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FINAL REPORT



SELECT COMMITTEE ON THE

MODERNIZATION OF CONGRESS

CHAIR **DEREK KILMER**
VICE CHAIR **WILLIAM TIMMONS**

DECEMBER 2022

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CHAIR **DEREK KILMER**
VICE CHAIR **WILLIAM TIMMONS**

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LETTER OF TRANSMITTAL

Select Committee on the Modernization of Congress,
House of Representatives,
Washington, DC,

December 15, 2022.

Hon. Cheryl L. Johnson,
Clerk, House of Representatives,
Washington, DC.

Dear Ms. Johnson:

I present herewith the Select Committee on the Modernization of Congress' Final Report for the 117th Congress.

Sincerely,



Derek Kilmer, Chair.

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Chapter 1 – Introduction

1.1 – Opening Letter from Chair Derek Kilmer and Vice Chair William Timmons

Every 20 or 30 years, Congress establishes a bipartisan select committee to study how the institution is working and to propose reforms that will improve operations so that members can work more effectively for the American people.

The most recent reform committee, the Select Committee on the Modernization of Congress, was formed at the beginning of the 116th Congress and given an important investigative mission: to research a broad range of issues, identify challenges and opportunities for reform, and offer recommendations for improving and strengthening the House. In its first two years, the Committee generated 97 recommendations on a variety of topics to improve the internal workings of Congress. At the beginning of the 117th Congress, the House of Representatives determined that despite the Committee's great progress, there was still much work to be done and extended the Committee for two more years.

The Committee's mandate was broad, and our agenda has covered an expansive range of issues focused on strengthening the institution and restoring Congress's Article I authorities. The Framers established Congress as first among co-equal branches of government and the Committee took seriously its mission to ensure that the institution is equipped to carry out its duties as the People's House.

Since its inception, this Committee has prioritized collaboration and has consistently worked in a bipartisan fashion. This was in part because the rules that established our Committee required recommendations to have two-thirds support in order to pass. Because the Committee was also structured to have an equal number of Democrats and Republicans serve, all recommendations made by the Committee had to be bipartisan. However, our bipartisan approach went well beyond what the rules required. It defined every aspect of our work, from the way we staffed and funded the Committee to how we operated day-in and day-out. We held bipartisan planning retreats at the start of each session, where we got to know each other on a personal basis, discussed priorities, and set the agenda that shaped our Committee's work. We held our hearings in a roundtable setting, with a more flexible questioning format so we could talk to each other and to witnesses eye-to-eye and engage in civil discussion. And we regularly met informally to discuss the issues before the Committee and to negotiate recommendation language. This unique approach encouraged and contributed to the development of productive working relationships that will help us partner on other policy areas in the future. Our approach also provided an example of how Congress – and committees, in particular – can work together constructively.

The various experiences and perspectives that Committee members shared provided valuable insight into the institution's many challenges and helped generate 202 recommendations. However, our goal was to make change. We were not interested in writing a final report that would merely describe a long list of recommendations that would then sit on a shelf and gather dust. Rather, we sought not only to identify and vote on meaningful reforms in a rolling fashion, but to implement those reforms as best we could. This strategy resulted in the implementation of 65% of recommendations from both congresses as of the time of this writing. This report provides an overview of the Committee's work in the 117th Congress, including the purpose and need for each of our recommendations, details on the implementation status of our recommendations, background on the Committee's unique approach to reform, and suggestions for future reform committees.

Our guiding principle has been to make Congress work better for the American people. Starting from a position of understanding the problems this institution faces, the Committee successfully resolved many longstanding obstacles and cleared the path for ongoing modernization. Over the past four years, we have heard from a diverse array of stakeholders, including elected officials, current and former staff, academics, the private sector, and—most importantly—everyday Americans, all with different backgrounds and areas of expertise, and all interested in improving the People's House. We listened closely to what they said, and we acted. We hope that our work can serve as a model that current and future congresses can replicate to address the major issues of the day, and to ensure a legislative branch that is effective, efficient, and transparent for the American people.

1.2 – Members of the Select Committee on the Modernization of Congress



CHAIR DEREK KILMER

Derek Kilmer serves as the United States Representative for Washington's 6th Congressional District. The end of the 117th Congress marks the end of his fifth term. In addition to chairing the Modernization Committee, he also serves on the Committee on Appropriations. He also co-chairs the Bipartisan Working Group and is an emeritus chair of the New Democrat Coalition. He has chaired the Modernization Committee since its founding in the 116th Congress.

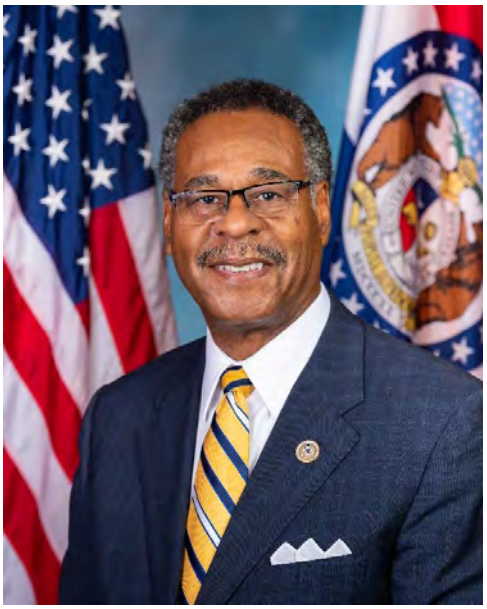
"The American people deserve a Congress that is more focused on progress than on partisan bickering. They deserve to have a Congress that is capable of solving big problems. Our Committee had spirited debate and disagreements on a number of issues, but I was heartened by the fact that every member of our Committee had the same North Star – to make Congress work better for the American people. The American people deserve that, and I'm hopeful that the recommendations our Committee has made will represent positive change for the folks we represent."



VICE CHAIR WILLIAM TIMMONS

William Timmons serves as United States Representative for South Carolina's 4th Congressional District. The end of the 117th Congress marks the end of his second term. In addition to serving as Vice Chair of the Committee, he also serves on the Committee on Financial Services and is a member of the Republican Steering Committee. Rep. Timmons has served on the Modernization Committee since its inception in the 116th Congress.

"My campaign slogan was Congress is broken, and when I was approached about being a part of and then leading this Committee, I jumped at the opportunity. The work of this Committee has begun to fix Congress, and I could not be prouder of what we have accomplished on behalf of the American people."



REPRESENTATIVE EMANUEL CLEAVER, II

Emanuel Cleaver serves as the United States Representative for Missouri's 5th Congressional District. The end of the 117th Congress marks the end of his ninth term. He also serves on the Committee on Financial Services, Committee on Homeland Security, and the Joint Commission on Security and Cooperation in Europe. He is also a member, and former Chair, of the Congressional Black Caucus. Rep. Cleaver has served on the Modernization Committee since its formation in the 116th Congress.

"During my four years on the Modernization Committee, our nation has had to grapple with extraordinary challenges ranging from a global pandemic to threats against democracy at home and abroad. And while Congress has met this moment with unprecedented support for the American people, it has also been fraught with conflict and discord.

However, under the leadership of Chairman Kilmer and Vice Chairman Timmons, the Select Committee on the Modernization of Congress has been a beacon of light in an otherwise dark and divisive period. Our commitment to respectful dialogue enabled thoughtful, candid conversations about what we want Congress to look like, how we want members to engage with each other, and how we can improve on our system of government to better respond to the needs of our constituents and the nation. And the mutual respect shown by every member of the Modernization Committee helped us pass a litany of bipartisan recommendations that will improve the functionality and responsiveness of the House of Representatives. I'm proud of the work we've been able to do on behalf of the American people, not only by improving capabilities of Congress but also by serving as an example of what can be accomplished when we focus on our commonalities rather than our differences."



REPRESENTATIVE RODNEY DAVIS

Rodney Davis serves as the United States Representative for Illinois's 13th Congressional District. The end of the 117th Congress marks the end of his fifth term. He also serves as Ranking Member of the Committee on House Administration and Ranking Member of the Subcommittee on Highways and Transit of the Committee on Transportation and Infrastructure. Additionally, he serves on the Committee on Agriculture, Joint Committee on Printing, and the Joint Committee on the Library. He is also a member of the Bipartisan Working Group and Republican Governance Group. Rep. Davis has served on the Modernization Committee since its creation in the 116th Congress.

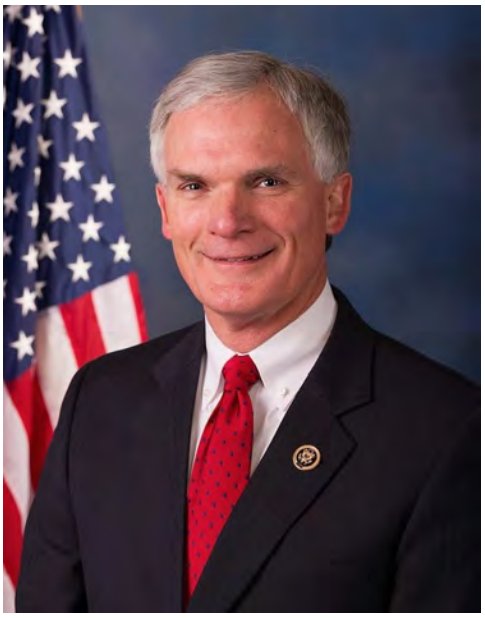
"The Select Committee on the Modernization of Congress was organized as a one-year experiment. Four years later, this report showcases the numerous ideas we've considered, recommendations we've made, and lessons we've learned. It provides a clear path forward to improving how Congress operates. As a former staffer, my work on the Select Committee has been a highlight of my congressional career and I encourage future congresses to consider the lessons learned."



REPRESENTATIVE DAVID JOYCE

David Joyce serves as the United States Representative for Ohio's 14th Congressional District. The end of the 117th Congress marks the end of his fifth term. He also serves on the Committee on Appropriations and the Committee on Ethics. He co-founded the Bipartisan Task Force to End Sexual Violence and is Vice Chair of the Addiction Treatment and Recovery Caucus. He is also Chair of the Republican Governance Group and a member of the Problem Solvers Caucus.

"I'm proud to have worked alongside those on the Select Committee on the Modernization of Congress these past two years to answer one very important question: how can Congress work better for the American people? Institutional reform can be difficult, especially in times of heightened partisanship, but this Committee has successfully worked together across party lines to deliver a more efficient and transparent Congress to our constituents."



REPRESENTATIVE ROBERT E. LATTA

Robert Latta serves as the United States Representative for Ohio's 5th Congressional District. The end of the 117th Congress marks the end of his eighth term. He also serves on the Committee on Energy and Commerce, where he is the Republican Leader of the Communications and Technology Subcommittee, and the Commission on Congressional Mailing Standards. He is also a member of the Republican Study Committee.

"Making sure the House functions effectively, efficiently, and transparently is essential to the preservation of this institution. As the American people grow increasingly tired of partisan gridlock in Washington, I am proud to be a part of the House Select Committee on the Modernization of Congress where we've worked together, across party lines, to make the People's House work better for the American people."



REPRESENTATIVE ZOE LOFGREN

Zoe Lofgren serves as the United States Representative for California's 19th Congressional District. The end of the 117th Congress marks the end of her fourteenth term. She serves as Chair of the Committee on House Administration and serves on the Committee on the Judiciary, where she chairs the Subcommittee on Immigration and Citizenship. Lofgren is also a member of the Committee on Science, Space, and Technology, Joint Committee on Printing, Joint Committee on the Library, and the Select Committee to Investigate the January 6th Attack on the United States Capitol. She is the elected Chair of the 42-member California Democratic Congressional Delegation and a member of the Congressional Progressive Caucus. Rep. Lofgren has served on the Modernization Committee since it was created in the 116th Congress.

"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.' 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 to improve efficacy that took place on the Select Committee."



REPRESENTATIVE ED PERLMUTTER

Ed Perlmutter serves as the United States Representative for Colorado's 7th Congressional District. The end of the 117th Congress marks the end of his eighth term. He also serves on the Committee on Rules, the Committee on Financial Services, where he chairs the Subcommittee on Consumer Protection and Financial Institutions, and the Committee on Science, Space, and Technology. He is also a member of the New Democrat Coalition.

"I am proud to be a member of the Select Committee on the Modernization of Congress. This Committee is designed to bring Congress as an institution into the 21st century and to make it the best it can be to benefit America. One of my biggest priorities as a member of the Modernization Committee has been to ensure district office operations receive the support and resources needed to operate efficiently and provide effective, responsive constituent services. I am proud of the work we have done this Congress to address important issues, which is why I want to ensure this Committee and its mission remain a priority for future generations.

The Modernization Committee has been one of my favorite committees to serve on because of the conversations we've had, the work we've done and the friendships I've made. Thank you, Chair Kilmer, and Vice Chair Timmons for your leadership and to all my colleagues on the Committee for your work and for making the process so enjoyable."



REPRESENTATIVE DEAN PHILLIPS

Dean Phillips serves as the United States Representative for Minnesota's 3rd Congressional District. The end of the 117th Congress marks the end of his second term. He also serves on the Committee on Ethics, Committee on Foreign Affairs, and the Committee on Small Business, where he chairs the Oversight, Investigations, and Regulations Subcommittee. He also serves as Vice Chair of the Problem Solvers Caucus and is a member of the New Democrat Coalition.

"I am proud of all that the Modernization Committee has accomplished in the 117th Congress. Not only have we passed and implemented numerous recommendations to bring Congress into the 21st century, but we have done so in a thoughtful, bipartisan way that exemplifies how Congress should operate. The work to make Congress more effective and efficient for the American people is not done, but this Committee has provided a model of success for those efforts."



REPRESENTATIVE GUY RESCHENTHALER

Guy Reschenthaler serves as the United States Representative for Pennsylvania's 14th Congressional District. The end of the 117th Congress marks the end of his second term. He also serves on the Committee on Appropriations and the Committee on Rules. He is also a member of the Republican Study Committee and serves as the Elected Leadership Committee Representative for the Class of the 116th Congress and is co-chair of the bipartisan Military Mental Health Task Force and Gaming Caucus.

"It was an honor to contribute to the Select Committee on the Modernization of Congress's mission to make Congress work better for the American people. I greatly appreciated the opportunity to improve the constituent experience for southwestern Pennsylvanians and Americans across the country."



REPRESENTATIVE BETH VAN DUYNE

Beth Van Duyne serves as the United States Representative for Texas's 24th Congressional District. The end of the 117th Congress marks the end of her first term. She also serves on the Committee on Small Business, where she is the Ranking Member of the Oversight, Investigations, and Regulations Subcommittee, and the Committee on Transportation and Infrastructure. She is also a member of the Republican Governance Group and the Republican Study Committee.

"It has been a great honor to serve on the Select Committee on Modernization as it brought members on both sides of the aisle together to develop recommendations that made Congress more effective, efficient, and transparent for the American people. At a time of seemingly unprecedented political dividedness, this Committee provided an avenue for diverse opinions and perspectives to solve the problems within Congress, and I look forward to taking this experience with me as I continue my service to the 24th District of Texas."



REPRESENTATIVE NIKEMA WILLIAMS

Nikema Williams serves as the United States Representative for Georgia's 5th Congressional District. The end of the 117th Congress marks the end of her first term. She also serves as the Vice Chair of the Oversight and Investigations Subcommittee of the Committee on Financial Services and is a member of the Committee on Transportation and Infrastructure. She is the Democratic Caucus Freshman Class President, co-chair of the Congressional Voting Rights Caucus, and Whip of the Democratic Women's Caucus, as well as a member of the Congressional Black Caucus, the Congressional Progressive Caucus, and the New Democrat Coalition.

"Often our constituents tell us loud and clear to pass commonsense laws, but Congress can't act quickly. In the Select Committee on the Modernization of Congress, I authored and passed a recommendation to support speeding the consideration of broadly supported, bipartisan legislation through both chambers of Congress. Thank you to Chair Derek Kilmer and Vice Chair William Timmons for your support of this recommendation and your leadership in making Congress more efficient."

1.3 – Recommendations Passed by the Select Committee on the Modernization of Congress during the 117th Congress

IMPROVE STAFF RECRUITMENT, DIVERSITY, RETENTION, AND COMPENSATION AND BENEFITS:

98. Personalized Job Training and Management Skills: Supervisors should receive formal management training that includes management skills, cultural competency, and how to support an inclusive work environment.
99. Update and Align Staff Benefits to Increase Retention: The House should establish and maintain a "Task Force on the House Workforce," led by the Chief Administrative Officer and comprised of other House offices to make ongoing policy recommendations on updating staff benefits.
100. Real Time Payroll Information: The House should create a searchable database of anonymized average staff compensation information, by position, using available information on staff salaries and payroll data.
101. Mentorship Match Program: The House should initiate and facilitate a formal mentorship program for matching more experienced staff with less experienced staff.
102. Professional Certifications: The House should allow member, committee, and leadership offices to pay for certain professional development opportunities for staff that include a certification.
103. Onboarding Information: The Chief Administrative Officer should provide offices with an expanded standard onboarding packet that includes comprehensive information on available resources and benefits for staff.
104. Assistance for Contract Employees: Where feasible, the House should work with contractors to ensure they provide their Capitol campus employees assistance services comparable to those offered by the House through the Office of Employee Assistance.
105. Supporting the Office of Employee Assistance: The Office of Employee Assistance should seek to retain a diverse workforce, offer access to bilingual services, and retain staff capable of providing various forms of trauma services.
106. Tuition Assistance: The House should expand the Student Loan Repayment Program to include tuition assistance.
107. Talent Acquisition Software: The Chief Administrative Officer should provide access to industry-leading talent acquisition software to assist House offices in managing their recruitment and hiring processes.
108. Collecting Demographic Data: The Chief Administrative Officer should work with the Office of Diversity and Inclusion to improve the collection of anonymized demographic data through an optional form provided to staff at onboarding.

PROFESSIONALIZE INTERNSHIPS AND FELLOWSHIPS:

109. Assessing Intern Cost of Living: The Chief Administrative Officer should provide information to congressional offices on the cost of living for interns to help inform intern stipend levels.
110. Intern and Fellowship Program Office or Coordinator: The House should establish an Intern and Fellowship Program Office or Coordinator that helps with onboarding, developing educational curriculum, professional development, and training for office coordinators.
111. Fellows and Detailees Use of Equipment: Congress should clarify rules to allow fellows and detailees to receive the same resources as professional staff.
112. Remote Internships: The House should study the feasibility of permanently allowing remote internships.
113. Committee Internship Stipends: Committees should be provided a program allowance, separate from their budget, for compensation of interns.

IMPROVE ACCESSIBILITY:

114. ADA Drop-off/Pick-up Zone: The House should designate a drop off and pick up zone near an accessible entrance for members of the public with mobility impairments and develop a clear process for accessing the new drop-off point.
115. Security Screening for those with Disabilities: Visitors and staff with disabilities should have access to information on the security screening techniques they will encounter upon entering the Capitol complex.
116. Doorway Accessibility: The House should prioritize the installation of additional automatic doors and replace door hardware that is difficult to grasp with one hand.
117. Accessible Websites: The House should promote awareness of accessibility requirements for member and committee websites and provide training and tools for staff to help them properly maintain and update those sites.

ENCOURAGING CIVILITY AND BIPARTISANSHIP IN CONGRESS:

118. Promoting collaboration and leadership at member orientation: New Member Orientation should strive to promote civility, collaboration, and leadership skills and be held separately from party leadership events.
119. Promoting collaboration and civility through voluntary training opportunities: The Congressional Leadership Academy and Congressional Staff Academy should offer voluntary training to members and staff to promote civility, collaboration, and leadership skills.
120. Acknowledging member involvement in legislation: Congress.gov should provide a clearer accounting of member contributions to legislation.

121. Optional committee feedback tool: The House should develop and provide tools for committee leadership to receive member feedback on committee operations.
122. Bipartisan committee events: Committees should have flexibility to host occasional events to foster collaboration and further develop working relationships among committee members.
123. Learning from state best practices: The House should survey and examine best practices from state legislatures.
124. Bipartisan group events: The Library of Congress is encouraged to expand its regular, bipartisan events to include events specifically focused on promoting relationship building and collaboration among members.
125. Ongoing institutional support to facilitate civility and collaboration: An institutional office of the House should provide best practices and facilitate workshops that encourage bipartisan collaboration.
126. Technology tools to enable collaboration: The House should offer technology tools to facilitate member collaboration on legislation and issues of mutual interest.
127. Information on outside organizations and resources: The House should provide information on organizations and resources members can access for services to help manage conflict and foster common ground.
128. Bipartisan committee websites: Committees should have a bipartisan, public-facing website with basic, nonpartisan information about the committee and its operations.
129. Voluntary resources to help committees develop civility norms: The House should provide resources and guidance to committees seeking to create tailored civility norms.
130. Co-working spaces for staff: The House should explore bipartisan co-working spaces for staff.
131. Task force on the legislative process: A bicameral, bipartisan group of members should convene to discuss rules changes to require reciprocated consideration for widely supported bipartisan legislation.

SUPPORT AGENCY (CRS, CBO, GAO) RECOMMENDATIONS:

132. Make available nonpartisan summaries: The House should prioritize ensuring that bills to receive a floor vote have nonpartisan summaries available.
133. Bolster legislative support agency access to federal data and experts: Support agencies should report on challenges and potential solutions for accessing federal data.
134. Enhancing the customer experience at CRS: CRS should ensure that its products and services are designed to adapt and meet the needs of an evolving Congress.

135. Enhancing the customer experience at GAO: GAO should boost initiatives to meet Congress's information needs and assess member and staff awareness of and satisfaction with its products and services.
136. GAO annual report on unimplemented recommendations: GAO should report annually on the estimated cost savings of its unimplemented recommendations.
137. GAO report to congressional committees on legislative options: GAO should annually report to Congress on legislative options to address open priority recommendations.
138. Enhance CBO outreach to Congress: CBO should expand its congressional outreach to provide additional information and assistance to members of Congress and staff.
139. Legislative and support agency staff directory: Congress and congressional support agencies should establish a shared staff directory to enhance the exchange of information and improve collaboration.
140. Modernize the congressional support agencies: The committees of jurisdiction should examine support agency authorities and determine if they need to be updated.
141. Authorize STAA and make it a permanent part of GAO: The Science, Technology Assessment, and Analytics program at GAO should be authorized and made permanent by Congress.

EVIDENCE-BASED POLICYMAKING:

142. Congressional Commission on Evidence-Based Policymaking: Congress should establish a bipartisan, bicameral Commission on Evidence-Based Policymaking to encourage and facilitate better use of data in the legislative process.

STRENGTHENING CONGRESSIONAL OVERSIGHT CAPACITY:

143. Optional bipartisan oversight training: The House should offer and support optional programs for members and staff to learn best-practices for conducting bipartisan, fact-based oversight
144. Improved access to document review software: The CAO should assist committees in obtaining and utilizing effective, industry standard "e-discovery" software to improve document review and processing capabilities.

MODERNIZING DISTRICT OFFICE OPERATIONS:

145. District Wi-Fi: The CAO should provide every district office with access to secure Wi-Fi.
146. Single point of contact for district office setup: The CAO should designate a single point of contact for each office to streamline the process for setting up district office operations.

147. District-focused transition aide: The House should provide members-elect with a second paid transition aide who can focus on setting up district operations.
148. Information sharing between district offices: The CAO should facilitate opportunities for staff that work directly with constituents to connect and share best practices.
149. Ready for day one program: The House, where feasible, should expand existing authorities to expedite the process for members-elect to access district office space and begin office set up.
150. Agency casework contact lists and privacy release form policies from CRS: CRS should provide regularly updated and complete information on local agency casework contacts and agency digital privacy release form policies.
151. Additional staff capacity to support disaster response: The House should provide resources and staffing flexibility to district offices in responding to a federally declared disaster.
152. District staff retention: The House Task Force on the Workforce should examine the benefits, professional development opportunities, and other resources, that will improve district staff retention and recommend updates.
153. Connecting constituents with community organizations and resources: The House should update and provide clear ethics guidelines to allow district offices to direct constituents to appropriate community organizations, resources, and services.
154. Facilitating constituent service events: The House should provide flexibility within House Rule 24 to allow district offices to cosponsor constituent service events with non-governmental organizations to provide information and other resources to constituents.
155. Constituent control over their data: The House should ensure that constituent data and records related to casework are maintained, transferred, or destroyed according to a constituent's preferences.
156. Technology solutions to help offices better serve constituents: The CAO should develop or provide optional in-house technology solutions to district offices to improve casework and other services.

MODERNIZING HOUSE OFFICE BUILDINGS:

157. Improve navigating the campus: To improve wayfinding, the House should consult with internal and external experts to assess and implement navigation improvements necessary to make it easier for visitors to find their way through the Capitol campus.
158. Survey House employees: The House should regularly survey House employees to assess plans for telework and use of office space.

159. Digital displays for hearings and events: The House should provide digital signage displaying information about current public hearings and events.
160. Inventory existing space: The House should study the use of its space to understand how it is used, who controls access to various spaces, and how it is managed in the House and the Capitol.
161. Offer expanded options for meeting space: The House should establish and designate shared meeting spaces that will allow for members and staff to use on a drop-in basis and not require reservations.
162. Portal for all reservable space: The House should develop an app and expand the current web portal to include all reservable space in the Capitol and House Office Buildings.
163. Establishing procedures for communicating with members and staff prior to new construction: AOC and CHA should jointly establish procedures to ensure new projects are modern, functional, and meet the needs of members and constituents.
164. Establishing procedures for communicating with members and staff during construction: AOC and CHA should jointly establish procedures to ensure new projects are modern, functional, and meet the needs of members and constituents.
165. Flexible and modern member office templates: The CAO should provide a broad menu of furniture options and templates for member office space that consider modern and flexible design and function concepts.
166. Flexible hearing space: The House should identify and develop a space that can be used to hold hearings with alternative seating formats such as a roundtable-style.

MODERNIZING THE LEGISLATIVE PROCESS:

167. Modernize bill referral and tracking: The House should establish a system for bill referral to committees that automates and tracks the bill's progress through the legislative process.
168. Retaining expert staff: The House should exempt student loan repayments from maximum compensation.
169. Automate the process of obtaining cosponsors: The House should develop a technology solution to allow greater automation of the process for collecting and registering cosponsors.
170. Collaborative legislative drafting: The House should leverage existing enterprise-wide applications and develop other tools and solutions to better facilitate legislative drafting between member, committee and leadership offices and the HOLC.

CONGRESSIONAL CONTINUITY:

171. Joint Committee on Continuity: Congress should establish a joint committee to review House and Senate rules and other matters assuring continuing representation and congressional operations for the American people.

IMPROVE CONSTITUENT ENGAGEMENT AND CONSTITUENT SERVICES:

172. The House should develop an optional system to allow offices to share anonymized constituent casework data and aggregate that information to identify trends and systemic issues to better serve constituents.
173. The House should provide offices with information related to outside organizations and resources available to assist members and committees that wish to enhance outreach efforts or utilize new tools for constituent communication and engagement.
174. The House should study and present options for developing a public-facing interactive platform for constituents to offer their opinions and feedback on pending legislation.
175. The House Digital Service should evaluate and onboard industry leading correspondence technology tools and platforms to enable offices to improve the quality and substance of constituent correspondence.
176. The House should study and present options for developing a platform for committees that want to solicit public comment and evidence on topics that might be coming before the committee.
177. The House should develop an efficient and secure tool for coordinating constituent tour requests.
178. The House should develop a more efficient process for tracking and managing constituent flag requests.
179. The House should develop and provide offices with optional tools for surveying and tracking their constituents' 'customer service' experience.
180. Future upgrades to the Capitol Visitor Center should allow for a more personalized and interactive tour that allows constituents to better understand who their representatives are and how their opinions are reflected in House votes.

BOLSTER HOUSE TECHNOLOGY:

181. Congress should institutionalize and expand technology education and innovation initiatives such as the Congressional Hackathon.
182. The House should develop an onboarding process to institutionalize congressional technology that has reached a mature development stage, is widely used, or is considered mission critical.
183. House-developed digital applications should be made open source by default.

184. The House and Senate should work to align more of their technology standards and processes.
185. House should provide more public information to potential technology vendors and streamline the vendor approval and onboarding process.
186. The CAO should develop an Established Delivery Partners program for digital solution vendors that regularly work with the House.
187. The House should review current policies and, where appropriate, allow opportunities for congressional use of software and its underlying code that is developed by outside civic technology organizations.
188. The House should establish a high-level working group to prioritize and coordinate the maintenance and development of House digital infrastructure.
189. The House should create a Digital Service Advisory Board to help plan and prioritize the work of the House Digital Service.
190. The Capitol switchboard should be updated to allow call information to be passed through to House offices.
191. GPO should create and offer a standard process for automating committee hearing records.
192. The House should work with committees to develop optional tools that allow them to continue to migrate away from the use of paper documents during committee meetings.

SUPPORT CONGRESSIONAL OPERATIONS:

193. The House should provide resources to support HOLC's continuing efforts to expand education and proactive outreach to members and staff.
194. At the beginning of a new Congress, House business support offices and agencies should hold an "Open-House" to provide members and staff the opportunity to personally meet with institutional offices and staff and learn about the services they offer.
195. The House should permit legislation to have two members of Congress serve as first sponsors, provided that members are affiliated with different political parties.
196. Requiring Data to be Entered into Committee Scheduling Tool: House rules or policies should require entering of committee meeting times into the shared committee scheduling tool.
197. Report on Members Voting Late: The House should publish a regular report noting the cumulative time individual members voted after the allotted time.
198. Opportunities to Learn from other Legislatures: The Committee on House Administration and the Committee on Rules should conduct semi-regular, bipartisan international CODELs to learn about other legislatures and to facilitate better collaboration and understanding among committee members.

199. Bipartisan New Member Update Seminar: The Committee on House Administration should offer a voluntary seminar for new members well into the start of their term.

PATHWAYS TO CONGRESSIONAL SERVICE:

200. Align the Treatment of Member Travel-Related Expenses with the Private Sector and Federal Agencies: The House should align travel related expense reimbursement rules for members with standard business travel practices in the private sector and other parts of the federal government.

MODERNIZATION GOING FORWARD:

201. Modernization Subcommittee: The House should provide a home for ongoing modernization work within the Committee on House Administration.

202. Regular Modernization Select Committees: The House should authorize a Modernization Select Committee at least every fourth Congress.

1.4 – The Committee in Context

OUR PURPOSE AND VISION

The Modernization Committee's Final Report for the 116th Congress provides a detailed history of prior congressional select and joint committees tasked with improving legislative branch operations and identifying opportunities for reform. While Congress has created temporary select committees for various reasons, including to focus on specific policy areas, reform committees are unique in that they are tasked with looking internally and proposing ways to improve the institution.

Over the past century, there have been three joint select committees, which included members from both the House and Senate, four House select committees (including the Modernization Committee), and two official commissions focused on reforming Congress.[1] Many of the reforms put forward by these committees have had lasting effects on how Congress functions and in how members legislate and communicate with the American people.

Like its predecessor reform committees, the Modernization Committee was established at a pivotal point in the U.S. Congress. As the 115th Congress came to a close, a group of Democrats and Republicans contemplated potential changes to House Rules but acknowledged that many of the concerns being raised by members (including issues related to staffing, technology, communications, etc.) were not simply rules issues. Members were motivated by Congress's decreasing claim to constitutional powers vested in

1. For a history of previous congressional reform see, "Past Congressional Reform Efforts" in Select Committee on the Modernization of Congress. (2020, October). 116th Congress Final Report. 46-53.

Article I, the inability to pass important legislation, low public approval ratings, high levels of partisanship, and the general belief that the institution could function better on behalf of the American people. These challenges presented an opportunity for the Committee to find ways to strengthen the legislative branch and build internal and external support for Congress.



The Modernization Committee gathers for a hearing.

At the outset of the 116th Congress, Democrats and Republicans alike supported the creation of the Modernization Committee. Throughout its tenure, the Committee stayed true to its mission and worked in a bipartisan fashion, despite an intense political environment. The Committee's launch in the 116th Congress was delayed by the longest government shutdown in U.S. history and its kickoff in the 117th Congress was stalled in the wake of the January 6, 2021, attack on the U.S. Capitol.[2] Additionally, the COVID-19 pandemic forced Congress into a remote operating status for over one year. These events served as a potent reminder of why Congress must be fully prepared and capable of acting as the first among co-equal branches of government. While the Committee was charged with addressing a range of

2. 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/trumpshutdown-announcement-1125529

issues, its broader purpose was to ensure that Congress is equipped to fulfill its Article I responsibilities. Recommendations were thus developed to emphasize legislative branch efficiency, effectiveness, and strengthening efforts.

COMMITTEE MANDATE, EXTENSIONS, AND GOALS

Title II of H.Res.6, the Rules package passed at the start of the 116th Congress, created 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.

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 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 report at the end of the first session of the 116th Congress.[3]

In November 2019, the House voted to extend the Modernization Committee's work to the end of the 116th Congress. 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.[4]

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.[5] H.Res.6 was thus amended to make the Committee's final report due on October 30, 2020, with a new expiration date of January 3, 2021.

On December 21, 2020, the Committee was extended a second time – this time, for a full two years – so that it could continue finding ways to make Congress work better for the American people. In announcing her intention to extend the Committee through the end of the 117th Congress, House Speaker Nancy Pelosi lauded the Committee's "... efforts to advance bipartisan solutions to make the House more transparent, efficient, and responsive to the needs of our communities. Strengthened by the historic diversity and

3. H.Res. 6 – 116th Congress (2019-2020): Adopting the Rules of the House of Representatives for the One Hundred Sixteenth Congress, and for other purposes. (2019, January 3). https://www.congress.gov/bill/116th-congress/house-resolution/6/text
4. Ackley, K. (2019, November 14). House leaders give modernization panel more time. *Roll Call.* https://www.rollcall.com/2019/11/14/house-leaders-give-modernization-panel-more-time/
5. H.R. 4863 – 116th Congress (2019-2020): United States Export Finance Agency Act of 2019. (2019, October 28). https://www.congress.gov/bill/116th-congress/house-bill/4863



Vice Chair Timmons (R-SC) smiles during a hearing.

dynamism of the 117th Congress, Chairman Kilmer and members of the Select Committee will continue to champion the best ideas that ensure that the People's House can carry on its vital work now and for years to come."[6]

What began as a one-year sprint turned into a four-year mission to make Congress work better for the American people. By consistently prioritizing this mission, the Committee was able to function in a fully bipartisan fashion for the duration of both the 116th and 117th congresses. The Committee's modern approach to its work also facilitated consistent productivity. Unlike most previous reform committees, the Modernization Committee introduced and passed recommendations on a rolling basis in a series of packages, rather than in one concluding report. The Committee also prioritized implementation of its recommendations, in part through legislative action, but also by working in partnership with various House offices and committees of jurisdiction.[7]

Over the course of four years, the Committee committed to "practicing what it preached" and leading by example. As detailed in the next section, the Committee took a modern approach in its operations and processes, demonstrating that it's possible to experiment and innovate in traditional institutions like Congress.

6. Office of Speaker Nancy Pelosi. (2020, December 21). *Pelosi announces that the Select Committee on the Modernization of Congress will continue work in the 117th Congress under leadership of Chairman Derek Kilmer* [Press release]. https://pelosi.house.gov/news/press-releases/pelosi-announces-that-the-select-committee-on-the-modernization-of-congress-will
7. H.Res. 756 – 116th Congress (2019-2020): Moving Our Democracy and Congressional Operations Towards Modernization Resolution. (2019, December 10). https://www.congress.gov/bill/116th-congress/house-resolution/756/text



Rep. Van Duyne (R-TX) addresses witnesses during a hearing.

HOW WE WORK

As with previous reform committees, the Modernization Committee was tasked with taking an internal look at Congress and making recommendations to improve how the institution works. While its overarching mission followed historical precedent, the Committee's approach did not. Several aspects of how the Committee worked set it apart from previous reform committees.

BIPARTISAN COMMITTEE RETREATS

As the newly appointed chairs of the Modernization Committee in the 116th Congress, one of the first decisions Chair Kilmer and then-Vice Chair Tom Graves made was to hold a bipartisan committee retreat. Members gathered at the Library of Congress and spent the day setting an agenda for the year and getting to know each other better. The retreat was instrumental in setting a bipartisan, collaborative tone for the Committee – something that would prove essential to its success. The Committee later went on to recommend that all committees hold bipartisan planning retreats at the beginning of new congresses.

At the start of the 117th Congress, committees were still meeting virtually due to the ongoing COVID-19 pandemic. Chair Kilmer and Vice Chair Timmons were, however, committed to holding a bipartisan retreat – even if it meant that Committee members would have to gather online. The

Committee's membership changed in the 117th Congress and the chair and vice chair wanted to make sure the seven new members had time to meet their new colleagues and learn more about the Committee. As in the 116th Congress, members were joined by facilitators who helped guide the discussion. In addition to learning more about one another on a personal level, members shared their various frustrations with Congress and their reform priorities.

These bipartisan retreats demonstrated the Committee's ongoing commitment to "leading by example." Having participated in the retreats, Committee members were prepared to speak knowledgeably to their colleagues outside the Committee about the value of sessions like these.

ONE STAFF, ONE BUDGET

"No red jerseys or blue jerseys … just fix Congress jerseys."

Shortly after the Select Committee was formed at the beginning of the 116th Congress, Chair Kilmer and then-Vice Chair Graves met one-on-one to discuss the logistics of standing up a new committee. The two most immediate issues to address were staff and budget. Given the Committee's initial one-year timeframe, and its wide-ranging mandate, time was of the essence.



Chair Kilmer (D-WA, right) and Vice Chair Timmons (R-SC, left) pose with their "Fix Congress" jerseys.

Rather than adhere to the House's tradition of dividing committee budgets and staff slots along party lines, granting roughly two-thirds to the majority and one-third to the minority, Chair Kilmer and then-Vice Chair Graves decided to take a "one staff, one budget" approach. The Committee would have one budget, staff hires would be approved by both the chair and vice chair, and staff would work together, for all Committee members. In addition, the Committee hired two co-staff directors, one Republican and one Democrat, to provide political guidance and management to an otherwise nonpartisan staff and to model at the staff level the strong bipartisan collaboration exhibited at the member level.

By rejecting the partisan norms that dictate how House committees are typically structured and run, the Committee established itself from the outset as a uniquely nonpartisan entity. The Committee had one website and posted to one Twitter account, rather than to separate majority and minority accounts. Staff shared a single office and worked together to plan hearings, identify witnesses, prepare background materials, and brief Committee members and their staff. This approach ensured that members and staff were on the same page when it came to committee hearings, meetings, and briefings –a truly nonpartisan approach to addressing issues before the Committee.



Modernization Committee staff members speak before a hearing.

In the 117th Congress, Chair Kilmer and Vice Chair Timmons agreed to maintain the "one staff, one budget" approach to Committee operations. Given the Committee's increased focus on implementing recommendations in the 117th Congress, staff work expanded to include implementation tracking, outreach, and oversight. The Committee also dedicated more staff resources toward the important work of House member and staff services. This allowed for more direct outreach to House members and staff who had their own thoughts and ideas for how to make Congress a more effective and efficient institution for the people they represent (see Chapter 2 for more detail).

A NEW APPROACH TO HEARINGS

> "I have never had a constructive conversation speaking to the back of someone's head."[8]

Most committee hearings in the U.S. House adhere to a predictable structure. Members are seated on a dais, with Democrats on one side and Republicans on the other. Proximity to the chair or ranking member is typically established by seniority, with longer serving members sitting closer to committee leaders and junior members seated further away. Though most committees have multiple rows of seats on the dais to accommodate all committee members, the dais always sits just above the witness table.

Beginning in the 116th Congress, the Modernization Committee began experimenting with alternative ways to structure its hearings. Rather than separate members by party, the Committee began to seat its members, alternating by party. This means, as Chair Kilmer has observed, that when a member hears something interesting during a hearing, and they lean over to the member sitting next to them for discussion, they are sharing thoughts with someone from the other party. Both Chair Kilmer and Vice Chair Timmons saw value in facilitating this kind of professional and social cross-party interaction and maintained alternate seating in the 117th Congress.

While the Committee informally adopted alternate seating during the 116th Congress, Chair Kilmer and Vice Chair Timmons decided to formalize the approach in the Committee's operating rules for the 117th Congress. Rule 3(5) of the Committee's rules state that "(t)o the extent practicable, when seated at the dais during meetings or hearings of the Committee, members shall alternate by party."[9] Including this language in the rules signified the value the Committee placed on cross-party interaction. It also established a formal record that other committees can reference when drafting their own rules.

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8. Temin, T. (2022, January 24). Some members of Congress are working to make things more civil, in a Congress that works better. *Federal News Network.* https://federalnewsnetwork.com/congress/2022/01/some-members-of-congress-are-working-to-make-things-more-civil-in-a-congress-that-works-better/
9. Select Committee on the Modernization of Congress – 117th Congress (2021-2022): Resolution adopting rules for the 117th Congress (2021, March 22). https://modernizecongress.house.gov/download/modernization-committee-117th-committee-rules



Members from both sides of the aisle sit next to each other during a Modernization Committee hearing. From left to right: Rep. Phillips (D-MN), Vice Chair Timmons (R-SC), Chair Kilmer (D-WA), Rep. Van Duyne (R-TX), and Rep. Perlmutter (D-CO).

Rule 3(5) of the Committee's rules also states that, "(t)he Committee should also consider seating witnesses 'in the round' or at a roundtable setting with Committee members." On June 17, 2021, the Committee for the first time utilized a roundtable hearing format. The hearing, which fittingly focused on building a more civil and collaborative culture in Congress, was the Committee's first in-person hearing of the 117th Congress. Previous hearings that year were conducted virtually, due to the COVID-19 pandemic.

The roundtable hearing format has a couple of unique advantages. First, members and witnesses are seated at the same level and at the same table. Second, members can make eye contact with one another, rather than look at the back of each other's heads (as is often the case when members are seated on the dais). The Committee found that this simple change in the physical arrangement created a more collaborative atmosphere that encouraged more constructive discussion among and between witnesses and members while reducing the potential for partisan "speechifying."

Further, the Committee's roundtable hearing format included another important feature: effectively dispensing with the five-minute rule in favor of free-flowing discussion. In consultation with the House Parliamentarian's office, the Committee developed the following language which was included in Chair Kilmer's opening remarks at each hearing:

> *"In accordance with clause 2(j) of House rule XI, we will allow up to 30 minutes of extended questioning per witness. And without objection, time will not be strictly segregated between the witnesses, which will allow for extended back-and-forth exchanges between members and the witnesses.*
>
> *Vice Chair Timmons and I will manage the time to ensure that every member has equal opportunity to participate. Additionally, members who wish to claim their individual five minutes to question each witness pursuant to clause 2(j)(2) of rule XI will be permitted to do so following the period of extended questioning."*

In essence, with unanimous consent, the Committee moved the 5-minute minimum questioning time that is guaranteed to each member under House rules to the end of the hearing's question-and-answer period, and instead began question time under "extended questioning" authority. Structuring the hearings in this way didn't require a new rule, but rather a creative use and interpretation of existing ones, allowing for a more robust discussion and encouraging a civil, collaborative exchange of ideas and thoughts. Members who had questions or thoughts connected to the discussion underway did not have to wait for their "five-minute allotment," but rather, could signal to the chair or the vice chair their desire to "jump in." This also allowed for a more coherent discussion of the issues, as members could focus at length on a particular topic, rather than jumping back and forth between several unrelated topics.

Witnesses were afforded greater flexibility in providing testimony as well. While the Committee encouraged witnesses to limit oral remarks to five minutes, they were permitted to follow up on points made by other witnesses or Committee members, without having to worry about running out the five-minute clock before they finished making a point. In some cases, the Committee encouraged specific witnesses to share time and alternate speaking, which enabled them to provide a more coordinated presentation to the Committee and expand upon each other's remarks. The end result was more listening and learning – more of a dialogue, and less posturing. The setting was also decidedly more welcoming to witnesses, some of whom commented specifically on the effectiveness of the novel approach.



Rep. Latta (R-OH) addresses witnesses during a hearing.

"I've been honored to testify before House committees under both a 'traditional' hearing format and the Modernization Committee's 'alternative' one, and the latter experience left me feeling much more effective as a witness.

An opportunity for a more flexible back-and-forth conversation with the members without the fear of the red light coming on in front of me allowed us to dig deeper into issues of mutual interest, and the ability of one member to follow up immediately on a line of questioning begun by another member provided more focus and coherence to our time together. In addition, the more open format meant that witnesses could more easily build on each other's expertise and observations, ensuring that the committee learned as much as it could from us."

-Molly Reynolds, Brookings Institution

The Committee's June 17, 2021, hearing set a precedent for how the Committee would conduct the remainder of its hearings for the 117th



Rep. Joyce (R-OH) listens to a hearing witness.

Congress. The roundtable format, with alternate party seating and extended back-and-forth exchanges between members and witnesses, became the Committee's signature hearing style. It also exemplified the Committee's commitment to "practicing what it preaches," leading by example, and demonstrating how to test innovative approaches within the House's current rules.

SETTING A CONTEMPORARY AGENDA

Like previous reform committees, the Modernization Committee's jurisdiction was established by House Rule.[10] Specifically, the Committee was tasked with developing recommendations to, among other things, address the schedule and calendar; next generation leadership; staff recruitment, diversity,

10. See Title II, H.Res. 6 – 116th Congress (2019-2020): Adopting the Rules of the House of Representatives for the One Hundred Sixteenth Congress, and for other purposes. (2019, January 3). https://www.congress.gov/bill/116th-congress/house-resolution/6/text

retention, and compensation and benefits; administrative efficiencies; and technology and innovation.[11]

While the Committee held hearings and developed recommendations on each of the specific items within its stated jurisdiction, it also deliberately broadened its "modernizing Congress" scope to include contemporary concerns. During its first year, the Committee was keenly aware of the time constraints it faced and primarily focused on the areas listed specifically in its mandate. After it was granted an extension to continue its work through the end of the 116th Congress, however, Committee members saw value in addressing some of the "real-time" challenges Congress faced. This course of action was consistent with the Committee's broad charge to modernize the institution and remained in place throughout the 117th Congress. A few examples of the contemporary challenges the Committee addressed include civility, continuity of Congress, and accessibility.

During the 116th Congress, Committee members decided that it was important to address the deleterious effects of heightened polarization. Partisan gridlock undoubtedly affects institutional efficiency and the ability to craft policy solutions to address the issues facing American families. Breakdowns in civil discourse and a lack of cross-party collaboration also impede productivity. The Committee held its first hearing on encouraging civility and collaboration in the 116th Congress and continued to focus on these critical issues in the 117th Congress, with three more hearings dedicated to understanding and addressing the root causes and effects of polarization in Congress. This sustained focus on building a more civil and productive environment in Congress sets the Committee apart from previous reform committees.

A second area that reflects the Committee's willingness to take on contemporary issues within its broad "modernization" mandate is continuity of government and emergency preparedness. The COVID-19 pandemic upended Congress's standard operating procedures and required a quick transition to virtual platforms. Congress, like governments across the country and world, was unprepared and struggled at first to figure out how committees would hold hearings and how members would vote. The Committee on House Rules and the Committee on House Administration were charged with establishing pandemic guidelines for committees and the House floor, but there were many additional areas that needed to be addressed. The Modernization Committee

11. Ibid. Section 201(c)(2) of Title II defines the Committee's jurisdiction as: The sole authority of the Select Committee shall be to investigate, study, make findings, hold public hearings, and develop recommendations on modernizing Congress, including recommendations on —
(A) rules to promote a more modern and efficient Congress;
(B) procedures, including the schedule and calendar;
(C) policies to develop the next generation of leaders;
(D) staff recruitment, diversity, retention, and compensation and benefits;
(E) administrative efficiencies, including purchasing, travel, outside services, and shared administrative staff;
(F) technology and innovation; and
(G) the work of the House Commission on Congressional Mailing Standards.

held several virtual discussions to learn what the continuity pain points were for various offices and staff and passed several recommendations to address these challenges. In the 117th Congress, the Committee continued this important work with a hearing focused on broader continuity of Congress concerns.

Another issue closely connected to modernization is accessibility. In the 117th Congress, the Committee continued its exploration of how to make Congress more accessible to the American people, congressional staff, and interns with disabilities. Committee members heard from congressional staff, as well as advocates for persons with disabilities and various congressional offices charged with overseeing accessibility, to develop recommendations in this space.

The broad scope of contemporary issues addressed by the Committee exemplifies its willingness to creatively work within its broad mandate "to promote a more modern and efficient Congress." This unique approach to agenda setting arguably separates the Committee from previous reform committees.

A FOCUS ON IMPLEMENTATION

The Modernization Committee was only given investigative jurisdiction and not legislative jurisdiction, meaning it could not formally develop legislation to implement the recommendations it passed. The Committee did, however, work to see those recommendations through to implementation via alternative approaches. Committee members could, for example, introduce



Chair Kilmer (D-WA, center) smiles during a hearing.

legislation to advance the Committee's various recommendations. In the 116th Congress, this was accomplished primarily through one resolution, H. Res. 756, that implemented 30 of the Committee's recommendations.[12] In the 117th Congress, Committee members continued and expanded on their use of this approach and introduced five pieces of legislation which helped advance implementation of over four dozen recommendations. The Committee also worked with various House offices, including the business and support offices, and committees of jurisdiction on implementation efforts, which it did in both the 116th and 117th congresses.

The Committee's decision to simultaneously pass recommendations and pursue implementation has proven critical to its success. This two-pronged strategy also established the Modernization Committee as unique among modern reform committees. The Committee's ground-breaking implementation work is described in more detail in Chapters 2 and 3.

12. H.Res. 756 – 116th Congress (2019-2020): Moving Our Democracy and Congressional Operations Towards Modernization Resolution. (2019, December 10). https://www.congress.gov/bill/116th-congress/house-resolution/756/text

Chapter 2 – A Community of Modernizers

2.1 – Introduction

Making Congress a more efficient, effective, and responsive institution is a multi-faceted effort. The Modernization Committee was created to "look inward," assess what's working and what's not, and then make recommendations to improve how Congress works on behalf of the American people. The Committee knew that if it wanted to understand the vast range of issues that needed to be addressed, it would need to hear from the people who work in Congress. To that end, the Committee drew heavily upon the skills and experiences of members, institutional officers, congressional staff, and experts in support offices and agencies throughout the legislative branch. These individuals provided a wealth of first-hand knowledge and perspectives to the Committee and their assistance was invaluable, both in understanding the issues and challenges facing Congress and in developing and implementing recommendations.

In addition to looking inward for expertise, the Committee also sought outside knowledge. The Committee relied heavily on a diverse range of individuals and organizations with deep expertise in issues like technology, oversight, rules and procedures, civility, and congressional capacity. These perspectives helped inform and shape the Committee's approach to modernization, as members recognized the value in learning about how other public and private institutions adapt and innovate.



Chair Kilmer (D-WA) questions hearing witness, Shola Richards.

The following sections describe the Committee's unique approach to working in partnership with different communities of reformers, on and off Capitol Hill.

2.2 – Implementation: Partnering for Success

The Modernization Committee is one of the only congressional reform entities that has worked to hold itself accountable and work to monitor and implement its recommendations during the Committee's tenure. According to a longtime Congressional Research Service expert, the Committee is also the premier example of a reform committee when it comes to implementation of its recommendations while the Committee is still standing. A large reason the Committee was able to achieve this implementation success is because it was renewed for the full length of the 117th Congress. That extra time allowed the Committee to adopt a two-track operation focused on developing new recommendations and ensuring implementation of existing recommendations.

Since passage of H. Res. 756 in March 2020, the Committee has pursued multiple avenues for implementation of its recommendations including legislative action and advocacy at the committee and leadership level, in addition to working in coordination with institutional support offices.

To implement its recommendations, the Committee has worked closely with many legislative branch entities, including institutional support offices, relevant committees of jurisdiction, and House leadership. The Office of the Clerk, Chief Administrative Officer, Office of Legislative Counsel, Architect of the Capitol, Office of Diversity and Inclusion, and legislative branch agencies such as the Congressional Budget Office, Congressional Research Service, and the Government Accountability Office all partnered with the Committee to discuss and refine recommendations as they were developed. These discussions helped the Committee draft recommendation language that resonated with how support offices and agencies conceptualize and execute their work.

Establishing a common understanding up-front then made it easier for support offices and agencies to begin the work of implementation. More fundamentally, these discussions established a level of trust. Implementation partners understood that the Committee was interested in reforms that were constructive and wanted to help them do their jobs better rather than admonish them for shortcomings. After passing a recommendation, the Committee would typically hold regular check-in and follow-up meetings with the support offices to assess progress and discuss any barriers to implementation. If a support office had difficulty securing the necessary authority, leadership attention, or resources for an implementation initiative or project, the Committee was positioned to advocate and provide bipartisan support for proposals to remove such barriers.



(Left) Architect of the Capitol J. Brett Blanton testifies before the Modernization Committee. (Right) Chief Administrative Officer Catherine Szpindor testifies before the Committee.

"Knowing we could not do everything at once, we conducted regular, ongoing discussions with Committee staff on how to approach different recommendations, which implementation had the highest value, and which were ripe for execution. Through that effective collaboration, we were able to turn recommendations into prioritized projects we could fund and implement. A great model for future modernization recommendation implementation in the House."

-Catherine Szpindor, the CAO

Developing actionable legislative proposals and requests became a central feature of the Committee's efforts to see recommendations through to implementation. For example, Committee staff worked with the chair and vice chair to submit funding and report language requests for the annual Legislative Branch appropriations bills. Member Day testimony before the Appropriations Committee from the chair and vice chair also reinforced the visibility of these requests. In the fiscal year 2023 cycle, near-total adoption of the Committee's requests by the House Committee on Appropriations collectively advanced 23 recommendations.[13] The Committee's appropriations

13. Legislative Branch Appropriations Act, 2023, H.R.8237, 117th Cong. (2022). [House floor action pending as of November 18, 2022]. https://www.congress.gov/bill/117th-congress/house-bill/8237

proposals also led to an $8 million increase in funding for the Modernization Initiatives Account, which specifically exists to finance support office projects that implement Committee recommendations.[14]

Some of the Committee's recommendations required a change in statutory authority to implement, and Committee leadership worked with committees of jurisdiction to introduce legislation. Examples include the Improving Government for America's Taxpayers Act, which required the Government Accountability Office to report on ways Congress could help to implement the agency's highest priority recommendations,[15] as well as H. Con. Res. 116, which would establish a Congressional Evidence-Based Policymaking Commission to recommend ways to make the legislative process more data-driven.[16] The Committee also obtained the House's endorsement of 28 recommendations during the 116th Congress through a nonbinding resolution, the previously-discussed H. Res. 756.

Other recommendations necessitated changes in House scheduling practices, floor procedure, or committee practices. Committee staff held discussions with the appropriate decisionmakers to advocate for these recommendations. This power-of-persuasion approach led to the adoption of numerous recommendations including regulations from the Committee on House Administration that enhanced the ability of staff to receive full student loan repayment program amounts and allowed committees to pay their interns. Modernization Committee staff also met with staff at other committees to discuss ways to implement alternative hearing formats like roundtables and open questioning periods that promote collaboration and factfinding over posturing.

2.3 – Inside Stakeholders: Members and Staff

As in the 116th Congress, the Modernization Committee kicked off the 117th Congress with a Member Day hearing to learn what reform issues members care about most. Twenty-five members, Democrats and Republicans, testified and shared a wide variety of ideas to improve and modernize the legislative branch. Some of the topics members addressed included: adjusting the schedule and calendar to ensure that members have more time to hear

14. This increase was secured in the House version of the FY2023 appropriations legislation. As of November 18, 2022, the appropriations process has not yet been completed.
15. Chair Kilmer introduced H.R. 7331, the Improving Government for America's Taxpayers Act, along with Vice Chair Timmons as an original co-sponsor. This bill passed the House unanimously in July 2022 and strengthened GAO reporting requirements for its priority recommendations so that such recommendations could receive greater visibility and attention from Congress. [Senate action still pending as of November 18, 2022.]
16. H. Con Res. 116, "Establishing the Commission on Evidence-based Policymaking to review, analyze, and make recommendations to Congress to promote the use of Federal data for evidence-building and evidence-based policymaking, and for other purposes." https://www.congress.gov/bill/117th-congress/house-concurrent-resolution/116/titles?q=%7B%22search%22%3A%5B%22%22%5D%7D&r=1&s=1

from constituents; continuity of Congress; staff recruitment, retention, and diversity; civility; and technology and updated cybersecurity.[17] The Committee addressed these issues in hearings and through recommendations over the course of the 117th Congress.

"In my first 3 months in office I found a number of constraints within Congress that limit our capacity and effectiveness, and this isn't exclusive to technological constraints."

-Rep. Sara Jacobs (D-CA)

"Members on both sides of the aisle have definitely grown frustrated with the constant changes in the House schedule. These changes can make it difficult for Members to meet their constituents and to visit the already struggling small businesses in each district. A more reliable floor schedule, which doesn't change on a whim but actually allows us to better serve our constituents, I think would serve us all well."

-Rep. Steve Scalise (R-LA)

"There are some members who have retained staff for many years, if not for decades. I suggest that, in addition to an increase in the MRA, the Committee identify these members, such as Betty McCollum, and hold listening sessions with them to ascertain the best practices that they have used to produce remarkable staff retention rates. The Committee can then generate and distribute a best practices report and provide that information to other members."

-Rep. Hakeem Jeffries (D-NY)

The Committee also dedicated more staff resources to member outreach and services during the 117th Congress. This ensured that every time a member mentioned a reform idea to the chair, vice chair, or a member of the Committee, or whenever a member office reached out to the Committee to share an idea, the Committee followed up. Over the course of the 117th Congress, the Committee tracked and followed up on 283 individual recommendation ideas or requests from members and staff. In some cases, the Committee was able to assist members and staff by sharing existing resources or connecting them with someone within the institution who could address their request. When staffers asked about a better onboarding process for new employees, the Committee was able to share with them the onboarding tools in the new CAO Human Resources Hub, as well as the New Staff Orientation developed by the Congressional Staff Academy.

17. See *Member Day: Hearing before the Select Committee on the Modernization of Congress*, 116th Cong. (2021). https://modernizecongress.house.gov/committee-activity/hearings/04/08/2021/member-day-hearing

The Committee also used ideas from members and staff to inform which topics to include in its hearing agenda and formulated questions for witnesses based on the input it had heard from the broader congressional community. After hearings, Committee staff followed up with offices to inform them of what the Committee had learned about the topic they raised and what, if any, action(s) would be taken to address the issue. For example, creating a better system for transitioning casework to new members, an issue that was brought up at a staff listening session, was used to help frame discussion during the Committee's February 2, 2022, hearing entitled, "Congress Back Home: Modernizing District Office Operations." In other instances, ideas led to direct Committee action and new recommendations, such as the request for access to Wi-Fi in district offices which came directly from a staff listening session. In this case, the Committee worked with House Information Resources on creating a pilot program in four district offices across the country and subsequently passed a recommendation to expand this program to all district offices.

Ongoing, direct contact between members and staff and the Committee helped the Committee stay current with the issues that mattered most to people working inside the institution. Keeping the lines of communication open, and providing this level of service and follow-up, was key to understanding the diverse range of challenges members face working in Congress and to ensuring member and staff priorities were being addressed in real-time.

Another important way the Committee received member feedback was through bipartisan dinners focused on topics connected to the Committee's agenda. "Breaking bread" with colleagues provided valuable opportunities for sharing experiences and thoughts, and for affording members an informal opportunity to get to know one another on a more personal level. During the 117th Congress, the Committee hosted a dinner with former Representatives Bob Walker (R-PA) and Vic Fazio (D-CA) to learn more about their experiences serving in Congress during the 1990s, when the House passed a number of rules reforms and other measures. The conversation provided a historical perspective on how Congress has changed over the past 30 years. The Committee also hosted a bipartisan dinner featuring former Democratic and Republican leadership staff. These longtime staffers shared a wealth of institutional knowledge and offered their perspectives on potential recommendations that were worth pursuing such as schedule and calendar reforms and ways to empower rank-and-file members in the legislative process. In addition to hosting a bipartisan "listening session" dinner for first-term members, the Committee also hosted a listening session dinner for departing members. Hearing from incoming and outgoing members provided the Committee with a broad view of the challenges members face at different points in their congressional careers. Another bipartisan dinner focused on different approaches to improving the congressional schedule and calendar.

These dinners are another example of the Committee leading by example. In the 117th Congress, the Committee passed a recommendation that would provide committees flexibility to host occasional events to foster collaboration and further develop working relationships among committee members. This recommendation (#122) led to House handbook changes by the Committee on House Administration and has already begun to be put to good use by committees—namely, the Committee on Energy and Commerce under the leadership of its Chair, Rep. Frank Pallone (D-NJ), and Ranking Member, Rep. Cathy McMorris Rodgers (R-WA). By spending more informal time together during and outside of work hours, members can build stronger bipartisan personal and professional relationships.

The Committee also conducted outreach to various member groups to brief members on previous recommendations and to solicit ideas on issues to address before the end of its tenure. The Committee was able to hear different perspectives on the unique challenges affecting various groups of members and learn about their experiences serving in Congress and navigating the legislative process. Briefings were conducted with the New Democrat Coalition, Congressional Progressive Caucus, Problem Solvers Caucus, Democratic Policy and Communications Committee, Blue Dog Coalition, and Republican Governance Group.

Hearing from congressional staff serving in different roles across the institution was equally important to the Committee's mission. Staff are an integral part of the engine that powers Congress and have a unique perspective on many of the institution's operations and mechanisms. Their direct experience with everything from human resources to technology to constituent relations is invaluable and greatly informed the Committee's understanding of many of the issues in its mandate. Committee staff hosted bipartisan dinners and informal gatherings for staff. One such dinner featured author Amanda Ripley, who spoke with staff about her work focused on conflict resolution. The discussion gave staff an opportunity to share their experiences working in a highly partisan environment and to offer thoughts on how to connect with their colleagues across the aisle.

The Committee also held regular listening sessions with staff, as well as separate "brown bag" discussions. Some of these sessions were targeted at particular staff (for example, chiefs of staff or legislative correspondents) and some were open to staff at all levels, serving in all positions. In all, the Committee heard from over 1,500 House staffers in the 117th Congress, via 24 "brown bag" discussions and 14 listening sessions.

The Committee launched the staff listening session series to receive input and feedback from congressional staff on what aspects of House operations and procedures could be improved. During the 14 listening sessions, the Committee heard directly from staff located in Washington, D.C.,

and district offices throughout the country. The discussions contributed to the development of the Committee's bipartisan recommendations to improve district office operations, increase retention among House staff, and create a more efficient, effective institution.

Event Name	Date	Attendance
Legislative Correspondents	7/8/2021	22
Legislative Assistants	7/9/2021	10
Legislative Directors	7/12/2021	14
Comms/Press Staff	7/13/2021	11
Chiefs of Staff	7/14/2021	8
Schedulers/Ops Directors/Drivers	7/15/2021	18
Clerks	8/19/2021	6
ECMO/Caucus Staff	3/23/2022	6
Digital Staff	3/25/2022	70
Committee Staff	3/28/2022	33
District Director	4/1/2022	21
District Staff Town Hall	5/12/2021	85
All House Staff	6/24/2022	32
Congress.gov	6/10/2022	50

The "brown bag" discussions were designed to provide information to staff on available resources to help them succeed in their roles and better serve the American people. These discussions informed congressional staff about new and existing resources available to them that could support their work. Presentations focused on how to better utilize the Congressional Research Service, U.S. Government Accountability Office, the new Office of the Whistleblower Ombuds, and in-house opportunities for professional growth through the Chief Administrative Officer's Staff Academy.

