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116TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
116-406

RECOMMENDATIONS TO IMPROVE TRANSPARENCY IN THE U.S. HOUSE OF REPRESENTATIVES

R E P O R T

THE SELECT COMMITTEE ON THE MODERNIZATION OF CONGRESS U.S. HOUSE OF REPRESENTATIVES



FEBRUARY 25, 2020.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON THE MODERNIZATION OF CONGRESS,
Washington, DC, February 25, 2020.

Hon. CHERYL L. JOHNSON,
Clerk, House of Representatives,
Washington, DC.

DEAR MS. JOHNSON: I present herewith a report entitled, "Recommendations To Improve Transparency In The U.S. House Of Representatives."

Sincerely,

DEREK KILMER,
Chair.

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FEBRUARY 25, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. KILMER, from the Select Committee on the Modernization of Congress, submitted the following

R E P O R T

I. PURPOSE AND SUMMARY

The Select Committee on the Modernization of Congress has been charged with the important responsibility of recommending improvements to the U.S. House of Representatives to ultimately better serve the American people. These initial recommendations propose to improve transparency and ease public access to legislative information in the U.S. House of Representatives. While legislative information is public, it is often not made available in a format that allows the public to easily review and understand this information. These recommendations address such transparency and access problems and encourage the continuous coordination and public posting of new legislative information.

II. BACKGROUND AND NEED FOR RECOMMENDATIONS

Over the past decade, there has been a significant push to make congressional data more accessible to the American public in an interactive and understandable way. Transparency increases accountability and ultimately improves the way Congress serves the people.

The Select Committee identified the following issues to be addressed with recommendations to improve transparency:

1. The House currently uses four different formats to write and view legislation, which creates inefficiencies in the process. Maintaining, converting, and reconverting between multiple formats requires costly custom software, risks errors, and hinders transparency. Adopting U.S. Legislative Markup

(USLM)—one of the four formats currently used and the recognized standard—throughout the lawmaking process creates a more coherent system for members and staff; simplifies drafting; allows for instant comparison of proposed bills to current law; provides transparency; and, allows for changes made by amendments to be automatically reflected in bills once they are approved.

2. In 2017, new rules adopted by the House encouraged greater transparency and access to legislative documents. These rules called for additional tools for members, staff, and the public to clearly see how proposed legislation could change our laws throughout the legislative process. This initiative, known as the Posey Comparative Prints Project, has already completed Phase 1, and is on track to meet their Phase 2 and Phase 3 deadlines. However, the Select Committee has identified possible areas of concern including making sure that (1) resources are available to develop and maintain the application for House-wide use, and (2) resources are available to train and support staff using the comparative print application. Ensuring that the Clerk's Office is ready to handle these anticipated challenges is key to a smooth transition to implementing the comparative print program, and ensuring the public can easily view and understand proposed changes to our laws.

3. Filing and finding lobbyist disclosures should be straightforward and simple. A Congress-wide unique identifier for lobbyists would eliminate the problem of misspelled names, or the same person having registrations under different first names (example: Mike/Michael) causing confusion. By assigning unique identifiers, the Clerk's Office would clarify and simplify the lobbying registration and disclosure process, while making the filing process simpler.

4. Over the last few decades, Congress has increasingly failed to regularly update the authorization of federal agencies and programs. As a result, the management of wide expanses of the federal government has shifted to the executive branch, and many programs and departments operate on autopilot without meaningful congressional input. Making agency and program reauthorization dates public provides members, staff, and the public with easy-to-access information about the current status of executive branch programs and the committees that are responsible for authorizing those programs.

5. Figuring out how members of a committee or its subcommittees voted on any bill or issue before the committee or its subcommittees can be difficult. Each committee sets its own procedures for making this information publicly available. The information is public, yet it's not easy to access by most Americans. Some subscriber services collect and provide this information to paying subscribers. But for the average person—and even for members and staff not on the committee—this information is difficult and time-consuming to collect. Publishing committee votes in a centralized location improves transparency and access to this information for the public at-large.

III. HEARINGS

The Select Committee on the Modernization of Congress held a hearing titled, “Opening up the Process: Recommendations for Making Legislative Information More Transparent” on May 10, 2019. The Select Committee received testimony from:

- * Daniel Schuman, Policy Director, Demand Progress
- * Joshua Tauberer, Founder, GovTrack.us
- * Robert Reeves, Deputy House Clerk, U.S. House of Representatives
- * Frances Lee, Professor, University of Maryland

IV. RECOMMENDATIONS

The Select Committee made the following five recommendations to address the problems identified (see **II. BACKGROUND AND NEED FOR RECOMMENDATIONS**). The Select Committee supports:

1. Adopting one standardized format for drafting, viewing, and publishing legislation to improve transparency and efficiency throughout the lawmaking process.

Specifically . . . Develop a plan for the adoption of U.S. Legislative Markup (USLM) throughout the lawmaking process. The plan would incorporate a timeline for use by the House Legislative Counsel, members’ offices, leadership, and committees. Such an approach would help members, staff, and the American public have access to changes, visualizations, and analysis of legislative text. Printing and publishing processes would also be made more efficient.

2. Providing resources to finish legislation comparison project on schedule and train staff to vastly improve the American public’s ability to understand how amendments change legislation, and the impact of proposed legislation to current law.

Specifically . . . The Clerk’s Office is on track to meet their Posey Comparative Print Project Phase 2 (August 2019) and Phase 3 (3rd quarter 2020) deadlines. The main issues of concern are making sure that (1) resources are available to develop and maintain the application for House-wide use, and (2) resources are available to train and support staff using the comparative print application. Support would include ensuring that the Clerk’s Office is ready to handle these anticipated challenges to implement the comparative print program.

3. Modernizing the lobbying disclosure system to improve the filing process and more easily find and track individual disclosures.

Specifically . . . Direct the Clerk of the House and Secretary of the Senate to update the lobbying disclosure system in general and generate a Congress-wide unique identifier for lobbyists and disclosing that identifier to the public as structured data as part of the lobbying disclosure downloads.

4. Developing a centralized, electronic HUB that would list all federal agency and program reauthorization expiration dates, by committee.

Specifically . . . Congress has increasingly failed to regularly update the authorization of federal agencies and programs. Centralizing agency and program reauthorization dates pro-

vides members, staff, and the public with easy-to-access information about the current status of executive branch programs and the committees that are responsible for authorizing those programs.

5. Developing a centralized, electronic HUB of committee votes that would be accessible via House.gov and in machine readable format.

Specifically . . . Figuring out how a committee or its subcommittees voted on any bill or issue before the committee or its subcommittees can be prohibitively difficult. Each committee sets its own procedures for making this information publicly available. The information is public, yet it's not easy to access by most Americans. Centralizing committee vote data in one place enhances transparency and ensures ease of access for the public.

V. COMMITTEE CONSIDERATION AND VOTES

CONSIDERATION

On May 23, 2019, the Select Committee held a Business Meeting, a quorum being present, and reported favorably the recommendations herein contained in this report.

VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, there were no recorded votes taken on these recommendations. The recommendations herein contained in this report were adopted by voice vote, two-thirds being in the affirmative. A motion by Chair Derek Kilmer of Washington to report these recommendations to the House of Representatives was adopted by voice vote, two-thirds being in the affirmative.

