

Demand Progress
Appropriations Requests, FY 2023
Last updated March 31, 2022

LEGISLATIVE BRANCH: REQUESTS THAT APPLY TO BOTH CHAMBERS OF CONGRESS	4
Create Capitol Police Stakeholders Committee	5
Capitol Police Public Records Request Regulations	7
Disclose U.S. Capitol Police Arrest Information As Data	9
Improving Access To U.S. Capitol Police Inspector General Reports	11
Publication Of Congressional Research Service Reports In HTML	13
Access To Historical Congressional Research Service Reports	15
API For Congress.gov	17
Floor Scheduling Information On Congress.gov	18
Electronic Spreadsheet Of Appropriations Data	19
Improve Lobbyist Tracking Data	20
Congressional Staff Directory	21
Create A Legislative Branch Data Coordination Office	22
Publication Of Legislative Branch Congressional Budget Justifications	24
Unionization For Joint Staffers	25
GAO Funding Levels	27
Report On Unimplemented GAO Recommendations	28
Clarify GAO Audit Power Over The Intelligence Agencies	29
Support Agency Access To Information	33
“Dear Colleague” Letter Access	34
Library Of Congress Virtual Public Forum Annual Meetings	35
MRA Adjustment To Achieve Pay Parity With Executive Branch Salaries	37
Closing Gaps In Legislative Branch Inspectors General Coverage And Coordination	39
Public Records Appeals Process For Legislative Agencies Based On FOIA Advisory Committee Recommendations	40
Congressional Digital Service Task Force	41
LEGISLATIVE BRANCH: REQUESTS THAT APPLY TO THE HOUSE ONLY	42
Update The List Of All Mandated Reports That Are Due To Congress To Include Reports Due To Committees	43
Support Funding For An Online Committee Document Management System	44
Fund Phases Four And Five Of The Comparative Print Project, Which Uses Technology To Show How An Amendments Impacts Legislation And The Law	46
Legislative Resource Center Public Disclosure Forms	48

Standardize Access To Annual Reports From House Offices	49
Permit One TS/SCI Clearance Per House Personal Office To Support Oversight	50
Funding And Transparency Relating To The House Office Of General Counsel	52
Increase Pay Frequency For Staff To Twice A Month	54
Statements Of Disbursement Organization Unique Identifiers	56
Evaluate Creating A Separate Franking Fund Distinct From The Members' Representational Allowance	57
Congressional Fellowship Program Database	59
House Intern Resource Office	60
House Inspector General Reports	62
The House Clerk Modernization Initiatives Account	64
LEGISLATIVE BRANCH: REQUESTS THAT APPLY TO THE SENATE ONLY	66
Senate Whistleblower Ombuds	67
Senate Office Of Diversity And Inclusion	68
Publish Senators' Official Personnel And Official Expense Account Report As Data	70
Senate Online Repository for Bills, Resolutions, and Committee Documents	71
Central Repository For Senate Committee Hearing and Markup Videos	72
FINANCIAL SERVICES AND GENERAL GOVERNMENT	73
Virtual Visitor Logs	74
Listing Unpublished IG Reports On Oversight.gov	75
Report On Impacts Of Comprehensive Sanctions	76
Improving OFAC Licensing Transparency	78
Successes Of Public Beneficial Ownership Registries In Combatting Money Laundering And Terrorist Financing	80
COMMERCE, JUSTICE, AND SCIENCE	82
Improve Executive Branch Accountability By Providing An Index Of Justice Department Office Of Legal Counsel Opinions Currently In Effect	83
Require Public Access To Information Pertaining To Government-Funded, Privately Operated Contract Prisons	85
Privacy Impact Assessments	87
Require Reporting On Warrantless Searches Of United States Person Information	88
HOMELAND SECURITY	89
Improve Congressional And Public Visibility Into Visitors To The White House	90
DEFENSE	92
Public Access To Department Of Defense Ethics Database	93
More Information About Security Clearances	94

Department Of Defense Report On Purchase Of Americans' Phone And Internet Location Data	95
Require Reporting On Warrantless Acquisition Of United States Person Information	98
Ensure none of the funds in this act may be used to facilitate unilateral annexation of Yemeni territory by the United Arab Emirates	99

STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS 100

Report On The Humanitarian Impact Of The Gaza Blockade And The Feasibility Of Ending The Blockade And Its Humanitarian Crisis	101
---	-----

For more information, contact:

Daniel Schuman, policy director, Demand Progress
daniel@demandprogress.org
 240-237-3930

or

Taylor J. Swift, policy advisor, Demand Progress
taylor@demandprogress.org
 202-670-9563

or

Hajar Hammado, policy advisor, Demand Progress
hajar@demandprogress.org
 202-836-7301

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

Create Capitol Police Stakeholders Committee

Appropriations Committee: *Legislative Branch*

Agency: *Government Accountability Office*

Account: *Salaries and Expenses*

Type of Request: Report Language

Background:

The U.S. Capitol Police are tasked with the critical mission of protecting the Congress — its Members, employees, visitors, and facilities — so Congress can fulfill its constitutional responsibilities in a safe, secure, and open environment. Recent congressional hearings, a 2017 Government Accountability Office Report, and a raft of Capitol Police Inspector General flash reports have identified numerous instances where the Capitol Police operations are insufficiently transparent and accountable to congressional overseers and other stakeholders. Furthermore, the Capitol Police Board is not subject to USCP IG oversight and the Board's structure prevents oversight hearings with all members of the Board present before the House Administration or Senate Rules committee.

Many large police departments nationwide have independent “civilian” oversight boards. The USCP should have a similar independent entity to narrow some loopholes in the existing accountability structure. An independent stakeholders committee should be established to create a unified oversight body that represents the interests of Members of Congress, congressional staff, Capitol Hill essential workers, support office and agency staff, journalists, lobbyists, the general public, and Capitol Hill neighbors. Membership should include representatives from those categories, and it should hold meetings where the public is invited to attend in addition to publishing public minutes summarizing meetings' content.

For the stakeholders committee to function as intended, it should be fully independent of the USCP and the Capitol Police Board. This would require Stakeholders Committee members to be compensated for their time, in addition to being provided appropriate staff to support their work. The Stakeholders Committee should be afforded the opportunity to testify before Congress, to meet regularly with Capitol Police leadership and the Capitol Police Board, to hold public meetings, to inquire into matters of interest to the Stakeholders Committee, and to obtain information from the Capitol Police.

The board should routinely make information publicly available, with exceptions as necessary.

Report Language:

Capitol Police Stakeholders Committee. The committee requests the Government Accountability Office to issue a public report to Congress within 90 days with its recommendations on how Congress may best establish a Capitol Police Stakeholders Committee. The purpose of the Committee is to provide for a unified, independent oversight entity that reflects the interests of Members of Congress, congressional staff, Capitol Hill essential workers, support office and agency staff, journalists, lobbyists, the general public, and Capitol Hill neighborhood residents.

Membership should include representatives from those categories, and the Committee should hold meetings where the public is invited to attend in addition to publishing public minutes summarizing meetings' content. The Committee should be fully independent of the USCP and the Capitol Police Board. Committee members should be compensated for their time, in addition to being provided appropriate staff to support their work. The Committee should be afforded the opportunity to testify before Congress, to meet regularly with Capitol Police Leadership, to hold public meetings, to inquire into matters of interest to the Committee, and to obtain information from the USCP. The GAO shall make recommendations on how best to effectuate the foregoing purposes, provide advice regarding the necessary funding to establish the Stakeholders Committee, identify the best practices to do so, and suggest how Committee members are chosen and make other recommendations as appropriate.

Capitol Police Public Records Request Regulations

Appropriations Committee: Legislative Branch

Agency: U. S. Capitol Police

Account: General Expenses

Type of Request: Bill Text

Background:

We commend the Appropriations Committee’s efforts to increase U.S. Capitol Police transparency in committee report language captioned “USCP Information Sharing” accompanying the enacted FY 2021 appropriations bill (H. Rept. 116-447, p. 23) and the House-passed FY 2022 appropriations bill (H. Rept. 117-80, p. 26). The FY 2022 language states:

“USCP Information Sharing: While the USCP is not subject to the Freedom of Information Act (FOIA) (5 USC 552), the Committee encourages the USCP to develop a policy and procedure for the sharing of information that follows the spirit of the Freedom of Information Act. This policy should be consistent with, and not interfere with, USCP’s primary function of protecting the Congress.”

The Capitol Police have not promulgated an information sharing policy pursuant to this direction nor, to our knowledge, consulted with the public or experts on FOIA on drafting such a policy. Demand Progress Education Fund conducted its own consultation with FOIA and congressional experts and released *Model Public Records Request Regulations for the U.S. Capitol Police* in December 2021, drawing heavily from comparable regulations issued by the Government Accountability Office and the Library of Congress.

The original congressional direction predates the events of January 6th, 2021 and was originally requested by Demand Progress because transparency and accountability are essential components of reform and a modernized security force, the absence of which — and the consequences thereof — has been the focus of many hearings over 2021-2.

We urge the committee to direct the Capitol Police to issue information regulation sharing regulations by a date certain; to require them to consult with civil society, governmental FOIA experts, and peer congressional agencies; to review the Model Public Records Request Regulations issued by Demand Progress Education Fund; and to engage in a notice-and-comment rulemaking process.

Bill Text:

USCP Information Sharing. As part of the Legislative Branch Appropriations bill for FY 2022, the Committee encouraged the U.S Capitol Police “to develop a policy and procedure for the sharing of information that follows the spirit of the Freedom of Information Act. This policy should be consistent with, and not interfere with, USCP’s primary function of protecting the Congress.” This language was mirrored in the FY 2021 Legislative Branch Appropriations bill

and report. To this date, no such policy has been promulgated by the Capitol Police. Accordingly, we direct the following:

Within 15 days of enactment, the Capitol Police Board will establish a working group on USCP information sharing that has one representative from each of the following: the House Sergeant at Arms, the Senate Sergeant at Arms, the Architect of the Capitol, and includes as *ex officio* members one representative each from the Capitol Police Inspector General and the Capitol Police Chief. Further, the Board shall form an advisory group to consult with and advise the working group that invites as participants members of civil society, experts on the FOIA, representatives of the Federal FOIA Advisory Committee, representatives of the news media, and representatives from Legislative branch agencies that utilize a records request process. Meetings of the working group and the advisory group shall be held no less frequently than biweekly and shall be open to the public.

The working group shall use the Model Public Records Request Regulations developed by Demand Progress Education Fund as a base document from which to draft information sharing regulations. The working group, within 60 days of its establishment, shall cause to be published in the Congressional Record a draft of its information sharing regulations for comment by the public, with the public afforded 45 days thereafter to provide written comment to the working group as well as the opportunity to testify at an open hearing, as well as an additional open hearing with members of the advisory group. 30 days after the end of the comment period, the working group shall review and adopt final regulations, after consultation with the advisory group, which shall be promulgated by the Capitol Police Board immediately thereafter.

No less than every four years thereafter, or more frequently as appropriate, the Capitol Police Board will review and update its records request regulations through a notice and comment process similar to that outlined above, including with a consultation and advisory board.

The public records request regulations are intended to facilitate and maximize the sharing of information held by the U.S. Capitol Police Board, the U.S. Capitol Police, and the U.S. Capitol Police Inspector General in a fashion that follows the spirit of the Freedom of Information Act. This policy should be consistent with, and not interfere with, USCP's primary function of protecting the Congress.

Disclose U.S. Capitol Police Arrest Information As Data

Appropriations Committee: Legislative Branch

Agency: U.S. Capitol Police

Account: Salaries

Type of Request: Bill Text

Background:

We appreciate and applaud the Appropriations Committee actions to address the arrest disclosure transparency issue to the U.S. Capitol Police as part of the FY 2021 Legislative Branch Appropriations bill. The committee report (H. Rept. 116-447, p. 22) contained the following language:

“The Committee is aware that the Capitol Police does publicly share its arrest data, however, it is not available in a user-friendly format that is searchable, sortable, and downloadable, and is made available on a cumulative basis. The Committee directs USCP report to the Committees as soon as practicable, but no later than 120 days after enactment of this Act on a timetable for deploying a system that can meet these requirements.”

The Capitol Police have not complied with this directive.

The USCP continues to publish their weekly arrest reports as PDF files, which they continue to remove from their website after a year. PDF files cannot be analyzed by computers, so anyone who wishes to analyze the data must copy it by hand into a digital spreadsheet. Criminal charges are formatted inconsistently, but examining arrest trends requires consistency, and consistent formatting, to compare apples to apples.

Incident reports do not include the demographic data of the individuals arrested, and occasionally omit critical information like the number of individuals arrested or sufficient location details. Moreover, it has come to our attention that the USCP may not be publishing all arrests made by the USCP, and that additional arrests may be made by partner agencies that arise from matters within USCP jurisdiction and not reported in the weekly summaries. This undermines the very purpose of publishing this information.

Accordingly, the USCP should facilitate the effective use of information for police accountability. Specifically, the USCP should continue to publish arrest summaries on at least a weekly basis, and the links to the summaries should be permanently available on the USCP arrest summary page. Furthermore, USCP should summarize all arrests made by the USCP, which occur in partnership with the USCP, or that relate to Capitol security, and should further track and publicly report on whether the arrest resulted in prosecution and conviction, in addition to reporting the demographic data of individuals arrested. The USCP should also disclose the total number of weekly arrests and its guidance on which charges are included and excluded from the arrest summaries.

We encourage appropriators to insist on implementation of their directive and require by a date certain that the USCP post arrest summaries as a digital spreadsheet — in structured data format — that allows users to track arrest date and time, arrest location, charges issued, number of individuals arrested, case file number, etc.

Bill Text:

Arrest Summary Data. The U.S. Capitol Police shall publish arrest summary information for all arrests made by the USCP, arrests that occur in partnership with the USCP, or that relate to Capitol security, online in machine readable formats within 30 days of enactment of this legislation. That information, published in a digital spreadsheet, shall include arrest information starting from January 2021 and be updated on a weekly basis. 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; summaries of demographic data of individuals arrested; and crime classification with any additional charges. USCP shall track and publicly report on whether each arrest resulted in prosecution and conviction, disclose the total number of monthly arrests, and share its guidance on which charges are included and excluded from the arrest summaries. 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. Arrest summaries published on the USCP website shall not be removed.

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

Appropriations Committee: Legislative Branch

Agency: U.S. Capitol Police

Accounts: General Expenses

Type of Request: Bill Text

Background:

In the House report accompanying the FY 2021 Legislative Branch Appropriations bill (H. Rept. 116-447), lawmakers requested that the Capitol Police Inspector General publicly release IG reports if they do not compromise law enforcement activities, national security, or Congressional security and processes without redaction. The committee requested the USCP IG review all issued reports from the previous three years to determine which could have been made public is commendable; the USCP IG review was due March 27, 2021.

In the House report accompanying the FY 2022 Legislative Branch Appropriations bill (H. Rept. 117-80, page 26), the committee instructed “the Inspector General to institute a process to make reports publicly available whenever practicable and to begin publishing reports on its website.”

