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116TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
116–561

RECOMMENDATIONS TO RECLAIM CONGRESS' ARTICLE ONE POWERS, BOOST STAFF CAPACITY, IMPROVE THE SCHEDULE AND CALENDAR, IMPROVE THE BUDGET AND APPROPRIATIONS PROCESS, IDENTIFY ADMINISTRATIVE INEFFICIENCIES AND IMPROVE TECHNOLOGY AND CONTINUITY

R E P O R T

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



OCTOBER 23, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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LETTER OF TRANSMITTAL

SELECT COMMITTEE ON THE MODERNIZATION OF CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 2020.

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

DEAR MS. JOHNSON: I present herewith a report entitled, "Recommendations to Reclaim Congress's Article One Powers, Boost Staff Capacity, Improve the Schedule and Calendar, Improve the Budget and Appropriations Process, Identify Administrative Inefficiencies and Improve Technology and Continuity."

Sincerely,

DEREK KILMER,
Chair.

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116TH CONGRESS *2d Session* } HOUSE OF REPRESENTATIVES { REPORT 116–561

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

REPORT

I. PURPOSE AND SUMMARY

The Select Committee on the Modernization of Congress has been charged with the important responsibility of recommending improvements to the U.S. House of Representatives to help Members of Congress and their staff better serve the American people. On May 23, 2019 the Select Committee passed its first set of recommendations to improve transparency in Congress. On July 25, 2019 the Select Committee passed its second set of recommendations to address key challenges and capacity issues throughout the Legislative Branch. On December 19, 2019 the Select Committee passed its third set of recommendations to boost civility and bipartisanship in the House, streamline processes and save taxpayer dollars, and increase the quality of constituent communication.

In early 2020, as the Select Committee continued its work of developing recommendations to make Congress work better for the American people, a global public health crisis emerged. The COVID–19 pandemic brought the need for congressional continuity planning into clear focus as Members and staff had to quickly figure out how to work efficiently and effectively away from the U.S. Capitol. Select Committee Members believe that Congress needs to better prepare for continuity of governance and operations in the face of crises. To address these challenges, the Select Committee passed its fourth set of recommendations on July 31, 2020.

The Select Committee passed its fifth and final set of recommendations on September 24, 2020. These recommendations focus on a range of important issues, including reclaiming Con-

gress' Article One powers, boosting staff capacity, improving the schedule and calendar, improving the budget and appropriations process, identifying administrative inefficiencies and improving technology. This final set of recommendations addresses a number of issues that the Select Committee took up in public hearings, virtual discussions, and Member meetings over the course of its tenure.

II. BACKGROUND AND NEED FOR RECOMMENDATIONS

Reclaiming Congress' Article One powers, boosting staff capacity, improving the schedule and calendar, improving the budget and appropriations process, identifying administrative inefficiencies and improving technology will improve the way Congress works on behalf of the American people. The Select Committee identified the following issues to be addressed with recommendations:

1. Too often, committee hearings fail to produce substantive information because Members use the five minutes they are 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 lengthy responses. Utilizing extended periods for witness questioning would encourage more substantive dialogue and thoughtful exchanges and discourage political soundbites.

2. 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. In addition to encouraging bipartisanship, joint hires save money by reducing staff overlap.

3. By establishing Chair, Ranking Member, and Member expectations in pre-hearing meetings, committee Members can better plan and coordinate their witness questions, resulting in a more productive and substantive hearing. Bipartisan pre-hearing meetings also would reduce the tendency to engage in surprise tactics and defuse partisanship before it begins.

4. 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. 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. Because committees are the engines of the policy making process, committees could be more productive if Members agreed to a set of common principles and operational guidelines. A meeting of a majority of committee Members at a bipartisan Member retreat at the beginning of each Congress would allow for a unique opportunity to improve the committee process and functions. Creating a more respectful tone is essential if Members are to build trust and work collaboratively.

6. The House should create bipartisan opportunities for Members to learn more about the federal programs within their committees' jurisdictions. Domestic congressional delegation trips (CODELs) would allow Members to have substantive, off-camera conversa-

tions about their policy areas, while getting to know each other on a bipartisan basis.

7. Oxford-style debates 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.

8. Members do not receive training on overall legislative debate, Oxford-style debate principles and strategies, or how to process and understand opposing policy views. To further foster bipartisanship, Members and staff should receive training on how to effectively debate and deliberate.

