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116TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
116-560

**RECOMMENDATIONS TO IMPROVE
CONTINUITY OF GOVERNMENT
AND CONGRESSIONAL OPERATIONS**

R E P O R T

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



OCTOBER 16, 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, October 14, 2020.

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

DEAR MS. JOHNSON: I present herewith a report entitled, "Recommendations to Improve Continuity of Government and Congressional Operations."

Sincerely,

DEREK KILMER,
Chair.

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OCTOBER 16, 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 improve transparency in Congress. On July 25, 2019 the Select Committee passed its second set of recommendations to address key challenges and capacity issues throughout the Legislative Branch, 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 technologies and emphasizing quality IT services; and, addressing the equal access challenges persons with disabilities face when working for, visiting, or interacting with the House. On December 19, 2019 the Select Committee passed its third set of recommendations to boost civility and bipartisanship in the House; streamline processes and save taxpayer dollars; and, increase the quality of constituent communication.

In early 2020, as the Select Committee continued its work of developing recommendations to make Congress work better for the American people, a global public health crisis emerged. The COVID-19 pandemic brought the need for congressional continuity planning into clear focus as Members and staff had to quickly figure out how to work efficiently and effectively away from the U.S.

Capitol. Select Committee Members believe that Congress needs to better prepare for continuity of government and operations in the face of crises.

To address these challenges, the Select Committee proposed its fourth set of recommendations. These recommendations focus on ensuring that House offices have policies and technologies in place for extended periods of telework so that Members can continue to fulfill their legislative and representational responsibilities in emergency circumstances.

II. BACKGROUND AND NEED FOR RECOMMENDATIONS

Developing continuity of government and operations strategies will improve the way Congress works on behalf of the American people. The Select Committee identified the following issues to be addressed with continuity focused recommendations:

1. Currently, there is no standard continuity of operations plan (COOP) that House offices are required to follow during emergencies. Offices are provided with COOP frameworks that they can use as a basis for establishing their own plans, but there are no standardized guidelines across offices. This leads to inconsistency and confusion; during the COVID-19 pandemic, for example, some offices required staff to report to the office for work while some government and health officials were urging all Americans to stay home. Providing House offices with a standardized, detailed COOP that can be customized to fit individual office needs will minimize inconsistencies across offices and ensure the safety of Members and staff.

2. In the event of a crisis, offices need to be prepared to make a seamless transition to telework. During the initial weeks of the COVID-19 pandemic, when most House offices issued mandatory work-from-home directives, some offices lacked the equipment necessary for all staff to successfully telework. Ensuring that all offices and staff have the technology necessary to telework efficiently and effectively improves continuity of government operations.

3. In addition to having the equipment necessary for telework, House offices need to have consistent technology updates. During the COVID-19 pandemic, the transition to telework was difficult for offices that had out of date equipment and software. Regularly scheduled technology assessments and updates will help ease the transition to telework so that when staff suddenly have to work from home for extended periods of time, they are prepared.

4. Communicating with and assisting constituents during a crisis like the COVID-19 pandemic can be challenging. Office staff need to act quickly to address constituent concerns but can get held up by figuring out access to resources, approval processes, ethics and franking rules, and costs. Guidelines on handling constituent communications in emergency circumstances would help offices better prepare to communicate with and help constituents.

5. Offices must be able to handle constituent casework remotely and securely. When a crisis situation requires staff to telework for extended periods, they need to be able to securely access and process constituent casework seamlessly. A House-wide secure document sharing system would ease this process.

6. Due to a lack of guidance and preparation, many offices were unprepared to use remote communication technologies and soft-

ware. As a result, some offices relied upon software and programs that were not officially approved by the House. Additionally, staff had difficulty accessing programs because of shared license agreements. Providing offices with approved software for video conferencing and remote communications, as well as providing licenses for that software to individual staff, would enable a smoother transition to telework.