The U.S. Capitol Police Office of the Inspector General provides independent, professional, nonpartisan oversight over the U.S. Capitol Police’s operations. The USCP IG does not make its reports available to the public pursuant to the direction of the Capitol Police Board, undermining public accountability and congressional oversight. By comparison, federal inspectors general routinely release their reports. The only exception to the USCP IG practice was the release of a handful of flash reports released by congressional committees regarding January 6th.

As of the date of submission of this request, the Capitol Police Inspector General has not acted. We urge the committee to ensure that its directive regarding USCP IG reports come into effect.

Bill Text:

USCP Office of the Inspector General Report Disclosure. The Inspector General shall institute a process to make reports publicly available whenever practicable and to begin publishing new reports on its website within 30 days of enactment of this legislation. Furthermore, the Capitol Police Board is directed to authorize such publication and to rescind any directives to the contrary.

Specifically, the USCP IG is directed to immediately begin publishing all new 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. Moreover, IG shall examine all reports from January 2010 forward and begin to publish them online, subject to the limitations described above, within 180 days, and shall complete publication of all eligible reports within 1 year.

In addition, the USCP IG is directed to publish on its website and on Oversight.Gov, within 90 days of enactment of this legislation, the following information concerning reports issued over the last twenty years: the subject (or a descriptive title), date of publication, and any findings, recommendations, conclusions, and actions taken that relate to the report. Further, the USCP IG is authorized to publish the entirety of any of its reports should it deem it appropriate to do so, subject to the above restrictions, and shall establish a process for the public to request online publication of historical 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 FY 2018 Legislative Branch Appropriations Bill (H. Rept. 115-199, p. 21) 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. We were pleased to see the publication of the reports; at the time, we cautioned that CRS's implementation plan would fail to meet public and congressional expectations, especially concerning how the reports were published, and our fears have been born out. CRS published the reports only in PDF format and not also in HTML format, even though they are published in both these formats on CRS's internal website. This decision undermines their full integration of the reports into the rest of the Congress.gov website, weakens the findability of the reports by search engines, impairs reuse by civil society, and prevents them from being readable on mobile devices where the screens are too small to display readable PDFs. This is an issue that has been the subject of multiple letters by civil society and was raised at the Library of Congress's virtual public forums in 2020 and 2021.

In the Legislative Branch Appropriations Committee Report for FY 2021 (H. Rept. 116-447, p. 36), the Committee requested the Library "provide to the Committee within 60 days of enactment of this Act a report describing the process, timeframe and costs of making available to the public all currently available non-confidential CRS Reports in HTML format rather than PDF, or a successor format when appropriate. The Committee understands that CRS already publishes reports on its internal website in HTML. Making this change in format for external audiences would facilitate the use and re-use of the information contained in the reports." It is our understanding the Library indicated this would cost \$60,000 to implement and six months to complete.

Based on our experiences publishing CRS reports at everycrsreport.com, we think this estimate grossly exceeds the time and costs involved. Nonetheless, it would significantly increase the usefulness of the reports to the public, congressional staff, academics, media, and others, and we encourage you to direct the Library of Congress to make the appropriate adjustment. Even in the absence of new funding, the Library should be informed of Congress's expectation that this will occur as they will not act without specific direction.

Report Language:

Congressional Research Service Reports in HTML. The Library of Congress is directed 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. To the extent practical, such publication should be completed within one year of the enactment of this

legislation. It would satisfy these requirements to contemporaneously publish this information in bulk, such as through the Government Publishing Office's bulk data repository.

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. The purpose was to encourage the eventual publication of those reports without mandating as part of the initial transformation. However, despite this authorization, the Library indicated at its September 2020 Virtual Public Forum and again in 2021, it will not make the reports publicly available absent congressional direction. The 2018 law provided that direction, but in light of the Library’s statement, Congress should clearly restate its direction that all non-confidential CRS reports be made publicly available.

In the committee report accompanying the FY 2021 Legislative Branch Appropriations Bill (H. Rept. 116-447, p. 36), CRS was requested to, within 60 days of enactment, “provide a report to the Committee evaluating the possibility of publication of CRS reports contained in its CRSX archive, specifically examining the feasibility, cost, and benefits of integrating all or a subset of the reports online. This analysis should include an assessment of the utility to the public and Congress of online access to the reports.” That request was subsequently modified in the Joint Explanatory Statement to require briefings to the committees.

It is our understanding that CRS has indicated there are 30,000 reports in the CRSX archive. Many of these non-public reports already are digitized, with accompanying metadata, and are maintained in a digitized repository known as CRSX. It is our further understanding that CRS has indicated conversion of the current CRSX archive over a one-year period would require about 40 FTE of contract support at an estimated cost of \$2,400,000, although many reports already are digitized with appropriate metadata and thus would be comparatively inexpensive to publish those reports. Further, while we believe the \$2.4 million figure is a significant overestimate of the costs required and the time required, the value to Congress and the public outweighs these costs. It is not necessary to publish all the reports all at once, and it would be reasonable to start with the low hanging fruit. Congress should resolve any doubt about its intent in 2018 and direct the Library to begin working to make these reports publicly available. To address concerns about practicality, the Congressional Research Service should be permitted to allocate resources and employee time over several years to the extent necessary.

Historical CRS reports often contain information that are 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 Congress, the public, the press, and academics should have full access to the non-confidential expertise that tax dollars have funded for more than a half-century.

Report Language:

Congressional Research Service Reports. The Library of Congress is directed to publish all non-confidential CRS reports online and the Congressional Research Service is directed to provide all support and information requested by the Library. With respect to the digitized reports contained in its CRSX archive, to the extent practicable the Library is directed to publish a significant tranche of those reports online within a year of enactment of this legislation, although we note it may take more than one year to publish the full archive. In doing so, the Library is authorized to release the reports in their current digital formats and with whatever metadata currently exists as a way to expedite public availability. With respect to the remaining non-digitized non-confidential CRS reports, the Library of Congress, in consultation with the Congressional Research Service, is directed to make those reports available online with all appropriate speed and to provide an annual public report on the pace of digitization and publication. In determining how to publish the non-digitized reports, the Library may explore the model recently used by the Law Library of Congress concerning its Legal Reports as well as other mechanisms to make them available online, at no cost, to the public.

API For Congress.gov

Appropriations Committee: Legislative Branch

Agency: Library of Congress

Account: Salaries and Expenses

Type of Request: Report language

Background:

Congress.gov is a public-facing legislative information website maintained by the Library of Congress. It contains the text of legislation, bill summaries, bill status information, and more. It is a successor website to THOMAS.gov, which was created in the mid-1990s to provide public access to legislative information.

While the Library of Congress has published legislative information online since the mid-1990s, it was not until fairly recently that there was an official source for underlying data. The Bulk Data Task Force studied this question and in 2012 recommended publication of Congressional information “in bulk” so that it could be downloaded for use by computer programmers. That information is now available from GPO at <https://www.govinfo.gov/bulkdata> and is the basis of web services used by millions of people.

Another method of sharing data is known as an API, or application programming interface. Instead of downloading the entire dataset, an API allows one computer to ask another for a specific item. By way of example, bulk download is akin to downloading the contents of a book, but an API is akin to asking for the name of the author. The Library of Congress uses APIs to share information with other entities inside the Legislative branch.

At the virtual public forum on September 10, 2020, the Library of Congress was asked whether it would make a public-facing API for use by the public. An API currently used only for internal uses would satisfy the public’s needs with respect to facilitating access to legislative information held by the Library and published on Congress.gov because it is more appropriate for certain web applications and is easier for some to use. The Library indicated it would do so only at Congress’s direction and did not weigh in on the merits of the request. The use of APIs is a long-standing method for public access to information, it is used by other legislative branch agencies such as the Government Publishing Office for public access to legislative information, and the Library at long last should be directed to establish an API along the lines of the public request.

Report Language:

Congress.gov API. Within 180 days of enactment, the Library of Congress is directed to instantiate a public-facing API for select information available on Congress.gov, with an initial focus on bill text, summary, and status information. The Library should engage in a dialog with web developers with an interest in Congressional information to ensure the API is robust and well-designed, and should continuously update and broaden the information available via the API.

Floor Scheduling Information On Congress.gov

Appropriations Committee: Legislative Branch

Agency: Library of Congress

Account: Salaries and Expenses

Type of Request: Report Language

Background:

In the Committee report accompanying the Legislative Branch Appropriations Bill for FY 2019 (H. Rept. 115-696, p. 16), the Committee requested the Library of Congress and Government Publishing Office “update the Congress.gov website to include a calendar for Senate and House of Representatives committee hearings and markups.” That continuously updated calendar — entitled “committee schedules” on the website — includes information about every hearing and markup taking place in both chambers. Its creation is a rousing success and we applaud the Committee for directing the Library and GPO to take this action.

We request the Committee further request the Library and GPO explore how to better integrate House and Senate floor calendars. Currently, the Congress.gov website provides outward links to that information, but does not otherwise integrate floor information into the website. See <https://www.congress.gov/calendars-and-schedules>. There would be great value in showing the more than 1 million monthly visitors to Congress.gov a daily schedule of the legislation and other measures that are up for consideration each day.

Report Language:

Floor Scheduling Information on Congress.gov. The Library of Congress and the Government Publishing Office is requested, within 90 days, to provide a report to the Appropriations Committees, the Committee on House Administration, and the Senate Rules Committee, concerning enhancing the Congress.gov “committee schedules” calendar to include floor scheduling information. The Committee on House Administration will publish that report online. In that report, the Library of Congress and GPO are requested to evaluate further integrating House and Senate floor scheduling information into a combined calendar that identifies legislation and other measures likely to be considered on a particular day (or range of days) during the upcoming week, perhaps alongside the information contained in the “committee schedules” calendar. *Further*, the Library and GPO are requested to consult with internal congressional stakeholders and outside experts on Congressional information, and to seek the advice of experts on human-centered design, in creating the report. The report should focus on the feasibility, cost, options, and design of an integrated House and Senate floor schedule on Congress.gov.

Electronic Spreadsheet Of Appropriations Data

Appropriations Committee: Legislative Branch

Agency: Library of Congress

Account: Congressional Research Service

Type of Request: Report Language

Background:

Appropriations legislation provides an invaluable window into federal agencies and offices' activities, priorities, and spending. While the legislation itself is straightforward to find through the Congressional Research Service's appropriations tables, the information contained within the legislation is published as prose and in a PDF format. PDF files cannot be analyzed by computers, so anyone who wishes to analyze the data or spending trends must retype it by hand into a digital spreadsheet.

Appropriators, authorizers, and the general public would benefit from the publication of spending information contained in appropriations bills as structured data, such as a CSV. The Congressional Research Service, which tracks and publishes appropriations bills, should publish a spreadsheet to accompany each appropriations bill that contains the detailed spending information in an electronic, tabular format that allows for review of spending trends from FY 2000 forward.

Report Language:

Access to Appropriations Data. The Congressional Research Service is requested to improve congressional and public understanding of spending items contained in appropriations bills. Accordingly, it is requested to create a public-facing electronic spreadsheet for each of the 12 appropriations bills that shows spending information by each element from FY 2000 forward. To the extent possible, it should include spending for supplemental appropriations for each fiscal year. CRS is encouraged to work with the Appropriations Subcommittees to obtain this information and ensure that it is displayed accurately.

Improve Lobbyist Tracking Data

Appropriations Committee: Legislative Branch

Agency: Office of the Clerk

Account: Salaries, Officers and Employees

Type of Request: Report Language

Background:

Improving the tracking and disclosure of information about lobbyists has long been a priority of the Congress. In response to the House Legislative Branch Appropriations Committee report for FY 2020 (H. Rept. 116-64, p. 9) and 2021 (H. Rept. 116-447, p. 9) and a recommendation of the House Select Committee on the Modernization of Congress (SCOMC) (H. Rept. 116-562, p. 76) incorporated in section 505 of H. Res 756, the Clerk of the House submitted an initial report in May 2020 on “the assignment of unique identifiers for reports filed by registered lobbyists” and testified at a January 20, 2022 hearing before the SCOMC about those recommendations. The 2020 report contained two options to move forward; there may be more recent reports, but they are not publicly available.

The Clerk, in her written testimony from January 2022 before the SCOMC, made the following recommendation: “Given the system’s age, we recommend that it be redesigned and built anew. A contemporary system will improve the user experience, provide more efficient processing and automation, and allow for greater transparency. Redesigning the system will be no small undertaking, nor will deciding the strategies for maintaining a single account for a lobbyist regardless of job or name changes. There are more discussions to be had with this Committee, CHA, the Committee on Appropriations, and the Senate on the scope and desired outcomes of such a project.”

This is a sensible approach. Given the bicameral nature of this reform and the need for funds to accomplish it, we recommend the inclusion of funding to create a unique lobbyist identifier system and authorize the Clerk and the Secretary of the Senate to implement a new system.

Bill Text:

Lobbyist Disclosure Unique Identifier. For salaries and expenses, \$500,0000, to be disbursed in equal parts by the Secretary of the Senate and the Clerk of the House of Representatives, for the purpose of redesigning and rebuilding the lobbyist disclosure system to implement a Congress-wide identifier for all lobbyists, disclose that information publicly, and for other updates and improvements as appropriate.

Congressional Staff Directory

Appropriations Committee: *Legislative Branch*

Agency: *Joint Items*

Account:

Type of Request: Report Language

Background:

Legislative branch political, office, and agency staff need to be able to connect by email with other Legislative staff. At present, there is no official staff contact database that contains contact information for employees of the House, Senate, support offices, and support agencies. While partial solutions exist within Congress, they are not available to all relevant congressional employees and do not identify the issues on which staffers work. One notable example is the otherwise excellent House telephone directory, <https://directory.house.gov/#/>.

Consequently, individual offices either purchase access to third-party databases, which cost approximately \$1,000 per year per user, or do without this vital information. It is important to facilitate the ability of political staff to easily identify and connect with other political staff — including across the chambers — and for political staff to connect with support office/agency staff and vice versa.

In December 2021, the Select Committee on the Modernization of Congress endorsed creation of a central directory: “Congress and congressional support agencies should establish a shared staff directory to enhance the exchange of information and improve collaboration.” (See <https://modernizecongress.house.gov/117th-recommendations>).

This may be a complex undertaking, so we recommend the creation of a task force that will provide recommendations on creation of a Congress-wide staff directory.

Report Language:

Congressional Staff Directory. The Committee endorses the creation of a shared staff directory for Congress and congressional support agencies to enhance the exchange of information and improve collaboration. The absence of a shared directory poses an unnecessary barrier to the smooth operations of Congress. Within 180 days of enactment, the Senate Office of the Secretary and the House Chief Administrative Office, in consultation with relevant support offices and agencies, are requested to provide to the Appropriations Committees, the Senate Rules Committee, and the Committee on House Administration a report on creating a centralized congressional staff directory for congressional and support agency staff. Within two weeks of receipt, the Committee on House Administration is requested to publish the report online. It should address the publication of the name, title, office, phone number, email address, and programmatic responsibilities (such as issue set) for every employee. That information should be filterable by office, title, party, issue set, and other relevant criteria. It should be capable of being updated continuously. The directory should be available inside the congressional firewall and also have a public-facing version with appropriate omissions for certain fields.

