

Demand Progress
Appropriations Requests, FY 2022
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**LEGISLATIVE BRANCH: REQUESTS THAT APPLY TO BOTH CHAMBERS OF
CONGRESS**

Create an Capitol Police Stakeholders Committee

Appropriations Committee: Legislative Branch

Agency: Government Accountability Office

Account: Salaries and Expenses

Type of Request: Report Language

Background:

U.S. Capitol Police is tasked with the critical mission of protecting the Congress — its Members, employees, visitors, and facilities — so Congress can fulfill its constitutional and legislative responsibilities in a safe, secure and open environment. Recent congressional hearings and a 2017 GAO Report suggest the Board’s infrastructure does not foster sufficient transparency and accountability to congressional overseers or other stakeholders.

Many large police departments nationwide have independent “civilian” oversight boards. Establishing a similar independent entity for the USCP would close some loopholes in the existing accountability structure. Such an independent stakeholders committee should be established to represent 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 USCP.

The board should make information publicly available as it deems appropriate.

Report Language:

Capitol Police Stakeholders Committee. The GAO shall issue a public report to Congress within 90 days with its recommendations on creating a Capitol Police Stakeholders Committee. The purpose of the Committee is to represent 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 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 FOIA

Appropriations Committee: Legislative Branch

Agency: U. S. Capitol Police

Account: General Expenses

Type of Request: Report Language

Background:

We appreciate and applaud the Appropriations Committee effort to bring a modicum of transparency to the U.S. Capitol Police as part of the FY 2021 Legislative Branch Appropriations bill. The committee report (H. Rept. 116-447) contained the following language:

“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.”

We have no reason to believe the Capitol Police have made progress on this front between the adoption of that provision by the House on July 14, 2021 and today. We urge the committee to renew this request, and to encourage the Capitol Police to consult with civil society, governmental FOIA experts, and its congressional peers that follow a FOIA-like process on the drafting and promulgation of these regulations. We further request that a date certain be established by which these regulations should be implemented.

Report Language:

USCP Information Sharing: As part of the Legislative Branch Appropriations bill for FY 2021, the Committee encouraged the USCP to “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” We reiterate our request. In the furtherance of this process, we urge the USCP to consult on the drafting of its regulations with civil society experts on FOIA and transparency; governmental FOIA experts like the Office of Government Information Services and the FOIA Advisory Committee; and congressional peers that have implemented a FOIA-like process, such as the GAO. We further request that draft regulations be promulgated for public comment no later than January 1, 2023, and be implemented by February 15, 2023.

Disclose U.S. Capitol Police Arrest Information As Data

Appropriations Committee: Legislative Branch

Agency: Capitol Police

Account: Salaries

Type of Request: Report Language

Background:

Questions about U.S. Capitol Police (USCP) activity and how the department executes its critical mission of maintaining a safe and open Capitol complex have become more prominent in the wake of the Jan. 6 attacks on the U.S. Capitol. Unlike most police forces, USCP's law enforcement activities are largely shielded from public view despite the fact that 10% of Legislative branch funding — \$515.5 million for FY 2021 — goes to the department. The limited information available about USCP activities, however, indicates that two-thirds of its arrests were outside business hours, 50 percent were traffic related, and more than 100 reported incidents were drug related.

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

The arrest summaries are posted weekly in a PDF format, and with key information published as prose. PDF files cannot be analyzed by computers, so anyone who wishes to analyze the data must copy it by hand into a digital spreadsheet. Criminal charges are formatted inconsistently—e.g. the word 'misdemeanor' is spelled out in some cases and abbreviated as 'MISD' in others — but examining arrest trends requires consistency, and consistent formatting, to compare apples to apples.

Moreover, incident reports 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. Furthermore, USCP removes links to summaries that are more than one year old from its website, and it is unclear whether USCP omits incident reports from the summaries.

Because of insufficient transparency to Congressional stakeholders and the public, 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 monthly arrests and its guidance on which charges are included and excluded from the arrest summaries.

In the House report accompanying the FY 2021 Legislative branch appropriations bill, lawmakers requested that USCP explore the potential of developing an arrest data disclosure system that is user-friendly, searchable, sortable, downloadable, and is made available on a cumulative basis by June 25, 2021. Appropriators should insist on implementation on that recommendation and request again that 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, and more.

Report Language:

Arrest Summary Data. The committee requests that U.S. Capitol Police 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 no later than 30 days after enactment of this legislation. Arrest summaries published on the USCP website should not be removed without good cause. Arrest incident information contained in those summaries shall include, but 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.

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

Appropriations Committee: Legislative Branch

Agency: Capitol Police

Accounts: General Expenses

Type of Request: Report Language

Background:

The U.S. Capitol Police Office of the Inspector General provides independent, professional, nonpartisan oversight over the U.S. Capitol Police's operations. 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. The recent attacks on the U.S. Capitol, and the subsequent questions surrounding USCP procedures and operations, are a clear example of why the presumption should be reversed: reports by the USCP should be made publicly available as a general rule, and only in limited exceptions should a summary be published in their stead. Currently, the only documents available on the USCP IG's website are four External Peer Review Reports from 2019, 2016, 2013, and 2010.

The vast majority of the 74 executive branch inspectors general publish their final 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.

The Act does not currently apply to the USCP IG, but the USCP IG should follow this practice and other best practices pertaining to security-sensitive information. In addition, the USCP IG should contribute reports to the federal-wide IG website, Oversight.gov. The vast majority of IGs publish their reports here, including four legislative branch IGs.

Furthermore, unlike executive branch IG reports, which can be requested through FOIA, no comparable request mechanism exists for USCP IG reports (although the USCP is studying implementing a FOIA-like system), and the USCP IG has indicated it will release information only when directed by Congress.

In the House report accompanying the FY 2021 Legislative branch appropriations bill, lawmakers requested the USCP IG publicly release 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 is due March 27, 2021. We urge all reports identified by the IG be published immediately and a new policy be put into effect: USCP IG reports should be made publicly available as a general rule, and only in limited exceptions should a summary be published in their stead.

Report Language:

USCP Office of the Inspector General Report Disclosure: It is a government-wide best practice for Inspectors General to make their reports publicly available whenever practicable. Within 90 days of enactment, the USCP IG is requested to commence publishing all final reports on its website and at Oversight.Gov, on an ongoing basis, two weeks after the report is transmitted to the USCP or to a congressional office. The IG shall err on the side of disclosure, redacting the contents of reports only to the extent necessary to protect national security or personal privacy, but not to conceal evidence of waste, fraud, abuse, or malfeasance. Furthermore, the USCP IG is requested to immediately publish all reports identified as publishable in its March 27, 2021 report.

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

Publication of Congressional Research Service Reports in HTML

Appropriations Committee: Legislative Branch

Agency: Congressional Research Service

Account: Salaries and Expenses

Type of request: Report Language

Background:

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

In the Legislative Branch Appropriations Committee Report for FY 2021, 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, this is a significant overestimate of the time required and commensurate costs. However, this simple straightforward fix would go a long way to improve the utility of the CRS reports that Congress has instructed be made available online and we encourage you to go forward.

Report Language:

Congressional Research Service Reports in HTML. The Library of Congress is requested to make available to the public all non-confidential CRS Reports in HTML format, or a successor format when appropriate, to facilitate use and reuse of information contained in the reports. Such publication should be completed within one year of the enactment of this legislation.

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. These non-public reports are maintained in a largely-digitized repository known as CRSX. However, the Library indicated at its September 2020 Virtual Public Forum that it will not make the reports publicly available absent congressional direction despite the discretion granted to the agency to proceed. By comparison, the Law Library of Congress is engaged in a welcome effort to digitize its back catalog of Law Library of Congress Legal Reports, which focus on foreign law.

In the FY 2021 Legislative Branch Appropriations Bill, 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. 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.