The Committee also developed resources for congressional offices, including a "Staff Retention Brief."[18] As part of its investigation into House staff retention, the Committee surveyed 21 House offices with the lowest staff turnover from 2001-2019, a sample that included both Republican and Democratic offices, to learn from those offices that have seen success in their efforts to retain staff. An electronic survey was sent to the chief of staff in each office. In total the Committee received a response from 15 offices. The survey results were used to develop the Staff Retention Brief, and the Committee hosted a virtual panel[19] on October 13th, 2021, that further explained best practices and experiences from each office. The panel featured

18. Select Committee on the Modernization of Congress. (2021). Staff Retention Brief. https://modernizecongress.house.gov/imo/media/doc/Staff%20Retention%20Brief%20FINAL(1).pdf
19. Select Committee on the Modernization of Congress. (2021, October 13). Staff retention panel. [Video]. YouTube. https://www.youtube.com/watch?v=0VRKP1fb0CA&t=2s

Event Name	Date	Attendance
Tech in Congress	4/23/2021	32
Interns and Fellows Recruitment, Diversity, and Retention	4/30/2021	100
Congressional Staff Recruitment, Diversity, and Retention	5/7/2021	100
Supporting Congressional Staff in the Current Environment	5/21/2021	30
Increasing Accessibility for Staff	6/4/2021	20
Personal Finance and Money Management for Congressional Staff	6/11/2021	60
Staff Academy Trainings	7/9/2021	21
Staff Academy Video and Digital Tools	7/16/2021	73
House Recording Studio 101	8/13/2021	25
Recruiting, Hiring & Onboarding Diverse Candidates	9/10/2021	75
Tech on the Hill	10/8/2021	40
GAO services	10/15/2021	49
Tech off the Hill	10/29/2021	28
ModCom Recommendation Implementation Update	1/28/2022	42
Improving your Office Onboarding Process	2/11/2022	121
How CAO Customer Advocates Support DC and District Teams	2/25/2022	30
Working with Whistleblowers	3/4/2022	36
Innovations in Constituent Engagement	3/11/2022	41
Harnessing the HR Hub	3/25/2022	51
Office Management Tools	4/8/2022	53
Botanic Garden and Office Plants	4/22/2022	42
Caucuses and Coalitions	5/6/2022	46
MRA Misconceptions: Part 1	6/3/2022	80
MRA Misconceptions: Part 2	6/17/2022	39
Legal Trainings for House Staff	7/8/2022	66
Working with CBO	7/22/2022	47

chiefs of staff from the offices of Rep. Bryan Steil (R-WI), Rep. Colin Allred (D-TX), Rep. William Timmons (R-SC), and Rep. Andy Levin (D-MI) all of whom contributed to the Committee's Staff Retention Brief.

The Committee collaborated with Braver Angels, a cross-partisan citizens organization, to create and host trainings for congressional staff, including multiple workshops on handling difficult constituent phone calls designed for staff assistants, interns, and any other staffer who regularly answers office phones. The events covered a variety of common situations such as callers who refuse to hang up, callers in distress, or callers asking rude or personal questions. The Committee and Braver Angels worked to create focus groups to consult with interns and staff assistants to come up with the material for these workshops.



Snapshots from the Modernization Committee Staff Retenton Brief.

The Committee also collaborated with Braver Angers and Faith & Law on a series entitled, "Congressional Staff Training: Working Across the Aisle." These workshops taught skills for staffers to connect with staff members with different perspectives and to have productive conversations about issues that are important to them. They focused on the complementary skillsets of "Listening to Understand," or skills for listening to an opposing viewpoint with a goal of understanding rather than refuting, and "Speaking to Connect," or strategies that help individuals more easily hear and connect with a different perspective.

Another way the Committee learned about staff needs was through interacting with numerous Congressional Staff Organizations. These groups are associations created by House and Senate employees to facilitate better interaction among congressional staff. After hearing through listening sessions that district-based staffers wanted more opportunities to interact with official Congressional Staff Organizations and that D.C. staffers and interns felt disconnected from the Hill community during the COVID-19 pandemic, the Committee hosted staff association fairs in the fall of 2021 and 2022. The two virtual fairs were hosted via Zoom and allowed participants to hear from and ask questions about different staff associations during breakout room sessions. The in-person fair held in 2022 allowed attendees to interact with the various staff association representatives. The Committee also assembled a list of all staff associations with a description, contact information, social media, and websites to serve as an additional resource for staff and interns.[20]

An additional – and highly unusual – way the Committee engaged with congressional staff was by inviting them to testify before the Committee, including a few instances when current staff testified in front of their

20. Select Committee on the Modernization of Congress. (2022). *Staff association descriptions.* https://modernizecongress.house.gov/imo/media/doc/Staff%20Association%20Descriptions%20(1).pdf

employing member. Staff expertise is immensely valuable to members, but it is rarely recognized in a public setting. Given the nature of the issues the Committee addressed, asking current staff to share their expertise and recommendations for improving and modernizing Congress made good sense. Staff witnesses who testified before the Committee include:

- Phoebe Ball, Disability Counsel for the House Education and Labor Committee, testified in the Committee's May 27, 2021, hearing on Making the House More Accessible to the Disability Community.
- Wendy Ginsberg, Ph.D., Staff Director on the Government Operations Subcommittee on the House Committee on Oversight and Reform, testified in the Committee's October 21, 2021, hearing on Modernizing the Congressional Support Agencies.
- Danielle Radovich Piper, Chief of Staff for Congressman Ed Perlmutter (D-CO), testified in the Committee's February 16, 2022, hearing on Modernizing District Offices.
- Sarah Youngdahl, District Director for Congressman Guy Reschenthaler (R-PA), testified in the Committee's February 16, 2022, hearing on Modernizing District Offices.
- Kevin McCumber, Deputy Clerk of the U.S. House of Representatives, testified in the Committee's April 28, 2022, hearing on Modernizing the Legislative Process.
- Noah Wofsy, Deputy Legislative Counsel for the U.S. House of Representatives, testified in the Committee's April 28, 2022, hearing on Modernizing the Legislative Process.
- Stephen Dwyer, Senior Advisor to House Majority Leader Steny Hoyer, testified in the Committee's June 23, 2022, hearing on Congress and Technology.

In addition to these current congressional staffers, the Committee heard from many witnesses who formerly served as staff in Congress. Their experience brought valuable expertise to the Committee's hearings.

2.4 – Outside Stakeholders: Fix Congress Cohort and Additional Reformers

In early 2015, a group of former congressional staff began meeting to discuss their shared concern about the steady decline in Congress's capacity to fully exercise its Article I authority. These Democrats and Republicans, many of whom had spent decades working on Capitol Hill, were interested in finding ways to reverse that trend and agreed to pool their expertise in hopes of charting a path forward.

The group first agreed on a set of reforms for which to advocate, and then on mechanisms for addressing those reforms. Guided by a deep understanding of previous congressional reform efforts, the group focused on

precedent and initially pushed for a new Joint Committee on the Organization of Congress. They believed that such a committee could offer members, particularly junior members, a way to take ownership of the work that would be required to strengthen the institution. The belief was that this kind of self-directed approach would be better received than an effort directed from outside of Congress.

Four years and countless hours of advocacy later, the Modernization Committee was established with the passage of the House rules package at the start of the 116th Congress.[21]

The ecosystem of congressional reform experts and organizations that coordinated around the Committee to actively support its work was instrumental to the Committee's formation, its renewal, and its success in generating and passing recommendations. Nicknamed the "Fix Congress Cohort," the network grew out of the original group of former staffers and included more than 30 individuals and organizations from academia, think tanks, nonprofits, and more. The Cohort was informal in its organization, but tightly connected by a shared commitment to a more functional and effective Congress. Members possessed policy expertise in a wide range of areas relative to the Committee's mandate, including technology and data, staff recruitment and retention, staff diversity, civility, continuity, and civic engagement.

Collectively and individually, Cohort members have been an invaluable resource to the Committee. They have shared relevant resources and research, provided or helped identify expert witnesses, and suggested potential recommendations for the Committee to consider. This kind of constructive engagement between reform committees and advocacy groups is historically rare, particularly because the engagement was fully bipartisan.

Indeed, Fix Congress Cohort members represented views from across the political spectrum. Like the Committee, the group also had to work to find common ground. The ability of Cohort members to provide the Committee with perspectives from the right and left helped members and staff better understand the political complexity of some of the issues the Committee addressed and identify potential ways to bridge divides. The Cohort also provided information that helped the Committee gauge how some of its work would be received across a range of ideological perspectives.

In order to facilitate regular engagement between the Cohort and the Committee, the Committee regularly updated Cohort members via briefings featuring either Chair Kilmer and Vice Chair Timmons or the Committee's staff directors. These briefings gave the Committee an opportunity to update the

21. Adopting the Rules of the House of Representatives for the One Hundred Sixteenth Congress, and for other purposes, H.Res.6, 116th Cong. (2019). https://www.congress.gov/bill/116th-congress/house-resolution/6/text



Diane Hill, Senior Manager at the Partnership for Public Service and member of the Fix Congress Cohort, testifies before the Modernization Committee.

Cohort on its agenda, seek feedback, and provide updates on implementation efforts. Importantly, this form of engagement demonstrates how outside stakeholders can support a committee's work in constructive and productive ways.

One important way the Cohort supported the Committee was by amplifying its work in various forums. Cohort members did podcasts highlighting the Committee's work (for example, the American Enterprise Institute's "Understanding Congress" podcast; the Bipartisan Policy Center's "Congress that Works" podcast; and the Partnership for Public Service's "Center for Presidential Transition" podcast, to name a few). Cohort members also organized roundtable discussions and webinars around the Committee's agenda, and hosted issue-focused events that highlighted the Committee's recommendations, implementation efforts, and unique operating procedures. Examples of such events include:

- The Project on Government Oversight, Demand Progress and Lincoln Network's "Technology and Oversight" seminars
- Multiple "Intern-Palooza" intern orientation programs hosted by PopVox
- R Street and Protect Democracy's joint program on "Article One" for new members and staff

- The National Institute for Civil Discourse's "Common Sense American" national town hall meeting on the Committee's recommendations

Cohort members also published articles, op-eds, and research reports promoting the Committee's efforts in media outlets around the country. These independent efforts helped to increase awareness of the Committee's work on a broader level, to audiences inside and outside the Beltway.

While not all Cohort members engaged in advocacy efforts (for some nonprofit groups, direct advocacy work is prohibited), a subset supported implementation of the Committee's recommendations. In the 116th Congress, many members supported passage of H. Res. 756, the Moving Our Democracy and Congressional Operations Towards Modernizing Resolution, which included nearly 30 of the Committee's recommendations. Cohort members also supported funding the Committee's recommendations in the FY 2022 and 2023 Legislative Branch Appropriations bills.

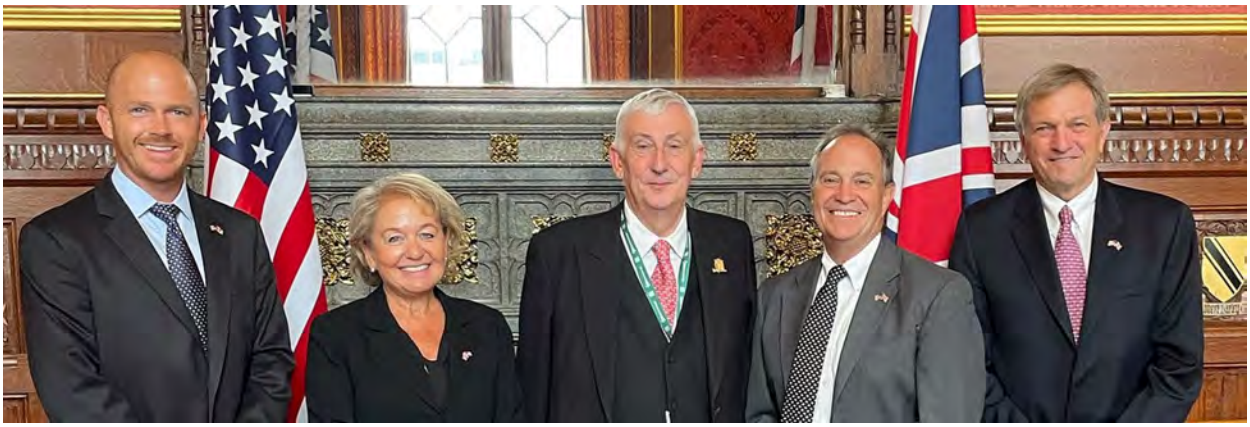
While the Fix Congress Cohort was a fixture throughout the Committee's four-year run, the Committee also benefited from the expertise of the American Political Science Association's Congressional Reform Task Force, which brought together academic experts and individuals from across the think tank and advocacy community to consider and make recommendations for modernizing Congress.[22] The Committee understands that the Task Force was established to complement the work of the Modernization Committee and placed special emphasis on the same topics referred to in the Committee's mandate.[23]

During the 116th Congress, the Committee hosted a series of virtual discussions with invited guests from the Congressional Reform Task Force who presented research and recommendations on issues like staff diversity and retention, congressional capacity, and technology. Members of the Task Force continued to engage with the Committee during the 117th Congress, providing expertise and witness testimony. The Task Force wrapped up its work with the publication of a final report containing a series of recommendations focused on six categories of challenges facing Congress.[24] Additionally, in both the 116th and 117th congresses, the American Political Science Association sponsored several fellows through its Public Service Fellowship, a mid-career educational opportunity for the selected fellows who were also able to provided research assistance and expertise to the Committee as it conducted its business.

22. Some individuals were affiliated with both the Cohort and the Congressional Reform Task Force.
23. See page 5, American Political Science Association Congressional Reform Task Force. (2019, October). *Task force report.* https://www.apsanet.org/Portals/54/APSA%20RPCI%20Congressional%20Reform%20Report.pdf?ver=2020-01-09-094944-627
24. American Political Science Association Congressional Reform Task Force. (2019, October). *Task force report.* https://www.apsanet.org/Portals/54/APSA%20RPCI%20Congressional%20Reform%20Report.pdf?ver=2020-01-09-094944-627

2.5 – Learning from Other Legislatures

Throughout its tenure the Committee has sought to learn best practices from other legislatures that face similar capacity and modernization challenges. For example, representatives from the National Conference of State Legislatures and staff from several state legislatures routinely shared information with the Committee about state-level legislative operations and also testified in several Committee hearings. While the U.S. Congress is unique in many ways, the Committee knew that learning from peer institutions would still be beneficial. That is why, in September 2022, the Committee took the unusual and historic step of sending a congressional delegation (CODEL) abroad to learn and share modernization best practices and experiences with the European Parliament (EP) and the U.K. House of Commons (HC).



(From left to right) Vice Chair Timmons, Rep. Perlmutter, and Rep DeSaulnier meet with Sir Lindsay Hoyle (Speaker of the UK House of Commons).

This fact-finding mission covered many topics contained in the Committee's jurisdiction including concerns about recruiting and retaining talented staff as well as scheduling for committees. CODEL members, including Vice Chair Timmons and Committee member, Rep. Ed Perlmutter (D-CO), learned that the EP and HC faced similar operational challenges in responding to the COVID-19 pandemic and a public that is unsure if their legislative bodies can meet the needs of the current moment.

A major theme brought up by representatives of both the EP and HC was that their governments, like ours, were engaged in ongoing efforts to strengthen transparency and accountability of their institutions in order to build greater trust among their respective constituencies. For example, the EP is currently engaged in an effort to build "Parlamentariums," similar to visitor centers, in each of the European Union's member states.[25] That way, citizens who are unable to visit Brussels are still able to learn about and engage with the EP.

25. European Parliament. (n.d.). *Visiting European Parliament.* https://visiting.europarl.europa.eu/en/visitor-offer/brussels/parlamentarium



Committee members and staff stand outside the European Parliament Parlamentarium in Brussels.

The information gathered on the CODEL also actively contributed to the work of the Committee, influencing the development and passage of several new recommendations. In particular, the background knowledge and vision for what a future with these modernization practices in place would look like contributed to the generation of Recommendations #180, #186, #188, #189, and #192, #198. Likewise, the forging of relationships with modernization partners at peer institutions will prove highly important to the future of modernization in the U.S. House after the Committee dissolves. The CODEL was key to identifying the offices and individuals with whom the House should continue to engage as it seeks to implement the Committee's recommendations and identify potential areas for future modernization efforts.

2.6 – The American People

In addition to soliciting reform ideas from members, staff, and other D.C.-based stakeholders, the Committee wanted to hear ideas from the American people about how to fix Congress. To accomplish this important

goal, Chair Kilmer and Vice Chair Timmons participated in a Deliberative Town Hall (DTH) organized by the Institute for Democratic Engagement & Accountability (IDEA) at The Ohio State University.

The Committee chose a DTH rather than an in-person or tele-townhall for a few reasons. First, standard townhalls are often only attended by constituents whose views are not necessarily representative of a member's entire district. Finding a townhall meeting time or location that works for all constituents is not possible, so members typically end up interacting with a smaller subset of constituents. DTHs, by contrast, pull together a representative sample of constituents so that a diversity of views is represented. In this case, the Committee opted to hear from a representative national sample of people rather than a sample from a specific congressional district or state. Second, DTHs provide data to members about the initial views of the participants on a subject as well as data about how those views change after members provide information and discuss policy proposals with participants. This unique pre-/post-test format can help members better understand how the public will respond to issues as they learn more about them and have a chance to ask questions.

On October 6, 2022, Chair Kilmer and Vice Chair Timmons participated in a DTH with over 1,400 constituents from across the country, 85% of whom participated for more than an hour of the 90-minute discussion.[26] Of those constituents, 1,300 completed the post-DTH survey, which allowed IDEA to track the change in opinion among participants about the various issues discussed.

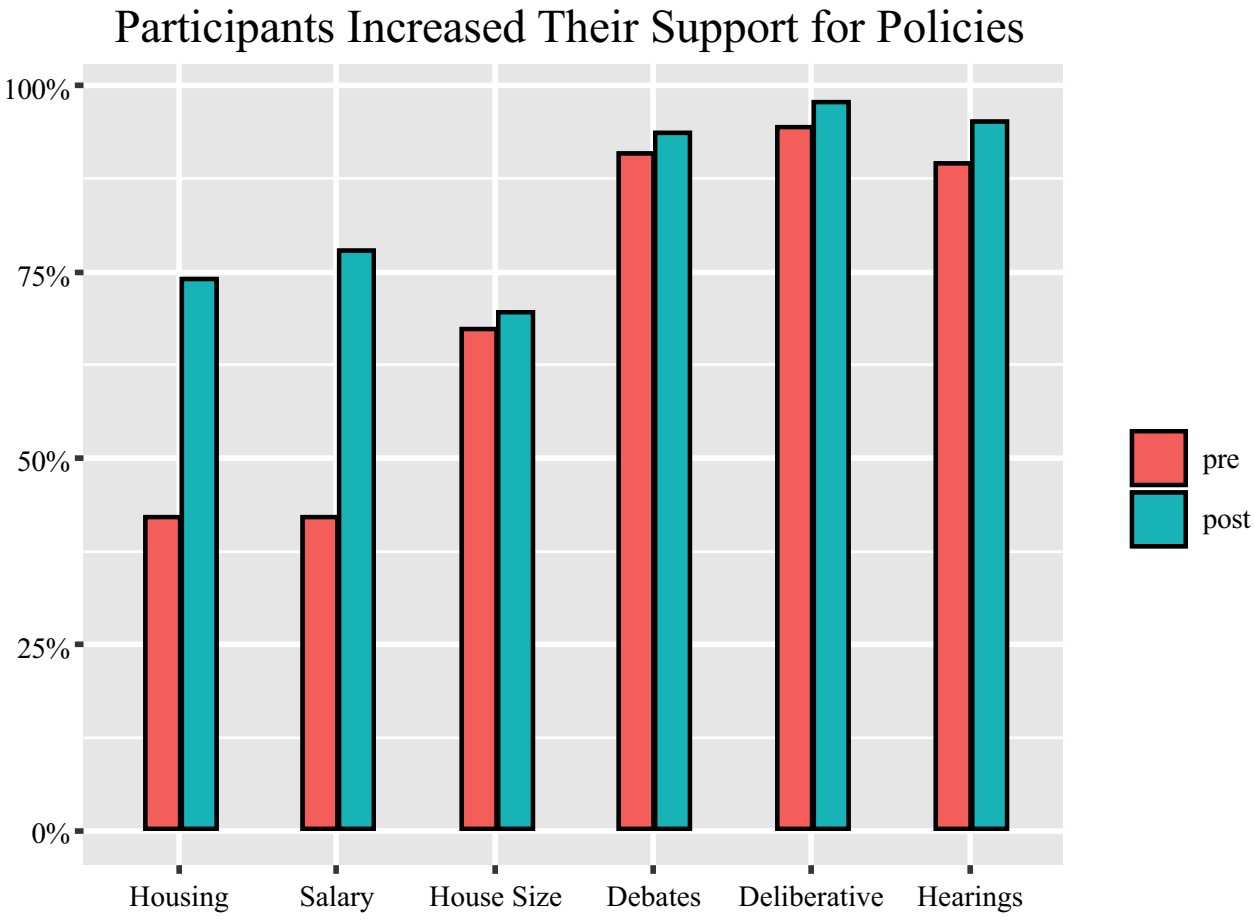
The Committee worked with the IDEA team to structure the DTH around a set of issues on which the Committee wanted citizen feedback. Chair Kilmer and Vice Chair Timmons wanted to hear feedback on issues related to the Committee's unique bipartisan approach to its operations and procedures, including how it conducted hearings and its nonpartisan staffing structure. They were also interested in hearing whether citizens would support recommendations previously made by the Committee, such as having more structured and substantive policy debates on the House floor. Chair Kilmer and Vice Chair Timmons also sought to use the DTH as an opportunity to understand citizen opinion on issues like member pay and related issues. While the Committee did not issue recommendations on all of the issues discussed, there was interest in seeing whether opinion changed on these issues once citizens were given additional information. They also asked for citizen feedback on an "out of the box" idea like expanding the size of the House. Citizen support for each of these issues increased once the citizens received more information and were able to ask questions.

26. *Considered Public Opinion About Making Congress Work Better*. Internal Memo from the Institute for Democratic Engagement & Accountability at The Ohio State University, November 11, 2022.

"I applaud everything this committee is doing and how well they appear to be working with one another. Fixing the institution is complex and important."

"This sounds like the most important committee that is ignored in Washington."[27]

Among the takeaways from this activity, IDEA determined that the Committee and, to some extent, Congress as a whole, "garnered considerably higher trust and approval among attendees."[28] Participants enjoyed the ability to engage in a meaningful, substantive, and thorough conversation about important issues and it made them feel that their voices were truly being heard, which is often not the case with other forms of constituent engagement. The chart below depicts the pre-/post-DTH levels of support for the six issues that Chair Kilmer and Vice Chair Timmons deliberated with the



27. Ibid. Comments made by participants in the Deliberative Town Hall.
28. Ibid, Page 12.

participants. Forums that allow members to engage and deliberate with representative samples of constituents can provide members with a more accurate picture of constituent opinion which can then help them as they develop policy.

2.7 – Conclusion

The Committee's work to modernize Congress benefited tremendously from a broad range of experts inside and outside of the institution. These experts helped members and staff better understand the nuances of complex issues, generate workable recommendation language, and think through implementation strategies. They also provided ideas for new recommendations, based on their own experiences working in Congress or for other legislatures or organizations that study Congress. By incorporating wide-ranging expertise into its operational strategy, the Committee was able to learn as it worked and integrate the most up-to-date knowledge into its recommendations. This approach was key to ensuring that the Committee's work remained forward-looking and focused on making Congress a modern institution, equipped to handle future challenges.

Chapter 3 – Turning Ideas into Action

3.1 – Introduction

In order for Congress to work better for the American people, the institution needs to be capable of evolving and adapting to meet the needs of a changing society. The Committee's 202 recommendations to modernize Congress are action-oriented and designed to improve and update how Congress carries out its Article I responsibilities. By drafting targeted recommendations and working closely with implementation partners, the Committee worked hard to ensure that its recommendations would actually be carried out rather than put on a shelf to gather dust. As a result of this approach, the Committee and its partners have made great progress in turning recommendations into real change.

In the 116th Congress, the Committee became the first reform committee in recent history to see its recommendations enacted in legislation during its tenure. The "Moving Our Democracy and Congressional Operations Towards Modernization Resolution" (MODCOM Resolution) passed the House on March 10, 2020, advancing the Committee's first two packages of nearly 30 recommendations in total.[29] The MODCOM resolution mandated studies and progress reports on implementation of the Committee's recommendations. The resolution established a centralized human resources hub and, for the first time, allowed members-elect to hire and pay one transition staffer to assist them in preparing to take office in the 117th Congress. At the end of the 116th Congress, the Committee had fully implemented 14 of its 97 recommendations.[30]

"It is important to highlight here that our Committee doesn't make recommendations merely for the purpose of building a historical record. Rather, we are here to make actual change to improve how Congress works. And we can do that by following up on the recommendations we have made and by doing what we can to ensure that they are implemented."[31]

-Vice Chair William Timmons

The Committee's extension through the 117th Congress allowed it the time to prioritize implementation of recommendations. Additionally, the Committee strategically brought detailees from the Government Accountability Office (GAO) on board to assist with recommendation tracking

29. Moving Our Democracy and Congressional Operations Towards Modernization Resolution, H.Res.756, 116th Cong. (2020). https://www.congress.gov/bill/116th-congress/house-resolution/756
30. These 14 are Recommendations #10, #11, #12, #13, #14, #27, #39, #40, #41, #43, #45, #49, #51, and #69.
31. *Making Congress work better for the American people: A recommendation status report: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022). https://modernizecongress.house.gov/imo/media/doc/1.20transcript1.pdf

and logging processes. By utilizing the unique skill sets of GAO employees who are typically tasked with tracking policy reform, the Committee was able to quickly develop and put into place an effective recommendation tracking system. An inventory of all recommendations was taken to determine implementation status as well as the institutional partner(s) responsible for implementation. The Committee determined various pathways for implementation including legislation, changes to House rules and regulations, and changes that could be implemented directly by support agencies, business offices, and other committees. The Committee then made public the implementation details for every recommendation passed.[32] The first implementation report was released in January 2022 with periodic updates provided thereafter. Additionally, on January 20, 2022, the Committee held a hearing to discuss the progress it had made towards implementation.[33] By holding itself accountable for the implementation of its recommendations, the Committee differentiated itself from previous reform committees.

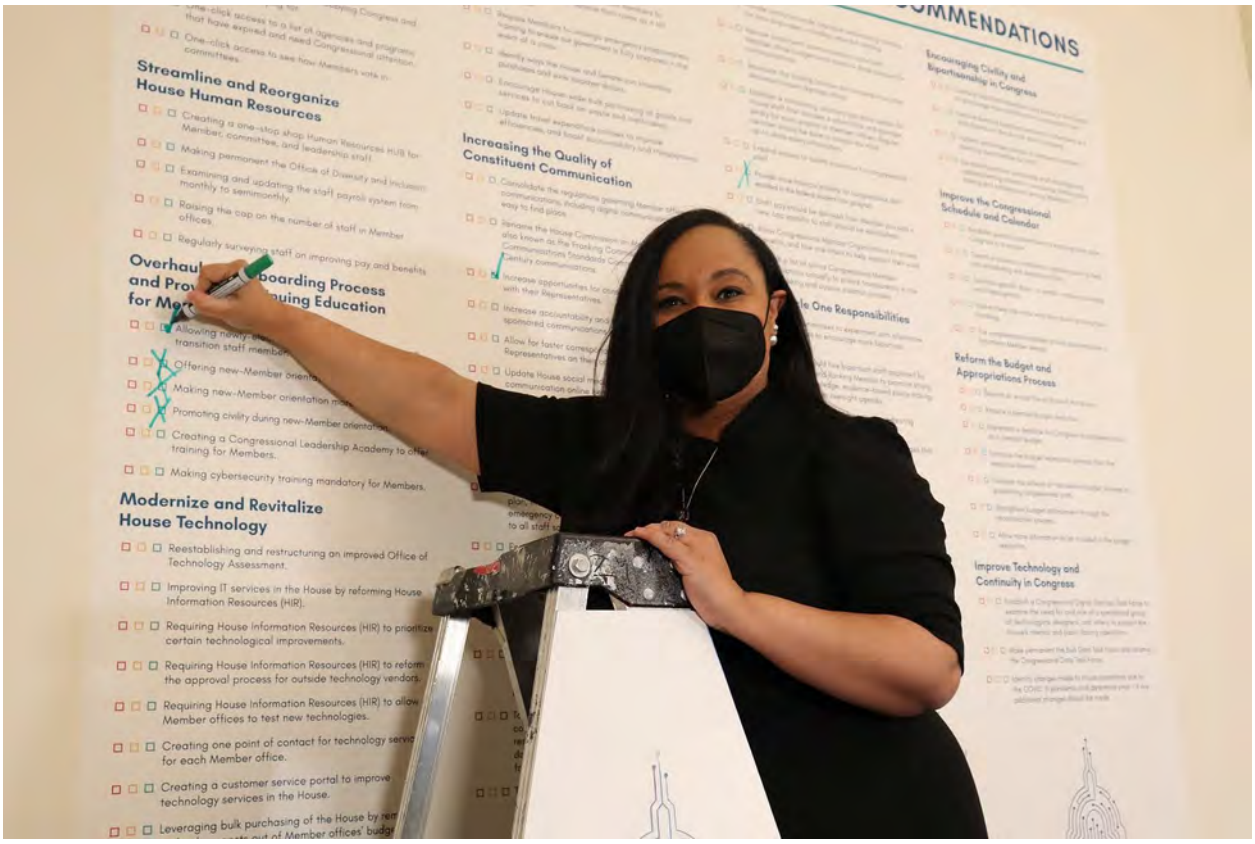
By building implementation into its ongoing work, the Committee developed a unique and productive approach to both drafting and implementing its recommendations. Implementing partners were included in the drafting process to ensure that recommendations were actionable and once the recommendations were passed, the Committee's partners were prepared to put them into effect. This dual focus on passing and implementing recommendations in a rolling fashion reinforced accountability.

3.2 – Implementation of 116th Recommendations in the 117th Congress

As detailed in Chapter 2, generating, and successfully implementing, the Committee's recommendations was a collaborative effort involving many stakeholders in and outside of Congress. Chair Kilmer and Vice Chair Timmons routinely worked with the Committee on House Administration, the House Committee on Rules, and the Committee on House Appropriations to advance or fully implement many of the Committee's recommendations.

At the beginning of the 117th Congress, several recommendations from the 116th Congress were implemented or partially implemented through the House Rules package for the 117th Congress[34] and through other policy

32. Select Committee on the Modernization of Congress. (n.d.). *Implementation.* Retrieved November 3, 2022, from https://modernizecongress.house.gov/implementation
33. *Making Congress work better for the American people: A recommendation status report: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022). https://modernizecongress.house.gov/committee-activity/hearings/making-congress-work-better-for-the-american-people-a-recommendation-status-report
34. Adopting the Rules of the House of Representatives for the One Hundred Seventeenth Congress, and for other purposes, H.Res.8, 117th Cong. (2021). https://www.congress.gov/bill/117th-congress/house-resolution/8; Summary available at https://rules.house.gov/sites/democrats.rules.house.gov/files/117-HRes8-SxS.pdf



Rep. Williams (D-GA) marks progress on implemented recommendations in the Modernization Committee office.

changes.[35] These recommendations included making the "e-Hopper" a permanent feature of the House for introducing legislation, permanently allowing electronic submission of committee reports, expanding the use of digital signatures, and adding the Office of Diversity and Inclusion to the standing Rules of the House.

One of the Committee's most consequential recommendations in the 116th Congress was to reassert Congress's power of the purse through a community project funding program. The Committee argued that such a program should be transparent, publicly accountable, and support meaningful and transformative investments in local communities across the United States. The Chair of the Committee on House Appropriations, Rep. Rosa DeLauro (D-CT), implemented the Committee's Recommendation #85 by establishing a Community Project Funding program for fiscal year 2022 (FY2022). Congress also established new transparency requirements for community project funding and required the Government Accountability Office (GAO) to annually review implementation.[36] In announcing the establishment of the program and

35. 167 Cong. Rec. H39 (daily ed. Jan. 4, 2021) (2. Introduction of Bills and Resolutions). https://www.congress.gov/117/crec/2021/01/04/CREC-2021-01-04-house.pdf

36. For GAO's full FY2022 findings report, see U.S. Government Accountability Office. (2022). *Tracking the funds: Specific fiscal year 2022 provisions for federal agencies* (Report No. GAO-22-105467). https://www.gao.gov/products/gao-22-105467

new transparency guidelines, Chair DeLauro described the Committee's contribution to the process saying, "Members must provide evidence of community support that were compelling factors in their decision to select the requested projects. This policy was recommended by the bipartisan House Select Committee on the Modernization of Congress."[37]

Throughout FY2022, the Committee on Appropriations' Subcommittee on the Legislative Branch supported modernization efforts by funding the Modernization Initiatives Account which included funding for bipartisan, biennial retreats.[38] In the fiscal year 2023 cycle (FY2023), the Appropriations Committee passed legislation that would increase the Modernization Initiatives Account from $2 million to $10 million.[39] This funding can be used to support numerous technology-focused recommendations including collaborative legislative drafting and a legislative staff directory.[40] The FY2023 bill also includes funding to overhaul the lobbying disclosure database and encourages the Chief Administrative Officer (CAO) to provide offices with a single point of contact for technology.

The Committee on House Administration (CHA) played a central role in advancing many of the Committee's recommendations as its jurisdiction closely overlaps with that of the Committee's. For example, CHA's support was essential in implementing the Committee's recommendation to allow Eligible Congressional Member Organizations (ECMOs) to allow interns participating in the House Paid Internship Program to be eligible for placement with an ECMO.[41] CHA also was responsible for implementing the Committee's recommendation to reimburse staff for expenses associated with professional development and continuing education programs related to their job duties. By updating language in the Members' and Committees' Handbook, CHA put this new reimbursement policy into effect. Additionally, CHA helped implement the Committee's recommendation to improve Congress's digital operations by directing the Clerk of the House to change the name of the Bulk Data Task Force to the Congressional Data Task Force (CDTF). This name change, along with an expanded mission and role, will allow the CDTF to continue to evolve and meet the technology and data needs of members, staff, and the public. Clerk of the House, Cheryl Johnson, highlighted the importance of the CDTF in testimony before the Committee stating, "ongoing

37. House Committee on Appropriations. (2021, February 26). *DeLauro announces Community Project Funding in fiscal year 2022* [Press release]. https://appropriations.house.gov/news/press-releases/delauro-announces-community-project-funding-in-fiscal-year-2022
38. Originally titled *Legislative Branch Appropriations Bill, 2022*, see Supreme Court Security Funding Act of 2022, H.R.4346, 117th Cong. (2022). https://www.congress.gov/bill/117th-congress/house-bill/4346
39. The Legislative Branch Appropriations Act for FY2023 includes $10 million for the Modernization Initiatives Account. See Legislative Branch Appropriations Act, 2023, H.R.8237, 117th Cong. (2022). https://www.congress.gov/bill/117th-congress/house-bill/8237; Provisions of H.R. 8237 had not been enacted as of November 18, 2022.
40. See H. Rep. No. 117-389 (2022).
41. Resolution to Amend the Eligible Congressional Member Organizations Handbook ("ECMO Handbook"), Committee Resolution 117-08, Committee on House Administration, 117th Cong. (2021). https://cha.house.gov/sites/evo-subsites/democrats-cha.house.gov/files/Committee%20on%20House%20Administration%20Resolution%20117-08%20ECMO%20Adopted.pdf

collaboration has been positive for our office, other legislative branch organizations, legislative stakeholders, and data transparency groups, ultimately leading to technological advances in how legislative data are made public."[42]

The CAO also played an important role in implementing a large portion of the Committee's recommendations. As directed by the MODCOM resolution, the CAO established a Human Resources Hub to provide access to best practices, tips, tools, and customizable templates for member offices. The HR Hub also provides information on salary ranges for each staff position, implementing the Committee's recommendation to establish voluntary pay bands for staff. Additionally, to further help onboard and train new staff, CAO's Staff Academy began offering all day, comprehensive orientation for newly hired staff.

The CAO also launched the Congressional Member Leadership Development Program to assist in developing the next generation of congressional leaders. Chief Administrative Officer, Catherine Szpindor, discussed the program at the Committee's January 20, 2022, hearing:

"The CAO is implementing the Select Committee's recommendation to create a Congressional Leadership Academy to offer training specifically for members. As we prepare to roll out this new program, the CAO is currently hiring and training a diverse team of world-class leadership consultants to work with members on the leadership, management, and resiliency skills necessary to thrive in our challenging and dynamic environment."[43]

One of the Committee's implemented recommendations that will improve efficiencies in House operations is the creation of the House Digital Service (HDS). The HDS will be a key player in implementing many of the Committee's technology-focused recommendations. The Digital Service is an in-house team of technology experts skilled in customer relations and business analysis, design, and implementation. In testimony before the Committee, Catherine Szpindor announced the launch of the HDS saying:

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42. *Making Congress work better for the American people: A recommendation status report: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022) (testimony of Cheryl L. Johnson). https://modernizecongress.house.gov/imo/media/doc/clerk_written_testimony.pdf
43. *Making Congress work better for the American people: A recommendation status report: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022). https://modernizecongress.house.gov/imo/media/doc/1.20transcript1.pdf

"The Select Committee has issued several recommendations related to improving member access to innovative technology tools that enhance their offices' operations. In response to these recommendations, the CAO is building an innovative House Digital Service team of technology experts skilled in customer relations and business analysis, design, and implementation. Our intention is to leverage fellows from other agencies and the private sector – as appropriate – and expand the House Digital Service team over time."[44]



Chief Administrative Officer Catherine Szpindor testifies before the Committee.

While the Committee was broadly focused on finding ways to make the institution more effective and efficient, another key focus was transparency. In fact, the first five recommendations the Committee passed in May 2019 were focused on improving transparency. To implement these recommendations, the Committee worked closely with the Office of the Clerk.

44. *Making Congress work better for the American people: A recommendation status report: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022) (testimony of Catherine L. Szpindor). https://modernizecongress.house.gov/imo/media/doc/cao_written_testimony.pdf

In October 2022, the Clerk announced the release of a comparative print tool, which will help members and staff easily compare different versions of amended legislation.[45] Status reports provided to CHA by the Clerk show progress toward implementing the Committee's recommendation to standardize formats for legislative documents. Standard formats will allow the public to access more data and documents online and, over time, in bulk and machine-readable formats. The Office of the Clerk advanced additional Committee recommendations by releasing two requests for information, one on establishing a committee vote database and another on a technology solution to improve committee scheduling.[46] A committee vote database will ensure committees use a standardized process for reporting committee vote information, which will provide the public with greater insight into how their member voted throughout the legislative process.

The Committee's success would not have been possible without the ongoing support of House Leaders including the Speaker Pelosi, Majority Leader Hoyer, Majority Whip Clyburn, Minority Leader McCarthy, and the Minority Whip Scalise. For example, on August 12th, 2021, House Leadership moved to implement the Committee's recommendation to delink staff and member pay.

This increased the maximum allowable compensation for senior House staff from $173,900 to $199,300 to help bolster retention. As Speaker Pelosi stated, "A key priority for strengthening the Congress so that it can best serve the American people is ensuring that our offices and committees have access to the best talent in America." Then, on May 6, 2022, the Speaker again raised the staff compensation cap to $203,700 and established a staff pay minimum of $45,000.[47] As the table below shows, prior to these actions maximum staff pay had been stagnant for more than a decade.[48] And as discussed in Chapter 4, pay is one of the most commonly cited factors for why senior staff leave congressional service.

LEGISLATION

In September 2022, Chair Kilmer and Vice Chair Timmons, along with Chair Lofgren and Ranking Member Davis from the Committee on House Administration, introduced a resolution (MODCOM II) to advance 32 recommendations, 14 of which were passed in the 116th Congress and 18 from

45. 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.
46. Office of the Clerk of the U.S. House of Representatives. (2022). *Sources sought: Committee scheduling solutions.* https://www.house.gov/sites/default/files/2022-01/Committee-Scheduling-Source-Sought.pdf
47. Office of the Speaker of the U.S. House of Representatives. (2022, May 6). *Dear colleague to all Members on increasing congressional staff salaries* [Press release]. https://www.speaker.gov/newsroom/5622
48. Petersen, E. R., Wolanin, T. L. (2022, September 29). *Staff pay, selected positions in Senators' offices, FY2001-FY2021* (CRS Report No. R44324). https://crsreports.congress.gov/product/details?prodcode=R44324

Table 1. Annual Maximum Pay for Staff In House Members' Offices, 2001-2022

Year	Nominal $	Constant 2022 $	Year	Nominal $	Constant 2022 $
2001	$140,451	$228,677	2012	$168,411	$211,507
2002	$145,226	$232,771	2013	$168,411	$208,454
2003	$149,728	$234,639	2014	$168,411	$205,126
2004	$153,022	$233,581	2015	$168,411	$204,883
2005	$156,848	$231,575	2016	$168,411	$202,331
2006	$159,828	$228,601	2017	$168,411	$198,110
2007	$159,828	$222,270	2018	$168,411	$193,387
2008	$163,795	$219,364	2019	$168,411	$189,945
2009	$168,411	$226,352	2020	$173,900	$193,746
2010	$168,411	$222,699	2021	$199,300	$212,081
2011	$168,411	$215,884	2022	$203,700	$203,700

Source: 2 U.S.C. 4532 note, CRS calculations. Detailed information about data sources is available above in "Data Tables and Visualizations."

the 117th Congress.[49] Recommendations included identifying a bipartisan meeting space for members, encouraging bulk purchasing of equipment, and examining and updating the formula used to authorize funding for member office budgets. Chair Kilmer and Vice Chair Timmons also introduced legislation to update the cadence of House staff pay (H.R. 8827),[50] expand Congress's role in implementing GAO priority recommendations (H.R. 7331),[51] and with Committee members Rep. Dean Phillips (D-MN) and Rep. Dave Joyce (R-OH), introduced legislation to establish a Commission for Evidence-based Policymaking to promote the use of data in policymaking (H. Con. Res. 116).

In the 117th Congress, additional legislation has been introduced that, if enacted, would advance or implement the Committee's recommendations:

- H.R.8237 - Legislative Branch Appropriations Act, 2023 and accompanying report H. Rept. 117-389

Approved by the Committee on Appropriations in June 2022, the bill and accompanying report language funding the Legislative Branch for FY2023 would, if enacted, advance implementation of 23 of the Committee's

49. Moving Our Democracy and Congressional Operations Towards Modernization Resolution of 2022, H.Res.1331, 117th Cong. (2022). https://www.congress.gov/bill/117th-congress/house-resolution/1331/
50. Staff Salary Schedule Improvement Act, H.R.8827, 117th Cong. (2022). https://www.congress.gov/bill/117th-congress/house-bill/8827
51. Improving Government for America's Taxpayers Act, H.R.7331 (2022). https://www.congress.gov/bill/117th-congress/house-bill/7331

recommendations. Most notably, the legislation would provide $10 million (an increase from $2 million) for the Modernization Initiatives Account, which support offices could leverage to support a range of modernization activities.

- H.Con.Res.44 - Fiscal State of the Nation Resolution

Passed by the House in November 2021, this legislation would instruct the House and Senate Committees on the Budget to convene a joint hearing annually to receive a presentation from the Comptroller General on the financial position and condition of the federal government. If enacted, this legislation would implement Committee Recommendation #86, which called for an annual Fiscal State of the Nation.

- H.R.6079 - Congressional Subpoena Compliance and Enforcement Act

Introduced by Rep. Madeleine Dean (D-PA) and referred to the Committee on the Judiciary in November 2021, this legislation would establish standing for the House, Senate, and committees or subcommittees thereof to enforce compliance subpoenas under expedited court consideration. The bill would also set forth penalties that could be assessed against recipients who do not comply. Collectively, this legislation would, if enacted, implement Committee Recommendation #82 ("Facilitate a true system of checks and balances by ensuring the legislative branch is sufficiently represented in the courts").

ADVOCACY

"The [Select Committee's] implementation success story is due in large part to the hard work of our numerous partners in the House, including this Subcommittee…[m]aking Congress work better for the American people is a worthwhile investment."[52]

-Chair Kilmer to House Appropriations Subcommittee on the Legislative Branch

Chair Kilmer and Vice Chair Timmons promoted the Committee's recommendations before colleagues at the House Budget Committee,[53] House Rules Committee,[54] and the Committee on House Appropriations[55] during Member Day hearings. Testimony at these hearings made the case for budget process reform recommendations, updates to House Rules, and the

52. *Member Day: Hearing before the Subcommittee on the Legislative Branch, House Committee on Appropriations,* 117th Cong. (2022) (testimony of Rep. Derek Kilmer). https://docs.house.gov/meetings/AP/AP24/20220518/114797/HHRG-117-AP24-Wstate-K000381-20220518.pdf
53. *FY 2022 Budget Priorities: Members' Day: Hearing before the House Committee on the Budget,* 117th Cong. (2021). https://www.govinfo.gov/content/pkg/CHRG-117hhrg44494/pdf/CHRG-117hhrg44494.pdf
54. *Members' Day hearing on proposed rules changes for the 117th Congress: Hearing before the House Committee on Rules,* 117th Cong. (2020). https://www.congress.gov/event/116th-congress/house-event/111067
55. *Fiscal year 2023 Member Day: Hearing before the House Committee on Appropriations,* 117th Cong. (2022). https://appropriations.house.gov/events/hearings/member-day-14

above-described requests for appropriations funding and report language, respectively. The Committee also engaged informally with other committee chairs and staff to promote recommendations aimed at modernizing committee operations and expanding bipartisan committee functions.

"The congressional budget appropriations process, as it stands today, is in desperate need of reform. Delays and, worse, inaction have become the norm. The unfortunate results are not just ineffectiveness and lack of accountability of Congress, they are increased delays throughout Congress as a whole and strained relationships with the executive branch. Vital legislation is forced to the sidelines as we hurriedly try to fund the government through omnibus bills and CRs. And without on-time individual appropriates bills, federal programs and agencies are hamstrung by the uncertainty of future funding."[56]

-Vice Chair William Timmons to Budget Committee

3.3 – Status of Recommendations

Through the efforts and actions described above, 82% (80 of 97) of the Committee's recommendations from the 116th Congress have either been fully implemented or have seen meaningful action toward implementation. Of these, 32 have been fully implemented or resolved, while 48 have seen partial progress. For the 105 recommendations made during the 117th Congress, 11 have been fully implemented or resolved, and 41 have seen partial progress.[57] The Committee assigned status categories to each of the recommendations to reflect their varying degrees of progress toward implementation:

- *Closed-Implemented:* An entity has taken action pursuant to a recommendation that addresses the problem that prompted the recommendation.
- *Closed-Resolved:* An entity has taken action or provided additional information independently of the literal recommendation but that still addresses the problem that prompted the recommendation.
- *Open-Partially Implemented:* Elements of the recommendation have been fully implemented, or administrative or legislative actions to implement the recommendation are at an advanced stage of progress.
- *Open-In Progress:* Administrative or legislative actions to implement the recommendation have begun.

56. *FY 2022 Budget Priorities: Members' Day: Hearing before the House Committee on the Budget,* 117th Cong. (2021). https://www.govinfo.gov/content/pkg/CHRG-117hhrg44494/pdf/CHRG-117hhrg44494.pdf
57. As of November 18, 2022.

- *Open-Needs Attention:* No meaningful progress towards implementation of the recommendation has taken place.
- *Closed-Unimplemented:* The Committee determined that further action to implement the recommendation is either impossible or highly unlikely due to technical or logistical barriers.

A full accounting of recommendation implementation status, Committee rationale, implementation background, and implementation partners are presented in Appendix I and Appendix II.

Chapter 4 – Recruiting, Empowering, and Retaining an Experienced, Skilled, and Diverse Congressional Staff

4.1 – Introduction

The Modernization Committee began the 117th Congress with a series of three hearings focused on congressional staffing issues. Experts, including many former staffers, testified on boosting staff capacity, professionalizing internships and fellowships, and improving staff retention and diversity. While the witnesses and some of the themes presented in these hearings were new to the Committee, the general topic of congressional staff capacity most definitely was not.



Chairman Kilmer (D-WA, right) confers with staff during a hearing.

The Committee's mandate included a directive to study and develop recommendations on "staff recruitment, diversity, retention, and compensation and benefits."[58] During the 116th Congress, the Committee held one hearing

58. Adopting the Rules of the House of Representatives for the One Hundred Sixteenth Congress, and for other purposes, H.Res.6, 116th Cong. (2018). https://www.congress.gov/bill/116th-congress/house-resolution/6

and three virtual discussions focused on a range of important staffing issues, including staff recruitment and retention, pay and benefits, expertise, and diversity. Additionally, Committee staff held numerous listening sessions with congressional staff to solicit their ideas for improving retention. This work resulted in a number of recommendations in the 116th Congress, several of which have already been implemented.[59]

The Committee's March 25, 2021, listening session with representatives of the Fix Congress Cohort and its April 15, 2021, Member Day hearing made clear that staffing issues continue to present institutional challenges. In his Member Day testimony, House Majority Leader Steny Hoyer spoke about the urgent need to provide congressional staff with better pay and benefits:

> ***"Modernizing Congress, however, is about more than just upgrading technology. It includes changing the way we think about our greatest assets: our staff. Today, I want to speak about how we can improve the way we recruit and retain talented, hardworking, and diverse staff. In my experience, those who come here to work as congressional staff are deeply committed to public service and would remain on Capitol Hill longer if they could afford to do so."[60]***

In addition to offering competitive compensation and routine cost-of-living adjustments, Majority Leader Hoyer suggested that the House review the kinds of benefits that private sector employers offer, including child-care subsidies, tax-advantaged college savings plans, and first-time homebuyer assistance among others.[61]

Chair Kilmer echoed these sentiments in his opening remarks during the Committee's May 6, 2021, hearing on congressional staff capacity. Congress's longstanding tendency to treat high staff turnover as "par for the course" has contributed to the so-called "brain drain" from Capitol Hill. When staff leave the Hill and take their policy and institutional expertise with them, it becomes harder for the legislative branch to uphold its Article I responsibilities. As Chair Kilmer explained:

59. See Select Committee on the Modernization of Congress. (n.d.). *Implementation.* Retrieved November 3, 2022, from https://modernizecongress.house.gov/implementation
60. *Member Day: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021) (testimony of Maj. Leader Steny Hoyer). https://www.majorityleader.gov/content/hoyer-testimony-house-select-committee-modernization-congress%E2%80%99s-member-day-hearing
61. Ibid.

"There's a very clear reason why this Committee has held more hearings focused on improving congressional staff capacity than on any other topic. It's because this institution's ability to effectively uphold its Article I responsibilities absolutely depends on the hard work of dedicated public servants … Members could not carry out their representational and policy making responsibilities without the support of staff. And that's exactly why Congress needs to do more to support them."

With that sentiment in mind, the Committee continued to prioritize staffing issues in the 117th Congress. While some of the issues the Committee focused on prioritized ongoing concerns like benefits and job training, others acknowledged the unique challenges staff faced in the 117th Congress. The COVID-19 pandemic and the events of January 6, 2021, compounded the stress and pressure that many congressional staff deal with on a daily basis and the Committee sought ways to provide staff with additional support.

The Committee also took a fresh look at pipelines to service on Capitol Hill and examined how to broaden and diversify the pool of candidates who apply for congressional internships and fellowships. Because many staff begin their Hill careers as interns or fellows, this work was viewed as an essential part of the Committee's efforts on staff recruitment and diversity, as it will help ensure the existence of a trained and professionalized pool of talent from which congressional offices can draw.

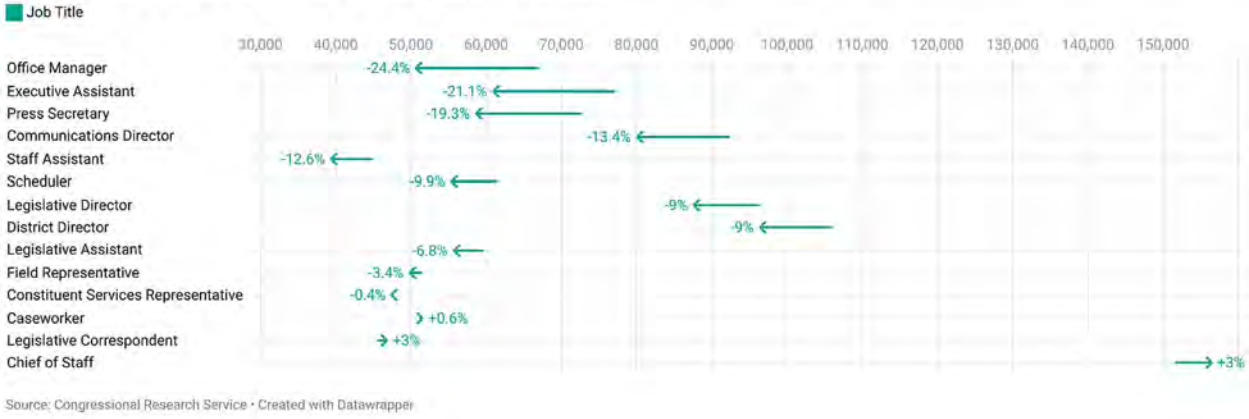
This chapter begins with a brief overview of the congressional staffing landscape and describes some of the major issues and challenges Congress faces when it comes to recruiting and retaining a diverse and talented workforce. It then considers these issues and challenges in the unique context of the 117th Congress and details some of the key staff related events that took place in 2021-22. The chapter concludes with a more detailed review of the Committee's recommendations focused on congressional staffing, internships, and fellowships.

4.2 – The Trade-Offs of a Hill Career

Most congressional staff are dedicated public servants who want to do meaningful work on behalf of the American people. They choose careers on Capitol Hill or in district offices because they are interested in the policymaking process or in helping constituents resolve tough problems or requests involving the federal government. For many, the chance to work in Congress – the seat of American democracy – is a rare opportunity to make a difference, worth the long hours, lower pay, and lack of job security.

Over time, however, these trade-offs can become hard for many staffers to ignore. Most staff positions in member offices turn over every two years or so; while much of this churn is from one Capitol Hill office to another, the typical staffer leaves the Hill altogether after just four or five years.[62] There are many reasons why staff choose to leave Congress, but low pay and limited benefits consistently rank high on the list. Hill salaries are significantly lower than salaries in the executive branch and private sector.[63] Furthermore, congressional staff salaries have not kept up with inflation. Since 2001, the chief of staff position is the only staff position in member offices that has experienced salary growth in real dollars.[64]

2021 Median Pay and Percentage Change for Selected Staff Positions in House Members' Offices in 2022 Dollars and Percentage Change, 2020-2021



Low staff salaries tend to impact junior staff the hardest. Staff assistants, who are typically entry-level, made a median annual salary of $38,730 in 2020 – that's 30% less than the national average starting salary for 2020 college

62. Petersen, R. E. & Eckman, S. J. (2016, November 9). *Staff tenure in selected positions in House Member offices, 2006-2016* (CRS Report No. R44682). https://www.crs.gov/Reports/R44682; 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/
63. 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
64. Cioffi, C. (2021, Nov. 18). This was supposed to be a big year for Hill pay. Staffers aren't holding their breath. *Roll Call.* https://rollcall.com/2021/11/18/this-was-supposed-to-be-a-big-year-for-hill-pay-staffers-arent-holding-their-breath/

graduates. The median annual salary for other junior-level positions is also low: in 2020, press assistants made $43,860 and legislative correspondents made $44,050. And while the cost of living varies widely throughout the country, nearly 15% of district-based staffers made less than $40,000.[65] As the chart above depicts, most congressional staff fall on the lower end of the salary spectrum, with 45% making less than $60,000. As mentioned earlier, most individuals seek staff opportunities on Capitol Hill because of a desire to enter public service, to do meaningful policy work, and to help others. The key challenge is whether House staff salaries, particularly for entry and mid-level positions, are sufficiently competitive to attract and retain the best and brightest to a career on Capitol Hill, particularly when comparable positions in Senate offices and the executive branch pay more.

While some junior staff are fortunate enough to receive financial help from family members, others must take additional jobs in order to make ends meet. Others opt out of applying for Hill jobs altogether, and instead choose careers that offer the financial stability they need to avoid further debt.[66] More than half of students leave college with debt and owe an average of just under $30,000.[67]

Cost of living concerns also play a determining role in whether potential interns seek positions on Capitol Hill. Because internships are the main pathway to securing an entry-level job in Congress, they tend to be highly competitive. But for those who lack the financial means to afford the high cost of living in D.C., congressional internships are often inaccessible. As a result, House interns – many of whom go on to become Hill staffers – tend not to represent the broad diversity of the American people. Capturing demographic data on congressional interns is one way to help Congress better understand and address these issues.

65. Ratliff, A., Neikrie, J., Beckel, M. (2022). *Fair pay: Why Congress needs to invest in junior staff.* Issue One. https://issueone.org/wp-content/uploads/2022/01/Fair-Pay-Why-Congress-Needs-to-Invest-in-Junior-Staff.pdf
66. Epstein, K. (2021, July 13). Capitol Hill staff take second jobs with Postmates, Starbucks, and J. Crew to make up for their low salaries. *Insider.* https://www.businessinsider.com/capitol-hill-congress-second-jobs-postmates-jcrew-doordash-budget-salary-2021-6
67. Hahn, A. (2022, September 19). 2022 student loan debt statistics: Average student loan debt. *Forbes.* https://www.forbes.com/advisor/student-loans/average-student-loan-statistics/

"I believe the one thing we definitely need to adjust is staff salaries to ensure we are keeping the best staff. They are the backbone of any office and their historical knowledge is essential to ensure performance of members."

-Chief of Staff, House personal office

"Congress is only as strong as its staff. As long as we aren't paying to recruit and retain the best, we won't have the best and Congress will suffer."

-Legislative Director, Senate personal office

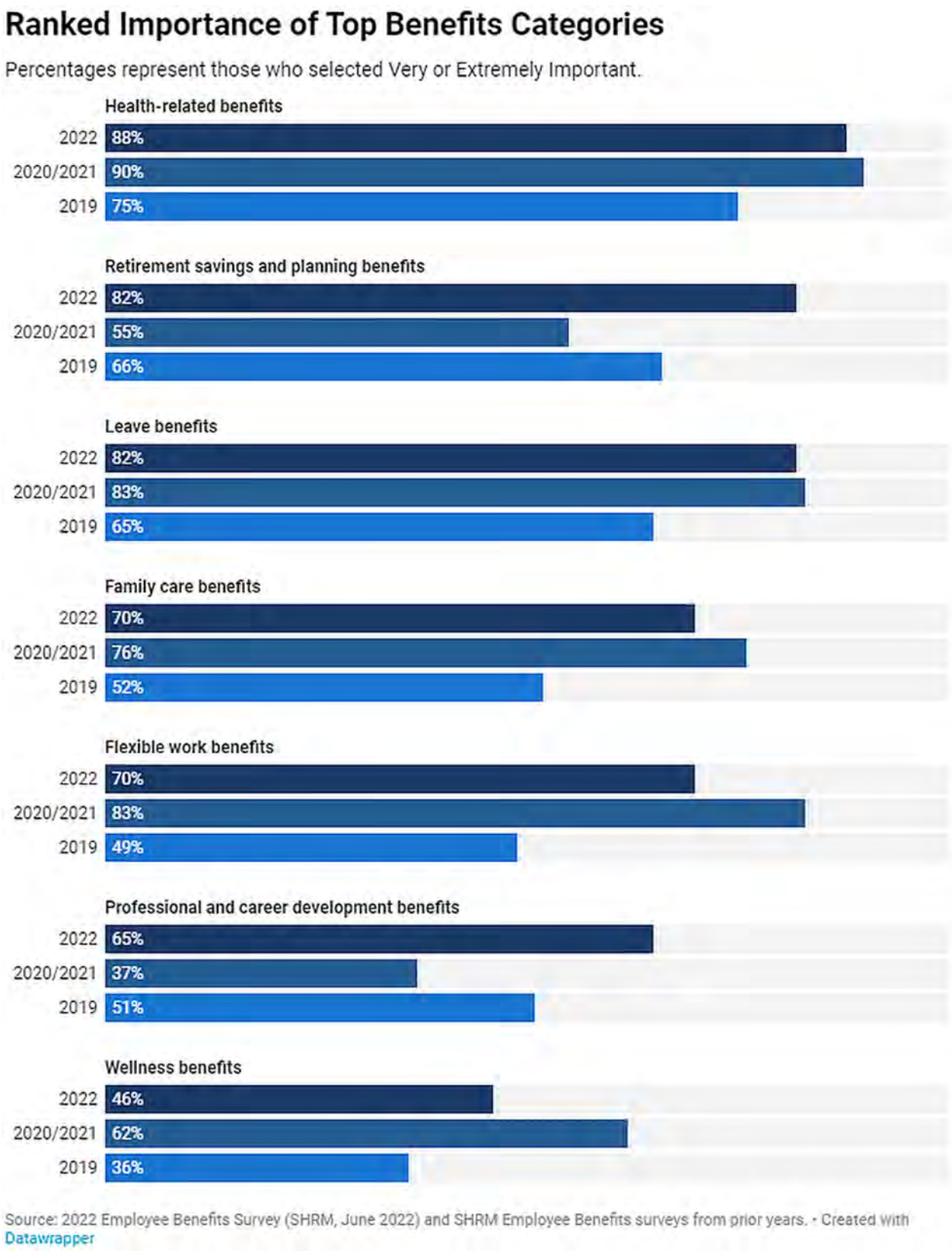
"People who stay and have the institutional knowledge leave after a few years to make 'real' money. We need to do a lot to prevent good staffers from giving up on Congress."[68]

-Communications Director, House personal office

As detailed in the Committee's Final Report for the 116th Congress, retaining a talented workforce also requires investing in the kind of modern benefits that employees today expect.[69] Standard congressional benefit offerings include health insurance, retirement savings accounts, pension eligibility, transit, and student loan repayments, but there is variation between offices when it comes to additional, optional offerings. For example, some member offices provide staff with flexible-work and telework options, but others do not.

For many staffers – and for many workers across the country – the COVID-19 pandemic crystallized the importance of having good benefits. The Society for Human Resource Management's (SHRM) 2022 Employee Benefits Survey found that during the COVID-19 pandemic, employers emphasized health, leave, and flexible work arrangements. Many employees were less focused on retirement savings and professional development benefits and more concerned with surviving the economic effects of the pandemic. As businesses have returned to "normal" operations, employers have recognized that offering a fuller range of benefits is more important today than before the pandemic. This reflects "an increased appreciation for the role benefits play in fostering employee well-being and in attracting and keeping talent in a tight labor market."[70]

68. Quotes from Goldschmidt, K. (2022). *State of the Congress 2022.* Partnership for Public Service. https://ourpublicservice.org/publications/state-of-the-congress-2022/
69. Society for Human Resource Management. (2019). *2019 Employee benefits survey*. https://shrm.org/hr-today/trends-and-forecasting/research-and-surveys/Pages/Benefits19.aspx
70. Miller, S. (2022, June 12). *Priorities shift as pandemic recedes, SHRM 2022 employee benefits survey shows.* Society for Human Resources Management. https://www.shrm.org/resourcesandtools/hr-topics/benefits/pages/benefits-priorities-shift-as-the-pandemic-recedes-shrm-2022-employee-benefits-survey-shows.aspx



According to SHRM, while the COVID-19 pandemic temporarily reordered which benefits were most important to employees, it also ushered in a cultural shift of new benefit expectations. For example, SHRM reports that

many employees today expect benefits to cover telehealth care and mental health services. The number of organizations that provide these benefits has increased dramatically since before the pandemic, with 93% offering telehealth care and 91% offering mental health coverage. Additionally, 63% of employers now offer most of their workers a hybrid work option, where employees can work from home part of the time. More employees want – and expect – the flexibility that remote work offers, and businesses are discovering that they need to offer hybrid options to attract and retain employees.[71]

Importantly, the House Chief Administrative Officer (CAO) is now conducting surveys more regularly to capture a wider range of critical information surrounding staff pay, benefits, and diversity. These surveys are based on a Modernization Committee recommendation from the 116th Congress and will allow the House to make informed and more routine benefit adjustments designed to improve staff retention (#10).