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.

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.

To this end, we believe 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:

Legislative Branch Data Coordination Office. 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.

Publication Of Legislative Branch Congressional Budget Justifications

Appropriations Committee: *Legislative Branch*

Agency: *Joint items*

Account:

Type of Request: Report Language

Background:

Legislative support offices and agencies submit annual budget justifications to the House and Senate 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 within two weeks of submission to Congress pursuant to OMB Circular A-11 section 22.6, there is no comparable requirement for the Legislative branch.

Public availability of Legislative branch budget justifications can be untimely and inconsistent, limiting access to both authorizing committees and the general public. For example, the House of Representatives routinely publish these justifications in a committee document that becomes publicly available the year after the budget requests are considered. Senate publication of a combined document is uncommon, with only three instances found on GPO's website. The practice of Legislative branch agencies and offices in publishing these reports on their individual websites is inconsistent.

Centralized, permanent online access will improve how House and Senate authorizers and appropriators, journalists, and the general public understand requests made by Legislative branch offices and agencies regarding their planned activities for the upcoming year. This will bring Legislative branch practices in line with the Executive branch.

Report Language:

Support offices and agencies. Starting for FY 2024, two weeks after submission of a congressional budget justification to the House of Representatives, the U.S. Senate, or a committee thereof, Legislative branch support offices and agencies are requested to publish their congressional budget justifications on their website and to provide a copy to the Government Publishing Office. *Furthermore*, to the extent practicable, offices and agencies shall publish prior congressional justifications on their websites and provide the reports to GPO for at least the previous ten fiscal years. House offices and agencies may also provide the reports for publication on docs.house.gov.

Unionization For Joint Staffers

Appropriations Committee: Legislative Branch

Agency: Joint Items

Account:

Type of Request: Bill Text

Background:

The 104th Congress enacted the Congressional Accountability Act, P.L. 104-1, on January 23, 1995, which required the institution to abide by many workplace rules imposed by the private sector. Several provisions included in the CAA provide some Legislative branch support agency staff the right to unionize. This was part of a broader effort to apply the laws to Congress that apply elsewhere in the federal government and to the private sector. Regulations issued by the Office of Compliance under Section 220(d) of CAA concerns unionization for legislative support agency staff while Section 220(e) concerns unionization for congressional staff (i.e., personal, committee, leadership, and some support office staff.)

The House is considering and may soon pass a resolution that implements provisions of the CAA that allow for covered political and non-political House employees to unionize. While previously implemented regulations allow some staff shared between the House and the Senate to unionize, the incomplete implementation process concerning Section 220(e) has currently left unimplemented those regulations that apply to other shared staff, such as those at the Congressional Budget Office and the Office of Congressional Workplace Rights.

This omission should be remedied. Shared staffers must be afforded the same protections as staffers who work solely for the House or Senate, and the Committee should include a provision that addresses them. As implementation of the existing regulations requires passage by the Senate and the House, one straightforward solution is for appropriators to include language in the appropriations bill that applies section 220(e) to these shared offices. This will provide those staff with an opportunity to unionize just like other Legislative branch support agency staff.

Bill Text:

See H Con Res 207 (104th Congress) for model language.

APPROVAL OF REGULATIONS

(a) IN GENERAL.—The regulations described in subsection (b) are hereby approved, insofar as such regulations apply to covered employees of the House of Representatives under the Congressional Accountability Act of 1995 and to the extent such regulations are consistent with the provisions of such Act, as amended.

(b) REGULATIONS APPROVED.—The regulations referred to in subsection (a) are the regulations issued by the Office of Compliance on August 19, 1996, under section 220(e) of the Congressional Accountability Act of 1995 to implement section 220 of such Act (relating

to the application of chapter 71 of title 5, United States Code), as published in the Congressional Record on September 4, 1996 (Volume 142, daily edition), beginning on page H10019.

GAO Funding Levels

Appropriations subcommittee: *Legislative Branch*

Agency: *Government Accountability Office*

Account: *Salaries and Expenses*

Type of Request: Report Language

Background:

The Government Accountability Office provides crucial support for the work of Congress. Its value was recognized by the Appropriations Committee and by Congress, which as part of the FY 2022 Omnibus increased funding for the agency by 8.8 percent, to \$729 million. GAO funding remains down, however, in real terms over the last few decades. This is a significant issue. GAO estimates it provides a more than 100-to-1 return on investment to the federal government, so that every dollar invested into GAO saves taxpayers more than one hundred dollars. We believe that funding for GAO should be proportional to overall federal spending: as the federal government grows so too should oversight of its activities.

Our analysis, published in the report “A new funding model for the GAO and financial relief for Congress,” found that were GAO funded at the same percentage of discretionary spending as it was in FY 1992, it would be appropriated \$1.143 billion. This obviously would be difficult to accomplish within the current Legislative branch 302(b) allocation. However, there would be significant value in understanding the kind of return on investment the GAO could provide should its funding be increased by \$100 million, \$200 million, \$300 million, or even more. It also is worth re-examining the GAO’s funding model, as the benefits it provides are enjoyed across the federal government even as its funding currently only narrowly comes from the Legislative branch appropriation subcommittee.

Report language:

GAO Funding Study. The Government Accountability Office plays a significant role in reducing government waste, fraud, and abuse. GAO’s estimates have suggested a return on investment for taxpayers of more than 100-to-1. What additional services and ROI could GAO provide to the federal government were its funding increased by \$100 million annually, \$200 million annually, \$300 million annually, or more? Are there alternative funding models for GAO that could sustain the agency and avoid creating undue pressure on the Legislative branch subcommittee allocation? The GAO is directed to provide a report to this committee, and to make publicly available, a report addressing these and other questions the GAO deems appropriate within 180 days.

Report On Unimplemented GAO Recommendations

Appropriations Committee: Legislative Branch Subcommittee

Agency: Government Accountability Office

Account: Salaries and Expenses

Type of Request: Report Language

Background:

The House Select Committee on the Modernization of Congress recommended in December 2021 that “GAO should annually report to Congress on legislative options to address open priority recommendations.” We agree.

GAO reports that the four-year implementation rate of its recommendations was 77% as of 2019, which is generally consistent with prior years. (For recommendations made in FY 2015, GAO reports that its implementation rate was 21% after year one, 40% after year two, 56% after year three, and 77% by year four.) The cost to the government of unimplemented or slowly implemented recommendations is unknown. Estimating this cost would inform Congress and federal agencies about the need to implement GAO’s recommendations in a timely fashion.

The Committee should request a report on the financial cost of unimplemented GAO recommendations.

Report Language:

Report on Unimplemented Government Accountability Office Recommendations. Within 180 days, the Comptroller General shall publish on its website and provide to the Appropriations Committees, the House Oversight Committee, and the Senate Homeland Security and Governmental Affairs Committee, a report estimating the financial costs of unimplemented GAO recommendations by agency.

Clarify GAO Audit Power Over The Intelligence Agencies

Appropriations Committee: Legislative Branch

Agency: 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.” He added that it would be helpful for Congress to make clear this is an authority GAO has. In 2021, Dodaro indicated that efforts to improve oversight of the IC continue and again, “one area where [GAO] can always use help is from the intel committees provid[ing] support and back[ing them] up.”

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* and his most recent testimony submitted to the House Legislative Branch Appropriations Committee for Legislative Branch Appropriations for 2022 on May 7, 2021.

We are concerned that Director Dodaro may not be able to publicly request statutory clarification 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.”

The House of Representatives passed language to address this issue in its Intel Authorization Act for FY 2010 (HR. 2701, Section 335). Virtually identical language was reintroduced in 2021 as an amendment (amendment #23) to the Protecting Our Democracy Act, which received support from 90 percent of Democratic House members. We urge the committee to include this language

as part of its appropriations bill 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.

Support Agency Access To Information

Appropriations Committee: *Legislative Branch*

Agency: *Congressional Budget Office*

Account: *Salaries and Expenses*

Type of request: Report Language

Background:

The Congressional Budget Office explained the challenges it faces in obtaining access to federal agency data sources and data sets in a June 2021 report, product pursuant to the FY 2021 House Legislative Branch Appropriations Bill Committee report (H. Rept. 116-447, p. 24). The CBO, along with the Congressional Research Service and Government Accountability Office, addressed these issues at length in their testimony before the House Modernization Committee on October 21, 2021. As CBO noted, public data does not always provide the level of information needed for them to complete their reports, and creating data use agreements with agencies and using that information can be hindered because of delays in creating those agreements and limitations on the use and access to that data.

In light of the challenges identified by the congressional support agencies, they should recommend statutory and procedural changes to ensure they have the timely access to the information that they need, in the formats that they need, and in the detail that they need.

Report language:

Legislative Branch Support Agency Information Working Group. The Congressional Budget Office, the Library of Congress, the Congressional Research Service, and the Government Accountability Office are directed to create a working group that identifies the challenges they face in obtaining timely, detailed, and sufficient access to federal agency information. Within 180 days, the task force is to submit a report to the House and Senate Legislative Branch Appropriations Committees, the Committee on House Administration, the Senate Rules Committee, and make available on their websites recommendations for statutory and other changes to ensure these agencies have access to the information they need at the time, in the formats, and in the level of detail necessary for them to complete their work. After submission of those recommendations, the task force shall continue to meet from time to time to monitor the situation and make additional recommendations, as appropriate.

“Dear Colleague” Letter Access

Appropriations Committee: *Legislative Branch*

Agency: House of Representatives

Account: *Salaries and Expenses*

Type of request: Bill Text

Background:

“Dear Colleague” letters are official correspondence widely distributed to congressional offices. Members, committees, and officers of the House of Representatives often use “Dear Colleague” letters to encourage others to cosponsor, support, or oppose legislation. Additionally, senders use these letters to collect signatures, invite members to events, update congressional offices on administrative rules, and provide general information.

Over the last decade, “Dear Colleague” letters have mainly been circulated online using the e-“Dear Colleague” system. Under the system, members and staff are able to independently manage their subscription to various issue areas and receive e-Dear Colleagues according to individual interest. However, due to limitations of the system’s design, it is difficult for members to navigate the overwhelming amount of information.

These letters are frequently circulated within the House, but access to the e-“Dear Colleague” system is restricted to Congress. To foster innovative solutions to search and sort through Dear Colleague communications, to better integrate these communications so as to provide better context for why members support or oppose legislation, and to address unequal access to these communications, we recommend that letters be made publicly available unless the sender chooses to opt-out for a particular communication.

Bill Text:

Modernized Dear Colleague Communication System. The Committee recommends \$350,000 for the online publication of Dear Colleague letters, including appropriate metadata, except in circumstances where the sender chooses to opt-out from online publication of their letter.

Library Of Congress Virtual Public Forum Annual Meetings

Appropriations Committee: *Legislative Branch*

Agency: *Library of Congress*

Account: *D/N/A*

Type of request: Report Language

Background:

The Library of Congress hosted two virtual public forums on the Library's role in providing access to legislative information, on September 10, 2020 and on September 2, 2021, pursuant to the direction of language included in the committee report accompanying the FY 2020 Legislative Branch Appropriations bill (H. Rept. 116-64 p. 28). The widely attended events were viewed as a success both by the participants and the Library of Congress. However, the Library stated that there were no plans in place for future public virtual events to continue and will not commit to future events. In addition, the Library would not provide any information concerning its views on the recommendations made by members of the public and the feasibility or likelihood of their implementation.

Many legislative and executive branch agencies and entities regularly meet with civil society stakeholders to share information and provide a foundation for collaboration. The Library should continue to do so as well, and the committee should require the Library of Congress to host these meetings twice a year on an ongoing basis. In addition, the report language required the Library to report on the recommendations it received from the public. It has done so, although those reports are not publicly available. The Library should continue to report on the recommendations it receives, including making those recommendations available to the public so that the public might know the feasibility and likelihood of implementation.

Report language:

Public Access to Legislative Information. The Library of Congress has become one of the preeminent sources of public information about federal legislation and congressional processes, particularly through its role in hosting the "Congress.gov" website but also through other digital activities. The Committee commends the Library for its achievements in this area.

The Committee also understands that users of the Library's legislative information services have suggestions regarding ways in which those services could be improved or expanded, and the Committee would like to encourage the continuance of a more structured process for receiving and considering such suggestions, such as the virtual public forums held in 2020 and 2021. Such a process should also recognize some of the limits on the Library's ability to implement improvements and expansions of these services, however. For example, much of the information presented on the Congress.gov website is not generated or controlled by the Library but rather comes from other sources—particularly various offices of the House of Representatives and the Senate and the Government Publishing Office—and expanding or changing the content of Congress.gov will often require those sources to do something new or different. Further, some

improvements and expansions would require commitment of substantial time and resources by offices both within and outside the Library that already have a heavy IT workload.

To facilitate public input into the Library's legislative information services and how they could be improved, the Committee urges the Library to convene a public meeting at least twice a year on an ongoing basis to discuss these issues. The Library should invite a broad range of potentially interested parties to participate, such as journalists, academics, advocacy and public interest organizations, research institutions, libraries, and publishers of legislative information. The Library should also invite and encourage participation from representatives of Legislative Branch stakeholders such as the Clerk of the House, the Secretary of the Senate, and the Government Publishing Office.

Following each meeting, the Library should prepare a report, to be submitted to the House and Senate Appropriations Committees, to relevant authorizing committees and officers of the House and Senate, and to be made publicly available on the Library's website. The report should summarize the comments and suggestions made, indicate which could be implemented by the Library itself and which would require action by other entities, roughly estimate the cost and effort needed (where possible), and provide the Library's evaluation and recommendations for further action.

MRA Adjustment To Achieve Pay Parity With Executive Branch Salaries

Appropriations Committee: *Legislative Branch*

Agency: *Joint Items*

Account: *Chief Administrative Officer*

Type of request: Bill Text and Report Language

Background:

Congressional staff are widely and consistently undercompensated for their work, especially at entry-level positions. We acknowledge and appreciate the unprecedented efforts made by the Appropriations Committee to remediate these issues as part of the FY 2022 appropriations bill. We urge you to build upon this good work and take the additional actions necessary to raise the pay floor to ensure that no staff are making below a living wage.

A January 2022 *Issue One* analysis of congressional payroll data found that 70 percent of D.C.-based staff assistants make less than a living wage — defined by MIT as \$42,610 for an individual with no dependents — as do 1 in 8 staffers overall. The 2019 *House of Representatives Compensation and Diversity Study Report* also concluded that in most instances Member office positions provide salaries at lower levels than comparable Federal positions. At the same time, a Congressional Progressive Staff Association survey of more than 500 staff found that 47 percent of staff are struggling to pay bills and 39 percent have taken out loans to cover everyday living expenses. This dynamic is hurting Congress' ability to attract a representative workforce and keep experienced staffers on the Hill.

