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HOUSE OF REPRESENTATIVES

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**RECOMMENDATIONS TO FOSTER COLLABORATION
AND CIVILITY IN CONGRESS, TO MODERNIZE
THE CONGRESSIONAL SUPPORT AGENCIES, AND
TO ENCOURAGE EVIDENCE-BASED POLICY-
MAKING**

R E P O R T

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



DECEMBER 21, 2022.—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, December 21, 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' report of recommendations to foster collaboration and civility in Congress, to modernize the congressional support agencies, and to encourage evidence-based policy-making

Sincerely,

DEREK KILMER,
Chair.

RECOMMENDATIONS TO FOSTER COLLABORATION AND CIVILITY IN CONGRESS, TO MODERNIZE THE CONGRESSIONAL SUPPORT AGENCIES, AND TO ENCOURAGE EVIDENCE-BASED POLICYMAKING

DECEMBER 21, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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 (Select Committee or Committee) has been charged with the important responsibility of recommending improvements to the U.S. House of Representative to help members of Congress and their staff better serve the American people. During the 116th Congress, the Select Committee passed 97 recommendations to make Congress a more efficient and effective institution. These recommendations addressed many issues within the Select Committee’s jurisdiction and were detailed in the Committee’s Final Report for the 116th Congress. On July 29th, 2021, the Select Committee met and issued its sixth set of recommendations focused on increasing staff capacity, diversity and inclusion, and expanding accessibility to Congress for staff as well as the general public.

The Select Committee met on December 8, 2021, to pass its seventh package of recommendations, the second set of the 117th Congress. The recommendations broadly focus on enhancing civility and collaboration, bolstering the effectiveness of the congressional support agencies, and promoting the collection and use of impartial data and analysis in the policymaking process. The recommendations address issues the Select Committee took up in public hearings, member meetings, and in meetings with stakeholders.

II. BACKGROUND AND NEED FOR RECOMMENDATIONS

Enhancing civility and collaboration, modernizing the congressional support agencies to best meet the needs of an evolving Congress, and improving the use of data and analysis in policymaking will help improve the way Congress works on behalf of the American people. The Select Committee identified the following specific issues to be addressed with recommendations:

1. New Member Orientation is what sets the tone for members-elect after the election. Some members have expressed to the Committee that the existing orientation program and schedule divide representatives-elect into partisan camps rather than teach them about civility, congressional traditions, and how to work collaboratively to achieve legislative success.

2. Members have expressed frustration that there are not enough voluntary professional training opportunities provided by the institution. They note that private sector companies often provide resources for training and best practices in areas like negotiation, conflict resolution, fostering collaboration, and leadership development.

3. Members contribute to the legislative process when bills they've previously introduced are incorporated into larger bills. The public, however, has limited options for tracking these individual member contributions to larger 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 legislation or "omnibus" packages. While members can currently publicize their own contributions through press releases and other means, there is no formal, publicly accessible way for tracking detailed legislative history. Furthermore, the "related bills" tab on Congress.gov does not provide sufficiently comprehensive information and does not always accurately encapsulate all or most related bills, particularly across multiple sessions of Congress. At the Committee's Member Day Hearing on April 15, 2021, it was suggested that incorporating hyperlinks and implementing a track changes style system for Congress.gov would provide transparency and a clearer accounting of the legislative process.

4. There is currently no tool offered to committee chairs and/or ranking members who wish to solicit private feedback from committee members on committee operations.

5. The House's Committee's Congressional Handbook currently restricts committees from paying for committee business events and working meetings unless outside speakers or participants are present or unless the event is part of a "legislative planning session meeting" (with a limit of two such planning meetings per year).

6. The culture within Congress has devolved much more than in many state legislatures. Congress does not have a formal process for learning about and potentially adopting best practices from state legislatures.

7. Although there occasionally may be bipartisan events for House members sponsored by outside entities, there is no neutral party within the House of Representatives offering regular, bipartisan gatherings focused on helping members find common ground and mutual understanding.

8. The House currently lacks a dedicated office or individual focused on learning and promoting best practices for improving collaboration and civility within the institution.