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 a bipartisan coalition of non-profit organizations has requested their public availability.

Report Language:

Congressional Research Service CRSX Files: The Congressional Research Service is requested to make publicly available all CRS reports contained in its CRSX archive on

<https://crsreports.congress.gov/> within one year of enactment of this legislation. The Library of Congress is encouraged to dedicate up to \$2.4 million for this project.

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. This would facilitate 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’s response was it would do so only at Congress’s direction. This is a decade-old public request, and we respectfully request the appropriations committee to grant it.

Report Language:

Congress.gov API. Within 180 days of enactment, the Library of Congress is requested 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), 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 that 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 which legislation or other measures 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 the inclusion of floor scheduling information on Congress.gov. 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, usable calendar that identifies legislation and other measures likely to be considered on a particular day (or range of days) during the upcoming week. *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 appropriations information as structured data, such as a CSV. The Congressional Research Service, which already has the obligation of publishing appropriations bills, should publish an accompanying spreadsheet for legislation that shows spending information by line item, and include spending for each item from FY 2000 forward. It should include spending included in enacted supplemental funding bills for each fiscal year. It also should include proposed spending that has passed the House and Senate, as a point of comparison. This would facilitate analysis, oversight, and accountability.

Report Language: *Access to Appropriations Data.* The Congressional Research Service is requested to create a public-facing appropriations data publication system that is user-friendly, searchable, sortable, downloadable, and is made available on a cumulative basis. In that system, CRS should publish a spreadsheet in a structured data format (such as a CSV) to accompany final appropriations legislation that shows spending information by line item, and include final spending for each item from FY 2000 forward. In addition, it should include spending contained in supplemental enacted laws for each fiscal year. It also should include proposed spending that has passed the House and Senate. CRS is encouraged to work with the Appropriations Subcommittees to obtain current and prior line items, which may already be tracked internally.

Full-time Telework Flexibility at CRS

Appropriations Committee: Legislative Branch

Agency: Congressional Research Service

Account: Salaries and Expenses

Type of Request: Report Language

Background:

The January 2021 Capitol attack is raising questions among senior leadership about the safety of staff in the Capitol complex. Senior Library officials have expressed a preference to maximize the number of teleworking staff until the Capitol Police are able to ensure full security of the Capitol complex. Capitol Police have not determined when safety could be ensured.

Further, senior Library officials have repeatedly informed the Congressional Research Employees Association (CREA), the union that represents CRS staff, that since the vast majority of CRS staff were telework-ready before the COVID-19 pandemic and that CRS operations have continued seamlessly throughout the pandemic, they would prefer CRS workforce be the final staff to return to the building under phased planning.

CREA recommends that all staff who are currently on full-time telework be provided permanent full-time telework flexibility; and that CRS develop a budget that reflects full-time telework flexibility. That budget is requested to include: sufficient resources to provide hotspots to all employees lacking sufficient internet service to complete assigned duties, particularly for staff at grades 11 and lower; sufficient resources to provide essential hardware accessories to staff, including secondary monitors and headsets; and additional resources for targeted training resources/online workshops to improve staff's ability to adapt to the virtual context.

Report Language:

Congressional Research Service Telework: The Committee commends the staff at the Congressional Research Service for their hard work and dedication, which is especially noted during the COVID-19 pandemic and the recent attack on the U.S. Capitol. In recognition of that work, the importance of public safety, Congress's long-standing support of telework, and the importance of retaining expert staff, the Committee encourages CRS to move permanently to full-time telework flexibility and develop a budget for FY 2023 that reflects full-time telework flexibility. *Furthermore,* we request the budget include: sufficient resources to provide hotspots to all employees lacking sufficient internet service to complete assigned duties, particularly for staff at grades 11 and lower; sufficient resources to provide essential hardware accessories to staff, including secondary monitors and headsets; and additional resources for targeted training resources/online workshops to improve staff's ability to adapt to the virtual context.

Diversity & Inclusion Officer for CRS

Appropriations Committee: Legislative Branch

Agency: Congressional Research Service

Account: Salaries and Expenses

Type of Request: Report Language

Background:

Following legal proceedings, which found that discriminatory practices at the Library of Congress had systematically prevented African-Americans from being hired or promoted to Grades 12 and above, the Library and its unions negotiated the Merit Selection Plan to make hiring and promotion processes more fair. After the lawsuit, CRS and the Library also established a number of special programs to increase diversity, but CRS is failing to use these programs for their intended purposes. For example, the Hispanic Association of Colleges and Universities (HACU) Co-Op has never been used to hire an analyst.

In addition, the vast majority of analysts and attorneys hired through the Graduate Recruit and Law Recruit programs have been Caucasian-American, despite the hiring program having been established to advance diversity. The Law Recruit program is now defunct, though CRS is reportedly considering reintroducing the program. Other negotiated rules for increasing diversity in hiring and advancement, particularly those related to the Merit Selection Plan, are not being fully followed.

The result is that diversity at CRS is consistently dwindling, with the White/Caucasian-American population rising (from 72.6% of the workforce in 2014 to 75.8% in 2021), Black/African-American population declining (from 16.9% of the workforce in 2014 to 11.8% in 2021), Hispanic/LatinX population remaining underrepresented (remaining at about 3% from 2014 through 2021), and the Asian-American population remaining mostly level (at about 7% from 2014 through 2021). Representation among “Other” personnel, which includes multiracial individuals, as well as Native American and Pacific Islanders, is mostly rising. Finally, although women comprise an adequate share of the CRS workforce, they are typically hired at lower grades than their male counterparts.

We urge the U.S. Government Accountability Office or other outside entity assess CRS's hiring, promotion, and awards practices, including implementation of the Merit Selection Plan and use of special hiring programs. Furthermore, we urge CRS to hire a Special Advisor on Diversity and Inclusion, reportable to the Director and with independent personnel management authority, to oversee and implement recommendations from the aforementioned assessment.

In addition, we recommend the establishment of a permanent Diversity and Inclusion working group. It should include at the minimum the Director or Deputy Director, at least two Assistant/Associate Directors and Section Research Managers/Section Heads, at least one CREA representative, and at least five bargaining unit staff. The working group is to discuss workforce

conditions impacting diversity and inclusion and recommend actions to the Special Advisor for advancing diversity and inclusion.

We recommend CRS immediately begin using the HACU Coop Program to the maximum extent possible to hire staff, including analysts and attorneys. We also recommend immediately using the Graduate Recruit Program to recruit and hire individuals from underrepresented groups to the maximum extent possible.

Report Language:

The Committee requests that GAO assess CRS's hiring, promotion, and awards practices, including implementation of the Merit Selection Plan and use of special hiring programs. GAO should assess CRS's hiring practices, with a focus on whether the programs are effective at recruiting a diverse workforce. CRS is encouraged to provide all necessary information to the GAO. The final report shall be provided to the CRS Director, the Librarian of Congress, CREA, the Appropriations Committees, the Senate Rules Committee, and the Committee on House Administration. The House Administration Committee will publish that report online no later than two weeks after receipt. *Further*, CRS is encouraged to hire a Special Advisor on Diversity and Inclusion, reportable to the Director and with independent personnel management authority, to oversee and implement recommendations from the aforementioned assessment. *Furthermore*, CRS should establish a permanent Diversity and Inclusion working group. It should include at the minimum the Director or Deputy Director, at least two Assistant/Associate Directors and Section Research Managers/Section Heads, at least one CREA representative, and at least five bargaining unit staff. The working group is to discuss workforce conditions impacting diversity and inclusion and recommend actions to the Special Advisor for advancing diversity and inclusion.