9. Too often, Congress delegates rulemaking power to the executive branch. Through this delegated power, the executive promulgates rules and regulations, and offers legal opinions to the courts. As such, Congress needs a counterpart to similar offices in the executive and judicial branches. A congressional office responsible for issuing legal opinions and clarifying guidance on policy objectives in legislation could support Congress and counter Department of Justice opinions that conflict with congressional intent.

10. 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. Congressional standing in the courts needs to be clarified.

11. 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 and gain an appreciation for the issues that their colleagues from different districts confront.

12. 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 has sorely diminished Congress' ability to carry out its Article One obligations. Capacity for policy staff and congressional support agencies needs to be increased to address these challenges while also evaluating the objectives and mission of congressional support agencies.

13. Congress needs to reclaim its authority under Article One of the Constitution to appropriate federal dollars in a way that emphasizes transparency and accountability, and that provides meaningful investment in local communities. Doing so would help reduce dysfunction in the annual budgeting process.

14. 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. Training would provide

staff with an opportunity to learn new positions and be flexible in their work goals.

15. For new staffers, the institutional knowledge of how Capitol Hill operates can be difficult to find and understand. Providing institution-wide training for new employees would ensure all new staff understand their role, how Congress operates, as well as logistics like benefits. Training would empower staff to not only understand the legislative process, but their rights as congressional staff.

16. Because both staff pay and the high costs of franked mail both fall under the Members' Representational Allowance (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 do not. This inadvertently disadvantages staff and Members, who are constrained by a collective MRA.

17. 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. 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.

18. 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 between congressional offices. In order to establish a nonbinding pay band system in the House, current and reliable data on staff salaries is also needed.

19. Health care benefits are particularly important to attracting and retaining staff, but 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. Additionally, the transition has been difficult for some D.C.-based staff who preferred the coverage they had under the FEHB program. Allowing congressional staff choice in coverage would bring them into alignment with committee staff and the executive branch when it comes to health provider choices.

20. While staff benefits are provided by all Members of Congress, the stipulations of these requirements can differ by office. The CARES Act allowed student loan borrowers, including congressional staff, to avoid taxes on the benefits they receive. Reauthorizing this provision would help congressional staffers who participate in the student loan repayment program, regardless of personal office policies.

21. 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 because staff cannot earn more than Members. This contributes to staff retention problems and means

that Congress loses experienced staff to the private sector and executive branch.

22. Like congressional party caucuses, Congressional Member Organizations (CMOs) rely on staff and interns to help them serve their Members and work on their organizational legislative objectives. But staff who work for these organizations can't always access the same staff benefits as staff who work in personal offices. This can make it difficult for these organizations to recruit and retain staff.

23. Beginning in the 114th Congress, the House began allowing certain CMOs to be designated as Eligible Congressional Member Organizations (ECMOs). Member organizations have increased in number and influence, yet there is no publicly available list of ECMOs. This lack of transparency prevents the public from accessing basic information about these organizations and their legislative objectives.

24. Members typically 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.

25. 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. A common committee calendar portal that allows committees visibility into other committee activities and potential committee member conflicts would help deconflict schedules.

26. 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. Committee-activity-only weeks—or even committee-activity-only days—without any floor activity would allow Members to take deeper dives into their committee work.

27. 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. A calendar with less days interrupted by travel would allow for more time for Members to fully focus on legislative and district responsibilities.

28. Experts argue that the more time Members spend together, the more likely they are to 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.

29. 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. To encourage communication be-

tween 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, there needs to be improved communication between agency officials and Members of Congress. 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.

30. 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. And when the budget process is inordinately delayed and politicized, it slows down the important work of congressional appropriations. 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 of federal agencies and departments.

31. 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.

32. 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.

33. Under a new two-year budget resolution process, the Budget and Appropriations Committees would need to review their schedules and procedures to determine the best ways of using the resolution to expedite congressional work.

34. 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. The budget reconciliation process should only be used to reduce deficits.

35. Given the fact that tax expenditures are a major component of the federal budget, an optional requirement for including a total level of tax expenditures in the list of what could be in a budget resolution would encourage transparency and flexibility in the budget process.