9. Members and staff can have difficulty identifying colleagues who share mutual policy interests, which can inhibit

productive collaboration on policy. Informal collaboration happens through caucuses, listservs, the e-dear colleague system, and organically through member and staff-level relationships, but it can still be difficult to identify members to collaborate that have interests in specific topics. Some of these current tools, such as email listservs and the e-dear colleague system, are outdated or inefficient ways to find partners for collaboration at the beginning stages of the legislative process.

10. Several outside organizations have created models for facilitating private conversations between members with the goal of identifying and fostering common ground. However, there is a lack of awareness about these resources, in part because the House does not provide information on formal opportunities for facilitated conversations for members wishing to use them.

11. Partisan committee websites may encourage more extreme rhetoric and make it more difficult for the public to learn about the activities of a committee. Additionally, partisan websites have led to some committee materials, including for example, minority oversight reports, press releases, or entire websites disappearing from the House system when committee leadership changes or chamber majorities switch.

12. Without some agreed upon norms regarding how House committee members are going to treat one another, there will be regular misunderstandings as complex and difficult issues are debated. Generic civility rules for large organizations (like the House of Representatives, for instance) rarely work in the long-term, due to their lack of specificity.

13. Even as the private sector experiments with and sees success with flexible shared workspaces that foster collaboration and creativity, the House remains very traditional in how it assigns its very limited office space for its staff. Currently the only flex space available is set up for short meetings and there is no place on the House campus designed specifically for staff from multiple offices to work together and collaborate on an idea.

14. Members become disengaged from the process when bills become stuck in the Senate, even bills that have bipartisan support. Members know their districts' needs best but can struggle to get their ideas passed in the Senate.

15. Congress.gov, administered by the Library of Congress (LOC), does not always display non-partisan summaries prepared by the Congressional Research Service (CRS) for bills receiving a vote on the House floor.

Without a nonpartisan bill summary, members, staff, media, and the public are left with summaries distributed by the majority and minority of a committee.

16. A consistent theme the Committee heard in testimony on the support agencies was the importance of ensuring the agencies have timely, reliable access to data—particularly, data that is (or should be) maintained by federal agencies. The information and expertise that congressional support agencies provide is only as good as the data on which it is based. Each agency has experienced its own unique hurdles and delays in accessing data. The agencies need consistent and dynamic ac-

cess to high-quality, real-time data to serve Congress in a timely and accurate way.

17. The culture at the CRS should be oriented toward meeting the diverse and evolving research and analysis needs of members and staff. At the Committee's hearing on modernizing the support agencies, numerous customer service issues were identified. There are limited opportunities for members and staff to provide feedback on products and services to CRS, and as a result, the agency misses critical end-user feedback that could help improve services.

18. The General Accountability Office (GAO) is a vital resource for Congress and American taxpayers; however, the Committee understands that congressional staff may not be sufficiently aware of the resources and support GAO provides and may not know how best to contact agency experts. In addition, opportunities are limited for members and staff to provide feedback to the agency on how they can improve their services.

19. GAO's recommendations help "congressional and agency leaders prepare for appropriations and oversight activities, as well as help improve government operations." While the agency provides regular reporting on the cost savings achieved through the implementation of its recommendations, there is not a consolidated, regular report on estimated costs by agency of unimplemented recommendations.

20. There may be areas where congressional action would be helpful or necessary to implement GAO recommendations. Congressional committees can utilize technical assistance to address open priority GAO recommendations within their jurisdiction. By presenting legislative options annually as technical assistance to the committees on priority open recommendations and areas on the High-Risk List within their jurisdiction, GAO could spur legislative efforts to reform government and save taxpayer dollars.

21. The Congressional Budget Office (CBO) and its scoring processes and methodologies are not always well understood by rank-and-file members or staff. Furthermore, many staff haven't been fully informed about the hierarchy of statutorily defined priorities by which CBO is obligated to provide scores, how to interpret and understand CBO scores and methodologies, and the other functions and services CBO provides for staff and members. Without a clear understanding of how CBO operates, it can be difficult for staff to craft legislation or adequately brief members on relevant CBO reports. Bolstering legislative outreach at CBO to help answer questions and engage in proactive outreach with congressional staff about CBO's work, and to solicit regular feedback, would help staff get their questions answered, could direct analyst-or score-specific inquires, would help manage expectations on the scoring process, and in general would help CBO be a more effective, and better understood, resource for staff and members.