Improve Lobbyist Tracking Data

Appropriations Committee: Legislative Branch

Agency: Office of the Clerk

Account: Salaries, Officers and Employees

Type of Request: Report Language

Background:

The House report accompanying the Legislative Branch Appropriations Bill for FY 2020 contained a provision under the Office of the Clerk concerning a *Lobbyist Disclosure Unique Identifier* in which the committee “requests a report from the Clerk of the House, within 60 days of enactment of this Act, regarding progress on generating a Congress-wide unique identifier for lobbyists and disclosing that identifier to the public as structured data as part of the lobbying disclosure downloads.” The House Report accompanying the Legislative Branch Appropriations Bill for FY 2021 contained identical language to FY 2020, requesting a report on progress within 60 days. In addition, the Select Committee on the Modernization of Congress endorsed a similar requirement as part of its recommendations, and all members of the Committee co-sponsored H. Res 756, which includes a similar requirement in Section 505. A report from the Clerk on options for implementation is due in February 2021.

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

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

Report Language:

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

Congressional Staff Child Care Credit

Appropriations Committee: Legislative Branch

Agency: Joint Items

Account:

Type of Request: Report Language

Background:

Child care is an important issue for every parent and congressional staff are caught in a particular bind to the detriment of Congress. Washington, D.C. is one of the most expensive places to raise young children, with fees exceeding \$15,000 annually per child. Congressional staff are underpaid compared to other federal or private sector employees and they work long and unusual hours. These two factors combine to prompt many congressional staff to leave Congress when they have children and inflicts undue burdens on those who remain.

The House, Senate, Library of Congress, and Government Accountability Office have affiliated day care services that provide staff preferential access, but supply is woefully behind demand. In light of high costs, low capacity, and the evolving nature of staff child care needs, Congress should provide a reimbursement for outside child care.

Report language:

Congressional staff child care credit. Providing access to quality, affordable child care to staff who need it is critical for retention. The Chief Administrative Officer and Secretary of the Senate shall jointly provide a report to the Appropriations Committees, the Senate Rules Committee, and the Committee on House Administration within 90 days of enactment of this legislation that addresses providing a \$1,000 stipend to staff to defray some child care expenses. The Committee on House Administration is requested to publish the report online no later than two weeks after receipt. The report should examine (1) how many staff might qualify to receive such a benefit, (2) an appropriate age range for a child to be eligible, (3) whether a threshold on household income (if any) should be required to receive the benefit, (4) the number of staff with children under the age of 2, (5) costs of administration, and (6) how best to structure a reimbursement benefit where qualifying staff receive a \$1,000 stipend to defray some child care expenses.

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. Unfortunately, there is no central staff contact database that is managed and updated by the House, Senate, support offices, and support agencies. There are partial solutions available inside Congress, but they do not identify the issues on which staffers work and are not universally available. 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 to make it easier for support agencies to contact relevant staffers (and vice versa).

Report Language:

Congress Staff Directory: The Committee is concerned with the unavailability or insufficiently of currently-provided congressional staff contact information. The absence of a congressional staff directory that covers the House, Senate, support offices, and support agencies makes it difficult for congressional staff to identify relevant staff and connect with them by email. Within 180 days of passage, 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 universal congressional staff directory. The Committee on House Administration is requested to publish that report online no later than two weeks after receipt. That directory should contain the name, title, office, phone number, email address, and issue set for each employee. That information should be filterable by office, title, party, issue set, and so on. It should be continuously updated. The directory should be available inside the congressional firewall and also provide 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.

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

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

Bill text:

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

the Clerk of the House and the Senate Data Coordination Officer shall be chosen and overseen by the Secretary of the Senate.

Report Language:

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

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

Joint Special Committee on Congressional Continuity

Appropriations Committee: *Legislative Branch*

Agency: *Joint Items*

Account:

Type of Request: Bill Text and Report Language

Background:

The January attacks on the Capitol, the COVID-19 pandemic, and the attacks of September 11, 2001 all reveal the potential for members of Congress, possibly in large numbers, to be killed or incapacitated. As described in three in-depth reports by the Continuity of Government commission, none of the three branches of the federal government has continuity provisions in place that are both constitutionally sound and practical to implement in a crisis. This leaves the institutions of the Congress, the Presidency, the Courts and our constitutional system of government vulnerable to disruption and chaos through acts perpetrated by domestic or foreign terrorists or nations or as the result of pandemics or other natural events. A special committee of Congress is needed to explore the existing problems and propose solutions as quickly as due diligence and practicality will allow.

Bill text:

Special Committee on Congressional Continuity. \$3,000,000 to support staff, expert consultants or witnesses, and expenses for a joint House and Senate special committee to study threats and vulnerabilities to the constitutionally valid continuity of representation and sustained operations of the House and Senate and propose solutions; to study vulnerabilities or shortcomings in and recommend improvements to Presidential and Vice Presidential succession; and to study and identify continuity vulnerabilities and recommend solutions to those vulnerabilities in the Supreme Court and other federal courts.

Report Language:

Special Committee on Congressional Continuity: The Majority and Minority leaders of the House and Senate are directed to nominate equal numbers of their members from both bodies to serve on a select committee tasked with studying and recommending solutions to continuity vulnerabilities in each of the three branches of the federal government. The committee shall set a goal of concluding its investigations and reporting its recommendations within one year of its establishment.

Remove Confederate Statues from the U.S. Capitol

Appropriations Committee: Legislative Branch

Agency: Architect of the Capitol

Account: Joint Items

Type of Request: Bill Text

Background:

Since 1864, the government of the United States has maintained a National Statuary Collection which is on display in the United States Capitol complex. The author of the legislation which established the statuary collection, Rep. Justin Morrill, said that the collection should consist of people “deserving [of] lasting commemoration.”

Today, this collection contains eight statues of individuals who waged war against the United States in order to defend slavery. Providing such people with “lasting commemoration” at the center of American democracy is deeply offensive to American values and, indeed, to the very principle of democratic governance itself.

The Legislative Branch Appropriations Bill for FY 2021 included welcome language to direct “the Architect to remove the statues or busts in the U.S. Capitol that represent figures who participated in the Confederate Army or government, as well as the statues of white supremacists Charles Aycock, John C. Calhoun, and James Paul Clarke and the bust of Roger B. Taney.”

We agree. In light of the historic and continuing injustices which stem from slavery in the United States as well as the former President's effort to provoke an insurrection against America's constitutional order, the committee should take the symbolic but important action of removing these monuments from public view.

Bill Text:

Removal of Offensive U.S. Capitol Statuary

Sec. 214. (a) removal and storage.—Not later than 45 days after the date of the enactment of this Act, the Architect of the Capitol—

(1) shall remove all Confederate statues and Confederate busts from any area of the United States Capitol which is accessible to the public; and

(2) shall remove the bust of Roger Brooke Taney; the statue of Charles Brantley Aycock; the statue of John Caldwell Calhoun; and the statue of James Paul Clarke from any area of the United States Capitol, which is accessible to the public.

(b) storage of statues.—In the case of any statue removed under subsection (a), the Architect of the Capitol shall keep such statue in storage until the Architect and the State which provided the statue arrange for the return of the statue to the State.

(c) definitions.—

(1) Confederate statue.—In this section, the term “Confederate statue” means a statue which was provided by a State for display in the United States Capitol under section 1814 of the Revised Statutes (2 U.S.C. 2131), including a replacement statue provided by a State under section 311 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132), which depicts—

(A) any individual who served voluntarily at any time as a member of the armed forces of the Confederate States of America or of the military forces of a State while the State was in rebellion against the United States; or

(B) any individual who served as an official in the government of the Confederate States of America or of a State while the State was in rebellion against the United States.

(2) Confederate bust.—In this section, the term “Confederate bust” means a bust which depicts an individual described in subparagraph (A) or (B) of paragraph (1).

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 inconsistent, with only three instances found on GPO's website. The practice of Legislative branch agencies and offices in publishing these reports on their 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 2023, 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.

