

## Demand Progress

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**LEGISLATIVE BRANCH: REQUESTS THAT APPLY TO BOTH CHAMBERS OF  
CONGRESS**

## Create a Legislative Branch Data Coordination Office

*Appropriations Committee:* Legislative Branch

*Agency:* Joint Items

*Account:* Legislative Branch Data Coordination Office

*Type of Request:* Bill Text and Report Language

**Background:** The legislative branch has made significant advances in releasing legislative information to the public as data. This has served Congress well, as it has facilitated Congress's access to its own data — both as raw structured data and as data refined by third parties. These data publication initiatives have included the online publishing of bills; committee schedules, documents, and videos; an online House phone directory; CRS reports; the bills and amendments scheduled for a floor vote in the House; the Statement of Disbursements; the new joint meetings calendar; as well as holding regular meetings of the Bulk Data Task Force and the annual Legislative Data and Transparency Conference. The vast majority of participating offices and agencies have gone out of their way to be helpful and collaborative, and the House Clerk's office has played a stand-out role in coordinating the Bulk Data Task Force.

We believe it is time to provide additional support to Congress — to the Clerk, congressional stakeholders, and the public — in facilitating the use of congressional information. This data is important to congressional operations and public transparency, but it is not always clear what information exists, where it can be found, and what more can be done to improve its utility. In addition, there is no entity with the singular focus of facilitating these efforts who acts as a knowledge repository, a connector across silos, and support staff to stakeholders.

Congress should create a Legislative Branch Data Coordination Office, co-directed by a House Data Coordination Officer and a Senate Data Coordination Officer, chosen respectively by the House Clerk and the Senate Sergeant at Arms. It should have the responsibilities of supporting efforts to coordinate the Bulk Data Task Force; tracking datasets released by the legislative branch; providing advice, guidance, and encouragement to offices regarding the publication of legislative branch information as data; supporting the annual Legislative Data and Transparency Conference; and supporting and providing assistance to the public with finding and obtaining legislative data. It should serve as a forum for convening relevant internal stakeholders to facilitate coordination of strategies, procurement, knowledge-sharing; consult with internal and external experts; and as a clearinghouse for appropriately routing technical inquiries, issues, and ideas.

**Bill text:** Legislative Branch Data Coordination Office. For salaries and expenses of the House Data Coordination Officer, the Senate Data Coordination Officer, and subordinate staff as appropriate, \$800,000, to be disbursed in equal parts by the Secretary of the Senate and the Clerk of the House of Representatives. The House Data Coordination Officer shall be chosen and overseen by the Clerk of the House and the Senate Data Coordination Officer shall be chosen and overseen by the Secretary of the Senate.

**Report Language:** The Clerk of the House of Representatives shall select the House Data Coordination Officer and the Secretary of the Senate shall select the Senate Data Coordination Officer, each compensated at an annual rate of pay which is equal to the annual rate of basic pay payable for positions at level II of the Executive Schedule under section 5313 of title 5. The House and Senate Data Coordination Officers may jointly hire subordinates who may be compensated at an annual rate of pay which is equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314 of title 5.

The Data Coordination Office shall be responsible for supporting coordination of the Bulk Data Task Force; tracking datasets released by the legislative branch; providing advice, guidance, and encouragement to offices regarding the publication of legislative branch information as data; supporting the annual Legislative Data and Transparency Conference; providing assistance to the public with finding and obtaining legislative data; and other duties as the Data Coordination Officer deems appropriate that promotes public or congressional access to legislative information as data. Further, it shall serve as a forum for convening relevant internal stakeholders to facilitate coordination of strategies, procurement, knowledge-sharing; consult with internal and external experts; and as a clearinghouse for appropriately routing technical inquiries, issues, and ideas.

## Improve Lobbyist Tracking Data

**Appropriations Committee:** Legislative Branch

**Agency:** Office of the Clerk

**Account:** Salaries, Officers and Employees

**Type of Request:** Report Language

**Background:** The House report accompanying the Legislative Branch Appropriations Bill for FY 2020 contained a provision under the Office of the Clerk concerning a *Lobbyist Disclosure Unique Identifier* in which the committee “requests a report from the Clerk of the House, within 60 days of enactment of this Act, regarding progress on generating a Congress-wide unique identifier for lobbyists and disclosing that identifier to the public as structured data as part of the lobbying disclosure downloads.” In addition, the Select Committee on the Modernization of Congress endorsed a similar requirement as part of its recommendations, and all members of the Committee co-sponsored H. Res 756, which includes a similar requirement in Section 505.

The Honest Leadership and Open Government Act requires the filing of regular reports with the Clerk of the House and the Secretary of the Senate concerning lobbying activities. Because of the way that lobbyists file, it is difficult to track lobbyists who work for multiple entities at the same time or over the course of their career. All lobbyists receive unique identifiers for each chamber — a series of letters and numbers that belong only to that lobbyist and is maintained by the House or Senate — but that information is not currently used to verify or track an individual lobbyist’s identity in a public-facing way, nor is there a common unique ID across both chambers.

We support the requirement to create a unique lobbyist identifier, encourage the Clerk and Secretary of the Senate in their effort to create such a system, and respectfully request an additional \$250,000 appropriations for its completion.

**Report Language:**

**Lobbyist Disclosure Unique Identifier:** The Committee is aware of ongoing efforts by the Office of the Clerk to generate a Congress-wide unique identifier for lobbyists and disclose that identifier to the public as structured data as part of the lobbying disclosure downloads. To this end, the Committee recommendation provides additional resources in the amount of \$250,000 to complete this project.

## Access to Historical Congressional Research Service Reports

**Appropriations Committee:** Legislative Branch

**Agency:** Congressional Research Service

**Account:** Salaries and Expenses

**Type of request:** Report Language

**Background:** Pursuant to law, the Congressional Research Service is publishing current CRS reports and other non-confidential documents at <https://crsreports.congress.gov/>. The Consolidated Appropriations Act, 2018 (P.L. 115-141) includes a provision allowing the Library of Congress to publish “non-current reports,” i.e., historical reports: the reports not on CRS’s internal website on the day the online publication law came into effect. However, the Library indicated it will not do so absent congressional direction.

CRS maintains an internal archive of select historical CRS reports in a repository designed as “CRSX.” The reports it contains are digitized and described with metadata, but are not available to Congressional staff on the congressional intranet at CRS.gov or published on the public-facing CRS website. They are provided to congressional staff upon request, but most staff are unaware of their existence. Some historical reports can be found online or purchased through third-party services, which creates an unlevel playing field for those who can afford access to the reports.

Historical CRS reports often contain information that is relevant to ongoing public debates, provide important context on historical congressional decision-making, and can serve as a reference for CRS staff when they respond to questions or generate new or updated CRS products. There are recent examples where members of Congress have cited historical reports — obtained through third party sources — and a bipartisan coalition of non-profit organizations has requested their public availability. CRS should evaluate the feasibility, cost, and benefits of publishing some or all of the historical reports on <https://crsreports.congress.gov/>.

### **Report Language:**

**Congressional Research Service CRSX Files:** Within 60 days of enactment of this legislation, the Congressional Research Service shall provide to appropriators and make publicly available a report evaluating the publication on [crsreports.congress.gov](https://crsreports.congress.gov/) of CRS reports contained in its CRSX archive. Looking only at CRS reports contained within the archive, CRS should examine the feasibility, cost, and benefits of integrating all or a subset of the reports online at <https://crsreports.congress.gov/>. This analysis should give serious consideration of the utility to the public and Congress of online access to the reports.

## Publication of Congressional Research Service Reports in HTML

*Appropriations Committee:* Legislative Branch

*Agency:* Congressional Research Service

*Account:* Salaries and Expenses

*Type of request:* Report Language

**Background:** In the Fiscal Year 2018 Legislative Branch Appropriations Bill Report, Congress directed the Library of Congress to make all non-confidential public Congressional Research Service reports available online. In 2018, CRSReports.Congress.Gov went live; more than 7,000 reports have been published to date. While we applaud this step and thank the committee, we encourage Congress to go further and require that the reports be published in HTML format — the format in which the web is written. CRS already maintains the reports as HTML, but makes them available in that format on the website available only to congressional staff.

The PDF format, which is the sole format that reports are currently made available online to the public, hinders users' ability to effectively use the data contained in the reports. PDF's are difficult to copy and hard for computers to analyze. In addition, PDF format makes it harder for search engines to find the reports, diminishing their discoverability and use by the general public. By comparison, the website everycrsreport.com, which publishes the reports as HTML and PDF, receives more than 125,000 unique visitors monthly.

This simple, straightforward fix would go a long way to improve the utility of the CRS reports that Congress has instructed be made available online.

### ***Report Language:***

*Congressional Research Service Reports in HTML.* The Library of Congress is requested to make available to the public all non-confidential CRS Reports in HTML format, or a successor format when appropriate, to facilitate use and reuse of information contained in the reports.