22. The absence of a central legislative staff directory makes it difficult for congressional staff to identify and connect with experts across the legislative branch. While partial solutions are available inside Congress, there is no comprehensive resource available to staff. As a result, individual offices either

purchase access to costly third-party databases or do without vital information.

23. The needs of Congress from the support agencies continuously change, and the legislative tools they have to meet those needs have not been systematically reviewed to ensure that their mission and mandate is addressing the changing needs of the Congress. For example, GAO was created in 1921 through the Budget and Accounting Act. The 1921 Act provides GAO with a broad mandate to investigate how federal funds are spent. Later legislation clarified or expanded GAO's duties (and changed the agency's name). GAO now provides a variety of services to Congress that extend beyond its original functions, but the 1921 Act continues to serve as the basis for the agency's activities. Further, CRS was renamed and directed to put more resources toward research and analysis in 1970. There have been small adjustments through Legislative Branch appropriations bills but the main statutory obligations and agency directives have not been reassessed since 1970.

CBO was established under the Congressional Budget Act of 1974. Other than attempts to alter how the agency scores legislation, its authorities have not been reexamined since its creation. The only exception to this was in 1995 when the agency was charged with including state and local government impacts into its cost estimates.

24. The Science, Technology Assessment, and Analytics (STAA) team within GAO has recently expanded its mission and services to provide technology policy support and related services to members and staff. However, defining STAA's mission, role, and services, as well as how it will operate within GAO long-term, has not been addressed through the authorization process. The Committee received several specific recommendations for strengthening STAA within GAO and providing much-needed technology policy support to Congress in the absence of a reestablished Office of Technology Assessment (OTA). The Committee strongly supports the STAA's mission and the important services it provides to Congress, and the issues surrounding its current authorities, structure, oversight, and funding should be properly addressed through an authorization process in the committee of jurisdiction and in consultation with the House Committee on Science, Space and Technology.

25. The Commission on Evidence Based Policymaking, established by Congress in the Foundations for Evidence-Based Policymaking Act of 2018 (P.L. 115-435) generated numerous recommendations for increasing the use of data and evidence in the executive branch. A similar effort to examine the needs of Congress would help the legislative branch improve its use of impartial data and evidence in the policymaking process. Evidence-based policymaking is a complex, multi-faceted topic and recommendations for congressional action should come from an expert commission.

III. HEARINGS

The Select Committee has continued to use its unique roundtable format to conduct its formal hearings. In addition to the formal

hearings, the Select Committee held a listening session with members of the Fix Congress Cohort which helped further inform these recommendations. The hearings included:

- “Building a More Civil and Collaborative Culture in Congress,” on June 17, 2021. The Select Committee received testimony from:

- Dr. Yuval Levin, Director of Social, Cultural, and Constitutional Studies at the American Enterprise Institute (AEI)
- Dr. Molly Reynolds, Senior Fellow in Governance Studies at the Brookings Institution

- “Rethinking Congressional Culture: Lessons from the Fields of Organizational Psychology and Conflict Resolution,” on June 24, 2021. The Select Committee received testimony from:

- Dr. Kris Miler, Associate Professor in the Department of Government and Politics at the University of Maryland
- Dr. Adam Grant, Professor at the Wharton School at the University of Pennsylvania
- Dr. William Doherty, Co-Founder of Braver Angels
- Amanda Ripley, author of *High Conflict: Why we get Trapped and How we get Out*

- “Enhancing Committee Productivity,” on July 20, 2021. The Select Committee received testimony from:

- Congresswoman Diana DeGette (D-CO)
- Congressman Fred Upton (R-MI)
- Jenness Simler, former Staff Director for the House Committee on Armed Service
- Warren Payne, former senior staff member for the House Committee on Ways and Means
- Dr. E. Scott Adler, Professor of Political Science at the University of Colorado, Boulder

- “Pathways to Success: How Practicing Civility, Collaboration, and Leadership Can Empower Members,” on September 23, 2021. The Select Committee received testimony from:

- Shola Richards, CEO and Founder of Go Together Global
- Liz Wiseman, CEO of the Wiseman Group
- Dr. Alison Craig, Assistant Professor of Political Science at the University of Texas at Austin