Congress-wide Unionization

Appropriations Committee: Legislative Branch

Agency: Joint Items

Account: Office of Congressional Workplace Rights

Type of Request: Report Language

Background:

The 104th Congress passed 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.

Regulations issued by the Office of Compliance under Section 220(d) of CAA concerns unionization for legislative support agency staff (i.e., U.S. Capitol Police, the Library of Congress, and GAO) while Section 220(e) concerns unionization for congressional staff (i.e., personal, committee, leadership, and some support office staff).

Under Section 220(e), the Office of Compliance's Board of Directors was to engage in a notice and comment rule-making concerning whether and which staff would be able to unionize — a process that was completed on September 4, 1996. The OOC board found that congressional staff should be permitted to unionize under similar rules as the Executive Branch, and promulgated regulations setting forth the rulemaking process.

The final step to enact the OOC regulations was for both the House and Senate to pass separate resolutions to apply to their prospective staff, then pass a joint resolution to apply to the remaining Congressional staff. To date, there is no resolution that adopts regulations of the Office of Compliance with respect to Section 220(e) staff. However, as shown below, the Office of Compliance did go through a rulemaking process to recommend to Congress that the regulations that apply to section 220(d) staff can be applied to section 220(e) staff.

Currently, the underlying law is in effect, the enforcement body is the Office of Congressional Workplace Rights (formerly the OOC), and a regulation on unionization is in place. Many Legislative Branch support agencies allow their staff to unionize pursuant to the law. However, 25 years have elapsed since the regulation was first promulgated. The Office of Congressional Workplace Rights should review the regulation and determine its applicability in the current environment.

Report Language:

Report on the unionization of congressional staff: Within 1 year of enactment, the Office of Congressional Workplace Rights should provide a report to the Appropriations Committees, the Senate Rules Committee, and the Committee on House Administration evaluating the fitness of the regulation concerning personal, committee, and leadership staff unionization. The Committee on House Administration is requested to publish that report on its website no later than two

weeks after receipt. The report also should evaluate the feasibility, requirements, and costs to enable personal, committee, leadership, and remaining support office staff to unionize.

GAO's Science, Technology Assessment, and Analytics Team

Appropriations subcommittee: *Legislative Branch*

Agency: *Government Accountability Office*

Account: *Salaries and Expenses*

Type of Request: Bill Text and Report Language

Background:

The COVID-19 pandemic has demonstrated the critical importance of foresight, horizon scanning, and understanding the social, economic, and political aspects of emerging science and technology issues. Over the past few years, there has been considerable interest and discussion about enhancing science and technology capacity and expertise within the legislative branch. This has included a congressionally-directed study by the National Academy of Public Administration, as well as multiple studies from Harvard University, think tanks, and coverage in popular media. While proposed solutions have been different, all analysts have reinforced the existence of a significant gap and the need to bolster Congress's internal capacities. One effort to do this is the GAO's Science, Technology Assessment, and Analytics (STAA) team, which launched in January 2019 and has been scaling up its capabilities to over 100 FTE staff. Critics, however, have pointed to STAA's challenges in separating itself from GAO's audit-focused culture and overcoming internal bureaucratic hurdles. To address these challenges and strengthen STAA, it is essential that this committee continue to closely monitor and guide its development. To that end, we suggest language that will give Congress greater visibility into STAA and support its development.

Bill text:

Science, Technology Assessment, and Analytics Line Item: For all necessary salaries and expenses to carry out the operations of STAA, \$30,000,000. *Provided further* that STAA and the Chief Scientist shall be granted research independence by Comptroller General consistent with GAO quality standards and best practices.

Report language:

STAA Congressional Budget Justification: STAA is taking on an increasingly important set of responsibilities within the legislative branch. Commensurate with this growing role, it is appropriate for Congress to have greater visibility into its operations and more granular insight into its funding. Therefore, we request the STAA provide a direct request to this Committee for annual funds starting for fiscal year 2023. *Provided further*, that STAA should publish online an annual report as to its activities, staffing, and outputs.

To Fully Fund GAO and Require a Report on Unimplemented GAO Recommendations

Appropriations Committee: Legislative Branch Subcommittee

Agency: Government Accountability Office

Account: Salaries and Expenses

Type of Request: Appropriations and Report Language

Background:

Since 1999, the Government Accountability Office has provided annual estimates of the financial benefits and other government improvements that have resulted from GAO's work. As of October, GAO's work over the past 21 years had resulted in more than \$1.1 trillion in financial benefits and more than 25,000 other improvements. During that period, GAO's lowest annual return on investment was \$57 in financial benefits for each dollar in funding for GAO. This successful track record underscores why GAO is one of Congress's best investments. Its nonpartisan oversight results in significant financial savings and makes the government work more efficiently on behalf of the American people.

Fully funding the Comptroller General's FY2022 budget request would improve GAO's capacity to conduct this work, particularly given his recent plans to invest new resources in growing the science, technology assessment, and analytics (STAA) team, including its new innovation lab. The lab is "using emerging technology to rethink analytics and auditing," including for pandemic related oversight. Moving forward, applying data science and analytics to modernize GAO's approach to auditing has the potential to drive significant financial benefits and improvements.

In addition to fully funding the Comptroller General's budget request, the Committee could support GAO's mission by requesting a report on the financial cost of unimplemented GAO recommendations. 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.

Report Language:

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: U.S. Government Accountability Office

Account: Administrative Provision

Type of request: Bill Text

Background:

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

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

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 testimony submitted to the House Legislative Branch Appropriations Committee for the hearing taking place on March 4, 2020.

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.”

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

Bill Text:

SEC. 335. Government Accountability Office audits and investigations.

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

“Government Accountability Office analyses, evaluations, and investigations

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

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

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

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

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

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

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

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

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

SEC. 336. Certification of compliance with oversight requirements.

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

“Certification of compliance with oversight requirements

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

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

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

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

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

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

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

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

(b) Applicability date.—The first certification or statement required to be submitted by the head of each element of the intelligence community under section 512 of the National Security Act of

1947, as added by subsection (a) of this section, shall be submitted not later than 90 days after the date of the enactment of this Act.

Report on CBO Access to Data

Appropriations Committee: *Legislative Branch*

Agency: *Congressional Budget Office*

Account: *Salaries and Expenses*

Type of request: Report Language

Background:

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

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

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

Report language:

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

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 17, 2019, the 116th House of Representatives passed the *Access to Congressionally Mandated Reports Act* (ACMRA) (H.R. 736) on a bipartisan basis and, in March 2020, it passed the *For the People Act of 2019* (H.R. 1), which included the *Access to Congressionally Mandated Reports Act* in Title IX Subtitle D. H.R. 1 in the 117th Congress contains the same language. The straightforward transparency legislation, advanced many times over the preceding decade in the House of Representatives and enjoying bipartisan support, would require the House of Representatives maintain a list of all reports that executive branch agencies must by law provide to Congress.

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

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

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

Report language:

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

There are a number of congressionally requested or required items concerning the management of House committee documents and records. They 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, which includes witness testimony documentation and disclosure information (as structured data). All of this information is to be published in a House-wide searchable, sortable, and downloadable database. In addition, such a system should be extensible in case of future requirements, such as tracking the diversity of witnesses.

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).

There are antecedents going back to the House Rules for the 112th Congress, which amended House Rule XXIX Clause 3 (declaring a document is publicly available if it is online) and Rule X Clause 4(d)(1)(E) (directing the Committee on House Administration to establish and maintain standards for documents made available in electronic form by the House and its committees). The purpose was to ensure that Members and the public have easy access to bills, resolutions, and amendments considered in committee and by the House. At the time, the Committee Chairman explained "the intention is to eventually transition to more flexible structured data

formats, such as XML, as the tools become available to ease the creation and ensure the integrity of House documents,” and “the rule contemplates a singular location that will direct Members and the public to the text of measures to be considered by the House and its committees.”