7. Transparency in the legislative process is hindered during extended periods of telework due to fewer public committee markups and slow downs in agencies responding to committee requests for information. Committees should have audio and video communications programs in place, as well as a bipartisan plan for sharing relevant committee information with the public.

8. A pilot program to allow committees to electronically submit committee reports was put into place in May 2020 via H.Res. 965. The program was intended to be temporary, in response to the COVID-19 telework requirements. But because the electronic submission of committee reports makes committee work more efficient, accessible, and transparent, the House should make the pilot program permanent.

9. The Select Committee previously passed a recommendation to allow Members to electronically add or remove their name as a bill cosponsor, thereby updating a cumbersome process. This technology should be expanded to allow digital signatures on other documents to increase efficiency, and to allow Members to designate a staffer who can approve use of a Member's digital signature.

10. While some committees have introduced technology into processes to make work more efficient, most committees have not. For example, committees could save time by voting electronically, especially during long markups with a lot of amendments. Using tablets in committee for document sharing also saves time, as well as paper. Committees should develop bipartisan plans for integrating technology into committee work.

11. The Select Committee has recommended specific continuity of government and operations reforms, but there is a need for a wholistic understanding of how Congress responded to the COVID-19 pandemic and how the institution can better prepare for future crises. A bipartisan, bicameral task force should produce an objective report of the response and offer recommendations for how Congress can best prepare for congressional continuity.

12. While many House offices were unprepared for the sudden and extended period of telework due to the COVID-19 pandemic, freshman Members may have needed extra guidance due to their lack of institutional experience. Guidance on preparing an office COOP should be covered in new Member orientation, as well as at the beginning of each new session of Congress for Members on an as-needed basis. In addition to COOP guidance, new Members should receive the rigorous cybersecurity training previously recommended by the Select Committee, including the risks of working in a telework environment.

III. VIRTUAL DISCUSSIONS

The COVID-19 pandemic compelled changes in committee operations and procedures. Because Members were away from the U.S. Capitol for extended periods of time, many committees, including

the Select Committee on the Modernization of Congress, continued to meet by videoconference. The Select Committee held three virtual discussions which helped shape these recommendations. The discussions included:

- “Continuity of Committee Work,” on May 7, 2020. The Select Committee received testimony from:
 - Marci Harris, CEO of PopVox
 - Beth Noveck, Director of The Governance Lab and Chief Innovation Officer for the State of New Jersey
- “Congress’ Tech Capacity,” on May 15, 2020. The Select Committee received testimony from:
 - Travis Moore, Founder and Director of Tech Congress
 - Lorelei Kelly, Leader of the Resilient Democracy Coalition, Beeck Center for Social Impact and Innovation, Georgetown University
- “Remote Office Work and Best Practices from Federal Agencies,” on May 20, 2020. The Select Committee received testimony from:
 - Peter M. Weichlein, Chief Executive Officer, U.S. Association of Former Members of Congress
 - Kristine Simmons, Vice President, Government Affairs, Partnership for Public Service

IV. RECOMMENDATIONS

The Select Committee made the following 12 recommendations to address the problems identified above (see **II. BACKGROUND AND NEED FOR RECOMMENDATIONS**):

(1) Recommendation: Each office should have a continuity of operations plan, including minimum safety requirements and an emergency communications plan, that is made available to all staff so offices continue functioning for the public.

Specifically . . . A House-wide Human Resources HUB, in consultation with the Sergeant at Arms’ Emergency Management Division, should prepare an extensive COOP framework with minimum safety requirements each office must meet. This framework can then be tailored to fit individual office needs, in consultation with the HR HUB.

Office COOPs should include detailed emergency communication plans for office staff that explain how staff will communicate, phone forwarding plans, email management, and video conferencing systems. For new Members, these plans should be developed during orientation; for current Members, these plans should be developed at the beginning of the next congressional session. Plans should be included in employee handbooks and made easily accessible to all staff. District office handbooks could include information on how to transition to remote work, including for phone and computer operations. Additionally, district directors should be consulted during the development of COOPs to ensure that district offices have a telework policy in place.