- “Modernizing the Congressional Support Agencies to Meet the Needs of an Evolving Congress,” on October 21, 2021. The Select Committee received testimony from:

- Gene Dodaro, Comptroller General of the United States and head of the Government Accountability Office (GAO)
- Dr. Mary Mazanec, Director of the Congressional Research Service (CRS)
- Dr. Phillip Swagel, Director of the Congressional Budget Office (CBO)
- Dr. Wendy Ginsberg, Staff Director of the Government Operations Subcommittee on the House Committee on Oversight and Reform, testifying on her own behalf
- Zach Graves, Head of Policy at Lincoln Network

- Dr. Philip Joyce, Senior Associate Dean of the School of Public Policy at the University of Maryland
- “Strengthening the Lawmaking Process: How Data Can Inform and Improve Policy,” on October 27, 2021. The Select Committee received testimony from:
 - Dr. Nick Hart, President of Data Foundation
 - Poppy MacDonald, President of USAFacts
 - Tara McGuinness, Fellow and Senior Adviser at New America

IV. RECOMMENDATIONS

The Select Committee made the following 25 recommendations to address the problems identified above (**see II. BACKGROUND AND NEED FOR RECOMMENDATIONS**):

FOSTER COLLABORATION AND CIVILITY IN CONGRESS

- (1) Recommendation: New Member Orientation should strive to promote civility, collaboration, and leadership skills and sessions should be held separately from and at times that do not conflict with party leadership events.

Specifically . . . 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 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.

- (2) Recommendation: The proposed Congressional Leadership Academy (CLA) and Congressional Staff Academy (CSA) should offer voluntary training to members and staff to promote civility, collaboration, and leadership skills.

Specifically . . . 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.

(3) Recommendation: The Library of Congress website (Congress.gov) should provide a clearer accounting of member contributions in legislation.

Specifically . . . 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 provide added transparency and help better account for member contributions in committee-prepared reports.

(4) Recommendation: The House of Representatives should develop and provide tools for committee leadership to receive member feedback on committee operations.

Specifically . . . 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.

(5) Recommendation: Committees should have flexibility to host occasional events to foster collaboration and further develop working relationships among committee members.

Specifically . . . 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 committees to provide for members 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.

(6) Recommendation: The House of Representatives should survey and examine best practices from state legislatures.

Specifically . . . 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.

(7) Recommendation: The Library of Congress is encouraged to explore expanding its regular, bipartisan events for small groups of members to include events specifically focused on promoting relationship building and collaboration.

Specifically . . . 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.

(8) Recommendation: The House should include within the portfolio of an institutional office responsibilities to provide best practices to members and staff seeking advice, support, and workshops that encourage bipartisan collaboration in the House.

Specifically . . . 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.

(9) Recommendation: The House of Representatives should offer technology tools to facilitate member collaboration on legislation and issues of mutual interest.

Specifically . . . 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 on which caucuses Members serve on. 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 that 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.

(10) Recommendation: The House of Representatives should provide information on organizations and resources members can utilize to participate in facilitated conversations with the goal of fostering common ground.

Specifically . . . 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.

(11) Recommendation: Committees should have a bipartisan, public-facing website with basic, nonpartisan information about the committee and its operations.

Specifically . . . 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 its 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 non-partisan, largely administrative website that houses committee documents and resources and doesn't largely change content as the majority changes between party hands.

Having one website also promotes transparency by retaining the information within the House. This would not preclude a committee majority or minority from having a partisan website in addition to the non-partisan website.

(12) Recommendation: The House of Representatives should provide resources and guidance to committees seeking to create tailored, mutually developed, civility norms.

Specifically . . . 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, and to discuss how the members will treat each other in public and in private, and how the committee will treat witnesses during hearings.

(13) Recommendation: The House of Representatives should explore bipartisan co-working spaces for staff.

Specifically . . . 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.

(14) Recommendation: A bicameral group of members, including majority and minority members of the House and Senate Rules Committees, should convene to discuss joint rules changes in each chamber that would require widely supported, bipartisan legislation passed in one chamber to receive expedited consideration in the other chamber.

Specifically . . . 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 $\frac{2}{3}$ of its members voting in the affirmative.