Pay increases for top-level staff are well-earned and good for constituents, but policy aimed at boosting staff pay and retention must also be mindful that the majority of Congress' workforce and legislative capacity comes from junior staff — 60 percent of staffers are under the age of 35 and 45 percent of staffers in 2020 earned less than \$60,000. The average House staffer has not received a raise in over 14 months, according to a recent survey by the House Office of Diversity and Inclusion, although this may change in light of the FY 2022 House Appropriations Bill and Report included a 21 percent increase in MRA funding. Nevertheless, even this significant increase only restores the House to its FY 2010 levels.

There are solutions the Committee can undertake to raise the wages of those staffers at the bottom. An October 2021 Office of the House Inspector General report examining the number of employees in member offices recommended the House to “establish and maintain pay parity with Executive branch salaries and make the necessary adjustments to the MRA to achieve parity.” To match the benchmarks identified in the 2019 House Compensation and Diversity Study Report, the IG report recommended the House to increase the Clerk hire portion of the MRA by an average \$42,036 per Member office to match the Federal benchmark. We calculate that to be approximately a \$18.5 million increase to the MRA. The commensurate burden rate, per the IG report, would be \$17,780 per Member office, which we calculate at approximately \$7.8 million. This increase would be a one-time change, but would be enormously beneficial to those staffers struggling to get by and the institution that they serve.

Additionally, the IG Report recommends that an annual COLA adjustment component be automatically added to the Clerk-Hire calculation of the MRA. The report states “Using 2020 as an example, the Clerk-Hire component of the MRA would have been \$1,020,532 using the base increase of 2.60 percent or \$1,029,683 using the Washington DC – Baltimore locality increase of 3.52 percent.”

Building capacity in Congress is a sound investment. Investing more resources into the congressional workforce, especially for those at the bottom of the pay scale, can reduce opportunities for regulatory capture by lobbyists, mitigate the risk of unintended negative policy outcomes through stronger staffing, and increase accountability of the federal government through expanded and knowledgeable oversight.

Bill Text:

For Members’ representational allowances, including Members’ clerk hire, official expenses, and official mail, \$792,937,876.

Report Language:

Increase Member Representational Allowance to Establish Pay Parity with Executive Branch Salaries. The Committee has taken extraordinary action to address staff pay due to prior pay freezes coupled with inflation and will continue to do so. In accordance with the House Inspector General Recommendation, we recommend increasing the MRA account by \$18,537,876 to \$792,937,876 and the benefits (Government Contributions) by \$7,840,980 to \$363,840,980.

Closing Gaps In Legislative Branch Inspectors General Coverage And Coordination

Appropriations Committee: *Legislative Branch*

Agency: United States House of Representatives

Account: General Expenses

Type of request: Report Language

Background:

Inspectors General provide independent, professional, and nonpartisan oversight over various government operations, helping to uncover evidence of waste, fraud, abuse, and malfeasance. In the midst of the January 6th attack on the U.S. Capitol and the ongoing Covid-19 pandemic, it has become evident that congressional information and technology can no longer be managed on an ad-hoc basis and in multiple silos. There is a tremendous need to have more coordination across the chambers and support agencies, especially when it is related to cybersecurity and information sharing.

Within the Legislative branch specifically, there are a number information, technology, and cybersecurity gaps with respect to Inspector General coverage. While some congressional offices and support agencies have a IG (Library of Congress, USCP, etc.), there are significant offices that remain without oversight, including the Office of Congressional Workplace Rights, Office of Attending Physician, and others. Additionally, while there is currently a House IG, there is no IG that specifically examines the Senate, and the current IGs often do not have sufficient independent oversight. There is a tremendous need for the Legislative branch — either through an IG counsel or a single IG — to have proper oversight, especially with respect to security and collaboration.

Report language:

Inspectors General for All Legislative Branch Office. The Committee recognizes the tremendous need for more IG coordination across the Legislative branch chambers and support agencies, especially when it is related to cybersecurity and information sharing. The Committee requests the Government Accountability Office, within 180 days of enactment of this act, to produce a report examining the coverage gaps of IG oversight within the Legislative branch. Specifically, the report shall address the gaps, identify conflict areas and offices that are not covered, and make recommendations around structures and best practices to properly protect IG independence within the Legislative branch. In doing so, the GAO is encouraged to consult with the Council of the Inspectors General on Integrity and Efficiency and other internal and external stakeholders with expertise around inspectors general.

Public Records Appeals Process For Legislative Agencies Based On FOIA Advisory Committee Recommendations

Appropriations Committee: *Legislative Branch*

Agency: Government Accountability Office

Account: *Salaries and Expenses*

Type of request: Report Language

Background:

Access to public records is essential for a functioning press and democracy. Currently several legislative agencies, including GAO and Library of Congress, have FOIA-like public records request processes, but lack a meaningful appeal process whereby requesters may ask for review of agency public records decisions.

The importance of a meaningful and impartial appeal process was emphasized by the National Archives' FOIA Advisory Committee in its recent recommendation that "Congress should adopt rules or enact legislation to establish procedures for effecting public access to legislative branch records in the possession of congressional support offices and agencies modeled after those procedures contained in the Freedom of Information Act. These should include requirements for proactive disclosure of certain information, procedures governing public requests for records, time limits for responding to requests, exemptions to be narrowly applied, and an appeal from any initial decision to deny access." A meaningful appeals process would include an opportunity for requesters to challenge agency decisions, make arguments regarding why documents should be disclosed, and obtain timely, impartial review by an independent office.

Accordingly, we recommend the GAO make recommendations regarding the implementation of a centralized appeals process for Legislative branch agencies that make records available to the public through a FOIA-like process.

Report language:

Public Records Appeals Process for Legislative Agencies Based on FOIA Advisory Committee Recommendations. Within 180 days, the Government Accountability Office shall make recommendations to the House and Senate Legislative Branch Appropriations committees, the Committee on House Administration, the Senate Rules Committee, and publish on its website recommendations concerning a centralized appeals process for Legislative branch agencies that make records available to the public through a FOIA-like process. The GAO shall recommend statutory language and procedures to effectuate these changes and in doing so shall consult with members of the National Archives' FOIA Advisory Committee, experts on the FOIA, members of the public, and others it deems fit.

Congressional Digital Service Task Force

Appropriations Committee: *Legislative Branch*

Agency: Joint Items

Account: *Salaries and Expenses*

Type of request: Report Language

Background:

Technology is at the heart of congressional operations. However, Congress's offices and agencies operate under unique circumstances that add additional needs and constraints to the use of technological services. Just as the Executive branch has responded to this need through the creation of a U.S. Digital Service, so too it is worth consideration of whether the Legislative branch should make available to itself a specialized group of technologists, designers, and others who can support its internal and public facing operations.

Some of this work is already being accomplished internally through the good work of the CAO, the Clerk, and others, and we note in particular the creation of a Congressional Digital Service within the CAO. However, in some circumstances there can be redundancy, a lack of coordination, and bespoke projects that may not sufficiently tie together. Perhaps a central technology service could ameliorate some of these issues, cross the various silos, and provide a greater level of service and sophistication to the technology products available in the Congressional environment.

This idea has garnered bipartisan support and is generally consistent with recommendation 95 issued by the 116th Congress's House Select Committee on the Modernization of Congress, which recommended the establishment of a Congressional Digital Service Task Force.

Report language:

Congressional Digital Service Task Force. Congressional operations depend upon technology, but Congress is often constrained by its own limited approach to purchasing technology and providing technological services. The Executive branch responded to similar challenges by creating the U.S. Digital Service, which hires technologists to build tools that make government work better for the American people. We note with favor the creation of the Congressional Digital Service within the CAO. A more expansive, sophisticated, and coordinated approach to the provision of technology and technological services across the Legislative branch would help members and Senators better serve their constituents.

To address these and other questions, the committee should direct the establishment of a Congressional Digital Services Task Force composed of staff representatives of the Clerk of the House, the Chief Administrative Officer, the Library of Congress, the Congressional Research Service, the Government Publishing Office, the Government Accountability Office, the Sergeant At Arms, such other congressional offices as may be necessary, and public stakeholders as well, to examine these and any additional issues it considers relevant and to report back to the committee within 180 days.

LEGISLATIVE BRANCH: REQUESTS THAT APPLY TO THE HOUSE ONLY

**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 26, 2021, the 117th House of Representatives passed the *Access to Congressionally Mandated Reports Act* (ACMRA) (H.R. 2485) on a bipartisan basis; it has passed the legislation in prior Congresses, which has been favorably reported from the relevant Senate committee on multiple occasions. The straightforward transparency measure would require the House of Representatives to 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.

These reports 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. In addition, to address reports already required under law, the Clerk may request support from the Congressional Research Service in compiling the list of reports; CRS is requested to provide full support and assistance to the Clerk in compiling the list.

Support Funding For An Online Committee Document Management System

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:

Appropriators have requested or directed the modernization of the management of House committee documents and records over several years. Among other issues, these measures concern the automated collection and online publishing of committee roll call votes as data; the online publication of all offered committee amendments; and the collection and publication of witness information, including testimony and other documents submitted by witnesses and information about those witnesses. All of this information is to be published in a House-wide searchable, sortable, and downloadable database. These projects are described in the Clerk's written testimony to the House Select Committee on the Modernization of Congress, submitted on January 20, 2022.

Because all of these requests concern information closely related to committee data collection and disclosure processes, it makes sense from a project management perspective to have the Clerk manage these requests as part of a single project instead of as a series of projects. This would allow the Clerk to better manage the flow of work, take advantage of financial economies and synergies among the projects, and build a more robust and extensible system.

Accordingly, we recommend the Clerk be appropriated \$1 million in no-year funds for implementation of this project and the hiring of two FTEs to support the committees with implementation and providing ongoing support.

The following are the bills, resolutions, and committee reports that relate to this scope of work.

The House Rules package for the 117th Congress (H. Res. 8) instructed the Clerk of the House, the Committee on House Administration, and other officials to "improve the electronic document repository operated by the Clerk for use by committees" for the purpose of "the institutional priority of increasing public availability and identification of legislative information produced and held by House committees, including votes, amendments, and witness disclosure forms." Also note the possible future requirement concerning tracking witness diversity contained in Section 3(t). These provisions built upon language included in the FY 2021 Legislative Branch Appropriations committee report (H. Rept. 116-447, p. 9) and the final report of the Select Committee on the Modernization of Congress issued in the 116th Congress (H. Res. 756, section 504).

In addition, 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.” Witnesses now download and fill out a PDF form, created as a disclosure mechanism. This is an improvement on the handwritten forms, but it is a partial step towards creating online forms that allow for the tracking of influence information about witnesses.

Bill Text:

[Supports an additional \$1m for the Online Committee Document System and 2 additional dedicated FTE for committee support]

Report Language:

Creation of an Online Committee Document Management System. The Clerk is requested to create an online committee document management system. The system should address the automated collection and online publishing of committee roll call votes as data, the online publication of amendments, and the online collection and publication of witness information including testimony and disclosure information (as structured data) in a central searchable, sortable, and downloadable database.

This online committee document management system would address the requirements or requests contained in H. Res 8 (117th), Sec. 3(k); the resolution implementing the recommendations of the Select Committee on the Modernization of Congress H. Res. 756 (116th), Sec. 504; the Legislative Branch Appropriations Committee Report for FY 2021 (H. Rept. 116–447) sections entitled “Automated Committee Roll Call Voting System” (p. 9) and “Facilitating Public Access to Legislative Information” (p. 10); and the Legislative Branch Appropriations Committee Report for FY 2019 (H. Rept. 115-696) section “Witness Disclosure Forms” (p. 5). It also should be extensible to address anticipated future requirements, such as that contained in H. Res 8 (117th), Sec. 3(t).

For the purpose of implementing the database and providing support to committees, this committee has recommended an additional \$1,000,000 appropriation and the addition of 2 FTE to provide support to committees with implementation. *Further*, the Clerk is requested to provide short written status reports to the Appropriations Committee and to the Committee on House Administration, the latter of which shall publish each report online no later than two weeks after receipt, concerning the implementation of this project within 180 days of enactment and every 360 days thereafter.

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 and Bill Text

Background:

The House Rules package, aka Section 3(j)(2) of H. Res 8 (117th), endorsed the continuation of “efforts to broaden the availability and utility of legislative documents in machine readable formats” in the 117th Congress in furtherance of “enabling all House staff to produce comparative prints showing the differences between versions of legislation, how proposed legislation will amend existing law, and how an amendment may change proposed legislation.” This comparative print project was initially included in the House Rules at the start of the 115th Congress in House Rule XII. The Clerk is the primary entity responsible for implementing the initiative, and has successfully completed multiple project phases. In the Legislative Branch Appropriations Committee Report for FY 2021, “the Committee applauds the Clerk of the House for updating legislative systems to modernize House operations and comply with the rules of the House such as House rule XXI, clause 12 (referred to as the ‘Posey Rule’).”

A limited iteration of the comparative versioning tool 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. Wider access to the tool is expected during calendar year 2022, 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.

We support full funding of the Clerk’s request to complete this project this Congress, and request that the completed tool be made publicly available upon its completion.

Report Language:

Comparative Print Project Public Availability. The Committee looks with favor upon the modernization efforts arising from the comparative print project, 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.

We support full funding of the comparative print project for its completion in the 117th Congress and encourage that the tool, when final, be made available to the public in addition to congressional staff.

Bill Text:

Fully fund the Clerk's request for this project.

Legislative Resource Center Public Disclosure Forms

Appropriations Committee: *Legislative Branch*

Agency: *House of Representatives*

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

Type of Request: Report Language

Background:

The Legislative Resource Center (LRC), a division of the Office of the Clerk, supports House legislative functions and keeps the public informed about the House and its legislative activities. LRC ensures that House-related information is accessible to all. Among other things, it makes available to the public all public disclosure forms from all House Officers, Members, and staff.

For the last two years, because of the ongoing COVID-19 pandemic, it has not been possible for the public to visit the office, located at 135 Cannon House Office Building. Prior to the pandemic, any person could visit the Cannon building and view the documents.

The public disclosure documents that can only be accessed in person are digitized — visitors can use a computer to read and print them out. These documents should be made available online, which would improve public access both during the pandemic and after it becomes possible to visit the LRC in person. Accordingly, the LRC should review all their public disclosure documents for the 116th Congress going forward, create a catalog, and ensure they are all available online for public review.

Report Language:

Legislative Resource Center Public Records. The Office of the Clerk is requested to make available online all public disclosure forms from all House Officers, Members, and staff from the 116th Congress forward, and to identify other relevant documents that should also be available online.

Standardize Access To Annual Reports From House Offices

Appropriations Committee: Legislative Branch

Agency: House of Representatives

Account: N/A

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 how those reports are made publicly available.