The FY 2021 Legislative Branch Appropriations Bill Report requested the Office of the Clerk “consider whether publishing these electronic votes in a central online database, managed by the House Clerk, would facilitate other goals of Committee vote transparency and efficiency.” It also requested a report within 180 days on the feasibility, costs, and requirements for the implementation of an automated Committee Roll Call Voting System for all Committees. And the 116th Select Committee on the Modernization of Congress final report endorsed the view that committee votes should be available online in a central database, and legislation co-sponsored by all members of the Committee (H. Res. 756, section 504) and required the Clerk to submit a report on the establishment and maintenance, on its public website, of a database of all recorded votes in committees.

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. 116–44) 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 180 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 project phases one and two, and phrase three is ongoing. 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. Phases four and five will provide for wider access to the tool, allowing committee and personal office staff to see the effects of draft legislative language at the time of introduction of the legislation and as it works its way through the legislative process.

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

Report Language:

Comparative Print Project. 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 makes available to the public all public disclosure forms from all House Officers, Members, and staff.

Because of the COVID-19 pandemic, it is not possible for the public to visit the office, located at 135 Cannon House Office Building. In normal times, anyone can walk into the Cannon building and view all the documents. While that is still theoretically possible, only official visitors are allowed into congressional buildings, which means that in practice the offices are not open to the public. While some public disclosure forms are available online on the LRC's website, others are not. In essence, in-person public disclosure purpose has been curtailed for a year. Even prior to the pandemic, for those who are not in D.C., they can not access some of these public disclosure forms.

The public disclosure forms at the LRC already are digitized and visitors can use a computer to read and print them out. 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. (The Senate already has a document that explains all the holdings of their equivalent office, the Senate Office of Public Records.)

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 whether the offices make those reports publicly available on their websites.

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

Report Language:

Support offices and agencies: Within 180 days of enactment, the following offices are requested to publish on docs.house.gov their current annual, semiannual, or quarterly reports to the House of Representatives, except they may withhold confidential information should they determine that harm arising from the publication of that information on docs.house.gov outweigh the public's interest in transparency and accountability: Chief Administrative Officer, Clerk of the House, Inspector General, Office of Congressional Ethics, 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 as well. Furthermore, the Clerk of the House is requested to provide a report within 360 days of enactment to the Appropriations Committee and the Committee on House Administration, the later of which shall publish it online no later than two weeks of receipt, a list of all recurring reports from support offices inside the House of Representatives and an assessment of the benefits and concerns arising from publishing those reports on docs.house.gov.

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

Appropriations Committee: Legislative Branch

Agency: House of Representatives

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

Type of request: Report Language

Background:

Members of the House Permanent Select Committee on Intelligence, the House Appropriations Defense Subcommittee, and the House Armed Services Committee need the support of a staffer that possesses sufficient security clearance to fully assist each Member in his or her duties, and who is fully and solely responsive to that Member. Such staff support is provided in the Senate, where members of the Senate Select Committee on Intelligence are provided staff designees, which are staff paid for by the committee, chosen by each Member, and who are provided sufficient clearances to fully assist the Member (i.e., TS/SCI). Overall, 37 Senators can call upon at least one staffer who reports to them and holds a TS/SCI clearance. This occurs in the House of Representatives as well, with the provision of a cleared staff designee to ex-officio members of HPSCI. 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)

Recognizing the equities involved, at least every Member who serves on these committees should be able to designate one personal office staffer who also shall be provided clearance at the TS-SCI level should that staffer pass the background check. 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 Members who serve on the House Permanent Select Committee on Intelligence, the House Committee on Appropriations Defense Subcommittee, and House Committee on Armed Services may submit a maximum of one Top Secret-cleared employee per House personal office through HSD for adjudication of eligibility to access Sensitive Compartmented Information (SCI) by the Department of Defense Central Adjudication Facility. This shall not alter the established precedence of a “need-to-know” determination made by the entity in possession of the classified information or material sought.

The Committee also requests the HSD ensure any staffer who receives a TS/SCI clearance is provided adequate training as to the responsibilities of that clearance, including counterintelligence training, and a further report from HSD on what additional programming 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 some 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 you 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 2022.

In addition, funding should be provided to enhance its capacity to improve its website and provide important legal information to the public. We note that 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 not publicly available so we cannot summarize its contents). Now that CAO has made its recommendations, the Committee should request the Chief Administrative Office update the staff payroll system to disbursement salaries twice a month. The US Code (2 USC 4551) should be updated in conformity with the CAO recommendation, or otherwise mirror the semi monthly payment schedule for the Senate, available at 2 USC 4591.

Bill Text:

Update based upon the CAO recommendations, or otherwise mirror the House’s payment schedule to that of the Senate, available at 2 USC 4591.

Report Language:

Changing House staff payroll frequency: The Committee requests the Chief Administrative Officer update the staff payroll system from monthly to semi monthly pay by the end of the fiscal

year. The CAO is requested to communicate to all paid staff about the change in frequency in advance of its implementation.

Pay Scale Ceiling

Appropriations Committee: *Legislative Branch*

Agency: *House of Representatives*

Account: *Salaries, Officers, and Employees*

Type of Request: Bill text

Background:

The Select Committee on the Modernization of Congress, in its final report for 116th Congress (H. Rept. 116-562), recommended that “staff pay should be delinked from Member pay and a new cap specific to staff should be established.”

The Committee explained that “retaining experienced staff will strengthen Congress as a whole, making it more efficient and effective on behalf of the American people.... Staff leave for many reasons, but two of the biggest are limited benefits and low pay. Compared to pay in the executive branch and the private sector, the pay in Congress is significantly lower.” The report further explains that lack of competitive pay and benefits negatively impacts the diversity of staff, and the constant churn leaves Congress overly reliant on outside experts, like lobbyists.

It recommends: “Retaining senior staff is critical to improving institutional capacity and making Members more effective lawmakers on behalf of their constituents. However, congressional staff salaries are limited by a Member’s own salary. Members of the Committee recommend delinking their own salaries from those of their staff, so they can reward and retain their most senior employees.”

We agree. Given the optics of the issue, we recommend an interim solution. Establish the maximum pay rate for staff as the same as the current rate for Majority and Minority Leaders of the House of Representatives and the Senate, which is the same as Level I of the Executive Schedule. That rate was \$193,400 according to a January 26, 2021 CRS report (97-1011) and likely currently is \$199,700. This is a lower level than if Member pay had stayed at the rate of inflation, but still a not-insubstantial increase. Furthermore, peg this number to inflation.

Bill text: [I am unsure how to draft this and defer to the Committee’s expertise.]

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 organization’s ID be published alongside its name in the searchable CSV format. This would not change the nature of the information that is available — organization names already are published— but it would clarify which entity is involved and make it easier to use the data. Examples of organization names include the CAO, the Clerk, a committee, an individual member, and so on.

The CAO already has unique identifiers in its dataset behind the Statement of Disbursements, but is not currently publishing that information. It is our understanding that the CAO is able to publish the additional data field for the organizational name, but needs permission from the House to do so.

Report Language:

Statement of Disbursements Organizational Identifier: The Office of the Chief Administrative Officer is requested to publish a unique identifier for each organization listed in the CSV version of the Statement of Disbursements of the House starting for the report due for the period October 1, 2021 to December 31, 2021. *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) has resulted instead in a functional decrease in funds available for important priorities.

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

Traditional franked mail is becoming increasingly irrelevant, but the amount of funds it draws is not negligible in some offices and it requires a complex infrastructure to police. 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 Registration

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 harm to Congress should fellows be funded by outside parties to push particular policy perspectives while they serve in Congress or as a way to build relationships that can be exploited for advocacy purposes in the future. 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.