## Independent Office of the Chief Congressional Science and Technology Advisor

**Appropriations subcommittee:** Legislative Branch

**Agency:** Government Accountability Office

**Type of Request:** Bill Text and Report Language

**Background:** There has been renewed interest and discussion over the past few years about enhancing science and technology (S&T) capacity and expertise within the legislative branch. This has included a congressionally-directed study by the National Academy of Public Administration released last year, as well as multiple studies from Harvard University, think tanks, and coverage in popular media. While their proposed solutions to close the gap have been different, most analysts have reinforced the existence of a significant S&T gap and the need to bolster Congress's internal capacities. One effort to do this is the GAO's Science, Technology Assessment, and Analytics (STAA) team, which launched in January 2019 and has been scaling its capabilities and FTE staff count. While some still favor restarting OTA, critics have also pointed to STAA's challenges in separating itself from GAO's audit-focused culture and overcoming internal bureaucratic hurdles. To address these concerns and build consensus for STAA as a major vehicle for building congressional S&T capacity, it is essential that stakeholders in this committee continue their oversight and apply constructive pressure to guide its development. To that end, we suggest language that will encourage the Comptroller General to prioritize STAA in resource allocation, and help it bring in the right expertise and build stronger expert networks in industry and academia.

### **Bill text:**

*Office of the Chief Congressional Science and Technology Advisor:* For salaries and expenses of the Office of the Chief Congressional Science and Technology Advisor, \$20,000,000, provided that the Chief Science and Technology Advisor to Congress, who shall head such office, shall be compensated at an annual rate of pay which is equal to the annual rate of basic pay payable for positions at level II of the Executive Schedule under section 5313 of title 5, and further provided that additional staff may be hired at compensation less than or equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314 of title 5. *Provided further* that the Chief Congressional Science and Technology Advisor to Congress shall be appointed by the Comptroller General. *Furthermore*, the Comptroller General is authorized to furnish additional services and assistance, including financial and administrative services, to support the mission of the Office, and the Librarian of Congress is authorized to make available services and assistance of the Congressional Research Service in supporting the Office.

**Report language:**

*Office of Chief Congressional Science and Technology Advisor:* Since 2002, GAO has provided analytic support to Congress in the form of technology assessments. In 2019, it expanded this capability through the creation of the Science, Technology Assessment, and Analytics (STAA) team. The committee is encouraged by GAO's progress and urges the Comptroller General to prioritize implementation of its strategic plan. The committee appreciates and recognizes the expert advice provided on strengthening congressional science and technology policy, including reports by the National Academy of Public Administration, the Belfer Center for Science and International Affairs, and the Ash Center for Democratic Governance and Innovation, as well as the insights surfaced by the House of Representatives Committee on Science, Space, and Technology.

The mission of providing technology assessments and technical assistance for Members of Congress and staff, currently housed in the Government Accountability Office's Science, Technology Assessment, and Analytics team, shall be moved to a new organizational unit in the Government Accountability Office called the Office of the Chief Congressional Science and Technology Advisor to Congress. This Office will also take on the role of coordinating science and technology resources within the legislative branch, as well as providing horizon scanning, and providing direct support to House and Senate committees to enhance their absorptive capacity.

The Chief Congressional Science and Technology Advisor shall be appointed by the Comptroller General. For salaries and expenses of the Office, \$20,000,000 shall be allocated. The Comptroller General is authorized to furnish additional services and assistance, including financial and administrative services, to support the mission of the Office. The Librarian of Congress is also authorized to make available services and assistance of the Congressional Research Service in supporting the Office.

Further, the Office of Chief Congressional Science and Technology Advisor is requested to provide a report to this committee and to publish online within 180 days on appropriate congressional protocols to address requests from congressional committees (including those expressed by minority members) as well as individual member officers.

Furthermore, in the effort to build expert networks and bring in top talent from outside government, the committee urges GAO and the Office of Chief Congressional Science and Technology Advisor to jointly study available hiring authorities and their utilization for science and technology work, as well as how they might adapt talent and networking models from DARPA, the National Science Foundation, and the former Office of Technology Assessment.



## Clarify GAO Audit Power Over the Intelligence Agencies

**Appropriations Committee:** Legislative Branch

**Agency:** U.S. Government Accountability Office

**Account:** Administrative Provision

**Type of request:** Bill Text

**Background:** The GAO plays a critical role in Congressional oversight of the Executive Branch. That role may be stymied when it comes to the Intelligence Community (“IC”). While GAO already has statutory authority to conduct oversight of all federal agencies and has since 1982, the IC has insisted — from the outset — that it is not subject to such audits.

Comptroller Dodaro testified in 2019 that IC cooperation is forthcoming *only* when HPSCI or SSCI supports the request. When another committee of jurisdiction makes the request, the IC is unlikely to cooperate. He repeated that point in 2020, saying, with respect to working with the IC, “Is work there as smooth as it is in other parts of the Federal Government? No. It takes more time.... I could always use more support from the Congress in that area, but I don’t think we need statutory authority. We just need support from the committees and the Intelligence Committees. We have more difficulty if the requests come from non-Intelligence Committees.”

For the full legislative history and an explanation of this issue, see testimony by Kel McClanahan, available on p. 560 of part 2 of the committee print *House Hearing, 116th Congress, Legislative Branch Appropriations for 2020*.

We are concerned that Director Dodaro may not be able to answer in the affirmative because it would risk validating the IC’s position on its authority. CIA regulations for sharing information with the GAO states “Information that falls within the purview of the congressional intelligence oversight committees generally shall not be made available to GAO to support an audit or review” of CIA functions or funding. Furthermore, if GAO makes a request on behalf of or to obtain information for a tasking by an intelligence oversight committee, the CIA will not authorize release to GAO but will make the information “directly available to the requesting intelligence oversight committee.”

Congress should adopt language offered by the House of Representatives in its Intel Authorization Act for FY 2010 (HR. 2701, Section 335) because it would give teeth to GAO’s ability to conduct audits inside agencies that have intelligence community functions.

**Bill Text:**

SEC. 335. Government Accountability Office audits and investigations.

Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 334 of this Act, is further amended by adding at the end the following new section:

“Government Accountability Office analyses, evaluations, and investigations

“Sec. 511. (a) In general.—Except as provided in subsection (b), the Director of National Intelligence shall ensure that personnel of the Government Accountability Office designated by the Comptroller General are provided with access to all information in the possession of an element of the intelligence community that the Comptroller General determines is necessary for such personnel to conduct an analysis, evaluation, or investigation of a program or activity of an element of the intelligence community that is requested by a committee of Congress with jurisdiction over such program or activity.

“(b) Exception.—(1)(A) Subject to subparagraph (B), the Director of National Intelligence may restrict access to information referred to in subsection (a) by personnel designated in such subsection if the Director determines that the restriction is necessary to protect vital national security interests of the United States.

“(B) The Director of National Intelligence may not restrict access under subparagraph (A) solely on the basis of the level of classification or compartmentation of information that the personnel designated in subsection (a) may seek access to while conducting an analysis, evaluation, or investigation.

“(2) If the Director exercises the authority under paragraph (1), the Director shall submit to each committee of Congress with jurisdiction over the program or activity that is the subject of the analysis, evaluation, or investigation for which the Director restricts access to information under such paragraph an appropriately classified statement of the reasons for the exercise of such authority within 7 days.

“(3) The Director shall notify the Comptroller General at the time a statement under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Comptroller General with a copy of such statement.

“(4) The Comptroller General shall submit to each committee of Congress to which the Director of National Intelligence submits a statement under paragraph (2) any comments on the statement that the Comptroller General considers appropriate.

“(c) Confidentiality.—(1) The Comptroller General shall maintain the same level of confidentiality for information made available for an analysis, evaluation, or investigation referred to in subsection (a) as is required of the head of the element of the intelligence community from which such information is obtained. Officers and employees of the Government Accountability Office are subject to the same statutory penalties for unauthorized disclosure or use of such information as officers or employees of the element of the intelligence community that provided the Comptroller General or officers and employees of the Government Accountability Office with access to such information.

“(2) The Comptroller General shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General or any representative of the Comptroller General for conducting an analysis, evaluation, or investigation referred to in subsection (a).

“(3) Before initiating an analysis, evaluation, or investigation referred to in subsection (a), the Comptroller General shall provide the Director of National Intelligence and the head of each relevant element of the intelligence community with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, records and information of the element of the intelligence community shall be made available in conducting such analysis, evaluation, or investigation.”.

SEC. 336. Certification of compliance with oversight requirements.

(a) In general.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 335 of this Act, is further amended by adding at the end the following new section:

“Certification of compliance with oversight requirements

“Sec. 512. The head of each element of the intelligence community shall semiannually submit to the congressional intelligence committees—

“(1) a certification that, to the best of the knowledge of the head of such element—

“(A) the head of such element of the intelligence community is in full compliance with the requirements of this title; and

“(B) any information required to be submitted by such head of such element under this Act before the date of the submission of such certification has been properly submitted; or

“(2) if such head of such element is unable to submit a certification under paragraph (1), a statement—

“(A) of the reasons such head of such element is not able to submit such a certification;

“(B) describing any information required to be submitted by such head of such element under this Act before the date of the submission of such statement that has not been properly submitted; and

“(C) that the head of such element will submit such information as soon as possible after the submission of such statement.”.

(b) Applicability date.—The first certification or statement required to be submitted by the head of each element of the intelligence community under section 512 of the National Security Act of 1947, as added by subsection (a) of this section, shall be submitted not later than 90 days after the date of the enactment of this Act.