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. Docs.house.gov is an appropriate repository for important recurring support office reports, and publication of legislative support office documents there will ensure the availability of reports 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 (annual, not publicly available)
- Inspector General (annual financial audits, publicly available)
- Office of Congressional Ethics (quarterly, publicly available)
- Office of Diversity and Inclusion (quarterly, publicly available)
- Office of the Whistleblower Ombuds (quarterly, publicly available)
- Sergeant at Arms (semiannually, publicly available)
- By request of the House, as appropriate (varies)

Report Language:

Standardized Access to Annual Reports from House 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 as they deem appropriate pursuant to the direction of the Committee on House Administration: Chief Administrative Officer, Clerk of the House, Inspector General, Office of Congressional Ethics, Office of Diversity and Inclusion, Office of the Whistleblower Ombuds, Sergeant at Arms. To the extent practicable, offices and agencies shall publish prior recurring reports. Support office reports that are requested from time to time may be published there as requested by the House or its subcommittees.

Permit One TS/SCI Clearance Per House Personal Office To Support Oversight

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:

House Members need the support of a staffer who possesses sufficient security clearances to fully assist each Member in their duties, and who is fully and solely responsive to that Member. The Senate reportedly changed its practices to allow each senator to designate one personal office staffer as eligible to apply for a Top Secret/Sensitive Compartmented Information (TS/SCI) clearance. In the 117th Congress, Representative Jacobs introduced a bipartisan amendment to H.R. 5314, the Protecting Our Democracy Act, that would permit one TS/SCI clearance per personal office.

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. The FY 2021 Legislative Branch Appropriations bill asked for further clarification of this information, directing the Sergeant at Arms to include the number of clearances disaggregated by security level as well as clearances pending. (H. Rpt. 116-447 p. 10)

The House of Representatives should also empower every Member to designate one personal office staffer who shall be provided clearance at the TS-SCI level should that staffer pass the background check. Receiving a clearance does not put a staffer “in access” to information, since 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 every House Member 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 and

resources should be implemented and costs incurred to provide all congressional staff appropriate counterintelligence training.

Funding And Transparency Relating To The House Office Of General Counsel

Appropriations Committee: Legislative Branch

Agency: House of Representatives

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

Type of Request: Report Language

Background:

The Office of General Counsel (OGC) provides legal advice and assistance to Members, committees, officers and employees of the House, on a nonpartisan basis, on matters related to their official duties, and it represents the House itself in litigation, both as a party and an amicus curiae, in cases in which the House has an institutional interest. It operates pursuant to the guidance of the Bipartisan Legal Advisory Group (BLAG), which determines the institutional legal position of the House in all litigation matters.

While OGC has a website with limited information on areas of the law most relevant to its practice, this information is largely general in nature and does not appear to be frequently updated. This contrasts with the Justice Department's Office of Legal Counsel, which maintains a website on which its numerous legal opinions in support of executive power can easily be accessed. We are concerned that this imbalance of information undermines the House's institutional legal positions in court, particularly on oversight and other separation of powers issues where it frequently clashes with the executive.

In FY 2021, appropriators granted OGC's request for an increase in funds from \$1,751,000 to \$1,815,000 to address increased demands on its workload and potentially insufficient resources to meet the House's needs. We encourage you to continue to meet that office's funding request for FY 2023.

In addition, funding should be provided to enhance its capacity to improve its website and provide important legal information to the public. For an in-depth explanation, see the testimony of former House Senior Counsel Michael Stern submitted to this committee for FY 2022 (https://s3.amazonaws.com/demandprogress/testimony/Stern_Testimony_for_House_Legis_Appropriations_Subcommittee.pdf). Senate Legal Counsel has long been subject to a statutory mandate (2 U.S.C. 288g(b)) to make publicly available court papers and research memoranda relating to significant congressional legal issues and court proceedings. Similarly, OGC should be directed to expand its website to provide non-privileged information about its legal advice and representation, including court filings, legal opinions and select explanatory or historical documents that would shed light on its operations and the legal views of the House. It should also include basic information about the BLAG, such as a description of what the BLAG is, who serves on it, how it functions, and instances when the BLAG authorizes or directs OGC to take a legal position.

Report Language:

Office of General Counsel Transparency. The House Office of General Counsel is requested, within 90 days of enactment of this legislation and on an ongoing basis thereafter, to expand its website to provide non-privileged information about its legal advice and representation, including court filings, legal opinions and select explanatory or historical documents that would shed light on its operations and the legal views of the House. It should include basic information about the Bipartisan Legal Advisory Group (BLAG), such as a description of what the BLAG is, who serves on it, how it functions, and instances when the BLAG authorizes or directs OGC to take a legal position.

Increase Pay Frequency For Staff To Twice A Month

Appropriations Committee: Legislative Branch

Agency: House of Representatives

Account: Chief Administrative Officer

Type of Request: Bill Text and Report Language

Background:

The Select Committee on the Modernization of Congress recommended increasing pay frequency for House staff to twice a month. In its final report (H. Rept. 116-562), the Committee wrote: “Members and Committee staff determined that an ongoing problem for younger and lower-level staff is the monthly pay schedule. Previous legislation to address this problem failed to bring the institution in line with the Senate and other federal employee pay schedules. As a result, some staff continue to struggle to meet monthly financial obligations.”

The Committee concluded: “The Committee recommends examining the viability of updating the staff payroll system with the goal of transitioning from monthly to semi monthly pay. Specifically, the Committee recommends that the CAO conduct a review of the costs and logistics of changing the House payroll system from a monthly to semi-monthly schedule. Following the review, the House should align with the rest of the federal government’s payroll practices and update its pay schedule to address the financial concerns of congressional staff.”

The House directed the Chief Administrative Officer to complete this report in Section 103 of H. Res. 756, which directed “Not later than 120 days after the date of adoption of this resolution, the Chief Administrative Officer shall submit to the Committee on House Administration a report on the feasibility of updating the employee payroll system in order to address considerations of younger and lower-paid employees, as well as issues experienced generally by some employees regarding the current monthly pay schedule.” The resolution was adopted on March 10, 2020.

CAO’s report was delivered to the Committee on House Administration last year. It is our understanding that the CAO report indicates that implementation would require a significant financial investment and a change in the law, and that the CAO plans to include the payroll system update as part of a larger payroll IT modernization effort. In light of this information, the Committee should request that when the Chief Administrative Office updates the payroll system, it should also implement disbursement of salaries twice a month. Furthermore, US Code (2 USC 4551) should be updated in conformity to allow for a semi-monthly payment schedule, perhaps in parallel with language that applies to the Senate, available at 2 USC 4591.

Bill Text:

Update 2 USC 4551 to read: The usual day for paying salaries in or under the House of Representatives shall be the last day of each month, except that if the last day of a month falls on a Saturday, Sunday, or a legal public holiday, the Chief Administrative Officer of the House of Representatives shall pay such salaries on the first weekday which precedes the last day.

However, the Chief Administrative Officer shall possess the discretion to pay staff twice per month or on another schedule as directed by the House of Representatives.

Report Language:

Changing House Staff Payroll Frequency. When the Chief Administrative Officer updates the House payroll information technology system system, it shall also update staff pay frequency to twice per month. The CAO is requested to communicate to all paid staff about the change in frequency in advance of its implementation.

Statements Of Disbursement Organization Unique Identifiers

Appropriations Committee: Legislative Branch

Agency: House of Representatives

Account: Salaries, Officers, and Employees

Type of Request: Report Language

Background:

The House of Representatives publishes the “Statement of Disbursements of the House” four times a year. The report, which contains all receipts and expenditures for U.S. House of Representatives Members, Committees, Leadership, Officers and Offices, has been required by law to be published since 1964. The reports have been published online since July 1, 2009 and have been published in a spreadsheet format since January 1, 2016. See

<https://www.house.gov/the-house-explained/open-government/statement-of-disbursements>.

The transition of publication from print to PDF to spreadsheet has been a welcome development. The spreadsheet (in CSV format) contains many transaction codes and significant amounts of data. To help facilitate analysis of the data, we request that an entity/ organization’s ID be published alongside its name in the searchable CSV format. For example, each committee has a unique code that refers only to that committee, as do entities that do business with the House. The CAO already has unique identifiers in its dataset behind the Statement of Disbursements and has indicated the capability and willingness to publish this information, but requests direction before doing so.

Publication of an entity/ organization’s ID would not change the nature of the information that is available — organization names already are published— but it would make it easier to use the data.

Report Language:

Statement of Disbursements Organizational Identifier. To the extent feasible, the Office of the Chief Administrative Officer is requested to publish a unique identifier for each organization and entity listed in the CSV version of the Statement of Disbursements of the House starting with the forthcoming publication of the Statement of Disbursements. *Further*, the CAO is requested to update prior Statement of Disbursements published as CSVs with this data field to the extent practicable.

**Evaluate 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), with the exception of FY 2022 which saw a 21% increase, had resulted 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 less widely used, but the amount of funds it draws is not negligible in some offices and it requires a complex infrastructure to police. The Select Committee on the Modernization of Congress endorsed efforts to “Remove franking related costs from Member MRAs and move to a central account which all Members can use (up to a predetermined cap) to pay for costs associated with mass communications approved by the Franking Commission.” We agree. Congress should change 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. In circumstances where franking funds remain, they should be available to personal offices.

Report Language:

The Franking Privilege. The Chief Administrative Officer is requested to provide a report within 90 days to the Appropriations Committee and the Committee on House Administration, the later of which is requested to publish the report online no later than two weeks after receipt, on the feasibility and practicality of creating a separate franking allowance, as recommended by the

Select Committee on the Modernization of Congress. It should consider whether to limit the amount of funds available to \$25,000 per office, and to allow unexpended funds from the franking allowance to also be drawn upon for personnel related expenses.

Congressional Fellowship Program Database

Appropriations Committee: Legislative Branch

Agency: House of Representatives

Account: Chief Administrative Officer of the House of Representatives

Type of Request: Report Language

Background:

Congressional fellows, when properly utilized, provide valuable insight and perspectives to Congressional offices. Congressional offices routinely make use of fellows that are funded by outside entities. Some are funded by elements of the federal government and others are funded by the private sector. While there is no comprehensive list of congressional fellowships, the Congressional Research Service has compiled a partial list as part of a Congressional Distribution Memorandum entitled “Congressional Fellowship Programs.”

A 2018 report by the Project on Government Oversight titled, “Congress (Still) Fails to Enforce Ethics Rules for Fellows,” found that conflicts of interest have arisen from these fellowships and that fellows may use their positions to influence policy and serve the interests of their industry. These conflicts of interest pose a risk to Congress and, if unaddressed, may further erode public faith in the integrity with which decisions are made within the legislative branch.

Report Language:

Congressional Fellowship Database. The Committee recognizes the expertise fellows can provide to congressional offices in conducting investigations and developing legislation. However, the Committee also acknowledges the potential dangers that could arise to Congress should fellows be funded by outside parties to push particular policy perspectives while they serve in Congress or potentially thereafter. Therefore, the Committee requests that the Office of the Chief Administrative Officer of the House of Representatives establish a regularly-updated publicly-available database to identify all Congressional Fellows that are paid for by outside sources, whether by the government or the private sector. The database should include the original source of those funds and any pass-through entities, the funding amount, where the staffer is placed, whether the funder engages in federal advocacy or is part of a coalition or association that engages in advocacy, and any intermediary entities that assists with placing the staffer. As a condition of employment, former fellows should be prohibited from lobbying the office in which they served for one year after the end of the fellowship.

House Intern Resource Office

Appropriations Committee: *Legislative Branch*

Agency: *House of Representatives*

Account: *Allowance for the Creation of a House Intern Resource Office*

Type of Request: Bill Text and Report Language

Background:

Internships are a gateway to a staff position on Capitol Hill and provide opportunities for people from diverse backgrounds as well as much needed help for congressional offices. The Appropriations committee has recognized this and has been a champion for paid internships. The House provided the following funding for internships: \$15.435 million in FY 2022 for Member Offices, \$438,000 for offices of House Leadership, \$1.943 million for House committees, and \$345,584 for the Appropriations Committee.

No central office tracks how intern funding is being used in the House. As a consequence, there is no official record of how these funds are used by personal, leadership, and committee offices. We do not know the number of internships that are offered in each office, how much each office pays their interns on an hourly basis or as a stipend, any demographic information about the interns, and how long they stay on the hill. Several outside groups — including *Pay Our Interns* — have begun to examine these trends, but no comprehensive data exists.

There also is no central location within the House of Representatives where new interns can go to receive onboard training, learn best practices, and obtain additional support and resources. Each office provides its own guidance, but that can be haphazard and there should be a baseline of support.

The House should consider establishing an Intern Resource Office to coordinate intern-related matters. The Office should be responsible for advertising internships; reaching out to historically underrepresented communities; providing guidance, training, support, assistance to interns regarding their work environment; and gathering demographic and other data about interns employed by the House of Representatives in personal, committee, and leadership offices. This Office should coordinate with the Office of Diversity and Inclusion and have its own public website that promotes its work.

Bill Text:

House Intern Resource Office, \$500,000, for the establishment of a House Intern Resource office and for salaries and expenses of three FTEs.

Report Language:

House Intern Resource Office. The Committee allocates \$500,000 for the creation of a House Intern Resource Office. The House Intern Resource Office shall promulgate best practices for intern hiring; provide guidance, training, support, assistance to interns regarding their work environment; connect with personal, committee and leadership offices regarding the use of

funding rules and regulations for internships; reach out to historically underrepresented communities to provide greater internship opportunities; and gather demographic and other data about interns (including stipends and wage rates) employed by the House of Representatives in personal, committee, and leadership offices and to make publicly available statistical summaries and trends concerning that data.

House Inspector General Reports

Appropriations Committee: Legislative Branch

Agency: House of Representatives Office of the Inspector General

Account: Salaries, Officers and Employees

Type of Request: Report Language

Background:

The House of Representatives Office of Inspector General (IG) provides independent, nonpartisan oversight over House operations. The majority of the office's IG reports are not publicly available online — the only documents available on the House IG's website are recent annual financial audits.

By contrast, 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. 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.

Furthermore, the GAO-IG Act requires that recommendations made by Inspectors General be included in the Congressional budget justifications that contain an entity's request for funds from appropriators.

The House IG should follow best practices for federal IGs, including routine publication of its reports online. In addition, federal IGs, including four congressional IGs, publish their reports on the federal-wide website, Oversight.gov, managed by the Council of the Inspectors General on Integrity and Efficiency (CIGIE), an independent entity composed of more than 70 inspectors general. The House IG should do the same.

Report Language:

House IG Report Transparency. The House of Representatives Office of Inspector General performs important oversight work. It is a best practice for federal inspectors general to publish their final reports online, a practice that the House IG previously followed and should reinstitute. Within 90 days of enactment of this legislation, the House IG shall make available on a public-facing website all of its existing reports in their entirety, except to the extent noted below, and publish new IG reports online within three days of completion. This can be satisfied by publishing the reports on the House IG's website and/or publishing them on Oversight.gov, the website maintained by the Council of the Inspectors General on Integrity and Efficiency (CIGIE).

