THE SELECT COMMITTEE ON THE MODERNIZATION OF CONGRESS

FINAL REPORT



CHAIR DEREK KILMER
VICE CHAIR TOM GRAVES

OCTOBER
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I. Introduction

Opening Letter from Chair Derek Kilmer and Vice Chair Tom Graves

Every so often, Congress establishes bipartisan select committees to look inward, reflect, and propose reforms that allow its Members and operations to work better for the American people.

At the beginning of the 116th Congress, one of the first votes Congress took was to establish the Select Committee on the Modernization of Congress. As the leaders of this truly bipartisan committee—six Republicans and six Democrats—we take this task seriously. We are committed to finding a path forward on some of the tough issues facing the legislative branch, and delivering durable solutions for the future.

The Committee was tasked with researching and offering solutions to strengthen the legislative branch. This includes a wide range of issues, from improving technology and increasing transparency, to reclaiming Congress' Article One powers, and exploring a more productive congressional calendar. The scope is massive. The mission is vital to the future of our government and our nation.

We knew that if we were going to enact real change, a new approach would be needed. We started by emphasizing bipartisanship at every level of our committee—we worked together not as Republicans or Democrats, but as colleagues. We shared our resources and staff, and continually sought out compromises that an overwhelming majority of our committee members could support. We engaged in tough discussions and didn't allow our differences to block a path forward.

The Committee was originally designed to last only a year, but with the support of our colleagues and leadership on both sides of the aisle, we received an extension through the 116th Congress to finish our work. We worked together, side by side, even amidst political divisions (including an impeachment process). Civility and bipartisanship were more important than ever, and we worked hard to chart a path forward.

A few months into 2020, as the entire world faced a once-in-a-lifetime pandemic, we knew we had to adapt. Our Members identified ways to communicate our work and deliver solutions for those we serve. And as the country grappled with a racial injustice crisis, the Committee considered how to improve diversity in Congress. We hosted virtual discussions to understand some of the challenges facing our staff and our communities and issued recommendations specific to the challenges we faced.

The result over the last 20 months was a series of reforms targeted at improving transparency in Congress, streamlining constituent engagement, cultivating staff diversity and retention, and revitalizing our Article One responsibilities bestowed in the Constitution. We also passed reforms to boost

civility and bipartisanship throughout Congress, to make the Capitol more accessible to Americans with disabilities, and to improve technology capabilities in the House. Several of these reforms have already been implemented throughout the House, making us the first select committee in recent history to see our recommendations turned into action. This report provides an overview of our proposals, as well as areas that warrant additional attention by future select committees. We also provide background on the issues we found plaguing Congress and how our recommendations ultimately address them.

Our guiding principle was to make Congress work better for the American people. Problem solving isn't partisan. Over the past two years, we worked across the aisle, with Members from all parts of the country, and with a variety of backgrounds and beliefs. At times, it felt like we were going against the grain by issuing recommendations on some tough topics. But that's why this Committee's work mattered so much—even in times of division, we were committed to finding a path forward. The result is a roadmap that current and future Congresses can use to fix both major and minor issues—hopefully with continued enthusiasm for generations to come.

Members of the Select Committee on the Modernization of Congress



REP. SUSAN BROOKS (IN-5)

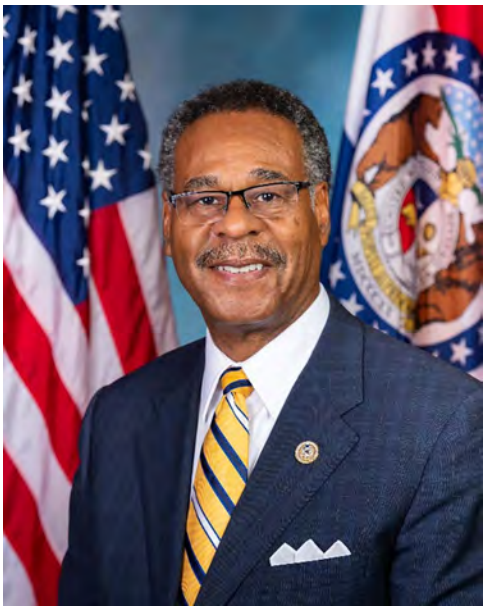
"Since I began my time in Congress in 2013, I have strived to take a leading role in efforts to promote civility and cooperation across party-lines. As a member of the Bipartisan Working Group, along with my good friend and Chairman Derek Kilmer, we prioritize working with colleagues from both sides of the aisle to produce bipartisan legislation for the American people. It is one of the many reasons I love being a part of the Energy and Commerce Committee, which is one of the most bipartisan committees in Congress. When the opportunity to join the Select Committee for the Modernization of Congress was presented to expand on the work towards a more civil and efficient Congress, I couldn't pass a chance to provide my insight and guidance. Over the many months of this committee's work, we as a committee have developed a number of strong bipartisan recommendations that I believe will strengthen the working relationships and civility within Congress.

"Due to the gridlock and deep partisan division in the country, the American people have lost confidence in Congress. Restoring this confidence is a goal I have talked about since the very first time I ran for Congress. I have always been committed to fulfilling this promise, and I couldn't think of a better way to end my career in Congress, thanks to the Select Committee."

Congresswoman Susan W. Brooks represents the 5th District of Indiana, which spans eight urban, suburban and rural counties in Central Indiana, including the north side of Indianapolis. She uses her background as a Deputy Mayor of Indianapolis, a U.S. Attorney and a community college administrator to improve education, jobs, health and homeland security. She currently serves on the House Energy and Commerce Committee and is a member of the Health, the Communications and Technology, and the Oversight and Investigations subcommittees. Through her Membership on the Energy and Commerce Committee, Congresswoman Brooks is working on mental health, substance abuse, biodefense, public safety, telecommunications issues and more. She also serves on the House Select Committee on the Modernization of Congress where she is focused on restoring confidence in Congress and making it easier for Americans to participate in the business of the People's House.

Congresswoman Brooks' strong background in both the public and private sectors includes experience as a proven difference maker in areas such as harassment and discrimination, public safety, homeland security, counter-terrorism and economic development. In the 115th Congress, Susan served as the Chairwoman of the House Committee on Ethics where she worked with her colleagues to restore confidence in Congress. She also previously served on the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi. In the 113th Congress, she was a member of the House Committee on Education and the Workforce and the House Homeland Security Committee where she served as Chairman of the Subcommittee on Emergency Preparedness, Response, and Communications.

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REP. EMANUEL CLEAVER (MO-4)

"It has been one of the great honors of my time in Congress to serve on the Select Committee on the Modernization of Congress. The work this Committee has done is crucial for our democracy because Congress cannot possibly work for the people if Congress cannot function properly. The approaches we have taken to accomplish this work also serve as an example of how Congress should function at all levels—listening, discussion, and the occasional spirited—but respectful—debate between colleagues who all desire only to find the right solution to a problem at hand. As the Chair of the Civility Caucus, I was proud of the constructive bipartisan leadership we received from Chair Kilmer and Vice Chair Graves.

"Out of all of the recommendations made by this Committee, I'm proudest of our various recommendations that would serve the American people by promoting this level of bipartisanship and civility throughout the halls of Congress. If all of Congress could operate the way that the Modernization Committee has, the nation would be in a much better place. I was also heartened that the Committee strongly supported recommendations with the goal of recruiting and retaining a diverse workforce here on Capitol Hill. For Congress to function at the highest level, civil discourse alone is not enough. It demands discourse that is informed by a wide variety of perspectives that truly reflect the diversity of the American people. It is with the combination of diverse viewpoints and backgrounds along with a system that supports constructive dialogue between those viewpoints in which we will find a system that best fights for a better future for the American people. I'm proud of the work of this Committee because I know that our recommendations will help us step much closer to that ideal."

Emanuel Cleaver, II is now serving his seventh term representing Missouri's Fifth Congressional District, the home district of President Harry Truman. He is a member of the House Committee on Financial Services; Chair of the subcommittee on National Security, International Development, and Monetary Policy; member of Subcommittee on Housing, Community Development and Insurance; member of the House Committee on Homeland Security; member of the Subcommittee on Transportation and Maritime Security; and member of the Select Committee on the Modernization of Congress.

Having served for twelve years on the city council of Missouri's largest municipality, Kansas City, Cleaver was elected as the city's first African American Mayor in 1991.

During his eight-year stint in the Office of the Mayor, Cleaver distinguished himself as an economic development activist and an unapologetic redevelopment craftsman. He and the City Council brought a number of major corporations to the city, including TransAmerica, Harley Davidson, and Citi Corp. Cleaver also led the effort, after a forty-year delay, to build the South Midtown Roadway. Upon completion of this major thoroughfare, he proposed a new name: The Bruce R. Watkins Roadway. Additionally, his municipal stewardship includes the 18th and Vine Redevelopment, a new American Royal, the establishment of a Family Division of the Municipal Court, and the reconstruction and beautification of Brush Creek.

Cleaver has received five honorary Doctoral Degrees augmented by a bachelor's degree from Prairie View A&M, and a master's from St. Paul's School of Theology of Kansas City.

In 2009, Cleaver, with a multitude of accomplishments both locally and Congressionally, introduced the most ambitious project of his political career—the creation of a Green Impact Zone. This zone, consisting of 150 blocks of declining urban core, has received approximately $125 million dollars in American Recovery and Reinvestment funds. The Green Impact Zone is aimed at making this high crime area the environmentally greenest piece of urban geography in the world. This project includes rebuilding Troost Avenue, rehabbing bridges, curbs and sidewalks, home weatherization, smart grid technology in hundreds of homes, and most importantly, hundreds of badly needed jobs for Green Zone residents.

During the 112th Congress, Cleaver was unanimously elected the 20th chair of the Congressional Black Caucus.

In 2016, as Ranking Member of the Housing and Insurance Subcommittee, Cleaver successfully co-authored the largest sweeping reform bill on housing programs in 20 years, the Housing Opportunity Through Modernization Act, a bipartisan comprehensive housing bill that passed into law with a unanimous vote.

In 2018, Congressman Cleaver received the Harry S. Truman Good Neighbor Award, the highest honor bestowed by the Harry S. Truman Good Neighbor Award Foundation. Past honorees include President Bill Clinton, the late Senator John McCain, and Justice Sandra Day O'Connor.

Cleaver, a native of Texas, is married to the former Dianne Donaldson. They have made Kansas City home for themselves and their four children, and grandchildren.



REP. RODNEY DAVIS (IL-13)

"The Select Committee on the Modernization of Congress is the first opportunity in over a decade to take a deep, internal look at how the House functions on every level and how we can make real changes to make it work better for the American people. As a former staffer and a member of the House Administration Committee, internal House operations have always interested me and the opportunity to get into the weeds to bring Congress into the 21st century has not only highlighted for me how much needs to be done, but also how dedicated my fellow Members are to make that progress.

"For me, the technological backbone of the House has always been the most vital. Unfortunately, we are often left behind technologically as an institution and seldom have the best networks or equipment available to us to serve our communities. Through my role on this Committee and working with my friend and colleague, Suzan Del Bene, we were able to craft several technology-related recommendations that were ultimately included in the first package of approved recommendations. Because of this, the operational support offices of House Innovation Resources and the Chief Administration Officer will become more service-oriented, and we have created a procurement environment that enables outside vendors with new, proven technology to engage with the House in a secure manner without jumping through unnecessary bureaucratic hoops. This means modernized tools to make Congress more efficient and save American tax dollars such as fostering in new and improved constituent management software so that Members and staff can communicate more directly with people who need help with federal agencies, receiving VA benefits, and other services.

"It has been a year of trials unlike anything our nation has experiences, and yet the productivity of this Select Committee shines as a testament to what we are capable of if we unite, across party lines, to improve our government. This Committee's bipartisan structure has led to real change getting done and it has been a pleasure working with my colleagues regardless of party affiliation. I hope that while this committee may end after 2020, the spirit of always trying to build and improve on what we have continues as a principle of the House and its Members."

Rodney Davis is currently serving his fourth term in Congress serving the 13th District of Illinois, a 14-county district covering both urban and rural areas of Central and Southwestern Illinois.

For the 116th Congress, Rodney serves on the House Transportation and Infrastructure Committee and is Ranking Member of the Subcommittee on Highways and Transit, which is the largest subcommittee in Congress and will be a key player in any infrastructure bill Congress passes. Additionally, he is the Ranking Member of the Committee on House Administration—a committee responsible for overseeing the day-to-day operations of the House and federal elections. Rodney is also serving his fourth term on the Committee on Agriculture where he continues to focus on issues important to Illinois farmers and helping people get out of poverty and into a good-paying job.

Serving on both the Transportation and Infrastructure Committee and the Committee on Agriculture since coming to Congress has allowed Rodney to be a leader on issues essential to commerce in Illinois. He has played an integral role in long-term reauthorizations to upgrade our waterway, highway, railway, and aviation systems. Additionally, his leadership on two Farm Bill Conference Committees has helped produce farm bills that provide certainty to our farmers, protect crop insurance, strengthen agricultural research, and improve protections for organic products.

During his time in Congress, Rodney has established himself as an effective lawmaker who is able to work with his colleagues on both sides of the aisle to pass legislation. He has fought to ensure priorities of the 13th District are represented in Washington.

In 2018, Rodney successfully passed legislation reforming the Federal Emergency Management Agency's (FEMA) disaster declaration process to help level the playing field for rural communities in Illinois. His legislation, which was signed into law in October 2018, requires FEMA to place greater consideration on the localized impact of a natural disaster. This is a major issue for smaller communities throughout the 13th District.

Rodney has demonstrated his ability to lead even in a divided government. The Hire More Heroes Act, his bill to help small businesses hire more of our nation's veterans by changing Obamacare, overwhelmingly passed the House with more than 400 supporting votes and was signed into law in July 2015. This is one of the only legislative changes to Obamacare to be signed into law.

On June 14, 2017, Rodney was one of several Republicans who were attacked by a gunman while practicing for the Congressional Baseball Game at a baseball field in Alexandria, Virginia. Congressman Steve Scalise and several other teammates were injured, but due to the heroic actions of Capitol Police Officers David Bailey and Crystal Griner and the Alexandria Police Department, there were no fatalities. Following the shooting, Rodney has

made it his mission to promote more civility in politics. He's an active member of the bipartisan Civility Caucus and the Congressional Study Group on American Democracy and Civics which focuses on promoting civility in politics to young voters.

Prior to being elected, Rodney served as Projects Director for Congressman John Shimkus (IL-15) for 16 years helping Illinois citizens and communities cut through government red tape and secure federal funding. Rodney resides in Taylorville with his wife, Shannon, and their three children, Toryn, Clark, and Griffin.



REP. SUZAN DELBENE (WA-1)

“Before coming to Congress, my background was in technology. So, it was a bit of culture shock coming to Congress which has not kept up with new devices and tools. One of my priorities in Congress and on the Select Committee for the Modernization of Congress has been incorporating 21st century technologies so we can be more efficient in our work and better able to communicate with our constituents. These issues are even more relevant during the COVID-19 pandemic for Congress to continue to carry out its work.

"On the Select Committee, I have successfully advanced recommendations relating to the use of electronic signatures, conducting virtual hearings and more. These efforts will ensure we can continue to move legislation, conduct critical oversight of federal programs, and make sure lawmakers and staff have the tools they need to work remotely during this time.”

Congresswoman Suzan DelBene represents Washington’s First Congressional District, which spans from northeast King County to the Canadian border, and includes parts of King, Snohomish, Skagit and Whatcom counties.

First sworn into the House of Representatives on Nov. 13, 2012, Suzan brings a unique voice to the nation’s capital, with more than two decades of experience as a successful technology entrepreneur and business leader.

Suzan takes on a wide range of challenges both in Congress and in the First District and is a leader on issues of technology, health and agriculture.

Suzan currently serves on the House Ways and Means Committee, which is at the forefront of debate on taxes, healthcare and retirement security. There, Suzan is working to ensure all Americans have meaningful access to affordable, quality healthcare. She serves on the Select Revenue Measures, Trade, and Oversight Subcommittees.

In the 116th Congress, Rep. DelBene was appointed to the Select Committee on the Modernization of Congress. The committee was created to find ways to improve and modernize the way Congress operates.

Suzan also serves as Vice Chair of the New Democrat Coalition, and co-chair of the Women's High Tech Caucus, Internet of Things Caucus, Dairy Caucus and Aluminum Caucus.

Suzan spent part of her early childhood in Newport Hills and Mercer Island before her father, an airline pilot, lost his job. After fourth grade, her family moved all over the country in search of work. With hard work and financial aid, such as student loans and work-study programs, she earned a bachelor's degree in biology from Reed College.

Following Reed, Suzan worked in the biotechnology industry before earning an MBA from the University of Washington and embarking on a successful career as a technology leader and innovator. In more than two decades as an executive and entrepreneur, she helped to start drugstore.com as its vice president of marketing and store development, and served as CEO and president of Nimble Technology, a business software company based on technology developed at the University of Washington. Suzan also spent 12 years at Microsoft, most recently as corporate vice president of the company's mobile communications business.

Before being elected to Congress, Suzan served as Director of the Washington State Department of Revenue. During her tenure, Suzan proposed reforms to cut red tape for small businesses. She also enacted an innovative tax amnesty program that generated $345 million to help close the state's budget gap, while easing the burden on small businesses.

Suzan's mix of real world experience in the private and public sector gives her a deep understanding of how to build successful businesses, create jobs, implement real fiscal accountability and adopt policies that provide individuals with access to opportunity.



VICE CHAIR TOM GRAVES (GA-14)

“I grew up in White, Georgia, in a single-wide trailer on a tar and gravel road. I’m a dad to Josephine, John and Janey, and husband to Julie. I’ve been a small business owner, a real estate investor, and a Georgia State Representative. I was first elected to public office in 2002, after winning a seat in the Georgia House of Representatives. After serving in the General Assembly for more than seven years, I was sworn into Congress in June 2010, after winning a special election.

"After serving in Congress for a decade, I’ve learned the importance of relationship building and creative solutions in order to address some of the biggest challenges facing our country. That’s why I was excited by the opportunity of leading this committee alongside Chair Derek Kilmer. This committee was committed to disrupting the status quo to get Congress working better for the American people.

"Throughout the 116th Congress, this committee has served as a bright spot and refuge. One of the things I value most about this committee is how different our backgrounds are, but that as Members we’ve united with a common goal to improve the way your legislative branch works. Committee Members hail from opposite sides of the country, with different professional backgrounds and life experiences. We’ve identified opportunities for bipartisan learning, found ways to better connect with our constituents, encouraged bipartisan Member retreats, and showed the American people that regardless of our political differences, a commitment to those we serve should come first.

"In Georgia, we are constitutionally required to pass a balanced budget. In Congress, we haven’t followed the regular budget process in almost three decades. Fixing the way we spend and guard taxpayer dollars has been a priority for me in Congress and on this committee.

"My last year in Congress has been spent working alongside Chair Kilmer and our 10 committee Members, identifying ways to truly make The People's House more efficient, effective and transparent for the people we serve. I can think of no better way to end my career in Congress. I urge future leaders in Congress to use these recommendations as a tool kit to build a better Congress for all Americans."

Tom Graves grew up in White, Georgia, in a single-wide trailer on a tar and gravel road. Seeking to turn those humble roots into his own American Dream, Tom took to heart some advice from his father: Dream Big, Work Hard, Achieve Much.

That slogan fueled Tom from a young age as he immersed himself in studies and sports. He had the rare distinction of being both a star athlete and a mathlete. In high school, Tom was known to love football, algebra and his mohawk haircut.

Tom entered the work force at an early age, flipping burgers and delivering pizza to start. At age 17, Tom started his first business, Tough Turf Land Sculpting, and he hired his first employee. He continued to work and pay his way through college, graduating from the University of Georgia with a degree in finance.

After college, Tom worked as an asset recovery specialist for a department store chain, but his entrepreneurial spirit remained. He saved enough to buy a landscaping business and eventually became a real estate investor.

In his spare time, Tom was seen riding around on his motorcycle with future wife Julie on board. It was on that motorcycle that they left their wedding ceremony and, some days later, saw a "for sale" sign by a winding dirt road in Gordon County. They ventured down the road and, after some rewiring and plumbing, they called that small farmhouse in Ranger their home.

It wasn't until his thirties that Tom thought about running for public office. News came that an abortion clinic was planning to open nearby. Tom supported Julie as she became the founder and president of a peaceful, pro-life organization that opposed the plans. The community spoke and the clinic never opened. Inspired by their success, Tom discovered the power to do good through public action and ran for the Georgia General Assembly. He served for more than seven years.

In the state legislature, Tom used his work experience to craft legislation, such as the Georgia Jobs Act, that would grow the economy and create new job opportunities. He understood the simple fact that when a business pays less in taxes it has more money to hire people. Tom also gained a reputation for taking on excessive government after working on a zero-based budgeting bill that made state agencies justify every taxpayer dollar they wanted to spend, every year.

In 2010, the congressional seat for Georgia's 9th district opened. Still dreaming big, Tom decided to run as a "pro-life, pro-gun, tax-cutting constitutional conservative." He had to win four elections in 91 days and was sworn in that summer as a U.S. congressman from Georgia. As a result of redistricting, Tom was reelected in 2012 to represent the new 14th Congressional District. In Congress, Tom serves on the House Appropriations Committee, which determines how the United States Government spends taxpayer dollars. On this committee, Tom serves as Republican Leader of the Financial Services Subcommittee, which oversees the annual bill funding our nation's financial infrastructure, such as the Treasury Department and Small Business Administration. He also serves on the Labor, Health and Human Services, and Education Subcommittee, and the Commerce, Justice and Science Subcommittee.

These assignments put Tom on the front lines of the battle to solve America's debt crisis, reduce regulatory burdens and increase opportunities for Georgians to thrive. He works to balance the budget, cut government waste and reform Congress to focus on saving—not spending—taxpayer dollars. He's also championed legislation to keep American businesses and consumers safe from cyber criminals and hackers. Tom has built a bipartisan consensus committed to leveling the lopsided cyber battlefield to keep organizations and companies safe online.

Tom also serves as Vice Chair of the new Select Committee on the Modernization of Congress ("Select Committee"), tasked with studying, investigating and offering reforms to make The People's House even more effective and responsive to the American people. The Select Committee is one of only two Committees in the House that are truly bipartisan, with an equal number of Republican and Democrat committee Members. Tom also serves on the powerful House Republican Steering Committee, which is responsible for committee assignments for all Republican Members of the House as well as selecting committee chairmen.

Tom lives in Gordon County with his wife Julie and their youngest daughter Janey. Their eldest daughter Josephine and son John attend Georgia Tech.

Back home he's one of the neighbors attending gun shows and cattle auctions. In the early mornings, Tom can be found running mountain trails or riding his bike through the hills of Georgia in preparation for the next triathlon.

Tom is still dreaming big, working hard and seeking to achieve much for those he represents in the 14th Congressional District.

The Graves family attends church in Gordon County.



CHAIR DEREK KILMER (WA-6)

“I was born and raised on the Olympic Peninsula and saw firsthand how the region's economy struggled, and the impact that had on families and communities. I came to Congress with two goals in mind. First, I want the economy to work better for the folks in my neck of the woods. And second, I want government to work better for them too.

"I was excited to serve as Chair of the Select Committee on the Modernization of Congress because I think it can make a real difference in making Congress work better for the American people.

"Having come from a (mostly) functional state legislature and having worked in private industry, it was clear right away that Congress is a fixer-upper. It’s strange being a part of an organization that, according to recent polling, is less popular than head lice, colonoscopies, and the band Nickelback. From the beginning, it’s been clear there’s no silver bullet to fixing that, but I’ve been pleased to engage with the committee Members on some bipartisan reforms to improve the budget and appropriations process, to ensure Congress can recruit and retain a talented and diverse staff, and to promote civility.

"As Chair of the Select Committee, I’m grateful for the bipartisan engagement of the committee Members and have valued the partnership of Vice Chair Graves and all of our committee Members. This past year helped me get plenty of mileage out of my copy of the book Getting to Yes (and my Nickelback jokes).”

Derek Kilmer serves as the United States Representative of Washington’s 6th Congressional District.

With over a decade of experience working in economic development in the Puget Sound region, Derek Kilmer is focused on getting our economy and our Congress back to work. Derek has a strong record as a problem solver for Washington families and he's been recognized by veterans organizations for his support of our troops, their families, and those who have served. As the dad of two little girls, he is working to make sure all our children receive a quality education. He is committed to honoring our promises to seniors by protecting Social Security and Medicare. Derek grew up on the Olympic Peninsula and has worked to promote local economic development and to be responsible stewards of our natural resources.

Born and raised in Port Angeles, Derek saw firsthand how the region's economy has struggled, and the impact that has had on families and communities. The son of two schoolteachers, Derek was taught to appreciate the value of education. Derek wanted to make a difference in his community, so he chose to study public policy, looking for ways to help economically struggling communities. He received a BA from Princeton University's School of Public and International Affairs and earned a doctorate from the University of Oxford in England.

Derek put his education into practice right here in Washington, first as a business consultant for McKinsey & Company, where he helped businesses, non-profits, and government agencies run more efficiently. He moved closer to the community he was raised in so he could put his experience in economic development to use helping to retain jobs and attract new employers during the decade he worked for the Economic Development Board for Tacoma-Pierce County.

After seeing how the decisions that government made affected employers in our region, Derek decided to put his experience to work in Olympia. He served in the Washington state House from 2005 to 2007 and the state Senate from 2007 until he was elected to the U.S. House in 2012. While in Olympia, Derek was the principal writer of the state's capital budget, and helped author a bipartisan infrastructure package that has been credited with creating 18,000 jobs. He also led a successful bipartisan effort in the Washington state Senate to balance the budget and reduce state debt.

Derek was reelected to a fourth term in the U.S. House of Representatives in 2018 and chosen by his Democratic colleagues to serve on the House Appropriations Committee, one of only four 'exclusive' committees in the House. Derek serves on the Interior and Environment Subcommittee, Defense Subcommittee, and Energy and Water Development Subcommittee.

Derek is a strong supporter of Naval Base Kitsap and Joint Base Lewis-McChord and has secured key investments to ensure that these installations will continue to play an essential role in our national defense and our local economy. He also believes we must provide servicemembers and their families, veterans, military retirees, and the civilian workforce with the support they deserve.

Along with fighting for the region's military community Derek has championed bipartisan efforts to better leverage federal research dollars to spur private sector innovation and job growth and bolster a 21st century workforce. As a native of the Olympic Peninsula, Derek knows the important role that natural resources play in our region, and is committed to protecting our waters and improving the health of our forests. It's also why he helped found the Puget Sound Recovery Caucus to bring increased focus and attention to the cleanup work that needs to be done to restore our region's waters.

Derek has learned that addressing the challenges facing our nation will require an end to political brinkmanship and a focus on finding common sense, practical solutions. He's a member of organizations like the Bipartisan Working Group which works to bring Democrats and Republicans together to forge greater consensus on a wide variety of issues.

In his time in Congress, Derek has been recognized by a wide variety of groups for his effectiveness and advocacy. He's been awarded the U.S. Navy's Distinguished Public Service Award, the highest honor a civilian not employed by the Navy can receive from the Secretary of the Navy. Derek has also received a Silver Helmet award from AMVETS and a Friend of the National Parks award from the National Parks Conservation Association, been named a Hero of Main Street by the National Retail Federation, an Outstanding New Member by the Voices for National Service, and a Humane Champion by the Humane Society.

Derek and his wife Jennifer live in Gig Harbor with their daughters Sophie and Tess and their Australian Shepherd Truman.



REP. MARY GAY SCANLON (PA-5)

"As a freshman designee to the Select Committee on the Modernization of Congress, part of my mandate was to bring to our work the perspective of the 2018 congressional class, historic in both its size and diversity. I pushed for improvements to new member onboarding and development, including revamping freshman orientation, optimizing member schedules to better accommodate member obligations to family and public service, and streamlining new office set up. I also sought to increase staff diversity and retention across Congress, in order to increase institutional knowledge and create a staff that better reflects America. I was proud to work on and pass recommendations to advocate for adoption of best practices in diversity and inclusion from the private and nonprofit sectors, and to create a centralized HR hub focused on retaining and recruiting staff with a special focus on increasing staff diversity.

"I give much of the credit for the success of our committee to our bipartisan co-chairs, Reps. Derek Kilmer and Tom Graves. I am grateful for their collaborative leadership, which serves as a testament to the merits and possibility of cooperative bipartisan work."

Congresswoman Mary Gay Scanlon, an education and human rights advocate, currently represents Pennsylvania's 5th Congressional District. She was first sworn into U.S. House of Representatives on November 13, 2018.

Congresswoman Scanlon previously served as national pro bono counsel at a major U.S. law firm, where she directed and supervised over 600 lawyers in 15 offices in providing more than 50,000 hours of pro bono legal services annually to low-income clients and non-profit organizations. Under her leadership, the pro bono program worked on critical issues, including voting rights, child advocacy, immigration, housing, public benefits, criminal justice reform, free press, and other constitutional rights. The program earned the 2018 American Bar Association's annual pro bono award.

Congresswoman Scanlon also served as an attorney at the Education Law Center, as President of her local school board, and as co-chair of the Voting Rights Task Force of the Association of Pro Bono Counsel.

Congresswoman Scanlon's priorities in Congress include voting rights, education, common sense gun safety legislation, and protecting the rights of children, families, veterans and our seniors. She currently serves as Vice Chair of the House Judiciary Committee, the House Rules Committee, and the House Select Committee on the Modernization of Congress.

Mary Gay is a graduate of Colgate University and University of Pennsylvania Law School. She and her husband Mark have three children: Casey, Daniel, and Matthew. Mary Gay and Mark reside in Swarthmore with their two rescue dogs, Abby and Emma, a cockatiel named TJ, and several chickens.



REP. ZOE LOFGREN (CA-19)

"Congress should continually change in order to better serve the American people. I knew that back in the 1970s when I first worked for this esteemed institution, and I know it still rings true today. From 1970–1978, I served as a staff member for my predecessor, Representative Don Edwards, in both his San Jose and Washington, D.C. offices, and I was elected to serve as a Member of Congress myself in 1994. Putting fresh eyes on the institution I have committed most of my public service career to is an honor, a challenge, and an important mission for a body devoted to serving 'we the people.' As a legislator born and bred in Silicon Valley, I am particularly invested in finding new technological ways for Congress to legislate and connect with constituents. Plus, as a former staff member, I am proud of our recommendations to encourage service, recruit a diverse workforce, and improve staff retention in the House of Representatives.

"I always welcome interparty collaboration, and the Select Committee on the Modernization of Congress has operated in a bipartisan, open fashion. We need more of that in Congress, and I am heartened by the substantive conversations that took place throughout the past two years. We have come together to suggest giving Congress judicial standing to expedite conflicts between the branches of government. That recommendation on its own has the potential to greatly improve the efficacy of our democracy."

"As Chair of the Committee on House Administration, I look forward to continuing this transformative work as we turn the Select Committee's recommendations into real, tangible reforms."

Zoe Lofgren has been a Democratic member of the United States House of Representatives since 1995. She represents the 19th District of California, based in the "Capital of Silicon Valley," San Jose, and the Santa Clara Valley.

A lifelong Bay Area resident and the daughter of a truck driver and a cafeteria cook, Zoe attended public schools and attended Stanford University on a California State Scholarship, graduating with a bachelor's degree in political science in 1970. Prior to attending Stanford, Lofgren worked the night shift at the Eastman Kodak plant in Palo Alto to save money for non-tuition college expenses not covered by her scholarship. After graduating from Stanford, she attended, with the help of a scholarship, Santa Clara University School of Law, graduating cum laude in 1975. She served as a member of

Congressman Don Edwards' staff for eight years in both his San Jose and Washington DC offices. While practicing and teaching immigration law, she was first elected to the San Jose Evergreen Community College Board in 1979. In 1980, she was elected to the Santa Clara County Board of Supervisors where she served for 14 years. Following Congressman Don Edwards' retirement in 1994 after 32 years in Congress, Zoe was elected to the House of Representatives. She currently serves on the House Judiciary Committee, the House Science, Space and Technology Committee, and the Committee on House Administration.

As the Chair of the Subcommittee on Immigration and Citizenship, and a former immigration attorney and immigration law professor, Zoe is recognized as an established champion of top-to-bottom immigration reform and a national leader in immigration policy. During the 113th Congress she played a key role in negotiating a comprehensive reform bill in the House Representatives as part of an eight-person bipartisan working group.

In 2010, in part due to her work on the Development, Relief and Education for Alien Minors (DREAM) Act, then-Speaker Nancy Pelosi presented Zoe with the gavel used to preside over the passage of the bill in the House of Representatives.

Zoe is known for her work on patent reform, copyright issues, digital rights, and net neutrality. She successfully fought to initiate the "e-rate" that provides affordable internet access for schools, libraries, and rural health centers, and she is the author of legislation that would allow the unlocking of cellular phones and other digital devices to give owners more control over their devices. She led a bipartisan effort in the House to decontrol encryption technology.

A staunch advocate for digital rights, Zoe was the lead early opponent of the Stop Online Piracy Act (SOPA) and led a successful fight to stop bill in the House Judiciary Committee. Her Online Communications and Geolocation Protection Act would require law enforcement to obtain a warrant before retrieving communications and documents stored remotely or geolocation information about an individual.

In 2014, Zoe led a bipartisan effort to close backdoor loopholes on unwarranted government surveillance. The Massie-Lofgren amendment to the 2015 Department of Defense Appropriations Act to stop the NSA from searching Americans' private communications collected without a warrant, and to prohibit the NSA from weakening security protections in devices and software for unwarranted surveillance purposes, passed the House by a resoundingly bipartisan vote of 293 to 123.

In 2019, Zoe was appointed Chairperson of the Committee on House Administration by Speaker Nancy Pelosi and confirmed unanimously by the House Democratic Caucus. The Committee on House Administration (CHA) was established in 1947 as part of a larger effort to streamline the U.S. House

of Representatives' committee system and to modernize its internal management and operations. After more than 70 years since the committee was established, CHA's two principal functions include oversight of federal elections and day-to-day operations in the House. Historically, the committee has had a hand in shaping legislation that touches on any and all aspects of federal elections. Issues concerning corrupt practices, contested congressional elections, campaign finance disclosures, and credentials and qualifications of House Members also fall under its purview. Additionally, she is a member of the Select Committee on the Modernization of Congress, formed to make Congress more transparent, unifying and responsive to the needs and aspirations of the American people.

Zoe is also the Chair of the California Democratic Congressional Delegation. It is the most diverse delegation in the House and outnumbers all other state House delegations.

Zoe is married to John Marshall Collins and is the mother of two.

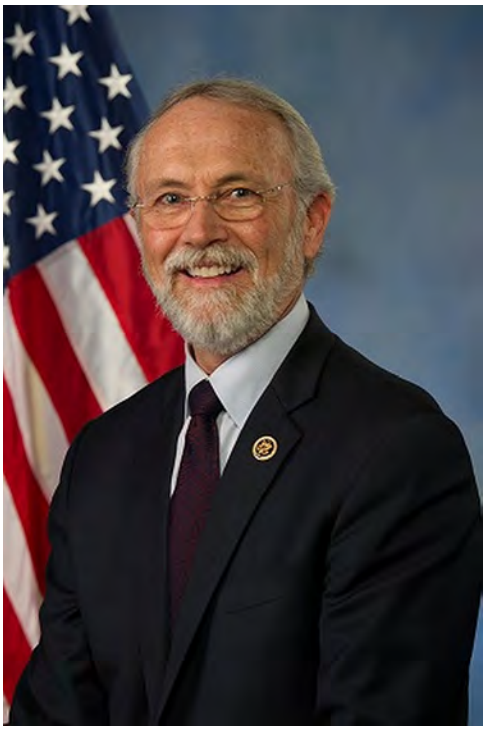


REP. MARK POCAN (WI-2)

"As a Co-Chair of the Congressional Progressive Caucus, I spend the majority of my time in Congress seeking to advance policy discussions into the 21st Century. When the opportunity arose to do the same for the institution of Congress itself, I was excited by the prospect. I am proud of the Committee's recommendations pertaining to lobbyist tracking and transparency, and enjoyed working closely with Congressman Timmons on recommendations to improve the Congressional calendar and resolve committee scheduling conflicts. Such recommendations are imperative and will ensure Members have more time to deliberate together and deliver solutions the American people demand. Finally, as a fellow member of the Appropriations Committee, it was an honor to work with Chairman Kilmer and Vice Chair Graves on the development of a Community-Focused Grant Program. It is my hope that this effort will serve as the foundation for the return of robust congressionally-directed spending, consistent with the powers conferred to Congress in Article I of the U.S. Constitution."

Congressman Mark Pocan was sworn in as the U.S. Representative for Wisconsin's second congressional district in 2013 following 14 years in the Wisconsin State Assembly. A small business owner, union member, and lifelong advocate for progressive causes, Rep. Pocan is committed to using his experience from both the private and public sectors to fight for policies that promote economic and social justice and support the families of south-central Wisconsin.

In the 116th Congress, he serves on the House Appropriations Committee where he sits on the Labor, Health and Human Services, and Education Subcommittee; the Agriculture, Rural Development, and Food and Drug Administration Subcommittee; and the Energy and Water Development Subcommittee. He previously served on the Budget Committee and the Committee on Education and the Workforce. Rep. Pocan is also the Co-Chair of the Congressional Progressive Caucus (CPC), the largest values-based caucus in the Democratic Party, where he is a strong voice for progressive values in Congress.



REP. DAN NEWHOUSE (WA-4)

“I am proud to represent the rural communities of Central Washington. As a third-generation farmer, I know that many in rural America feel they do not truly have a voice in our nation’s capital. I wanted to participate in the Select Committee to ensure Congress works efficiently to represent every American.

"To do so, I believe we must increase civility and bipartisanship within the People’s House. I have a long history of working across the aisle with my colleagues—from the Washington State House to the halls of Congress.

"Unfortunately, it seems as though this legislative body has become increasingly more partisan, resulting in separation and division. I believe the Select Committee is the perfect opportunity for Members of Congress from all walks of life to come together to work toward bipartisan improvements.

"Not long ago, I had the opportunity to participate in a Civility & Respect tour with Chairman Kilmer. Both hailing from the great state of Washington, we traveled across our districts to speak with small businesses, students, and federal partners about the importance of bipartisanship in Congress. These trips served as beneficial opportunities to hear different perspectives from fellow Washingtonians located just hours away from my own congressional district.

"Members of Congress represent diverse communities across the country. They come to D.C. to advocate for their district’s priorities—priorities that other Members may struggle to understand without the opportunity to walk in others’ shoes. That said, I believe collaboration and relationship-building among Members of Congress is the best way to promote working across party lines.

"The Select Committee’s recommendations to create a bipartisan Members-only space and biennial bipartisan retreats for Members and their families will not only encourage Members to get to know one another on a personal level, but it will give us all a chance to understand why we advocate for our respective policies. At the same time, the Committee has advocated for Congress’ Article One powers, including recommending a congressional

opportunity to provide guidance to the Executive Branch on rulemaking, restoring the proportionality of funding for House Committees, and ensuring that Members are using taxpayer dollars efficiently to best represent their constituencies.

"I am also proud of our recommendations to improve accessibility to our nation's capital for individuals with disabilities and increasing our ability to reach our rural constituencies through increased online access and removing the arbitrary employee caps on member offices. We call Congress "the People's House" for a reason—and the people should have equitable access to both their Representative and the U.S. Capitol Complex.

"As the Select Committee releases their final report, I am hopeful my priorities of promoting civility, respect, and bipartisanship within the People's House are reflected as we work to better represent the American people and those in rural communities across our country."

Representative Dan Newhouse is a lifelong resident of Central Washington and is honored to represent the 4th District in Congress. A third-generation Yakima Valley farmer, Dan brings real-world experience to Congress as a businessman and former state legislator ready to work hard in support of conservative solutions that encourage job creation and economic opportunity in Central Washington. Dan understands that looking out for taxpayers means that Congress must stay on budget and make the government work efficiently to fulfill its responsibilities.

Dan serves on the Appropriations Committees, which exercises jurisdiction on critical legislative issues for the 4th District.

Dan served four terms as a legislator in the Washington State House of Representatives, representing the 15th Legislative District from 2003 to 2009. In the Legislature, Dan earned a reputation as a principled conservative willing to work with colleagues to support policies that foster economic growth.

From 2009 to 2013, Dan served as Director of Washington State's Department of Agriculture, where he listened to the concerns of Washington farmers and promoted the state's agricultural resources.

Dan attended Washington State University, where he earned a Bachelor of Science degree in Agricultural Economics. Dan is also a graduate of the Washington Agriculture and Forestry Leadership Program.

Dan lives in Sunnyside with his wife, Joan. He has two adult children: Jensena, Devon and his wife Halley. The Newhouse family continues to operate an 850-acre farm where they grow hops, tree fruit and grapes.



REP. WILLIAM TIMMONS (SC-4)

"Under House Rules, the Select Committee was mandated to have two freshman—one Republican and one Democrat. I was the Republican freshman selected for the Committee. I was able to bring a new perspective to the Committee—a younger, fresher outlook on challenges that we face in Congress. As a small business owner, I am constantly looking for new ways and ideas that will make my business run more efficiently and effectively, and I was able to bring that viewpoint to this Committee.

"My priorities were making Congress more efficient, effective, and transparent. The top issues that were of most concern to me, regarding those areas, were the budget process, technology (I was given a pager his first day on the job…), new member orientation, and the House calendar and schedule. Under the current schedule, Members spend more time flying in and out of DC than they do legislating. Naturally, this struck me as counterproductive, and I sought to make recommendations that would have Members spending more time legislating and doing their jobs than traveling.

"When I first got to DC for new member training, the freshmen were promptly separated into Republicans and Democrats. It almost seemed that working together was being discouraged from the start. In the second package of recommendations passed by the Committee, there were recommendations included that overhauling the onboarding process of new Members by providing new member training in a nonpartisan way, making training more comprehensive, and promoting civility during new member training. These recommendations were also included in the legislation that passed the House in March of this year. These changes will have significant impact when onboarding new Members by promoting a bipartisan and collaborative environment. We shouldn't see those on the other side of the aisle as enemies; we should look for ways to work together and find common ground to move forward.

"I was incredibly impressed with the true bipartisan nature and collaboration of the Committee. Because of the nature of the committee, Members were able to have in depth and thoughtful discussions and come to meaningful agreements and recommendations. More Committees should be run like this Committee—Members weren't participating for a soundbite or to make

national news. They participated because they were here to make a difference, make significant recommendations, and because of this, ended up enacting real change. This was the first Select Committee in several years to propose and adopt recommendations on a rolling basis, and also the first Select Committee in recent history to introduce recommendations as legislation to ensure their implementation, which passed the House in March of this year. I appreciated the leadership of both Chair Kilmer and Vice Chair Graves and their encouragement of true bipartisanship and the collaborative approach."

William Timmons entered Congress in 2019 with a commitment to bring real reform to Washington. His experience as a former prosecutor and small business owner inspired him to run for public office. As a state senator, he fought for accountability and transparency in Columbia. In Congress, William is a voice for his constituents and South Carolina's business community as a member of the Financial Services Committee. He was elected by his freshman colleagues to represent them on the Republican Steering Committee and was chosen by the Republican leader to serve on the Select Committee on the Modernization of Congress. William is a lifelong member of Christ Church in Greenville and also serves as a JAG Officer and First Lieutenant in the South Carolina Air National Guard. He and his wife, Sarah, live in Greenville.



REP. ROB WOODALL (GA-7)

"When I learned of Representative Derek Kilmer's (D-WA) success in including a provision in the House Rules package to establish a select committee to modernize Congress, I was hopeful to be chosen as one of the Members of that committee. After decades serving on Capitol Hill as both a staffer and a member, I thought that I could provide a valuable perspective. And having worked last Congress with Mr. Kilmer and his great team on the Joint Select Committee on Budget and Appropriations Process Reform, I knew this committee would be a workhorse rather than show horse effort. The choice of a serious legislator like Representative Tom Graves from my home state to be the Republican head of the committee removed any remaining doubts about the seriousness of this reform effort.

"I have pride in this committee for a number of reasons, one of which is the collegial reprieve it offered during this Congress. As Members castigated each other in committee rooms and on the House floor, the Modernization Committee offered a space where Members of both parties were focused on working collaboratively to make the institution work better for our constituents, our staffs, and our colleagues. I was also proud to have offered my perspective and ideas regarding Congressional staff recruitment and retention, recognizing their vial role in the functioning of the Legislative Branch. Most significantly, I was proud to incorporate the findings Mr. Kilmer and I worked so hard on in the Joint Select Committee on Budget and Appropriations Process Reform as part of the Modernization Committee's recommendations for improving Congressional functions.

"I couldn't have chosen a better place to invest part of my final term in Congress. These last two years working with such fine colleagues to reform and improve an institution that I love has been a privilege and an honor. Several recommendations put forward by the Modernization Committee have already been implemented by the House, and more are on the way. But there is still more work left to do to bring this 18th Century institution closer to the 21st Century. I hope that whomever leads the House as Speaker in 2021

continues this partnership committee, allows it to continue its works, and tasks it with even thornier challenges to solve. This committee, its model, its staff, and its Members give me real hope for the future of People's House and the nation it serves."

Rob Woodall serves the 7th district of GA in the U.S. House of Representatives and serves on the House Committee on Rules, the House Budget Committee, and the House Transportation and Infrastructure Committee.

Rob was born and raised in Georgia, graduated from Marist School in 1988, attended Furman University for his undergraduate degree and received his law degree from the University of Georgia.

Rob has served in a variety of leadership roles during his short time in Congress ranging from Chairman of the Budget and Spending Task Force, where he authored the most conservative budget to come before Congress in the last 5 years, to Chairman of the Republican Study Committee, the caucus comprised of the Republican conference's most conservative Members.

Rob is guided by the principles of freedom, and his proudest accomplishment is helping Seventh District families one at a time through casework and creating a Congressional office that functions for the people.

Recommendations Passed by the Select Committee on the Modernization of Congress

MAKE CONGRESS MORE EFFECTIVE, EFFICIENT AND TRANSPARENT

1. Streamline the bill-writing process to save time and reduce mistakes.
2. Finalize a new system that allows the American people to easily track how amendments change legislation and the impact of proposed legislation to current law.
3. Make it easier to know who is lobbying Congress and what they're lobbying for.
4. One-click access to a list of agencies and programs that have expired and need Congressional attention.
5. One-click access to see how Members of Congress vote in committees.
6. Publish a list of active Congressional Member Organizations annually to ensure transparency in the policy making and caucus creation process.

ENCOURAGE CIVILITY AND BIPARTISANSHIP IN CONGRESS

7. Create a bipartisan Members-only space in the Capitol to encourage more collaboration across party lines.
8. Institute biennial bipartisan retreats for Members and their families at the start of each Congress.
9. Update committee policies to increase bipartisan learning opportunities for staff.
10. Establish bipartisan committee staff briefings and agenda-setting retreats to encourage better policy making and collaboration among Members.

IMPROVE CONGRESSIONAL CAPACITY

11. Create a one-stop shop Human Resources HUB dedicated to Member, committee, and leadership (MCL) staff.
12. Make permanent the Office of Diversity and Inclusion.
13. Examine the viability of updating the staff payroll system with the goal of transitioning from monthly to semimonthly pay.
14. Raise the cap on the number of permanent staff and additional staff allowed to work in Member offices.
15. Regularly survey staff on ways to improve pay, benefits, and quality of life.
16. Offer staff certifications, in additions to trainings, through the nonpartisan Congressional Staff Academy.

17. Provide institution-wide, standard onboarding training for new employees, including required training.
18. Remove constituent communications costs from Member office budgets and create a share account for communications.
19. Reevaluate the funding formula and increase the funds allocated to each Member office.
20. Establish a nonbinding, voluntary pay band system for House staff that includes a salary floor and average salary for each position in Member offices. Regular services should be done to ensure the most up-to-date salary information.
21. Expand access to health insurance for congressional staff.
22. Provide more financial stability for congressional staff enrolled in the federal student loan program.
23. Staff pay should be delinked from Member pay and a new cap specific to staff should be established.
24. Allow Congressional Member Organizations to access benefits and hire one intern to help support their work.
25. Identify areas in the U.S. Capitol Complex that could benefit from architectural modernization.
26. Develop a practice of negotiating House district office leases to lower costs, improve consistency of rental rates and save taxpayer dollars.

OVERHAUL THE ONBOARDING PROCESS AND PROVIDE CONTINUING EDUCATION FOR MEMBERS

27. Allow newly-elected Members to hire and pay one transition staff member.
28. Offer new-Member orientation in a nonpartisan way.
29. Make new-Member orientation more comprehensive.
30. Promote civility during new-Member orientation.
31. Create a Congressional Leadership Academy to offer training for Members.
32. Make cybersecurity training mandatory for Members.

MAKE THE HOUSE ACCESSIBLE TO ALL AMERICANS

33. Improve access to congressional websites for individuals with disabilities.
34. Require all broadcasts of House proceedings to provide closed caption service.
35. Require a review of the Capitol complex to determine accessibility challenges for individuals with disabilities.

MODERNIZE AND REVITALIZE HOUSE TECHNOLOGY

36. Reestablish and restructure an improved Office of Technology Assessment.
37. Improve IT services in the House by reforming House Information Resources (HIR).
38. Require HIR to prioritize certain technological improvements.
39. Require HIR to reform the approval process for outside technology vendors.
40. Require HIR to allow Member offices to test new technology.
41. Create one point of contact for technology services for each Member office within HIR who would be responsible for all technology points of contact.
42. Create a customer satisfaction portal on HouseNet that allows Member and staff to rate and review outside vendors and HIR services.
43. The CAO should leverage the bulk purchasing power of the House and provide a standard suite of quality, up-to-date devices and software, such as desktop and laptop computers, tablets, printers, mobile phones and desk phones at no cost to the Members' Representational Allowance (MRA).
44. The Congressional Research Service (CRS) should prioritize a "rapid response" program for nonpartisan fact sheets on key issues and legislation under consideration in Congress.
45. Develop a nonpartisan constituent engagement and services best practices page on HouseNet.
46. Establish a Congressional Digital Services Task Force to examine the need for and role of a specialized group of technologists, designers, and others to support the House's internal and public facing operations.
47. Make permanent the Bulk Data Task Force and rename it the Congressional Data Task Force.

STREAMLINE PROCESSES AND SAVE TAXPAYER DOLLARS

48. Update House procedures to allow members to electronically add or remove their name as a bill cosponsor.
49. Require Members to undergo emergency preparedness training to ensure our government is fully prepared in the event of a crisis.
50. Identify ways the House and Senate can streamline purchases and save taxpayer dollars.
51. Encourage House-wide bulk purchasing of goods and services to cut back on waste and inefficiency.
52. Update travel expenditure policies to improve efficiencies, and boost accountability and transparency.

INCREASE THE QUALITY OF CONSTITUENT COMMUNICATION

53. Consolidate the regulations governing Member office communications, including digital communications, into one easy to find place.
54. Rename the House Commission on Mailing Standards, also known as the Franking Commission, the House Communications Standards Commission to reflect 21st Century communications.
55. Increase opportunities for constituents to communicate with their Representatives.
56. Increase accountability and tracking for all Member-sponsored communications mail.
57. Allow for faster correspondence between Representatives and their constituents.
58. Update House social media rules to allow for better communication online between Members of Congress and their followers.
59. Allow the public to better access and view the types of communication sent by Members of Congress to their constituents.

CONTINUITY OF OPERATIONS

60. Each office should have a continuity of operations plan, including minimum safety requirements and an emergency communications plan, that is made available to all staff so offices continue functioning for the public.
61. Ensure that staff have the most up-to-date technology and equipment to continue effectively working on behalf of constituents in the event of a disruption or emergency.
62. Establish regular maintenance plans for office technology, so the equipment and technology needed during remote operations and telework is functional.
63. Crisis communications guidelines for constituent communication, including outreach plans for extended telework periods, should be approved and shared with all Member offices.
64. To help streamline casework requests and help constituents better access federal agencies and resources, the House should implement a secure document management system, and provide digital forms and templates for public access.
65. The House should prioritize the approval of platforms that staff need for effective telework, and each individual staff member should have licensed access to the approved technology.
66. Committees should establish telework policies on a bipartisan basis.
67. The House should make permanent the option to electronically submit committee reports.

68. Expand the use of digital signatures for a majority of House business, including constituent communications.
69. Committees should develop bipartisan plans on how technology and innovative platforms can be best incorporated into daily work.
70. A bipartisan, bicameral task force should identify lessons learned during the COVID-19 pandemic and recommend continuity of Congress improvements.
71. Continuity, telework, and cybersecurity training should be given to all new Members of Congress.
72. Identify changes made to House operations due to the COVID-19 pandemic and determine what—if any—additional changes should be made.

RECLAIM CONGRESS' ARTICLE ONE RESPONSIBILITIES

73. Incentivize committees to experiment with alternative hearing formats to encourage more bipartisan participation.
74. Committees should hire bipartisan staff approved by both the Chair and Ranking Member to promote strong institutional knowledge, evidence-based policy making, and a less partisan oversight agenda.
75. Committees should hold bipartisan pre-hearing committee meetings.
76. Encourage subcommittees to pilot rules changes that could have a positive effect committee-wide.
77. Bipartisan Member retreats should encourage committee agenda-setting and civil decorum.
78. Establish committee-based domestic policy CODELs.
79. To encourage thoughtful debate and deliberation, establish a pilot for weekly Oxford-style debates on the House floor.
80. Provide Members and staff with training for debate and deliberation skills.
81. Identify how increased regulatory and legal resources could help strengthen the role of the legislative branch.
82. Facilitate a true system of checks and balances by ensuring the legislative branch is sufficiently represented in the courts.
83. Establish a district exchange program to allow Members to use the Members' Representational Allowance for traveling to other Members' districts.
84. Increase capacity for policy staff, especially for Committees, policy support organizations and a restored Office of Technology Assessment.
85. Reduce dysfunction in the annual budgeting process through the establishment of a congressionally-directed program that calls for transparency and accountability, and that supports meaningful and

transformative investments in local communities across the United States. The program will harness the authority of Congress under Article One of the Constitution to appropriate federal dollars.

REFORM THE BUDGET AND APPROPRIATIONS PROCESS

86. Require an annual Fiscal State of the Nation.
87. Require a biennial budget resolution.
88. Implement a deadline for Congress to complete action on a biennial budget.
89. Enhance the budget submission process from the executive branch.
90. Evaluate the effects of the biennial budget process to expediting congressional work.
91. Strengthen budget enforcement through the reconciliation process.
92. Allow more information to be included in the budget resolution.

IMPROVE THE CONGRESSIONAL SCHEDULE AND CALENDAR

93. Establish specific committee-only meeting times when Congress is in session.
94. Create a common committee calendar portal to help with scheduling and reduce conflicts.
95. Establish specific days—or weeks—where committee work takes priority.
96. Ensure there are more workdays spent working than traveling.
97. The congressional calendar should accommodate a bipartisan member retreat.

Committee Packages that Passed the House

Although the Modernization Committee did not have any legislative authority, per its creation in H.Res.6, Members worked with other committees to introduce and pass legislation throughout its tenure. This successful approach made the Modernization Committee the first select committee in recent history to effectively turn suggested reforms into legislative action.[1] This chapter outlines recommendations that were successfully implemented in the House during the Committee's tenure. The remaining recommendations, while passed by the Committee by a bipartisan majority, have not yet received a vote on the floor, largely due to the abbreviated schedule of the remote work period.

H.RES.756, THE "MODCOM RESOLUTION"

On March 10, 2020, the House overwhelmingly passed, with bipartisan support, H.Res.756, "Moving Our Democracy and Congressional Operations Towards Modernization Resolution" (MODCOM Resolution). This resolution included 24 of the Committee's passed recommendations. All 12 Committee Members co-sponsored this legislative text, led by Chair Derek Kilmer and Vice Chair Tom Graves. The legislation was passed under the jurisdiction of the Committee on House Administration. Administration Committee Chair Zoe Lofgren and Ranking Member Rodney Davis were also Members of the Modernization Committee—and played a pivotal role in seeing these bills pass the House.

"The tone that has been set at the Modernization Committee has been a refreshing reminder that there is still a way to work in a truly bipartisan manner... Six Members of Congress from each party came together to work towards a common goal: to make this institution better. Americans deserve an efficient and effective legislature. A modernized Congress will increase our ability to respond to the needs of communities, save taxpayer dollars, erase layers of bureaucracy, further professionalize the institution, and revitalize a transparent, understandable and efficient legislative process."

Rep. Rodney Davis, March 10, 2020

The resolution included recommendations to streamline and reorganize House Human Resources (Title I), improve orientation and education opportunities for Members (Title II), modernize House technology (Title III), improve accessibility (Title IV), and improve accessibility and transparency by making congressional documents more accessible (Title V). As Chair Derek Kilmer said on the House floor, prior to the vote:

1. For more information on past reform efforts, please see Section II.

"These recommendations are the product of bipartisan collaboration and a commitment to making Congress work better for the American people. These recommendations, though wide-ranging, share a common goal of making Congress more responsive, transparent and accessible for every American. Today marks the first time in recent history that a committee like ours has turned recommendations into legislative text, and it's thanks to the collaboration and partnership of Democratic and Republican members. I am grateful for their time and commitment to improving the People's House and I'm hopeful there will be more to come."

Chair Derek Kilmer, March 10, 2020

RECOMMENDATIONS INCLUDED IN H.RES.756

Title I of H.Res.756 included four of the Modernization Committees' five recommendations to streamline and reorganize House Human Resources and attract and retain congressional staff. Chapter 2 outlines the background and need for these reforms, as well as details of their implementation. Title I, Section 101 establishes a new, centralized human resources hub for Members and their Staff. This hub is tasked with the Committee's other recommendations to improve staff retention and resources, including collecting and distributing information on staff resources and benefits, best practices for retention, and guidance on telework policies. This new, centralized HR hub will also improve diversity and recruitment by establishing a resume portal for jobs and applicants, and proactively engaging in outreach to under-represented colleges and universities. Lastly, this center will perform biennial staff surveys to collect important information on staff pay, benefits, and diversity.

Title I, Section 102 requires the submission of diversity and inclusion reports, mandated in H.Res.6, the House resolution that also established the Modernization Committee. These reports can be found in the Appendix. Section 103 initiates a report from the Chief Administrative Officer (CAO) on the feasibility of updating the staff payroll system to bimonthly payments. Likewise, Section 104 calls on the CAO to examine the viability of adjusting the staff cap in individual Member offices. More on the need for these studies can be found in Chapter 3 of this report. Lastly, Title I initiates a new, uniform employee orientation, so that all staff in both Washington D.C. and the district will receive the same orientation information upon arrival in the House. Detailed background on the need for an improved Member and staff orientation can be found in Chapters 3 and 4 of this report.

Section II of H.Res.756 turns to improving Member orientation. Details on the background of these reforms can be found in Chapter 4. Section 201 calls on the CAO to establish a plan for Members to employ a transition staff member during the period between a new election and the start of the Congress. This transition period is an essential period in which Members are setting up their offices, hiring new staff, and learning the rules of the House—and it's important they have the support they need to start off on the right foot. Section 202 calls on the Committee on House Administration to improve the overall orientation experience for new Members by making it more accessible and improving the program material. New Member orientation provides the foundation to working in Congress, and all Members should be able to take part no matter when they were elected. Likewise, bipartisanship and decorum should be emphasized from the get-go. Section 203 and 204 develop new education opportunities for Members and staff—a Congressional Leadership Academy and updated cybersecurity training, respectively.

Title III contains nine Sections to modernize and revitalize House technology to better serve the American people and make it easier for Members to connect with their constituents. Section 301 calls for a report on how to establish and improve a new House Information Resources (HIR) that will bring technology-use by Members into the 21st Century. This Title also calls for the HIR to allow Members to beta-test new technologies (Section 304), and establish a single point of contact within HIR for individual Member offices (Section 305), which will not only make it easier for Members and staff to get the help they need, but establishes a way to provide HIR with direct, helpful feedback for improvement (Section 306). Title III also contains sections to improve constituency engagement technologies, such as video calls (Section302); streamline the approval process for outside vendors (Section 303); and enable the CAO to leverage the bulk purchasing power of the House (Section 307). Lastly, this Title initiates two reforms to assist Members with constituent communication—directing the Congressional Research Service (CRS) to provide rapid-response short fact sheets on pressing and timely topics (Section 308); and establishing a nonpartisan constituent engagement page on HouseNet so Members and staff can share best practices on vendors and constituent engagement experiences (Section 209). Chapter 6 discusses the need for these recommendations in detail. In addition to these reforms, other technology changes were implemented in response to the COVID-19 remote operating status. These are discussed below, as well as in Chapter 9 of this report.

Title IV makes much-needed improvements to House accessibility by mandating three new requirements to ensure all Americans can be involved in the legislative process. Section 401 requires the CAO to submit a report on website accessibility for all House offices and committees, and to provide recommendations on how Congress will improve any shortcomings. Section 402 requires the CAO to submit a plan to standardize closed captioning for all videos created by House offices—including committee hearings, floor

proceedings, and other events. Lastly, Section 403 establishes a comprehensive review of accessibility throughout the Capital Buildings and Grounds. More information on the details of these recommendations, and the background of Accessibility Services in the House can be found in Chapter 5 of this report.

The final Title (V) of H.Res.756 codifies a top priority of the Modernization Committee—transparency and access to congressional documents and publication. Section 501 and 502 adopts two sought after projects to standardize legislative texts and make the amendment process easier. First, 501 standardizes legislative text to be submitted in Extensible Markup Language, or XML, which allows for the legislative comparison project outlined in Section 502 to move forward. Section 503 establishes a much-needed database of information on the deadlines and expirations for program authorizations—a task which not only will aid in transparency, but congressional capacity as well. Lastly, section 504 establishes a database of votes taken in committee so the American public can know how their Representative voted at all stages of the legislative process. More information on the recommendations included in Title V can be found in Chapter 1 and 7.

Full text of H.Res.756 can be found in the Appendix.

RECOMMENDATIONS FROM THESE PACKAGES NOT INCLUDED IN H.RES.756

While a majority of the Modernization Committee recommendations in the first two packages were included in H.Res.756, three were not explicitly included after consulting the Office of Legislative Counsel and the Committee on House Administration. A recommendation modernizing the lobbying disclosure system (included in H. Rept. 116-406 "Recommendations to Improve Transparency in the U.S. House of Representatives") would have required a change to the U.S. Code, and therefore a Senate vote on legislation that included this recommendation. Since the Modernization Committee drafted legislation with the scope narrowed to mainly House matters, this recommendation was held for possible additional legislation in the future that would require a Senate vote.

Additionally, H.Res.756 did not include a recommendation rethinking and reinstating an Office of Technology Assessment (OTA) (included in H. Rept. 116-407 "Recommendations to Streamline House Human Resources, Overhaul the Onboarding Process, Improve Member Continuing Education Opportunities, Modernize House Technology, and Improve Accessibility"). The Committee recognized outside studies were underway on this subject. The Committee also recognized more work to improve House technology, and possibly the OTA, was a priority and therefore this recommendation was not included to provide space for additional, thoughtful work.

Finally, a recommendation to regularly survey staff (included in H. Rept. 116-407 "Recommendations to Streamline House Human Resources, Overhaul the Onboarding Process, Improve Member Continuing Education Opportunities, Modernize House Technology, and Improve Accessibility") was combined with other sections of H.Res.756.

LEG BRANCH APPROPRIATIONS

Before passage of H.Res.756, Chair Kilmer and Vice Chair Graves began working to secure funding to implement the Modernization Committee's recommendations. The recommendations in this section were implemented through the 2020 House Appropriations Legislative Branch bill, which provides funding for the federal legislative branch. On March 4, 2020, Chair Kilmer and Vice Chair Graves testified before the Legislative Branch Subcommittee on the importance of funding the Modernization Committee's reforms in order to make the House more effective, efficient, and transparent.[2]

"Our goal is simple, but critical: make Congress work better for the American people.... As we continue our work throughout the remainder of this year, no idea is too big or too small, and we encourage you to continue sharing your ideas for reform with us. Together we're giving the House a roadmap for a brighter future."

Vice Chair Tom Graves, March 4, 2020

"Making Congress work better for the American people is a worthwhile investment. The Select Committee sees value in modernizing this institution so that we're not relying on outdated processes and technologies to address 21st century problems."

Chair Derek Kilmer, March 4, 2020

The Legislative Branch Subcommittee bill, released on July 6, 2020 and passed by the full committee on July 10, provides funding for five recommendations made by the Modernization Committee for fiscal year 2021—the transition to bulk purchasing, transition staff members, a new HR center and document standardization program, and improved House Accessibility.[3] Appropriations Subcommittee Chair Tim Ryan (OH-13), full Committee Chair Nita Lowey (NY-17), and full Committee Ranking Member Kay Granger (TX-12) praised the Modernization Committee for these investments to modernize the House:

2. Member Witnesses FY 2021 Budget Requests, 116th Congress (2020, March 4). House Committee on Appropriations. https://appropriations.house.gov/events/hearings/member-witnesses-fy2021-budget-requests
3. H.R.7611, 116th Congress. Report No. 116-447. https://www.congress.gov/116/bills/hr7611/BILLS-116hr7611rh.pdf

"I'm proud to release this bill, which serves as a down payment on the modernization of the House of Representatives and ensures we can continue to serve our constituents efficiently and effectively."

Tim Ryan, July 6, 2020

"This bill makes key investments in the Legislative Branch—from funding for House modernization initiatives to increased resources for diversity and inclusion efforts—to better reflect and meet the needs of the diverse communities we serve."

Nita M. Lowey, July 6, 2020

"This bill recognizes the important, bipartisan work of the House Select Committee on Modernization and takes steps to make Congress more effective, efficient, and transparent on behalf of the American people."

Kay Granger, July 10, 2020

The leg branch appropriations bill establishes a $2 million fund for House modernization and contains text on the following five recommendations made by the Modernization Committee and passed by the House in H.Res.756.

1. Funding for the CAO to engage in bulk purchasing and provide baseline technology for offices.

   Committee recommendation: The CAO should leverage the bulk purchasing power of the House and provide a standard suite of quality, up-to-date devices and software, such as desktop and laptop computers, tablets, printers, mobile phones and desk phones at no cost to the Members' Representational Allowance (MRA).

   Committee recommendation: Encourage House-wide bulk purchasing of goods and services to cut back on waste and inefficiency

   Leg Branch Bill:[4] The Select Committee recommended that the CAO leverage the bulk purchasing power of the House of Representatives. The CAO should provide a standard suite of quality, up-to-date devices and software, such as desktop and laptop computers, tablets, printers, mobile phones and desk phones at no cost to the MRA. The Committee believes that fragmented and duplicative contracts cause inefficiencies and unnecessary costs for Member, Committee, and leadership offices. The

4. Legislative Branch Appropriations Bill Accompanying Report (Rpt. 116-447). 116th Congress. https://www.congress.gov/116/crpt/hrpt447/CRPT-116hrpt447.pdf

Committee recommends that the CAO negotiate House-wide contracts or purchasing services for Member, Committee, and Leadership offices with the goal of saving taxpayer dollars by purchasing centrally rather than independently.

Leg Branch Bill: The CAO is also encouraged to develop and pilot baseline tech packages for new Member offices in order to take advantage of bulk purchasing rates and streamline the process of equipping Member offices with necessary technologies. The CAO, in consultation with the Committee on House Administration, should determine what constitutes a good, baseline technology package for Member offices. The CAO may pilot a baseline tech package with freshman offices, and then expand the pilot to other offices accordingly.

2. $13 million to the CAO to allow the hiring of transition staff for new Members.

   Committee recommendation: Through the Office of the Clerk, newly elected Members should have the option to hire and pay one transition staff member for the duration of the time between when they are elected and are sworn in.

3. Support of the new, centralized HR Hub.

   Committee recommendation: Create a one-stop shop Human Resources HUB dedicated to Member, committee, and leadership (MCL) staff. Led by an HR Deputy Director and comprised of existing offices and staff of the House, the office will be responsible for assisting MCL offices to improve the recruitment and retention of a diverse workforce, develop best practices that can be utilized by offices, and provide recommendations for competitive compensation and benefits to House staff.

   Leg Branch Bill: The Committee commends the recommendations produced by the Select Committee, particularly those regarding centralized Human Resources. A centralized human resources program would provide standardized hiring, promoting, and managing guidelines and improve in the retention and recruitment of a diverse workforce. The Committee requests a report within 120 days of enactment from the CAO on the feasibility of a centralized Human Resources system.

4. Adoption of a standardized document format for all legislative texts.

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

   Leg Branch Bill: The Committee is supportive of the Select Committee's recommendations to adopt standardized formats for legislative documents and expedite the legislation comparison project.

5. Funding to begin the transition to website accessibly for all Americans.

   Committee recommendation: Scan and analyze all House websites and apps to determine the accessibility level of each congressional website, and provide resources and assistance to ensure all systems are compatible with common programs used by major disability groups.

   Leg Branch Bill: According to the Bureau of the Census, there are 40.7 million citizens who are non-institutionalized individuals with a disability, as defined by the Americans with Disabilities Act. Individuals with disabilities should have full digital access to government digital properties, especially those made available by Member offices, including websites, applications, and electronic document retrieval programs. The Select Committee has highlighted improving access to Congressional websites for individuals with disabilities as a top priority. The Committee directs the CAO to provide a report, no later than 90 days after the date of the enactment of this Act, on the current state of web accessibility of Member websites and provide a plan that defines the scope, timeline, and cost estimates for all Member of Congress websites to be accessible for the disabled. This report shall be submitted to the Committee and the Committee on House Administration.

IMPLEMENTED RECOMMENDATIONS FOR FRANKED MAIL

Modernization Committee Members and staff worked closely with the House Franking Commission and the Committee on House Administration to create seven reforms geared toward increasing the quality of constituent communication. These recommendations were passed by the Committee on December 19, 2019, implemented by the Franking Commission, and passed by the House on July 30, 2020 in H.R.7512, the "COMMS Act".[5]

These recommendations address the growing use of digital communication by the House, changing communication between constituents and the Member, and consolidates new rules and regulations for official digital communications in one, convenient place. The COMMS Act also makes some administrative changes, such as renaming the Franking Commission to the House Communications Standards Communication, and makes it easier for Members to track their sponsored mail and receive approval for official communications. The details of these recommendations and the status of their implementation are detailed in Chapter 8.

RECOMMENDATIONS IMPLEMENTED IN RESPONSE TO COVID-19

Lastly, Modernization Committee recommendations related to electronic submission were implemented out of necessity to respond to the COVID-19 pandemic and provide support for Congress' remote operating status. While some were implemented on a temporary, emergency status, the Modernization Committee passed an additional set of recommendations encouraging many

5. See the full text of the recommendations in the Appendix.

changes be made permanent. These are also detailed below, as well as Chapter 9. The Committee on House Administration, led by Modernization Committee Members Chair Zoe Lofgren and Ranking Member Rodney Davis, was instrumental in the implementation of these recommendations.

In H.Rept. 116-407 "Recommendations to Streamline House Human Resources, Overhaul the Onboarding Process, Improve Member Continuing Education Opportunities, Modernize House Technology, and Improve Accessibility", the Modernization Committee recommended updating House procedure to allow Members to electronically add or remove their name as a cosponsor. While this was originally recommended out of convenience for Members and their staff, the remote work period made this a necessity for not only cosponsors, but for official letters to administrative officials, document requests, and constituent communications.

On April 7, 2020 the House Office of the Clerk, with the Committee on House Administration and the Speaker of the House, began accepting electronic submission of committee reports and legislative documents that require a Members' signature.[6] The Modernization Committee recommended making this change permanent and expanding the types of documents and signatures permissible for electronic signature in their July 31, 2020 package of continuity recommendations. See Chapter 9 for more detail on these reforms.

6. Dear Colleague: Electronic Submission of Legislative Documents (6, April 2020). Office of the Clerk.

II. History and Background of the Select Committee on the Modernization of Congress

Congress is no stranger to reform. Each legislative session Members work to pass new laws, reform old practices, and amend existing laws. But while the world around us changes rapidly, as an institution, Congress has been slow to keep up.

"Every few decades Congress takes a look inward and decides it needs to fix itself. In most of these instances Congress forms a select committee and charges them with figuring out what the problems are and recommending solutions. The Select Committee on the Modernization of Congress is the latest incarnation of that. The last one was in 1992.

"I have been incredibly impressed and encouraged by the collaboration of the Members of the Select Committee, and I believe that we are proving that it is possible for Members on both sides of the aisle to sit down together, engage in tough discussions, and ultimately find bipartisan solutions to the challenges that we face."

Derek Kilmer, November 21, 2019 before the Committee on House Administration[7]

The 116th Congress is not the first to initiate a select committee tasked with improving legislative branch operations and identifying opportunities for reform. Unlike the 20 permanent, standing committees of Congress, temporary select committees are established with a specific investigative task. Select committees can include Members from both the House and Senate, making them a "joint" select committee. While some select committees, like the House Select Committee on Intelligence or the Select Committee on the Climate Crisis, are tasked with external investigations, some committees, like the 116th Select Committee on the Modernization of Congress ("Modernization Committee"), are asked to look internally, research the areas of Congress that are ripe for reform, and propose ways to improve the institution.

