

Union Calendar No. 330

116TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
116-408

**RECOMMENDATIONS TO ENCOURAGE CIVILITY
AND BIPARTISANSHIP IN CONGRESS, STREAM-
LINE PROCESSES AND SAVE TAXPAYER DOL-
LARS, AND INCREASE THE QUALITY OF CON-
STITUENT COMMUNICATION**

R E P O R T

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



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

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LETTER OF TRANSMITTAL

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

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

DEAR MS. JOHNSON: I present herewith a report entitled, "Recommendations To Encourage Civility And Bipartisanship in Congress, Streamline Processes And Save Taxpayer Dollars, And Increase The Quality Of Constituent Communication."

Sincerely,

DEREK KILMER,
Chair.

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AND INCREASE THE QUALITY OF CONSTITUENT COMMUNICATION

FEBRUARY 25, 2020.—Committed to the Committee of the Whole House on the State
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Mr. KILMER, from the Select Committee on the Modernization of
Congress, submitted the following

R E P O R T

I. PURPOSE AND SUMMARY

The Select Committee on the Modernization of Congress has been charged with the important responsibility of recommending improvements to the U.S. House of Representatives to help Members of Congress and their staff better serve the American people. On May 23, 2019 the Select Committee passed its first set of recommendations to open up Congress and improve transparency across the Legislative Branch. On July 25, 2019 the Select Committee passed its second set of recommendations to address key challenges and capacity issues throughout the Legislative Branch, including: Updating Human Resources (HR) policies and consolidating the many HR-related offices in the House; overhauling the onboarding process for new Members and providing continuing education opportunities for all Members; emphasizing the necessity of civility and respect throughout Congress; modernizing House technology resources to keep the institution on the cutting edge and emphasizing quality IT services; and, addressing the equal access challenges persons with disabilities face when working for, visiting, or interacting with the House.

Since then, the Select Committee has identified additional civility and administrative challenges in the House that affect the ability of Members and congressional staff to best serve the American people. To address these challenges, the Select Committee proposed its third set of recommendations which fit into three broad categories.

The first set emphasize the necessity of civility and the importance of bipartisan collaboration in Congress. Select Committee Members believe that Congress is stronger when Members find

ways to work together to solve problems and civility is key to making Congress a more productive institution that better serves the American people. This is especially important now and the Select Committee intends to continue pushing for improved civility through recommendations.

The second set address various administrative inefficiencies in the Congress and update Member cosponsorship procedures, procurement and bulk purchasing policies, the travel card program, and Member emergency preparedness training.

The third set modernize the House Commission on Mailing Standards, also known as the Franking Commission, regulations governing all Member communications. The Select Committee worked with the Franking Commission to develop these recommendations and will defer to the Commission on policy and implementation details.

II. BACKGROUND AND NEED FOR RECOMMENDATIONS

Efficiencies in House operations, regulations governing Members' ability to communicate with their constituencies, and efforts to improve bipartisan collaboration among Members and staff have required congressional attention and action for some time. Committee attention to problems within these three areas of focus will help Members and staff better serve the American people.

The Select Committee identified the following issues to be addressed with recommendations to improve civility and operations in Congress:

1. The U.S. Capitol complex currently lacks sufficient spaces where all Members can gather to collaborate or even to socialize privately. Members have identified a need for private spaces, close to the House floor and open to Members from both parties. Unlike the Democratic and Republican cloak rooms, a dedicated bipartisan space would encourage collaboration and socialization across party lines.

2. Members currently lack opportunities to interact with and get to know their colleagues across the aisle. Aside from congressional delegation (CODEL) trips, Members have few opportunities to interact across party lines, away from Washington, D.C., with their families. This lack of interaction across party lines discourages Members from getting to know all of their colleagues and from working collaboratively and building bipartisan coalitions. Bipartisan, biennial retreats at the beginning of each new Congress would encourage Members to make connections with their colleagues, find common ground, and help build civility into the House's process.

3. Personal office staff are currently prevented from participating in committee organized congressional delegation (CODEL) travel, even when this travel is directly connected to their professional responsibilities. This practice prevents personal staff from having sustained opportunities to interact with their colleagues across the aisle, away from Washington, D.C. Allowing personal office staff to participate in CODELs would encourage bipartisan connections and collaboration at the staff level.