In the 117th Congress, the Committee continued to focus on updating and aligning staff benefits to increase retention. In order to ensure that staff benefits are regularly updated, the Committee recommended that the House establish and maintain a "Task Force on the House Workforce" to make ongoing policy recommendations on benefits (#99). And based on feedback from House staff, the Committee also prioritized amending the Members' Congressional Handbook to allow for reimbursement for the costs of professional development opportunities for staff that provide a certification, where it benefits and furthers the work of the office (#102), and expand the Student Loan Repayment Program to cover tuition assistance (#106). Neither of these recommendations require the creation of new programs at additional cost and can instead be achieved by adjusting current rules.

While pay and benefits consistently rank high on the list of reasons why employees leave their jobs, there are often other factors at play. A 2022 Pew Research Center Survey found that a lack of advancement opportunities, poor management, and a desire for better work-life balance also contribute to high employee turnover rates.[72] For congressional staff who leave the Hill, these factors are particularly relevant. Congress can be a stressful place to work, and the hours can be long. Many employees thrive in this environment, but the burnout factor can be high – especially for employees who have families. And enduring workplace stress makes even less sense if there's no clear path for career advancement.

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71. Miller, S. (2022, June 12). *Priorities shift as pandemic recedes, SHRM 2022 employee benefits survey shows.* Society for Human Resources Management. https://www.shrm.org/resourcesandtools/hr-topics/benefits/pages/benefits-priorities-shift-as-the-pandemic-recedes-shrm-2022-employee-benefits-survey-shows.aspx

72. Parker, K. & Menasce Horowitz, J. (2022, March 9). *Majority of workers who quit a job in 2021 cite low pay, no opportunities for advancement, feeling disrespected.* Pew Research Center. https://www.pewresearch.org/fact-tank/2022/03/09/majority-of-workers-who-quit-a-job-in-2021-cite-low-pay-no-opportunities-for-advancement-feeling-disrespected/

These factors are somewhat less tangible than pay and benefits but can be just as relevant in a staffer's decision to leave the Hill. Given that every Hill office is unique when it comes to issues like management, advancement, and work-life balance, the Committee looked for ways to encourage best practices in these areas. For example, the Committee recommended that supervisors receive formal management training that includes management skills, cultural competency, and how to support an inclusive work environment (#98). Providing managers with the tools they need to successfully manage staff should help alleviate staff frustration with supervisors who lack management skills. The Congressional Staff Academy and CAO's Coach Program continue to make tremendous progress in implementing Committee recommendations to help staff at all levels learn, acquire, and strengthen the unique skills needed to be effective in their jobs.

With these broad challenges in mind, the Committee looked to build on the work it began in the 116th Congress to bolster staff capacity with a focus on recruitment, retention, and diversity, and to professionalize the internship and fellowship experience. The Committee's three hearings on these topics created an essential public record of various staffing related challenges and potential solutions. At the same time, efforts outside of Congress were underway to support staff and to promote efforts inside of Congress to improve retention.

4.3 – The 117th Congress: Staffing Issues Move to the Forefront

At the beginning of the 117th Congress, the country was almost one year into the COVID-19 pandemic. Congressional staff were still navigating the various challenges of remote work while dealing with an overwhelming amount of constituent requests for information and assistance. The pandemic and the resulting public health restrictions placed on workplaces, schools, and communities across the country wreaked havoc on many aspects of people's lives, and staff were charged with helping constituents deal with often devastating health and financial situations. Trying to stay on top of the latest pandemic-related benefits or assistance available to constituents was also challenging, as federal, state, and local governments were involved at different levels of providing help.

"There is no precedent for the outreach of constituents to their members of Congress in terms of both the intensity, the emotion, and the volume," said Brad Fitch, president of the Congressional Management Foundation and a former congressional aide. "Some of these offices are dealing with four to five times the volume. One office we deal with got creative and basically turned all of their staffers into customer service representatives."[73]

Member offices reported huge increases in the volume of letters, emails, and calls from constituents in the early months of the pandemic. Rep. Diana DeGette (D-CO) said that in the first 50 days of the pandemic, her office experienced a roughly 450% increase in the amount of constituent communications it received, compared to a 50-day period earlier that year. Brooke Bennett, chief of staff for Rep. French Hill (R-AK), said their office was dealing with triple the amount of normal constituent contacts.[74] Members and staff shifted focus accordingly and worked to help as many constituents as possible. Many policy staff temporarily helped manage constituent casework and offices developed new processes and procedures for handling COVID-19 related requests.



Rep. DeGette (D-CO, bottom right) testifies during a Modernization Committee hearing.

73. Ognanovich, N. (2020, June 4). Slam of pleas for help forces congressional staff to adjust. *Bloomberg Law.* https://news.bloomberglaw.com/coronavirus/slam-of-pleas-for-help-forces-congress-members-staff-to-adjust

74. Ibid.

By January 2021, many offices had adjusted to the "new normal" of working through a pandemic, but the pressure and urgency of the previous year took its toll on staff. Long hours combined with the ongoing emotional strain of helping constituents in desperate situations contributed to staff burnout. Just as members and staff were learning to manage one unprecedented situation, they soon faced another.

When rioters stormed the U.S. Capitol on January 6, 2021, it took a tremendous toll on an already stressed congressional workforce. As rioters entered the Capitol, staffers took cover in offices throughout the Capitol complex. They barricaded doors and hid under desks and tables, anxiously making calls and sending text messages to loved ones. Staff working from home followed on live TV and frantically tried to reach their colleagues on the ground.[75]

As reports of the damage and destruction to the Capitol poured in, and as staff learned that some of the rioters were armed with dangerous weapons, the Capitol no longer seemed safe. For staff accustomed to going through metal detectors multiple times a day and to regularly seeing dozens of Capitol Police officers in buildings throughout the Capitol complex, feeling unprotected at work was a new and jarring experience.

In addition to feeling unsafe, many staff struggled to process the ugliness of the attack. Some of the rioters shouted racist slurs at Black officers and threatened to harm members, staff, officers, and other Capitol workers. The Confederate flag was paraded through the Capitol as rioters defaced Statuary Hall, the Senate floor, the House Speaker's offices, and other congressional landmarks.[76]

For some Black staffers, the racist aspects of the January 6 attack raised serious concerns about safety in the workplace.[77] Black staffers who work for Black members worried that their bosses would be targeted by rioters for being vocal critics of former President Trump. According to one staffer who was at the Capitol that day, "The fear was very present. We cannot blend in. We cannot not be visible. Our skin color often becomes a target."[78]

After January 6, staffers "reported trouble sleeping and feeling anxious, claustrophobic, angry and depressed."[79] In the following months, the stress of that day was compounded by additional security threats to the Capitol,

75. Tully-McManus, K. (2021, January 28). Insurrection aftermath: Staffers struggle with trauma, guilt, and fear. *Roll Call.* https://rollcall.com/2021/01/28/insurrection-aftermath-staffers-struggle-with-trauma-guilt-and-fear/
76. Broadwater, L. (2021, February 17). For Black aides on Capitol Hill, Jan. 6 brought particular trauma. *New York Times.* https://www.nytimes.com/2021/02/17/us/politics/black-staff-capitol-attack.html
77. Ibid.
78. Ibid.
79. Ibid.



A Capitol Police officer walks past posters and letters of support in the Capitol complex following January 6.

including a vehicle attack that killed a Capitol Police officer and a bomb threat.[80] Demand for mental health support surged and some members called for the House Office of Employee Assistance (OEA) to do more.

In 2021, the OEA reported a record of more than 12,200 individual interactions. OEA used new funding to hire additional full-time counselors, as well as contractors for appointment-based counseling. The office also expanded its drop-in and video counseling services.[81] While members and staff applauded these enhanced services, some felt that more support was needed – particularly for staffers of color and for the broader Capitol workforce.

As testament to the perceived need for additional support services, a number of outside organizations banded together after the January 6 attack to help address the specific needs of congressional staff. Calling themselves "CapitolStrong," the group of about two dozen civil society organizations pushed "to strengthen and invest in the institution of Congress and the people

80. Tully-McManus, K. (2021, September 10). Congress wakes up to its staff retention problems after Covid, bomb threats and riots. *Politico.* https://www.politico.com/news/2021/09/10/congress-staff-retention-problems-510879

81. Mineiro, M. (2022, January 5). 'Angels on campus': Record number of Capitol staff seek counseling in year after Jan. 6. *Roll Call.* https://rollcall.com/2022/01/05/staff-seek-counseling-capitol-riot/

who serve there."[82] The group's website provides many resources for finding counselors, addressing specific staff needs, and guidance for rebuilding resilience. The Congressional Management Foundation, through its Crisis Preparation and Response Center, also provided managers and staff with a number of resources to help with processing trauma and grief, and with crisis planning.[83]

4.4 – Staff Turnover Reaches New Highs

In 2021, the House staff turnover rate reached its highest level in at least 20 years. LegiStorm, a private service which tracks congressional staff rosters and salaries, reported that 55% more House staff left their jobs in 2021 than in the preceding year.[84]

While Congress has struggled with staff retention for decades, the record number of staffers heading for the doors sounded new alarms. Speaker Nancy Pelosi announced in August 2021 that she was implementing one of the Modernization Committee's recommendations from the 116th Congress and decoupled staff pay from member salaries (#70). The salary cap for senior House aides was initially raised to $199,300, allowing these staffers to earn more than their bosses who make $174,000.[85]

Several months later, on May 10, 2022, Speaker Pelosi, utilizing the same authority granted to the Speaker to set a pay cap, announced that for the first time the House would require House staffers to be paid a minimum annual salary of $45,000. At the same time, she raised the pay cap for senior staffers from $199,300 to $203,700 to match a similar recent increase in the Senate. The raised pay cap went into effect almost immediately and the minimum annual salary went into effect on September 1, 2022.[86]

One victory in the push to increase staff pay was an increase in the Member Representational Allowance (MRA). The fiscal 2022 omnibus spending bill included a 21% boost to the MRA for each office. Speaker Pelosi claimed the boost would "more than cover this pay adjustment" and "highly encouraged members to use this MRA increase to honor the committed work

82. CapitolStrong. (n.d.). *Who we are.* Retrieved November 3, 2022, from https://www.capitolstrong.org/
83. Congressional Management Foundation. (2021, April 6). *Many resources still available to help staff recover from January 6 attacks.* https://www.congressfoundation.org/news/blog/1831-many-resources-still-available-to-help-staff-recover-from-january-6-attacks
84. Marcos, C. (2022, March 21). House staff turnover highest in 20 years: study. *The Hill.* https://thehill.com/homenews/house/599093-house-staff-turnover-highest-in-20-years-study/
85. Tully-McManus, K. (2021, September 10). Congress wakes up to its staff retention problems after Covid, bomb threats and riots. *Politico.* https://www.politico.com/news/2021/09/10/congress-staff-retention-problems-510879
86. FEDmanager. (2022, May 10). *Speaker Pelosi issues pay order, requires minimum $45K annual salary for House staff.* https://fedmanager.com/news/speaker-pelosi-issues-pay-order-requires-minimum-45k-annual-salary-for-house-staff

of your staff members."[87] However, because each member determines how their MRA funds are spent, leadership can do little more than suggest that members use the extra funds to increase staff pay.

The Speaker's announcement acknowledged the "strong and effective leadership" of Chair Kilmer on the issue of staff pay and recognized the Chair's efforts to promote "fairness and diversity."[88] Vice Chair Timmons, whose office gave all staff a 15% raise after the MRA was increased, said the Committee's work to improve staff pay will be an important part of its legacy.[89]

"There's a recognition that the massive turnover within Congress erodes the ability of Congress to solve difficult problems."[90]

-Chair Derek Kilmer, September 10, 2021

4.5 – Staff Unionization

Decades after Congress first gave its employees the right to unionize, a group of staffers began organizing in earnest for collective bargaining rights. The effort began in response to growing concerns from many staff about low wages, long hours, lack of diversity, and an unhealthy work environment. The COVID-19 pandemic and the January 6 attack on the Capitol amplified these concerns and spurred organizers to take action.

While the Committee did not debate or address staff unionization efforts, the move by some staff to organize during the 117th Congress provides important historical context for understanding the overall staffing picture at this time. Unionization efforts ran parallel to but separate from the Committee's work on staff recruitment, retention, and diversity recommendations.

The right to unionize Capitol workers first appeared in 1995 as part of the House Republicans' "Contract with America" plan. Republicans argued that Congress should adhere to the same laws it imposes on American businesses. The Congressional Accountability Act, which became law in 1995, removed Congress's longstanding exemption from these laws and gave congressional employees the right to unionize.[91] However, some members argued that, given the House's unique construct, allowing congressional staff

87. Ibid.
88. Office of the Speaker of the U.S. House of Representatives. (2022, May 6). *Dear colleague to all Members on increasing congressional staff* salaries [Press release]. https://www.speaker.gov/newsroom/5622
89. Cioffi, C. (2022, April 28). What's next for staffer pay on the Hill? *Roll Call.* https://rollcall.com/2022/04/28/whats-next-for-staffer-pay-capitol-hill/
90. Tully-McManus, K. (2021, September 10). Congress wakes up to its staff retention problems after Covid, bomb threats and riots. *Politico.* https://www.politico.com/news/2021/09/10/congress-staff-retention-problems-510879
91. Congressional Accountability Act of 1995, S.2, 104th Cong. (1995). https://www.congress.gov/bill/104th-congress/senate-bill/2/

to unionize raised a number of legal and practical questions, and the House ultimately never approved rules to extend to staff the necessary legal protections they would need to organize.[92]

Then, in early 2021, a group of Democratic staffers began meeting to discuss the possibility of forming a union. A little more than a year later, on February 4, 2022, a group of congressional staff announced they had formed the Congressional Workers Union to continue to push for worker protections and the right to unionize.[93] The Committee on House Administration (CHA) held a hearing to explore details related to staff unionization including whether any updated rules would be necessary to implement Section 220 of the Congressional Accountability Act.[94] At the hearing, CHA members also received testimony from witnesses with differing perspectives on the pros and cons of unionization in congressional offices.

On May 10, 2022, these efforts culminated in the passage of a House Resolution that was the "necessary final step to protect staffers from facing retribution if they decided to pursue forming a union within a member's office or a committee and bargain collectively."[95] The resolution was not debated on the floor of the House and was rolled into a separate rules measure with four unrelated bills.

Though the Committee did not engage or take a position on staff unionization efforts, it did address a range of important workplace environment issues during the 117th Congress and issued the following recommendations.

4.6 – Recommendations

IMPROVE STAFF RECRUITMENT, DIVERSITY, RETENTION, AND COMPENSATION AND BENEFITS

98. Personalized Job Training and Management Skills: Supervisors should receive formal management training that includes management skills, cultural competency, and how to support an inclusive work environment.

Improved management will improve office culture, increase staff satisfaction and retention, and improve overall office productivity. While the Congressional Staff Academy (CSA) recently began offering leadership training courses, there currently are no formal training programs for managing a congressional office, mid-level managers, or intern management. The CAO

92. Cochrane, E., Kavi, Aishvarya, Montague, Z. (2022, February 11). On Capitol Hill, a push to unionize House aides gains tractions. *New York Times.* https://www.nytimes.com/2022/02/11/us/politics/congress-aides-unionize-house.html
93. Ibid.
94. *Oversight of Section 220 of the Congressional Accountability Act: Implementing the rights of congressional staff to collectively bargain: Hearing before the Committee on House Administration,* 117th Cong. (2022). https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=114451
95. Sotomayor, M. (2022, May 11). House votes to allow staff unionization. *Washington Post.* https://www.washingtonpost.com/politics/2022/05/10/house-votes-allow-staff-unionization/

and other offices have identified the need for this kind of training and some programs are already in development. For example, the CSA, through its Coach program, is on a path to providing one-on-one job coaching for every position; the Office of Workplace Rights mandates a supervisory training; and the Office of Employee Assistance offers leadership coaching. The recommendation also envisions and supports CSA partnering with universities to expand management program offerings.

99. Update and Align Staff Benefits to Increase Retention: The House should establish and maintain a "Task Force on the House Workforce," led by the Chief Administrative Officer and comprised of other House offices to make ongoing policy recommendations on updating staff benefits.

Providing benefits that are more competitive with the private sector and executive branch can be a cost-effective way to encourage mid-career, highly qualified, and more experienced staff to remain in Congress. With less turnover, particularly at the mid-career level, Congress will see an increase in policy specialization and institutional knowledge. Diversity in senior staff positions will also increase. Fundamentally, a more highly skilled, experienced, and diverse staff will make Congress a stronger institution, better positioned to fulfill its Article I responsibilities and more effectively serve the American people.

With a broad representation of House offices responsible for various workforce benefits and other issues important for staff retention, the Task Force can approach the issue of staff benefits holistically, examine surveys and studies already done or in progress, and make specific, actionable policy recommendations each Congress. In addition to considering updates and improvements to better align House staff benefits with the workforce practices in the Senate, executive branch, and private sector, the Task Force should also consider the advantages of providing individual offices greater flexibility in determining specific benefit offerings.

Note: The FY2022 Legislative Branch Appropriations report contains language that similarly directs the establishment of a Task Force on a Diverse and Talented House Workforce to regularly study and make policy recommendations that improve human resources management practices throughout the House.

100. Real Time Payroll Information: The House should create a searchable database of anonymized average staff compensation information, by position, using available information on staff salaries and payroll data.

A database of staff salary information would provide timely information that would help hiring managers set staff salaries (and potentially benefits, if the system is crafted to track that as well), create transparency for employers and internal job seekers, and provide current salary data at a lower cost than surveying staff. Current congressional employees could also use the information when they are considering a new job or requesting a raise. The

database would be viewable and collated in a way that is most beneficial to managers and staff, and include comparisons by region and state delegation, as well as differentiation between freshman and more senior offices.

For the last few years, the Senate has operated a voluntary, "live" database of staff compensation. The Committee understands that, based on information received shortly before this report was completed, the database was used by approximately 42 offices – 30 personal offices and 12 committees.

101. Mentorship Match Program: The House should initiate and facilitate a formal mentorship program for matching more experienced staff with less experienced staff.

Mentorships are an inexpensive and effective way to share traditions and impart knowledge to more junior staff, especially those who began their careers on Capitol Hill without established networks to tap into. While some mentorships happen informally, a formal program could help increase mentorship opportunities and the quality of mentorship, thereby improving training, institutional knowledge, professional development, office culture, and staff retention. A formal House mentorship program should support and utilize best practices already developed by staff association mentorship programs.

This new program could be run by a variety of entities within the CAO's office. The CAO's office, or another appropriate office, could also determine how to best fund and implement the new program.

102. Professional Certifications: The House should allow member, committee, and leadership offices to pay for certain professional development opportunities for staff that include a certification.

Staff should have more flexibility to participate in relevant professional training opportunities, specifically those that directly relate to the employee's job duties and/or otherwise benefit the office. Examples of relevant certifications include, but are not limited to, Adobe Certified Expert, Leadership Essentials, Project Management Certifications, Budget and Public Finance Certificate, and Cybersecurity Risk Management. Additional certification opportunities may evolve organically.

Note: According to the Office of Personnel Management, federal agencies can pay for training that includes professional certifications.

103. Onboarding Information: The Chief Administrative Officer should provide offices with an expanded standard onboarding packet that includes comprehensive information on available resources and benefits for staff.

A standard and comprehensive onboarding packet is an effective and inexpensive way to ensure new employees understand all the resources and benefits available to them as House employees. The information could be

presented in various formats, including through a supplementary educational video, and at different stages of onboarding – either in the initial payroll packet or shortly after an employee has been registered in the system.

104. Assistance for Contract Employees: Where feasible, the House should work with contractors to ensure they provide their Capitol campus employees assistance services comparable to those offered by the House through the Office of Employee Assistance.

Ensuring the health and well-being of everyone who works on the Capitol campus, including contractors, will make for a better working environment. Contract workers are part of the Capitol community and should be able to access the same mental health services available to congressional staff.

105. Supporting the Office of Employee Assistance: The Office of Employee Assistance should seek to retain a diverse workforce, offer access to bilingual services, and retain staff capable of providing various forms of trauma services.

A diverse OEA workforce that can provide bilingual services and offer trauma services that meet the needs of all staff is better positioned to serve a diverse community with various mental health needs. In addition, providing increased resources to improve awareness will help staff know and better understand the OEA and the services it offers, thereby improving utilization. Taken together, this will improve mental health, create a more resilient Capitol Hill community, and improve overall staff productivity and retention.

The OEA provides confidential assistance to members, employees, and their family members for personal and work-related problems. The OEA's caseload more than doubled in the first half of 2020, largely due to the COVID-19 pandemic. Upon request, the OEA is currently able to connect employees to bilingual support services but the office currently does not have in-house capacity to do this.

106. Tuition Assistance: The House should expand the Student Loan Repayment Program to include tuition assistance.

The program should be modeled after the House's SLRP which has a service commitment built into the agreement and requires payments to be recouped if the employee is terminated or involuntarily separates before the end of the term. However, that provision can be waived at the discretion of the office. Existing SLRP annual ($10,000) and lifetime ($80,000) caps would apply to the TAP. Most private sector TAP programs are capped at $5,250 per year because an amount over this threshold is considered taxable income. Staff should be fully informed about the annual income tax implications of receiving benefits above a certain level.

107. Talent Acquisition Software: The Chief Administrative Officer should provide access to industry-leading talent acquisition software to assist House offices in managing their recruitment and hiring processes.

By providing offices with tools to methodically track, sort, and score candidates, offices will create greater efficiency and realize better hiring outcomes. The Office of Diversity and Inclusion (ODI) will work with the CAO to ensure that any software offered does not introduce algorithmic bias into the hiring process.

Note: The CAO has received feedback from chiefs of staff that they would like tools to assist their hiring processes. The CAO is thus looking into making commercial, off-the-shelf talent acquisition software available. The ODI has also expressed support for offices to begin using talent acquisition software to professionalize the recruitment and hiring process to improve diversity.

108. Collecting Demographic Data: The Chief Administrative Officer should work with the Office of Diversity and Inclusion to improve the collection of anonymized demographic data through an optional form provided to staff at onboarding.

By collecting data during the onboarding process, the House can increase the amount of information gathered, reduce costs, and provide more accurate and up-to-date demographic information, which will in turn help the institution more efficiently target efforts to diversify the workforce and ensure it is broadly representative of the American people. The data collection form should be developed in conjunction with the ODI, or use already available information and forms, and gathered during the employee onboarding process. Consistent with previous compensation and diversity reports produced by the CAO, all data collected through the form will remain strictly confidential and anonymized. Data is not to be used to identify or evaluate individuals or specific offices and should not be reported by party or office. All data will be aggregated for reporting purposes.

Note: The FY2022 Legislative Branch Appropriations report directs the Office of Payroll and Benefits to work with ODI to identify the best method for inserting a voluntary question on demographic diversity to employee onboarding paperwork for all employees. The report directs implementation by January 2022.

PROFESSIONALIZE INTERNSHIPS AND FELLOWSHIPS

109. Assessing Intern Cost of Living: The Chief Administrative Officer should provide information to congressional offices on the cost of living for interns to help inform intern stipend levels.

Internships are on-the-job training that can provide a pathway to a full-time position on the Hill. With more data, managers will be able to better align stipend levels for interns with the cost of living in the D.C. area, thereby

allowing Congress to recruit the most talented and diverse applicants. In gathering cost of living information, the CAO might also consider evaluating other similar internship programs in the D.C. area as a helpful reference point for living costs and comparative compensation levels.

Member offices are currently provided a separate allotment of $25,000 annually to compensate interns, and there is a monthly cap of $1,800 per intern. By House rules, internships are primarily of educational benefit and interns may not be employed by the member for more than 120 calendar days. Intern compensation is intended to help interns cover the cost of living while residing temporarily in the D.C. area during their internship. Assessing the cost of living for an internship is different than assessing the cost of living for a full-time employee, and any cost analysis should cover those differences (for example, short term versus long term housing costs).

Note: The FY2022 Legislative Branch Appropriations bill would increase the member office allocation to $35,000 but would not change the monthly cap of $1,800 per intern.

110. Intern and Fellowship Program Office or Coordinator: The House should establish an Intern and Fellowship Program Office or Coordinator that helps with onboarding, developing educational curriculum, professional development, and training for office coordinators.

This office or coordinator would help professionalize and standardize congressional internship and fellowship programs, alleviate some of the burden on offices, and ensure a more consistent and high-quality educational experience for interns and fellows. The onboarding and management of interns and fellows is currently the responsibility of the individual employing office. While many offices offer robust programs, very little guidance or additional resources are provided by the House to assist offices with their programs, including orientation, onboarding, and educational programming.

Note: Language in the FY2022 Legislative Branch Appropriations report directs the Office of Diversity and Inclusion, working in coordination with the Chief Administrative Officer, to conduct a study on the feasibility of creating a centralized House internship and fellowship office to provide support services to congressional interns as well as act as a resource hub for standing committees, leadership offices, and House member offices.

111. Fellows and Detailees Use of Equipment: Congress should clarify rules to allow fellows and detailees to receive the same resources as professional staff.

This would align House rules regarding fellows and detailees with office needs and ensure they are using devices that are secure and up to date.

Current rules in the House Members' Handbook state that fellows are only able to use "existing office resources" that were already purchased and used by another staffer. Rules clarifying the use of House resources by fellows

and detailees should tie resource access to a bona fide agreement to provide formality and additional details, as well as other precautions to ensure that House security protocols are being followed.

112. Remote Internships: The House should study the feasibility of permanently allowing remote internships.

Allowing interns to telework could expand opportunities for individuals who cannot travel to and live in Washington, D.C. A study will provide information on whether the House should make remote internships a permanent option by addressing the following concerns: 1) Ensuring the educational requirements of House internships are being met, which may be more challenging in a remote situation; 2) Oversight of program participants; and 3) Providing, tracking, and accounting for House resources and equipment, and ensuring security and confidentiality, including network security.

Note: In response to the COVID-19 pandemic, the Committee on House Administration temporarily authorized all compensated House interns to be eligible to telework in the event of a disaster, pandemic or other emergency. This authorization allows offices to lend House resources (laptops, phones) to compensated interns who telework.

113. Committee Internship Stipends: Committees should be provided a program allowance, separate from their budget, for compensation of interns.

Unlike personal and leadership offices, committees currently have no separate fund for providing internship stipends, and interns count against their capped allocation of staff slots. Committees are thus disincentivized from bringing on interns. This fund would be separate from committee budgets and will provide additional slots for committee interns.

Note: The FY2022 Legislative Branch Appropriations bill allocates $2.3 million to compensate up to 106 committee interns.

4.7 – Conclusion

The Modernization Committee's work to improve staff pay, benefits, diversity, and the overall workplace experience was a constant focus during the 116th and 117th congresses. The Committee's commitment to supporting staff reflected members' deep understanding of and appreciation for the important role staff play in serving the American people. From casework to policymaking, staff are there to assist members in making sure their constituents' problems are addressed and their views are represented. Despite the Committee's numerous and strong recommendations on staffing issues, there is still much work to be done to ensure that Congress can recruit and retain an experienced, skilled, and diverse workforce.

Chapter 5 – Building a More Civil and Collaborative Congress

5.1 – Introduction

Three days after the 117th Congress convened on January 3, 2021, rioters stormed the U.S. Capitol protesting the certification of the 2020 presidential election as members of the House and Senate were casting their votes on the question of whether to certify the slates of electors sent to Congress by the states. Members were quickly moved from the floor to a secure location until the Capitol was cleared and deemed safe to return. Later that evening, in a dramatic turn of events, members of the House and Senate returned to the Capitol and voted to certify the election of Joseph R. Biden as the nation's 46th president.

Nearly two years later, the events of January 6, 2021, still stir up feelings of fear, anger, and sadness for current and former members and staff, as well as for many Americans who were shocked by what happened. In the immediate aftermath of the attack, the environment in Congress was intense; emotions ran high as some members pointed fingers and sought to place blame. Others struggled to understand how this could have happened in the nation that invented modern democracy.

With this shocking episode as backdrop, the Modernization Committee began its second full session of work. Seven of the Committee's 12 members were new to the Committee in the 117th Congress and had no experience with its unique, bipartisan approach to committee operations and processes. Given the extraordinary circumstances under which the 117th Congress had begun, Chair Kilmer and Vice Chair Timmons recognized that if the newly reconfigured Committee was going to work collaboratively, they would need to directly address the partisan tensions that threatened to stall Committee productivity.

The first step was organizing a bipartisan member retreat. In addition to planning the Committee's agenda for the 117th Congress, Chair Kilmer and Vice Chair Timmons agreed that it was important to acknowledge the violent storming of the Capitol on January 6 and provide members with an opportunity to talk about it. A conflict resolution expert facilitated the discussion, giving everyone who wanted to share their thoughts a chance to do so.

The discussion was not lengthy, and it was not about airing grievances; it was a simple opportunity for members to express honest opinions and thoughts about what they had experienced on January 6. Importantly, it was also an opportunity for members to listen to one another in a private setting, with no cameras or outside observers present.



Chair Kilmer (D-WA, left) and Vice Chair Timmons (R-SC, right) gather after a Modernization Committee hearing.

Though it felt risky and even a bit uncomfortable at the time, the exercise highlighted the importance of finding ways to connect with colleagues across party lines – even when the issues at hand are very divisive. Beneath the lines in the sand and public position taking, there are usually areas of commonality that go unnoticed unless they're deliberately drawn out through a process of active listening.

The Committee's 12 members are a tiny subset of the House's 435 members, and opportunities for private conversations across party lines are limited in Congress. These conversations can, however, encourage the kind of relationship building that's important in any professional setting. Chair Kilmer and Vice Chair Timmons agreed that it was important for the Committee to continue exploring ways to broaden institutional understanding and support for initiatives that encourage greater civility and collaboration in Congress. Members may disagree passionately on all kinds of issues, but most want to get things done and help their constituents. And reducing hyper-partisanship is certainly one way to ease the gridlock that continues to impede legislative productivity.

As the Modernization Committee wrapped up its work at the end of the 116th Congress, it did not foresee an extended focus on civility and collaboration in the 117th Congress. But as it had throughout the 116th, the

Committee saw value in addressing contemporary issues that presented immediate challenges for the institution as part of a larger examination of how to modernize the institution and improve how it works for the American people.

The remainder of this chapter describes the background and thinking that informed the Committee's four hearings focused on civility and collaboration and the Committee's recommendations to encourage greater bipartisan productivity.

5.2 – Diagnosing the Problem: Polarization and Congressional Culture

The Committee's Final Report for the 116th Congress devoted a chapter to civility and bipartisanship in Congress and provided a detailed history on the rise of partisanship and polarization.[96] As the report notes, the intense levels of partisanship and polarization in Congress are a more recent phenomenon. The roots of this conflict are multi-faceted, but one major factor was the 1960s realignment of the "Solid South," which led to more ideologically unified Republican and Democratic parties.[97] Since the early 1990s, Congress has become more competitive as the margins between parties have narrowed. When both parties view majority control as within reach every two years, the incentives for bipartisanship decrease. Some congressional scholars argue that these trends have led both Republican and Democratic members to become more united in how they vote and in how they communicate with the public.[98]

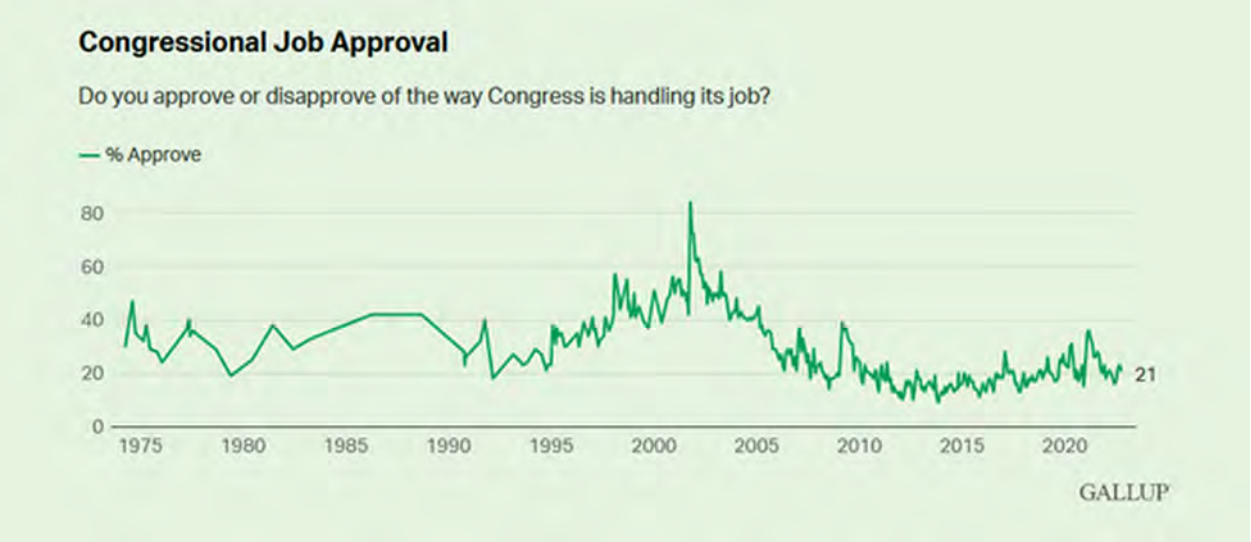
It's also important to note that as Congress has become more partisan, so has the country. Divisions along social and demographic lines have expanded over the last 50 years, contributing to increased polarization among constituents.[99] The partisanship on display in Congress is thus reflective of broader societal trends.

One important consequence of increased polarization may be decreased public trust in the federal government. According to a recent Pew Research Center poll, only 20% of Americans trust the federal government to do what is right "just about always" or "most of the time." This stands in stark contrast to 1958, when the National Election Study first began polling on public trust in

96. See "Chapter 2: Encourage Civility and Bipartisanship in Congress" in Select Committee on the Modernization of Congress. (2020). *Final report for the 116th Congress.* https://modernizecongress.house.gov/final-report-116th/chapter/chapter-2-encourage-civility-and-bipartisanship-in-congress
97. U.S. House of Representatives, History, Art, and Archives. (n.d.). *Party realignment.* Retrieved November 4, 2022, from https://history.house.gov/Exhibitions-and-Publications/BAIC/Historical-Essays/Temporary-Farewell/Party-Realignment/
98. Lee, F. (2016). *Insecure majorities: Congress and the perpetual campaign.* University of Chicago Press. https://doi.org/10.1177/1354068818804673
99. Mason, L. (2018). *Uncivil agreement: How politics became our identity*. University of Chicago Press. https://doi.org/10.1017/S0008423919000076

government. Then, 75% of Americans trusted the federal government to do the right thing almost always or most of the time. But since 2007, the share of Americans who mostly trust the federal government has not surpassed 30%.[100] The public's sustained distrust of government over the past 15 years runs parallel with ongoing political and societal polarization.

While public trust in the federal government has remained low since 2007, public approval of Congress has remained even lower. Since 2005, Congress has averaged a 21% public approval rating; a June 2022 Gallup poll found that only 16% of Americans approved of the job Congress is doing.[101]



In order to begin a public discussion about the adverse effects of hyper-partisanship in Congress, the Committee decided to hold a hearing on the various societal trends and institutional factors that have strained congressional comity and productivity over the past several decades. The broader goal was to reach a common understanding of how and why Congress has become so polarized, without placing blame on any one party or administration. Given the heightened partisan tensions in Congress after January 6, the Committee sought to identify and discuss the root causes of polarization in objective terms.

The Committee also decided that this hearing, held on June 17, 2021, would provide a good opportunity for debuting a new hearing format. Employing new rules the Committee adopted at the beginning of the 117th Congress, the hearing was held in a roundtable setting, with members and witnesses seated around the table together. The Committee utilized its authority for extended questioning under the rules to allow for a more

100. Pew Research Center. (2022, June 6). *Public trust in government: 1958-2022.* https://www.pewresearch.org/politics/2022/06/06/public-trust-in-government-1958-2022/

101. Gallup. (n.d.). *Congress and the public.* Retrieved November 4, 2022, from https://news.gallup.com/poll/1600/congress-public.aspx

free-flowing, robust conversation between members and witnesses. Given the sensitivity of the hearing topic, this format was also effective because members were able to respond to each other in the moment, rather than having to wait for their turn.



Modernization Committee members and witnesses sit in a roundtable format during a hearing on July 14, 2022.

While the hearing's focus was on how broader societal trends shape the culture of Congress, it's important to recognize that culture has a profound effect on the way the institution works (or doesn't work). As Chair Kilmer observed in his opening remarks:

"I'm consistently struck that Congress – as an institution – has some unique cultural challenges. It's the first organization in which I've worked where there's not a widely embraced mission or set of goals. Indeed, Congress often feels like 435 independent contractors – all loosely affiliated with two general contractors that appear to be in a high stakes competition for market share. The incentives … are often not to build and fix the institution but rather to bash it. Much of what vexes the institution is not failures in rules and procedures but the breakdown of norms and – for lack of a better phrase – a rather toxic corporate culture."

One question the Committee considered is whether and how a toxic culture can be changed – especially when the outside forces that are driving it appear to be gaining steam rather than easing up. As Chair Kilmer and others have noted, the incentive structure for members of Congress has changed over time in ways that reflect and respond to society. As society has become more aggressively polarized and more expressive in its "outrage," the institution's culture has become more performative oriented rather than solutions oriented.

Though it is certainly true that many members are primarily focused on the traditional legislative and representative work of Congress, it is also true that some members today are focused on what Yuval Levin describes as performative conflict. In testimony before the Committee, Levin noted:

> ***"Some members now seem to run for office less to be involved in legislative work and more to have a prominent platform in the culture war—to become more visible on cable news or on talk radio, to build a social media following, and to use their elected office as a platform to complain about the very institution they worked so hard to enter. They conceive of themselves, or at least present themselves, as outsiders speaking to the institution rather than as insiders working through the institution. And as a result, they incline to approach their colleagues (particularly those of the opposite party) as props in a dramatic morality tale rather than as fellow legislators with whom to negotiate, bargain, and cooperate."***[102]

Levin connects Congress's drift towards a performative conflict culture to diminished public trust in Congress. Whether or not the public trusts an institution depends on whether that institution is competent and effective in doing what it's set up to do. And its ability to do what it's supposed to do depends on there being an established structure and process, carried out by the combined effort of the people who work within the institution.

Like other institutions, public institutions like Congress must have structures and processes in place to shape the behaviors of the people who work there. This is necessary for the institution to effectively do what it's supposed to do, yet every member of Congress arrives in Washington with different values, priorities, and skills. This reality – along with the electoral and political pressures some members face to oppose traditional approaches to legislating – can make it difficult for Congress to convince members of the value of adhering to established structures and processes. Public trust in

102. See page 4, *Building a more civil and collaborative culture in Congress: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021) (testimony of Yuval Levin). https://docs.house.gov/meetings/MH/MH00/20210617/112786/HHRG-117-MH00-Wstate-LevinY-20210617.pdf

institutions depends in part on the public believing that the people who work within institutions have been effectively prepared and trained by the institution to do the jobs they were hired to do. This perception presents obvious trust problems for Congress.

As Levin explains, "[w]hen we don't think of our institutions as formative but as performative, they become harder to trust. They aren't really asking for our trust, just for our attention. And in our time, many of our most significant social, political, cultural, and intellectual institutions are in the process of going through this transformation from mold to platform."[103]



From left to right: Yuval Levin, Chair Kilmer (D-WA), Molly Reynolds, and Vice Chair Timmons (R-SC) smile after a Modernization Committee hearing on civility.

Over the past few decades, the culture of Congress has arguably changed in ways that make the institution less functional. And as a result of this dysfunction, public trust and approval of Congress remain consistently low. Hyper-partisanship makes cross-party collaboration challenging and many

103. Ibid.

of the job's incentive structures now encourage conflict rather than civility. For example, "conflict entrepreneurs" on both sides of the aisle tend to raise more campaign money and attract more followers on social media.[104]

Understanding Congress's transformation from "mold to platform" helped the Committee think realistically about recommendations it could make to encourage civility and collaboration. As Chair Kilmer and Vice Chair Timmons wrote in a January 2022 op-ed, "We can't legislate behavioral change or pass rules telling members to be nice to each other. Social media and cable news, both of which exacerbate the rancor, are not going away. We also can't put the genie back in the bottle. Congress is not going to reclaim some version of bipartisanship that supposedly existed in the past, nor should it try to. Congress can, however, change some of the systems that steer members toward conflict rather than consensus."[105]

5.3 – Diagnosing the Problem: Committee Productivity and Member Empowerment

Understanding "some of the systems that steer members toward conflict rather than consensus" was the Committee's next step. Committee members were particularly interested in looking at changes in the role of committees over the past several decades; frustration over leadership-driven lawmaking has been a common complaint among members who want to play a more meaningful role in the legislative process. And depending on the committee, many hearings today serve as platforms for political position-taking rather than as outlets for substantive policy discussions.

The Committee's final report for the 116th Congress described how Congress's current proclivity towards omnibus legislation and party leadership can 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 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.[106]

In previous eras, members consciously chose to empower their leaders because they believed that doing so would help them achieve their own policy goals. In the 1970s, for example, progressive Democrats were frustrated by

104. For example, see Pildes, R. H. (2020). Participation and polarization. *Penn. J. of Constitutional Law, 2020,* NYU School of Law, Public Research Paper No. 20-34. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3611180

105. Kilmer, D. & Timmons, W. (2022, January 26). Steering lawmakers toward consensus, not conflict. *RealClearPolitics.* https://www.realclearpolitics.com/articles/2022/01/26/steering_lawmakers_toward_consensus_not_conflict_147093.html

106. Davis, C. M. (2019, May 20). *The legislative process on the House floor: An introduction* (CRS Report No. 95-563). https://crsreports.congress.gov/product/pdf/RL/95-563

their inability to get right-leaning Democratic committee chairs to address left-leaning policy concerns. So they worked to bypass committee chairs by empowering their party leaders whom they believed could help them pass progressive policies.

In 1994, after Republicans won majority control of the House for the first time in decades, many Republican members viewed the committee system as an obstacle to passing their policies and chose to empower Speaker Newt Gingrich with the tools he needed to directly move their agenda.[107] Since the 1990s, both parties have centralized power in leadership; as a result, the percentage of bills that have bypassed the committee process has steadily risen.[108]

In addition to the challenge of working within a culture that incentivizes conflict and encourages performative behavior, members of Congress feel increasingly sidelined from the lawmaking process. Their inability to play a substantive role in legislative negotiations leaves some questioning the value of their committee work and looking for alternative ways to participate in the process. And for better or worse, social media and cable news provide an easy outlet for members wanting to make their policy views known. This form of "participatory politics" then reinforces the performance aspects of contemporary congressional culture.[109]

5.4 – Finding Solutions: Steering Members Toward Consensus, Not Conflict

OUTSIDE PERSPECTIVES

In order to address the question of how to encourage greater collaboration and productivity within a culture that encourages – and sometimes even rewards – conflict, Chair Kilmer and Vice Chair Timmons agreed that the Committee needed to look beyond Congress. While such an approach may seem counterintuitive, the goal was to learn from people with deep experience in working through various forms of dysfunction. Rather than assume that Congress is so unique that its problems can only be solved internally, Committee members recognized that other institutions deal with conflict all the time and have developed successful strategies for managing it.

The Committee thus spoke to experts in organizational psychology, conflict resolution, strategic negotiations, and cultural change. Members talked to consultants and coaches tasked with turning losing teams into winning

107. Evans, C. L. & Oleszek, W. J. (1997). *Congress under fire: Reform politics and the Republican minority.* Houghton Mifflin. https://books.google.com/books/about/Congress_Under_Fire.html?id=MJeGAAAAMAAJ

108. Davis, C. M. (2019, May 20). *The legislative process on the House floor: An introduction* (CRS Report No. 95-563). https://crsreports.congress.gov/product/pdf/RL/95-563

109. See Chapter 2, Levin, Y. (2020). *A time to build*. Basic Books. https://www.basicbooks.com/titles/yuval-levin/a-time-to-build/9781541699281/

ones. And they explored how some of America's leading companies build collaborative work environments or deal with conflict among corporate board members. The experiences, best practices, and strategies shared by these experts provided new insight into how Congress might address some of the tensions that make it difficult for members to do the jobs they were elected to do.

At a June 24, 2021, committee hearing on rethinking congressional culture, some of these experts shared their ideas. In testimony before the committee, *High Conflict* author Amanda Ripley described following people who have gotten out of "high conflict" situations in politics, street gangs, and even civil wars. In doing so, she learned that "the way people behave in conflict is not that different--whether it's in divorce court or a picket line or in the halls of Congress."[110] It's possible to identify patterns, practices, and rituals that cultivate a kind of healthy conflict, where problems can be resolved.



Amanda Ripley testifies before the Modernization Committee.

110. *Rethinking congressional culture: Lessons from the fields of organizational psychology and conflict resolution: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021) (testimony of Amanda Ripley). https://docs.house.gov/meetings/MH/MH00/20210624/112836/HHRG-117-MH00-Wstate-RipleyA-20210624.pdf

William Doherty, a marriage and family therapist and co-founder of the nonprofit organization Braver Angels, described how "carefully designed structures for group processes and one-to-one conversations can lower rancor and produce more understanding across partisan differences." Activities that require "structured sharing and encourage careful listening—including showing humility about one's own side—do yield measurable changes in attitudes and behaviors."[111] Braver Angels has begun piloting its programs in Congress, working with both members and staff on building cross-party relations and conflict resolution strategies.

The Committee also heard from corporate consultants who have worked with some of the country's leading companies on promoting civility in the workplace and developing successful leadership practices. Consultant Shola Richards described why civility matters in an institution like Congress:

> ***"Civility, in its simplest form, is a sincere and consistent demonstration of respect. Without a baseline of respect, there can be no trust. Without trust, communication among team members will deteriorate rapidly. Without respect, trust, and effective communication, committee meetings devolve into dysfunction, highly-skilled staff members quit, and most importantly, the American people who rely on this institution to improve their lives, will become disillusioned and lose faith in their elected officials."[112]***

In working to help companies design workplace structures and strategies that encourage civility, Richards finds that there is much greater commitment to actively practicing civility norms when employees play an active role in creating the norms. There is also a greater willingness to hold their peers accountable to those norms because they agreed to and helped create them in the first place. Committing to this process takes time, but as Richards argues, so does sitting through committee hearings where "toxic conflict, incivility and dysfunction is the norm." Through their own experiences, many companies have determined that civility is too important to leave to chance and "needs a process" to ensure it's taken seriously by employees.[113]

Liz Wiseman, an author and consultant who has worked with top executives around the world, testified before the Committee about leadership strategies that members can employ to empower themselves and their teams.

111. *Rethinking congressional culture: Lessons from the fields of organizational psychology and conflict resolution: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021) (testimony of William J. Doherty). https://docs.house.gov/meetings/MH/MH00/20210624/112836/HHRG-117-MH00-Bio-DohertyB-20210624.pdf
112. *Pathways to success: How practicing civility, collaboration, and leadership can empower Members: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021) (testimony of Shola Richards). https://docs.house.gov/meetings/MH/MH00/20210923/114045/HHRG-117-MH00-Wstate-RichardsS-20210923.pdf
113. Ibid.

Wiseman addressed the frustration that many members express over their inability to engage substantively in the legislative process and discussed several "proven best practices from the corporate world that are used in complex organizations where managers must lead and achieve desired outcomes without formal authority."[114] Members, like these corporate managers, must navigate complexity and engage in independent decision-making as they work to achieve their legislative goals.

In addition to these experts, the Committee also heard from political scientists who have studied relationship building and collaboration in Congress. Kristina Miler shared recent research on the organizational climate for cooperation and conflict in Congress and argued for creating "a cooperative conflict climate where working together is constructive rather than combative." Such a climate would be markedly more participatory and would encourage members to openly express positions and disagree with colleagues and leadership.[115]

Alison Craig testified about how Congress can better facilitate collaboration between members. She finds that "members routinely look for opportunities to find common ground on policy and seek colleagues to work with, including members of the other party … nearly every member collaborates with at least one other member, and the average member has between 15 and 20 colleagues they work with in a given Congress. Members introduce legislation together, coauthor letters to agencies, host briefings, and more."[116] Research shows that collaborative efforts are much more likely to succeed, which is a strong argument for finding ways to encourage them.

INSIDE PERSPECTIVES

In addition to learning from diverse experts outside of Congress, the Committee sought expertise from within the institution. Specifically, members were interested in examples of how other committees have worked collaboratively and productively. At a July 20, 2021, hearing, the Committee heard from Reps. Fred Upton (R-MI) and Diana DeGette (D-CO), and from former professional staff with the House Armed Services and House Ways and Means Committees.

114. Ibid.
115. *Rethinking congressional culture: Lessons from the fields of organizational psychology and conflict resolution: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021) (testimony of Kris Miler). https://docs.house.gov/meetings/MH/MH00/20210624/112836/HHRG-117-MH00-Wstate-MilerK-20210624.pdf
116. *Pathways to success: How practicing civility, collaboration, and leadership can empower Members: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021) (testimony of Alison Craig). https://docs.house.gov/meetings/MH/MH00/20210923/114045/HHRG-117-MH00-Wstate-CraigA-20210923.pdf



Representatives Upton (R-MI, left) and DeGette (D-CO, right) share their experience during a Modernization Committee hearing on July 20, 2021.

Reps. Upton and DeGette discussed their collaborative approach to working on the 21st Century Cures Act, which was signed into law on December 13, 2016.[117] The Cures Act is intended to help accelerate medical product development and bring new innovations and advances to patients who need them faster and more efficiently.[118] The passage of this bill was widely considered a bipartisan victory because of its scope and the unanimous support it received in committee, the broad support it received on the House floor, and the overwhelming support it received in the Senate.

Having both Republicans and Democrats contributing to the foundation of the bill in the Energy and Commerce Committee was essential to the success of the Cures Act because it allowed political compromises to occur in the bill's development stage. At the hearing, Reps. Upton and DeGette described traveling to visit various stakeholder groups together, as well as holding a number of informal, bipartisan closed-door discussions with committee members to work through the bill. The committee also held

117. 21st Century Cures Act, Pub. L. No. 114-255 (2016). https://www.govinfo.gov/app/details/PLAW-114publ255

118. U.S. Food & Drug Administration. (2020, January 31). *21st Century Cures Act.* https://www.fda.gov/regulatory-information/selected-amendments-fdc-act/21st-century-cures-act

hearings that included all parties interested in the bill for the purpose of identifying the root problems with the current research, development, and delivery processes and to find solutions.[119]

Rep. DeGette, the bill's lead co-sponsor, was instrumental in getting support across the aisle. Together, she and Rep. Upton worked for months to find common ground through deliberation and give-and-take, and by bringing in other committee members, keeping them in the loop, and incorporating their ideas. Their approach can serve as a model for how committee leaders and members can forge bipartisan working relationships to successfully draft and pass policy measures.

Bipartisan working relationships at the committee staff level also yield results. Jenness Simler, former Staff Director and Deputy Staff Director of the House Armed Services Committee, testified about how the Armed Services Committee's focus on issue expertise rather than party affiliation facilitates strong cross-party collaboration at the staff level, resulting in greater productivity. According to Simler:

"It is not uncommon for a staff member to be hired by the majority when one party is control of the House and to stay in that majority position when the other party assumes the majority. It is rare to hear a member of the staff introduce themselves as a "majority" or "minority" staffer. In fact, I think many members of the committee do not know exactly which staff are majority and which are minority. The staff also share office space, take meetings together, and travel together … While the majority is responsible for the calendar and for operations, hearings are designed collaboratively. There is a single, joint hearing memo issued by the staff. Many events are scheduled as roundtables or briefings, to turn off the cameras, and allow a real exchange of information to take place."[120]

Warren Payne, a former Republican staffer with the House Ways and Means Committee, also emphasized the importance of "turning off the cameras" occasionally. "While transparency is important and vital for Congress to operate, the need for transparency must be balanced against the need to provide members opportunities to have frank conversations where they can discuss and debate a wide range of views and policies … In my time as Policy Director at Ways and Means, we conducted numerous closed-door, bipartisan briefings at the member level where both outside experts and committee staff presented information on policies being debated by the committee. No

119. Scoufis, C. (2017). *Bipartisanship in the 21st Century Cares Act* [Bachelor's thesis, Duke University]. https://dukespace.lib.duke.edu/dspace/bitstream/handle/10161/16491/Courtney_Scoufis_Thesis.pdf

120. *Enhancing committee productivity: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021) (testimony of Jenness Simler). https://docs.house.gov/meetings/MH/MH00/20210720/113936/HHRG-117-MH00-Wstate-SimlerJ-20210720.pdf

member ever abandoned their views and beliefs in these settings, but they did provide members an opportunity to discuss their different views in a less confrontational or adversarial setting."[121]

Whether it's possible (or even desirable) to restore committees to the central role they once played in the lawmaking process is debatable. But as E. Scott Adler pointed out in testimony before the Committee, "When committee power diminishes, the body becomes more reliant on centralized leadership and outside stakeholders, which reinforces the atrophy of committees as a means of legislative engagement."[122] When committees are weak, members have fewer opportunities to pursue the policy work they were elected to do. Over time, this can lead to a shift in what members view as Congress's primary job. Today, many member offices view constituent services as more important than lawmaking.[123] But as many of the experts who testified before the Committee argued, and as Reps. Upton and DeGette demonstrated through their bipartisan work on the 21st Century Cures Act, entrepreneurial members can still find ways to lead and collaborate on substantive legislative issues. By focusing on consensus building rather than conflict and by pursuing formative, rather than performative opportunities, members can increase their chances of success.

5.5 – Recommendations

ENCOURAGE CIVILITY AND BIPARTISANSHIP IN CONGRESS

118. Promoting collaboration and leadership at member orientation: New Member Orientation should strive to promote civility, collaboration, and leadership skills and be held separately from party leadership events.

Changing the tone, structure, and coursework at orientation to include leadership, civility, history, and collaboration would positively impact culture and norms in Congress and help foster relationship building across the aisle. This recommendation expands on the Committee's previous recommendation (#14) that New Member Orientation "include a session on House Rules of Decorum and Debate and other practices to promote civility in Congress." Based on testimony received by the Committee, topics to consider piloting in future new member orientations include a leadership training module; historical perspectives on Congress; perspectives on social media; and

121. *Enhancing committee productivity: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021) (testimony of Warren Payne). https://docs.house.gov/meetings/MH/MH00/20210720/113936/HHRG-117-MH00-Wstate-PayneW-20210720.pdf
122. *Enhancing committee productivity: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021) (testimony of E. Scott Adler). https://docs.house.gov/meetings/MH/MH00/20210720/113936/HHRG-117-MH00-Wstate-AdlerS-20210720.pdf
123. Goldschmidt, K. (2022) *State of the Congress 2022.* Partnership for Public Service. https://ourpublicservice.org/publications/state-of-the-congress-2022/

demonstrations on how civility and collaboration can increase member effectiveness through case studies, videos, and stories from House colleagues. To the extent possible, orientation sessions should be separated from party leadership events.

119. Promoting collaboration and civility through voluntary training opportunities: The Congressional Leadership Academy and Congressional Staff Academy should offer voluntary training to members and staff to promote civility, collaboration, and leadership skills.

The Committee received several suggestions for providing members and staff additional training opportunities on current best practices that could further support and enhance civility and bipartisan collaboration in the House, including leadership development, conflict resolution, and meeting facilitation skills. The CLA, which was proposed by the Committee in the 116th Congress, should develop and offer voluntary continuing education and one-on-one training programs for members who are interested in learning current best practices for legislative cooperation and developing additional skills in these areas.

Staff also benefit from continuing education and skills building in these areas. The CSA should continue offering staff trainings in a bipartisan, collaborative fashion including de-escalation training which is popular among district staff. The Committee is encouraged by staff interest shown in the bipartisan CSA coach program launched in July 2021. The Committee encourages the CSA to continue the good work they've done and consider expanding those offerings.

The Committee believes the programs offered through the proposed CLA and CSA should be based on demand and need. CSA continually tracks interest and demand for course offerings and CLA should develop their own methods for tracking member interest and effectiveness of course offerings. The Committee also believes the proposed CLA and the CSA should continue to solicit feedback and track program performance metrics and effectiveness, to ensure program offerings are meeting defined goals.

Suggested topics for training by CLA and CSA mentioned in expert testimony received by the Committee include but are not limited to, 1) best practices for facilitating forums that bring constituents with opposing views together to promote dialogue and understanding, 2) fostering bipartisan collaboration as a chair and/or ranking member, 3) perspectives on social media distortions, 4) leadership development, including legislative effectiveness, and 5) conflict resolution.

120. Acknowledging member involvement in legislation: Congress.gov should provide a clearer accounting of member contributions to legislation.

The Committee received testimony supporting a better and clearer accounting that enhances transparency and makes member involvement in legislation clearer, particularly when standalone bills are incorporated into

larger omnibus packages. The Committee believes this can be done through improved technology and tracking on Congress.gov's "related bills" tab to better reflect when standalone bills are incorporated into larger omnibus packages. Relatedly, the Committee received testimony supporting more robust committee reports that more clearly highlight member involvement in committee-produced legislation. The Committee understands that some committees already provide this information in their reports and believes that a significantly improved and enhanced accounting of related legislation at Congress.gov would make it easier for committee staff to track and provide that information in their reports, which in turn, will provided added transparency and help better account for member contributions in committee-prepared reports.

121. Optional committee feedback tool: The House should develop and provide tools for committee leadership to receive member feedback on committee operations.

Committee chairs and ranking members could benefit from rank-and-file member feedback and could adjust and improve leadership style and committee operations. The Chief Administrative Officer (CAO) should develop and provide an optional tool for committee chairs and ranking members to solicit private feedback from members and staff on committee operations. Envisioned as a customer service tool, it would focus on operations, not policy or legislative agendas, providing committee leaders an optional way to survey members and staff and identify opportunities for improvement.

122. Bipartisan committee events: Committees should have flexibility to host occasional events to foster collaboration and further develop working relationships among committee members.

The House of Representatives should consider changes to the Committee Handbook to provide flexibility for committees to host occasional bipartisan, collaboration-building events. The additional flexibility envisioned would maintain existing related Committee Handbook policies, including the prohibition on using committee funds to purchase alcohol, and include additional guardrails that would prevent excessive spending and limit spending to official committee business. Handbook changes should limit events to those held on Capitol grounds. This change would also support allowing committees to provide food during extended hearings/markups, creating an informal and more impromptu way for committees to foster working relationships at the staff and member levels. More bipartisan brainstorming and relationship building events may lead to increased trust and more collaboration.

123. Learning from state best practices: The House should survey and examine best practices from state legislatures.

Many state legislatures manage to sustain relatively functional cultures of bipartisan work despite deep divisions. Congress could learn from them, and the process of such learning could itself be helpful to the culture of the institution. Members should be encouraged, through a formal process, to bring to the attention of their colleagues' best practices in their state legislatures that Congress might consider. This could take the form of a hearing either in the House Committee on Rules or the Committee on House Administration, inviting states to testify and share lessons. Members may also visit their state capitols and bring information back to share with Congress.

124. Bipartisan group events: The Library of Congress is encouraged to expand its regular, bipartisan events to include events specifically focused on promoting relationship building and collaboration among members.

In 2013, the LOC began hosting a dinner series for members called "Congressional Dialogues." The stated purpose of these dinners is, "to provide the members with more information about the great leaders and events in our country's past, with the hope that, in exercising their various responsibilities, our senators and representatives would be more knowledgeable about history and what it can teach us about future challenges." A secondary goal was to reduce partisan rancor by bringing members together in a nonpartisan setting. Though it took a few years for these dinners to catch on with members, they are now wildly popular. The LOC could build on this successful model and host a "Civility Dialogues" dinner series, where the specific focus would be on fostering civility, collaboration, and trust. The dinners or events would be on a much smaller scale, for 10-20 members at a time, and feature experts who would engage with the members on various topics connected to the overall theme of civility. Implementation of this recommendation would not require any new appropriated funding and should ensure compliance with House Ethics guidelines.

125. Ongoing institutional support to facilitate civility and collaboration: An institutional office of the House should provide best practices and facilitate workshops that encourage bipartisan collaboration.

The House should investigate providing an institutional office with direction to focus on and carry out the task of promoting collaboration best practices. The House should make clear that this is a nonpartisan responsibility.

126. Technology tools to enable collaboration: The House should offer technology tools to facilitate member collaboration on legislation and issues of mutual interest.

The House, through the CAO, should develop and deploy new technology tools to better enable members and staff to identify policy areas of common interest on which to collaborate. Members and staff who

voluntarily choose to participate would be able to, anonymously if desired, share or select issues of interest and identify other members who share those interests. Additionally, this system should provide up-to-date information regarding the caucus participation of House members. Attempts at issue "match-making" already happen through caucuses, listservs, the e-dear colleague system, and organically through member and staff-level relationships, but it can still be difficult identifying members to collaborate with who have interests in specific topics. However, a new tool, for those who choose to participate, could help speed up the process and make it easier for members, especially new members without an established network, to identify areas of mutual interest and expertise.

127. Information on outside organizations and resources: The House should provide information on organizations and resources members can access for services to help manage conflict and foster common ground.

Several outside organizations have created models for facilitating private conversations between members with the goal of identifying and fostering common ground. In offering these voluntary opportunities, rather than building an in-house capability, the House could, consistent with House rules, collaborate with established outside entities who may already be providing a variety of these services to interested members and provide a menu of options for members and staff. This information should be available for all members and may be provided at New Member Orientation and/or the proposed bipartisan biennial retreat. There should be guardrails for the information provided to ensure there is no undue influence by outside organizations. Outside organizations must be vetted and approved by the Committee on House Administration and information must be provided in accordance with House Ethics guidelines.

128. Bipartisan committee websites: Committees should have a bipartisan, public-facing website with basic, nonpartisan information about the committee and its operations.

For committees that choose to do so, this change would bring the committee website in line with Senate committees, which have one bipartisan website for each committee. Additionally, the Modernization Committee only has one website, and it's used mainly to house reports and committee activity. Nothing in this recommendation would preclude a committee majority and/or minority from having a partisan website, in addition to a nonpartisan, largely administrative website that houses committee documents and resources and doesn't largely change content as the majority changes between party hands.

129. Voluntary resources to help committees develop civility norms: The House should provide resources and guidance to committees seeking to create tailored civility norms.

The Committee received testimony on the benefits for organizations that adopt accepted norms of behavior and civility. The recommendation is for the House to provide resources and guidance to committees wishing to develop and adopt civility norms for and within their committee. These norms may be established by committees during each new session of Congress. Importantly, this is not a Code of Conduct. Traditionally, Codes of Conduct are created by the leaders of an organization, with the expectation that those within the organization will follow the codes that they created. Civility norms, on the other hand, would be created by the members of each committee for the members of each committee.