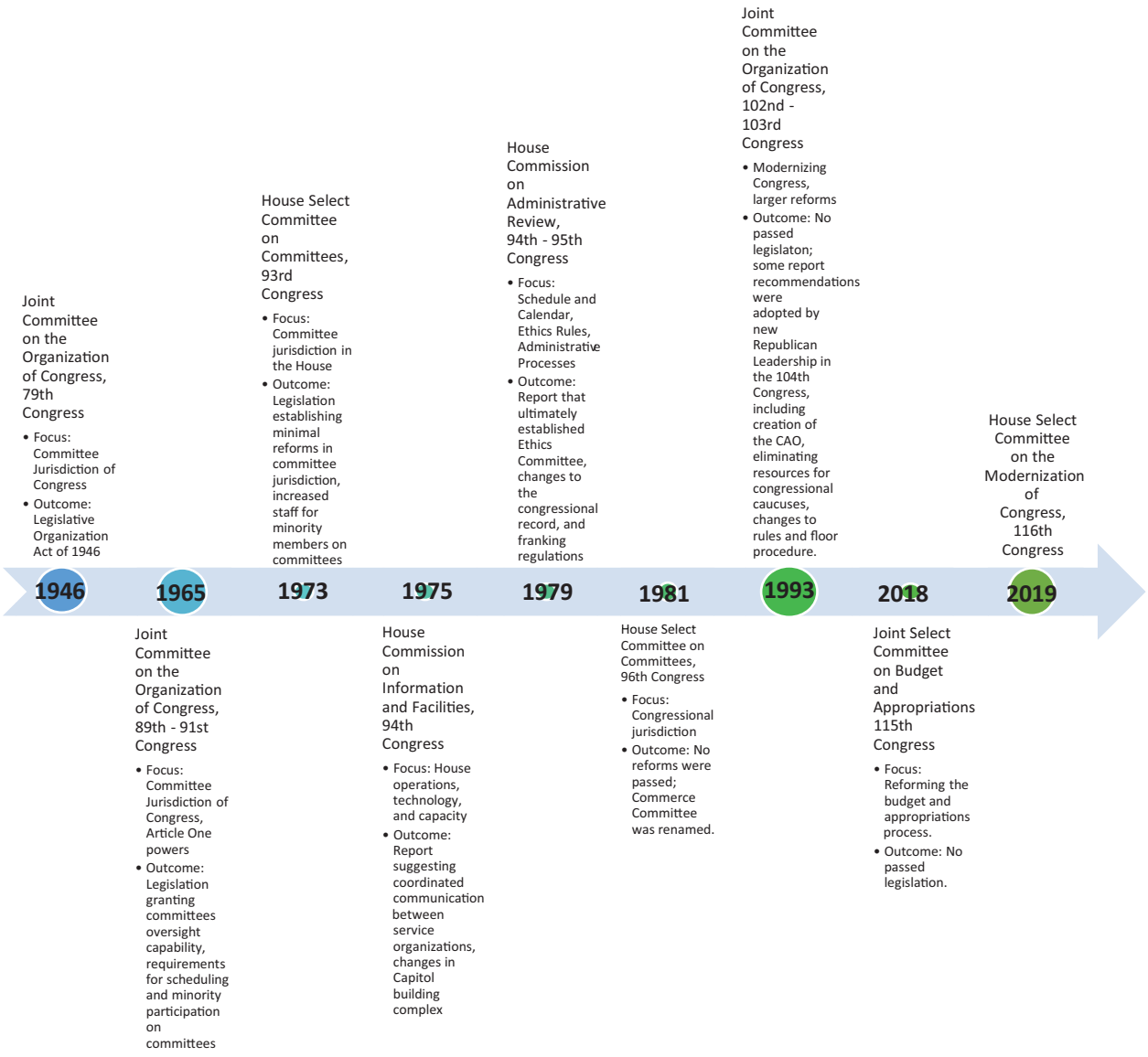
Over the past century, there have been three joint select committees, four House select committees (including the Modernization Committee), and two commissions focused on reforming Congress. This section will review past congressional reform efforts by these committees, beginning with the 1946 Joint Committee on the Organization of Congress, and concluding with the Modernization Committee established in January 2019. After providing a brief overview of past efforts, this section will then detail the processes of the Committee including its formation, jurisdiction, and legislative output.

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7. *Member Day—The Committee on House Administration*, 116th Congress (2019, November 21).

Past Congressional Reform Efforts

Figure A: Timeline of congressional reform select committees of congress. Larger circles indicate the committees' jurisdiction was congress-wide reforms, versus a sector of congressional activity.



JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS, 79TH CONGRESS

As Congress evolved, its legislative activity mirrored the expansion of the country. By 1913, there were 61 standing committees in the House, including 11 centered solely on federal expenditures. Internal and external criticisms about the inefficiencies of committee jurisdiction eventually led House and Senate leadership to establish the Joint Committee on the Organization of Congress.[8]

8. Schneider, J., Davis, C.; Palmer, B. (2003). Reorganization of the House of Representatives: Modern Reform Efforts. https://archives-democrats-rules.house.gov/archives/RL31835.pdf

This Committee was comprised of 12 Members, six from each chamber, divided equally by party, and was tasked to "make a full and complete study of the organization and operation of Congress," and to propose recommendations to strengthen and simplify Congress. The Committee was authorized for the two years of the 79th Congress (1945–1946). Over these two years, the Committee held 39 hearings, received testimony from 102 witnesses, and drafted a final report on March 4, 1946 with 37 recommendations.[9]

The House and Senate committee structure was the focus of the Joint Committee's report. The Committee proposed reducing the number of standing committees to 18, and the majority of the standing committee jurisdictions proposed in the 1946 legislation are still intact today. The report also recommended that every standing committee have its own oversight authority to investigate the executive branch departments that fall under its jurisdiction, another practice still in place today.

The Joint Committee successfully passed into law the Legislative Reorganization Act of 1946, which in addition to committee reforms, included proposals to raise member pay and regulate lobbyists. It was signed into law by President Truman on August 2, 1946.[10] Other recommendations regarding congressional staff, such as hiring non-partisan professional staff for each committee, and granting administrative assistants to each individual member for constituent services, were not passed. However, while these staffing proposals were not ultimately passed into law, they were later adopted and passed by future select committees.

JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS, 89TH–91ST CONGRESS

The next substantial reforms targeting Congress passed in the 91st Congress and were the byproduct of five years of work spread over three Congresses. The second Joint Committee on the Organization of Congress was made up of six Senators and six Representatives, equally divided by party, and met from March 1965 through September 1965. Like the joint committee before it, the focus was the organization of Congress and its committees. In addition, as the original proposals weaved their way through the legislative hurdles of Congress, tensions between the executive branch and the legislative branch increased. Thus, the final reforms also included proposals intended to move Congress to reclaim its Article One powers, particularly its power of the purse.

The 1965 Select Committee proposed around 120 changes to congressional operations in a July 1966 report. Legislation was introduced alongside the report but saw no action until the Senate reintroduced the

9. Ibid.
10. Office of the Historian. The Legislative Reorganization Act of 1946. https://history.house.gov/Historical-Highlights/1901-1950/The-Legislative-Reorganization-Act-of-1946/.

Committee's legislation in 1967. Although the proposals were overwhelmingly supported in the Senate, they gained no traction in the House until the House Rules Committee's Special Subcommittee on Legislative Reorganization drafted a bill based on the Joint Committee's proposals. This legislation ultimately passed the House and Senate and was signed into law by President Nixon in 1970.

The approved proposals of the 1965 committee largely focused on congressional committees, in an attempt to temper the power of committee chairs and give the minority party more involvement in committee activity. Specifically, it was recommended that each committee adopt written rules, establish consistent meeting days, publish committee hearing dates in advance, allow the minority to bring forward their own witnesses, and allow Members to call a hearing without the approval of the committee chair. Again, many of these reforms are still in place today—public and televised hearings, recorded votes in committee markup, and minority inclusion in committee activity—and can all be traced back to the 1965 reforms.

Like the 1946 Joint Committee, the 1966 report also included staffing suggestions, such as establishing bipartisan committee clerks, granting the minority a committee staff, and providing funding for administrative assistants. To address increased executive power, the Committee recommended increased oversight of the executive branch via the appropriations process. The Committee also recommended increasing the capacity of nonpartisan research organizations, most notably the Congressional Research Service.

HOUSE SELECT COMMITTEE ON COMMITTEES, 93RD CONGRESS

Committee structure and jurisdiction were again the focus of the 1973 House Select Committee on Committees (commonly referred to as the Bolling Committee, named for then-Rep. Richard Bolling, D-MO, who introduced the committee's final legislation). The Committee makeup was bipartisan, with five Republican and five Democratic Members. Their hearings, from May through October 1973, relied solely on committee staff and congressional leadership as witnesses.

Committee jurisdiction was the focus of the House Select Committee on Committees, but the Committee also recommended that "major" committees develop oversight subcommittees, improve the communication between committees and related executive branch agencies, and eliminate proxy voting. But when the select committee released its initial draft in December 1973, its work was met with extensive criticism. The report suggested abolishing several committees and reducing the scope of jurisdiction of others. Members, territorial of their committees and their jurisdiction, were opposed to the initial suggestions.

Ultimately, after four days of contentious House Rules Committee hearings, six days of House floor debate, and numerous proposed amendments, the House adopted a package as amended by Rep. Julia Butler

Hansen, D-WA, (also referred to as the "Hansen Alternative"). The report appeased critics by keeping all committees intact and suggesting only minor changes to committee jurisdiction. In addition, the approved legislation maintained proxy voting and increased committee staff for the minority party, specifically for purposes of executive oversight. These reforms also established the requirement that any committee-issued subpoenas be authorized by the majority of committee Members.

HOUSE COMMISSION ON INFORMATION AND FACILITIES, 94TH CONGRESS

The next congressional session created a House Commission on Information and Facilities (commonly referred to as the "Brooks Commission", named after chair Rep. Jack Brooks, D-TX), and was tasked with practical matters of House operations—technology, constituency communications, and the physical capacity of congressional buildings. As a commission, alongside the GAO, CRS, and House Information Systems, it was able to implement changes without passing legislation.

The Commission, made up of five Democratic and four Republican Members, focused its recommendations and pilot programs on ways to make the House more efficient and modern, particularly given the increasing demands of constituency size and technological developments in communication. Throughout the Commission's tenure (1975–1976), it produced six "information inventories, conducted a comprehensive study of congressional support agencies, and undertook numerous pilot projects."[11] Using this research, the Commission's final report, released in January 1977, identified two main areas for reform: information and facilities.

First, in the information sector, the Commission recommended increased coordination among information agencies like GAO, CRS, and CBO. It also encouraged Members to use these legislative services more frequently, even installing a shared computer center for Members and committees to increase access to these information services. Second, as for facilities, the Commission concluded that the House lacked adequate space for its growing needs. Its suggestions were specific: The Document Room was moved from Capitol to the Longworth Building, the Ford Building was adapted as a House Office Building, and bulky furniture was removed. The report also called for a comprehensive study of member meeting rooms and the usage of the Cannon and Longworth courtyard space.

11. Schneider, J., Davis, C.; Palmer, B. (2003). Reorganization of the House of Representatives: Modern Reform Efforts. https://archives-democrats-rules.house.gov/archives/RL31835.pdf, p. 38

HOUSE COMMISSION ON ADMINISTRATIVE REVIEW, 94TH–95TH CONGRESS

Continuing the period of reform, the next congressional session established the Commission on Administrative Review (often referred to as "the Obey Commission," named after Chairman Rep. David Obey, D-WI). Unlike other committees, this Commission also included private citizens—all of whom were presidents or former presidents of large organizations or interest groups.

The Commission began by gathering a vast amount of data on the administrative practices of the House, including House-wide surveys of Members and their staff. It ultimately focused its work on three areas: the schedule and calendar of the House, ethics rules governing Members, and the administrative processes of the House. It introduced reforms with a rolling approach, passing each set of recommendations as individual packages.

To address the "chaotic and frequently ad hoc" scheduling practices of the House, the Commission recommended that congressional leadership develop a "firm schedule," so that Members knew when they needed to be in Washington, D.C., for official business. The Commission also suggested changes to House floor procedure that could make scheduling easier, including cutting back time of general debate, reducing the number of roll call votes, and allowing standing committees to meet when the House debated measures under the five-minute rule.

The Joint Commission addressed ethics reforms against a salient backdrop of ethical misconduct. Many of these reforms are still in place today, including financial disclosure statements, a limit on outside earned income, and the use of public funds for personal use. Franking privilege were also limited to congressional districts, 60-days prior to any election. The Commission proposed a Select Committee on Ethics to implement these reforms—now a standing committee in Congress.

Lastly, the Commission recommended several administrative changes for House operations, including a new House Administration Officer, and the inclusion of information beyond floor speeches in the Congressional Record. This Commission also echoed an earlier suggestion from the 1970 Select Committee that called for a central office to help recruit staff, handle staff grievances, and create congressional maternity and disability policies.

HOUSE SELECT COMMITTEE ON COMMITTEES, 96TH CONGRESS

A continued realization of the inefficiencies of the committee structure—this time a proliferation of subcommittees—led to the creation of the House Select Committee on Committees in the 96th Congress. Charged with studying committee structure, jurisdiction, staffing, rules and procedures, facilities, and media coverage, the Committee ultimately made five recommendations, with only one ultimately being considered for passage on the House floor. This suggestion was to create a new Energy Committee,

outside of the current jurisdiction of the House Commerce Committee, but this was ultimately rejected. The House instead opted to simply change the name of the committee to the House Energy and Commerce Committee.

JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS, 102ND–103RD CONGRESS

The motivation behind the bipartisan and bicameral Joint Committee on the Organization of Congress (JCOC) in the 102nd and 103rd Congress closely mirrored the purpose of the very first Joint Committee of 1946: Congress was not keeping up with increasing demands and technological changes. The increasingly negative public perception of Congress motivated Members to seek reforms that would make them more responsive to their constituents.

From January through July 1993, the committee held 36 hearings, receiving testimony from 243 witnesses, several of them current and former Members of Congress. The result was the *Legislative Reorganization Act of 1994*, introduced in both the House and Senate chambers. Ultimately, attempts to pass this legislation failed. However, some of the recommendations outlined in the legislation were eventually adopted by party leaders and through party caucus rules.

After Republicans gained the majority in the 104th Congress—ending a long-lasting Democratic majority in the House—new congressional leadership adopted the JCOC's proposal to abolish some committees, including the District of Columbia Committee and Post Office Committee, placing them under the jurisdiction of the Government Reform and Oversight Committee. Other committee changes were also made, including new term limits for committee and subcommittee chairs, the end of proxy voting, a limit on the number of committee assignments for rank and file Members, and a vast reduction of committee staff.

Beyond committee reforms, the new Republican majority also made administrative changes, including creating a Chief Administrative Officer (CAO), consolidating several security positions into the Sergeant at Arms, and limiting resources for Legislative Study Organizations (caucuses). Changes were also made to the rules and procedures of the House, including a retooled use of the Motion to Recommit, limiting earmarks on appropriations bills, and publicizing signatures on discharge petitions. These reforms are largely credited with strengthening party leadership and centralizing party leaders' control over legislative activity.

JOINT SELECT COMMITTEE ON BUDGET AND APPROPRIATIONS PROCESS REFORM, 115TH CONGRESS

Prior to the Modernization Committee, the most recent select committee was established in the 115th Congress with the specific purpose to "significantly reform the budget and appropriations process."[12] This bipartisan and bicameral committee was made up of 16 Members from the House and Senate divided evenly by party. From February to November 2018 the Committee held five hearings, hearing from 12 outside witnesses and 27 Members.

The Committee's primary recommendation was for a budget resolution to be adopted for a two-year cycle. Ultimately, the draft legislation was not agreed to by the Committee, and the final vote to report the bill as amended fell along party lines, with seven Democratic Members voting for it, and seven Republican Members voting against it. Chapter 11 details this Committee's recommendations.

THE HOUSE SELECT COMMITTEE ON THE MODERNIZATION OF CONGRESS, 116TH CONGRESS

The reforms put in place by these historical committees have had lasting effects on how Congress functions—from lofty guidance on rules and procedures, to specific changes in how Members communicate and legislate for the American people. The Modernization Committee was developed with these precedents and previous reforms in mind. Like select committees before it, the Modernization Committee was established with the intention of reform: "to investigate, study, make findings, hold public hearings, and develop recommendations on modernizing Congress."[13]

And like the select committees that came before it, the Modernization Committee was established at a pivotal point in the U.S. Congress. The goal of reform in the 116th Congress was motivated by what Members on both sides of the aisle viewed as unprecedented levels of partisanship, decreasing claim to constitutional powers vested in Article One, the inability to pass essential legislation, and unrelenting disapproval from constituents.

These challenges were visible for all to see. The Modernization Committee's initial hearings were delayed by the longest government shutdown in U.S. history.[14] In the fall and winter of 2019, the impeachment and Senate trial of President Donald Trump dominated the news and congressional

12. Lynch, M. S. (n.d.). The Joint Select Committee on Budget and Appropriations Process Reform. https://fas.org/sgp/crs/misc/R45111.pdf
13. Adopting the Rules for the 116th Congress, H.Res.6, 116th Cong. (2018). https://docs.house.gov/billsthisweek/20181231/116-HRes6-SxS.pdf
14. Restuccia, Andrew, Burgess Everett, Heather Caygle (2019, January 25). "Longest shutdown in history ends after Trump relents on wall" *POLITICO*. https://www.politico.com/story/2019/01/25/trump-shutdown-announcement-1125529

attention.[15] In the Spring of 2020, Congress was thrown into extraordinary uncertainty as the novel Coronavirus spread globally and hit the United States, forcing the U.S. Congress to move to a nearly remote format.[16] Throughout the Spring and Summer of 2020, protests throughout the country highlighted longstanding racial inequalities, mirrored in the lack of diversity in Congress. All the while, Congress remained extremely unpopular with voters—hovering around a 20 percent job approval rating.[17]

However, amidst this tumultuous background, the Modernization Committee stayed focused on what we chartered as our end goal and mission: making Congress work better for the American people. Not only was our mission pertinent, but our innovative and modern approach facilitated productive legislating. For one, the Committee was truly bipartisan, with Members from all areas of the country, motivated to improve Congress on behalf of the American people, and aware of the success—and failures—of the reform committees before us.

Unlike the majority of the previous select committees, the Modernization Committee introduced and passed recommendations on a rolling basis in a series of packages, rather than in one concluding report. As legislative text was successfully introduced in committees of jurisdiction, Members served as bipartisan co-sponsors. Throughout the process the Committee practiced our own recommendations: bipartisan meetings without the glare of camera lights, round table discussions with reform experts, and one shared bipartisan committee staff.

The remainder of this chapter will further detail the creation and membership, jurisdiction, and subsequent hearings and successful legislative output of the Modernization Committee in the 116th Congress.

CREATION AND MEMBERSHIP

CREATION AND EXTENSION

Title II of H.Res.6, the Rules Package passed at the start of the 116th Congress, established the Modernization Committee. As established by Title II of H.Res.6, topics for investigation included: (1) rules to promote a more modern and efficient Congress; (2) procedures including the schedule and calendar; (3) policies to develop the next generation of leaders; (4) staff recruitment, diversity, retention, and compensation and benefits; (5) administrative efficiencies; (6) technology and innovation; and (7) the Franking Commission.

15. Shear, Michael D., Peter Baker (2019, December 31). "Key Moments: The Day the House Impeached Trump". *New York Times.* https://www.nytimes.com/2019/12/18/us/politics/impeachment-vote.html.
16. Taylor, Derrick B. (2020, August 6). "A Timeline of the Coronavirus Pandemic". *New York Times.* https://www.nytimes.com/article/coronavirus-timeline.html
17. Gallup Poll, "Congressional Job Approval" (2020) Congress and the Public. https://news.gallup.com/poll/1600/congress-public.aspx

Title II of H.Res.6 required the Modernization Committee "to provide interim status reports to the Committee on House Administration and the Committee on Rules. It authorized the Select Committee to report the results of investigations and studies to the House on a rolling basis, along with detailed findings and policy recommendations, and required a final such report at the end of the first session of the 116th Congress."[18]

In February 2019, the House voted to extend the Modernization Committee's work to the end of the 116th Congress.[19] This extension was supported by a broad coalition of House Members and reform-oriented organizations, many of whom submitted letters of support to Speaker Pelosi.[20]

The House Rules Committee first approved H.R. 4863, which included language to extend the Modernization Committee, after which the full chamber voted on November 14, 2019 to make the extension official.[21] H.Res.6 was thus amended to make the final report due on October 30, 2020, with a new expiration date of January 3, 2021.

MEMBERSHIP

Title II of H.Res.6 directed the Speaker to appoint 12 Members, Delegates, or the Resident Commissioner to serve on the Select Committee, including two Members serving in their first term, two Members of the Committee on Rules, and two Members from the Committee on House Administration. Six of the 12 Members were required to be appointed on the recommendation of the Minority Leader, including one Member from each of the three described categories. The Speaker was directed to designate a Chair, and, on the recommendation of the Minority Leader, a Vice Chair. Full bios of the Members can be found in Section I, Chapter 2.

The following Members were named to the Modernization Committee:

Chair, Derek Kilmer (WA-6)
Emanuel Cleaver (MO-5)
Suzan DelBene (WA-1)
Zoe Lofgren (CA-19)
Mark Pocan (WI-2)
Mary Gay Scanlon (PA-5)

Vice Chair, Tom Graves (GA-14)
Susan Brooks (IN-5)
Rodney Davis (IL-13)
Dan Newhouse (WA-4)
William Timmons (SC-4)
Rob Woodall (GA-7)

HEARINGS AND RECOMMENDATIONS

In total, the Modernization Committee held 16 hearings between March 19, 2019 and February 5, 2020. The Committee also held six business meetings to pass the recommendations outlined in this report. Following the transition

18. Adopting the Rules for the 116th Congress, H.Res.6, 116th Cong. (2018). https://docs.house.gov/billsthisweek/20181231/116-HRes6-SxS.pdf
19. See the Appendix.
20. Ackley, K. (2019, November 14). *House leaders give modernization panel more time*. https://www.rollcall.com/2019/11/14/house-leaders-give-modernization-panel-more-time/
21. United States Export Finance Agency Act of 2019, H.Res.4863, 116th Cong. (2019) https://rules.house.gov/bill/116/hr-4863#rule-information

to remote work in the wake of the Coronavirus Pandemic in March 2020, the Committee held an additional six virtual meetings. In these hearings and meetings, Committee Members heard from dozens of witnesses that spanned from current and former members, academic experts, advocacy organizations, and state and local policymakers. A full list of the hearings, Members present, and witnesses can be found in the Appendix.[22] In addition to congressional hearings, Members participated in round-table discussions and member-only meetings to discuss potential reforms.

At the direction of Select Committee Chair Derek Kilmer and Vice Chair Tom Graves, the committee operated on a fully bipartisan basis. Bipartisan practices included: 1) scattered seating rather than partisan seating at committee hearings; 2) regular bipartisan Member meetings and issue briefings; 3) bipartisan staff operations, including all staff briefings and meetings; 4) regular bipartisan "listening sessions" at the Member and staff levels; and 5) regular joint media appearances and interviews by the Chair and Vice Chair. Chair Kilmer and Vice Chair Graves met regularly with bipartisan groups of colleagues to hear their suggestions for modernizing Congress, and the Committee's staff director and deputy staff director regularly met with bipartisan groups of congressional staff to hear their suggestions for modernizing Congress.

On **March 19, 2019, the Select Committee held a Member Day Hearing, as required by Title II of H.Res.6.** Thirty-two House Members testified before the Committee and a total of 35 House Members submitted written testimony. Member testimony covered a wide range of reform topics, including but not limited to: increasing pay for congressional staff and interns; updating House technologies; increasing legislative branch capacity; improving the House schedule and calendar; and, improving civility and bipartisan collaboration in Congress.

The Select Committee held a hearing entitled "**Congressional Reforms of the Past and Their Effect on Today's Congress" on March 27, 2019.** This hearing explored the work and recommendations of previous select committees. The hearing also considered how the Committee jurisdiction intersects with previous efforts and how the current political and institutional environments will impact the Committee's agenda and work.

The Select Committee held a hearing entitled **"Former Members Hearing: Speaking from Experience" on May 1, 2019.** This hearing featured a bipartisan panel of six former Members of Congress who shared their experiences while serving in Congress and highlighted a number of possible areas for reform. The witnesses focused on a broad range of issues including staff recruitment, transparency, technology, building civility and trust, and improving the quality of life for those working in the legislative branch.

22. See Appendix.

The Select Committee held a hearing titled **"Opening up the Process: Recommendations for Making Legislative Information More Transparent" on May 10, 2019.** This hearing explored the benefits of making more legislative information available online, the challenges of making information available at scale, and the unintended consequences of too much transparency in the legislative process. The hearing also considered recommendations for making the legislative process more transparent.

The Select Committee held a hearing entitled **"Improving Constituent Engagement" on June 5th, 2019.** This hearing focused on the current state of constituent communications, new technologies for improving deliberative dialogue between Member offices and constituents, the future of constituent engagement, and recommendations for improving the way Members and staff interact with constituents.

The Select Committee held a hearing titled **"Cultivating Diversity and Improving Retention Among Congressional Staff" on June 20, 2019.** This hearing focused on fostering diversity in the staff recruitment process, as well as how an inclusive work environment improves staff retention. The hearing also considered benefits available to staff, as well as current trends in public and private employee benefits.

The Select Committee held a hearing titled **"Fostering the Next Generation of Leaders: Setting Members up for Success" on July 11, 2019.** This hearing focused on the transition to serving in Congress, current resources available for incoming Members, what Congress can do to improve the onboarding experience for new Members, and how Congress can help new Members succeed. The hearing also focused on leadership training best practices at the state level. The hearing was chaired by the Freshmen Members of the Committee—Reps. Mary Gay Scanlon and William Timmons.

The Select Committee held a hearing titled **"Modernizing Legislative Information Technologies: Lessons from the States" on July 24, 2019.** This hearing focused on innovative uses of legislative information technologies in the states. The Committee heard from top technology officers from the legislatures of Washington, California, and Virginia about how they are using new technologies to improve Member and staff access to legislative information, constituent engagement, and legislative processes. The hearing was designed to stimulate discussion about legislative information technology and constituent engagement innovations that might be relevant to Congress.

The Select Committee held a hearing titled **"Recommendations for Improving the Budget and Appropriations Process: A Look at the Work of the Joint Select Committee" on September 19, 2019.** This hearing focused on the work of the Joint Select Committee on Budget and Appropriations Process Reform (JSC), with emphasis on recommendations made by the JSC that attracted broad bipartisan and bicameral support. The Select Committee

focused on perceived problems with the budget and appropriations process and explored recommendations for improving the process in ways that ultimately help Congress better serve the American people.

The Select Committee held a hearing titled **"Promoting Civility and Building a More Collaborative Congress" on September 26, 2019.** This hearing explored recommendations for promoting civility and encouraging more collaboration across the aisle. The goal of this hearing was to generate a set of realistic, institutional-based recommendations for promoting civility and collaboration.

The Select Committee held a hearing titled **"The House Calendar and Schedule: Evaluating Practices and Challenges" on October 16, 2019.** This hearing explored the challenges of establishing and managing a House calendar and schedule, including historical and contextual information about prior attempts by Congress to address the calendar and schedule, what happened with prior attempts, and the challenges of imposing one calendar on Members who have multiple, competing demands and different ideas about what the calendar should look like. The hearing also included a look at how Virginia manages its legislative calendar and schedule, including efficiencies undertaken to help members better manage time. The goal of this hearing was to generate a discussion about how the House calendar and schedule might be improved and what measures might be taken to make Member schedules more predictable and efficient.

The Select Committee held a hearing titled **"Congress and the Frank: Bringing Congressional Mailing Standards into the 21st Century" on October 31, 2019.** The purpose of this hearing was to understand the history of the frank, how it's been regulated and reformed over the past few decades, and current trends in Member use of the frank. The hearing also considered the rise of social media as a means for constituent and political outreach, trends in how Member offices use social media, and whether Member digital outreach should be regulated in any way. Outside vendor experience in dealing with the frank, along with recommendations for streamlining the way Members communicate with constituents was also discussed.

The Select Committee held a hearing titled **"Administrative Efficiencies: Exploring Options to Streamline Operations in the U.S. House of Representatives" on November 15, 2019.** This hearing considered a range of options for encouraging administrative efficiencies in Member offices and more generally in the House. Witnesses provided perspective on the House's historic preference for autonomy in administrative related decision-making, administrative centralization efforts in the Senate (including, for example, IT services, printing, subscriptions, and district leases), and federal agency best practices.

The Select Committee held a hearing titled **"Rules and Procedures in the U.S. House of Representatives: A Look at Reform Efforts and State Best Practices" on December 5, 2019.** The hearing considered the recent history of

proposed changes to House rules and procedures, including efforts to update the rules governing the House floor and committee operations. Witnesses addressed how and why rules reform efforts evolved in the past, whether those reforms were successful, and why changing the House's rules and procedures often presents challenges. The hearing also considered innovative rules and procedures that state legislatures have implemented, particularly those that promote bipartisan collaboration.

The Select Committee held a hearing titled **"Article One: Restoring Capacity and Equipping Congress to Better Serve the American People" on January 14, 2020.** This hearing explored Congress' diminished capacity to function as a co-equal branch of government. The goal of this hearing was to understand why the executive branch has expanded while the legislative branch has not, and to consider recommendations for building capacity and ensuring that Congress can perform its Article One obligations.

The Select Committee held a hearing titled **"Article One: Fostering a More Deliberative Process in Congress" on February 5, 2020.** This hearing explored the impact of increased political polarization and partisanship on Congress' ability to execute the Article One principle of debate and deliberation. Witnesses addressed recent historical changes in the procedures and politics of the House that have contributed to this trend and suggested recommendations for fostering a more deliberative process on the House floor and in committee.

The Select Committee held a virtual discussion titled **"Continuity of Committee Work Virtual Discussion" on May 7, 2020.** The meeting explored how to continue working effectively on behalf of the American people during the ongoing global pandemic. The Select Committee met virtually with Marci Harris, CEO of PopVox, and Beth Simone Noveck, Director of The Governance Lab and Chief Innovation Officer for the State of New Jersey. The Members and guests discussed best practices for remote committee and Member operations, and ways other legislatures around the world are handling business.

The Select Committee held a virtual discussion titled, **"Congress' Tech Capacity" on May 15, 2020.** The goal of the meeting was to evaluate current technical needs for Congress, given the abrupt transition to remote work. Members heard from Travis Moore, Founder and Director of Tech Congress, and Lorelei Kelly Leader of the Resilient Democracy Coalition & based at the Beeck Center for Social Impact and innovation Georgetown University.

The Select Committee held a virtual discussion titled, **"Conversation on Remote Work and Best Practices from Federal Agencies" on May 20, 2020.** The two guests discussed best practices and identified the challenges facing district staff while working remotely, and the steps federal agencies put in place to protect employees once they return to work in an office environment. Peter M. Weichlein, Chief Executive Officer of the U.S. Association of Former

Members of Congress (FMC), and Kristine Simmons, Vice President for Government Affairs at the Partnership for Public Service, joined the Select Committee virtually to share their expertise.

The Select Committee held a virtual discussion titled, **"Conversations on Congressional Staffing" on June 4, 2020.** Casey Burgat, director of the Legislative Affairs program at the Graduate School of Political Management at George Washington University, and Kathryn Pearson, Associate Professor at the University of Minnesota, joined the Members to share their expertise and research surrounding congressional staff and staffing trends on Capitol Hill.

The Select Committee held a virtual discussion with **the American Political Science Association task force on June 18, 2020.** The Members and guests discussed ongoing recommendations for congressional reform, with a specific focus on congressional capacity, the need for a diverse congressional staff, and the congressional schedule and calendar. The witnesses reflected on the 2019 APSA Task Force on Congressional Reform, comprised of more than 30 congressional experts from the academic, think tank and advocacy community that examined the same set of issues given to the Select Committee, and produced a report on their findings along with own recommendations for reform in the House.

The Select Committee held a virtual discussion on **boosting internal expertise in Congress on June 25, 2020.** The meeting examined the importance of congressional staff expertise, and the role that Congressional Member Organizations (CMOs) play in providing Members with additional information and resources to assist them in their policy making and representational roles. The Select Committee was joined by Lee Drutman, senior fellow in the Political Reform program at New America Foundation; Paul Brathwaite, former executive director of the Congressional Black Caucus (CBC) under three CBC chairs, and; Maria Meier, former senior leadership staffer and director of the Congressional Hispanic Caucus and the Senate Democratic Diversity Initiative.

LEGISLATIVE OUTPUT

On December 10, 2019, Select Committee Chair Derek Kilmer introduced H.Res.756, the "Moving Our Democracy and Congressional Operations Towards Modernization Resolution." The "MODCOM" resolution implemented the first 29 recommendations adopted by the Committee and was co-sponsored by the other 11 Committee Members. Upon introduction, H.Res.756 was referred to the Committee on House Administration, and was passed by the House of Representatives on March 10, 2019, in an overwhelmingly bipartisan vote.

H.Res.756 included recommendations to streamline and reorganize human resources, improve orientation and continued learning opportunities for Members-elect, modernizing and revitalizing technology in the House, improving accessibility both on the Capitol Grounds and online, and improving

public access to documents and publications. Full text of the legislation and recommendation can be found in the Appendix, and Section I, Chapter 4 details these, and other, recommendations implemented by the full House.

In addition, the Committee passed two additional packages of recommendations in 2020. While these recommendations did not receive a vote on the floor, largely due the limited congressional schedule during the remote work period, they successfully passed the Committee in a unanimous, bipartisan vote. Full text of these recommendations is provided in the Appendix, and will be detailed throughout this report.

III. Recommendations of the Select Committee on the Modernization of Congress

CHAPTER 1 —

Make Congress More Effective, Efficient, and Transparent

RECOMMENDATIONS

1. Streamline the bill-writing process to save time and reduce mistakes.
2. Finalize a new system that allows the American people to easily track how amendments change legislation and the impact of proposed legislation to current law.
3. Make it easier to know who is lobbying Congress and what they're lobbying for.
4. One-click access to a list of agencies and programs that have expired and need Congressional attention.
5. One-click access to see how Members of Congress vote in committees.
6. Transparency of active Eligible Congressional Member Organizations (ECMOs) should be improved, and a list of approved ECMOs should be published and updated accordingly each Congress.

INTRODUCTION

There is a reason that Congress is often referred to as "The People's Branch."[23] Compared to the Executive and Judiciary, the Legislative is the most representative branch in the U. S. Government—and the U. S. House is considered the "closest" to the American people.[24] Members of the House, elected by Americans in each congressional district across the nation, represent the needs of their communities in Washington. The close connection between constituents and their Representative in Congress requires accessibility, communication, and transparency.

Over the past several decades, Congress has periodically implemented new practices to encourage transparency both within and outside the chamber. The House of Representatives allowed C-SPAN cameras to film floor proceedings beginning in the 1970s, lobbying is subjected to more intensive regulations, floor votes are now recorded electronically, and social media has made it easier for constituents to directly connect with their Representative. However, many of the tools used to monitor the development and passage of legislation remain unnecessarily cumbersome and outdated. For constituents and Members of Congress alike, it is still difficult to track legislative changes, monitor lobbyist involvement in the legislative process, and see how Members vote in committee.

In order to truly work on behalf of the American people, Congress must be accessible and transparent. When the Select Committee on the Modernization of Congress (henceforth referred to as "the Committee") began crafting their first package of recommendations, improving transparency throughout the House was a top priority.[25] Chair Derek Kilmer said in a May 10, 2019 hearing dedicated to transparency reforms:

23. Fisher, L. (2009). *On appreciating Congress: the people's branch*. Paradigm Pub., Chafetz, J. (2017). *Congress' Constitution: Legislative Authority and the Separation of Powers*. Yale University Press.
24. Oleszek, Walter J. (2011). *Congressional Lawmaking: A Perspective on Secrecy and Transparency* (CRS R42108).
25. Opening up the Process: Recommendations for Making Legislative Information More Transparent. 116th Cong., 2nd Sess. (2010). The first set of Committee Reforms were passed on May 23, 2019. *Opening up the Process: Recommendations for Making Legislative Information More Transparent*. 116th Cong., 2nd Sess. (2010). The first set of Committee Reforms were passed on May 23, 2019.

"Providing public access to legislative data is a good idea. Ultimately, it is the people who pay for the data Congress collects, so they should be able to access basic information about what happens here, whether it is following a bill through the process or seeing how we vote in committee and on the floor or tracking what bills we sponsor and cosponsor. Transparency actually promotes accountability to our constituents, and that is a good thing."

Chair Derek Kilmer, May 10, 2019

To identify the challenges around legislative transparency, the Committee turned to congressional experts, current and former lawmakers, and drew from their own experiences as Members of Congress. Ultimately, the Committee passed six recommendations to make Congress more effective, efficient, and transparent. These recommendations will not only make Members more transparent to the people they were elected to serve—but will make the legislative process within Congress more efficient and accessible for the American people.

Specifically, the Committee proposed streamlining the bill-writing process by implementing one, standardized system to draft legislation and track changes in order to save time and reduce mistakes. The Committee also recommended finalizing a new system to easily track how amendments change legislation, and the impact of proposed legislation to current law. To support committees and make it easier to follow complex reauthorizations, the Committee proposed creating a list of agencies and federal program, accessible with just the click of a mouse. The Committee also recommended new reforms to make it easier to see who is lobbying Congress and what they're lobbying for, tracking the relationship between lobbyists, Members, and legislative outcomes, the Committee recommended a centralized source for all committee and subcommittee votes to make it easier for the public to see how their representative voted in committee during bill markups and other committee activity.

The Committee held several hearings specifically dedicated to transparency and accessibility in Congress, but other hearings throughout the Committee's lifespan have also addressed the importance of these types of reforms.[26] The recommendations discussed in this chapter were passed on May 23, 2019, December 19, 2019, and September 24, 2020. After passage by

26. *Congressional Reforms of the Past and Their Effect on Today's Congress*. 116th Congress. (2019, March 27); *Opening up the Process: Recommendations for Making Legislative Information More Transparent*. 116th Congress (2020, May 10); *Improving Constituent Engagement*. 116th Congress. (2019, June 5); *Modernizing Legislative Information Technologies: Lessons from the States*. 116th Congress. (2019, July 24); *Promoting Civility and Building a More Collaborative Congress*. 116th Congress. (2019, Sept. 26); *Rules and Procedures in the U.S. House of Representatives: A Look at Reform Efforts and State Best Practices*. 116th Congress. (2019, Dec. 5).

the Committee, the first five of these recommendations were incorporated into H.Res.756, and successfully passed by the House Chamber, by a vote of 395-13, on March 10, 2020.[27] Several of these reforms are already being implemented by the Clerk of the U. S. House or the House Administration Committee.

Perhaps just as important as the formal action taken by the Committee, the Committee also led by example. Chair Kilmer and Vice Chair Graves made transparency part of the Committee's practice: hearing topics and witnesses were selected in a bipartisan manner, committee briefings and hearing preparation were done with the full committee staff, not by party line, the Committee's website was ADA-accessible, and transcripts and hearing materials were promptly shared with the public. The Chair and Vice Chair regularly met with bipartisan groups of colleagues and with reform-oriented organizations to share the Committee's progress and plans. The Committee's dedication to transparency was reflected through thoughtful, purposeful actions that could easily be adopted by other committees.

This chapter details the efforts and Committee recommendations to make the House of Representatives more transparent, efficient, and accessible. The chapter begins by describing past reform efforts—lessons that the Committee built upon. It then details the motivation, expertise, and background that led the Committee to adapt these recommendations. Finally, this chapter concludes by considering ways to combat the repercussions of past transparency reforms—namely a decline in confidential and substantial policy negotiations between Members, and an increase in congressional partisanship in public.

PAST REFORM EFFORTS

Article I, Section 5 of the U. S. Constitution explicitly states:

> *"Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such parts as may in their Judgment require Secrecy."*

Today that directive takes the form of the daily digest of the Congressional Record, which includes transcripts, votes, and legislative text. Likewise, since the start of Congress, the House visitor's gallery allows the public to observe chamber proceedings. While there have been periods of limited public accessibility, this tradition of openness remains.[28]

This foundation, as well as the very notion of democratic representation, has created a natural inclination to keep Congress open and accessible. Yet as constituencies have grown, and technology has developed, Congress has

27. Moving Our Democracy and Congressional Operations Towards Modernization Resolution, H.R. 756, 116th Cong. (2020). https://www.congress.gov/bill/116th-congress/house-resolution/756
28. E.g. during The War of 1812 there were several secret sessions. More recently, the Capitol was closed to public visitors during the COVID-19 outbreak in Spring 2020.

grappled with tensions between transparency and confidentiality.[29] While Congress is more accessible than ever before, legislating still requires opportunities to negotiate outside the glare of camera lights. National security concerns should be conveyed to the public, yet also granted private, confidential committee hearings. Lobbying, often viewed as a boogeyman, plays an essential role for the American people and organizations by representing their goals throughout the legislative process.

The Committee took this tension into consideration. Former Members and congressional experts testified on the importance of considering transparency reforms that would still grant Members of Congress necessary confidentiality for good faith negotiations. While "sunlight is the best disinfectant," it can also blind people to the realities of negotiation. On May 10, 2019, the Committee held a hearing titled, "Opening up the Process: Recommendations for Making Legislative Information More Transparent." Dr. Frances Lee reflected on some of the unintended consequences of past transparency reforms:

"As we open up committees, what that opens Congress up to is more pressure from organized interests, because they are the ones with the strongest incentives to pay attention... as we try to reach out and make the system more representative and more accountable, we wind up making it less representative and accountable to organized groups as opposed to that broad public... Congress is the people's House. But Congress needs to protect its ability to do that, do the work of the institution."

Dr. Frances Lee, May 10, 2019[30]

The Committee took these lessons into consideration. Past reforms have sought accessibility and transparency, while still making it possible to legislate effectively—and some have been more successful than others. Congressional reforms have addressed transparency largely through procedural changes, document accessibility, and lobbying regulations. In addition, external changes like television and social media have introduced new forms of congressional transparency.

PROCEDURAL REFORMS

The first of the procedural reforms in the modern congressional era were included in the 1970s Legislative Reorganization Act (LRA)—arguably the largest legislative transparency reform effort in the history of Congress.[31] At

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29. Oleszek, Walter J. (2011). *Congressional Lawmaking: A Perspective on Secrecy and Transparency* (CRS R42108).
30. Full bios and hearing details can be found in the Appendix.
31. D'Angelo, J., King, D. (2020, March 22) The Legislative Reorganization Act of 1970 & Other 1970s Sunshine Reforms. *The Congressional Research Institute.* http://www.congressionalresearch.org/LRA.html.

the time of passage it was considered "a major shift in the House's sense of itself," and "by the time an innocuous legislative reorganization bill reached the floor... it was apparent to Congressmen of every shade of opinion that secret voting on major amendments had become indefensible."[32]

The legislation, originally developed by the 1965 Joint Committee on the Organization of Congress, utilized procedural changes to encourage transparency among Members. In the House, roll call votes on the floor were limited to 15 minutes (as they are today), electronic voting was initiated, and Members could request recorded votes on amendments. Committee hearings were required to be public, with exceptions made for issues of national security. Roll call voting in committees was also required to be made public. These reforms, still in place today, undoubtedly made it easier for the public to follow their Representative's actions in Congress.

More recently, Congress passed the FOIA Improvement Act of 2016 to update the Freedom of Information Act (FOIA) that passed Congress in 1967. FOIA allows the public and Members of Congress to request information from federal agencies—an important resource for oversight. Other procedural reforms, such as those governing congressionally directed spending, have come and gone.[33]

While records of committee and subcommittee votes are still not in a public, centralized location, important reforms have made committee proceedings more accessible. The Rules package of the 112th Congress ushered in greater transparency in committees by requiring text of "a measure or matter being marked up" to be publicly available for 24 hours prior to a meeting or hearing. It also built upon the 1970 committee vote reforms by adding a deadline: recorded votes needed to be public within 48 hours, and accessible electronically.

ACCESSIBILITY TO LEGISLATIVE DOCUMENTS

Recent reforms have focused on making data and legislative documents more accessible and understandable to the American public. Despite—or perhaps because of—the size and scope of Congress, and the vast output of legislation, letters, and other documentation, public accessibility is cumbersome and complicated. Legislative documents should not only be accessible for the American Public, but easy to understand.

While government data is public, it is not easily accessible for the average person. Without availability of free public information, private organizations have filled the gap. In 2005, GovTrack.us began the process of compiling information on legislation—including bill sponsors, bill text, and vote

32. Nordheimer, J. (1970, August 2). The House Decides to Stop Being So Secretive. *New York Times*.
33. See *Congressional Lawmaking: A Perspective on Secrecy and Transparency* (CRS R42108). (2011, November 30). and *House and Senate Procedural Rules Concerning Earmark Disclosures* (CRS RL34462). (2009, November 18).

outcomes—for public consumption in a downloadable format. Over time, Congress found that third-party websites like GovTrack.us, the Sunshine Foundation, and OpenCongress.org, were being used much more frequently than Congress' own resources.

In an effort to increase congressional bulk data accessibility, the House established the Bulk Data Task Force in the 112th Congress. This Task Force, funded through the Legislative Appropriations Act of 2013, was instructed to examine the accessibility of bulk data for constituents and member offices. The Bulk Data Task Force has continued to meet, through the 116th Congress, and connects data scientists and private and public organizations with Members of Congress to discuss how to better use and share congressional bulk data. The Committee recommends making this task force permanent, and renaming it "the Congressional Data Task Force." This recommendation, and how the task force pertains to technology in Congress, is discussed in greater depth in Chapter 6.

From a transparency standpoint, having accessible, downloadable data makes understanding and following legislative development more accessible, and Congress has continued to develop and improve these resources. The House Clerk has developed a "technology timeline" to improve transparency. For example, Congress.gov was recently updated in 2018 to include Congressional Research Service (CRS) reports and committee data; the House Bulk Data Task Force and Government Publishing Office (GPO) are uploading bills and public laws in XML format, making it easier to analyze and observe legal changes; and an ongoing Legislative Information Management System (LIMS) is being updated to include floor activity, committee information, and congressional communication on one platform.

In addition, following a 1999 feasibility study, the Committee on House Administration adopted XML as a data standard for the exchange of legislative documents. Since 2013, the Bulk Data Task Force has led the conversion of legislative documents into United States Legislative Markup (USLM) format beginning with the U.S. Code.[34] In 2016, the Bulk Data force worked to convert enrolled bills, public laws, and the Statues at Large into USLM format.

But even with these impressive reforms, accessing congressional data is still cumbersome. The lack of a centralized area for all federal documents in data form makes it difficult to see how legislation is changing as it is amended. For Members and staff, this complicates the bill-writing process, making it time-consuming and prone to mistakes. And for constituents, this makes it difficult to track how amendments impact legislation and ultimately public law.

34. Public Law 116-135 (03/26/2020), except 116-113. https://uscode.house.gov/download/download.shtml

LOBBYING AND SPECIAL INTERESTS

Lobbying was largely unregulated until after World War II when lobbyists had to officially register with the federal government under the 1946 Lobbyist Disclosure Act. But as the bureaucracy grew, the role of lobbyists did as well. By the 1990s, the 1946 Act was painfully outdated.[35] Congress passed the Lobbying Disclosure Act in 1995, requiring that individuals register as lobbyists if they spent at least 20 percent of their time on an individual client. But this legislation, too, was soon susceptible to loopholes.[36]

Following the 2005 Jack Abramoff scandal in which several Members of Congress resigned after being convicted of bribery, Congress was motivated—and pressured—to reform the relationship between K Street and Capitol Hill. In 2007, the Senate passed the Honest Leadership and Open Government Act. In a show of the bipartisan effort behind the legislation, the bill was introduced jointly by the Senate Majority and Minority Leaders (Sen. Harry Reid (NV) and Sen. Mitch McConnell (KY), respectively) at the start of the 110th Congress.

These reforms included a required waiting period before former Members of Congress could register as a lobbyist following their retirement, and a ban on member travel funded by special interests. But the legislation has done little to temper the growth of lobbying firms and their relationship with Congress—some critics even say it has made lobbying more pervasive and hidden.[37]

Lobbying reforms have repeatedly been introduced as legislation—but passing comprehensive reform remains difficult. Yet it's undoubtedly essential for purposes of transparency that lobbying disclosures be not only honest, but publicly accessible.

TECHNOLOGY AND MEDIA

The last arena of congressional transparency reforms—in technology and media—has been implemented by natural force. Most obvious to today's observers of Congress is the continuous presence of television cameras. On March 19, 1979, C-SPAN broadcasted the first television feed from the floor of the House of Representatives.[38] The Senate followed suit in 1986. Today, C-SPAN captures all live proceedings from the House and Senate floors, as well as many committee hearings.

35. Federal Regulation of Lobbying Act of 1946 Is Ineffective (1991, July 16). Government Accountability Office. https://www.gao.gov/assets/110/104007.pdf.
36. Often called the "Daschle Loophole", named after former Senate Majority Leader Tom Daschle (SD-01), who, despite earning over $2 million from a D.C. lobbying firm, never registered as a lobbyist because he "never directly contacted Members."
37. Arnsdorf, I. (July 3, 2016), The lobbying reform that enriched Congress. *POLITICO*.
38. C-SPAN, "Our History", https://www.c-span.org/about/history/.

Likewise, the Capitol Hill Press Corps has grown tremendously with the advent of technology. More than 1,500 correspondents from print, digital, radio, and television news media on Capitol Hill cover Congress every day.[39] But as the presence of regional correspondents have declined, media attention has increasingly turned to the "horse race" of politics—the negotiating and party politics that drive lawmaking—rather than the policies themselves. In addition to their on-the-ground reporting, social media has provided reporters, as well as Members of Congress and their staff, a chance to quickly communicate legislative updates—making it easier for the public to follow along with Members' every move.

On a positive note, these tremendous changes in technology have also made it easier for Members of Congress to communicate with their constituents. Today, every member of Congress has his or her own website and Facebook page, and nearly every member has a Twitter page or Instagram. Constituent correspondence is largely handled through email, and technologies like Tele-town Halls have made it possible for Members of Congress to virtually meet with constituents around the country from the comfort of a D.C. office. Still, congressional communications methods have not kept pace with the private sector. Reforms should consider how to make constituent communications not only easier, but more effective. Chapter 8 discusses additional recommendations in this space.

But while this tremendous shift in media presence—particularly television cameras and social media—has opened congressional proceedings to the public, these public conversations have not necessarily translated to private ones. It has become easier for Members to use cameras to postulate or tweet their criticism at each other, rather than negotiate in-person.[40] Ensuring opportunities for Members of Congress to negotiate and work confidentially, while still being transparent and accessible to the American people is a balance transparency reforms should seek.

Over the past few decades, Congress has worked to improve transparency, and the Committee built upon the lessons of past reform efforts. The following recommendations are intended to improve transparency and ease public access to legislative information in the U. S. House of Representatives.

RECOMMENDATIONS TO IMPROVE TRANSPARENCY AND ACCESSIBILITY

Bill writing is, by its very nature, complex. There are multiple stages to developing legislation, and often multiple actors involved. In the 115th Congress, 68 percent of legislation had bipartisan cosponsors—that's

39. U. S. House of Representatives Press Gallery, "About the Gallery", https://pressgallery.house.gov/about-the-gallery

40. Lee, Frances E., 2016. Insecure majorities: Congress and the perpetual campaign. University of Chicago Press.; See also: Caygle, Heather and Sarah Ferris. 2019. "Do Not Tweet: Pelosi scolds progressives in closed-door meetings", *POLITICO.*

thousands of bills being developed between two or more offices, at times involving upwards of 200 offices.[41] In addition to cosponsors, the legislative process must incorporate input from congressional committees of jurisdiction, the Rules Committee, and the House Floor. Party and committee leadership can also impact the legislation, often with the intention to ease passage on the House floor.

These complexities are exacerbated by the technological limitations of creating legislation. There are inconsistencies in formatting between offices, it can be difficult to track changes in different versions of legislation and fully understand how legislative proposals will impact current law. The Committee set out to address these seemingly minor, but ultimately impactful hindrances to legislative transparency. As Vice Chair Tom Graves said in the May 10, 2019 hearing dedicated to transparency:

> ***"Now, a lot of transparency is focused on what Members of Congress are up to, and that is certainly an important piece of what we are going to be talking about today, but we should also explore how transparency can truly improve how we do business and execute our responsibilities."***
>
> ***Vice Chair Tom Graves, May 10, 2019***

Fortunately, the past decade of transparency reforms targeting document accessibility have built an infrastructure adaptable to change. The Bulk Data Task Force, established in 2012, has worked to standardize bulk files of legislative data. Rather than reinvent the wheel, the Committee sought ways to best utilize the existing success of the Bulk Data Task Force, ultimately proposing two solutions.

1. Streamline the bill-writing process to save time and reduce mistakes

During the May 10, 2019 hearing, the Committee heard from several experts directly tied to the Bulk Data Task Force, including Robert Reeves, Deputy Clerk for the U. S. House of Representatives and head of the Bulk Data Task Force; Dr. Joshua Tauberer, founder of GovTrack.us; and Daniel Schuman, co-founder of the Congressional Data Coalition.[42] Speaking on recent transparency endeavors, Mr. Schuman remarked:

41. Quorum Analytics. (2018, May) *Enacted Bills with Bipartisan Support at 20-Year High*. https://www.quorum.us/data-driven-insights/may-2018-congressional-activity-report/292/
42. Full bios and hearing details can be found in the Appendix.

> ***"The most important of these efforts over the last decade have been the Bulk Data Task Force, which Deputy Clerk Bob Reeves facilitates. It fosters communications and collaboration with the public and across internal congressional silos. It has been a tremendous success."***
>
> ***Daniel Schuman, May 10, 2019***

Despite its success, the Bulk Data Task Force can still improve. Currently, the House uses four different formats to write and view legislation. So, as a bill is moving from office to office, or to a new stage in the procedural process, the document is converted and reconverted between multiple formats. This inefficient process not only expends valuable time and resources, it encourages errors. When data provision is delayed to the American public, or in a hard-to-read format, this hinders transparency.

The Committee recommends that one standard format for drafting, viewing, and publishing legislation be adopted. The U. S. Legislative Markup (USLM)—one of the four formats currently used—is the recommended standard, in machine-readable, XML format. This format was recommended with the support of the House Bulk Data Task Force, Government Printing Office, and legislative data partners. USLM is an international technical standard for representing executive, legislative and judiciary documents in a structured manner. This "second generation" XML format will allow the House, Senate, and the Executive branch to seamlessly share data. In his testimony before the Committee on May 10, Dr. Tauberer highlighted the benefits of selecting the USLM as the standard format:

> ***"The Bulk Data Task Force started out with the goal of making legislative documents that were already available individually available in bulk data format. Along the way, we developed the new standardized machine-readable format, United States Legislative Markup, USLM, evolved a technical relationship and opened communication lines among legislative branch entities and civil society groups."***
>
> ***Dr. Joshua Tauberer, May 10, 2019***

Establishing one, standardized format for legislation is the first step to easing transactions between offices. An easy-to-follow legislative process benefits the public not only from a transparency perspective, but it increases congressional responsiveness and productivity as well. A unified format will make it easier for Members to work together to create legislation for the American people.

2. *Finalize a new system that allows the American people to easily track how amendments change legislation and the impact of proposed legislation to current law*

When developing and passing legislation, it's important for constituents and Members of Congress alike to understand how bills and amendments will impact current laws and legislation. But the U. S. Congress lacks the technological capabilities to efficiently compare legislative changes. In some cases, amendments and edits are made by hand—making it immensely difficult to ensure that documents are fully up to date. And the U. S. Congress falls behind state legislatures in some cases. As Vice Chair Graves noted in the May 10 hearing:

"Many Members come out of the general assemblies in the states, and the technology that's being utilized in the states is remarkable for comparative language perspectives, being able to see how does a proposed law or an amendment interface or fit within existing law. And that's something we don't have access to here as Members of Congress."

Vice Chair Tom Graves, May 10, 2019

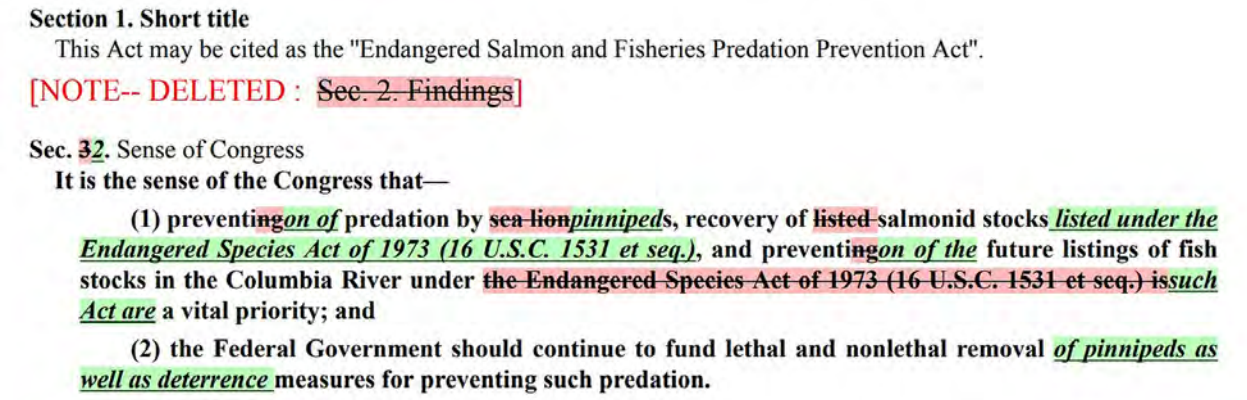
To address this concern, the second recommendation made by the Committee again builds upon previous endeavors. The Comparative Print Project was established in the House Rules for the 115th Congress (Rule XXI, Clause 12) to help Members and staff accurately compare legislative text by using computational text analysis.[43] Using a computational approach avoids human error, making it easier and more efficient to compare edits and amendments.

Specifically, the Comparative Print Project was directed to complete three "phases": 1) a document-to-document comparison, 2) how an amendment changes current law, and 3) how an amendment changes an ongoing legislative proposal. Phase One of the Comparative Print Project concluded in 2017 and can be found for congressional staff use at the website BillCompare.House.Gov. Figure 1.1[44] below offers an example of comparative print. Phase 2 and Phase 3 are currently underway, and according to Mr. Reeves from the House Clerk's Office, the project is "in the 90 percent range" of being completed.[45]

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43. Also referred to as the "Posey Comparative Print Project", named for Rep. Bill Posey (FL-15) who introduced a House Resolution to establish the project in the 115th Congress.
44. Comparative Print Project: Comparing the base document H.R. 2083, as reported, with the Rules Committee Print 115-79. https://docs.house.gov/billsthisweek/20180625/CP-115HR2083RH-COMPARED-RCP115-79.pdf
45. *Opening Up the Process: Recommendations for Making Legislative Information More Transparent*. 116th Cong. (2019, May 10) (testimony of Robert Reeves).

Figure 1.1: An Example of Comparative Print



Section 1. Short title
This Act may be cited as the "Endangered Salmon and Fisheries Predation Prevention Act".
[NOTE-- DELETED : ~~Sec. 2. Findings~~]

Sec. ~~3~~2. Sense of Congress
It is the sense of the Congress that—

(1) prevent~~ing~~*on of* predation by ~~sea lion~~*pinniped*s, recovery of ~~listed~~ salmonid stocks *listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)*, and prevent~~ing~~*on of the* future listings of fish stocks in the Columbia River under ~~the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) is~~*such Act are* a vital priority; and

(2) the Federal Government should continue to fund lethal and nonlethal removal *of pinnipeds as well as deterrence* measures for preventing such predation.

Despite this success, the Committee identified possible areas of concern, and recommended adjustments to the Comparative Print Project to ensure greater transparency and efficiency for all Members and their constituents. First, the Committee emphasized the need for this resource to be available for House-wide use. Currently, the Comparative Print Project is accessible on a limited basis, as only the Office of the Legislative Counsel and the Rules Committee have access to the amendment comparison tool. This creates a "bottleneck" within the Office of Legislative Counsel, as they address House-wide questions. In his testimony to the Committee on May 10, Mr. Reeves expressed an intention to make this tool available to all House offices.[46]

Second, the Committee recommended that resources be provided to train and support staff as they learn the new comparative print application. The Committee tasked the Clerk's Office to develop training, as well as anticipate challenges to ensure a smooth transition. The Comparative Print Project holds profound possibilities for how Congress develops legislation and communicates statutory changes to the American people. A smooth transition and robust understanding across Congress is essential to the success of this project.

3. Make it easier to know who is lobbying Congress and what they're lobbying for

In addition to improving legislative efficiency and accessibility to documents, the Committee also considered reforms that would open other aspects of the legislative process. Interest groups have always played an important role in legislation by uniting like-minded individuals behind political action. The First Amendment explicitly guarantees the right to "petition the Government for a redress of grievances", and lobbyists help facilitate those requests by conveying organizations' legislative goals to Members of Congress.

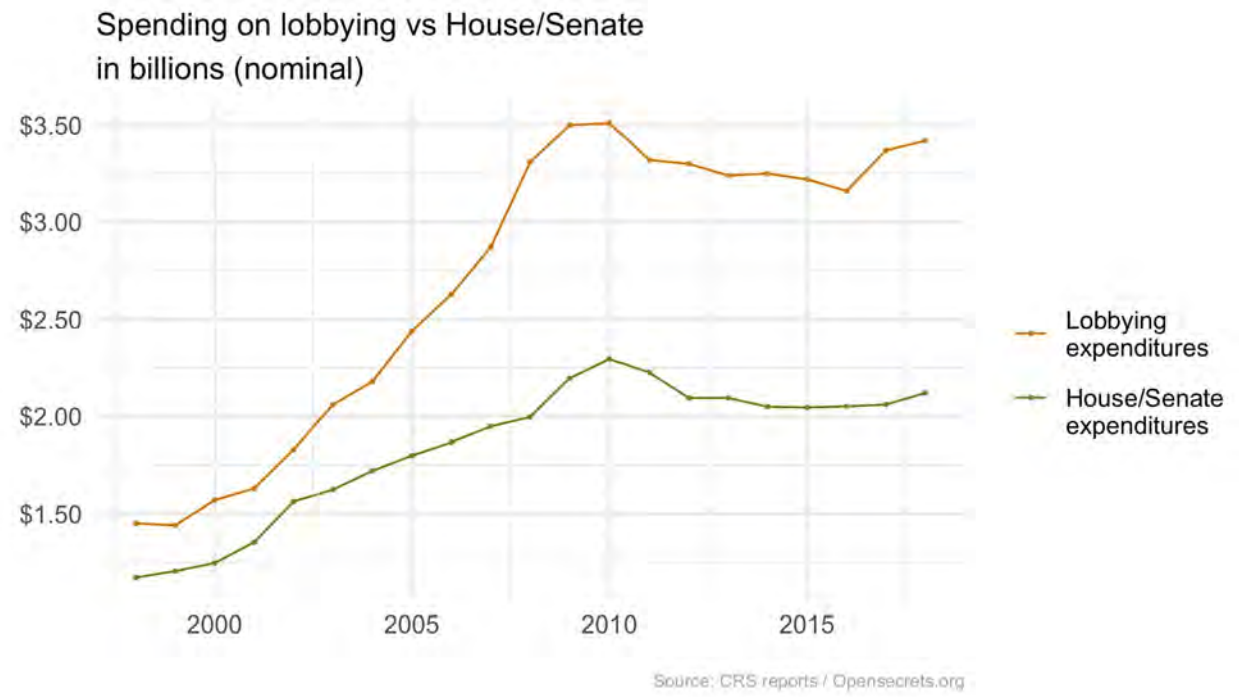
46. *Opening Up the Process: Recommendations for Making Legislative Information More Transparent*. 116th Cong. (2019, May 10) (testimony of Robert Reeves).

Lobbying can also assist in the legislative process by providing policymakers and staff with policy background, legislative assistance, and a sense of stakeholder perspectives on proposals. Faced with limited advancement opportunities and plateauing salaries, the amount of experienced congressional staff in Congress has decreased overtime.[47] This decrease in staff capacity has ultimately affected the relationship between lobbyists and Congress in two ways: one, by creating jobs for experienced congressional staff, and two, by filling a forced informational gap.[48] Faced with decreasing capacity to tackle the immense congressional responsibilities, staff often rely on lobbyists and interest groups to assist with complex policy information and legislative support. Recognizing that this reliance is far from optimal, efforts to deal with many of the capacity issues of Congress are addressed elsewhere in this report.[49]

While lobbying can provide an avenue for the American public to have perspectives heard by policymakers and can contribute helpful information and research to policymakers, it can become problematic when lobbying is conducted in the dark or without regulation. Prior reforms have attempted to limit undue outside influence on Congress. Yet despite these reforms, the lobbying industry has continued to grow at a rate that far outpaces the growth of congressional staff. Figure 1.2 compares the rate of expenditures between lobbying and Congress (staff) since 2000.

47. Please see Chapter 3 of this report for recommendations pertaining to staff capacity, recruitment, and training.
48. Often referred to as "the revolving door". See more here: Nilsen, E. (2019, June 19). "Capitol Hill's revolving door in one chart," *Vox*. https://www.vox.com/2019/6/19/18683550/capitol-hill-revolving-door-in-one-chart
49. See Chapter 3 on improving resources for congressional staff, and Chapter 10 on recommendations to strengthen Article One.

Figure 1.2: Lobbying and Congressional Expenditures, Over Time



Source: The APSA Select Committee Final Report

Member experience echoes this reality. In testimony to the Committee on March 12, 2019, Rep. Bill Pascrell (NJ-9) remarked:

"Our tiny staffs are overwhelmed by the army of corporate lobbyists, roaming our halls and a world growing more socially, economically, and technologically complex at a stunning rate."

Rep. Bill Pascrell, March 12, 2019

Congress and its constituents are at a disadvantage when it comes to resources, and reforms should work to level the playing field between lobbyists, Congress, and the American people. Currently, efforts to track lobbying activity are made more difficult by a complicated registration process. Legislative changes such as the Lobbying Disclosure Act of 1995, requiring lobbyists to register and file quarterly reports with the Clerk of the U. S. House and Secretary of the U. S. Senate, were a start—but inconsistencies still permeate the registration process. As Committee Member Rep. Mark Pocan remarked in the May 10 hearing:

"I just learned yesterday that there are almost 1,500 lobbyists for the pharmaceutical industry in Washington, so that means three per every member... In Wisconsin we have a great website, lobbying.wi.gov, which is put up by the Ethics Commission. I can easily go there right now and see who every lobbyist is, who they work for, what any given company is lobbying on right now.

"And I tried that on the Federal site, and because there is a House site and a Senate site and a DOJ site, there is not like one location to find all of this information. And to be perfectly honest, I looked at it, I can't figure out what I am trying to find out... I want to make it something that average person can look up something and see who is really behind something."

Rep. Mark Pocan, May 10, 2019

The current lobbyist registration process is convoluted—making it difficult for Members of Congress and their constituents to trace who is lobbying whom, and who is impacting legislation. As Rep. Pocan noted, there are several different registration requirements and options for lobbyists. The same person can be registered several times—for example, one can register as a foreign lobbyist or corporate lobbyist, or with the FEC or SEC depending on the client or employer. Likewise, an individual will have two separate registrations for the Senate and the House. Even more frustrating, if a name is spelled incorrectly, or is abbreviated in one location but not the other (Mike vs. Michael), this generates two separate entries.

Filing and finding lobbyist disclosures should be straightforward and simple. Thus, the Committee recommends a Congress-wide unique identifier for every lobbyist, to eliminate inconsistences in the registration and disclosure process. This recommendation is practical and makes good, common-sense. In testimony to the Committee, Mr. Reeves confirmed that the Clerk's office favored unique identifiers and was open to developing such a system.[50]

Congress may not be able to match the financial resources of the lobbying industry, but it can make it easier to track outside influence. A centralized resource that utilizes unique IDs as lobbyist identifiers is an important first step to increasing transparency in one of the darkest areas of the legislative process. The American public and Members of Congress alike should be able to know exactly who is lobbying their representatives and who is influencing legislation.

50. *Opening Up the Process: Recommendations for Making Legislative Information More Transparent*. 116th Cong. (2019, May 10) (testimony of Robert Reeves).

4. One-click access to a list of agencies and programs that have expired and need congressional attention

Arguably one of Congress' most important responsibilities—if not the most important—is the power of the purse. Article 1, Section 7 states that *"All Bills for raising Revenue shall originate in the House of Representatives."* This responsibility takes the form of appropriating money, as well as authorizing and reauthorizing federal programs. The reauthorization process facilitates congressional oversight by requiring Members of Congress to review federal programs they have previously authorized and provided funding for. Congress has a responsibility to make sure these programs are working as intended to ensure taxpayer dollars are being spent efficiently and appropriately.

Yet, over the last few decades, Congress has increasingly failed to reauthorize federal agencies and programs. For example, the State Department has not been reauthorized since Fiscal Year 2003—a key responsibility of the House Foreign Affairs and Senate Foreign Relations Committees.[51] Not only has this lack of reauthorization decreased congressional input in the foreign relations process, but it has created confusion for the State Department who are unable to plan without consistent budgetary and regulatory guidance. Overall, these "zombie" programs account for around $310 billion in government spending according to the Congressional Budget Office.[52]

Without the reauthorization process operating as it should, Congress is too often providing appropriations without adequate oversight, ceding its Article I power and responsibilities. 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. Not only does this lack of oversight invalidate powers under Article 1 of the Constitution, but it severely limits the ability of the American people to see how their tax dollars are being spent. For Congress and government as a whole to be truly transparent, reforms must address the decline in authorization and reauthorization that permeates congressional appropriating.

However, there are immense roadblocks facing congressional authorizers. For one, the size and scope of the federal government has ballooned over the past few decades. As the jurisdiction of federal regulation has grown, so has the federal workforce and operations.[53] Federal agency spending is on a consistent uphill climb, totaling trillions of dollars every year.[54] In addition to the massive scope of federal agencies, there is substantial variation in reauthorization deadlines and committee jurisdiction.

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51. Gill, C. R. and Morgenstern, E. M. (2019, June 27). Foreign Relations Reauthorization: Background and Issues (CRS). https://fas.org/sgp/crs/row/IF10293.pdf.
52. *Opening Up the Process: Recommendations for Making Legislative Information More Transparent*. 116th Cong. (2019, May 10) (testimony of Robert Reeves).
53. The True Size of Government, Tracking Washington's Blended Workforce, 1984–2015, *Volcker Alliance*, (2017, September 29). https://www.volckeralliance.org/true-size-government.
54. DataLab, "Federal Spending Overtime", 2018. https://datalab.usaspending.gov/americas-finance-guide/spending/trends.html.

But this is no reason for Congress to shirk its Constitutional responsibilities. Therefore, the Committee recommends streamlining information about reauthorizations by creating a one-stop shop for agency and program reauthorization deadlines. This information should be public for Members, staff, and constituents, and should provide easy-to-access information about the current status of executive branch programs and the Committees that are responsible for authorizing those programs.

Congress should collect this information in an easily digestible format to not only help committees meet their reauthorization deadlines but provide the public with clear information on how their tax dollars are being spent. Committee Members should use this resource to structure the reauthorization process, an endeavor that could help Congress return to a timely appropriations process. And the American public should be comfortable accessing this information, not only so they can hold their representatives accountable, but so they can perform their own, individual oversight on the federal government.

5. One-click access to see how Members of Congress vote in committees

The Legislative Reorganization Act of 1970 ushered in electronic voting on the House floor, making the process more efficient and transparent. Today, it's easy to find out how specific Members voted on roll call legislation. But this accessibility is limited to legislation in the chamber—not committee votes or activity. Understanding how legislation and issues are voted on in committees is sometimes more important than the final floor vote. Committees and subcommittees are where legislation is developed, issues are debated in-depth, and witnesses provide expertise. By the time legislation arrives to the House floor, it often has been refined and amended several times through.

Despite the importance of committee and subcommittee activity, it is difficult to see how Members vote on legislation and issues in committee. While the information is public, it's not easily accessible for most Americans, or even Members and their staff. Because each committee sets its own procedures for recording votes and choosing when and how to make this information publicly available, there is no centralized source for committee votes. With 20 permanent committees and well over 100 subcommittees (plus four select committees, including this Committee), following how Members vote and respond to issues is difficult and time-consuming to collect. While some subscriber services collect and provide this information to paying subscribers, for the average person this information is inaccessible.

This lack of transparency advantages those who have time and resources to attend and monitor congressional hearings—often lobbyists and interest groups. While these groups often communicate votes to citizens or other Members, they are selective in their attention. As Mr. Schuman noted in

testimony to the Committee, *"some of the issue here is not about transparency yea or nay. It is about managing the consequences that some people have access to things in advance and some people don't."*[55]

This lack of accessibility not only impacts citizens, but Members of Congress and their staff as well. To make committee and subcommittee activity more transparent and accessible for citizens, Members of Congress, and their staff, the Committee suggests publishing committee votes online in a centralized location. The Committee envisions a centralized, electronic hub of committee votes, accessible via House.gov and in machine-readable format. Each standing and select committee should provide the House Clerk with detailed information on recorded votes within 72 hours.