## Disclose U.S. Capitol Police Arrest Information As Data

*Appropriations Committee:* Legislative Branch

*Agency:* Capitol Police

*Account:* Salaries

*Type of Request:* Report Language

**Background:** The U.S. Capitol Police (USCP) has a critical mission: protecting the Congress so constitutionally mandated business can be carried out in a safe and open environment. To that end, Congress appropriated USCP \$464.3 million in FY 2020, or roughly 10% of the Legislative Branch’s discretionary funds. Unlike most police forces, however, the USCP’s law enforcement activities are largely shielded from view, even though half of its arrests were outside business hours, 40 percent were traffic related, and 80 arrests were drug related.

Sporadic press releases were the primary source of public-facing information about USCP activity and the individuals it arresting until December 2018, when USCP began publishing weekly arrest summaries (at congressional urging). However, there are significant problems with those summaries.

The arrest summaries are posted weekly in a PDF format, and with key information published as prose. PDF files cannot be analyzed by computers, so anyone who wishes to analyze the data must copy it hand into a digital spreadsheet. Criminal charges are formatted inconsistently—e.g. the word ‘misdemeanor’ is spelled out in some cases and abbreviated as ‘MISD’ in others — but examining arrest trends requires consistency, and consistent formatting, to compare apples to apples. Moreover, incident reports occasionally omit critical information like the number of individuals arrested or sufficient location details. Furthermore, it is unclear whether USCP omits incident reports from the summary.

The USCP should continue to publish arrest summaries on at least a weekly basis, but they should publish it online as a digital spreadsheet — in structured data format — that allows you to track arrest date and time, arrest location, charges issued, number of individuals arrested, case file number, and more. The USCP should also disclose the total number of monthly arrests and its guidance on which charges are included and excluded from the arrest summaries.

As part of its rules package, the House of Representatives embraced the policy of broadening availability of legislative documents in machine-readable formats “in furtherance of the institutional priority of improving public availability and use of legislative information produced

by the House and its committees.” We believe such a policy should be extended further to USCP arrest information.

***Report Language:***

*Arrest Reporting.* The U.S. Capitol Police is encouraged to publish arrest summary information online in machine readable formats no later than 30 days after enactment of this legislation. Arrest incident information contained in those summaries shall include, but not not be limited to: case file number; incident location, date, and time; number of individuals arrested; and crime classification with any additional charges. This information shall be in a searchable, sortable, downloadable format, and be made available on a cumulative basis. The U.S. Capitol Police shall also publish written guidance clarifying which crime classifications and charges are included and excluded in the arrest summaries, as well as provide monthly updates on the total number of arrests.

## Improving Access To U.S. Capitol Police Inspector General Reports

*Appropriations Committee:* Legislative Branch

*Agency:* Capitol Police

*Accounts:* General Expenses

*Type of Request:* Report Language

**Background:** The U.S. Capitol Police Office of the Inspector General provides independent, professional, nonpartisan oversight over the U.S. Capitol Police's operations. However, the USCP IG does not make its reports available to the public, undermining public accountability and congressional oversight. The only documents available on the Capitol Police IG's website are three External Peer Review Reports from 2016, 2013, and 2010.

By comparison, the vast majority of the 74 executive branch inspectors general publish reports online. Under the Inspector General Empowerment Act of 2016, covered IGs are required to publish online, within three days, reports that contain recommendations for corrective action. The Act does not apply to the Capitol Police IG, as a legislative branch entity, but the USCP IG should follow this best practice. Furthermore, unlike executive branch IG reports, which can be requested through FOIA, no comparable request mechanism for Capitol Police IG reports, and the USCP IG has indicated it will release information only when directed by Congress.

In circumstances where an IG report cannot be released (in whole or in part) — usually due to its classified nature — the best practice is the IG provides notification of the report online, a practice adhered to by many agencies, including the DOD Inspector General and the GAO. USCP should follow this practice. In addition, the USCP IG should contribute reports to the federal-wide IG website, Oversight.gov. The vast majority of IGs publish their reports here, including four legislative branch IGs.

### **Report Language:**

*USCP Office of the Inspector General:* It is a government-wide best practice for Inspectors General to make their reports publicly available whenever practicable. Within 90 days of enactment, the USCP IG is requested to commence publishing all final reports on its website and at Oversight.Gov, on an ongoing basis, two weeks after the report is transmitted to the USCP or to a congressional office. The IG shall err on the side of disclosure, redacting the contents of reports only to the extent necessary to protect national security or personal privacy, but not to conceal evidence of waste, fraud, abuse, or malfeasance.

In addition, the USCP IG is requested to publish on its website and on Oversight.Gov, within 180 days of enactment of this legislation, the following information concerning reports issued over the last ten years: the subject (or a descriptive title), date of publication, and any findings, recommendations, conclusions, and actions taken that relate to the report. Further, it may publish the entirety of any of its reports sua sponte, subject to the above restrictions, and shall establish a process for the public to request online publication of individual reports.

## Report on CBO Access to Data

**Appropriations Committee:** Legislative Branch

**Agency:** Congressional Budget Office

**Account:** Salaries and Expenses

**Type of request:** Report Language

**Background:** Since 1975, the Congressional Budget Office has produced independent analyses of budgetary and economic issues to support the Congressional budget process. Each year, the agency's economists and budget analysts produce dozens of reports and hundreds of cost estimates for proposed legislation.

CBO's work requires access to data held by federal agencies. These agencies often require CBO to negotiate data sharing agreements, which can be complex to draft and time consuming to negotiate. The ensuing delays could negatively affect CBO's ability to obtain essential information necessary to provide timely analyses to Congress.

It may be more efficient to establish standard data sharing agreement(s) for use in multiple data requests and potentially across multiple agencies. However, standardized language may require Congress's imprimatur before some agencies accept its validity. There are clear and obvious benefits to improving CBO's access to agency data.

### **Report language:**

*CBO Data Access:* The Committee requests CBO report, within 90 days of enactment of this legislation, concerning any significant hurdles CBO may or has encountered with respect to gaining access to federal agency data necessary for CBO to perform its work. In particular, CBO is requested to address any issues that may arise in negotiating access to data held by those agencies and the utility of Congress establishing standardized data sharing agreements that CBO and the agencies would honor and that would facilitate rapid communication of agency information to CBO.

## Allow Lawmakers to Request and Receive Formal CBO Cost Estimates Prior to Markups

**Appropriations Committee:** Legislative Branch

**Agency:** Congressional Budget Office

**Account:** Salaries and Expenses

**Type of request:** Report Language

### **Background:**

The Congressional Budget Office (CBO) produces hundreds of formal cost estimates per year, but [almost 90 percent](#) of these estimates are produced after a bill has been reported out of committee and to the full House or Senate. While CBO will conduct [informal reviews](#) for bills prior to committee markup, both [Republicans](#) and [Democrats](#) have stated that formal cost estimates should be available to lawmakers before they mark up legislation at the committee level. Receiving formal cost estimates prior to markups will allow members to more fully weigh both the bill itself and the potential impact of amendments before advancing it to the floor.

In 2018, then-House Budget Committee Chairman Steve Womack (R-AR) asked CBO how feasible it would be for CBO to provide cost estimates prior to markup. CBO [answered](#) in short, “about 65 analysts are devoted to producing cost estimates after full committee markup, but producing estimates [on a routine basis] before markup would eliminate some of the work that now occurs afterward. Nevertheless, the additional resources that would be required would probably be substantial.” CBO added it would be happy to prepare a detailed estimate if helpful.

Making cost estimates available prior to markups would allow lawmakers to more fully analyze and consider the budgetary impact of bills at an early stage in the legislative process, and CBO should conduct a detailed study of this proposal.

### **Report language:**

*Congressional Budget Office Cost Estimates Prior to Committee Markups:* Within 180 days of enactment of this legislation, the Congressional Budget Office (CBO) shall provide to appropriators and make publicly available a report on the costs and benefits of allowing certain lawmakers to request and receive formal cost estimates of legislation prior to committee markups. CBO should examine the feasibility, cost, benefits, and drawbacks of allowing either the Chair of a committee, or the Chair and Ranking Member of a committee, or the Chairs and Ranking Members of the Committees on the Budget, to request formal cost estimates, and provide guidance on the amount of time and resources such requests would demand from CBO.

It also shall assess whether and how many additional personnel might be required to accomplish this task.

**LEGISLATIVE BRANCH: REQUESTS THAT APPLY TO THE HOUSE ONLY**

**Provide Individualized Staff Support for Members Who Serve on HPSCI, HASC, and  
HAC-D**

***Appropriations Committee:*** Legislative Branch

***Agency:*** House of Representatives

***Account:*** Salaries, Officers and Employees: Office of the Sergeant At Arms

***Type of request:*** Report Language

***Background:*** Members of the House Permanent Select Committee on Intelligence, the House Appropriations Defense Subcommittee, and the House Armed Services Committee need the support of a staffer that possesses sufficient security clearance to fully assist each Member in his or her duties, and who is fully and solely responsive to that Member. Such staff support is provided in the Senate, where members of the Senate Select Committee on Intelligence are provided staff designees, which are staff paid for by the committee, chosen by each member, and who are provided sufficient clearances to fully assist the Member (i.e., TS/SCI). Overall, 37 Senators can call upon at least one staffer who reports to them and holds a TS/SCI clearance. This occurs in the House of Representatives as well, with the provision of a cleared staff designee to ex-officio members of HPSCI. We note with favor that the FY 2020 Legislative Branch Appropriations Bill requested a study and report on processing times for security clearances for House employees and whether such clearances are being finalized and adjudicated consistent with executive branch timelines.