(2) Recommendation: 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.

Specifically . . . Office COOP and technology purchasing plans should include for the provision of up to date, VPN capable laptops for all staff in both Washington, D.C. and district offices, as well

as equipment and support necessary to forward D.C. and district-office phones. The House should consider purchasing secure Wi-Fi connections or “hot spots” for increased connectivity during remote work periods only, particularly in districts with poor connectivity. Telework technology in district offices should include tools necessary for continued communication with constituents, including phones and scanners.

An Office of Technology Assessment (OTA), the HR HUB, and the Sergeant at Arms’ Emergency Management Division should assist new Members and staff who request help with technology purchases during the orientation process.

(3) Recommendation: Establish regular maintenance plans for office technology, so the equipment and technology needed during remote operations and telework is functional.

Specifically . . . 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. Additionally, the OTA should establish a technology maintenance checklist for individual offices to reference.

(4) Recommendation: Crisis communications guidelines for constituent communication, including outreach plans for extended telework periods, should be approved and shared with all Member offices.

Specifically . . . The Franking Commission should outline an expedited review process, as well as crisis-specific sample text for offices to reference. In particular, the Franking Commission should consider exceptions to current “blackout dates” to allow Members to communicate emergency information to their constituents.

In addition, 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.

At the conclusion of the 116th Congress, the Franking Commission should provide a report to the Committee on House Administration evaluating Member use of the frank during the COVID–19 pandemic, including any violations that may have occurred, and recommendations for improving.

(5) Recommendation: 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.

Specifically . . . 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. All offices should also have a digital check-off on privacy release forms allowing them to seamlessly transfer constituent cases to their successors.

(6) Recommendation: 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.

Specifically . . . HIR and OTA should prioritize software licenses and updates reflective of congressional needs. In order to save taxpayer dollars, the House should consider bulk purchases of software licenses. HIR and the OTA should also evaluate hardware updates to facilitate software improvements; this could take the form of an “approved hardware catalogue” that advises offices on which machines to buy.

(7) Recommendation: Committees should establish telework policies on a bipartisan basis.

Specifically . . . Committees should establish bipartisan telework policies that detail how information will be recorded, stored, and shared electronically with the public. Committees should be given flexibility to customize bipartisan plans that work for their Members. These plans should also include an outline for external communication with federal agencies so that committees are prepared to hold agencies in their jurisdiction accountable during telework periods.

(8) Recommendation: The House should make permanent the option to electronically submit committee reports.

Specifically . . . While committees would not be required to submit reports electronically, all committees should have the option to do so, regardless of whether the committee is teleworking or working in person.

(9) Recommendation: Expand the use of digital signatures for a majority of House business, including constituent communications.

Specifically . . . A prior recommendation by the Select Committee permitted the use of digital signatures to add or remove a Member’s name as a bill cosponsor. 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. Additionally, the House should support the Committee on House Administration’s efforts to create a centralized website for the online submission and acceptance of digital signatures. Members should designate a staff member to add or remove Member digital signatures.

(10) Recommendation: Committees should develop bipartisan plans on how technology and innovative platforms can be best incorporated into daily work.

Specifically . . . 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.

Additionally, once initial infrastructure and security needs are understood, the House as a whole should consider allowing Members to use personal tablets for their committee work.

(11) Recommendation: A bipartisan, bicameral task force should identify lessons learned during the COVID–19 pandemic and recommend continuity of Congress improvements.

Specifically . . . The task force should outline what future congresses can learn from the congressional response to the COVID–19 pandemic. 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.

(12) Recommendation: Continuity, telework and cybersecurity training should be given to all new Members of Congress.

Specifically . . . 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.

V. COMMITTEE CONSIDERATION AND VOTES

CONSIDERATION

On July 31, 2020, the Select Committee held a Business Meeting, a quorum being present, and reported favorably the recommendations herein contained in this report.

VOTES

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