This information may be provided at a committee retreat and/or at the proposed biennial bipartisan retreat. The Select Committee previously proposed that committees meet to determine goals for the year, to discuss how the members will treat each other in public and in private, and to establish norms regarding how the committee will treat witnesses during hearings.

130. Co-working spaces for staff: The House should explore bipartisan co-working spaces for staff.

Flexible shared workspaces open to all staff could help break down norms that staff can only work near and collaborate with people from the same party. The co-working spaces for staff should be centrally located, usable, and convenient for staff. While the House office buildings have self-reserve rooms and other public spaces in and near the cafeterias where staff can sit and meet, there are currently no spaces designed specifically to facilitate staff working outside of their office and/or to collaborate, formally or informally, with other staff. The Committee previously recommended that the House's physical workspace be updated and noted that members and staff "desire private bipartisan spaces to work together." This recommendation further develops this idea.

131. Task force on the legislative process: A bicameral, bipartisan group of members should convene to discuss rules changes to require reciprocated consideration for widely supported, bipartisan legislation.

Representatives of the House and Senate should convene to discuss a reciprocated rule change in each chamber that would take effect only upon mutual adoption in both chambers. This rule change under discussion should provide for each chamber to expedite consideration of all legislation that has passed in the originating chamber by unanimous consent, or with at least two-thirds of its members voting in the affirmative.

SUPPORT CONGRESSIONAL OPERATIONS

195. The House should permit legislation to have two members of Congress serve as first sponsors, provided that members are affiliated with different political parties.

A second primary sponsor designation for a member of a different party would incentivize bipartisanship by giving a member who substantively helps in the crafting and passage more credit than a co-sponsor designation, which often only reflects support for the legislation. This recommendation does not call for a change to the standing rules of the House but rather envisions a special order to pilot the idea for a single Congress. There is some precedent for having more than one member be the sponsor of a bill. The 104th Congress adopted a special rule to allow the first 20 bills introduced in the House (H.R. 1 through H.R. 20) to have more than one member listed as a first sponsor. The committee understands that operational challenges may arise if implementation diverges from the precedent of the 104th Congress.

198. Opportunities to Learn from other Legislatures: The Committee on House Administration and the Committee on Rules should conduct semi-regular, bipartisan international CODELs to learn about other legislatures and to facilitate better collaboration and understanding among committee members.

Many legislative bodies face similar challenges related to scheduling, outdated technology, imbalance of power in their chambers that disenfranchises members, and other capacity issues. Other parliaments have chosen to address these problems in different ways from which the House could draw some lessons. Learning best practices from other institutions can lead to better problem-solving and reduce inefficiencies in existing processes.

199. Bipartisan New Member Update Seminar: The Committee on House Administration should offer a voluntary seminar for new members well into the start of their term.

An update session would allow new members to ask questions that may have arisen since New Member Orientation, to continue to bond as a class, and to allow members elected in special elections to participate.

5.6 – Conclusion

The work of promoting greater civility and collaboration in Congress is ongoing. Each Congress will undoubtedly confront new challenges that threaten to exacerbate already high levels of partisanship and polarization. Indeed there are major forces at play – from cable news to social media to campaign spending to the primary elections process – that make addressing these issues tremendously challenging. But understanding the root causes of polarization and the consequent shifts in congressional culture can help members better navigate the institution and better appreciate the range of

ideologies and perspectives that their colleagues represent. Dysfunction isn't unique to Congress. But as with other institutions, it's up to the people who work within them to make change. These recommendations provide members with a pathway for doing just that.

Chapter 6 – Strengthening Lawmaking and Oversight Capacity

6.1 – Introduction

Two of the core responsibilities of Congress are to consider legislation and conduct oversight of the other branches of government. As such, reclaiming and strengthening various aspects of the legislative and oversight processes have been a central focus of the Committee since its inception. The ability to carry out these duties effectively and efficiently is implicit in Congress's Article I responsibilities.



Vice Chair Timmons (R-SC) speaks during a Modernization Committee hearing on congressional oversight capacity.

Many consider the tasks of legislating and conducting oversight as separate processes that do not interact or impact one another. However, as scholars and practitioners point out, that is not the case. Elise Bean, Washington Director of the Levin Center for Oversight and Democracy, testified during the Committee's November 4, 2021, hearing on improving oversight capacity that the dual responsibility of legislating and conducting oversight "go hand in hand, because how do you know what a law should look like, how it should function, if it should be modified unless you get more

information?"[124] As the figure below details, the policymaking process is a multistep and iterative one that connects legislating and oversight activities in ways that provide numerous opportunities for members, experts, and the public to help shape decision-making.[125]



Although the Committee examined these issues in the 116th Congress and passed several recommendations to address concerns in this space, there remained ongoing interest in improving how the House carries out these core functions. The Committee's Final Report for the 116th Congress detailed the factors contributing to the centralization of the lawmaking process and the impact that has had on how the House functions. The main takeaways were that rank-and-file members often feel shut out of the policymaking process, that a decline in congressional capacity helped contribute to the increasing expansion of executive branch power, and that working from a shared set of facts can help members from opposing parties work together on identifying and defining policy problems—even if they ultimately disagree on what the solutions to those problems might be. Recommendations made during the 116th Congress focused on making the policymaking process more deliberative and open, and sought to reinvigorate member interest in the work of congressional committees.

In the 117th Congress, the Committee passed additional recommendations specifically aimed at bolstering the transparency and efficiency of the legislative process. The 17 recommendations described in this chapter are aimed at strengthening congressional capacity throughout the policymaking process, from idea inception through oversight. They are the result of four separate hearings which focused on how an idea becomes a law, evidence-based policymaking, strengthening congressional oversight, and strengthening the legislative branch support agencies. The hope is that these recommendations will allow Congress to better fulfill its constitutional responsibility as the nation's policymaking body.

124. *Article One: Strengthening congressional oversight capacity: Hearing before the Select Committee on the Modernization of Congress, 117th Cong. (2021).* https://modernizecongress.house.gov/committee-activity/hearings/article-one-strengthening-congressional-oversight-capacity

125. See page 8, Hart, N., Davis, E., Shaw, T. (2018). *Evidence Use in Congress, Volume 1*. Bipartisan Policy Center. https://bipartisanpolicy.org/report/evidence-use-in-congress/

6.2 – Strengthening the Legislative Process

The "Schoolhouse Rock!" story of how a bill becomes a law has captivated American audiences since it debuted in 1976. With a catchy tune and heartwarming animation, it distilled the complicated pathway of how a bill becomes a law into a narrative that was easily digestible for children and adults alike. However, it enshrined in the public consciousness a view of the legislative process that is not only incomplete but also outdated.

"Ideas from constituents are the sparks that ignite the legislative process."

-Chair Derek Kilmer, April 28, 2022

It is true that members continue to get ideas from constituents, as noted by Chair Kilmer during the Committee's April 28, 2022, hearing, and it is true that once a bill is introduced it still goes to committee and from there to the floor. However, there are a host of intricate processes that happen along the way which have a tremendous impact on the efficiency and effectiveness of the legislative process.[126]

LEGISLATIVE DRAFTING

Once a member has an idea, the first step in the legislative process is to turn the idea into legislative text that can be introduced as a bill. This is most typically done with assistance from the House Office of Legislative Counsel (HOLC). The HOLC provides legislative drafting services to committees and members on a nonpartisan, impartial, and confidential basis. They work with committees and members to understand their policy preferences in order to implement those preferences through clear, concise, and legally effective legislative language.[127]

The HOLC assists in the drafting of all types of legislation and all amendments in the House of Representatives. Most analyses of the legislative process only account for the number of bills introduced or passed so public data on legislative productivity often does not account for the total number of legislative items that are drafted in a given term. However, as the table below shows, the HOLC has recently provided some insight[128] into how its workload, and thus congressional productivity, has substantially increased in recent years despite popular narratives about Congress's lack of productivity.

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126. House Information Systems Staff. (1974). *Legislative status steps.* USGPO. https://usgpo.github.io/innovation/resources/2019-legislative-status-steps.pdf
127. House Office of the Legislative Counsel. (n.d.). *Legislative Counsel.* Retrieved November 2, 2022, from https://legcounsel.house.gov
128. *Fiscal Year 2023 budget request for the House of Representatives: Hearing before the Subcommittee on Legislative Branch Appropriations, of the House Committee on Appropriations,* 117th Cong. (2022) (testimony of Wade Ballou, Jr.). https://docs.house.gov/meetings/AP/AP24/20220406/114592/HHRG-117-AP24-Wstate-BallouW-20220406.pdf

	113th	114th	115th	116th	117th (First Session Only)
Bills Introduced	5,893	6,535	7,401	9,067	7,193
Bill Drafts Prepared	18,486	22,131	24,736	29,414	17,717
Resolution Drafts	1,697	1,944	2,260	2,373	1,505
Amendment Drafts	12,612	14,697	15,675	16,201	10,599
Total Drafts Prepared	32,795	38,772	42,671	47,988	29,821

As anyone who has worked on drafting legislation can attest, it is a very timely, detailed, and labor-intensive process. Drafting attorneys must undertake years of training and apprenticeship to become skilled drafters, able to meet the unique needs of Congress. As Legislative Counsel Wade Ballou stated in testimony before the Subcommittee on Legislative Branch Appropriations, "new staff members will require a rigorous training program. Using attorney training as an example, the Office uses an apprenticeship model, which has proven to be best suited for developing skilled and career-oriented legislative drafters."[129]

As with all congressional offices, staff capacity is an important factor in the office's ability to meet demands. Deputy Legislative Counsel, Noah Wofsy, highlighted the importance of staff capacity within the HOLC in the Committee's April 28, 2022, hearing stating, "an attorney with expertise in the subject matter of a legislative request will be able to respond both more effectively and more quickly than one who is unfamiliar with that subject matter. At a time when fewer and fewer House staff, especially staff in member offices, stay around long enough to develop expertise in the legislative process, let alone in specific areas of law, the existence of a core of legislative policy experts is crucial to the ability of the House to turn its ideas into law that works."[130] As the table above shows, bill drafting demand has sharply

129. *Fiscal Year 2023 budget request for the House of Representatives: Hearing before the Subcommittee on Legislative Branch Appropriations, of the House Committee on Appropriations,* 117th Cong. (2022) (testimony of Wade Ballou, Jr.). https://docs.house.gov/meetings/AP/AP24/20220406/114592/HHRG-117-AP24-Wstate-BallouW-20220406.pdf

130. *Turning an idea into law: Modernizing the legislative process: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022) (testimony of Noah Wofsy). https://modernizecongress.house.gov/imo/media/doc/Wofsy-HOLC%20Testimony-Leg%20Process%20Hearing.pdf

increased in recent years. However, the table below shows that functional capacity has not increased at a commensurate rate. That, along with an unpredictable schedule and lack of time to draft well may be contributing to drafting attorney burnout.[131]

HOLC Drafting Attorneys

	2012	2014	2016	2018	2020	2022	End of 2022 (Projected)
Number of Attorneys	47	46	49	46	55	56	60
Attorney Experience Years	739	784	818	687	651	676	736
Average Attorney Experience Years	15.7	17	16.7	14.9	11.8	12	12.3

REFERRAL TO COMMITTEE

After a bill has been introduced via the Hopper or its newer online companion, the e-Hopper, it is then referred to the appropriate committee(s) of jurisdiction. The referral process is governed by a few component pieces. The House Parliamentarian's office consults House Rule X as well as precedents created by past bill referrals when advising the Speaker on committee jurisdiction.[132] Rule XII names the Speaker the sole individual with authority to direct the referral of bills, though as a practical matter, this administrative duty is delegated to the Office of the House Parliamentarian.[133] Under House Rules, bills are assigned a primary committee of jurisdiction with additional referrals to other committees that also maintain jurisdiction over the

131. See page 3, *Fiscal Year 2023 budget request for the House of Representatives: Hearing before the Subcommittee on Legislative Branch Appropriations, of the House Committee on Appropriations,* 117th Cong. (2022) (testimony of Wade Ballou, Jr.). https://docs.house.gov/meetings/AP/AP24/20220406/114592/HHRG-117-AP24-Wstate-BallouW-20220406.pdf

132. House Committee on Rules. (n.d.). *Rules of the 109th Congress: Rule X: Organization of Committees*. Retrieved November 2, 2022, from https://rules.house.gov/sites/democrats.rules.house.gov/files/documents/Archives/RX.htm

133. House Committee on Rules. (2021, February 2). *Rules of the 117th Congress*. Clerk of the House of Representatives. https://rules.house.gov/sites/democrats.rules.house.gov/files/117-House-Rules-Clerk.pdf

matter. The primary committee to which a measure is referred is informally known as the "lead committee."[134] Once a bill has been assigned to a committee or committees, the Clerk's office notifies each committee and transmits the bill to them.

One pain point members and staff have identified as a potential area for improvement is the sometimes-haphazard transmission process of a bill to the committee of jurisdiction. Sometimes a list of bills is transmitted through a series of spreadsheets, sometimes through email, and sometimes by the delivery of physical copies. Each Congress, through a process scholars call "winnowing," many more bills are introduced than ever make it out of committee. While there are many reasons a bill might be "winnowed" at the committee stage,[135] it is possible that the technical means by which bills are referred to committee exacerbate the problem by making it difficult for committees to track the bills for which they are responsible. In testimony before the Committee, Deputy Clerk Kevin McCumber said that the Clerk's office is aware of these challenges and is currently working to modernize the bill referral process:

"...there is opportunity that we are evaluating within our LIMS modernization efforts to improve those communications and data transmissions to committees. Our new LIMS modernization effort is going to be built in a way where we can more quickly update technology and add additional applications to modernize committee communications."[136]

-Deputy Clerk Kevin McCumber, April 28, 2022

PUBLIC ACCESS AND PUBLISHING

At each stage of the process, transparency and public access is of the utmost importance. Introduced legislation is made accessible through Congress.gov, where relevant information including bill summary, cosponsors, and stage of the legislative process is maintained. Before the Library of Congress can post any of this information it must first be documented and proofread by both the Office of the Clerk and the Government Publishing Office (GPO). GPO is constantly innovating to remain current; for example, the Committee's Final Report for the 116th Congress piloted a new template structure created by GPO. However, much of its proofreading and editing

134. House Committee on Rules. (n.d.). *House Committee Referrals.* Retrieved November 2, 2022, from https://rules.house.gov/sites/democrats.rules.house.gov/files/documents/Archives/comm_referrals.htm#:~:text=Under%20the%20current%20rules%20of,is%20called%20the%20lead%20committee

135. Krutz, G. S. (2005). Issues and institutions: 'Winnowing' in the U.S. Congress. *American Journal of Political Science*, *49* (2), 313-326. https://www.jstor.org/stable/3647679

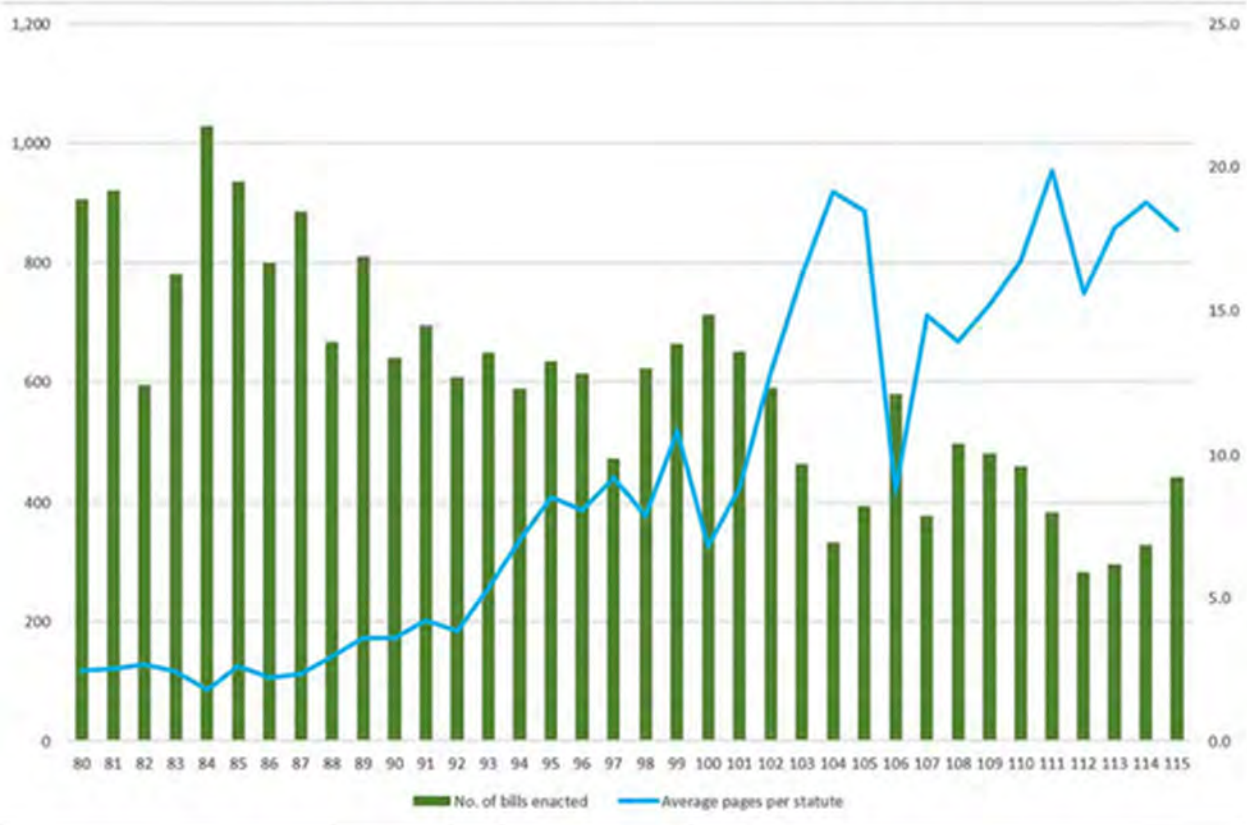
136. *Turning an idea into law: Modernizing the legislative process: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022). https://modernizecongress.house.gov/turning-an-idea-into-law-modernizing-the-legislative-process

processes still operate on a paper-based, hand-edited, system. This is in part to maintain a high-quality product but is also a result of existing policies maintained by the Clerk's office and GPO. The paper-based, hand-edited system that GPO employs also extends to committees when they are working to publish committee reports. Committees send an electronic version of their reports to GPO, then may engage in a series of back-and-forths, exchanging hand-edited paper copies of the report until a final print version is signed off on by the committee. This paper-based process can lead to delays in the publishing process and in getting information updated on Congress.gov.

FITS AND STARTS

As the Committee has already examined with regard to the congressional schedule and calendar, the rate and manner by which Congress conducts legislative business creates periods of strain for these support offices. The Clerk, GPO, and HOLC all described in conversations with Committee staff how the sporadic legislative calendar causes variation in work product demand. The increasing reliance on omnibus legislation and the disjointed appropriations process create periods where the drafting and passage of major pieces of legislation increases the demands on the support offices and forces them to temporarily re-prioritize their work. For example,

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



Source: Vital Statistics on Congress, the Brookings Institution

the figure above shows how even though Congress is considering fewer bills on the floor, the size of these bills has exponentially increased.[137] This, in turn, makes it more difficult for members to advance their own individual bills through the process.

6.3 – Evidence-Based Policymaking

In addition to investigating ways to improve the nuts and bolts of the legislative process, the Committee also sought ways to ensure that Congress is better informed, and that federal policy is grounded in the use of unbiased evidence. To do so, the Committee held a hearing on October 27, 2021, titled, "Strengthening the Lawmaking Process: How Data can Inform and Improve Policy." Throughout the hearing, Committee members expressed that improving Congress's access to reliable data would help improve the quality of policy debate within the institution.



(From left to right) Rep. Latta (R-OH), Chair Kilmer (D-WA), Vice Chair Timmons (R-SC), and Rep. Phillips (D-MN) sit down for a Modernization Committee hearing on evidence-based policymaking.

137. Select Committee on the Modernization of Congress. (2020, October). *Final report, 116th Congress.* USGPO. https://modernizecongress.house.gov/imo/media/doc/ModernizationCommittee_10152020r1Compressed%20(newest%20gpo%20report).pdf

"This is a very important issue, because everybody has their own facts, and I think maybe the most important thing is the lack of exchange of ideas and the lack of defense of ideas … Evidence-based policymaking is the only way out of the situation we are in. The biggest challenges facing us will only be overcome if we can find a way to reform the manner in which we conduct ourselves in this institution."[138]
-Vice Chair William Timmons

Evidence-based policymaking (EBP) covers a wide variety of topics from data gathering efforts, to program implementation measures, to program evaluation. Likewise, the term "evidence" can apply to a wide variety of information. Generally, scholars and practitioners of EBP use the term "evidence" to mean "systematically collected data that have been analyzed with rigorous research methods to provide insights about how policies and programs operate."[139] Historically, the bureaucracy, whether it be at the state or federal level, has led the way when it comes to implementing EBP. Legislatures, for a variety of reasons, have been slower to adopt EBP best practices, though some state legislatures have been at the forefront of this issue.

The rationale behind EBP is to establish a common set of facts and data that decision-makers can call upon to inform their thinking. EBP is not meant to circumvent or replace the deliberative or democratic process; rather, it is meant to bolster it. Establishing a baseline set of facts for the purposes of debate and deliberation has the dual advantage of 1) getting policymakers on the same page (and potentially making debates more civil) and 2) allowing policies to be crafted in a more informed way that should improve outcomes. Likewise, using evidence in the policymaking process will help lawmakers better target and use taxpayer dollars to ensure they are not going to waste by funding ineffective programs and are achieving desired outcomes. EBP's uses include informing specific decisions (instrumental); influencing how policymakers frame approaches to finding solutions (conceptual); supporting mobilization or opposition to specific actions (tactical); and creating requirements for activities to rely on evidence (imposed).[140]

It should be noted, using data in some of these ways is not new to Congress. The institution has used data to inform aspects of its policymaking processes for decades—mostly through its support agencies (CRS/GAO/CBO). As hearing witness Nick Hart stated, "I think it is important to recognize, first

138. *Strengthening the lawmaking process: How data can inform and improve policy: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021). https://modernizecongress.house.gov/imo/media/doc/oct.27hearingtranscript.pdf
139. See page 7, Hart, N., Davis, E., Shaw, T. (2018). *Evidence Use in Congress, Volume 1*. Bipartisan Policy Center. https://bipartisanpolicy.org/report/evidence-use-in-congress/
140. Ibid.

of all, that Congress does evidence-based policymaking today. This is not something as a critique to say that this doesn't happen at all. There are definitely areas where committee staff are incredibly savvy, and information from CRS, GAO, and CBO is all relevant. I think my main points would be about strengthening that capacity."[141] However, placing a greater emphasis on EBP in the legislative process will ensure that data and evidence are incorporated more wholistically into the decision-making process.

EBP AT THE STATE LEVEL

Minnesota and New Mexico have been at the forefront of states engaging in EBP. Both have taken deliberative steps to incorporate evidence into policy decision-making processes, including guiding investments, tracking program outcomes, and evaluating impacts. While the two states are quite different in terms of average gross domestic product growth rates, average household income levels, and the degree of government authority over service delivery, both have successfully incorporated evidence into their policy processes. This suggests that regardless of structural differences in governments and in the makeup of state populations, evidence-based approaches can be tailored in ways that make sense for a particular government's and population's needs.

While tailoring an evidence-based approach to a state's particular needs is the best way to generate useful results, the Results First Initiative[142] has identified four elements that are "central to ensuring that the states' efforts to gather and use evidence are successful and enduring."[143]

1) *A respected, nonpartisan coordinating entity*. "A central impartial oversight entity can be well positioned to help state governments base their programs and policies on sound evidence, using data to make unbiased recommendations and building relationships across the political spectrum."[144] Ensuring that the entity is staffed with objective experts is key so that evidence and data produced are trusted by decision-makers.

2) *Integrating evidence into everyday business*. "State governments should integrate new requirements and practices that involve evidence into existing processes so that these requirements and practices are not seen as one-time efforts. This integration can include allocating ongoing resources; continuously updating related data and tools; and maintaining dedicated staff with sufficient capacity to conduct difficult analyses,

141. *Strengthening the lawmaking process: How data can inform and improve policy: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021). https://modernizecongress.house.gov/imo/media/doc/oct.27hearingtranscript.pdf
142. The Results First Initiative is a program hosted by Pew Charitable Trusts that works with states to implement evidence-based policymaking approaches to help guide investment in proven policies and programs. See: Pew Charitable Trusts. (n.d.). *Results First Initiative.* Retrieved November 3, 2022, from https://www.pewtrusts.org/en/projects/results-first-initiative
143. Dube, S. (2021, March 24). *How states can develop and sustain evidence-based policymaking: Lessons from Minnesota and New Mexico. Pew Charitable Trusts.* https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2021/03/how-states-can-develop-and-sustain-evidence--based-policymaking
144. Ibid.

utilize evidence, and engage in meaningful conversations about evidence with diverse stakeholders."[145] Both Minnesota and New Mexico reserve funds for the purpose of systematically incorporating evidence into program and policy decisions, and have dedicated staff to help gather and assess data.

3) *A diverse, engaged group of evidence users and generators*. It's important to secure top-down and bottom-up support for EBP efforts at the outset. "Having 'champions' – a diverse bench of leaders in the legislature, in the governor's office, and in government agencies to help facilitate and promote evidence – helps ensure that efforts will continue even if there is turnover or a change in administration."[146]

4) *Compelling the promotion of evidence uses and benefits*. Making concerted efforts to refine and tailor messaging around the value of evidence-based approaches can help different audiences understand why it matters. "(I)mproving communication with crucial stakeholders – ranging from executive leadership to service providers – is neither a quick nor a straightforward process but a necessary one. It requires communicating information about the initiative to concerned parties in a manner that meets their needs and expectations."[147] Messaging also needs to be tested and adjusted over time.

As the Committee has learned through its work on other issues, experiences and perspectives from state legislatures can provide valuable insights into what may work in Congress. The experiences of states implementing evidence-based approaches to their policy work can help Congress better understand the benefits and challenges of such systems.

EBP AND CONGRESS

In recent years, Congress has taken steps to improve the federal government's data capabilities and issued new requirements for executive branch agencies. In 2014, Congress passed the Digital Accountability and Transparency Act (the "DATA Act") which required the federal government to transform its spending information into open data.[148] At the time, the DATA Act was viewed as a tremendous step forward because it 1) required OMB to establish government-wide data standards for spending information and 2) required that the data be published and accessible to the public.[149]

Following the success of the DATA Act, Speaker Paul Ryan, Senator Patty Murray, and President Obama sought to expand the government's collection and use of data to better facilitate EBP and created the Commission on Evidence-Based Policymaking in 2016. This commission brought together

145. Ibid.
146. Ibid.
147. Ibid.
148. Digital Accountability and Transparency Act of 2014, Pub. L. No. 113-101 (2014). https://www.congress.gov/113/plaws/publ101/PLAW-113publ101.pdf
149. Data Coalition. (2020). *The DATA Act*. https://www.datacoalition.org/policy-issues/government-spending/data-act/

Democrats, Republicans, and nonpartisan experts to generate recommendations that would allow for a "future in which rigorous evidence is created efficiently, as a routine part of government operations, and used to construct effective public policy."[150] The commission generated 20 recommendations that ranged from establishing a National Secure Data Service to developing learning agendas in federal departments that support the generation and use of evidence.[151] Congress then took many of the recommendations from this commission and enacted them as part of the Foundations for Evidence-Based Policymaking Act of 2018 ("Evidence Act").[152]

The Evidence Act was the most expansive effort undertaken by the federal government to change policies and increase the country's data infrastructure to improve the capability of lawmakers to engage in EBP. The bill included key provisions drafted by Chair Kilmer to ensure public data is "made available in a format computers recognize so people, organizations, and other government offices can search it easily."[153] The bill also required federal agencies to hire Chief Data Officers, Evaluation Officers, and Statistical Officials to coordinate, oversee, and advise different elements of evaluation, data, and statistical policy issues.

Currently, Congress is looking for ways to continue to build on the success of the Evidence Act. The House passed the Access to Congressional Mandated Reports Act (H.R. 2485) by voice vote in July 2021, which would require the Government Publishing Office (GPO) to establish and maintain a publicly available online portal containing copies of all congressionally mandated reports.[154] Should it become law, it would be another step in the direction of ensuring that data already collected by the government can be used by decision makers in Congress and available to the public.

THE CHALLENGE OF EBP IN CONGRESS

Despite the innovations the DATA Act and Evidence Act ushered in throughout the executive branch, not much progress has been made in moving Congress towards the goal of routine EBP. Experts on the subject seem to indicate that there are three key reasons as to why this is the case. They point to perception, institutional, and systemic barriers to EBP in Congress.

150. Commission on Evidence-Based Policymaking. (2017). *The promise of evidence-based policymaking*. https://bipartisanpolicy.org/download/?file=/wp-content/uploads/2019/03/Full-Report-The-Promise-of-Evidence-Based-Policymaking-Report-of-the-Comission-on-Evidence-based-Policymaking.pdf
151. Ibid.
152. Foundations for Evidence-Based Policymaking Act of 2018, Pub. L. No. 115-435 (2018). https://www.congress.gov/115/plaws/publ435/PLAW-115publ435.pdf
153. Office of Congressman Derek Kilmer. (2017, November 15). *House passes evidence-based policy legislation which includes key Kilmer-drafted provision to make data more transparent and accessible.* https://kilmer.house.gov/news/press-releases/house-passes-evidence-based-policy-legislation-which-includes-key-kilmer-drafted-provision-to-make-data-more-transparent-and-accessible
154. Access to Congressionally Mandated Reports Act, H.R.2485, 117th Cong. (2021). https://www.congress.gov/bill/117th-congress/house-bill/2485

First, EBP faces a perception problem. Often evidence already exists on a policy that members are evaluating, but policymakers sometimes perceive that the evidence is not useful, not credible (i.e., biased), or not relevant to the decision at hand.[155]

Institutional barriers present another obstacle to incorporating EBP into Congress's work. The barriers can include Congress's unique decision-making processes, staffing structure, or support agency structures that can impede the ability of policymakers to obtain evidence.[156] For example, the Congressional Research Service often must file FOIA requests to obtain information from the executive branch.[157] This slow and cumbersome process is a structural issue that directly impacts the evidence and data Congress can use in its decision-making.

Finally, EBP may be difficult to implement in Congress because of systemic barriers. These are the norms, processes, and day-to-day procedures of Congress that can affect whether relevant evidence is available and usable for policymakers.[158] Perhaps the most impactful systemic barrier is that of time. Congressional activities can move at a very rapid pace and timeframes are often unpredictable. Even the best evidence provided to Congress is not usable if the evidence is not available in the right form at the right time. Hearing witness, Poppy MacDonald, discussed how it took around three months for USAFacts to generate its data pulling from 56 different datasets across 19 federal agencies—which is more time and staff hours than most congressional offices have at their disposal.[159]

As the Bipartisan Policy Center's Evidence Use in Congress report notes, "Research about the use of evidence largely envisions a single decision-maker or an executive, not a bicameral legislative body…The use of evidence in the congressional context must achieve a reasonable balance between the ability of generators to make useful evidence and the ability of potential users to articulate demand and priorities."[160]

155. See page 17, Hart, N., Davis, E., Shaw, T. (2018). *Evidence Use in Congress, Volume 1*. Bipartisan Policy Center. https://bipartisanpolicy.org/report/evidence-use-in-congress/
156. See page 18, Hart, N., Davis, E., Shaw, T. (2018). *Evidence Use in Congress, Volume 1*. Bipartisan Policy Center. https://bipartisanpolicy.org/report/evidence-use-in-congress/
157. *Modernizing the congressional support agencies to meet the needs of an evolving Congress: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021). https://modernizecongress.house.gov/committee-activity/hearings/10/14/2021/modernizing-the-congressional-support-agencies-to-meet-the-needs-of-an-evolving-congress
158. See page 19, Hart, N., Davis, E., Shaw, T. (2018). *Evidence Use in Congress, Volume 1*. Bipartisan Policy Center. https://bipartisanpolicy.org/report/evidence-use-in-congress/
159. *Strengthening the lawmaking process: How data can inform and improve policy: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021). https://modernizecongress.house.gov/imo/media/doc/oct.27hearingtranscript.pdf
160. See pages 22-23, Hart, N., Davis, E., Shaw, T. (2018). *Evidence Use in Congress, Volume 1*. Bipartisan Policy Center. https://bipartisanpolicy.org/report/evidence-use-in-congress/

"Evidence-based policymaking isn't about always having precise, perfect evidence at the beginning of a process, because we rarely do. It is about building and continuously learning over time."[161]

-Nick Hart, October 27, 2021

EBP has the potential to improve government performance and lawmaking by establishing a common set of facts for lawmakers to draw on. However, it is not a panacea and will require both members of Congress and evidence generating bodies to work together to move better access and incorporation of data forward.

6.4 – Modernizing Congressional Support Agencies to Meet the Needs of an Evolving Congress

Members of Congress are constantly awash in a sea of information. From constituent letters to the arguments of lobbyists and advocacy groups, to reports from think tanks and government agencies, each day members learn about new problems—and potential solutions—on a never-ending litany of topics. As Thomas Jefferson once said, "There is, in fact, no subject to which a member of Congress may not have occasion to refer."[162] While there are many offices and agencies that provide information to Congress and help the institution function, there are three that are particularly important when it comes to providing expert policy analysis and information: the Congressional Research Service (CRS), Government Accountability Office (GAO), and Congressional Budget Office (CBO).

When they were created—CRS in 1914, GAO in 1921, and CBO in 1974—these agencies were intended to help professionalize the legislature and to provide Congress with the expertise necessary to oversee the growing federal government. They are, in short, designed to help bolster congressional capacity. The reports and analyses provided by these agencies are used throughout the legislative process from the idea generation and problem definition stages all the way through the final passage of a bill.

In addition to aiding the legislative process, the agencies also provide a platform of expertise from which Congress can push back against the expanding—and better resourced—executive branch. The CBO, for example, was created after the "seven-year budget war" between the executive branch

161. *Strengthening the lawmaking process: How data can inform and improve policy: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021). https://modernizecongress.house.gov/imo/media/doc/oct.27hearingtranscript.pdf

162. As cited, page 130, Kosar, K. R. (2020). Legislative branch support agencies: What they are, what they do, and their uneasy position in our system of government. In T. M. LaPira, L. Drutman, K. R. Kosar (Eds.), *Congress overwhelmed: The decline in congressional capacity and prospects for reform* (pp. 128-144). University of Chicago Press. https://doi.org/10.7208/chicago/9780226702605.001.0001.



Rep. Davis (R-IL) speaks during a Modernization Committee hearing on congressional support agencies.

and Congress during the Johnson and Nixon administrations. During this period, the executive branch had been impounding funds appropriated by Congress, thereby weakening the legislative branch.[163] Likewise, the GAO regularly issues reports on wasteful spending and fraud within the federal government which allows Congress to conduct better oversight to ensure that taxpayer dollars are not going to waste. The functioning of and working relationship these agencies have with members and staff was a main focus of the Committee during the 117th Congress, resulting in the passage of 10 recommendations.

SUPPORT AGENCY CAPACITY

The support agencies provide a variety of services and products to members of Congress and staff, including testifying before committees, responding to policy-related information requests (e.g., reports and in person briefings), and meeting statutory mandates (e.g., CBO's budget reports to budget committees). As the chart below shows, Congress continues to make great use of the wide variety of products and services generated by these agencies.

163. See pages 2-3, Joyce, P. (2015, February). *The Congressional Budget Office at middle age.* (Brookings Institute Working Paper No. 9). https://www.brookings.edu/wp-content/uploads/2016/06/PJ_WorkingPaper9_Feb11_Final.pdf

AGENCY	PRODUCTS AND SERVICES OUTPUT
CBO	• 600+ formal cost estimates and "thousands" of preliminary cost estimates • 100 scorekeeping tabulations, including budget account-level detail for individual appropriation acts at all stages of the legislative process • 3 sets of detailed 10-year baseline budget projections and 2 sets of 10-year economic projections, as well as long-term budget projections • 90+ analytical reports and other publications
CRS	• 16 testimonials before Congress • 4,397 in-person briefings • 1,197 reports • 3,126 confidential memoranda • 52,000+ email and phone responses • 6,312 bill summaries • 1.7 million views of pages on CRS.gov (accessible only to Congress)
GAO	• 119 testimonies before 69 distinct committees/subcommittees • Requests for work from 95 percent of the standing committees and 48 percent of their subcommittees • 800 reports (annual average) • 400 legal opinions

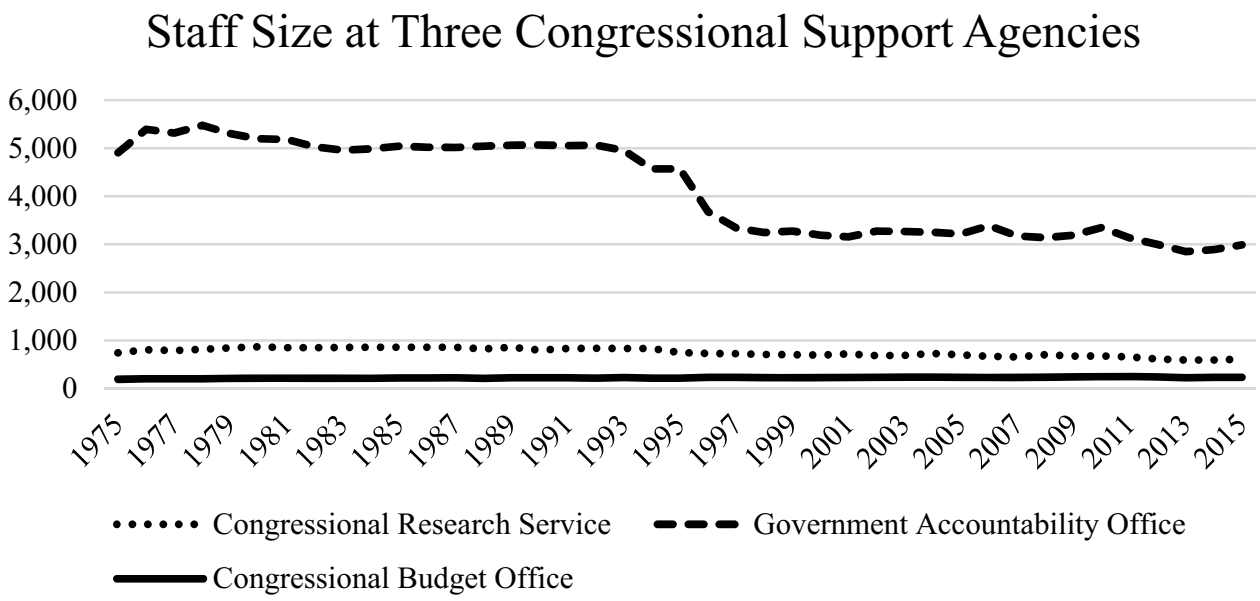
Sources: CBO (2022); Mazanec, M. B. (2022); GAO (2022).

Congress regularly enacts longer and more complex bills than it did in previous eras. While the overall number of bills passed per Congress has decreased, the number and complexity of those that have been introduced and passed has increased. As a result, Congress arguably needs greater access to specialized policy, legal, and technical expertise. However, the capacity of the support agencies has remained relatively flat.[164] To make up for this, agencies have had to build efficiencies into their workflow and staffing structures. Some of the jobs the agencies cut were jobs that became obsolete as technology evolved. For example, there is no longer a need for CRS employees to clip and distribute articles from actual newspapers.

This dynamic of increased demand for information and expertise, combined with a lack of strong support for the agencies created to provide nonpartisan analysis, gave rise to a thriving think tank community, beginning in the 1970s. The community of outside experts has now existed for so long that members and their staff have come to rely on the information they provide. As political scientist Molly Reynolds puts it, "staff also seek out these outside organizations to help advance particular goals, including to counter other sources of expertise… [as one senior House staffer described] 'we need those outside guys as well to come and critique the CBO scores.'"[165] Congress has ample access to information through think tanks, which has likely staved off

164. Rocco, P. (2021, September 1). *Memorandum to the Select Committee on the Modernization of Congress Re: Opportunities for strengthening the CBO's role as a source of fiscal policy knowledge.* [Unpublished memorandum].

165. See page 46, Reynolds, M. (2020). "The decline of congressional capacity." In T. M. LaPira, L. Drutman, K. R. Kosar (Eds.), *Congress overwhelmed: The decline in congressional capacity and prospects for reform* (pp. 34-50). University of Chicago Press. https://doi.org/10.7208/chicago/9780226702605.001.0001.



the worst consequences of decreased capacity in its own support agencies, but these alternative sources of information may have biases that should be considered when weighing what they provide to Congress as compared to what the support agencies provide.

The issues that plague congressional support agencies are not limited to those of capacity. Some outside observers have argued that the polarized culture on Capitol Hill has also made it increasingly difficult for the support agencies to provide expertise to members and staff. To some degree, there is conflict over how to define "objective" and "neutral" information, which has reportedly led to frustrations among analysts and a limiting of agency experts' ability to come to definitive conclusions in their reports.[166]

ONGOING NEEDS

During the 116th Congress, the Committee issued several recommendations to support strengthening existing congressional support agencies and to bring back the defunct Office of Technology Assessment (OTA). However, as the 117th Congress progressed, the Committee realized there was more work to do when it came to modernizing how the institution interacted with and used its support agencies. On October 21, 2021, the Committee held a hearing titled, "Modernizing the Congressional Support Agencies to Meet the Needs of an Evolving Congress," to investigate ways to improve how the agencies meet the changing needs of Congress in the modern world. As Chair Kilmer highlighted in his opening remarks, the ongoing importance of congressional support agencies to provide expert information to members and staff is the same as when they were first created:

166. See page 139, Kosar, K. R. (2020). Legislative branch support agencies: What they are, what they do, and their uneasy position in our system of government. In T. M. LaPira, L. Drutman, K. R. Kosar (Eds.), *Congress overwhelmed: The decline in congressional capacity and prospects for reform* (pp. 128-144). University of Chicago Press. https://doi.org/10.7208/chicago/9780226702605.001.0001.

"The range and complexity of issues that members encounter on a daily basis can be totally overwhelming, and schedules leave little, if any, time for doing independent research. So the ability to call on subject-matter experts for nonpartisan analysis on issues before Congress and in their districts back home undoubtedly helps members do their jobs better."[167]

To help Committee members better understand both agency personnel and end-user perspectives, the hearing consisted of two panels of witnesses. First, the Committee heard from the agency directors including Comptroller General Gene Dodaro, Director of the Congressional Research Service Mary Mazanec, and Director of the Congressional Budget Office Phillip Swagel. A second panel of outside experts included former CRS analyst and current House employee, Wendy Ginsberg; former CBO analyst and public budgeting expert, Philip Joyce; and science and technology expert, Zach Graves.



CRS Director Dr. Mary Mazanec testifies during a Modernization Committee hearing.

167. *Modernizing the congressional support agencies to meet the needs of an evolving Congress: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021). https://modernizecongress.house.gov/committee-activity/hearings/10/14/2021/modernizing-the-congressional-support-agencies-to-meet-the-needs-of-an-evolving-congress

During the first panel, agency heads detailed how they view their responsibilities to Congress, efforts they have made to modernize their agencies, and challenges they face as they seek to improve their products and services. The directors of CRS and CBO raised concerns about their ability to continue to recruit and retain highly qualified and expert staff. Discussion during the hearing included the ability of agencies to widen their staff searches to consider hiring individuals outside of the Washington, D.C., area, an approach that's become more possible in the post-COVID era due to the increased use of telework. Comptroller General Dodaro testified that GAO has begun exploring that idea saying, "...when we opened up recruitment, particularly for interns, which is our main pipeline for hiring, we were able to get a more diverse group of interns by not having them be in our field offices or in GAO headquarters. So we are moving to have our internship program be open for more remote learning as well."[168]

When it comes to ensuring that congressional support agencies can meet the needs of an evolving Congress, two main issues routinely were raised by members, agency heads, and outside experts: access to data and improved customer service.

Access to data (from federal agencies and other sources) was an ongoing concern raised by agency directors at the hearing. They remarked that the COVID-19 pandemic did improve some aspects of data access because it required their agencies to create new memorandums of understanding (MOUs) to allow remote access. However, all three agencies suggested they routinely face problems with accessing real-time, dynamic data. By only having access to static data, agencies are limited in the types of analyses they can conduct. Additionally, support agencies, CRS in particular, raised concern that some executive branch agencies do not always recognize the authority of congressional support entities as extensions of Congress. As CRS Director Mazanec testified:

"Occasionally, executive-branch agencies are reluctant to share data with us. They ask us to submit a formal FOIA request, or they ask us why we need the data, who is it for, or they try to put restrictions on use of the data, where they don't want us to share it with third parties. All of that would make it more difficult for us to support you."[169]

Improving customer service of the support agencies was another important focus of the hearing. As agency directors noted, all three agencies regularly serve almost every member, committee, and leadership office during the course of a congressional term. However, as Rep. Rodney Davis (R-IL) put it, members have "...some complaints with some of the products that are

168. Ibid.
169. Ibid.

coming in, be it timeliness, be it a possible bias, some other issues, the quality of product…"[170] This led to a discussion about how the agencies solicit feedback from members and staff about their satisfaction with the products and services they receive from the agencies.

The three agencies all have different approaches to soliciting feedback. CBO Director Swagel stated, "We track things on our website, you know, where people are coming from. So we do a little bit. We also work with the Budget Committees. And, you know, both sides, all four corners of the Budget Committees are extremely helpful for us, you know, sort of, flagging people who are upset or building, you know, moving toward being upset with us."[171] Director Mazanec said CRS has a different approach by soliciting informal ongoing feedback at the seminars the agency hosts as well as a Gallup poll every two years. However, she noted that for both types of feedback the response rate is generally low. Comptroller General Dodaro said the GAO uses auto-generated emails to solicit feedback from users after they receive a report from the agency. Additionally, he stated that "I try to meet with chairs and ranking members of all the committees and get direct feedback, too."[172]



CBO Director Phillip Swagel (right) testifies before the Modernization Committee.

170. Ibid.
171. Ibid.
172. Ibid.

The second panel's discussion primarily focused on ways to improve the customer service experience of the support agencies. The witnesses argued that by improving agency customer service posture, members and staff could more easily make use of the high-quality work product the agencies produce. Wendy Ginsberg said that one challenge many congressional staff face is compiling and synthesizing all of the various sources of information that accompany any given policy topic. She argued that "CRS must generate products that combine legal and policy analysis and not make us go to several sites to figure out the policies that we need to know about a single subject."[173]

Additionally, as Zach Graves testified, there are potentially huge gains if support agencies improved how they worked with Congress to make information more readily accessible to members and staff. His written testimony argues, "Congress should require GAO to set deadlines for its recommendations and publicly track agencies' progress implementing these recommendations. This would inform congressional oversight and hold agencies accountable to the public for government improvements."[174]

Improving how the agencies approach customer service also has the potential to increase government transparency and could allow the public to better access and understand Congress's decision-making processes. As Rep. Nikema Williams (D-GA) noted in questions for the witnesses, "Congressional support agencies help congressional offices accurately assess how policy impacts their districts. These agencies also help constituents know what is going on in Congress."[175] In developing recommendations the Committee sought to keep this perspective in mind.

6.5 – Strengthening Oversight Capacity

Article I of the U.S. Constitution provides explicit powers to Congress, including the power to enact legislation, raise revenue, and provide for the common defense and general welfare of the country. An implicit constitutional power of Congress recognized by the Supreme Court as fundamental to Congress's ability to exercise its legislative authority is the power to conduct oversight. As federal spending and the executive branch have grown, the need for Congress to perform oversight has become more critical. As Josh Chafetz reminded Committee members during the Committee's November 4, 2021, hearing on strengthening congressional oversight:

173. Ibid.
174. *Modernizing the congressional support agencies to meet the needs of an evolving Congress: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021) (testimony of Zach Graves). https://docs.house.gov/meetings/MH/MH00/20211021/114068/HHRG-117-MH00-Wstate-GravesZ-20211021.pdf
175. *Modernizing the congressional support agencies to meet the needs of an evolving Congress: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021). https://www.govinfo.gov/content/pkg/CHRG-117hhrg46121/pdf/CHRG-117hhrg46121.pdf



Rep. Williams (D-GA, center) and Rep. Van Duyne (R-TX, right) listen to witnesses during a Modernization Committee hearing.

"This duty was exercised from the earliest days with the House conducting a major investigation in 1792 into the defeat of an Army force under General Arthur St. Clair by a confederation of Native American tribes at the Battle of the Wabash, an investigation that resulted in the passage of corrective legislation.

Oversight power became increasingly important with the growth of the administrative state, beginning really in the late 19th century and accelerating into the first half of the 20th century."[176]

-Josh Chafetz, November 4, 2021

The Supreme Court has consistently upheld Congress's investigative authority.[177],[178] The oversight process is not just how Congress holds the executive branch accountable but, as mentioned previously, is also how Congress comes to understand policy problems.

176. *Article One: Strengthening congressional oversight capacity: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021). https://modernizecongress.house.gov/imo/media/doc/november_4_hearing_transcript.pdf
177. McGrain v. Daugherty, 273 U.S. 135 (1927). https://www.loc.gov/item/usrep273135/
178. Watkins v. United States, 354 U.S. 178 (1957). https://www.loc.gov/item/usrep354178/

While Congress has conducted investigations since the founding, it wasn't until 1927—in the wake of the Teapot Dome scandal—that the Supreme Court unanimously decided that Congress was well within its rights to conduct the investigation and to subpoena information and compel compliance with subpoenas. The Court stated, "The power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function…A legislative body cannot legislate wisely or effectively in the absence of information…Experience has taught that mere requests for such information often are unavailing, and also that information which is volunteered is not always accurate or complete; so some means of compulsion are essential to obtain what is needed."[179] Likewise, the Supreme Court held that Congress's "legislative function" extended far beyond drafting legislation to include things such as examining whether agencies were properly discharging their duties or using funds appropriated by Congress.[180]

However, Congress's authority to investigate is not limitless. Congressional investigations cannot allege or prove criminal conduct, nor can they be used to assume the power of the executive branch to prosecute cases or the power of the judicial branch to resolve controversies. The Court stated, "There is no general authority to expose the private affairs of individuals without justification in terms of the functions of Congress…Nor is the Congress a law enforcement or trial agency…No inquiry is an end in itself; it must be related to, and in furtherance of, a legitimate task of Congress."[181]

CURRENT TRENDS

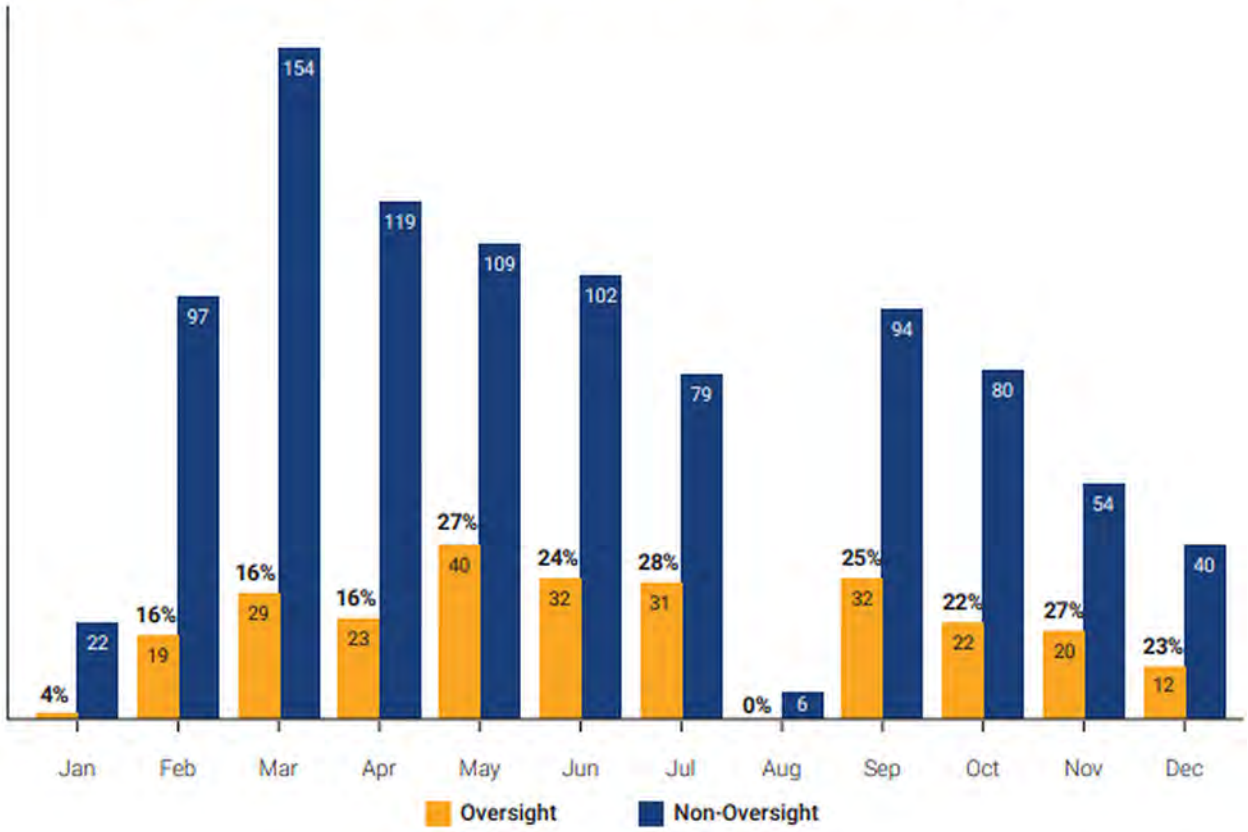
In the 116th Congress, 22% of House hearings dealt with executive branch oversight.[182] Figure 1 below shows the number of oversight hearings versus non-oversight hearings in the first session of the 116th Congress. It is important to note that, "while the *share* of hearing activity that focused on executive branch oversight was similar in both sessions, the *number* of oversight hearings fell by almost 45% between 2019 and 2020, from 261 to 144. This drop is consistent with the overall 48% reduction in the number of hearings in the House between the two sessions of the 116th Congress."[183] This drop is largely a result of changes in congressional operations caused by the COVID-19 pandemic.

Hearings are not the only mechanism by which Congress conducts routine oversight. Another activity that committees and sub-committees engage in is the issuing of oversight letters. Committees issue such letters for

179. See page 182, McGrain v. Daugherty, 273 U.S. 135 (1927). https://www.loc.gov/item/usrep273135/
180. See page 3, Levin, C. & Bean, E. (2018). Defining congressional oversight and measuring its effectiveness." *Wayne Law Review*, *64* (1), 2-22. https://waynelawreview.org/defining-congressional-oversight-and-measuring-its-effectiveness/
181. See page 187, Watkins v. United States, 354 U.S. 178 (1957). https://www.loc.gov/item/usrep354178/
182. See page 5, Reynolds, M. E. & Gode, J. (2021). *Divided government, disruptive president: Congressional oversight of the executive branch in the 116th Congress.* Brookings Institution. https://www.brookings.edu/wp-content/uploads/2021/07/BR_Divided-Government_final_web.pdf
183. Ibid.

Figure 1: House Hearings By Month (2019)

Percentage labels refer to the share of hearings each month that were oversight.



Source: https://www.brookings.edu/wp-content/uploads/2021/07/BR_Divided-Government_final_web.pdf.

the purpose of obtaining information and documents, as well as for requesting witnesses or testimony for the record. Data from the 116th Congress shows that when committees became limited in their ability to conduct in-person hearings due to the pandemic, they largely switched tactics and began to rely more heavily on oversight letters. The figure below shows that, "the number of oversight letters in 2020 was roughly 44% higher than in 2019 (780 vs. 541).[184]

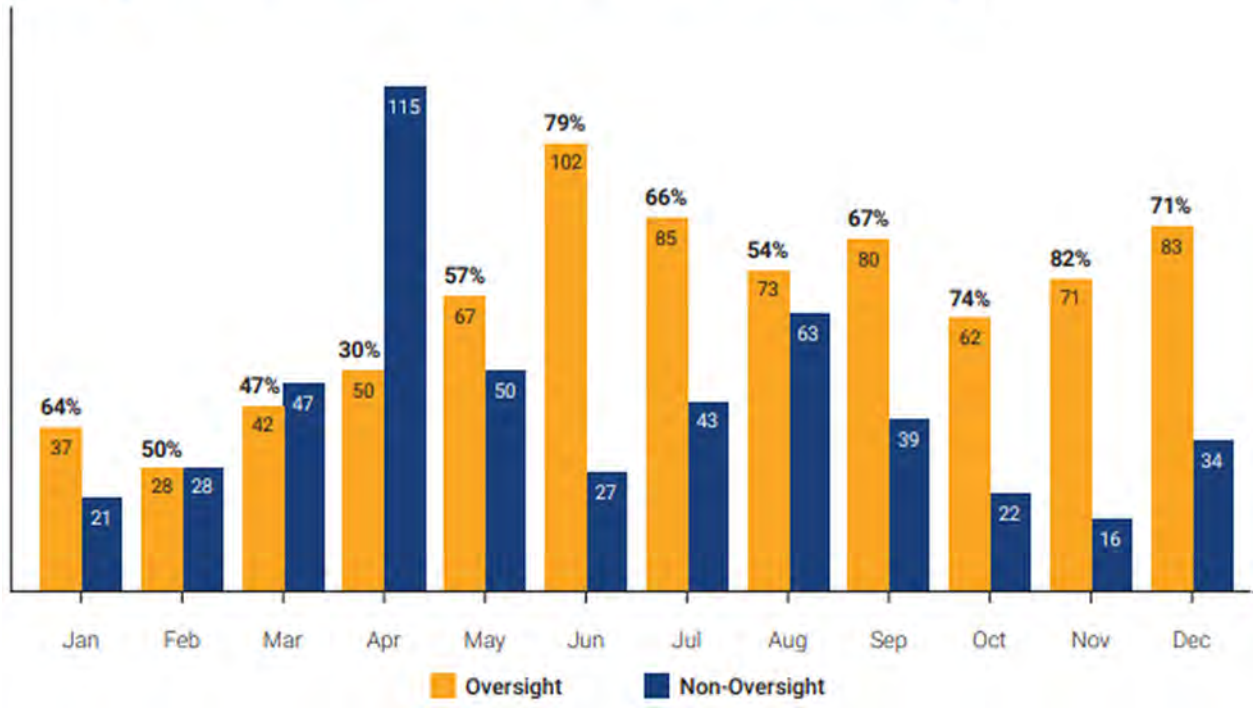
While the level of bipartisanship in hearings is difficult to measure, "a clear indicator of collaboration across parties" can be obtained by looking at who signs on to oversight letters.[185] During the 116th Congress, 74 oversight letters were signed by at least one committee or sub-committee ranking member, representing 6% of all oversight letters. As one of the witnesses who testified before the Committee put it:

184. See page 7, Reynolds, M. E. & Gode, J. (2021). *Divided government, disruptive president: Congressional oversight of the executive branch in the 116th Congress.* Brookings Institution. https://www.brookings.edu/wp-content/uploads/2021/07/BR_Divided-Government_final_web.pdf

185. See pages 18-19, Reynolds, M. E. & Gode, J. (2021). *Divided government, disruptive president: Congressional oversight of the executive branch in the 116th Congress.* Brookings Institution. https://www.brookings.edu/wp-content/uploads/2021/07/BR_Divided-Government_final_web.pdf

Figure 4: House Letters By Month (2020)

Percentage labels refer to the share of letters each month that were oversight.



Source: https://www.brookings.edu/wp-content/uploads/2021/07/BR_Divided-Government_final_web.pdf.

"Bipartisan oversight is alive and well. It is not covered by the media. So the only things that people see, that the media covers, are partisan—and actually there is enormous amount of bipartisan oversight going on all the time."[186]

-Elise Bean, November 4, 2021

BARRIERS TO EFFECTIVE OVERSIGHT

Given that the Supreme Court has routinely backed congressional investigative authority and that Congress has a plethora of tools at its disposal, one might think that Congress would prevail in most of its disputes with the executive branch and have ample access to whatever information it wants. This is clearly not always the case. Effective congressional oversight is bound by the tools and resources Congress has allocated for it.

186. *Article One: Strengthening congressional oversight capacity: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021). https://modernizecongress.house.gov/committee-activity/hearings/article-one-strengthening-congressional-oversight-capacity

To have effective oversight, "committees must establish their credibility with the executive departments and agencies they oversee early, often, consistently."[187] This requires having sufficient staff capacity—both in number and longevity—to ensure committees and agencies can build a lasting rapport that facilitates good oversight. In addition to the usual staff capacity concerns that are detailed elsewhere in this report, the Committee also heard concerns regarding the lack of staff security clearances. Witnesses pointed out that this puts members of Congress at a disadvantage when it comes to needed assistance in getting and staying up to speed on oversight issues. As Anne Tindall, Counsel at Protect Democracy, stated, "Congress should…consider increasing the number of congressional staff with access to top secret, sensitive compartmented information security clearances. At a minimum, the House should allow all members of the House Permanent Select Committee on Intelligence to hire a staffer with such a clearance, as their Senate counterparts may.[188] This would ensure that members have staff to support effectively in their oversight of the federal government's most sensitive and consequential programs."[189]

Many staff lack the background, training, or incentives necessary to conduct effective, bipartisan, oversight. However, collaborative bipartisan oversight investigations often lead to better outcomes. As Elise Bean testified, "We found on PSI that if you fact find with somebody who has the same world view as you, generally agrees with you, you don't challenge each other. You miss a lot of facts. You just don't get it right. It is only when you investigate with people who have fundamentally different views than you have that you start to look at more facts, you are more critical about them, you challenge each other. And at the end of the process your results are usually more accurate, more thoughtful, and certainly more credible because you had a range of views in the process."[190]

187. See page 7, Rosenberg, M. (2017). *When Congress comes calling: A study on the principles, practices, and pragmatics of legislative inquiry*. The Constitution Project. https://goodgovernmentnow.org/wp-content/uploads/2018/09/rosenberg-when-congress-comes-calling-rosenberg-2017.pdf

188. As of November 2021, the Senate allows each senator to designate one staffer to receive TS/SCI clearance. See Niekrie, J. (2021, November 17). *Senate increases access to sensitive information, a move called for by Issue One.* Issue One. https://issueone.org/articles/senate-increases-access-to-sensitive-information-a-move-called-for-by-issue-one/

189. See page 19, *Article One: Strengthening congressional oversight capacity: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021). https://modernizecongress.house.gov/imo/media/doc/november_4_hearing_transcript.pdf

190. See page 28, *Article One: Strengthening congressional oversight capacity: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021). https://modernizecongress.house.gov/imo/media/doc/november_4_hearing_transcript.pdf

In addition to staff capacity issues related to oversight, Congress also faces challenges when it comes to the oversight tools it has at its disposal. The ability of Congress to enforce its subpoenas has all but atrophied ultimately slowing down or altogether halting the institution's ability to conduct effective oversight. This is true, regardless of which party controls Congress or the executive branch.[191],[192]

"The last decade and a half have made clear that Congress cannot and should not make itself reliant on the courts to help it get information out of an unwilling executive. When it comes to the criminal contempt mechanism, administrations have repeatedly declined to prosecute their own officials. And when the House has filed civil suits to secure testimony or documents, those suits have taken so long to resolve that even when the chamber nominally wins the information gets produced far too late to help that Congress oversee that administration."[193]

-Josh Chafetz, November 4, 2021

Some suggestions for strengthening subpoena enforcement explored during the Committee's November 4, 2021, hearing included: (1) creating a judicial fast track procedure to enforce congressional subpoenas, (2) improving congressional oversight enforcement mechanisms such as inherent contempt, (3) greater use of the appropriations to enforce compliance, and (4) creating a mechanism to provide alternative legal analysis when it disagrees with an opinion from the Department of Justice's Office of Legal Counsel.[194]

The ability to gather, process, and use information in a systematic way has been an ongoing problem for Congress since its founding. Previous reform committees devoted a substantial amount of time and effort to trying to improve congressional capacity for information processing with the hope of aiding the oversight and legislative processes.[195] To help resolve some of these perennial issues as well as those that are unique to the modern Congress, the Committee issued the following recommendations.