Recognizing the equities involved, a member who serves on these committees should be able to designate one personal office staffer who also shall be provided clearance at the TS-SCI level should that staffer pass the background check. We note that receiving a clearance does not put a staffer “in access” to information, as that requires an additional determination of need-to-know. However, it removes an important barrier so that staff can provide an appropriate level of responsive, unbiased, expert advice to their employing Member.

***Report Language:***

***Security Clearances—*** The Committee directs the House Security Division (HSD) of the Sergeant at Arms to amend the House of Representatives Security Policy Manual to establish a procedure, within 30 days of enactment of this Act, through which Members who serve on the House Permanent Select Committee on Intelligence, the House Committee on Appropriations Defense Subcommittee, and House Committee on Armed Services may submit a maximum of one Top Secret-cleared employee per House personal office through HSD for adjudication of eligibility to access Sensitive Compartmented Information (SCI) by the Department of Defense Central Adjudication Facility. This shall not alter the established precedence of a

“need-to-know” determination made by the entity in possession of the classified information or material sought.

The Committee also requests the HSD ensure any staffer who receives a TS/SCI clearance is provided adequate training as to the responsibilities of that clearance, including counterintelligence training, and a further report from HSD on what additional programming should be implemented and costs incurred to provide all congressional staff appropriate counterintelligence training.

**Fund Phases Four and Five of the Comparative Print Project, Which Uses Technology To Show How an Amendments Impacts Legislation and the Law**

Appropriations Committee: Legislative Branch

Agency: House of Representatives

Account: Salaries, Officers and Employees: Office of the Clerk

Type of request: Report Language

Background: House Rule XII, amended in the 115th Congress, requires the provision of comparative prints for all legislation, including comparisons based on existing law and for differing versions of legislative text. The Clerk is the primary entity responsible for implementing the initiative, and has successfully completed project phases one and two, and three in ongoing.

The result will be technology that allows users to see, in real time, how an amendment would amend legislation, how legislation would amend the law, and to compare two versions of legislation. A limited tool already has been deployed to help the Office of Legislative Counsel as it drafts legislation and the Office of Law Revision Counsel as it updates the U.S. Code. Phases four and five will provide for wider access to the tool, allowing committee and personal office staff to see the effects of draft legislative language at the time of introduction of the legislation and as it works its way through the legislative process.

This important project, which provides crucial and timely information about legislative proposals, requires \$1.325 million to complete phases and five. The Select Committee on the Modernization of Congress has expressed support for this effort. We support a \$1.325m appropriation as no year money, to ensure a consistent technology development cycle.

***Report Language:***

*Comparative Print Project.* The Committee looks with favor upon the modernization efforts arising from recent amendments to House Rule XII, which supports transparency around the legislative process. Specifically, the Clerk of the House, in concert with others, is developing technology to allow Congressional offices and the public to be able to see, in real time, how an amendment would amend legislation, how legislation would amend the law, and to compare two versions of legislation. When completed, this project will transform how legislation is understood, providing vital transparency to internal and external stakeholders.

Phases one and two of the Comparative Print Project have been completed, with phase three still ongoing; and new funding is necessary to complete phases four and five. We recommend additional funding in the amount of \$1.325 million to complete these phases. As some of the work is being performed by contractors, and that requires a smooth funding flow, we further recommend that these funds be appropriated as no year money.

## Standardize Access to Annual Reports from House Offices

*Appropriations Committee:* Legislative Branch

*Agency:* House of Representatives

*Account:* DNA

*Type of Request:* Report Language

**Background:** Many legislative support offices generate recurring reports on their activities. However, there is no consistent practice with how these reports are preserved and whether the offices make those reports publicly available on their websites.

The House of Representatives established the website docs.house.gov to act as a central online repository and archive for select House documents, and it has been maintained over multiple Congresses by nonpartisan staff. Accordingly, docs.house.gov is an appropriate repository for important recurring support office reports, and publication there will ensure report available available to congressional offices, congressional scholars, and the public.

Reports from the following offices should be published on docs.house.gov

- Chief Administrative Officer (semiannual, publicly available)
- Clerk of the House (not publicly available)
- Inspector General (annual financial audits, publicly available)
- Office of Congressional Ethics (quarterly, publicly available)
- Sergeant at Arms (semiannually, publicly available)

### ***Report Language:***

*Support offices and agencies:* Within 180 days of enactment, the following offices are requested to publish on docs.house.gov their current annual, semiannual, or quarterly reports to the House of Representatives, except they may withhold confidential information should they determine that harm arising from the publication of that information on docs.house.gov outweigh the public's interest in transparency and accountability: Chief Administrative Officer, Clerk of the House, Inspector General, Office of Congressional Ethics, Sergeant at Arms. To the extent practicable, offices and agencies shall publish prior recurring reports as well. Furthermore, the Clerk of the House is requested to report to the committee and make publicly available, within 360 days of enactment, a list of all recurring reports from support offices inside the House of Representatives and an assessment of the benefits and concerns arising from publishing those reports on docs.house.gov.

## Access to Annual Budget Justifications from House Offices and Support Agencies

**Appropriations Committee:** Legislative Branch

**Agency:** General Provisions

**Account:** House of Representatives Report Requirements

**Type of Request:** Report Language

**Background:** Legislative support offices and agencies submit annual budget justifications to the House that summarize the work they have done in the course of the previous year and their request for funding for the upcoming year. While executive branch agencies are required to publish their budget justifications online under OMB Circular A-11 section 22.6, legislation has been introduced to require a central website for all executive branch budget justifications (H.R. 4894 and S. 2560), and links to many budget justifications are published at [usaspending.gov](http://usaspending.gov), there is no similar practice for legislative branch support offices and agencies. Accordingly, online publication is inconsistent within the legislative branch, with some agencies making their requests available, others desisting from that practice, and still others are publishing their requests intermittently.

The House of Representatives established the website [docs.house.gov](http://docs.house.gov) to act as a central online repository and archive for select House documents, and it has been maintained over multiple Congresses by nonpartisan staff. It serves as a memory for the legislative branch, and, accordingly, [docs.house.gov](http://docs.house.gov) is an appropriate repository for congressional justifications from legislative branch support offices and agencies that submit congressional justifications to the House of Representatives. Centralized, permanent online access will improve how the House and the general public track legislative branch support offices and agencies requests and accomplishments over time.

### **Report Language:**

**Support offices and agencies:** Within two weeks of submission of a congressional budget justification to the House of Representatives or a committee thereof for FY 2022, legislative branch support offices and agencies are requested to publish their congressional justification on [docs.house.gov](http://docs.house.gov). To the extent practicable, offices and agencies shall publish prior congressional justifications going back to at least FY 2010. The Clerk of the House shall make appropriate modifications to [docs.house.gov](http://docs.house.gov) to facilitate the online publication of these documents.

**Improve Funding for the House Office of General Counsel and Transparency Concerning  
the Bipartisan Legal Advisory Group**

***Appropriations Committee:*** Legislative Branch

***Agency:*** House of Representatives

***Account:*** Salaries, Officers and Employees: Office of the General Counsel

***Type of Request:*** Bill Text and Report Language

***Background:*** The Bipartisan Legal Advisory Group (BLAG) speaks for and articulates the institutional position of the House of Representatives in all litigation matters, and its determinations are put into effect by the House Office of General Counsel (OGC). While there is a congressional website about the OGC, there is no congressional website that provides information on the BLAG.

OGC is facing increased demands on its workload and does not have the resources to meet the House's needs. It has requested an increase in funding in FY 2021 from \$1,751,000 to \$1,815,000.

OGC needs increased funding, and its website should be expanded to include basic information about the BLAG. This includes a description of what the BLAG is; who serves on it; how it functions; instances when the BLAG authorizes OGC to take a legal position; court filings; and select explanatory or historical documents that would shed light on its operations.

***Bill text:*** In the section "Salaries, Officers, and Employees" insert where appropriate "not more than \$1,815,000 for the Office of General Counsel for [specify]."

***Report Language:***

***Bipartisan Legal Advisory Group:*** The House Office of General Counsel is directed to provide up-to-date information about the Bipartisan Legal Advisory Group. This includes, but is not limited to, a description of what the BLAG is; who serves on it; how it functions; current and historical instances when the BLAG authorizes or has authorized the Office of General Counsel to take a legal position; court filings; and select explanatory or historical documents that shed light on its operations.

## Create a Central Committee Witness Testimony Repository

**Appropriations Committee:** Legislative Branch

**Agency:** House of Representatives

**Account:** Salaries, Officers and Employees

**Type of Request:** Report Language

**Background:** House of Representatives Rule XI, clause 2, subsection (g)(5) requires nongovernmental witnesses appearing before a committee to disclose when they have certain ties to a foreign government. In FY 2019, the Legislative Branch Appropriations subcommittee indicated its intention to work with the House Administration Committee “to develop and make available to all committees a disclosure document in webform to ensure the required information is typed and clearly readable.” The end result is that witnesses now download and fill out a PDF form, created as a disclosure mechanism, which must be printed out and signed, and then a PDF version is uploaded to a committee website alongside written witness testimony.

