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MARKUP OF: COMMITTEE RESOLUTION NUMBERS 115–10 TO 115–18

MARKUP

BEFORE THE

COMMITTEE ON HOUSE ADMINISTRATION HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

APRIL 25, 2018

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COMMITTEE ON HOUSE ADMINISTRATION

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MARKUP OF: COMMITTEE RESOLUTION NUMBERS 115–10 TO 115–18

WEDNESDAY, APRIL 25, 2018

HOUSE OF REPRESENTATIVES,,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The Committee met, pursuant to call, at 12:04 p.m., in Room 1310, Longworth House Office Building, Hon. Gregg Harper [Chairman of the Committee] presiding.

Present: Representatives Harper, Davis, Comstock, Loudermilk, Brady, and Raskin.

Staff Present: Sean Moran, Staff Director; Kim Betz, Deputy Staff Director/General Counsel; Cole Felder, Deputy General Counsel; Dan Jarrell, Legislative Clerk; Erin McCracken, Communications Director; Elizabeth Joseph, Professional Staff Member; Max Engling, Staff Director of the Commission on Congressional Mailing Standards; Jamie Fleet, Minority Staff Director; Khalil Abboud, Minority Deputy Staff Director; Eddie Flaherty, Minority Chief Clerk; and Teri Morgan, Minority Counsel.

The CHAIRMAN. I call to order the Committee on House Administration for purposes of today's Committee meeting. A quorum is present, so we may proceed. The meeting record will remain open for 5 legislative days, so that Members may submit any materials they wish to be included therein.

There are several items on the docket today. First on the agenda are two Committee resolutions amending the Committee's and Members' Congressional Handbooks, respectively. Committee Resolution 115–10 updates the advertisement regulations found in the Members' Congressional Handbook, and Resolution 115–11 updates the advertisement regulations found in the Committee's Congressional Handbook. To place an advertisement with official resources, Representatives of the House are required to follow the regulations found in the Members' Congressional Handbook and submit the advertisement to the Franking Commission for an advisory opinion. Committee Resolution 115–10 updates the regulation to add additional categories for which Members may advertise.

This update will offer additional flexibility to Members when communicating with their constituents while ensuring that the Franking Commission has clear direction on which advertisements are permissible. Committee Resolution 115–11 simply updates the Committee's Congressional Handbook to codify the current practice of allowing committee offices to advertise for followers on social media, using their subcommittee titles in addition to the full committee name.

Next on the agenda is Committee Resolution 115–12. This past February, the House passed H. Res. 724, which, among other things, required each House office to establish a universal antiharassment and antidiscrimination policy. H. Res. 724 also charged this Committee with establishing the regulations to assist House offices in developing their respective policies. Committee Resolution 115–12 sets out these regulations.

These regulations should not be construed to limit a House office if it would like to add to the policy. The regulations contained in Committee Resolution 115–12 will be the minimum requirements for an office's policy.

The last item on the agenda is a package of Committee Resolutions that will strengthen the regulations associated with individuals known as shared employees who are employed by three or more offices. I would like to thank the Vice Chairman, Mr. Davis, for his work on this issue through the task force, as well as the Ranking Member, who provided insight. I appreciate your good work, the products of which we are marking up today.

Committee Resolutions 115–13 through 115–18 set forth policies the Committee has identified as essential to mitigating the risk posed by shared administrative employees and directing the House chief administrative officer, the House Sergeant at Arms, and the Clerk of the House to report back to the Committee within 30 days on the plans to implement these policies.

In addition, Committee Resolution 115–17 reiterates the responsibilities of a shared IT or finance employee as well as sets forth the new regulations and requirements of undergoing a background check and adhering to best practices.

I would now like to recognize the Ranking Member, Mr. Brady, for the purpose of providing an opening statement.

Mr. Brady.

Mr. BRADY. Thank you, Mr. Chairman.

Mr. Chairman, I support all the resolutions on our agenda this afternoon. I appreciate the work of Representative Davis in always thinking of ways we can better communicate with our constituents. And those two resolutions are good steps in giving our colleagues more tools to do that.