6. Transparency of active Eligible Congressional Member Organizations (ECMOs) should be improved, and a list of approved ECMOs should be published and updated accordingly each Congress

Congressional Member Organizations (CMOs) are organizations of Members that are registered with the Committee on House Administration to support a common legislative objective. Beginning in the 114th Congress, the House began allowing certain CMOs to be designated as Eligible Congressional Member Organizations (ECMOs). "To qualify for ECMO status, a group must have been a registered CMO in the preceding Congress, with shared employees from at least 15 House Member offices; register as a CMO in the 116th Congress; designate a single House Member as administrator of the group; and have at least three House employees assigned to perform work on its behalf."[56]

Member organizations have increased in number and influence, yet there is no publicly available list of these organizations. This lack of transparency prevents the public from accessing basic information about these organizations and their legislative objectives. This recommendation ensures that the public can easily access an updated list of approved ECMOs and learn more about their policy concerns.

CONCLUSION AND ADDITIONAL CONSIDERATIONS OF TRANSPARENCY REFORM

Transparency is key to a working democracy. Citizens need information to hold their representatives accountable, communicate their policy preferences, and understand the legislative process. Members and congressional staff need transparency to make well-informed decisions and

55. *Opening up the Process: Recommendations for Making Legislative Information More Transparent*. 116th Cong., 2nd Sess. (2010).
56. Eckman, S.J. (2019, January 23). Congressional Member Organizations (CMOs) and Informal Member Groups: Their Purpose and Activities, History, and Formation (CRS). https://fas.org/sgp/crs/misc/R40683.pdf

legislate on behalf of the American people. But we would be remiss to not mention potential consequences of increased transparency. As past reforms have shown us, in some cases the solution intensifies the problem.

The Committee invited Dr. Frances Lee to the May 10 hearing on transparency to shed light on the unanticipated consequences of transparency. Dr. Lee highlighted two areas for concern in the pursuit of uninhibited transparency: a lack of opportunity for necessary deliberation, and increased incentives for partisanship. As she testified to the Committee:

"Members need to be able to talk frankly with one another so that they can search for common ground, explore possible solutions, and build trust with one another... Transparency makes it easier for organized groups, for lobbyists to monitor and pressure Congress. This was not reformers' goal, but transparency's effect is often precisely contrary to its intended purpose.

"A second effect of transparency is that it turns congressional deliberation outward towards messaging. Deliberating in public encourages Members to direct their attention towards external constituencies and audiences rather than to engage with other Members... Transparency encourages Members to use the legislative process to score political points against their opponents in front of broader audiences. In committee and on the floor, Members continually propose amendments, not in an effort to improve legislation, but instead to put their opponents on the wrong side of public opinion."

Dr. Frances Lee, May 10, 2019

Similarly, in a February 2020 hearing, Dr. James Curry offered an example of repercussions of the 1970 transparency reform. Amendment votes on the House floor have been increasingly used as political messaging to express an ideological, but ultimately unpassable, legislative position.[57] Curry suggested taking into consideration the potential for such highly visible votes to further increase partisanship in Congress.

Other witnesses, including former Members of Congress, echoed concerns of increased transparency and encouraged the Committee to consider reforms that could counteract the potentially adverse byproducts of increased transparency. The Committee addressed these concerns in a two-fold approach:

First, as outlined in this chapter, the reforms recommended by the Committee are targeted and specific. They offer practical updates to make Congress not only more transparent, but efficient and accessible: streamlining

57. *Article One: Fostering a More Deliberative Process in Congress*. 116th Cong., 2nd Sess. (2020, February 5).

the bill writing process by using a standardized, electronic format paves the way to other reforms, including an easier editing and adoption process. These reforms to document accessibility make it easier to create legislation, limiting error and encouraging efficiency. They also make it easier for the American public to follow how the legislation and amendments will affect existing law.

Likewise, streamlining the lobbying disclosure and registration process will make it easier for citizens to know who is lobbying Congress, and who is involved in the legislative process. And developing a centralized, accessible website for federal authorization deadlines, as well as committee and subcommittee votes, will help Congress fulfill its Article One responsibility and even the playing field for constituents keeping tabs on congressional activity. Lastly, requiring transparency at the ECMO level ensures that all stages of the policymaking process are open to the American people.

The second way the Committee worked to avoid the errors of past transparency reforms was to pair these transparency recommendations with reforms that facilitate bipartisanship and civility. The common critique of transparency reforms is that the increased spotlight ultimately encourages Members to postulate to the attentive public. However, by pairing these targeted transparency reforms with reforms that facilitate bipartisanship, committee compromise, and substantial deliberation, the Moderation Committee strove to avoid the mistakes of past reforms. These civility reforms are the subject of our next chapter.

Future committees should consider this careful balance of transparency and facility, particularly when considering large procedural changes such as an open rules process or unlimited debate on the House floor. While these issues were oft debated in the Committee, our final recommendations reflect thoughtful consideration of the tension between productivity, transparency, and the realities of legislating in a body with 435 individual lawmakers. Ultimately the recommendations in this chapter make important changes that will make Congress more transparent, efficient, and accessible for the American public, as well as for all Members of Congress.

CHAPTER 2 —
Encourage Civility and Bipartisanship in Congress

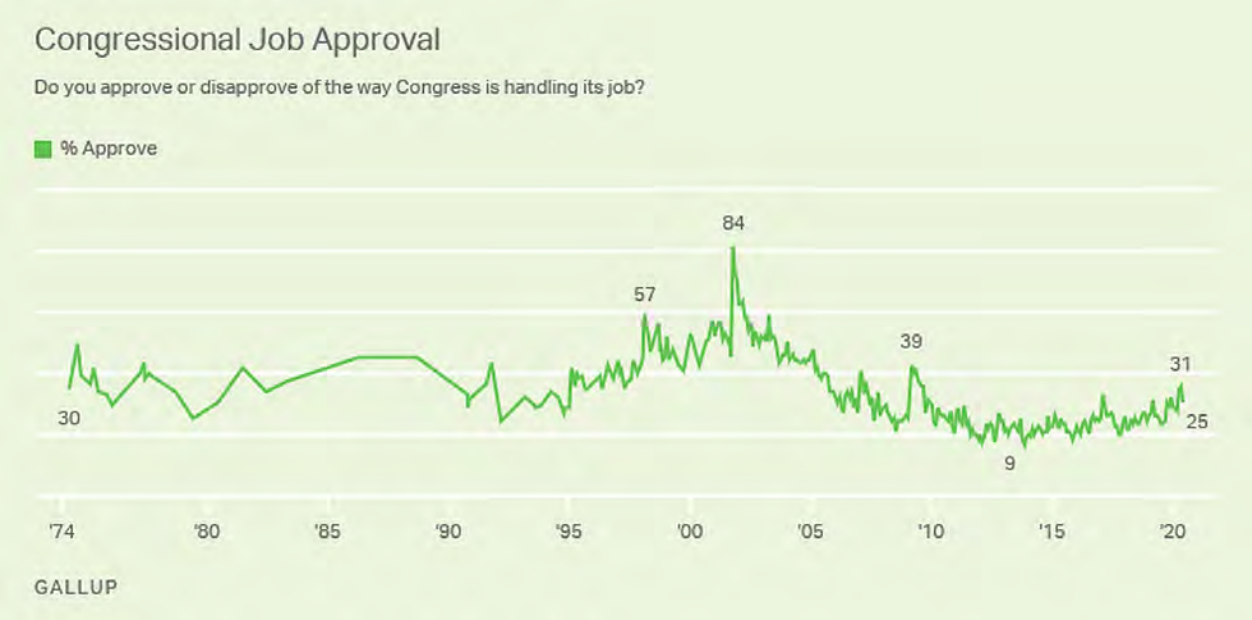
RECOMMENDATIONS

1. Create a bipartisan Members-only space in the Capitol to encourage more collaboration across party lines.
2. Institute biennial bipartisan retreats for Members and their families at the start of each Congress.
3. Update committee policies to increase bipartisan learning opportunities for staff.
4. Establish bipartisan committee staff briefings and agenda-setting retreats to encourage better policy making and collaboration among Members.

INTRODUCTION

For the last decade, few things have ranked lower than Congress' approval rating. Since Gallup began measuring it in the 1970s, the highest congressional approval rating was 84 percent, right after the 9/11 terrorist attacks. The lowest it has been was 9 percent in 2013, right after a prolonged government shutdown (Figure 2.1). But this constant fluctuation and generally dismal approval rating is often attributed to one thing: partisan bickering that undermines the ability of the institution to operate effectively for the American people.[58] Partisanship is cited as the reason for gridlock, inaction, ugly campaigns, and vitriolic arguments seen everywhere from the House floor to social media.

Figure 2.1: Congressional job approval, Gallup



Source: Gallup Polling

This perception of a "broken Congress"—and in many cases, reality—made civility and bipartisanship a top priority of the Select Committee on the Modernization of Congress, in terms of both its recommendations and its own practice. Since its inception in January 2019, the Committee decided to operate differently than a standard committee on Capitol Hill. Not only did the Committee pass four recommendations to encourage bipartisanship and civility in Congress, but Committee Members worked daily to lead by example. In September 2019 the Committee held a hearing specifically dedicated to the topic[59], and a discussion of how to encourage civility and bipartisanship was part of nearly every hearing and member meeting.

58. Gallup Polling. (2013). *Turning back to Congress, earlier you said you disapprove of the job Congress is doing. Can you tell me some of the reasons why you disapprove of the job Congress is doing? [OPEN-ENDED]* https://news.gallup.com/poll/1600/congress-public.aspx

59. Select Committee on the Modernization of Congress hearing (@ModernizeCmte) *Promoting Civility and Building a More Collaborative Congress.* September 26, 2019.

Structurally, the Committee was evenly divided by party (six Republicans and six Democrats). Aside from the House Committee on Ethics, it was the only committee with an even partisan balance in the House during the 116th Congress. Instead of two separate staffs divided by party, the Committee established one bipartisan, unified staff. Hearing materials and committee news and updates were communicated through one bipartisan voice and social media account.

Figure 2.2: Screen grab from Twitter



Decisions on hearings and committee recommendations were bipartisan, led in tandem by Chair Derek Kilmer and Vice Chair Tom Graves. Committee Members met regularly for bipartisan, closed-door meetings. The Committee established a Civility Working Group, led by Representatives Emanuel Cleaver, Susan Brooks, and Dan Newhouse. Ahead of recommendation votes, hearings, or Member-level briefings, the Committee Members' staff were briefed together in a nonpartisan manner. These practices epitomize several of the reforms outlined in this chapter—and indicate that reforms at the committee, House, and party level can have a meaningful impact on decreasing partisanship and increasing civility in the Congress.

"But the goal in airing conflict shouldn't be simply to highlight our differences. The goal should be to establish clear positions, have meaningful discussions, test different compromises, and ultimately, to find a path forward. Congress actually does this a bit more than the American public is aware of. In fact, this Committee is a great example of how Members who represent different constituencies and have different views can actually engage in civil productive discussions and find compromise, find solutions."

Chair Derek Kilmer, September 26, 2019

It is important to note that the Committee did not operate in a vacuum. The day before the bipartisanship and civility recommendations were passed by the Committee (December 19, 2019), the 116th Congress voted to impeach President Donald Trump along party lines. Despite an increasingly partisan environment, the Committee Members worked hard to pass meaningful reforms and to practice those reforms through our continue work. Every recommendation made at the committee level was unanimous and bipartisan. And every vote on the House floor—from the establishment and reauthorization of the Committee, to the recommendations ultimately passed in the Committee's first major piece of legislation (H.Res.756)—received overwhelming bipartisan support.[60]

These recommendations, and the chamber-wide support for them, indicate that Congress is hungry for change, and capable of making it. Many Members crave bipartisanship and a functioning body of government to address the problems important to their constituents; to write better legislation; and to strengthen trust in the institution. This chapter outlines the Committee's bipartisanship and civility recommendations, following an examination of historical trends and the congressional practices that informed them.

BACKGROUND AND HISTORY OF PARTISANSHIP IN CONGRESS

Our country's two major political parties play an important role in how Congress operates. In the House, majority control of the chamber carries with it the power of the Speaker of the House and the House's 20 standing committees. These advantages allow the party in power to set the agenda on the House floor and pass legislation with a simple majority, if it chooses to do so.

60. *Establishing the Committee,* H.Res.6, Title II, voted on January 4, 2019 (http://clerk.house.gov/evs/2019/roll012.xml); *extension of the Committee*, self-executing rule attached to H.Res.695, voted on November 14, 2019; and recommendations, H.Res.756, voted on March 10, 2020 (http://clerk.house.gov/evs/2020/roll093.xml).

Likewise, conflict plays an important role in the legislative process. The Founders, to some degree, presumed that conflict would play a constructive role in our politics and that Congress should be a place where disagreements are publicly aired. As Dr. Jennifer Victor noted in a Committee hearing on September 26, 2019:

"As we are all concerned about partisanship... because we think of partisanship and parties as the same thing, when in reality, the political parties are the key institution that organizes our democracy. It organizes Congress. It organizes the elections. It organizes how we fund our elections."

Dr. Jennifer Victor, September 26, 2019

While these institutional and ideological realities are nothing new for the House, the intense level of partisanship and polarization that now grip Congress are more recent phenomena. The roots of this increased partisan conflict in Congress is multi-faceted. The realignment of the "Solid South" led to more ideologically unified Republican and Democratic parties.[61] Politics is often viewed as a "team sport," stoking further division along social and demographic lines which have only continued to widen in the last half century.[62] Within the chamber, control of Congress has become more competitive, discouraging incentives for bipartisanship.[63] As Former Rep. Ileana Ros-Lehtinen (FL-27) noted in a hearing on May 1, 2019 featuring former Members of Congress:[64]

61. U.S. House of Representatives, History, Art, and Archives. "Party Realignment", https://history.house.gov/Exhibitions-and-Publications/BAIC/Historical-Essays/Temporary-Farewell/Party-Realignment/
62. Mason, L. (2018). *Uncivil agreement: How politics became our identity*. University of Chicago Press.
63. Lee, F. E. (2016). *Insecure majorities: Congress and the perpetual campaign*. Chicago, IL: The University of Chicago Press.
64. *Former Member Day Hearing: Speaking from Experience*, 116th Cong. (2019, May 1) (Select Committee on the Modernization of Congress),

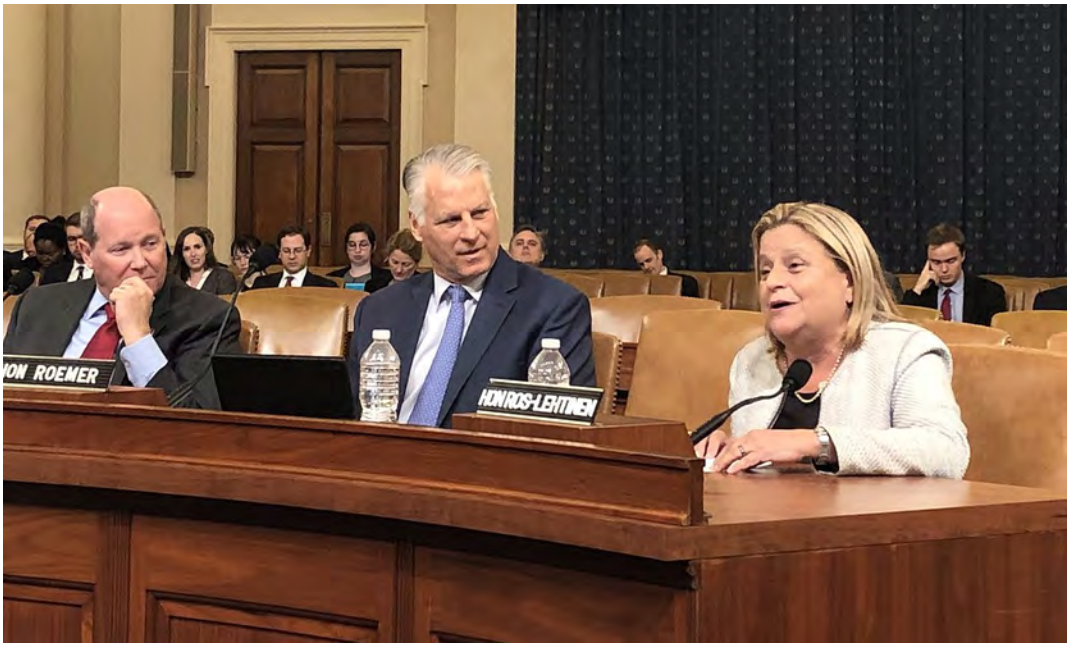


Image 2.1: Former Rep. Ileana Ros-Lehtinen testifies about her experiences in Congress during the Select Committee's former Member Day hearing.

"What is different now is that control of the House can change from one election to the other. Everyone worries about their votes and how they are going to be scored, what their colleagues are doing and what they are saying and what it means for the next election. Bipartisanship, sadly, gets lost in all of that."

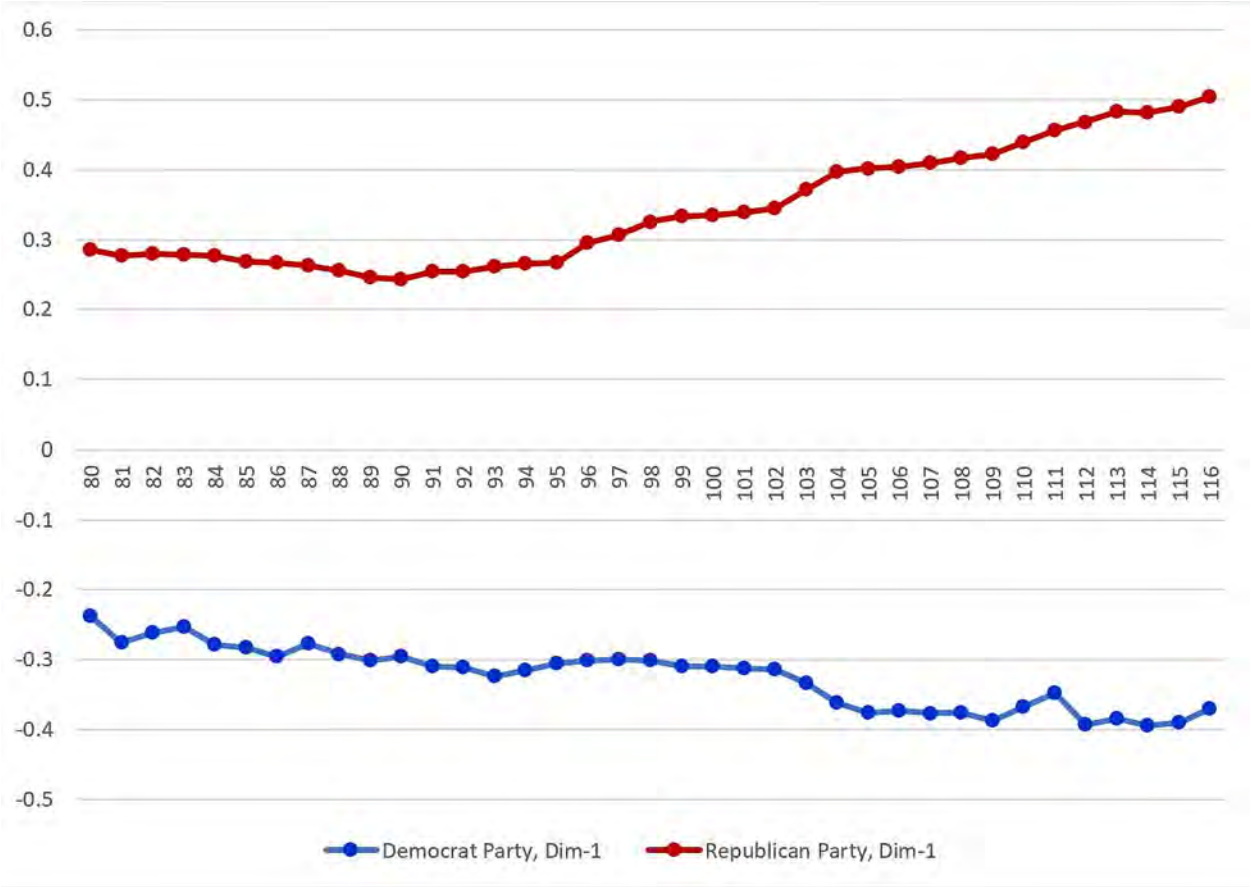
Former Rep. Ileana Ros-Lehtinen, May 1, 2019

These trends have led both Republican and Democratic Members to become more united in how they vote, the bills they cosponsor, and their party's communications—and the rift between the two parties has grown wider as a result. Figure 2.3 illustrates the two main congressional party's ideological trends, measured by DW-Nominate scores, which are widely used to describe the political ideology of political actors, political parties, and political institution, using floor votes.[65] The scores below capture individual Member's House floor votes on an ideological scale over time. The increasing divergence between the two parties can be explained by the type of issues Congress chooses to address, and the cohesive vote patterns by Members of both congressional parties.[66]

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65. Carroll, R., Lewis, J., Lo, J., Poole, K., & Rosenthal, H. (2009). Measuring Bias and Uncertainty in DW-NOMINATE Ideal Point Estimates via the Parametric Bootstrap. *Political Analysis, 17(3),* 261-275.
66. Miller, J. (2019, February 29). Party unity on congressional votes takes a dive: CQ Vote Studies. Roll Call. https://www.rollcall.com/2019/02/28/party-unity-on-congressional-votes-takes-a-dive-cq-vote-studies/

Figure 2.3: Average ideology in the U.S. House, 80th–116th Congress



Note: Party averages are calculated by using the first dimension of DW-Nominate scores of every member of the party conference during that congressional session. The closer to one, the more conservative the vote; closer to negative one is a more liberal vote.[67]

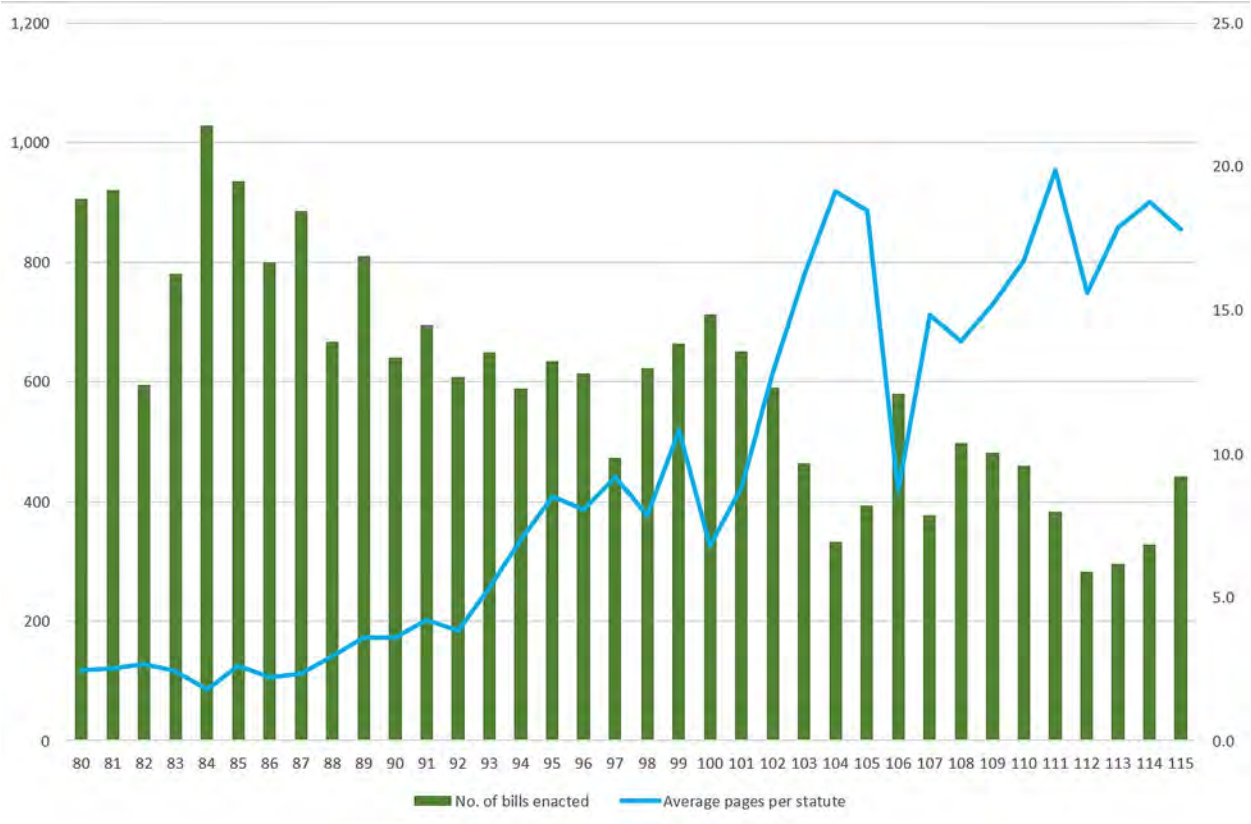
It's important to recognize that as Congress veers towards more partisanship, the country is becoming more partisan, too. As Dr. Jennifer Victor noted in her testimony, "there is a very strong correlation between the level of polarization in the U.S. Congress" and societal factors like income inequality and racial demographics that encourage polarization among constituents. Furthermore, changes in technology, population shifts, and the growth in the executive branch have expanded the challenges Congress faces.[68] Congress has adapted a new style of lawmaking to respond to these growing pressures from the electorate and party leadership.

67. Lewis, Jeffrey B., Keith Poole, Howard Rosenthal, Adam Boche, Aaron Rudkin, and Luke Sonnet (2020). Voteview: Congressional Roll-Call Votes Database. https://voteview.com/
68. Jones, B. D. and Baumgartner, F. R. (2005*). The politics of attention: How government prioritizes problems*. Chicago, IL: University of Chicago Press.

Today, rather than pass individual pieces of legislation, leaders know it's easier to package together legislation into "must-pass" omnibus bills.[69] This has further entrenched the role of political parties in Congress. These large pieces of legislation are complex, and the level of expertise and negotiation practically requires party leaders to take charge. Thus, Congress has used the power of political parties to change how it operates and how legislation is passed.

Figure 2.4 depicts the number of bills enacted per Congress, along with the average number of pages per statute from the 80th Congress to the 115th Congress. While the number of individual bills enacted has steadily declined since the 1940s, the average number of pages per bill signed into law have largely increased. This is indicative of the increased use of omnibus legislation and large, legislative packages crafted and passed by party leaders.[70]

Figure 2.4: Bills enacted, 80th–115th Congress



Source: Vital Statistics on Congress, the Brookings Institution

The proclivity towards omnibus legislation and party leadership can also be seen in the decline of committee activity and legislation. Although Congress is in session for a similar number of days each Congress, there has been a consistent decline in the number of subcommittee and committee

69. Curry, J. M. and Lee, F. E. (2020). *The limits of party: Congress and lawmaking in a polarized era*. Chicago, IL: University of Chicago Press.
70. Ibid.

meetings. Whether this schedule shift can be attributed to partisanship is unclear, but the byproduct is an increased reliance on party leadership to shape and pass legislation. Since the 1990s, the percentage of legislation that has bypassed the committee process has steadily risen—for example, in the 113th Congress (2013–2014), 40 percent of the major legislation that came to the floor of the House did not include a committee report.[71]

Members rely on party leadership for access to, and information about, the provisions in legislation and how to talk about it with constituents. And this partisan separation is instilled from the moment newly-elected Members arrive for orientation.[72] Members are not encouraged by party leadership to meet their peers and form genuine relationships across the aisle. In committees, each party has their own separate staff, meetings, and brings forward their own hearing witnesses. Over time, Members naturally become more insular. The American people often see interactions that are boiled down to viral soundbites, which parties can use for fundraising, social media, and media coverage.

It is important to note that leadership-centered lawmaking is successful. Although it is non-traditional, or what political scientist Barbara Sinclair called "unorthodox lawmaking,"[73] significant legislation is still being passed, and most of it is passed with overwhelming bipartisan support.[74] This is indicative of Members' desire to pass meaningful legislation to solve problems for constituents. But the realities of the party-leadership process and the partisan arguments to appeal to partisan constituents has contaminated the public perception of Congress.[75] The legislative process is akin to sausage making, and public-perception is informed by televised shouting matches, shortened policy arguments on social media, and party-driven policy messaging. So, while bipartisan lawmaking still occurs, it is no wonder, given the evidence available to constituents, that accusations of gridlock and partisan bickering are common. As Vice Chair Tom Graves noted in a February 5, 2020 hearing:

71. Davis, C. M. (2019, May 20). "The Legislative Process on the House Floor: An Introduction" (CRS: 95-563). https://www.senate.gov/CRSpubs/8098f506-ee7b-42c7-a003-92f13aaec0bc.pdf.
72. Alberta, Tim (2019, September 27). "When Impeachment Meets a Broken Congress" *POLITICO*. https://www.politico.com/magazine/story/2019/09/27/impeachment-trump-congress-house-228346
73. Sinclair, B. (2016). Unorthodox lawmaking: New legislative processes in the US Congress. CQ Press.
74. Curry, J. and Lee, F. E. (2016, December 20) "Congress is far more bipartisan than headlines suggest", *Washington Post*. https://www.washingtonpost.com/news/monkey-cage/wp/2016/12/20/congress-is-far-more-bipartisan-than-headlines-suggest/
75. Hibbing, J. R., & Theiss-Morse, E. (2002). Stealth democracy: Americans' beliefs about how government should work. Cambridge University Press.



Image 2.2: Vice Chair Tom Graves offers remarks about civility in Congress.

"A recent survey found that 93 percent of Americans see incivility as a problem in our society. And, according to those, Congress and politicians are the ones to blame. So, it seems like we have a lot of work to do, a lot ahead and on our plate. But this challenge and this known information here, it presents an opportunity. It actually presents an opportunity for us to seek out, to identify, and ultimately fix the root of this problem."

Vice Chair Tom Graves, February 5, 2020

Members are eager for change—not only in how they are perceived, but in the legislative process itself. Increased bipartisanship and civility at all levels, from the House floor to the smallest subcommittee, will increase the quality of legislation. Floor debates, committee hearings, and legislation can only improve if Members work together. As Committee Member, Rep. William Timmons said in a hearing on September 26, 2019, "Civility is the pathway to solving our big problems, and without it, we will never solve them. We will not resolve these challenges on Twitter, no matter how much people want to try."[76]

While decreased partisanship and polarization requires multi-faceted solutions inside and outside of Congress, the Committee focused on perhaps the simplest, yet most essential building block: encouraging civility and rengthening personal relationships in Congress. The Committee focused on establishing opportunities that would allow Members of Congress to better

76. Promoting Civility and Building a More Collaborative Congress (2019, September 27) 116th Congress.

know one another and form the trust required to engage in bipartisan lawmaking. The Committee focused on physical spaces for the chamber at large, bipartisan retreats for new members and committees, and bipartisan opportunities for staff with the hope, and understanding, that personal relationships encourage public bipartisanship and civility. Rep. Susan Brooks summarized the challenge facing Congress in the September 26 hearing:



Image 2.3: Committee Members Reps. Susan Brooks, Emanuel Cleaver, Rob Woodall and Chair Derek Kilmer listen to witness testimony.

"What is needed is a process that creates an ongoing relationship, not just one to deal with an immediate crisis; one that builds trust among the various players, recognizing there are always alternatives and policy disputes, and allows key negotiators to sit down and talk long before decisions are made."

Rep. Susan Brooks, September 26, 2019

RECOMMENDATIONS

1. Create a bipartisan Members-only space in the Capitol to encourage more collaboration across party lines.

While transparency should remain paramount, it's important to recognize that Members need opportunities to develop relationships away from the glare of camera lights. The House floor and the area leading to it are often filled with journalists and television cameras. In these situations, and under constant scrutiny, it can be difficult to have candid, bipartisan discussions. Former Representative Charles Boustany Jr. (LA-3), in a panel on the Organizational Climate of Crisis, offered telling insight about the negative repercussions of constant, public interactions:

"Social media gives us no space. One time, I was on the floor managing a bill… I was debating Sandy Levin. Good debate, high-level, on the issues, got a little heated at times, but it was all issue focused. As soon as the debate was over… I walked over to where he was at the microphone and I shook his hand and patted him on the back, and said 'that was a really good debate, Sandy. You got me on a couple points, but I think I got you on this point,' and we laughed.

"People in my district who happened to see this on CSPAN, who were very partisan from the right—my own party—got upset, they lit up social media… My staff said, 'What happened? What did you do on the floor?' I said, 'What are you talking about? I just shook hands with the guy I was debating with,' and now I'm getting all these hostile calls. We have no space. There's no space to have a debate, an honest conversation to deal with policy issues. It's all zero sum."

Former Rep. Charles Boustany Jr., October 24, 2019[77]

While Rep. Boustany may have been referring to figurative "space", this sentiment applies to physical limitations as well. Currently, there are no areas in the U.S. Capitol Complex where Members can gather to privately collaborate or socialize. Often, the only opportunity Members must discuss policies in private is with their own party caucuses, or in their own party's cloak room. Bipartisan discussions cannot occur there.

The Committee recommends establishing a dedicated space in the U.S. Capitol for private, bipartisan discussions. The space should be easily accessible, preferably close to the House floor, and open only to Members from both parties. Something as simple as private space would facilitate

77. Conference on the Organizational Climate of Congress. (2019, October 24, 2019). University of Maryland, College Park Maryland. https://www.youtube.com/watch?v=Q7jcYRKquLk&list=PLwlvq8EJzDziHv_2f_KAICRmeKprDBjuJ&index=6&t=0s

much-needed collaboration with colleagues across the aisle. Civility will not grow if Members do not even have the opportunity to socialize with one another and develop bipartisan working relationships.

2. Institute biennial bipartisan retreats for Members and their families at the start of each Congress.

The divisions that are public on the House floor begin in private. New Member Orientation is divided by party. Likewise, each of the party caucuses have their own separate, yearly retreats. These retreats are essential for building relationships—but right now, the only relationships they are supporting are within their own party. Aside from the rare congressional delegation (CODEL) trips, Members have few opportunities to interact with and get to know their colleagues across the aisle. Jason Grumet, Founder and President of the Bipartisan Policy Center (BPC), testified to the Committee on September 26, 2019 about the importance of bipartisan trips to establish personal relationships:

"People have talked about trips, CODELs, field hearings. Cannot overstate the importance of that at this moment. You know, it is the 15-hour flight to Kazakhstan when you realize you both have hip pain, you love the show Succession, you root for hockey… Those are the threads of humanity that actually join regular people together."

Jason Grumet, September 26, 2019

The Committee recommends Congress establish bipartisan, biennial retreats at the beginning of each Congress. These retreats should be not only bipartisan but also include Member's families. Reflecting on his own experience with bipartisan retreats, former Representative and Secretary of Transportation Ray LaHood (IL-18) testified during the same September 26 hearing:



Image 2.4: Former Secretary of Transportation and Representative Ray LaHood testifies before the Select Committee.

"As a result of that [retreat], people really came away with the idea that they knew their colleagues better than they did before. They knew their families, which they had not known before. You know, it is pretty hard to trash somebody on the other side when you know their spouse or you know their kids."

Former Rep. Ray LaHood, September 26, 2019

Members have few opportunities to interact across party lines, away from Washington, D.C. This lack of interaction across party lines discourages Members from getting to know their colleagues and from working collaboratively and building bipartisan coalitions. These retreats would encourage Members to make connections with their colleagues, find common ground, and help build civility into House processes. Personal relationships build trust, which is necessary for effective lawmaking in a polarized environment.

3. Update committee policies to increase bipartisan learning opportunities for staff.

Personal, bipartisan relationships are also essential at a staff level. Staff work together on legislation, schedules and committee hearings, and represent their Members in events and meetings. However, like their Members, staff have increasingly limited opportunity to build bipartisan relationships. As BPC's Grumet testified:

> ***"Being a congressional staff person used to be a pretty social job; it is not anymore. And we have found that you actually really have to curate opportunities for staff to get together... it is not just that they are able to work on behalf of each of you, but their ability to work on behalf of the whole body I think is really enhanced when they know each other."***
>
> ***Jason Grumet, September 26, 2019***

Personal office staff are denied one of the most effective opportunities for bipartisan relationship development: participating in committee organized congressional delegation (CODEL) travel. This prevents personal staff from having sustained opportunities to interact with their colleagues across the aisle, away from Washington, D.C., and denies them the opportunity to form meaningful, bipartisan relationships while working on the issues for which they're responsible.

The Committee recommends allowing personal office staff to participate in CODELs. This policy change would encourage bipartisan connections and collaboration at the staff level and grant them access to important policy discussions necessary to best serve their Members and constituents.

4. Establish bipartisan committee staff briefings and agenda-setting retreats to encourage better policy making and collaboration among Members.

Lastly, there are few opportunities within committees to establish bipartisan relationships. Committee staff are divided by party, and cross-partisan discussions are often limited to public (often televised) hearings. House committees have therefore become increasingly partisan in their organizational and procedural activities. In committees, the need for bipartisan relationships goes beyond desire for personal civility; bipartisanship is essential for creating an efficient and effective committee agenda, and ultimately high-quality legislation.

Thus, the Committee recommends regular, bipartisan briefings and trainings for committee staff, to make committee meetings more productive and nonpartisan. Establishing objective education opportunities will ensure that hearings are informative. Second, the Committee recommends bipartisan committee retreats to establish a bipartisan agenda, discuss committee goals, and form personal bonds.

An inability to work across party lines prevents committees from being productive and effective. Regular bipartisan briefings and training for committee staff, as well as bipartisan committee retreats, would encourage collaboration between parties and promote productivity. Committees cannot engage in effective oversight, or produce meaningful legislation, without working together in a bipartisan fashion. Facilitating and strengthening trust between members and staff is the first step.

CONCLUSION

The recommendations in this chapter were not only supported and recommended by policy experts but were practiced by the Committee. Chair Derek Kilmer said in the September 26, 2019 hearing, "Every Member of this Committee has demonstrated a desire and willingness to work on a bipartisan basis, and as a result, this Committee has been and will continue to be incredibly productive." Committee work was done on a proactively bipartisan basis: from staff briefings to hearing decisions made conjointly by the Chair and Vice Chair. The byproduct was substantial discussions in committee hearings, and behind closed doors; bipartisan recommendations that were ultimately supported by a bipartisan majority of the chamber; and close relationships between Members.

The Committee, well aware of political realities, sought reforms that would slow the growing division between the political parties. While the legislation that is passed is often bipartisan, the process that the American people witness is bitter and divided. In the view of most experts, everything from how campaigns are financed to how congressional districts are drawn also exacerbate many of our problems. While the Committee did not find bipartisan agreement on recommendations in these spaces, these topics warrant further exploration.[78]

But this Committee believed there were changes within the scope of its mandate to improve the institution. In order to instill trust in the institution, civility must be restored—in committee hearings, on the House floor, between the staff, and in congressional districts. The recommendations in this chapter encourage the rest of the chamber to consider simple—yet effective—changes that will facilitate relationships necessary to make Congress more civil, bipartisan, and ultimately better serve the American people.

78. See section IV: Conclusion, for a discussion on future reform efforts.

CHAPTER 3 —
Improve Congressional Capacity

RECOMMENDATIONS

1. Create a one-stop shop Human Resources HUB dedicated to Member, committee, and leadership (MCL) staff.
2. Make permanent the Office of Diversity and Inclusion.
3. Examine the viability of updating the staff payroll system with the goal of transitioning from monthly to semimonthly pay.
4. Raise the cap on the number of permanent staff and additional staff allowed to work in Member offices.
5. Regularly survey staff on ways to improve pay, benefits, and quality of life.
6. Congressional Staff Academy must design and offer certifications in addition to trainings to staffers. The program must offer certificates for the following roles: Staff Assistant, LC, LA, LD, Scheduler, Press Assistant, Communications Director, COS, and District Staff roles. The CSA must also promote these certifications.
7. Provide institution-wide, standard onboarding training for new employees, including employee resource offices/contacts. Training includes "constituent service training" for entry level staffers who will deal with constituent concerns.
8. Remove franking related costs from Member MRAs and move to a central account which all Members can use (up to a pre-determined cap) to pay for costs associated with mass communications approved by the Franking Commission.
9. The Members Representational Allowance (MRA) formula should be reevaluated and updated to reflect modern office needs and upcoming congressional redistricting, and increased to ensure Congress can meet current and future challenges including the COVID-19 pandemic and the persistent retention problem.
10. Establish a nonbinding, voluntary pay band system for House staff that includes a salary floor and average salary for each position in Member offices based on various factors including seniority, tenure, comparable pay, and cost-of-living.
11. Eliminate requirement that district staff purchase health insurance on D.C. exchange, allowing them to enroll either in a FEHB plan or their state exchange, and allow D.C.-based staff to enroll in the D.C. exchange or FEHB plan.
12. Reauthorize appropriate provisions included in the CARES Act (P.L. 116-136) related to the tax treatment of the student loan repayment program.

13. Standardize Eligible Congressional Member Organizations (ECMOs) to participate in the House's paid intern program and access staff benefits like the student loan repayment program.
14. Staff pay should be delinked from Member pay and a new cap specific to staff should be established.
15. The Architect of the Capitol should evaluate the use of space in the U.S. Capitol Complex and identify opportunities for modernization.
16. Similar to efforts currently underway, the Committee on House Administration and the Government Services Administration (GSA) should develop a practice of negotiating an MOU covering leases for House district offices with the goal of lowering costs, improving consistency of rental rates, and guaranteeing House offices are offered the lowest available rates in GSA buildings and receive tenant protections and benefits in line with the Senate.

INTRODUCTION

Across Capitol Hill and in district offices all over the country, thousands of congressional staff work daily to make a positive impact in the lives of the people they serve. From caseworkers to staff assistants, staff interact daily with constituents to help with diverse requests, including social security benefits, D.C. tours, and public policy questions. Congressional staff are dedicated public servants who came to Congress to do meaningful work. They choose careers on Capitol Hill and in district offices despite the long hours, the lack of job security, and lower pay compared to what they could make in the executive branch and private sector.[79]

But while Congress is fortunate to attract talented and hard-working staff, it often struggles to keep them long-term. Turnover rates for House staff are high, with most positions in Member offices turning over every two years or so.[80] While a great deal of staff movement is from one Capitol Hill office to another, the typical staffer leaves the Hill altogether after four or five years. These staff departure trends have long-term implications for Congress. When staff leave, offices lose their policy and procedural expertise, leaving more junior staff who are often juggling multiple responsibilities at once and needing to play "catch up" on the issues of importance to the district.

Retaining experienced staff will strengthen Congress as a whole, making it more efficient and effective on behalf of the American people. The Committee, through a series of hearings and briefings, closely examined the question of staff retention in order to determine steps Congress can take to keep talented staff on the Hill.

Staff leave for many reasons, but two of the biggest are limited benefits and low pay. Compared to pay in the executive branch and the private sector, the pay in Congress is significantly lower.[81] And while standard congressional benefit offerings include health insurance, retirement savings accounts, and transit, there is variation between offices. Some congressional offices offer additional benefits like student loan repayment and family leave, but these benefits or how they're applied are not standard across all offices.[82] In a competitive labor market, benefit offerings are what set organizations apart

79. Comparing the Compensation of Federal and Private-Sector Employees, 2011 to 2015 (2017, April 25). CBO. https://www.cbo.gov/publication/52637#:~:text=Federal%20civilian%20workers%20with%20no,than%20their%20private%2Dsector%20counterparts.
80. Petersen, R. E., Eckman, S. J. (2016, November 9). Staff Tenure in Selected Positions in House Member Offices, 2006–2016. (CRS: R44682). https://www.crs.gov/Reports/R44682?source=search&guid=a5f6be9198e94fa4b90028f23cd06065&index=3.; Burgat, C. (2019, March 14). "Who's on the Hill? Staffing and Human Capital in Congress' Legislative Committees", R. Street Institute. https://www.rstreet.org/2019/03/14/whos-on-the-hill-staffing-and-human-capital-in-congresss-legislative-committees/.
81. Schuman, D. (2018, June 6). "Keeping Congress Competent: Staff Pay, Turnover, And What It Means for Democracy", *Medium*. https://medium.com/@danielschuman/keeping-congress-competent-staff-pay-turnover-and-what-it-means-for-democracy-a6a4bfe2c1f3
82. Gale, R. (2015, April 20). "Hill Staffer Student Loan Perk Comes with Caveats", *Roll Call*. https://www.rollcall.com/2015/04/20/hill-staffer-student-loan-perk-comes-with-caveats/

and can be vital in retaining and recruiting top talent.[83] Given the intense workload of Capitol Hill, this is particularly true for congressional staff. And while allowing individual Member offices to offer different benefits packages is designed to provide offices with tools to attract talented staff, more often this fractured system can further a lack of understanding of the full scope of benefits available to staff. Ultimately, the lack of equal pay and staff benefits puts Congress at a hiring disadvantage compared to not only the private sector, but also the executive branch.

The lack of competitive pay and benefits also impacts the diversity of congressional staff. While there have been some successful efforts to encourage diversity, particularly by making funds available to pay interns, there is still a deficit of congressional staff on Capitol Hill who are reflective of the diversity of experiences and background in America. This has a domino effect, reflected in both the recruitment and retention of minority staff at all levels. According to a recent report by the Joint Center for Political and Economic Studies, "only 13.7% of senior House staff are people of color even though they make up 38% of the U.S. population at large." Diversity among House staff is most present in the offices of nonwhite Members of Congress.[84] There is more Congress can do to attract individuals who represent the diverse backgrounds and views that exist across the country.

The Committee held a hearing on June 20, 2019 on cultivating diversity and improving staff retention[85], and held several Member listening sessions, including three virtual discussions, on the topic.[86] Expert witnesses presented testimony on the value of diverse workplaces and employee recruitment best practices. In addition, Committee staff held several in-person and virtual listening sessions with congressional staff, many of which focused on challenges specific positions to staff positions, like chiefs of staff and staff assistants.[87] The purpose of these conversations and formal hearings was to begin the public process of examining one of the most complex topics in the Committee's mandate: "staff recruitment, diversity, retention, and compensation and benefits."[88]

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83. Cultivating Diversity and Improving Retention Among Congressional Staff, 116th Congress. (2019, June 20). (Testimony of Alonso, A.) https://docs.house.gov/meetings/MH/MH00/20190620/109672/HHRG-116-MH00-Wstate-AlonsoA-20190620-U1.pdf
84. Racial Diversity Among Top House Staff (2018, August 24). Joint Center for Political and Economic Studies. https://jointcenter.org/racial-diversity-among-top-house-staff/.
85. Cultivating Diversity and Improving Retention Among Congressional Staff, 116th Congress. (2019, June 20).
86. Virtual Discussion: Conversation on Congressional Staffing, 116th Congress. (2020, June 4); Virtual Discussion: American Political Science Task Force, 116th Congress. (2020, June 18); Virtual Discussion: Boosting Internal Expertise in Congress, 116th Congress (2020, June 25).
87. Staff Assistants /Legislative Correspondents (on July 19, 2019); Comms Staff (on July 26 and July 30, 2019); Personal Staff Members / Legislative Assistants / Legislative Directors (on July 31, 2019) ; and Chiefs of Staff / Staff Directors (on August 1, 2019); all staff (September 16, 2019); virtual sessions August 2020.
88. Adopting the Rules of the House of Representatives for the One Hundred Sixteenth Congress, and for other purposes, 116th Congress. H.Res.6. 116th (2018).

The recommendations described in this chapter address the specific staffing-related concerns presented to Committee Members at the June 20, 2019 hearing and additional briefings. However, these reforms were viewed as a starting point in what would likely be a long process of addressing a broad range of congressional staffing concerns.[89] This chapter focuses specifically on the centralization and standardization of staff benefits aimed to increase retention and diversity. In addition, other recommendations detailed in this chapter, offer solutions to increase staff pay and benefits by removing administrative costs that currently fall under the Members Representation Allowance budget.[90]

This chapter begins with a brief overview of the employee benefits landscape and describes why offering competitive benefits is essential to retaining employees. It then looks at staff diversity in Congress and examines ways Congress can incorporate diversity and inclusion best practices that are often seen in the private sector. The chapter concludes with a more detailed review of the recommendations to streamline and reorganize House human resources.

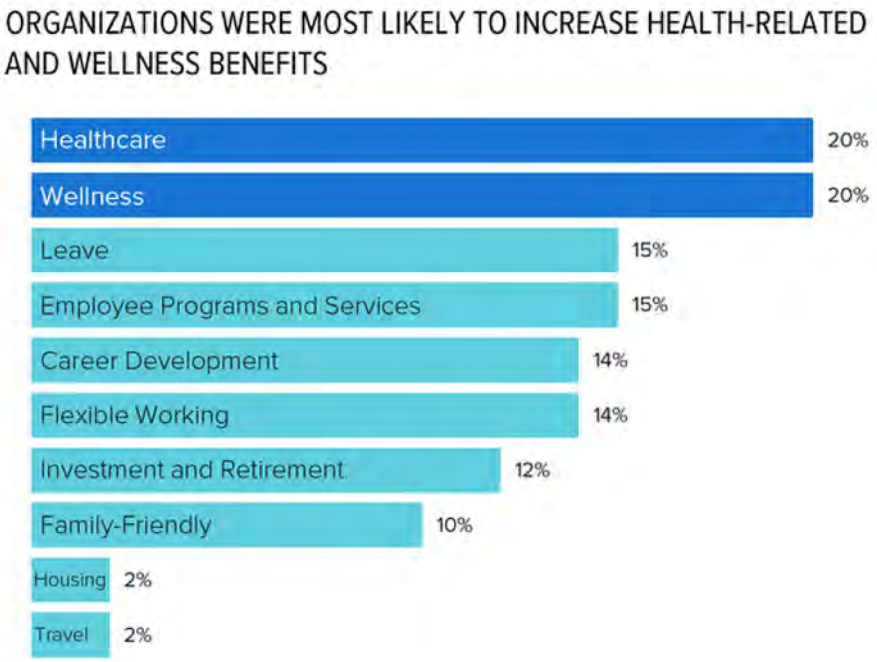
BACKGROUND

EMPLOYEE BENEFITS

The Society for Human Resource Management (SHRM) conducts comprehensive annual surveys of employers across the country to gather information on the types of benefits offered to employees. The survey data offers important insight into benefit trends, which reveal what organizations are offering in order to attract and retain talented employees. Organizations recognize that in order to remain competitive, they must routinely adjust their benefit offerings. SHRM found in its 2019 survey that compared to the year before, employers were more likely to increase offerings in all benefits.[91]

89. Please see Section 3 for suggestions on future reforms in this arena.
90. See Chapters 6–9 for these recommendations.
91. Society for Human Resource Management (2019). 2019 Employee Benefits Survey, SHRM. https://shrm.org/hr-today/trends-and-forecasting/research-and-surveys/Pages/Benefits19.aspx?_ga=2.170221159.633946006.1600186713-699811251.1600186713

Figure 3.1: Trends in Employee Benefits, 2019 SHRM survey



Source: Society for Human Resource Management (2019)

Employers rank health care and retirement benefits as the most important. Twenty percent of organizations surveyed in 2019 increased both their health care and wellness benefits over the previous year and 12 percent increased their investment and retirement benefits. Employers also view paid leave as very important; 15 percent of organizations surveyed increased this benefit over the previous year. Flexible work, career development, and family-friendly benefits also rank high, with approximately 14 percent of organizations increasing these benefits for their employees.[92]

The SHRM survey found that over 90 percent of organizations surveyed in 2019 offer paid leave of some type to their employees. In addition, employers continue to offer generous paid leave for new parents, with about one-third of organizations offering paid leave to mothers and slightly fewer to fathers. Organizations with workforces made up primarily of adults under 40, or those looking to recruit greater numbers of younger workers, will likely see even stronger pushes for paid parental and family leave. Congress fits squarely into this category. Paid leave is associated with increased productivity, increased engagement, better physical wellness, and positive employer

92. Ibid.

brand.[93] Congress recently took a positive step forward and provided congressional employees with 12 weeks of paid parental leave. While this provision, which was included in the FY 2020 National Defense Authorization Act, is important, more can be done.[94]

SHRM's 2019 survey also found that remote work continues to rise in popularity, and, as a result, telecommuting of all types is increasing. Forty percent of organizations offer part-time telecommuting. The COVID-19 pandemic has also reinforced the acceptance of working from home. Compressed workweeks are now offered by one-third of organizations, and four-day workweeks of 32 hours or less per week are offered by 15 percent. Many federal agencies offer alternative schedule options such as flexible work schedule and/or compressed work schedule programs for their employees.[95] Because Congress does not collect data on Member office policies, it's difficult to know how many Member offices had remote work policies in place prior to the COVID-19 pandemic. Conversations with district staff (described in Chapter 9), as well as D.C. staff, however, suggest that many offices were unprepared for a transition to remote work.

Employees see benefits as a major factor in whether or not to stay with their current employer, according to a study by the Congressional Management Foundation (CMF) and SHRM.[96] Sixty-six percent of congressional staffers ranked health care/medical benefits as "very important," followed by 61 percent pointing to retirement and savings plans as "very important." The Affordable Care Act (ACA) of 2010 required Members to receive their health care benefits through the D.C. Health Exchange rather than the through the Federal Employee Health Benefits Program (FEHB). And the Office of Personnel Management later determined congressional staff must also purchase their health insurance through the D.C. Health Exchange.

Prior to passage of the ACA, congressional staff were enrolled in the FEHB; today, the FEHB covers almost nine million federal employees and their families.[97] The transition to the D.C. exchange has been particularly challenging for some district-based staff as finding local health providers who accept patients covered by the D.C. exchange is difficult. For many congressional staff, executive branch, private sector health care plans, and plans offered through their home-state exchanges are more attractive options.

93. Cultivating Diversity and Improving Retention Among Congressional Staff, 116th Congress. (2019, June 20). (Testimony of Alonso, A.) https://docs.house.gov/meetings/MH/MH00/20190620/109672/HHRG-116-MH00-Wstate-AlonsoA-20190620-U1.pdf
94. See Public Law 116-92, National Defense Authorization Act for Fiscal Year 2020, 116th Congress, Section 7603. (2020) https://www.congress.gov/116/plaws/publ92/PLAW-116publ92.pdf
95. Ibid.
96. Congressional Management Foundation (n.d.) Life in Congress. https://www.congressfoundation.org/projects/life-in-congress
97. See Federal Employee Health Benefits (FEHB) Facts, Office of Personnel Management https://www.opm.gov/retirement-services/publications-forms/pamphlets/ri75-13.pdf

The CMF/SHRM study also reports that a top reason congressional staff leave their current job or current office is inadequate opportunities for professional development. Staff who want to move up the Hill career ladder typically must wait for a position to open, then learn the position on the job. This standard path can make it difficult for employees to compete with more experienced colleagues. In addition, the pool of high-level Hill jobs is smaller (and thus more competitive) because top positions turn over less frequently. SHRM's 2019 survey found that professional development was a "top benefit trend," with 87 percent of employers offering professional development opportunities, and 14 percent of organizations reporting that they increased professional development benefits offerings over the previous year.

The Congressional Staff Academy offers a broad range of professional development courses for staff, but tends to be an underutilized resource. During the COVID-19 pandemic, the Staff Academy moved many of its courses online, opening access to staff working from home. Online courses are particularly appealing to district staff who often miss out on in-person professional development opportunities. As mentioned in Chapter 9, the Committee encourages the Staff Academy to offer more online training so that staff can access training "on demand." The Committee also recognizes that the Staff Academy is uniquely positioned to help new staff learn how to do their jobs successfully, while helping current staff build upon their skill set. By offering staff certifications in job training, the Staff Academy could provide staff with learning opportunities that are both tangible and valuable.

Professional development opportunities provide congressional staffers with potential access to the higher paying jobs they need to afford cost of living expenses, including paying down student loans. One-third of adults under the age of 30 have student loan debt and college students today are taking out loans at a higher rate than in the past. Pew Research Center reports that "college graduates ages 25 to 39 with loans are more likely than graduates without loans to say they are either finding it difficult to get by financially or are just getting by (22 percent vs. 11 percent).[98] While a student loan repayment program is available to congressional staff, offices are limited in the overall amount they receive and make available to individual staffers. And because staff, like all Americans, have to pay taxes on the loan benefits they receive, they must budget accordingly. In response to the COVID-19 pandemic, Congress included a provision in the CARES Act allowing student loan borrowers to skip payments for six months and avoid taxes on the benefits they receive.[99] Committee Members agreed that this provision should be reauthorized beyond the pandemic so that borrowers aren't taxed on the loan benefits they receive.

98. Cilluffo, A. (2019, August 13) 5 facts about student loans. *Pew Research Center* https://www.pewresearch.org/fact-tank/2019/08/13/facts-about-student-loans/
99. H.R. 748 CARES Act, 116th, Congress. https://www.congress.gov/bill/116th-congress/house-bill/748

As for leaving Congress altogether, staffers cite the need for better balance between work and personal life as a top factor. Capitol Hill can be stressful, and the hours can be long. While some employees thrive in this environment, the burn out factor can be high, especially for employees who have families. Benefits geared towards providing employees with a better work/life balance might help mitigate the high turnover rate.

The Committee recognized that standardized benefits offered to congressional staff needed to be expanded and adjusted on a regular basis for Congress to attract and retain top talent. As a first step, the Committee sought to clarify what benefits are currently available and make it easier for congressional staff to access those benefits. Because the House operates like 435 individual small businesses, there is no centralized human resources department where staff can easily seek benefits information. As Chair Derek Kilmer said during a hearing on benefits and diversity:

"I thought it would be a good idea to bring in the point person who handles Human Resources for House Staff so they could talk about what benefits are available to staff. Then I found out that person doesn't exist. There literally is not an HR point of contact for House staff."

Chair Derek Kilmer, June 20, 2019

In addition, Committee Members and staff discovered that many Hill employees don't know about course offerings available through the Congressional Staff Academy or various physical and mental health wellness programs they can access. By putting all benefit offerings under one roof and easing–and encouraging—access to these benefits, the committee offered solutions to address a persistent "information deficit" among staffers. These resources should be regularly advertised, easily accessible and championed by managers on the Hill.

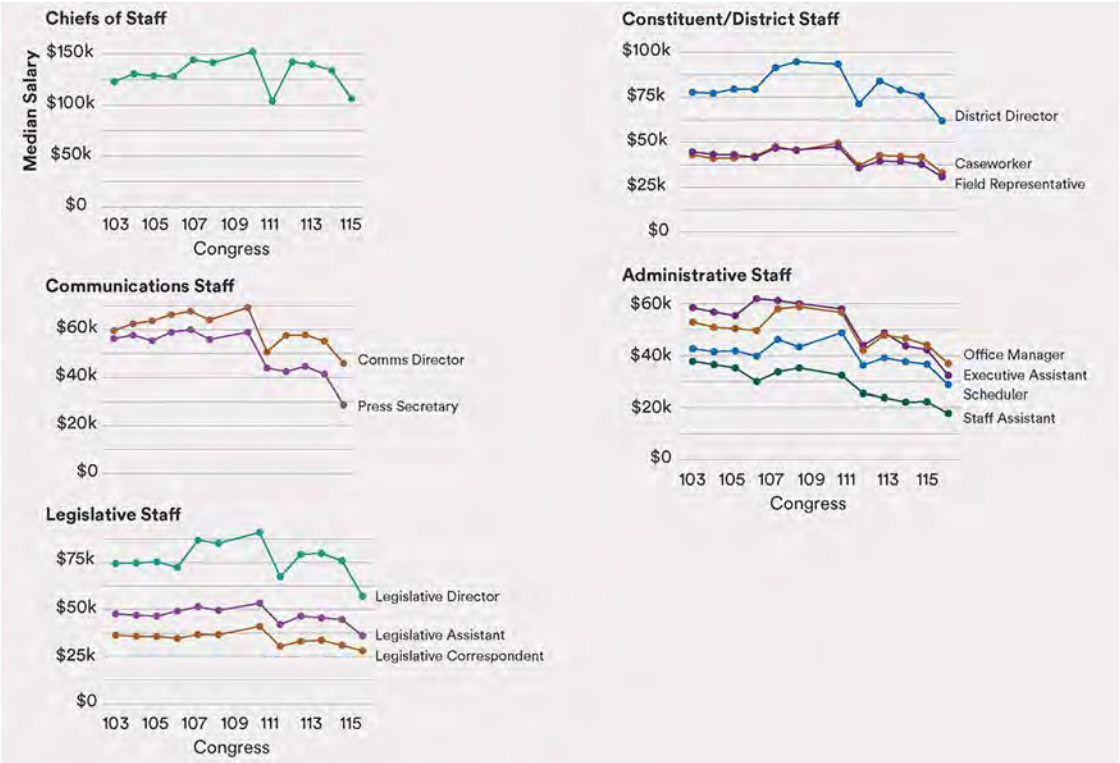
STAFF PAY

Perhaps the biggest obstacle to retaining talented congressional staff is low pay. Compared to executive branch and private sector salaries for comparable jobs, the Hill pays much less. In fact, low pay is the top reason congressional staff give for leaving their jobs.[100] According to a recent report on long-term trends in congressional capacity and staff pay, the budget allocated for office staff hires fell by 10 percent from 2013 to 2017. Rule changes in 2010 requiring congressional staff to move from the FEHB system to the D.C. health exchange, along with caps on staff salaries, have had the

100. Congressional Management Foundation, Life in Congress: Job Satisfaction and Engagement of House and Senate Staff (2013)

overall effect of reducing personnel expenditures.[101] Consequently, many staff positions have seen a decline in salary, even as workloads have increased.[102] The staff compensation charts below depict these trends.

Figure 3.2: Staff compensation, per job title



Note: Dollars are inflation-adjusted using national CPI-U. Data calculated from "The Congress and Its Experts" dataset (Corson, Furnas, Lapira 2019). Data not available for the 109th Congress. Source: New America.

As a consequence of these trends, most staffers do not see working in Congress as a long-term career option. About 65 percent plan to leave Congress within five years—including those who would like to continue working in the public sector.[103] Experienced staff take their years of institutional and policy knowledge with them when they leave the Hill. These long-term staffers are typically replaced by less experienced—and less expensive—staff and the cycle begins anew.

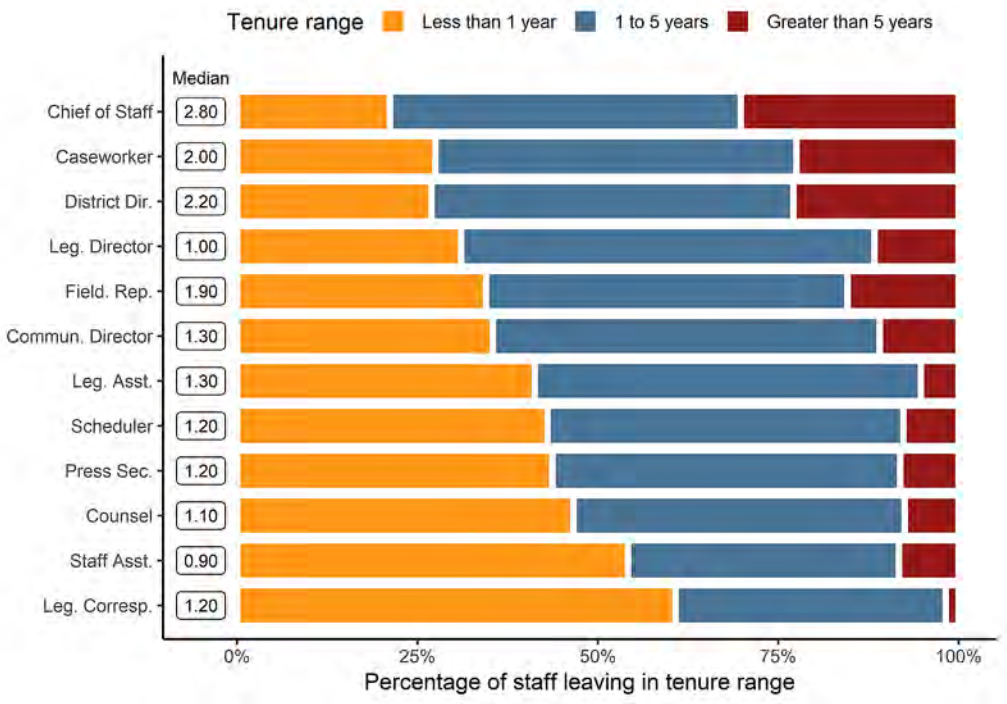
101. House and Senate rules prevent staff from earning more than Members, who make $174,000. Increasing Member salaries (and thereby raising the cap on staff salaries) requires Members to vote in favor raising their own salaries.
102. Furnas, A. and LaPira, T. (2020, September). Congressional Brain Drain. *New America*. https://www.newamerica.org/political-reform/reports/congressional-brain-drain/
103. Ibid.

"The effects of such low wages are compounded given that D.C.-based congressional aides live in one of the most expensive metropolitan areas in the country and are increasingly likely to come to Congress owing large amounts in student loans. As a result, Congress has struggled to retain qualified and effective staff. Staffers regularly depart Congress after short tenures, trading their congressional experience and connections for higher salaries offered by special interest and lobbying organizations."

The American Political Science Association Task Force on Congressional Reform[104]

Figure 3.3 below depicts high levels of congressional staff turnover, by position. While some of this turnover reflects staffers leaving one Hill job for another, turnover at the higher levels is more often off the Hill, to higher paying jobs.

Figure 3.3: Turnover and staff tenure by position



Source: Data provided by Dr. Casey Burgat

104. Task Force on Congressional Reform (2019, September). American Political Science Association https://www.apsanet.org/Portals/54/APSA%20RPCI%20Congressional%20Reform%20Report.pdf?ver=2020-01-09-094944-627

As discussed in Chapter 10, the constant churn of congressional staff off the Hill leaves Congress overly reliant on outside experts, like lobbyists. In testimony before the Committee, Dr. Lee Drutman noted that by cutting spending on staff, Congress has diminished its primary source of expertise.[105]

"Spending money on Congress is a bargain. The federal budget is $4.8 trillion. Legislative appropriations is $3.97 billion or just 0.08 percent of the federal budget. 99.92 percent of the federal budget goes elsewhere. Better congressional oversight of the executive branch could actually save taxpayers money."

Dr. Lee Drutman[106]

Central to the discussion of staff pay is the means by which Members pay staff—the Member Resource Allocation (MRA). The MRA, which averaged $1.369 million in FY 2018, is the sole source of discretionary funding for Members' official duties. Members must use their MRA to cover employee salaries, travel expenses for commuting between the district office and D.C., official communications including telephone town halls, new office equipment, computers and software, and other official expenses associated with running their congressional office. Member MRAs vary based on:

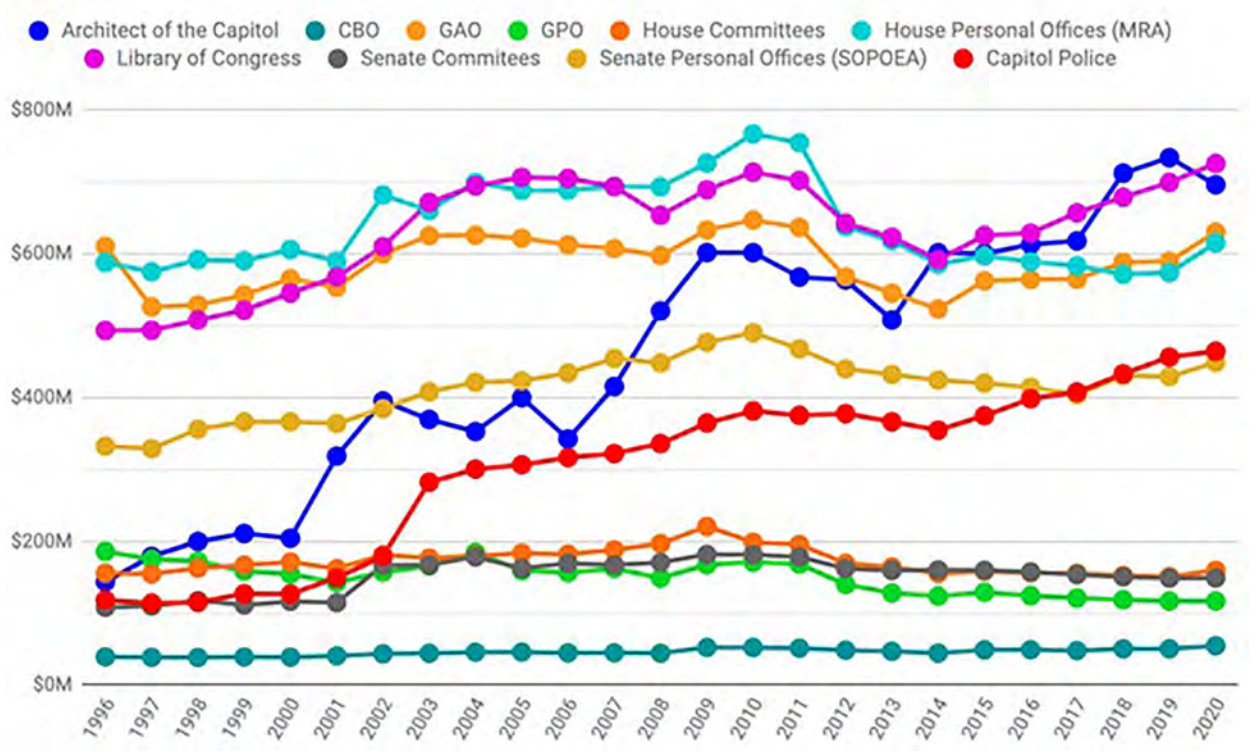
1. distance between the Member's district and Washington, D.C.;
2. the cost of office space in the Member's district, as reflected in GSA inventory;
3. the number of non-business mailing addresses in a Member's district.

MRAs are funded by legislative branch appropriations. But within the legislative branch budget, a growing share of costs have been driven by non-policy entities like the Architect of the Capitol and the Capitol Police.[107] The MRA was cut significantly from 2011 to 2013, then held roughly constant from 2014 to 2015. It saw small increases from 2016 to 2018, but its real purchasing power remains around a quarter below its 2010 peak—somewhere around the level of 2000. In contrast, total federal spending in 2018 was more than 50 percent higher in real terms than in 2000.

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105. Select Committee Hosts Virtual Discussion on Boosting Internal Expertise in Congress, 116th Congress (2020, June 25) https://modernizecongress.house.gov/committee-activity/virtual-discussions/select-committee-hosts-virtual-discussion-on-boosting-internal-expertise-in-congress
106. Ibid.
107. Graves, Z. Rebuilding Congress' Policy Capacity (2020, July 8) *The Federalist Society*. https://fedsoc.org/commentary/fedsoc-blog/rebuilding-congress-policy-capacity

Figure 3.4: Cost change in legislative branch budget components over time

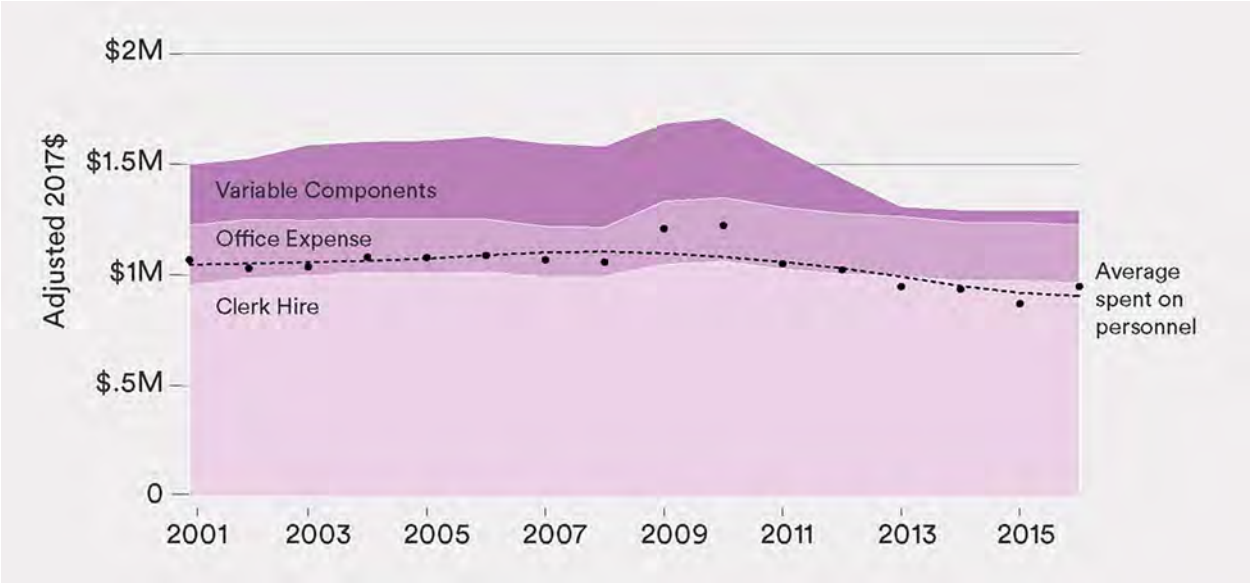


Data provided by Daniel Schuman at Demand Progress. Does not include all budget components. Shown in 2019 dollars.