Intern Funding for Committees

Appropriations Committee: Legislative Branch

Agency: House of Representatives

Account: Allowance for Compensation of Interns in Committee Offices

Type of Request: Bill Text and Report Language

Background:

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

Congress has recognized this hardship and provided \$11.025 million for Member Offices and \$365,000 for offices of House Leadership in both FY 2020 and FY 2021. However, there is no corresponding intern fund for committees.

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

Report Language:

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

Bill text:

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

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

(c) In this section —

(1) the term “House committee office” means, with respect to a fiscal year, any office for which the appropriation for salaries and expenses of the office for the fiscal year is provided under the

heading “Committee Employees” in the Act making appropriations for the Legislative Branch for the fiscal year; and

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

(d) There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2022 and each succeeding fiscal year.

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. Congress has continued to recognize the economic hardships that arise from unpaid internships and provided \$11.025 million in FY 2021 for Member Offices and \$365,000 for offices of House Leadership.

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..

In addition, there is no one centralized 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. The Committee recommends \$500,000 for the creation 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.

Provide Funding for Congressional Member Organizations

Appropriations Committee: Legislative Branch

Agency: House of Representatives

Account: Salaries, Officers and Employees

Type of Request: Bill Text

Background:

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

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

As part of an effort to centralize power, the LSOs were abolished and replaced with Congressional Member Organizations in 1995; CMOs largely were not afforded the same privileges or status at LSOs. In the 115th Congress, the House permitted four CMOs (called “Eligible CMOs”) to receive personal office staff assigned to work these on behalf of their members. The 117th House Rules package, H. Res 8 re-adopted a better administrative model for eCMOs, including transferring a portion of personal MRA funds for eCMO staffer pay and expenses.

At the end of the 116th Congress, the Select Committee on the Modernization of Congress recommended to “standardize Eligible Congressional Member Organizations (ECMOs) to participate in the House’s paid intern program and access staff benefits like the student loan repayment program.” (H. Rept. 116-562). The Committee reached this conclusion because it “ensures that staff who work for these organizations can access the same staff benefits as staff who work in personal offices. It also allows ECMOs to participate in the House’s paid internship program, granting them 1 paid intern at a time.”

eCMOs, and their LSO predecessors, serve a vital function, allowing Members and staff to collaborate with others, vet information, and work through policy issues. We should encourage this kind of cross-collaboration and reinvigoration of congressional capacity. All Member offices should be encouraged to support ECMOs without having to sacrifice personal office staff resources. While the House Rules have made some welcome improvements to eCMOs, the funding structure needs further work and is squarely in the province of the appropriations

committee. The House should reaffirm eCMOs as official entities akin to LSOs, with access to and use of official resources, and provide each member a small stipend to support eCMOs.

Bill text:

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

House IG 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 has an inspector general that 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 — and, therefore, are not easily accessible for congressional staff.

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.

While the Act does not apply to the House IG, it should adhere to this practice. Further, unlike executive branch IG reports, which can be requested under FOIA, there is no comparable request mechanism for House IG reports, which is another reason to make these documents available

The House IG should also contribute reports to 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 vast majority of IGs publish their reports here, including four of the legislative branch IGs.

Report Language:

House IG report release. The House of Representatives Inspector General performs important oversight work. However, this office does not readily make available its reports, findings, and recommendations. By contrast, most executive branch agency inspectors general post the vast majority of reports on their websites in a publicly accessible manner. The Committee believes that the House of Representatives IG should make its reports publicly available on its website unless directed otherwise by the Committee on House Administration. The committee expects that within 90 days of passage, the House IG shall make available to both Congress and the general public its reports in their entirety — except as noted below — by regularly posting them as part of its publicly accessible websites within three days of completion, as well as through the federal-wide website maintained by the Committee of Inspectors General on Integrity and Efficiency.

The committee understands that the Government Accountability Office, as well as many inspectors general, currently include as part of their individual websites a listing of information

about a report when some or all of the content must remain non-public because that information is classified or sensitive. When the House IG has made a determination that a report is classified or sensitive, the Committee on House Administration must confirm that designation. In these circumstances, the Committee expects inclusion on the IG's publicly accessible website and on Oversight.gov 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.

LEGISLATIVE BRANCH: REQUESTS THAT APPLY TO THE SENATE ONLY

Whistleblower Resource Center

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 may contact to trigger anti-retaliation protections 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 Whistleblower Resource Center to support the needs of Senate staff in working with whistleblowers. The Center is not intended as an office that would in any way address the substance of the issues raised by whistleblowers, but rather would provide resources to assist Senate staff in doing so.

In May 2019, GAO issued a report on best practices for Congress to consider when receiving and referring information (GAO-19-432). There are a number of 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. 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. The Senate should create an office with similar responsibilities.

Report Language:

Whistleblower Resource Center. 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 Whistleblower Resource Center. In doing so, it should consult with the House Office of the Whistleblower Ombuds and relevant House committees. The Center would be an independent office of the United States Senate that provides advice, assistance, guidance, and training to congressional offices on how to engage with whistleblowers; guidance and assistance to whistleblowers on the full range of offices with jurisdiction to contact, and a secure mechanism to do so; and coordinates an annual unclassified publicly-available report on how the Senate has handled whistleblower communications. The report shall include an estimate of the costs to establish the office, to maintain the office, and the personnel requirements to do so.

SCI Access for Senators' Personal Staff

Appropriations Committee: Legislative Branch

Agency: United States Senate

Account: Office of the Secretary

Type of Request: Report Language

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

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

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

Report Language:

SCI Access for Senators' Personal Staff. The Committee directs the Office of Senate Security (OSS) to amend the Senate Security Manual within 30 days to establish a procedure within 30 days through which Senators whose duties include oversight of sensitive classified activities and programs may submit a maximum of one Top Secret-cleared employee per Senate personal office through the OSS for adjudication of eligibility to access Sensitive Compartmented Information (SCI) by the Department of Defense Central Adjudication Facility. Senators whose duties include the oversight of sensitive classified activities and programs and require additional SCI-cleared staff are defined as members of one of the following Senate Committees: Committee on Appropriations, Subcommittee on Defense; Committee on Appropriations, Subcommittee on State, Foreign Operation, and Related Programs; Committee on Armed Services; Committee on Foreign Relations; and Committee on Homeland Security and Governmental Affairs. This shall not alter the established precedence of a “need-to-know” determination made by the Executive Branch department or agency in possession of the classified information or material sought.

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

Appropriations Committee: Legislative Branch

Agency: United States Senate

Account: Office of the Secretary

Type of Request: Report Language

Background:

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

Publication of spending data as a PDF has significant limitations, notably that it is not possible to easily access or analyze the information. For example, a Senate report covers October 1, 2019, to March 31, 2020, making it impossible to analyze numbers for a calendar year. In contrast, the House of Representatives began publishing its Statements of Disbursements as a spreadsheet file (a structured data format known as a CSV, for comma separated value) starting with the period of January 1-March 31, 2016. The Senate provided for the possibility of publication in additional formats in 2010 when it permitted the publication of the report "in other forms at the discretion of the Secretary of the Senate." The time has come for the Senate to publish the SOPOEA Report as structured data, so it too will be in a format most conducive to public understanding.

Report Language:

Senators' Official Personnel and Official Expense Account Report: Within 360 days 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 Document Repository

Appropriations Committee: Legislative Branch

Agency: United States Senate

Account: Office of the Secretary

Type of Request: Report Language

Background: There is no one centralized place to access Senate committee and floor documents, making it cumbersome for lawmakers, staff, and the public to locate relevant materials. In addition, as committees update their websites, access to historical information online can be lost. The Senate should create a central repository for many Senate floor and committee documents that should be managed independently of the parties and act as a long-term repository and public access point for official records.