4. Many House committees have become increasingly partisan in their organizational and procedural activities. An inability to work across party lines prevents committees from being as productive as

they otherwise might be. Regular bipartisan briefings and training for committee staff, as well as bipartisan committee retreats, would encourage collaboration between parties and promote productivity. Committees should establish ways for Members and staff to cooperate on establishing committee policy and oversight agendas.

5. Often, Members will add their name as a “cosponsor” to legislation they support that was introduced by a colleague. However, Members are sometimes erroneously added as cosponsors to bills. When this happens, Members are required to go to the House floor and make a statement for the record. Once their names are removed, their “stricken” names still appear on the legislation. This cumbersome and inefficient process should be modernized to make it easier for Members to remove their names and to also remove any trace of their name from legislation they did not cosponsor so their constituents have a clearer understanding of what bills their Representatives support.

6. Members are currently not required to undergo routine emergency preparedness training, which presents major safety and security concerns. Members have expressed a desire for training so that they know what steps to take in an emergency situation where no staff are present to provide them with information and guidance.

7. The House and Senate currently purchase items like office supplies, subscriptions, and information technologies separately. By collaborating on bulk purchasing and procurement, the House and Senate could potentially save taxpayer money and spend more efficiently.

8. The Select Committee previously recommended that “the CAO should leverage the bulk purchasing power of the House and provide a standard suite of quality, up-to-date devices and software, such as desktop and laptop computers, tablets, printers, mobile phones and desk phones at no cost to the Members’ Representational Allowance (MRA)” (see Select Committee Report entitled “Recommendations to Streamline House Human Resources, Overhaul the Onboarding Process, Improve Member Continuing Education Opportunities, Modernize House Technology, and Improve Accessibility,” recommendation 19). Members have identified a need to expand the scope of this recommendation to include for additional House-wide purchases and services with the goal of saving taxpayer dollars. Members have also identified a need to develop and pilot baseline tech packages for new Member offices in order to take advantage of bulk purchasing rates and streamline the process of equipping Member offices with necessary technologies.

9. The current House Travel Card Program is outdated and easily subjected to inaccuracies. The process of making travel-related charges can often require junior staff to float expenses. Because reimbursement can be a long and cumbersome process, staff must often wait awhile for repayment. Members have also noted that covered expenses need to be updated to reflect modern modes of transportation such as rideshares.

10. Members today use multiple platforms to communicate with their constituents. While the Franking Commission regulates postal mail, it does not have the explicit authority to regulate digital communications. This creates confusion for Members who are looking for a single source to provide guidance on their communications. The U.S. Code should be updated to consolidate all Member

communications under the jurisdiction of the Franking Commission.

11. The Franking Commission's official name, "The House Commission on Mailing Standards," no longer accurately captures the Commission's range of responsibilities and should be updated to reflect all current forms of Member communications.

12. Explaining the complexity of many issues before Congress often requires Members to communicate with their constituents multiple times. Current regulations require Members to get approval from the Franking Commission each time they communicate with constituents, even just to provide an update on an issue on which they have already communicated. Additionally, constituents are only allowed to subscribe to Members' e-mail communications and no other. Current regulations should be modernized to allow and encourage better and more interaction between Members and constituents, including giving constituents the ability to subscribe to other communications (for example, text messages, mail, etc.).

13. The current tracking procedures for franked mail are cumbersome and outdated. District offices self-report the cost of franked mail, which may lead to inaccuracies. In order to increase accountability between Members and their constituents, the tracking system should be modernized, in consultation with the U.S. Postal Service, to make tracking easier and more reliable, and possibly offering Member offices the ability to use either their signature or a bar code for tracking.

14. Members who wish to communicate with their constituents by mail or digitally are currently required to receive a Franking Staff Advisory Opinion. Given the speed of digital communications, receiving an opinion can take too long, potentially rendering the communication outdated. The approval process needs to be updated to better reflect modern forms of communications and improve Members' ability to quickly respond to those they represent.

15. Many Members build large social media followerships during their campaigns for office. But once they are elected to office, they are required to establish separate, official social media accounts. This creates confusion for both Members and their followers on social media. Additionally, the rules and policies governing Members' official and campaign accounts differ greatly which can create unnecessary confusion. Members should be allowed a one-time transfer of followers from their campaign to their official social media accounts at the beginning of each Congress.

16. For the public to view Franking Commission advisory opinions, current rules require individuals to make a trip to the Clerk's Office in Washington, D.C., provide identification, and pay for copies of materials sent by Members to their constituents. This creates a major inconvenience for anyone interested in viewing an opinion and presents major transparency and accountability challenges. The advisory opinion posting process needs to be modernized so that Members and the American people can view opinions in an online, easy to access form.