We continue our work improving the congressional workplace with our resolutions on the antiharassment and antidiscrimination policies. Once again, Jackie Speier and Bradley Byrne have been helping in making sure that we get this right.

With the training schedule we start next week, the timing is now for offices to start developing their own policies, and this regulation will give them a roadmap to just to do that. I would also like to mention that the Senate needs to act on our bill. We had a unanimous vote out of the House. The delay in the Senate is unacceptable, and they are further embarrassing themselves, which is pretty hard to do. They need to pass our bill.

I will be submitting a longer statement for the record on the shared employees reforms we are considering. I support them, but I hope they are just a start.

There are five different resolutions dealing with this issue, and I understand we are considering them altogether, which we should. But I want to make the point that there are so many resolutions,

because everyone plays a part in making management—in managing this risk to the House.

I look forward to seeing what the CAO and the other offices report back to us.

Thank you, Mr. Chairman, and I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back.

I would ask if any other Member of the Committee wishes to be recognized for the purpose of providing an opening statement.

The Chair will now recognize the Vice President of the—Vice Chairman, excuse me, new promotion for you, the Vice Chairman of the Committee, Mr. Davis.

Mr. DAVIS. Thank you, Mr. Chairman.

The Vice President was cornered leaving the President of France's speech by Virginia Foxx, so I think he is probably still on the House floor.

The CHAIRMAN. It is a matter of education.

Mr. DAVIS. Yes.

I would like to associate myself with the comments from Ranking Member Brady in regards to our colleagues over in the Senate too. But I really want to thank Chairman Harper and Ranking Member Brady for their help in helping us craft the policies that we are addressing in today's markup.

Over the past year, the Franking Commission has been working in a bipartisan manner to make improvements in the Franking regulations. I want to thank the Ranking Member, Susan Davis, and our fellow colleagues. And most importantly, I want to thank of the Franking Commission staff for their hard work throughout this process. They held listening sessions and following feedback with Member office—from Member offices. The Franking Commission decided to update several areas in the Franking regs to increase efficiency, flexibility, and transparency.

Last fall, we passed a Committee Resolution that now allows Members to link directly to government websites, making it easier for them to connect their constituents with important information. And today, we are making it easier for Members to share their legislative priorities with their constituents also.

For the shared employee Resolution, thank you, Chairman Harper, for the opportunity to work with my colleagues on this very important issue. Following a series of breaches to the House system, the Chairman hosted several meetings where we discussed shared employees. He then asked me to lead the task force to reform the shared employee program.

The task force held numerous meetings and bipartisan Member listening sessions that were attended by both the Chairman and the Ranking Member. I do want to thank the Members who were not on this Committee who attended the listening sessions. Their input directly impacted the policies in the Resolution before us today. This carefully crafted Resolution balances the autonomy of Member offices while working to ensure the security of the House network. It is important and imperative—it is important and imperative that Jamie Raskin come back.

The CHAIRMAN. The Vice Chairman is recognized.

Mr. DAVIS. Thank you, Mr. Chairman.

Thank you to my colleague, Ms. Comstock, too.

It is important that we actually get this right when it comes to shared employees.

This Resolution instructs the CAO and the Sergeant at Arms to report back to this Committee on how they will implement various new policies, such as establishing technical and financial standards for shared employees, terminating network access for shared employees who violate House policies, developing new badges for shared employees, and implementing a much-needed background check system.

During my tenure on House Administration, I have worked towards the goal of professionalizing the House's operations and offices under the guidance of Chairman Harper and Former Chairlady Miller. I am disappointed in the events that led to this markup today.

Throughout this process, we were able to work with Members on both sides of the aisle to develop these policies that will better protect the House network from bad actors in the future.

And I yield back.

The CHAIRMAN. The Vice Chairman yields back.

I now call up and lay before the Committee, Committee Resolution 151–10 to approve the updates to the Members' Congressional Handbook.