This is an improvement on the handwritten forms, but is insufficient to fully meet the purpose of the rule: the tracking of influence information about witnesses. We recommend that witness disclosure information be uploaded into a central database, stored in a structured data format, and be made publicly available in an online searchable, sortable, downloadable database that can be sorted and tracked by witness, the organization they represent, and the contract or grant they have received.

In addition, the Clerk should evaluate building an online tool for all witness submissions, including their testimony, which would provide significant administrative and technological efficiencies related to tracking, managing, and publishing that information.

### **Report Language:**

**Witness disclosure database:** The Clerk is requested to build an online tool to gather all the information a witness must disclose under House of Representatives Rule XI, clause 2, and aggregate and publish online the data received from each witness, across multiple committees, in a format that is searchable, sortable, and downloadable, making use of unique identifiers for the data whenever practical. For the purpose of implementing the database and providing support to committees, this committee has recommended an additional \$500,000 appropriation and the addition of 1 FTE to provide support to committees with implementation. *Further*, the Clerk is

requested to provide a public report to the Committee within 180 days on the feasibility, requirements, and costs to create an online submission tool for all witness submissions.

## **Paid Medical Leave for House Staff**

*Appropriations Committee:* Legislative Branch

*Agency:* House of Representatives

*Account:* Salaries, Officers and Expenses

*Type of Request:* Report Language

**Background:** Congressional staff are essential to a well-functioning Congress, but their benefits often are inferior to employees in other sectors of the economy. While the 2019 National Defense Authorization Act provided 12-weeks of paid parental leave for Congressional staff, the House should address paid medical leave as well. As part of the FY 2020 Appropriations bill, the House Legislative Branch Appropriations Committee requested the CAO provide a report on this topic by January 15, 2020, but we do not know whether that requirement was met.

Every employee who has served more than a year in the House should be provided 12-weeks of paid medical leave. Currently, this is up to the discretion of individual offices, but funds for employees to make use of these benefits should be centrally provided and administered, and the benefit should be available to all.

We acknowledge the fiscally constrained environment, but urge the House to implement paid family leave within one year of when congressional staff are provided paid family leave.

**Report Language:**

*Congressional Medical Leave Policy:* The Chief Administrative Officer is requested to implement a paid medical leave policy to be implemented within 12 months of the start of the availability of a paid family leave for House staff.

## Creating a Separate Franking Fund Distinct From the Members' Representational Allowance

**Appropriations Committee:** Legislative Branch

**Agency:** House of Representatives

**Account:** Salaries, Officers and Expenses: Chief Administrative Officer

**Type of Request:** Report Language

**Background:** First authorized in 1996, Members of the House of Representatives have one consolidated allowance with which to operate their offices, the Members' Representational Allowance. The MRA covers funds that include clerk hire allowance, Member travel expenditures, office equipment and supplies, office staff compensation, funds for Member district office rent, and the official franking allowance.

Prior to the creation of the MRA, Member offices had multiple accounts from where they could draft money. These accounts were combined to provide additional flexibility to Members, but flat appropriations for MRAs over the last 25 years (a 4.6% increase in total) has resulted instead in a functional decrease in funds available for important priorities.

While Members continue to use traditional modes of constituent communications such as postal mail, the rise in electronic communication and social media has dramatically increased, and the utility of the frank has diminished. Office expenditures for franked mail are down from 4.2% in 2009 to 2.1% in 2017. A decade ago, the average Member spent \$65,000 a year on franked mail, but today, it is closer to \$26,000. Furthermore, most of the mass mailing costs are driven by an increasingly smaller number of members. While 85% of Members sent at least one mass postal mailing in 2004, only 61% did so in 2018.

Traditional franked mail is becoming increasingly irrelevant, but the amount of funds it draws is not negligible in some offices and it requires a complex infrastructure to police. Congress should consider changing the funding structure to limit the amount of funding available for franking purposes and create a source of funds that is separate from the MRA.

**Report Language:**

*The Franking Privilege.* The Chief Administrative Officer is encouraged to report back to the committee within 90 days on the feasibility and practicality of creating a separate franking

allowance. It should consider whether to limit the amount of funds available to \$25,000, and to allow the franking allowance to also be drawn upon for personnel related expenses.

## Committee Vote Transparency

***Appropriations Committee:*** Legislative Branch

***Agency:*** House of Representatives

***Account:*** Salaries, Officers and Employees: Office of the Clerk

***Type of Request:*** Report Language

***Background:*** House Rule XI, clause 2, subsection (e) requires committees to keep records of all record committee votes and make that vote “publicly available in electronic form within 48 hours of such record vote. Information so available shall include a description of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting.” In current practice, committees publish the record votes and other information on their individual websites as a PDF. This approach makes voting information hard to find and difficult to use. Committee votes should be captured as data and published on a central website where record vote data and attendant information is maintained as structured data in a database that is searchable, sortable, and downloadable. This is how information about roll call votes on the floor is maintained.

The Select Committee on the Modernization of Congress has endorsed the view that committee votes should be available online in a central database, and legislation co-sponsored by all members of the Committee (H. Res. 756, section 504) would require the Clerk to submit a report on the establishment and maintenance, on its public website, of a database of all recorded votes in committees. We respectfully request that you request the Clerk create this report.

***Report Language:***

***Committee vote database:*** Within 120 days of enactment of this legislation, the Clerk of the House is requested to publish on its website and to provide to the Committee on Appropriations and the Committee on House Administration a report on the establishment and maintenance, on its public website, of a database for the 116th Congress and for each subsequent Congress, of all recorded votes in committees (except for recorded votes taken by the Committee on Ethics or by any committee in executive session) that is searchable, sortable, downloadable, and made available contemporaneously with the vote. The report should include a detailed plan for completion, a timeline, and a statement of ongoing and expected costs, including any additional personnel that might be required.

## Providing Automated Voting to Committees

***Appropriations Committee:*** Legislative Branch

***Agency:*** House of Representatives

***Account:*** Salaries, Officers and Employees: Office of the Clerk

***Type of Request:*** Report Language

***Background:*** During House committee markups, roll call votes can take up a significant amount of time, and a series of roll call votes can significantly extend the duration of proceedings. Automated voting is a way for committees to facilitate faster roll call vote tracking and facilitate electronic reporting of those votes.

Automated voting is currently being used in the House Natural Resources Committee, which was implemented at the committee level at the start of the 115th Congress. Automated voting has cut vote time to 15 seconds per roll call vote, allowing the committee to use its time much more efficiently. While such a mechanism would not be required, it could be a boon for certain committees. An automated voting could also be designed to provide summaries and other information concerning the matter being voted on, enhancing the information available to members as they vote.

The House floor has used automated voting since 1973 and recently upgraded their floor voting mechanism to include faster and more secure electronic voting in August 2018.

### ***Report Language:***

***Automated Voting in Committees.*** The Chief Administrative Officer, in consultation with the Clerk of the House, is requested within 90 days of enactment of this legislation to transmit to this committee and publish online a report on the fixed and ongoing costs and requirements for implementation of an automated committee roll call voting system as well as meeting ongoing security, support, and maintenance requirements for each House committee. The report should provide cost effective estimates with the emphasis on flexible implementation for each committee and address the number of committees that may be interested in automated voting. This report should also consider publishing these electronic votes in a central online database, managed by the House Clerk, to facilitate other goals of committee vote transparency and efficiency.

## **Update the List of All Mandated Reports that are Due to Congress to Include Reports Due to Committees**

**Appropriations Committee:** Legislative Branch

**Agency:** House of Representatives

**Account:** Salaries, Officers and Employees: Office of the Clerk

**Type of request:** Report Language

### **Background:**

On July 17, 2019, the House of Representatives passed the *Access to Congressionally Mandated Reports Act* (ACMRA) (H.R. 736) on a bipartisan basis and, in March, it passed the *For the People Act of 2019* (H.R. 1), which included the *Access to Congressionally Mandated Reports Act* in Title IX Subtitle D. The straightforward transparency legislation, advanced many times over the preceding decade in the House of Representatives and enjoying bipartisan support, would require the House of Representatives maintain a list of all reports that executive branch agencies must by law provide to Congress.

House of Representatives Rule II clause 2(b) already requires the Clerk of the House to provide to every Member “a list of the reports that any officer or Department is required to make to Congress, citing the law or resolution in which the requirement may be contained.” However, that provision has been implemented concerning reports due to the House of Representatives or the Senate, not committees and subcommittees thereof. That list should be expanded to encompass committee and subcommittee reports; the House has expressed its support in passing ACMRA.

These reports can often shed light on how taxpayer dollars are being used or misused in the federal government, and represent crucial resources for both lawmakers with oversight of these federal agencies and taxpayer advocates outside government. The first step of making use of the reports is knowing that they exist, when they are due, and who is required to submit them.

As the House Clerk already keeps a list of reports due to the House and Senate, its responsibilities should be expanded to include reports due to committee and subcommittees, which would require the addition of 2 FTEs with the titles of Executive Communications Clerk.

**Report language:**

*List of Reports Due to Congress:* The Committee encourages the Clerk of the House to expand the list of reports that any officer or Department is required to make to Congress under House Rule II to include reports due to Committees and Subcommittees of the House of Representatives and Senate, and has provided for the Clerk to hire two FTEs at the level of Executive Communications Clerk.