While many goods and services are provided separate from the MRA, including D.C. office space, furniture, and staff benefits (including healthcare, retirement and Social Security contributions, life insurance, student loan repayment, and transit benefit), Members are restricted in terms of what they can pay staff. This is because since 2000, Congress has not approved substantial increases to MRA budgets. By holding the MRA budget constant, "the House has chosen to reduce its spending on staffing and overhead by 10 cents on the dollar in just five years. The consequence has been a marked decline in staffing."[108]

108. Furnas, A. and LaPira, T. (2020, September). Congressional Brain Drain. *New America*. https://www.newamerica.org/political-reform/reports/congressional-brain-drain/

Figure 3.5: MRA components and personnel expenditures



Note: Dollars are inflation-adjusted using CPI-U. Specific component amounts obtained from Legislative Branch Appropriations reports. Aggregate personal office personnel spending amounts calculated from annualized House Statements of Disbursement. Source: New America.

The bottom line is that Congress cannot adequately tackle the problem of staff churn without paying staff higher salaries. And Congress cannot pay higher staff salaries unless it invests more money in the institution. Members rightfully fear the political consequences of voting to increase spending on Congress, especially when the institution is already viewed unfavorably by a majority of Americans. At the same time, the American people want a functional Congress that is capable of fulfilling its Article One obligations.

"By sheer math, even doubling the money spent on Congress would be tiny compared to the overall federal budget. The 2018 federal budget included $2.1 billion to fund the House ($1.2 billion) and the Senate ($919 million). That's 0.05 percent of a $4.1 trillion total federal budget."

American Political Science Association Congressional Reform Task Force[109]

Until Members view the legislative branch as worthy as investment as the executive branch, Congress will continue to lose capacity and thus effectiveness to serve the American people. In addition to the recommendations discussed below to directly address staff and congressional

109. Task Force on Congressional Reform (2019, September). American Political Science Association https://www.apsanet.org/Portals/54/APSA%20RPCI%20Congressional%20Reform%20Report.pdf?ver=2020-01-09-094944-627

capacity, the Committee considered other ways to alleviate the pressure on the MRA by removing several standard administrative costs from the Member budget. These recommendations are detailed in Chapters 7–10.

DIVERSITY AND INCLUSION

Providing staff with competitive benefits and pay is one part of the recruitment and retention puzzle. Staff also need a work environment that reflects and values a diversity of backgrounds and experiences. The 116th Congress is the most racially and ethnically diverse Congress in history, and congressional staff should represent the diversity of constituents around the country. As Dr. Alexander Alonso, Chief Knowledge Officer at SHRM, said in his testimony before the Committee:[110]

"While benefits offerings are critical to securing top talent, it is equally important that Congress address inclusion and diversity when discussing a modern workforce. More than one in five voting Members (22 percent) of the U.S. House of Representatives and Senate are racial or ethnic minorities, making the 116th Congress the most racially and ethnically diverse in history. As a result, Capitol Hill staff should also reflect a diverse workforce and representation of constituents around the country."

Dr. Alexander Alonso, June 20, 2019

To help Members recruit and retain a more diverse workforce, the House established an Office of Diversity and Inclusion as part of the rules package for the 116th Congress.[111] While party-based diversity initiatives have existed in Congress, the Office of Diversity and Inclusion formalizes the House's commitment to promoting "…policies which assist member offices in hiring and retaining a diverse workforce." "Congressional staffers directly impact the lives and wellbeing of millions of Americans," according to the office, "and these staffers should reflect our rich diversity."[112]

Because there is no routine internal survey of congressional staff demographics, obtaining a reliable picture of staff diversity is challenging. In addition to developing a comprehensive diversity plan, the Office of Diversity and Inclusion will collect staff demographic data—an important first step towards understanding the composition of current Hill staff. Under the direction of the FY 2019 Legislative Branch appropriations report and House Rules for the 116th Congress, the House's Chief Administrative Office (CAO)

110. Cultivating Diversity and Improving Retention Among Congressional Staff, 116th Congress. (2019, June 20). (Testimony of Alonso, A.) https://docs.house.gov/meetings/MH/MH00/20190620/109672/HHRG-116-MH00-Wstate-AlonsoA-20190620-U1.pdf

111. McPherson, L. (2019, January 3). House adopts rules package with few Democratic defections over PAYGO provision. Roll Call. https://www.rollcall.com/2019/01/03/house-adopts-rules-package-with-few-democratic-defections-over-paygo-provision/

112. About the House Office of Diversity and Inclusion (n.d.). https://diversity.house.gov/about

surveyed staff in 2019 on diversity and pay issues.[113] This survey provided valuable feedback about the type of people who serve as staff in Congress, as well as information on pay and benefits across demographics. Yet as only the first of its kind, the survey provided a snapshot in time. Valuable efforts like this should take place on a regular basis; Congress cannot improve on issues of staff and diversity without understanding where it currently stands.

A few outside organizations have also tried to capture diversity information via surveys of congressional offices and other data collection techniques. For example, the Joint Center for Political and Economic Studies surveyed House offices in 2018[114] and reported the following:

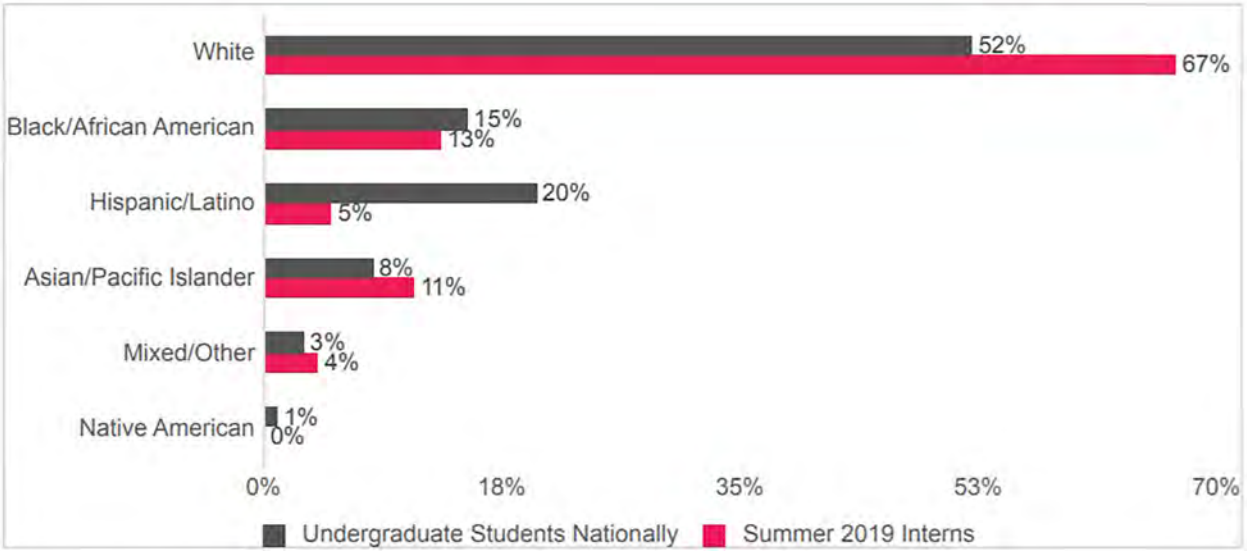
Figure 3.6: Findings from the Joint Center for Political and Economic Survey, 2018

People of color make up 38 percent of the U.S. population, but only 13.7 percent of all top House staff.
Both white Democrats and white Republicans hire overwhelmingly white top staff, even though their districts are surprisingly diverse
Latinx Members represent districts that are much more Latinx than their top staff.
There are no Latinx, Asian American, Pacific Islanders, or Native Americans who serve as full committee staff directors or leadership office chiefs of staff, policy directors, or communications directors.
Women account for almost 61 percent of Black top staffers, almost 45 percent of Latinx top staffers, and just over 31 percent of Asian American and Pacific Islanders top staffers.

The lack of congressional staff demographic data extends to interns. There is no institution-wide recordkeeping about who interns on Capitol Hill and whether internship opportunities are allocated equitably to women, racial minorities, or students from less privileged backgrounds. Pay Our Interns commissioned a report in 2020[115] to examine racial representation among interns in the House and found uneven access to internship opportunities. Congressional internships are the primary pipeline to jobs on the Hill, and disparities in who gets internships leads to a less diverse congressional workforce. Figure 3.7 illustrates some of the report's findings:

113. Marquette, C. (2019, September 27). House employee survey shows discontent with pay. Roll Call. https://www.rollcall.com/2019/09/27/house-employee-survey-shows-discontent-with-pay/.
114. Racial Diversity Among Top House Staff (2018, August 24). Joint Center for Political and Economic Studies. https://jointcenter.org/racial-diversity-among-top-house-staff/.
115. James, J (2020). The Color of Congress: Racial Representation Among Interns in the U.S. House of Representatives. Pay Our Interns.

Figure 3.7: Summer 2019 interns compared to the national undergraduate student population, by race



Note: Data from Pay our Interns 2020 Report[116]

Additionally, an R Street Institute report examined data from all 45 House and Senate committees to provide a comprehensive committee-by-committee look at the tenure, pay and gender balance of committee staffs. The report highlights vastly different experiences that men and women have on the Hill, even when performing the same job. When workers were sorted by job category—legislative assistant, communications, senior staff—men out-earned women in every category except administration. The smallest pay gap was at the senior staff level, where men earned $1,000 more per year, on average. The largest gap was in communications, where men out-earned women by roughly $15,000 per year.[117]

Recognizing the need to incorporate diversity and inclusion measures into the congressional staff recruitment and retention process, the Committee solicited expert advice on best practices. At a June 20, 2019 hearing, the Committee heard testimony from experts who shared what organizations and businesses are doing to diversify their workforces and promote inclusion in the workplace. Laura Liswood, author of *The Loudest Duck: Moving Beyond Diversity*, described several best practices that successful companies employ, including making diversity and inclusion part of the culture and a highest

116. Ibid.
117. Burgat, C. (2019, March 14). "Who's on the Hill? Staffing and Human Capital in Congress' Legislative Committees", R. Street Institute. https://www.rstreet.org/2019/03/14/whos-on-the-hill-staffing-and-human-capital-in-congresss-legislative-committees/.

priority for senior leadership. She also noted that there are unconscious beliefs, perceptions, archetypes, associations, and biases that play into whom we hire and how we evaluate others. Cultivating an awareness of these biases should also be prioritized.[118]

"Historically certain groups have been overrepresented in positions of power, influence, economic benefits, jobs and others have been underrepresented. This pattern is seen in Congressional staff offices."

Laura Liswood, June 20, 2019

Another expert witness, Dr. Kwasi Mitchell, Principal and Chief Inclusion Officer at Deloitte Consulting, explained that inclusion is about every day actions and highlighted behaviors that organizations can promote to empower people with actionable steps on how they can personalize, identify, model, and advance inclusion in the workplace:[119]

"We find that more and more that strong inclusive cultures also include an element of purpose and dedication to the greater good. In fact, purpose-driven work is one of the top factors that today's workforce is seeking. Few organizations have as strong a purpose as that of Congress, and it is an outstanding foundation for the continuation and scaling of your diversity and inclusion efforts."

Dr. Kwasi Mitchell, June 20, 2019

During the COVID-19 pandemic, the Committee also dedicated three virtual discussions to the topic of boosting staff capacity and diversity. Experts from the American Political Science Association's Task Force on Congressional Reform briefed Committee Members on their staffing research and recommendations, noting that minority staffers are far less likely to obtain leadership positions in congressional offices and tend to experience larger pay gaps.[120] In addition to recommending that Congress provide the Office of

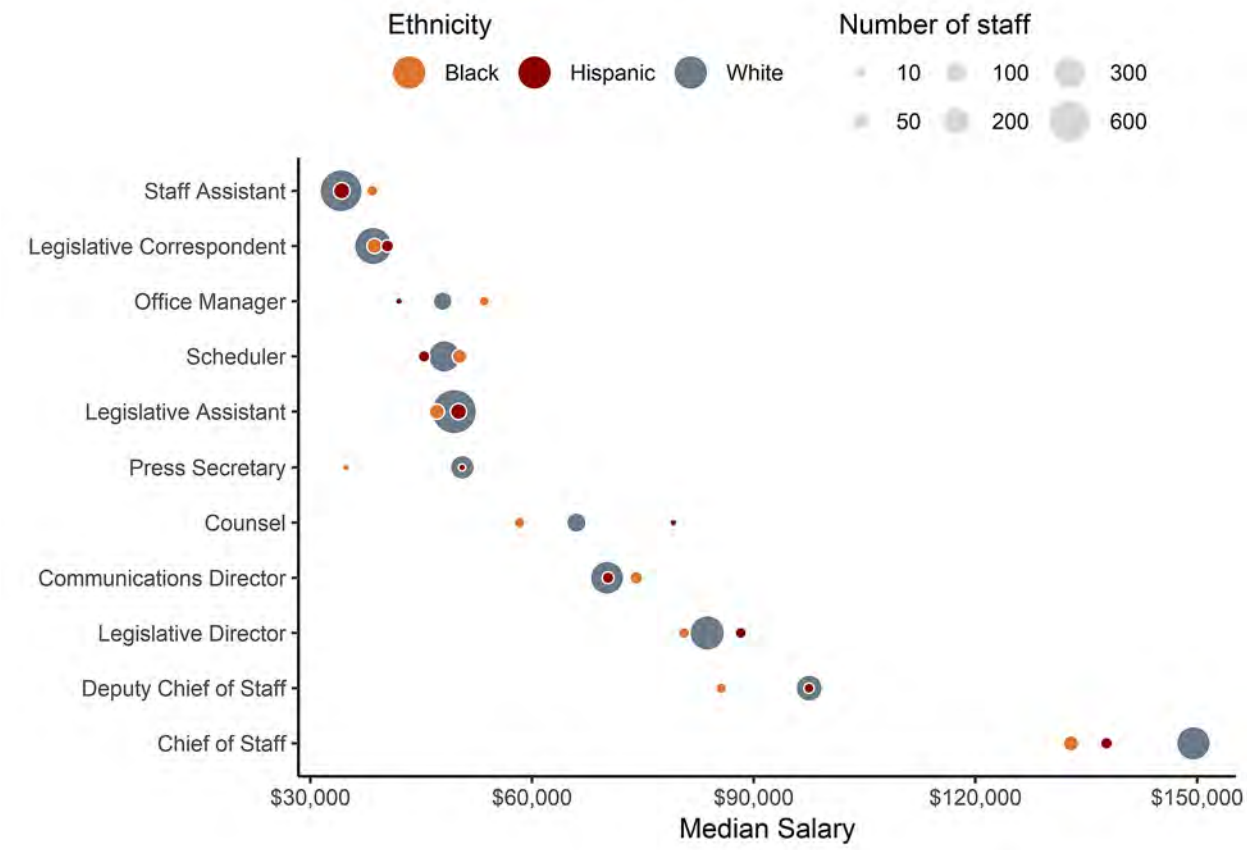
118. Liswood, L. A. (2009). The loudest duck: Moving beyond diversity while embracing differences to achieve success at work. John Wiley & Sons.

119. Cultivating Diversity and Improving Retention Among Congressional Staff, 116th Congress. (2019, June 20) (Testimony of Mitchell, K.) https://docs.house.gov/meetings/MH/MH00/20190620/109672/HHRG-116-MH00-Wstate-MitchellK-20190620-U1.pdf

120. Conversation on Congressional Staffing, 116th Congress. (2020, June 4) https://modernizecongress.house.gov/committee-activity/virtual-discussions/the-select-committee-on-the-modernization-of-congress-conversation-on-congressional-staffing; Select Committee Hosts Virtual Discussion with American Political Science Association Task Force, 116th Congress (2020, June 18) https://modernizecongress.house.gov/committee-activity/virtual-discussions/select-committee-hosts-virtual-discussion-with-american-political-science-association-task-force-; Select Committee Hosts Virtual Discussion on Boosting Internal Expertise in Congress, 116th Congress (2020, June 25) https://modernizecongress.house.gov/committee-activity/virtual-discussions/select-committee-hosts-virtual-discussion-on-boosting-internal-expertise-in-congress

Diversity and Inclusion with consistent institutional support and resources, Task Force members recommended modernizing congressional job listing and resume bank services as a way to increase minority access to congressional employment opportunities.[121]

Figure 3.7: Congressional staff pay, by position and ethnicity



Source: Data compiled by Dr. Casey Burgat

Former leadership staffers from the Congressional Black Caucus and the Congressional Hispanic Caucus also shared with Committee Members their perspectives on the value of diversity in staffing. Maria Meier, former director of the Congressional Hispanic Caucus, explained how Congress' demographic caucuses give Members and staff additional opportunities to address the issues impacting minority communities across congressional districts.[122] Diverse staff bring different backgrounds and experiences to their jobs, which is important when working with diverse constituencies.

121. Task Force on Congressional Reform (2019, September). American Political Science Association https://www.apsanet.org/Portals/54/APSA%20RPCI%20Congressional%20Reform%20Report.pdf?ver=2020-01-09-094944-627

122. Select Committee Hosts Virtual Discussion on Boosting Internal Expertise in Congress, 116th Congress (2020, June 25) https://modernizecongress.house.gov/committee-activity/virtual-discussions/select-committee-hosts-virtual-discussion-on-boosting-internal-expertise-in-congress

As Congress takes actions to recruit and retain talented employees and attract a diverse workforce, SHRM recommends that it should also consider modernizing its job application and posting process. "The employment process for Capitol Hill is antiquated, not transparent, and vastly different from that of the private sector, which is an impediment to attracting high-quality diverse candidates."[123] As anyone who has worked on Capitol Hill knows, job openings are often learned by word of mouth. This further deters people without connections to the Hill from applying for jobs for which they're qualified. As Kemba Hendrix, director of the House Office of Diversity and Inclusion, said in a March 15, 2019 New York Times article:[124]

"This is a place where who you know does, at times, affect how you are able to access employment. The ability to access networks and become familiar within those networks takes time."

Kemba Hendrix

By voting to create the House Office of Diversity and Inclusion at the beginning of the 116th Congress, the chamber took an important first step towards putting some of these practices into place. The work of improving staff diversity would also be aided by a centralized human resources department in the House. Such an office could help with recruitment and retention, perform diversity audits, identify best practices, and help to collect and compile data that could assist the House in making routine benefit adjustments.

RECOMMENDATIONS TO BUILD CONGRESSIONAL CAPACITY

1. Create a one-stop shop Human Resources HUB dedicated to Member, committee, and leadership (MCL) staff.

Due to the inherent complexities of bringing together many independently operating offices under one "human resources umbrella," this recommendation is one of the most comprehensive passed by the Committee. Committee Members believe that attracting and retaining a diverse and highly qualified workforce requires competitive benefits for staff. And unfortunately, staff—and those managing them—are too often unaware of the benefits and services offered by the House because they don't know how to access them.

This is in large part due to the lack of a centralized, one-stop shop where managers and congressional staff can go to find information related to benefits and policies, get guidance on hiring, get answers on how to handle

123. Cultivating Diversity and Improving Retention Among Congressional Staff, 116th Congress. (2019, June 20). (Testimony of Alonso, A.) https://docs.house.gov/meetings/MH/MH00/20190620/109672/HHRG-116-MH00-Wstate-AlonsoA-20190620-U1.pdf

124. Edmonson, C. (2019, March 15). In Most Diverse House, Aides of Color Join the Ranks of 'Firsts'. *New York Times*. https://www.nytimes.com/2019/03/15/us/house-staff-minorities-democrats.html

management issues, and access training and professional development opportunities. And because they are starting from scratch, freshman offices tend to be most impacted by the lack of human resources infrastructure in the House.[125]

The Committee believes that centralizing resources under a single human resources department will vastly improve the ability of congressional offices and staff to determine the range of benefits and services available, seek advice and make choices that best serve their needs. A centralized human resources HUB builds efficiency in House systems, saving staff time and frustration.

The Committee recommends that the "one-stop shop Human Resources HUB" be led by an HR Deputy Director and comprised of existing offices and staff of the House. The office will be responsible for assisting MCL offices to improve the recruitment and retention of a diverse workforce, develop best practices that can be utilized by offices, regularly survey staff, and provide recommendations for competitive compensation and benefits to House staff.

The HUB will physically exist in a centralized location convenient to Member offices. A virtual version of the HUB will be structured as a board led by a new Deputy HR Director for Congressional Staff and comprised of representatives from the following House offices:

- Office of Employee Advocacy
- Office of Congressional Workplace Rights
- Office of House Employment Counsel
- Office of Employee Assistance
- Congressional Staff Academy
- House Wellness Center

The Deputy HR Director for Congressional Staff will be overseen by the Chief Human Resources Officer for the Chief Administrative Officer of the House, and will guide and delegate efforts to recruit and retain a diverse staff including, but not limited to:

1. Developing a tool kit for best practices for hiring, promoting, and managing a diverse staff;
2. Improving diversity recruitment by implementing best practices for actively seeking out candidates of various backgrounds and compiling into the House resume portal (for example, outreach to historically black colleges and universities (HBCUs), community colleges, organizations for individuals with disabilities, etc.);

125. Fostering the Next Generation of Leaders: Setting Members up for Success, 116th Congress. (2019, July 11.) (Testimony of Shapiro, R.) https://docs.house.gov/meetings/MH/MH00/20190711/109766/HHRG-116-MH00-Wstate-ShapiroR-20190711-U1.pdf

3. Reevaluating current MCL office staff benefits (for example, capacity and costs of the House child care center, student loan benefits, etc.) and develop recommendations for new benefits to improve recruitment and retention (for example, telework, flex schedules, returnship programs, sabbaticals, etc.);
4. Conducting the biennial staff survey as well as offering an optional exit survey to MCL offices;
5. Transforming the existing House resume bank into a user-friendly, searchable portal where MCL offices can select a range of criteria to narrow the candidate pool;
6. Improving and managing the House Vacancy Announcement and Placement Service (HVAPS); and
7. Providing Members-elect information on the full range of services offered to their staff in an easily understandable and organized format immediately following the certification of their election results.

The Committee also recommended that when the various representatives of the HR HUB convene, representatives of the Majority and Minority of the Committee on House Administration should be present to serve as advocates for MCL office staff. Additionally, the House Committee on Ethics should be consulted as appropriate to ensure that staff benefits and best practices are in line with House Ethics rules.

The Deputy HR Director for Congressional Staff will also deputize or hire a Deputy Director of Staff Outreach and Marketing responsible for advertising services to staff and creating a more outward facing HR HUB. Finally, the Committee on House Administration will evaluate the effectiveness of the HR HUB no later than three years after its establishment.

2. Make permanent the Office of Diversity and Inclusion.

The Committee has made staff recruitment, retention and diversity a priority since its inception. Over the course of the 116th Congress, the Committee has continually discussed the importance of having different perspectives and experiences at every level in Congress. In hearings, virtual discussions, and staff and Member-level meetings, the committee heard from a diverse set of voices that highlighted the need for better hiring practices and more focused attention on diversity and inclusion.

It's clear to the Members of the Committee that Congress needs to do more to recruit and retain staffers who reflect the diversity of the American people. Congress also needs to routinely survey staff, not just on pay and benefits, but also on their backgrounds to better understand the makeup of the People's House. For these reasons, Committee Members recommended making the House Office of Diversity and Inclusion permanent.

As described earlier in this chapter, the Rules of the House of Representatives for the 116th Congress (H.Res.6) established the Office of Diversity and Inclusion to develop a plan including, in part, ''policies to direct

and guide House employing offices to recruit, hire, train, develop, advance, promote, and retain a diverse workforce.'' The Office, however, was only authorized for the 116th Congress. The Committee believed the Office should be extended into future Congresses. If the ''People's House'' is to make earnest efforts to improve diversity among the congressional workforce, the Office of Diversity and Inclusion should be established permanently and efforts to evaluate its effectiveness and mission should be ongoing.

Making the Office permanent will enable Congress to better recruit and retain a diverse workforce. Additionally, once the Office is made permanent, the Committee recommends that a representative serve on the HR HUB described in the previous recommendation. The Committee on House Administration must evaluate the progress and mission of the Office at the end of the 116th Congress, and no later than three years after it is made permanent.

3. Examine the viability of updating the staff payroll system with the goal of transitioning from monthly to semimonthly pay.

As the Committee examined issues related to congressional staff pay, Members and Committee staff determined that an ongoing problem for younger and lower-level staff is the monthly pay schedule. Previous legislation to address this problem failed to bring the institution in line with the Senate and other federal employee pay schedules. As a result, some staff continue to struggle to meet monthly financial obligations.

Recent research has found that many workers struggle to make ends meet when faced with financial emergencies. A 2018 report from the Board of Governors of the Federal Reserve found that 40 percent of adults in the U.S. do not have enough savings on hand to cover a $400.00 emergency.[126] Similarly, CareerBuilder found in 2017 that 78 percent of workers in the U.S. live paycheck to paycheck.[127] For workers who are paid monthly, unexpected financial emergencies can be even more challenging.

The U.S. Bureau of Labor Statistics reports that among private businesses, "biweekly is the most common length of pay period, with 36.5 percent of U.S. private businesses paying their employees every 2 weeks. Weekly pay periods are almost as common, with 32.4 percent of private businesses paying employees each week. Semimonthly and monthly pay frequencies are less common."[128]

126. Report on the Economic Well-Being of U.S. Households in 2017 (2018, May). Board of Governors of the Federal Reserve System. https://www.federalreserve.gov/publications/files/2017-report-economic-well-being-us-households-201805.pdf
127. Press Release: Living Paycheck to Paycheck is a Way of Life for Majority of U.S. Workers. (2017, Aug. 24). Career Builder. http://press.careerbuilder.com/2017-08-24-Living-Paycheck-to-Paycheck-is-a-Way-of-Life-for-Majority-of-U-S-Workers-According-to-New-CareerBuilder-Survey
128. Burgess, M. (2014, May). How frequently do private businesses pay employees? U. S. Bureau of Labor Statistics. https://www.bls.gov/opub/btn/volume-3/how-frequently-do-private-businesses-pay-workers.htm

The Committee recommends examining the viability of updating the staff payroll system with the goal of transitioning from monthly to semimonthly pay. Specifically, the Committee recommends that the CAO conduct a review of the costs and logistics of changing the House payroll system from a monthly to semimonthly schedule. Following the review, the House should align with the rest of the federal government's payroll practices and update its pay schedule to address the financial concerns of congressional staff.

4. Raise the cap on the number of permanent staff and additional staff allowed to work in Member offices.

In 1975, the House capped the number of staff that can serve in Member offices at 18 permanent staff and four additional staff. Yet in the 45 years since the cap was put in place, the U.S. population has expanded, and Members are representing larger constituencies. The policy agenda has become increasingly complex, presenting staff with a constant stream of new issues and constituent concerns to address.

The combination of increased workloads and stagnant staff growth has led to an increased dependence on outside resources and research. Lobbyists, trade associations, and other policy-oriented organizations assist overburdened staff. But this dependency on outside expertise raises questions about biases in the policy making process.

Committee Members agreed that raising the cap and allowing Member offices to hire additional staff would help offices better serve their constituents, reduce stress on staff, and thereby improve staff retention. Specifically, the Committee recommends raising the cap on permanent staffers from 18 to 22 and raising the cap on additional staffers from four to six. Because office space is a perennial issue in Congress, Members could consider implementing a more regular telework policy once the U.S. workforce is back in physical office spaces full-time.

5. Regularly survey staff on ways to improve pay, benefits, and quality of life.

In their 2019 final report, the American Political Science Association's Task Force on Congressional Reform called for improved collection and dissemination of data on the compensation and demographic breakdown of congressional staff. According to the Task Force:[129]

129. American Political Science Association (2019, October). Congressional Reform Task Force, Final Report. https://www.apsanet.org/Portals/54/APSA%20RPCI%20Congressional%20Reform%20Report.pdf?ver=2020-01-09-094944-627.

"In order to gauge current problems and track progress in staff retention and diversity over time, Congress and those who care about the institution need better information about staffing practices. We recommend that Congress require systematic information collection. Information availability would then allow Congress to identify where the institution falls short in equitable opportunities for staff career advancement."

APSA Task Force on Congressional Reform, October 2019

Congressional staff are not regularly surveyed to capture important information about pay, benefits, diversity, and quality of life. This lack of information hinders the ability of the House to identify the demographics of who works on the Hill, why staff leave, and how to improve retention and diversity.

The Rules of the House of Representatives for the 116th Congress (H.Res.6) included language for a one-time survey on staff diversity. A number of outside groups have also compiled reports on staff pay and demographics, but the accuracy of data is hard to confirm. The Committee recommends regular internal surveys of staff to collect demographic data and to solicit information to improve staff pay, benefits, and quality of life.

The Committee also recommends that the new human resources HUB described above offer departing staff the option of completing an exit survey. By routinely collecting this information, Congress can make data-based decisions to improve staff retention. Congress should also make public the aggregated results of these surveys.

6. Congressional Staff Academy must design and offer certifications in addition to trainings to staffers. The program must offer certificates for the following roles: Staff Assistant, LC, LA, LD, Scheduler, Press Assistant, Communications Director, COS, and District Staff roles. The CSA must also promote these certifications.

Certifications help staff become more marketable for promotion or alternative employment. In addition, these programs also help offices save time by training staffers and create a standardized, base-level understanding of staff roles across the House. And given the unique nature of the work on Capitol Hill, it can be difficult to move from one position to another—this training will provide staff with an opportunity to learn new positions and be flexible in their work goals.

For example, these programs will include training on House procedure for legislative aides, guidance on in-House communication resources for press staff, and managerial training for senior-level positions. This training will improve the institution as a whole, by not only making it easier for staff to transfer between offices, but by establishing foundational training for new and

veteran staff members alike. In addition, the Committee recommends incentivizing participation in training such as bonuses, establishing a curriculum for senior staff, and a creating a mentorship program for staff.

7. Provide institution-wide, standard onboarding training for new employees, including employee resource offices/contacts. Training includes "constituent service training" for entry level staffers who will deal with constituent concerns.

For new staffers, the institutional knowledge of how Capitol Hill operates can be difficult to find and understand. The Committee recommends providing institution-wide training for new employees to ensure all new staff understand their role, how Congress operates, as well as logistics like benefits. This training will empower staff to not only understand the legislative process, but their rights as congressional staff. In addition, standardized training provides staff with skill sets that are transferable across offices, which helps improves staff retention. A similar recommendation for a revamped onboarding process for new Members can be found in Chapter 4.

8. Remove franking related costs from Member MRAs and move to a central account which all Members can use (up to a pre-determined cap) to pay for franking related costs (this can include telephone town halls and ads on social media).

Funding could be provided through the Chief Administrative Officer with each office having a specific allotment available to them. Individual offices use of funding would also be disclosed in the quarterly statement of disbursements. All mass communications will continue to be publicly disclosed via the current franking website.

Offices are not required to use these funds and could still use the MRA for all mass communication costs. Additionally, if offices reach the cap, they can still utilize the MRA for mass communications.

Currently, because both staff pay and the high costs of franked mail both fall under the MRA, Members are financially restricted in both the quantity and quality of constituent correspondence and staff pay. Where some offices have high franked-costs, others have few.[130] This inadvertently disadvantages staff and Members, who are constrained by a collective MRA. The Committee recommends removing franked-related costs from Member MRAs and move them to a central account.

130. Please see Chapter 8 for more details on Franking costs.

9. The Members Representational Allowance (MRA) formula should be reevaluated and updated to reflect modern office needs and upcoming congressional redistricting, and increased to ensure Congress can meet current and future challenges including the COVID-19 pandemic and the persistent retention problems.

Improving capacity and staff expertise will make Congress work better for the American people, and less reliant on lobbyists or outside experts. In order to provide sufficient compensation to recruit and retain capable staff, a modern MRA is needed. Currently, the MRA is calculated through several factors that require updating. Travel costs are calculated based on distance from D.C. rather than actual cost to travel. The Franking budget is determined by the number of non-business addresses in a district. And lease costs for a given MRA are determined by GSA's office space prices in a given district. A thorough and updated evaluation of the formula—including a consideration of staff pay in relation to the executive branch and to private industry—will provide a data-driven means of modernizing the MRA.

10. Establish a nonbinding, voluntary pay band system for House staff that includes a salary floor and average salary for each position in Member offices based on various factors including seniority, tenure, comparable pay, and cost-of-living.

In order for Congress to retain staff and build capacity, staff need to be paid more, and expect to receive standard cost of living adjustments, as well as raises based on tenure and merit. An established, nonbinding pay band system will encourage staff to stay on Capitol Hill for longer because they will have greater clarity regarding what they can expect to be paid. Such a system can also provide staff with an additional tool to ask for more compensation and could also prevent major pay discrepancies in pay between congressional offices.

In order to establish a nonbinding pay band system in the House, current and reliable data on staff salaries is needed. However, the lack of data on what House staff are paid, by position, makes it difficult to compare House staff salaries with either the executive branch or the private sector. While the salaries are public information and listed in quarterly Statements of Disbursement, and third-party websites and organizations compile information on salaries in Congress, the data remains uneasy to reach or access, lacking, and incomplete. Thus, the Committee also recommends that information on annual salaries for the positions in House Member offices, and for Committees, should be compiled either through available information or through a survey. Once the House collects data on staff salaries by position, this information can then help the House establish a reasonable and nonbinding pay band system for staff positions.

11. Eliminate requirement that district staff purchase health insurance on D.C. exchange, allowing them to enroll either in a FEHB plan or their state exchange, and allow D.C.-based staff to enroll in the D.C. exchange or FEHB plan.

As reported by SHRM, health care benefits are particularly important to attracting and retaining staff. However, the transition to the D.C. exchange has made it difficult for some district-based staff to find local health care providers who accept the D.C. options. Thus, the Committee recommends eliminating the requirement of district staff to purchase health insurance on the district exchange. This change would bring D.C. based staff into alignment with committee staff and the executive branch when it comes to health provider choices. It would also provide district staff with local health insurance options by allowing them to opt into local systems.

12. Reauthorize appropriate provisions included in the CARES Act (P.L. 116-136) related to the tax treatment of the student loan repayment program.

While staff benefits are provided by all Members of Congress, the stipulations of these requirements can differ by office. The Committee recommends that Congress extend the provision in the CARES Act that allowed student loan borrowers to skip payments for six months and avoid taxes on the benefits they receive.[131]

13. Staff pay should be delinked from Member pay and a new cap specific to staff should be established.

Retaining senior staff is critical to improving institutional capacity and making Members more effective lawmakers on behalf of their constituents. However, congressional staff salaries are limited by a Member's own salary. Members of the Committee recommend delinking their own salaries from those of their staff, so they can reward and retain their most senior employees.

14. Standardize Eligible Congressional Member Organizations (ECMOs) to participate in the House's paid intern program and access staff benefits like the student loan repayment program.

Like congressional party caucuses, Member organizations rely on staff and interns to help them serve their Members and work on their organizational legislative objectives. This recommendation ensures that staff who work for these organizations can access the same staff benefits as staff who work in personal offices. It also allows ECMOs to participate in the House's paid internship program, granting them 1 paid intern at a time.

15. The Architect of the Capitol should evaluate the use of space in the U.S. Capitol Complex and identify opportunities for modernization.

Congress' physical workspace is another factor that affects the institution's ability to attract and retain talented, young workers. Members also complain about a lack of open, bipartisan spaces where they can meet in

131. H.R. 748 CARES Act, 116th, Congress. https://www.congress.gov/bill/116th-congress/house-bill/748

private, away from press. While the Committee passed a recommendation encouraging a bipartisan space near the House Floor to meet with Members across the aisle, staff too, desire bipartisan spaces to work together.

According to *Forbes Magazine*, "A quality workspace design leads to a less stressful and more productive atmosphere. It's essential that employers take the physical work environment of their employees into consideration."[132] The private sector has responded to numerous studies that demonstrate the office environment's impact on employee health and wellbeing, but Congress has not evolved in the same way.

16. Similar to efforts currently underway, the Committee on House Administration and the Government Services Administration (GSA) should develop a practice of negotiating an MOU covering leases for House district offices with the goal of lowering costs, improving consistency of rental rates, and guaranteeing House offices are offered the lowest available rates in GSA buildings and receive tenant protections and benefits in line with the Senate.

This recommendation, raised by Committee Member Rep. Emanuel Cleaver, encourages the Committee on House Administration and the GSA to negotiate leases on behalf of congressional offices in local districts. Currently, each member of Congress manages their own lease process and payments for district offices, and the funding is pulled from the Member's MRA. This is a time-consuming and costly endeavor.

However, unlike individual Members of Congress, GSA has a great deal of expertise in this area. Today, the GSA owns and leases nearly 400 million square feet of space throughout the country, from ports of entry, post offices, laboratories, and more.[133] Allowing the GSA to handle the responsibility of negotiating the lease for individual Member's district offices would save time and money. This change would result also in more time for Members and staff to work on constituent services and could create additional funding within the MRA that could be used to compensate staff.

CONCLUSION

The recommendations described in this chapter reflect the Committee's commitment to improving staff diversity, recruitment, and retention. Members view staff as the backbone of Congress; without them, the institution would not function. Congress is fortunate to attract such talented and hard-working staff, but ultimately has a hard time retaining them. The typical staffer leaves the Hill after four or five years, which is right about the time they've picked up a lot of institutional knowledge and policy expertise.

132. Kohll, A. (2019, Jan. 24). "How Your Office Space Impacts Employee Well-Being". *Forbes Magazine*. https://www.forbes.com/sites/alankohll/2019/01/24/how-your-office-space-impacts-employee-wellbeing/#7871991264f3

133. Letter to the Select Committee from Rep. Emanuel Cleaver (2019, December 11).

For a lot of staffers, the desire to serve the public is eventually outweighed by the inherent need for a better work/life balance, and better pay to afford housing, support families, and put kids through college. This reality puts Congress at a disadvantage compared to the executive branch and the private sector.

The Committee believes that Congress should create an environment that encourages the best staffers to stay. These recommendations should be viewed as a starting point in a much-needed, comprehensive process of addressing a broad range of congressional staffing concerns.

CHAPTER 4 —

Overhaul the Onboarding Process and Provide Continuing Education for Members

RECOMMENDATIONS

1. Through the Office of the Clerk, newly-elected Members should have the option to hire and pay one transition staff member for the duration of the time between when they are elected and sworn in.
2. Orientation courses and services should be available to all new Members (including those incoming from a special election) and presented in a nonpartisan way.
3. Orientation should be reimagined and reorganized to offer a "just-in-time" approach where appropriate.
4. Offer a course in the new Member orientation and ongoing education portal to instruct Members on the House Rules of Decorum and Debate, and other practices to promote civility and respect.
5. Create a pilot Congressional Leadership Academy for Members which offers professional development and institutional training.
6. Make cybersecurity training mandatory for Members.

INTRODUCTION

The months leading up to Election Day—for any candidate—are usually a whirlwind. For newly elected Members of Congress, a victory on Election Day is just the beginning. Soon after winning their congressional election, new Members attend an orientation process, are required to find and lease district offices, hire staff, and figure out living arrangements in Washington, D.C. This is done in a matter of weeks right before the busy holiday season, without paid support staff and before they are officially sworn-in to office in early January. As a result, many newly elected Members begin their congressional careers overwhelmed by the constant flow of new information, from learning about the budget and appropriations process to leasing an office in their district. Members are required to make a number of immediate decisions with little-to-no training or guidance. Despite their varying lengths of service in the House, Members of the Committee all vividly remembered their orientation experiences, and recognized the need to examine and improve the current onboarding process to better support freshman Members during this critical transition period. Doing so will help new Members hit the ground running upon their swearing in, ready to work on behalf of the American people.

Chair Kilmer and Vice Chair Graves met several times with bipartisan groups of freshman Members to hear their firsthand experiences and recommendations for making Congress more effective and efficient. Additionally, the Committee's extension through the 116th Congress was supported by a bipartisan group of nearly 40 freshman Members, who sent a letter to House leadership encouraging continuation of the Committee and its mission.[134] During the Committee's Member Day hearing in March 2019, many of the Members testified on the importance of this onboarding period, and several freshmen Members shared their own ideas for reform. A number of these ideas were discussed and highlighted during the Committee's hearings, meetings, and briefings. In a July 2019 hearing about continuing education and training for Members of Congress, Reps. Mary Gay Scanlon and William Timmons, the Committee's two freshman Members, chaired the hearing and described their orientation experience as follows:

134. For full text of the letter, please see the Appendix: Committee documents.



Image 4.1: Rep. Mary Gay Scanlon listens to a witness during a Select Committee hearing.

"We came to Congress with different backgrounds but with a similar goal, and that's to solve problems for the American people. By improving the support, resources, and tools available to new Members of Congress, we can help the next generation of leaders get to work as soon as they set foot in our nation's capital."

Reps. Mary Gay Scanlon and William Timmons, July 11, 2019

Committee Members also recognized that onsite educational opportunities must extend beyond freshman orientation. Many Members come to Congress with no formal training in office or administrative management, leadership and negotiation skills, or the intricacies of policymaking. Learning should be an ongoing process and Members would benefit from having readily available opportunities to build the skills and knowledge they need to be effective leaders. The Committee identified this gap in services available to Members, knowing the American people would be better served by a Congress that invests in on-the-job training and education for the people they're elected to serve.

The recommendations put forth by the Committee in this chapter address the issues and concerns expressed by many of the freshman class about their onboarding and orientation experiences, as well as the need for continued education. The recommendations reflect the expertise shared by witnesses before the Committee, as well as best practices and guidance. The

Committee's overarching goal was to find ways to make orientation a nonpartisan experience that eases the process of setting up offices and provides training so that newly-elected Members are better equipped to prepare for their first term in Congress. The Committee also addressed additional training and continued education opportunities for all Members.

This chapter begins with an overview of the current onboarding process for newly elected Members, then turns to the need to provide continuing learning opportunities beyond a representative's first year of service. These recommendations were passed by the Committee on July 25, 2019, under the package titled "Recommendations to Streamline House Human Resources, Overhaul the Onboarding process, Improve Member Continuing Education Opportunities, Modernize House Technology, and Review Accessibility." A detailed review of the Committee's recommendations for orientation process reforms and continuing education follows.

BACKGROUND AND HISTORY

THE ONBOARDING AND ORIENTATION PROCESS

When the Committee held a hearing titled, "Fostering the Next Generation of Leaders: Setting Members Up for Success," on July 11, 2019, the Committee's two freshmen Members, Reps. Mary Gay Scanlon and William Timmons stepped in as Acting Chair and Vice Chair, a rarely-seen practice on Capitol Hill.

"We were thrilled to hand the reins over to our freshmen colleagues today. Historic in their numbers and diversity, Reps. Scanlon and Timmons bring the collective vibrancy and fresh perspective of the freshman class to our Committee. This hearing provided a lot of ideas on how to better prepare new Members of the House to hit the ground running as we take on the biggest challenges facing our country."

Chair Derek Kilmer and Vice Chair Tom Graves, July 11, 2019

During the hearing, Reps. Scanlon and Timmons shared their own experiences with the new Member onboarding and orientation process, as well as the perspectives of their freshman colleagues. Arriving in Washington after winning election, according to many freshmen, is like drinking water from a firehose.

Approximately one week after Election Day, new Members arrive on Capitol Hill for orientation. Their schedules are packed with tours, briefings, and opportunities to meet with their new colleagues. Many of the sessions are meant to introduce Members to the mechanics of the job like setting up an office, hiring staff, and learning the official House Rules. The briefings are primarily organized by the Committee on House Administration and cover

topics like office budgets, personnel regulations, and travel limitations. New Members also learn the ethics guidelines. In 2018, orientation included a new session on workplace rights and responsibilities, including sexual harassment.[135]

In addition to the orientation programming conducted by the Committee on House Administration, Members of the class of 2018 could attend the Harvard Kennedy School orientation program at Cambridge, the Congressional Research Service (CRS) orientation program in Williamsburg, Virginia, and programming by the Heritage Foundation. Members could also choose from dozens of panel discussions provided by internal experts and outside groups. Overall, orientation programs were provided on 18 of the 57 days between Election Day and the January 2019 swearing in.[136] Newly elected Members can also seek assistance from outside organizations that provide resources and guidance on setting up a new congressional office.[137]

In late November, office suites are allocated by lottery. After their senior colleagues have claimed their offices, freshman Members draw numbers and are assigned offices based on the luck of the draw. To facilitate this process, the Chief Administrative Officer (CAO) coordinates closely with in-house stakeholders, including the Committee on House Administration, the Architect of the Capitol, and the Sergeant at Arms. Following the 2018 elections, there were 87 departing Member offices that moved out, 288 seated, new Member, and leadership office move-ins, and 38 majority and minority committee office move-ins. There were also hundreds of district office closures and openings to facilitate.[138]

Once offices are assigned, Members begin the process of figuring out how to furnish and organize a small space to fit the staff they have yet to hire. Though many Members serve in their state legislatures prior to serving in Congress, the experience of "setting up shop" on Capitol Hill is unique and for many, surprisingly burdensome. The logistical and support work involved for Capitol complex staff is undoubtedly immense, especially when an incoming class of new Members is large. The class of 2018 was the second largest in history, with 92 new representatives and one new delegate elected. In his testimony before the Committee, House CAO Philip Kiko said:[139]

135. Tully-McManus, K. (2018, November 13). "New Members of Congress Hit the Books in DC", *Roll Call*. https://www.rollcall.com/2018/11/13/new-members-of-congress-hit-the-books-in-dc/
136. *Fostering the Next Generation of Leaders: Setting Members up for Success*, 116th Cong. 2. (2019, July 11) (Testimony of: Richard Shapiro). https://docs.house.gov/meetings/MH/MH00/20190711/109766/HHRG-116-MH00-Wstate-ShapiroR-20190711-U1.pdf
137. Congressional Management Foundation. New Member Resource Center https://www.congressfoundation.org/congressional-operations/new-member-resource-center
138. *Fostering the Next Generation of Leaders: Setting Members up for Success*, 116th Cong. 2. (2019, July 11) (Testimony of: Phillip Kiko). https://docs.house.gov/meetings/MH/MH00/20190711/109766/HHRG-116-MH00-Wstate-ShapiroR-20190711-U1.pdf
139. Ibid.

> ***"From November elections through the start of a new Congress, there is far too much time spent by Members and Members-elect on administrative items, such as executing a lease for a district office, outfitting the offices with the necessary furniture and equipment, and facilitating the setup of the office's IT systems."***
>
> ***Philip Kiko, July 11, 2019***

Over the course of the transition, House Information Resources configured hundreds of computers and mobile devices for new Members and their staff, and processed thousands of technical service requests. According to Mr. Kiko, the CAO's team "moved 13,033 pieces of equipment, cleaned and/or refurbished 1,797 furniture pieces, and installed close to 13,000 yards of carpet" during the transition. The Office of Payroll and Benefits processed nearly 60,000 transactions between October 2018 and January 2019 and conducted over 500 one-on-one consultations with new and departing Members and staff.

The CAO works with the Committee on House Administration to simplify some of the office setup processes, such as automatically providing each new office with a fully functional website from day one. Member offices can later decide if they want to redesign their website or use an external vendor. While this ongoing move toward streamlining processes is positive, there is more work to be done. In his testimony, Mr. Kiko acknowledged the importance of the CAO's office handling as much of the new office administrative work as possible in an effort to relieve some of the burden on newly elected Members.

There are additional onboarding processes that can be automated to save time and frustration. The CAO planned to develop a comprehensive transition playbook based on feedback gathered from a post-transition survey of Member, committee, and leadership offices, as well an in-depth examination of the transition at the beginning of the 116th Congress. Past CAO surveys have focused on collecting "customer service data" from freshman offices on services like the provision of furniture, equipment, and technology. While this data is important, it does not include freshman feedback on broader topics outside of the CAO's jurisdiction. A holistic approach to setting up new Members for success should include a mechanism for collecting freshman perspectives on their first year in office. The House could use this feedback to better support new Members as they begin working in Congress on behalf of the American people.

CONTINUING EDUCATION OPPORTUNITIES FOR MEMBERS

Continuing education for Members was another important issue that was raised often during many of the Committee's conversations. While the learning curve for newly elected Members is steep, the challenges presented on the job don't end after the first few months or even the first year in the

office. Many Members lack experience in managing an office and navigating the administrative tasks that come with overseeing multiple offices, often great distances apart. The personnel issues that come along with hiring and overseeing staff are new to many Members, as are often the leadership, negotiation, and public speaking skills they need to do their jobs well. As Richard Shapiro, former CEO of the Congressional Management Foundation, said before the Committee on July 11, 2019:

> ***"How can we promote professional development for everybody in this institution? Because if everybody's getting better, the institution is going to get better."***
>
> ***Richard Shapiro, July 11, 2019***

Many Members of Congress—including four Committee Members—began their careers in state legislatures.[140] While there is no formal training for how to be an effective legislator, some states are beginning to expand their legislative training programs beyond orientation. Wisconsin, Maine, the Hawaii House, the Colorado Senate, and the Washington House provide ongoing professional development to new legislators in at least one topic (for example, Colorado provides ongoing parliamentary procedure training, Idaho provides civics education, and other chambers and caucuses assign mentors).[141]

In addition to these state-based training programs, organizations like the National Conference of State Legislatures (NCSL) develop valuable programming to help legislators develop the skills they need to be successful. Because every state legislature is unique, NCSL customizes its training to reflect the environment and norms of individual states. For Members of Congress, no such formal training exists. As Committee Vice Chair Tom Graves noted in a July 11, 2019 hearing, he's chaired committees but has had zero training in how to be a committee chair—procedures and day-to-day operations have been learned on the job in real time.

On-the-job training is essential for Members of Congress to learn the mechanisms of committee hearings or floor proceedings, for example. But other skills are more nuanced. The art of negotiating or effectively leading can only partially be learned through observation. By providing Members with opportunities to develop these skills, Congress can strengthen itself. As Stacy Householder, Director of Leaders' Services and Legislative Training, National Conference of State Legislatures, said before the Committee:

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140. Former State Legislators in the 115 Congress" (2018). United States Senate https://www.ncsl.org/Portals/1/Documents/statefed/Former_State_Legislators_115th_Congress.pdf

141. *Fostering the Next Generation of Leaders: Setting Members up for Success*, 116th Cong. 2. (2019, July 11) (Testimony of: Richard Shapiro). https://docs.house.gov/meetings/MH/MH00/20190711/109766/HHRG-116-MH00-Wstate-HouseholderS-20190711-U1.pdf

"Leaders across the country find ongoing skills development for their caucus or chamber appealing, principally to help new legislators create a standard of what it means to be successful."

Stacy Householder, July 11, 2019

The Congressional Staff Academy offers a model by which the House can develop a similar Congressional Leadership Academy for Members. In 2018, the CAO launched the new Congressional Staff Academy, which delivers a variety of seminars and training for House staff. In developing its curriculum, the Academy gathered direct feedback from nearly 600 individual House staffers about the types of information they need to support their Member of Congress. In addition to in-person training, the Academy offers remote programming to reach district staff as well as staff who want to take courses on their own schedule. A new "learning management system" provides a one-stop shop where staff can register for in-person courses, take online courses, and track their course completion status.[142]

By making recommendations to improve the freshman orientation process, the Committee aimed to set Members up for success. And by recommending continuing education opportunities for all Members, the Committee recognized that successful leaders continue to learn and grow on the job.

"We as a Committee have spent a lot of time talking about professional development as it relates to staff but it's also important that Members have avenues to advance their priorities and move into leadership roles."

Rep. Mary Gay Scanlon, July 11, 2019

RECOMMENDATIONS TO OVERHAUL THE ONBOARDING PROCESS AND PROVIDE CONTINUING EDUCATION FOR MEMBERS

1. Through the Office of the Clerk, newly-elected Members should have the option to hire and pay one transition staff member for the duration of the time between when they are elected and sworn in.

When Members are elected to the House, they can bring one "designated aide" with them to the official House orientation. However, these aides are not paid and do not receive benefits from the House during the transition period. As a result, new Members struggle to hire qualified

142. *Fostering the Next Generation of Leaders: Setting Members up for Success*, 116th Cong. 2. (2019, July 11) (Testimony of: Stacy Householder). https://docs.house.gov/meetings/MH/MH00/20190711/109766/HHRG-116-MH00-Wstate-HouseholderS-20190711-U1.pdf

individuals to assist them during the transition. Given the multitude of tasks to be done and decisions to be made that have direct impact on their constituents, those without staff are at an extreme disadvantage. The Committee determined that paying a ''designated aide'' and allowing them to receive benefits can improve the transition process for new Members as they begin serving their constituents.

"Currently, Members-elect are left with the options of persuading someone to work pro bono for them during this transition period or to pay them out of campaign funds. Neither option is a good option. Finding someone willing to work for free for two months often means that Members-elect are forced to rely on aides who are affordable but not really up to the task. Ideally, the person they hire to do this critical transition work should become the Chief of Staff or District Director. However, that is often not the case."

Richard Shapiro, July 11, 2019

The Committee recommends these hires are made though the Office of the Clerk. Furthermore, this will bring the House in line with the Senate practice of paying for a transition aide. In the long-run, having a transition aide will provide a smoother onboarding process, and encourage staff retention by paying staff for the period between Election Day and Members' swearing-in.

2. Orientation courses and services should be available to all new Members (including those incoming from a special election) and presented in a nonpartisan way.

Ensuring that new Members have a productive and informative orientation sets them up for success. However, there are no archived audio or visual recordings of orientation sessions, and orientation is not provided to Members who win special elections. As freshman Rep. Mary Gay Scanlon noted in a July 11, 2019 hearing, "As the winner of a special election, I was sworn in seven days after Election Day and experienced the process on hyper-speed." Newly-elected Members who participate in the traditional November orientation typically can't attend every session offered. Committee member, and freshman Rep. William Timmons discussed his own challenges with new Member orientation:



Image 4.2: Rep. William Timmons speaks during the Select Committee's hearing about onboarding and continuing education for Members.

"We're currently being livestreamed, recorded, and archived. Have we ever recorded new Member orientation and then made it available online for Members to view at a later date? … I missed a number of opportunities to learn and I know a number of other Members did as well. I imagine we already have the technology available so it wouldn't be hard."

Rep. William Timmons, July 11, 2019

The Committee learned that some state legislatures are recording their new member orientations and making them available online and thought it essential that Congress do the same. Members who miss training sessions, or simply want to review what they learned when they were "drinking from the fire hose", should have online access to orientation and onboarding programming.

Freshman Members also shared with the Committee their view that separating orientation sessions by political party furthers partisanship in Congress. While this is not the case with all orientation sessions, Members are split by party for some sessions. Partisan training discourages collaborative partnerships between Members, many who feel they were sent to Washington to help "fix" partisan dysfunction. Separating Members by party only furthers the polarized mentality that many find detrimental to the institution.

To address these concerns and to further the mission of setting up Members for success, the Committee recommended that: orientation courses and services should be available to all new Members (including those incoming from a special election) and presented in a nonpartisan way. The Committee specified that orientation sessions should be video-recorded and made easily accessible year-round in an electronic format so that Members can access them at their convenience.[143]

3. Orientation should be reimagined and reorganized to offer a "just-in-time" approach where appropriate.

After winning their election, Members have approximately two months before being sworn in. During this brief transition period, new Members have many new responsibilities, from hiring staff, to finding district offices, to having to learn important information about the legislative process, rules of the House, ethics training, and more.

The current front-loaded model of training often creates stress and confusion and can fail to set up a freshman Member for success. A more effective approach focuses on the critical information Members need to know to be successful in their first 90 days. Additional information and training should be offered when the Members "need to know" that information, rather than all at once. Information without context is easily forgotten, but if the information presented can be applied to Members' immediate needs, they are much more likely to retain what they are learning.

"The private sector refers to this training and support as "just-in-time" training. It operates from the simple understanding that people learn better and perform better when they are not inundated with information and they get to apply what they learn soon after they learn it."

Richard Shapiro, July 11, 2019

The Committee agreed that the House's current approach to orientation should be reimagined and reorganized to offer a "just-in-time" training process that provides ongoing training and coaching to freshman Members throughout their first year in office. This change will provide far greater support to freshman Members and their staff, improve the performance of freshman offices and significantly reduce the amount of time that Members-elect need to spend attending out-of-town orientation programs[144].

143. See Chapter 2 on Bipartisanship and Civility for more recommendations regarding nonpartisan and bipartisan orientations and trainings.

144. *Fostering the Next Generation of Leaders: Setting Members up for Success*, 116th Cong. 2. (2019, July 11) (Testimony of: Richard Shapiro). https://docs.house.gov/meetings/MH/MH00/20190711/109766/HHRG-116-MH00-Wstate-ShapiroR-20190711-U1.pdf

4. Offer a course in the new Member orientation and ongoing education portal to instruct Members on the House Rules of Decorum and Debate, and other practices to promote civility and respect.

Americans expect and deserve a functioning Legislative Branch, yet too often partisanship slows the work of Congress. In addition to presenting programming in a nonpartisan way (see Recommendation 2 above), new Member orientation should include a session on House Rules of Decorum and Debate and other practices to promote civility in Congress. This would help establish the importance of a civil and productive tone for new Members and promote relationship building across the aisle.

5. Create a pilot Congressional Leadership Academy for Members which offers professional development and institutional training.

Newly-elected Members receive initial training through new Member orientation, but after orientation there are few—if any—opportunities for Members to continue learning. The Committee believes that Members would benefit greatly from ongoing professional development opportunities, from how to manage an office, to developing better negotiation skills.

For many new Members, learning how to manage an office is essential, yet there is no training for this. Personnel issues and budget management concerns can be tough for Members and their staff to manage without proper training and can ultimately distract from their important constituent and policy work. Offering management training to new (and returning) Members would help prepare them for successful congressional careers.

In addition to providing Members with the training necessary to manage their offices, a Congressional Leadership Academy could offer Members a range of professional development opportunities. At the state-level, NCSL offers committee chair training, effective legislator training, ethics, negotiation, media relations and strategic planning facilitation for leadership teams. NCSL also offers specific programming for legislators in leadership positions that focus on themes such as risk, decision-making, culture, and trending policy topics. There are also emerging leaders' programs that offer "up and coming" legislators an opportunity to learn leadership theory and skills such as collaborative problem solving, leading through change, and managing a caucus.[145]

Just as the Congressional Staff Academy gathered direct feedback from nearly 600 individual House staffers about the type of programming they need to do their jobs effectively, a Congressional Leadership Academy for Members should do the same. By surveying Members about what training they need most, the Leadership Academy could develop and tailor a curriculum that best meets Members' needs and their unique schedules on Capitol Hill.

145. *Fostering the Next Generation of Leaders: Setting Members up for Success*, 116th Cong. 5. (2019, July 11) (Testimony of: Stacy Householder) https://docs.house.gov/meetings/MH/MH00/20190711/109766/HHRG-116-MH00-Wstate-HouseholderS-20190711-U1.pdf.

Thus, the Committee recommends creating a pilot Congressional Leadership Academy for Members which offers professional development and institutional training. Alongside in-person training opportunities, seminars and other forums for learning should be made easily available online.

6. Making cybersecurity training mandatory for Members.

Consistent with its support for Member continuing education, the Committee identified the need for Member-specific cybersecurity training. Members of Congress are not required to take cybersecurity training, despite their vulnerabilities to cyber threats. The lack of training in cell phone security and guidance for traveling abroad places Members at undue risk. At the Committee's March 2019 Member Day Hearing, Rep. Kathleen Rice testified about the necessity of training, pointing out that Members and congressional offices are prime targets for malicious foreign actors. The more Members know about how to actively counter cybersecurity threats, the less vulnerable Congress is to cyber-attacks:[146]

"Our employees and House officers are already required to take mandatory information security training each year, and I believe Members should be held to the exact same standards."

Rep. Kathleen Rice, March 12, 2019

The Committee recommended making cybersecurity training mandatory for Members, and specifically called for advanced cyber-hygiene training and use of encrypted messaging and multi-factor authentication as basic standards for both Members and staff. Due to the increase in remote work during the coronavirus pandemic, this recommendation was further expanded upon in the Committee's fourth round of recommendations addressing continuity issues in the legislative branch.[147]

CONCLUSION

Ensuring that Members are provided with tools to succeed from the get-go, as well as opportunities for continued growth throughout their tenure, will ultimately make them more effective legislators on behalf of the American people. The goal of setting up newly elected Members for success can be achieved through reforms to the onboarding and orientation process that help ease the transition. A "just-in-time" approach to training ensures that freshman Members receive crucial information when they need it most. The orientation process should also emphasize the core values of civility and collaboration—division of freshman Members by party should be avoided or kept to a minimum in favor of a bipartisan experience.

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146. *Full Committee Hearing: Member Day Hearing*, 116th Cong. 1. (2019, March 12). (Testimony of: Kathleen Rice). https://docs.house.gov/meetings/MH/MH00/20190312/109102/HHRG-116-MH00-Wstate-R000602-20190312.pdf

147. See Chapters 6 and 9 for more information on technology and continuity of Congress reforms.

And opportunities to learn shouldn't stop after a Representative's first year in Congress. The institution, and the people it serves, evolve as outside events shift the policy agenda—and Members should be able to adapt and evolve, too. By encouraging access to professional development resources and training, and requiring updated training for an increasingly technological world, Members can continue to learn and in turn, better represent the people who elected them to serve.

CHAPTER 5 —
Make the House Accessible for All Americans

RECOMMENDATIONS

1. Scan and analyze all House websites and apps to determine the accessibility level of each congressional website, and provide resources and assistance to ensure all systems are compatible with common programs used by major disability groups.
2. Require all House proceedings that are broadcast on TV or streamed on the internet to provide closed caption services and provide a free captioning service for all web videos created by MCL offices.
3. Require a comprehensive review of the Capitol grounds to determine accessibility challenges for individuals with disabilities conducted by the Architect of the Capitol, Sergeant at Arms, and the Office of Congressional Workplace Rights and implement a remediation plan.

INTRODUCTION

The "People's House" is a representative institution embodying diverse views, ideologies, and experiences. Elected to give voice to the people they represent, Members debate, deliberate, and compromise every day to deliver policies for the country. This process of transforming public opinion into public policy takes place in Member offices, committee hearings, and on the House floor. At each step, individuals can actively participate by meeting with their representatives and congressional staff, attending committee hearings, and observing floor action. Constituents who are unable to travel to Washington, D.C. still have many ways to participate in the process, whether it's by mailing their representatives directly, or by watching committee hearings and floor activity via livestream services or C-SPAN.

While this model of public participation in the legislative process works for many engaged constituents, access to the legislative process is still a real challenge for many Americans. The U.S. Capitol is almost 200 years old. With its narrow hallways and steep winding steps, the physical barriers to access are many and vary across the complex. This presents hardships to individuals who use wheelchairs or other assistive walking devices. Following live committee hearings is impossible for the hard of hearing if no closed captioning is available. And individuals with vision impairment can't access any information from most congressional websites.

The Capitol complex and our legislative branch need to be equally accessible for all Americans. Individuals with disabilities who wish to meet with their representatives and congressional staff, attend or watch committee hearings, and visit the House floor should have the same ease of access as individuals without disabilities. In addition, the right of equal access to Congress also applies to individuals who work in the Capitol complex or visit as tourists. A modern Congress is one that welcomes and accommodates every American.

"Modernizing Congress also means making the proceedings and functions of the House accessible to all Americans. The MODCOM resolution addresses the equal access challenges persons with disabilities face when working for, visiting, or interacting with Congress."

Chair Derek Kilmer, March 10, 2020

Committee staff met with several offices to gather information on the current status of accessibility on Capitol Hill. From first-hand accounts of the challenges confronting staff with disabilities, to discussions with the Chief Administrative Officer's (CAO) office on House website accessibility, it was

clear that while good efforts are underway, there remains room for improvement. Consistent with the committee's mission to make Congress work better for the American people, recommendations were developed to promote equal access to the Capitol complex.

The recommendations put forth by the Committee were developed with jurisdictional considerations in mind. The House Committee on Transportation and Infrastructure, for example, maintains jurisdiction over the Capitol, Senate and House office buildings, as well as the buildings and grounds of the Botanic Garden, the Library of Congress, and the Smithsonian Institution.[148] Others such as the Architect of the Capitol (AOC), the CAO, and the Office of Congressional Workplace Rights (OCWR) also manage aspects of accessibility. The Committee determined recommendations to encourage work already underway, as well recommendations to establish new accessibility requirements.

Overall, the reforms address some of the challenges persons with disabilities confront when interacting with, working for, or visiting Congress. The Committee required that a review of the Capitol complex be undertaken to determine these accessibility challenges. Staff and visitors with disabilities should be able to conduct business and visit their representatives in the Capitol without facing barriers to mobility. The Committee also recommended that all broadcasts of House proceedings, including committee hearings and floor activity, be made available in closed caption. This ensures that individuals with a hearing impairment can access congressional proceedings. Finally, the Committee recommended that congressional websites are accessible to all persons regardless of disability. Congress, like most institutions, has moved much of its operations online. But this virtual information is only useful if it can be accessed.

This chapter begins with a brief overview of the Americans with Disabilities Act (ADA), then reviews how the ADA's requirements are reviewed, implemented, and enforced in Congress. A review of the Committee's recommendations follows, along with a look at some of the additional work underway to expand accessibility on Capitol Hill.

THE AMERICANS WITH DISABILITIES ACT AND CONGRESS

The Americans with Disabilities Act (ADA) became law in 1990 and prohibits discrimination against people with disabilities in several areas, including employment, transportation, public accommodations, communications and access to state and local government programs and services.[149] The ADA was modeled after the Civil Rights Act of 1964 and

148. *The House Committee on Transportation & Infrastructure*. (2019) Jurisdiction and Rules. https://transportation.house.gov/about/jurisdiction-and-rules

149. Americans With Disabilities Act of 1990, Pub. L. No. 101-336. https://www.dol.gov/general/topic/disability/ada ADA Amendments Act of 2008, Pub. L. No. 110-325. https://www.eeoc.gov/statutes/ada-amendments-act-2008

guarantees that people with disabilities are afforded the same opportunities as other Americans. In 2008, the ADA Amendments Act was passed to broaden the definition of disability, which had been narrowed by a series of Supreme Court decisions.[150]

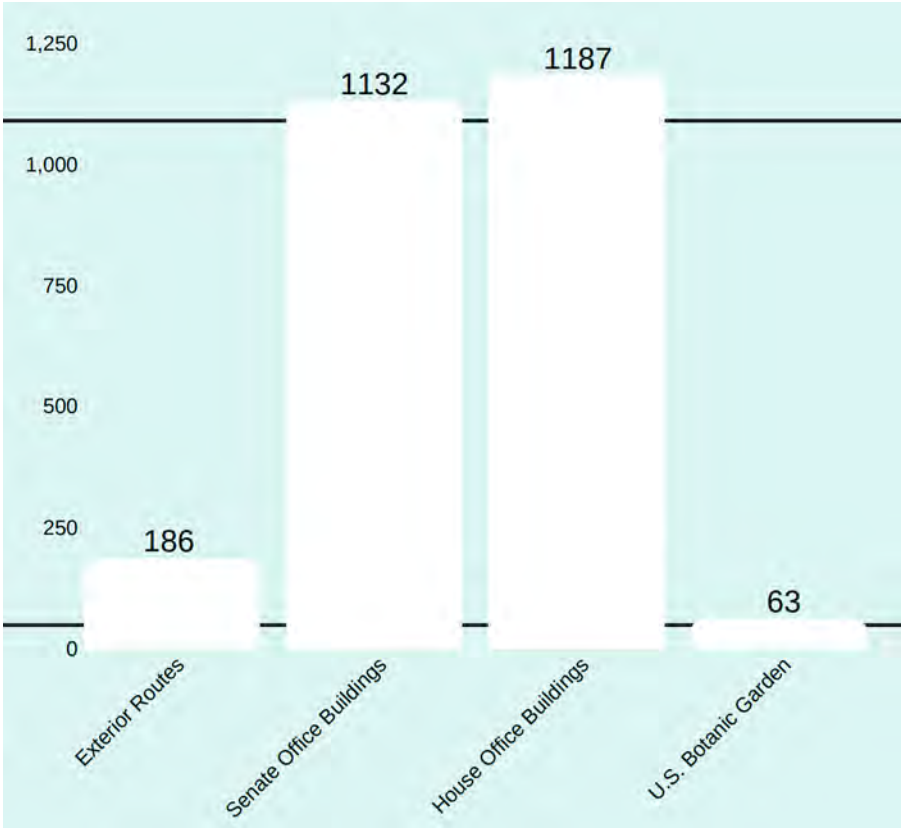
While the ADA does not cover the executive branch, it does cover Congress and other entities of the legislative branch.[151] The OCWR is responsible for ensuring congressional offices and officers are ADA compliant. This includes each Member office of the House and Senate, in Washington D.C. as well as the district. The OCWR is also responsible for committees, the Capitol Police, and support agencies like the Congressional Budget Office and Architect of the Capitol, among others.

The OCWR is required to conduct biennial inspections of the legislative branch and report to Congress on compliance with the ADA. Individuals and offices can request ADA inspections, as well as file a charge of discrimination if they feel their rights under the ADA have been violated.

While Congress has made much progress in improved accessibility around the Capitol complex, significant barriers remain. The OCWR's most recent report on ADA compliance throughout the legislative branch covers the 114th Congress and identified 2,568 barriers to access. Most of these barriers are in House and Senate office buildings and more than 80-percent of the barriers identified fell into three categories: multi-user restrooms, signage, and alarms.

150. https://www.eeoc.gov/statutes/ada-amendments-act-2008
151. Pub. L. No. 101-336, § 509 104 Stat. 373 (1990).

Figure 5.1: Number of barriers identified by the OCWR



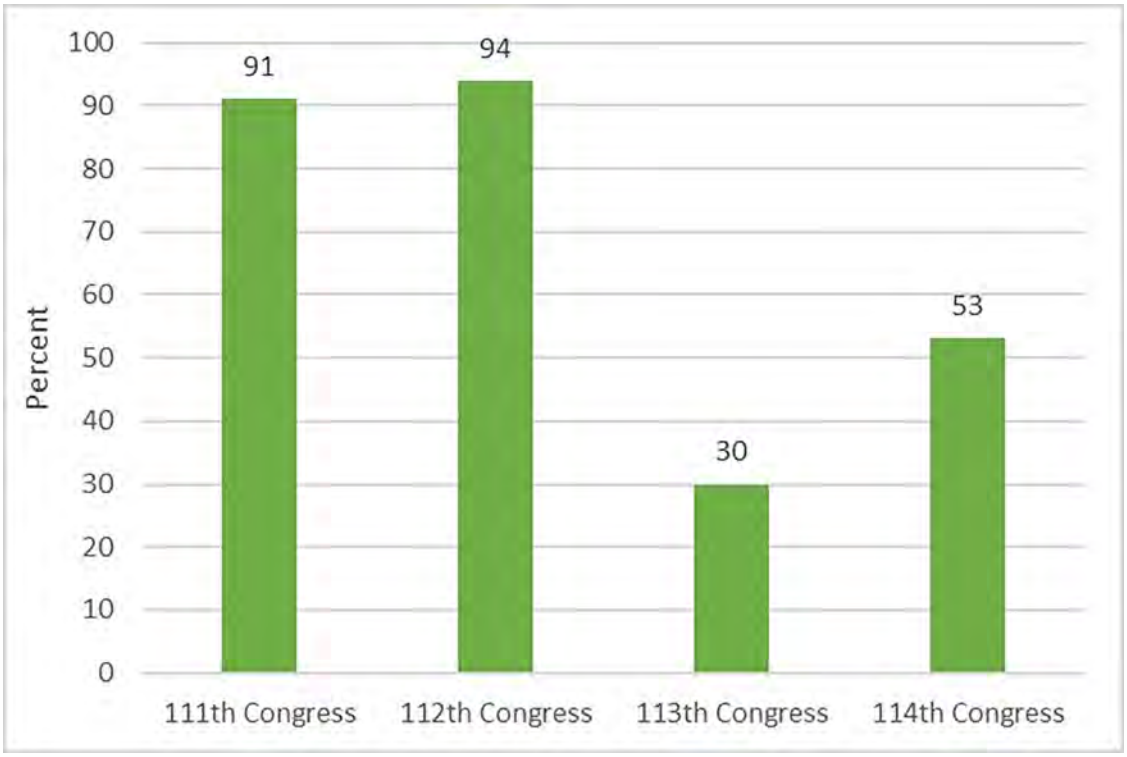
Source: Office of Congressional Workplace Rights[152]

The Architect of the Capitol provides annual updates to the OCWR on its progress removing identified barriers and improving accessibility in the Capitol complex. Once the AOC reports a barrier removed, a third-party consultant verifies that accessibility barriers have been remediated. According to the AOC's 2019 update, accessibility barriers identified in each of the following sessions of Congress have been closed at the rates listed below:[153]

152. The full report can be viewed at https://www.ocwr.gov/sites/default/files/ADA%20Report%20114th%20Congress.pdf

153. See *114th Congress Accessibility Report: Biennial Report on Americans with Disabilities Act Inspections Relating to Public Services and Accommodations*. Office of Congressional Workplace Rights. p 42. (2019, October). https://www.ocwr.gov/sites/default/files/ADA%20Report%20114th%20Congress.pdf

Figure 5.2: Percentage of Accessibility Barriers Closed, per Congressional Session



Source: Architect of the Capital, 2019 Update[154]

While some of these barriers are less complicated to resolve, others require major "engineered solutions." For example, lowering a sign is quite different in scale than building a ramp or widening an entry way. The Committee took these realities into consideration in their conversation with the AOC and interest groups. Thus, in addition to the specific recommendations outlined below, the Committee maintains that an ongoing commitment to making the Capitol complex accessible in every way—big and small—is essential work on behalf of the American people.