[The Resolution follows:]

Committee Resolution 115-10

Resolved, the Committee on House Administration adopts the following regulations amending and superseding prior regulations known collectively as the Members' Congressional Handbook:

In the "Advertisements" paragraph, after "Ordinary and necessary expenses related only to the following types of advertisements are reimbursable:" strike bullets numbered one through seven and insert:

1. *Notice of personal appearance of the Member at an official event, which the Member sponsors and hosts in support of the conduct of the Member's official and representational duties to the district from which he or she is elected.*
2. *Notice relating to the nominating process to the U.S. Military Academies.*
3. *Notice relating to officially sanctioned competitions*
4. *Notice of employee and internship openings.*
5. *Notice of the address, location, and contact information (including web presence), and email for the Member's congressional offices.*
6. *Notice of town hall meetings (physical and virtual).*
    - *The Member's photo or likeness is permissible in an advertisement promoting the live virtual meeting itself, while it is being held, on the corresponding platform.*
7. *Notice relating to a Member's Representational Program (as defined in the Office Expenses section of the Members' Congressional Handbook).*
8. *Notice of a "legislative update," defined as one, or a combination, of the following (extraneous language is prohibited):*
    - *The name of the bill as originally cosponsored by the Member;*
    - *How the Member voted on a bill; and*
    - *The aggregate House vote tally on a bill.*
9. *Notice of constituent services available through the Member's congressional office(s) including, but not limited to:*
    - *Assistance in contacting and working with federal, state, or local agencies (casework);*
    - *Information regarding visiting the U.S. Capitol & available congressional tours;*

- *How to request a presidential greeting or congressional acknowledgement (e.g., citizenship, public distinction, community service);*
- *How to participate in a survey related to the Member's official and representational duties;*
- *How to request a U.S. flag flown over the U.S. Capitol; and/or*
- *How to subscribe to the Member's e-communications program(s).*

The CHAIRMAN. Without objection, the first reading of the Resolution is dispensed with, and the Resolution is considered read and open for amendment at any point.

Is there any debate?

Are there any Members who want to offer an amendment to the Resolution?

If not, I move the Committee adopt the Resolution. The question is on the motion. All those in favor, signify by saying aye. Opposed, say nay.

In the opinion of the Chairman, the ayes have it, and the motion is agreed to.

Without objection, the motion to reconsider is laid upon the table. I now call up and lay before the Committee, Committee Resolution 115–11 to approve the update to the Committee's Congressional Handbook.

[The Resolution follows:]

Committee Resolution 115-11

Resolved, the Committee on House Administration adopts the following regulations amending and superseding prior regulations known collectively as the Committees' Congressional Handbook:

In the "Advertisements" paragraph, "Content" section, strike bullet C and insert:

C. May not include extraneous content unrelated to the purpose of the advertisement as listed in "General" section above (subcommittee titles are not considered extraneous).

The CHAIRMAN. Without objection, the first reading of the Resolution is dispensed with, and the Resolution is considered read and open for amendment at any point.

Is there any debate?

Are there any Members who want to offer an amendment to the Resolution?

If not, I move the Committee adopt the Resolution. The question is on the motion. All those in favor, signify by saying aye. Opposed, say nay.

In the opinion of the Chair, the ayes have it, and the motion is agreed to. Without objection, the motion to reconsider is laid upon the table.

I now call up Committee Resolution 115–12, a regulation adopting the regulations for the universal policy on antiharassment and antidiscrimination pursuant to H. Res. 724.

[The Resolution follows:]

Committee Resolution 115-12

Be it resolved, the Committee on House Administration adopts the following requirements pursuant to H.Res. 724 (1)(b) (115th Cong.):