36. Congress' physical workspace affects the institution's ability to attract and retain talented, young workers. Members and staff complain about a lack of open, bipartisan spaces where they can meet in private, away from press. Quality workspace design leads to a less stressful and more productive atmosphere.

37. Unlike individual Members of Congress, the Government Services Administration (GSA) has a great deal of expertise in negotiating leases. 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. Allowing the GSA to handle the responsibility of negotiating the lease for individual Member's district offices would save time and money.

38. 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.

39. The Bulk Data Task Force brings together many technology stakeholders inside the legislative branch as well as members of civil society. Though it was established by Congress as a temporary entity, it continues to hold public meetings on a quarterly basis. This ongoing collaboration has been positive for the House Clerk's Office and for data transparency groups and has led to technological advances in how legislative data is made public.

40. The COVID–19 pandemic forced Congress into a continuity of operations plan, but there is still much work to be done to prepare for future crises. An evaluation of Congress' response to the COVID–19 pandemic could determine where there is room for improvement, as well as newly implemented practices that might no longer be necessary.

III. HEARINGS AND VIRTUAL DISCUSSIONS

The COVID–19 pandemic compelled changes in committee operations and procedures. Because Members were away from the U.S. Capitol for extended periods of time, many committees, including the Select Committee on the Modernization of Congress, continued to meet by videoconference. The Select Committee held four hearings and six virtual discussions which helped shape these recommendations. The discussions included:

- "Recommendations for Improving the Budget and Appropriations Process: A Look at the Work of the Joint Select Committee," on September 19, 2019. The Select Committee received testimony from:
  - Mr. G. William Hoagland, Senior Vice President, Bipartisan Policy Center
  - The Honorable Nita M. Lowey, Member of Congress
  - Ms. Megan Lynch, Specialist on Congress and the Legislative Process, Congressional Research Service
  - Mr. M. Matthew Owens, Participant, Convergence Building a Better Budget Process Project, Executive VP and VP for Federal Relations, Association of American Universities
  - The Honorable Steve Womack, Member of Congress
- "The House Calendar and Schedule: Evaluating Practices and Challenges," on October 16, 2019. The Select Committee received testimony from:
  - Ms. Ida Brudnick, Specialist on Congress, Congressional Research Service
  - Mr. Charles W. Johnson, on behalf of themselves
  - Mr. Kyle Nevins, on behalf of themselves
  - Ms. Susan Clarke Schaar, Clerk of the Senate, Virginia General Assembly

- "Article One: Restoring Capacity and Equipping Congress to Better Serve the American People," on January 14, 2020. The Select Committee received testimony from:
  - Ms. Elise Bean, Washington Co-Director, Levin Center at Wayne Law
  - Dr. John Hudak, on behalf of themselves
  - Dr. Kevin Kosar, Vice President, Research Partnerships, R Street Institute
  - Dr. Rachel Augustine Potter, on behalf of themselves
- "Article One: Fostering a More Deliberative Process in Congress," on February 5, 2020. The Select Committee received testimony from:
  - Dr. James M. Curry, on behalf of themselves
  - Dr. Carolyn J. Lukensmeyer, on behalf of themselves
  - Dr. Norman J. Ornstein, on behalf of themselves
- "Continuity of Committee Work," on May 7, 2020. The Select Committee received testimony from:
  - Marci Harris, CEO of PopVox
  - Beth Noveck, Director of The Governance Lab and Chief Innovation Officer for the State of New Jersey
- "Congress' Tech Capacity," on May 15, 2020. The Select Committee received testimony from:
  - Travis Moore, Founder and Director of Tech Congress
  - Lorelei Kelly, Leader of the Resilient Democracy Coalition, Beeck Center for Social Impact and Innovation Georgetown University
- "Remote Office Work and Best Practices from Federal Agencies," on May 20, 2020. The Select Committee received testimony from:
  - Peter M. Weichlein, Chief Executive Officer, U.S. Association of Former Members of Congress
  - Kristine Simmons, Vice President, Government Affairs at the Partnership for Public Service
- "Conversations on Congressional Staffing," on June 4, 2020. The Select Committee received:
  - Casey Burgat, Director of Legislative Affairs, Graduate School of Political Management at George Washington University
  - Kathryn Pearson, Associate Professor, University of Minnesota
- "Discussion with American Political Science Association Task Force," on June 18, 2020. The Select Committee received testimony from:
  - Dr. Eric Schickler, Professor of Political Science at the University of California, Berkeley, and co-chair of the APSA Task Force on Congressional Reform
  - Dr. Ruth Bloch Rubin, Assistant Professor in the Department of Political Science at the University of Chicago
  - Dr. Michael D. Minta, Associate Professor in Political Science at the University of Minnesota
- "Boosting Internal Expertise in Congress," on June 25, 2020. The Select Committee received testimony from:
  - Dr. Lee Drutman, Senior Fellow in the Political Reform Program at New America Foundation

