., Errors on Voting Uncovered in House*, N.Y. Times, Sept. 28, 1968, at 65, col. 2 (members listed as present at quorum calls when actually back in office, or in home state); *House Ethics Panel Will Study Votes Cast for Absent Members*, N.Y. Times, Oct. 2, 1968, at 23, col. 4; *House Group Urges Roll-Call Reform*, N.Y. Times, Dec. 19, 1968, at 33, col. 3 (ghost voting cited as reason for inquiry; the beginning of the end for manual vote-taking).

features built into the system aid in this important function within the legislative process: The system permits members to change their vote quite easily or decide their vote at the last possible moment. In fact, because it is easier to vote on individual issues, more issues are being decided than before.[5]

The scheduling of committee meetings, on the other hand, might be performed effectively with the computer, but is not. As a result, each committee acts independently and conflicts involving members scheduled for several meetings that are to occur simultaneously are not infrequent. The point of a computerized system, of course, is to centralize the essential meeting information so that a scheduler can decide a committee's operable time. Because these meetings are often dynamic and volatile, the system must be very sophisticated, capable of reacting to sudden changes and disseminating the information quickly so that it can be used by the members. Although a computer system was built to meet these functional objectives, it is in danger of not being used because it apparently threatens a number of traditional committee chairmans' powers; specifically, the system works against committee autonomy by requiring cooperative efforts. The problem of scheduling rooms illustrates this point: an essential part of the meeting schedule information is the room schedule. Thus, each committee would have to reveal to the central computer system the availability of meeting rooms under its jurisdiction; however, this would generate pressure for room use from other committees and hence compromise room jurisdictions. It was decided, therefore, to omit this crucial meeting information from the system. These procedural matters are preventing the computer system from being more than a tape canister on the shelf.

Policy analysis is another area which has been influenced by the computer. Most committees generate policy on legislation and oversee certain executive agencies that are involved. There is supposed to be arm's length dealing between the legislative committee and the agencies it oversees, but use of a computer sometimes interferes with

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5. Total Number of Quorum Votes Taken (data obtained from Speaker's office):

        1971-472
        1972-462
        1973-726 (data processing system installed)
        1974-727
        1975-828
        1976-864
        1977-533 (as of 9/9/77)

this. For example, the Joint Committee on Internal Revenue Taxation (JCIRT) uses a computer model to generate estimates of revenue that would result from proposed changes in individual income tax laws. The Treasury Department originally designed and continues to share this model with the JCIRT. Until recently, the joint committee's staff had to request model outputs from the Treasury Department. As a result, the Treasury Department staff often knew, before they met with the joint committee to debate the tax law, what issues the committee might raise. This flagrant violation of the arm's length relationship has recently been changed through the use of computers in the House.

Computers are also used in the legislative area for "general information gathering." It is technologically feasible to construct a system which derives from a central unit to a network branching out to terminals in each member's office. The terminals would receive a variety of information: i.e. the status of bills; various issues underlying the legislation currently being debated; facts about the budget. Such a centralized computer information system, however, requires that someone make very specific decisions about the information that flows through it. This in turn creates a real danger of providing access to some, but not all, information. It is therefore time that we concern ourselves with the kind of information members would or should receive from such a network, rather than with the technical computer questions. Ideally, members should have free and equal access to *all* information. But once information begins to flow through such a centralized system, who will oversee the system and ensure that the information is comprehensive, accurate, and gives a reasonably unbiased view of the issues?

The introduction of computers into the House of Representatives raises other questions, as well. What functions of Congress should be altered? How should constitutional functions which originated two hundred years ago be modified in today's age, given today's technology? These questions need to be answered. Congress must assume responsibility for policy with respect to automation and information. Thus far no one is overly concerned. But it remains at the core of their work. Rearing its head on the horizon is an impressive technological capability that will subtly influence the functions of the democratic system it supports. Computers can do much to help Congress fulfill its purposes; yet, distortions of congressional functions may result without proper guidance.