RECOMMENDATIONS TO MAKE THE HOUSE ACCESSIBLE TO ALL AMERICANS

1. Scan and analyze all House websites and apps to determine the accessibility level of each congressional website, and provide resources and assistance to ensure all systems are compatible with common programs used by major disability groups.

The "People's House" should be accessible to all people. Having a disability shouldn't preclude constituents from having full access (physical, electronic, etc.) to their Representatives' offices. Many congressional websites

154. The full report can be viewed at https://www.aoc.gov/sites/default/files/2020-06/aoc-performance-and-accountability-report-fy-2019-508.pdf

are currently not accessible to people with disabilities. This lack of accessibility prevents some constituents from obtaining public information about Members, legislation, district-based issues, as well as job and internship openings.

The Committee recommends addressing this inequality of access by directing the CAO and HIR to scan and develop a plan to promptly maximize website accessibility. Prompt execution of such a plan will ensure that all constituents, regardless of ability, can access public information about their Representatives.

When the Committee built its website, priority was placed on making sure that the new website would be accessible to individuals with disabilities. Since then, HIR has begun requiring all House websites to comply with Web Content Accessibility Guidelines (WCAG) 2.1. All approved vendors who build House websites must now provide web accessibility reports to HIR on a quarterly basis. HIR Vendor Management ensures that vendors must comply with the Master Web Services Agreement, which details their compliance responsibilities.

2. Require all House proceedings that are broadcast on TV or streamed on the internet to provide closed caption services and provide a free captioning service for all web videos created by MCL offices.

While the ADA is most known for its provisions regarding equal physical access to public spaces, it also governs closed captioning. Video shown or streamed in a place of public accommodation is required to be closed captioned. House proceedings, including committee hearings and mark-ups, are not automatically available in closed caption. Persons who are hard of hearing or otherwise rely upon closed captioning to follow information presented verbally are currently required notify someone at least four days prior to a hearing or mark-up for closed caption service to be provided. This requirement places the burden of accessibility on the individuals who need service, and is not consistent with the Committee's mission to make Congress work better for all Americans.

Furthermore, hearings and mark-ups are not always publicly noticed four days in advance, and committees are sometimes confronted with last-minute scheduling changes. Automatically providing closed caption or another form of transcription service ensures that individuals with a hearing impairment can access hearings and mark-ups in real time.

With this in mind, the Committee recommends that all House proceedings that are broadcast on TV or streamed on the internet be required to provide closed caption services. The Committee also recommends the CAO purchase and provide a free captioning service for all web videos created by member, committee, and leadership offices.

As discussed above, Congress relies on "internal enforcement mechanisms" to put ADA requirements into effect and while progress has been made with regards to captioning of floor proceedings and some committee hearings and mark-ups, more work is needed.[155] Individuals who rely on closed captioning services should expect real-time service that is consistent across Congress.

3. Require a comprehensive review of the Capitol grounds to determine accessibility challenges for individuals with disabilities conducted by the Architect of the Capitol, Sergeant at Arms, and the Office of Congressional Workplace Rights and implement a remediation plan.

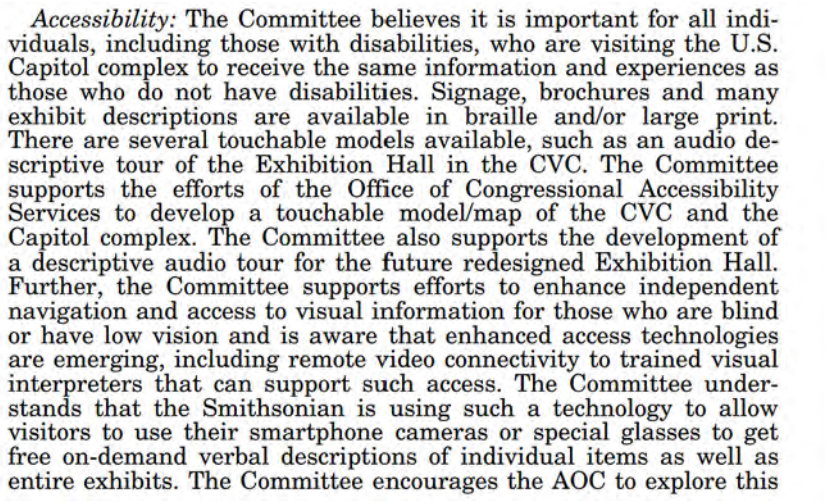
The Capitol grounds should be accessible to all individuals, regardless of ability. After gathering feedback from various disability groups, the Committee determined that a broad review of the Capitol grounds was necessary to determine accessibility challenges. A comprehensive plan should be developed and implemented to ensure that persons with disabilities can access all buildings and spaces in the Capitol complex.

Thus, the Committee requires a comprehensive review of the Capitol grounds to determine accessibility challenges for individuals with disabilities conducted by the Architect of the Capitol, Sergeant at Arms, and the Office of Congressional Workplace Rights and implementation of a remediation plan. More specifically, the Committee recommends that the AOC, the Sergeant at Arms, and the OCWR should ensure that persons with disabilities are able to easily access the Capitol grounds. A comprehensive review was seen as a first step toward determining areas that are not currently accessible, followed by a plan for making any identified accessibility modifications.

The Legislative Branch Subcommittee of the House Committee on Appropriations echoed the Committee's concerns about accessibility and included the following language in the report accompanying their Legislative Branch Appropriations Bill for 2020:

155. Audio and Visual Coverage. *CONGRESS.GOV Resources*. https://www.congress.gov/resources/display/content/Audio+and+Visual+Coverage

Figure 5.3: Accessibility recommendations included in the 2020 Legislative Branch Appropriations Bill Accompanying Report



Accessibility: The Committee believes it is important for all individuals, including those with disabilities, who are visiting the U.S. Capitol complex to receive the same information and experiences as those who do not have disabilities. Signage, brochures and many exhibit descriptions are available in braille and/or large print. There are several touchable models available, such as an audio descriptive tour of the Exhibition Hall in the CVC. The Committee supports the efforts of the Office of Congressional Accessibility Services to develop a touchable model/map of the CVC and the Capitol complex. The Committee also supports the development of a descriptive audio tour for the future redesigned Exhibition Hall. Further, the Committee supports efforts to enhance independent navigation and access to visual information for those who are blind or have low vision and is aware that enhanced access technologies are emerging, including remote video connectivity to trained visual interpreters that can support such access. The Committee understands that the Smithsonian is using such a technology to allow visitors to use their smartphone cameras or special glasses to get free on-demand verbal descriptions of individual items as well as entire exhibits. The Committee encourages the AOC to explore this

Source: LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2020 Accompanying Report[156]

The Committee's recommendation, together with the Legislative Branch Subcommittee's report language, points to the ongoing need to equalize access to the Capitol complex.

CONCLUSION

The recommendations outlined in this chapter are consistent with the Committee's mission to both modernize and make Congress work better on behalf of all American people. A modern Congress works for, and is accessible to, individuals with disabilities. The Committee recognizes that the Capitol complex includes historic buildings that present unique challenges when it comes to meeting modern accessibility standards, and these upgrades will require engineered solutions that will undoubtedly take time. Thus, the Committee supports immediate remedial action once barriers are identified.

Other corrective actions rely on technology that is widely available and extensively used outside of Congress. Making websites digitally accessible and providing real-time closed captioning, for example, are a matter of investing in and prioritizing technologies that equalize access. Although the ADA became law 30 years ago, Americans with disabilities continue to fight for equal access under the law. As one of the most visible "places of public accommodation" covered by the ADA, Congress needs fulfill its obligations so that all Americans are equally able to work for, access, or visit the U.S. Capitol and connect with their representatives at all stages of policy making.

156. The full report can be viewed at https://www.congress.gov/116/crpt/hrpt64/CRPT-116hrpt64.pdf

CHAPTER 6 —
Modernize and Revitalize House Technology

RECOMMENDATIONS

1. Reestablish an improved Office of Technology Assessment (OTA) to study and recommend emerging technologies, provide nonpartisan information and policy analysis to Member offices, support legislative branch agencies in their examination of new technologies, focus on general oversight and policy, and facilitate peer reviews of potential new technologies.
2. Reform House Information Resources (HIR) by partnering with outside entities to develop a roadmap for addressing the root cause of HIR's systemic inability to deliver enterprise programs and IT services in a timely manner.
3. Require HIR to prioritize certain technological improvements.
4. Require HIR to create an approval process for outside vendors developing new technologies that is transparent and timely.
5. HIR should create a program that allows Member offices to opt-in to beta test with new technologies.
6. Create one point of contact for technology services for each Member office within HIR who would be responsible for all technology points of contact.
7. Create a customer satisfaction portal on HouseNet that allows Member and staff to rate and review outside vendors and HIR services.
8. The CAO should leverage the bulk purchasing power of the House and provide a standard suite of quality, up-to-date devices and software, such as desktop and laptop computers, tablets, printers, mobile phones and desk phones at no cost to the Members' Representational Allowance (MRA).
9. The Congressional Research Service (CRS) should prioritize a "rapid response" program for nonpartisan fact sheets on key issues and legislation under consideration in Congress.
10. Develop a nonpartisan constituent engagement and services best practices page on HouseNet.
11. The House should direct the establishment of a Congressional Digital Services Task Force to examine the need for and role of a specialized group of technologists, designers, and others to support the House's internal and public facing operations.
12. Make permanent the Bulk Data Task Force and rename it the Congressional Data Task Force.

INTRODUCTION

Congressional technology has come a long way in the past few decades. Today, the majority of constituent services and communication are carried out online; Members and their staff have access to smartphones and laptops for official business; and congressional websites are sleek and interactive. But when compared to the private sector, or even to the executive branch, Congress has fallen behind. The way we communicate with each other continues to evolve on a near-daily basis, but Congress moves at a much slower pace. While technological changes have infiltrated the legislative branch, there is substantial room for growth.

Implementing technological updates can be challenging. Congress' unique, decentralized structure can make House-wide updates complex and expensive. Most importantly, security concerns for Members, staff and constituent information must be a top priority for any technological change. As Rep. Cathy McMorris Rodgers (WA-5) has noted[157]:

"What we're seeing is a 19th Century institution often using 20th Century technology to respond to 21st Century problems. We need to change that."

Rep. Cathy McMorris Rodgers, June 5, 2015

The Committee was tasked with making Congress more effective and efficient, and modernizing technology in the House was a top priority for almost everyone the Committee spoke with and heard from over the last 20 months. The need for technological improvements was exacerbated by the COVID-19 pandemic, which saw the U.S. Capitol complex close and many congressional offices move to a remote operating status with little advance notice.

The Committee focused on specific changes to make technology more innovative and accessible for Member offices by reinstating the Office of Technology Assessment (OTA), reconfiguring the House Information Resources (HIR), instituting a new internal task force to connect Member offices with technology experts, and make permanent the Bulk Data Task Force. In addition, the Committee proposed significant House-wide changes, such as removing technology purchases from the Member's Representational Allowance (MRA)—effectively Members' office budgets—and making nonpartisan policy information more accessible. As part of its continuity of government and congressional operations recommendations (see Chapter 9), the Committee also recommended that committees incorporate technology and innovative platforms, including electronic voting systems, into daily work.

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157. Press Release: Imagine the Congress of the Future: Calling on Tech Community to Help Modernize Congress. (2015, June 5). Office of Rep. Cathy McMorris Rogers. https://mcmorris.house.gov/imagining-the-congress-of-the-future-mcmorris-rodgers-calls-on-tech-community-to-help-modernize-congress/

The 12 recommendations discussed in this chapter were approved by the Committee in two packages. The first 10 recommendations were passed by the Committee on July 25, 2019, and nine were passed by the House of Representatives as a whole on March 10, 2020[158],[159],[160]. Following approval by the House, several of these recommendations were implemented through necessity caused by the COVID-19 pandemic. These recommendations were formed with the close guidance of Committee Members Rep. Suzan DelBene and Rep. Rodney Davis, as well as the Committee on House Administration. Two additional recommendations were passed by the Committee on September 24, 2020. This chapter will outline these reforms, beginning with an understanding of the importance of technological maintenance and the unique challenges facing the House.

BACKGROUND ON TECHNOLOGY IN CONGRESS

In the past few decades, technology has reshaped how Congress operates and communicates. As discussed in Chapter 8, which focuses on constituent communication and franked mail, the use of email ushered in a new era in Congress. Technology also has a momentous impact on day-to-day House operations. Member websites are interactive, smartphones and laptops are seen in every committee hearing and constituent meeting. When it comes to House security, two-step verification and secure Virtual Private Network (VPN) log-ins no longer require tangible tokens but instead can be conducted via device.

Despite these improvements, however, Congress still lags behind the private sector and executive branch in technology. Political scientists Marci Harris, Claire Abernathy, and Kevin Esterling have referred to this as "the pacing problem"—technological updates around Congress evolve quicker than Congress is able to adopt them.[161] This problem, they argue, presents a three-pronged challenge that prevents Congress from quickly adapting to technological changes outside and within the federal government:

158. Please see the Appendix, for full text of the Recommendation package, "RECOMMENDATIONS TO STREAMLINE HOUSE HUMAN RESOURCES, OVERHAUL THE ONBOARDING PROCESS, IMPROVE MEMBER CONTINUING EDUCATION OPPORTUNITIES, MODERNIZE HOUSE TECHNOLOGY, AND IMPROVE ACCESSIBILITY".
159. Press Release: Modernization Committee Unanimously Approves Second Round of Congressional Recommendations (2019, July 25). https://modernizecongress.house.gov/news/press-releases/select-committee-unanimously-approves-second-round-congressional-recommendations
160. H.R. 756, Title III
161. Task Force on Congressional Reform: Report from the Subcommittee on Technology and Innovation. (2019, September). American Political Science Association. https://www.legbranch.org/app/uploads/2019/10/APSA-Technology-and-Innovation-short-report-10-2019.pdf

*1. The **external pacing problem** is Congress' inability to understand and respond to technological evolution in society at large, resulting in policy and oversight that lags behind the pace of technical innovations.*
*2. The **inter-branch pacing problem** captures the inability of Congress to keep pace with the executive branch as it employs technology for its own operations, making it hard for Congress to effectively exercise its oversight role and operate as a co-equal branch of government.*
*3. The **internal pacing problem** refers to Congress' near-complete incapacity to make effective use of technology for its internal operations and the day-to-day work of the institution.*[162]

These problems are exacerbated by the institutional characteristics of Congress. The decentralized nature of the House makes it difficult to embrace Congress-wide technological reforms. Each Member has the freedom to select the technology best for their office, but at times these independent decisions can be costly and complex. Another important factor is the desire to be responsible with taxpayer dollars; any technological undertaking must be considerate of cost and time to implement, so there are few incentives to take risks with congressional technology. Congress must also consider the immense privacy and security concerns along with any proposed technology. The scope and size of the House, as well as the confidential casework handled by Member offices, makes the institution particularly susceptible to cyberattacks.[163]

Any technology improvements in the legislative branch must be thoughtful, cost-efficient, and secure. The Committee approached the task of improving House technology by listening to technology experts and turning to examples from state legislatures. The Committee held hearings on improving constituent communications and lessons from state legislatures on technological innovation and consulted with organizations like the American Political Science Association and the National Academy of Public Administration. In addition, Reps. Suzan DelBene and Rodney Davis led the Committee by offering unique and practical ideas, influenced by their own professional and congressional experience. As Rep. DelBene noted in a May 20, 2020 virtual meeting, these reforms had particular implications during the COVID-19 remote operating status:

162. Harris, M., Abernathy, C. and Esterling, K. (2020, June 18). Brookings Institution. https://www.brookings.edu/blog/techtank/2020/06/18/congressional-modernization-jump-started-by-covid-19/
163. Jaikaran, C. (2018,March 9). Cybersecurity: Selected Issues for the 115th Congress (CRS: R45127). https://fas.org/sgp/crs/misc/R45127.pdf.



Image 6.1: Rep. Suzan DelBene speaks during a Select Committee hearing.

"The technology side, I think we have been far behind. And I worry that we're trying to catch up to deal with the pandemic, but we haven't been really forward looking in terms of what district offices need."

Rep. Suzan DelBene, May 20, 2020

Ultimately, the Committee recommended 12 changes to make the House more technologically modern and efficient.

RECOMMENDATIONS TO MODERNIZE AND REVITALIZE HOUSE TECHNOLOGY

1. Reestablish an improved Office of Technology Assessment (OTA) to study and recommend emerging technologies, provide nonpartisan information and policy analysis to Member offices, support legislative branch agencies in their examination of new technologies, focus on general oversight and policy, and facilitate peer reviews of potential new technologies.

At the dawn of a new era of technology, Congress established the Office of Technology Assessment (OTA) in the Technological Assessment Act of 1972.[164] The OTA was a bicameral, non-partisan service organization (similar to the Congressional Research Service or the Government Accountability Office), with a narrow mandate to Congress with procurement, security, and

164. Sargent, J., Jr. (2020, April 9). The Office of Technology Assessment: History, Authorities, Issues, and Options. (CRS: R46327). https://www.everycrsreport.com/files/20200429_R46327_ccb2df95a922525df3457606c9fd1b4322c6492e.pdf.

technology advice for several decades.[165] The goal of the OTA was to support Congress in developing informed, national technology policy, figuring out what technology updates were necessary and possible—and which ones would be unnecessary expenses of taxpayer dollars. Funding for the OTA was appropriated through the Legislative Branch Appropriations bill from FY1974-FY1996.

However, in response to criticism about the quality of services, political objectivity, cost, and the overall necessity of the OTA, it was defunded and removed from Congress as part of broader 1995 reforms.[166] And while there have been more recent efforts to reinstate the OTA, none have been successful.[167] Committee Members were considerate of these past criticisms, but also acknowledged the reality that congressional technology lags behind the private sector and executive branch. As former Rep. Vic Fazio (CA-4) testified at the Former Members Day hearing on May 1, 2019:

"The Houses should reestablish what was called in the past the Office of Technology Assessment... Technology affects the work of every committee. And perhaps new ways of making a similar institution more responsive to the needs of each committee might allow for its restoration. It is far too obvious that Members are behind the curve on technology. That glaring weakness causes you to lose credibility with an increasingly large number of your constituents."

Former Rep. Vic Fazio, May 1, 2019

Thus, the Committee re-envisioned the OTA to be more responsive to the needs of Members, cost-effective, efficient, and proactive in addressing the technological needs of Congress. The Committee first, recommends reinstating the OTA but renaming it to the "Congressional Technology and Innovation Lab." This Lab would be charged with going beyond the mandate of the original OTA, proactively studying and testing new technologies rather than waiting for directives to study technologies, as the former OTA did.

The Committee recommends the Lab employ nonpartisan experts, visiting professors, and graduate students from premier companies, national labs, and institutions across the country. The Lab should work with the Chief Administrative Officer (CAO) and HIR to share results with Member,

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165. Graves, Z. and Kosar, K. (2018, January). "Bring in the Nerds: Reviving the Office of Technology Assessment", R Street Institute. https://www.rstreet.org/wp-content/uploads/2018/01/Final-128.pdf.
166. Sargent, J., Jr. (2020, April 9). The Office of Technology Assessment: History, Authorities, Issues, and Options. (CRS: R46327). https://www.everycrsreport.com/files/20200429_R46327_ccb2df95a922525df3457606c9fd1b4322c6492e.pdf.
167. Cordell, Carten. (2018, June 11). "Attempt to reinstate the congressional technology office falls flat in House", Fed Scoop. https://www.fedscoop.com/house-office-of-technology-assessment-fails/

committee, and leadership offices. Not only would the Lab provide fresh, invigorated tech policy analysis and advice, it would lift a great burden off Members and their staff, as well as other support organizations like CRS.

As the remote operating status throughout the COVID-19 pandemic exemplified, Congress has fallen too far behind in its technological needs. Congress needs an objective, in-house agency that will help Members better communicate and serve their constituents.

2. Reform House Information Resources (HIR) by partnering with outside entities to develop a roadmap for addressing the root cause of HIR's systemic inability to deliver enterprise programs and IT services in a timely manner.

Similar to reestablishing a centralized technology policy office in the OTA, the Committee recommends reforming the HIR to make it easier for individual offices to receive IT assistance. Currently, services provided by HIR can be slow to access, and not as high-quality as that provided by private vendors. When Members of Congress need help with IT services or website design, they often look to outside vendors for assistance—a process that can be costly. Because HIR already offers these services, many of which are available at no charge to Member offices, it is in Congress' best interest to invest in and improve HIR.

The Committee recommends that HIR partner with outside entities to develop a roadmap for improving wait times for services. An entity outside of the House should be contracted to review the current operations of HIR and provide a roadmap to successful reform. Specifically, the House should partner with GAO, the new OTA, the GSA's 18F office, the United States Digital Service (USDS), and others to develop this roadmap, with a specific eye towards improving HIR's IT services and website design. Not only would this eliminate the all-too-common practice of double-spending on IT services, thereby reducing duplicative spending; it will make it easier for Member offices to receive IT assistance.

3. Require HIR to prioritize certain technology projects, as soon as predictably possible, including video calls, e-signatures, VPN access, and the ability to upload casework and requests digitally.

In addition to a larger restructuring of HIR's IT and website services, the Modernization Committee recommends that HIR immediately prioritize several specific projects. These four specific and simple changes will streamline everyday tasks for Member offices, particularly for constituent engagement and casework. Many of these reforms were identified in response to the COVID-19 pandemic that saw many Members and staff operating remotely for months.

First, the Committee recommends that HIR develop a reliable mechanism for video meetings. The House adopted WebEx in response to the sudden need for the entire Congress to telework amid the COVID-19 pandemic. However, the Committee has urged HIR to continue to develop easier access to this and other products.

Second, the Committee recommends that in conjunction with the Clerk's office, secure e-signatures should be allowed for letters, bills, and constituent consent forms. The need for this became even more apparent during the remote operating status, and the Committee passed additional recommendations to push for a permanent expansion of secure e-signatures.[168] This would include working with the Clerk on the development of the platform for facilitating e-signatures, including changing the rules of the House to allow e-signatures on letters and legislation.

Third, the Committee recommends that HIR set up a VPN on all devices and develop relevant security guidelines. This recommendation should be familiar to any current staff member in Congress—but is essential to ensuring Members and staff are logging on to their official devices in a secure and safe way.

Lastly, the Committee recommends that HIR develop a way for constituents to upload casework and other service requests digitally through a Member's website. Currently, constituents must submit forms through the mail, or via fax—a problem that was only exacerbated for staff and constituents alike during the COVID-19 pandemic. By making it easier for constituents to submit information, Congress will be able to address casework and constituent concerns more efficiently and effectively.

4. Require HIR to create an approval process for outside vendors developing new technologies that is transparent, scheduled, and timely.

In addition to changes to HIR's internal operations, the Committee also recommends HIR revamp its process for approving outside vendors. Currently, the process to hire an outside vendor for an office website, hardware, software, or other equipment is time consuming, bureaucratic, and confusing. These delays often discourage vendors and prevent House Members from hiring the vendor of their choice. The Committee recommends that HIR create a more inviting approval process for vendors who seek to offer innovative technology to the House.

5. HIR should create a program that allows Member offices to opt-in to beta test with new technologies.

Members and their staff need to be able to experiment with technology that will familiarize them with possible new services (and the vendors that provide them) in the first place. It's important for congressional offices to be using the same types of technologies that their constituencies use and rely on

168. See Chapter 9 (Continuity of Congress) for more information on these recommendations.

to communicate. The complex rules HIR places on individual offices ultimately limits opportunities for offices to test new technologies. Through a new centralized HIR, Members should be given both the freedom and responsibility to experiment with new technology. Every district is different, and every Member should have the opportunity to use tools that best aid their district.

The Committee recommends that offices wishing to beta-test new technologies be able to easily identify and sign up for opportunities to do so. Member offices should also acknowledge the responsibility of the risks associated with such testing, as the security of the House enterprise is paramount.

6. Create one point of contact for technology services for each Member office within HIR who would be responsible for all technology points of contact, including technology, telecom, web, district office technologies, and more.

To make HIR more accessible and customer-service oriented, the Committee recommends HIR establish one point of contact for each Member office. This recommendation is adopted from a well-known private business approach in which a customer service representative serves as a point of contact for individual customers.

The point of contact would be responsible for all technology questions, including telecom, web, and district office technologies. Given the vast scope of HIR, establishing a singular, consistent point of contact for individual offices will make it easier for Members and staff to request assistance, and establishes a relationship between HIR and individual offices.

7. Create a customer satisfaction portal on HouseNet that allows Member and staff to rate and review outside vendors and HIR services.

In order to continually improve beyond these specific recommendations for upgrading HIR, the Committee recommends establishing a new customer service portal for staff to review the services and assistance they receive from HIR. Right now, Members and staff make technology decisions based on word of mouth or vendor outreach. This system does not empower individual offices to make the best decisions for their districts. A customer service portal would serve as a resource where all Members could access in-depth information about technology or request direct assistance.

In addition, a formal, annual survey to measure staff satisfaction with HIR will increase accountability and provide helpful feedback to consistently improve. This survey should also include questions geared toward district staff and district-specific technology concerns, as well as information on the technologies that Members and staff would like to use but have not yet received HIR approval. This feedback will help HIR to improve over time, and reduce miscommunication between Member offices and HIR.

8. The CAO should leverage the bulk purchasing power of the House and provide a standard suite of quality, up-to-date devices and software, such as desktop and laptop computers, tablets, printers, mobile phones and desk phones at no cost to the Members' Representational Allowance (MRA).

Beyond improvements to HIR, the Committee also recommends a significant change to the acquisition process for new technology in the House of Representatives. As recommended in Chapter 3 (Streamlining Member services), the CAO should leverage the bulk purchasing power of the House and provide a standard suite of quality, up-to-date devices and software, such as desktop and laptop computers, tablets, printers, phones, and software.[169] Additionally, the cost of these purchases should not come out of the MRA, but be paid out of a centralized account.[170]

This two-fold recommendation has several benefits. First, as discussed in Chapter 3, bulk purchasing will ultimately save the House, and taxpayers, thousands of dollars every year. Just as bulk purchasing for one's family is more affordable, so would be bulk purchasing for the technology needs of the House. Secondly, while Members would still be able to use their MRA to purchase unique or above-standard technology than what is offered, outfitting each office with standard House equipment will give offices more flexibility with the MRA. This could provide an opportunity to hire more staff to help address needs in the district, or to increase staff pay, possibly helping with staff retention (as outlined in Chapter 3).[171]

For individual Members, particularly freshmen, setting up an office in D.C. or their congressional district is complex. Shifting the responsibility to the CAO will ensure that Members have the tools they need to do their jobs from day one, and that taxpayer dollars are spent in the most efficient way possible.

9. The Congressional Research Service (CRS) should prioritize a "rapid response" program for nonpartisan fact sheets on key issues and legislation under consideration in Congress.

The Congressional Research Service (CRS) is an essential source for nonpartisan policy information. Members and their staff may request memos on nearly any topic—from a specific policy to legislative procedure. This information is then used to inform Members' voting decisions, craft legislative text, and educate constituents. However, this high-quality information can be slow in delivery. The Committee recommends that CRS proactively identify, prepare and prioritize nonpartisan fact sheets for key issues and legislation expected to be under consideration in Congress, rather than waiting to receive multiple requests from Member offices before responding and providing the

169. For the purposes of this report, "commodity technology" is defined as a standard offering to each office of what technologies will be provided (i.e. equipment, hardware, software, websites, and IT/Telecom support).

170. For more information on the MRA, see: Strand, M. and Lang, T. (2019, April 4). The Sausage Factor—The Members' Representational Allowance (MRA): Looking at House Personal Office Budgets. Congressional Institute. https://www.congressionalinstitute.org/2019/04/05/the-members-representational-allowance-mra-looking-at-house-personal-office-budgets/

171. See Chapter 3 for more information on how the MRA impacts congressional staff.

information. By proactively preparing fact sheets on timely policy issues, CRS can better prepare Members and their staff for current, pressing issues in advance. In addition to Members and staff, constituents would also have timely access to this nonpartisan, factual information, helping to elevate and improve debate in the House.

10. Develop a nonpartisan constituent engagement and services best practices page on HouseNet.

To collect and centralize the information recommended in this chapter, the Committee recommends developing a nonpartisan constituent engagement and best services page on HouseNet. Currently, Members—particularly new Members—are reliant on word of mouth for information on best practices and technology advice. As a result, Members are left re-inventing the wheel.

Instead of relying on the organic, anecdotal sharing of best practices, Members should be set up for success from the beginning. This website could serve as an organized portal for HIR (surveys, best practices, technology updates), outside vendors (how to apply as an approved vendor), and Member offices (contact information, CRS fact sheets, constituent outreach, digital communications and franking updates, and in-person training events). Making this information easily accessible would help promote easier communication between HIR, outside vendors, and individual offices. These topics were chosen because they are common, and often similar, across all districts, making best practices easy to adopt and apply.

11. The House should direct the establishment of a Congressional Digital Services Task Force to examine the need for and role of a specialized group of technologists, designers, and others to support the House's internal and public facing operations.

Congressional operations depend upon technology, but Congress is often constrained by its own limited approach to purchasing technology and providing technological services. The executive branch responded to similar challenges by creating the U.S. Digital Service, which hires technologists to build tools that make government work better for the American people. A more sophisticated and coordinated approach to the provision of technology and technological services in the House would help members better serve their constituents. For example, a Congressional Digital Services Office could develop more modern and streamlined technologies for congressional offices to interface with constituents and manage their questions and requests. The Committee recommends the Task Force fall under the umbrella of the newly restructured OTA (Recommendation 1).

12. Make permanent the Bulk Data Task Force and rename it the Congressional Data Task Force.

Congress established the Bulk Data Task Force with a focus on the question of determining whether Congress should make the data behind THOMAS and LIS available to the public as structured data. Ultimately the Task Force recommended, and GPO implemented the publication of bill summary, status, and text information online as structured data. In this sense, the Task Force completed its intended mission. However, in completing its mission, the Task Force brought together many of the technology stakeholders inside the legislative branch as well as members of civil society and continues to hold public meetings on a quarterly basis.

This ongoing collaboration has been positive for the Clerk's Office and for data transparency groups, ultimately leading to technological advances in how legislative data is made public. The Committee recommends the Task Force's mission expand beyond publishing bills and the data attendant to them to allow for consideration of other legislative documents and congressional operations data. The Task Force should be renamed the Congressional Data Task Force to accurately capture the Task Force's expanded mission.

CONCLUSION

While Congress will undoubtedly continue to face challenges of "the Pacing Problem" given the nature of the institution, the reforms outlined in this chapter usher in a new era of technology in the House. The recommendations outlined in this chapter not only will save taxpayer dollars, but free Members and their staff to spend more time doing what they came to Congress to do: work for the American people.

The Committee worked to make it easier for every office to have access to updated technology, IT assistance, and outside vendors. By rethinking and rebranding the OTA, and bolstering the existing practices of HIR, the burden of technology procurement and management will be lifted from individual offices and will implement new practices to ensure Congress does not fall behind.

These reforms are not a one-size-fits-all approach to technology. They specifically create opportunities for Members to continue to innovate on their own if desired, allowing individual offices to lead the way with creativity and new ideas. This flexibility is key to both improving technology in the House and ensuring that every Member has access to the technology necessary to succeed.

The COVID-19 pandemic, and the remote-work period that ensued, ushered in several of these recommendations, but there is still room for improvement. Passage of H.Res.756 in the House, which contains the majority of these recommendations, is an uplifting sign that these recommendations will usher in a new era of more efficient and effective lawmaking.

CHAPTER 7 —
Streamline Processes and Save Taxpayer Dollars

RECOMMENDATIONS

1. Update House procedures to allow Members to electronically add or remove their name as a bill cosponsor.
2. Require Members to undergo emergency preparedness training to ensure our government is fully prepared in the event of a crisis.
3. Identify ways the House and Senate can streamline purchases and save taxpayer dollars.
4. Encourage House-wide bulk purchasing of goods and services to cut back on waste and inefficiency.
5. Update travel expenditure policies to improve efficiencies, and boost accountability and transparency.

INTRODUCTION

When constituents send their representatives to Washington, they aren't thinking about how that individual will manage the administrative functions of their congressional offices. It's also probably not something that Members spend much time thinking about before being elected to Congress. Members come to the House to serve their constituents and legislate. But while back-office operations like identifying which constituent services platform to use, which technology applications the staff will need, paying bills, performing or contracting Information Technology (IT) services and support, and managing the office budget do not grab headlines, they are incredibly important and often require a dedicated staffer (or two) to effectively manage. Each hour of staff time and each dollar spent on administrative activities is a resource that could be utilized to support constituent or legislative work. As Committee Member Rep. Mary Gay Scanlon noted in a November 15, 2019 hearing on administrative efficiencies:

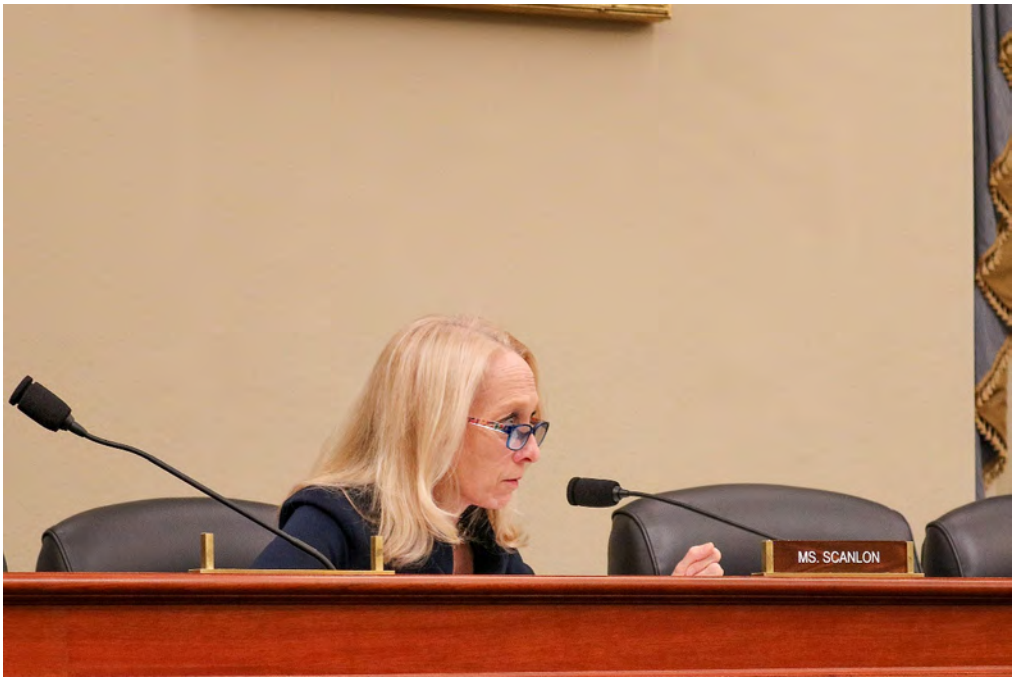


Image 7.1: Rep. Mary Gay Scanlon listens to a witness during the Select Committee's hearing on administrative efficiencies.

"...[A]s a new member, one of the first things I had to deal with was getting this relatively limited pot of money and wanting to devote it more to constituent and legislative ideas than things like hiring accountants and everything else."

Rep. Mary Gay Scanlon, November 15, 2019

The Committee is tasked with making recommendations on administrative efficiencies, including purchasing, travel, outside services, and shared administrative staff. The Committee approved recommendations with the goal of saving taxpayer dollars and reducing costs through greater efficiency, without sacrificing constituent services. The Committee's recommendations encourage the House to keep pace with evolving private sector administrative practices and adapt modern approaches to solving common administrative challenges. The remainder of the chapter will first, review prior administrative reform efforts, followed by an overview of the Committee's five recommendations.

BACKGROUND ON PAST REFORM EFFORTS

Congress' representative design gives deference to Members of Congress in choosing how to run their office, which can naturally result in administrative inefficiencies. Instead of a centralized system, the House operates more like 435 small businesses. In addition to Member offices, there are 23 standing or select committees as well as leadership offices, each with its own independent authority.

At the Committee's November 15, 2019 hearing on administrative efficiencies, Mr. Drew Wilson, former Senate Sergeant at Arms, testified on administrative operations in the Senate, and highlighted stark differences between the two bodies.[172] Like the House, each Senator has the autonomy and discretion in choosing how to run their office operations. But unlike the House, the Senate Sergeant at Arms is responsible for most of the non-legislative, back-office functions of the Senate. Mr. Wilson testified that the Senate has found administrative efficiencies by moving printing, graphics, and mail operations off-site; and saved money on leasing district office space by centrally procuring leases and using General Services Administration (GSA) reimbursement rates. In the Senate, all IT procurement is done centrally through the Sergeant at Arms. Senators must choose their IT systems from a

172. *Administrative Efficiencies: Exploring Options to Streamline Operations in the United States House of Representatives. 116th Congress*. (2019, November 15). (Testimony of Drew Wilson). https://docs.house.gov/meetings/MH/MH00/20191115/110215/HHRG-116-MH00-Wstate-WillisonD-20191115-U1.pdf

limited, approved list. Until the early 1990s, the House operated in a similar fashion, but after the House decentralized IT procurement in 1995, Members could purchase IT systems of their choice more quickly.[173]



Image 7.2: Rep. Rob Woodall speaks during the Select Committee's hearing on administrative efficiencies.

"But if I go back to 1994, right, we had this conversation, and we decided to go in exactly the opposite direction. We had a schedule of computer equipment, but it took so long to get the schedule approved and computers were moving so fast, we went away from that."

Rep. Rob Woodall, November 15, 2019

Despite the prior efforts of decentralization, the House has continued debating how to best modernize administrative procedures. Mr. Michael Ptasienski, Inspector General of the House of Representatives, noted at the November 15, 2019 hearing that there has been movement towards more centralized administrative support to Member and committee offices, including converting constituent letters into electronic form, and assisting offices with 1-9 compliance.[174] Another witness, Dr. R. Eric Peterson, a

173. The Modernization Committee has made recommendations to quickly approve and test the adoption of technology. See Chapter 6 for more detail on these recommendations.

174. *Administrative Efficiencies: Exploring Options to Streamline Operations in the United States House of Representatives*. 116th Congress. (2019, November 15). (Testimony of Michael Ptasienski). https://docs.house.gov/meetings/MH/MH00/20191115/110215/HHRG-116-MH00-Wstate-PtasienskiM-20191115-U1.pdf

specialist in the non-legislative operations of Congress at CRS, noted additional, ongoing work by the CAO to proactively replace outdated technology systems and offer customer service to Member offices.[175]

But despite these advances, and other Committee recommendations to streamline HIR services (Chapter 3), witnesses and experts identified potential opportunities where Congress could further improve administrative efficiencies. These recommendations are outlined in detail below.

BULK PURCHASING COMMODITY ITEMS

Anyone who has ever shopped wholesale knows buying in bulk saves money. Concepts like bulk purchasing and competitive procurement are hardly cutting edge, but the House hasn't kept pace with the private sector or the executive branch.

In 2018, the House Inspector General found that offices spent about $267 million on goods and external services.[176] Member offices generally make routine purchasing decisions independently and, in many cases, end up ordering the same items from the same vendors. Maintaining a certain degree of autonomy is important for maintaining representation, but certain commodities have little representational value and could be purchased in bulk. Mr. Ptasienski identified the following areas where negotiating House-wide contracts or purchasing services for all offices centrally rather than independently could save the House money:

1. Publications and Reference Material: In calendar years 2015 and 2016, the House spent an average of $9.75 million on publications and reference materials. Fifty percent of this spending was with five vendors.

2. Bottled Water: Offices paid $623,000 to bottled water vendors in 2016. There were 184 different suppliers, but 60 percent of the expense was with one vendor, and the top four suppliers accounted for 85 percent of this spending.

3. Office Supplies: The House has several purchase agreements for general office supplies, paper, and toner (including the House office supply store). Based on 2016 spending data, however, offices regularly utilize other vendors. During this period, the House spent a total of $5.6M with 576 different office supply vendors.

Table 1: Cost-saving recommendations for bulk-purchasing

175. *Administrative Efficiencies: Exploring Options to Streamline Operations in the United States House of Representatives*. 116th Congress. (2019, November 15). (Testimony of R. Eric Petersen). https://docs.house.gov/meetings/MH/MH00/20191115/110215/HHRG-116-MH00-Wstate-PetersenR-20191115-U1.pdf

176. *Administrative Efficiencies: Exploring Options to Streamline Operations in the United States House of Representatives*. 116th Congress. (2019, November 15). (Testimony of Michael Ptasienski). https://docs.house.gov/meetings/MH/MH00/20191115/110215/HHRG-116-MH00-Wstate-PtasienskiM-20191115-U1.pdf

TECHNOLOGY OPERATIONS AND SUPPORT

Standardization and centralized purchasing of House information technology has the greatest opportunity to yield savings.[177] Not only is this an opportunity for savings through bulk purchasing, but it would yield ongoing savings by streamlining the support work of House Information Resources (HIR) and other IT professionals that secure the House network. For example, when iPhones came onto the market, and individual offices began to transition from Blackberries, they lacked security standards required by Congress, and congressional IT support had to spend a "small fortune"[178] to patch iPhone security. Had iPhones been procured centrally, the security could have been solved much sooner, and at a reduced cost.

In some cases, support services offered by HIR and contracted IT support vendors significantly overlap. In 2012, House offices spent an estimated $6 million to hire vendors for IT support.[179] Overall, end-user IT support becomes easier and less expensive when there is greater standardization. From a House perspective, this would significantly decrease the burden on individual offices to manage their IT resources, by making it easier for offices to comply with IT and security policies, and better protect the computing environment and network.

TRAVEL CARDS

In addition to purchasing office equipment, travel expense reimbursement is a complex and time-consuming activity for House offices. For one, Members are required to document each receipt—many of which today are now electronic and not easily obtainable in hard copy form. The process of documenting and reviewing expenses for a single trip could take an hour or more of staff time. For comparison, to reduce paperwork and time spent on reimbursement, the GSA uses a per diem process for meal and incidental expenses. Rather than travelers collecting and itemizing receipts for each meal and incidental expense, executive branch employees are given a flat, predetermined rate when traveling.

Currently, the House only issues travel cards to Members and Chiefs of Staff, not other staff in personal offices who may be required to travel as part of their jobs. By expanding the travel card program to more staff, such as District Directors, Member offices could find efficiencies by tracking expenditures and expedite the employee reimbursement process.

177. Ibid, p. 4.
178. *Administrative Efficiencies: Exploring Options to Streamline Operations in the United States House of Representatives*. 116th Congress. (2019, November 15). (Testimony of Drew Wilson). https://docs.house.gov/meetings/MH/MH00/20191115/110215/HHRG-116-MH00-Wstate-WillisonD-20191115-U1.pdf
179. *Administrative Efficiencies: Exploring Options to Streamline Operations in the United States House of Representatives*. 116th Congress. (2019, November 15). (Testimony of Michael Ptasienski). https://docs.house.gov/meetings/MH/MH00/20191115/110215/HHRG-116-MH00-Wstate-PtasienskiM-20191115-U1.pdf, p. 4.

SPECIALIZED STAFFING / FINANCIAL AND ADMINISTRATIVE SHARED STAFF

Building off prior recommendations (Chapter 3) that encourage the development of a centralized HR hub, there is also a need for specialized administrative staff. As Dr. Petersen noted in his written testimony: "As House operations have become more complex, there has been an increase in the need for specialized understanding of House financial operations or information technology needs in Member offices." Some offices assign these responsibilities to their legislative staff, while others hire specialized staff that support multiple offices. When combined with standardized training, increased availability of shared staff to support House financial and administrative services or information technology management may improve efficiency and the security, as well as potentially reduce the cost of Member office operations.

RECOMMENDATIONS TO STREAMLINE PROCESSES AND SAVE TAXPAYER DOLLARS

1. Update House procedures to allow Members to electronically add or remove their name as a bill cosponsor.

The process of collecting Members' signatures to co-sponsor legislation is frequently cited as an inefficient time suck for congressional staff. Normally, staff or an intern spends hours walking the halls of the Capitol, collecting signatures from various Members. If a Member is erroneously added as a co-sponsor to a bill, they must go to the House floor and make a statement to have their name removed. At the Select Committee's March 12, 2019 Member Day hearing, Rep. Susan Davis (CA-53) testified on the outdated process of collecting signatures for co-sponsorship:

"Staff and interns are constantly running co-sponsor sheets to the Capitol, when they could be doing other work. Processing the lists of names takes hours, as the cosponsor sheets are handwritten and can be easily misread. Members with similar or identical last names are often signed onto the wrong bills because the cosponsor sheet was not clear. There is no good reason for our co-sponsorship process to be like this in 2019."

Rep. Susan Davis, March 12, 2019

In response to the COVID-19 pandemic, House Administration Chair Zoe Lofgren and Ranking Member Rodney Davis consulted with the Rules Committee, House Clerk, and Parliamentarian's office to permit electronic submissions for legislative documents, including co-sponsorship of legislation. These electronic submissions will continue to be accepted during the public

health emergency.[180] The Committee recommends that this change be made permanent and the House update its procedures to allow Members to electronically add or remove their name as a bill cosponsor. Specifically, the Committee recommends that the House Clerk and the Parliamentarian identify a more efficient way for Members who were added in error as a cosponsor of a bill to remove themselves as cosponsors of legislation without indicating their previous co-sponsorship.

2. Require Members to undergo emergency preparedness training to ensure our government is fully prepared in the event of a crisis.

Administrative inefficiencies go beyond concerns of time and resources. Currently, the onboarding process for Members and their staff is decentralized and inconsistent. While emergency preparedness is mandatory for staff, Members are not required to undergo training. This inconsistency across offices presents safety and security concerns, as well as inefficiencies of time and communication.

While these security concerns are expanded upon in the chapter on congressional continuity (see Chapter 9), the Committee also recommends a streamlined emergency preparedness training to improve administrative efficiency. Specifically, the Committee recommends that Members undergo mandatory emergency preparedness training for all Members. In addition, the Committee recommends the House Sergeant at Arms Office and the Capitol Police coordinate periodic emergency preparedness training for Members.

3. Identify ways the House and Senate can streamline purchases and save taxpayer dollars.

A common theme heard from witnesses and Committee Members alike was the need for the House to consolidate purchases for individual Member offices. Committee Members heard testimony on practices of the Senate to efficiently manage offices' administrative functions, as well as the challenges of Congress' decentralized structure creates increased administrative costs. As Chair Kilmer noted in the November 15, 2019 hearing:

180. Press Release: Dear Colleague to All Members on Electronic Submission of Floor Documents (2020, April 6). Office of Speaker Nancy Pelosi. https://www.speaker.gov/newsroom/4620



Image 7.3: Chair Derek Kilmer listening to witness testimony.

"Concepts like bulk purchasing and competitive procurement are hardly cutting edge. Our counterparts in the executive branch and the private sector have figured out that purchasing a thousand computers yields a better price than purchasing ten computers. They have also figured out that centralizing commonly used services often makes good financial sense. Yet here in the House, Members and staff are too often relying on outdated, inefficient processes and systems to do their jobs. And that shouldn't be the case."

Rep. Derek Kilmer, November 15, 2019

Thus, the Committee recommended the House Chief Administrative Officer (CAO), the Senate Rules Committee, and the Senate Sergeant at Arms explore how the House and Senate can collaborate on procurement and bulk purchasing to save money for the American people. This recommendation was successfully passed by the House and later adopted into the FY 2021 Legislative Branch Appropriations Bill.[181]

181. Press Release: Committee Approves Key Modernization Initiatives and Priorities. (2020, July 10). Select Committee on the Modernization of Congress. https://modernizecongress.house.gov/news/press-releases/committee-approves-key-modernization-initiatives-and-priorities

4. Encourage House-wide bulk purchasing of goods and services to cut back on waste and inefficiency.

Building off of recommendation three, the Committee turned to specific bulk purchasing. While some administrative procurement will continue to be done at the individual office level, commodities like bottled water, office supplies, and publication materials can be streamlined to reduce costs without impeding Members' ability to represent their constituents. Central procurement of IT services offers the greatest potential to reduce costs for Member offices, but the desire to maintain autonomy over IT systems makes this more challenging.

The Committee recommends that the CAO be granted the ability to negotiate House-wide contracts or purchasing services for member, committee, and leadership offices, with the goal of saving taxpayer dollars by purchasing centrally rather than independently. Building on previous recommendations, the Committee recommends the CAO, under the supervision of the Committee on House Administration, determine a standard baseline technology package for Member, committee, and leadership offices. The Committee recommends that the standard technology package be piloted with new Members at the beginning of the incoming Congress and expanded accordingly.

This recommendation was also included in the FY 2021 Legislative Branch Appropriations Bill. In addition, more detail on the standard, baseline package of IT services to save taxpayer dollars can be found in Chapter 6 on improving House technology.

5. Update travel expenditure policies to improve efficiencies, and boost accountability and transparency.

As Rep. Scanlon noted in the Committee's November 15, 2019 hearing, Members come to Washington to serve their constituents and legislate, not to deal with administrative necessities that come with running an office. Staff, likewise, come to Washington to serve their country, engage in the public policy process and provide critical services to their office's constituents. Members and staff alike would rather spend their time directly serving constituents than on administrative paperwork like getting reimbursed for work travel.

Both Mr. Ptasienski and Dr. Peterson identified travel expenses as an opportunity for the House to modernize administrative functions. Travel cards allow expenses to be easily tracked and monitored but cards are only given to senior House staff. Without a travel card, reimbursement for travel expenses can take hours of staff time that could otherwise be spent on constituent services.

The Committee recommends expanding the House Travel Card Program to make tracking House expenditures or expediting employee reimbursement more efficient and less time-consuming. This would have an added benefit for

junior staff who may find it difficult to float travel expenses from personal resources. In response to public transportation concerns amid the Coronavirus pandemic, the Committee on House Administration allowed ridesharing services to be reimbursed for congressional staff. The Committee recommends that this program be continued, and that the House Travel Card Program be modernized to accommodate current forms of travel, such as ridesharing services.

CONCLUSION

The recommendations described in this chapter aim to push the House to evolve its administrative practices and adopt modern approaches to solving day-to-day operational challenges. Unlike the executive branch, the House has unique organizational challenges that impede efficiency, because as an institution it values direct constituent representation over efficiency. But there is room for improvement. The House has made many reforms over the past decade that improve administrative efficiencies and can modernize further if encouraged to do so.



Image 7.4: Rep. Rodney Davis speaks during a Select Committee hearing.

"As a former staffer, I used to work with the CAO in purchasing, making sure that I understood the many processes in and around the House. And I was always amazed when I got here that some things never changed. And I think this Committee, in and of itself, has tried to push some of that change that we have been trying to push on the House Administration Committee for a few terms."

Rep. Rodney Davis, November 15, 2019

From the start of Member orientation through bulk purchasing for Committees, changes can be made to make Congress more efficient and effective for taxpayers. Streamlining necessary training, modernizing signatures and paperwork, and collectively purchasing commodities like bottled water and office supplies will remove unnecessary administrative burdens from individual Members. Like the Senate, the House should establish a standard package of IT technology from which Member offices can choose. Centralizing the sourcing of IT systems would not only yield bulk savings but would reduce the ongoing IT maintenance costs and enhance cybersecurity. By expanding the use of the Travel Card Program, the House can efficiently track expenses and eliminate hours wasted on outdated administrative processes.

These recommendations were developed with the Member autonomy in mind—ensuring that Members can still operate an individual office but removing unnecessary administrative burdens, saving them time and taxpayer dollars. Ultimately, these reforms will help the House spend less on administrative resources and more on the constituent and legislative work that Members came to Washington to do in the first place.

CHAPTER 8 —

Increase the Quality of Constituent Communication and the Congressional Frank

RECOMMENDATIONS

1. Consolidate the regulations governing Member office communications, including digital communications, into one easy to find place.
2. Rename the House Commission on Mailing Standards, also known as the Franking Commission, the House Communications Standards Commission to reflect 21st Century communications.
3. Increase opportunities for constituents to communicate with their Representatives.
4. Increase accountability and tracking for all Member-sponsored communications mail.
5. Allow for faster correspondence between Representatives and their constituents.
6. Update House social media rules to allow for better communication online between Members of Congress and their followers.
7. Allow the public to better access and view the types of communication sent by Members of Congress to their constituents.

INTRODUCTION

Communication with constituents is an essential and necessary part of democratic representation. The Founding Fathers agreed, as the First Amendment to the U.S. Constitution includes "the right to petition the Government." Today, millions of Americans communicate with their representatives about issues that affect their daily lives including personal assistance, policy concerns, and ideas for the federal government. Congress relies on this citizen engagement to ensure it is representing constituents' needs and truly working on behalf of the American people.

Members of Congress have always prioritized responding directly to their constituents by providing official government resources to inform citizens of public affairs, legislation they introduce, congressional votes, and important public policy updates. Since the Colonial Period the franking privilege (further detailed in this chapter) allows Members of Congress to send mail without postage, instead using an official signature.[182] The signature replaces the need for a postage stamp, and the U.S. Postal Service charges the Member's congressional office for the cost of the mailing. Today, the congressional franking privilege is still an important part of how Members of Congress communicate with constituents, taking the form of newsletters, constituent letters, or townhall advertisements. Yet as the needs and size of congressional districts have grown, and technology has improved, the scope and jurisdiction of the franking privilege has also expanded.

Today, electronic communication is easily the most common method of communicating with constituents.[183] Every Member of Congress has his or her own individual website, and email correspondence has largely replaced postal mail. It's estimated Congress receives between 25 and 35 million messages a year from constituents.[184] In the last decade, social media has become a prominent force on Capitol Hill—nearly every House Member has a Facebook page or Twitter account that allows them to directly interact with constituents.[185]

In response to changes in both technology and constituency, the franking privilege has been periodically amended by the House Communication Standards Commission (formerly known as the House Commission on Mailing Standards, or the "Franking Commission") and the Committee on House Administration. These changes have included updates to the franking expenditures, topics permitted to be discussed in franked mail, the medium of communication, and the franking review process. Most recently,

182. Glassman, N. (2016). *Franking Privilege: Historical Development and Options for Change* (CRS: RL34274). R Retrieved from Congressional Research Service: https://www.everycrsreport.com/files/20160503_RL34274_c2c157c78b4366719fe5664ed3fe727b70c63ed5.pdf
183. Strauss, J. and Glassman, M. (2016, May 26). *Social Media in Congress: The Impact of Electronic Media on Member Communications* (CRS: R44509).
184. Select Committee on the Modernization of Congress: Improving Constituent Engagement (2019, June 5). 116th Congress. Testimony from Fitch, Brad, Congressional Management Foundation.
185. "2019 Report: Congress on Social Media" (2019, December). Quorum Analytics. Accessible for download here: https://www.quorum.us/reports/2019-congressional-social-media-report/

the Franking Commission moved to 100 percent digital submissions for their review process.[186] But despite these continuous efforts, Congress is notoriously slow to adapt. The approval for use of the franking privilege remains cumbersome and slow, and rules that regulate the privilege are outdated. Originally created in the days of the printing press, these rules no longer fit a Congress that works in a world of email and social media.

The Committee, along with leadership of the House Franking Commission, recognized the need for reforms to make constituent communication more modern, efficient, and transparent. As Chair Derek Kilmer noted in a June 5, 2019 hearing on constituent engagement:

"New technologies have provided our constituents with more tools for contacting us, and that is a good thing. In fact, that is a really good thing, because we are here as representatives of the people and we need to know what our constituents think about the issues of the day. We can't do our jobs that we were elected to do without hearing their voices."

Chair Derek Kilmer, June 5, 2019

The Committee held several hearings dedicated to the improvement of constituency communication, including "Improving Constituent Engagement" on June 5, 2019, "Congress and the Frank: Bringing Congressional Mailing Standards into the 21st Century" on October 31, 2019, and "Administrative Efficiencies: Exploring Options to Streamline Operations in the U.S. House of Representatives" on November 15, 2019. Other hearings featured best practices and emphasized constituent services.[187]

Committee Members and staff worked closely with the House Communication Standards Commission and the Committee on House Administration. Together, they crafted, and the Committee passed, seven reforms geared toward increasing the quality of constituent communication. These recommendations were passed by the Committee on December 19, 2019 and were ultimately implemented by the House Communication Standards Commission in January 2020.[188] Many of these recommendations are already fully implemented in the House, and the rest are underway.

Overall, the reforms focus on streamlining the approval process to improve constituent communications in Congress. The recommendations are intended to make congressional communication transparent for constituents, more efficient for Member offices, and offer much-needed technological

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186. Select Committee on the Modernization of Congress: Congress and the Frank, Bringing Congress into the 21st Century (2019, October 31). Testimony from Rep. Davis, Rodney.
187. A full list of hearings and participants can be found in the Appendix.
188. One of the recommendations being the renaming of the House Franking Commission to the current, House Communication Standards Commission. See the full text of the recommendations in Appendix, Committee Documents.

updates to reflect the role of social media throughout society. This chapter details these recommendations, as well as the expertise and findings on which the Committee relied to propose and pass these reforms.

This chapter begins with an overview of the franking privilege and prior reforms in the House. It then turns to the specific recommendations made by the Committee and House Communication Standards Commission.

WHAT IS FRANKING? JURISDICTION, CURRENT RULES, AND PRIOR REFORMS

The franking privilege allows Members of Congress to send official, signed mail without postage. When the privilege was created, Members were not charged for this privilege; but since the 1990s, they have been required to account for the cost, and their offices are charged for postage accordingly. While franking privileges were originally the same for the House and the Senate, today the two bodies have their own rules and regulations. This chapter will focus on the franking privilege for the House.

To avoid improper use of the privilege and to keep pace with technological updates, franking rules and regulations have been amended several times since they were first introduced in the Continental Congress. The rules governing franked mail fall into five main categories: limitations on who can send franked mail; what type can be sent; how much can be sent; where it can be sent; and when it can be sent.[189]

Today, the franking privilege is limited to current and former Members of Congress, Members-elect, the Vice President, and congressional offices such as the Clerk or Sergeant at Arms.[190] In addition, former presidents and vice presidents, and widows of presidents have franking privilege. Earlier iterations of the franking privilege also included soldiers during wartime and the postmaster general.

While the initial privilege included mail that was being sent to and from Members of Congress, today, only mail being sent from Members of Congress and elected officials is privileged.[191] There are two classifications of mail that fall under the franking privilege: "mass mailings," defined as 500 substantially similar pieces of unsolicited mail sent in the same congressional session,[192] and official mail (responses to constituent correspondence for example). While

189. Glassman, M. (2016). *Franking Privilege: Historical Development and Options for Change* (CRS: RL34274).

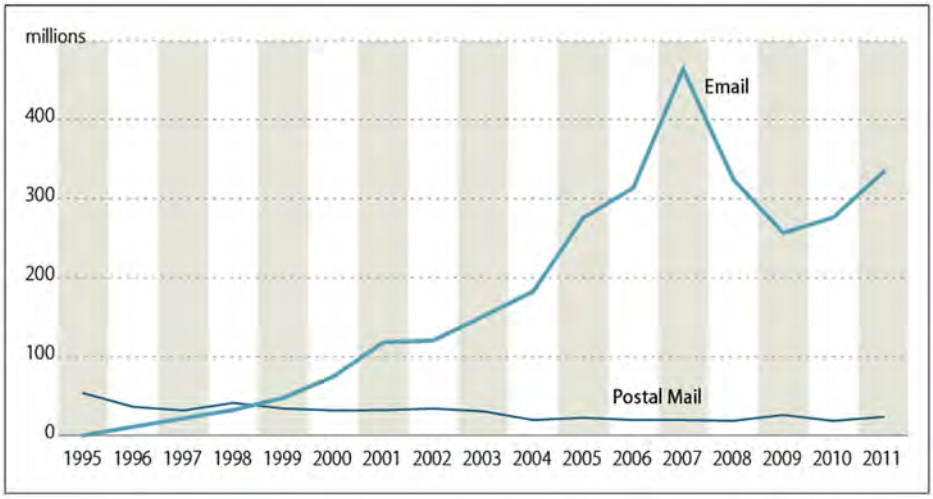
190. Currently, the secretary of the Senate, the sergeant at arms of the Senate, each of the elected officers of the House (other than a Member of the House), the legislative counsels of the House and Senate, the law revision counsel of the House, and the Senate legal counsel are granted the franking privilege. Congressional Committees are provided franking privilege, but the 109th Congress limited the amount of money committees could spend to $5,000 and placed strict limitations on the messaging capabilities of committees. For more information, see: Glassman, M. (2016). *Franking Privilege: Historical Development and Options for Change* (CRS: RL34274).

191. Received mail was granted the franking privilege from 1789–1873.

192. Glassman, M. (2015, May 6). *Franking Privilege: Mass Mailings and Mass Communications in the House*, 1997–2014 (CRS: RL34458).

traditional mail is still used by Members, today there are many more options beyond postal mail. Member communications subjected to the franking privilege include phone calls, video and audio communication, tele-townhalls, emails, and more.[193] Email is by far the most common type of communication currently considered franked mail. Figure 8.1 presents the rapid growth of email communication to Congress, compared to postal mail. The sharp uptick after 1995 is largely attributed to the nationwide growth of internet usage.

Figure 8.1: Email and Postal Mail to Congress, 1995–2011



Source: Data provided by the House Chief Administrative Officer and Office of the Senate Sergeant-At-Arms. Note: Data does not include internal emails sent from one congressional user to another

But while the mediums are plentiful, there are strict limitations on the message that can be communicated by franked mail—the communication must discuss "official business." While an "admittedly flexible" definition, the mail cannot be used for campaigns or fundraising, and should be used to "deliver information on the issues pending before Congress."[194] While the early years of franked mail used postal weight as a form of message limitation, today's franked postal mail is limited to items that can be sent as letters. This can include newsletters, surveys, and constituent updates.

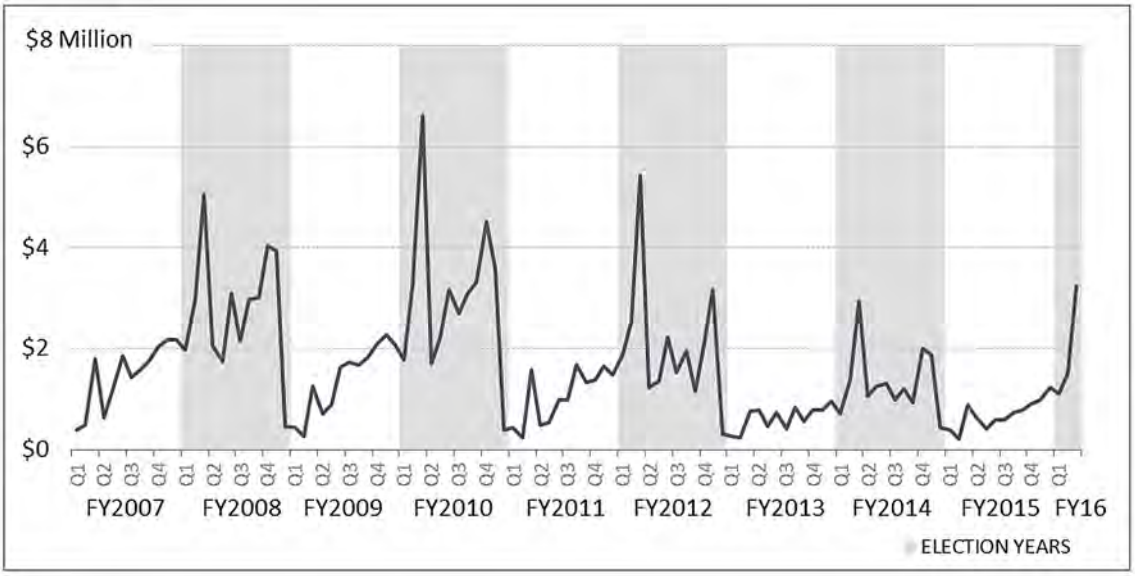
The amount of mail that can be sent by a Member of Congress is largely restricted by cost. Earlier sessions of Congress, particularly the years between Fiscal Year (FY) 1970 and FY1988, spent a great deal of money on franked mail. These high costs ultimately provoked reforms that are still in place today: limits on individual Members' franking expenditures, along with required public disclosures on the amount of franked mail a Member's office sent. After a set of 1995 reforms to further consolidate franking costs, Members' franking

193. A key denotation: emails to constituents that self-selected into a subscription list do not fall under franked mail.
194. Glassman, M. (2016). *Franking Privilege: Historical Development and Options for Change* (CRS: RL34274).

privileges are now included as part of their "Member's Representational Allowance" (MRA)—effectively a Member's office budget.[195] The MRA limits are set in place by the Legislative Branch Appropriations bill. This accounting change allows Members to spend money that would be otherwise intended for franked mail on other aspects of their office—such as personnel or office supplies. See Chapter 3 for a discussion on removing franking costs from the MRA.

Overall, these reforms, along with the increased use of cheaper, more efficient email communication have led to a decline in the cost of franked mail in the House. Figure 8.2 illustrates patterns of franked mail spending between FY2006 and FY2016. There are two notable trends: first is the general downward trend of overall spending on franked mail. The second is the spike during even years—or "election years." Concern about franked mail being used to advantage incumbents during an election year led to another set of reforms: stipulations on where and when mail could be sent.

Figure 8.2: Election year vs. Non-election year costs



Source: Congressional Research Service (CRS) analysis of U.S. Postal Service Data

Since 1992, Representatives have been limited to sending franked mail only to constituents who live in their district.[196] [197] There are also rules guarding when the mail can be sent, based on election dates. In 1996, the House set in place a deadline of 90 days prior to an election to send franked mail.[198] These limitations help ensure that franked mail is used to communicate, rather than campaign.

195. For more details on the MRA, please see: Brudnick, I. A. (2019, September 3). *Members' Representational Allowance: History and Usage* (CRS: R40962).
196. Coalition to End the Permanent Government v. Marvin T. Runyon et al. (1992) 979 F.2d 219 (D.C.Cir).
197. Since October 1994, the U.S. Senate limits mass mailings to $50,000 per session of Congress.
198. Legislative Branch Appropriations Act, FY1997, P.L. 104-197, 110 Stat. 2394. 2414–2415, §311.

These vast and evolving rules and regulations require a body to responsibly monitor how Members of Congress use their franking privilege. Originally, the U.S. Postal Service served as the main advisory body, but a series of reforms in 1973 established a permanent congressional body to evaluate and regulate franked mail. Today, the Committee on House Administration and House Communication Standards Commission ("the Commission") serve as the primary gatekeepers of the franking privilege. Of note, one of the Committee's recommendations outlined in this chapter renamed the House Franking Commission to the House Communication Standards Commission.

Since 1973, the Commission has offered formal and informal advisory positions about whether mail is eligible for the franking privilege after a detailed review using the five criteria outlined above. The Commission considers what photographs can be used, how often the Member's name is used, and the political nature of the text. In the 106th Congress, the Commission's responsibilities were further expanded from an optional review period to a required review by the Communication Standards Commission prior to mailing. Today, all mass mail is required to undergo administrative review by the Commission in advance of being sent to constituents.[199]

Given the size of the House, and the growing U.S. population, the Commission is reviewing 6,000 to 8,000 pieces of mail every year. In addition to advising and reviewing franked mail, the Commission handles formal complaints (on average, five complaints each year).[200]

In addition to email, postal mail, tele-townhalls, and other approved forms of franked communication, Members often turn to the Commission for advice on their social media. Today, social media is used by every Member of Congress and is obviously very popular with constituents across the country. Mediums like Twitter, Facebook, Instagram, and YouTube make it easier for Members of Congress to communicate with constituents quickly and personally, and like email, social media has the added benefit of affordability that postal mail does not. Members of Congress use these new mediums: in 2019, Members posted more than 420,000 Tweets from their official accounts—averaging to a total of 1,260 Tweets a day.[201] However, although the Commission reviews social media and digital communications on an advisory basis, these mediums are not technically under its jurisdiction.[202]

Considering the vast and growing use of social media, this discrepancy has created confusion for both the Commission and individual Members of Congress. Updating House franking rules and regulations to reflect the

199. U.S. Congress, Committee on House Oversight, Report on the Activities of the Committee on House Oversight during the 106th Congress, 106th Cong., 2nd sess., H.Rept. 106-1056 (Washington: GPO, 2001), p. 14
200. Franking Commission rules provide specific procedures for the filing and disposition of complaints. See ibid., pp. 33–45.
201. 2019 Report: Congress on Social Media (2019, December). Quorum Analytics.
202. Select Committee on the Modernization of Congress: Congress and the Frank, Bringing Congress into the 21st Century (2019, October 31). Testimony from Rep. Brooks, Susan.

growing use of digital communications was a top priority for the Committee. Given the expertise and jurisdiction of the Communication Standards Commission and the Committee on House Administration, these three organizations worked closely together to develop sensible, transparent, and efficient reforms to modernize the franking privilege. The reforms are outlined below.

RECOMMENDATIONS TO IMPROVE CONSTITUENT COMMUNICATIONS AND SERVICES:

1. Consolidate the regulations governing Member office communications, including digital communications, into one easy to find place.

As discussed above, the world of constituent communication has changed rapidly and expansively in the past 20 years. While postal mail is still used by Members of Congress, particularly newer Members and representatives from "swing districts,"[203] social media and email dominate constituent communication. The contradiction between rules governing postal mail and communication through new forms of technology created challenges for Members of Congress and the franking process. Simply put, the rules that apply to postal mail are often not applicable to a post on social media.

As Brad Fitch, CEO of the Congressional Management Foundation, noted in his testimony to the Committee:

"So, if both Congress and constituents believe in a healthy, robust engagement and it is important, Congress then must adapt to 21st century standards. The rules governing the use of the frank should be updated... these rules were designed when the printing press was the primary communications tool."

Brad Fitch, June 5, 2019

Currently, two official sources detail social media use by Members of Congress. The Committee on House Administration defines social media accounts as "profiles, pages, channels, or any similar presence on third-party sites that allow individual or organizations to offer information about themselves to the public," while the Members' Congressional Handbook allows Members to "establish profiles, pages, channels or other similar presence on third-party sites ...," so long as Members ensure that their official position (i.e., Representative, Congressman, Congresswoman) is clearly stated in the account name.

However, the rules defining what can be posted on social media are relatively vague. The Member Handbook states that social media profiles are merely "subject to the same requirements as content on Member websites,"

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203. Strauss, J. and Glassman, M. (2016, May 26). Social Media in Congress: *The Impact of Electronic Media on Member Communications* (CRS: R44509).

and "must be in compliance with Federal law and House Rules and regulations applicable to official communications and germane to the conduct of the Member's official and representational duties."[204] But the rules set in place for traditional mail simply do not fit with the nature of social media posts—there are limitations on space (a Tweet is limited to 280 characters), and differences in tone (social media has an added benefit of being a personal and informal mode of communication).

In addition to vague definitions, there is no clear jurisdiction for reviewing social media posts. While the Commission offers guidance on the franking privilege and constituent communications—including social media—it does not have the explicit authority to regulate digital communications. As current Communication Standards Commission Chair Rep. Susan Davis (CA-53) noted, "Right now, we are only charged with reviewing postal mail, but in practice, we review all communication."[205] Former Commission Chair and Committee member Rep. Rodney Davis echoed this sentiment in his testimony:



Image 8.1: Former Communications Standards Commission Chair and Select Committee Member Rodney Davis testifies before the Select Committee, alongside current Communication Standards Commission Chair Susan Davis.

204. *Members Congressional Handbook*. See also: Strauss, J. and Glassman, M. (2016, May 26). *Social Media in Congress: The Impact of Electronic Media on Member Communications* (CRS: R44509).

205. Select Committee on the Modernization of Congress: Congress and the Frank: Bringing Congressional Mailing Standards into the 21st Century. 116th Congress. (2019, October 31). October 31, 2019.

> ***"Many of the rules that we follow and approvals that our teams follow have been set by precedent between staff for decades. We, as Members, ought to codify those precedents into rules and regulations so we don't have any changes when we have changes on the committee in leadership... It is hard to follow rules when they are not written down and when they are not transparent."***
>
> ***Rep. Rodney Davis, October 31, 2019***

Thus, the lack of clear rules and advisory jurisdiction is confusing and frustrating to Members and adds a conflicting burden to the Commission's review process.

The Committee recommended updating the U.S. Code to consolidate all member communications—including social media—under the jurisdiction of the Communication Standards Commission. This recommendation has fully been implemented in the House, and a new manual with updated regulations was issued to House Members in January 2020.

The bipartisan makeup of the Commission makes it an ideal body to issue social media regulations that can be accepted by both political parties regardless of minority or majority status. Giving the Commission the necessary jurisdiction over social media will allow it to establish official regulations to guide Members on their social media use. This change in jurisdiction provides Members of Congress with much-needed clarity on how to communicate with their constituents on social media and other emerging forms of technology

2. Rename the House Commission on Mailing Standards, also known as the Franking Commission, the House Communications Standards Commission to reflect 21st Century communications.

