September 9, 2022

House Select Committee on the Modernization of Congress
United States House of Representatives
164 Cannon House Office Building
Washington, DC 20515

RE: The Future of Congressional Modernization

Dear Chair Kilmer, Vice Chair Timmons, and Members of the Select Committee on the Modernization of Congress:

The last four years of work by the Select Committee on the Modernization of Congress have been a vibrant illustration of what a dozen members of Congress who commit themselves to reform can accomplish to modernize the first branch of government. The significant reforms that your committee has shepherded into place — in coordination with the authorizers, appropriators, and congressional leadership — are both responsive to and shape expectations for the proper functioning of our national legislature.

Efforts to reform the House of Representatives, and the Congress as a whole, arise every quarter-century. These course corrections are essential to the well-being of our democracy and arise at times of great change. Sometimes they are successful, and oftentimes they are not. We are pleased to see your efforts become a great success.

Congress usually is an incremental institution and cannot always sustain the pace of reform necessary to keep it strong and relevant. Moreover, Members of Congress, their staff, congressional support agencies, and those of us who partner with Congress often must focus on current legislative business. And yet, it is imperative that we continue to look beyond Congress’s day-to-day operations and think anew about what Congress must become to meet the needs of our democracy. Accordingly, we are looking forward to your September 14, 2022 hearing entitled: “Congressional Modernization: A roadmap for the future.”

With all of this in mind, we respectfully submit the following recommendations so that the work undertaken by what we affectionately call the “fix Congress committee” can continue. As a final act of service, we hope that you will consider and, as appropriate, endorse the following recommendations:

- The Work of the Modernization Committee Should Continue as part of the House Administration Committee
- The House Should Establish a Congressional Advisory Committee to Facilitate Civil Society and Expert Engagement with Modernization Efforts
- The House Should Encourage Ongoing Scholarly Attention to the Study of Congress
1. The Work of the Modernization Committee Should Continue as part of the House Administration Committee

Efforts to review and modernize the operations of the Legislative branch should be continuous. Starting in the 118th Congress, the work of the SCOMC should be transferred to the House Administration Committee, which already has a subcommittee devoted to Legislative branch oversight. In doing so, we make the following recommendations that address the structure of the House Administration Committee:

- The staff, resources, and research of the SCOMC should be transferred to the House Administration Committee Oversight Subcommittee whose role should be expanded to include horizon scanning and congressional reform writ large. Its name could be updated to the Subcommittee on Oversight and Modernization.
- The subcommittee should be provided its own staff and funding, and include representatives from other committees who sit ex officio. To make this possible, the House Administration Committee should receive more funding and be permitted to hire staff for that subcommittee. The subcommittee should have oversight and legislative authority, including the ability to hold hearings sua sponte and to report legislation to the full committee.
- The number of majority members on the subcommittee should exceed that of the minority by one, with measures to be reported to the full committee requiring a majority quorum vote that includes at least one minority member voting in the affirmative.
- One function of this subcommittee would be the implementation and ongoing examination of the SCOMC recommendations, with regular hearings that bring in relevant support office and agency stakeholders to provide updates to the subcommittee. As tasks are accomplished, the subcommittee can help identify logical extensions of existing work. It also can publicly track implementation of the 200+ recommendations.
- Significant amounts of the House Administration Committee’s time and resources are spent on elections and election-related matters, which can be time consuming and result in the deprioritization of other efforts. As a consequence, serious thought should be given to spinning off the Subcommittee on Elections, which historically was its own committee, to help the House Administration Committee focus on non-election matters.

2. The House Should Establish a Congressional Advisory Committee to Facilitate Civil Society and Expert Engagement with Modernization Efforts

The House should create a federal advisory committee on the modernization of Congress, modeled on other congressional advisory committees such as the Advisory Committee on the Records of Congress and the Congressional Data Task Force.¹ Nongovernmental representatives on the advisory committee should include members of civil society.

¹ For more information on the Advisory Committee on the Records of Congress, see https://www.archives.gov/legislative/cla/advisory-committee. For more information on the Congressional Data Task Force, which was previously known as the Bulk Data Task Force, see https://usgpo.github.io/innovation/leadership_support/.
society, historians, political scientists, and others with relevant expertise. Governmental representatives should include the House Historian, representatives from relevant congressional agencies, experts from CRS, former members of SCOMC, representatives from leadership, and more.

The Advisory Committee should be able to hold hearings, conduct research, host public and internal forums, and make public recommendations to Congress and its stakeholders. It should meet frequently and be provided appropriate staff support.

3. The House Should Encourage Ongoing Scholarly Attention to the Study of Congress

The House of Representatives should encourage and facilitate more scholarly attention to the study of Congress, particularly the operations of the House, its support offices, and its support agencies. While there is often attention from newspapers and scholars, it would be useful to prompt research focused on providing a systematic understanding of how entities in the legislative branch function, how they have changed over time, and explore approaches to attaining their institutional goals. This type of knowledge, gathered into one place and systemized, is essential for staff to quickly get up to speed. Such efforts generally do not occur at sufficient frequency.²

At times, historians and experts on American Government at the Congressional Research Service have been tasked with writing and regularly updating reports on aspects of the Legislative branch, although sometimes outside experts are employed. This is a productive approach that should be expanded and become routine. Subjects of these efforts could encompass addressing:

- The House of Representatives, its rules, committees, and party structure.
- The United States Senate, its rules, committees, and party structure.
- Administration inside the House of Representatives and the Senate, from human resources to technology to facilities, addressing the activities of support offices and agencies including the CAO, the House Sergeant at Arms, the Senate Sergeant at Arms, the Secretary of the Senate, the Architect of the Capitol, and the Office of Congressional Workplace Rights.
- Analytical support functions of Congress, such as those contained in the Library of Congress (especially the Congressional Research Service and the Law Library of Congress), the Library of the House, the Library of the Senate, and components of GAO (such as the STAA).

² For example, the most recent comprehensive book-length history of the House of Representatives was published in 2006, and its immediate predecessor was published in 1962 (with an update in 1976). There is only one book-length treatment of the Congressional Budget Office, published in 2011, and the most recent (and perhaps the only) book-length history of the GAO was published in 1979. There is no extended treatment on the Congressional Research Service, although it was the focus of a series of monographs in 2010-2012. Many of these documents were written at the best of Congress or one of its components; oftentimes historians employed by Congress did the writing.
● Taxing and spending, focusing on appropriators, House Ways and Means, Senate Finance Committee, CBO, and the Joint Committee on Taxation.

● The conduct of oversight, including the GAO, the authorizing committees, the role of IGs, the Office of the House Whistleblower Ombuds.

● Congressional security, including the Capitol Police, the Sergeants at Arms, and the Architect of the Capitol.

● Bespoke works on aspects of policymaking, such as congressional oversight of intelligence matters, ensuring press access, modernizing technology, and facilitating constituent communications.

● Data about the operations of Congress to be gathered and published in formats that support easy analysis and reuse.

Thank you for the opportunity to submit these recommendations and for the opportunity to collaborate with the House Select Committee on the Modernization of Congress over the 116th and 117th Congresses. We appreciate all that you have done and continue to do.

With best regards,

Daniel Schuman
Policy Director
Demand Progress