To the extent some or all information contained in a report must not be made publicly available because the information contained is classified or sensitive, the House IG may refrain from publishing that information online. However, such a withholding must be limited to the

maximum extent possible. In the unusual instance where a report is withheld in its entirety, the Committee expects publication on the IG's publicly accessible website the following information: report title, date of publication, the agency responsible for the report, the details of the congressional request, a description of the subject, and a general reason non-publication of the full report.

The House Clerk Modernization Initiatives Account

Appropriations Committee: *Legislative Branch*

Agency: *House of Representatives*

Account: *Salaries and Expenses, Office of the Clerk*

Type of request: Bill and Report Language

Background:

The House established a \$2 million Modernization Initiatives Fund to improve the efficiency and effectiveness of the Legislative Branch in the wake of recommendations made by the Select Committee on the Modernization of Congress as implemented in the FY 2020 Legislative Branch Appropriations Committee Bill and Report (H. Rept. 116-64, p. 3) and 2021 Legislative Branch Appropriations Committee Bill and Report (H. Rept. 116-447, p. 16). Those funds are available to the office of the Chief Administrative Officer. While some modernization initiatives recommended by the Select committee are undertaken by the CAO, others are undertaken by the Clerk of the House of Representatives, which cannot draw from the Modernization Initiatives Fund.

To date, the Select Committee has made 142 recommendations, with more anticipated. The House Office of the Clerk — which has been instrumental in the ongoing evaluation and implementation of the recommendations — should have access to a dedicated source of funds akin to what is available for the CAO.

Historically, the House Clerk does not have access to sufficient resources and staff capacity to adequately address all of these recommendations in a timely manner, and a backlog of projects has resulted. Some projects under the jurisdiction of the House Office of the Clerk include the adoption of standardized formats for legislative documents; the House-wide launch of the comparative print project; the creation of a centralized location to record, process, and share committee vote data; creating a modern lobbying disclosure system; and more.

During a House Select Committee on the Modernization of Congress hearing on January 20, 2022, Clerk of the House Cheryl Johnson testified that while the efforts to implement the recommendations from the Select Committee continue to move forward, the Clerk is suffering from resource constraints, especially with respect to recruiting and retaining sufficient staff. We appreciate the generous support provided by the Appropriations Committee in FY 2022 for the Office of the Clerk and we recommend for FY 2023 the creation of a Clerk Modernization Initiatives Account to parallel that available to the CAO.

Bill Text:

The House Clerk Modernization Initiatives Account. The Committee recommends \$2,000,000 for salaries and expenses to support the efforts of the Office of the Clerk to better intake, assess, and implement recommendations from the House Select Committee on the Modernization of Congress and for other modernization initiatives.

Report language:

The House Clerk Modernization Initiatives Account. The Committee recommends \$2,000,000 for the House Clerk Modernization Initiatives Account to help implement and administer the recommendations from the House Select Committee on the Modernization of Congress and other modernization initiatives. The Committee believes that better investing in the implementation of these recommendations will improve the efficiency and effectiveness of the Legislative branch so that it can better serve the American people.

LEGISLATIVE BRANCH: REQUESTS THAT APPLY TO THE SENATE ONLY

Senate Whistleblower Ombuds

Appropriations Committee: Legislative Branch

Agency: United States Senate

Account: Sergeant at Arms

Type of request: Report Language

Background:

People who contact the United States Senate to report waste, fraud, abuse, or malfeasance are critical to furthering the Senate's oversight responsibilities. But these whistleblowers often do not know how to approach Congress with their concerns and Congressional offices often do not know how to properly protect those communications. The office or offices that a whistleblower contacts may trigger anti-retaliation protections that can vary based upon the individual's employer and the subject matter of their disclosure. Moreover, some congressional offices inadvertently mishandle whistleblowers' disclosures, thereby increasing the likelihood of retaliation or misdirected communications.

The Senate should establish a Senate Whistleblower Ombuds Office to support the needs of Senate staff in working with whistleblowers. The Ombuds 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. The House of Representatives established the Office of Whistleblower Ombuds in the 116th Congress, with many of the same responsibilities described above, and it has been deemed a success by Members of both parties.

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 recommendations that staff should adhere to, and it is important that they have an independent expert who can advise them on and assist them with implementing best practices.

Report Language:

Senate Whistleblower Ombuds. The Sergeant at Arms is encouraged to provide within 90 days of enactment of this legislation a report to the Appropriations Committee and the Senate Rules Committee, the latter of which is requested publish the report online no later than two weeks of its receipt, its recommendations on how to establish a Senate Whistleblower Ombuds Office. In doing so, it should consult with the House Office of the Whistleblower Ombuds and relevant Senate committees. The Ombuds 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.

Senate Office Of Diversity And Inclusion

Appropriations Committee: *Legislative Branch*

Agency: United States Senate

Account: Sergeant at Arms

Type of request: Report Language

Background:

Members of Congress and their staff must be reflective of the diversity of our nation. Every individual in America should be represented in the values and attitudes of those who serve in the halls of Congress. However, the extent of any disparities among congressional staff based upon gender, race, or ethnicity, or how that might affect staff hiring and retention is unknown. We appreciate and note the intention of the Senate to establish a Senate Diversity and Inclusion Working Group to identify, develop, and recommend options for improving the recruitment and retention of a diverse workforce. We understand that its policy recommendations are intended to be compiled in a comprehensive report to the Appropriations and Rules committees.

We welcome this as a possible first step towards establishing a Senate Office of Diversity and Inclusion similar to that of the House of Representatives. The House Office of Diversity and Inclusion was established in the rules at the start of the 116th Congress as an independent office, reporting directly to the authorizing committee. We believe there is value in having the Senate counterpart serve as an independent office with visibility which would assist in its mission of supporting the hiring and retention of capable, expert, diverse staff. We urge the Senate to go build upon the Task Force and establish a Diversity Office.

Report language:

Office of Diversity and Inclusion. The Office of Diversity and Inclusion of the Senate shall be established within 90 days of enactment of this legislation. The Majority Leader, in consultation with the Minority Leader, shall appoint a Director of the Office from recommendations provided by the chair of the Committee on Rules and Administration in consultation with the ranking minority member of such committee. Not later than 60 days after the appointment of the Director of the Office, the Office shall submit to the Committee on Rules and Administration an operational plan for the Office that shall include, consistent with applicable Senate rules, regulations, and law, a plan for appointing and establishing duties for staff of the Office which shall set forth a proposed maximum number of staff. Not later than 90 days after submitting the operational plan, the Office shall submit a diversity plan to the Committee on Rules and Administration for the committee's review and approval, and shall include in the plan the following: (A) Policies to direct and guide Senate employing offices to recruit, hire, train, develop, advance, promote, and retain a diverse workforce, consistent with applicable Senate rules, regulations, and law. (B) The development of a survey, in consultation with the Committee on Rules and Administration, to evaluate diversity in Senate employing offices. (C) A framework for the Senate diversity report. (D) A proposal for the composition of an Advisory Council that shall, as necessary, inform the work of the Office. (E) Any additional components as determined by the Committee on Rules and Administration. At the end of each session of

Congress, the Office shall submit a Senate diversity report to the Majority Leader, the Majority Leader and Minority Leader, the chair and ranking minority member of the Committee on Rules and Administration, and the chair and ranking minority member of the Subcommittee on the Legislative Branch of the Committee on Appropriations.

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 Senate 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, 2019, to March 31, 2020, making it impossible to analyze numbers for a calendar year. By 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 Senate should direct the publication of the SOPOEA Report as structured data to aid the Senate, its stakeholders, and the public with improving their understanding of the Senate.=.

Report Language:

Senators' Official Personnel and Official Expense Account Report. Within 360 days of enactment, the Senate Sergeant at Arms is requested to publish the forthcoming 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.

Senate Online Repository for Bills, Resolutions, and Committee Documents

Appropriations Committee: Legislative Branch

Agency: United States Senate

Account: Office of the Secretary

Type of Request: Report Language

Background: It is currently not possible to access the complete text of Senate bills, resolutions, and committee documents prior to or contemporaneously with their consideration on the Senate floor, making it cumbersome for lawmakers, staff, and the public to locate relevant materials that pertain to legislative consideration. (The internal website on which bills on the Senate floor are published itself has a page limit and is a scanned PDF.) In addition, as committees refresh their websites, access to historical committee information online can be lost. The Senate should create a central repository for Senate bills, resolutions, and committee documents. It should serve as a long-term repository and public access point for official records. To the maximum extent possible, these documents should also be published in a structured data format, such as USLM.

The House of Representatives faced a similar problem and created docs.house.gov as a solution. That non-partisan, publicly-accessible website provides public access to committee documents and text of legislation being considered in committee and on the floor. Documents are made available in accordance with the rules of the House of Representatives and standards adopted by the Committee on House Administration. Committee documents can be browsed by committee name or searched through a basic search interface and legislation text can be browsed by date. The Senate should consider whether to adopt or share the House's system as well as alternatives.

Report Language:

Docs.Senate.Gov: Within 120 days, the Secretary of the Senate shall investigate and provide a report to the Appropriations Committee and the Senate Rules Committee, which shall be published online by the Secretary online within two weeks of submission, concerning the developing and implementation of a central, publicly-available repository for official Senate bill, resolution, and committee documents. In doing so, consideration should be given to ensuring that the bills, resolutions, and other documents are publicly available prior to or contemporaneously with their consideration by the relevant body as well as publication of that information in a structured data format. The Secretary should examine the website utilized by the House, docs.house.gov, engage with the Bulk Data Task Force as well as congressional and public stakeholders, revisit the current mechanism the Senate uses to publish this information internally, and review the tools provided by legislative information providers. The Secretary should report whether it is possible to use the House's system as is or with modifications, the costs of developing an appropriate system for use by the Senate, and the mechanisms used to keep Senate bills, resolutions, and committee documents publicly accessible online for years to come.

Central Repository For Senate Committee Hearing and Markup Videos

Appropriations Committee: *Legislative Branch*

Agency: *United States Senate*

Account: *Office of the Sergeant at Arms and Doorkeeper*

Type of request: Report Language

Background:

Many Senate committees publish hearing and markup videos on their websites to provide a way for the public to access greater information about the legislative process. However, there is no one central location for all Senate committees hearing and markup videos.

The Senate should create a central repository for all Senate committee hearing and markup videos. The Senate should also ensure videos of its current and historical floor proceedings have all been provided to the Library of Congress and are publicly available online.

Report language:

Central Repository for Senate Committee Hearing and Markup Videos. Within 90 days of enactment of this Act, the Senate Sergeant at Arms shall provide the committee and publish online a report on the feasibility and cost of creating a central repository for Senate committee hearing and markup videos. The report should also outline how all current and historical videos are properly provided to the Library of Congress for archiving, and made publicly available on commonly-used video platforms.

FINANCIAL SERVICES AND GENERAL GOVERNMENT

Virtual Visitor Logs

Appropriations Committee: *Financial Services and General Government*

Agency: *Executive Office of the President*

Account: *N/A*

Type of request: Bill Text

Background:

The Biden Administration reinstated the voluntary White House visitors log disclosure policy. However, many White House meetings are taking place virtually and are not covered under that policy. The Financial Services and General Government FY 2022 Appropriations Bill Report (H. Rept. 117-79, p. 37) requested “[t]he Executive Office of the President to explore the feasibility of disclosing “virtual” visitors to the Executive Office of the President in a manner that provides similar information as provided for other visitors and that is retroactive to January 20, 2021” and “directs EOP to provide a briefing on this topic no later than 120 days after enactment of this act.”

We applaud this action from the committee and believe access to “virtual” visitor disclosures should become a permanent practice. We encourage the committee to request EOP for a report on the cost and implementation of making “virtual” visitor log disclosures permanent.

Bill Text:

Permanent Access to White House Virtual Visitor Logs. The White House Executive Office of the President, within 60 days of enactment of this legislation, shall provide a report to Congress on how it recommends implementing a requirement to make contemporaneously available online on at least a biweekly basis a searchable, sortable, downloadable database of “virtual visitors” to the White House and the Vice President’s residence. A virtual visitor is a person who meets with Executive branch office staff whose normal place of work is at the White House or the Vice President’s residence. This list should include the name of each visitor, the name of each person they met with, and the date and time of each meeting.

As part of its report to Congress, the EOP may evaluate including a provision that would exclude from the biweekly public disclosure 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 those instances, the Executive Office of the President shall still disclose the total number of records on a biweekly basis, but withhold the applicable record for no more than 365 days.

The report shall also address the costs of implementing such a system.

Listing Unpublished IG Reports On Oversight.gov

Appropriations Subcommittee: Financial Services and General Government

Agency: Independent Agencies

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

Type of Request: Report Language

Background:

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, 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 impressive, and it requires a steady funding stream to continue its operations, improve its functionality, and provide expanded services. In FY 2019, the Financial Services and General Government appropriations bill provided \$2,000,000 to the revolving fund of CIGIE and in FY 2020 the Financial Services and General Government Appropriations bill made \$1,000,000 available for expenses related to enhancements to Oversight.gov. In both FY 2022 and FY 2021, the Financial Services and General Government appropriations bills provided \$850,000 for 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 “robust funding” to CIGIE. As some IG reports are not published on the website but congressional overseers and others should be aware of their existence, we recommend that IGs be encouraged to publish on Oversight.gov a list of their non-public reports.

Report Language:

Oversight.gov. The Committee recognizes that the Inspector General community has taken recent steps that allow for more efficient and effective access to its reports and recommendations by Congress and the public. The Committee expects CIGIE to maintain and improve their existing website and provide information about its contents. The Committee is concerned that there is not a public list on the website of non-public inspector general reports. Therefore, the Committee requests CIGIE to publish on their website a public-facing list broken out by each inspector general regarding any non-public reports.

Report On Impacts Of Comprehensive Sanctions

Appropriations Committee: Financial Services and General Government

Agency: Department of the Treasury

Account: Departmental Offices: Office of Terrorism and Financial Intelligence: Committee Recommendation

Type of Request: Report Language

Background:

The U.S. government does not currently conduct regular, publicly available assessments on the impact of sanctions programs on civilian populations or the ability of sanctions to achieve foreign policy objectives.

In October 2021, the Treasury Department published a report entitled, “The Treasury 2021 Sanctions Review,” however the review did not include assessments of past or current sanctions policies, their effectiveness, nor their impacts on civilian populations. There is no indication when the Treasury Department will submit any follow up reviews.

As sanctions are increasingly relied on as a key tool in US foreign policy, it is necessary that Congress have access to assessments in order to effectively legislate on the issue and to provide informed oversight over the Executive Branch’s use and implementation of sanctions.

The Government Accountability Office (GAO) is the most appropriate agency to undertake these regular assessments, given its independence from Executive Branch agencies responsible for carrying out sanctions programs.