◦ Paul Brathwaite, Former Executive Director of the Congressional Black Caucus (CBC)
◦ Maria Meier, Former Senior Leadership Staffer and Director of the Congressional Hispanic Caucus

IV. RECOMMENDATIONS

The Select Committee made the following 40 recommendations to address the problems identified above (see II. BACKGROUND AND NEED FOR RECOMMENDATIONS):

(1) Recommendation: Committees or subcommittees should experiment with alternative hearing formats and alternatives to the five-minute rule for questioning witnesses.

Specifically . . . 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, or seating Members of opposing parties next to each other to encourage better dialogue and civility. Chairs and Ranking Members could encourage use of these alternative formats by agreeing to incorporate them into committee rules. The Chair and Ranking Member of each committee or subcommittee could also approve the Member(s) and their question topics in advance to ensure questioning is designed to shape policy.

(2) Recommendation: 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.

Specifically . . . Joint hires of administrative staff who handle committee tasks such as setting up hearing rooms, handling reports, and archiving materials encourage bipartisanship and save money by reducing staff overlap. Additionally, joint hires can ensure bipartisan oversight and a focus on effective policy. Bipartisan staff approach their jobs understanding that they work for Members of both parties and have greater job security because their jobs are not dependent on which party is in the majority.

(3) Recommendation: Committees should hold bipartisan prehearing committee meetings.

Specifically . . . Members and staff from both parties should meet to set hearing goals in order to defuse partisanship before it begins and reduce the tendency to engage in surprise tactics. Prehearing meetings also allow Members to better plan and coordinate their witness questions, resulting in a more productive and substantive hearing.

(4) Recommendation: Encourage pilot rule changes in subcommittees.

Specifically . . . 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. Subcommittee Members should then report to their full committees, as well as their respective party caucuses, on successful experiments they recommend for adoption on a broader level.

(5) Recommendation: 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.

Specifically . . . Committee Members should agree 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) Recommendation: Establish committee-based domestic policy congressional delegation trips (CODELs).

Specifically . . . 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.

(7) Recommendation: 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.

Specifically . . . 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.

(8) Recommendation: Provide Members and staff with training for debate and deliberation skills.

Specifically . . . During new session orientations, Members should attend training on overall legislative 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.

(9) Recommendation: The Government Accountability Office (GAO) should study the feasibility and effectiveness of a Congressional Office on Regulatory Rules, and a Congressional Office of Legal Counsel.

Specifically . . . 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. The Committee recommends an initial study of jurisdiction, logistics, and cost to determine the feasibility of implementing these nonpartisan resources.

(10) Recommendation: Pass bipartisan legislation establishing Congress has standing in the courts and set expedited procedures for conflicts between the branches.

Specifically . . . Congress should enact bipartisan legislation establishing that Congress has judicial standing to bring inter-branch conflicts to the courts, and that expedited procedures are necessary.

(11) Recommendation: The Committee on House Administration should establish a district exchange program to allow Members to use the MRA for traveling to other Members' districts.

Specifically . . . Members need more opportunities to forge professional and personal relationships, especially with different-party colleagues. By visiting each other's districts, Members are more likely to find common issues to work on together and gain an appreciation for the issues that their colleagues from different districts confront. The Member handbook should be updated to incorporate guardrails to ensure travel is for official purposes only.

(12) Recommendation: 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.

Specifically . . . Congress has seen a major reduction in committee staffing levels over the past several decades. The number of policy experts who work at legislative support agencies has also been cut dramatically. Because the departure of these specialists leaves Members more dependent on outside experts, Committee Members agreed that increasing policy staff capacity is essential.

(13) Recommendation: 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.

Specifically . . . The Committee provides the following programmatic description and framework for how a Community-Focused Grant Program should operate:

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 nonprofits 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% 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.