Given the vast jurisdiction of the Commission, including email, advertisements, robocall scripts, text messages, websites, and the new inclusion of social media, the Committee recommended that the title of the Franking Commission be changed to reflect its modern responsibilities. This recommendation is currently underway in the House, and branding and operations are now referred to the House Communication Standards Commission.

Furthermore, the former name of the Franking Commission did not resonate with individuals outside of Congress. During Brad Fitch's testimony to the Committee, he touched on this confusion: "When I talk about this outside of Washington, who is Frank? And why is he sending me this mail?"[206] While perhaps a simple anecdote, the sentiment is clear—the name of the Commission should be updated to accurately capture their range of responsibilities, including all current forms of Member communications.

206. Select Committee on the Modernization of Congress: Improving Constituent Engagement. 116th Cong. (2019, June 5).

3. Increase opportunities for constituents to communicate with their Representatives.

The franking privilege exists to encourage and facilitate constituent communication, but current regulations have ultimately made sustained communication more difficult. Current regulations require Members to get approval from the Commission for each unsolicited communication with constituents, even if it's just to provide an update on a piece of legislation on which they have already communicated. But true communication requires the ability to interact and exchange messages several times—and feedback is an essential part of democracy. As Dr. Matthew Glassman testified before the Committee:

"Member constituent communication is a building block of representative democracy. If information about legislative activity cannot easily flow from members to constituents, citizens will be less capable of joint policy judgments about congressional action and electoral judgments about Members. Likewise, if constituents cannot easily communicate preferences to Members, congressional action is less likely to reflect public opinion."

Matthew Glassman, October 31, 2019

Not only is sustained communication important for Members of Congress to receive feedback on their legislative activity; it's an essential part of civic education for constituents. Legislating is a complex process, and it's important for Members to be able to update their constituents at each stage of a bill's development—from introduction in committee, to amendments, to a floor vote. Yet Members of Congress lack the ability to have sustained, ongoing interaction with their constituents.

Several witnesses before the Committee reiterated the importance of robust, ongoing constituent communication for Members of Congress and constituents alike. Dr. Michael Neblo, Director of Ohio State's Institute for Democratic Engagement and Accountability, testified on some best practices identified in his work on constituent communication:

"We found that many people seem ill informed, not because they don't care, but because they believe it is not worth their time to stay informed, because nobody will listen anyway. But when they think that their Member really will listen, they are quite willing and able to become informed... There is a dimension of quality that gets added when you have a broader cross section of your constituency involved. "

Dr. Michael Neblo, June 5, 2019

The need for quality over quantity was also emphasized by Marci Harris, CEO and co-founder of POPVOX. In particular, she noted that the Commission was in a unique position to encourage quality communication with constituents:

"People have fewer sources of information now about their local school board or city council, but they can spend 24 hours a day hearing about the latest battles at the national level. And you are perceived as their only outlet for addressing these issues that they care about.

"So, this act, especially in a time of disinformation, that you can't share untrue, overtly political, or personal information through franked communication, I think, is something that should be emphasized almost like a better housekeeping seal that constituents can understand is a protection for them."

Marci Harris, June 5, 2019

And Members themselves reflected on the importance of sustained constituent communication:

"I think the increase in the number of emails and correspondence that Congress gets and other branches of government, I am sure too, is indicative of the hunger out there for people to be involved. And so, it is a good thing, and it is a good thing to try to address how we can improve their ability to engage and our ability to respond."

Rep. Dan Newhouse, June 5, 2019

Thus, the Committee suggested two changes to improve constituency communication by allowing sustained, multiple communications. First, the franking privilege should be modernized to allow Members to provide updates on issues they have already communicated on without requiring approval from the Franking Commission. The Commission should establish how this sustained communication is regulated.

Second, the method of communication should make it easier to communicate with Members. Currently, Members can communicate easily with constituents who have willingly opted-in to e-newsletters without review from the Commission. This privilege should be expanded to other forms of communications, including text messages and phone calls. Members should be able to communicate with constituents in the mode that constituents prefer. The Committee and Commission suggested that the ability to quickly communicate with constituents, without the step of a Commission review, should be updated to include other forms of communications beyond subscription email. This recommendation is currently in place, as new regulations now permit unsolicited follow-up communication.

4. Increase accountability and tracking for all Member-sponsored mail.

Beyond adoptions that reflect changes in communications technology, there are much-needed updates to the technology used in the actual franking process. A major concern with the franking privilege is the timely and cumbersome process of tracking franked mail. Because franked mail is paid out of the Member's MRA, Member offices are required to keep track of the expenditures to reimburse the U.S. Postal Service (USPS) for all postal expenses.

For mail sent from Washington, D.C. offices, these calculations are maintained by a third-party vendor to sort, distribute, and calculate mail costs to appropriately reimburse the USPS. However, for mail sent directly to district offices, district office staff are required to self-report the cost of their franked mail in monthly reports. Member offices that are delinquent in submitting their monthly report are charged an additional fee. This discrepancy between the Washington, D.C. and district office franked mail reporting process leads to inaccuracies and creates an added burden to district staff.

The Committee recommended that the automated tracking system be modernized in consultation with the USPS to include franked mail from district offices. Modernizing this process would make tracking easier and more reliable, and will further increase accountability of Members to their constituents. The Commission is encouraged to pursue alternatives for the reporting process. For example, Chair Susan Davis has suggested the USPS scan and automatically tally the unique barcode on each piece of mail sent from district offices, as is currently done for Washington, D.C.-initiated mail.

5. Allow for faster correspondence between Representatives and their constituents.

In addition to streamlining the process for district staff, Members noted the need for improvements to the speed of the Commission approval process. Currently, Members who wish to communicate with their constituents by postal mail and digital mail alike are required to receive a Franking Staff Advisory Opinion. However, the process does not take advantage of the speed offered by digital communications, and sometimes the review process takes so long that by the time it is approved, the Member's message is no longer relevant.

Josh Billigmeier, Co-Founder and CEO of Fireside, a software company that works with Congress, in testimony before the Committee highlighted an example of how the Commission's approval speed can make or break constituent communication:

"Imagine that you have just finished watching the State of Union address, and you want to send an email to your constituents highlighting some of the policies outlined in the speech. Your staff drafts up an email, and they send it to the Franking Commission for approval. Your staff may have to wait for days, if not a week, to get approval for franking to send out that mail during these surge times. The franking approval process often takes far too long."

Josh Billigmeier, October 31, 2019

But while increased speed is undoubtedly preferred, Committee member Rep. Rob Woodall reiterated the importance of maintaining the current level of quality the Commission is known for:

"I like the quality standards in the frank, but it takes time for the Franking Commission to respond to that. I would like to do away with the frank as a signature on a mail package, but I want to keep the quality of the correspondence. What is there in technology that I don't have to wait 36 hours to get something back from the Franking Commission so that I can respond?"

Rep. Rob Woodall, June 5, 2019

To ensure efficient communication with constituents, but still maintain a quality review process, the Committee recommended updating the approval process to better reflect modern forms of communication. As Committee member Rodney Davis noted in testimony before the Committee, "Does it make sense that a Facebook ad going to 500 people at a cost of $20 is subject to the same review as a physical mailer going to 100,000 people at a cost of $50,000 taxpayer dollars?"

The Committee recommended that the Commission take into consideration the medium, size and reach of the mailing when reviewing franked mail. Digital mail, like email and social media for example, should be subjected to an alternate, quicker review process. The approval process needed to better reflect modern forms of communications and improve Members' ability to quickly communicate with those they represent. This recommendation has also been implemented, as mass emails and advertisements under $500 no longer require an advisory opinion.

6. Update House social media rules to allow for better communication online between newly-elected Members of Congress and their followers.

One of the stipulations of the franking privilege is that communication must be limited to "official business." For social media, this has translated to separate, official social media accounts—one for Members' campaigns, and one for official business. After many Members build large social media followings during their campaigns for office, they are then required to create a new "official" account after being elected. This transition means that followers are disconnected from their elected officials at a pivotal point in the representation process.

Committee member Rep. Susan Brooks reflected on the inefficiencies of the separate-account limitations when she first entered Congress:



Image 8.2: Rep. Susan Brooks speaks during a Select Committee hearing.

"When I first came to Congress in 2013, it did baffle me that we could not migrate our campaign. It is the first time I had run for office, the first time, you know, created a campaign account, and those people that were following us that we had to educate them in very difficult ways, not, and if my memory serves me correct, only at one time could we even inform them, you know, to go to the official account."

Rep. Susan Brooks, October 31, 2019

In addition, the use of two separate accounts generates continual confusion for constituents and Members of Congress alike. The two accounts are governed by separate rules and policies regarding what can be discussed, when the accounts can be used, and even the type of accounts that Members interact with. The lack of clarity between the rules governing these two accounts are notoriously confusing for Members and their staff.

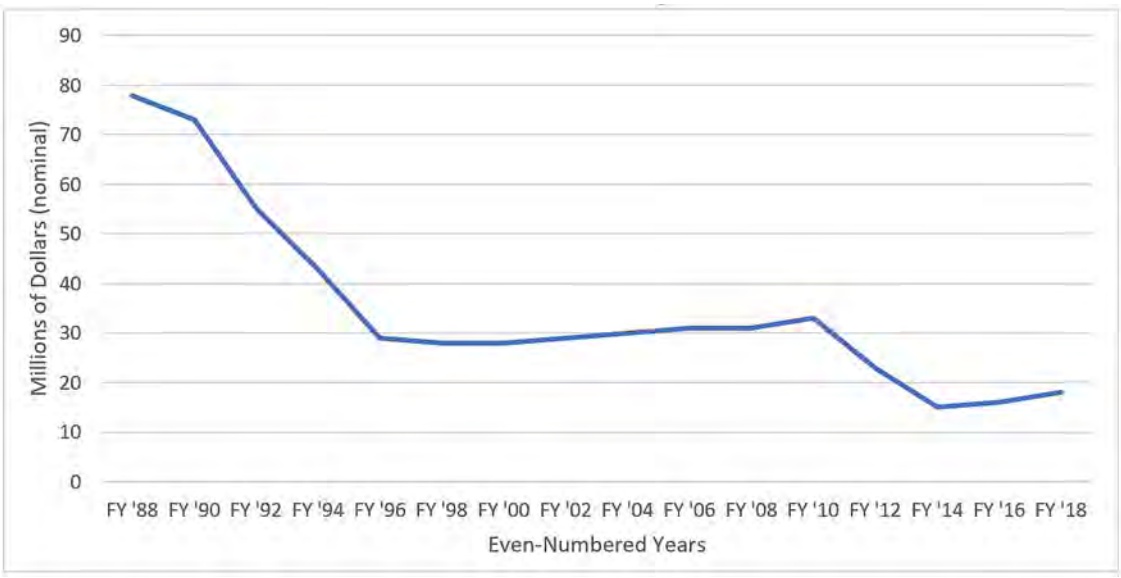
The Committee and the Commission recommended that Members be allowed a one-time transfer of followers from their campaign to their official social media accounts at the beginning of each Congress. This will allow Members to clearly communicate with their constituents at the start of their term, so constituents can follow their new account for legislative updates. The Committee recommended that the Commission clarify the rules that govern

social media accounts to further reiterate this recommendation. By placing social media accounts under the jurisdiction of the Commission, rules and regulations of social media will be easier to find and understand.

7. Allow the public to better access and view the types of communication sent by Members of Congress to their constituents.

Reforms should make it easier for constituents to know how the franking privilege is being used to communicate, and how their tax dollars are being spent. One of the longest running critiques of the franking privilege has been its cost to taxpayers. Fortunately, Congress has significantly curbed the cost of Franked Mail in the last 20 years, largely thanks to increases in digital communications discussed earlier in this chapter. Figure 8.3 provides an overview of the decline in Franking Costs since FY1988.

Figure 8.3: Total House mail costs, FY 1988–FY 2018



Source: CRS Report IF10489, "Congressional Franked Mail: Overview."

However, while Congress has significantly cut down on the cost of franked mail, the franking process is still not transparent to constituents, or to Members of Congress. For the public to view Commission advisory opinions, current rules require individuals to make a trip to the Clerk's Office in Washington, D.C., provide identification, and pay for copies of materials sent by Members to their constituents. This is a costly inconvenience for constituents and presents serious issues of access, accountability, and transparency.

The Committee recommended that the advisory opinions made by the Commission be posted online, in a modern and accessible form. It's essential for constituents to not only be able to communicate with their representatives; they should know the process and understand the legitimacy of these official communications as well. At the time of writing, this recommendation has been

partially implemented. There is now a live, public-facing website where anyone can search approved communications by any House Member at any time. The self-reporting feature of the portal is still under construction.

CONCLUSION

The recommendations outlined in this chapter are commonsense reforms that were crafted in close consultation with leadership from the House Communication Standards Commission and the Committee on House Administration to provide Congress and the public with guidance on how to communicate more efficiently and effectively.

By renaming and clarifying the jurisdiction of the Commission to include social media, Members and constituents alike will have much-needed clarity on how these accounts are expected to operate. In addition, technological updates to the franking process itself will provide greater transparency and efficiency for constituents—allowing them to truly interact with their representatives, generating meaningful conversation beyond scripted petitions.

The recommendations presented in this chapter offer a much-needed update to current operating procedures, but also set the stage for continued growth and improvement in constituent communications. These reforms have set in motion the ability for the Commission, and the House more generally, to prepare for the next wave of technology. As Chair Derek Kilmer said in an October 31, 2019 hearing:

"If history is any indicator, communication platforms will continue to rapidly evolve, and Congress needs to adapt so Members can communicate as effectively as possible with the people they represent."

Chair Derek Kilmer, October 31, 2019

It's time that our institution reflects the reality of our constituents, and these recommendations are a strong, sensible first step. When Members of Congress can more easily communicate with their constituents—and when constituents have easier access to their representatives—democracy flourishes. A strong republic relies on the people it represents. This requires open and honest communication between Members working in our nation's capital and the people in districts across the nation who sent them there.

CHAPTER 9 —
Continuity of Government and Congressional Operations

RECOMMENDATIONS

1. Each office should have a continuity of operations plan, including minimum safety requirements and an emergency communications plan, that is made available to all staff so offices continue functioning for the public.
2. Ensure that staff have the most up-to-date technology and equipment to continue effectively working on behalf of constituents in the event of a disruption or emergency.
3. Establish regular maintenance plans for office technology, so the equipment and technology needed during remote operations and telework is functional.
4. Crisis communications guidelines for constituent communication, including outreach plans for extended telework periods, should be approved, kept updated and shared with all Member offices at the beginning of each Congress.
5. To help streamline casework requests and help constituents better access federal agencies and resources, the House should implement a secure document management system, and provide digital forms and templates for public access.
6. The House should prioritize the approval of platforms that staff need for effective telework, and each individual staff member should have licensed access to the approved technology.
7. Committees should establish telework policies on a bipartisan basis.
8. The House should make permanent the option to electronically submit committee reports.
9. Expand the use of digital signatures for a majority of House business, including constituent communications.
10. Committees should develop bipartisan plans on how technology and innovative platforms can best be incorporated into daily work.
11. A bipartisan, bicameral task force should identify lessons learned during the COVID-19 pandemic and recommend continuity of Congress improvements
12. Continuity, telework and cybersecurity training should be given to all new Members of Congress.
13. A study should be conducted related to House functions during the COVID-19 pandemic to evaluate additional operational needs or changes to operations that are no longer appropriate.

INTRODUCTION



Image 9.1: Chair Derek Kilmer, Vice Chair Tom Graves, and Select Committee members during the final business meeting.

The second session of the 116th Congress convened on January 7, 2020 just as news of a deadly virus was spreading across the globe. The first confirmed case of a novel coronavirus in the United States was reported on January 21, 2020 in Washington state, and by March 11, 2020 this novel coronavirus was declared a pandemic by the World Health Organization (WHO).[207] The virus, which later came to be known as COVID-19, quickly overwhelmed the nation's health care systems and wreaked havoc on the U.S. economy. In an effort to prevent the disease from spreading, businesses, schools, and governments across the country moved to remote status or closed all together. On March 12, 2020, the U.S. Capitol closed to visitors, and congressional offices were encouraged to move to remote operating status.[208]

Members and staff mostly shifted focus to working directly with constituents to help assist them with the many health and economic emergencies they faced. At the same time, many congressional offices were grappling with the transition to telework—a status that runs counter to Congress' in-person work traditions. Like many of their institutional counterparts in the United States and abroad, Congress was faced with the challenge of maintaining continuity of governance and operations.

207. Shumaker, Erin (2020, July 28). Timeline: How Coronavirus Got Started. ABC News. Retrieved from: https://abcnews.go.com/Health/timeline-coronavirus-started/story?id=69435165

208. Tully-McManus, Katherine (2020, March 12). Coronavirus Closes Capitol to Tours. *Roll Call*. Retrieved from: https://www.rollcall.com/2020/03/12/coronavirus-closes-capitol-to-tours/

Within weeks it became clear that the COVID-19 pandemic was not a short-term crisis. As the virus waned in some regions of the U.S., it surged in others. And as states began lifting stay-at-home orders, cases reappeared and forced additional closures. Addressing the nation's faltering economy would require Congress' sustained focus over many months—a task made more daunting by public health guidelines to avoid travel, wear masks, maintain social distance, and telework if possible.

These restrictions raised many questions about how Congress would effectively continue to do the "people's work." The House Committee on Rules and the Committee on House Administration were tasked with figuring out institutional changes, like remote voting procedures and committee continuity. The recommendations of both committees were included in H.Res.965, which authorized proxy voting and allowed for remote committee work during the course of the pandemic.[209] The House voted to adopt H. Res 965 on May 15, 2020.[210]

Given the Committee's primary focus on making Congress work better for the American people, the Committee concentrated on reforms to encourage a more seamless transition to remote work and ease continuity of government and congressional operations. In addition to studying how state and foreign legislatures were responding to the COVID-19 pandemic, the committee sought perspectives from staff in both D.C. and district offices, to hear firsthand their experiences in working through the pandemic. The committee also heard from several organizations that did outreach to District Directors and organized bipartisan roundtables on telework for congressional staff. Continuity planning strategies were also gathered from federal agencies.

The 13 recommendations discussed in this chapter reflect the Committee's focus on making Congress work better for the American people, no matter the circumstances. It is especially important that Members of Congress be prepared to continue with their legislative and representational responsibilities in times of crisis. This chapter begins with an overview of the various challenges staff faced during the remote work period. A brief discussion of how state and foreign legislatures and federal agencies responded and adapted to the COVID-19 pandemic follows. The Committee sought best practices and innovative approaches from these agencies and legislatures as it worked to determine recommendations to improve congressional continuity. The chapter concludes with a review of the Committee's 13 recommendations to improve continuity of government and congressional operations.

209. United States: House of Representatives Adopts Temporary Procedure for Voting by Proxy (2020, May 18). Retrieved from: https://www.loc.gov/law/foreign-news/article/united-states-house-of-representatives-adopts-temporary-procedure-for-voting-by-proxy/

210. The final vote on H.Res.965 was 217-185. (2020, May 15). Vote record: https://clerk.house.gov/Votes/2020107

REMOTE OPERATING STATUS CHALLENGES

The early institutional response to the COVID-19 pandemic marked a steep, real-time, learning curve for the congressional community. While the Office of the Attending Physician, along with the Committee on House Administration, provided helpful guidance but for many offices and staff, the initial transition to telework was marked by uncertainty and operational challenges. In addition to the immense unknowns surrounding the COVID-19 pandemic, Congress' decentralized nature offered little work-from-home or continuity of operations guidance. And although the Office of Emergency Preparedness has issued guidelines to assist offices in establishing their own continuity plans since the early 2000's, many offices have not made development of these plans a priority, and communication regarding the plans and how to implement them when they did exist was uneven.

Thus, by the second week of March 2020, while many congressional offices were moving toward telework status, there was no centralized guidance for staff to follow. Instead, many offices determined what other offices were doing by word of mouth and through various official and unofficial networks, leading to widespread variance in office continuity planning and telework policies. This inconsistency led to congressional staff expressing discomfort with their office's policies.[211] Front-line workers were particularly vulnerable, also due to a lack of guidance.[212] In response to this, the Committee on House Administration worked quickly to implement physical barriers such as plexiglass protection for front-office staff.

The pandemic placed stress on district offices in particular. Due to safety concerns that limited travel or even in-person constituent meetings, many Members were temporarily based full-time in their districts, yet needed quick and reliable access to their D.C. office resources to effectively support outreach to constituents. At the same time, many constituents were seeking unprecedented assistance with the enormous health and economic challenges caused by COVID-19. District staff were primarily responsible for the ongoing support of Members and constituents—all while navigating a public health crisis themselves.

Even under normal circumstances, district offices often cite a lack of resources and an information disconnect from D.C., but the COVID-19 pandemic exacerbated many of these existing difficulties. Through its own outreach efforts, the Committee learned that some offices did not have laptops or virtual private networks (VPNs) set up for staff, making it difficult to work remotely and raising security concerns. Some offices did not have the ability to forward incoming phone calls. Despite moving to telework status,

211. Palmer, Anna (2020, July 30). The congressional underclass erupts in fury after Gohmert gets Covid-19. POLITICO. Retrieved from: https://www.politico.com/news/2020/07/30/capitol-hill-angry-gohmert-coronavirus-388230

212. Marquette, Chis (2020, June 19). Coronavirus cases climbing among front-line workers in Congress. *Roll Call*. Retrieved from: https://www.rollcall.com/2020/06/19/coronavirus-cases-climbing-among-frontline-workers-in-congress/

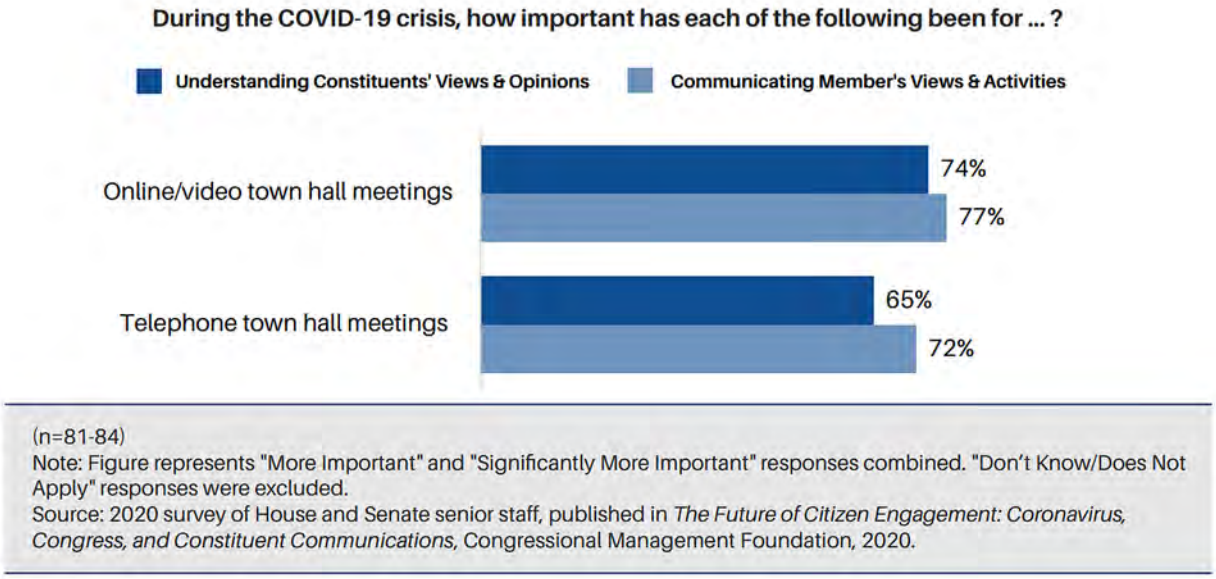
some district staff were still required to go to the office due simply to outdated technology issues and procedural limitations. For example, several federal agencies do not accept constituent privacy release forms by email, meaning that district staff had to physically go to the office to process release forms on behalf of constituents. Additionally, constituents in technologically underserved areas, as well as older constituents, sometimes do not have email and need to fill out release forms by hand. Staff, too, were plagued by issues of internet connectivity, particularly in rural areas. But despite these technical challenges, the need for constituent services was higher than ever, and district staff worked diligently to meet needs aggravated by the pandemic.

Many of these concerns were echoed by the U.S. Association of Former Members of Congress (FMC), a nonprofit, nonpartisan organization. FMC holds regular calls and symposiums with District Directors for the purpose of sharing experiences and best practices, and during the COVID-19 pandemic, FMC gathered feedback on district office capacity to work remotely. The FMC shared this information with Committee Members during a virtual meeting on May 20, 2020.[213]

FMC reported that many District Directors were concerned with the quality and security of constituent outreach. Members were suddenly holding much more frequent online forums and townhalls using new and untested systems and communicating with constituents on lines and platforms that were not secure. The Congressional Management Foundation surveyed congressional staff, and found an extensive, increased reliance on internet and phone communication across Capitol Hill.

213. *Virtual Discussion: Conversation on Remote Office Work and Best Practices from Federal Agencies*. 116th Congress (2020, May 20).

Figure 9.1: Increased Importance of Online and Teletown Halls



Source: Congressional Management Foundation, "Coronavirus, Congress, and Constituent Communications (2020)[214]

But when many congressional offices began transitioning to telework in March 2020, outdated laptops and phone systems made the changeover difficult for some district offices. The equipment and software in district offices was, in many cases, inadequate to the task and not compatible with what staff were using in the D.C. offices. Additionally, there were no clear policies or guidelines in place for Members participating in hearings and briefings, or for receiving and discussing classified information.

Coordination and information sharing between D.C. and district offices have long been areas of concern for many District Directors, but in the face of the COVID-19 pandemic, the need for clear communication and security became a top priority. FMC reported that many District Directors felt unprepared to manage constituent questions about the Paycheck Protection Program and Small Business Administration loan opportunities, for example, because the legislation addressing these issues was typically managed by D.C.-based policy staff. There was also a general lack of coordination between state agencies and member offices, which sometimes made it difficult to provide constituents with appropriate assistance. As Peter M. Weichlein, Chief Executive Officer, U.S. Association of Former Members of Congress (FMC) told Members in a May 20, 2020 virtual meeting on the challenges facing district offices:

214. The full report can be viewed at: https://www.congressfoundation.org/projects/communicating-with-congress/coronavirus-report-2020

"Like 99 percent of the things this committee considers, there's no one size fits all answer to any of this. And—of course—between districts, and the views of 435 Members, there are 435 different answers. We have heard from some District Directors who are the sole occupant of an office, so therefore have not found much of a different environment than what they're used to. There are some, very few, offices that don't have a brick and mortar presence to begin with.

"But where I think there's common themes emerging: definitely on the equipment and technology side. Many, many of your District Directors felt the switch from a brick-and-mortar space to a remote working environment was more difficult because of IT and computer issues, outdated laptops, not having enough laptops for all staff, and the software issues preventing district offices from communicating with D.C. offices over the switchboard."

Peter M. Weichlein, May 20, 2020

Another example of poor coordination between D.C. and district offices involved the provision of masks. While some district offices received masks from the House, they did not receive them until mid-April 2020—about one month after many offices began teleworking due to the COVID-19 pandemic. Additionally, not all District Directors knew about the option to request masks from the House. These concerns persisted beyond the initial transition to remote work; according to FMC, District Directors expressed a need for the House to provide guidance on how to re-open the office safely, as well as on how to manage potential personnel questions about safety and lack of childcare.

Lastly, for both district and D.C. staff, the swift move to remote work required new adaption of remote communication, particularly video conferencing. The often slow and cumbersome approval process, highlighted in Chapter 6 (Technology), made the initial transition difficult and confusing. Weighing concerns of security and ease of use, staff and Members were unsure which video conferencing program to use for several weeks. Even after Cisco WebEx was sanctioned as the primary video conferencing service for the House, immense technological challenges continued.

Despite these hardships, some positive outcomes resulted from district and D.C. based staff having to interact more than usual during the pandemic. Many offices, for example, implemented a policy requiring each staffer to take a regular shift answering phones and responding to constituent questions and concerns. FMC reported that District Directors felt such policies gave their

D.C.-based colleagues a better understanding of what district-based staff do on a day-to-day basis. District staff who had to address policy-related concerns also gained an appreciation for the work of their D.C. based colleagues.

An additional positive outcome of increased interaction between district and D.C. based staff during the pandemic was the discovery of "accidental innovations." Like FMC, the Partnership for Public Service (Partnership) convenes regular bipartisan meetings for their network of district-based staff. Through these meetings, as well as through teleconferences with state government offices, the Partnership found that D.C. and district staff found ways to work collaboratively during the pandemic and even discovered some "accidental innovations" that helped them work better as a team.[215] As Kristine Simmons, Vice President of Government Affairs at the Partnership for Public Service told the Committee during the May 5, 2020 virtual meeting:

"We're hearing that some offices are using things like Slack to connect in ways they maybe weren't before... And in some ways, this has really made the district staff feel like the D.C. staff is 'in the trenches with them' because the volume of casework has increased so much, that it's all hands on deck, and many of the D.C. staff is getting involved and helping with district-based and constituent work in maybe ways they weren't before. So, there is in some ways, a stronger bond between the district offices and the D.C. offices, which we think is a great thing. The question is how do you sustain... and continue that?"

Kristine Simmons, May 20, 2020

Another positive side effect of the pandemic was broader access to courses and trainings offered by the Congressional Staff Academy. In a virtual discussion with Committee Members on remote work best practices, the Partnership noted that because Staff Academy offerings had moved online, district staff could now take courses that were previously only offered in-person in D.C.[216] This revelation prompted the Staff Academy to consider offering virtual courses on a regular basis.

CONTINUITY ACROSS EXECUTIVE BRANCH, STATE, AND LOCAL GOVERNMENTS

As part of its effort to address the various challenges Congress faced during the COVID-19 pandemic, the Committee also looked at federal agency response and continuity planning strategies. The Partnership collected continuity and return-to-work guidance from federal agencies and shared its

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215. *Virtual Discussion: Conversation on Remote Office Work and Best Practices from Federal Agencies*. 116th Congress (2020, May 20).
216. Ibid.

findings with the Committee.[217] The Executive Branch response to the COVID-19 pandemic helped inform the Committee's discussions about continuity of government and congressional operations.

The Partnership found that many federal agencies responded to the pandemic by bolstering innovations that were already underway. The most far-reaching innovation across federal agencies was the widespread implementation of telework. Agency leaders reported that the transition to telework was effective, though it did require that managers learn new ways to oversee staff performance and maintain staff morale. Overall, reports indicate that productivity has remained high, which supports some of the experimentation that agencies were doing with telework prior to the pandemic.

Another innovation, created by the U.S. Office of Personnel Management (OPM), was the COVID-19 Surge Response Program. The program, which was designed to allow agencies "to post rotational opportunities for federal employees to support the COVID-19 response," was supported by "Open Opportunities," a government-wide platform that offers professional development opportunities to current federal employees. The platform provides a centralized location where federal agencies can post details, microdetails, and/or temporary rotational assignments."[218] This innovation allowed agencies to quickly realign their workforces to best support and serve the public during the pandemic. It also allowed interested federal workers to shift their focus and help reinforce the government's COVID-19 response.

The federal government's shelter-in-place mandate also dramatically accelerated the use of digital signatures, ensuring continuity of operations. While the Committee has previously recommended expanding the use of electronic signatures,[219] Congress currently has no such policy and still requires "wet signatures" on many official documents, which can lead to delays in the regulatory implementation process. For example, federal regulations cannot go into effect unless Congress receives notification, which still requires a wet signature.[220] The quick transition to digital signatures allowed many executive branch operations to continue throughout the COVID-19 crisis.

217. Ibid.
218. Press Release: OPM Announces the COVID-19 Surge Response Program (2020, March 27). Office of Personnel and Management. Retrieved from: https://www.opm.gov/news/releases/2020/03/opm-announces-the-covid-19-surge-response-program/
219. For more information on this recommendation, please see *Chapter 8: Continuity of Congress* of this report.
220. The House Parliamentarian requires wet signatures, in compliance with the Congressional Review Act. For more information: The Congressional Review Act (CRA): Frequently Asked Questions (CRS: R43992) (2020, January 14).

Once the federal government began moving toward a telework stance, the Office of Management and Budget (OMB) began electronically posting all federal agency guidance related to COVID-19.[221] New memos were posted regularly, and covered a range of topics of interest to federal employees. The Partnership reported that several agencies also created "microsites" to keep their employees informed and up-to-date on the latest COVID-19 related developments.[222] Many of these agency "best practices" focused on maintaining communication and supporting the physical and mental health needs of agency frontline employees.

Like Congress, the executive branch faced new questions and challenges related to working through the COVID-19 pandemic. Federal employees who had to cross jurisdictions with different shelter-in-place mandates to travel between home and work sought guidance from their agencies. Employees who were set to retire when the pandemic hit also wanted guidance on whether OPM could process their retirements. In response to the unique circumstances presented by the pandemic, agencies varied in their approaches to determining which employees were essential.

Agencies also varied in terms of how they defined and managed "core work hours" for their employees. Many agency employees were saddled with caregiving responsibilities as they worked full-time from home, and struggled to work within regular schedules. Managers also had to figure out how to address the concerns of employees—and their potentially exposed colleagues—who tested positive for COVID-19. The Equal Employment Opportunity Commission (EEOC) responded by developing guidelines to help employers and employees navigate privacy and protection concerns related to COVID-19 testing and exposure.[223]

In addition to studying how federal agencies were managing continuity of operations and the transition to telework, the Committee also looked at agency "return to work" plans. As agencies began preparing for their employees to return to their offices, the Partnership began collecting agency planning information and developing guidelines. This information was compiled and made available to agency leaders in the form of a checklist to consult when reopening offices.[224] The subsequent checklist is an "evolving document" with guidance that is also useful to congressional offices. For example, the Environmental Protection Agency (EPA) and the Centers for Disease Control (CDC) released guidance for cleaning and disinfecting offices.

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221. Office of Management and Budget 2020 Memoranda (2020). Accessible here: https://www.whitehouse.gov/omb/information-for-agencies/memoranda/?utm_source=link
222. Examples include NASA: https://nasapeople.nasa.gov/coronavirus/and NIH: https://www.nimh.nih.gov/index.shtml
223. What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws (2020, September 8). U.S. Equal Employment Opportunity Commission. Retrieved from: https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws
224. Ready to Return to the Workplace: 25 Prompts for Agency Leaders (2020, May 18). Partnership for Public Service. Retrieved from: https://ourpublicservice.org/publications/ready-to-return-to-the-workplace-25-prompts-for-agency-leaders/

Agencies are also developing different screening processes at building entrances, as well mask policies for employees and visitors. These agency approaches to reopening the workplace safely can help inform congressional office return-to-work planning.

STATE GOVERNMENT CONTINUITY

The 50 state legislatures are sometimes referred to as "laboratories of democracy" because of their ability to test new procedures and processes. Throughout its tenure, the Committee has looked to state legislatures for ideas and innovations on everything from technology to the schedule and calendar. Several of the committee's hearings featured officials from state legislatures and from the National Conference of State Legislatures (NCSL) who provided state-level perspective on issues in the committee's mandate.[225]

As the COVID-19 pandemic spread across the nation, the Committee again turned to state legislatures for ideas to maintain continuity of operations. Like Congress, states were focused on finding ways to keep government running while also keeping legislators, staff, and the public at large safe and healthy. But given that each state has its own legislative calendar, policies, norms, and political culture, there was much variance in response. Additionally, some states have full-time legislatures while others have part-time bodies; Some meet every year while others meet every other year.

These differences between the states were reflected in the various ways they adapted to working through the pandemic. A number of states include continuity language in their state constitutions, encompassing issues like lines of succession, convening during an emergency, and alternative meeting locations.[226] While some state constitutions address continuity during a natural disaster or an enemy attack, few mention public health emergencies or events that threaten the health of legislators. The unique nature of the COVID-19 pandemic required many state legislatures to respond and adapt in real time.

Like Congress, many state legislatures adjusted their legislative schedules as the pandemic spread. While a number of legislatures adjourned early or temporarily suspended activity, none postponed their legislative sessions entirely.[227] Some states figured out socially-distanced ways to continue meeting. According to NCSL:[228]

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225. *Virtual Discussion: Conversation on Remote Office Work and Best Practices from Federal Agencies*. 116th Congress (2020, May 20).
226. Examples of Constitutional Provisions Relating to Continuity of Government (2020, March 6). National Conference of State Legislatures. Retrieved from: https://www.ncsl.org/research/about-state-legislatures/examples-of-constitutional-provisions-relating-to-continuity-of-government.aspx
227. As of September 11, 2020 NCSL reported no postponements. Legislative Sessions and the Coronavirus (2020, September 11). National Conference of State Legislatures. Retrieved from: https://www.ncsl.org/research/about-state-legislatures/legislative-sessions-and-the-coronavirus.aspx
228. Wood, Natalie (2020, April 14). Banging the Gavel Instead of Dropping the Puck—Convening in the Age of Covid. Retrieved from: https://www.ncsl.org/blog/2020/06/16/banging-the-gavel-instead-of-dropping-the-puck-convening-in-the-age-of-covid.aspx

- The New Hampshire House of Representatives met in the University of New Hampshire's hockey rink.
- The New Hampshire Senate met in the House chamber.
- The Virginia House of Delegates met in a reception tent on the lawn of the State Capitol, while the Senate met in Richmond's science museum.
- The Arkansas House convened in a basketball arena.
- The Illinois House met in a local concert and event venue.
- Plexiglass barriers between desks were erected in the Colorado House.
- In the Virginia Senate, staff devised an entire plexiglass box for a Senator with a high health risk.

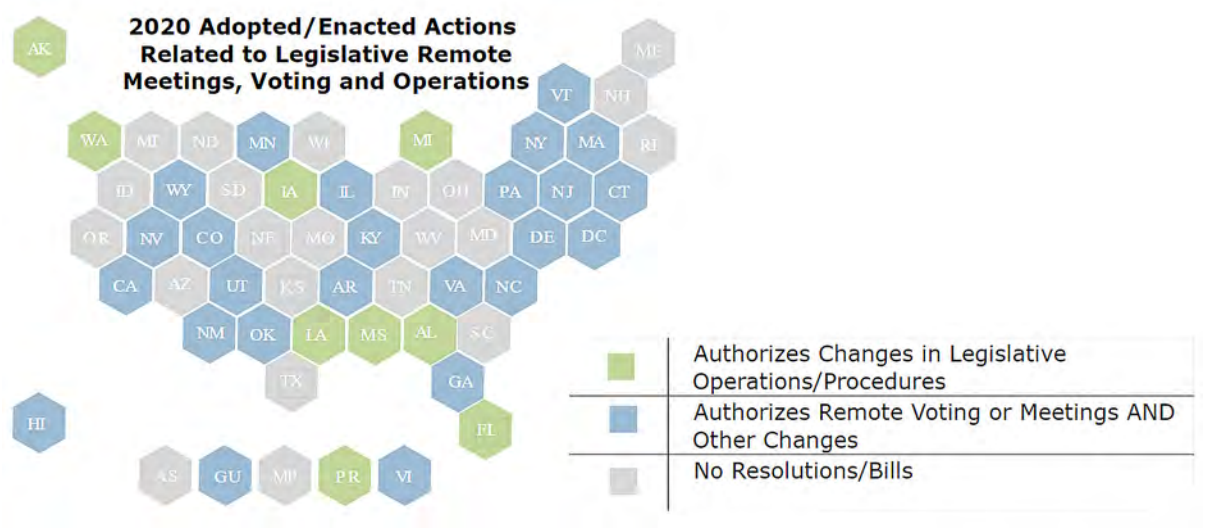
As mentioned earlier in this chapter, the Committee did not focus its efforts on issues tied to remote voting and virtual committee hearings; these items fell within the jurisdiction of the House Committee on Rules and the Committee on House Administration. Committee Members were, however, interested in understanding how the states were handling floor votes and committee hearings and markups during the pandemic.

According to NCSL, legislatures or chambers in at least 25 states adopted rules to allow for remote participation or voting in floor sessions or in committees. Most—if not all—of these changes were adopted on a temporary basis and only applied through the COVID-19 emergency.[229] For example, Vermont's Senate and House met in formal sessions via Zoom, which were streamed on YouTube. The Pennsylvania House adopted proxy voting procedures while the Senate opted to use virtual voting technology. In New Jersey, committees took public testimony over Zoom; and in Massachusetts, public comments were accepted in writing using Google docs. New Jersey lawmakers also voted remotely by calling into a conference line. In Kentucky, House members voted remotely by sending in photos of their ballots to designated floor managers. Utah instituted interim virtual hearings and provided the public with online guidance on testifying. And in a somewhat ironic twist, Colorado, a state that normally permits remote testimony, could not offer the option during the pandemic because the colleges and universities that enable remote connectivity throughout the state were closed.[230]

229. Continuity of Legislatures during Covid (2020, August 27). National Conference of State Legislatures. Retrieved from: https://www.ncsl.org/research/about-state-legislatures/continuity-of-legislature-during-emergency.aspx

230. Wood, Natalie (2020, April 14). Banging the Gavel Instead of Dropping the Puck—Convening in the Age of Covid. Retrieved from: https://www.ncsl.org/blog/2020/06/16/banging-the-gavel-instead-of-dropping-the-puck-convening-in-the-age-of-covid.aspx

Figure 9.2: State legislature continuity operations, in response to COVID-19



Source: National Conference of State Legislatures

FOREIGN LEGISLATURES

In addition to exploring how state legislatures were responding and adapting to the COVID-19 pandemic, the Committee also reviewed the operations of foreign governments. The pandemic reached many countries overseas before arriving in the United States; still, given how quickly the virus spread, few, if any, governments had time to adequately prepare. Some foreign legislatures had already built virtual participation features into their operations, giving them a head start on remote governing.

To learn more about how foreign governments were managing continuity efforts, the Committee requested information from the Library of Congress' Law Library. Foreign law research staff of the Global Legal Research Directorate surveyed 36 foreign jurisdictions and produced a comprehensive report for the committee titled, "Continuity of Legislative Activities during Emergency Situations in Selected Countries."[231] According to the report:

> *"In the vast majority of countries surveyed, legislatures have adopted preventative measures in response to the public emergency posed by the COVID-19 pandemic. Meanwhile, no country surveyed has explicitly invoked the powers of an "emergency parliament" with devolved power from the whole legislature. However, several countries surveyed give various other emergency powers to the legislature in times of emergencies.*

231. Continuity of Legislative Activities during Emergency Situations (2020, March). Library of Congress. Retrieved from: https://www.loc.gov/law/help/emergency-legislative-activities/index.php

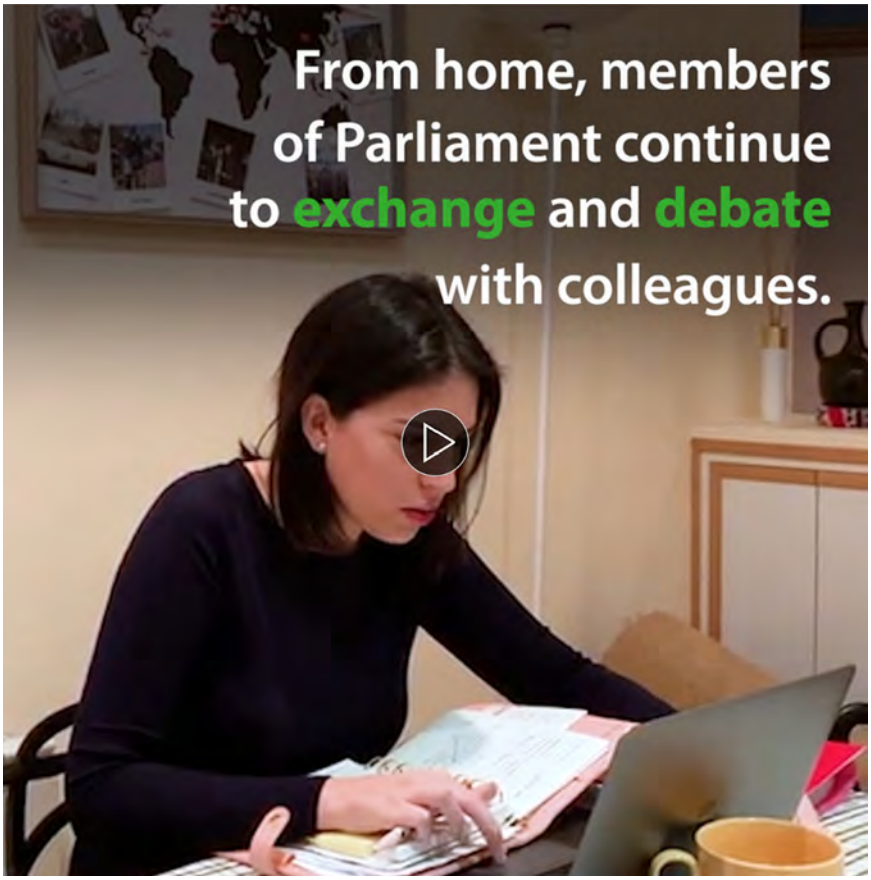
"Operational arrangements by legislatures while restricting the movement and travel of members and staff include utilizing videoconferencing and other electronic means to maintain legislative activities, formulating special voting procedures to reduce necessary travel and attendance, and providing new accountability measures in cases where legislative activity has been interrupted. Measures also include temporary suspension of scheduled events and travel."[232]

The Committee also engaged with representatives from the European Parliament (EU) to learn more about their continuity efforts during the COVID-19 pandemic. As with Congress, many of the EU's members must travel long distances to participate in person at the EU Parliament in Brussels. Travel restrictions limited EU members' ability to fly, as did various shelter-in-place orders imposed by some EU countries. Because of these participatory restrictions on its members, the EU moved quickly to install remote voting and virtual committee meeting procedures.

The EU's initial remote voting system was implemented as a "trial run," in order to test the process and determine what improvements would be needed if use of a remote voting system was required in the future. Under this system, members received a ballot form by email, then completed and sent the ballot from their email address to the relevant Parliament's functional mailbox.[233] This system was intended to be temporary, as planning for a more sophisticated and secure remote voting system, with language interpretation features, was underway. As of September 2020, the EU had not executed its new remote voting system, in part due to opposition from some EU members.[234]

While the EU's remote system proved challenging to implement, the platform was successfully used for committee meetings. Members and interpreters connected remotely from their homes into committee meeting rooms during the initial months of the pandemic. This short video demonstrates how EU members used the platform:

232. Ibid, see sections I-III.
233. Document provided by the EU, shared with the Select Committee.
234. "European parliament to hold special one day plenary", *CGTN* (2020, September 1).



The UN created a public-facing video to communicate their remote work technology.[235]

In conversations with the Committee, EU officials noted that their quick progress in developing and moving to remote systems during the COVID-19 pandemic was due to EU President Andrej Plenković of Croatia making it a priority and giving the EU's technology team "cover to fail" as they worked quickly to figure out platforms and resolve kinks in the systems. There was pressure to get secure systems up and running fast, but also acceptance of the inevitable bumps along the way.

In addition, the Committee looked to other country's continuity endeavours:[236]

- In Spain, members cast votes using an intranet system, which has been in place since 2012.
- The United Kingdom (UK) approved moving to a "virtual Parliament," overturning more than 700 years of precedent.
- In Wales, the Welsh assembly used Zoom video conferencing for its weekly plenary session, the first for any parliament in the UK.

235. See https://www.linkedin.com/posts/european-parliament_europeansagainstcovid19-covid19-coronavirus-activity-6653319231729389569-Boqd/

236. Continuity in Legislatures Amid COVID-19: An Updated Snapshot (2020, April 24). The Gov Lab, *Medium*. Retrieved from: https://crowd.law/continuity-in-legislatures-amid-covid-19-an-updated-snapshot-6e935b4b5b54

- In Canada, the Standing Committee on Procedure and House Affairs met over Zoom to review and make recommendations on how to modify the Standing Orders for the duration of the COVID-19 pandemic, including how to enact remote voting.
- In Argentina, the President of the Chamber of Deputies approved working remotely via Zoom and videoconference. In the Senate, committee meetings moved to videoconference.
- In Chile, the Senate met remotely via Zoom to debate issues.
- In Brazil, the National Congress passed a resolution which enabled the 594 members of both chambers to work remotely.

Through outreach to congressional staff, and through close examination of federal agencies, state legislatures, and foreign governments, the Committee developed a better understanding of the many complexities inherent in continuity of government planning. This background helped shape the committee's continuity recommendations, which are described next.

RECOMMENDATIONS FOR CONTINUITY OF GOVERNMENT AND CONGRESSIONAL OPERATIONS

1. Each office should have a continuity of operations plan, including minimum safety requirements and an emergency communications plan, that is made available to all staff, so offices continue functioning for the public.

The Committee determined that offices do not have standard continuity of operations plan (COOP) framework. This leads to inconsistency and confusion and puts staff in a precarious position. During the COVID-19 pandemic, for example, some offices required staff to report to the office for work, while some government and health officials were urging all Americans to stay home. Providing House offices with a standardized, detailed COOP that can be customized to fit individual office and district needs will minimize inconsistencies across offices and ensure the safety of Members and staff.

Office COOPs should include detailed emergency communication plans for office staff that explain how staff will communicate, phone forwarding plans, email management, and video conferencing systems. For new Members, these plans should be developed during orientation; for current Members, these plans should be developed at the beginning of the next congressional session. Plans should be included in employee handbooks and made easily accessible to all staff. District office handbooks could include information on how to transition to remote work, including for phone and computer operations. Additionally, District Directors should be consulted during the development of COOPs to ensure that district offices have a telework policy in place.

2. Ensure that staff have the most up-to-date technology and equipment to continue effectively working on behalf of constituents in the event of a disruption or emergency.

When a crisis occurs, offices need to be prepared to make a seamless transition to remote work. During the initial weeks of the COVID-19 pandemic, when most House offices issued mandatory work-from-home directives, some offices lacked the equipment necessary for all staff to successfully work remotely. Ensuring that all offices and staff have the technology necessary for everyone to telework efficiently and effectively improves continuity of government operations.

The Committee recommends that office COOP and technology purchasing plans provide for up-to-date, VPN-capable laptops for all staff in both Washington, D.C. and district offices, as well as equipment and support necessary to forward D.C. and district-office phones. The House should also consider purchasing secure Wi-Fi connections or "hot spots" for increased connectivity during remote work periods, particularly in districts with poor connectivity. Telework technology in district offices should include tools necessary for continued communication with constituents, including phones and scanners.

To ease this process, an Office of Technology Assessment (OTA), the HR HUB, and the Sergeant at Arms' Emergency Management Division should assist new Members and staff who request help with technology purchases during the orientation process.

3. Establish regular maintenance plans for office technology, so the equipment and technology needed during remote operations and telework is functional.

In addition to having the equipment necessary for remote work, House offices need regular, consistent technology updates. During the COVID-19 pandemic, the transition to remote work was difficult for offices with out-of-date equipment and software. Regularly-scheduled technology assessments and updates will help ease the transition to telework so that when staff suddenly have to work from home for extended periods of time, they are prepared.

The Committee recommends that OTA, in consultation with the HR HUB and the Sergeant at Arms' Emergency Management Division where appropriate, assist Members with the maintenance of their office technology systems. Additionally, the OTA should establish a technology maintenance checklist for individual offices to reference.

4. Crisis communications guidelines for constituent communication, including outreach plans for extended telework periods, should be approved and shared with all Member offices.

Communicating with and assisting constituents during a crisis like the COVID-19 pandemic can be challenging. Office staff need to act quickly to address constituent concerns but are slowed by limited access to resources,

complicated approval processes, outdated ethics and franking rules, and high costs. Guidelines on handling constituent communications in emergency circumstances would help offices better prepare to communicate with and help constituents during a crisis.

The House Communication Standards Commission should outline an expedited review process, as well as crisis-specific sample text for offices to reference. In particular, the Commission should consider exceptions to current "blackout dates" to allow Members to communicate emergency information to their constituents.

At the conclusion of the 116th Congress, the Commission should provide a report to the Committee on House Administration evaluating Member use of the frank during the COVID-19 pandemic, including any violations that may have occurred, and recommendations for improvement.

5. To help streamline casework requests and help constituents better access federal agencies and resources, the House should implement a secure document management system, and provide digital forms and templates for public access.

Offices must be able to handle constituent casework remotely and securely. When a crisis requires staff to work remotely for an extended period, staff must be able to securely and seamlessly access and process constituent casework. A House-wide secure document-sharing system would ease this process, as would the provision of digital forms and templates for district casework. Such a system will prevent personal information from being insecurely shared via email. All offices should also have a digital checkoff on privacy release forms allowing them to seamlessly transfer constituent cases to their successors.

6. The House should prioritize the approval of platforms that staff need for effective telework, and each individual staff member should have licensed access to the approved technology.

Due to a lack of guidance and preparation, many offices were unprepared to use remote communication technologies and software when the COVID-19 pandemic required extended work from home. As a result, some offices relied upon software and programs that were not officially approved by the House. Additionally, staff had difficulty accessing programs because of shared license agreements. Providing offices with approved software for video conferencing and remote communications, as well as providing licenses for that software to individual staff, would enable a smoother transition to telework.

The Committee recommends that HIR and OTA prioritize software licenses and updates reflective of congressional needs. Building off of recommendations to streamline congressional purchases to save taxpayer dollars, the House should also consider bulk purchases of software licenses.

HIR and OTA should also evaluate hardware updates to facilitate software improvements; this could take the form of an "approved hardware catalogue" that advises offices on which machines to buy.

7. Committees should establish telework policies on a bipartisan basis.

Transparency in the legislative process is hindered during extended periods of telework due to fewer public committee markups and slowdowns in agency response to committee requests for information. Committees should have audio and video communications programs in place, as well as a bipartisan plan for sharing relevant committee information with the public. Committees should evaluate current needs of committee rooms to achieve remote capabilities.

Additionally, committees should establish bipartisan telework policies that detail how information will be recorded, stored, and shared electronically with the public. Committees should be given flexibility to customize bipartisan plans that work for their Members. These plans should also include an outline for external communication with federal agencies, so that committees are prepared to continue conducting oversight and hold agencies in their jurisdiction accountable during telework periods. Committees could also consider remote voting opportunities, expounded on elsewhere in this report, to make committee activity more efficient and transparent.

8. The House should make permanent the option to electronically submit committee reports.

A pilot program to allow committees to electronically submit committee reports was put into place in May 2020 via H.Res.965.[237] The program was intended to be temporary, in response to the COVID-19 telework requirements. But because the electronic submission of committee reports has been shown to make committee work more efficient, accessible, and transparent, the Committee recommends that the House make the pilot program permanent. While committees would not be required to submit reports electronically, all committees should have the option to do so, regardless of whether the committee is teleworking or working in person.

9. Expand the use of digital signatures for a majority of House business, including constituent communications.

The Committee previously passed a recommendation to allow Members to electronically add or remove their name as a bill cosponsor, thereby updating a cumbersome process. This technology should be expanded to allow digital signatures on other documents to increase efficiency, and to allow Members to designate a staff Member who can approve use of a Member's digital signature.

237. https://www.congress.gov/bill/116th-congress/house-resolution/965

Additionally, the House should support the Committee on House Administration's efforts to create a centralized website for the online submission and acceptance of digital signatures.

10. Committees should develop bipartisan plans on how technology and innovative platforms can be best incorporated into daily work.

While some committees have introduced technology into processes to make work more efficient, most committees have not. For example, committees could save time by voting electronically, especially during long markups with a lot of amendments. Using tablets for document sharing in committee also saves time, as well as paper. Upgrades should also allow Members to plug in their own devices at the dais.

Once initial infrastructure and security needs are understood, the House as a whole should consider allowing Members to use personal tablets for their committee work.

11. A bipartisan, bicameral task force should identify lessons learned during the COVID-19 pandemic and recommend continuity of Congress improvements.

The Committee has recommended specific continuity of governance and operations reforms, but there is a need for a wholistic understanding of how Congress responded to the COVID-19 pandemic and how the institution can better prepare for future crises. A bipartisan, bicameral task force should produce an updated, objective report of the response and offer recommendations for how Congress can best prepare for congressional continuity.

When making recommendations, the task force should consider how other legislatures (such as state legislatures and foreign governments) responded to the COVID-19 pandemic and extended telework periods. This should also go beyond physical and technical reforms, and consider actual continuity of government leadership, similar to goal of the 9/11 Commission.

12. Continuity, telework and cybersecurity training should be given to all new Members of Congress.

While many House offices were unprepared for the sudden and extended period of remote work due to the COVID-19 pandemic, freshman Members needed extra guidance due to their lack of institutional experience. Guidance on preparing an office COOP should be provided in new Member orientation, as well as at the beginning of each new session of Congress for Members on an as-needed basis. In addition to COOP guidance, new Members should receive the rigorous cybersecurity training, as previously recommended by the Committee, including information on the risks of working in a remote environment.

13. A study should be conducted related to House functions during the COVID-19 pandemic to evaluate additional operational needs or changes to operations that are no longer appropriate.

The COVID-19 pandemic lurched Congress into a continuity of operations plan, but there is still work to be done to prepare for future crises. The Committee passed an additional recommendation on September 24, 2020, requesting a study on House functions during the remote work period. Not only is there likely room for improvement, but there are also some newly implemented practices that might no longer be necessary. This evaluation should evaluate:

- Staffing levels to ensure the clerk's office has the proper amount of full-time employees (FTEs) to support legislative operations.
- Expenses related to floor/legislative operations, including the cost e-processes as well as what e-processes will remain after the pandemic is over.
- Systems in use/or available to the Clerk's office, and the amount needed to support/develop/procure relevant systems to operations.
- Operations in use by the standing and select committees to ensure that there is a standard system for the Committees as they update their internal processes.

CONCLUSION

The 13 continuity recommendations discussed in this chapter reflect the Committee's focus on making Congress work better for the American people, no matter the circumstances. The health, safety, and economic challenges Americans experienced during the COVID-19 pandemic made clear that during a crisis, Congress needs to be prepared to continue serving the people. Consistent with the committee's mandate, these recommendations focus on bolstering the House's institutional capacity to more seamlessly adapt and respond to emergency scenarios.

Given the exceptional circumstances the COVID-19 pandemic presented, the Committee chose to study how federal agencies, and state and foreign governments, adapted and responded to the crisis in real time. This search for innovative ideas and best practices was consistent with the Committee's overall approach to understanding problems, and then developing solutions appropriate to Congress. Throughout its tenure, the Committee has also engaged in outreach to D.C. and district staff in order to better understand the unique challenges they face. The perspectives that staff shared on working through the pandemic proved invaluable as the Committee developed its continuity recommendations.

When it became clear that the COVID-19 pandemic was not a short-term emergency, the Modernization Committee recognized that the lessons learned during this time were critical in preparing Congress for future crises. These recommendations are a first step in helping Congress better prepare for continuity of government, no matter the circumstances. Future work should consider a more thorough analysis of continuity of operations in Congress and the chain of federal command under crisis.[238]

238. See Section IV: Conclusion, for a discussion on future areas for reform.

CHAPTER 10 —
Reclaim Congress' Article One Responsibilities

RECOMMENDATIONS TO RECLAIM CONGRESS' ARTICLE ONE RESPONSIBILITIES

1. Committees or subcommittees should experiment with alternative hearing formats and alternatives to the five-minute rule for questioning witnesses.
2. Committees should hire bipartisan staff approved by both the Chair and Ranking Member to promote strong institutional knowledge, evidence-based policy making, and a less partisan oversight agenda.
3. Committees should hold bipartisan pre-hearing committee meetings.
4. Encourage pilot rule changes in subcommittees.
5. At a bipartisan Member retreat (as recommended by the Select Committee) committees should have at least two-thirds of their Members meet separately to determine the committee's goals for the year, and to discuss how the Members will treat each other in public and in private, and how the committee will treat witnesses during hearings.
6. Establish committee-based domestic policy congressional delegation trips (CODELs).
7. Establish a pilot for weekly Oxford-style debates on the House floor to be managed by a task force of bipartisan Members established by majority and minority leadership and selected from Members of relevant Member Organizations.
8. Provide Members and staff with training for debate and deliberation skills.
9. The GAO should study the feasibility and effectiveness of a Congressional Office on Regulatory Rules, and a Congressional Office of Legal Counsel.
10. Pass bipartisan legislation establishing Congress has standing in the courts and set expedited procedures for conflicts between the branches.
11. The Committee on House Administration should establish a district exchange program to allow Members to use the MRA for traveling to other Members' districts.
12. Increase capacity for policy staff, especially for Committees, policy support organizations (GAO, CBO, CRS) and a restored OTA, and perhaps restored capacity to member-supporting legislative service organizations, and updated technology resources. Additionally, House support organizations (GAO, CBO, CRS) should evaluate their mission, how they have evolved over time, and if there is a further need to modernize, and incorporate the results of this review in their budget justifications to the Legislative Branch Subcommittee on Appropriations and other relevant committees.

RECOMMENDATIONS TO RECLAIM CONGRESS' POWER OF THE PURSE

13. Reduce dysfunction in the annual budgeting process through the establishment of a congressionally-directed program that calls for transparency and accountability, and that supports meaningful and transformative investments in local communities across the United States. The program will harness the authority of Congress under Article One of the Constitution to appropriate federal dollars.

INTRODUCTION

Throughout its tenure, the Committee maintained a consistent focus on the Article One powers given to Congress by the Founding Fathers. Created by the Framers as a co-equal branch of government, Congress' specific constitutional powers allow Members to directly serve the American people. But over the past several decades, Congress' standing as a co-equal branch of government has softened. The executive branch has expanded in size and scope of power. Ongoing cuts to the legislative branch have jeopardized Congress' ability to effectively perform its policymaking, oversight, and representational responsibilities. Reductions in the legislative budget have resulted in staff cuts across congressional offices and support agencies, further weakening the institution. The executive branch has taken control of the purse strings, allocating funding for state and local projects and programs without congressional appropriations or approval. These dire circumstances led the Committee to examine why the executive branch has expanded while the legislative branch has not, and to find ways to build capacity and ensure that Congress can uphold its Article One obligations. As Committee Member Rep. Zoe Lofgren said during a January 14, 2020 hearing:

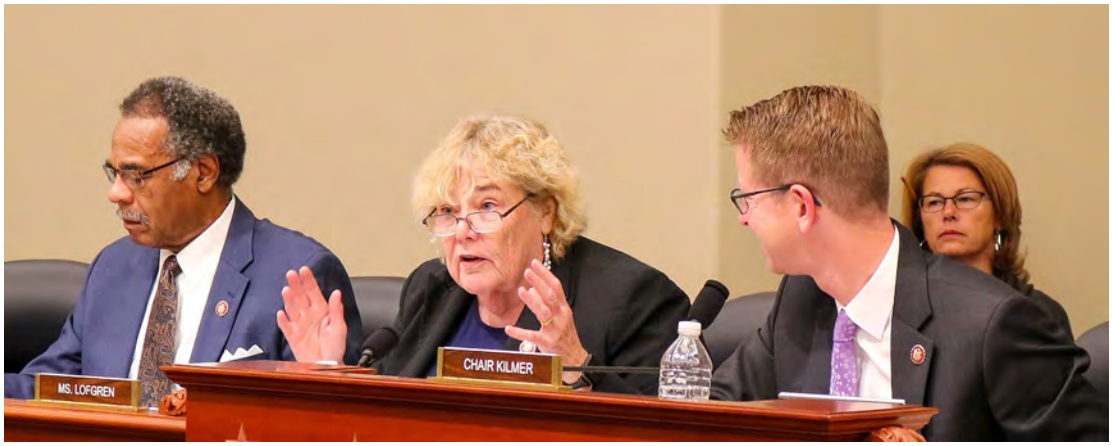


Image 10.1: Rep. Zoe Lofgren speaks during a Select Committee hearing.

"...over a period of decades that power has shifted from the legislative branch to the executive branch. And I think that is clearly the case. How we rebalance that is a challenge, not only in terms of the institutional capacity, which you have addressed, but also in a fight between the leg branch and the executive branch."

Rep. Zoe Lofgren, January 14, 2020

The Committee also considered the impact of increased political polarization and partisanship on the legislative branch's ability to execute the Article One principle of debate and deliberation. While division is a natural and

necessary part of the political process,[239] when taken to extreme it hurts the institution and the people it's designed to serve. As Committee Member Rob Woodall put it in an interview with the American Political Science Association, "Congress has become more interested in being Republican and Democrat than Article One and Article Two."[240] Recent historical changes in the procedures and politics of the House have contributed to this trend, leading the Committee to explore different approaches that foster a more deliberative process on the House floor and in committee.

Through a series of public hearings and committee meetings, Committee Members examined these factors and looked for ways to improve and strengthen Congress's Article One responsibilities.[241] The result is thirteen recommendations that aim to reclaim Congress's Article One responsibilities. The package of recommendations improve capacity by facilitating bipartisanship and expertise in Congress. In particular, the Committee sought operational and procedural solutions to encourage a more thoughtful and deliberative process in committees. This section also addresses Congress's power of the purse under Article One by introducing a new Community-Focused Grant Program. This program facilitates community and Member input in the appropriations process.

SECTION I: THE HISTORY AND DECLINE OF CONGRESSIONAL AUTHORITY

EXECUTIVE BRANCH EXPANSION

Since World War II, under presidents of both parties, the federal government has expanded in size and scope, leading to the rise of an administrative state that rivals the policymaking authority of Congress.[242] The modern executive branch exercises extraordinary influence over the policymaking process via several factors, including: an increased federal workforce that heavily employs private contractors; bureaucratic rulemaking authority; and the expanded use of executive orders, presidential emergency powers, and policy czars. These tools allow modern presidents to act quickly in a crisis, and to lead when Congress is slowed by political or procedural gridlock. As Dr. Rachel Augustine Potter noted in testimony before the Committee:

239. APSA Committee on Parties, "Towards a More Responsible Two-Party System," American Political Science Review, Supplement, 44.3 (September 1950): 1-96; E.E. Schattschneider, Party Government: American Government in Action (New York, Transaction Publishers, 1942).
240. Woodall R. (2020, September 12). *Perspectives on Polarized Governance: Reflections of Two Departing Members of Congress* (Rouse, S. for the American Political Science Association).
241. *Article One: Restoring Congressional Capacity and Equipping Congress to Better Serve the American People. 116th Congress* (2020, January 14); Article One: Fostering a More Deliberative Debate in Congress. 116th Congress (2020, February 5).
242. *Congressional Oversight: An Overview* (CRS R41079) (2010, February 22).

"Among scholars, there is consensus that the executive branch has amassed considerable influence from its modest standing at our nation's founding. Today, the executive branch is sophisticated, complex, and large. It is comprised of millions of people engaged in a diverse set of tasks."

Dr. Rachel Augustine Potter, January 14, 2020

Modern presidents are also assisted by countless policy experts who serve in executive agencies across the federal government. The executive branch has added a dozen new agencies since 1789 when there were only three (State, Treasury, and War).[243] While there is no official inventory of federal agencies, one recent count puts the current total at 278 distinct agencies in the executive branch. Most of these agencies were created via legislation passed by Congress, but others were created by the executive itself through a departmental order, executive order, or a reorganization plan.[244] And once agencies are created, they rarely die (though their missions sometimes change).

Given the scope of what the federal government does, its size is not surprising. Federal agencies are responsible for everything from guaranteeing the safety of the food we eat to deep space exploration. And as society grows increasingly complex and advanced, government expands to accommodate new realms of regulation. This growth has unfortunately been coupled with a decrease in congressional expertise that ultimately leads to broad legislation and a deferral of rulemaking.[245] Over time, this expansion has led to growth in administrative rulemaking, further extending and entrenching executive branch power.[246]

Executive agency administrators do more than simply "faithfully execute" the laws passed by Congress. They exercise influence over the process by issuing regulations that have the force of law; formulating policy initiatives for Congress and the White House; interpreting statutes in ways that may expand their discretionary authority; and shaping policy by promoting their ideas to lawmakers and committees via the hearing process, the issuance of agency reports, and in meetings with congressional staff.[247]

243. Ibid.
244. Ibid.
245. Baumgartner, F. R., & Jones, B. D. (2015). *The politics of information: Problem definition and the course of public policy in America*. University of Chicago Press.
246. *Article One: Restoring Congressional Capacity and Equipping Congress to Better Serve the American People*. 116th Congress (2020, January 14) (testimony of Dr. Rachel Augustine Potter).
247. *Congressional Oversight: An Overview* (CRS R41079) (2010, February 22).

While Congress has used its "power of the purse" to increase federal discretionary spending over the past several decades, it has invested little in its own capacity since the 1990s. This hasn't always been the case: legislative branch spending grew in the 1940s and early 1970s as Congress increased its staff, reorganized internal structures, and expanded and created new legislative support agencies.[248]



Image 10.2: Chair Derek Kilmer speaks during a Select Committee hearing on Congress' Article One responsibilities.

"Successful institutions—whether we're talking businesses, organizations, or governments—depend on people who are invested in the work they're doing. That's fundamental. But successful institutions also invest in themselves. They invest in their employees, their infrastructure, and in the overall work environment and experience. They think and plan with an eye towards the future."

Chair Derek Kilmer, January 14, 2020

By the early 1990s, however, the political winds had shifted, and many House candidates campaigned on a message of downsizing Congress and eliminating waste. Once elected, these Members kept their campaign pledges to slash legislative branch budgets and reduce staff. Doing so was viewed as "an easy way to signal fiscal conservative bona fides without having to take hard votes to cancel school lunch programs or slash entitlement benefits."[249]

248. *Article One: Restoring Congressional Capacity and Equipping Congress to Better Serve the American People*. 116th Congress (2020, January 14) (testimony of Dr. Kevin Kosar).
249. *Rebuilding Congress' Capacity*, Federalist Society (2020, July 8).

The challenge, from a capacity-building perspective, is restoring funding once it's been eliminated. Many Members are loath to vote in favor of increasing their own budgets—especially when they've pursued cuts in executive branch spending. As a result, legislative branch spending has remained stagnant since the early 1990s. The next section considers how these reductions over time have weakened congressional capacity, making it difficult for Congress to fulfill its Article One responsibilities.

CONGRESSIONAL CAPACITY

Many Members fear the political consequences of voting to invest in Congress. At the same time, most recognize that the American people want a functional and productive institution.[250] Constituents rightfully expect responsive representation; they want Members to answer their questions and fulfill their requests. But today, the average population of a congressional district is more than triple the average population of a 1910 congressional district.[251] As the number of constituents Members represent continues to grow, and as the policy agenda expands and becomes increasingly complex, Members are challenged to do more with less.

"Demands upon Congress have grown immensely over the past century, and Congress has actually divested in its capacity over the past 40 years. In tandem, these divergent trendlines all but ensure that Congress will fall short of the expectations of legislators, staff and the public."

Dr. Kevin Kosar, January 14, 2020[252]

Broadly defined, congressional capacity refers to the broad range of factors that Congress needs to fulfill its Article One responsibilities. Congress was established as the first among co-equal branches of government and is expected to resolve public problems through legislating, budgeting, holding hearings, and conducting oversight.[253] In performing these responsibilities, Members of Congress are also expected to represent the views of those who elect them to serve. Given the range of responsibilities assigned to the legislative branch, it's useful to think of capacity as what Congress needs to successfully fulfill its constitutional obligations.

250. Ibid.
251. *Congressional Apportionment*, 2010 Census Brief. U.S. Census Bureau (2011, November).
252. *Article One: Restoring Congressional Capacity and Equipping Congress to Better Serve the American People*. 116th Congress (2020, January 14) (testimony of Dr. Kevin Kosar).
253. Ibid.