Report Language:

Sanctions impact report. The Committee requests that GAO, in consultation with the head of any relevant Federal department or agency that the Comptroller General deems appropriate, shall submit to the appropriate congressional committees a report on (1) all comprehensive sanctions imposed on *de jure* or *de facto* governments of foreign countries and (2) all comprehensive sanctions imposed on non-state actors that exercise significant *de facto* governmental control over a foreign civilian population, under any provision of law. The term “comprehensive sanction” means any prohibition on significant commercial and financial activity that is imposed by the United States for reasons of foreign policy or national security. The report shall include, but not be limited to: (1) assessments of humanitarian impacts on civilian populations through multiple criterias, such as: the ability of civilian populations to access water, food, sanitation, and public health services, including all humanitarian aid and supplies related to the prevention, diagnosis, and treatment of COVID-19 and other major diseases; the delivery of economic aid and development projects in the country; (2) the economic, political, and military impacts on the country; and (3) the licensing of transactions to allow access to essential goods and services to vulnerable populations, including women, children, elderly individuals, and individuals with disabilities. The report shall also provide an assessment of whether the stated foreign policy

goals of the sanctions are being met and the criteria for said sanctions to be lifted. The final report shall be made publicly available online.

Improving OFAC Licensing Transparency

Appropriations Committee: Financial Services and General Government

Agency: Office of Foreign Assets Control

Account: Departmental Offices: Office of Terrorism and Financial Intelligence: Committee Recommendation

Type of Request: Report Language

Background:

Regular and comprehensive reporting on licensing procedures by the Office of Foreign Assets Control (OFAC) as it relates to the export of humanitarian trade goods is essential to understanding the impacts of US sanctions programs on civilian populations, and to provide the necessary transparency for Congress to monitor, evaluate, and legislate on sanctions policies. Additionally, making these reports publicly available is crucial for voters and civil society to evaluate and make informed opinions about the impacts of US sanctions policies.

Some reporting already exists: pursuant to the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S. Code Chapter 79), OFAC is mandated to provide biennial and quarterly reports on the operation of licensing procedures for the exportation of agricultural commodities, medicine, and medical devices to Sudan and Iran.

While these reports provide some valuable and much-needed insights, they only provide a narrow window into the overall effectiveness and impacts of licensing procedures under US sanctions programs. It is imperative that OFAC provide expanded information to Congress and the public regarding licensing activities in a timely manner.

Report Language:

The Committee requests that the Department of the Treasury's Office of Foreign Assets Control (OFAC) publish quarterly reports detailing OFAC's licensing procedures for the exportation of agricultural commodities, medicine, medical devices, goods and services related to building or maintaining essential civilian infrastructure, and any goods or services related to humanitarian or peacebuilding activities to any location subject to comprehensive US sanctions. Reports shall also contain a category detailing licensing procedures for medicines and medical devices related to the treatment and prevention of COVID-19. Comprehensive sanction is defined as any prohibition on significant commercial and financial activity that is imposed by the United States for reasons of foreign policy or national security. The reports should detail: (1) the number and types of licenses applied for, approved, or denied and reasons why such licenses were denied; (2) the amount of time elapsed from the date of filing specific license applications until the date of its approval and the average time to receive a decision per license category. The reports shall be made public and accessible, and published on a quarterly basis in a consistent, timely manner. Additionally, OFAC should provide a public, accessible, and searchable database which includes all requested, granted, and rejected licenses referenced in said reports, redacted as necessary to protect legitimate privacy interests, trade secrets, or safety concerns. Treasury should make

available (under the necessary confidentiality strictures) unredacted copies of all licenses, as well as underlying materials, to congressional committees with relevant oversight jurisdiction.

Successes Of Public Beneficial Ownership Registries In Combatting Money Laundering And Terrorist Financing

Appropriations Committee: Financial Services and General Government

Agency: Department of the Treasury

Account: Financial Crimes Enforcement Network: Committee Recommendation

Type of Request: Report Language

Background:

The Financial Crimes Enforcement Network (FinCEN) is a bureau of the United States Department of the Treasury tasked with safeguarding the United States financial system. Specifically, FinCEN works with other federal and state law enforcement agencies to protect national security by administering the country's anti-money laundering (AML) and terrorist finance laws through the collection, analysis, and dissemination of financial intelligence and the strategic use of financial authorities.

The United States has antiquated and deficient corporate transparency laws. In 2021, Congress passed the Corporate Transparency Act (CTA) to address the glaring flaws that led outside observers to rank the United States as the world's second worst jurisdiction for financial secrets, trailing only the Cayman Islands, according to the Tax Justice Network's Financial Secrecy Index 2020. The CTA directs FinCEN to develop a centralized database of all the beneficial owners of American corporations and other similar legal entities, and to make that information available to law enforcement agencies upon request. Such beneficial ownership registries are a staple of modern AML and terrorist financing regimes.

While the CTA is a strong first step towards bringing the United States' AML regime in line with international standards, it still leaves the country lagging behind other Financial Action Task Force (FATF) member countries because it does not make the information contained in the registry publicly available. In December 2021, the Biden Administration released the "United States Strategy on Countering Corruption" addresses the "transnational dimensions of the challenges posed by corruption, including by recognizing the ways in which corrupt actors have used the U.S. financial system and other rule-of-law based systems to launder their ill-gotten gains." President Biden reaffirmed his commitment to addressing these issues during his 2022 State of the Union speech. The Biden Administration has acknowledged the United States' failure to address financial corruption and is taking steps to tackle the issue.

Public registries, such as those in place in the United Kingdom and the European Union, have shown immense promise in combating illicit cash flows and have quickly become the state of the art among FATF members. We believe that collaboration between financial regulators, law enforcement, and an engaged public sector can be a critical part of the fight against money laundering and terrorist financing, and we request that the Committee direct the Government Accountability Office to develop a report on the successes of the public beneficial ownership regimes in the United Kingdom and the European Union.

Report Language:

Public beneficial ownership registries: The Committee directs the Government Accountability Office to complete a study of the public beneficial ownership registries currently in force in the United Kingdom and European Union member states and to provide a report on its findings not later than 180 days following enactment of this Act to the Committee and for online publication on the agency's website. This report should include, but not be limited to: a description of the each legal regime GAO assesses; a list of notable successes including, but not limited to instances where non-governmental organizations or actors provided law enforcement with information leading to the arrest or capture of money-launderers, terrorist financiers, or other corrupt individuals or organizations; a list of instances where non-governmental organizations or actors publicized potential or ongoing violations of the country's public corruption, anti-money laundering, or terrorist financing laws and regulations; and an assessment of the value and an estimate of the costs associated with transitioning FinCEN's centralized database into a public registry.

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:

Final legal opinions by the Justice Department’s Office of Legal Counsel are authoritative interpretations of law binding on the executive branch. Secret law has no place in a democracy, but these binding legal opinions are regularly withheld from Congress and the public. No one in the public knows how many OLC opinions are even currently in effect. It is essential for the legal opinions to be publicly disclosed so that our system of checks and balances can operate effectively. At the bare minimum, OLC should publish an index of all opinions so the public may be aware of their existence.

Congress, including this Committee, has taken a number of encouraging steps to bring more transparency to OLC opinions. In FY 2020, the House CJS Report (H. Rept. 116-101) 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). Similar language was included in FY 2021 and FY 2022. We thank the Committee and appreciate its efforts and hard work. That language would be a tremendous step forward. However, the Joint Explanatory Statement accompanying the enacted FY2020 Consolidated Appropriations Act (H. Comm. Prt. 38-678), as well as the FY 2021 and FY 2022 reports, superseded the House report language, “strongly urged” the Attorney General to direct OLC to publish all legal opinions “that are appropriate for publication.” Unfortunately, this language effectively allows the Justice Department to eviscerate the requirement.

In recent years, lawmakers have also introduced legislation to mandate transparency for OLC opinions, including the SUNLIGHT Act of 2019 (H.R. 4556; 116th Congress) and the DOJ OLC Transparency Act (S. 3334; 116th Congress). The House passed the Protect our Democracy Act, H.R. 5134 (117th), which included language in section 524 requiring the disclosure of many OLC opinions. However, given the uncertainties and political dynamics of enacting standalone bills, appropriators should continue to exercise their unique authority over the appropriations process to address this issue. As such, we urge the resubmission of the strong language reported by the House in FY 2022 — and to the extent possible, seek statutory provisions as well as report language.

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, Assistant Attorney General for OLC, or a Deputy Assistant General for OLC, or any designee as final; relied upon by government

officials or government contractors; relied upon to formulate legal guidance; or directly 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 government reasonably foresees that disclosure would actually cause harm to an interest protected by the relevant exemption invoked and such harm outweighs the public interest in access to the information.

Require Public Access To Information Pertaining To Government-Funded, Privately Operated Contract Prisons

Appropriations Committee: CJS; Homeland

Agency: U.S. Marshals Service, BOP, DHS

Account: N/A

Type of Request: Bill Text

Background:

Private prisons accounted for 18 percent of the federal prison population in 2020 and 79 percent of all ICE detainees as of September 2021. In 2021, American taxpayers paid \$8.5 million per day for immigrant detention beds, and the DHS “Budget in Brief” for FY 2022 indicating that \$4.9 million per day is used for this purpose. Despite the wholly governmental function they perform, the enormous cost to taxpayers, and questions surrounding the cost-efficiency and safety of their facilities, private prison contractors are not held to the same standards of transparency and accountability as operators of government-run facilities.

In 2007, the Government Accountability Office determined that it was infeasible to conduct a sound cost comparison between private prisons and government-run facilities due to a lack of comparable data. In a 2016 report on the adequacy of monitoring private prisons, DOJ’s Inspector General’s office also noted its inability to analyze and compare the overall costs of incarceration between government-run prisons and private prisons, further noting that the Bureau of Prisons does not receive a breakdown of costs under their fixed-price contracts. The report included cautionary language against drawing the conclusion that contract prisons are run at a lower cost than government-run prisons. DOJ’s IG also found that private prisons incurred more safety and security incidents per capita than government-run facilities.

President Biden signed Executive Order 14006, 86 FR 7483 (2021) that reinstated an Obama-era policy to phase out DOJ’s use of private prisons by declining to renew existing contracts. This policy was reinstated after it was reversed by the Trump administration, and there are existing DOJ contracts that will run the course of President Biden’s term and may be subject to renewal depending on the policies of the next administration. Furthermore, President Biden’s executive order does not apply to contracts for immigration detainees, which comprise the bulk of federal private prison contracts. Congress should close the private prison transparency gap by requiring all agencies that use federal funds to privatize the government function of federal detention to incorporate transparency and accountability measures into their contracts.

Bill Text:

Public Access to Information Pertaining to Government-Funded, Privately Operated Contract Prisons. No agency may expend funds to enter into a contract or agreement with a nongovernmental entity or state or local government entity for the purposes of incarcerating or detaining Federal prisoners or detainees in a non-Federal prison, jail, correctional or detention facility, unless a material term in any contract, agreement, or renewal of a contract or agreement with any nongovernmental or governmental entity regarding the incarceration or detention of

Federal prisoners or detainees in a non-Federal prison, jail, correctional, or detention facility directs – (1) that the Agency shall be deemed to have control over all information of the contractor entity related to: A) the incarceration, detention, treatment or condition of federal prisoners or detainees, B) any costs or the expenditure of any funds related to the contract or agreement, and (C) any other information related to the performance of the contract or agreement; (2) that the information identified in paragraph (1) is subject to disclosure pursuant to 5 U.S.C. 552; and (3) that the contractor shall provide access to the information identified in paragraph (1) to any person upon request made pursuant to 5 U.S.C. 552(a)(3)(A).

Privacy Impact Assessments

Appropriations Committee: *Commerce, Justice, Science*

Agency: *Department of Justice*

Account: *Salaries and Expenses*

Type of request: Report Language

Background:

Many agencies provide detailed, publicly-available privacy documents on their websites. These documents provide a crucial window into invasive and often expensive agency programs. They also provide insight into the agency's oversight of its own programs. Typical documents include Privacy Impact Assessments, Privacy Threshold Analyses, and other agency policies. A Privacy Impact Assessment, for instance, provides information about when agencies collect information, how the collections of that information will impact various members of the public, what agency protections are in place to protect members of the public, and the legal justification for the information collection.

However, unlike agencies such as the Department of Homeland Security, components within the Justice Department often do not disclose this information. In fact, the documents can be difficult to obtain even as the result of a FOIA request. We request the Committee direct components of the Justice Department to provide these collections to the Committee by publishing them on the agency's website as each one is completed. Public accountability for agency information collections will help to ensure that the agency is not over-collecting personal information, that it is properly vetting proposed new collections of information, and that adequate protections are in place to safeguard an individual's sensitive information.

Report language:

Privacy Impact Assessments. Not later than 90 days after enactment of this Act, the Department of Justice shall provide to this committee through publication on its website the full text of all finalized Privacy Impact Assessments currently in effect. It will continue to do this on an ongoing basis. The agency may be permitted to redact the documents only to the extent that such redaction is required by law.

Require Reporting On Warrantless Searches Of United States Person Information

Appropriations Committee: Commerce, Justice, Science

Agency: Federal Bureau of Investigation

Account: Salaries and Expenses

Type of Request: Report Language

Background:

The FBI has failed to document searches and to guard against unlawful searches of United States person information that has been “incidentally” obtained pursuant to Section 702 of the Foreign Intelligence Surveillance Act (50 USC 1881a). We know this because of the public release of declassified opinions issued by the Foreign Intelligence Surveillance Court (FISC) as well as audits of agency practices where the FISC concluded there are systematic failures by the FBI to comply with statutorily and judicially mandated rules.

We request that the Committee direct the FBI to report to this Committee, and make publicly available, a list of the number of instances pertaining to the querying of US person information under Section 702 of FISA.

Report Language:

Report on Warrantless Searches of United States Person Information. Not later than 180 days after the date of enactment of this Act, the Federal Bureau of Investigation shall deliver to the House and Senate Appropriations Committees, House and Senate Judiciary Committees, HPSCI and SSCI, and make publicly available, a report detailing how many queries of information acquired under Section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) using United States person selectors were performed in 2020 and 2021, and no later than March 31, 2023 shall report to the committee and make publicly available the number of such queries performed in 2022.

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, created by the United States Secret Service in the performance of their protective duties, 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. While the Biden administration has reinstated a White House visitors log disclosure policy, this list of visitors should continue to be publicly accessible without interruption regardless of who is in the White House and should be done as a matter of law.

To make sure that Congress, and the public, have access to these visitor log records, the House included language in the Protecting Our Democracy Act, Section 2203 of H.R. 5314 (117th Congress), which establishes "not later than 90 days after the date of enactment of this Act, the President shall establish and update, every 90 days thereafter, a publicly available database that contains covered records for the preceding 90-day period, on a publicly available website in an easily searchable and downloadable format." While the House was able to pass H.R. 5315 on December 9, 2021, it has yet to see any action in the Senate.

Bill Text:

Improve Congressional and Public Visibility into Visitors to the White House. 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, the Senate Homeland Security and Governmental Affairs Committee, the House Committee on Oversight, and make contemporaneously available online, a searchable, sortable, downloadable database of visitors to the White House and the Vice President's residence compiled in the White House Worker and Visitor Entry System 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

Public Access To Department Of Defense Ethics Database

Appropriations Committee: Defense

Agency: Department of Defense

Account: Standards of Conduct Office

Type of request: Report Language

Background:

A 2008 Government Accountability Office audit found that in 2006 there were 2,435 former senior DOD and acquisition officials employed by defense contractors. (GAO-08-485) The same report estimated that “at least 422 former DOD officials could have worked on defense contracts related to their former agencies and that at least nine could have worked on the same contracts for which they had oversight responsibilities or decision-making authorities while at DOD.”