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191. *Article One: Strengthening congressional oversight capacity: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021) (testimony of Josh Chafetz). https://modernizecongress.house.gov/imo/media/doc/Chafetz-ModernizationComm-Testimony.pdf
192. *Article One: Strengthening congressional oversight capacity: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021) (testimony of Anne Tindall). https://modernizecongress.house.gov/imo/media/doc/11.4.21_Tindall%20Testimony%20H.%20Modern.%20Comm.%20(Draft)%20.pdf
193. See page 9, *Article One: Strengthening congressional oversight capacity: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021). https://modernizecongress.house.gov/imo/media/doc/november_4_hearing_transcript.pdf
194. *Article One: Strengthening congressional oversight capacity: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021). https://modernizecongress.house.gov/imo/media/doc/november_4_hearing_transcript.pdf
195. Oleszek, W. O. (2021, October 6). *Congressional reform: A perspective* (CRS Report No. R46933). https://crsreports.congress.gov/product/pdf/R/R46933/2

6.6 – Recommendations

SUPPORT AGENCY RECOMMENDATIONS

132. Make available nonpartisan summaries: The House should prioritize ensuring that bills to receive a floor vote have nonpartisan summaries available.

Improving the availability of Library of Congress legislative summaries would ensure members, staff, media, and the public have access to nonpartisan summaries before legislation is passed. The LOC has indicated that this is a capacity issue and that it can be difficult to assign staff to bills that were added to a voting schedule with very little notice. This recommendation asks the LOC to prioritize this, and if necessary, to seek additional or reallocated resources.

133. Bolster legislative support agency access to federal data and experts: Support agencies should report on challenges and potential solutions for accessing federal data.

The CRS, GAO, and CBO all have unique data access challenges in conducting their work. The Committee understands each agency has experienced hurdles and/or delays in accessing the data they need, including the examples below.

CRS: To get access to federal data, the Committee understands CRS sometimes is instructed to file a Freedom of Information Act (FOIA) request or must get the signature of committee chairs on information request letters, which can lead to delays. CRS requests are not treated as originating in Congress.

GAO: The GAO has well-established statutory authority to access agency records while carrying out its audit, evaluation, and investigative duties (see, 31 U.S.C. 716(a)). However, the Committee understands GAO may face challenges accessing information and experts in specific areas on which Congress may choose to take action. GAO access authority should be broadened in at least three areas. First, GAO access to agency records should explicitly include access to and authority to make and retain copies of data and records created and maintained in digital form in IT systems, including machine readable, structured data (e.g., CSV, XML). Second, GAO access authority should also explicitly extend to interviewing officers and employees of federal agencies as well as employees from certain non-federal entities (e.g., state/local agency, contractor, grantee, recipient) necessary to carry out an audit, evaluation, or investigation of a federal program or activity or use of federal funds, including private entities receiving such funds. Third, GAO access should include the authority to inspect facilities and examine property necessary to carry out its work for Congress and the American taxpayer.

CBO: Analysts should continue to have electronic access to data, rather than being required to access federal data in person. CBO also needs streamlined access to federal agency experts. With enhanced data and expert

access, CBO may be able to produce distributional analyses. The FY2021 appropriations bill for the legislative branch requested information about CBO's access to data from federal agencies, including data sources and data sets. CBO reported on this information in June 2021.

Consistent access to federal data and experts will help the support agencies produce higher quality products that inform Congress's work. Therefore, the Committee recommends each agency report to the committees of jurisdiction on the specific access challenges they face, the legislative remedies they may need, if any, and whether in some cases an MOU may provide a solution to provide necessary data access. The Committee hopes the reports provide the committees of jurisdiction a roadmap for potential action to address these issues.

134. Enhancing the customer experience at CRS: CRS should ensure that its products and services are designed to adapt and meet the needs of an evolving Congress.

By developing a customer-focused approach to the provision of its products and services, the agency can better tailor its work to meet the diverse and evolving needs of members and staff. CRS's culture should be oriented toward meeting the diverse and evolving research and analysis needs of members and staff. To this end, the agency should regularly and proactively engage in outreach efforts to Congress to determine where improvements can be made and where new approaches are appropriate. Customer oriented reforms mentioned during the Committee's hearing include the following:

- emphasize more concise reports, videos, and podcasts;
- improve the functionality of CRS.gov;
- tailor products to staff's knowledge-level;
- proactively get CRS products to staff;
- employ technology to survey staff directly and regularly on CRS products and services, including interactions with individual analysts;
- ensure analysts are continuously up to date in their field by allowing participation in academic conferences;
- take steps to build a more diverse workforce;
- allow analysts to detail to congressional committees;
- improve ease of access to agency reports and other information via web portals;
- routinely seek member and staff input to improve CRS.gov.

Additionally, the Library of Congress Inspector General should play a role in helping the Committee on House Administration oversee CRS and all aspects of the Library, including accessing and providing needed information that will help evaluate and enhance the customer service experience.

135. Enhancing the customer experience at GAO: GAO should boost initiatives to meet Congress's information needs and assess member and staff awareness of and satisfaction with its products and services.

The GAO should go further to inform Congress about its products and services. The Committee understands that staff may not be sufficiently aware of the resources and support provided by GAO and how best to contact experts. Possible initiatives could include:

- Hosting a session on GAO's role, products and services, and protocols and processes at New Member Orientation as well as an information session for all members at the start of each Congress;
- improve the public-facing GAO.gov and the Congress-facing ''watchdog'' websites to enhance staff ability to search for reports by topic area, locate and contact experts, and submit service requests and feedback;
- explain formal mechanisms to collect and assess customer feedback on products and services;
- outreach to assess member and committee priorities and interests and continuous learning initiatives for members and staff including one-pagers and coordinating regular briefings on critical topics with CRS and the National Academies;
- employ technology to survey staff directly and regularly on products and services including interactions with individual analysts;
- explore adding a physical GAO presence in the House to improve visibility and awareness of GAO's products and services.

136. GAO annual report on unimplemented recommendations: GAO should report annually on the estimated cost savings of its unimplemented recommendations.

According to GAO, as of November 23, 2021, ''there are 4661 open recommendations, of which 482 are priority recommendations.'' Further, recommendations remain open until they are designated as ''Closed-implemented'' or ''Closed-not implemented.'' An annual report on unimplemented recommendations, and associated costs, could inform and spur congressional oversight and reforms, improving agency performance and saving taxpayer dollars. Associated costs should be included where feasible. Similarly, the report accompanying the FY2022 legislative branch appropriations bill directs the Comptroller General to provide committees with a report estimating the financial costs of unimplemented GAO recommendations by agency.

137. GAO report to congressional committees on legislative options: GAO should annually report to Congress on legislative options to address open priority recommendations.

GAO's recommendations can provide a starting point for bipartisan legislative reform. Every two years the agency reports on federal programs and operations that are vulnerable to waste, fraud, abuse, and mismanagement, or that need broad reform in their High-Risk List, which could form the basis of legislative options.

138. Enhance CBO outreach to Congress: CBO should expand its congressional outreach to provide additional information and assistance to members of Congress and staff.

A larger, more robust, proactive congressional outreach program would provide much needed insight for staff and members into the agency's protocols, processes, and work. Bolstering legislative outreach at CBO to help answer staff questions and engage in proactive outreach with congressional staff about the agency's work, and to solicit regular feedback from congressional staff, would help staff get their questions answered, could direct analyst (or score) specific inquiries, would help manage staff expectations on the scoring process, and in general would help CBO be a more effective, and better understood, resource for staff and members.

139. Legislative and support agency staff directory: Congress and congressional support agencies should establish a shared staff directory to enhance the exchange of information and improve collaboration.

It is important to facilitate the ability of congressional staff to easily identify and connect with other congressional staff—including across the chambers—and with the staff of the support agencies (and for support agency staff to directly contact congressional staff). Where feasible, the portal (or directory) should include the name, title, office, phone number, email address, and issue/area of expertise for each employee from the House, Senate, support offices, and support agencies. Information should be able to be filtered by office, title, party, issue/area of expertise, and continuously updated. Access to the directory should be permissioned and limited to authorized users.

140. Modernize the congressional support agencies: The committees of jurisdiction should examine support agency authorities and determine if they need to be updated.

As Congress continues to examine whether the agencies are meeting the needs of an evolving Congress, it would be helpful to examine whether the underlying authorities are effectively serving the purposes envisioned and to consider potential reforms. By regularly reviewing and assessing these agencies, Congress and the committees of jurisdiction can identify areas where agencies could expand or revise services, policies, and/or operations to better serve Congress. In the 116th Congress, the Committee recommended

that GAO, CBO, and CRS evaluate their missions, 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. This information, and the perspectives provided by the agencies, should be helpful to the committees of jurisdiction as they examine the underlying statutes and consider potential reforms.

141. Authorize STAA and make it a permanent part of GAO: The Science, Technology Assessment, and Analytics program at GAO should be authorized and made permanent by Congress.

The Committee strongly supports the STAA's mission and the important services it provides to Congress. Through the authorization process, Congress can clarify and strengthen the support the STAA provides to meet the needs of an evolving Congress.

EVIDENCE-BASED POLICYMAKING

142. Congressional Commission on Evidence-Based Policymaking: Congress should establish a bipartisan, bicameral Commission on Evidence-Based Policymaking to encourage and facilitate better use of data in the legislative process.

A commission could assist Congress in determining how to best incorporate evidence-based approaches into its policymaking, policy evaluation, and oversight work. The commission should make recommendations on how to incorporate outcomes measurement, rigorous impact analysis, and implementation aligned language into the lawmaking process; for how Congress can access and incorporate real-time, structured, and machine-readable data into the lawmaking process; evaluate the need for and potential duties of a Chief Data Officer, including whether the officer should be located in a stand-alone office or housed within another existing agency, and how such an office would function with existing data and information units in the House (e.g. CAO, Congressional Data Taskforce); assess ways to increase data expertise in Congress through the incorporation of technologists, data scientists, and engineers to assist in policy evaluation and legislative drafting; and, examine how Congress may encourage federal agencies to produce evidence on effectiveness for major new programs and reauthorizations.

STRENGTHENING CONGRESSIONAL OVERSIGHT CAPACITY

143. Optional bipartisan oversight training: The House should offer and support optional programs for members and staff to learn best-practices for conducting bipartisan, fact-based oversight.

The goal of improving oversight knowledge, skills, and best practices in the House can be met in part by utilizing and drawing on the existing expertise of the Government Accountability Office (GAO) and tasking them with providing optional oversight training workshops, including through partnerships with the Congressional Staff Academy (CSA) and the Congressional Member Leadership Development Program (CLDP). GAO has staff experienced in the technical aspects of conducting fact-based investigations and oversight activities and is a natural fit for oversight knowledge sharing. GAO currently provides congressional staff training in other areas through CSA and has expressed interest in expanding beyond those current training offerings. GAO is well positioned to both partner with CSA and CLDP to support bipartisan oversight workshops on-demand or on a recurring basis to meet staff and member needs.

144. Improved access to document review software: The CAO should assist committees in obtaining and utilizing effective, industry standard "e-discovery" software to improve document review and processing capabilities.

The House, through the CAO's procurement office, could help broaden the access and use of document review software for all committees by setting up a process to compare the options for procuring an effective discovery and document management software system, negotiate a House-wide price for each option, negotiate a training component as part of each package, and/or help committees evaluate, purchase, and use the software. A witness at the Committee's hearing on strengthening oversight capacity testified that "conducting congressional investigations often involves collecting and reviewing a large volume of documents and using them in hearings and reports. Reviewing, analyzing, and organizing those documents is made much easier by using sophisticated discovery and document management software."

MODERNIZING THE LEGISLATIVE PROCESS

167. Modernize bill referral and tracking: The House should establish a system for bill referral to committees that automates and tracks the bill's progress through the legislative process.

The internal system would allow GPO, the Clerk, and committees to work off the same system and allow all parties to easily track bills from introduction through the committee process (hearings, markups, and reporting to the

floor). This system should eliminate the need for committee staff to reenter information about a bill. Implementation of this recommendation would likely require either the Clerk's office or the newly formed House Digital Service to build a digital tool.

168. Retaining expert staff: The House should exempt student loan repayments from maximum compensation.

Until very recently, payments received under the Student Loan Repayment Program (SLRP) counted against the maximum cap for staff compensation as set by the Speaker's Pay Order. Exempting SLRP payments from the Speaker's Pay Order provides additional flexibility to managers in retaining experienced staff at or near the pay cap and in particular would promote retention of specialist positions such as attorneys at HOLC and other support offices.

169. Automate the process of obtaining cosponsors: The House should develop a technology solution to allow greater automation of the process for collecting and registering cosponsors.

Through Quill, the House has an efficient system for managing and tracking letters with digital signatures. A similar process, potentially an additional function within Quill, should be available for cosponsoring legislation. Once cosponsors are collected, the information should be transferred to the Clerk without the need to re-key cosponsor names. The system should be built in a way that includes built-in protections that could help guard against improperly entered cosponsorships and mistakes; for example, email confirmations to provide a trackable process and record. If feasible, the application to accept cosponsors should be mobile-friendly.

170. Collaborative legislative drafting: The House should leverage existing enterprise-wide applications and develop other tools and solutions to better facilitate legislative drafting between member, committee, and leadership offices and the HOLC.

The tool or solution should allow members and staff to make tracked edits themselves which would allow HOLC attorneys to view and understand the requested edits more clearly. To retain accuracy, confidentiality, and version control, HOLC should be the owner of this document and the only party that is able to accept edits. The technology must be constructed in a way that preserves and protects privilege, confidentiality, and other unique requirements associated with the drafting process.

SUPPORT CONGRESSIONAL OPERATIONS

193. The House should provide resources to support HOLC's continuing efforts to expand education and proactive outreach to members and staff.

The House should provide HOLC with resources to add a Director of Outreach and Education or assign additional non-attorney staff to an outreach and education team at HOLC that would be solely focused on proactive

outreach to member and committee offices, serve as the office's "eyes and ears" to answer questions and identify possible concerns, and to focus on ways to continually improve the office's educational and informational materials and offerings to ensure staff, in particular new staff, are fully informed on the HOLC's role and processes. The Committee understands the focus of the HOLC is on legislative drafting services and would not want this effort to take away from the resources that should be geared toward improving that core drafting function. This person could have office space in the Capitol that is welcoming to staff, and the space could be used for legislative drafting collaboration between members, staff, and attorneys at HOLC.

The HOLC attorneys interact daily and directly with members and committee offices and staff to provide the legislative drafting support and assistance they need. Therefore, customer service is an integral part of what HOLC attorneys do, and each attorney in the office, by definition, plays an important and much needed customer-facing role. Over the past several years, HOLC has expanded its educational and informational outreach to provide members and staff with the resources necessary to work most effectively and efficiently with offices to turn members' policy ideas into effective legislative text. For example, in collaboration with the Congressional Staff Academy (CSA), the Office is currently offering a Legislative Counsel 101 (Leg Counsel and You) and a Legislative Counsel 201 (Working with Legislative Text) course. The Committee also understands the HOLC plans to establish open house opportunities for House staff to meet with the Office to share questions, goals, ideas for improvement, and concerns. Finally, the CAO Coach Program in April 2022 hired a Legislative Coach specializing in mentoring legislative staff and has partnered with HOLC to offer legislative staff tips and tricks. The Committee strongly supports these efforts, because when legislative staff is fully informed on the HOLC drafting process and understands how they can provide a workable policy idea to begin the drafting process, workflow and efficiency improve.

194. At the beginning of a new Congress, House business support offices and agencies should hold an "Open-House" to provide members and staff the opportunity to personally meet with institutional offices and staff and learn about the services they offer.

An in-person "Open-House" would raise the awareness about these offices and what they do. It could also improve the working relationships with member offices by providing a personal touch and the opportunity to meet the people they may otherwise only interact with over the phone, via email, or virtually. Many offices already hold an open houses or information sessions, but these are not coordinated with each other.

196. Requiring Data to be Entered into Committee Scheduling Tool: House Rules or policies should require entering of committee meeting times into the shared committee scheduling tool.

The Committee previously recommended (#59) that the House create a common committee calendar portal specifically to reduce scheduling conflicts. A shared scheduling tool will allow committees to reduce conflicts as much as possible, but it will only be useable and beneficial insofar as it has the necessary information about pending committee business. In 1981, House Rules required committees to use "a scheduling service which shall be used by all committees and subcommittees to eliminate, insofar as possible, any meeting and scheduling conflicts." In 1992, this requirement was stricken from the House Rules.

197. Report on Members Voting Late: The House should publish a regular report noting the cumulative time individual members voted after the allotted time.

The Office of the Clerk, using information derived from the electronic voting system, should publish a quarterly report noting the total amount of time individual members voted outside of the time allotted. Reporting on the cumulative time a member voted outside the announced voting window will allow for greater transparency and accountability.

6.7 – Conclusion

Improving the legislative process by incorporating more evidence and data, as well as fine tuning the operations of the offices responsible for assisting in the drafting, referral, and publishing of potential legislation, are essential to ensuring Congress can continue to function in an increasingly complex and dynamic policy environment. Strong congressional support agencies are an essential component of meeting that need and are important to maintaining Congress's Article I authorities. As Philip Joyce stated in his October 21, 2021, testimony before the Committee, "Weak, understaffed, or outdated support agencies invariably would contribute to a weaker Congress and, therefore, transfer power to the executive branch."[196] Additionally, access to and use of authoritative and nonpartisan information is the first step needed to develop bipartisan solutions in Congress. As Committee member Rep. Dean Phillips (D-MN) noted, "When Democrats and Republicans digest information and education together, I am convinced we process it in a much more objective fashion." These recommendations will help ensure Congress can continue to fulfill its Article I duties of legislating and conducting oversight.

196. *Modernizing the congressional support agencies to meet the needs of an evolving Congress: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021). https://modernizecongress.house.gov/committee-activity/hearings/10/14/2021/modernizing-the-congressional-support-agencies-to-meet-the-needs-of-an-evolving-congress

Chapter 7 – Building a Modern Congress

7.1 – Introduction

Members of the U.S. House of Representatives are the closest link most Americans have to their federal government. Their job is to represent the views of their constituents in the federal policymaking process and to assist constituents in matters concerning the federal government. Because both responsibilities require members to stay in close contact with the people back home, the Committee has continuously prioritized recommendations to encourage and ease the constituent connection to Congress.

In addition to exploring ways to modernize district offices and support district staff, the Committee pursued a broader set of recommendations to make Congress a more "customer-friendly," public-facing institution. These recommendations focused on streamlining and improving the provision of constituent services, from both the D.C. and district offices, with an eye toward everything from casework to flag requests. Members also examined how digital services can improve how Congress listens and learns from constituents and how new technologies can make Congress more transparent and accessible to the public.

Though the current means by which constituents connect to Congress are varied, technology plays an undeniably important role. And while Congress continues to make great strides in becoming a more technologically savvy institution, there is still much room for improvement. Continuing work it began in the 116th Congress, the Committee explored approaches to ensuring that Congress is fully able to take advantage of the latest developments in technology, to anticipate the impact of future technologies, and to consider how Congress can more proactively develop technology policy. The Committee was particularly interested in issues like the technology startup ecosystem in Congress, institutional barriers that prevent an enterprise-wide approach to technology across the entire legislative branch, and strategies for acquiring and retaining staff with project management and technology expertise.

This chapter begins with a brief overview of the various ways constituents interact with Congress and member offices and identifies some of the common "pain points" they encounter along the way. A broader look at how technological innovation can help Congress more efficiently and effectively carry out its legislative and representational responsibilities follows. The chapter concludes with a description of the Committee's recommendations to build a more modern Congress, capable of seamlessly interacting with the American people.

7.2 – Connecting Constituents to Congress

While public approval of Congress has remained low for a number of years, individual members are typically well-liked by their constituents.[197] This is in part evidenced by high incumbency reelection rates; in 2020, 94.7% of House members who sought reelection won their races. Since 1964, the incumbent reelection rate for House members has only dipped below 90% a couple of times.[198]

Constituents tend to judge their representatives based on how well they serve their districts rather than on how well they serve the country as a whole. Despite the nationalization of elections, this localized view of what members are elected to do – namely, to focus on the needs of their districts – continues to explain how it's possible for many Americans to like individual members of Congress but dislike Congress.

One of the most important ways members interact directly with constituents is through casework. Each year, thousands of constituents turn to member offices for assistance with a wide range of issues. Members and staff help constituents navigate various executive agencies by acting as facilitators, ombudsmen, and, in some cases, advocates. Congressional caseworkers, for example, help constituents access Social Security benefits, resolve tax issues with the Internal Revenue Service, secure veterans' benefits, expedite passports, and obtain information on a range of federal government loan and grant programs. Some congressional offices also engage in casework that involves interactions between the federal government and local governments, businesses, communities, and nonprofit organizations.

Depending on the issue, casework can be quite complex and time consuming. House and Senate rules, and laws and regulations governing federal executive agency activities, place parameters around interventions made on behalf of constituents. Despite the widely held public perception that members can initiate a broad array of actions and force speedy outcomes, congressional staff cannot force an agency to expedite a case or act in favor of a constituent. Congressional staff can, however, intervene to facilitate the appropriate administrative processes, encourage an agency to review a case and give it careful consideration, and sometimes advocate for a favorable outcome.[199]

197. Klein, E. (2015, May 15). Congressional dysfunction. *Vox.* https://www.vox.com/2015/1/2/18089154/congressional-dysfunction
198. Open Secrets. (n.d.). *Reelection rates over the years.* Retrieved October 31, 2022 from https://www.opensecrets.org/elections-overview/reelection-rates
199. Petersen, E. R. & Eckman, S. J. (2021, April 1). *Casework in a Congressional office: Background ,rules, laws, and resources* (CRS Report No. RL33209). https://sgp.fas.org/crs/misc/RL33209.pdf

Through listening sessions with district staff and witness testimony at a February 16, 2022, hearing on modernizing district offices, the Committee learned about ongoing casework related issues including constituent data security, difficulty with transferring cases from one member to another[200], and lackluster implementation of the CASES Act[201] by some federal agencies.[202]

There is also no centralized, House-wide system for tagging or tracking casework, which makes it difficult for member offices and the House to know whether agencies are following through in a timely and sufficient way with casework requests and whether certain agencies or programs are receiving a high or unusual volume of requests. Chair Kilmer raised this issue in his opening remarks at the Committee's July 14, 2022, hearing on building a more customer-friendly Congress:

"This is an area where I think feedback, as well as systems for tracking requests and detecting common patterns, would be immensely helpful. For example, we might learn from constituent feedback that a particular agency's response time is unusually slow. Tracking systems might show us where requests are getting held up. Those systems might also help us detect patterns in the number of requests we're getting related to a particular government program. This kind of data can inform Congress's oversight activities and help us get ahead of problems before they do real damage."[203]

-Chair Kilmer, July 14, 2022

Anne Meeker, a witness at the Committee's July 14, 2022, hearing who served as a director of constituent services for a House member, also pointed to the need for casework tagging and tracking systems. Congressional offices regularly receive detailed information directly from those who actually interact with federal agencies, and experience various "burdens, barriers, and

200. *Congress back home: Modernizing district office operations: Hearing before the Select Committee on the Modernization of Congress*, 117th Cong. (2022). https://modernizecongress.house.gov/committee-activity/hearings/congress-back-home-modernizing-district-office-operations

201. The Creating Advanced Streamlined Electronic Services for Constituents Act of 2019 (or CASES Act) directs the Office of Management and Budget (OMB) to require each federal agency to accept electronic identity proofing and authentication processes that allow an individual, under the Privacy Act, to access the individual's records or to provide prior written consent for the disclosure of the individual's records. For more information, see Creating Advanced Streamlined Electronic Services for Constituents Act of 2019, Pub L. No. 116-50 (2019). https://www.congress.gov/116/plaws/publ50/PLAW-116publ50.pdf

202. Hewitt Jones, J. (2022, January 12). Lawmakers seek information from agencies on CASES Act implementation. *FedScoop.* https://www.fedscoop.com/lawmakers-seek-information-from-agencies-on-cases-act-implementation/

203. *Constituent services: Building a more customer-friendly Congress: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022). https://modernizecongress.house.gov/committee-activity/hearings/constituent-services-building-a-more-customer-friendly-congress

inequities" in the process. According to Ms. Meeker, "This data can be a valuable independent source of information to contribute to oversight plans or suggest areas for legislative action. The problem is that this data is siloed between 541 offices."[204]



Anne Meeker testifies before the Modernization Committee.

Anonymized data from a standardized tagging system could be shared by individual offices via an opt-in system and stored in a central repository. Such a system would allow the House to track casework trends as well as provide committees with valuable insight that could be used for oversight purposes. Perhaps most importantly, as Ms. Meeker explained, such a system would help members better understand the needs of their constituents in order to act on their behalf. Data about their district's specific needs would allow member offices to more effectively deploy limited resources and run smarter casework operations.[205]

The Committee's July 14, 2022, hearing on improving constituent services raised some additional important issues connected to casework. Nina Olson, who served as National Taxpayer Advocate for almost 20 years, testified about the value of having strong internal advocates in federal agencies that "have sprawling bureaucracies that deal with vulnerable constituents on a daily basis presenting challenging issues that, if not properly

204. *Constituent services: Building a more customer-friendly Congress: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022) (testimony of Anne Meeker). https://modernizecongress.house.gov/imo/media/doc/Meeker%20Testimony-Constituent%20Services%20Hearing.pdf
205. Ibid.

handled, could lead to long term economic, physical, and mental harm, especially in the area of disability claims."[206] Ms. Olson also addressed the importance of large agencies having a local presence, with geographically placed offices throughout the country that can work directly with district staff on casework.

Mathew Lira, a witness who worked on technology and innovation issues in both Congress and the executive branch, testified to the broader problem of the House, as an institution, not providing members with the tools they need to prioritize constituent services. To his point, Committee member Rep. Bob Latta (R-IL) spoke about the emphasis he places on constituent services, making sure to read and sign every constituent letter, tracking casework by county, and keeping track of the various agencies his office is working with. But as Rep. Latta noted, there are some broader casework related issues that individual member offices simply cannot resolve – not for lack of trying, but for lack of capacity and time.[207]



Rep. Latta (R-OH, left) and Rep. Phillips (D-MN, right) listen to a hearing witness.

206. *Constituent services: Building a more customer-friendly Congress: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022) (testimony of Nina Olson). https://modernizecongress.house.gov/imo/media/doc/Olson%20Testimony-Constituent%20Services%20Hearing.pdf

207. *Constituent services: Building a more customer-friendly Congress: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022). https://modernizecongress.house.gov/committee-activity/hearings/constituent-services-building-a-more-customer-friendly-congress

"For most Americans, the only direct interaction they will have with their elected Representatives is via constituent services, yet institutional responsibility for the baseline quality of those experiences is amorphous. While there are several dedicated public servants who care about this issue working within the House, these concerns are typically only one aspect of a broader portfolio rather than their primary focus."[208]

-Mathew Lira, July 14, 2022

In addition to recommending that the House designate a senior official to take the lead on coordinating improvements to House-wide capabilities in constituent service delivery, Mr. Lira also suggested that the House authorize a Constituent Services Experience Advisory Board, with experts selected by the Speaker and the Minority Leader to provide long-term guidance and support.[209]

A dedicated institutional effort to improve constituent services would not only benefit casework but would enhance the way member offices correspond with people back home. At the July 14, 2022, hearing, Committee member Emanuel Cleaver (D-MO) highlighted an unfortunate dilemma that many member offices face – constituents who feel that no matter what, they're not going to get an answer from their member's office or a solution to their problem. Even worse, constituents are sometimes left feeling that they are being "processed" rather than listened to. Rep. Cleaver pointed out that, "Maya Angelou said that people will forget what you say, people will even forget what you do, but they will never forget how you made them feel." Constituents want to feel heard, according to Rep. Cleaver, and any efforts to improve constituent services should address that simple fact.

Constituent correspondence can take many forms including mail, email, phone calls, text messaging and social media interactions. Constituents reach out to their members of Congress to express their views on pending legislation, to draw attention to an issue, or to request information about a member's position on a particular topic.

208. *Constituent services: Building a more customer-friendly Congress: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022) (testimony of Matt Lira). https://modernizecongress.house.gov/imo/media/doc/Lira%20Testimony-Constituent%20Services%20Hearing.pdf
209. Ibid.



Rep. Cleaver (D-MO) speaks during a Modernization Committee hearing.

Given the many ways constituents can now contact their members, correspondence continues to increase, and offices have had to devote more and more resources to responding to constituent communications.[210] The COVID-19 pandemic further accelerated these trends, as constituents reached out to their members for assistance with a range of health, employment, business, and housing concerns.[211]

In response to these shifts in the volume of correspondence, staff, as well as nonprofit groups, have worked to create triage systems for managing constituent mail.[212] But despite these and other best efforts, constituents often feel their correspondence is not given its due consideration, according

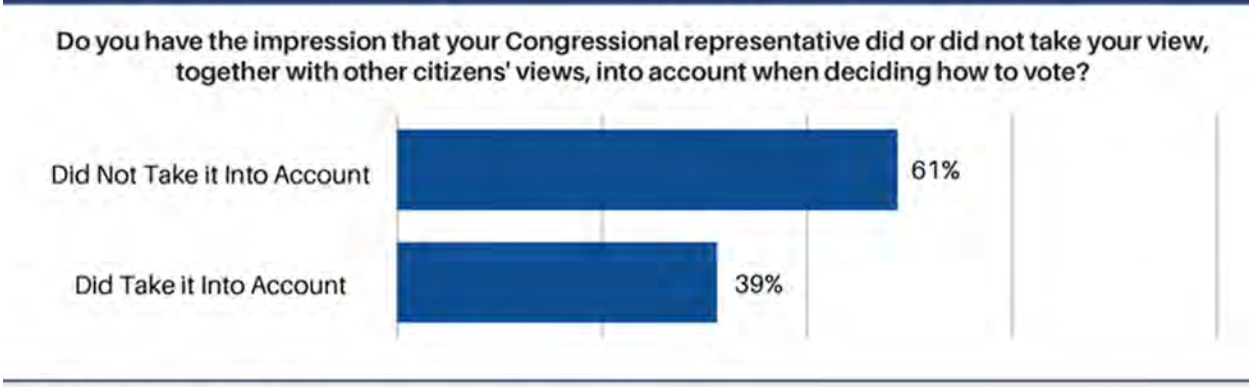
210. Congressional Management Foundation. (2011). *Communicating with Congress: How citizen advocacy is changing mail operations on Capitol Hill.* https://www.congressfoundation.org/storage/documents/CMF_Pubs/cwc-mail-operations.pdf

211. Tully-McManus, K. (2020, August 14). Constituent communications went digital due to COVID-19, and that could stick, report says. *Roll Call.* https://rollcall.com/2020/08/14/constituent-communications-went-digital-due-to-covid-19-and-that-could-stick-report-says/

212. Modernization Staff Association. (2021, January). *Staff assistant/legislative correspondent best practices guide.* https://s3.amazonaws.com/static.popvox.com/LegiDash/resources/LC+%26+SA+guide.pdf; also see: Congressional Management Foundation (n.d.). Dealing with backlogged mail. Retrieved October 31, 2022 from https://www.congressfoundation.org/office-toolkit-home/improve-mail-operations-menu-item-new/82-dealing-with-backlogged-mail-in-congressional-offices

to a recent study.[213] Constituent expectations for how Congress should respond and address their concerns are in part a reflection of how their concerns are addressed by other entities with whom they regularly interact. Many businesses place a premium on enhancing the "customer experience" because they rely on customer retention to survive in a competitive marketplace. For constituents who are accustomed to top-notch customer service, the constituent service experience may seem jarring by contrast.

Figure 1 | Impressions of Whether Views Taken into Account in Member's Decision



(n = 498 registered voters)
Source: Program for Public Consultation, University of Maryland (2018).
Published in: *The Future of Citizen Engagement: What Americans Want from Congress & How Members Can Build Trust,* Congressional Management Foundation, 2021.

Many House offices are dedicating more staff and more resources to managing constituent services but due to the increasing and often overwhelming amount of correspondence they receive, it is difficult for them to keep up in a manner that maintains the standards that offices strive to meet. As previously mentioned, constituent correspondence can take many forms including mail, email, phone calls, text messaging and social media interactions. Some member offices are deemphasizing corresponding with constituents through their member websites and choosing to communicate through other programs or platforms. Further, the current system, which relies on 441 separate offices figuring out their own triage systems, is inefficient.

While many member offices strive to continually improve the way they interact with constituents, more can be done to improve the way Congress interacts with the American people. An institution-wide approach to modernizing the way Congress communicates with constituents would not only reduce pressure on overwhelmed staff but also bolster the public's view of Congress by improving the way Congress interacts with the public.

213. Goldschmidt, K., Sinkhaus, B. J., Kull, S., Bell, B. (2021). *The future of citizen engagement: What Americans want from Congress and how Members can build trust.* Congressional Management Foundation. https://www.congressfoundation.org/storage/documents/CMF_Pubs/cmf_citizenengagement_publicopiniontrust.pdf

7.3 – Prioritizing Innovation and Technology in Congress

On June 23, 2022, the Committee held a hearing focused on building a more innovative, "tech-forward" Congress, which emphasized the importance of modernizing constituent communications. Members and witnesses recognized that recommendations to enhance Congress's technological capabilities need to prioritize updating the way Congress communicates with the American people.

Stephen Dwyer, a congressional staffer who testified at the June 23, 2022, hearing stated that constituents who want to communicate with Congress are largely limited to sending private emails to their own members and that those who communicate in this way often feel dissatisfied. Office systems and staff trainings are typically set up to screen contacts by address so that non-constituents are "weeded out" and re-directed to their own members. Given the large number of communications offices receive, constituent screening processes make sense from a staff capacity and representational perspective. At the same time, having to engage in these "weeding out" processes slows response times. Additionally, offices sometimes send responses that are more generic in nature, which may at times be necessary due to the large volume of incoming mail. To constituents, however, these kinds of responses are "often far from satisfying."[214]

Constituents who want to share their policy views more broadly (i.e., beyond the office of their own member) also lack easy ways to do so. One option for allowing constituents to engage more broadly would be to build "an open platform for civil and constructive discussion of federal policies before Congress," where users and advocacy groups could submit opinions on bills before Congress and have access to upvoting and downvoting functions. Content could be focused on the principle of advancing respectful and constructive civic dialogue, supported by government research and documentation, and structured around actual bills to be considered before Congress. Mr. Dwyer argued that by not creating such a system, Congress has ceded this ground to social media companies, even though it is not their focus.[215] An open discussion platform operated by Congress would keep the focus on the issues Congress is considering.

Innovative projects to better connect constituents to Congress tend to languish in Congress, not because they are prohibitively difficult to build, but because the institution lacks a structure for prioritizing projects. Mr. Dwyer and Reynold Schweickhardt, another witness with decades of experience working on technology issues in the legislative branch, both advocated for prioritizing digital solutions across the board in Congress.

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214. *Congress & technology: Modernizing the innovation cycle: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022) (testimony of Stephen H. Dwyer). https://modernizecongress.house.gov/imo/media/doc/dwyer_testimony-congresstech_hearing.pdf
215. Ibid.



Witness Stephen Dwyer listens during a Modernization Committee hearing.

"A key reason congressional projects take longer than equivalent projects in the private sector is that there is no overall prioritization mechanism in the House or the larger legislative branch. In short, there are too many concurrent projects."[216]

-Reynold Schweickhardt, June 23, 2022

Mr. Dwyer commended the various institutional offices in the House for the progress they have made over the past few years but maintained that much more needs to be done if Congress is to evolve with the rest of society. The House's inability to stay current with regard to technology is "not a competency issue within the officer organizations," according to Mr. Schweickhardt, "it is a higher-level problem regarding how the institution as a whole prioritizes and manages technical projects."[217]

The dynamic of broad technological change outpacing Congress's ability to keep up is not new. Congress and technology experts Marci Harris, Claire Abernathy, and Kevin Esterling have referred to this as "the pacing

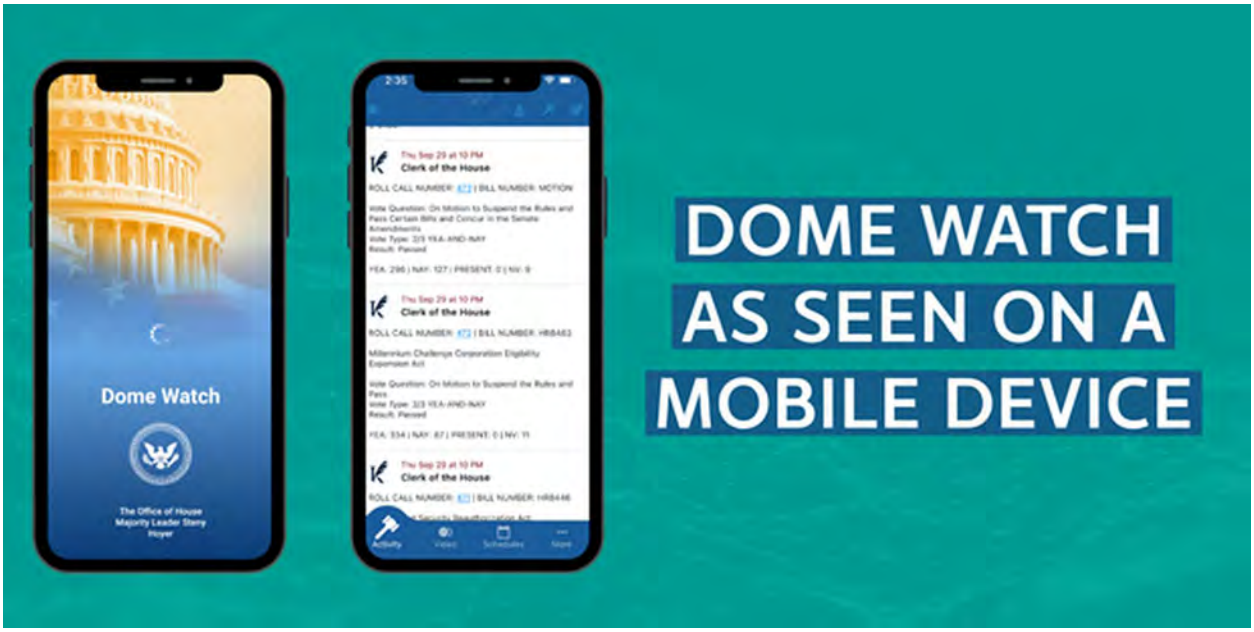
216. *Congress & technology: Modernizing the innovation cycle: Hearing before the Select Committee on the Modernization of Congress*, 117th Cong. (2022) (testimony of Reynold Schweickhardt). https://modernizecongress.house.gov/imo/media/doc/schweickhardt_testimony-congress__tech_hearing.pdf

217. Ibid.

problem."[218] This problem, they argue, presents a three-pronged challenge that prevents Congress from quickly adapting to technological changes outside and within the federal government:

1. The external pacing problem is Congress's inability to understand and respond to technological evolution in society at large, resulting in policy and oversight that lag 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's near-complete incapacity to make effective use of technology for its internal operations and the day-to-day work of the institution.

The "internal pacing problem" is exacerbated by the decentralized nature of Congress, where work tends to be siloed. Better collaboration between the many offices and agencies in the legislative branch would help facilitate innovation because ideas and work could be shared rather than needlessly duplicated.



Dome Watch is an app developed by the Office of Majority Leader Steny Hoyer. It is designed to help House staff, the press, and the public better follow the latest developments from the House Floor.

218. See page 31, Congressional Reform Task Force (2019, October). *Task force report.* American Political Science Association. https://www.cbcfinc.org/wp-content/uploads/2020/01/Congressional-Reform-Report-Final-Design.pdf

While decentralization can impede "a co-creation process"[219] it can also help generate innovation if offices are encouraged "to innovate to improve their operations."[220] Mr. Dwyer argued for a House-wide approach that would encourage member, committee, leadership and institutional offices to innovate through "vendors or cloud services or in-house" and for centralized offices (like the CAO) to help facilitate and scale any innovation.

7.4 – Encouraging a Startup Ecosystem

For House offices that do wish to innovate, the process of hiring an outside vendor to assist with the development of an office website, application, or digital tool can be time consuming, bureaucratic, and confusing. These delays often discourage vendors from entering the House market, which in turn prevents House members from being able to receive an accurate price quote and/or timeline and may even entirely prevent the office from hiring the vendor of their choice.

Melissa Dargan, another witness at the Committee's June 23, 2022, hearing described how member offices could benefit from a "more transparent and welcoming technology startup ecosystem on Capitol Hill for new tech products." While working as a congressional staffer, Ms. Dargan encountered numerous inefficiencies in congressional operations, which she described as tedious, repetitive, and time consuming. Her experiences as both a staffer and in the field of tech innovation led her to create a platform that simplifies and digitizes constituent tour requests. Her goal was "to allow staffers to improve the quality of constituent engagement while minimizing administrative tasks so they can do what they came to Washington, D.C. to do - effect change."[221]

For Ms. Dargan, the process of navigating the House's new vendor system, proved challenging:

219. See page 31, Congressional Reform Task Force (2019, October). *Task force report.* American Political Science Association. https://www.cbcfinc.org/wp-content/uploads/2020/01/Congressional-Reform-Report-Final-Design.pdf

220. *Congress & technology: Modernizing the innovation cycle: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022) (testimony of Stephen H. Dwyer). https://modernizecongress.house.gov/imo/media/doc/dwyer_testimony-congresstech_hearing.pdf

221. *Congress & technology: Modernizing the innovation cycle: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022) (testimony of Melissa Medina). https://modernizecongress.house.gov/imo/media/doc/medina_testimony-congress__tech_hearing.pdf

> ***"Working on a new start-up company already faces hurdles. The added House complexities (such as the lack of new vendor support and lack of information in navigating how to sell to Congressional offices) made establishing a needed tech product difficult - even for someone who understood how Congress operates. The closed nature of the House creates restrictive barriers that ultimately decrease competition and prevent new technologies from succeeding."[222]***
>
> ***-Melissa Dargan, June 23, 2022***

To address these issues, the Committee in the 116th Congress recommended that House Information Resources (HIR) create a more inviting approval process for vendors who seek to offer innovative technology to the House.[223] Ms. Dargan suggested additional steps the House can take to encourage and diversify access for tech vendors, including establishing a process for evaluating and working with vendors, allowing vendors to submit unsolicited tech proposals, and providing a roadmap for new submissions. She also suggested that a designated point of contact for submitting entities be established.[224]

When it comes to determining best practices for welcoming new startup ecosystems, the House might also consider the experiences of other government entities. For example, the executive branch, through the General Services Administration (GSA), makes use of its 18F program which relies on a team of about 120 designers, software engineers, strategists, and product managers to develop in-house digital solutions to help executive branch agencies meet the needs of the people and businesses they serve.[225]

7.5 – The Tech-Talent Pipeline

Congress's technology "pacing problem" is further constrained by the institution's lack of technology experts (programmers, user-experience designers, project managers, etc.) who can provide guidance and oversee tech processes and services. The executive branch responded to similar challenges in 2014 by creating the U.S. Digital Service (USDS), which hires technologists to build tools that make government work better for the American people.

222. Ibid.
223. This recommendation has been partially implemented and the Committee continues to monitor HIR's progress.
224. *Congress & technology: Modernizing the innovation cycle: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022) (testimony of Melissa Medina). https://modernizecongress.house.gov/imo/media/doc/medina_testimony-congress__tech_hearing.pdf
225. 18F is an office within the General Services Administration that collaborates with other agencies to fix technical problems, build products, and improve how government serves the public through technology. See: 18F, General Services Administration. (n.d.). *18F: Digital service delivery*. Retrieved October 31, 2022, from https://18f.gsa.gov/

USDS was formed following problems with the launch of HealthCare.gov, where the new website proved unable to handle high levels of consumer traffic. The Service "deploys small, responsive groups of designers, engineers, product managers, and bureaucracy specialists to work with and empower civil servants. These multi-disciplinary teams bring best practices and new approaches to support government modernization efforts." Service objectives include rethinking how the government buys digital services, expanding the use of common platforms, services, and tools, and transforming critical, public-facing services.[226]

In the legislative branch, programs like TechCongress provide computer scientists, engineers, and other technologists with mid-career educational opportunities to serve as technology policy fellows in member offices. TechCongress fellows have assisted with legislation like the OPEN Government Data Act, the investigation into Cambridge Analytica's data sharing practices, and changes to defense procurement rules to allow startups to better compete for contracts and support the needs of our servicemembers.[227] While TechCongress fellows have been an invaluable resource for the House, they do not satisfy all of the institution's technology needs.

More recently – and as the result of a Committee recommendation (#95) in the 116th Congress – the House Digital Service (HDS) was created to open a much-needed pipeline for technology experts to assist Congress in its daily functions. The office is tasked with building intuitive solutions to improve the day-to-day operations of member offices.[228] The HDS is located within the CAO. In addition to responding to issues over which the CAO has jurisdiction, the Service also has the opportunity to build, buy or adapt bespoke solutions for individual offices as well as the institution.

The Bulk Data Task Force is another example of a House-created entity working to break down technology barriers. The Task Force initially focused on the question of determining whether Congress should make the data behind THOMAS and LIS available to the public as structured data. In the 116th Congress, the Committee recommended 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.[229] Acknowledging the Task Force's current mission and activities, Committee on House Administration Chairperson and Select Committee

226. U.S. Digital Service. (n.d.). *Our mission.* Retrieved October 31, 2022, from https://www.usds.gov/mission
227. TechCongress. (n.d.). *The Congressional innovation fellowship.* Retrieved October 31, 2022, from https://www.techcongress.io/congressional-innovation-fellows
228. Hewitt Jones, J. (2022, January 20). House of Representatives to launch new digital services team. *FedScoop.* https://www.fedscoop.com/house-of-representatives-to-launch-new-digital-service-team/
229. Select Committee on the Modernization of Congress. (n.d.). *Recommendation: Make permanent the Bulk Data Task Force and rename it the Congressional Data Task Force.* Retrieved October 31, 2022 from https://modernizecongress.house.gov/final-report-116th/chapter/recommendation/make-permanent-the-bulk-data-task-force-and-rename-it-the-congressional-data-task-force

member Rep. Zoe Lofgren (D-CA) recently directed the Office of the Clerk to change the Task Force's name to the Congressional Data Task Force. This directive fulfills another Committee recommendation (#96).



Rep. Zoe Lofgren (D-CA, on screen) speaks at a Modernization Committee hearing.

7.6 – Additional Tech Barriers

Other institutional barriers that inhibit technology innovation are House rules and practices related to the use of open-source code. Other government entities, including 18F, require code for new technology projects to be open source. For example, 18F's default position for new project development is as follows:

1. Use Free and Open Source Software (FOSS), which is software that does not charge users a purchase or licensing fee for modifying or redistributing the source code, in our projects and contribute back to the open source community.
2. Develop our work in the open.
3. Publish publicly all source code created or modified by 18F, whether developed in-house by government staff or through contracts negotiated by 18F.[230]

230. 18F, General Services Administration. (n.d.). *Open source policy.* Retrieved October 31, 2022 from https://18f.gsa.gov/open-source-policy/

Adhering to these three guidelines allows 18F to be more flexible, subject their code to continuous and broad peer review, save costs when the user base grows, and aid reusability by lowering the burden of replicating similar work.[231]

Open-source coding can be subjected to "broad peer review" in a few different ways, including through online software development platforms, such as GitHub, where coders post questions and sections of code to solicit feedback from their peers.

When it comes to both open-source coding and online software development tools, existing rules, structures, and guidelines may make it difficult for technology entities within the House to make use of and participate in these environments. For example, it is currently unclear if House employees or contractors posting to GitHub are in violation of the House's gift rule. Additionally, there are no clear guidelines or procedures for House entities regarding adopting tools built by civic technology groups. As witness Stephen Dwyer argued in his June 23, 2022, testimony before the Committee:

"Innovation requires open data. You cannot build innovative new tools for Congress without structured access to Congress's work product, which is data like bills, amendments, members, roles, legislative actions, etc. The Bulk Data Task Force has made bulk access to congressional data a reality, but far more should be done."[232]

-Stephen Dwyer, June 23, 2022

Developing digital tools for House offices can also be difficult and expensive for outside technology vendors, due in part to the unique rules and requirements for doing business with the House. As a result, the number of software developers looking to work with House offices is limited. This can impede or delay offices that are looking to develop and access new digital tools. The Committee took a step toward addressing this challenge and recommended (#186) that the House create an "Established Delivery Partners" (EDP) process and list to make it easier and quicker for experienced vendors to clear administrative hurdles and deliver digital tools to House clients. Importantly, having an EDP process in place will not preclude new vendors and technologies from competing to enter the House digital marketplace. The intent is to ease administrative and approval burdens for vendors that have a long-term understanding of House Rules and protocols.

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231. Ibid.
232. *Congress & technology: Modernizing the innovation cycle: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022) (testimony of Stephen H. Dwyer). https://modernizecongress.house.gov/imo/media/doc/dwyer_testimony-congresstech_hearing.pdf

7.7 – Recommendations

IMPROVE CONSTITUENT ENGAGEMENT AND CONSTITUENT SERVICES

172. The House should develop an optional system to allow offices to share anonymized constituent casework data and aggregate that information to identify trends and systemic issues to better serve constituents.

To provide data that is trackable and comparable, the Chief Administrative Officer (CAO) should first develop a system of standardized casework categories and tracking standards – developed and refined in collaboration with caseworkers – and establish – House-wide unified analytics to identify casework trends and potential problem areas. Anonymized data could be collected and shared through an application programming interface (API) developed by the CAO. The CAO could then aggregate this data to produce a comprehensive dashboard or report that is made available to offices. The system should be optional and available on an opt-in basis for offices that wish to share and receive casework data. By aggregating data and utilizing unified analytics to identify casework trends and potential problem areas and making that information available to House offices and committees, the House could view a wider landscape of constituent concerns, better anticipate potential problem areas and backlogs, and identify issues that may need to be addressed through a policy change or other federal intervention.

173. The House should provide offices with information related to outside organizations and resources available to assist members and committees that wish to enhance outreach efforts or utilize new tools for constituent communication and engagement.

At a May 2022 roundtable on civic engagement, the Committee heard from various organizations and researchers about best practices and new tools for fostering and improving constituent engagement. These tools and methods for engagement could help members better understand issues faced by constituents, the range of different views and concerns, and potential solutions. For example, outside organizations could assist members and committees with hosting deliberative town halls with a statistically representative group of constituents. Information on organizations that can provide assistance and support could be available through the Congressional Member Leadership Development Program. Guardrails should be established for the information provided to ensure there is no undue influence by outside organizations. In addition, outside organizations must be vetted and approved by the Committee on House Administration and information must be provided in accordance with House Ethics guidelines.

174. The House should study and present options for developing a public-facing interactive platform for constituents to offer their opinions and feedback on pending legislation.

To provide more of an opportunity for public engagement and input, Congress should evaluate the feasibility and practicality of developing a new public-facing constituent engagement interactive platform, and present potential options. Options could include but not be limited to making Congress.gov more interactive and establishing a separate public-facing site to allow users to submit opinions that will be publicly visible on pending legislation or offer ideas for new legislation. Interactivity could include upvoting and downvoting, dynamic and collaborative bill drafting tools, the ability to link comments to more context written by Library of Congress staff, among others. This would not supplant current communication methods, such as emails and webforms, but rather would be an additional option for comments that would be made public. The interface could point to Congress.gov's background information about proposals and legislation, further enabling constituents to formulate and communicate their views to Congress. A platform could also allow the public to sign up for automatic email alerts when issues they care about are acted upon.

175. The House Digital Service should evaluate and onboard industry leading correspondence technology tools and platforms to enable offices to improve the quality and substance of constituent correspondence.

Technology is available that can assist offices in improving the quality and substance of constituent correspondence. By adopting new intelligent tools, House offices can enhance the process of sorting and tagging constituent letters, improve the quality of responses by utilizing AI, more efficiently process and reply to comments that arrive through social media, and track constituents' satisfaction with the responses they receive. Improved constituent correspondence technology and tools can help offices respond to constituents more quickly and efficiently, and in potentially new ways. In addition, automating the repetitive aspects of correspondence can also free up staff to spend more time on other projects.

176. The House should study and present options for developing a platform for committees that want to solicit public comment and evidence on topics that might be coming before the committee.

With committee buy-in, the House could establish a website that allows all committees to solicit public comment before upcoming hearings and markups, or it could develop a plug-in for committees to use on their existing websites. Committees could selectively solicit public comments based on the topic or business before the committee. Like an executive agency comment period, the site could allow for comments and uploading documentation relevant to the committee's interest. Depending on their committees' preferences, committees could keep comments private, or they could be

presented publicly and made part of the record as is done for agency comments. A study will address the feasibility and practicality of developing a platform and ensure there is committee buy-in to develop and use such a platform.

177. The House should develop an efficient and secure tool for coordinating constituent tour requests.

The House should develop a portal and/or plug-in for tour requests that allows constituents to securely submit their personal identifiable information (PII) and allow staffers to easily track and manage constituent requests for tours of the Capitol, White House, and other federal entities open for public tours. The CAO should assess industry standard technology tools or develop new digital solutions to standardize the tour request process.

178. The House should develop a more efficient process for tracking and managing constituent flag requests.

The House should develop a portal for flag requests that allows users to see where a flag is in the process, encompassing all stages within the Architect of the Capitol's Flag Office, House Mailing Services, and the House Office Supply Store. By creating a system like an online "pizza tracker," House staffers would be able to see where the flag is in the current process. House Mailing Services should also provide the option to either mail flags directly or send them back to personal offices, an option that the Committee understands currently exists only for Senate offices.

179. The House should develop and provide offices with optional tools for surveying and tracking their constituent's 'customer service' experience.

The House should offer a standard Customer Experience (CX) package for offices to utilize at the end of an interaction between a member office and a constituent, where there is an opportunity for constituents to provide feedback about their overall experience. In developing tools for tracking satisfaction, the House should look to the private sector for best practices. The tool should be optional for offices and provide customized options for offices to measure various aspects of the customer/constituent service experience. Offices could also opt in to allow their customer service response data to be aggregated into an anonymized report to enable them to compare their own office's performance with other offices, and with a House-wide performance "base-line" on customer service. The report could be supplemented with survey data obtained through Congressional Staff Academy courses related to constituent services. Collecting information on the constituent service experience can help offices gain a better understanding of how to meet constituent expectations and to identify areas in which to make improvements in service delivery.

180. Future upgrades to the Capitol Visitor Center should allow for a more personalized and interactive tour that allows constituents to better understand who their representatives are and how their opinions are reflected in House votes.

For example, an electronic device assigned to a visitor could allow them to learn specifically about their member and district by simply tapping their device on the display. In addition, it could enable them to participate in live polls (without voting repeatedly) and see how their vote matches up with how the House voted on an issue and how every other visitor to the center voted on the issue. Another example would be to create a Member Wall like the one in the European Parliament Parlamentarium that would pull up basic facts about each member, their committee assignments (potentially with live information about committee hearings), and member positions on key issues. Implementation of this recommendation would require an in-depth examination of how to address possible privacy and IT security concerns and a feasibility assessment of infrastructure and staffing requirements.

BOLSTER HOUSE TECHNOLOGY

181. Congress should institutionalize and expand technology education and innovation initiatives such as the Congressional Hackathon.

The Congressional Hackathon and other technology and innovation-related events and initiatives in the House would benefit from being institutionalized and expanded to bring together technical staff from throughout the legislative branch to brainstorm and work on technical solutions collaboratively. Additionally, institutional support would encourage more of the legislative branch agencies, like CRS, CBO, and GAO, to participate.

182. The House should develop an onboarding process to institutionalize congressional technology that has reached a mature development stage, is widely used, or is considered mission critical.

Systems like the Dome Watch app, DemCom intranet, GOP Cloakroom amendment and vote tracker, as well as committee amendment systems are widely used or considered mission critical. These systems were developed by leadership or committee offices and are "owned" by those individual offices. As such, they could become unavailable or unusable as staff departs and offices change. House Information Resources (HIR) and House Digital Service, after consultation with other institutional offices, should develop standard criteria for mature technology and a standard process for onboarding them with the appropriate institutional office. There should also be a process in place, with appropriate oversight, for "off-ramping" technologies that may have become obsolete or are no longer utilized or effective. Additionally, custom software tools are often built by software developers for use by numerous offices, but fall out of favor because the developer doesn't have an

incentive to continue to maintain or upgrade that tool. The House could benefit by having a process for procuring the source code and building on top of the base tool, rather than building a similar mission critical tool from scratch.

183. House-developed digital applications should be made open source by default.

Technology developed with House resources should, by default and when appropriate, have code that is published publicly under a structured open-source license. Open-source software is computer software that is released under a license in which the copyright holder (in this case the House) grants users the rights to view, use, study, change, and distribute the software and its source code for usage and further development by other entities. Open-source licensing can be structured in ways that are beneficial to the House, and, if necessary, be revoked. A sample agreement would require that the House also be able to use, free of cost, any tools developed to expand functionality for the underlying digital tool. An open-source system will make it easier to improve functionality and maintain House-built tools in addition to preventing vendor lock-in.

184. The House and Senate should work to align more of their technology standards and processes.

Through a bicameral working group, the House and Senate should seek to align technology standards and processes, where feasible. Enterprise-wide systems used by both chambers (for example, Microsoft Office Suite) should be aligned to facilitate collaboration between the chambers. Currently, House and Senate offices are not able to communicate over MS Teams. Ideally, approval by one chamber should allow for expedited, or even immediate, approval by the other chamber. Both chambers should use one system of Communicating with Congress (CWC), the tool that processes constituent mail, which would be easier and cheaper for both chambers and for advocacy organizations. Aligning more technology standards and processes, including procurement and onboarding processes, will save money, allow offices to work more efficiently, make it easier for outside groups and vendors working with Congress, and improve collaboration across the chambers.

185. House should provide more public information to potential technology vendors and streamline the vendor approval and onboarding process.

The House should publish a page on their website for potential developers of digital tools similar to the “Steps to Becoming a Web Vendor” that exists on the House’s website. While the House has a process for working specifically with vendors, it should continue to improve the process and establish a clear liaison or point of contact that works with outside vendors once they are approved. In addition, the vendor application should be posted publicly along with information explaining the application and approval process, recommended best practices, and FAQs. Any streamlining of the

vendor approval process should ensure a competitive process that secures the best quality products and services at the best possible price. Providing more information publicly about the process and helping small vendors navigate it could attract more technology startups and encourage the development of new tools that innovate and improve House operations.

186. The CAO should develop an Established Delivery Partners program for digital solution vendors that regularly work with the House.

By creating an "Established Delivery Partners" (EDP) process and list, the House can make it easier and quicker for experienced vendors to clear administrative hurdles to deliver digital tools to House clients. Vendors included in this process would understand House Rules and possess a proven track record of developing tools successfully and meeting the House's security protocols. As the CAO develops and utilizes EDPs, it should be careful to ensure it remains a competitive process that is continually open to new entrants and does not, through institutional inertia, become an exclusive group and thus a potential obstacle to accepting new vendors and technologies. The intention is to ease administrative and approval burdens when a vendor has demonstrated repeatedly that they understand and follow House Rules and protocols. Having an established list of approved software developers will ensure that House offices are able to better scope potential projects, receive more accurate costs estimates, and develop and receive tools in a timelier manner.

187. The House should review current policies and, where appropriate, allow opportunities for congressional use of software and its underlying code that is developed by outside civic technology organizations.

The House Committee on Ethics and the Committee on House Administration should review and provide public-facing, written guidance on Congress's potential use and publishing of open-source technology. The guidance should address whether offices can communicate publicly about the development of a website, whether congressional offices can use open-source software published in a public repository, whether congressional offices can publish open-source code developed internally using official resources, and whether congressional offices can provide comments and feature requests to open-source projects developed by others concerning ideas for further improving the software. Clear guidelines could enable civic tech organizations to develop and make improvements to code that the House might use and should ensure opportunities for technology sharing and collaboration remain competitive and available to all otherwise qualified civic tech entities. The Ethics Committee and other committees of jurisdiction should review and update gift rules to allow appropriate collaboration between congressional offices and civic tech organizations and allow for collaborative technology prize competitions. The House could publish data standards and common identifiers (for example, member unique ID) as well as more API information to allow civic tech organizations and academics to, in a standard fashion, work

with the data Congress produces. Reviewing and updating rules and policies and/or providing additional clarity, where appropriate, can help Congress better utilize and share open-source civic technology to improve the public's access to and understanding of Congress.

188. The House should establish a high- level working group to prioritize and coordinate the maintenance and development of House digital infrastructure.

The House should establish a coordinated working group comprised of leadership offices, relevant committees, support offices, and outside advisors to discuss, coordinate, and prioritize major technology projects in the House and implementation of the Select Committee's recommendations. The working group should represent both parties in the House, and should be charged with bringing together members and relevant staffers from member offices, committees, and support agencies to identify pain points in congressional technology and plan out what areas need attention. 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. The House Technology Working Group should consult widely, gathering input from relevant stakeholders and experts and use data to assess technology for the chamber. By bringing together staff from across the institution, and from outside Congress, the working group provides a new—and needed—forum for identifying shared technology challenges and assessing new tools. The working group should make clear and actionable recommendations that would advance congressional technology.

189. The House should create a Digital Service Advisory Board to help plan and prioritize the work of the House Digital Service.

The Board should include a wide variety of senior congressional administrative staff representing various departments and with technical knowledge. A board will help ensure that the HDS has broad buy-in of their objectives and is prioritizing systems that customers identify. The HDS should develop a transparent but nimble process for selecting projects. This could be modeled on the Digital Strategy Board that helps govern the United Kingdom's Parliamentary Digital Service.

190. The Capitol switchboard should be updated to allow call information to be passed through to House offices.

The Capitol switchboard should allow call information, like phone numbers, to be passed through during the switch from the call center to a House office. The House has made improvements and offices can now identify when a call is coming in through the switchboard, which can be helpful for a Capitol Police investigation but is not helpful for blocking disruptive and threatening callers.

191. GPO should create and offer a standard process for automating committee hearing records .

The GPO, working with the Clerk, should establish a standard but optional process that automatically generates and compiles a draft hearing record using documents uploaded into the committee repository (e.g., testimony, transcript, votes, and other documents). This process will require compatibility between document formats used by committees and the format used at GPO. GPO has been working on this compatibility for years and has developed XPUB to modernize the process. To ensure all hearing records are accounted for, the committee clerk must mark the hearing record 'closed' before GPO begins to compile the record. Automating the process for compiling and submitting hearing records to GPO will reduce time and cost burdens and encourage the printing of committee hearing records. An official printed record lasts in perpetuity and enhances transparency and public availability of hearing information.

192. The House should work with committees to develop optional tools that allow them to continue to migrate away from the use of paper documents during committee meetings.

The Committee on House Administration could develop procedures and make resources available to members and committees to ensure that all future committee business is "digital by default." Members or committees that still wish to operate based on paper could still opt-in to the paper-based system. The costs of digital tools necessary for committee business would be borne by committees.