STAFF AND LEGISLATIVE SUPPORT AGENCIES

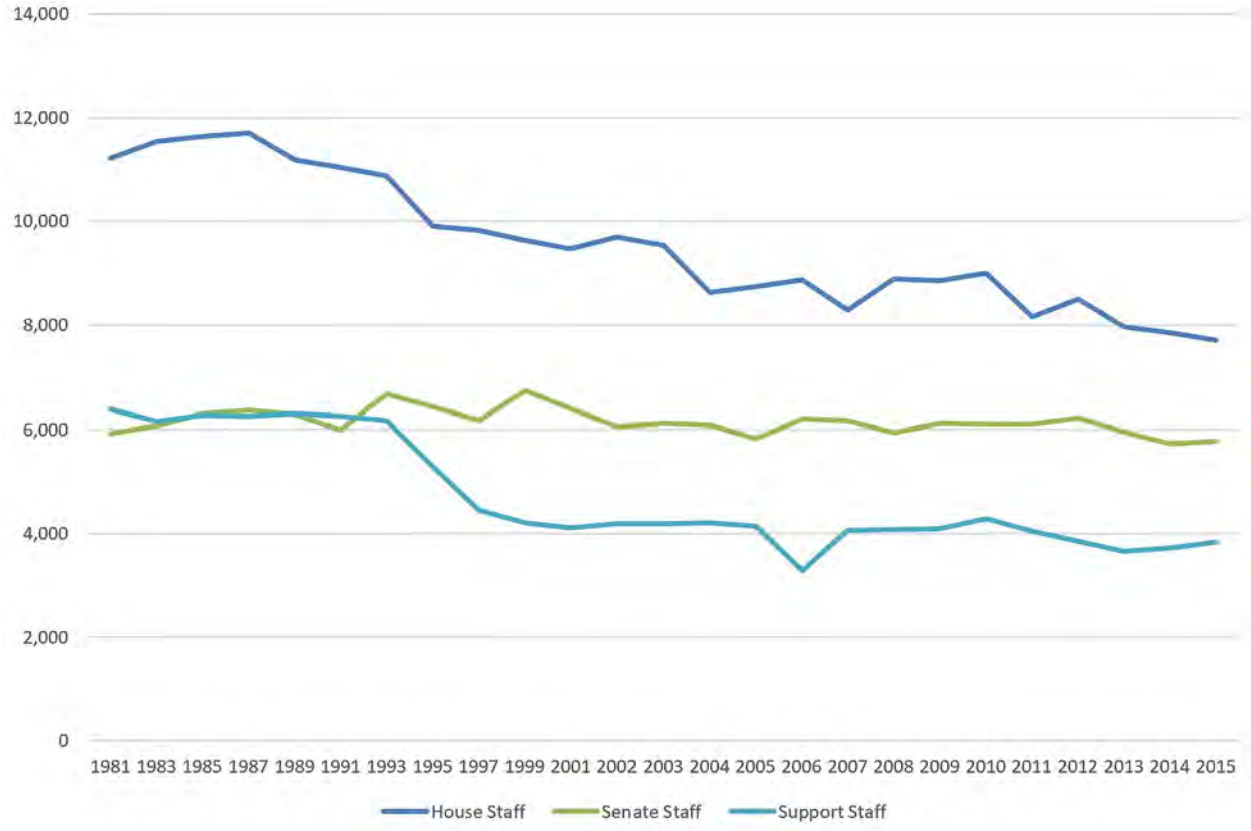
"Congress has managed to attract extremely talented and dedicated staff and committees like this one continue to be productive despite the many challenges this institution faces. Congress is fueled by people who believe strongly in the mission they're either elected or hired to do. But fulfilling that mission has become harder over the past several decades, primarily due to decisions and choices Congress has made."

Chair Derek Kilmer, January 14, 2020

As discussed throughout Chapter 3, congressional staff serve as the backbone of the institution, and retaining them with higher pay and better benefits will improve the institution. In addition to the staff in individual Member offices, nonpartisan support agencies help by providing invaluable research and expertise. The figure below shows the total congressional staff count by chamber, as well total staff employed by legislative support agencies like the Congressional Research Service and the Congressional Budget Office. Total staff between the two chambers peaked in 1991 and fell nearly 19 percent by 2015. Rather than mitigating reductions in congressional staff with increases in legislative support agency staff, Congress did just the opposite and cut these staff by 40 percent.[254]

254. Ibid and *Vital Statistics on Congress*, Chapter 5. The Brookings Institution (2019, March 4.)

Figure 10.1: Decline of Congressional Staff Over Time

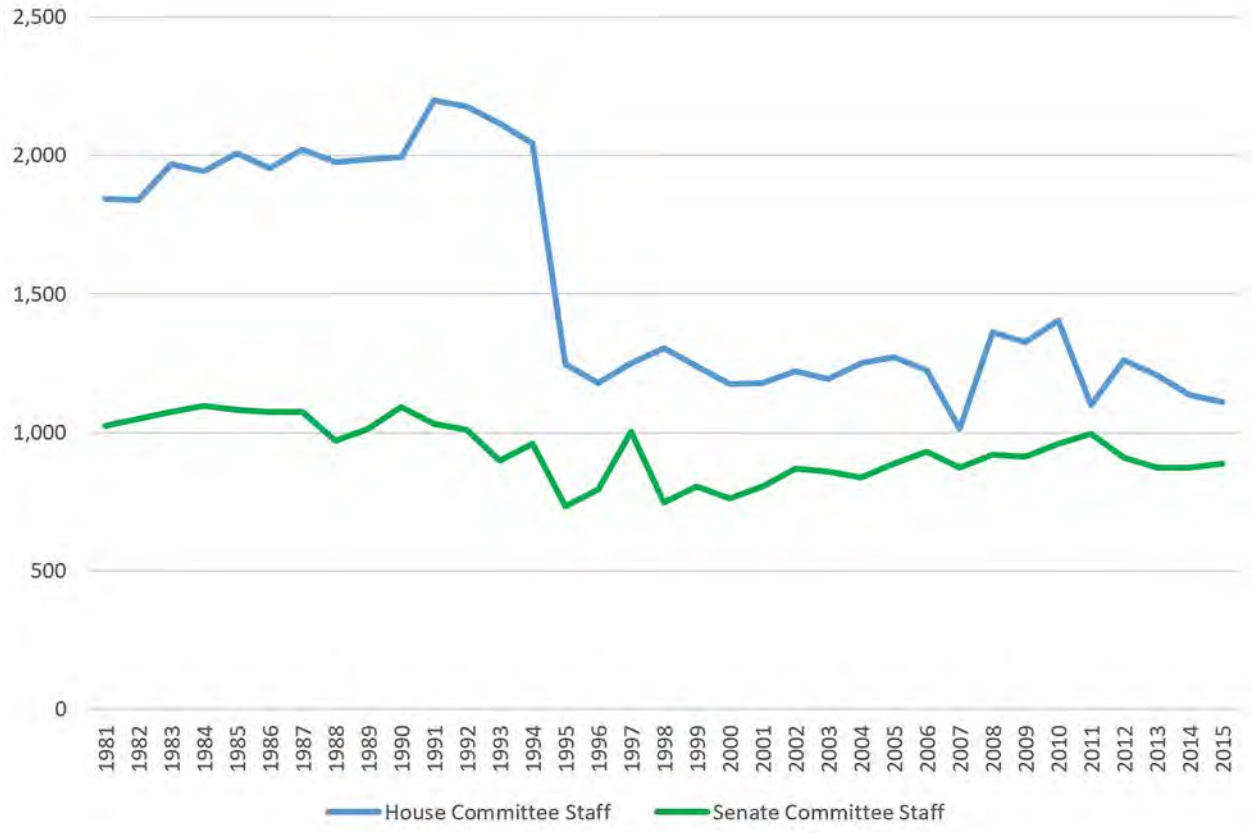


Source: Brookings Institution, Vital Statistics of Congress

In addition to the decline of support agencies, Figure 10.1 shows a decline in committee staff as well. House committee staff numbered 2,321 in 1991 and fell about 50 percent to 1,164 by 2015.[255] Notably, House committee staffing levels fell dramatically in 1995, when the new Republican majority reorganized the committee structure, eliminating a number of standing committees and subcommittees. Figure 10.2 details the decline of House and Senate Committee staff.

255. *Vital Statistics on Congress*, Chapter 5. The Brookings Institution (2019, March 4.)

Figure 10.2: House and Senate Committee Staff, 1981-2015



Source: Brookings Institution, Vital Statistics on Congress

Given the important role that committees play in the legislative process, the cumulative loss of committee staff is of particular concern.[256] Policymaking and oversight are two core functions of the legislative branch and committees are central to these processes. Committee staff tend to have more experience and more policy and institutional expertise than personal staff; their departure and the resultant "brain drain" from the Hill leaves Members more dependent on outside experts like lobbyists—about 40 percent of whom are former congressional staff.[257] As noted in Chapter 1, Figure 1.2, lobbying expenditures today far outpace overall House and Senate expenditures. Ultimately, reduced committee capacity, combined with the expansion of lobbying, has sorely diminished Congress' ability to carry out its Article One obligations.

256. See for detailed committee staffing trends: *Who's on the Hill: Staffing and Human Capital in Congress' Legislative Committees*, R Street Institute (Burgat, Casey and Dukeman, Ryan) (2018).

257. *Article One: Restoring Congressional Capacity and Equipping Congress to Better Serve the American People*. 116th Congress (2020, January 14) (testimony of Dr. Kevin Kosar).

CONGRESSIONAL OVERSIGHT

As a co-equal branch of government, Congress is empowered by the Constitution to oversee the executive branch. Oversight is conducted by congressional committees for the purpose of ensuring that federal money is spent, and federal programs are implemented, in accordance with Congress' directives. But cuts to committee budgets and staff have made it more challenging to perform ongoing and comprehensive oversight. Recognizing the importance of overseeing the federal budgets and programs Congress determines, as well the constraints many committees currently face, the Committee sought ways to encourage more productive and bipartisan forms of oversight.

In testimony before the Committee, Elise Bean, a former Senate oversight staffer who is now with the Levin Center at Wayne State University, noted that the quality of congressional oversight has varied dramatically over time. She attributed these variances to a number of factors, including: inadequate technical expertise on committees; an absence of Congress-wide oversight standards and norms; restrictive committee rules; and, partisan polarization. Additionally, Members (and staff) are spread thin and have little time to absorb large amounts of highly complex material.[258]

"Oversight ... provides Members of Congress with an opportunity to explore and reach consensus on the facts related to a particular issue and develop a factual predicate that can lead to legislation or other appropriate congressional action. Moreover, when conducted with respect for different points of view and a commitment to the facts, oversight inquiries can actually strengthen relationships between Members of the two parties by helping them develop a mutual understanding of important issues."

Elise Bean, January 14, 2020

As noted in the section above, committee staff tend to have more professional and policymaking experience than personal staff. Their expertise helps Members understand and navigate complicated policy and oversight issues. However, drastic cuts in committee staffing levels means that many committees are operating at sub-optimal levels. Expertise is limited, training is minimal, and turnover is high. And while all congressional hearings require a hefty amount of research and preparation, congressional investigations and oversight are particularly challenging because of the detailed documentation

258. *Article One: Restoring Congressional Capacity and Equipping Congress to Better Serve the American People*. 116th Congress (2020, January 14) (testimony of Elise Bean).

required. Reduced staff capacity means that investigations and oversight today are often restricted to what's possible rather than what's ideal. The Committee's recommendations for building staff capacity are addressed in Chapter 3.

STRUCTURAL AND PROCEDURAL CHALLENGES

While diminished staffing levels impact the level and depth of oversight and investigative hearings, procedural and operational factors can affect the form these hearings take. In the House, the majority party sets the rules by which the chamber operates and controls the chairmanships of House committees. With the exception of this Committee and the House Committee on Ethics, where membership is split evenly between the parties, House committees are weighted heavily in favor of the majority party. The majority holds more committee seats and maintains control over approximately two-thirds of the committee's budget and staff. These structural factors allow the majority party to exercise greater control over committee output.

In addition to the various structural factors that favor the majority, committees maintain procedural rules that can affect the quality of hearings. Topics for public hearings are determined by the majority and depend on the committee chair. The majority also gets more witnesses than the minority, which allows them to set the hearing's tone. A bigger budget and staff also advantages the majority when it comes to hearing preparation.

Committee chairs control hearings and, while they typically abide by committee rules, they can waive the rules. While House committees vary in terms of their norms and procedures, some rules are fairly standard across committees. For example, many committees have a five-minute rule when it comes to witness statements and Member questioning of witnesses. Such limits, however, can make it difficult for Members to obtain meaningful information; they also sometimes encourage Members to make statements about the topic at hand rather than ask questions.

While a committee system that favors the majority reflects the House's institutional structure, it also increasingly reflects the level of political polarization. Chapter 2 described how Congress has become more polarized over the past several decades. This trend affects the tone of committee discourse, particularly when hearing topics and witnesses are highly partisan. Rather than encourage a meaningful examination of the facts, politicized hearings tend to be unproductive, leaving Members and staff—as well as the viewing public—frustrated with the process and outcome.

"There are certainly hearings where this (tried-and-true) format works reasonably well. But as a forum for hearing expert testimony, doing serious oversight, examining how a law is being treated or administered, examining a major national or regional problem, it has become an anachronism. Hearings far too often are disjointed, with lines of questioning intermittent, interrupted, combative and confusing. Members doing their five-minute rounds are islands unto themselves. Witnesses facing tough questions know they can filibuster for three or four of the five minutes, and then often get a five-minute breather as a more sympathetic questioner does a monologue or throws softballs. There are better ways to do the public's business."

Dr. Norman Ornstein, February 5, 2020

Committee Members recognized that political polarization at the committee level sometimes spills over to the House floor. Partisan debates in committee become partisan debates on the floor, with Members more focused on scoring political points than engaging in thoughtful exchanges with their colleagues across the aisle. This approach undermines Congress' ability to successfully execute the Article One principle of debate and deliberation.

"The Framers intended for Congress to be a deliberative body. They wanted a system where representatives of a diverse population would come together and engage in extended periods of debate and deliberation. Through this process, they would learn different viewpoints and eventually reach consensus. Those who lost out would at least be satisfied that their voices were heard and be more inclined to accept outcomes as legitimate.

"Compromise necessitates trade-offs which means that no one is going to be 100-percent happy with the final product. But losing out on policy goals is tempered by at least having a say in the process. I know that may seem of little consequence, especially when the policies we're battling over matter deeply to our constituents. But the ability to articulate an argument, counter an opposing position, and engage in a thoughtful exchange of ideas matters."

Chair Derek Kilmer, February 5, 2020

Divisions are inherent in our political system but when taken to extremes, they can weaken Congress' ability to find compromise solutions. And when Congress is unable to resolve the policy challenges of the day, the American people lose faith in the institution.

The challenge for Members is to find ways to convey the often-passionate views of their constituents without further enflaming political divisiveness. In testimony before the Committee,[259] Dr. James Curry suggested that House procedures can help foster debate when they:

1. minimize opportunities for obstructionist tactics;
2. enable legislators and key negotiators to speak openly and freely;
3. reduce incentives for legislators to play to the cameras, intense constituencies, or special interests, and;
4. avoid unnecessarily limiting the universe of policies and issues open to negotiators.

Some of the Committee's recommendations discussed in other chapters are consistent with the goals set forth in this framework. For example, the Committee recommended creating a bipartisan Members-only space in the Capitol to encourage more collaboration across party lines. Behind-the-scenes deliberations enable legislators to have necessary and honest discussions that may not be possible in a public forum.[260]

With the goal of supporting healthier discourse in committees and on the House floor, Committee Members focused on developing recommendations to strengthen committee capacity and encourage bipartisan productivity. As Woodrow Wilson famously claimed, "... it is not far from the truth to say that Congress in session is Congress on public exhibition, whilst Congress in its committee rooms is Congress at work."[261] By strengthening the way committees work and by encouraging more thoughtful discourse behind the scenes and in public proceedings, these recommendations help Congress uphold its Article One obligations.

RECOMMENDATIONS

1. Committees or subcommittees should experiment with alternative hearing formats and alternatives to the five-minute rule for questioning witnesses.

Too often, committee hearings fail to produce substantive information because Members use the five minutes they're allotted to make political statements or to ensure that a particular view or assertion goes on the record. Witnesses can also run down the clock by dodging questions or giving longwinded responses. Utilizing extended periods for witness questioning would encourage more substantive dialogue and thoughtful exchanges and discourage political soundbites.

259. *Article One: Fostering Deliberation in the U. S. House of Representatives*. 116th Congress. (2020, February 5) (Testimony of Dr. James Curry). https://docs.house.gov/meetings/MH/MH00/20200205/110439/HHRG-116-MH00-Wstate-CurryJ-20200205.pdf
260. Ibid.
261. Wilson, W. (1885). *Congressional government: A study in American politics*. Boston, Houghton.

Example alternative hearing formats could include allowing thirty-minute rounds to question witnesses and encourage discourse. For larger committees, groups of Members could be granted thirty-minute blocks and coordinate their questions. Committees could also experiment with formats like seating Members and witnesses at the same table, instead of separating the Members on the dais from witnesses across the room. As this Committee has done, committees could also experiment with seating Members of opposing parties next to each other to encourage dialogue and civility. This Committee, for example, often used a "mixed seating" format during hearings. Such approaches encourage more bipartisan dialogue between Members and signal to the public a willingness to work collaboratively.

Committee chairs and ranking members could encourage use of these alternative formats by agreeing to incorporate them into committee rules.

2. Committees should hire bipartisan staff approved by both the Chair and Ranking Member to promote strong institutional knowledge, evidence-based policy making, and a less partisan oversight agenda.

Committee administrative staff provide important support by handling tasks such as setting up hearing rooms, handling reports, and archiving materials. Unlike Senate committees, most House committees hire majority and minority administrative personnel. This means there are two staffers handling similar administrative duties. Senate committee staffers who are hired on a bipartisan basis know they work for Members of both parties and approach their work with that understanding. Bipartisan staff also have greater job security as their jobs are not dependent on which party is in the majority. In addition to encouraging bipartisanship, joint hires save money by reducing staff overlap.

3. Committees should hold bipartisan pre-hearing committee meetings.

Prior to a committee hearing, Members and staff from both parties should meet to set goals for the hearing. Such pre-hearing meetings would reduce the tendency to engage in surprise tactics and defuse partisanship before it begins. By establishing Chair, Ranking Member, and Member expectations in pre-hearing meetings, Members can also better plan and coordinate their witness questions, resulting in a more productive and substantive hearing. The Committee engaged in this practice, with success.

4. Encourage pilot rule changes in subcommittees.

To build support for process and procedural overhauls at the full committee level, some subcommittees should be encouraged to experiment and adopt rule changes as test cases. The Committee recognized that given the nuances of each House committee, some of the recommended changes in this chapter will require an extensive overhaul. Thus, the Committee recommends that rather than no reform, the subcommittee rules changes

serve as a pilot program for the committee at large. Subcommittee Members could then report to their full committees, as well as their respective party caucuses, on successful experiments they'd recommend be adopted on a broader level.

5. At a bipartisan Member retreat (as recommended by the Select Committee) committees should have at least two-thirds of their Members meet separately to determine the committee's goals for the year, and to discuss how the Members will treat each other in public and in private, and how the committee will treat witnesses during hearings.

In the spirit of encouraging bipartisan collaboration, the Committee sought innovative ways to encourage Members to work across the aisle at the committee level. Recognizing that committees are the engines of the policy making process, Committee Members agreed that committees could be more productive if Members agreed to a set of common principles and operational guidelines. Creating a more respectful tone is essential if Members are to build trust and work collaboratively.

6. Establish committee-based domestic policy congressional delegation trips (CODELs).

The House should create bipartisan opportunities for Members to learn more about the federal programs within their committees' jurisdictions. Domestic CODELS would allow Members to have substantive, off-camera conversations about their policy areas, while getting to know each other on a bipartisan basis. As Jason Grumet, President of the Bipartisan Policy Center, testified to the Committee:[262]

"One of the most effective and practical opportunities to build shared knowledge and trust among Members are bipartisan fact-finding trips. In recent years, these critical opportunities have been unfairly stigmatized as junkets. Congressional leadership, committee chairs and ranking Members must confront this characterization and actively encourage lawmakers to take educational trips together."

Jason Grumet, September 26, 2019

In order to strengthen Congress' deliberative capacity, Members must have practical opportunities to forge relationships. Domestic, policy-based CODELs allow Members to learn together, share knowledge and experiences, and develop lasting professional and personal bonds.

262. *Promoting Civility and Building a More Collaborative Congress*. 116th Congress (2019, September 26) (testimony of Jason Grumet).

7. Establish a pilot for weekly Oxford-style debates on the House floor to be managed by a task force of bipartisan Members established by majority and minority leadership and selected from Members of relevant Member Organizations.

Oxford-style debate formats feature a debate on a predetermined topic from two opposing perspectives. The two sides argue either for or against the topic, within a structured format. Weekly Oxford-style debates focusing on national issues would demonstrate that Congress takes the Article One principle of debate and deliberation seriously, and that Members can grapple with important problems while maintaining civility. Debates would also showcase Members with policy expertise and encourage a broader national conversation.

A bipartisan working group could determine debate topics, pick teams of Members to argue either side of an issue, and schedule the debates throughout the session. The debates should begin on topics that cut across party lines to demonstrate bipartisan consensus on certain issues.

This was recommended by the last select committee, the Joint Committee on the Organization of Congress in 1993, but their reforms were not implemented.[263] However, the Committee felt strongly that Congress should return to substantial and quality policy debates. Even if only a temporary, pilot program, the Committee recommends this as an important step to improve bipartisan lawmaking and congressional expertise. In describing the value of such debates, Dr. Norman Ornstein noted that:[264]

"... they can show a common understanding of problems and challenges that we face, with our differences over how to surmount them ... they can show that not all divisions in the country are Democrats versus Republicans."

Dr. Norman Ornstein, February 5, 2020

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8. Provide Members and staff with training for debate and deliberation skills.

During new session orientations, Members should attend training on overall legislative debate, Oxford-style debate principles and strategies, as well as workshops on how to process and understand opposing policy views. The training should be bipartisan, led by professionals, and should occur outside of Congress. To further foster bipartisanship, staff should also receive this training.

263. See Part II for an overview of prior select committees.
264. *Article One: Fostering a More Deliberative Process in Congress*. 116th Congress (2020, February 5) (testimony of Dr. Norman Ornstein).

"I never participated in debate classes. My parents might have made the argument that I was … good at arguing, but never really learned debate. Here, the structure is not set up to where that dialogue does occur. It seems like each committee and even the House floor is not positioned in a way that we are there to persuade opinion. It is more, we are articulating a singular point, defending something rather than persuading."

Vice Chair Tom Graves, February 5, 2020[265]

9. The GAO should study the feasibility and effectiveness of a Congressional Office on Regulatory Rules, and a Congressional Office of Legal Counsel.

Rather than delegate rulemaking power to the executive branch, Congress should consider employing policy experts to draft, or provide drafting guidance on regulatory rules for implementing the laws Congress passes. This office would serve as a counterpart to similar offices in the executive and judicial branches and would be responsible for issuing legal opinions that support Congress and answer Department of Justice opinions that conflict with congressional intent. Such an office could be housed in the House's Office of General Counsel or the Congressional Research Service.

While the Committee considered recommending the full implementation of a Congressional Office on Regulatory Rules and a Congressional Office of Legal Counsel, questions on jurisdiction, logistics, and cost arose during Member discussions. Thus, the Committee recommends an initial study to determine the feasibility of these nonpartisan resources.

10. Pass bipartisan legislation establishing Congress has standing in the courts and set expedited procedures for conflicts between the branches.

Judicial proceedings are the only route to adjudicate conflicts between the executive and legislative branches, but these proceedings can take months or years to resolve. These delays impede Congress' ability to uphold its Article One responsibilities. For this reason, Congress should enact legislation establishing that Congress has judicial standing to bring inter-branch conflicts to the courts, and that expedited procedures are necessary.

11. The Committee on House Administration should establish a district exchange program to allow Members to use the MRA for traveling to other Members' districts.

As already noted, Members need more opportunities to forge professional and personal relationships. By visiting each other's districts, Members are more likely to find common issues to work on together. They also gain an appreciation for the issues that their colleagues from different districts confront. For example, a Member from an urban district might not appreciate

265. *Article One: Fostering a More Deliberative Process in Congress*. 116th Congress (2020, February 5)

the policy concerns of their colleagues from rural districts and vice versa. Immersing themselves in the issues of a different district—even if just for one or two days—is a valuable learning and relationship-building experience for Members.

Members of the Committee who engaged in these programs spoke to their effectiveness. Rep. Newhouse, reflecting on a district exchange with Chair Kilmer, said during the February 5, 2020 hearing:

"I went to [Rep. Kilmer's] district; he came to mine. And something that stuck with me, he said something along the lines of, 'It is really hard to know where someone is coming from if you don't know where they come from.' And so, you know, it is as simple as that, but it is very true. And it is very helpful to walk a mile in another person's shoes in their district... we need to do more of those kinds of things. Build those relationships, and then it is harder to talk trash about somebody you actually care about, right?"

Rep. Dan Newhouse, February 5, 2020

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12. Increase capacity for policy staff, especially for Committees, policy support organizations (GAO, CBO, CRS) and a restored OTA, and perhaps restored capacity to member-supporting legislative service organizations, and updated technology resources.

Additionally, House support organizations (GAO, CBO, CRS) should evaluate their mission, how they have evolved over time, and if there is a further need to modernize, and incorporate the results of this review in their budget justifications to the Legislative Branch Subcommittee on Appropriations and other relevant committees.

As noted earlier in this chapter, Congress has seen a major reduction in committee staffing levels over the past several decades. Committee staff tend to have more experience and more policy and institutional expertise than personal office staff. The number of policy experts who work at legislative support agencies have also been cut dramatically. The departure of these specialists and the resultant "brain drain" from the Hill leaves Members more dependent on outside experts like lobbyists. Because reduced committee capacity, combined with the expansion of lobbying, has sorely diminished Congress' ability to carry out its Article One obligations, Committee Members agreed that increasing policy staff capacity is essential.

SECTION II: ARTICLE ONE AND THE POWER OF THE PURSE

The Committee's exploration of Article One was in many ways about looking inward. Article One establishes the legislative branch and enumerates Congress' constitutional powers. But Congress' capacity to uphold these powers has weakened, drastically affecting the institution's ability to properly

serve the American people. Unfortunately, this has also impacted Congress' ability to allocate funding for state and local projects and programs (also known as discretionary grant spending).

The power of the purse is, arguably, Congress' most essential responsibility. Laid out by the Founding Fathers in the U.S. Constitution, Article One provides a critical building block for the legislative branch, and explicitly designates to the U.S. House the responsibility of appropriating funds:

"All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other Bills."

U.S. Constitution, Article I, section 7, clause 1

"No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

U.S. Constitution, Article I, section 9, clause 7

While Congress continues to negotiate funding levels for federal agencies and programs, the decision-making on who receives competitive discretionary grants is being done by unelected executive branch officials.[266] No one knows a district's needs better than the Member elected to represent their community. But the current system doesn't acknowledge this reality and leaves the funding decisions up to executive branch officials that are more disconnected from a community's needs.

This shift in decision-making from Members of Congress to the executive branch has serious implications for the American people. It is not only a breach of the expectations outlined in the Constitution, but perhaps more importantly, when decision-making is removed from Congress, there is substantially less accountability for how taxpayer dollars are spent. Members, not unelected officials, should be advocating for and making the decisions about the projects needed to improve the community that they call home.

Executive branch control of discretionary grant spending is a relatively new trend. Previously permitted Member-directed spending was eliminated in 2011, in part because of a perceived lack of transparency. The Committee sought to address the problem with not only constitutionality and community in mind, but also transparency and accountability. The result is a

266. Hudak, J. (2014). *Presidential pork: White House influence over the distribution of federal grants*. Brookings Institution Press.

Community-Focused Grant Program (CFGP) that allows Members of Congress to advocate for district-specific projects requested by the communities themselves. The process is grounded in community input, bipartisan support, and unprecedented transparency.

This section outlines a CFGP that will reinstate Congress' power of the purse, and put the decision making for local projects in the hands of those who know their community best: the communities and the Members elected to represent their interests in Congress. The remainder of this section provides the history and background on how competitive discretionary grant spending is allocated, discusses prior efforts to reclaim the power of the purse, and details the Committee's CFGP recommendation and the process for developing this recommendation.

BACKGROUND ON CONGRESS' POWER OF THE PURSE

EXECUTIVE BRANCH CONTROL OF CONGRESSIONAL SPENDING

As discussed above, the growth of the United States population and economy since World War II has led to a massive increase in the responsibilities of the federal government. But while the House has stayed the same size at 435 Representatives since 1929, the executive branch has continued to expand.[267] This chapter has outlined the impact of this significant growth in the executive branch on rulemaking, congressional oversight, and capacity, but it has had a particularly concerning impact on discretionary grant spending.

Congress still maintains some control over expenditures in certain areas. One of these areas includes block grant funding, which are federal funds set aside for a specific state program or community.[268] But for a large chunk of spending, Congress determines spending levels and baseline amounts—not the actual recipients of these tax dollars.[269] Instead, the executive branch, appointees, and federal officials make these decisions on behalf of Congress and the American people. These grants add up to a tremendous amount of money. In his book on executive branch spending, Dr. John Hudak estimates that well over $100 billion each year is spent by unelected federal officials, in projects in all 50 states.[270] The executive branch, rather than Congress, makes decisions about funding schools, community programs, bridges, and countless

267. The Permanent Apportionment Act of 1929. (n.d.) (Office of the Historian, Office of the Clerk, U.S. House). https://history.house.gov/Historical-Highlights/1901-1950/The-Permanent-Apportionment-Act-of-1929/
268. Lee, F. E. and Oppenheimer, B. I. (1999). *Sizing up the Senate: The unequal consequences of equal representation*. University of Chicago Press.
269. Hudak, J. (2014). *Presidential pork: White House influence over the distribution of federal grants*. Brookings Institution Press.
270. Ibid.

other projects with implications for domestic policy. Research has found that Presidents often use these grants to influence policy and support their preferred projects without receiving approval from Congress.[271]

From a Constitutional standpoint, this is a worrisome breach of Article One responsibilities. As Dr. Hudak noted in his testimony to the Committee on January 14, 2020:

> ***"Congress has spent decades delegating power to the executive branch and right now stands at a moment in history where the institution is weakened. Congress' ability to perform its constitutionally mandated tasks has been hampered. And nowhere is this issue more important and more damning than in the arena of spending power. In Article I, sections 8 and 9 of the Constitution, Congress is charged to pass laws, to fund government operations, and make significant choices over the amount of money that is spent by which institutions and under what conditions. I would argue that, in the past 20 years in particular, Congress has undermined its own spending power and simultaneously empowered the executive beyond practical necessity."***
>
> ***John Hudak, January 14, 2020[272]***

Beyond reclaiming the Article One power outlined in the Constitution, the current process of allocating billions of dollars around the country lacks transparency. This massive amount of spending is often "overlooked as the public, the media, and academics focus on congressional ribbon cutting."[273] It is very difficult to track not only the outcome of executive discretionary spending, but the actual process of project application and selection. While there are some publicized formulas that detail how projects are prioritized, the American people—and even most Members of Congress—have no way of knowing how agencies ultimately select projects for funding. Given that taxpayer dollars are being allocated, this too is a concerning violation of Article One responsibilities.

Furthermore, any federal formulaic approaches, even the best-intentioned and objective ones, do not have the level of nuanced understanding of the district that Members of Congress and community leaders do. Members of Congress know their congressional districts arguably better than most. They understand how a school program would support a

271. Scheck, T. and Busche, K. (2019, May 23). How Congress, Trump and Obama played favorites with transportation money. *APM Reports*. https://www.apmreports.org/story/2019/05/23/congress-earmarks-tiger-build-grants
272. *Article One: Restoring Capacity and Equipping Congress to Better Serve the American People*. 116th Congress. (2020, January 14). (Testimony from Dr. John Hudak).
273. Hudak, J. (2014). *Presidential pork: White House influence over the distribution of federal grants*. Brookings Institution Press.

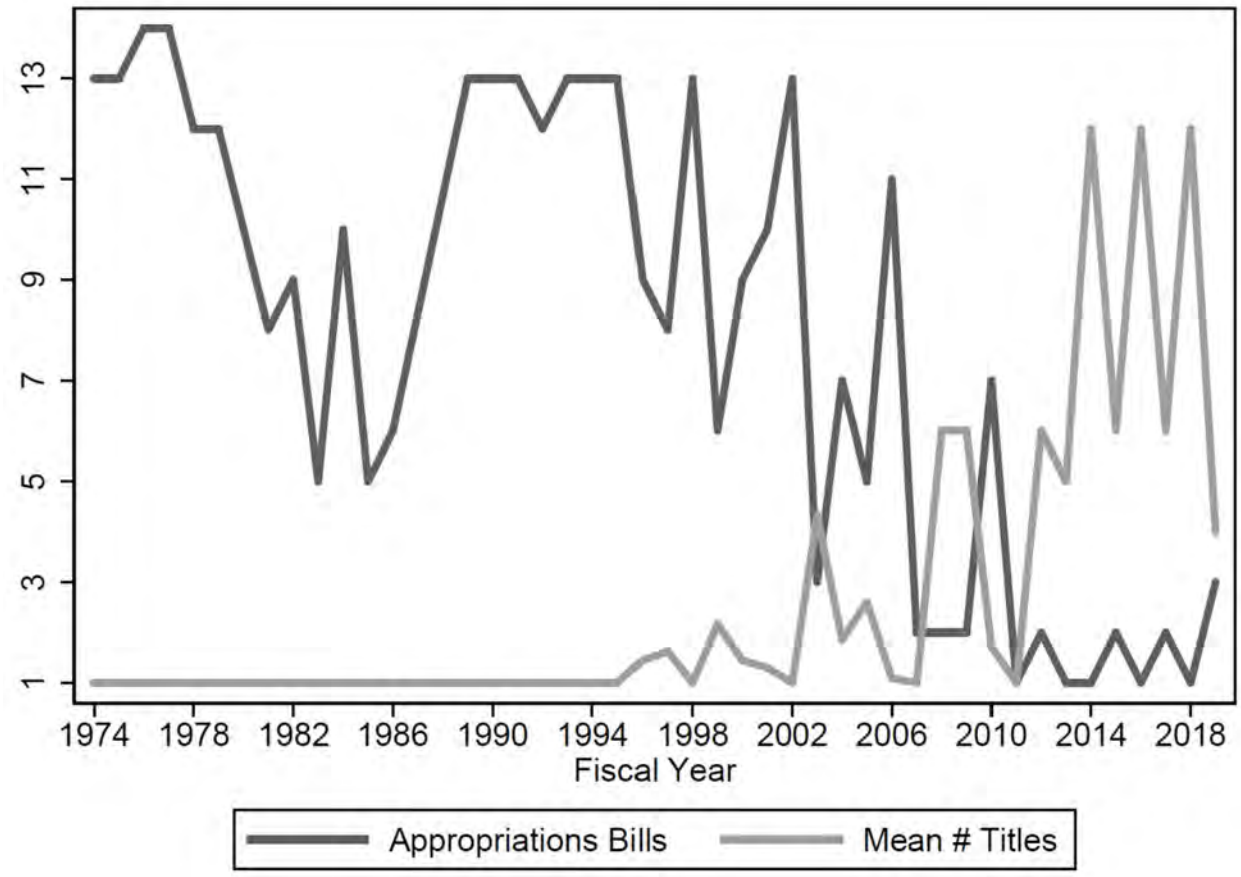
neighborhood, which bridges are in need of repair, and the importance of community health centers. In addition, Members and their staff tend to have deep relationships with community leaders and organizations. Executive branch employees—even the most experienced ones—do not have the depth of knowledge and community relationships that Members of Congress are required to have to be successful.

THE DECLINE OF REGULAR ORDER IN THE APPROPRIATIONS PROCESS

This drift towards executive branch spending has also removed an important tool from the congressional appropriations process. Prior to reforms in the 112th Congress (2011-2012) that removed Member-directed spending from the appropriations process, Members worked closely together to craft legislation that would serve the needs of districts across the country. Projects that spanned multiple congressional districts were a source of unity, and the result was a bipartisan and efficient appropriations process. By allowing the executive branch to make these decisions, Members of Congress have little opportunity for program-specific input during the appropriations process.

As outlined in Chapter 2 (Bipartisanship) and Chapter 11 (Budget and Appropriations Reforms), the appropriations process has steadily suffered over the past few decades—and the lack of individual Member input has played an important role in the decline of a timely, cohesive appropriations process. Lacking individual Member input on specific projects, Congress today often passes large, omnibus spending packages. And these omnibus spending bills ultimately defer the details of discretionary grant spending to the executive branch. Figure 10.3 demonstrates this phenomenon—as passage of individual appropriations bills has fallen, and the size and scope of the bills that do pass has steadily risen.

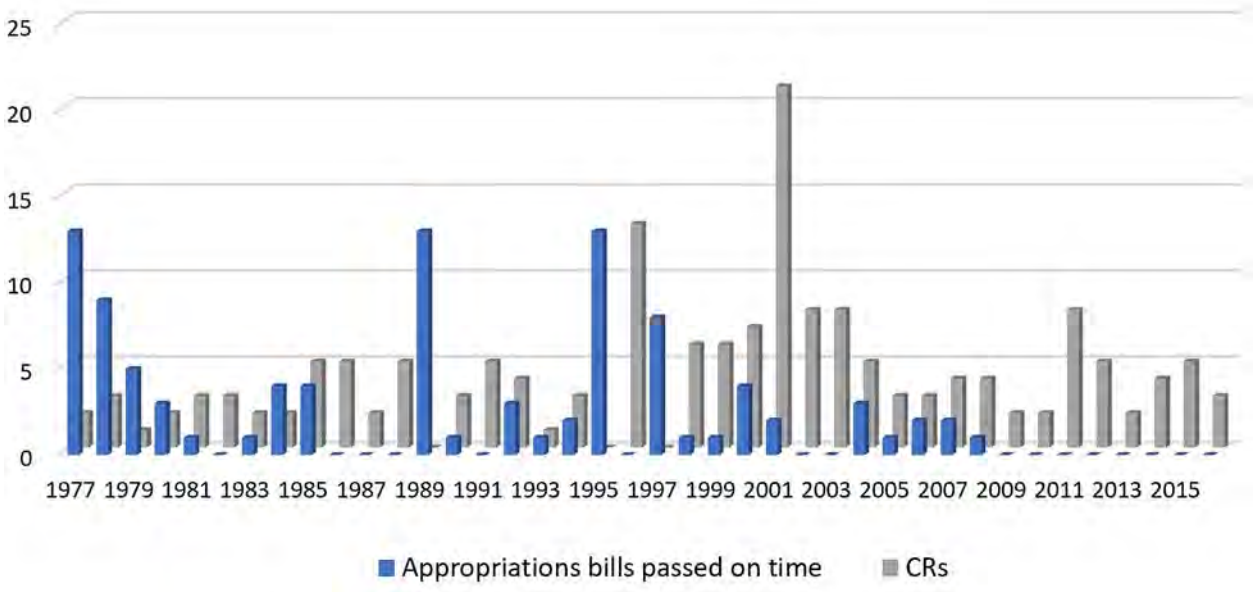
Figure 10.3: Total Appropriations Bills Passed and the Average Number of Appropriations Titles per Bill



Source: McCarty, Nolan, for the APSA Select Committee on the Modernization of Congress, final Report

And increasingly, these appropriations bills do not even pass omnibus form. Instead Congress has come to rely heavily on the use of continuing resolutions (CRs). Figure 10.4 illustrates the decline in the passage of appropriations bills, and an increased reliance on CRs to fill the gaps.

Figure 10.4: Individual Appropriations Bills and CRs passed by the start of the Fiscal Year



Notes: Calculations by author[274]

While CRs are intended to provide a short, "stop-gap" solution when an appropriations bill is missing, in reality, CRs often sustain federal funding for months, and in some cases, years. In addition to a decline in regular order appropriating, Congress has increasingly neglected its authorizing (and reauthorizing) responsibilities.[275] This ultimately means that the executive agencies and programs that rely on appropriations and authorizing bills are unable to budget and plan ahead—and makes the receipt of federal grant money all the more tenuous for communities.[276]

By limiting Members' ability to advocate for specific funding for community grants in yearly appropriations bills, the responsibility of discretionary grant spending is handed to the executive branch. This has been compounded by an often-dysfunctional appropriations process, which provides the executive branch further validation to engage in this unauthorized spending and the funding of projects that may not reflect communities' top priorities and greatest needs.

PRIOR REFORMS AND CONCERNS ABOUT TRANSPARENCY

Prior to 2011, Congress permitted Member-directed spending, commonly referred to as "earmarks." During this period, committees were given an administrative choice to include an earmark in legislation or an

274. Omnibus Appropriations Acts: Overview of Recent Practices. (2016, January 14). (CRS: RL32473). https://crsreports.congress.gov/product/pdf/RL/RL32473/32; Reynolds, M. (2018). Vital Statistics on Congress. Brooking Institution. https://www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/.
275. Adler, E. S., & Wilkerson, J. D. (2013). *Congress and the politics of problem solving*. Cambridge University Press.
276. Please see Chapter 11 for more details on the implications of "governing by CR".

accompanying report. However, the executive branch often attempted to circumvent this congressional power. For example, an executive order under the George W. Bush Administration did not allow administrative agencies to spend funds that were earmarked in non-statutory language, such as a committee report.[277] Committee Member Emanuel Cleaver reflected on this experience under the Obama Administration as well:



Image 10.3: Rep. Emanuel Cleaver discusses Member-directed spending during a Select Committee hearing.

"President Obama, for whom I served as national cochair for his reelection, said during a speech, 'I will not sign any more bills with earmarks in it,'... But that is our responsibility. It is our constitutional responsibility.

"We are bypassing the opportunity to really do stuff for our community. We have earmarks now—you are absolutely right—except they are done in the White House. Obama did them. Bush did them. And Trump is doing them. And we are the ones sitting over here, you know, talking about they are taking our power. We gave it away."

Rep. Emanuel Cleaver, January 14, 2020

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277. Press Release: Executive Order: Protecting American Taxpayers from Government Spending on Wasteful Earmarks (2008, January 29). The White House, President George Bush. https://georgewbush-whitehouse.archives.gov/news/releases/2008/01/20080129-5.html

However, in 2011, following a few high-profile cases of expensive congressional projects, an "earmark moratorium" was put in place. The goal of this moratorium was to encourage transparency and cut costs. In reality, as noted by Dr. Kevin Kosar during the January 14, 2020 Committee hearing, it ultimately led to far less transparency:

"You know, if you are a Member and you direct a bunch of spending on something that turns out to be a boondoggle, you are going to hear about it. You are going to get hammered. If it happens somewhere in the bowels of the Department of Transportation, no accountability whatsoever.

"The whole conversation around earmarks is very anchored, as Representative Cleaver noted, on the few bad things that happened, and Mr. Davis mentioned that the positive is not often talked about. I mean, those are just not interesting stories. Media frequently do not pick them up. You might release a press release saying we did something good that helped back here. You might get a little bit of local coverage, but that is about all you get."

Dr. Kevin Kosar, January 14, 2020

In addition, concerns about the cost of congressionally-directed spending were largely unfounded. Even at the highest point of earmark spending (FY 2006), earmarks accounted for just under 1.1 percent of federal spending.[278]

Today, the moratorium exists in a congressional grey space. The moratorium is not enforced by points of order, because it does not exist in House or Senate rules, but there are three standing rules that govern—but do not ban—congressionally-directed spending. First, spending requests are not permitted to directly benefit a Member of Congress (or their spouse). Second, House and Senate Rules require that relevant legislation or reports include a list of spending requests, limited tax benefit, or limited tariff—or a statement that the legislation includes no congressionally-directed spending.[279] And third, it is the responsibility of the committee of jurisdiction to identify Member-directed spending in legislative texts or accompanying reports. Committees can establish their own policy requirements, deadlines, or restrictions, regarding earmarks. These committee preferences are often distributed via a "Dear Colleague" letter at the start of a congressional session.

278. *Article One: Restoring Capacity and Equipping Congress to Better Serve the American People*. 116th Congress. (2020, January 14). (Testimony from Rachel Potter); Yes, Earmarks Can Be Part of Smart and Responsible Governing (2018, March 3). Congressional Institute. https://www.congressionalinstitute.org/2018/03/26/yes-earmarks-can-be-part-of-smart-responsible-governing/.

279. This requirement applies to bills (particularly appropriations legislation and tax measures), committee reports, conference reports, managers amendments, Senate bills, and conference report. See: Lynch, M. (2015, May 21). Earmark Disclosure Rules in the House: Member and Committee Requirements (CRS: RS22866). https://fas.org/sgp/crs/misc/RS22866.pdf

Despite best intentions, the decision to end congressionally-directed spending has faced wide-spread backlash across the political spectrum. Scholars from the Heritage Foundation to the Congressional Institute to the Brookings Institution have called for the reinstatement of some form of Member-directed spending.[280] Members, facing the frustration of not being able to fully advocate for their districts in the appropriations process, have also taken up the call to reinstate the Article One power of the purse. The remainder of this chapter details the CFGP that the Committee developed, and the how the CFGP was developed.

COMMITTEE APPROACH TO ADDRESSING CHALLENGES AND FULFILLING RESPONSIBILITIES

From the outset of the Committee's work, it became clear the legislative branch has, over time, ceded the responsibilities and powers the framers entrusted to Congress to the executive branch. As the Committee continued to explore this issue, Members and experts shared how this erosion to congressional authority has resulted in states and congressional districts being shut out of the process of how the federal government funds programs and projects in communities across the country. If Congress was going to reclaim its Article One powers the Committee understood that meant reinserting the voice of the people—through their elected representatives—in the process of deciding how taxpayer dollars are spent while avoiding the perceived abuses of the past.

The CFGP was developed in a bipartisan fashion through numerous conversations between the Chair and Vice Chair. In addition to witness testimony, the Committee relied upon input from internal and external stakeholders across the political spectrum, models of government funding (such as TIGER grants and the Dayton, Ohio model), input from the committees of jurisdiction, and the history of congressionally directed spending.

The Committee voted on the framework on September 24, 2020. While the vote was bipartisan and unanimous, Rep. William Timmons raised a point of order on the CFGP, stating:

280. Fact Sheet: Renew the Earmark Ban. (2018, December 13). The Heritage Foundation. https://www.heritage.org/budget-and-spending/report/fact-sheet-renew-the-earmark-ban; The Sausage Factory. (2019, May 5). Congressional Institute. https://www.congressionalinstitute.org/2019/05/15/making-the-case-to-reinstate-earmarks/; Hudak, John. (2015, December 27). Congress in 2019: Why the first branch should bring back earmarks. Brookings Institution. https://www.brookings.edu/blog/fixgov/2018/12/27/congress-in-2019-why-the-first-branch-should-bring-back-earmarks/

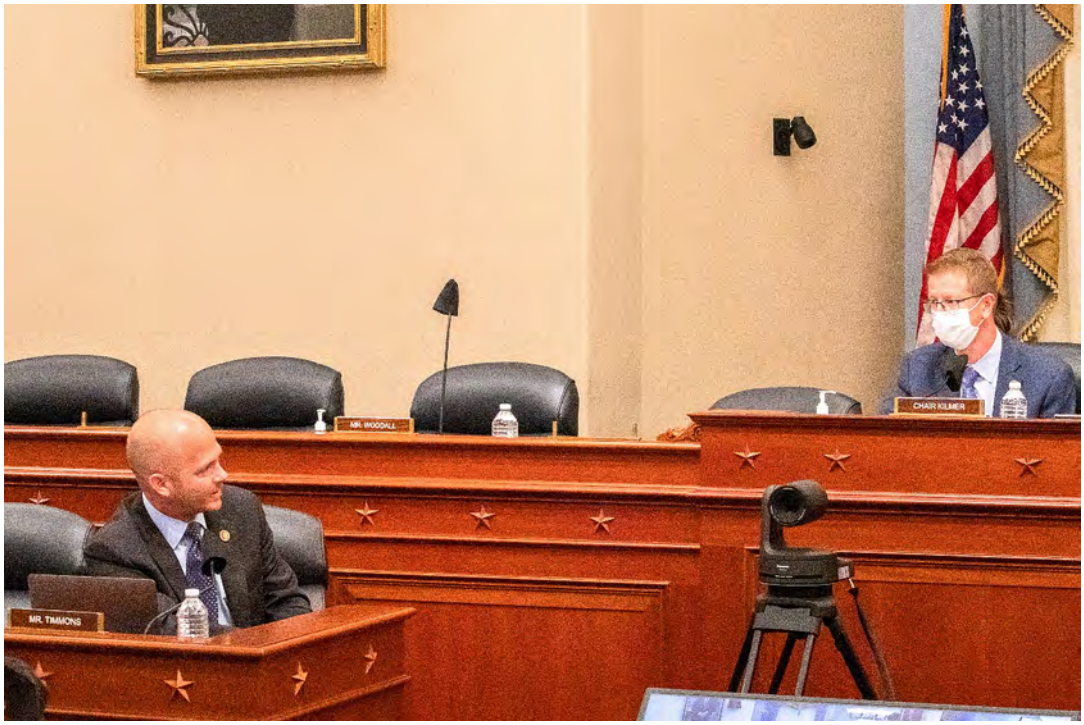


Image 10.4: Rep. William Timmons speaks to Chair Derek Kilmer during the Select Committee's final business meeting.

"I appreciate the important steps the Committee took to include safeguards and improve transparency in the program, but believe more still needs to be done. I remain concerned that seniority will disproportionately control the amount of overall allocated funds in this program, and that potential receipt of these funds could be used to influence members to vote in a way they otherwise would not on unrelated legislation.

"However, these recommendations do far more good than harm, and I appreciate that this Committee took steps to put forth a framework to reclaim our Article One authority. I look forward to working with my colleagues in the House next year to address these concerns prior to potential implementation."

Rep. William Timmons, September 24, 2020

Through these discussions, a framework for the CFGP was developed that included overall guiding principles as well as specifics for a process that should be implemented. The Committee recognized while developing this recommendation certain aspects of this framework may be difficult to enforce or implement but felt the inclusion of these provisions were worthwhile to ensure intent and goals were clear.

COMMUNITY-FOCUSED GRANT PROGRAM

PROGRAM DESCRIPTION

The Community-Focused Grant Program (CFGP) is a competitive grant program intended to allow Congress to harness its unique constitutional authority to appropriate federal dollars through a congressional competitive award process, with an emphasis on supporting projects that have the broad support of local communities across the United States. Public entities, including certain non-profits and including the public entity collaborating with a Member of Congress to identify a local priority, may apply for grants, and they must do so by submitting an application to at least one Member of Congress. It is up to each member to determine which projects they will support via a uniform request process to the appropriate congressional committee. For-profit entities are prohibited from participating in the program, as are relatives of members of Congress.

A hallmark of CFGP is end-to-end accountability and transparency, with public access to every member request and supporting documentation, and routine independent audits. For discretionary programs, the grant program is limited to 1 percent of discretionary spending. The grant program will give special consideration to projects that have broad support at the local level, thorough supporting documentation, bipartisan support and multi-member support.

Congress will aim to distribute grants equitably across states and geographic regions, between rural, suburban and urban areas, and throughout economic sectors. From time-to-time, major projects of national or regional importance may merit a larger-than-normal grant share.

CFGP GOALS AND RECOMMENDATIONS:

1. Enhance House Rules and Implement End-to-End Transparency

A top priority of this program is to ensure transparency from the start of the application process to the final selection of grant funding. The Committee recommends combining all rules governing congressionally directed spending into the Rules of the House. Currently, House rules contain numerous transparency requirements, but several prior reforms were placed in the House Code of Official Conduct, rules governing the Democratic Caucus and Republican Conference, or were adopted as individual committee rules. While the Committee understands it could be difficult to incorporate these rules in the Rules of the House, it was important to make clear these should become House rules applicable to all Members and all committees.

This also includes reinstating transparency requirements prior to 2011: Specifically, no request for projects may benefit a Member or their spouse; no request may be made to private entities; and all projects that received funding

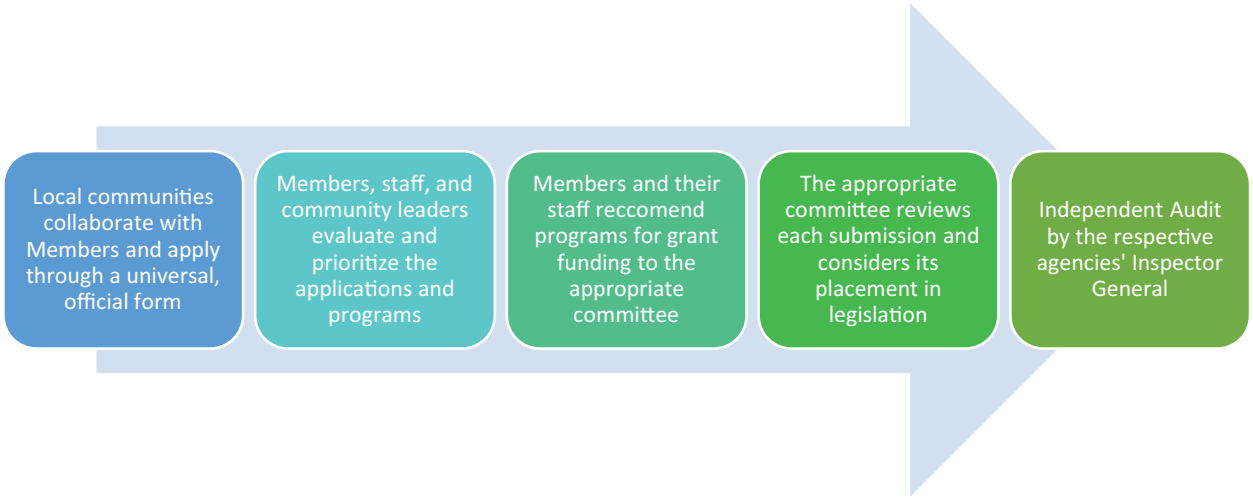
must be made public, among other requirements.[281] The Committee also recommends a ban on providing funds to for-profit entities, and an expansion on the certification of Member or Member spouse limitations to include the extensive House nepotism rules.

The Committee also recommends establishing a singular, public website with every detail of the grant-allocation process, including information on Member requests, accompanying documentation, and selected projects. The website will be a ".gov" website, and easily accessible and sortable. Each Member that participates in the grant program should have a prominent link to this website on their own congressional website. The goal of this singular website is to avoid the fractured process of 435 different websites posting results. The Office of the Clerk of the House will manage this website.

The Committee recognizes transparency is key to accountability in the process. Through this recommendation the public will be able to see those that apply and grant requests that are awarded, and ultimately hold their Members accountable should they feel programs or projects are not an effective use of taxpayer dollars.

2. Create a New Competitive Grant Program

Figure 10.6: Potential Process for the Competitive Grant Program under the CFGP



Note: At each of these stages, information will be posted on a centralized, ".gov" website to ensure total transparency.

A. A Process that Starts in Local Communities

Unlike prior endeavors that put the nomination and decision-making process in the sole hands of Members, this program will start outside of Washington and in the communities Members represent. Grant requests must

281. Lynch, M. (2015, May 21). Earmark Disclosure Rules in the House: Member and Committee Requirements (CRS: RS22866). https://fas.org/sgp/crs/misc/RS22866.pdf;Earmarks and the Earmark Process. (2011, March). Taxpayers for Commonsense. https://www.taxpayer.net/wp-content/uploads/ported/images/downloads/TCS_Earmark_FAQ_2011.pdf.

originate with a public entity (including not-for-profit entities that serve a public interest) or state, local, or tribal governments (including subdivisions of state or local governments and including a local community or public entity collaborating with a Member of Congress to identify a local priority) via formal application submitted to at least one congressional office. Recognizing issues related to community capacity, the committee also acknowledges that this may also include a local community collaborating with a Member of Congress to identify a local priority.

The Committee felt it was important to allow not-for-profit entities to apply for a Community-Focused grant, given the valuable services many provide to communities across the nation. From schools and hospitals, to conservation programs and historical preservation efforts, the range of services provided by not-for-profit entities vary greatly across the country. One of the top priorities of the CFGP was to allow communities and Members to have the freedom to identify projects in most need of funding. Ruling out not-for-profits could hamstring that goal.

The Committee took important steps to ensure the process was easy for all communities across the nation to navigate—whether a large city with grant coordinators on staff or smaller, rural towns without resources on hand to help them navigate the grant process. As noted, public entities can collaborate with Members to ensure they are properly identifying projects and submitting necessary information. The form used to make grant requests should also be simple and allow communities and public entities to easily navigate the grant application process.

Only after a project is submitted by the appropriate entity will Members select which CFGP projects to support. Members will then submit those projects as individual requests to the applicable committee for review.

Members are strongly encouraged to establish a process which facilitates nonpartisan engagement of local elected officials and stakeholders. A process could involve input from local economic development entities and state and local elected officials before the Member moves forward with the request. Prior to the 2011 ban, there were multiple examples of such processes being utilized by members. For public entities requesting funding for non-profit programs, Members should encourage consensus from local public leaders. One option the Committee considered as a model for Members was an approach similar to "the Dayton Model"—a non-partisan, independent review board that reviews requests for federal funding.[282]

Applicants and Members will use a standardized grant application. The form should include but shouldn't be limited to:

282. See more here: The Dayton Region Priority Development and Advocacy Community (PDAC). https://www.daytonregion.com/ddc/pdac.

Identification of whether the grant requestor is a public entity, or a state, local, or tribal government
Detailed description of the project including data or evidence of project merits
Explanation of how the project is a good use of taxpayer dollars
Total cost of the project including a breakdown of expenses
Forecast of necessary future federal funding
Timeline for the project
Previous federal funding used to advance the project, if applicable
Non-federal share of dollars for the project if it is a public-private partnership
Citation of authorizing language for the program under which the project falls (to be completed by the Member office)
Letters of support from other state or local officials and entities
A list of support from other Members (to be completed by the Member office)
Indication if the request is bipartisan (to be completed by the Member office)

If a project would impact another state, district, or region, Members are strongly encouraged to work together with other Members on a robust, bipartisan (if applicable) request. To further encourage bipartisanship and transparency, committees should also strive to balance the prioritization of bipartisan, multi-Member, and multi-district projects with the requests of at-large and rural-representing Members. Committees are expected to ultimately fund projects that benefit rural and urban districts alike.

Standing committees should apply this framework to appropriate legislation under their jurisdiction. For example, the CFGP should be utilized to allow for community input when the Committee on Transportation and Infrastructure is crafting the highway bill or when the annual National Defense Authorization Act is being developed by the Committee on Armed Services.

It is important to note, the Committee took care to balance the importance of larger projects that could receive a great deal of Member support with equally important projects that could receive support from just one Member (a project in New York City versus a project in Helena, MT for example). The Committee incorporated language to make the intent clear that each project should be considered in an equitable manner.

Lastly, Members should submit this documentation and ultimate requests through the same website (CFGP.gov for example) so that the process from request, to public review, to approval or denial is seamless from start to finish across committees.

B. New Caps and Tighter Guardrails

The Committee considered several options to prevent abuse by any individual Member, and to ensure equitable distribution of grant awards. The Committee recommends a cap to prevent the possibility of inequitable distribution of funds, where, for example, some Members are successful in directing vastly more funding to their district than other Members. The Committee debated caps on the number of successful project awards and also on size of awards, but both proved to be very difficult to implement.

Rather than be overly prescriptive, the Committee recommends that any adoption of this program be guided by the principle of equitable distribution of funds and take great care to avoid any situation where the program would allow a small number of Members to direct far more investments than the rest of the body.

All requests will be capped to a combined total of 1 percent of discretionary spending, not including project-based accounts. Such a cap should encourage the applicable committee to ensure funds are "distributed equitably across geographic areas, between rural and urban areas" and among project modes, similar to TIGER grants.[283]

If a CFGP request is funded in legislation, the committee should provide the following information to the Clerk of the House to be included on the Community-Focused Grants website:

- Updated tables that detail Member justifications
- Relevant grant application information
- A summary of statistics and demographics impacted by grant awardees (urban versus rural, average grant award, geographic disbursement, etc.).

Lastly, capacity for the Clerk of the House and any committee that has plans to fund CFPG awards should be evaluated to accommodate the new process, review of project requests, oversight of spending, and development of websites.

C. Heal the Legislative Process

In addition to reclaiming Article One responsibility and ensuring a more transparent and representative discretionary grant program, the CFGP provides individual Members with an opportunity to represent their community in the authorization and appropriations processes.

The Committee deliberated requiring congressional authorization of programs before funds could be awarded. However, a delay in a congressional authorization or reauthorization could have prevented projects from receiving needed funds and concerns were raised such a requirement could be overly prescriptive. Ideally, the CFGP would only be provided to projects under

283. For more information on TIGER Grants, see: The TIGER/BUILD Program at 10 Years: An Overview (CRS: R45916). (2019, September 16). https://fas.org/sgp/crs/misc/R45916.pdf.

authorized accounts. Understanding this may not always be possible, any relevant committee shall include, on its website, the scope and criteria for unauthorized accounts that contain Community-Focused Grants.

The Committee recommends that a CFGP appear in a bill that has passed out of a committee. At a minimum, though, it should be required to appear on the CFGP.gov website as a Member request. The Committee also recommends that grant projects should be prohibited from being inserted into a Continuing Resolution.

To prevent unvetted, politically motivated projects replacing or taking funding from projects that went through the full process and were deemed to have merit, amendments on the floor for new projects should not be permitted.

D. Training for Member Offices

To ensure all offices and community members participate in the CFGP with equal footing, the Committee recommends that training be provided for staff and Members on how to apply. This training should be provided on a routine basis.

Furthermore, the Committee recommends that offices develop training for constituents and grant applicants, perhaps through district staff and online resources. This will ensure that all programs—regardless of applicant resources and experience—have an opportunity to apply for the CFGP.

E. Independent Audits and Clawbacks

Lastly, to further ensure that the process is transparent, fair, and implemented as intended, the Committee recommends independent oversight from the respective agencies' Inspectors General. The agencies' IGs should identify waste, fraud, and abuse and offer recommendations where funds should be reduced.

Rep. Susan Brooks also suggested that the CFGP could be implemented as a pilot program for review after a couple of years, or as in specific committees that would likely utilize the CFGP, such as the House Committee on Transportation and Infrastructure. The review of the pilot program could be performed by GAO, and should analyze how the grant program is functioning, highlighting areas of success or areas in need of improvement.

The Committee also considered a formal process for public comment. However, the Committee did not want to give the appearance that there was a beginning and end to public comment. End-to-end transparency of a process starting in communities allows for public engagement and Member accountability throughout.

CONCLUSION

The CFGP recommended by the Committee outlines detailed requirements to ensure that congressionally-directed spending are communities' priorities; and is transparent from beginning to end, a good use of taxpayer dollars, and fair. This framework, passed by the Committee on September 24, 2020 holds great potential for Congress. From a constitutional perspective, the CFGP is an important step to reclaiming Congress' Article One responsibility and power of the purse. In addition, the CFGP will provide a much-needed refresh to the stagnant and inefficient authorization and appropriations process.

Perhaps more importantly, this program is an important step for the American people. The money allocated to support local communities belongs to them—and they should have full access to the application and selection process, from beginning to end. In addition to the transparency of the CFGP, this program allows constituents to hold their Representative accountable in the way the Founders intended.

Executive branch bureaucrats shouldn't be alone in making decisions regarding spending in congressional districts. That responsibility belongs to the community leaders and Members that represent them. This program puts the decision-making into the hands of those who know districts best: the communities themselves and the Members elected to represent their interests in Congress.

Committee Members shared the broad goal of restoring Congress to its rightful place as a co-equal branch of government and focused on recommendations to help Congress uphold the responsibilities given by the Founding Fathers. By encouraging more thoughtful discourse and enabling a more productive committee process, these recommendations will help restores public trust in Congress and its Members.

CHAPTER 11 —

Reform the Budget and Appropriations Process—Recommendations from the Joint Select Committee on Budget and Appropriations Reforms

RECOMMENDATIONS

1. Require an annual Fiscal State of the Nation.
2. Require a biennial budget resolution, with annual appropriations bills.
3. Realistic deadline for Congress to complete action on a biennial budget.
4. Require an annual supplemental budget submission by the President.
5. Encourage examination of how a two-year budget resolution will change the schedule or approach in the budget process.
6. Strengthen budget enforcement.
7. Include total combined outlays and revenues for tax expenditures as an optional item in the budget resolution.

INTRODUCTION

"No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law."

Article 1, Section 9, Clause 7, U.S. Constitution

In crafting our nation, the Framers separated the powers given to each branch of government to establish a true system of checks and balances. Congress was given the "power of the purse", and controlled our nation's entire annual budget and funding process for years. Eventually, the creation of an initial budget was moved from the legislative branch to the executive, establishing the system we still utilize today.

Here's how the process is supposed to work: The President submits a budget request to Congress for the following fiscal year in February. The House and Senate then adopt a budget resolution with spending levels to guide the appropriations process. The 12 appropriations bills are then passed through committee and the House and Senate floor; differences are ironed out in conference committee, and a final bill is signed by the President before the new fiscal year begins on October 1.[284]

In reality, the budget and appropriations process is more akin to "Regular Disorder."[285] In fact, one of the most drastic changes in congressional procedure over the past few decades is the departure from the Regular Order in the congressional budget and appropriations process.

Today, few if any appropriations bills are signed into law before the October 1 deadline. In fact, this process hasn't been followed "by the book" in decades. Instead, Congress and the President often rely on omnibus legislation and continuing resolutions (CRs). When appropriations bills do pass, they are often delayed, and packaged together as one, large omnibus package, spanning several topics and including unrelated legislative additions known as "riders." The process becomes overtly political, and often results in delays, which cause last-minute, midnight-hour negotiations. If these negotiations fail, the government runs out of funding, and shuts down. Employees are furloughed, and whole departments and agencies are closed to the public. As discussed in preceding chapters, Congress is failing to meet its Article One responsibilities—and this failure is epitomized by the deterioration of the budget and appropriations process.

The implications for this departure from regular order are increased dysfunction, budgetary inefficiencies, and less accountability in how taxpayer dollars are spent. Inaction and delay have led to extended shutdowns of major

284. Introduction to the Federal Budget Process (CRS: R46240). (2020, February 26). https://crsreports.congress.gov/product/pdf/R/R46240.

285. Lee, F. L. Schickler, E. (2019, October 29). Report on the Task Force Project on Congressional Reform. American Political Science Association. https://www.legbranch.org/app/uploads/2019/11/APSA-Congressional-Reform-Task-Force-Report-11-2019-1.pdf

portions of the federal government—including the longest government shutdown in U.S. history from December 22, 2018 to January 25, 2019, right at the start of this Committee's mandate.[286] These shutdowns, delays, and continuing resolutions make it difficult for federal agencies to effectively budget and plan ahead. And as outlined in Chapter 2, increased centralization of the legislative process means more funding bills are bypassing the Appropriations Committee and individual Member input.

The cause of the breakdown in the budget and appropriations process can be attributed to larger factors that are discussed throughout this report, including an expanding federal government and an increase in polarization. The increasing scope of the federal government's responsibility and budget have made the budget process complex and bulky.[287] When coupled with polarization within and between the parties, the breakdown in the process has empowered political leaders to take greater charge in negotiating throughout the appropriations process.[288] Party leaders can bypass the Appropriations Committee to create large, omnibus legislation to appeal to the most Members possible. But even with congressional leaders leading the way, compromise is particularly difficult in the budget and appropriations process, as polarization has widened the gap in spending priorities both within and between the two parties.[289]

The recommendations discussed in this chapter target the underlying cause of delay and dysfunction in the budget and appropriations process by encouraging communication between the executive and legislative branches, and addressing the most common hurdles in the budgeting process. These recommendations were formed in close consultation with former Members of the Joint Select Committee on Budget and Appropriations Process Reform (JCBA) and build off the JCBA's bicameral, bipartisan package in the 115th Congress to significantly reform the congressional budget process. In addition, the Committee was aided by the expertise of the Appropriations and Budget Committees and two Committee Members who also served on the JCBA: Chair Derek Kilmer and Rep. Rob Woodall.

The remainder of this chapter will discuss trends in the budget and appropriations process, and the resulting "Regular Disorder." The chapter will then discuss work of the JCBA and the Committee's resulting recommendation package to improve the budget and appropriations process.

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286. Zaveri, M., Gates, G, and Zraick, K. (2019, January 25). "The Government Shutdown Was the Longest Ever. Here's the History". *New York Times*. https://www.nytimes.com/interactive/2019/01/09/us/politics/longest-government-shutdown.html.

287. See Chapters 10 (Article One) and 11 (Community Focused Grant Program) for more information on the expansion of the federal government.

288. See Chapter 2 (Bipartisanship) for more information on the increasing role of leadership in congressional legislating.

289. Hanson, P. (2015, November). Restoring regular order in congressional appropriations. The Brookings Institution. https://www.brookings.edu/wp-content/uploads/2016/07/Download-the-paper-1.pdf; McCarty, N. (2014). The Decline of Regular Order in Appropriations: Does It Matter? Available at SSRN 2537444.

BACKGROUND AND HISTORY

PRIOR REFORMS AND THE DEVELOPMENT OF REGULAR ORDER PROCESS

As the preceding chapter details, Congress's responsibility to craft and control the federal budget is outlined in Article One of the U.S. Constitution. This includes the power to raise funds, through taxes, (Article I, Section 8) and then appropriate funds for the federal government (Article I, Section 9). How the budget process occurs in practice has since been detailed and codified through a series of statutes, congressional rules, and precedents.[290] Outlined below are some of the most notable congressional reforms that define today's budget and appropriations process.

The Budget and Accounting Act of 1921, which required the President to submit his own budget request to Congress, marked the inclusion of the executive branch in the budget process. This statutory requirement provided the President with an opportunity to directly outline his budgetary preferences.[291] In 1974, Congress consolidated its own budget proposal under the Congressional Budget Act of 1974 (CBA). The CBA allows Congress to adopt a concurrent resolution on the budget. A concurrent resolution is not law—so the President cannot veto it. So, while it does not have a statutory effect, it does set the revenue and spending levels in points of order.[292] The Appropriations Committee relies on these allocations when crafting legislation. These two reforms also provided the President and Congress a way to reflect their own budget priorities, at times in contrast to one another.

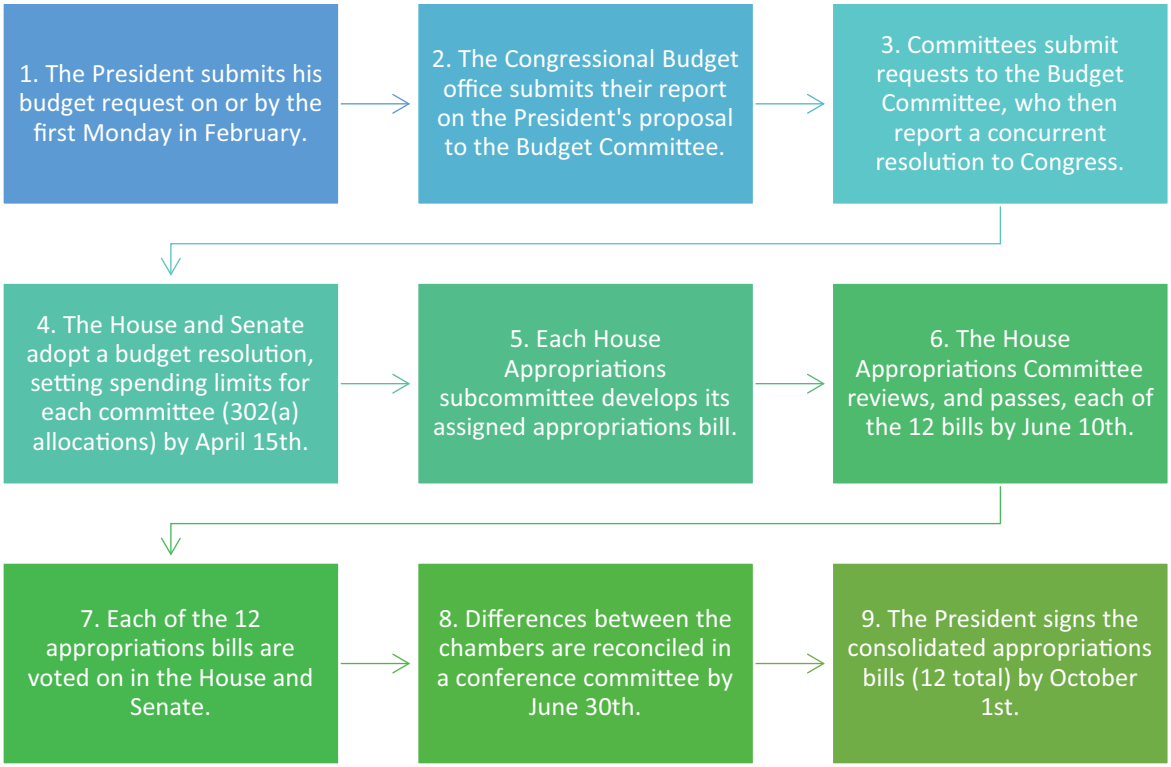
Another significant change to the budget process was the creation of mandatory spending laws, starting with Social Security in the 1930s. These spending requirements circumvented the larger budget and appropriations process. Today, these programs compromise the majority of all federal expenditures.[293] Other control statutes, starting in the 1980s, were also introduced in an attempt to control the federal deficit. Most recently in 2010, Congress reinstated the 1985 pay-as-you-go (PAYGO) procedures to limit any increase in the deficit via direct spending. Today, PAYGO rules in the House and Senate serve as points of order for certain legislation, often outside of the appropriations process.