## Provide Funding for Congressional Member Organizations

*Appropriations Committee:* Legislative Branch

*Agency:* House of Representatives

*Account:* Salaries, Officers and Employees

*Type of Request:* Bill Text

**Background:** The House has a mix of several hundred formal and informal member organizations. These groups support the exchange of ideas and information, advance policy objectives, and provide opportunities for Members to work together on topics of particular interest.

Up until 1995, formal member organizations — called Legislative Service Organizations — were semi-independent entities. They received funds from member accounts, could employ staff, often were granted office space in the capitol complex, could send mail under their own name, and were regulated and overseen by the House. LSOs could be incredibly effective at supporting policymaking. For example, the Democratic Study Group, established in 1959, wrote briefing papers and provided information on scheduled floor votes that were essential reading material for many Members. It operated under a dues-paying membership model, and ranged from 115 members in the early 1970s to about 200 through the 1980s.

As part of an effort to centralize power, the LSOs were abolished and replaced with Congressional Member Organizations in 1995; CMOs largely were not afforded the same privileges or status as LSOs. In the 115th Congress, the House permitted four CMOs (called “Eligible CMOs”) to receive personal office staff assigned to work these on behalf of their members.

ECMOs, and their LSO predecessors, serve a vital function, allowing Members and staff to collaborate with others, vet information, and work through policy issues. We should encourage this kind of cross-collaboration and reinvigoration of congressional capacity. All member offices should be encouraged to support ECMOs without having to sacrifice personal office staff resources. Accordingly, the House should reform ECMOs as official entities akin to LSOs, with access to and use of official resources, and provide each member a small stipend to support ECMOs.

**Bill text:**

*ECMOs.* Each Member of the House of Representatives is allotted \$10,000 to provide to one or more Eligible Congressional Member Organizations that, if unspent, will be provided on a pro-rata basis to Congressional committees. *Further,* any ECMO with \$80,000 of allotted funds is eligible, under regulations to be promulgated by the House Administration Committee, to employ staff, be provided official office space upon request, make use of the franking privilege, obtain a house.gov website, obtain office equipment and furnishings, send communications under its own name, and spend funds on uses related to the official purpose of the ECMO. ECMOs must file annual public reports that shall be made available online and include a list of dues-paying members, staff information (titles, pay, responsibilities), its charter, expenditures, and other relevant information, subject to regulations promulgated by the Committee on House Administration and House Ethics Committees. *Furthermore,* ECMOs may not accept funds from outside entities and shall be subject to audits.

## Intern Funding for Committees

***Appropriations Committee:*** Legislative Branch

***Agency:*** House of Representatives

***Account:*** Allowance for Compensation of Interns in Committee Offices

***Type of Request:*** Bill Text

***Background:*** Internships are frequently a gateway to a staff position on Capitol Hill and provide an educational opportunity for people from diverse backgrounds, as well as much needed help for congressional offices. The vast majority of internships are unpaid or underpaid, which severely limits participation based on financial ability. According to Pay Our Interns, an average DC internship costs the intern \$6,000.

Congress has recognized this hardship and provided \$11.025 million in FY 2020 for Member Offices and \$365,000 for offices of House Leadership. However, there is no corresponding intern fund for committees.

As Pay Our Interns notes, “Experience doesn’t pay the bills.” Committees are where legislation is shaped and oversight is conducted — and is an essential pathway into public service. Providing funds for interns in committees is only appropriate given funding for personal and leadership offices. Given the constrained fiscal environment, we recommend parity with leadership offices as a start.

***Report Language:***

*Allowance for Compensation of Interns in Committee Offices.* The Committee recommends \$365,000 for the compensation of interns who serve in Committee offices, to be allocated among such offices by the Committee on House Administration.

***Bill text:***

Allowance for Compensation of Interns in House Committee Offices.— (a) There is established for the House of Representatives an allowance which shall be available for the compensation of interns who serve in House committee offices.

(b) Section 104(b) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 5321(b)) shall apply with respect to an intern who is compensated under the allowance under this section in the same manner as such section applies with respect to an intern who is compensated under the Members’ Representational Allowance.

(c) In this section —

(1) the term “House committee office” means, with respect to a fiscal year, any office for which the appropriation for salaries and expenses of the office for the fiscal year is provided under the heading “Committee Employees” in the Act making appropriations for the Legislative Branch for the fiscal year; and

(2) term “intern”, with respect to a House committee office, has the meaning given such term with respect to a Member of the House of Representatives in section 104(c)(2) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 5321(c)(2)).

(d) There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2021 and each succeeding fiscal year.

## Automating Bill Co-Sponsorship

**Appropriations Committee:** Legislative Branch

**Agency:** House of Representatives

**Account:** Salaries, Officers and Employees: Office of the Clerk

**Type of Request:** Bill Text and Report Language

**Background:** Member offices employ a manual system to collect signatures for Members to sign on as co-sponsors of legislation. In practice, interns or junior staff go door to door in the House office buildings to acquire Member signatures, which often are provided by staff, and then are manually entered by employees in the Office of the Clerk. Sometimes Member offices will use a Google document to collect signatures. These practices raise quality assurance issues, as it is frequently junior staff who sign on to a bill on behalf of their bosses, which can be done in error or can be subject to later misattribution. This can also be needlessly time consuming.

Language in the FY 2020 Legislative Branch Appropriations Bill Report encouraged the Office of the Clerk to automate the process of inviting and recording co-sponsorship of bills by developing an electronic system that would provide lists of bills available for co-sponsorship and provide a secure and verifiable means for Members to request that their names be added to a bill. We applaud this provision and encourage the committee to provide funding to build this automated signature system and fund a full time employee in the Clerk's office to provide support to offices.

### **Bill text:**

*Automating Co-Sponsorship of Bills.* For \$350,000 to build an automatic bill co-sponsorship tool, and additional funds to support the hiring of 1 FTE to provide ongoing technical support to Member offices.

### **Report Language:**

*Automating Co-Sponsorship of Bills:* The committee recommends providing the Clerk of the House of Representatives \$350,000 to build an automatic bill co-sponsorship tool that provides a list of bills available for co-sponsorship to Members and provides a secure and verifiable means for Members to request that their names be added to a bill, and the provision of 1 FTE to provide technical support to Member offices.

**LEGISLATIVE BRANCH: REQUESTS THAT APPLY TO THE SENATE ONLY**

## Publish Senators' Official Personnel and Official Expense Account Report as Data

*Appropriations Committee:* Legislative Branch

*Agency:* United States Senate

*Account:* Office of the Secretary

*Type of Request:* Report Language

**Background:** The Legislative Branch Appropriations Act of 2010 (P.L. 111-68) required the Secretary of the Senate to publish the Senators' Official Personnel and Official Expense Account (SOPOEA) Report online starting with the first full semiannual period of the 112th Congress. This twice-annual report records all the expenses of the United States Senate, and has been published and made available to the public in its current incarnation since 1964. The Senate's move to online publication came after the House began publishing its Statement of Disbursements online in 2009, which was prompted in part by scandals in the United Kingdom parliament regarding the misuse of funds.

Publication of spending data as a PDF has significant limitations, notably that it is not possible to easily access or analyze the information. For example, a Senate report covers October 1, 2018, to March 31, 2019, making it impossible to analyze numbers for a calendar year. In contrast, the House of Representatives began publishing its Statements of Disbursements as a spreadsheet file (a structured data format known as a CSV, for comma separated value) starting with the period of January 1-March 31, 2016. The Senate provided for the possibility of publication in additional formats in 2010 when it permitted the publication of the report "in other forms at the discretion of the Secretary of the Senate." The time has come for the Senate to publish the SOPOEA Report as structured data, so it too will be in a format most conducive to public understanding.

**Report Language:**

*Senators' Official Personnel and Official Expense Account Report:* Within 360 days, the Senate Sergeant at Arms is requested to publish the Senators' Official Personnel and Official Expense Account Report online in a structured data format, such as CSV, in addition to other formats it deems appropriate or are required by law.

## Medical Leave for Senate Staff

***Appropriations Committee:*** Legislative Branch

***Agency:*** United States Senate

***Account:*** Salaries, Officers, and Employees

***Type of Request:*** Report language

***Background:*** Congressional staff are essential to a well-functioning Congress, but their benefits often are inferior to employees in other sectors of the economy. While the 2019 National Defense Authorization Act provided 12-weeks of paid parental leave for Congressional staff, the Senate should address paid medical leave as well.

Every employee who has served more than a year in the Senate should be provided 12-weeks of paid medical leave. Currently, this is up to the discretion of individual offices, but funds for employees to make use of these benefits should be centrally provided and administered, and the benefit should be available to all.

We acknowledge the fiscally constrained environment, but urge the Senate to implement paid family leave within one year of when congressional staff are provided paid family leave.

***Report Language:***

***Congressional Medical Leave Policy:*** The Secretary of the Senate is requested to implement a paid medical leave policy to be implemented within 12 months of the start of the availability of a paid family leave for Senate staff.