- Pursuant to H.Res. 724 (115th Cong.), each employing office of the House of Representatives shall adopt an anti-harassment and anti-discrimination policy for the office's workplace.
- The policy must be a written anti-harassment and anti-discrimination policy.
- The policy must include a description of the employing office's commitment to ensuring a harassment- and discrimination-free workplace. Further, the policy should strive to uphold behavior and conduct worthy of working in a Congressional office.
- The minimum components required in this regulation shall not be construed to prevent an employing office from having a more comprehensive policy.
- The policy must list and prohibit all forms of unlawful discrimination applicable to Congress.
- The policy must prohibit harassment and discrimination by supervisors, managers, and coworkers with whom an employee is required to interact with as part of his or her job duties.
- The policy must define and prohibit quid pro quo and hostile work environment sexual harassment.
- The policy must outline an appropriate process to prevent, investigate, and promptly correct harassment and discrimination occurring in the office. This must include a reporting process where an individual alleging harassment or discrimination can report allegations to multiple supervisors, not just to an immediate supervisor.
- The policy must require a fair, timely, and thorough investigation of any allegation of discrimination or harassment. The policy must prohibit retaliation against an employee for making an objectively reasonable good-faith complaint or for objectively reasonable good-faith participation in an investigation.
- The policy should reflect mechanisms to ensure notification of status and closure of allegations under review.
- The policy must note that the employee has the right to also confidentially consult the Office of Employee Advocacy (OEA) regarding any allegations of harassment or discrimination and list the hotline and contact information for the OEA.
- The policy must include the requirement to designate an internal compliance coordinator who is responsible for ensuring all employees comply with mandatory training requirements, receive a copy of the office Anti-Discrimination and Anti-Harassment Policy, and fulfill other duties as assigned by the office.
- A policy compliant with the resolution must be adopted by employing offices within 60 days of approval of this resolution.
- Member offices must ensure every staffer, intern, detailee, and fellow working in the office has received the policy and acknowledges in writing they have received, read, and understand the policy.
- The policy must be reviewed by the office at the beginning of each Congress and updated as necessary to ensure compliance with this regulation.

The CHAIRMAN. Without objection, the first reading of the Resolution is dispensed with, and the Resolution is considered read and open for amendment at any point.

Is there any debate?

Are there any Members who want to offer an amendment to the Resolution?

If not, I move the Committee adopt the Resolution. The question is on the motion. All those in favor, signify by saying aye. Opposed, say nay.

In the opinion of the Chair, the ayes have it, and the motion is agreed to. Without objection, the motion to reconsider is laid upon the table.

With the cooperation of Ranking Member Brady and other Members of this Committee, it appears that we have worked out an agreement on the remaining six Committee Resolutions scheduled for markup today.

Before we begin, does any Member seek time to speak on any of the Committee resolutions in this unanimous consent motion?

Now, I ask unanimous consent that the following Committee Resolutions be adopted as described. Committee Resolution 13, Committee Resolution 14, Committee Resolution 15, Committee Resolution 16, Committee Resolution 17, and Committee Resolution 18.

Hearing no objection, so ordered.

[The Resolutions follow:]

Committee Resolution 115-13

Resolved, the Committee on House Administration directs the Chief Administrative Officer (CAO) to develop the following policies with respect to individuals who are employed by three or more offices and who have privileged access to the network managed by the CAO:

Establish technical standards for systems administration that are based on best practices, emerging threats and securely meet the business process requirements of a Member office.

Authority to immediately terminate network access, including but not limited to access to accounts, and systems for any employee with privileged access to the network that has violated House Information Security Policies or the technical standards, further, such a policy should include a proper escalation procedure that involves notification to the employing offices and the Committee on House Administration.

Collaborate with the Sergeant-at-Arms to develop and implement appropriate background checks for all such employees as a condition of privileged access to the network and include a procedure for notification to employing office on findings and adjudication of results.

Collaborate with the Clerk of the House to implement a procedure so that timely filing of annual financial disclosure is a condition of privileged access to the network.

The CAO is directed to report to the Committee within 30 days on a plan to implement above policies with expected implementation date of October 1, 2018.

Committee Resolution 115-14

Resolved, the Committee on House Administration directs the Clerk of the House to develop the following policy with respect to individuals who are employed by three or more offices and who have privileged access to the network managed by the Chief Administrative Officer or who access the network managed by the CAO to perform budget, payroll, or other financial functions on behalf of a Member office:

> Collaborate with the Chief Administrative Officer and Sergeant-At-Arms to develop and implement appropriate compliance procedures for employees responsible for filing an annual Financial Disclosure, such procedures should include immediate termination by the Chief Administrative Officer of the employee's access to the network for failure to file required disclosure and should include escalation process that include notifying the employing offices and the Committee on House Administration.