7.8 – Conclusion

Technology in Congress has come a long way in the past few decades, but when compared to the private sector, or even to the executive branch, Congress has fallen behind. To make this point, Chair Kilmer often quotes his Washington state colleague, Rep. Cathy McMorris Rodgers (R-WA), who describes Congress as, "[a]n 18th-century institution using 20th-century technology to solve 21st-century problems."[233] The way we communicate with each other continues to evolve on a near-daily basis, but Congress has traditionally moved at a much slower pace. There are immense privacy and security concerns that Congress must closely consider alongside "tech-forward" approaches to its operations, processes, and communications, but both objectives can be achieved simultaneously. While the decentralized

233. Kern, R. (2019, September 19). Reboot of Capitol Hill's tech squad proposed by bipartisan group. *Bloomberg Government.* https://about.bgov.com/news/reboot-of-capitol-hills-tech-squad-proposed-by-bipartisan-group/

nature of the House can make it difficult to embrace chamber-wide technological reforms, it can also create opportunities for innovation that the House should encourage in order to make Congress more accessible to the American people.

Chapter 8 – Modernizing the Workplace

8.1 – Introduction

The Modernization Committee's first order of business in the 116th Congress was a Member Day hearing. Members of the newly established bipartisan committee wanted to hear their colleagues' ideas for how to make Congress a more modern institution, capable of efficiently and effectively carrying out its policymaking and representational responsibilities. Members from both sides of the aisle testified about a broad range of ideas for the Committee to consider, including everything from floor procedure to staff capacity to freshman orientation. While much of the testimony the Committee received that day contained unique recommendations, some of the ideas offered by Rep. Dean Phillips (D-MN) certainly stood out. While his colleagues mostly focused on fixing the rules and procedures of how Congress works, Rep. Phillips explained how the physical infrastructure within Congress can impact efficiency and productivity.

"Consider that the very foundation of Congress is a place for meeting, collaborating, ideating, representing and converting all of that into legislation. And yet we operate in dark, compartmentalized offices that were the hallmark of the 19th century – designed to segregate, NOT collaborate. Similarly, our furniture is dark wood, leather, heavy, and tired. Our office space is cramped and uninspired, and even finding a simple meeting room is difficult in our buildings. I believe we must become intentional about using physical spaces to bring people together. And it's more than a metaphor; it's integral to a successful legislative body."[234]

-Rep. Dean Phillips (D-MN), March 12, 2019

Rep. Phillips' essential point was that the physical space in which Congress operates also affects how Congress works. Prior to serving in Congress, Rep. Phillips worked in the private sector, where social and physical workspace design "can be key determinants of positive outcomes."[235] Innovative companies, he argued, recognize the power of design and are intentional about how they use space to achieve desired results.

Members and staff have long remarked about cramped offices and the lack of private meeting spaces, as well as a dearth of open spaces that encourage interaction and collaboration between colleagues. While these features are well understood by anyone who works on the Hill, the connection

234. *Member day: Hearing before the Select Committee on the Modernization of Congress,* 116th Cong. (2019) (testimony of Rep. Dean Phillips). https://docs.house.gov/meetings/MH/MH00/20190312/109102/HHRG-116-MH00-Wstate-P000616-20190312.pdf

235. Ibid.



Rep. Phillips (D-MN) speaks during a Modernization Committee hearing.

between workspace design and productivity is perhaps less obvious. This is especially true in an institution like Congress where crowded offices are buttressed by physical reminders of history and grandeur throughout the Capitol complex. Working in a historically significant space requires accepting that some things can't – and shouldn't – be changed.

These juxtapositions in workspace design are especially evident to persons with disabilities, whether they are congressional employees or visitors to the Capitol. For persons with mobility issues or other physical challenges, the Capitol complex can be quite difficult to navigate. Narrow doorways, tight spaces, heavy doors, inaccessible bathrooms, and small elevators present difficulties for people who use wheelchairs or other mobility devices. Inconsistent braille signage makes it challenging for visually impaired persons to find their way around the Capitol.

The clear physical and social design challenges in Congress sometimes extend to district offices, as well. Finding accessible office space that meets security requirements can be tough, especially for newly elected members who want to set up district offices quickly. The furniture that is made available to district offices through the General Services Administration is often outdated and mismatched. Setting up internet service and syncing technology with the D.C. office can also be an arduous process for many district offices.

For all these reasons (and more), workspace design matters. The recommendations made by the Committee demonstrate support for the idea that to the extent possible in historic spaces like Congress and in district offices that have distinct security requirements, design should be intentional and create spaces that will welcome visitors, motivate employees, and encourage productivity.

To better understand the range of physical space challenges that members and staff face, the Committee surveyed numerous Hill and district staff for first-hand perspectives and ideas. The Committee also did outreach to various Hill entities to learn more about which offices control various spaces and how those spaces can be best utilized. Finally, the Committee held three public hearings featuring a House colleague, multiple staffers, and other social and physical design experts.

Following a brief overview of the Committee's related work in the 116th Congress, this chapter will provide background on workspace design challenges, especially as they relate to managing limited space, accessibility, district offices, and historical space. The chapter will conclude with a detailed description of the Committee's recommendations on these topics.

8.2 – Overview of Committee's Space-Related Work During the 116th Congress

The Committee's space-related work in the 116th Congress centered on creating a bipartisan, members-only space in the Capitol and on making Congress more accessible to persons with disabilities. The Committee did not hold dedicated public hearings on these topics, but rather addressed them in the context of broader discussions.

As part of its work to encourage civility and greater cross-party collaboration, the Committee looked for different ways to bring together bipartisan groups of members. The Committee noted that there are no areas in the Capitol complex where members from both parties can gather together, outside of the public spotlight. This workspace "design flaw" serves as a further hinderance for members who wish to develop relationships and collaborate with colleagues from across the aisle. The Committee thus recommended establishing a dedicated members-only space in the Capitol for private, bipartisan discussions (#30). Members recognized that while transparency is paramount, privacy is essential to building trusting relationships.

In the 117th Congress, the Committee extended this idea to staff, noting that flexible shared workspaces could help break down norms suggesting that staff should only work with same-party colleagues. The Committee recommended that bipartisan co-working spaces for staff should be intentionally designed to facilitate cross-party relationship building and collaboration (#130).

The Committee's recommendations in the 116th Congress to expand accessibility are reflective of its guiding mission to make Congress work better for the American people. The "People's House" is a representative institution embodying diverse views, ideologies, and experiences – including those of people with disabilities. 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.

Recognizing that the access challenges persons with disabilities face are many and varied, the Committee viewed the three recommendations it passed in the 116th Congress as a starting point:

- Improving access to congressional websites for individuals with disabilities (#27)
- Requiring all broadcasts of House proceedings to provide closed caption service (#28)
- Requiring a review of the Capitol complex to determine accessibility challenges for individuals with disabilities (#29)

These recommendations were developed with jurisdictional considerations in mind and primarily focused on encouraging work already underway in Congress.[236]

8.3 – Addressing Accessibility Issues in the 117th Congress

Continuing the accessibility work that began in the previous Congress was a priority for the Committee in the 117th Congress. 2020 marked the 30th anniversary of the Americans with Disabilities Act (ADA) and while Congress has made much progress since then, significant barriers remain. Committee members heard from colleagues, staffers, and experts about the need to do more to ensure that Congress is accessible to workers and visitors with disabilities.

The ADA, through the Congressional Accountability Act[237], covers Congress and other legislative branch entities, including the Capitol Police, and support agencies like the Congressional Budget Office and Architect of the Capitol (AOC), among others.[238] The Office of Congressional Workplace Rights (OCWR) is responsible for helping to ensure that congressional offices

236. 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. Others such as the Architect of the Capitol (AOC), the Chief Administrative Officer (CAO), and the Office of Congressional Workplace Rights (OCWR) also manage aspects of accessibility.

237. Congressional Accountability Act of 1995, Pub. L. No. 104-1 (1995). https://www.congress.gov/104/plaws/publ1/PLAW-104publ1.pdf

238. Americans with Disabilities Act of 1990, Pub. L. No. 101-336, § 509 104 Stat. 373 (1990). https://www.congress.gov/101/statute/STATUTE-104/STATUTE-104-Pg327.pdf



A staffer stands by a staircase inside the Capitol complex.

in Washington, D.C., and in the districts are ADA compliant. The Office 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 claim of discrimination if they feel their rights under the ADA have been violated.

The OCWR's most recent accessibility report covered the 115th Congress and noted that substantial progress in improving accessibility throughout the Capitol complex continues:

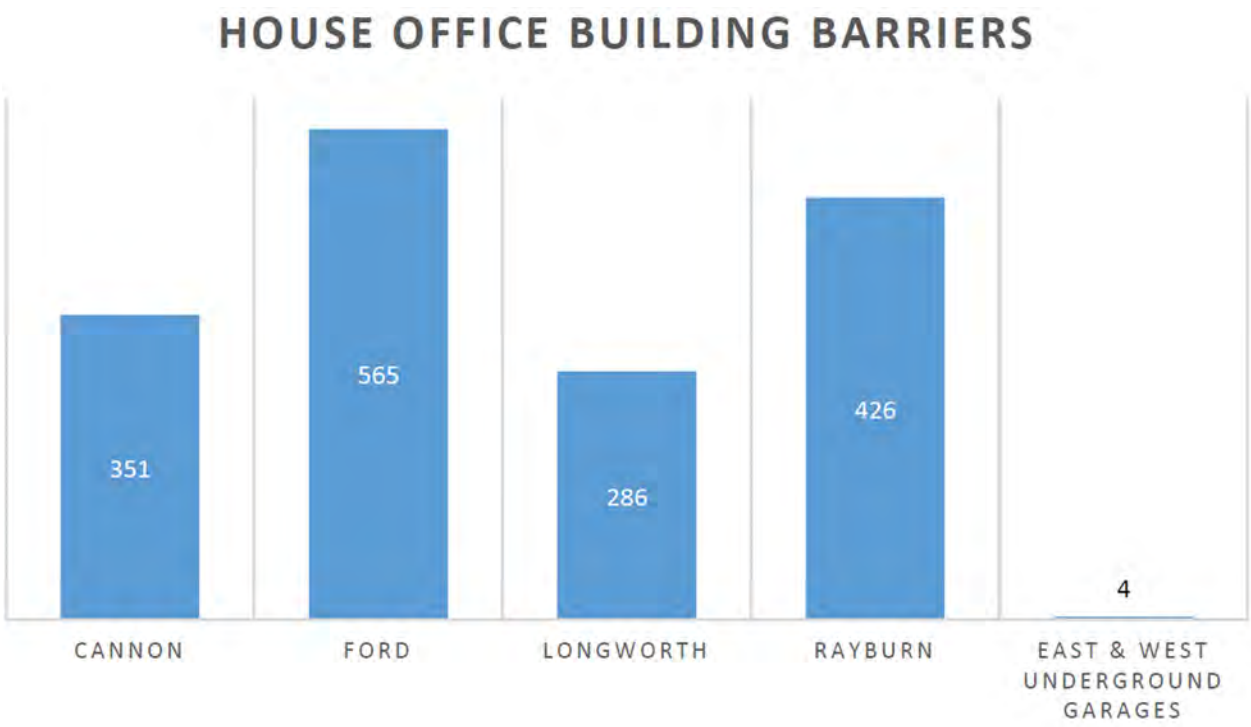
"The most recent report from the AOC … indicates that 56% of the findings from the 114th Congress have been closed and that there are planned engineering solutions being develop for the remaining 44% of the findings. For the 115th Congress, 31% of the findings have been closed and the remaining 69% are being addressed by the development of planned engineering solutions."[239]

An inspection conducted by the AOC, OCWR, and Sergeant at Arms in 2020 found a total of 1,632 barriers to access throughout the Capitol complex, displayed in the table below. Barriers to access were assessed at both an ADA non-compliance standard and a "functional accessibility" basis. As the report states, "Functional accessibility, does not constitute a non-compliant condition, however, it encompasses issues like whether the distribution of accessible restrooms on each floor is convenient based on the square footage and whether the building signage is sufficiently understandable and informative for people who are unfamiliar with the building layout."[240] The largest number of these barriers (532) involved multi-user restrooms. The next highest barrier categories were signage and alarms.[241]

The report notes that for House member offices, many of the 477 barriers are not structural in nature and stem from furniture, furniture layout/interior routes, and self-service displays/racks. It states, "Interior route barriers generally include barriers related to a pathway or office configuration being too narrow for a person using a wheelchair to pass through … Self-Service display/rack barriers are generally assigned because a magazine rack or snack dish is positioned too high or low for someone in a wheelchair (or with another disability affecting their reach) to access."[242] This means that many member office barriers can be resolved easily, quickly, and often, at no cost.

The Committee's May 27, 2021, hearing on making Congress more accessible to the disability community sought to address the challenges that staff with disabilities face while working in Congress, as well as the challenges

239. See page 1, Office of Congressional Workplace Rights. (2021). *115th Congress accessibility report: Biennial report on Americans with Disabilities Act public services and accommodations inspections.* https://www.ocwr.gov/wp-content/uploads/2021/08/ada_biennial_report_115_congress.pdf
240. Office of Congressional Workplace Rights, Architect of the Capitol, Sergeant at Arms. (2020, Nov. 6). *Memorandum to the Committee on House Administration Re: Accessibility report required by House Res. 756* [Unpublished], page 4.
241. Office of Congressional Workplace Rights, Architect of the Capitol, Sergeant at Arms. (2020, Nov. 6). *Memorandum to the Committee on House Administration Re: Accessibility report required by House Res. 756* [Unpublished], page 15
242. Office of Congressional Workplace Rights, Architect of the Capitol, Sergeant at Arms. (2020, Nov. 6). *Memorandum to the Committee on House Administration Re: Accessibility report required by House Res. 756* [Unpublished], page 16.



that Americans with disabilities encounter when interacting with Congress in person and online.[243] Witnesses provided first-hand perspectives of what it's like for persons with disabilities to work in Congress, as well as to visit Congress.

Rep. Jim Langevin (D-RI), co-chair of the Bipartisan Disability Caucus and the first quadriplegic person to serve in Congress, kicked off the hearing by discussing the need for Congress to address physical accessibility, accessible communications, and staff training. Rep. Langevin suggested that Congress should "weave" accessibility into its very foundation so that it becomes a routine part of congressional operations and processes, rather than an afterthought.

After serving 11 terms in the U.S. House, Rep. Langevin is retiring at the end of the 117th Congress. During his time in office, portable wheelchair ramps were replaced by built-in ramps throughout the Capitol complex and committee rooms were slowly renovated to comply with ADA guidelines. But heavy, narrow doors without push-button entry are still the norm in many congressional office buildings.[244]

Phoebe Ball, who uses a wheelchair and works as Disability Counsel for the Committee on Education and Labor, provided a candid perspective on the many challenges that staff with disabilities face. Currently, there is "no data

243. *Making the House more accessible to the disability community: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021). https://modernizecongress.house.gov/committee-activity/hearings/making-the-house-more-accessible-to-the-disability-community

244. Tully-McManus, K. (2022, August 7). Inside the race to replace Congress' first quadriplegic — and its effect on disability rights. *Politico* https://www.politico.com/news/2022/08/07/langevin-republican-disability-rights-00050131



Rep. Jim Langevin (D-RI) presides over the House following the installation of a lift to ensure accessibility to the rostrum. Courtesy: Office of the Speaker of the House Nancy Pelosi

available on how many people working on Capitol Hill have a disability, despite efforts to study demographic representation in Congress's workforce."[245] In addition to addressing physical barriers and employee rights to accommodation, Ms. Ball echoed Rep. Langevin's call for staff training as an important way to promote awareness and understanding of disabilities.

245. Ibid.

"Congress is a high-pressure environment where the needs of the American people must come first. The ADA doesn't require a fundamental alteration of this dynamic. However, it does require supervisors to have enough understanding of disabilities, especially ones that may be less obvious, such as learning disabilities and psychiatric disabilities, to engage in the interactive process so that staff feel comfortable discussing these disabilities, knowing they will get the accommodations they need. Failing to do so may not only violate anti-discrimination law, but it also adds unnecessary stress and difficulty that will inevitably increase the level of burn-out and high turn-over that have consistently made it difficult to recruit and retain a diverse congressional staff workforce."[246]

-Phoebe Ball, May 27, 2021

Additional witnesses at the Committee's May 27, 2021, hearing provided perspective on what it's like for persons with disabilities to visit Capitol Hill. For people who use wheelchairs or other mobility devices, finding accessible parking and drop off areas within the Capitol complex is a challenge. Individuals with disabilities also face inconsistent processes when they go through security, making it difficult to prepare in advance. Other problems include a lack of signage for accessible routes throughout the complex and inadequate space and facilities for persons using mobility devices.

Rep. Langevin's call for accessible communications was echoed by Ms. Judy Brewer, an expert on digital accessibility who spoke about the need to design technologies so that people with disabilities can use them, whether their disabilities are auditory, cognitive, neurological, physical, speech or visual. According to Ms. Brewer, the scope and impact of digital accessibility is broad and in a congressional context, includes the following:

- Digital accessibility is what enables constituents who are blind to find and comment on legislation you're developing, if your congressional website is accessible.
- Digital accessibility is what enables a staff member who is stressed, or distracted, to smoothly navigate to a secure and private telehealth session.
- Digital accessibility is what enables a congressperson who might be a bit hard of hearing to follow witnesses' testimony via streaming captions in a videoconference.

246. *Making the House more accessible to the disability community: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021) (testimony of Phoebe Ball). https://modernizecongress.house.gov/imo/media/doc/Ball_Testimony.pdf

- Digital accessibility is what could allow students who are deaf, or who have low vision, or difficulty with hand coordination, to take the virtual tour of the US Capitol that's on the congressional website along with their classmates, then discuss their shared experience.[247]

As mentioned above, the Committee passed a recommendation in the 116th Congress calling for improved access to congressional websites for individuals with disabilities (#27). In 2019, the Chief Administative Office (CAO) began undertaking efforts to ensure that House websites are fully accessible and compliant with the Web Content Accessibility Guidelines (WCAG) and Section 508 of the Rehabilitation Act. Complying with these regulations helps ensure that Americans with disabilities can access and use House websites without obstacles.

Prior to the 117th Congress, the CAO developed a new 508 compliant platform that they utilized for new member websites. They also developed a plan to continue monitoring compliant sites and train House staff to ensure newly compliant sites remain accessible.[248] The CAO then identified 346 member, caucus, committee, and other entity websites that require monitoring and modernization to meet 508 standards. In 2021, the first year of the website modernization initiative, the CAO helped bring 88 websites into compliance. As of October 2022, 167 websites have been modernized and the monitoring and evaluation process remains ongoing.[249]

The Committee's recommendations to make Congress more accessible to the disability community were greatly informed by the first-hand perspectives shared by Rep. Langevin and Ms. Phoebe Ball. Their experiences in navigating the Capitol complex offered valuable insight to Committee members, as did the expertise shared by those who face access challenges when visiting Congress in person or online. The Committee issued these recommendations to not only ensure that Congress is compliant with its own regulations but to push the institution forward so that it can model a future where accessibility considerations are seamlessly incorporated into its routine functions.

8.4 – Modernizing the Look and Use of Space in Congress

This chapter began with a quote from Rep. Dean Phillips' testimony before the Modernization Committee during its Member Day hearing in the 116th Congress. In the 117th Congress, Rep. Phillips was appointed to serve on the Modernization Committee where he, along with Rep. Rodney Davis (R-IL), led the Committee's efforts on examining ways to modernize space in

247. *Making the House more accessible to the disability community: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021) (testimony of Judy Brewer). https://modernizecongress.house.gov/download/judy-brewer-testimony

248. Kiko, P. G. (2020, July 24). *Web accessibility status update.* Committee on House Administration. https://cha.house.gov/sites/democrats.cha.house.gov/files/Web%20Accessibility%20Report%20to%20CHA%20-%20July%202020.pdf

249. Data supplied to the Committee via internal memo by House Web Services on October 19, 2022.

Congress. In addition to examining how to make Congress's physical space more accessible, the Committee explored how to update and make innovative use of space throughout the Capitol complex.

The Capitol complex covers more than 18.4 million square feet of facilities and 570 acres of grounds. The Capitol, six major House and Senate buildings, three Library of Congress buildings, the Supreme Court Building, the U.S. Botanic Garden, and other legislative branch facilities are situated on Capitol complex grounds.[250] Many of these buildings serve purposes beyond simply housing employees; they provide space for members of the public to interact with government. Research has shown that the physical environment of government buildings has a large impact not only on the quality and quantity of work produced, but also on how the public relates to and interacts with government.[251] These buildings provide "a space and a place for political action and meaning" and they help shape how Americans see government and understand Congress's role in society.[252] On average, an estimated 3-to-5 million people visit Congress each year.[253]

The need to expand, alter, and reimagine space in congressional buildings is ongoing. For example, the Cannon House Office Building was determined to be too small to meet the needs of Congress almost immediately after it opened; thus, a project to enlarge the building began right on the heels of its launch.[254] Previous congressional reform committees have also addressed the issue of physical space. Reformers in the 1940s officially removed a number of defunct standing committees in order to, among other reasons, reclaim valuable space that went unused for years.[255]

The House currently operates out of five office buildings: Cannon, Longworth, Rayburn, O'Neill, and Ford. These buildings house 29 committees, 441 member and delegate offices, and numerous legislative support offices. There are approximately 10,000 employees who currently work for the House and prior to the COVID-19 pandemic, most worked onsite.[256]

The total number of House members, as well as total congressional staff, have periodically been capped, in part because of physical space limitations.[257] During the 116th Congress, the Committee recommended that

250. U.S. Capitol Visitor Center. (n.d.). Retrieved November 1, 2022, from https://www.visitthecapitol.gov/about-capitol/evolution-capitol
251. Evans, J.J. (2010). *One nation under siege: Congress, terrorism, and the fate of American democracy*. University Press of Kentucky. https://doi.org/10.5810/kentucky/9780813125886.001.0001
252. Evans, J. J. & Gåddie, K. (2021). *The U.S. Supreme Court's democratic spaces*. University of Oklahoma Press. https://www.oupress.com/9780806176017/the-u-s-supreme-courts-democratic-spaces/
253. Architect of the Capitol. (n.d.). *U.S. Capitol Building.* Retrieved November 1, 2022, from https://www.aoc.gov/explore-capitol-campus/buildings-grounds/capitol-building
254. Ibid.
255. House Committee on Rules. (n.d.) Historical overview: The Legislative Reorganization Act of 1946. https://archives-democrats-rules.house.gov/Archives/jcoc2c.htm#a
256. U.S. House of Representatives. (n.d.). *Positions with Members and Committees.* Retrieved November 1, 2022, from https://www.house.gov/employment/positions-with-members-and-committees.
257. Drutman, L., Cohen, J. D., Levin, Y., Ornstein, N. J. (2021). *The case for enlarging the House of Representatives: An Our Common Purpose report.* American Academy of Arts & Sciences. https://www.amacad.org/ourcommonpurpose/enlarging-the-house

the House raise the cap on the number of full-time employees in member offices (#9). If this change is implemented, the House would likely have to address the tough question of whether space exists for additional employees.

COMMON SPACE-RELATED CHALLENGES: STAFF PERSPECTIVES

Consistent with its approach to studying other issues, the Committee began exploring the topic of modernizing congressional space by first seeking out user perspectives. Congressional staff are often responsible for dealing with everything from choosing office layouts and ordering office furniture to finding and reserving space for all levels and sizes of meetings. As such, the Committee sought input from staffers working in a range of capacities throughout the Capitol complex.

The most frequently cited problem raised by staff was the overall lack of drop-in meeting spaces. Personal offices are typically crowded and lack privacy; if one staffer is holding a meeting, others in the office can hear the meeting. Too often, staff resort to taking meetings in public hallways or in building cafeterias simply because there are no other options. Hallways and cafeterias do not provide privacy, nor do they reflect the serious nature of the business being conducted, whether it's between staff, or between staff and constituents.

Along the same lines, there is very limited quiet space available to staff who need to do focused work, without distractions. Between the phone calls, conversations, virtual meetings, and televisions tuned to live floor proceedings, congressional offices can be quite noisy. For staff writing on deadline or reading complex policy material, noise and distractions can seriously hinder work.

The difficulties staff have finding available space are compounded by the fact that a number of rooms throughout the complex sit vacant for extended periods of time. The inefficient use of available space can be traced back to a lack of understanding about which offices control particular rooms, as well as the current cumbersome and unreliable process for reserving certain rooms. A lack of consistency in presentation and videoconferencing technology available in each room also presents challenges for staff who need rooms that can accommodate modern meeting requirements.

Many staff also expressed interest in exploring ways to use outdoor spaces around House office buildings, as well as ways to ease access to office building courtyards. Extending Wi-Fi to outdoor spaces, installing outdoor power outlets, and creating outdoor meeting spaces were all suggested as well.

DESIGNING SPACE: EXPERT PERSPECTIVES

While staff provided the Committee with invaluable first-hand perspective on the challenges of managing space on Capitol Hill, the Committee also sought the expertise of various design professionals.

One of the most consistent concerns the Committee registered was the difficulty of navigating the various buildings throughout the Capitol complex. Newly elected members, new staff, and visitors struggle to find their way around the complex because no intuitive wayfinding system currently exists.

At the Committee's March 17, 2022, hearing on modernizing House office buildings, members heard from Patrick Wand, a senior project manager who helped design a large-scale wayfinding system for the Mall of America, which welcomes an average of 40 million visitors each year. Following extensive research and some trial-and-error experiments, Mr. Wand and his team created a system that offers privacy to the user, easy functionality, blue-dot navigation, multiple languages, and the ability to address various accessibility issues.[258] Mr. Wand also noted that the process of improving wayfinding and use of physical space is not always a linear one, stating:

"Our first iteration was a large screen vertical format directory in 2016, and we completely missed the mark. Customer feedback and data collected from these new directories was not positive. Rather than create a solution that worked for our guests, we went with a shiny object, and it just didn't work.

We pivoted and created what is essentially a large iPad looking screen that offers privacy to the user, as well as functionality they were comfortable with. Our wayfinding journey help[s] illustrate that it is not just about which tool is best for the solution. To be successful, it is important to understand the entire roadmap before beginning the journey."[259]

-Patrick Wand, March 17, 2022

Prior to the hearing, Mr. Wand and the Committee's other witnesses toured the Capitol complex with staff and visited the offices of Chair Kilmer, Vice Chair Timmons, and Rep. Phillips. During the hearing, Mr. Wand likened the long, cavernous hallways in many of the House office buildings to those in airports. However, he pointed out that airports are much easier to navigate because they have the kind of visible, directive signage that congressional buildings lack. Mr. Wand also noted that the member office directories displayed next to elevators are difficult to read, and the building maps are hard to decipher.[260]

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258. *Innovative workplaces, historic spaces: Modernizing House office buildings: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022). https://modernizecongress.house.gov/innovative-workplaces-historic-spaces-modernizing-house-office-buildings
259. Ibid.
260. Ibid.

In response to questions about the need to balance wayfinding systems with security concerns – especially in congressional buildings – Mr. Wand noted that it's easy to leave secure or private spaces off public maps.[261]

The Committee also learned about modern office design from Katie Irwin, with the American Institute of Architects, and James Ossman, with the online craft marketplace Etsy. The COVID-19 pandemic upended how many Americans think about their work environments. Many workers report that they are more productive working remotely and that they enjoy greater flexibility in balancing their personal and professional lives. Likewise, many employers believe that offering remote work opportunities has allowed them to access new pools of talent, adopt innovative processes to boost productivity, and create a stronger work culture.[262]



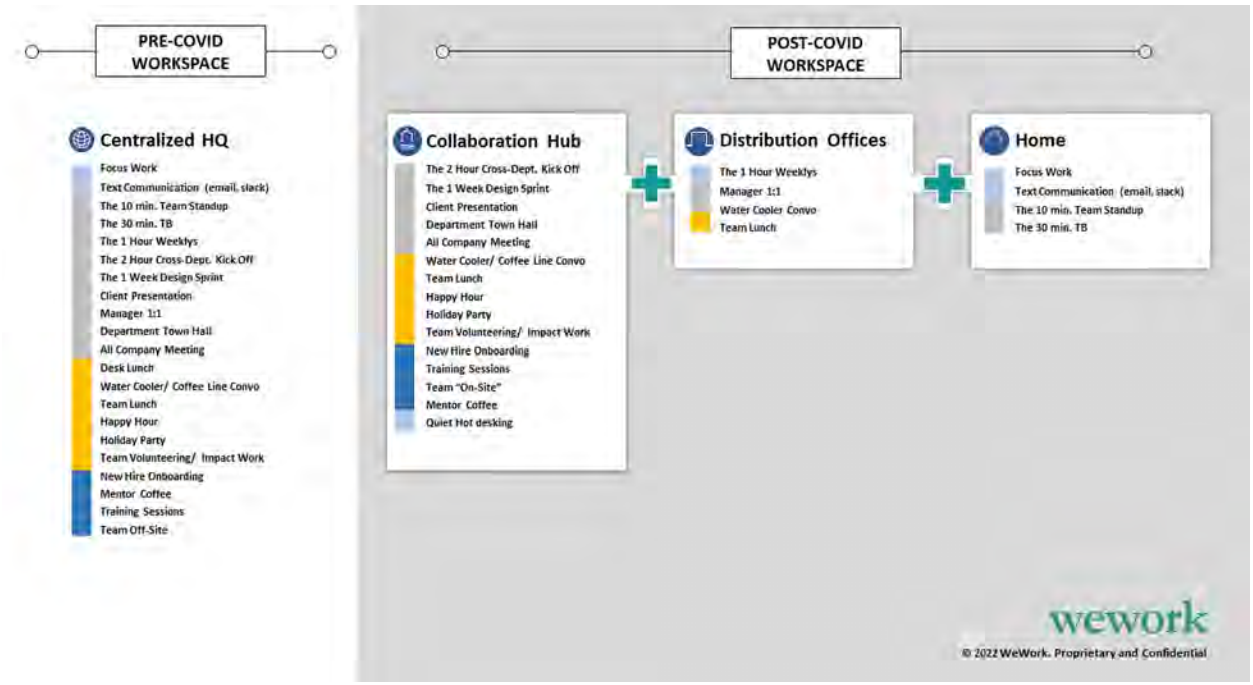
Rep. Phillips (D-MN, right) speaks with Katie Irwin (left).

261. Ibid.
262. Boland, B., De Smet, A., Palter, R., Sanghvi, A. (2020, June 8). *Reimagining the office and work life after COVID-19.* McKinsey & Company. https://www.mckinsey.com/business-functions/people-and-organizational-performance/our-insights/reimagining-the-office-and-work-life-after-covid-19

"The pandemic changed everything, and, like Congress and all workplaces, we had to adapt quickly. And we learned a lot in the process. Just months before the pandemic, Etsy was 90% office-based. Today, Etsy is 60% office-based, and we are 100% hybrid. That means that everything is designed for remote and in-person participation. For Etsy, the end of the Omicron wave is more than just about returning to work; it is about the future of work."[263]

-James Ossman, March 17, 2022

Given new trends in how people prefer to work, the private sector is also shifting how it uses its physical workspaces. As the figure below details, all types of work used to occur in one, centralized office. However, in the post-pandemic world many workers prefer to tackle their "heads down" work at home. In turn, in many workplaces the office has become a place for workers to focus on collaboration and connection within and across teams and departments.



These shifts have led companies to reimagine their physical office spaces. Many have started to shift away from individually assigned desks and static workstations toward more flexible and modular furniture arrangements.

263. *Innovative workplaces, historic spaces: Modernizing House office buildings: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022). https://modernizecongress.house.gov/innovative-workplaces-historic-spaces-modernizing-house-office-buildings

Multipurpose and flexible workspaces are not only important to a changing workforce, but they also allow employers to get more out of their spaces by allowing for a set amount of square footage to be easily adapted.[264] Ms. Irwin explained that these kinds of updated approaches to workspace design can be adapted for historical spaces like Congress.

"I fully appreciate that congressional office space must retain the grandeur we associate with the seat of American democracy. It is critical to maintain the institution's character-defining features, faces, and finishes. This is completely feasible while still allowing for necessary modernizations to meet the needs of the 21st-century office buildings.

A Member of Congress's office may retain solemn design and furnishing while still allowing for updates to congressional staff working spaces. Modern furnishing can support this goal. Historic writing desks and other traditional pieces can work alongside sit-to-stand desks, credenzas, and other technology-incorporative furniture. When approached thoughtfully, this can be done in a beautiful and tasteful balance of form, function, and ergonomics.

For example, congressional hearing rooms are impressive when in use but often sit empty. I would not recommend changing the dais where Members of Congress sit, because that ought to be considered a priority zone for preservation. However, the furnishing for the audience could be upgraded to modular design so the rows we see now can be covered to support meeting space. Promoting effective, collaborative, and healthy workplaces on Capitol Hill supports good governance, which benefits us all. We can be good stewards of these historic spaces while sensitively integrating modern updates."[265]

-Katie Irwin, March 17, 2022

8.5 – Vision 2100

To address many of these concerns, the AOC has created a plan for modernizing the complex by 2100 which will guide the work of the office for the next 80 years. Stakeholders will have the opportunity to provide input,

264. ViewSonic. (2021, February 7). *5 workplace design trends for boosting employee engagement.* https://www.viewsonic.com/library/business/workplace-design-trends/

265. *Innovative workplaces, historic spaces: Modernizing House office buildings: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022). https://modernizecongress.house.gov/innovative-workplaces-historic-spaces-modernizing-house-office-buildings

with the goal of incorporating a broad range of innovative ideas and best practices. The AOC, J. Brett Blanton, described Vision 2100 and his office's approach during the Committee's March 17, 2022, hearing in the following way:

"Vision 2100 is the powerful and lasting statement of what the Capitol will be over the next 80 years. Within that you have our Capitol Complex Master Plan, which looks at that 80 years over four 20-year increments. Within that are four 5-year strategic plans. So that is how they all nestle together to work.

The idea is we are following the North Star from the Vision and we have definitive goals with specific timelines where we can measure our progress and determine, do we need to change course?"[266]

- J. Brett Blanton, March 17, 2022

The AOC's office reports that early conversations with members and staff have highlighted the many roles the Capitol campus plays: office, museum, legislative forum, civic stage, neighborhood park and much more. There is a clear desire to create a more connected and engaged campus for workers and visitors.

As detailed above, the Committee identified several areas in need of improvement when it comes to modernizing the physical infrastructure of Congress and support entities. Therefore, the Committee issued the following recommendations to ensure that the House can better welcome visitors, support the work of House employees, and encourage enhanced productivity for generations to come.

8.6 – Recommendations

IMPROVE ACCESSIBILITY

114. ADA Drop off/Pick up Zone: The House should designate a drop off and pick up zone near an accessible entrance for members of the public with mobility impairments and develop a clear process for accessing the new drop off point.

Providing a designated drop off or pick up zone near an accessible entrance, and a well-understood process for utilizing it, would help to mitigate this barrier to entry and help people with disabilities more easily plan their visits to the Capitol. The House is currently engaged in separate studies, including an ongoing ''Transportation and Mobility Study'' as well as a security study, which should prioritize the establishment of an ADA drop off and pick

266. Ibid.

up zone that balances and incorporates security and other transportation needs. The zone must be accessible to the public and allow for vehicles to park long enough to transfer passengers into and out of a vehicle. In addition, a process should be developed for how the public can access and utilize the new drop off point, including information on whom to call with questions or requests for additional information. The Office of Accessibility Services should be consulted as various options for the drop off zone itself, and the process for accessing it, are considered.

115. Security Screening for those with Disabilities: Visitors and staff with disabilities should have access to information on the security screening techniques they will encounter upon entering the Capitol complex.

Providing more information about the security screening techniques that visitors and staff with disabilities can expect when entering the Capitol complex would increase public awareness, ensure visitors are informed and prepared, and potentially improve consistency in visitors' experiences.

116. Doorway Accessibility: The House should prioritize the installation of additional automatic doors and replace door hardware that is difficult to grasp with one hand.

Prioritizing door improvements to ensure accessibility will allow members, staff, and visitors with disabilities to easily access and move more freely around House offices and the Capitol complex without assistance.

A joint accessibility report from November 2020 identified a number of doors for remediation where ''existing door hardware cannot be grasped easily with one hand or requires tight grasping, pinching, or twisting of the wrist to operate.'' For example, the round historic knobs require users to 'grasp and twist' to open the door, which does not comply with accessibility codes and standards. The report also identified doors that have insufficient clearance width for a wheelchair. Further, some doors are designed for fire protection and therefore inordinately heavy and completely inaccessible to individuals in wheelchairs. While each door requires an individual solution, some of these doors may be made accessible with an automatic door operator.

117. Accessible Websites: The House should promote awareness of accessibility requirements for member and committee websites and provide training and tools for staff to help them properly maintain and update those sites.

CAO identified a need for office content managers to have a greater understanding of compliance issues and best practices for how to ensure the websites they manage are accessible.

If staff are knowledgeable about website access standards and tools are put into place to encourage compliance, House websites are more likely to remain accessible as staff learn to follow and implement compliance best practices when updating the websites they are responsible for maintaining. Staff should also be made aware of training at the time they are granted authority to publish to a House website.

MODERNIZING HOUSE OFFICE BUILDINGS

157. Improve navigating the campus: To improve wayfinding, the House should consult with internal and external experts to assess and implement navigation improvements necessary to make it easier for visitors to find their way through the Capitol campus.

The House should take the necessary steps to identify the challenges visitors and staff have navigating highly trafficked areas and solicit input for solutions. The AOC should consult with internal and external experts when implementing navigation improvements. Subsequently, the AOC or appropriate entity, in consultation with the HSAA and Capitol Police, should consult with a wayfinding expert to review and update current directional signage. Potential improvements could include, for example, interactive displays with directions, color-coded walkways, and signage that lists a full suite of amenities included within the building. It could also include clearer directions to the most highly trafficked areas, for example, the Longworth Cafeteria. Any wayfinding upgrades must account for member and staff security as well as emergency response capabilities.

158. Survey House employees: The House should regularly survey House employees to assess plans for telework and use of office space.

To assess the future of work on Capitol Hill, including the nature of remote work, the House should regularly survey members, staff, and House support offices to understand how they intend to use space. The survey should explore how AOC, CAO, and other House offices plan to utilize telework in the future to understand how office space will be used. This survey could result in reclamation of space that would otherwise be underutilized due to an increase in remote work. This would not have to be a new survey but could be an expansion of the 'flexible work arrangement' questions asked in the compensation and diversity survey, although that survey is currently conducted only once per Congress. A monthly or quarterly review could result in improved space utilization and planning for hoteling, plug and play, and other space sharing techniques to include in design and construction efforts.

159. Digital displays for hearings and events: The House should provide digital signage displaying information about current public hearings and events.

Digital displays at the main entrances of House office buildings, or places that are heavily trafficked by the public, would provide visitors with information about public events or hearings they can attend. Displays could also be placed outside of committee rooms. In developing digital displays, security, IT, and data management should be considered. The HSAA and Capitol Police should provide input on potential security risks.

160. Inventory existing space: The House should study the use of its space to understand how it is used, who controls access to various spaces, and how it is managed in the House and the Capitol.

There is a lack of understanding about how much space is currently underutilized. Many of the rooms in the House and Capitol Visitor Center (CVC) are controlled by various entities (usually leadership or AOC), but there doesn't seem to be a broad understanding of who controls which rooms, room utilization rates, and room reservation systems. Working with the House Office Building Commission, the AOC should develop metrics to understand the extent to which rooms are underutilized. The study should consider use of designated drop-in meeting space that does not require a reservation. The study should also consider using outdoor space as meeting space. Security and the unpredictability associated with involving external elements must be considered.

161. Offer expanded options for meeting space: The House should establish and designate shared meeting spaces that will allow for members and staff to use on a drop-in basis and not require reservations.

The impromptu meeting spaces, which would generally not be reservable, should be identified by the House Office Building Commission. Limited-duration reservations may also be used. As an example, GSA's national office includes drop-in and touch-down collaboration and meeting spaces.

162. Portal for all reservable space: The House should develop an app and expand the current web portal to include all reservable space in the Capitol and House Office Buildings.

As informed by the survey of existing space, there should be one portal and an app available only on House devices that includes all the reservable meeting space available in the Capitol and House Office Buildings. For leadership and committee rooms that are reservable, permission to occupy the space would remain with House leadership and committees. The app should allow staff to reserve space and check in to their meetings. A check-in system should be used to ensure space is not reserved and then unused. For example, if the reservation owner does not check in within a specified period, a notification would be sent, and the space would become available again. GSA utilizes a central online app for staff to reserve rooms by type, size, and amenities (conference, office, meeting, collaboration, workstations, phone, white boards, screens, etc.) ahead of time and for a limited duration. In developing the app, security, IT, and data management requirements should be considered.

163. Establishing procedures for communicating with members and staff prior to new construction: AOC and CHA should jointly establish procedures to ensure new projects are modern, functional, and meet the needs of members and constituents.

There should be a process in place for reassessment of plans closer to the construction date to ensure plans are as modern as possible before construction begins. The AOC should solicit input from members and use architect and engineering projects to shorten the timeline so that plans are not out of date with current practices and technology by the time they are implemented. The AOC should explore the need and feasibility of adding architect, engineering, and contracting staff. The CHA and AOC should identify a process for determining when to build or purchase additional buildings to expand the complex to meet capacity needs and for funding and approving the projects.

164. Establishing procedures for communicating with members and staff during construction: AOC and CHA should jointly establish procedures to ensure new projects are modern, functional, and meet the needs of members and constituents.

Once a project has broken ground, the AOC, in consultation with the Office of the Chief Engineer, should be in continuous contact with members to reassess and course correct if necessary to ensure projects are as modern, functional, and cost-effective as possible. Modernization projects should ensure buildings remain accessible to the American people, ensure space is designed to be hybrid or multipurpose whenever possible, and employ the best technology to support these goals while being mindful of taxpayer dollars. These principles should be outlined in regular updates to members and staff.

165. Flexible and modern member office templates: The CAO should provide a broad menu of furniture options and templates for member office space that considers modern and flexible design and function concepts.

The CAO currently provides a blank blueprint of a member office and allows members and staff to fill it in with furniture using computer-aided-design. The CAO should find examples of House offices that are designed around function and provide them as templates for setting up a new office. For example, some offices could be designed for collaboration and have a conference table or make use of the member's office when the memebr is in the district. Layout options should include modern design practices that consider sound attenuation, shared desk space, access to sunlight, collaboration and meeting space as well as ensuring accessibility. The CAO could also consider expanding offerings for office furniture to accommodate both modern and traditional styles and survey furniture options in the private sector and at GSA. The CAO should explore obtaining or constructing alternate types of office furniture for member offices and committees that

would facilitate more easily convertible and comfortable office spaces. The CAO could offer in-office phone booths to allow for private conversations within an office. The Committee has test piloted an in-office phone booth with great success.

166. Flex hearing space: The House should identify and develop a space that can be used to hold hearings with alternative seating formats such as a roundtable style.

A space should be identified by the AOC and the House Office Building Commission that is conducive to holding hearings or meetings in nontraditional formats. The Committee has used a hollow-square format for hearings and has found that having witnesses and members on the same level and facing each other improves discussion and collaboration. This flexible space could also be used by select committees, task forces, caucuses, or other entities that do not have access to designated hearing space.

8.7 – Conclusion

Committee members are highly aware of the need to be responsible with taxpayer dollars and understand there are only so many modifications that can be made to the historic buildings out of which Congress operates. However, members firmly believe having a modern, accessible, and efficient workplace is an important piece of the puzzle when it comes to creating a more effective institution. Collectively, these recommendations will help the House create an environment that better meets the needs of members, staff, and public visitors.

Chapter 9 – Modernizing District Offices

9.1 – Introduction

Late House Speaker Tip O'Neill's well-known observation that "all politics is local" still captures a universal truth that sums up how many members view their work – through the lens of their districts. District offices are "Congress back home" and typically have more direct contact with constituents than D.C. offices.



Rep. Perlmutter (D-CO, right), whose district-based Chief of Staff testified before the Modernization Committee, speaks with Vice Chair Timmons (R-SC, middle) and Chair Kilmer (D-WA, left).

District staff are on the front lines, day in and day out, helping constituents navigate the complexities of the federal government from cities and towns all over the country. Throughout its tenure, the Committee has emphasized the importance of including district staff in discussions about issues that affect congressional staff. The work they do is key to helping members fulfill their representational responsibilities but because they are not located in D.C., district staffers may feel overlooked and left out of important conversations that impact their jobs.

"We know that district staff do highly specialized work and that's why it's so important to seek their expertise and feedback in an ongoing way."[267]

-Chair Derek Kilmer, February 16, 2022

During the 116th Congress, the Committee held a virtual discussion looking at the challenges district offices faced in working through the COVID-19 pandemic. Generally speaking, the pandemic – and the resultant transition to telework – underscored many of the persistent cultural differences between D.C. and district offices. The virtual discussion examined best practices and identified gaps in the ability of district staff to work remotely and continue operations in an emergency. Committee staff also sourced feedback from discussions with multiple district office directors who participated in bipartisan forums organized to better understand challenges unique to district offices.

In the 117th Congress, the Committee continued its ongoing efforts to learn more about district-based challenges from district staffers. In exploring the issue of modernizing space in Congress (see Chapter 8), the Committee recognized that the clear physical and social design challenges in Congress sometimes extend to district offices, as well. Finding accessible office space that meets security requirements can be tough, especially for newly elected members who want to set up district offices quickly. The furniture that is made available to district offices through the General Services Administration is often outdated and mismatched and setting up internet service and syncing technology with the D.C. office can also be an arduous process.

Because offices "back home" are primarily tasked with direct constituent communication, ensuring that district offices and staff are equipped with the space, technology, and information they need is essential. The Committee's exploration of these issues involved a hearing focused on modernizing district offices, as well as several listening sessions with district-based staff to learn about on-the-ground challenges and suggested improvements.

9.2 – Setting Up a District Office

Most members and staff believe that it is important for newly elected members to have at least one district office up and running by the first day of the new Congress. But figuring out what a new office needs, much less how

267. *Congress back home: Modernizing district office operations: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022). https://modernizecongress.house.gov/imo/media/doc/2.16transcript.pdf

many district offices to open and where to locate them, can be a daunting task for new members and staff. As the table below shows, the number of district offices each member maintains varies, based on factors that are unique to the district.[268]

District/State Offices Maintained by Members

Number of District/State Offices	Representatives	Senators
1	25%	6%
2	31%	14%
3	25%	10%
4	13%	17%
5	3%	17%
6	2%	23%
7	1%	8%
8+	0%	5%

There are some resources available to help guide staff in the opening and maintaining of offices. The Committee on House Administration (CHA) has assembled a handbook that provides an overview of the rules and processes related to opening and maintaining offices.[269] Perhaps most helpful is the glossary of terms provided at the handbook's end; new members and staff frequently mention the steep learning curve when it comes to making sense of the congressional lingo and the alphabet soup of acronyms that cover House operations. Though not comprehensive, the glossary and other items provided in the CHA handbook present a good overview of the wide variety of topics members and staff need to be aware of as they set up new offices.

The Congressional Management Foundation (CMF) also provides a helpful list of space-related best practices gleaned from their many discussions with current and former district directors and chiefs of staff.[270] The list of dos and don'ts includes:

268. See "Chapter Seven: Establishing District and State Offices," Congressional Management Foundation. (2020). *Setting course: A Congressional management guide* (117th Congress ed.). https://www.congressfoundation.org/storage/documents/CMF_Pubs/cmf_settingcourse_117thcongress.pdf

269. Committee on House Administration. (2021). *Guide to outfitting and maintaining an office*. http://cha.house.gov/sites/evo-subsites/democrats-cha.house.gov/files/2021_117th_Outfitting_and_Maintaining_an_Office_2_16.pdf

270. Congressional Management Foundation. (2020). *Setting course: Summary of chapter 7: Establishing district and state offices.* https://www.congressfoundation.org/congressional-operations/new-member-resource-center/172

- Do understand that setting up a district office is a difficult decision to reverse. Give it your full attention because closing an office in your first term can have political repercussions.
- Do weigh the advantages and disadvantages of using government vs. privately-owned space for your district offices. Consider location, accessibility, cost, square footage, and other factors when making your decisions.
- Do think creatively about how to best serve constituent needs. Part-time offices and mobile offices are alternatives to the traditional district office and holding regular community and open office hours allows the member to reach remote areas and constituents who might be unable to travel.
- Do make sure the first district office you open is adequately prepared. While it doesn't need to be fully staffed or equipped, the office will need to handle an immediate onslaught of meetings, scheduling requests and questions about ongoing casework.
- Don't automatically decide to occupy your predecessor's office(s). Consider how your needs and goals might necessitate a different city or a different space.
- Don't open more district offices than you need. Use the following criteria to determine the number to open:
    - size of district;
    - accessibility to constituents;
    - constituent expectations;
    - competing budget priorities;
    - urban/rural differences;
    - strategic importance of constituent services; and
    - staff hiring limitations.
- Don't make any long-term commitments without first seeking guidance and assistance from the Senate Sergeant at Arms' State Office Operations or the Committee on House Administration and the House Administrative Counsel.
- Don't overlook the role of technology in increasing district effectiveness and efficiency.

To learn more about current concerns related to district office space and operations, Committee staff hosted several listening sessions and met with district directors from around the country. The concerns they raised generally fell into three categories: issues related to opening a district office, technology, and the need to clarify and update House rules as they affect district office operations.

By far the most consistent challenge district directors mentioned was the struggle to open district offices. While there are some resources available to staff (see above), many district directors said there is not a lot of outreach from D.C. offices and entities, and staff are often unaware that such resources even exist. Navigating the site selection process and figuring out points of contact within relevant House entities are two areas where staff need immediate guidance but struggle to find it. Additionally, many offices – particularly those servicing large or rural districts – need greater flexibility to rent temporary or "pop-up" offices to reach more constituents.

"Selection for a brand-new office in a newly established district is challenging when there is uncertainty about finding the best-suited location, necessary office amenities, or acceptable and available furnishings. While House Ethics provided general information about internet needs, pricing allowances, and the lease, most basic logistics lacked guidance. Should a new office be established near other government buildings? Should consideration be given to available security or safety features? Is it more feasible to have separate staff offices? Should a conference room area be considered? These are all questions facing a new director."[271]

-Sarah Youngdahl, February 16, 2022

Setting up technology and figuring out how to sync it with the D.C. office is also a source of ongoing confusion and frustration for district staff. These challenges are compounded by the fact that there is no one point of contact for district-based technology issues. Poor internet access and the lack of Wi-Fi service also create problems.

271. *Congress back home: Modernizing district office operations: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022) (testimony of Sarah Youngdahl). https://modernizecongress.house.gov/imo/media/doc/sarah_youngdahl_testimony.pdf

"Over the years our district office has grappled with the speed at which our office accesses and transmits electronic information. We tried many fixes, from re-wiring to purchasing our own server, neither of which alleviated the problem. The main issue is the House firewall and the need for data to travel to and from D.C. with every click, thus causing a slow network resulting in lost staff time and less productivity … Another problem for district offices is the lack of Wi-Fi capability. Since the House does not support Wi-Fi in district offices, we resort to workarounds such as the use of hot spots. As we all experienced with the pandemic, having access to Wi-Fi is critical for a fully functioning office and would provide staff more flexibility to be more mobile within the office workspace."[272]

-Danielle Radovich Piper, February 16, 2022

District based staff also expressed confusion about various House rules and how they apply to district offices. In particular, staff pointed to rules around partnering with outside entities when hosting events for constituents. While this issue is not directly related to the topic of district office space, it does impact how members and staff are able to engage with constituents back home and is thus an important part of the discussion.

The rules and regulations governing how district offices can partner with outside entities for the benefit of constituents (job fairs, tax preparation seminars, etc.) derive from House Rule 24, which prohibits "Unofficial Office Accounts," as well as the interpretation of the Purpose Law (31 U.S.C. 1301). Generally speaking, Rule 24 prohibits supplementing the Members Representational Allowance (MRA) with outside funds to ensure a strict line exists between official and non-official resources and requires that all official activity be paid for with only appropriated resources. The only exception to the rule allows for a member to use personal funds to subsidize their official activities.

Thus, the House has generally prohibited member offices from "co-sponsoring" events with outside organizations because co-sponsorship can result in impermissibly supplementing official funds and activities under Rule 24 and related regulations. So, an event must be sponsored and hosted solely by the congressional office, or in the alternative, solely by the outside, non-congressional entity. If the activity is a House or official event, only the member office's funds and resources can be used to plan, organize, and execute the event. While an outside, private group (for example, an academic, an expert from a think tank, a local chamber of commerce, or other

272. *Congress back home: Modernizing district office operations: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022) (testimony of Danielle Radovich Piper). https://modernizecongress.house.gov/imo/media/doc/radovich_piper_testimony2.pdf

community organization) may be invited to participate as a special guest or invitee, co-branding is generally impermissible and only the member office can coordinate the list of attendees, gather RSVPs, and staff the event. Members can, however, co-sponsor events with other members since that is still viewed as using appropriated funds.

The costs of an event must be borne solely by the congressional office. Any donation of space or refreshments by the outside group is not permitted, unless it otherwise falls within a specific exception to the gift rule (for instance, the donation of space by a local chamber may be permissible under the widely available benefit exception, if all other requirements of the gift rule exception are met). The only exception is when the guest is another government entity, which can provide "in-kind" services to the member for an official activity or event. But while members can accept in-kind services from another government entity, they may not use their own MRAs to provide assistance or in-kind services to another government entity.

To ensure the event is being advertised and branded properly to the public under the rules, members and staff often find themselves engaging in "semantic somersaults" to make sure they're using acceptable words to describe events. For example, the House Ethics and House Administration committees have allowed members to label events "in conjunction with" or "in collaboration with" non-House entities, but they are prevented from saying "co-sponsored with" because it could imply impermissible outside support or involvement. Confusion about terminology and fear of non-compliance sometimes causes member offices to forego these types of events altogether.

"Events throughout the district pose problems when working with other entities. Often, it is found that state and federal agencies have their own set of guidelines and practices. We frequently shy away from participating in events due to differing ethics rules. Clearer guidance regarding ethical practices for these events would be helpful."[273]

-Sarah Youngdahl, February 16, 2022

In order to consider these and other district-related issues, the Committee held a hearing at which district directors for two Committee members testified.[274] Sarah Youngdahl, district director for Rep. Guy Reschenthaler (R-PA), and Danielle Radovich Piper, the district-based chief of staff for Rep. Ed Perlmutter (D-CO), shared their experiences and recommendations for improving various district office challenges. Members

273. *Congress back home: Modernizing district office operations: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022) (testimony of Sarah Youngdahl). https://modernizecongress.house.gov/imo/media/doc/sarah_youngdahl_testimony.pdf

274. *Congress back home: Modernizing district office operations: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022). https://modernizecongress.house.gov/committee-activity/hearings/congress-back-home-modernizing-district-office-operations

also heard from George Hadijski, an expert with the Congressional Management Foundation and a former staff member for the Committee on House Administration. In addition to the issues raised by Ms. Youngdahl and Ms. Radovich Piper, Mr. Hadijski addressed other important topics like office security and the need for short-term hires to help with emergency situations in districts.



Rep. Reschenthaler (R-PA) looks on during a Modernization Committee hearing.

Witness testimony, as well as the insights provided by the many district-based staffers from whom the Committee heard, informed the Committee's recommendations for modernizing district office operations.

9.3 – Recommendations

MODERNIZING DISTRICT OFFICE OPERATIONS

145. District Wi-Fi: The CAO should provide every district office with access to secure Wi-Fi.

In consultation with the Committee, House Information Resources (HIR) is currently piloting a secure district Wi-Fi program. HIR has plans to expand Wi-Fi capability to all flagship district offices over the next couple of years. This recommendation reflects the work of the Committee's partnership with HIR and encourages the CAO to continue moving forward with their plan to provide Wi-Fi to all district offices.

146. Single point of contact for district office setup: The CAO should designate a single point of contact for each office to streamline the process for setting up district office operations.

A single point of contact should help offices navigate the various steps required to get a district office up and running, including telecommunications services, internet, Wi-Fi, leases, and procuring equipment, furniture, and other supplies. Customer Advocates should serve as this single point of contact and coordinate across internal House offices, including HIR, House Sergeant at Arms (HSAA), Administrative Counsel, and others, as well as with outside entities, including the General Services Administration (GSA) and vendors. Rather than simply directing district staff to another service provider, Customer Advocates should actively coordinate those services on the office's behalf and help problem-solve during the setup process. The Customer Advocate program is relatively new and while there may not be enough staff available to fill these point-of-contact roles initially, the CAO could train other staff on the setup process and the various inter-office touchpoints and be able to provide a temporary surge of knowledgeable employees to ensure enough resources are available to provide each office with a single point of contact during office setup.

147. District-focused transition aide: The House should provide members-elect with a second paid transition aide who can focus on setting up district operations.

As recommended by the Committee, the FY2021 Legislative Branch Appropriations bill established a program for incoming offices to designate and pay a transition aide to assist the member during the transition process. This new recommendation calls for the creation of a second optional paid transition aide focused on district office setup. A district-focused aide could work with the office's Customer Advocate to ensure the district office is set up more efficiently. The district-focused aide could also help offices understand the range of programs and services available to constituents, including

traditional constituent casework as well as programs like the Vietnam Pinning Program and Congressional Art and App competitions. Funds for the second paid transition aide could be reimbursed by the incoming member's MRA.

148. Information sharing between district offices: The CAO should facilitate opportunities for staff that work directly with constituents to connect and share best practices.

CAO should continue innovating to find opportunities for district staff as well as other constituent-facing staff (for example, staff assistants and legislative correspondents) to collaborate and share best practices. Such opportunities might include in-person and virtual training and networking opportunities. There could also be opportunities to build more online shared resources including best practices on casework, conducting effective townhalls, and similar district-focused activities. The CAO has held conferences that have emphasized staff skills, training, and networking, as well as accessing CAO, House officer, and federal agency support. The Congressional Staff Academy and CAO Coach program should continue to bring district staff together for virtual seminars and should provide time for staff to share information with each other. The CAO should archive case studies for innovative processes in district offices so information may be retained and shared. The new CAO Coach website is a helpful repository for staff and has links for caseworkers, district directors, and field representatives. This website and repository may be enhanced to provide staff with an ability to share and sort resources, ask questions, contribute to an open discussion, and see and connect with other participants. Better information sharing could help staff better anticipate and address casework challenges or agency backlogs and adopt and innovate process improvements in casework and elsewhere based on what may be working well in other offices.

149. Ready for day one program: The House, where feasible, should expand existing authorities to expedite the process for members-elect to access district office space and begin office set up.

To facilitate district office setup, the CAO should be authorized and instructed to evaluate its existing authorities, and where feasible, authorities should be expanded to allow members-elect, once the election is certified, to obtain access to district office space, incur expenses, and take other steps necessary to expedite office setup so member offices can be fully operational as soon as possible after assuming office. Incurring expenses may be necessary for internal wiring for secure internet and phones, securing furniture and equipment, and adding security upgrades.

150. Agency casework contact lists and privacy release form policies from CRS: CRS should provide regularly updated and complete information on local agency casework contacts and agency digital privacy release form policies.

CRS should assist district offices by maintaining and providing an up-to-date list of localized or regional agency contact information for district staff to easily access and use in handling casework, including a list of the local field offices within each agency's region along with relevant contact names, phone numbers, and email addresses. CRS should also assist district offices by compiling a report on the policies of different federal agencies regarding PRFs, including whether specific information may be required by a particular agency and whether the agency accepts digitally signed PRFs. The CASES Act (P.L. 116-50) requires federal agencies to accept digital privacy release forms and agencies have been directed to standardize their forms but the Committee understands that variance among agencies still exists.

151. Additional staff capacity to support disaster response: The House should provide resources and staffing flexibility to district offices in responding to a federally declared disaster.

The House should further explore and adopt one or more of the following options, as presented in CAO's December 2021 report, "The Member Staff Cap: Options for Additional Staff Capacity in Response to Natural Disasters," for increasing both short and longer-term staffing capacity in districts affected by a natural disaster: 1) authorize temporary increases in the staff cap for member offices impacted by a disaster, potentially for both permanent and non-permanent staff; 2) create an FTE pool of resources to be assigned to members (the FTEs could be covered by a central account administered by the CAO, and these billets could then be assigned to the member for the duration of the event); and 3) make use of contractors employed by CAO or amend statute to allow for the use of independent contractors. The House could also establish a "Disaster Response Staff Reserve Fund" to cover additional staff costs, including travel, for impacted districts.

152. District staff retention: The House Task Force on the Workforce should examine the benefits, professional development opportunities, and other resources, that will improve district staff retention and recommend updates.

The Task Force, as part of their ongoing analysis on retention of House staff, should consider options specifically for retaining district staff. In testimony and in staff listening sessions, district staff presented examples where benefits such as parking, childcare, and fitness memberships may not align between D.C. and district offices. Rather than provide parity, the Task Force should consider the best benefits and policies for retaining district staff who may have different needs than D.C.-based staff.

153. Connecting constituents with community organizations and resources: The House should update and provide clear ethics guidelines to allow district offices to direct constituents to appropriate community organizations, resources, and services.

The Committee on House Administration (CHA), Committee on Ethics, and House Communications Standards Commission should jointly update or clarify the rules regarding which resources can be shared with constituents using official resources. These committees should produce a guide on when and how offices can direct constituents to non-federally administered resources, with concrete examples, that could be updated to reflect changing needs as they emerge. These committees should consider the merits of, if necessary, reforming rules to allow offices to provide information regarding community organizations that might be helpful in providing their constituents information, resources, or services. The Members' Congressional Handbook states that "Official resources may not be used to advertise for any private individual, firm, charity, or corporation, or imply in any manner that the government endorses or favors any specific commercial product, commodity, or service." This prohibition stems from principles of federal appropriations law. Moreover, referrals to organizations or links to sites whose primary purpose is the solicitation of goods, funds, or services on behalf of individuals or organizations are not permitted under the rules of the House.

154. Facilitating constituent service events: The House should provide flexibility within House Rule 24 to allow district offices to cosponsor constituent service events with non-governmental organizations to provide information and other resources to constituents.

The rules governing partnering with outside organizations derive from House Rule 24, the prohibition on "unofficial office accounts." In essence, the rule is designed to prevent private supplementation of expenses incurred in connection with the operation of a member's office and the conduct of official business. Specific Ethics Committee guidance provides, "[a]ccordingly, outside private donations, funds, or in-kind goods or services may not be used to support the activities of, or pay the expenses of, a congressional office."

The Senate has a similar prohibition on "unofficial office accounts," found in Senate Rule XXXVIII (Rule 38). However, the Senate has interpreted Rule 38 in a way that provides additional flexibility for "co-sponsored constituent service events." As the name implies, this interpretation allows Senate offices to cosponsor events with outside entities where the purpose is to "provide information or some other service to constituents." The event "may not simply be a gathering of representatives of those sponsoring the event." Further, the cosponsor must have a "common core of interest" in the subject matter of the event by virtue of their "routine business activities," must attend, and cannot be a "mere financial contributor."

The Handbook likewise prohibits use of the MRA for "unofficial office accounts." The Handbook reads: "A Member may not maintain, or have maintained for his use, an unofficial office account for the purpose of defraying or reimbursing ordinary and necessary expenses incurred in support of a member's official and representational duties." This language is consistent with House Rule 24. Both the Ethics Manual and the Handbook would need to be updated to align the House and Senate policy. A more flexible interpretation or limited exception to House Rule 24 that mirrors the Senate's co-sponsored constituent service exception, including relevant guardrails, could provide more certainty to staff and offices and make it easier to partner with local organizations to provide constituents valuable information and other resources.