MODERNIZE CONGRESSIONAL SUPPORT AGENCIES

(15) Recommendation: The Library of Congress should prioritize ensuring that bills to receive a floor vote have non-partisan summaries available.

Specifically . . . 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. In a discussion with the LOC they 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.

(16) Recommendation: CRS, GAO, and CBO should each report to committees of jurisdiction on access to federal data, including any challenges to accessing that data, and identify whether Congress can take any actions to ensure agencies have continuous and real-time access to high-quality federal data and the staff who maintain and can provide insight into that information.

Specifically . . . 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 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 FY21 appropriation bill for the legislative branch requested information about the 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.

(17) Recommendation: CRS should ensure that its products and services are designed to adapt and meet the ever-changing needs of an evolving Congress and develop real-time customer feedback tools to improve and continually update the services and products it provides to Congress.

Specifically . . . 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.

(18) Recommendation: The Government Accountability Office should boost initiatives to meet Congress' information needs and assess member and staff awareness of and satisfaction with its products and services.

Specifically . . . 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.

(19) Recommendation: The Comptroller General should provide an annual report to committees on unimplemented GAO recommendations and the estimated cost savings, by agency.

Specifically . . . 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.

(20) Recommendation: The Government Accountability Office should annually report to Congress on legislative options to address open priority recommendations as well as related work from the “High-Risk List.”

Specifically . . . 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.

(21) Recommendation: The Congressional Budget Office should expand its congressional outreach to provide additional information and assistance to members of Congress and staff.

Specifically . . . 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 questions and engage in proactive outreach with congressional staff about the agency’s work, and to solicit regular feedback, would help staff get their questions answered, could direct analyst-or score-specific in-

quires, would help manage expectations on the scoring process, and in general would help CBO be a more effective, and better understood, resource for staff and members.

(22) Recommendation: Congress and congressional support agencies should establish a web portal with staff contact information that is managed and updated by the House, Senate, congressional support offices, and support agencies to enhance the exchange of information and policymaking process.

Specifically . . . 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.

(23) Recommendation: The committees of jurisdiction should examine the support agencies' authorities and determine if they are sufficient or need to be updated so that the agencies can better serve an evolving Congress.

Specifically . . . 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.

(24) Recommendation: The Science, Technology Assessment, and Analytics program (STAA) should be authorized by Congress and made a permanent part of GAO.

Specifically . . . 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.

ENCOURAGE EVIDENCE-BASED POLICYMAKING

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

Specifically . . . 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, Bulk 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.

V. COMMITTEE CONSIDERATION AND VOTES

CONSIDERATION

On December 8, 2021, the Select Committee held a Business Meeting, a quorum being present, and reported favorably the recommendations contained in this report.

VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, recommendations 1–12 and 15–25 herein contained in this report were adopted by voice vote, two-thirds being in the affirmative.

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, recommendations 13 and 14 herein contained in this report were adopted by roll call vote, with Reps. Kilmer, Timmons, Cleaver, Perlmutter, Davis, Joyce, Phillips, and Williams voting aye and Reps. Reschenthaler and Van Duyne voting no.

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, a recommendation to expand primary sponsor designations to two members of different parties for bipartisan bills failed on a roll call vote, with Reps. Kilmer, Timmons, Cleaver, Perlmutter, Phillips, and Williams voting aye and Reps. Reschenthaler, Davis, Joyce, and Van Duyne voting no. Due to unforeseen circumstances, Reps. Lofgren and Latta were unable to participate in this vote. The Appendix contains letters submitted for the record by Reps. Lofgren and Latta, respectively, that explain their positions on this recommendation.

A motion by Chair Derek Kilmer of Washington to report the recommendations herein contained in this report to the House of Representatives was adopted by voice vote, two-thirds being in the affirmative.