ENHANCE HOUSE RULES AND IMPLEMENT END-TO-END TRANSPARENCY

- Combine all rules governing congressionally directed spending into the Rules of the House
  - House Rules already contain numerous transparency requirements, but several prior reforms were placed in the House Code of Official Conduct or adopted as Committee Rules—these should become House Rules
  - This includes transparency requirements in place prior to 2011
  - Includes a ban on providing funds to for-profit entities
- Expand certification that the Member or Member's spouse has no financial interest to match the threshold of extensive House nepotism rules

ONE PUBLIC WEBSITE WITH EVERY DETAIL

- A ".gov" public website should be created that contains details of every Member request, including supporting documentation, and is easily sortable
  - The homepage of Member websites should have a prominent link to this site
  - This avoids a fractured process of 435 different websites posting requests
  - The Clerk's office would serve as custodian of the website

CREATE A NEW COMPETITIVE GRANT PROGRAM

A PROCESS THAT STARTS IN LOCAL COMMUNITIES

- Establish the Community-Focused Grant Program (CFGP)
- Grant requests must originate with a public entity 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
  - For the purposes of this recommendation, a "public entity" includes not-for-profit entities that serve a public interest
  - The form used to make grant requests should be simple and allow communities and public entities to easily navigate the grant application process
- Member offices would determine which CFGP projects to support and submit those projects as individual requests to the applicable committee
- Members are strongly encouraged to establish a process which facilitates nonpartisan engagement of local elected officials and stakeholders

- A process could require input from local economic development entities, state and local elected officials before the Member moves forward with the request
- For public entities requesting funding for non-profit programs, Members should encourage consensus from local public leaders

- A standardized grant application request form for Members should include but not limited to:
  - Identification of if 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 costs
  - Forecast of needed 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 affected Members on a robust, bipartisan (if applicable) request.
- Standing committees should apply this framework to appropriate legislation under their jurisdiction (example: the highway bill considered by the Committee on Transportation and Infrastructure, appropriations legislation, the National Defense Authorization Act, etc.)
- 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 should ultimately fund projects that benefit rural and urban districts alike
- Members should submit their 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

NEW CAPS AND TIGHTER GUARDRAILS

- Cap all requests to a combined total of 1% 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

• 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

• If a Community-Focused Grant is funded in legislation, the committee shall provide the following information to the Clerk of the House to be included on the Community-Focused Grants website: upgraded tables that detail Member justifications, relevant grant application information, and a summary of statistics and demographics impacted by grant awardees (urban versus rural, average grant award, geographic disbursement, etc.)

• Capacity for the Clerk of the House and any committee that has plans to fund Community-Focused Grants should be evaluated to accommodate the new process, review of project requests, oversight of spending, oversight of spending, and development of websites

HEAL THE LEGISLATIVE PROCESS

• Ideally, Community-Focused Grants would only be provided to projects under 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

• We recommend that a Community-Focused Grant should 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. Prohibit implementing grant projects into a Continuing Resolution

• Amendments on the floor for new projects will not be permitted in order to prevent unvetted, politically motivated projects to replace or take funding from projects that went through the full process and were deemed to have merit

TRAINING FOR MEMBER OFFICES

• Training for staff and Members on how to participate in the competitive grant program should be provided on a routine basis

• Offices should also consider how to implement training for constituents and grant applicants, perhaps through district staff, with online resources (such as CRS)

INDEPENDENT AUDITS AND CLAWBACKS

- Require independent oversight from respective agencies' Inspectors General in the form of a random audit of projects and an annual public report
- Agencies' Inspectors General should identify waste, fraud, and abuse and recommend projects where funds should be clawed back
- The effectiveness of the CFGP could be reviewed after one or two years. 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.

(14) Recommendation: Congressional Staff Academy (CSA) 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.

Specifically . . . Certifications help staff become more marketable for promotion or alternative employment. These programs also help offices save time by training staffers and create a standardized, base-level understanding of staff roles across the House. 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. In addition, the Committee recommends incentivizing participation in training by establishing a curriculum for senior staff, creating a mentorship program for staff, and recommending bonuses.

(15) Recommendation: 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.

Specifically . . . 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. Standardized training provides staff with skill sets that are transferable across offices, which helps improve staff retention.

(16) Recommendation: 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).

Specifically . . . 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.