Comparatively, the appropriations process has stayed relatively cut and dried throughout congressional history. The appropriations process, as intended, begins after the concurrent resolution on the budget is passed by Congress. In total, there are 12 appropriations bills, each funding the federal programs and activities under their jurisdiction. There are 12 corresponding appropriations subcommittees that research, develop, and pass their own

290. For details on the evolution of the budget process, see: Introduction to the Federal Budget Process (CRS: R46240). (2020, February 26). https://crsreports.congress.gov/product/pdf/R/R46240.
291. Introduction to the Federal Budget Process (CRS: R46240). (2020, February 26). https://crsreports.congress.gov/product/pdf/R/R46240.
292. Ibid.
293. Ibid.

individual bills. These bills are then passed by the full Appropriations Committee, and then the House and Senate (Figure 11.1). In addition to this chain of command, there are expected deadlines for the appropriations process in order to fully fund the government by the start of the fiscal year (October 1).[294]

Figure 11.1: "Regular Order" Budget and Appropriations Process

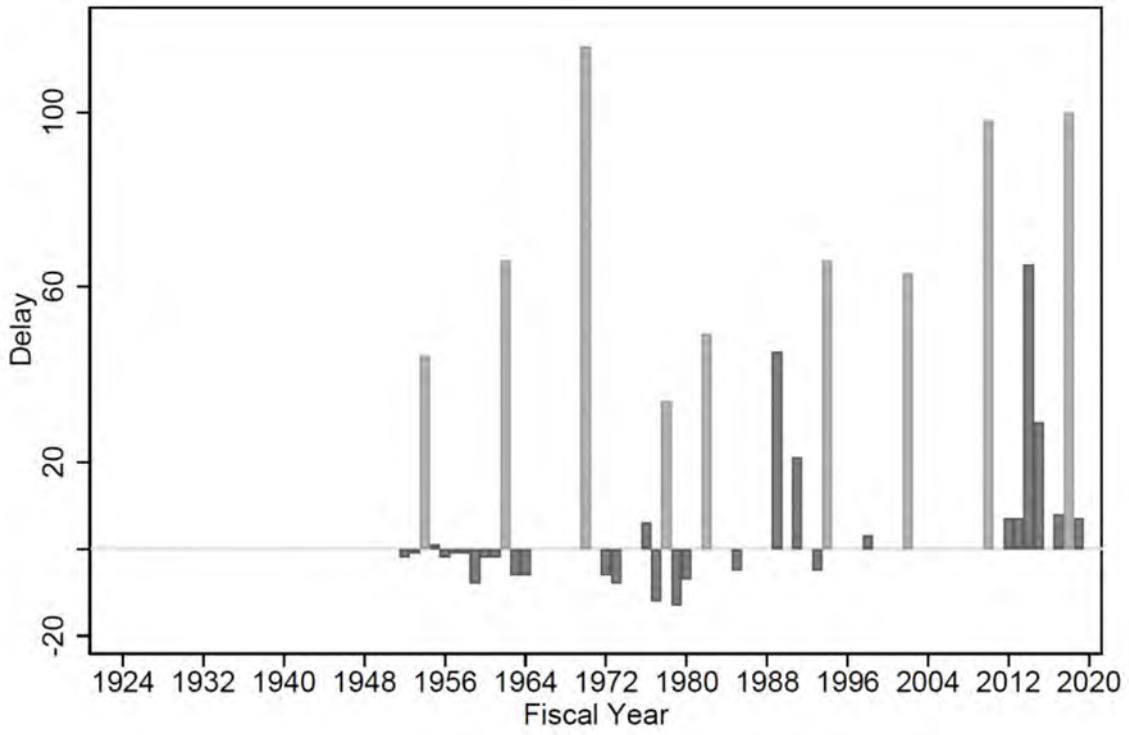


THE DECLINE OF REGULAR ORDER IN THE BUDGET AND APPROPRIATIONS PROCESS

In reality, the budget and appropriations process has widely departed from this idealistic, "regular order" approach. Delays and inaction plague every stage of the process—from the President's budget submission, to congressional passage of appropriations bills. Figure 11.2 outlines delays in the submission of the President's budget since 1923. As the figure shows, budget submissions were overwhelmingly on time until the late 1970s—in fact, the only delayed budget submission before that point was 1955, when President Eisenhower missed the deadline by a single day. But today, budget submissions are delayed by weeks, and in some cases, months.

294. Saturno, J. V., Heniff, B., Jr., Lynch, M. S. (2016, November 30). The Congressional Appropriations Process: An Introduction (CRS: R42388). https://www.senate.gov/CRSpubs/8013e37d-4a09-46f0-b1e2-c14915d498a6.pdf.

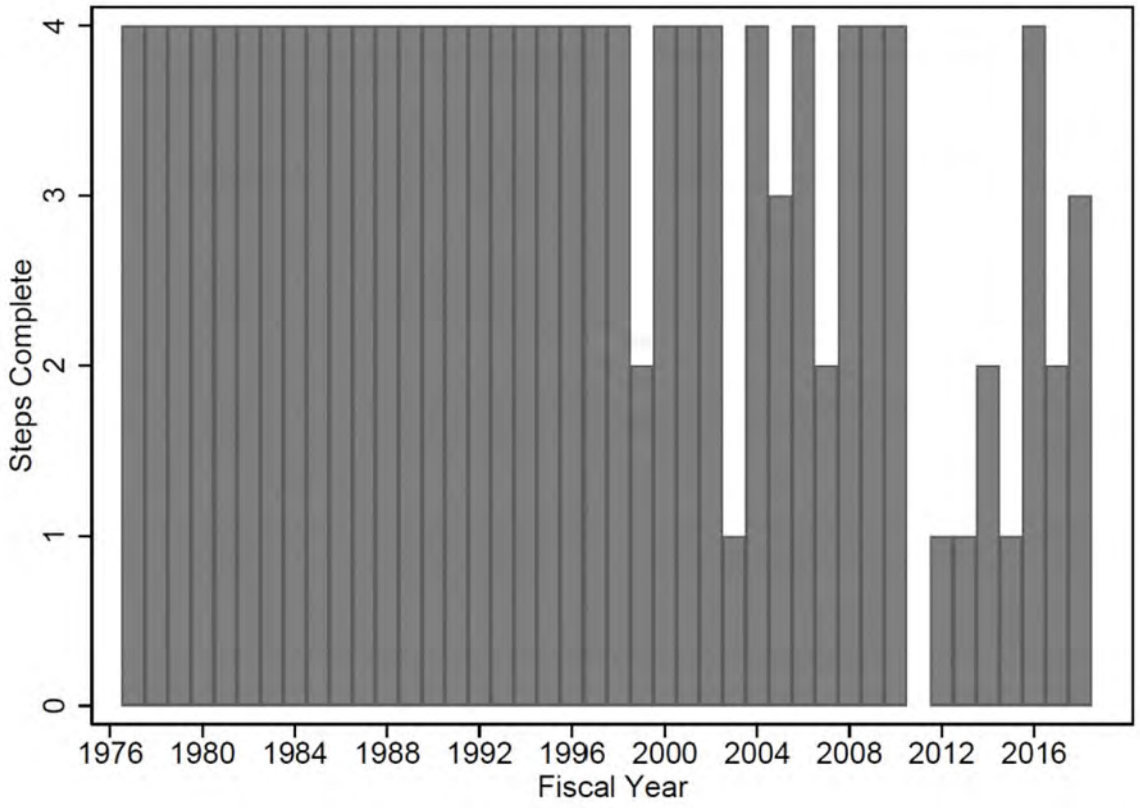
Figure 11.2: Delays in Submission of the President's Budget, 1924-2019



Note: Each annual observation shows the number of days after the deadline that the President submitted his budget. Negative numbers are early submissions. The lighter bars are the first budgets of a new presidential administration. Source: McCarty, N. APSA Congressional Task Force, Appropriations Subcommittee.

The next step of the budget process requires Congress to present its budget resolution, which is then adopted in both chambers, and reconciled by a conference committee. This, too, has faced increasing delays and in some cases, is not passed at all. Since 1998, Congress has only completed its budget requirement half of the time. Trends in this sphere show a significant decline in the ability to clear the four hurdles for passage (House adoption, Senate adoption, House Agreement to conference report, Senate agreement to conference report). Figure 11.3 charts this decline.

Figure 11.3: Progress of Continuing Budget Resolutions, 1976-2019



Note: The progress of each annual budget resolution is scored from zero to four. Adoption of an initial resolution by either chamber scores one point, and the adoption of a conference report by either chamber scores one point.

In addition to delays, the budget process has also become contentious in the Senate in particular. Because budget reconciliation bills can be written in a way to bypass the cloture requirement, they have been used as a vehicle for other, often controversial, legislative language.[295] This parliamentary maneuver offers the Senate Majority an expedited legislative process that is not susceptible to debate and provides a lower vote threshold.

Disappointing delays also regularly describe the appropriations process. Today, only about 10 percent of all appropriations bills are enacted prior to the beginning of the fiscal year.[296] When Congress is unable to pass an individual appropriations bill on time, it has two options: pass several appropriations bills in an omnibus package, or pass a continuing resolution (CR). As discussed in Chapter 2 (Bipartisanship), the use of omnibus legislation allows congressional leaders to form a package of bills that will receive bipartisan support. For appropriations, this often means pairing a more controversial appropriations

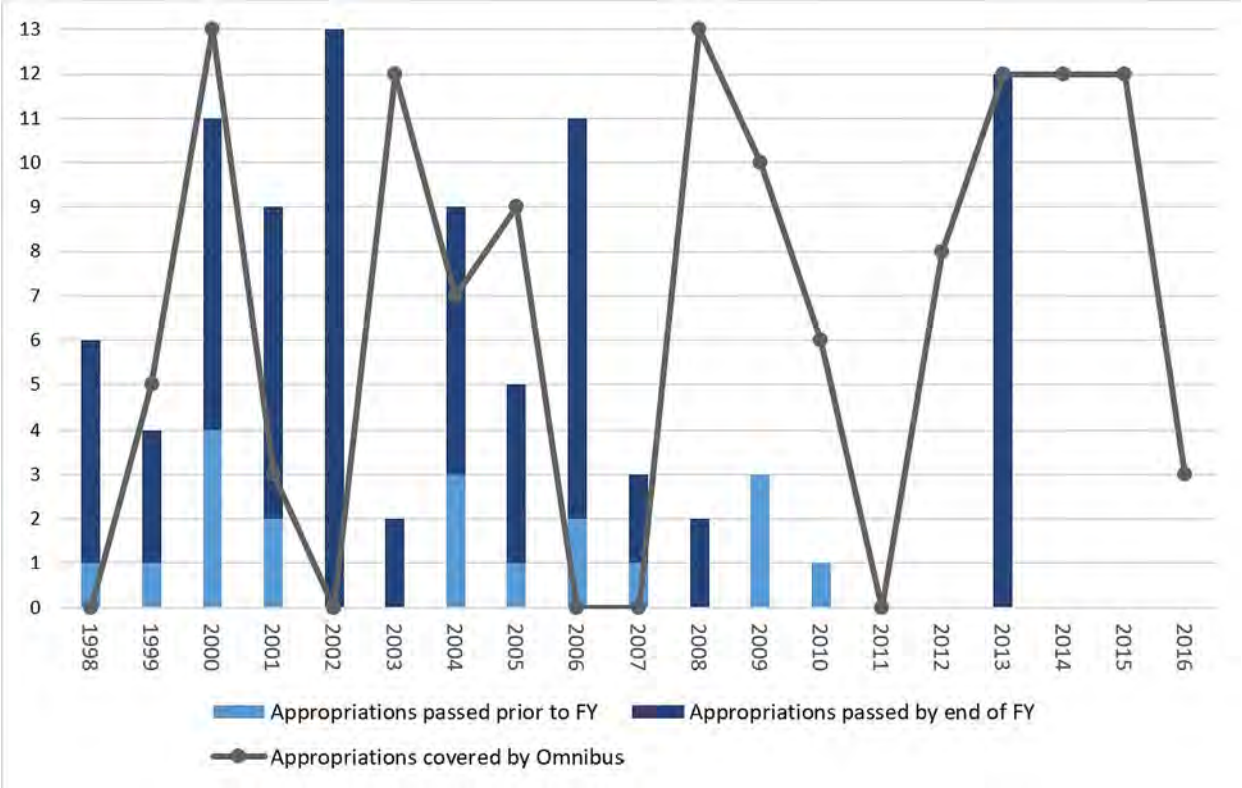
295. Schor, E. (2017, August 1). "McConnell plans to pass tax bill with just GOP votes" *POLITICO*. https://www.politico.com/story/2017/08/01/mitch-mcconnell-tax-bill-gop-votes-241212.

296. McCarty, N. (2014). The Decline of Regular Order in Appropriations: Does It Matter? Available at SSRN 2537444. Lee, F. L. Schickler, E. (2019, October 29). Report on the Task Force Project on Congressional Reform. American Political Science Association. https://www.legbranch.org/app/uploads/2019/11/APSA-Congressional-Reform-Task-Force-Report-11-2019-1.pdf

bill (such as Health and Human Services) with one that will more easily receive bipartisan support (such as Department of Defense). Figure 11.4 illustrates the increased use of omnibus appropriating.

The implications of this, as has been discussed in other chapters, is that individual Members—and even the Appropriations Committee—are bypassed in the legislative process. Appropriations bills formed this way are often released with little time for Members to review, and are immensely long, making it difficult for Members and staff to review before a vote on the floor.[297]

Figure 11.4: Appropriations Coverage, per FY, 1998-2016



Notes: Calculations by author[298]

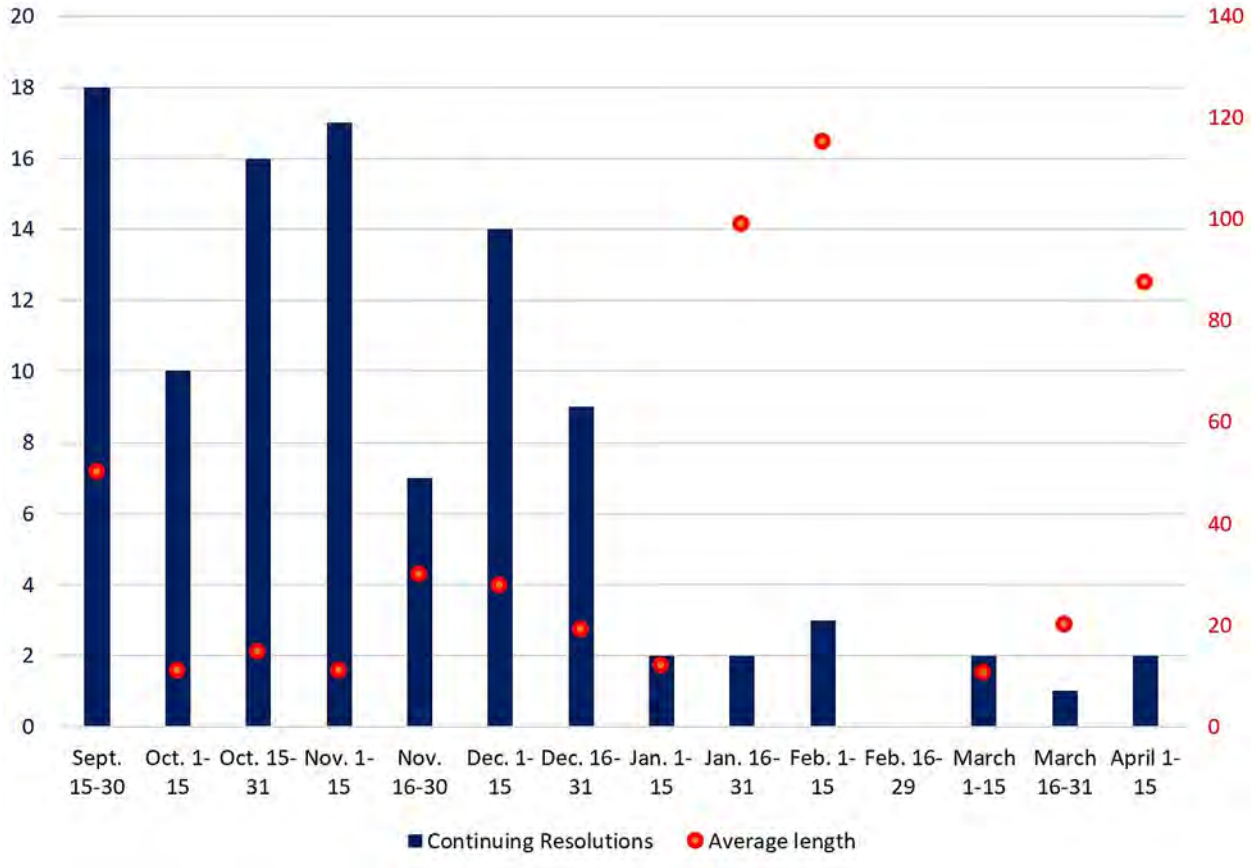
In some years, Congress fails to pass a given appropriations bill or an omnibus appropriations bill on time (as illustrated in Figure 11.4). In those cases, to prevent a government shutdown, Congress turns to its other alternative: CRs. CRs are used to keep the government funded until either more appropriations bills or an omnibus bill is passed by Congress. And unfortunately, not only are there more CRs over time, but these CRs span far

297. Curry, J. M. (2015). *Legislating in the Dark: Information and Power in the House of Representatives*. University of Chicago Press.

298. Omnibus Appropriations Acts: Overview of Recent Practices. (2016, January 14). (CRS: RL32473). https://crsreports.congress.gov/product/pdf/RL/RL32473/32; Reynolds, M. (2018). Vital Statistics on Congress. Brooking Institution. https://www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/.

more days on average.[299] Congress is increasingly relying on CRs not only to patch funding gaps, but actually provide funding in its entirety. Figure 11.5 compares the number of continuing resolutions passed with the number of days these CRs cover.

Figure 11.5: Continuing Resolutions introduced throughout the fiscal year, FY 1998-2016



Notes: Calculations by author[300]

The implications of these delays and subsequent long-term CRs reverberate throughout the federal government. When appropriations bills pass on time, prior to the start of the fiscal year, government agencies can plan their budgets accordingly. However, over time, the ongoing uncertainty of stop-gap funding measures has led to hiring freezes, recruitment problems,

299. Duration of Continuing Resolutions in Recent Years (CRS: RL32614). (2012, January 19). https://www.everycrsreport.com/files/20120119_RL32614_f802252e401ba019a7e1cee930f7a7806dbffdd6.pdf.

300. Omnibus Appropriations Acts: Overview of Recent Practices. (2016, January 14). (CRS: RL32473). https://crsreports.congress.gov/product/pdf/RL/RL32473/32; Reynolds, M. (2018). Vital Statistics on Congress. Brooking Institution. https://www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/.

and negative effects on the morale of federal employees.[301] In some cases, national security has been placed at risk by the threat of funding loss or inconsistency.[302] Worst of all, the American taxpayer is left footing the bill.[303]

The delays and departures from "Regular Order" in the budget and appropriations process also has implications for the legislative activity and the relationships between Members of Congress. When faced with a tense, must-pass deadline, all other legislative activity is often put aside. But as Matthew Owens, Executive VP and VP for Federal Relations, Association of American Universities, testified to the Committee during the September 19, 2019 hearing on the Joint Select Committee's findings, the responsibility to fix Congress's broken budget and appropriations process relies on Congress itself:

"Namely, no single budget process reform or package of reforms can by itself remedy the prevailing dysfunction. Process reforms alone cannot force Congress to reach budget deals. Political will is needed. But process matters, and small or large changes can create ownership and buy in for new expectations and enormously for budgeting. Right now, expectations are low, and norms are broken. As was noted earlier, it has been more than 20 years since all appropriations bill were passed prior to the start of the fiscal year."

Matthew Owens, September 19, 2019

THE JOINT SELECT COMMITTEE ON BUDGET AND APPROPRIATIONS PROCESS REFORM

It's with this responsibility in mind that The Joint Select Committee on Budget and Appropriations Process Reform (JCBA) was formed. Similar to this Committee, the JCBA was a bipartisan select committee. Unlike this Committee though, it was bicameral, and included bipartisan Members of the Senate. The JCBA's mandate was specific: "significantly reform the budget and appropriations process."[304] JCBA co-chair, Rep. Steve Womack (AR-3) testified on the JCBA's approach during the Select Committee's September 19, 2019 hearing:

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301. Woon, J., & Anderson, S. (2012). Political bargaining and the timing of congressional appropriations. Legislative Studies Quarterly, 37(4), 409–436.
302. Joint Select Committee on Budget and Appropriations Process Reform: Opportunities to Improve the Legislative Process, 115th Congress. (2018, July 21) (Testimony of Leon Panetta). http://www.crfb.org/sites/default/files/LEP%20Written%20Testimony%20to%20JSC%207-12-18_0.pdf
303. Continuing Resolutions: Uncertainty Limited Management Options and Increased Workload in Selected Agencies. (2009, September). GAO. https://www.gao.gov/new.items/d09879.pdf.
304. H.R. 1892, 115th Congress (2018)

"We should focus on budget process, not budget outcomes. Outcomes are specific levels of funding or proposals to reduce the deficit by a certain amount. Process is how Congress determines how much to spend or how to determine what policies to enact to reduce the deficit. I would like to see us modernize our procedures which will hopefully set up Congress for success in the future, regardless of who happens to have the majority at any given time."

Rep. Steve Womack, September 19, 2019

JCBA Members held several meetings over the course of its tenure and developed serious recommendations to reform the broken budget and appropriations process, return Congress to a system of Regular Order, and regain control of the power of the purse. While the JCBA was unsuccessful passing legislation, it crafted draft legislation that formed the foundation for the recommendations outlined below.[305] Relying on the extensive work of the JCBA, this Committee worked alongside former JCBA Members, as well as the House Appropriations and Budget Committees, to develop seven recommendations, which are detailed below.

RECOMMENDATIONS

1. Require an annual Fiscal State of the Nation, to be given by the appropriate official(s), as determined by or in coordination with House leadership.

Members of Congress must have access to nonpartisan information about the many factors contributing to the nation's debt and deficit in order to develop sound fiscal policies and meet our long-debt and deficit reduction.[306] To encourage communication between the executive and legislative branches and ensure that all parties involved in the budget and appropriations process are making decisions based on a common set of facts, the Committee recommends improving the communication between agency officials and Members of Congress.

305. For a full overview of the JCBA, see: Lynch, M. Saturno, J. V. (2019, March 26). The Joint Select Committee on Budget and Appropriations Process Reform (CRS: R45111). https://www.crs.gov/Reports/R45111?source=search&guid=362bc3a569a0425398b25b2a6a1a828d&index=2

306. Committee Print: Committee on the Budget, House of Representatives (115-15). 115th Congress. https://republicans-budget.house.gov/wp-content/uploads/2019/01/CPRT-115HPRT33612.pdf

For Congress to appropriately fund the government, all parties need to be working with the same set of facts. Issues like the national debt, federal budget requests, and deadlines should be understood and agreed upon by all negotiators.[307] A yearly Fiscal State of the Nation discussion will facilitate these types of discussions and ensure all involved start off with the same expectations and understanding.

2. Require a biennial budget resolution, while maintaining annual appropriations bills.

The budget resolution has increasingly become a partisan document, used by congressional leaders to highlight their policy preferences, and in some cases as a political maneuver for Senate passage of non-budget related bills. And when the budget process is inordinately delayed and politicized, it slows down the important work of congressional appropriations. The Committee recommends Congress institute a biennial budget resolution, with annual appropriations bills. By setting 302(a) discretionary spending levels at the start of each Congress, appropriations will be more efficient and able to plan ahead, avoiding unnecessary delays.

A biennial budget would also provide Congress additional time to conduct oversight on federal agencies and departments. When Appropriators and authorizers have more certainty, they can turn their attention to those entities that they fund and oversee, respectively. This also serves to buttress Congress's constitutional authority and ensures that appropriated funds are being used responsibly and authorized programs are implemented consistently with Congressional intent.[308]

In addition, the Committee recommends enabling a second-session revision of the budget resolution for scoring purposes. This requirement would give authority in the second year of a biennium to adjust the budget resolution's spending and revenue levels, committee allocations, and other amounts to reflect an updated baseline used for scoring purposes.

3. Establish a realistic deadline for Congress to complete action on a biennial budget.

Congress has continually failed to adopt a budget resolution by the statutorily required April 15 deadline. In those years in which Congress has adopted a budget resolution, it has adopted the budget resolution an average of 36 days after the target date. The current deadline does not reflect a realistic timeline. Prior congressional reforms have delayed the budget deadline to reflect congressional pressures, with success.[309] Thus, the

307. Press Release: Representatives Rice, Barr Introduce Fiscal State of the Nation Resolution. (2019, October 3). Committee for a Responsible Federal Budget. https://www.crfb.org/blogs/representatives-rice-barr-introduce-fiscal-state-nation-resolution.
308. Committee Print: Committee on the Budget, House of Representatives (115-15). 115th Congress. https://republicans-budget.house.gov/wp-content/uploads/2019/01/CPRT-115HPRT33612.pdf
309. Introduction to the Federal Budget Process (CRS: R46240). (2020, February 26). https://crsreports.congress.gov/product/pdf/R/R46240.

Committee recommends setting a realistic and achievable deadline of May 1 for the first year of the biennium, which would give Congress an opportunity to complete its work on time. This delay is particularly necessary given the recommendation of a biennial budget process.

4. Require annual supplemental budget submission data from the President.

Congress requires critical data from the executive branch to begin the budget building process. Specifically, the Congressional Budget Office (CBO) cannot begin constructing its baseline for the upcoming fiscal year without receipt of data, particularly prior-year and current-year spending, that is normally transmitted with the President's budget request. Without receipt of CBO's baseline, Congress generally cannot begin writing its budget resolution. To create additional time for developing the baseline, and therefore, the budget resolution and various appropriations bills, the executive branch should be required to provide a supplemental budget submission that is separate from the President's policy proposals no later than December 1 of each calendar year.

This supplemental budget submission should include:

- Prior year fiscal data
- Current year fiscal data
- Credit re-estimates for the current year

This data would allow CBO to begin constructing the baseline, as well as subsequently to enable the Budget and Appropriations Committees to begin preliminary work in writing the budget resolution and appropriations bills earlier in the process.

5. Encourage examination of how a two-year budget resolution will change the schedule or approach in the budget process.

To be fully ready when two-year budget resolutions begin, the Budget and Appropriations Committees should review their schedules and procedures to determine the best ways of using the new biennial budget resolution to expedite congressional work on appropriations and other budgetary legislation. Their findings should be conveyed to authorizing committees, and Congress as a whole.

6. Strengthen budget enforcement.

The budget process, particularly in the Senate, is susceptible to being used as a procedural maneuver to bypass the filibuster threshold. This has tainted the larger budget reconciliation process. Thus, the Committee recommends that the budget reconciliation process only be used to reduce deficits.

If Congress adds to the deficit, it should follow regular order to allow a fuller debate. In addition, Congress could consider requiring an explanation in the budget resolution committee report and conference agreement as to why

assumed changes in direct spending or revenue have not been reconciled. Reconciliation is the principle enforcement procedure for direct spending and revenue changes. There are reasons why some items may not be reconciled but requiring an explanation may stop the assumption of large savings that are not intended to be implemented. Thus, it would help produce a more realistic budget path in the budget resolution.

7. Include total combined outlays and revenues for tax expenditures as an optional item in the budget resolution.

Lastly, the Committee recommends an optional requirement for including a total level of tax expenditures in the list of what could be in a budget resolution. Given the fact that tax expenditures are a major component of the federal budget, JCBA Members argued that this would encourage much needed transparency to the budget process.[310] This recommendation also brings needed flexibility to the budget process.

CONCLUSION

The congressional budget and appropriations process is in dire need of reform. Delays, and in many cases, inaction have become commonplace. The result is increased delays throughout Congress and a strained relationship with the executive branch. Without a timely budget, appropriators are unable to plan ahead. Other, essential legislation is forced to the sidelines as Congress scrambles to fund the government through omnibus legislation and CRs. And without timely, individual appropriations bills, federal agencies and programs are crippled by the uncertainty of future funding.

Congress has a clear responsibility as outlined in Article One to allocate funds for the federal government—a responsibility that it is not currently meeting. The recommendations outlined in this chapter and formed with the JCBA provide solutions to return to a system of regular order. By improving communication and information sharing between the two branches, and exploring options like a biennial budget, Congress can remove the roadblocks that have encouraged delays and polarization.

310. Committee Print: Committee on the Budget, House of Representatives (115-15). 115th Congress. https://republicans-budget.house.gov/wp-content/uploads/2019/01/CPRT-115HPRT33612.pdf

CHAPTER 12 —
Improve the Congressional Schedule and Calendar

RECOMMENDATIONS

1. Establish a blocked schedule for committees
2. Create a common committee calendar
3. Establish committee-only days or weeks
4. Maximize full working days and reduce travel days
5. Accommodate bipartisan retreat

INTRODUCTION

During its lifespan, the Committee heard from former Members of Congress, current Members and their staff, and outside experts about the need to reform the way time is spent in Washington.[311] Between committee hearings, floor votes, party responsibilities, constituent meetings, staff time and travel, the demands on Member time continue to grow. Congress's work schedule while in Washington has drawn frequent criticism from the public, media, and Members of Congress for being inefficient and unable to address the problems Congress faces. While many factors lead to missed deadlines and gridlock, as detailed throughout this report, a prominent suggestion for reform is requiring members to spend more time in Washington working on behalf of the American people.[312] Yet finding more time to legislate, without sacrificing other priorities, has been a persistent challenge for Congress.

As other chapters have detailed, demands on Members' time and resources have steadily increased. But despite this growth in responsibility, the calendar has largely remained the same. In addition to an increase in D.C. workload, Members' travel habits have also changed significantly over the last few decades. Regular and convenient air travel has made it possible for Members from all over the country to go home every weekend—and many Members want the opportunity to do so.[313] In addition to constituent concerns, Members' families are more likely to live in the district today, compared to years prior. These conveniences, while good news for Members' ability to be home more often, have ultimately come at the expense of legislative time in D.C. It also comes at the expense of Member relationships, ultimately hindering the camaraderie that leads to bipartisan policymaking and legislating.

Committee commitments present regular scheduling challenges for Members as well. Members typically serve on over five committees and subcommittees, with dozens of Members on each committee. Competing committee meetings create daily scheduling conflicts for Members and their staff.[314]

Despite an acknowledgement of the problem on both sides of the aisle, from rank and file Members to congressional leadership, past reform efforts have failed to address this issue sufficiently. Proposals and examinations to reform the congressional schedule have been included in every House reorganization study for the past fifty years.

311. The House Calendar and Schedule: Evaluating Practices and Challenges. 116th Congress (2020, October 16) (Testimony of Ida Brudnick). https://docs.house.gov/meetings/MH/MH00/20191016/110095/HHRG-116-MH00-Bio-BrudnickI-20191016.pdf.
312. American Political Science Association letter to the Select Committee on the Modernization of Congress. (2019, September 4).
313. Cornwell, S. and Cassella, M. (2016, February 1). "Members of Congress are trying to spend as little time in Washington as possible". *Reuters*.
314. Bipartisan Policy Center memo to the Select Committee on the Modernization of Congress. (2019, October 14).

The Committee held a hearing on October 16, 2019, as well as several Member meetings and virtual discussions to investigate options to reform the House calendar.[315] Members and staff explored the challenges of establishing and managing a House calendar and schedule, including reviewing historical information about prior attempts to address the calendar and schedule, and the challenges of imposing one calendar on Members who have multiple, competing demands. The Committee also considered how states manage their legislative calendars, including efficiencies to help legislators' time management.

This chapter begins with an overview of past reforms on the House schedule, and lessons from state governments that influenced the Committee's recommendations. In particular, the Committee focused on two primary criticisms of the current schedule: the amount of time spent working in D.C. and substantial conflicts and inefficiencies while in D.C. The chapter then details the Committee's concepts for reform.

HISTORY AND BACKGROUND

PRIOR REFORM EFFORTS

In 1977, the House Commission on Administrative Review (Obey Commission) issued a report examining the increase in "pressures on Members' time."[316] The Commission recommended that instead of the existing ad hoc schedule, the House adopt a firm schedule of work periods at the beginning of each session of Congress, allocate more committee time early in the calendar year, and permit committees to meet while the House was conducting floor debate. The Commission further recommended that all committee scheduling information be entered into an electronic database to minimize scheduling conflicts.[317]

In 1979, the Chairman of the House Select Committee on Committees introduced a resolution to address committee scheduling by dividing committees into three categories: A, B, and X. Group A committees would have met for markups in the morning while Group B committees would meet for markups in the afternoon. Group X committees would have the flexibility to meet for markups at any time. All committees would have retained flexibility to hold hearings at any time. The proposal did not receive a vote in the House.

315. The House Calendar and Schedule: Evaluating Practices and Challenges, 116th Congress. (2020, October 16).; Virtual Discussion: American Political Science Association Task Force, 116th Congress. (2020, June 18).
316. The House Calendar and Schedule: Evaluating Practices and Challenges. 116th Congress (2020, October 16) (Testimony of Ida Brudnick). https://docs.house.gov/meetings/MH/MH00/20191016/110095/HHRG-116-MH00-Bio-BrudnickI-20191016.pdf.
317. CRS Report RL31835, Reorganization of the House of Representatives: Modern Reform Efforts, by Judy Schneider, Christopher M. Davis, and Betsy Palmer. October 2003. Available at https://archives-democrats-rules.house.gov/archives/RL31835.pdf

The last major effort by Congress to reform the Congressional schedule was the 1993 Joint Committee on the Operation of Congress (JCOC). The JCOC considered many proposals to reform the House schedule to improve efficiency, reduce scheduling conflicts between committees and the House floor, and promote predictability. House Members of the JCOC recommended amending the schedule of the House to provide for:[318]

1. A four-day legislative week (expanded from three);
2. Specific and exclusive periods during which only floor proceedings, or only committee meetings and hearings may be held;
3. Minimizing scheduling conflicts between and among committees and subcommittees; and
4. Encouragement of the use of a committee scheduling system when planning and scheduling meetings.

JCOC recommendations were introduced in legislation but did not receive a vote.[319] And JCOC recommendations invoked a Congress-wide discourse—while over 100 Members signed a letter supported reforms expanding the legislative work period, another 130 Members signed a letter endorsing the existing House schedule.

Although past reform proposals were rarely formally adopted by the full House, party leadership on both sides have adopted some of these reforms in an effort to increase predictability and reduce scheduling conflicts. Kyle Nevins, a former congressional leadership staffer with a background in the congressional calendar, testified before the Committee that reforms implemented since the 112th Congress have promoted predictability, reduced conflicts, and allowed Members to stay connected to their district and families.[320] Since the 112th Congress, the House calendar has been published in advance for the entire year, and has generally operated on a four-day schedule. Today, a legislative day in D.C. is typically from 9am-7pm with floor votes occurring after 1pm and no votes occurring after 3pm on the last day of session. This allows nearly all Members to travel to their district. District work periods are typically clustered around federal holidays. An example of a typical month is below:

318. Organization of the Congress: Final Report of the House Members, H.Rept. 103-413, vol. I, 103rd Cong., 1st sess. (Washington: GPO, 1993), pp. 18
319. H.R.3801—Legislative Reorganization Act of 1994—103rd Congress (1993-1994) as introduced
320. The House Calendar and Schedule: Evaluating Practices and Challenges. 116th Congress (2020, October 16) (Testimony of Nevins, Kyle). https://docs.house.gov/meetings/MH/MH00/20191016/110095/HHRG-116-MH00-Bio-NevinsK-20191016.pdf

Figure 12.1: Sample Month of the Congressional Calendar

July 2019				
Monday	**Tuesday**	**Wednesday**	**Thursday**	**Friday**
1 District work	2 District work	3 District work	4 Independence Day District work	5 District work period
8	9 D.C. work	10 D.C. work	11 D.C. work	12 D.C. work
15 D.C. work	16 D.C. work	17 D.C. work	18 D.C. work	19
22	23 D.C. work	24 D.C. work	25 D.C. work	26 D.C. work
29 District work	30 District work	31 District work		

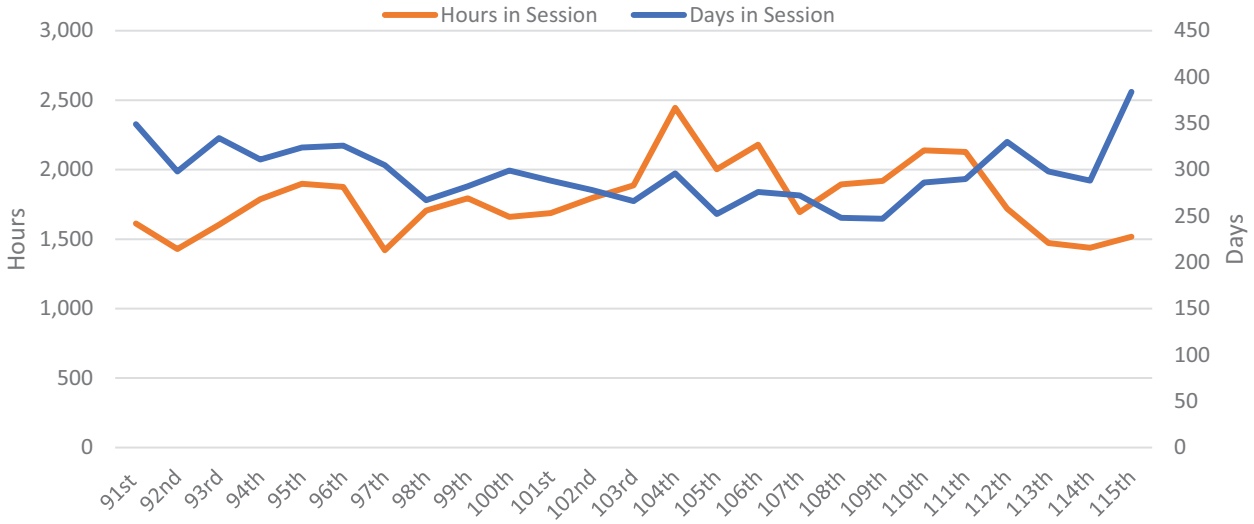
POSSIBLE SOLUTIONS

INCREASING LEGISLATIVE DAYS

Pressure on Members' time has only intensified since the 1970s. Members represent a growing number of constituents, deal with an increasingly complex policy agenda, and conduct oversight of an ever-expanding executive branch.[321] But despite these demands, the House does not spend significantly more time in session (days nor hours) than it did in the early 70s. It's important to note, though, that there has not been a notable decline in time in session either. Figure 12.2 documents the time spent in session by the House over time, in both hours and days:

321. See Chapter 10 for more information on increasing congressional capacity in response to growth of the executive branch.

Figure 12.2: Time in Session by the House of Representatives, 91st-115th Congress



Source: The Brookings Institution, Vital Statistics on Congress, Table 6-1.

This illustrates the challenge facing the Committee on how to reform the schedule and calendar—even though the responsibilities have increased, there are only so many hours and days in the week. But while Members will always have competing ideas of what an ideal schedule looks like, they all agree time spent traveling could be more productive. As Committee member Rep. William Timmons noted in the Committee's October 16th hearing:



Image 12.1: Rep. William Timmons speaks during the Select Committee's hearing on the congressional schedule and calendar.

"I do think that there are opportunities for improvement. And just briefly, we have 65 full days, 65 travel days right now. The minimum number of travel days we could have is 26. And the maximum number is 66. I don't think we could have more travel days if we really tried."

Rep. William Timmons, October 16, 2019

Previous reform committees have considered longer, more intensive stretches of D.C. work periods followed by an extended district work period that would increase legislative time and reduce time spent traveling, for example "two-weeks on, two-weeks off."[322] With an extended district work period, Members may not be able to return to their district as frequently, but providing fewer, yet longer, stretches of district work periods means Members would not sacrifice the total amount of time spent in their district. Committee Member Rep. Mark Pocan spoke to the benefits of longer stretches of time in the district:



Image 12.2: Rep. Mark Pocan speaks during the Select Committee's hearing on the congressional schedule and calendar.

322. APSA Task Force on Congressional Reform: Schedule and Calendar Subcommittee (2019).

"...I was just home for two weeks, and during that time, I didn't sit back and catch up on, you know, binge watching of Netflix. I did six town halls and talked to every single county that is in my district. And I think that is part of what you also should do in your job is explaining Washington to the district, but also, getting their values out here."

Rep. Mark Pocan, October 16, 2019

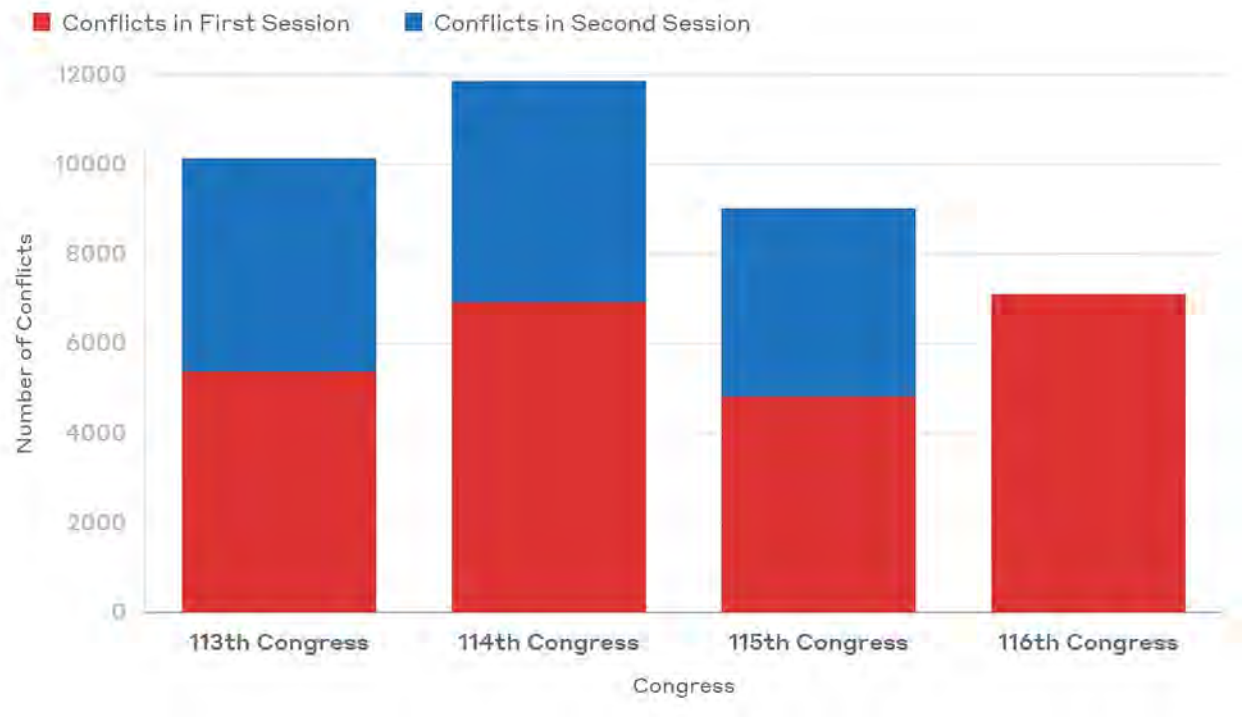
Alternatively, Congress could increase time legislating by adding legislative hours to each day. However, that approach of intense, compressed workweeks has been criticized by Members in the past.[323]

PRODUCTIVITY OF TIME IN WASHINGTON

In addition to concerns about the amount of time actually spent in D.C., there are inefficient scheduling conflicts between committees and floor work. In an average four-day work period, committees only have two full days to work, because the two days on the bookends of the week are partial travel days. With little time to meet, and with Members serving on over five committees on average, scheduling conflicts are common. A recent analysis by the Bipartisan Policy Center (BPC) found that on just one morning, 131 Members (30 percent of the entire House) had a conflict between two or more committee meetings.[324] In some hearings, up to 97 percent of committee members have a conflict.[325] In total, there are about 10,000 scheduling conflicts, per Congress on average.

323. When the House operated on a three day, Tuesday-Thursday schedule, Members objected to late night sessions and said it contributed to family stress. See Roll Call Article "Will House Move to '3-on,1-off" Schedule? More than 60 Members Sign Petition Calling for Three Straight Weeks of Work, Like Senate." By Karen Foerstel. June 1993 e
324. Bipartisan Policy Center memo to the Select Committee on the Modernization of Congress. (2019, October 14).
325. Rachel Orey. "A Simple Fix to Congress' 'Calendaring Catastrophe'. March 11, 2020. Available at https://bipartisanpolicy.org/blog/a-simple-fix-to-congress-calendaring-catastrophe/

Figure 12.3: Number of Member Conflicts, 113th—116th Congress



Note: Data for the 116th Congress only includes the first session. Source: Bipartisan Policy Center.[326]

These scheduling conflicts divert Members' attention from expert witnesses and nuanced policy conversations, reducing the quality of Congress's work. Chair Derek Kilmer and Vice Chair Graves noted the problem of committee conflicts during the October 16, 2019 hearing:

326. Ibid.



Image 12.3: Chair Derek Kilmer and Vice Chair Tom Graves listen to witness testimony during a Select Committee hearing.

"...I don't raise this concern as an individual member who feels like I need a few clones to attend all of my committee meetings. Rather, I say it as someone who thinks that important learning and work is intended to happen in committees, and that work is challenged when folks aren't there. That negatively impacts the ability of Congress to deliver for the American people."

Chair Derek Kilmer, October 16, 2019

"At this moment, my schedule requires me to be in three different committee hearings at once. I'm scheduled to be here in the Capitol, and two of my Appropriations subcommittees are also meeting right now in Rayburn. Each of these hearings is a priority. One is not more important than the other. But every day we are in session, most of us are faced with impossible demands on our time. Operating this way undercuts our ability to do the best job we can for our constituents."

Vice Chair Graves, October 16, 2019

Possible solutions to reduce conflicts between committees can be found in state legislatures. Many state legislatures create blocks (also sometimes called "groups," "brackets," "classes," or "tiers") of committees and require members not to be in more than one in each group. Then, each group is given certain time slots in which it can meet. This approach was recommended in 1979 by the House Select Committee on Committees.

In some legislatures, committee blocks and specific meeting times are prescribed by chamber rules. For example, Colorado House Rule 25(k)(1)[327] strictly allocates each committee particular time slots in which it is permitted to meet. The table below depicts how this rule is applied.

Figure 12.4: Colorado Block Committee Schedule

Category	Committee
Monday p.m.	Agriculture, Livestock, and Natural Resources. Education. Finance.
Tuesday a.m.	Business Affairs and Labor. Health, Insurance, and Environment. Judiciary.
Tuesday p.m.	Business Affairs and Labor. Judiciary. Public Health Care and Human Services.
Wednesday a.m.	Agriculture, Livestock, and Natural Resources. Education. Finance.
Wednesday p.m.	Local Government. State, Veterans, and Military Affairs. Transportation and Energy.
Thursday a.m.	Local Government. State, Veterans, and Military Affairs. Transportation and Energy.
Thursday p.m.	Business Affairs and Labor. Health, Insurance, and Environment. Judiciary.
Friday upon adjournment as calendared	Public Health Care and Human Services.
As calendared	Appropriations.

The Bipartisan Policy Center (BPC), the first organization to quantify Member committee conflicts, has recommended block scheduling for reducing committee conflicts. BPC proposes the following block schedule which have optimally reduced scheduling conflicts in previous Congresses.[328]

327. https://www.leg.state.co.us/inethsr.nsf/Rule.xsp?id=HSERULES.25&catg=House&pg=3.0
328. Rachel Orey. "A Simple Fix to Congress' 'Calendaring Catastrophe'. March 11, 2020. Available at https://bipartisanpolicy.org/blog/a-simple-fix-to-congress-calendaring-catastrophe/

Figure 12.5: BPC Optimized Block Schedule for House of Representatives

Block A	Block B	Block C
Committee on Agriculture	Committee on Appropriations	Committee on Armed Services
Committee on Budget	Committee on Education and the Workforce	Committee on Foreign Affairs
Committee on Ethics	Committee on Energy and Commerce	Committee on Oversight and Government Reform
Committee on Homeland Security	Committee on Financal Services	Committee on Rules
Committee on House Administration	Committee on the Judiciary	Committee on Weterans' Affairs
Committee on Natural Resources	Committee on Transportation and Infrastructure	Select Committee on on the Climate Crisis
Committee on Acience, Space, and Technology	Committee on Ways and Means	Select Committee on the Modernization of Congress
Committee on Small Business	*Joint Committee on the Library*	*Joint Committee on Printing*
Permanent Select Committee on Intelligence	*Joint Committee on Taxation*	*Joint Economic Committee*

When the system works as intended, Members should not find themselves double-scheduled. Another alternative is to create committee-only periods to avoid conflicts with floor debate and votes. For example, the Virginia Senate requires committees to meet in the morning, before a floor session and in the afternoon, after floor session. Susan Clarke Schaar, the Clerk of the Virginia Senate, testified before the Committee about how the Virginia Senate rules specify days and times committees meet. For example, the Committee on Agriculture meets 9:00am on Monday, and additional meetings must be approved by the Chair of the Rules Committee. This concept was familiar to several of the Committee's members who served in state legislatures:



Image 12.4: Rep. Dan Newhouse speaks during the Select Committee's hearing on the congressional schedule and calendar.

"I served in the Washington legislature...it seems to me that if we had blocks of time for committees, too, if one block conflicted with another, you could not serve on both those committees. You had to pick and choose. It seems like that might be one option to try...[t]hat may be something we can impose upon ourselves."

Rep. Dan Newhouse, October 16, 2019

Yet another solution to this is to block certain days or weeks as committee work periods. Prior to the Committee's October 2019 hearing, the Bipartisan Policy Center suggested designating days in the middle of the week for committee activity or alternating committee-only and floor-only weeks in D.C.[329] In response to the COVID-19 pandemic and remote work period, the House inadvertently began scheduling committee-only weeks in response to reduced floor activity. The Committee heard from many Members who have found the committee-only time valuable.

329. Bipartisan Policy Center memo to the Select Committee on the Modernization of Congress. (2019, October 14).

Figure 12.6: Sample Month of the Congressional Calendar During the 2020 Public Health Emergency

July 2020				
Monday	**Tuesday**	**Wednesday**	**Thursday**	**Friday**
		1 D.C. work	2 D.C. work	3 Independence Day (Observed)
6 Committee Work Day	7 Committee Work Day	8 Committee Work Day	9 Committee Work Day	10 Committee Work Day
13 Committee Work Day	14 Committee Work Day	15 Committee Work Day	16 Committee Work Day	17 Committee Work Day
20 D.C. work	21 D.C. work	22 D.C. work	23 D.C. work	24 D.C. work
27 D.C. work	28 D.C. work	29 D.C. work	30 D.C. work	31 D.C. work

The Committee took into consideration prior reform efforts, as well as state practices to develop the following concepts: First, these concepts aim to make the overall schedule more predictable, with less travel for Members; and second, they seek to make Member time in D.C., particularly committee work, more efficient and effective. Unlike prior recommendations, these are concepts for congressional leadership to consider when drafting future schedules and calendars.

CALENDAR CONCEPTS

1. Establish a blocked schedule when committees may meet and extend formal protections for committee work.

One of the biggest concerns the Committee heard from Members is that they feel they need to be in too many places at the same time, and often point to overlapping and conflicting committee meetings. The Committee found that since the 110th Congress, Members sit on an average of 5.4 committees and subcommittees. Efforts to deconflict committee meetings, to the extent possible, would allow Members to spend more substantial time on committee business and would hopefully reduce the need for certain committees to be prioritized over others.

Evidence from state legislatures, as discussed above, has shown block schedule can work to great success. Thus, the Committee recommends the House establish a blocked schedule when committees may meet and extend formal protections for committee work.

2. Create a common committee calendar portal so that committees can have visibility into other committee activities and potential committee Member conflicts.

In 1974, the House Select Committee on Committees (Bolling Committee) recommended the establishment of a computerized scheduling system for committees and subcommittees. This recommendation was adopted at the start of the 97th Congress and remains in effect today. However, this system is only being used to announce the date and time of hearings and meetings, rather than to check for conflicting meetings to correctly select a time with the least amount of conflicts for Members. From 1981-1992 use of this system to reduce scheduling conflicts was mandatory but the requirement was stricken from House Rules in 1992.[330] JCOC recommended the use of this system to reduce scheduling conflicts.

The Committee recommends creation of a common committee calendar portal so that committees can have visibility into other committee activities and potential committee member conflicts. While Congressional staff already has access to the date and time of other Committee meetings, it is not readily available how many of their Members would be conflicted were they to schedule their committee meeting in conflict with another committee meeting. An internal portal that tracks Member obligations based on their committee assignment would help committees schedule their meetings when most of their Members are available.

3. To allow Members to take deeper dives into their committee work, committee-activity-only weeks—or even committee-activity-only days—without any floor activity could be established, building on the precedent laid out during the COVID pandemic.

Conflict between committee work and floor time is one of the factors that make Member time in Washington less productive than it could be. In a four-day week, committees only have two full days to conduct business and even then, Members must split their time between committee meetings and debate and votes on the House floor. This compression of committee time results in the scheduling conflicts already described.

To allow Members to take deeper dives into their committee work, committee-activity-only weeks—or even committee-activity-only days—without any floor activity could be established, building on the precedent laid out during the public health emergency.

330. U.S. Congress, Joint Committee on the Organization of Congress, *Organization of the Congress: Final Report of the House Members*, H.Rept. 103-413, vol. I, 103rd Cong., 1st sess. (Washington: GPO, 1993) Available at https://archives-democrats-rules.house.gov/Archives/jcoc1h2.htm

4. Future Congressional calendars should aim to maximize full working days to ensure there are substantially more working days than travel days.

Based on distance from D.C., family structure, and other preferences, every Member of Congress has a different idea of what the House calendar should look like. But despite differences in travel habits, one thing all Members can agree on is they would like to spend less time traveling. As Rep. William Timmons pointed out during the October 2019 hearing, the House currently allows close to the maximum number of travel days possible

By rearranging the intensity, duration, and frequency of D.C. work, the number of travel days can be reduced, allowing either more time legislating or more time in the district. A calendar with less days interrupted by travel would allow for more time for the committee-related reforms outlined above.

Previously considered adjustments to the House schedule included five-day weeks with three D.C. work weeks followed by one district work week ("three on, one off")[331], a five-day "one on, one off" schedule.[332] Five-day weeks would likely reduce travel days because Members would have less time to go back and forth. If the House schedule included a longer stretch than five-days, such as nine-day "super week"[333] then travel could be reduced further.

5. The congressional calendar should accommodate a bipartisan member retreat.

Experts argue that the more time Members spend together, the more likely they can develop a productive working relationship. Along those lines, making room in the congressional calendar for a bipartisan retreat will improve the institution's ability to advance an agenda for the American people and improve civility. The Committee previously recommended establishment of a biennial bipartisan retreat for Members and their families at the start of each Congress.

CONCLUSION

There is a direct tension between the amount of work that Members must accomplish in Washington, D.C. and their district, and the reality that there are only seven days in each week, and 52 weeks in each year. Between committee work, time on the House floor, running a personal office, and constituent work in the district, the demand for time is constant. In addition to work pressures, Members of Congress each have their own personal schedules to consider. For example, while the August work period allows some Members with families to spend time with their children, other schools in different

331. Considered by JCOC.
332. The House Calendar and Schedule: Evaluating Practices and Challenges. 116th Congress (2020, October 16) (Testimony of Nevins, Kyle). https://docs.house.gov/meetings/MH/MH00/20191016/110095/HHRG-116-MH00-Bio-NevinsK-20191016.pdf
333. American Political Science Association letter to the Select Committee on the Modernization of Congress. (2019, September 4).

regions of the country start earlier. The calendar should work to reflect these differing start dates. However, there is potential for reform by identifying ways to spend time more efficiently, while still allowing Members the flexibility they need to develop their own schedule.

This chapter presents solutions to eliminate the biggest time-related headaches, like travel days and overlapping committee commitments, and considering blocked committee assignments designated committee time, and new scheduling technology to create a common committee calendar. By considering how to spend time more efficiently, the House can not only reduce frustrating conflicts, but provide Members with the time they need to focus on the work that matters to the American people.

IV. Conclusion

Areas for Future Reform

As detailed in this report's previous chapters, the Committee prioritized reforms to help the legislative branch work more effectively and efficiently for all Americans. Committee Members approached their work with the understanding that recommendations to improve the People's House should ultimately serve the people. A Congress that works better is better equipped to fulfill its obligations, as the Framers intended, to represent and legislate on behalf of the American people.

Section II describes the important work of previous select committees, some of which recommended reforms that are still utilized in the House today. This Committee broke with the tradition of holding back votes on recommendations until just before the committee is set to expire. Too often, this approach positions committees to succeed—or fail—in one fell swoop. Any public engagement or perception of the committee's work is limited to just one day and one vote.

Committee Members decided to take a different and more active approach to passing recommendations. As detailed throughout this report, the Committee consistently sought input from internal and external stakeholders, allowing them to actively participate in the process. Committee Members were determined to see the Committee succeed and agreed that listening to the people who work in the People's House was key to understanding what needed to be fixed. That meant public hearings and public votes on recommendations on a rolling basis. When the Committee had consensus, it took action.

The result was 97 recommendations, all designed to make Congress work better for all Americans.

These recommendations boost Congress' technology capacity and communications capabilities so Members can better connect with their constituents. They "open up" Congress so that the American people can see how their Members are voting in committee, and how proposed policies change current law. They create more opportunities to encourage greater bipartisan collaboration, ultimately improving the way Representatives connect, communicate, and legislate for their constituents. And they improve the congressional schedule and calendar, allowing Members less time traveling and more time to meaningfully legislate and solve problems for the people they were elected to serve.

Recommendations to support and improve benefits for congressional staff will help recruit and retain talented individuals who are committed to public service. The recommendations also reflect Committee Members' desire to see Congress recruit staff who are truly reflective of our nation—diverse in background and in experience.

The Committee also passed recommendations to help Congress reclaim its role as a truly co-equal branch of government and fulfill its constitutional obligations as outlined in Article One. In the midst of a global pandemic, the Committee highlighted gaps in congressional operations and made recommendations that will help future leaders continue serving their constituents without delay.

Despite the Committee's success in passing 97 recommendations, there are still areas of reform that need to be addressed. Because the Committee's lifespan was limited, Members chose to focus on areas where there was consensus. There were also many important issues that fell outside of the Committee's jurisdiction. Committee Members heard many worthy ideas and encourage future select committees, as well as internal and external reformers, to pursue these issues. Some of these ideas are described below.

AREAS FOR FUTURE CONSIDERATION

IMPROVING CIVIC ENGAGEMENT

The Committee heard a number of ideas focused on improving civic engagement. Bringing people into the process is one way of addressing Congress' low public approval ratings and enabling the American people to be full shareholders in the legislative process. The more engaged people are in the process, the more likely they are to follow and learn about Congress. Going forward, there are opportunities to consider a variety of ideas related to enhancing civic engagement, including:

- **Embracing CrowdLaw**. The term "CrowdLaw" refers to the practice of using technology to tap into the collective intelligence and expertise of the public to improve the quality and legitimacy of lawmaking. Parliaments, legislatures and city councils around the world are experimenting with using technology to strengthen meaningful public participation in the lawmaking process. This is also sometimes referred to as the "SIDE" Framework—standing for Stakeholders, Individuals, Data, and Experience & Evidence.[334] In 2019, the Natural Resources Committee put this into practice by "collectively drafting" an environmental justice bill with the public.[335] There are still improvements to be made on both the technical and engagement side, but as the Natural Resources Committee illustrated, directly involving the public in the bill writing process has strong potential for encouraging greater civic participation.
- **Countering disengagement with new, data-based tools for constituent outreach and communications**. Public disengagement can limit the range of political perspectives Congress hears and leave the space to hyper-partisans. New models create more integrated, data based,

334. Abernathy, C., Esterling, K. and Harris, M. (2019, October 2). APSA Task Force Memorandum: Congress, Technology, and Innovation. LegBranch.org. https://www.legbranch.org/apsa-task-force-memorandum-congress-technology-and-innovation/.
335. Principles for Environmental Justice Legislation, Proposed by House Committee on Natural Resources Democrats. (2019, June 21). POPVOX. https://www.popvox.com/us/federal/prop/116/1.

constituent-focused conversations that raise up what we have in common rather than what drives us apart. Research has found that Members can have a skewed vision of the constituents in their district, but this discrepancy can be resolved with increased contact and conversations.[336] Encouraging electoral connections with constituents will benefit the American people and Members of Congress alike.

- **Diversifying who serves in Congress**. Congress should consider how to diversify the demographic representation of Congress. Despite some improvements over time, Congress remains overwhelmingly white, male, and wealthy. In addition to the perspectives demographically diverse Members bring to the table, research has shown that an increase in "descriptive representation" leads constituents to be more likely to contact and trust Congress.[337] Further work could be done to make the process of running for office clear to members of the public and to reduce barriers to entry (including challenges related to candidate fundraising).
- **Diversifying the voices in Congress**. Along the same lines, Congress should continue to undertake efforts to ensure that a diversity of views are represented in the policy making process. In December 2019, the chairs of the Congressional Hispanic Caucus, Congressional Black Caucus, and Congressional Asian Pacific American Caucus—collectively known as the Tri-Caucus—announced an initiative to track the diversity of witnesses testifying before House committees. In a letter to their House colleagues, the chairs wrote, "People of color and women are experts in their fields, but are not always called as witnesses before Congress. We hope that the Committees of the House will join us and keep diversity in the forefront of their work beginning in 2020."[338] Data collection efforts like these are important in helping Congress better understand and address institutional shortcomings.
- **Making lobbying more transparent**. While the Committee passed recommendations to make Congress more transparent (see Chapter 1), the Committee did not engage with explicit reforms to limit or regulate lobbying in Congress. While lobbying is an important part of citizen engagement, research has shown that certain organizations and industries have an outsized influence in this arena.[339] Future select committees could consider recommendations to level the playing field for all Americans.

336. Miler, K. C. (2010). *Constituency representation in congress: The view from Capitol Hill*. Cambridge University Press.
337. Gay, C. (2002). Spirals of trust? The effect of descriptive representation on the relationship between citizens and their government. *American Journal of Political Science*, 717–732.
338. Tri-Caucus Chairs Announce New Initiative to Promote Diversity of House Committee Witnesses (2019, December 12). https://chc.house.gov/media-center/press-releases/tri-caucus-chairs-announce-new-initiative-to-promote-diversity-of-house
339. Drutman, L. (2015). The business of America is lobbying: How corporations became politicized and politics became more corporate. Oxford University Press.

REDUCING POLITICAL POLARIZATION IN CONGRESS

Encouraging bipartisanship in Congress was a priority of the Committee, as noted in Chapter 2, but future efforts could focus on additional opportunities to improve bipartisanship and civility in Congress.

- **Promoting evidence-based policymaking**. While the Committee passed some recommendations to facilitate more expertise in Congress (see Chapters 3, 9, and 10), more can arguably be done in this space. As noted by Committee Member Rep. Rob Woodall during the February 5, 2020 hearing, even committee hearing witnesses are divided along party lines.[340] Encouraging lawmakers to begin policy negotiations with the same set of facts facilitates finding common ground.

  Some ideas to encourage non-partisan, evidence-based policymaking include: directing the Congressional Research Service to develop and provide a training program for congressional staff on the understanding and interpretation of evidence; establishing a fellowship program that provides a pathway for evidence experts to provide tailored, credible, and timely evidence for Congress; reinstituting rules that allow offices to pool funding for personnel, allowing Members flexibility to hire evidence specialists; new guidelines to make it easier for nonpartisan research organizations to work with Member offices; creating a senior leadership role in Congress to connect researchers and evaluators outside government to appropriate individuals within the legislative branch.

- **Supporting Member Organizations**. Caucuses are among the few spaces left for Member collaboration outside of Committees, as well as serving as a place where diverse voices and perspectives come together to address national issues and further support the development of policy. The number of caucuses has been growing steadily in the House, from 56 in the 104th Congress (when they replaced Legislative Service Organizations) to 518 in the 115th Congress, suggesting representatives do find value in them.

  While the Committee made a couple recommendations governing Member Organizations, future reforms could consider allocating more resources to Congressional Member Organizations (CMOs), to further encourage bipartisan collaboration and congressional capacity. Committees have a more formal role in the policy process, but the informal role that caucuses play may be an advantage in creating a less adversarial process of knowledge generation and developing Member networks. They are also a way for Representatives to share staff on an ad-hoc basis. The Committee heard from staff leaders of congressional caucuses, and Members themselves testified to the importance of caucuses to share information and develop legislation together. To support caucuses and their staff, future reforms could be considered to ease Member offices' ability to meet their funding commitments to Member Organizations, simplify the budgeting process for Member Organizations, and provide additional administrative assistance.

340. Article One: Fostering a More Deliberative Process in Congress, 116th Congress. (2020, February 5).

REFORMING CONGRESSIONAL RULES AND PROCEDURAL CHANGES.

The Committee heard from several experts recommending substantial rules changes to congressional procedure. Below are possible recommendations for future Congresses and select committees to consider.

- **Opening up the amendment process**. Before the Legislative Reorganization Act of 1970, no amendment votes were subject to a roll call vote in the Committee of the Whole. While the Select Committee did not make recommendations in this space, it discussed ideas like not subjecting amendments offered in the Committee of the Whole to roll call votes, to reduce incentives for Members to offer amendments designed to score political points or force other Members to take difficult votes, and having the number of amendments offered in a Committee of the Whole be agreed upon by the Majority and Minority with each allotted an equal number of votes on amendments.
- **Reforming the Motion to Recommit**. Future recommendations could consider changing the rules to encourage more meaningful minority party participation. The Committee had a number of conversations highlighting that the motion to recommit is often used—by both sides of the aisle—as a political "gotcha" vote rather than as a substantive opportunity for minority participation. The Committee was not able to agree on reforms in this space but discussed a variety of options. For example, rules could allow the minority to choose between filing a motion to recommit or guaranteed floor consideration of a minority amendment. This could encourage the minority to offer a substantive policy alternative to the majority's bill.

CONSIDERING COMMITTEE SIZE AND JURISDICTION

Past select committees looking at congressional reform frequently looked at the number of congressional committees and at committee jurisdiction. This Committee briefly discussed the value of evaluating these issues. The Committee heard from experts that believed some committees were too large or had too broad a jurisdiction, and that overlapping jurisdictions in congress have led to conflict and inefficiencies. Cognizant that these issues were somewhat explosive in the prior reform committees, the Select Committee decided to focus attention elsewhere. However, there may be value in exploring the issue further.

REFORMING THE HOUSE ETHICS COMMITTEE AND OFFICE OF CONGRESSIONAL ETHICS

Some Members raised concerns about the transparency, efficiency, and potential politicization of the House Ethics Committee ("Ethics Committee") and Office of Congressional Ethics (OCE), but the Select Committee did not pass recommendations in this space. Additionally, the Committee heard from staff through various listening sessions about the need to update the financial

disclosure system. Given the extensive ethics rules and guidelines governing staff and Members, future select committees may evaluate outdated and possibly ineffective regulations in need of modernization.

IMPROVING TECHNOLOGY IN CONGRESS

While the Committee passed several reforms in this space (see Chapters 4 and 9), Congress can always continue to improve. Some of the technology-based reforms the Committee heard include:

- **Establishing a House Technology Working Group**. The APSA Task Force on Congressional Reform proposed establishing such a group to identify technological improvements and collaborate on technology modernization efforts for the chamber. A House Technology Working Group made up of Members and staffers with interest and expertise in congressional technology would serve as a venue for offices to coordinate and share information about how to modernize institutional operations. This working group can identify and evaluate technology that can support lawmaking, oversight, constituent engagement and overall operations for the institution and serve as a central clearinghouse for information and expertise about technology. This group, or others, could also consider how to move Congress towards more "dynamic data", including AI, policy modeling, and data-driven oversight. In this regard, Congress is again falling behind the executive branch.
- **Enabling remote voting**. In the midst of the COVID-19 pandemic, Congress discussed a variety of options to ensure work could continue. While the House pursued proxy voting, some, including Rep. Eric Swalwell (CA-15), have suggested the House develop procedures allowing fully remote voting.[341] The further use of technology to enable Member participation is a subject worthy of further exploration. Beyond remote voting on the House floor, committees should consider how to implement remote voting to increase efficiency and save time. As part of its continuity of government and congressional operations recommendations, the Committee recommended that committees incorporate technology and innovative platforms, including electronic voting systems, into daily work. Future select committees could expand upon these recommendations.
- **Language translation services**. Members of Congress increasingly represent diverse communities of constituents who do not speak English as a first language. Communicating with these constituents should not pose challenges to Members and staff, and the burden of figuring out how to communicate with their Representatives should not fall on constituents. Some Member offices have their newsletters translated into multiple languages, provide simultaneous translation services at live and digital townhall meetings, and offer live, over-the-phone translation services to constituents. However, these efforts are the responsibility of

341. Grisales, C. (2020, May 27). "House Casts its 1st Remote Votes, with Parties Still Divided on the Issue". NPR. https://www.npr.org/2020/05/27/863055639/house-moves-to-cast-its-1st-remote-votes-with-parties-still-divided-on-the-issue

individual offices. Congress should do more to integrate language translation services into its routine operations and make these services available to Member offices at no cost to the Member's Representational Allowance. Language barriers should not prevent people from accessing information and services from the People's House. The provision of such services is consistent with the Committee's accessibility recommendations described in Chapter 5.

ENSURING THE CONTINUITY OF CONGRESS

While the Committee passed continuity reforms to directly respond to the remote work period (see Chapter 9), it did not address the actual procedures for continuity of government. Prior select committees, most notably the 9/11 Commission, have sought to address this issue as well, but given the contentious nature of thinking about a large number of Members being incapacitated, specific recommendations have been few.[342]

- **Analyzing continuity issues**. Congress needs to engage in a thorough analysis of continuity issues and develop a continuity of operations plan for the continuation of government. Recommendations should consider how elections will proceed in the case of mass vacancies. Given the differences of state laws regarding special elections and the extensive cost and preparation required to hold an election, a disaster in which the majority of congressional seats need to be filled simultaneously holds grave consequences for our democracy.

IMPROVING CONGRESSIONAL OVERSIGHT

In addition to the Article One reforms detailed in Chapter 10 and the budget and appropriations reforms of Chapter 11, more could be done to address the discrepancy between executive budgets and congressional oversight. Future select committees could study how to fund oversight as a line item in executive budgets, or consider rules and principles to ensure Congress can perform oversight of the executive branch expenditures.

SHARED STAFF

Shared staff are staff who are paid by more than one congressional office or entity. They typically support multiple offices with a range of administrative operations, finance, technology, systems and casework functions. While the Committee gathered information from staff who serve in a shared capacity, and explored ways to strengthen standards, training, information sharing and accountability, it ultimately did not make recommendations specific to this category of staff. The Committee, however, recognized that steps might be taken to ensure consistent application of the

342. The National Commission on Terrorist Attacks Upon the United States, final report. https://www.9-11commission.gov/report/.

rules that apply to shared staff and effective communication of those rules, as well as administrative reforms to make it easier for offices to employ shared staff. Meaningful change can be realized without wholesale reorganization of the systems that are currently in place.

RECOMMENDATIONS OUTSIDE THE SCOPE OF THE COMMITTEE'S MANDATE

While the Committee focused on issues within its mandate, Committee Members were cognizant of the many factors that affect Congress' ability to uphold its Article One obligations and that contribute to dysfunction.

IMPROVING THE ELECTIONS PROCESS

- **Reforming the campaign finance system**. This area drew widespread discussion from Committee Members but was ultimately considered outside of the Committee's mandate. Members expressed, on a bipartisan basis, frustrations regarding the role of fundraising and the extent to which it takes time away from their legislative and representational responsibilities.
- **Addressing partisan Gerrymandering**. Discussions with Members and political scientists during the Select Committee's work highlighted the fact that polarization in Congress was related to polarization in member districts. This dynamic has been exacerbated by the means in which district boundaries are drawn, with red districts becoming redder and blue districts becoming bluer. While these issues were considered outside of the scope of the Committee's mandate, they may warrant further analysis.
- **Creating multi-member districts/expanding the size of the House**. When Congress set its membership at 435 Members in 1912, there was one representative for every 211,000 constituents. Following the 2020 census, it is expected that the average U.S. House member will represent roughly 765,000 constituents. This report has noted the challenges of congressional capacity in the face of growing district size, and pundits and political scientists alike have documented the perils of overly-large districts.[343]

  Similarly, multi-member districts (MMDs) are electoral districts that send two or more Members to a legislative chamber. Ten U.S. states have at least one legislative chamber with MMDs. Proponents of multi-member districts argue that they are more representative of district voters; for example, if 60% of the vote goes to one party and 40% goes to another party, a multi-member district would distribute seats accordingly. In a single-member district system, the winner takes all. The Constitution does not prescribe the method for electing representatives to Congress nor the number of Members, but increasing the number of Members raises all

343. Editorial: "America Needs a Bigger House" (2018, November). *New York Times*. https://www.nytimes.com/interactive/2018/11/09/opinion/expanded-house-representatives-size.html

kinds of other issues (space/additional pay for more Members, staff, etc.). While the Select Committee discussed such out-of-the-box ideas, it was felt that far more analysis would be needed.

CONCLUSION

The recommendations passed by the Committee were designed to bring real, tangible reform to the legislative branch. And because of its commitment to passing recommendations on a rolling basis, the Committee was able to see many of its recommendations implemented in real time. Committee Members, however, acknowledge that many of the issues facing Congress—including technological challenges, the need for more bipartisan collaboration and improved civil discourse, and stronger staff capacity—are not new and will require continued investment and attention in the coming years.

The Committee's final recommendation is to make modernization a permanent effort. For an institution to remain current, it needs to constantly assess and update. The ability to rapidly adjust operations to reflect modern standards is good practice. An ongoing commitment to modernization and transparent reform on behalf of the American people will ensure the Committee's mission lives on for future Congress.

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