## Whistleblower Resource Center

*Appropriations Committee:* Legislative Branch

*Agency:* United States Senate

*Account:* Sergeant at Arms

*Type of request:* Report Language

### ***Background:***

People who wish to contact the United States Senate concerning waste, fraud, abuse, or malfeasance often do not know whom they may contact. The office or offices that a whistleblower may contact can vary based upon the individual and the subject matter. In addition, some congressional offices inadvertently mishandle whistleblowers, thereby increasing the likelihood of retaliation or misdirected communications.

The Senate should consider establishing a Whistleblower Resource Center to support the needs of Senate staff in working with whistleblowers and to provide whistleblowers with an objective list of what office or offices and committees have jurisdiction and are permissible to contact regarding their particular claim. The Center is not intended as an office that would in any way address the substance of the issues raised by whistleblowers, but rather would provide resources to assist Senate staff in doing so.

In May 2019, GAO issued a report on best practices for Congress to consider when receiving and referring information (GAO-19-432). There are a number of factors that staff should attend to, and it is important that they have someone who can advise them on and assist them with implementing best practices. The House of Representatives recently established the Office of Whistleblower Ombudsman, with many of the same responsibilities described above, and recently appointed, on a bipartisan basis, the first head for that office. The Senate should consider whether to do the same.

### ***Report Language:***

*Whistleblower Resource Center.* The Sergeant at Arms is encouraged to communicate to this committee and to publish online, within 90 days of enactment of this legislation, a report with its recommendations on how to establish a Whistleblower Resource Center. The Center would be an independent office of the United States Senate that provides advice, assistance, guidance, and training to congressional offices on how to engage with whistleblowers; guidance and assistance to whistleblowers on the full range of offices with jurisdiction to contact, and a secure

mechanism to do so; and coordinates an annual unclassified publicly-available report on how the Senate has handled whistleblower communications. The report shall include an estimate of the costs to establish the office, to maintain the office, and the personnel requirements to do so.

## SCI Access for Senators' Personal Staff

**Appropriations Committee:** Legislative Branch

**Agency:** United States Senate

**Account:** Office of the Secretary

**Type of Request:** Report Language

**Background:** The Office of Senate Security (OSS) established a policy over 30 years ago that restricted access to Sensitive Compartmented Information (SCI). Since then, the volume and level of classified information has increased dramatically. In the last 10 years, there has been a 250% increase in the amount of classified information and a 370% increase in Top Secret/ SCI information.

Only 37 Senators currently have access to dedicated staff with TS/SCI clearances. Senate staff hold a mere .0016% of all active security clearances in the United States, and only 284 staff hold TS/SCI clearance (compared to hundreds of thousands in the Executive Branch and private industry). Under current policy, only Committee Staff, select Leadership Staff and the Secretary of the Senate Staff are authorized to have SCI clearances. This is especially concerning as decisions relating to declarations of war, authorized use of military force, elections security and cyberattacks likely require access to SCI.

The Senate Manual should be amended to address this access issue. Doing so would impose no additional costs, as a proposed recent amendment on this point was scored by CBO as having “no budgetary impact.” This modification will not change the “need to know” rule or require additional staff or resources for OSS. The change to the Senate Manual will simply allow one staff member in specific Senate personal offices to be eligible to access SCI. This would increase the total number of Senate staff eligible for SCI clearance by 20% and increase the number of Senators with dedicated, cleared staff from 37 to 90, empowering Senators to make better informed decisions.

**Report Language:** The Committee directs the Office of Senate Security (OSS) to amend the Senate Security Manual within 30 days to establish a procedure through which Senators whose duties include oversight of sensitive classified activities and programs may submit a maximum of one Top Secret-cleared employee per Senate personal office through the OSS for adjudication of eligibility to access Sensitive Compartmented Information (SCI) by the Department of Defense Central Adjudication Facility. Senators whose duties include the oversight of sensitive classified activities and programs and require additional SCI-cleared staff are defined as members of one of the following Senate Committees: Committee on

Appropriations, Subcommittee on Defense; Committee on Appropriations, Subcommittee on State, Foreign Operation, and Related Programs; Committee on Armed Services; Committee on Foreign Relations; and Committee on Homeland Security and Governmental Affairs. This shall not alter the established precedence of a “need-to-know” determination made by the Executive Branch department or agency in possession of the classified information or material sought.

## **FINANCIAL SERVICES AND GENERAL GOVERNMENT**

## **Provide Centralized Access to Congressional Budget Justifications**

***Appropriations Committee:*** Financial Services and General Government

***Agency:*** Executive Office of the President

***Account:*** Office of Management and Budget

***Type of request:*** Bill Text

***Background:*** Congressional Budget Justifications provide a plain-language explanation of how an agency spends money and how it intends to spend funds in the upcoming year. The invaluable reports are useful for understanding agency activities, but they can be hard to find and are not available in a central location. While the Office of Management and Budget has declared its authority to control the format of the reports and review their content under OMB Circular A-11 section 22.6(c), OMB has not yet exercised its authority to publish that information in one central location. It has begun publishing links to the reports on USASpending.gov, but those links can easily break (as USASpending.gov is not hosting the reports) and there is no way to know whether OMB is publishing links to all of the reports or a subset.

This practice of linking out to the justifications contrasts with other Executive branch budget documents, which are published on OMB's website. Report language requesting OMB publish CBJs on a central website was included in the final FY 2018, FY 2019, and FY 2020 appropriations bills.

A 2019 Demand Progress report found that 21 percent of the 456 agencies we surveyed did not publish a CBJ on their website, and 6.1 percent of the 456 agencies we surveyed published their CBJs online for only FY 2018 or FY 2019, but not both. (See <https://firstbranchforecast.com/2019/03/11/feds-lag-in-publishing-funding-requests/>)

OMB should be required to publish all the Congressional Budget Justifications on its website and provide a list of all the reports and the date they are published.

### ***Bill Text:***

***Consolidated Public Access to Agency Congressional Budget Justifications:*** Within two weeks of agency transmittal of a congressional budget justification to Congress, the Director of OMB shall publish that congressional budget justification on its website as part of an online archive of all agency Congressional Budget Justifications. Furthermore, OMB shall maintain a list of all congressional budget justifications that it anticipates it will publish and the date the report is published.



## **Improving Congressional and Public Access to Inspectors General Reports And Other Improvements**

***Appropriations Committee:*** Financial Services and General Government

***Agency:*** Independent Agencies

***Account:*** Council on the Inspectors General on Integrity and Efficiency (CIGIE)

***Type of Request:*** Bill Text and Report Language

In 2017 the Council of the Inspectors General on Integrity and Efficiency (CIGIE) launched Oversight.gov, a central repository for reports from all 74 Inspectors General. The website ([www.oversight.gov](http://www.oversight.gov)) represents a major step forward in improved accessibility and accountability for federal inspectors general work products. Congress and the public can now search across multiple Inspectors General for reports and recommendations in a much more efficient and expedited manner.

The Oversight.gov website is an impressive website, and it requires a steady funding stream to continue its operations, improve its functionality, and provide expanded services. In fiscal year 2019, the Financial Services and General Government appropriations bill provided \$2,000,000 to the revolving fund of CIGIE and in fiscal year 2020 the Financial Services and General Government appropriations bill made \$1,000,000 available for expenses related to enhancements to Oversight.gov. Prior to the direct appropriation in fiscal year 2019, financial resources for CIGIE operations came through funds provided by its constituent Inspector General entities, which are held in a revolving fund stipulated through the Inspector General Act of 1978.

We applaud the funding of this important initiative and encourage Congress to continue its support of a robust Oversight.gov with increased functionality by providing \$1 million in dedicated funding to CIGIE. CIGIE leadership has described next steps for the website if resources become available.

Congress should also provide guidance to CIGIE as to the importance of congressional and public accessibility to inspectors general work through notification of all reports through their websites. This would follow the best practices regarding classified and sensitive reports of both the DOD Inspector General and the Government Accountability Office ([https://www.gao.gov/restricted/restricted\\_reports](https://www.gao.gov/restricted/restricted_reports)).

***Bill Text:***

*Council of the Inspectors General on Integrity and Efficiency:* Provide \$1,000,000 to the revolving fund of the Council of the Inspectors General on Integrity and Efficiency as established under [5 APPENDIX U.S. Code § 11 \(C\)\(3\)\(B\)](#) [Establishment of the Council of the Inspectors General on Integrity and Efficiency] for the purpose of maintaining and expanding the federal-wide inspectors general website.

***Report Language for Oversight.gov:***

\$1,000,000 is provided to the revolving fund of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) for the purpose of maintaining and expanding the federal-wide Inspectors General website and providing related services. The Committee is pleased that the Inspector General community has taken this step that allows for more efficient and effective access to its reports and recommendations by Congress and the public. The Committee expects CIGIE to use these funds for the maintenance of, and improvement to, the existing website, providing information about its contents, and assessing the provision of new services.

The Committee expects the Oversight.gov website will include, within 180 days of the enactment of this Act, a public-facing list broken out by each inspector general regarding any non-public reports.

CIGIE should establish best practices whereby each inspector general should establish a written process outlining required procedures for working with whistleblowers. Those procedures should cover intake and evaluation, investigations, ongoing communication with whistleblowers, and training for staff on whistleblower retaliation and anonymity. Inspectors general should develop strong and clear procedures to handle whistleblower claims against their own offices. Finally, CIGIE should conduct a study into the feasibility and benefits of sharing whistleblower staff and associated services among smaller inspectors general offices.