155. Constituent control over their data: The House should ensure that constituent data and records related to casework are maintained, transferred, or destroyed according to a constituent's preferences.

Although implementation would be challenging, this recommendation seeks to ensure certain information related to casework takes into consideration the constituent's preferences regarding the information's control and management. Information under control of the constituent should be for active cases and the information should be limited to information related to casework provided by the constituent to the office, agency correspondence with the office, and correspondence from the office to the constituent. This information, at the direction of the constituent, could be transferred or closed when the member departs the House or otherwise no longer represents the constituent.

156. Technology solutions to help offices better serve constituents: The CAO should develop or provide optional in-house technology solutions to district offices to improve casework and other services.

HIR and the new House Digital Service could examine the feasibility of building or adopting certain technology resources in-house or working with offices to evaluate offerings from vendors. In testimony, staff witnesses testified to the importance and helpfulness of technology solutions such as digital privacy release forms and an automated process for managing service academy applications. Many offices use private vendors for these technology solutions. At the start of the 117th Congress, CAO ensured that freshman websites were outfitted with the House-developed digital privacy release form templates.

9.4 – Conclusion

District offices often serve as the first point of contact for constituents seeking information or help from their member of Congress. District-based staff act as the "eyes and ears" back home and help to ensure that members are kept abreast of the issues and concerns constituents care about most.

District staff also work closely with constituents on a daily basis to manage and resolve various casework requests. Given the central role district offices and staff play in helping members successfully carry out their representational responsibilities, Committee members agreed that district offices and operations should be updated and equipped to effectively meet the needs of constituencies across the country.

Chapter 10 – The Future of Modernization

10.1 – Introduction

From day one, the Modernization Committee's guiding mission has been to make Congress work better for the American people. This simple but profound goal provided the Committee with a framework for action. Through public hearings, outreach to members and staff, discussions with institutional support offices, and consultation with diverse internal and external experts, the Committee learned about the many challenges Congress faces in upholding its Article I responsibilities. The Committee, in a bipartisan and transparent way, then developed solutions with an eye toward making the People's House work better for the people it serves. The end result was the passage of 202 recommendations to help ensure that Congress is equipped to act as the first among co-equal branches of government.



(From left to right) Reps. Williams (D-GA), Perlmutter (D-CO), and Vice Chair Timmons (D-SC) share a laugh during a Modernization Committee hearing.

In addition to focusing on issues within its broad mandate, the Committee also examined some contemporary challenges and concerns, outside of its mandate. Recommendations to improve staff recruitment, retention, diversity, and compensation and benefits will help Congress attract and retain talented and dedicated public servants. Recommendations to encourage civility and collaboration in Congress will foster greater productivity on behalf of the American people. Recommendations to modernize Congress's physical space and infrastructure will make Congress a more accessible and "customer friendly" institution. Recommendations to

bolster technology will improve the way Congress communicates, operates, delivers services, and develops legislation. Recommendations to modernize the legislative process will help members perform their lawmaking responsibilities more efficiently. And recommendations to improve constituent engagement and constituent services will strengthen the connection between members and their districts.

The Committee has accomplished a great deal in a limited amount of time. But in order for Congress to meet the needs of a constantly evolving society, it needs to build routine innovation into its operations and processes. Chair Kilmer and Vice Chair Timmons have repeatedly argued that Congress should treat reform as an ongoing effort rather than an occasional exercise.

"I've frequently made the point that modernization should happen as a matter of course. Businesses and organizations build innovation into their operations because they understand that evolving with the times is necessary in order to remain relevant. By relegating reform to something it does every few decades, Congress is consistently playing catch-up."[275]

-Chair Derek Kilmer, September 14, 2022

Over the past century, there have been three joint select committees, which included members from both the House and Senate, four House select committees (including the Modernization Committee), and two commissions focused on reforming Congress.[276] These impermanent efforts have resulted in sporadic reforms rather than the ongoing improvements necessary to ensure that Congress can consistently meet the needs of the American people.

The Committee was fortunate to receive two extensions, which meant that it had additional time to complete its work. But given the broad scope of issues to address and the amount of "catch-up" Congress needs to do, the Committee had to prioritize and focus on what it could successfully accomplish in the limited time it had.

While this pragmatic approach yielded an impressive 202 recommendations, it left little time to fully explore some of the more complex reform issues that deserve thoughtful consideration. The Committee held three hearings dedicated to discussing some of these challenging issues, with the goal of raising awareness and creating a public record on which future reformers might build:

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275. *Congressional modernization: A roadmap for the future: Hearing before the Select Committee on the Modernization,* 117th Cong. (2022). https://modernizecongress.house.gov/committee-activity/hearings/congressional-modernization-a-roadmap-for-the-future

276. For a history of previous congressional reform see "Past Congressional Reform Efforts" in Select Committee on the Modernization of Congress. (2020). *Final Report for the 116th Congress.* https://modernizecongress.house.gov/final-report-116th



Rep. Perlmutter (D-CO, left) and Rep. Davis (R-IL, right) speak during a hearing.

- Congressional Continuity: Ensuring the First Branch is Prepared in Times of Crisis (April 6, 2022)[277]
- Pathways to Congressional Service (June 8, 2022)[278]
- What's the Big Idea? Innovative Approaches to Fixing Congress (July 28, 2022)[279]

Some of the concerns and reform ideas raised in these hearings are discussed below, as are recommendations offered during the Committee's final hearing, "Congressional Modernization: A Roadmap for the Future."[280] The chapter concludes with a brief overview of the Committee's operational recommendations for future reform committees.

277. *Congressional continuity: Ensuring the first branch is prepared in times of crisis: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022). https://modernizecongress.house.gov/committee-activity/hearings/congressional-continuity-ensuring-the-first-branch-is-prepared-in-times-of-crisis
278. *Pathways to congressional service: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022). https://modernizecongress.house.gov/pathways-to-congressional-service
279. *What's the big idea? Innovative approaches to fixing Congress: Hearing before the Select Committee on the Modernization of* Congress, 117th Cong. (2022). https://modernizecongress.house.gov/committee-activity/hearings/whats-the-big-idea-innovative-approaches-to-fixing-congress
280. *Congressional modernization: A roadmap for the future: Hearing before the Select Committee on the Modernization,* 117th Cong. (2022). https://modernizecongress.house.gov/committee-activity/hearings/congressional-modernization-a-roadmap-for-the-future

10.2 – Continuity of Congress

In the wake of the September 11, 2001, terrorist attacks, concerns were raised about the ability of Congress to maintain operations in the face of a catastrophe. Congress responded by establishing the bipartisan Cox-Frost Commission to examine continuity issues and by conducting additional in-depth research on congressional continuity. Based on recommendations from the Cox-Frost Commission, as well as outside research from experts on the bipartisan American Enterprise Institute (AEI) and Brookings Institution Continuity of Government Commission, the House adopted several procedural changes to ensure continuity of operations, including giving the Speaker authority to convene the House in an alternate location and to suspend pending business by declaring an emergency recess.[281]

Though the House made important and necessary changes to ensure continuity of operations in the early 2000s, changes in technology, alterations to related statutes and regulations, and the changing nature of potential threats since then raised new questions about preparedness. The Committee thus chose to reexamine the issue with fresh eyes and a modern perspective. To do so, it held a hearing on April 1, 2022, to gain a better understanding of the post-September 11, 2001, House discussions on continuity and to consider proposals from the bipartisan AEI Continuity of Government Commission.[282] At the hearing, Chair Kilmer laid out the importance of reexamining this issue saying:

> ***"If Congress can't function, our constituents lose their voice in government. That's a core principle of representational democracy that should be preserved no matter what. A Congress that can't function also opens the door to unilateral executive branch control, which defies constitutional intent."[283]***

The hearing explored a few main topics related to congressional continuity including filling vacancies, procedures for declaration of incapacity, chamber quorum requirements, the House's ability to function in emergencies, and the ability to reconstitute the House via expedited emergency elections. Two of these issues—mass incapacitation as it relates to quorum requirements and the method of conducting emergency elections—had been addressed by previous congressional efforts. The Committee did, however, hear concerns about potential gaps in these provisions as they currently stand.

281. For a full list of changes see Appendix C, Continuity of Congress: An examination of the existing quorum requirement and the mass incapacitation of Members*: Hearing before the House Committee on Rules*, 108th Cong. (2004). https://www.govinfo.gov/app/details/CHRG-108hhrg95383/
282. Continuity of Government Commission. (2022). *The continuity of Congress.* American Enterprise Institute. https://www.aei.org/wp-content/uploads/2022/04/The-Continuity-of-Congress.pdf?x91208
283. *Congressional continuity: Ensuring the first branch is prepared in times of crisis: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022). https://modernizecongress.house.gov/imo/media/doc/04.06hearingtranscript.pdf

Previously, to address the issue of mass incapacitation, the House adopted a rules change in 2005 (Rule XX, clause 5, section c) which sets up a series of extended quorum calls to determine a "provisional" quorum.[284] These rule modifications have been maintained by both parties since they were first adopted. The House Committee on Rules[285] and Committee on House Administration[286] also held hearings to explore continuity issues generally, and specifically discussed a proposal for expedited special elections to address mass vacancies, which was subsequently adopted,[287] as well as a proposed constitutional amendment for the temporary replacement of House members, an idea supported at that time by the AEI-Brookings Institution commission.[288],[289]

The Committee received a great deal of testimony from outside experts on this important topic, including through the contributions of the AEI Continuity of Government Commission, other outside experts, and staff deeply involved in deliberations over these issues and proposed reforms after the attacks of September 11, 2001. The issues are incredibly important, but they are also incredibly complex and while legitimate questions and issues were raised, Committee members concluded that it is beyond the scope and expertise of this Committee to make specific recommendations on this topic.[290] The Committee recommended that the issues be examined by a joint committee, modeled after a prior proposal that was never enacted,[291] to ensure congressional continuity in the face of the next, potentially unforeseen crisis.

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284. Clerk of the House of Representatives. (2021, February 2). Rules of the House of Representatives, 117th Congress. https://rules.house.gov/sites/democrats.rules.house.gov/files/117-House-Rules-Clerk.pdf
285. *Continuity of Congress: An examination of the existing quorum requirement and the mass incapacitation of Members: Hearing before the House Committee on Rules*, 108th Cong. (2004). https://www.govinfo.gov/app/details/CHRG-108hhrg95383/
286. Continuity of Congress: Special elections in extraordinary circumstances: *Hearing before the Committee on House Administration*, 108th Cong. (2003). https://www.govinfo.gov/app/details/CHRG-108hhrg90083/CHRG-108hhrg90083
287. In 2006, Congress enacted the Continuity in Representation Act which provides expedited procedures for conducting special elections in times of extraordinary circumstances. The law states that "extraordinary circumstances" occur when the Speaker of the House of Representatives announces that vacancies have exceeded 100 seats in the House. Under these circumstances, the law stipulates that states have 49 days to conduct special elections to fill said vacancies. For more information, see, Continuity of Representation Act, 2 U.S.C. § 8 (2006). https://www.law.cornell.edu/uscode/text/2/8
288. Five constitutional amendments were introduced in the House during the 108th Congress, one received a vote on the floor and was rejected 63-353. For more information, see, Petersen, R. E. (2009, July 17). *Constitutional approaches to continuity of Congressional representation: Background and issues for Congress* (CRS Report No. R40628). https://crsreports.congress.gov/product/pdf/R/R40628
289. It should be noted, in the Cold War era (1945-1963) more than 30 constitutional amendments were proposed to provide for the temporary filling of House vacancies. Three of these proposals passed the Senate but died in the House. For more information, see, Petersen, R. E. (2009, July 17). *Constitutional approaches to continuity of Congressional representation: Background and issues for Congress* (CRS Report No. R40628). https://crsreports.congress.gov/product/pdf/R/R40628
290. For a full accounting of the hearing, testimony received, and other research provided to the Committee on this topic, see, *Congressional continuity: Ensuring the first branch is prepared in times of crisis: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022). https://www.govinfo.gov/content/pkg/CHRG-117hhrg47600/pdf/CHRG-117hhrg47600.pdf
291. To establish a joint committee to review House and Senate rules, joint rules, and other matters assuring continuing representation and congressional operations for the American people, H.Con.Res.190, 108th Cong. (2003). https://www.congress.gov/bill/108th-congress/house-concurrent-resolution/190

10.3 – Pathways to Congressional Service

When the Committee was created at beginning of the 116th Congress, its investigative mandate included "policies to develop the next generation of leaders."[292] In order to explore this wide-ranging topic, the Committee chose to consider various aspects of member service, including the decision to run for office, strategies for legislative and representational success, and the decision to retire. By examining these broader aspects of member service, the Committee hoped to gain a better understanding of the various factors that contribute to a successful congressional career.

Academic research has shown that candidates who are ideologically motivated are more likely to decide that running for office is worth the considerable time, effort, and expense required. By contrast, candidates who are policy-oriented are more likely to refrain from running after considering the various "costs" involved. Both candidate types are motivated by dissatisfaction with the status quo, but the frustration that ideological candidates express tends to run deeper.[293] Their sense of discontent outweighs their concerns about the hardships of campaigning.

In testimony before the Committee, Yuval Levin expounded on the growing number of ideologically oriented legislators and said that the House is attracting new members who "no longer see it as a mold of their character and behavior but just as a platform for themselves to perform on and raise their profiles and be seen."[294] The decline in policy-oriented candidates seeking office is often considered a factor that contributes to an increasingly polarized Congress.

Potential candidates who come from non-traditional backgrounds face different challenges. These candidates are often not found in the "normal" pipelines to public service, i.e., state legislatures and businesses. And for candidates who have never run for office and have not seen people who they grew up with and interact with run for office, there can be mental hurdles to overcome. "Imposter syndrome," or the belief that one does not belong in a particular setting (in this case, a political campaign) sometimes contributes to the decision not to run for office.[295] Additionally, non-traditional candidates often lack contacts in the political and campaign consulting worlds, as well the connections needed to raise campaign cash.

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292. See Title II, Adopting the Rules of the House of Representatives for the One Hundred Sixteenth Congress, and for other purposes, H.Res.6, 116th Cong. (2019). https://www.congress.gov/bill/116th-congress/house-resolution/6
293. Thomsen, Danielle M. (2017). *Opting out of Congress: Partisan polarization and the decline of moderate candidates*. Cambridge University Press. https://doi.org/10.1017/9781316872055
294. *Building a more civil and collaborative culture in Congress: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2021). https://modernizecongress.house.gov/committee-activity/hearings/building-a-more-civil-and-collaborative-culture-in-congress
295. Lawless, J. L., & Fox, R. L. (2010). *It still takes a candidate: Why women don't run for office*. Cambridge University Press. https://doi.org/10.1017/CBO9780511778797

For successful candidates, the barriers to running for Congress are sometimes then replaced by barriers to serving in Congress. As former Congressman Gregg Harper (R-LA) testified in a June 8, 2022, hearing on pathways to congressional service:

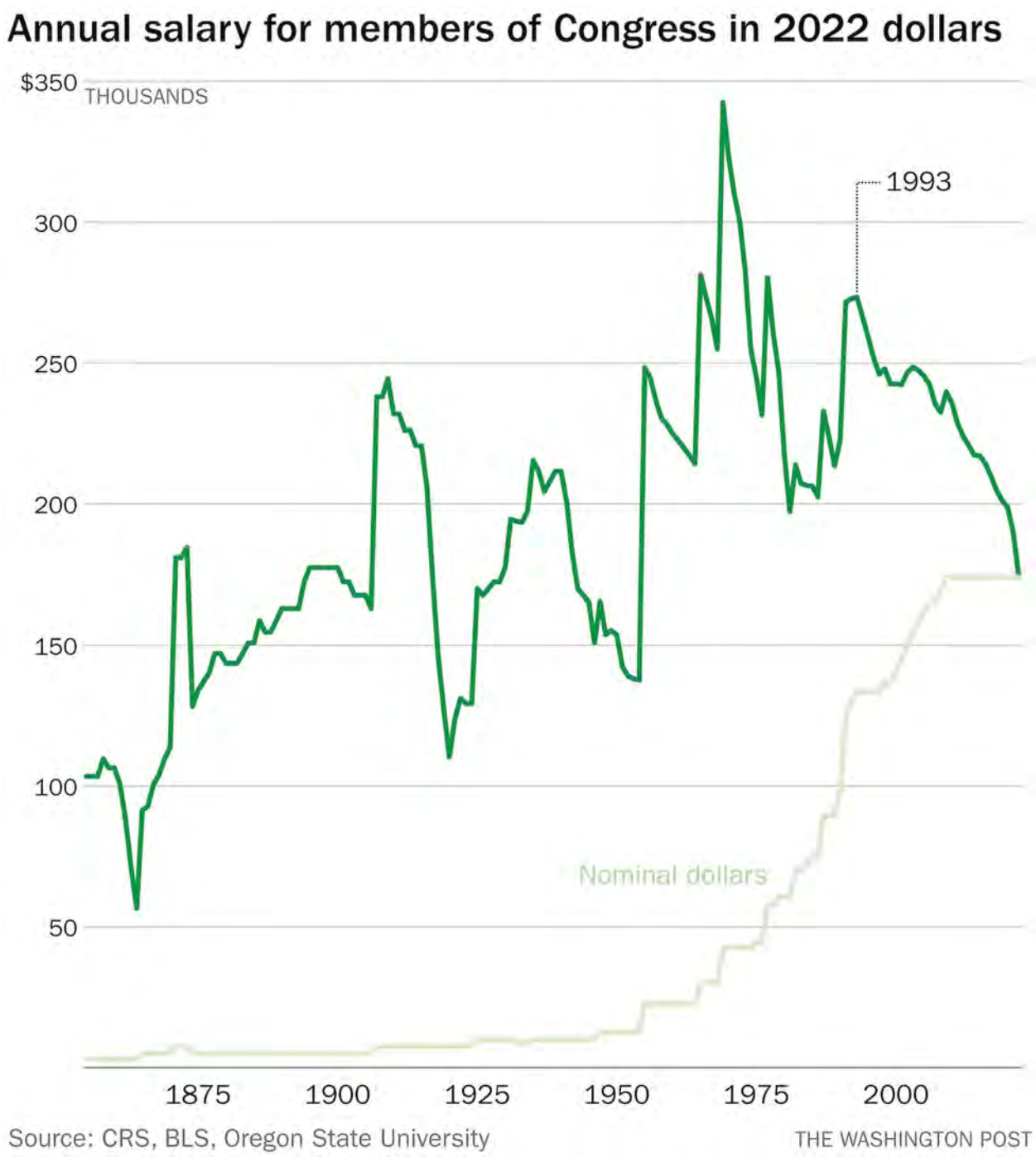
> ***"There are many barriers to running and to ultimately serving, from family to finances. Every member has a different view on what it will take to serve. Will he or she have enough money, or will they be able to afford a place to live off of the congressional salary? What about one's family? Do you move your family to Washington, D.C. or leave them in the district? If you move them to D.C., what do you do with them when you have to travel back home? What if the children are very young? With inflation, how do you afford to fly the family back and forth? All of these questions have to be answered, and the answer may vary significantly among the Members."***[296]

Indeed, the personal benefits of winning a seat in Congress have also decreased.[297] As depicted in the chart below, salaries for U.S. House members have declined over the past couple of decades, when inflation is factored in.[298]

Members of Congress last received a pay increase in January 2009, when their salary was increased 2.8% to $174,000.[299] While $174,000 is much more than the median household income, members must also maintain homes in both their districts and in Washington, D.C, which ranks in the top ten most expensive U.S. cities for renters.[300] And unlike their counterparts in the executive branch and private sector, members do not receive a per diem or reimbursement for their out-of-pocket living expenses when they are at work in Washington.

In testimony before the Committee, former Congressman Gregg Harper (R-LA) revealed that his decision to retire was based on his realization that if he stayed in Congress, he would not be able to provide financially for his adult son who has Fragile X Syndrome. "This is the first time that I've said this publicly, but I knew that if I stayed where I had not received an increase in pay in 10 years, with no prospects of when that might change, I could not provide

296. *Pathways to congressional service: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022). https://modernizecongress.house.gov/pathways-to-congressional-service
297. Hall, A. B. (2019). *Who wants to run? How the devaluing of political office drives polarization*. The University of Chicago Press. https://doi.org/10.7208/chicago/9780226609607.001.0001
298. Chart from, Bump, P. (2022, October 7). Why it's easier to serve in Congress when you're rich. *Washington Post.* https://www.washingtonpost.com/politics/2022/10/07/why-its-easier-serve-congress-when-youre-rich/
299. Brudnick, I. A. (2022, August 8). *Salaries of Members of Congress: Recent actions and historical tables* (CRS Report No. 97-1011). https://crsreports.congress.gov/product/details?prodcode=97-1011
300. Paris, M. (2022, July 26). These are the most expensive US cities for renters, with some prices up 41%. *Bloomberg.* https://www.bloomberg.com/news/articles/2022-07-26/these-are-the-most-expensive-cities-for-renters-led-by-nyc-and-sf



for his future."[301] His solution to making service more "equitable" is to change the Members' Congressional Handbook so that members have one "duty station" rather than two. This would allow members to be reimbursed for their living expenses when they are in Washington.

301. *Pathways to congressional service: Hearing before the Select Committee on the Modernization of Congress,* 117th Cong. (2022). https://modernizecongress.house.gov/pathways-to-congressional-service

While members are understandably reluctant to raise their own salaries, there is some evidence to suggest that paying lawmakers better salaries has the effect of decreasing polarization in legislatures. For example, a study focused on state legislatures found that when lawmaker salaries are raised, "there is a corresponding decrease in how polarized the set of people who run for office is."[302] More candidates are willing to run for office if they see public service as an economically viable career.

While the decision to retire from Congress is sometimes driven by financial concerns, there are other common factors departing members cite. Beginning in the 1970s, members complained that greater fundraising responsibilities made the job less attractive.[303] Indeed, the amount of time that members must devote to fundraising has proven to be an ongoing source of frustration.[304]

Further, since the early 1990s, members have also complained about having little influence in a centralized chamber. Historically, when majority control of the chamber is up for grabs, members are more inclined to follow leadership directives because they understand that it's important for the party to maintain a unified front. Margins between the parties have, however, remained consistently narrow since 1994; as a result, members have ceded greater control over the agenda to party leaders since the early 1990s and have yet to reclaim it.[305] These dynamics have contributed to an environment where many members feel they have little say over the policy agenda and in the drafting of major legislation.

In addition to fundraising demands and institutional changes that have centralized decision-making, members who retired in the decades between the 1960s and 1990s pointed to factors like age, facing a close race, having less seniority (and therefore less influence), and feeling ideologically out of step with their parties as contributing to their decisions to leave office.[306] The rise in polarization, workplace dysfunction, as well as the overall "mood" of the electorate may also play a role in the decision to retire.

302. Sides, J. (2019, April 11). Don't blame our polarized politics on voters. Blame it on who runs for office in the first place. *Washington Post.* https://www.washingtonpost.com/politics/2019/04/11/dont-blame-our-polarized-politics-voters-blame-it-who-runs-office-first-place/
303. Cooper, J., & West, W. (1981). Voluntary retirement, incumbency, and the modern House. *Political Science Quarterly, 96* (2), 279-300. https://doi.org/10.2307/2150340
304. Reynolds, M. E. (2022, May 12). *Why members of Congress choose not to run for re-election.* Brookings Institution. https://www.brookings.edu/blog/fixgov/2022/05/12/congressional-retirements/
305. Lee, F. E. (2016). *Insecure majorities: Congress and the perpetual campaign*. The University of Chicago Press. https://doi.org/10.7208/chicago/9780226409184.001.0001
306. For arguments in favor of raising member pay, including the need to cover two homes, see Kosar, K. (2019, June 18). *Why members of Congress should get a raise, whether they deserve it or not.* R Street. https://www.rstreet.org/2019/06/18/why-members-of-congress-should-get-a-raise-whether-they-deserve-it-or-not

While the decisions to run for and retire from Congress are personal, there are some common challenges and concerns that the Committee identified. Finding ways to diversify the pool of candidates who run for Congress and addressing some of the factors that contribute to early retirements from Congress are topics worthy of close examination by future reformers.

10.4 – Innovative Approaches to Fixing Congress

The Committee's Final Report for the 116th Congress included many reform ideas that the Committee thought worthy of consideration but could not address because of time and jurisdictional constraints.[307] Some of those ideas were taken up by the Committee in the 117th Congress (Evidence-Based Policymaking and Continuity of Congress, for example) and others were discussed in a July 28, 2022, hearing focused on innovative ideas to improve the way Congress works.[308] The Committee's objective at this hearing was to highlight a range of ideas and to stimulate discussion about whether these approaches might improve the way Congress works. The ideas presented at the hearing are described below.

Extending House Terms from Two Years to Four Years. Proponents of lengthening House terms argue that a two-year term is too short and that it leads House members to prioritize fundraising and reelection goals rather than allowing them time to focus on legislating.[309] The two-year cycle also means that chamber leaders tend to focus on a handful of large measures during the first year of a Congress and do much less legislating during the second year of a Congress. In testimony before the Committee, Rep. John Larson (D-CT) explained the rationale behind legislation he's introduced to increase House member terms from two to four years:

307. See "Conclusion" in Select Committee on the Modernization of Congress. (2020). *Final Report for the 116th Congress.* https://modernizecongress.house.gov/final-report-116th
308. *What's the big idea? Innovative approaches to fixing Congress: Hearing before the Select Committee on the Modernization of* Congress, 117th Cong. (2022). https://modernizecongress.house.gov/committee-activity/hearings/whats-the-big-idea-innovative-approaches-to-fixing-congress
309. Marcos, C. (14, April 16). Should House members serve four-year terms? The Hill. https://thehill.com/blogs/floor-action/house/203660-should-house-members-serve-four-year-terms/

"While I don't expect sympathy, the toll that running for election immediately upon election takes on a lawmaker is not just exhaustion and time. Focus, ability to understand the job and be responsive, to grow a deeper knowledge not just of the issues that matter to me, my constituents, and my staff but on how the complex inner workings of Congress can be used to serve the people who put their trust and faith in us. These are all things that take time, time that we simply don't have."[310]

-Rep. John Larson (D-CT), July 28, 2022.

Many of the Founding Fathers favored one-year terms for the House arguing, as noted in Federalist 53, "that where annual elections end, tyranny begins." However, James Madison argued in favor of a three-year term saying that shorter terms produce too much instability.[311] Eventually, they agreed to a two-year term. Extending House terms beyond two years would require a constitutional amendment. Members would also need to determine whether member terms would be staggered so that the entire chamber is not up for reelection at once.

Expanding the Size of the House. The House of Representatives was originally composed of only 59 members but as the nation grew it continued to expand and add seats so that the connection between constituents and representatives could remain close. In the 1790s the average congressional district had around 35,000 constituents; today, that average is closer to 762,000.

In 1929, Congress capped the size of the House at 435 members.[312] If the House had kept adding seats under James Madison's original formula, there would currently be roughly 6,500 seats.[313] While proponents of expanding the size of the House have proposed different formulas for doing so, the Committee heard testimony from Lee Drutman, co-author of the Our Common Purpose report on enlarging the House, recommending the addition of 150 seats to the chamber.[314] As Drutman explained:

310. *What's the big idea? Innovative approaches to fixing Congress: Hearing before the Select Committee on the Modernization of* Congress, 117th Cong. (2022) (testimony of Rep. John Larson). https://modernizecongress.house.gov/imo/media/doc/Rep%20Larson%20Testimony-Big%20Ideas%20Hearing.pdf

311. Pildes, R. H. (2021, July 21). In nearly all other democracies, this is not normal. *New York Times.* https://www.nytimes.com/2021/07/21/opinion/house-elections-constitution.html

312. History, Art, & Archives, U.S. House of Representatives. (n.d.). The Permanent Apportionment Act of 1929. Retrieved November 9, 2022 from https://history.house.gov/Historical-Highlights/1901-1950/The-Permanent-Apportionment-Act-of-1929

313. Drutman, L., Cohen, J. D., Levin, Y., Ornstein, N. J. (2021). *The case for enlarging the House of Representatives: An Our Common Purpose report.* American Academy of Arts & Sciences. https://www.amacad.org/ourcommonpurpose/enlarging-the-house

314. See Section 4, Drutman, L., Cohen, J. D., Levin, Y., Ornstein, N. J. (2021). *The case for enlarging the House of Representatives: An Our Common Purpose report.* American Academy of Arts & Sciences. https://www.amacad.org/ourcommonpurpose/enlarging-the-house/section/4



Rep. Larson (D-CT) testifies during a Modernization Committee hearing.

"The larger the district, the more distant constituents are from their representatives, and vice versa. Distance breeds distrust and frustration and poor representation. It's not the way the Framers intended the House to operate, and it's just bad for our form of representative, republican democracy."[315]

Simplifying Legislative Procedure. The increasingly complex procedures used throughout the legislative process sometimes obscures the content of bills and makes it difficult for the public to hold members accountable. Legislative procedure has become so dense because, "it is the product of the aggregation of new rules and precedents year after year."[316] In testimony before the Committee, Kevin Kosar argued that if Congress were to make meaningful changes to the legislative process it could have a huge payoff.

315. *What's the big idea? Innovative approaches to fixing Congress: Hearing before the Select Committee on the Modernization of* Congress, 117th Cong. (2022) (testimony of Lee Drutman). https://modernizecongress.house.gov/imo/media/doc/Drutman%20Testimony-Big%20Ideas%20Hearing.pdf

316. Ibid.

"Better rules will make for a better Congress and a healthier representative democracy. And if that is not enough, individual legislators may well find themselves happier being members of a well-functioning legislature."[317]

Investing in Civic Infrastructure. The Commission on the Practice of Democratic Citizenship identified 31 recommendations to reinvent American democracy for the 21st century, including one to, "Establish a National Trust for Civic Infrastructure to scale up social, civic, and democratic infrastructure."[318] Danielle Allen, chair of the Commission, testified that the proposed National Trust would, "bring sustained, nationwide investment in support of the places, programs, and people that encourage all residents of municipalities and regions to interact, find common ground, and solve problems together."[319] By strengthening the work communities are doing to bridge divides and by equipping local leaders to engage and collaborate with citizens, a healthier political culture can emerge.

Artificial Intelligence (AI) and Machine Learning. Several local, state, and foreign governments have recently started exploring ways to incorporate advanced computer software and analysis into the legislative process including for predictive problem-solving purposes.[320] The Committee heard testimony explaining how these technologies can help government predict and prevent undesirable activities, test policies and options in real-life scenarios before adopting them, and find the best solutions by providing a set of alternatives to accelerate improved decision-making.[321]

These reform ideas, together with those described in the Committee's Final Report for the 116th Congress,[322] are by no means an exhaustive list. Creative ideas to improve the legislative process, constituent representation, constituent engagement, cross-party collaboration, technology, the elections process, and more are extensive and beyond the Committee's current capacity to adequately address. The Committee encourages future reformers to approach these ideas, no matter how "out of the box" they may seem, with an eye toward finding creative solutions to improving the way Congress works for the American people.

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317. Ibid.
318. https://www.amacad.org/ourcommonpurpose/report/section/9#_1
319. *What's the big idea? Innovative approaches to fixing Congress: Hearing before the Select Committee on the Modernization of* Congress, 117th Cong. (2022) (testimony of Danielle Allen). https://modernizecongress.house.gov/imo/media/doc/Allen%20Testimony-Big%20Ideas%20Hearing.pdf
320. https://www2.deloitte.com/us/en/insights/industry/public-sector/government-of-the-future-evolution-change.html
321. *What's the big idea? Innovative approaches to fixing Congress: Hearing before the Select Committee on the Modernization of* Congress, 117th Cong. (2022) (testimony of Joe Mariani). https://modernizecongress.house.gov/imo/media/doc/Mariani%20Testimony-Big%20Ideas%20Hearing.pdf
322. See "Conclusion" in Select Committee on the Modernization of Congress. (2020). *Final Report for the 116th Congress.* https://modernizecongress.house.gov/final-report-116th

10.5 – A Roadmap for Future Reform Efforts

On September 14, 2022, the Committee held its last public hearing to consider the future of congressional modernization. In addition to showcasing the Committee's significant accomplishments and unique approach to committee operations, the goal was to develop ideas to ensure that Congress continues to evolve in ways that will make it work better for the American people.

The Committee's groundbreaking approach to its work is described in detail in Chapter One. A willingness to experiment with new ways of working contributed to the Committee's overall accomplishments and future reformers should consider adopting a similar approach. The following operational innovations were particularly important to the Committee's success:

- Holding bipartisan Committee member retreats for relationship building and agenda setting purposes.
- Treating reform as nonpartisan and hiring one, nonpartisan staff and having one, unified Committee budget.
- Holding hearings in a roundtable setting, with members seated alternating by party, and with witnesses seated at the table.
- Allowing for extended discussion between members and witnesses in hearings.
- Passing recommendations on a rolling basis rather than taking up one, big package of recommendations at the end of the two-year congressional session.
- Working to ensure that recommendations are implemented.
- Building strong relationships with implementation partners.
- Maintaining consistent outreach to members and staff for reform ideas and feedback.
- Reassessing the Committee's agenda in an ongoing way to ensure that potential modernization opportunities are not missed.
- Practicing what the committee preaches and leading by example.

While each reform committee is obviously different in terms of its membership, mandate, and work style, the Committee's innovative approaches to doing its work set a positive example for future reform committees to consider.

CONTINUING THE WORK OF IMPLEMENTATION

According to the Congressional Research Service, the Committee "might very well be the premier example of a reform committee, during its existence, that works with appropriate House officials responsible for implementing the

panel's recommendations."[323] As of this writing, of the 202 recommendations the Committee passed, 132 have been implemented or have seen meaningful action toward implementation, including 43 of which have been fully implemented, and 89 that have been partially implemented.

The Committee's successful implementation efforts are due in part to its close working relationships with partners like the Chief Administrative Officer (CAO), the Clerk of the House, and the Architect of the Capitol (AOC). These three officers and their staffs are responsible for implementing the bulk of the Committee's recommendations and have worked closely with Committee staff on the front end to develop recommendations that are more easily implementable and then on the back end to advance implementation. The Committee recommends that future reformers establish strong working relationships with their implementing partners to ensure that the recommendations they develop make sense and can be put into place.

In order for modernization efforts to continue beyond the Committee's January 3, 2023, expiration date, the House's institutional offices will need to continue their current efforts to update processes and procedures in an ongoing way. The CAO and AOC have recently undertaken efforts to survey members and staff for feedback on various projects and plans, and the Committee encourages this kind of proactive outreach. Consistently checking in with members and staff will help the House's institutional offices improve and update services in an ongoing way.

The House Digital Service (HDS), which was created by a Committee recommendation (#95), is another example of an institutional entity that can help keep modernization at the forefront of House operations. The establishment of the HDS "offers an opportunity to significantly improve day-to-day House operations and employee experience with better processes and technology to modernize the business of House legislation."[324]

MAKING MODERNIZATION PERMANENT

When the Select Committee on the Modernization of Congress is terminated at the end of the 117th Congress, there will be no member-led entity focused on implementing the Committee's recommendations. To ensure that the Committee's recommendations are fully implemented, the Committee supports the establishment of a Subcommittee on Modernization within the Committee on House Administration (CHA).

323. Oleszek, W. (2021, October 15). *Memorandum to the Select Committee on the Modernization of Congress* [Unpublished memorandum].

324. Santiago, D. (2022, June 17). How the new House Digital Services team can make the House of Representatives a leader in digital transformation. *Federal News Network.* https://federalnewsnetwork.com/commentary/2022/06/how-the-new-house-digital-services-team-can-make-the-house-of-representatives-a-leader-in-digital-transformatio/

The Committee recognizes that CHA is best positioned to ensure that its recommendations are implemented. If recommendations need to be adjusted as they are implemented, CHA has the jurisdiction and tools to make that happen.

In addition to establishing a Subcommittee on Modernization, the Committee suggests that the House, with or without the Senate, authorize a Modernization Select Committee at least every fourth Congress. Unless reform efforts are undertaken at more regular intervals, Congress will constantly be playing catch up, not only with technology, but with contemporary human resource practices, constituent engagement efforts, and more. This is a disservice to the American people.

MEASURING THE SUCCESS OF MODERNIZATION

One of the challenges reformers face is "proving" success. This is in part because the effects of reform are often not experienced right away. It may take years for a new process or approach to take shape and work as intended. Measuring the success of reform can also be problematic. For example, the number of recommendations passed by the Committee can be tallied and compared to previous committees, but that form of measurement does not take into account the actual substance and endurance of recommendations.

Some topics lend themselves better to measurement than others. As Casey Burgat explained in testimony before the Committee:

> ***"Some of the Committee's recommendations and resulting progress are quantifiable, and thus, can be studied as such. The impacts of increasing staff pay, diversity, and internship accessibility, for example, can be measured and compared with congresses before the changes. Importantly, this work will be aided by the Committee's recommendations involving staff surveys, collection of demographic data, and modernizing disbursement records. These data will help researchers measure changes in important elements like staff tenure and diversity of congressional staff hires."***[325]

Some of the Committee's other recommendations, however, are more difficult to quantify. Encouraging collaboration and civility, modernizing technology, and improving constituent engagement, for example, do not come with clear measures or publicly accessible data. Nonetheless, there are measures that scholars may wish to explore, including changes in cosponsor activity over time, attendance at bipartisan events, frequency of bipartisan

325. *Congressional modernization: A roadmap for the future: Hearing before the Select Committee on the Modernization,* 117th Cong. (2022) (testimony of Casey Burgat). https://modernizecongress.house.gov/imo/media/doc/Burgat%20Testimony-Future%20of%20Modernization%20Hearing.pdf

oversight activities, and changes in committee hearing formats. Speaking directly to those involved in reform efforts can also help scholars understand the thinking and motivations behind the actions that were taken.[326] Additionally, the Congressional Research Service (CRS) might consider studying the Committee's impact in five or 10 years, and then incorporating these findings when updating previous reports on congressional reform efforts.[327] This might help establish a CRS precedent for tracking the impact of future reform committees to ensure Congress learns and incorporates lessons from the past as it continues to modernize.

None of these challenges to measuring success should deter future reformers from taking necessary action to improve the way Congress works on behalf of the American people. Modern institutions evolve to meet the changing needs of the people and missions they serve. The Committee focused on ensuring that Congress is equipped to do the same and urges future reformers to continue this important effort.

10.6 – Recommendations

CONGRESSIONAL CONTINUITY

171. Joint Committee on Continuity: Congress should establish a joint committee to review House and Senate rules and other matters assuring continuing representation and congressional operations for the American people.

In 2003, following on the work of a House task force convened to study continuity issues in the House, then-Rules Committee Chairman David Dreier, introduced a bipartisan concurrent resolution (H.Con.Res. 190) to establish a temporary joint (e.g. House and Senate) committee to conduct a full study and review of the procedures which should be adopted by the House, Senate, and Congress to 1) ensure the continuity and authority of Congress during times of crisis; 2) improve congressional procedures necessary for the enactment of measures affecting homeland security during times of crisis, and 3) enhance the ability of each chamber to cooperate effectively with the other body on major and consequential issues related to homeland security. The concurrent resolution passed the House by voice vote, but it was not taken up in the Senate. The proposed joint committee was to be composed of 20 members, 10 from the House with 5 appointed by the Speaker, including the Chairman of the Rules Committee who would serve as co-chairman for the joint committee, and 5 from the minority party appointed by the Speaker (after consultation with the Minority Leader).

326. Ibid.
327. For example, the following report could be updated to include the impacts of reform committees: Oleszek, W. J. (2021, October 6). *Congressional reform: A perspective* (CRS Report No. R46933). https://crsreports.congress.gov/product/pdf/R/R46933

This Committee recommendation calls for a similar joint committee to be constituted, comprised only of members of Congress. It should include members from the House Administration, House Rules, and Senate Rules and Administration committees. Members should be directly appointed by designees of the majority and minority parties. Importantly, in recognition of the authority of each body over its own rules, while the joint committee is designed in part to find areas where the two chambers can cooperate where necessary to ensure the continuity of representation and operations of Congress as a whole, like the last joint committee that was proposed previously, "any recommendation with respect to the rules and procedures of one House that only affects matters related solely to that House [should] only be made and voted on by members of the joint committee from that House."

The Committee's recommendation #56 suggested establishment of a bipartisan, bicameral task force to identify lessons learned during the COVID-19 pandemic and recommend continuity of Congress improvements. This recommendation replaces the previous one by recommending a joint committee. The committee could consider issues including, but not limited to, a process for continuing operations should no member be left alive; a process for reconstituting the House at the start of a new Congress; and the potential for the majority party changing based on the timing of states completing special elections under extraordinary circumstances.

PATHWAYS TO CONGRESSIONAL SERVICE

200. Align the Treatment of Member Travel-Related Expenses with the Private Sector and Federal Agencies: The House should align travel related expense reimbursement rules for members with standard business travel practices in the private sector and other parts of the federal government.

This alignment can be accomplished through a change to the Members' Congressional Handbook (Handbook). In the Handbook, members of Congress have two duty stations: 1) their congressional district, and 2) Washington, D.C. The unique "dual duty station" designation for members precludes reimbursement for out-of-pocket costs incurred to cover official travel-related expenses while in Washington, D.C., for official business. Amending the Handbook to address the expenses associated with serving at two duty stations would align travel policies for members of Congress with congressional staff, other government officials, and the private sector. Reasonable reimbursement limits and ethics requirements should apply, and the reimbursement process should be transparent to the public.

MODERNIZATION GOING FORWARD

201. Modernization Subcommittee: The House should provide a home for ongoing modernization work within the Committee on House Administration.

The Committee on House Administration (CHA) is in the best position to ensure that the recommendations set forth by the Modernization Committee are put into practice. If adjustments are needed on the recommendations as they are implemented, CHA has the necessary jurisdiction and tools to do so. The subcommittee would be focused on issues within CHA's jurisdiction while a separate, periodic reform committee would focus on a broader mandate of House or Congress-wide issues. In the 102nd Congress (1991-1992), CHA formed a bipartisan subcommittee, the Subcommittee on Administrative Oversight, that existed through the 103rd Congress ending in 1994. The Chief Administrative Officer position, which was created in 1995, took on much of the Subcommittee on Administrative Oversight's work.

202. Regular Modernization Select Committees: The House should authorize a Modernization Select Committee at least every fourth Congress.

Prior to the Select Committee on the Modernization of Congress being established in 2019, the Joint Committee on the Organization of Congress in 1993 was the last organized reform entity. As the pace of change accelerates, Congress needs to evaluate itself at more regular intervals. The House, with or without the Senate, should authorize a Select Committee with a mandate to evaluate the operations and efficiency of the institution.

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Appendix I – Implementation Status of Recommendations from the 116th Congress

As described in Chapter 3, 82% (80 of 97) of the Committee's recommendations from the 116th Congress have either been fully implemented or have seen meaningful action toward implementation. Of these, 32 have been fully implemented or resolved, while 48 have seen partial progress. The Committee assigned status categories to each of the recommendations to reflect their varying degrees of progress toward implementation:

- *Closed-Implemented:* An entity has taken action pursuant to a recommendation that addresses the problem that prompted the recommendation.
- *Closed-Resolved:* An entity has taken action or provided additional information independently of the literal recommendation but that still addresses the problem that prompted the recommendation.
- *Open-Partially Implemented:* Elements of the recommendation have been fully implemented, or administrative or legislative actions to implement the recommendation are at an advanced stage of progress.
- *Open-In Progress:* Administrative or legislative actions to implement the recommendation have begun.
- *Open-Needs Attention:* No meaningful progress towards implementation of the recommendation has taken place.
- *Closed-Unimplemented:* The Committee determined that further action to implement the recommendation is either impossible or highly unlikely due to technical or logistical barriers.

The status of each of these recommendations, as of November 18, 2022, is presented below, by relevant topic area. As modernization is an ongoing process, the tables below also describe next steps or necessary conditions for full implementation of any open recommendations.

Making Congress More Effective, Efficient, and Transparent

Recommendations to make the legislative process more efficient and accessible for the American people were among the first recommendations the Committee passed. Four of the five initial recommendations in this area, listed below, have seen meaningful progress toward implementation, with one fully implemented.

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 1: Streamline the bill-writing process to save time and reduce mistakes.	Such an approach would help members, staff, and the American public have access to changes, visualizations, and analysis of legislative text. Printing and publishing processes would also be made more efficient.	Open - Partially Implemented	The U.S. Legislative Markup XML schema is now used for U.S. Code provisions, enrolled bills, and public laws; need to expand this to include committee reports, hearing records, and other legislative documents[328]	Clerk
Recommendation 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.	The main issues of concern are making sure that (1) resources are available to develop and maintain the application for House-wide use, and (2) resources are available to train and support staff using the comparative print application.	Closed - Implemented	The Clerk piloted and then launched a House-wide comparative print tool to display legislative changes in context, including how a bill might change current law and how two versions of a legislative proposal are different.[329]	Clerk
Recommendation 3: Make it easier to know who is lobbying Congress and what they're lobbying for.	The Clerk of the House and Secretary of the Senate need to update the lobbying disclosure system in general and will need to generate a Congress-wide unique identifier for lobbyists and disclosing that identifier to the public as structured data as part of the lobbying disclosure downloads.	Open - In Progress	Funding for the Clerk's planned redesign of the lobbying disclosure system provided in H.R. 8237; need the Clerk to create a unique identifier that applies to the House and Senate and be available as structured data.	Clerk, Secretary of the Senate

328. Status reports filed by the Office of the Clerk can be found on the website of the House Committee on Administration (CHA) at https://cha.house.gov/committee-activity/modernization-reports
329. More information on CHA website at https://cha.house.gov/committee-activity/modernization-reports

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 4: One-click access to a list of agencies and programs that have expired and need congressional attention.	Centralizing agency and program reauthorization dates provides members, staff, and the public with easy-to-access information about the status of executive branch programs and the committees that are responsible for authorizing those programs.	Open - Needs Attention	Need for the House to develop a way to track unauthorized federal programs or programs that have indefinite authorization time horizons.	Clerk, Committees
Recommendation 5: One-click access to see how members of Congress vote in committees.	Centralizing committee vote data in one place enhances transparency and ensures ease of access for the public.	Open - In Progress	The Clerk submitted a request for information from industry, academia, and civil service organizations; need the Clerk, with committees, to develop a standard process to upload committee vote data as structured data and to develop a way for the public to access that information.	Clerk

Streamline and Reorganize House Human Resources

The Committee passed a number of recommendations to improve staff retention. All recommendations in this area saw implementation progress, with three of the five being fully implemented during the Committee's tenure.

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 6: Create a one-stop shop Human Resources HUB dedicated to member, committee, and leadership (MCL) staff.	The HUB should be a physical (in a centralized location near Member offices) and virtual HUB structured as a board led by a new Deputy HR Director for Congressional Staff and comprised of relevant support offices.	Closed - Implemented	Pursuant to H. Res. 756, CAO announced in August 2021 the creation of a House Human Resources Hub.	CAO
Recommendation 7: Make permanent the Office of Diversity and Inclusion.	Making the office (established at the beginning of the 116th Congress) permanent will enable Congress to better recruit and retain a diverse workforce.	Closed - Implemented	The rules package for the 117th Congress made the Office of Diversity and Inclusion permanent.[330]	Leadership

330. H.Res.8 - Adopting the Rules of the House of Representatives for the One Hundred Seventeenth Congress, and for other purposes.

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 8: Examining and updating the staff payroll system from monthly to semimonthly.	The House should align with the rest of the federal government's payroll practices and support junior staff by implementing a semimonthly pay schedule.	Open - In Progress	Pursuant to H.Res. 756, CAO completed a suitability review in November 2020; statutory authority needed for the Committee on House Administration to update regulations on staff pay cadence. Chair and Vice Chair introduced H.R. 8827 in the 117th Congress to implement this.	CAO, CHA
Recommendation 9: Raising the cap on the number of staff in member offices.	The current caps (18 permanent and 4 additional staff per office) have been in place since 1975. Raising these caps will give members more flexibility in meeting their staffing needs.	Open - In Progress	Pursuant to H.Res. 756, the House Office of Inspector General completed a review in December 2021 and recommended increasing the cap; need CHA to examine statutory or regulatory fixes as appropriate.	CHA, Committee on Appropriations
Recommendation 10: Regularly surveying staff on improving pay and benefits.	Congress should routinely collect this information and publish the results to help offices make data-based decisions and improve staff retention.	Closed - Implemented	The Office of Diversity and Inclusion carried out surveys of staff on these topics in 2019 and 2021.	Office of Diversity and Inclusion, CAO

Overhaul the Onboarding Process and Provide Continuing Education for Members

As the Committee noted in its Final Report for the 116th Congress, 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 a district office. Members are required to make a number of consequential decisions with little-to-no training or guidance. In response, the Committee passed six recommendations, listed below, to help newly elected members hit the ground running, ready to work on behalf of the American people. With changes to New Member Orientation that took place ahead of the 117th Congress, five of these recommendations were fully implemented.

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 11: Allowing newly elected members to hire and pay one transition staff member.	Bringing the House in line with Senate practice by allowing offices to hire a transition staffer would provide a smoother transition in setting up new member offices.	Closed - Implemented	The Consolidated Appropriations Act, 2021 provided funding for the cost of hiring transition staff.	CAO
Recommendation 12: Offering New Member Orientation in a nonpartisan way.	Newly elected members shared with the Committee their view that separating orientation sessions by political party may inhibit bipartisanship in Congress.	Closed - Implemented	Over 20 bi-partisan briefings were provided to members-elect and their aides during New Member Orientation for the 117th Congress, and materials remained available on the New Member Orientation website.	CHA
Recommendation 13: Making New Member Orientation more comprehensive.	A "just-in-time" approach allows for comprehensive training over time, rather than a congressional information overload in a members' first weeks in office.	Closed - Implemented	New Member Orientation for the 117th Congress was held over two phases. "On-demand" materials remained available on the New Member Orientation website.	CHA
Recommendation 14: Promoting civility during New Member Orientation.	New Member Orientation should promote relationship building across the aisle to enhance civility in Congress.	Closed - Implemented	The 117th Congress New Member Orientation program included a session on decorum and bipartisanship facilitated by Chair Kilmer and then-Vice Chair Graves, among others.	CHA
Recommendation 15: Creating a Congressional Leadership Academy to offer training for members.	Alongside in-person learning opportunities, the House intranet should provide one-click access to seminars on the legislative process and procedural matters, such as how to chair a hearing, the budget and appropriations process, and rules of the House and committee procedures, and on professional development topics like managing an office and developing better negotiation and bargaining skills.	Closed - Implemented	CAO rolled out its Member Leadership Development Program, first as a pilot, in 2022.	CAO

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 16: Making cybersecurity training mandatory for members.	Advanced cyber-hygiene training and use of encrypted messaging and multi-factor authentication should be basic standards for both members and staff. Cybersecurity training for members should include training in cell phone security as well as guidance for traveling abroad.	Open - Needs Attention	Need to build on existing training that is available to members and develop a requirement for members in House rules.	Committee on Rules

Modernize and Revitalize House Technology

Keeping in mind the unique, decentralized nature of Congress, the Committee crafted 10 recommendations that seek to better position the House to develop, procure, test, and modify technologies. While none of these recommendations were fully implemented by the end of the 117th Congress, all saw at least some progress toward implementation.

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 17: Reestablishing and restructuring an improved Office of Technology Assessment.	The new OTA should be renamed the Congressional Technology and Innovation Lab and is intended to keep the House on the cutting edge of technology and should be structured in a way that maintains fresh and diverse perspectives among its staff.	Open - Partially Implemented	GAO's Science, Technology Assessment, and Analytics (STAA) mission team generates highly valuable assessments, primers, and trainings for staff on emerging technologies, but full implementation would require a policy decision to create an office more dedicated to testing of House technology.[331]	Leadership, GAO

331. In the 117th Congress, the Committee separately recommended that Congress authorize the Science, Technology Assessment, and Analytics (STAA) mission team of the Government Accountability Office. Using the authorization process to clarify and strengthen the support that STAA provides, Congress could approximate the intent of Recommendation 17 from the 116th Congress.

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 18: Improving IT services in the House by reforming House Information Resources (HIR).	The House Information Resources (HIR) office provides members and staff with in-house technology services, but many member offices choose to turn to outside vendors for assistance. A thorough, outside review of HIR operations and services will help the House develop a roadmap for successfully reforming HIR.	Open - In Progress	HIR is now offering drop-in technology services; to fully implement the recommendation as envisioned, need to build on existing HIR evaluations and establish regular reporting on plans for an outside review of HIR's marketing, innovations, and communications.[332]	CAO
Recommendation 19: Requiring House Information Resources (HIR) to prioritize certain technological improvements.	Frequent and regular constituent engagement activities can be streamlined by facilitating video calls for members and staff, secure e-signatures, setting up VPNs, and allowing for digitally uploaded casework and requests.	Open - Partially Implemented	Substantial progress has been made on digitizing administrative forms and normalizing remote work capability; need additional progress with in-house casework capability.	CAO
Recommendation 20: Requiring House Information Resources (HIR) to reform the approval process for outside technology vendors.	HIR should be more inviting to vendors who seek to offer innovative technology to the House and streamline an often bureaucratic and confusing process that causes long, costly delays that may turn vendors away.	Open - In Progress	The House has made progress reforming this process for cloud-based vendors; need to examine opportunities to reform the process for all technology vendors.[333]	CHA, CAO
Recommendation 21: Requiring House Information Resources (HIR) to allow member offices to test new technologies.	Member offices that wish to beta test new technologies should be able to easily identify and sign up for opportunities to do so. Member offices should also be responsible for risk of technology and not jeopardize the House enterprise.	Open - Partially Implemented	CAO/HIR has established an ad hoc beta test program; need the House Digital Service to expand and formalize this beyond the ad hoc beta testing that members currently engage in to consider this fully implemented.[334]	CAO

332. See CAO's IT modernization report here: https://cha.house.gov/sites/evo-subsites/democrats-cha.house.gov/files/IT%20Modernization%20Response%20%2810.9.20%29.pdf
333. See CAO's IT modernization report here: https://cha.house.gov/sites/evo-subsites/democrats-cha.house.gov/files/IT%20Modernization%20Response%20%2810.9.20%29.pdf
334. See CAO's IT modernization report here: https://cha.house.gov/sites/evo-subsites/democrats-cha.house.gov/files/IT%20Modernization%20Response%20%2810.9.20%29.pdf

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 22: Creating one point of contact for technology services for each member office.	This point of contact will either have a role similar to the CAO Customer Advocates or fall under their responsibilities as they serve as points of contact for member offices. The proposed HIR Customer Advocates would be responsible for all member office technological needs.	Open - In Progress	CAO has indicated that its Customer Advocates will fill this role; need training to be provided and there should be improved communications and outreach on resources available to staff for technical support before it can be fully considered "one point of contact."[335]	CAO
Recommendation 23: Creating a customer service portal to improve technology services in the House.	Improve the HIR customer service experience by (1) requiring the Committee on House Administration to develop a way for staff to review the services they receive from HIR; (2) requesting a formal annual survey to measure staff satisfaction with HIR in order to increase HIR accountability and to hold HIR to a high-quality baseline; (3) requesting a formal annual survey geared toward district-level staff and district-specific technology concerns; and, (4) requesting a survey of what technologies members and staff would like to use but that HIR has not or will not approve.	Open - In Progress	CAO has added features to make it easier for customers and support staff to communicate; need continued progress with gauging customer satisfaction.	CAO
Recommendation 24: Leveraging bulk purchasing of the House by removing technology costs out of member offices' budgets and moving into a centralized account.	The CAO could purchase technology equipment in bulk at a greatly reduced cost. Removing these basic office operating expenses out of the MRA saves taxpayer dollars by eliminating one-time purchases and reducing overall House spending on technology.	Open - Partially Implemented	CAO has undertaken bulk purchasing, beginning with incoming members; full implementation as envisioned would require the House to make a policy decision, and perhaps adopt a statutory change, to create an account separate from the MRA for office technology.	CAO, CHA

335. See "Staff Technology Point of Contact" section in H. Rept. 117-389 https://www.congress.gov/117/crpt/hrpt389/CRPT-117hrpt389.pdf

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 25: Prioritizing a "rapid response" program at the Congressional Research Service (CRS) for nonpartisan fact sheets on key issues.	The intent is to allow members to quickly and easily provide quality, nonpartisan and factual information to constituents. This may also aid in elevating and improving debate in the House.	Open - Partially Implemented	CRS has increased its publication of short-form products; need to assess staff satisfaction to determine if the new product lines meet the need.	CRS
Recommendation 26: Developing a constituent engagement and services best practices HUB for members.	This will serve as an organized portal for HIR, outside vendors, and member offices to showcase opportunities and how-to guides for the full range of methods for conducting constituent outreach, from digital communications to in-person events.	Open - In Progress	The Congressional Staff Academy and CAO Coach continue to expand their offerings in this area; need to assess feasibility of creating a portal for offices and outside vendors to provide materials in this area online.	CHA, CAO

Make the House Accessible to All Americans

The Committee's work to improve accessibility to the Capitol complex and legislative activities began in the 116th Congress and continued in the 117th Congress, with additional recommendations to improve the way individuals with disabilities interact with Congress. As described below, two of the Committee's recommendations related to virtual accessibility have been fully implemented, while a third related to identifying physical accessibility challenges throughout the Capitol complex has been partially implemented.

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 27: Improving access to congressional websites for individuals with disabilities.	Many congressional websites are not accessible to persons with disabilities, which limits access to all the information available on member websites, including job and internship applications.	Closed - Implemented	Pursuant to H.Res. 756, CAO reported on accessibility compliance figures and remediation steps taken across all House websites.	CAO
Recommendation 28: Requiring all broadcasts of House proceedings to provide closed caption service.	Persons with disabilities often must alert someone at least four days in advance of a hearing or markup in order to attend. The burden of accessibility should not be placed on the individual. Automatically providing closed caption hearing and captions for web videos should be the default.	Closed - Implemented	Nearly all committees provide some form of closed captioning for official proceedings, and the Clerk provides closed captioning for all floor proceedings.	CAO

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 29: Requiring a review of the Capitol complex to determine accessibility challenges for individuals with disabilities.	A comprehensive review is a first step toward determining areas that are not currently accessible in order to develop a plan for making accessibility modifications.	Open - Partially Implemented	The Architect of the Capitol has reported on present accessibility barriers, pursuant to the Congressional Accountability Act; need to include more forward-looking input from the Architect of the Capitol on accessibility barriers and the costs of removing them.	CAO, Architect of the Capitol

Encouraging Civility and Bipartisanship in Congress

In addition to the Committee leading by example through its bipartisan structure, operations, and hearing formats, the Committee also passed an initial set of four recommendations to encourage civility and productivity, two of which have been closed and two of which have seen initial progress toward full implementation.

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 30: Create a bipartisan members-only space in the Capitol to encourage more collaboration across party lines.	There are few private spaces where members can interact in a bipartisan way.	Open - In Progress	Implementing text included in H.Res. 1331; need to identify space in the Capitol with close proximity to the House Floor that can be optimized for the purpose of members gathering and collaborating in private and across party lines.	Architect of the Capitol, CHA
Recommendation 31: Institute biennial bipartisan retreats for members and their families at the start of each Congress.	House Rules will be amended to require the House to hold biennial retreats for all Members at the beginning of each new Congress. The retreats will be designed for members and their families to spend a few days offsite, at a location within driving distance from Washington, D.C.	Open - Partially Implemented	Funding for a retreat was included in the fiscal year 2022 appropriations cycle; need CAO and CHA to use appropriated funds to organize a bipartisan retreat.	Committee on Rules, Leadership

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 32: Update committee policies to increase bipartisan learning opportunities for staff.	Committee rules and policies should allow appropriate personal office staff to participate in committee organized congressional delegation (CODEL) trips, should that travel be directly relevant to their professional responsibilities.	Closed - Resolved	Members are allowed to do this under existing Handbook rules so long as a documented justification is provided.	Committees
Recommendation 33: Establish bipartisan committee staff briefings and agenda-setting retreats to encourage better policy making and collaboration among members.	Members have expressed concern that committee work has become too partisan.	Closed - Implemented	The Committee, along with the Select Committee on Economic Disparity and Fairness in Growth, have held bipartisan retreats, and the Committee has engaged other committees interested in doing so.	Committees

Streamlining Processes and Saving Taxpayer Dollars

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 significant staff resources to optimize. The Committee passed five recommendations with the goal of saving taxpayer dollars and reducing costs through greater efficiency, without sacrificing constituent services. Three of these recommendations have either been closed or have seen meaningful progress toward implementation, while another two will require additional attention going forward.

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 34: Update House procedures to allow members to electronically add or remove their name as a bill cosponsor.	Members who wish to remove their names from legislation that they were erroneously added to as cosponsors are currently required to go to the House floor and make a statement to have their names removed.	Open - Partially Implemented	Adding cosponsorship electronically was made permanent through establishment of the 'e-Hopper'; need to amend House Rules and build functionality into the e-Hopper to permit members to electronically remove their cosponsorship from legislation. If the member was added in error, should consider ensuring there is no '(withdrawn)' designation on Congress.gov.	Clerk, Committee on Rules
Recommendation 35: Require members to undergo emergency preparedness training to ensure our government is fully prepared in the event of a crisis.	Members are not required to undergo emergency preparedness training which presents serious safety and security concerns.	Open - Needs Attention	Need a change in House Rules to institute a new requirement.	Committee on Rules
Recommendation 36: Identify ways the House and Senate can streamline purchases and save taxpayer dollars.	A decentralized purchasing system leads to higher prices for many goods and services that both the House and the Senate use.	Open - Needs Attention	Need bicameral progress in addressing this issue.	CAO, Senate Sergeant at Arms
Recommendation 37: Encourage House-wide bulk purchasing of goods and services to cut back on waste and inefficiency.	Fragmented and duplicative contracts can cause inefficiencies and unnecessary costs for offices.	Open - In Progress	Report language provided in H.R. 8237; need to assess the potential to expand bulk technology and equipment purchases.	CAO
Recommendation 38: Update travel expenditure policies to improve efficiencies, and boost accountability and transparency.	Reducing staff outlays for travel expenditures may have benefits for more junior staff who may find it more difficult to float travel expenses from personal resources. The House Travel Card Program should also be modernized to accommodate more current forms of travel, such as rideshare services.	Closed - Resolved	Existing travel expenditure policies allow for more modern travel transactions as part of the House Travel Card Program.	CHA

Increasing the Quality of Constituent Communication

The Committee, along with the leadership of the House Franking Commission (now known as the House Communications Standards Commission), recognized the need for reforms to make constituent

communication more modern, efficient, and transparent. Five of the seven recommendations made during the 116th Congress have been fully implemented and have helped members better connect with their constituents.