The Clerk is directed to report to the Committee within 30 days on a plan to implement above policies with expected implementation date of October 1, 2018.

Committee Resolution 115-15

Resolved, the Committee on House Administration directs the Inspector General of the House to Chair a Compliance Coordinating Committee comprised of:

Chief Administrative Officer

Clerk of the House

House Sergeant at Arms

One majority representative from the Committee on House Administration

One minority representative from the Committee on House Administration

To meet at least quarterly to assess the effectiveness of all policies related to employees who are employed by three or more offices and who have privileged access to the network managed by the Chief Administrative Officer and to report to the respective House officer the results of such assessments, including compliance with House Security Policies, and technical standards.

The Inspector General is required to convene the first meeting of the Committee by May 15, 2018 and report the Committee on its quarterly.

Committee Resolution 115-16

Resolved, the Committee on House Administration directs the Sergeant at Arms (HSAA) to develop the following policies with respect to individuals who are employed by three or more offices and who have privileged access to the network managed by the Chief Administrative Officer or who access the network managed by the CAO to perform budget, payroll, or other financial functions on behalf of a Member office:

> Develop a new category of employee identification (badging) that clearly identifies these types of employees.
>
> Collaborate with the Chief Administrative Officer to develop and implement appropriate background checks for all such employees as a condition of privileged access to the network, or who access the network managed by the CAO to perform budget, payroll, or other financial functions on behalf of a Member office, and include a procedure for notification to employing office on findings and adjudication of results.
>
> Authority to limit physical access to House facilities for employees who fail to comply with House Information Security Policies and whose privileged access to the network is suspended.

The HSAA is directed to report to the Committee within 30 days on a plan to implement above policies with expected implementation date of October 1, 2018.

Resolved, the regulations of the Committee on House Administration pertaining to individuals employed by three or more offices and who have privileged access to the network managed by the Chief Administrative Officer or who access the network managed by the CAO to perform budget, payroll, or other financial functions on behalf of a Member office:

Meet the Technical or Financial standards respectively, including House Security Policies as appropriate, as established by the CAO and included in the Shared Employee Manual.

Submit to background checks as a condition of privileged access to the network or access to the House network to perform budget, payroll or other financial functions on behalf of a Member office.

Submit a timely annual financial disclosure statement as required by 5 U.S.C. §101 et seq if employed by more than three offices for more than 60 days of a calendar year as a condition of privileged access to the network or access to the network to perform budget, payroll or other financial functions on behalf of a Member office.

Disclose to each employing authority the individual's employment status and certify such disclosure to the Committee on House Administration semiannually.

File with the House Office of Finance a signed *Acknowledgement of Receipt and Understanding of Shared Employee Manual and Certification of Continued Compliance* upon becoming simultaneously employed by three or more employing authorities.

File with the Committee on House Administration a certification that the individual is not engaged in any outside employment or business activity that directly or indirectly sells, leases, or otherwise provides goods or assets to any House office or entity.

Committee Resolution 115-18

Resolved, the Committee on House Administration directs the Chief Administrative Officer (CAO) to develop the following policies with respect to individuals who are employed by three or more offices and who access the House network managed by the CAO to perform budget, payroll, or other financial functions on behalf of a Member office:

> Financial standards that are based on best practices, policies, and controls that protect the financial integrity of the Member office and the House of Representatives.
>
> Collaborate with the Sergeant-at-Arms to develop and implement appropriate background checks for all such employees as a condition of access to the network to perform financial functions and include a procedure for notification to employing office on findings and adjudication of results.
>
> Collaborate with the Clerk of the House to implement a procedure so that timely filing of annual financial disclosure is a condition of privileged access to the network.

The CAO is directed to report to the Committee within 30 days on a plan to implement above policies with expected implementation date of October 1, 2018.

The CHAIRMAN. Without objection, the motions to reconsider are laid upon the table. I ask unanimous consent that the staff be allowed to make necessary technical and conforming changes to the bills ordered, report it today, subject to the approval of the minority.

Hearing no objection, so ordered.

Without objection, the markup is adjourned.

[Whereupon, at 12:15 p.m., the Committee was adjourned.]

○