**COMMERCE, JUSTICE, AND SCIENCE**

**Improve Executive Branch Accountability by Providing an Index of Justice  
Department Office of Legal Counsel Opinions Currently in Effect**

*Appropriations Committee:* Commerce, Justice, Science

*Agency:* Department of Justice

*Account:* General Provisions

*Type of request:* Report language

**Background:** Opinions by the Justice Department’s Office of Legal Counsel often have the effect of law within the executive branch, but they regularly are withheld from Congress and the public. No one knows how many opinions are currently in effect. In addition, as the OLC may reach opinions that are at variance with interpretations of the law made by Congress or that would be rendered by the Courts, it is essential for the opinions to be available to Congress and the public so that our system of checks and balances can operate effectively.

In FY 2020, the House CJS Report required the Justice Department to “submit a report to the Committee that lists each OLC opinion currently in effect” in certain circumstances (e.g., opinions designated as final or relied on). We thank the committee and appreciate its efforts and hard work. That language would be a tremendous step forward. Unfortunately, the Joint Explanatory Statement superseded the House language and “strongly urged” the Attorney General to direct OLC to publish all legal opinions “that are appropriate for publication.” However, leaving the definition of “appropriate for publication” to the Justice Department eviscerates the requirement. A list of the required reports would set the stage for further evaluation of this issue.

OLC transparency legislation has been introduced in the House (H.R. 4556, the SUNLIGHT Act of 2019) and as of February 1, 2020, has 23 co-sponsors. Given the current political dynamic, however, the appropriations process remains the best avenue to address this issue, and we urge the resubmission of the language reported by the House.

***Report language:***

*Office of Legal Counsel (OLC) opinions.*—Not later than 90 days after enactment of this Act, the Department shall submit a report to the Committee that lists each OLC opinion currently in effect that has either been: designated by the Attorney General or his designee as final; followed by government officials or government contractors; relied upon to formulate current legal guidance; or cited in another final Office of Legal Counsel opinion. For each such opinion, the Department shall include: (1) the signer of the opinion; (2) the recipient identified in the opinion;

(3) the date of issuance; and (4) the title of the opinion, subject only to redactions provided for by law and where the need to protect a specific interest outweighs the public interest in disclosure.

## **Update Foreign Lobbying Reporting and Disclosures (FARA)**

***Appropriations Committee:*** Commerce, Justice, Science

***Agency:*** U.S. Department of Justice

***Account:*** General Provisions

***Type of request:*** Report Language

***Background:*** The activities of foreign lobbyists, as collected and recorded by the Department of Justice under the Foreign Agents Registration Act (FARA), is the subject of sustained public and congressional interest. FARA is intended to provide transparency into how foreign governments attempt to influence U.S. policies on everything from foreign aid to multi-billion-dollar arms deals. But when the Department of Justice does not adequately enforce the law, the public and even Congress can be left in the dark about how our laws are shaped and influenced. Despite recommendations from civil society and the Department's Inspector General, the Justice Department has been slow to implement changes to improve the public's access to information and understanding of enforcement action. Reports on Foreign Lobbying are tremendously important, but they are gathered and published by the Justice Department's FARA Unit in difficult-to-use formats. Despite recommendations the information be gathered as data and published as such, the agency still must be encouraged to modernize its practices.

***Report language:***

***Audit of the LDA exemption.*** The Committee is concerned that the existing exemption that allows some foreign lobbying to be registered under the less stringent Lobbying Disclosure Act (LDA) standards has contributed to persistent noncompliance with the Foreign Agents Registration Act. The Committee requests the Comptroller General of the United States, in consultation with the Inspector General of the Department of Justice, to conduct a comprehensive audit of the use of the LDA exemption. The audit shall examine (1) whether the LDA exemption has contributed to a decline in the number of registrations under FARA; (2) whether the LDA exemption has contributed to a lack of public awareness of lobbying activities on behalf of foreign entities; (3) the impact and feasibility of phasing out the LDA exemption; and (4) develop policy recommendations for increasing compliance with federal lobbying registration and disclosure requirements. The results of the audit and the policy recommendations developed through the audit shall be transmitted in a report to the Committee no later than one year after the date of enactment of this act.

***Moving to Modern Digital Format:*** The Committee is concerned that the information collected under the Foreign Agents Registration Act (FARA) is still managed using antiquated methods that limit its utility. The Committee requests the Attorney General of the United States review

the United States Department of Justice's implementation of FARA and within 6 months of enactment issue a report to Congress that is publicly available and evaluates (1) the feasibility and steps necessary to require all filings by foreign agents to be made in an electronic, structured data format where the information is in a machine-processable digital format; (2) the feasibility for publication of information for the public in a structured data format so it can be searched, sorted, and downloaded by the public, including required documentation when a registrant terminates a relationship with a foreign client.

***Inspector General Recommendations.*** The Department of Justice Inspector General released a report in September 2016, *Audit of the National Security Division's Enforcement and Administration of the Foreign Agents Registration Act* (Audit Division 16-24), which examined a series of critical issues. However, the Committee understands that many of the Inspector General's recommendations have yet to see implementation. The Committee requests the Department to prepare a report on the status of implementation of the recommendations, including the target dates for implementation, and reasons why the some recommendations are unimplemented. In regards to any recommendation that requires congressional action, the Department should provide statutory or other recommendations.

***Comprehensive Strategy.*** The Committee notes that the Department has not yet developed a comprehensive strategy for the enforcement and administration of FARA that includes the agencies that perform FARA investigations and prosecutions and that is integrated with the Department's overall national security efforts. This was a recommendation of the Department of Justice Inspector General, *Audit of the National Security Division's Enforcement and Administration of the Foreign Agents Registration Act*, September 2016), which the Department agreed to complete. The Committee requests the Department to complete the strategy, and transmit to the Committee, within 90 days of passage.

***Perform a Formal Cost-Benefit Analysis of the Fee Structure***

Foreign lobbyists registered under FARA are required to pay fees for every new contract with a foreign client, as well as additional fees every six months. The Department of Justice Inspector General found that the FARA enforcement unit spends a significant amount of time and resources collecting and processing those fees, but that the fees may actually be deterring people from registering and filing appropriately and "may not be justifiable." (Department of Justice Inspector General, *Audit of the National Security Division's Enforcement and Administration of the Foreign Agents Registration Act*, September 2016.) The Committee directs the Department to conduct an assessment of the FARA fee structure, including whether to update or eliminate the fees, and report to the Committee within 90 days of passage.

## **HOMELAND SECURITY**

## **Improve Congressional and Public Visibility into Visitors to the White House**

**Appropriations Committee:** Homeland Security

**Agency:** United States Secret Service

**Account:** Operations and Support

***Type of request:*** Bill Text

***Background:*** From September 15, 2009, to the end of the Obama administration, the White House disclosed lists of its visitors on a monthly basis, subject to narrow limitations and exceptions. Civil society has long sought disclosure of these records, maintained by the United States Secret Service, because they could help the public understand who was influencing White House policy. Under the Obama administration's White House Voluntary Disclosure Policy, nearly 6,000,000 records were released. These records opened a new window into the White House's functioning, and countless news reports relied upon information contained therein. The Trump administration discontinued publication of the logs, closing a window into its operations and fueling multiple lawsuits. Regardless of who is in the White House, the list of visitors should continue to be publicly accessible.

### **Bill Text:**

Not later than 30 days after the date of enactment of this Act and updated every 30 days thereafter, the United States Secret Service shall report to the Congress and make contemporaneously available online a searchable, sortable, downloadable database of visitors to the White House and the Vice President's residence that includes the name of each visitor, the name of the individual who requested clearance for each visitor, and the date and time of entry for each visitor. Notwithstanding this requirement, the U.S. Secret Service, after consultation with the President or his designee, may exclude from the database any information that would 1) implicate personal privacy or law enforcement concerns or threaten national security, or 2) relate to a purely personal guest. In addition, with respect to a particular sensitive meeting, the Secret Service shall disclose each month the number of records withheld on this basis and post the applicable records no later than 360 days later.

## **DEFENSE**

**Ensure Public Access to Important Current and Historical Decisions, Orders, and Opinions Issued by the Foreign Intelligence Surveillance Court, As Congress Originally Intended**

*Appropriations Committee:* Defense

*Agency:* Director of National Intelligence

*Account:* General Provisions

*Type of request:* Bill Text

***Background:*** Section 402 of the USA Freedom Act of 2015 (P.L. 114-23) requires the Director of National Intelligence, in consultation with the Attorney General, to “conduct a declassification review of each decision, order, or opinion issued” by the Foreign Intelligence Surveillance Court “that includes a significant construction or interpretation of any provision of law.” This provision may have been intended by Congress to encompass every FISC decision, order, or opinion, but the government has argued in Court that the law should not be understood as applying comprehensively, which is delaying access and could result in an adverse opinion. As a consequence, neither litigants before the FISC nor the general public have had access to the secret court’s secret interpretations of the law. Within the bounds established by federal law, the underlying decisions, opinions, and order should be released to the public as Congress intended.

***Bill Text:***

The Director of National Intelligence shall report to Congress and make publicly available all current and historical decisions, orders, and opinions as described in Section 402 of the USA Freedom Act of 2015 (50 U.S.C. 1871(a)(5)).