COMMITTEE ON HOUSE ADMINISTRATION
*CHAIR

COMMITTEE ON THE JUDICIARY
*CHAIR - SUBCOMMITTEE ON
IMMIGRATION AND CITIZENSHIP
*SUBCOMMITTEE ON COURTS, INTELLECTUAL
PROPERTY AND THE INTERNET

COMMITTEE ON SCIENCE, SPACE AND TECHNOLOGY
*SUBCOMMITTEE ON SPACE AND AERONAUTICS

CHAIR, CALIFORNIA DEMOCRATIC CONGRESSIONAL DELEGATION
CO-CHAIR, 4TH AMENDMENT CAUCUS

APPENDIX

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CO-CHAIR, CONGRESSIONAL CAUCUS ON VIETNAM
CO-CHAIR, REFUGEE CAUCUS

December 9, 2021

The Honorable Derek Kilmer
Chairman
Select Committee on the Modernization of
Congress
164 Cannon House Office Building
Washington, DC 20515

The Honorable William Timmons
Vice Chairman
Select Committee on the Modernization of
Congress
164 Cannon House Office Building
Washington, DC 20515

Dear Chairman Kilmer and Vice Chairman Timmons:

I would like to commend both the Chair and Vice Chair for their leadership on recommendations considered yesterday. Due to unforeseen circumstances, I was unable to be present during the Committee's Business Meeting and roll-call votes on Wednesday, December 8, 2021. Had I been present, I would have voted:

- in support of "Vote #1", which included twenty-two recommendations en bloc;
- in support of "Vote # 2", a recommendation to expand sponsor designations for bipartisan bills;
- in support of "Vote # 3", a recommendation encouraging ongoing institutional support to facilitate civility and collaboration
- in support of "Vote # 4", a recommendation to explore co-working spaces for staff; and
- in support of "Vote # 5", a recommendation to establish a task force o the legislative process.

Sincerely,



Zoe Lofgren
Member of Congress

ROBERT E. LATTA
5TH DISTRICT, OHIO
DEPUTY WHIP
COMMITTEE ON
ENERGY AND COMMERCE
SUBCOMMITTEE ON
COMMUNICATIONS AND TECHNOLOGY
REPUBLICAN LEADER
SUBCOMMITTEE ON ENERGY
SUBCOMMITTEE ON CONSUMER
PROTECTION AND COMMERCE

Congress of the United States
House of Representatives
Washington, DC 20515-3505

December 08, 2021

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The Honorable Derek Kilmer
Chairman
House Modernization Committee
2059 Rayburn House Office Building
Washington, DC 20515

The Honorable William Timmons
Ranking Member
House Modernization Committee
267 Cannon House Office Building
Washington, DC 20515

Dear Chairman Kilmer and Ranking Member Timmons;

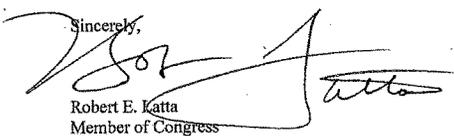
I would like to commend you both for your hard work and dedication to serving the American people and for your leadership in the House Modernization Committee. Due to unforeseen circumstances, I was unable to be present during the Committee's Business Meeting and roll-call votes on Wednesday, December 8, 2021. Had I been present, I would have voted:

- in support of "Vote #1", which included twenty-two recommendations en bloc on promoting civility and collaboration in the United States House of Representatives;
- in support of "Vote #2", a recommendation to expand sponsor designations for bipartisan bills;
- in opposition to "Vote #3", a recommendation encouraging ongoing institutional support to facilitate civility and collaboration;
- in support of "Vote #4", a recommendation encouraging co-working spaces for staff; and
- in opposition to "Vote #5", a recommendation to establish a task force on the legislative process.

Our constituents elected each of us to represent them in the U.S. House of Representatives. I believe it is incumbent upon us to set a good example for others through our words and actions, especially when we disagree with one another. Treating every member of the House and all who work within these halls with civility should not be enforced by a specific office or entity. It is each of our responsibilities to treat others with respect and to encourage our peers to do the same. For these reasons, I do not support institutional oversight requirements for collaboration, and hope we can all encourage our peers to treat others respectfully. Additionally, our duty on this Committee is to find ways to make the People's House work better, in a more transparent fashion, for the American people. Unfortunately, our jurisdiction does not include the Senate. I cannot support the creation of a task force encouraging House and Senate members to meet to discuss rule changes because in order for this recommendation to be implemented effectively, it would require Senate participation, which we cannot guarantee.

It is my belief that we must do all we can to represent our constituents efficiently and effectively, and these recommendations as a whole would do just that. I again applaud your strong leadership and thank you for your work to strengthen the U.S. House of Representatives so that it better serves the American people.

Sincerely,



Robert E. Latta
Member of Congress