The House of Representatives faced a similar problem and created docs.house.gov as a solution. That 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 180 days, the Secretary of the Senate is requested to investigate and provide a report to the Appropriations Committee and the Senate Rules Committee, the latter of which is requested to publish the report online within two weeks of receipt, on the utility of developing a central, publicly-available repository for official Senate floor and committee documents, such as the one utilized by the House, docs.house.gov. The Secretary should assess whether it is possible to use the House's system, the costs of developing an appropriate system for use by the Senate, and the mechanisms used to keep Senate documents publicly accessible online for years to come.

Senate Committee Vote Database

Appropriations Committee: Legislative Branch

Agency: United States Senate

Account: Salaries, Officers, and Employees: Secretary of the Senate

Type of Request: Report Language

Background:

Senate Rule XXVI, clause 7, subsection (b) requires committees to keep records of all recorded committee votes and “results of roll call votes taken in any meeting of any committee upon any measure, or any amendment thereto, shall be announced in the committee report on that measure unless previously announced by the committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee who was present at that meeting.” While a tabulation of each roll call vote is taken by each committee in the Senate, there is no public location where recorded committee votes and other information is published. This approach makes finding information around committee roll call voting impossible. Committee roll call votes should be captured as data and published on a central website where record vote data and attendant information is maintained as structured data in a database that is searchable, sortable, and downloadable.

To this end, the Committee should recommend creating a publicly available centralized database website to access how Senators vote in every committee and subcommittee. In order for this process to be utilized effectively, each standing and select committee and subcommittee must be required to submit all recorded vote information to the Secretary of the Senate within 72 hours.

In addition, the House Select Committee on the Modernization of Congress endorsed a similar recommendation that envisioned creating a centralized, electronic hub of committee votes, accessible via House.gov and in machine-readable format.

Report Language:

Committee roll call vote database website: Within 120 days of enactment of this legislation, the Secretary of the Senate is requested to provide a report to the Committee on Appropriations and the Committee on Rules and Administration, the latter of which shall publish the report online no later than two weeks after receipt, on the feasibility of the establishment and maintenance of a publicly available centralized committee roll call vote database that contains all recorded votes in committees (except for recorded votes taken by any committee in closed session) that is searchable, sortable, downloadable, and made contemporaneously available with the vote. The report should include a detailed plan and timeline for completion and a statement of ongoing and expected costs, including any additional personnel that might be required.

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:

From September 15, 2009 to the end of the Obama administration, a list of visitors to the White House was publicly disclosed on a monthly basis, subject to narrow limitations and exceptions. The public and the press have long sought disclosure of these records, maintained 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, 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.

The Biden administration has indicated it will reinstate a White House visitors log disclosure policy. However, during the COVID-19 pandemic, most meetings with White House staff are virtual, and thus will not be captured by disclosure of the Secret Service logs. There needs to be developed and implemented a new mechanism to record and disclose these virtual meetings.

Bill Text:

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.

Provide Centralized Access to Congressional Budget Justifications

Appropriations Committee: *Financial Services and General Government*

Agency: *Executive Office of the President*

Account: *Office of Management and Budget*

Type of request: Bill Text

Background:

Congressional Budget Justifications provide a plain-language explanation of how an agency spends money and how it intends to spend funds in the upcoming year. The invaluable reports are useful for understanding agency activities and identifying duplicative spending, but they can be hard to find and are not available in a central location. While the Office of Management and Budget has declared its authority to control the format of the reports and review their content under OMB Circular A-11 section 22.6(c), OMB has not yet exercised its authority to publish that information in one central location. It has begun publishing links to the reports on USASpending.gov, but those links can easily break (as USASpending.gov is not hosting the reports) and OMB is not publishing links to all Congressional Budget Justifications.

This practice of linking out to the justifications contrasts with other executive branch budget documents, which are published on OMB's website. Report language requesting OMB publish CBJs on a central website was included in the final FY 2018, FY 2019, FY 2020 and FY 2021 appropriations bills. In addition, authorizing legislation (H.R. 22) recently passed the House and comparable legislation (S. 272) was introduced in the Senate.

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

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

Bill Text:

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

Public Access to Office of Management and Budget Apportionment Decisions

Appropriations Committee: Financial Services and General Government

Agency: Office of Management and Budget

Account: Salaries and Expenses

Type of Request: Report Language

Background:

There is bipartisan interest on Capitol Hill in requiring the Office of Management and Budget (OMB) to more quickly and efficiently report to Congress when it has issued an apportionment decision. A bipartisan amendment added to the Bipartisan Congressional Budget Reform Act (S. 2765; legislation from former Senate Budget Chairman Mike Enzi (R-WY) and Sen. Sheldon Whitehouse (D-RI) from the 116th Congress) would require OMB to report every apportionment of congressionally appropriated funds on a public website. It would also require OMB to report to Congress every time an agency requests appropriated funds that have not been approved by OMB in a timely fashion. Similar provisions are included in the Congressional Power of the Purse Act from the 116th Congress (H.R. 6628). Though there may be limited scenarios where the executive branch has a legitimate interest in temporarily withholding or otherwise disrupting congressionally appropriated funds, Congress should know immediately when this happens and for what reasons so it can fulfill its oversight duties and ensure good stewardship of public dollars.

Report Language:

Within 180 days of enactment of this legislation, the Director of the Office of Management and Budget shall provide to Congress and make publicly available a report on the costs and benefits of developing a public website to report all apportionment decisions of the Office of Management and Budget in a timely and transparent manner. OMB should examine the feasibility, cost, benefits, and drawbacks of developing a website, along with an estimate of the time required to develop and launch the website. It also shall report on the personnel requirements to accomplish this task.

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 fiscal year 2019, the Financial Services and General Government appropriations bill provided \$2,000,000 to the revolving fund of CIGIE and in fiscal year 2020 the Financial Services and General Government Appropriations bill made \$1,000,000 available for expenses related to enhancements to Oversight.gov. Prior to the direct appropriation in fiscal year 2019, financial resources for CIGIE operations came through funds provided by its constituent Inspector General entities, which are held in a revolving fund stipulated through the Inspector General Act of 1978.

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

Report Language:

Website Maintenance. — 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. However, 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.

Improving Congressional and Public Access to Inspectors General Reports

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 2018, Congress passed the “Whistleblower Protection Coordination Act,” which permanently reauthorized a Whistleblower Protection Coordinator (WPC) position in certain OIGs. The law further required CIGIE — in consultation with the U.S. Office of Special Counsel (OSC), a CIGIE member — to develop best practices for handling protected disclosures and enforcing whistleblower protection laws. CIGIE and OSC fulfill this mandate through regular meetings of a WPC working group, which discusses and identifies such best practices.

We request CIGIE be encouraged to establish best practices whereby each inspector general should establish a written process outlining required procedures for working with whistleblowers and that information be posted publicly on [oversight.gov](https://www.oversight.gov). Those procedures should cover intake and evaluation, investigations, ongoing communication with whistleblowers, and training for staff on whistleblower retaliation and anonymity. Inspectors general should develop strong and clear procedures to handle whistleblower claims against their own offices.

Report Language:

Guidance for Working with Whistleblowers. The Committee recognizes that federal inspectors general have played a vital role over the past four decades, investigating agency mismanagement, waste, fraud and abuse, and providing recommendations to improve federal programs and the work of federal agencies. Whistleblowers are equally important in achieving a more effective, ethical, and accountable federal government. Nevertheless, attacks on whistleblowers who make legal disclosures of wrongdoing continue, discouraging others from coming forward. The Committee encourages CIGIE to establish best practices whereby each inspector general should establish a written process outlining required procedures for working with whistleblowers and be posted publicly on [oversight.gov](https://www.oversight.gov). Those procedures should cover intake and evaluation, investigations, ongoing communication with whistleblowers, and training for staff on whistleblower retaliation and anonymity. Inspectors general should develop strong and clear procedures to handle whistleblower claims against their own offices.