III. HEARINGS

The Select Committee on the Modernization of Congress held six hearings which helped shape these recommendations. The hearings included:

- “Recommendations for Improving the Budget and Appropriations Process: A Look at the Work of the Joint Select Committee,” on September 19, 2019. The Select Committee received testimony from:
 - The Honorable Nita M. Lowey, Member of Congress, Washington D.C.
 - The Honorable Steve Womack, Member of Congress, Washington D.C.
 - Mr. G. William Hoagland, Senior Vice President, Bipartisan Policy Center
 - Ms. Megan Lynch, Specialist on Congress and the Legislative Process, Congressional Research Service
 - Mr. M. Matthew Owens, Participant, Convergence Building a Better Budget Process Project, Executive VP and VP for Federal Relations, Association of American Universities
- “Promoting Civility and Building a More Collaborative Congress,” on September 26, 2019. The Select Committee received testimony from:
 - Dr. Keith Allred, Executive Director, National Institute for Civil Discourse
 - Mr. Jason Grumet, Founder and President, Bipartisan Policy Center
 - The Honorable Ray LaHood, on behalf of themselves
 - Dr. Jennifer N. Victor, on behalf of themselves
- “The House Calendar and Schedule: Evaluating Practices and Challenges,” on October 16, 2019. The Select Committee received testimony from:
 - Ms. Ida Brudnick, Specialist on Congress, Congressional Research Service
 - Mr. Charles W. Johnson, on behalf of themselves
 - Mr. Kyle Nevins, on behalf of themselves
 - Ms. Susan Clarke Schaar, Clerk of the Senate, Virginia General Assembly
- “Congress and the Frank: Bringing Congressional Mailing Standards into the 21st Century,” on October 31, 2019. The Select Committee received testimony from:
 - The Honorable Rodney Davis, Member of Congress, Washington D.C.
 - The Honorable Susan A. Davis, Member of Congress, Washington D.C.
 - Mr. Josh Billigmeier, on behalf of themselves
 - Dr. Matt Glassman, on behalf of themselves
 - Dr. Joshua Tucker, on behalf of themselves
- “Administrative Efficiencies: Exploring Options to Streamline Operations in the U.S. House of Representatives,” on November 15, 2019. The Select Committee received testimony from:
 - Ms. Teresa Gerton, President and CEO, National Academy of Public Administration
 - Dr. R. Eric Petersen, Specialist in American National Government, Congressional Research Service
 - Mr. Michael Ptasienski, Inspector General, on behalf of The House of Representatives

- Mr. Drew Willison, Former Senate Sergeant at Arms, on behalf of themselves
- “Rules and Procedures in the U.S. House of Representatives: A Look at Reform Efforts and State Best Practices,” on December 5, 2019. The Select Committee received testimony from:
 - Mr. Christopher M. Davis, Analyst on Congress and the Legislative Process, Congressional Research Service
 - Dr. C. Lawrence Evans, on behalf of themselves
 - Ms. Natalie Wood, Director, Center for Legislative Strengthening, on behalf of National Conference of State Legislatures

IV. RECOMMENDATIONS

The Select Committee made the following 16 recommendations to address the problems identified (see **II. BACKGROUND AND NEED FOR RECOMMENDATIONS**) and have organized them into three categories. The Select Committee supports:

ENCOURAGING CIVILITY AND BIPARTISANSHIP IN CONGRESS

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

Specifically . . . There are few private spaces where Members can interact in a bipartisan way. The Architect of the Capitol, under the direction of the Committee on House Administration, will work to identify current 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.

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

Specifically . . . 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. The retreats should draw from the best of the “Hershey” model (previous retreats held in Hershey, PA) originally led by Representatives LaHood and Skaggs that occurred at the beginning of each new Congress from 1997–2003. The retreat will be planned by a bipartisan committee and funding source will be determined by the Committee on House Administration.

(3) Recommendation: Update committee policies to increase bipartisan learning opportunities for staff.

Specifically . . . 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. CODELs provide structured, professional opportunities for staff to have bipartisan interactions while furthering their understanding of issues relevant to their work.