In response to concerns about the prevalence of senior Pentagon officials going on to work for defense contractors, the National Defense Authorization Act for Fiscal Year 2008 (P.L. 110-181) included a provision requiring senior defense officials seeking employment with defense contractors to seek and obtain a written ethics opinion regarding the applicability or inapplicability of post-employment restrictions to activities that the official or former official may undertake on behalf of a contractor. Those opinions are maintained in a central database.

We request the Appropriations Committee to direct the database to be made publicly available to improve congressional and public understanding concerning the revolving door, to understand whether the ethics opinions are of appropriate scope and character, and to evaluate whether former DOD officials are avoiding conflicts of interest and the appearance thereof.

Report Language:

Ethics Opinion Database: The Committee is concerned about reports of senior Department of Defense officials passing through a revolving door from government service to the industries they regulate and oversee. These types of professional moves raise questions about whether the decisions of those officials while in office may be influenced by their future career plans or past employers, or if they were truly in the public interest. The 2008 National Defense Authorization Act required generals, flag officers, senior civilians, and program officials to seek written legal opinions on their new jobs, and required that the Department keep all such opinions and reports accessible in a central database for at least five years. In order to increase transparency, enhance compliance with ethics laws, and protect the public interest, the Committee directs the Department to make the database available online within 120 days of enactment of this legislation and to continuously update the public-facing database as new ethics opinions are issued.

More Information About Security Clearances

Appropriations Committee: Defense

Agency: Intelligence Community Management Account

Account: N/A

Type of request: Report Language

Background:

The Director of National Intelligence conducts an annual report on security clearance determinations, required by the Intelligence Authorization Act for Fiscal Year 2010. While the Obama Administration required the Director of National Intelligence to provide more comprehensive public data in 2015, the DNI has released less detail about clearances since 2016. The Intelligence Authorization Act for FY 2010 also required an annual report to Congress on the number of employees and contractors who hold security clearances, the levels at which they hold them, the breakdown by executive branch agency, and an accounting for how long it took to obtain determinations on whether the clearances were granted or denied.

The Intelligence Authorization Act for FY 2020, enacted as part of the National Defense Authorization Act for FY 2020, undermined some public reporting under the FY 2010 law. While it did not strike language concerning government-wide reporting on the number of employees and contractors who hold security clearances and the levels at which they are held, it ended public reporting of the agency-by-agency breakdown of this information as well as information concerning processing times and the results of adjudications. The reports are now only available to select congressional committees in an unclassified form. We encourage the committee to return the Director of National Intelligence to Obama-era levels of transparency with regards to security clearances.

Report language:

Security Clearance Reports: Within 120 days of enactment of this act, the Director of National Intelligence shall report to Congress and make publicly available all previous reports regarding the security clearances processed by each element of the intelligence community. The Committee also directs the Director of National Intelligence to publish all future reports online on an ongoing basis. Each report submitted shall separately identify security clearances processed for Federal employees and contractor employees sponsored by each such element as described in 50 U.S.C. § 3104.

Department Of Defense Report On Purchase Of Americans' Phone And Internet Location Data

Appropriations Committee: Defense

Agency: Department of Defense

Account: General Provisions

Type of Request: Bill Text

Background:

On January 22, 2021, The New York Times reported that the Defense Intelligence Agency, a component of the Department of Defense, had concluded it may legally purchase smartphone location data in bulk, including information about people in the United States, without a warrant or other Congressional or judicial authorization. In May, 2021, the Department of Defense provided Senator Wyden with partially confidential and partially classified information regarding the Pentagon's warrantless surveillance of Americans through such purchase of data. Senator Wyden responded that the information provided to him by the Department of Defense was improperly classified and that this information should be released, and subsequently offered an amendment to the National Defense Authorization Act for Fiscal Year 2022 (P.L. 117-81) to that effect.

In addition, high-profile news articles have come out revealing that certain elements of the Executive branch have purchased information about people in the United States — information that the government would otherwise have needed a court order to obtain. The Defense Intelligence Agency's assertion that they can purchase these records on people in the United States represents an extreme claim of authority because it allows for not only the purchase of information in bulk, but even the purchase of bulk *location* information. The Supreme Court has specifically held that Americans have a reasonable expectation of privacy in their location information, even when that information is held by third parties. We urge the committee to adopt our request, which would allow Congress and the public to better assess the extent to which the Executive branch may be operating inconsistently with Supreme Court precedent as well as at odds with Congressional and public understanding of the law.

Bill text:

REPORT ON PURCHASE AND USE BY DEPARTMENT OF DEFENSE OF LOCATION DATA GENERATED BY AMERICANS' PHONES AND THEIR INTERNET METADATA.

(a) Report Required.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and make available to the public on an internet website of the Department of Defense a report that—

(1) identifies each covered entity that is currently, or during the five year period ending on the date of the enactment of this Act was, without a court order—

(A) obtaining in exchange for anything of value any covered records; and

(B) intentionally retaining or intentionally using such covered records; and

(2) for each covered entity identified pursuant to paragraph (1), identifies—

(A) each category of covered record the covered entity, without a court order, is

- obtaining or obtained, in exchange for anything of value;
- (B) whether the covered entity intentionally retained or is intentionally retaining each category of covered records pursuant to subparagraph (A);
- (C) whether the covered entity intentionally uses or used each category of covered records identified pursuant to subparagraph (A); and
- (D) whether such obtaining, retention, and use ceased before the date of the enactment of this Act or is ongoing.

(b) Form.—The report submitted under subsection (a) shall be submitted in unclassified form.

(c) Determination of Parties to a Communication.—In determining under this section whether a party to a communication is likely to be located inside or outside the United States, the Secretary shall consider the Internet Protocol (IP) address used by the party to the communication, but may also consider other information known to the Secretary.

(d) Definitions.—In this section:

(1) The term “covered entities” means the Defense Agencies, Department of Defense activities, and components of the Department that—

- (A) are under the authority, direction, and control of the Under Secretary of Defense for Intelligence and Security; or
- (B) over which the Under Secretary exercises planning, policy, funding, or strategic oversight authority.

(2) The term “covered records” includes the following:

- (A) Location data generated by phones that are likely to be located in the United States.
- (B) Domestic phone call records.
- (C) International phone call records.
- (D) Domestic text message records.
- (E) International text message records.
- (F) Domestic netflow records.
- (G) International netflow records.
- (H) Domestic Domain Name System records.
- (I) International Domain Name System records.
- (J) Other types of domestic internet metadata.
- (K) Other types of international internet metadata.

(3) The term “domestic” means a telephone or an internet communication in which all parties to the communication are likely to be located in the United States.

(4)(A) The term “international” means a telephone or an internet communication in which one or more parties to the communication are likely to be located in the United States and one or more parties to the communication are likely to be located outside the United States.

(B) The term “international” does not include a telephone or an internet communication in which all parties to the communication are likely to be located outside the United States.

(5) The term “obtain in exchange for anything of value” means to obtain by purchasing, to receive in connection with services being provided for consideration, or to otherwise obtain in exchange for consideration, including an access fee, service fee, maintenance fee, or licensing fee.

(6)(A) Except as provided in subparagraph (B), the term “retain” means the storage of a covered record.

(B) The term “retain” does not include the temporary storage of a covered record that will be, but has not yet been, subjected to a process in which the covered record, which is part of a larger compilation containing records that are not covered records, are identified and deleted.

(7)(A) Except as provided in subparagraph (B), the term “use”, with respect to a covered record, includes analyzing, processing, or sharing the covered record.

(B) The term “use” does not include subjecting the covered record to a process in which the covered record, which is part of a larger compilation containing records that are not covered records, is identified and deleted.

Require Reporting On Warrantless Acquisition Of United States Person Information

Appropriations Committee: Defense

Agency: Intelligence Community Management Account

Account: N/A

Type of Request: Bill Text

Background:

The FBI, which obtains surveillance information from the NSA, has failed to document lawful searches and to guard against unlawful searches of United States person information that has been “incidentally” obtained pursuant to Section 702 of the Foreign Intelligence Surveillance Act (50 USC 1881a). We know this, in part, because of the public release of declassified opinions issued by the Foreign Intelligence Surveillance Court (FISC) where the FISC concluded there are systematic failures by the FBI to comply with statutorily and judicially mandated rules. To understand the significance of this, Congress and the public need an estimation of how much information about Americans is incidentally acquired pursuant to Section 702-surveillance.

We request that the Committee direct the ODNI to report to this Committee, and make publicly available, an estimate of the number of communications acquired by intelligence agencies to which a party is a person in the United States, pursuant to Section 702.

Bill text:

Report on Warrantless Acquisition of United States Person Information.

(a) Not later than 180 days after the date of enactment of this Act, the Director of National Intelligence shall deliver to the committees of jurisdiction, and make publicly available, a report estimating the number of communications collected under Section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) in 2020 and 2021 to which a party is a person inside the United States, and shall make publicly available before March 31, 2023, a report estimating the number of such communications collected in 2022.

(b) Definitions.—

Committees of jurisdiction.—In this section, the “committees of Jurisdiction” refer to the:

- House and Senate Committees on Appropriations
- House and Senate Committees on the Judiciary
- House Permanent Select Committee on Intelligence and Senate Select Committee on Intelligence

Person inside the United States.—In this section, a “person inside the United States” means a person or entity reasonably believed to be a United States person or located within the United States, as well as any persons or entities that are not reasonably believed to be a foreign persons located outside of the United States.

Ensure none of the funds in this act may be used to facilitate unilateral annexation of Yemeni territory by the United Arab Emirates

Appropriations Committee: Defense

Agency: General Provisions

Account: N/A

Type of Request: Bill text

Background:

The United Arab Emirates (UAE) has been involved in the Saudi-led coalition's war in Yemen since its inception. Despite reports that the UAE was ending its involvement in the war, its military remains active on several key Yemeni islands. Their encroachment on these islands threatens Yemen's territorial integrity and prolongs the war.

Satellite imagery shows that the UAE is building a military base on the island of Mayun. The island is key to controlling the Bab el-Mandeb Strait, which connects the Red Sea and the Gulf of Aden. The UAE took control of the strategically-located island in 2016 and has held it since. It is also in control of the large island of Socotra, in the Gulf of Aden. The UAE has also built military bases on Socotra, which it uses to collect intelligence on maritime traffic in both the Gulf of Aden and the Bab el-Mandeb.

The United States continues to collaborate extensively with the UAE through security cooperation and defense sales. Given this relationship and the threat that the UAE's occupation of Yemeni islands poses to Yemen's security and stability, the US should ensure none of the funds in its FY23 Appropriations bill be used to facilitate unilateral annexation of Yemeni territory by United Arab Emirates.

Bill text:

Ensure none of the funds in this act may be used to facilitate unilateral annexation of Yemeni territory by the United Arab Emirates.

None of the funds authorized to be appropriated or otherwise made available by this or any other Act may be made available to process a commercial sale or foreign military sale, or to transfer, deliver, or facilitate the transfer or delivery, of any defense article or service to the United Arab Emirates to facilitate the unilateral annexation of Yemeni territory.

STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS

**Report On The Humanitarian Impact Of The Gaza Blockade And The Feasibility Of
Ending The Blockade And Its Humanitarian Crisis**

Appropriations Committee: State, Foreign Operations and Related Programs

Agency: General Provisions

Account: West Bank and Gaza

Type of Request: Bill Text

Background:

Since 2007, Israel and Egypt have enforced an air, land, and sea blockade that severely limits the movement of people and goods and impacts all aspects of life for those in Gaza. After the Israel-Gaza conflict in May 2014, the United Nations, the Palestinian Authority, and the Israeli government created the Gaza Reconstruction Mechanism (GRM) to monitor the entry and use of construction materials classified as “dual-use” in order to facilitate reconstruction of buildings and infrastructure.

The Gaza Reconstruction Mechanism has been criticized by the UN Office for the Coordination of Humanitarian Affairs as lacking clarity and inhibiting the delivery of humanitarian aid. After the conflict between Israel and Gaza in May 2021, the GRM was non-operational for several months, and construction materials were prohibited from entering the Gaza Strip. This significantly delayed the reconstruction of buildings and infrastructure destroyed by Israeli bombings. Many critics have argued that the GRM has institutionalized the Gaza blockade and must be replaced to support reconstruction and ensure access to necessary goods.

The Government Accountability Office should provide a report determining whether the Departments of Defense and State, as well as other relevant agencies, have assessed the impacts of the blockade of Gaza and the Gaza Reconstruction Mechanism on the humanitarian and reconstruction needs of Palestinians in Gaza.

Bill Text:

Report on the humanitarian impact of the Gaza blockade and the feasibility of ending the blockade and its humanitarian crisis.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States will submit to the appropriate committees of Congress a determination whether the Departments of State and Defense, the United States Agency for International Development (USAID), United Nations, World Bank, and International Monetary Fund (IMF) have assessed:

- (1) The humanitarian and reconstruction needs of Palestinians in Gaza resulting from Israel-Gaza conflicts since 2014 and from restrictions on the movement of goods and people into and out of Gaza.
- (2) The type and amount of reforms needed, if any, in the Gaza Reconstruction Mechanism and related international agreements, including whether the current mechanism should be replaced

with one modeled after the United Nations Verification and Inspection Mechanism for Yemen or the United Nations Interim Force in Lebanon's Maritime Task Force.

(3) The logistical and security requirements necessary to provide bilateral U.S. humanitarian and reconstruction assistance through Gaza's land and sea borders and to increase interactions between U.S. personnel and Palestinians in Gaza.

(4) Whether the Secretary of State, Secretary of Defense, or USAID Administrator are monitoring restrictions on the movement of goods and people into and out of Gaza;

(5) Whether the United States government has an official policy stance on the restrictions in Gaza.

(6) Whether the governments of Israel and Egypt have committed any violations of U.S. or international law by enforcing restrictions on the movement of goods and people into and out of Gaza.

(7) Whether United States-originated defense articles have been used to enforce restrictions on the movement of goods and people into and out of Gaza; a description of the types of training provided by the Defense Department, if any, to support the enforcement of restrictions on Gaza, including what authorities under which this training was provided, and whether such training has included tactics for stopping, searching and seizing boats, people, and trucks, or other activities that could be used to restrict the importation of commercial and humanitarian goods into and out of Gaza; a description and evaluation of processes used by the Defense Department to determine whether the types of military support have impacted the restriction of movement of persons and both humanitarian and commercial goods into or out of Gaza.

Form.—The report required will be on results of any such assessments conducted since the 2014 establishment of the Gaza Reconstruction Mechanism and shall be submitted in unclassified form but may contain a classified annex.

Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—

- (1) the Committee on Foreign Affairs of the House of Representatives; and
- (2) the Committee on Foreign Relations of the Senate.