(17) Recommendation: The Members' Representational Allowance (MRA) formula should be reevaluated and updated to reflect modern office needs and upcoming congressional redistricting, and in-

creased to ensure Congress can meet current and future challenges including the COVID–19 pandemic and the persistent retention problems.

Specifically . . . The MRA currently 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 data-driven means of modernizing the MRA.

(18) Recommendation: 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.

Specifically . . . 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. 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. This data can then help the House establish a reasonable and nonbinding pay band system for staff positions.

(19) Recommendation: 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.

Specifically . . . This recommendation 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.

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

Specifically . . . The Committee recommends that Congress extend the provision in the CARES Act that allowed student loan borrowers to avoid taxes on the benefits they receive.

(21) Recommendation: Staff pay should be delinked from Member pay and a new cap specific to staff should be established.

Specifically . . . Members should delink their own salaries from those of their staff, so they can reward and retain their most senior employees.

(22) Recommendation: Standardize Eligible Congressional Member Organizations (ECMOs) to participate in the House's paid in-

tern program and access staff benefits like the student loan repayment program.

Specifically . . . This recommendation ensures that staff who work for ECMOs 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 one paid intern at a time.

(23) Recommendation: 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.

Specifically . . . ECMOs 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.

(24) Recommendation: Establish a blocked schedule when committees may meet and extend formal protections for committee work.

Specifically . . . 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.

(25) Recommendation: Create a common committee calendar portal so that committees can have visibility into other committee activities and potential committee member conflicts.

Specifically . . . 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 assignments would help committees schedule their meetings when most of their Members are available.

(26) Recommendation: 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–19 pandemic.

Specifically . . . Conflict between committee work and floor time is one of the factors that make Member time in Washington less productive than it could be. To allow Members to take deeper dives into their committee work, committee-activity-only weeks or days could be established, building on the precedent laid out during the COVID–19 public health emergency.

(27) Recommendation: Future congressional calendars should aim to maximize full working days to ensure there are substantially more working days than travel days.

Specifically . . . 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.

(28) Recommendation: The congressional calendar should accommodate a bipartisan Member retreat.

Specifically . . . 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.

(29) Recommendation: 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.

Specifically . . . 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. 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.[1]

(30) Recommendation: Require a biennial budget resolution, while maintaining annual appropriations bills.

Specifically . . . 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. 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.

(31) Recommendation: Establish a realistic deadline for Congress to complete action on a biennial budget.

Specifically . . . Congress has continually failed to adopt a budget resolution by the statutorily required April 15 deadline. Because the current deadline does not reflect a realistic timeline, the 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.

(32) Recommendation: Require annual supplemental budget submission data from the President.

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 would include:

- Prior year fiscal data

[1] Recommendations 29–35 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.

- 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.

(33) Recommendation: Encourage examination of how a two-year budget resolution will change the schedule or approach in the budget process.

Specifically . . . 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.

(34) Recommendation: Strengthen budget enforcement.

Specifically . . . 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.

(35) Recommendation: Include total combined outlays and revenues for tax expenditures as an optional item in the budget resolution.

Specifically . . . The Committee recommends an optional requirement for including a total level of tax expenditures, a major component of the federal budget, in the list of what could be in a budget resolution. This recommendation also brings needed flexibility to the budget process.

(36) Recommendation: The Architect of the Capitol should evaluate the use of space in the U.S. Capitol Complex and identify opportunities for modernization.

Specifically . . . Congress' physical workspace is another factor that affects the institution's ability to attract and retain talented, young workers. 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. Members, as well as staff, desire private, bipartisan spaces to work together.

(37) Recommendation: 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.

Specifically . . . The Committee encourages the Committee on House Administration and the GSA to negotiate leases on behalf of congressional offices in local districts. 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.

(38) Recommendation: 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.

Specifically . . . 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.

(39) Recommendation: Make permanent the Bulk Data Task Force and rename it the Congressional Data Task Force.

Specifically . . . 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.

(40) Recommendation: 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.

Specifically . . . This evaluation should include:

- Staffing levels to ensure the Clerk's office has the proper amount of 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 are 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.

V. COMMITTEE CONSIDERATION AND VOTES

CONSIDERATION

On September 24, 2020, the Select Committee held a Business Meeting, a quorum being present, and reported favorably the recommendations herein contained in this report.

VOTES

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

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