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

Specifically . . . Members have expressed concern that committee work has become too partisan. The House should dedicate an allotment of appropriated funds to committees explicitly for the sole purpose of establishing regular bipartisan staff briefings and trainings and for holding biennial, bipartisan committee retreats. Unused funding cannot be reallocated for other purposes. This would encourage committee members to work together to identify guidelines and measures aimed at promoting productive engagement across the aisle and to identify areas for bipartisan policy cooperation.

STREAMLINING PROCESSES AND SAVING TAXPAYER DOLLARS

(5) Recommendation: Update House procedures to allow members to electronically add or remove their name as a bill cosponsor.

Specifically . . . The Select Committee previously recommended allowing secure e-signatures for bills (see Select Committee Report entitled “Recommendations to Streamline House Human Resources, Overhaul the Onboarding Process, Improve Member Continuing Education Opportunities, Modernize House Technology, and Improve Accessibility,” recommendation 14). 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. The House Clerk and the Parliamentarian will identify a more efficient way for Members who were added in error as a cosponsor of a bill to remove themselves as cosponsors of legislation without indicating their previous cosponsorship.

(6) Recommendation: Require Members to undergo emergency preparedness training to ensure our government is fully prepared in the event of a crisis.

Specifically . . . Members are not required to undergo emergency preparedness training which presents serious safety and security concerns. The House Sergeant at Arms Office and the Capitol Police will coordinate periodic emergency preparedness training for Members.

(7) Recommendation: Identify ways the House and Senate can streamline purchases and save taxpayer dollars.

Specifically . . . A decentralized purchasing system leads to higher prices for many goods and services that both the House and the Senate use. The House CAO, the Senate Rules Committee, and the Senate Sergeant at Arms are directed to explore how the House and Senate can collaborate on procurement and bulk purchasing to save money for the American people.

(8) Recommendation: Encourage House-wide bulk purchasing of goods and services to cut back on waste and inefficiency.

Specifically . . . Fragmented and duplicative contracts can cause inefficiencies and unnecessary costs for offices. The House CAO will be empowered to negotiate House-wide contracts or purchasing services for Member, committee, and lead-

ership offices with the goal of saving taxpayer dollars by purchasing centrally rather than independently. The CAO, under the supervision of the Committee on House Administration, will also determine what constitutes a good, baseline technology package for Member, committee, and leadership offices. The CAO may pilot a baseline tech package with freshman offices, then expand the pilot to other offices accordingly.

(9) Recommendation: Update travel expenditure policies to improve efficiencies, and boost accountability and transparency.

Specifically . . . The House Travel Card Program will be expanded to achieve greater efficiencies in tracking House expenditures or expediting employee reimbursement. 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.

INCREASING THE QUALITY OF CONSTITUENT COMMUNICATION

The Select Committee will work with the Franking Commission on the details of how these recommendations will be further developed and implemented.

(10) Recommendation: Consolidate the regulations governing Member office communications, including digital communications, into one easy to find place.

Specifically . . . 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.

(11) Recommendation: Rename the House Commission on Mailing Standards, also known as the Franking Commission, the House Communications Standards Commission to reflect 21st Century communications.

Specifically . . . Update U.S. Code, the Franking Manual, and the Members' Congressional Handbook as necessary to reflect the Franking Commission's new name.

(12) Recommendation: Increase opportunities for constituents to communicate with their Representatives.

Specifically . . . Update U.S. Code and the Members' Congressional Handbook as necessary to reflect changes allowing constituents to subscribe to all forms of communications with their Members.

(13) Recommendation: Increase accountability and tracking for all Member-sponsored mail.

Specifically . . . The Franking Commission will work with the U.S. Postal Service to develop modern solutions to eliminate the need for self-reporting of district office mail.

(14) Recommendation: Allow for faster correspondence between Representatives and their constituents.

Specifically . . . Update U.S. Code, the Franking Manual, and the Members' Congressional Handbook as necessary to re-

flect revised requirements for when Members need an advisory opinion from the Commission.

(15) Recommendation: Update House social media rules to allow for better communication online between newly-elected Members of Congress and their followers.

Specifically . . . The Franking 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.

(16) Recommendation: Allow the public to better access and view the types of communication sent by Members of Congress to their constituents.

Specifically . . . Update Franking Manual as necessary to require that advisory opinions are made available online in an easily accessible public database.

V. COMMITTEE CONSIDERATION AND VOTES

CONSIDERATION

On December 19, 2019, the Select Committee held a Business Meeting, a quorum being present, and reported favorably the recommendations herein contained in this report.

VOTES

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