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 39: Consolidate the regulations governing member office communications, including digital communications, into one easy to find place.	The U.S. Code, the Franking Manual, and the Members' Congressional Handbook will be updated as necessary to consolidate all member communications under the jurisdiction of the House Commission on Mailing Standards to improve the way Congress communicates with the American people.	Closed - Implemented	A revised, consolidated Communications Standards Manual was created in 2020.	CHA
Recommendation 40: Rename the House Commission on Mailing Standards, also known as the Franking Commission, the House Communications Standards Commission to reflect 21st Century communications.	Update U.S. Code, the Franking Manual, and the Members' Congressional Handbook as necessary to reflect the Franking Commission's new name.	Closed - Implemented	The Consolidated Appropriations Act, 2021 adopted the name change for the Communications Standards Commission, and the new branding has been incorporated into documents like the Communications Standards Manual.	CHA
Recommendation 41: Increase opportunities for constituents to communicate with their representatives.	Rules need to reflect changes allowing constituents to subscribe to all forms of communications with their members.	Closed - Implemented	The updated Communications Standards Manual allows constituents to subscribe to all forms of member communications provided that members notify individuals who subscribe of, among other things, the method of unsubscribing.	CHA
Recommendation 42: Increase accountability and tracking for all member-sponsored communications mail.	The Communications Standards Commission should work with the U.S. Postal Service to develop modern solutions to eliminate the need for self-reporting of district office mail.	Open - In Progress	A web portal is now available for district staff to use when self-reporting; need to continue to work with the U.S. Postal Service on ways to eliminate the need for district self-reporting.	CHA, Committee on Oversight and Reform

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 43: Allow for faster correspondence between representatives and their constituents.	Rules should reflect revised requirements for when members need an advisory opinion from the Communications Standards Commission.	Closed - Implemented	The Communications Standards Commission took several steps to improve dissemination of digital advertisements and disclosure of mass unsolicited emails.	CHA
Recommendation 44: Update House social media rules to allow for better communication online between members of Congress and their followers.	The Communications Standards Commission will work with the House Committee on Ethics to determine guidelines for allowing members to conduct a one-time transfer of followers from campaign to official social media accounts and develop clear procedures for how these accounts can be used.	Open - In Progress	The Communications Standards Commission indicates that it is reevaluating its social media policies; need coordination with the Committee on Ethics to update guidelines to allow a one-time transfer of social media followers.	CHA, Committee on Ethics
Recommendation 45: Allow the public to better access and view the types of communication sent by members of Congress to their constituents.	Update the Communications Standards Manual as necessary to require that advisory opinions are made available online in an easily accessible public database.	Closed - Implemented	The Communications Standards Commission now provides approved communications and mass emails online.	CHA

Continuity of Operations

The unprecedented circumstances of the COVID-19 pandemic provided an opportunity to act on a series of recommendations the Committee passed to better position House offices to operate more nimbly during normal and adverse conditions alike. The Committee saw progress on all 12 of these recommendations during the 117th Congress, including six that were fully implemented.

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 46: Each office should have a continuity of operations plan (COOP), including minimum safety requirements and an emergency communications plan, that is made available to all staff so offices continue functioning for the public.	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.	Open - Partially Implemented	The House Sergeant at Arms created a COOP Plan Development Guide for the 117th Congress; need to improve member office use of tools like this.	House Sergeant at Arms
Recommendation 47: 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.	Telework technology in district offices should include tools necessary for continued communication with constituents, including phones and scanners.	Open - In Progress	The CAO uses bulk purchasing of technology for incoming members; need to incorporate COOP plans and contingencies as part of expanding this.	CAO
Recommendation 48: Establish regular maintenance plans for office technology, so the equipment and technology needed during remote operations and telework is functional.	An Office of Technology Assessment (OTA), in consultation with the HR HUB and the Sergeant at Arms' Emergency Management Division where appropriate, should assist Members with the maintenance of their office technology systems.	Closed - Not Implemented	Existing support offices are not equipped for this day-to-day role, and with the Office of Technology Assessment not under consideration during the Committee's tenure, this recommendation was closed as not implemented.	CAO
Recommendation 49: Crisis communications guidelines for constituent communication, including outreach plans for extended telework periods, should be approved and shared with all member offices.	Offices should prepare plans for communicating with constituents during extended telework periods. Plans for communicating should include use of letterhead, phones, phone applications and social media.	Closed - Implemented	The Communications Standards Commission took several steps to improve dissemination of mass notices and expedite certain communications without the need for Commission approval.	CHA

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 50: 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.	In addition to providing digital forms and templates for district casework, the House should implement a comprehensive secure document management system for sharing sensitive information, such as payroll, constituent casework, and staff onboarding. Such a system will prevent personal information from being shared via email.	Open - In Progress	Progress has been made with accepting e-signatures for certain House documents; need a document management system that would work effectively with staff personnel records and the Correspondence Management System for constituent communications.	CAO
Recommendation 51: 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.	In order to save taxpayer dollars, the House should consider bulk purchases of software licenses. HIR and the Office of Technology Assessment 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.	Closed - Implemented	The House purchased and provided enterprise licenses to tools such as Microsoft Teams, WebEx, Zoom, and Office 365 during the COVID-19 pandemic.	CAO
Recommendation 52: Committees should establish telework policies on a bipartisan basis.	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.	Closed - Not Implemented	The Committee elected not to pursue advocacy for this recommendation with other committees as part of its outreach.	Committees
Recommendation 53: The House should make permanent the option to electronically submit committee reports.	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.	Closed - Implemented	A provision for electronic committee report submission was included in the rules package for the 117th Congress.	Clerk, Committee on Rules

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 54: Expand the use of digital signatures for a majority of House business, including constituent communications.	This technology should be expanded to allow digital signatures on a greater variety of documents, including (but not limited to) signatures on official letters to administrative officials, document requests, and constituent communications.	Open - Partially Implemented	The rules package for the 117th Congress incorporated greater use of digital signatures in response to the COVID-19 health emergency; need to continue and expand this permanently, where appropriate and feasible, as described in H.Res. 1331.	CAO, Clerk
Recommendation 55: Committees should develop bipartisan plans on how technology and innovative platforms can be best incorporated into daily work.	Committee technology plans could include the use of tablets for markups, in-person electronic voting systems, and upgrades that allow members to plug in their own devices at the dais.	Open - Partially Implemented	Some committees have made use of tablets and electronic voting; need continued and expanded progress across committees.	Committees
Recommendation 56: A bipartisan, bicameral task force should identify lessons learned during the COVID-19 pandemic and recommend continuity of Congress improvements.	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.	Closed - Resolved	The Committee combined implementation of this recommendation with that of recommendation 171 from the 117th Congress and closed this recommendation.	House, Senate Leadership
Recommendation 57: Continuity, telework and cybersecurity training should be given to all new members of Congress.	New Members need to be prepared to operate in an extended telework environment. As part of this preparation, they need the cybersecurity training previously recommended by the Select Committee, focused on risk awareness when teleworking.	Open - Partially Implemented	Optional training currently made available at New Member Orientation; need this to become part of the core curriculum for full implementation.	CHA

Improving the Congressional Schedule and Calendar

The Committee has prioritized adding elements of rationality, predictability, and visibility to the congressional calendar so that members and committees can work as efficiently as possible during their time in Washington, D.C. Initial funding for bipartisan retreats and the advent of committee work weeks helped advance implementation of the Committee's initial recommendations in this area, but as shown below, much additional work remains.

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 58: Establish a blocked schedule when committees may meet and extend formal protections for committee.	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.	Open - Needs Attention	Need congressional schedule that protects committee work, and committee buy-in and support for future block schedule system	Leadership, Committees
Recommendation 59: Create a common committee calendar portal to help with scheduling and reduce conflicts.	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.	Open - In Progress	The Clerk has fielded a request for information and has coordinated with CAO on feasibility; need to develop a workable, acceptable tool that provides improved visibility into committee schedules, as described in H.Res. 1331.	Clerk, CAO
Recommendation 60: Establish specific days – or weeks – where committee work takes priority.	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.	Open - Partially Implemented	The House dedicated entire weeks to committee work in the 116th and 117th Congress while under the COVID-19 health emergency; need to assess support for continuing committee work weeks.	Leadership
Recommendation 61: Ensure there are more days spent working than traveling.	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.	Open - Partially Implemented	Committee work weeks during the 116th and 117th Congresses temporarily satisfied this; need to assess member support for increasing or lengthening blocks of time spent in session to reduce travel time.	Leadership
Recommendation 62: The congressional calendar should accommodate a bipartisan member retreat.	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.	Open - Partially Implemented	Funding for the retreat was provided in the Fiscal Year 2022 appropriations cycle; need to work with Leadership on scheduling.	Leadership

Boost Congressional Capacity

Common-sense investments in recruiting and retaining talented staff can better position Congress to function and exercise its Article I prerogatives. A healthy institution is one that cultivates staff expertise. To this end, the Committee made 12 recommendations geared toward increasing congressional capacity, with four seeing full implementation by the end of the 117th Congress and another six seeing progress toward implementation.

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 63: Offer staff certifications, in additions to trainings, through the nonpartisan Congressional Staff Academy.	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.	Open - Partially Implemented	CAO indicates that staff certifications will be part of its roadmap as it continues to build out the Congressional Staff Academy; need to assess options for establishing course tracks by staff position.	CAO
Recommendation 64: Provide institution-wide, standard onboarding training for new employees, including required training.	Standardized training provides staff with skill sets that are transferable across offices, which helps improve staff retention.	Closed - Implemented	The Congressional Staff Academy began offering all-day, comprehensive onboarding training to all new staff in February 2022.	CAO
Recommendation 65: Remove constituent communications costs from member office budgets and create a shared account for communications.	Funding could be provided through the Chief Administrative Officer with each office having a specific allotment available to them. Offices are not required to use these funds and could still use the MRA for all mass communication costs.	Open - Needs Attention	Need a policy change, and perhaps a statutory solution, to create a separate account for constituent communications costs	CHA, Committee on Appropriations
Recommendation 66: Revaluate the funding formula and increase the funds allocated to each member office.	The MRA currently is calculated through several factors that require updating. For instance, travel costs are calculated based on distance from D.C. rather than actual cost to travel.	Open - In Progress	Funding for the MRA was increased per the Legislative Branch Appropriations Bill, 2022; CHA would need to update the underlying formula.	Leadership, CHA
Recommendation 67: 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.	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.	Closed - Implemented	The House's HR Hub includes job profiles with salary ranges for staff to consult.	CAO

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 68: Expand access to health insurance for congressional staff.	This recommendation would bring D.C. based staff into alignment with committee staff and the executive branch when it comes to health provider choices.	Open - Needs Attention	Need a statutory revision to the Affordable Care Act.	Leadership
Recommendation 69: Provide more financial stability for congressional staff enrolled in the federal student loan program.	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.	Closed - Implemented	The Consolidated Appropriations Act of 2021 extended this provision through 2025.	Leadership
Recommendation 70: Staff pay should be delinked from member pay and a new cap specific to staff should be established.	Members should delink their own salaries from those of their staff, so they can reward and retain their most senior employees.	Closed - Implemented	The Speaker announced a policy in August 2021 that delinked staff and member pay and established a new annual cap.	Leadership
Recommendation 71: Allow Congressional Member Organizations to access benefits and hire one intern to help support their work.	This recommendation ensures that staff who work for (Eligible Congressional Member Organizations (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.	Open - Partially Implemented	Interns participating in the House Paid Internship Program are now eligible to be placed in ECMOs; need to assess the potential and whether support exists for ECMOs to directly hire and offer additional benefits to interns.	CHA
Recommendation 72: Publish a list of active Congressional Member Organizations annually to ensure transparency in the policy making and caucus creation process.	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.	Open - In Progress	CHA has a list of congressional member organizations; need CHA to update its current reporting in this area to include a separate list of ECMOs.	CHA
Recommendation 93: Identify areas in the U.S. Capitol Complex that could benefit from architectural modernization.	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.	Open - In Progress	The Architect of the Capitol laid out future principles in its Vision 2100 plan; need to assess progress made identifying specific projects.	Architect of the Capitol

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 94: Develop a practice of negotiating House district office leases to lower costs, improve consistency of rental rates and save taxpayer dollars.	Allowing the General Services Administration (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.	Open - In Progress	Committee staff have held discussions with GSA; need CHA to develop a system, if feasible, for managing this process separately from individual offices using their MRAs	GSA, CHA

Reclaim Article I Responsibilities

During the 116th Congress, the Committee also sought to identify ways Congress could strengthen its Article I capacities through innovations to committee operations, improvements to its deliberative functions, and refinements to its legal and institutional standing. While three of the 13 recommendations below were fully implemented as of this writing, many will require ongoing advocacy with committees and leadership to encourage wider adoption.

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 73: Incentivize committees to experiment with alternative hearing formats to encourage more bipartisan participation.	Chairs and Ranking Members could encourage use of these alternative formats by agreeing to incorporate them into committee rules.	Open - In Progress	Piloted by the Committee but would need broader adoption by committees for full implementation.	Committees
Recommendation 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.	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.	Open - In Progress	Piloted by the Committee but would need broader adoption by committees for full implementation	Committees

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 75: Committees should hold bipartisan pre-hearing committee meetings.	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.	Open - In Progress	Piloted by the Committee but would need broader adoption by committees for full implementation	Committees
Recommendation 76: Encourage subcommittees to pilot rules changes that could have a positive effect committee-wide.	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.	Open - In Progress	Committee staff have held discussions with staff leadership of other committees; need committees to continue to find opportunities for subcommittee innovation.	Committees
Recommendation 77: Bipartisan Member retreats should encourage committee agenda-setting and civil decorum.	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.	Open - In Progress	Piloted by the Committee but would need broader adoption by committees for full implementation	Committees
Recommendation 78: Establish committee-based domestic policy CODELs.	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.	Open - Needs Attention	Piloted by the Committee but would need broader adoption by committees for full implementation	Committees
Recommendation 79: To encourage thoughtful debate and deliberation, establish a pilot for weekly Oxford-style debates on the House floor.	The debates should begin on topics that cut across party lines to demonstrate bipartisan consensus on certain issues.	Open - Needs Attention	Need to coordinate with Leadership on a special order to pilot this	Leadership
Recommendation 80: Provide members and staff with training for debate and deliberation skills.	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.	Open - Partially Implemented	CHA issued regulations allowing for reimbursement of staff training and certification expenses; need to see additional evidence of training offerings in the area of debate and deliberation.	CAO, CHA

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 81: Identify how increased regulatory and legal resources could help strengthen the role of the legislative branch.	Such resources 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.	Closed - Implemented	GAO accepted a request to investigate considerations related to this topic in December 2021.	GAO
Recommendation 82: Facilitate a true system of checks and balances by ensuring the legislative branch is sufficiently represented in the courts.	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.	Open - Partially Implemented	Implementing provisions have passed the House as part of the Congressional Subpoena Compliance and Enforcement Act of 2017 and the Protect Our Democracy Act; need bicameral support.	House Committee on the Judiciary
Recommendation 83: Establish a district exchange program to allow members to use the Members' Representational Allowance for traveling to other members' districts.	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.	Closed - Resolved	Existing Members' Congressional Handbook rules allow for this with documented justification.	CHA
Recommendation 84: Increase capacity for policy staff, especially for Committees, policy support organizations and a restored Office of Technology Assessment.	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.	Open - Partially Implemented	Legislative branch bills in 2022 and 2023 invest in capacity of policy staff especially for committees and support offices; need to examine the potential for GAO to assume responsibilities of an Office of Technology Assessment.	Leadership, GAO

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 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 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.	Closed - Implemented	Beginning with the Fiscal Year 2022 appropriations cycle, the Committee on Appropriations reintroduced earmarks through the CFGP, which included strict transparency requirements per the Committee's recommendation.	House Committee on Appropriations

Reform the Budget and Appropriations Process

The Committee's recommendations in this area 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. These recommendations will all require statutory changes to existing budget law to achieve full implementation.

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 86: Require an annual Fiscal State of the Nation.	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.	Open - Partially Implemented	H. Con. Res. 44 (passed during the 117th Congress) provides for this; need bicameral support.	House Committee on the Budget
Recommendation 87: Require a biennial budget resolution.	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.	Open - Needs Attention	Need statutory revisions to the Congressional Budget Act.	House Committee on the Budget

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 88: Implement a 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. 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.	Open - Needs Attention	Need statutory revisions to the Congressional Budget Act.	House Committee on the Budget
Recommendation 89: Enhance the budget submission process from the executive branch.	To create additional time for developing the Congressional Budget Office 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.	Open - Needs Attention	Need statutory revisions to the Congressional Budget Act.	House Committee on the Budget
Recommendation 90: Evaluate the effects of the biennial budget process to expediting congressional work.	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.	Open - Needs Attention	Need a biennial budget requirement through statutory revisions to the Congressional Budget Act.	House Committee on the Budget
Recommendation 91: Strengthen budget enforcement through the reconciliation process.	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.	Open - Needs Attention	Need a statutory revision to the Congressional Budget Act.	House Committee on the Budget

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 92: Allow more information to be included in the budget resolution.	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.	Open - Needs Attention	Need to assess practicality of adding data on tax expenditure levels to the budget resolution with the House Committee on the Budget.	House Committee on the Budget
Recommendation 93: Identify areas in the U.S. Capitol Complex that could benefit from architectural modernization.	See above section entitled "Boost Congressional Capacity" for more information on this recommendation.			
Recommendation 94: Develop a practice of negotiating House district office leases to lower costs, improve consistency of rental rates and save taxpayer dollars.	See above section entitled "Boost Congressional Capacity" for more information on this recommendation.			

Improve Technology and Continuity in Congress

The Committee oversaw implementation of two additional recommendations that provide institutional continuity in how technology is managed across member, committee, and support offices. A third recommendation, which has been partially implemented, sought to systematically identify lessons learned from technological modifications made necessary by the COVID-19 pandemic.

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 95: 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.	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.	Closed - Implemented	CAO has stood up a House Digital Service to fill this function.	CAO

Short Title	Context for Recommendation	Status	Implementation Background	Partner(s) Responsible
Recommendation 96: Make permanent the Bulk Data Task Force and rename it the Congressional Data Task Force.	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.	Closed - Implemented	In June 2022, CHA directed the Clerk to make the name change in light of its increased scope, and regular meetings have continued.	Clerk
Recommendation 97: Identify changes made to House operations due to the COVID 19 pandemic and determine what – if any – additional changes should be made.	An evaluation should determine whether the Clerk's staffing levels, expenses, and systems used during the pandemic are still appropriate in a post-emergency environment. The evaluation should also examine 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.	Open - Partially Implemented	The Clerk has begun regular reporting on these topics; need the House to incorporate this and an expected Inspector General study when considering changes.	Clerk, CHA

Appendix II – Implementation Status of Recommendations from the 117th Congress

The following recommendations were made by the Committee in the 117th Congress. The implementation status detailed here follows the definitions and decision-making process laid out in Chapter 3 and Appendix I. For details about the ideas and problems behind the need for each recommendation, see the relevant chapters as noted below. As of the writing of this report, 11 recommendations made during the 117th Congress have been fully implemented, and 41 recommendations have been partially implemented or seen meaningful progress toward implementation.[336]

336. All recommendation statuses are as of November 18, 2022.

Chapter 4 – Recruiting, Empowering and Retaining an Experienced, Skilled, and Diverse Congressional Staff

IMPROVE STAFF RECRUITMENT, DIVERSITY, RETENTION, AND COMPENSATION AND BENEFITS

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 98: Personalized Job Training & Management Skills: Supervisors should receive formal management training that includes management skills, cultural competency, and how to support an inclusive work environment.	Closed - Implemented	CAO Coaches began providing new classroom and virtual training courses in management and leadership, among other topics.	CAO
Recommendation 99: Update and Align Staff Benefits to Increase Retention: The House should establish and maintain a "Task Force on the House Workforce," led by the Chief Administrative Officer and comprised of other House offices to make ongoing policy recommendations on updating staff benefits.	Closed - Implemented	The Task Force on the House Workforce (also named the Task Force on a Diverse and Talented House Workforce in the report accompanying the Consolidated Appropriations Act, 2022) was established and began holding meetings in October 2021.[337]	CAO
Recommendation 100: Real Time Payroll Information: The House should create a searchable database of anonymized average staff compensation information, by position, using available information on staff salaries and payroll data.	Open - In Progress	H.Rept, 117-80 directed CAO to conduct a study of pay comparability and disparities; need the Office of Payroll and Benefits to establish a database with ongoing availability and real time information so staff can understand pay levels across the House.	CAO, ODI, Task Force on the House Workforce
Recommendation 101: Mentorship Match Program: The House should initiate and facilitate a formal mentorship program for matching more experienced staff with less experienced staff.	Open - In Progress	Implementing language included in the Moving Our Democracy and Congressional Operations Towards Modernization Resolution of 2022 need an institutional office (ODI or CAO), with the guidance of CHA, to establish a voluntary mentorship match program using established best practices.[338]	ODI, CAO, CHA, Task Force on the House Workforce
Recommendation 102: Professional Certifications: The House should allow Member, committee, and leadership offices to pay for certain professional development opportunities for staff that include a certification.	Closed - Implemented	CHA updated the Members' Congressional Handbook to allow for office reimbursement of job-related professional development programs that provide a certification.	CHA

337. H.Rept. 117-80.
338. H.Res. 1331.

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 103: Onboarding Information: The Chief Administrative Officer should provide offices with an expanded standard onboarding packet that includes comprehensive information on available resources and benefits for staff.	Open - Partially Implemented	Additional relevant materials are now available through the HR Hub; need to incorporate them into a standardized onboarding packet during orientation, as called for in H.Res. 1331.	CAO
Recommendation 104: Assistance for Contract Employees: Where feasible, the House should work with contractors to ensure they provide their Capitol campus employees assistance services comparable to those offered by the House through the Office of Employee Assistance.	Open - Partially Implemented	CAO and CHA have reviewed and validated that these services are in place for larger contractors working in the Capitol complex; need to examine potential to ensure employers of AOC contractors offer similar services where feasible.	CAO, CHA, AOC
Recommendation 105: Supporting the Office of Employee Assistance: The Office of Employee Assistance should seek to retain a diverse workforce, offer access to bilingual services, and retain staff capable of providing various forms of trauma services.	Open - Partially Implemented	Report language encouraging this was included in the Consolidated Appropriations Act, 2022; need additional information from the Office of Employee Assistance demonstrating staff and services that address a broad range of needs.	Office of Employee Assistance
Recommendation 106: Tuition Assistance: The House should expand the Student Loan Repayment Program (SLRP) to include tuition assistance.	Open - In Progress	Language that would advance this was included in the Legislative Branch Appropriations Act, 2023as introduced); need to amend the House SLRP and promulgate regulations to include reimbursements for tuition and certification payments for House staff.[339]	CAO, Committee on Appropriations, CHA
Recommendation 107: Talent Acquisition Software: The Chief Administrative Officer should provide access to industry-leading talent acquisition software to assist House offices in managing their recruitment and hiring processes.	Closed - Implemented	CAO is making new software available for offices for the 118th Congress and began enrolling participants at New Member Orientation.	CAO

339. H.R. 8237.

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 108: Collecting Demographic Data: The Chief Administrative Officer should work with the Office of Diversity and Inclusion to improve the collection of anonymized demographic data through an optional form provided to staff at onboarding.	Closed - Implemented	CAO has finalized plans to implement by the start of the 118th Congress an updated protocol for an optional demographic survey and onboarding questions that present an opportunity to voluntarily provide information regarding race, ethnicity, gender identity, sexual orientation, level of education, caregiving responsibilities, military experience, disability status, religion, and duty location.	CAO

PROFESSIONALIZE INTERNSHIPS AND FELLOWSHIPS

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 109: Assessing Intern Cost of Living: The Chief Administrative Officer should provide information to congressional offices on the cost of living for interns to help inform intern stipend levels.	Open - In Progress	Language that would advance this recommendation was included in H.R. 8237, specifically studying the feasibility and costs of providing an intern housing program, as well as providing information on existing intern housing resources.	CAO, ODI, Task Force on the House Workforce
Recommendation 110: Intern & Fellowship Program Office or Coordinator: The House should establish an Intern and Fellowship Program Office or Coordinator that helps with onboarding, developing educational curriculum, professional development, and training for office coordinators.	Open - In Progress	H.R. 8237 establishes a House Intern Resource Office that, if enacted, would implement this recommendation.	CAO, ODI, Task Force on the House Workforce
Recommendation 111: Fellows' and Detailees' Use of Equipment: Congress should clarify rules to allow fellows and detailees to receive the same resources as professional staff.	Open - In Progress	Implementing language included in H.Res. 1331; need to review existing rules and, if appropriate, amend the Members' Congressional Handbook to clarify that access by fellows and detailees to House resources is permissible under defined guidelines, including when tied to a bona fide agreement to provide formality and additional details, as well as other precautions to ensure that House security protocols are being followed.	CHA
Recommendation 112: Remote Internships: The House should study the feasibility of permanently allowing remote internships.	Open - In Progress	Implementing language included in H.Res. 1331; need ODI to carry out a study that, at minimum, assesses the feasibility of doing this while meeting educational requirements of internships, providing for oversight of participants, and tracking House equipment.	ODI, Task Force on the House Workforce
Recommendation 113: Committee Internship Stipends: Committees should be provided a program allowance, separate from their budget, for compensation of interns.	Closed - Implemented	The Consolidated Appropriations Act, 2022 provided for separate funding for paid committee interns.	Committee on Appropriations
Recommendations 114-117	See below section entitled, "Improving Accessibility" (Chapter 8) for more information on these recommendations.		

Chapter 5 – Building a More Civil and Collaborative Congress

ENCOURAGING CIVILITY AND BIPARTISANSHIP IN CONGRESS

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 118: Promoting collaboration and leadership at member orientation: New Member Orientation should strive to promote civility, collaboration, and leadership skills and be held separately from party leadership events.	Open - Needs Attention	Need to ensure that there is some programming during New Member Orientation, deconflicted with scheduled party leadership events, for introducing a bipartisan audience of New Members to concepts around civility and collaboration through leadership training, perspectives on social media, and other topics.	CHA
Recommendation 119: Promoting collaboration and civility through voluntary training opportunities: The proposed Congressional Leadership Academy and Congressional Staff Academy should offer voluntary training to members and staff to promote civility, collaboration, and leadership skills.	Open - Partially Implemented	The Exemplary Member podcast has had podcasts on organizational culture in an office. Language that would fully implement this is included in H.Rept. 117-389; need the training to explore topics that include but are not limited to (1) best practices for facilitating forums that bring constituents with opposing views together to promote dialogue and understanding, (2) fostering bipartisan collaboration as a chair and/or ranking member, (3) perspectives on social media distortions (4) leadership development including legislative effectiveness, and (5) conflict resolution.	CAO
Recommendation 120: Acknowledging member involvement in legislation: Congress.gov should provide a clearer accounting of member contributions to legislation.	Open - In Progress	Language that would advance this is included in H.Rept. 117-389; need the Library of Congress to report on the resources necessary to add the required features to Congress.gov.	Library of Congress
Recommendation 121: Optional committee feedback tool: The House should develop and provide tools for committee leadership to receive member feedback on committee operations.	Open - In Progress	H.Rept. 117-389 identifies this as a project that would receive funds through the Modernization Initiatives Account, if enacted.	CAO
Recommendation 122: Bipartisan committee events: Committees should have flexibility to host occasional events to foster collaboration and further develop working relationships among committee members.	Closed - Implemented	CHA updated the Committees' Congressional Handbook to expand the types of official committee proceedings that can have expenses reimbursed.	CHA

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 123: Learning from state best practices: The House should survey and examine best practices from state legislatures.	Open - Needs Attention	Need a formal process, such as a hearing with the Committee on Rules or House Administration, to invite states to testify and share lessons learned on how their legislatures operate.	Committee on Rules, CHA
Recommendation 124: Bipartisan group events: The Library of Congress is encouraged to expand its regular, bipartisan events to include events specifically focused on promoting relationship building and collaboration among members.	Closed - Implemented	The Library of Congress set up a new series entitled "Congressional Crossroads" that was to debut in November 2022 and was to feature discussion themes and speakers centered on civility and collaboration before bipartisan member audiences.	Library of Congress
Recommendation 125: Ongoing institutional support to facilitate civility and collaboration: An institutional office of the House should provide best practices and facilitate workshops that encourage bipartisan collaboration.	Open - Needs Attention	When investigating the potential for setting up such an office, need to identify an appropriate office to lead in this area and ensure that this is a nonpartisan responsibility.	Leadership
Recommendation 126: Technology tools to enable collaboration: The House should offer technology tools to facilitate member collaboration on legislation and issues of mutual interest.	Open - In Progress	H.Rept. 117-389 identifies this as a project that would receive funds through the Modernization Initiatives Account, if enacted.	CAO
Recommendation 127: Information on outside organizations and resources: The House should provide information on organizations and resources members can access for services to help manage conflict and foster common ground.	Open - Needs Attention	Rather than building an in-house capability, need to seek input as appropriate with established outside entities who may already be providing a variety of these services to interested members and provide a menu of options for members and staff, consistent with House rules and with guardrails for the information provided to ensure there is no undue influence by outside organizations.	CAO
Recommendation 128: Bipartisan committee websites: Committees should have a bipartisan, public-facing website with basic, nonpartisan information about the committee and its operations.	Open - Needs Attention	Need nonpartisan, largely administrative websites for committees that house committee documents and resources and don't change content as the majority changes between party hands, in addition to any partisan websites the majority and/or minority of a committee wish to maintain.	Committees

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 129: Voluntary resources to help committees develop civility norms: The House should provide resources and guidance to committees seeking to create tailored civility norms.	Open - Needs Attention	Need to develop information and resources for committees, and make them available through a committee retreat, the proposed bipartisan retreat, or other means, that would facilitate the establishment of civility norms by the members of each committee for the members of each committee.	CAO, Committees
Recommendation 130: Co-working spaces for staff: The House should explore bipartisan co-working spaces for staff.	Open - In Progress	Implementing language included in H.Rept. 117-389; need the Architect of the Capitol to report on potential bipartisan collaboration spaces within House office buildings.	Architect of the Capitol
Recommendation 131: Task force on the legislative process: A bicameral, bipartisan group of members should convene to discuss rules changes to require reciprocated consideration for widely supported, bipartisan legislation.	Open - Needs Attention	Need to convene a bicameral group that would discuss changes required to expedite consideration of all legislation that has passed in the originating chamber by unanimous consent, or with at least 2⁄3 of its members voting in the affirmative.	House, Senate Leadership
Recommendation 198: Opportunities to learn from other legislatures: The Committee on House Administration and the Committee on Rules should conduct semi-regular, bipartisan international CODELs to learn about other legislatures and to facilitate better collaboration and understanding among committee members.	Open - Needs Attention	Need CHA and the Committee on Rules to leverage opportunities to apply lessons learned in the areas of scheduling, outdated technology, and other capacity issues.	CHA, Committee on Rules
Recommendation 199: Bipartisan new member update seminar: The Committee on House Administration should conduct an update session for new members well into the start of their first term.	Open - Needs Attention	Need to build on New Member Orientation to provide follow-up opportunity for new members to ask questions and provide input after having served in Congress for several months.	CHA

SUPPORT CONGRESSIONAL OPERATIONS

Short Title	Status	What Implementation Looks Like	Partner(s) Responsible
Recommendation 195: The House should permit legislation to have two members of Congress serve as first sponsors, provided that Members are affiliated with different political parties.	Open - Needs Attention	Need to make use of special order time at the end of a session day to pilot this idea, rather than a House rule change, in keeping with the special rule adopted during the 104th Congress.	Leadership

Chapter 6 – Strengthening Lawmaking and Oversight Capacity

SUPPORT CONGRESSIONAL OPERATIONS

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 132: Make available nonpartisan summaries: The House should prioritize ensuring that bills to receive a floor vote have nonpartisan summaries available.	Open - In Progress	Implementing language included in H.R. 8237; need CRS to identify the resources necessary to carry this out.	CRS
Recommendation 133: Bolster legislative support agency access to federal data and experts: Support agencies should report on challenges and potential solutions for accessing federal data.	Open - In Progress	Implementing language included in H.R. 8237; need support agencies to identify and report to committees of jurisdiction the relevant statutory changes or memoranda that may be necessary.	CBO, CRS, GAO
Recommendation 134: Enhancing the customer experience at CRS: CRS should ensure that its products and services are designed to adapt and meet the needs of an evolving Congress.	Open - In Progress	CRS has increased its production of short-form products, which are designed to be more concise and to provide primers to staff; need CRS to assess customer satisfaction and take other steps to demonstrate ongoing progress in meeting member and staff needs.	CRS
Recommendation 135: Enhancing the customer experience at GAO: GAO should boost initiatives to meet Congress's information needs and assess member and staff awareness of and satisfaction with its products and services.	Open - In Progress	Implementing language included in H.Rept. 117-389; need GAO to routinely assess client satisfaction and take additional steps to actively inform members of Congress about how best to utilize its services, products, and experts.	GAO
Recommendation 136: GAO annual report on unimplemented recommendations: GAO should report annually on the estimated cost savings of its unimplemented recommendations.	Open - Partially Implemented	Implementing language included in H.R. 7331, which passed the House in July 2022; need GAO to include information on known costs of unimplemented priority recommendations as part of its letters to agency heads and committees of jurisdiction.	GAO
Recommendation 137: GAO report to congressional committees on legislative options: GAO should annually report to Congress on legislative options to address open priority recommendations.	Open - Partially Implemented	Implementing language included in H.R. 7331, which passed the House in July 2022; need GAO to identify and report on additional oversight actions Congress can take to help implement priority recommendations as part of its letters to agency heads and committees of jurisdiction.	GAO

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 138: Enhance CBO outreach to Congress: CBO should expand its congressional outreach to provide additional information and assistance to members of Congress and staff.	Open - Partially Implemented	CBO presented on its services to the Committee and the Modernization Staff Association in 2022; need CBO to demonstrate plans to expand on this outreach across the House.	CBO
Recommendation 139: Legislative and support agency staff directory: Congress and congressional support agencies should establish a shared staff directory to enhance the exchange of information and improve collaboration.	Open - In Progress	H.Rept. 117-389 identified this as one of the projects that would receive funds through the Modernization Initiatives Account; need agencies to identify the proper experts and contact information to share once a standardized system for organizing issue areas and topics is developed for use across agencies.	CBO, CRS, GAO, CAO, Clerk
Recommendation 140: Modernize the congressional support agencies: The committees of jurisdiction should examine support agency authorities and determine if they need to be updated.	Open - In Progress	Implementing language included in H.Res. 1331; need committees of jurisdiction to regularly examine whether existing authorities are sufficient to ensure that support agencies can better serve an evolving Congress.	Committees on the Budget, House Administration, and Oversight and Reform
Recommendation 141: Authorize STAA and make it a permanent part of GAO: The Science, Technology Assessment, and Analytics program at GAO should be authorized and made permanent by Congress.	Open - Needs Attention	Need the committees of jurisdiction to examine how best to strengthen the support that GAO's STAA mission team provides Congress and consider authorizing legislation.	Committee on Oversight and Reform, Senate Committee on Homeland Security and Governmental Affairs
Recommendation 196: Requiring data to be entered into committee scheduling tool: House Rules or policies should require entering of committee meeting times into the shared committee scheduling tool.	Open - In Progress	Docs.house.gov currently acts as a shared committee calendar, and House Digital Service is working on a new tool to allow for better schedule deconfliction; need committees to consistently and proactively populate such tools with data on their meeting times.	Committees, CAO
Recommendation 197: Report on members voting late: The House should publish a regular report noting the cumulative time members voted after the allotted time.	Open - Needs Attention	Need regular reporting using information derived from the electronic voting system, noting the total amount of time individual members voted outside of the time allotted.	Clerk
Recommendation 198: Opportunities to learn from other legislatures: The Committee on House Administration and the Committee on Rules should conduct semi-regular, bipartisan international CODELs to learn about other legislatures and to facilitate better collaboration and understanding among committee members.	See above section entitled "Encouraging Civility and Bipartisanship in Congress" (Chapter 5) for more information on this recommendation.		

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 199: Bipartisan new member update seminar: The Committee on House Administration should conduct an update session for new members well into the start of their first term.	See above section entitled "Encouraging Civility and Bipartisanship in Congress" (Chapter 5) for more information on this recommendation.		

EVIDENCE-BASED POLICYMAKING

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 142: Congressional Commission on Evidence-Based Policymaking: Congress should establish a bipartisan, bicameral Commission on Evidence-Based Policymaking to encourage and facilitate better use of data in the legislative process.	Open - In Progress	Implementing language included in H.Con.Res. 116; need to impanel a commission of experts and associated staff to identify ways to better incorporate evidence-based approaches into congressional policymaking, policy analysis, and oversight.	CHA

STRENGTHENING CONGRESSIONAL OVERSIGHT CAPACITY

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 143: Optional bipartisan oversight training: The House should offer and support optional programs for members and staff to learn best-practices for conducting bipartisan, fact-based oversight	Open - In Progress	GAO's STAA mission team currently provides a recurring training series with the Congressional Staff Academy; need this to include session(s) on conducting bipartisan oversight.	GAO
Recommendation 144: Improved access to document review software: The CAO should assist committees in obtaining and utilizing effective, industry standard "e-discovery" software to improve document review and processing capabilities.	Open - Needs Attention	Need to use CAO's procurement process to compare software systems that enable easier synthesis and review of large volumes of documents collected during congressional investigations.	CAO
Recommendations 145-156	See below section entitled, "Modernizing District Office Operations" (Chapter 9) for more information on these recommendations.		
Recommendations 157-166	See below section entitled, "Modernizing House Office Buildings" (Chapter 8) for more information on these recommendations.		

MODERNIZING THE LEGISLATIVE PROCESS

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 167: Modernize bill referral and tracking: The House should establish a system for bill referral to committees that automates and tracks the bill's progress through the legislative process.	Open - Needs Attention	Need to establish a system that the GPO, Clerk, and committees can all refer to and use to track bills from introduction through the committee process.	Clerk, CAO
Recommendation 168: Retaining expert staff: The House should exempt student loan repayments from maximum compensation.	Closed - Implemented	CHA issued updated regulations for the House Student Loan Repayment Program in June 2022 that eliminated the limitation that prevented staff from receiving benefits if those benefits, combined with one's salary, would exceed the maximum allowable salary under the Speaker's Pay Order.	CHA
Recommendation 169: Automate the process of obtaining cosponsors: The House should develop a technology solution to allow greater automation of the process for collecting and registering cosponsors.	Open - In Progress	The e-Hopper has made it easier to electronically register co-sponsors; need to expand on this to make it easier to solicit co-sponsors. Through Quill, the House has an efficient system for managing and tracking letters with digital signatures. A similar process, potentially an additional function within Quill, should be available for cosponsoring legislation.	Clerk
Recommendation 170: Collaborative legislative drafting: The House should leverage existing enterprise-wide applications and develop other tools and solutions to better facilitate legislative drafting between member, committee and leadership offices and the House Office of Legislative Counsel (HOLC).	Open - In Progress	H.Rept. 117-389 identifies this as a project that would receive funds through the Modernization Initiatives Account, if enacted. Need to grant access to approved staff to request tracked edits when interacting with HOLC while preserving HOLC's sole ownership and custody over legislative documents.	HOLC, CAO
Recommendation 171: Joint Committee on Continuity: Congress should establish a joint committee to review House and Senate rules and other matters assuring continuing representation and congressional operations for the American people.	See below section entitled, "The Future of Modernization" (Chapter 10) for more information on this recommendation.		
Recommendations 172-180	See below section entitled, "Improve Constituent Service and Engagement" (Chapter 7) for more information on these recommendations.		
Recommendations 181-192	See below section entitled, "Bolster House Technology" (Chapter 7) for more information on these recommendations.		

SUPPORT CONGRESSIONAL OPERATIONS

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 193: The House should provide resources to support HOLC's continuing efforts to expand education and proactive outreach to members and staff.	Open - Needs Attention	Need the House to provide HOLC with resources to add an official within HOLC who would be focused on proactive outreach to member and committee offices, serve as the office's "eyes and ears" to answer questions and identify possible concerns, and to focus on ways to continually improve the office's educational and informational materials and offerings to ensure staff, in particular new staff, are fully informed on the HOLC's role and processes.	HOLC, CHA
Recommendation 194: At the beginning of a new Congress, House business support offices and agencies should hold an "Open-House" to provide members and staff the opportunity to personally meet with institutional offices and staff and learn about the services they offer.	Open - Needs Attention	Need to expand and coordinate existing open houses and information sessions held within individual support offices.	Support offices and agencies
Recommendation 195: The House should permit legislation to have two members of Congress serve as first sponsors, provided that Members are affiliated with different political parties.	See above section entitled, "Support Congressional Operations" (Chapter 5) for more information on this recommendation.		
Recommendation 196: Requiring data to be entered into committee scheduling tool: House Rules or policies should require entering of committee meeting times into the shared committee scheduling tool.	See above section entitled, "Support Congressional Operations" (Chapter 6) for more information on this recommendation.		
Recommendation 197: Report on members voting late: The House should publish a regular report noting the cumulative time members voted after the allotted time.	See above section entitled, "Support Congressional Operations" (Chapter 6) for more information on this recommendation.		

Chapter 7 – Building a Modern Congress

IMPROVE CONSTITUENT SERVICE AND ENGAGEMENT

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 172: The House should develop an optional system to allow offices to share anonymized constituent casework data and aggregate that information to identify trends and systemic issues to better serve constituents.	Open - Needs Attention	Need to have a system of standardized casework categories and tracking standards to which offices can opt in and provide data.	CAO
Recommendation 173: The House should provide offices with information related to outside organizations and resources available to assist members and committees that wish to enhance outreach efforts or utilize new tools for constituent communication and engagement.	Open - In Progress	Committee staff have discussed this with CHA; need to ensure that any lists of outside organizations or tools made available to House offices be in accordance with Committee on Ethics guidelines and be approved by CHA.	CHA
Recommendation 174: The House should study and present options for developing a public-facing interactive platform for constituents to offer their opinions and feedback on pending legislation.	Open - Needs Attention	Need development of a new public-facing constituent engagement interactive platform that would provide constituents additional methods, beyond email and webforms, of providing feedback.	CAO, Library of Congress
Recommendation 175: The House Digital Service should evaluate and onboard industry leading correspondence technology tools and platforms to enable offices to improve the quality and substance of constituent correspondence.	Open - Needs Attention	Need to enable real-time tracking of constituent correspondence and satisfaction, as well as the automation of aspects of correspondence that are repetitive for staff, through adoption of intelligent tools and use of Artificial Intelligence where appropriate.	CAO
Recommendation 176: The House should study and present options for developing a platform for committees that want to solicit public comment and evidence on topics that might be coming before the committee.	Open - Needs Attention	Need to study the feasibility and level of committee buy-in for developing a central website or committee website plug-in to solicit public comments based on the topic or business before the committee.	CAO, Committees
Recommendation 177: The House should develop an efficient and secure tool for coordinating constituent tour requests.	Open - Needs Attention	Need to assess suitability of industry standard technology or develop new digital solutions that would allow staffers to easily track and manage constituent requests for tours of the Capitol.	CAO

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 178: The House should develop a more efficient process for tracking and managing constituent flag requests.	Open - In Progress	The Modernization Staff Association, working with Code for America, created a prototype to help with this; need to standardize a portal that allows staff and constituents to see where a flag is in the process, like an online "pizza tracker."	CAO
Recommendation 179: The House should develop and provide offices with optional tools for surveying and tracking their constituent's 'customer service' experience.	Open - Needs Attention	Need to offer a Customer Experience (CX) package that offices can opt into and utilize to solicit feedback from constituents at the end of an interaction.	CAO
Recommendation 180: Future upgrades to the Capitol Visitor Center should allow for a more personalized and interactive tour that allows constituents to better understand who their representatives are and how their opinions are reflected in House votes.	Open - Needs Attention	Need to examine how to make it easier for visitors to the Capitol Visitor Center to use interactive displays to learn more about their districts and representatives while addressing any privacy or security concerns.	Architect of the Capitol

BOLSTER HOUSE TECHNOLOGY

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 181: Congress should institutionalize and expand technology education and innovation initiatives such as the Congressional Hackathon.	Open - Needs Attention	Need the Congressional Hackathon and other technology and innovation-related events and initiatives to be institutionalized and expanded to bring together technical staff from throughout the legislative branch to brainstorm and work on technical solutions collaboratively.	CHA
Recommendation 182: The House should develop an onboarding process to institutionalize congressional technology that has reached a mature development stage, is widely used, or is considered mission critical.	Open - Needs Attention	Need to develop an onboarding process for mature House technology and ensure the process allows for off-ramping of technology that has become obsolete and for procuring available base code for mission-critical tools, rather than building equivalent tools from scratch.	CAO, CHA
Recommendation 183: House-developed digital applications should be made open source by default.	Open - Needs Attention	Need to have agreements in place that technology developed with House resources should, by default and when appropriate, have code that is published publicly under a structured open-source license and that the House have free use of any tools developed to expand functionality for the underlying digital tool.	CAO

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 184: The House and Senate should work to align more of their technology standards and processes.	Open - In Progress	A bicameral working group has been holding regular meetings; need to make use of this group to align and expedite technology procurement and onboarding across chambers.	CAO, Clerk, Senate Sergeant at Arms
Recommendation 185: The House should provide more public information to potential technology vendors and streamline the vendor approval and onboarding process.	Open - Needs Attention	Need to publish a page on the House's website for potential developers of digital tools like the "Steps to Becoming a Web Vendor" that currently exists and need to clearly establish a liaison or point of contact for answering developers' questions.	CAO, CHA
Recommendation 186: The CAO should develop an Established Delivery Partners program for digital solution vendors that regularly work with the House.	Open - Needs Attention	In making the administrative process easier for experienced vendors, need to ensure that the process remains a competitive one that is continually open to new entrants and does not, through institutional inertia, become an exclusive group and thus a potential obstacle to accepting new vendors and technologies.	CAO, CHA
Recommendation 187: The House should review current policies and, where appropriate, allow opportunities for congressional use of software and its underlying code that is developed by outside civic technology organizations.	Open - Needs Attention	Need to have clear, public-facing guidance that addresses an office's ability to communicate publicly about the development of a digital tool, whether congressional offices can use open-source software published in a public repository, whether congressional offices can publish open-source code developed internally using official resources, and whether congressional offices can provide comments and feature requests to open-source projects developed by others concerning ideas for further improving the software.	Committee on Ethics, CHA
Recommendation 188: The House should establish a high-level working group to prioritize and coordinate the maintenance and development of House digital infrastructure.	Open - Needs Attention	Need to establish a coordinated working group comprised of leadership offices, relevant committees, support offices, and outside advisors to discuss, coordinate, and prioritize major technology projects in the House and implementation of the Select Committee's recommendations. The working group should be charged with bringing together members and relevant staffers from member offices, committees, and support agencies to identify pain points in congressional technology and plan out what areas need attention.	CHA

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 189: The House should create a Digital Service Advisory Board to help plan and prioritize the work of the House Digital Service.	Open - Needs Attention	Need to establish an Advisory Board and include a wide variety of senior congressional administrative staff representing various departments and with technical knowledge to ensure that House Digital Service has broad buy-in to their objectives and is prioritizing systems that customers identify.	CAO, CHA
Recommendation 190: The Capitol switchboard should be updated to allow call information to be passed through to House offices.	Open - In Progress	The Capitol switchboard has improved its ability to identify callers that call the central line; need to have a system that passes along this information to offices so that they can block disruptive and threatening callers.	CAO
Recommendation 191: The GPO should create and offer a standard process for automating committee hearing records.	Open - Needs Attention	Need a standard but optional process that automatically generates and compiles a draft hearing record using documents uploaded into the committee repository (e.g., testimony, transcript, votes, and other documents)	GPO, Clerk
Recommendation 192: The House should work with committees to develop optional tools that allow them to continue to migrate away from the use of paper documents during committee meetings.	Open - Partially Implemented	Some committees, such as the Committee on Rules, have begun using digital tools during meetings; need to build on these successes to ensure that all future committee business is "digital by default," with a paper-based option remaining available to members or committees that wish to operate that way.	CHA, Clerk, CAO

Chapter 8 – Modernizing the Workplace

IMPROVING ACCESSIBILITY

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 114: ADA Drop off/Pick up Zone: The House should designate a drop off and pick up zone near an accessible entrance for members of the public with mobility impairments and develop a clear process for accessing the new drop-off point.	Open - In Progress	Implementing language is included in H.Rept. 117-389; need the Architect of the Capitol to prioritize this and related issues identified in its transportation and mobility study.	Architect of the Capitol, Office of Congressional Accessibility Services

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 115: Security Screening for those with Disabilities: Visitors and staff with disabilities should have access to information on the security screening techniques they will encounter upon entering the Capitol complex.	Open - In Progress	Implementing language included in H.Rept. 117-389; need the Architect of the Capitol to coordinate on this with the Office of Congressional Accessibility Services.	Architect of the Capitol, Office of Congressional Accessibility Services
Recommendation 116: Doorway Accessibility: The House should prioritize the installation of additional automatic doors and replace door hardware that is difficult to grasp with one hand.	Open - In Progress	Implementing language included in H.Rept. 117-389; need the Architect of the Capitol to prioritize this among projects funded with Fiscal Year 2023 appropriations.	Architect of the Capitol
Recommendation 117: Accessible Websites: The House should promote awareness of accessibility requirements for Member and committee websites and provide training and tools for staff to help them properly maintain and update those sites.	Open - Partially Implemented	The House Web Services Team has reviewed accessibility compliance across House websites and CHA sponsored briefings on general accessibility/508 concepts for web editors of House websites; need continued periodic briefing for offices on website accessibility protocols and to report on efforts to remediate identified deficiencies.	CAO

MODERNIZING HOUSE OFFICE BUILDINGS

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 157: Improve navigating the campus: To improve wayfinding, the House should consult with internal and external experts to assess and implement navigation improvements necessary to make it easier for visitors to find their way through the Capitol campus.	Open - Needs Attention	Need the Architect of the Capitol, along with the House Sergeant at Arms and the Capitol Police, to consult a wayfinding expert to review and update current directional signage.	Architect of the Capitol
Recommendation 158: Survey house employees: The House should regularly survey House employees to assess plans for telework and use of office space.	Open - Needs Attention	Need the survey, whether as part of the current compensation and diversity survey or as a new effort, to explore how members, staff, and support offices intend to use space and utilize telework policies.	Architect of the Capitol, CAO
Recommendation 159: Digital displays for hearings and events: The House should provide digital signage displaying information about current public hearings and events.	Open - Needs Attention	Need digital displays at the main entrances of House office buildings, or places that are heavily trafficked by the public, as well as outside of committee rooms.	Architect of the Capitol, CAO

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 160: Inventory existing space: The House should study the use of its space to understand how it is used, who controls access to various spaces, and how it is managed in the House and the Capitol.	Open - Needs Attention	Need to develop metrics to understand the extent to which rooms are underutilized as well as to consider use of designated drop-in meeting space that does not require a reservation.	Architect of the Capitol, House Office Building Commission, CHA
Recommendation 161: Offer expanded options for meeting space: The House should establish and designate shared meeting spaces that will allow for members and staff to use on a drop-in basis and not require reservations.	Open - Needs Attention	Need the House Office Building Commission to establish drop-in meeting spaces for staff that generally are not reservable.	House Office Building Commission, Architect of the Capitol
Recommendation 162: Portal for all reservable space: The House should develop an app and expand the current web portal to include all reservable space in the Capitol and House Office Buildings.	Open - Needs Attention	Need the app to include a check-in system to ensure space is not reserved and then unused; also need to maintain permission for leadership and committees to occupy their spaces without reservations.	CAO, Architect of the Capitol
Recommendation 163: Establishing procedures for communicating with members and staff prior to new construction: AOC and CHA should jointly establish procedures to ensure new projects are modern, functional, and meet the needs of members and constituents.	Open - Needs Attention	Need a plan in place to reassess plans closer to the construction date, including through soliciting input from members, to ensure that plans are not out of date with current practices and technology by the time they are implemented.	Architect of the Capitol, CHA
Recommendation 164: Establishing procedures for communicating with members and staff during construction: AOC and CHA should jointly establish procedures to ensure new projects are modern, functional, and meet the needs of members and constituents.	Open - Needs Attention	Need a process by which the Architect of the Capitol is in continuous contact with members, by soliciting input and providing briefings, to reassess and course correct if necessary to ensure projects are as modern, functional, and cost-effective as possible.	Architect of the Capitol, CHA
Recommendation 165: Flexible and modern member office templates: The CAO should provide a broad menu of furniture options and templates for member office space that considers modern and flexible design and function concepts.	Open - Needs Attention	Need CAO to share examples of House offices that are designed around function and provide them as templates for setting up a new office; layout options should include modern design practices that consider sound attenuation, shared desk space, access to sunlight, collaboration and meeting space as well as ensuring accessibility.	CAO
Recommendation 166: Flex hearing space: The House should identify and develop a space that can be used to hold hearings with alternative seating formats such as a roundtable-style.	Open - Needs Attention	Need flexible space that is conducive to holding hearings or meetings in nontraditional formats and can be used by select committees, task forces, caucuses, or other entities that do not have access to designated hearing space.	Architect of the Capitol, House Office Building Commission, CHA

Chapter 9 – Modernizing District Offices

MODERNIZING DISTRICT OFFICE OPERATIONS

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 145: District Wi-Fi: The CAO should provide every district office with access to secure Wi-Fi.	Closed - Implemented	CAO reported that it has a process for facilitating this during new office selection and buildout.	CAO
Recommendation 146: Single point of contact for district office setup: The CAO should designate a single point of contact for each office to streamline the process for setting up district office operations.	Open - In Progress	CAO envisions the Customer Advocates helping with this role; need the single point of contact to actively help offices navigate the various steps required to get a district office up and running, including telecommunications services, internet, Wi-Fi, leases, and procuring equipment, furniture, and other supplies.	CAO
Recommendation 147: District-focused transition aide: The House should provide members-elect with a second paid transition aide who can focus on setting up district operations.	Open - Needs Attention	Need authorization and appropriations for an optional second transition aide who would be focused on district office setup and who would also help offices understand the range of programs and services available to constituents.	CHA, CAO
Recommendation 148: Information sharing between district offices: The CAO should facilitate opportunities for staff that work directly with constituents to connect and share best practices.	Open - Partially Implemented	CAO hosts in-person district staff conferences; need to continue and expand efforts by the Congressional Staff Academy and CAO Coach program to bring district staff together for virtual seminars and should provide time for staff to share information with each other.	CAO
Recommendation 149: Ready for day one program: The House, where feasible, should expand existing authorities to expedite the process for members-elect to access district office space and begin office set up.	Open - Needs Attention	Need the House to instruct CAO, through evaluation of existing authorities as well as expansion of authorities, if necessary, to allow members-elect, once the election is certified, to obtain access to district office space, incur expenses, and take other steps necessary to expedite office setup so member offices can be fully operational as soon as possible after assuming office.	CAO, CHA
Recommendation 150: Agency casework contact lists and privacy release form policies from CRS: CRS should provide regularly updated and complete information on local agency casework contacts and agency digital privacy release form policies.	Open - Needs Attention	Need CRS to include relevant contact names, phone numbers, email addresses, and specific information requirements related to privacy release forms for federal agencies and any local or regional field offices within a member's district.	CRS

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 151: Additional staff capacity to support disaster response: The House should provide resources and staffing flexibility to district offices in responding to a federally declared disaster.	Open - In Progress	Graves/Kilmer amendment #797 to the Fiscal Year 2023 National Defense Authorization Act contains implementing language. CAO laid out options for increases to the staff cap more generally in a December 2021 report; need CHA to assess statutory and/or regulatory paths forward for adjusting the current caps in these circumstances.	CHA
Recommendation 152: District staff retention: The House Task Force on the Workforce should examine the benefits, professional development opportunities, and other resources, that will improve district staff retention and recommend updates.	Closed - Implemented	The Task Force on a Diverse and Talented House Workforce plans to examine this issue, leveraging the Office of Employee Assistance, HR Hub, and other resources as appropriate, during the first quarter of 2023.	CAO, Task Force on the House Workforce
Recommendation 153: Connecting constituents with community organizations and resources: The House should update and provide clear ethics guidelines to allow district offices to direct constituents to appropriate community organizations, resources, and services.	Open - Needs Attention	Need updated and clarified guidance on when and how offices can direct constituents to non-federally administrated resources, with concrete examples, that could be updated to reflect changing needs as they emerge.	Committee on Ethics, CHA, Communications Standards Commission
Recommendation 154: Facilitating constituent service events: The House should provide flexibility within House Rule 24 to allow district offices to cosponsor constituent service events with non-governmental organizations to provide information and other resources to constituents.	Open - Needs Attention	Need an updated interpretation of House Rule 24 and associated policies to clarify permissibility of co-sponsoring constituent service events, consistent with current Senate practices and within applicable constraints.	Committee on Ethics, CHA, Communications Standards Commission
Recommendation 155: Constituent control over their data: The House should ensure that constituent data and records related to casework are maintained, transferred, or destroyed according to a constituent's preferences.	Open - Needs Attention	Need to promote the idea of taking into consideration the constituent's preferences regarding the control and management of certain casework information, while acknowledging existing policies providing for member custody of casework information.	CHA, CAO
Recommendation 156: Technology solutions to help offices better serve constituents: The CAO should develop or provide optional in-house technology solutions to district offices to improve casework and other services.	Open - Needs Attention	Need to establish practice of House Information Resources and House Digital Service working with district offices in much the same way that CAO worked with freshman offices on their websites at the start of the 117th Congress.	CAO

Chapter 10 – The Future of Modernization

Short Title	Status	Implementation Background	Partner(s) Responsible
Recommendation 171: Joint Committee on Continuity: Congress should establish a joint committee to review House and Senate rules and other matters assuring continuing representation and congressional operations for the American people.	Open - Needs Attention	Need to enact legislation to establish a joint committee comprised of members from the Committee on House Administration, House Committee on Rules, Senate Committee on Rules, and Senate Committee on Administration and appointed directly by designees of the majority and minority party.	House, Senate Committees of Jurisdiction
Recommendation 200: Align the treatment of member travel-related expenses with private sector and federal agencies: The House should align travel related expense reimbursement rules for members with standard business travel practices in the private sector and other parts of the federal government.	Open - Needs Attention	Need a change to the Members' Congressional Handbook to allow reimbursement for travel expenses while maintaining reasonable reimbursement limits, ethics requirements, and transparency.	CHA
Recommendation 201: Modernization subcommittee: The House should provide a home for ongoing modernization work within the Committee on House Administration.	Open - Needs Attention	Need to establish a subcommittee within the Committee on House Administration to focus on seeing the Select Committee's recommendations implemented in the next Congress and beyond.	Leadership, CHA
Recommendation 202: Regular Modernization Select Committees: The House should authorize a Modernization Select Committee at least every fourth Congress.	Open - Needs Attention	Need the House, with or without the Senate, to authorize a Select Committee with a mandate to evaluate the operations and efficiency of the institution at more regular intervals than has historically been the case.	House, Senate Committees on Rules

Appendix III – Additional Reports and Findings from the Select Committee

Please see the following for more information about the Committee's work including recommendation votes, individual hearings, and other documents published by the Committee.

Publications from the 116th Congress

Congressional Reports and Findings

"Final Report." *Select Committee on the Modernization of Congress*. Report 116-562, October 27, 2020. https://www.govinfo.gov/content/pkg/GPO-CRPT-116hrpt562/pdf/GPO-CRPT-116hrpt562.pdf

"Recommendations to Reclaim Congress's Article One Powers, Boost Staff Capacity, Improve the Budget and Appropriations Process, Identify Administrative Inefficiencies and Improve Technology and Continuity." *Select Committee on the Modernization of Congress.* Report 116-561, October 23, 2020. https://www.govinfo.gov/content/pkg/CRPT-116hrpt561/pdf/CRPT-116hrpt561.pdf

"Recommendations to Improve Continuity of Government and Congressional Operations." *Select Committee on the Modernization of Congress.* Report 116-560, October 16, 2020. https://www.govinfo.gov/content/pkg/CRPT-116hrpt560/pdf/CRPT-116hrpt560.pdf

"Recommendations to Improve Transparency in the U.S. House of Representatives." *Select Committee on the Modernization of Congress*. Report 116-406, February 25, 2020. https://www.govinfo.gov/content/pkg/CRPT-116hrpt406/pdf/CRPT-116hrpt406.pdf

"Recommendations to Encourage Civility and Bipartisanship in Congress, Streamline Processes and Save Taxpayer Dollars, and Increase the Quality of Constituent Communication. *Select Committee on the Modernization of Congress*. Report 116-408, February 25, 2020. https://www.govinfo.gov/content/pkg/CRPT-116hrpt408/pdf/CRPT-116hrpt408.pdf

"Recommendations to Streamline House Human Resources, Overhaul the Onboarding Process, Improve Member Continuing Education Opportunities, Modernize House Technology, and Improve Accessibility. *Select Committee on the Modernization of Congress*. Report 116-407, February 25, 2020. https://www.govinfo.gov/content/pkg/CRPT-116hrpt407/pdf/CRPT-116hrpt407.pdf

Publications from the 117th Congress

Congressional Reports and Findings[340]

"Recommendations to Strengthen Congressional Oversight Capacity, Improve District Operations, Modernize Congressional Office Operations, Modernize the Legislative Process, and Examine Congressional Continuity." *Select Committee on the Modernization of Congress*. Committee Print 48-300, September 1, 2022. https://www.govinfo.gov/content/pkg/CPRT-117HPRT48300/pdf/CPRT-117HPRT48300.pdf

"Staff Retention Brief, 117th Congress." *Select Committee on the Modernization of Congress*. https://modernizecongress.house.gov/imo/media/doc/Staff%20Retention%20Brief%20FINAL(1).pdf

"Recommendations to Foster Collaboration and Civility in Congress, To Modernize the Congressional Support Agencies, and the Encourage Evidence-Based Policymaking. *Select Committee on the Modernization of Congress.* Committee Print 46-273, December 8, 2021. https://www.govinfo.gov/content/pkg/CPRT-117HPRT46273/pdf/CPRT-117HPRT46273.pdf

"Recommendations to Increase Staff capacity, Diversity and Inclusion, Strengthen Congressional Internships and Fellowships, and Expand Accessibility to Congress. *Select Committee on the Modernization of Congress.* Report 117-136, October 8, 2021. https://www.govinfo.gov/content/pkg/CRPT-117hrpt136/pdf/CRPT-117hrpt136.pdf

Congressional Hearings[341]

"Congressional Continuity: Ensuring the First Branch is Prepared in Times of Crisis." *Select Committee on the Modernization of Congress.* Serial No. 117-17, April 6, 2022. https://www.govinfo.gov/content/pkg/CHRG-117hhrg47600/pdf/CHRG-117hhrg47600.pdf

"Congress Back Home: Modernizing District Office Operations." *Select Committee on the Modernization of* Congress. Serial No. 117-15, February 16, 2022. https://www.govinfo.gov/content/pkg/CHRG-117hhrg47222/pdf/CHRG-117hhrg47222.pdf

"Modernizing the Congressional Support Agencies to Meet the Needs of an Evolving Congress." *Select Committee on the Modernization of Congress.* Serial No. 117-11, October 21, 2021. https://www.govinfo.gov/content/pkg/CHRG-117hhrg46121/pdf/CHRG-117hhrg46121.pdf

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340. Additional Committee Prints and Reports for the 117th Congress will be available on GovInfo.gov but were not posted as of this writing, November 18, 2022. See, https://www.govinfo.gov/committee/house-modernization?path=/browsecommittee/chamber/house/committee/modernization/collection/CRPT/congress/116

341. Hearing records for the remaining 19 hearings conducted during the 117th Congress will be available on GovInfo.gov but were not posted as of this writing, November 18, 2022. See, https://www.govinfo.gov/committee/house-modernization?path=/browsecommittee/chamber/house/committee/modernization/collection/CRPT/congress/116

"Professionalizing and Enriching the Congressional Internship and Fellowship Experience." *Select Committee on the Modernization of Congress*. Serial No. 117-03, April 29, 2021. https://www.govinfo.gov/content/pkg/CHRG-117hhrg48294/pdf/CHRG-117hhrg48294.pdf