COVID-19 Spending Tracker

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:

Section 15011 of the CARES Act requires agencies to report any obligation or expenditure of \$150,000 or more, including loans and awards, to Congress and the Pandemic Response Accountability Committee (PRAC). In addition, Congress imposed certain recipient reporting requirements. Specifically, recipients of \$150,000 or more from the CARES Act or other COVID legislation must report quarterly on how those funds are used. Recipients covered by the law include businesses and organizations, and the reporting must include the total amount received from each agency; total obligations to projects; project descriptions; and the number of jobs retained and created using the funds. We note, however, this recipient reporting requirement does not extend to individuals.

Congress included detailed reporting provisions in the CARES Act to ensure that the extraordinary level of government spending of taxpayer dollars would get a higher level of transparency and accountability.

The Treasury Department's office of inspector general created its own reporting structure for state, tribal, and local government recipients under Title V of the CARES Act to meet the law's quarterly reporting requirements. It made that decision after determining the Treasury Department did not provide an adequate reporting mechanism for recipients of federal coronavirus aid.

While the platform created by the inspector general is an important development in oversight of these funds, this approach has significant downsides. First, it is inefficient to have each agency watchdog create its own recipient reporting portal to meet the requirements of the CARES Act. Second, the development of multiple watchdog reporting portals will make it more difficult to obtain consistent data across agencies and different programs.

We believe the Pandemic Response Accountability Committee is the better place for recipient reporting. First, the PRAC is centrally positioned. Second, it has the expertise to oversee a process to build and run a central recipient data collection system that would gather a full range of data useful in evaluating distribution and impact of federal awards.

Accordingly, we request the Committee reaffirm the role of the PRAC.

Report Language:

COVID Spending Tracker. The Pandemic Response Accountability Committee is requested to establish a centralized portal for all recipients of COVID-19 relief funds to directly report the use of those funds by agencies across the federal government. The PRAC should be responsible for

collecting and organizing this data. This approach would be in furtherance of the principle that the federal government should be accountable for how it spends money appropriated by Congress. The portal should be modeled on Federal Reporting.gov, a website created by the Recovery Accountability and Transparency Board under Section 1511 American Recovery and Reinvestment Act of 2009.

We believe this is the best approach to establish proper oversight mechanisms that accurately track and report COVID-19 related spending. In addition, this approach may serve as a model in place for future economic crises and any disasters that will require quick relief spending.

Out of the funds appropriate to the PRAC, we request that \$10,000,000 be allocated to create a centralized portal for all recipients to directly report the use of COVID-19 relief funds from agencies across the federal government.

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. 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), which 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. Similar language was included in the Joint Explanatory Statement for FY 2021.

In recent years, lawmakers have also introduced legislation to mandate transparency into OLC opinions, including the SUNLIGHT Act of 2019 (H.R. 4556; 116th Congress) and the DOJ OLC Transparency Act (S. 3334; 116th Congress). 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 (H. Rept. 116-101) — 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.

Update Foreign Lobbying Reporting and Disclosures (FARA)

Appropriations Committee: Commerce, Justice, Science

Agency: U.S. Department of Justice

Account: General Provisions

Type of request: Report Language

Background:

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

Report language:

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

Moving to Modern Digital Format: The Committee is concerned that the information collected under the Foreign Agents Registration Act (FARA) is still managed using antiquated methods that limit its utility. The Committee requests the Attorney General of the United States review the United States Department of Justice's implementation of FARA and within 6 months of enactment issue a report to Congress that is publicly available and evaluates (1) the feasibility

and steps necessary to require all filings by foreign agents to be made in an electronic, structured data format where the information is in a machine-processable digital format; (2) the feasibility for publication of information for the public in a structured data format so it can be searched, sorted, and downloaded by the public, including required documentation when a registrant terminates a relationship with a foreign client.

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

Comprehensive Strategy. The Committee notes that the Department has not yet developed a comprehensive strategy for the enforcement and administration of FARA that includes the agencies that perform FARA investigations and prosecutions and that is integrated with the Department’s overall national security efforts. This was a recommendation of the Department of Justice Inspector General, *Audit of the National Security Division’s Enforcement and Administration of the Foreign Agents Registration Act*, September 2016), which the Department agreed to complete. The Committee requests the Department to complete the strategy, and transmit to the Appropriations Committees, within 90 days of passage, and publish it online no later than two weeks after transmission.

Perform a Formal Cost-Benefit Analysis of the Fee Structure

Foreign lobbyists registered under FARA are required to pay fees for every new contract with a foreign client, as well as additional fees every six months. The Department of Justice Inspector General found that the FARA enforcement unit spends a significant amount of time and resources collecting and processing those fees, but that the fees may actually be deterring people from registering and filing appropriately and “may not be justifiable.” (Department of Justice Inspector General, *Audit of the National Security Division’s Enforcement and Administration of the Foreign Agents Registration Act*, September 2016.) The Committee directs the Department to conduct an assessment of the FARA fee structure, including whether to update or eliminate the fees, and report to the Appropriations Committees within 90 days of passage, to be published by the Justice Department online no later than two weeks after submission.

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:

Type of Request: Bill Text

Background:

Private prisons account for 20 percent of the federal prisons and detainee population and 70 percent of all immigration detainees. In 2019, American taxpayers paid \$7.6 million per day for immigrant detention, and the FY2020 Budget provided ICE with nearly \$500 million more than the previous year 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, however, 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 recently signed an executive order that reinstated an Obama-era policy to phase out DOJ's use of private prisons by declining to renew existing contracts. It should be noted that 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:

Any agency that enters into a contract or agreement with, and provides funding to, a nongovernmental entity or state or local government entity for the purposes of incarcerating or detaining Federal prisoners or detainees in non-Federal prison, jail, correctional or detention facility, shall include as 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—(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, (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).

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's recent indication that it will reinstate a White House visitors log disclosure policy is encouraging, this list of visitors should continue to be publicly accessible without interruption regardless of who is in the White House.

Bill Text:

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

DEFENSE

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

Appropriations Committee: Defense

Agency: Director of National Intelligence

Account: General Provisions

Type of request: Bill Text

Background:

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

Bill Text:

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

Governing Principles of the Overseas Contingency Operations Account

Appropriations Committee: Defense

Title: General Provisions

Type of Request: Report Language

Background:

The Overseas Contingency Operations (OCO) account has increasingly been used for base and enduring requirements of the Department of Defense (DoD), rather than for the contingency needs the account was created to address. With the end of Budget Control Act (BCA) era defense caps approaching, along with the possible drawdown of U.S. military activity in overseas operations such as those in Afghanistan, it is critical for Congress to understand how DoD intends to use the OCO account in the years ahead. The Office of Management and Budget (OMB) will also play an important role in this process, given OMB and DoD worked in tandem to enact OCO principles when they were last developed in 2010.

Further, in the conference report for the fiscal year (FY) 2021 National Defense Authorization Act (NDAA) lawmakers required the “Under Secretary of Defense (Comptroller) to deliver a briefing to the congressional defense committees no later than February 1, 2021 to discuss the future governing principles of overseas contingency-related funding in the fiscal year 2022 budget.” Though the status of this briefing is unknown to non-governmental organizations, Congress and the public deserve an additional, thorough review of OCO principles for FY 2022 and beyond.

Report Language:

Overseas Contingency Operations Governing Principles: Within 60 days of enactment of this legislation, the Under Secretary of Defense (Comptroller) shall, in coordination with the Director of the Office of Management and Budget, deliver to Congress and post on a public website a report on the governing principles of the Overseas Contingency Operations account in the fiscal year 2022 budget. The report shall include, at a minimum, revised criteria for the Department of Defense’s Overseas Contingency Operations requests, a plan for transitioning all base and enduring costs out of the OCO account and back to the base budget over a period of no greater than four years, and a five-year projection of Overseas Contingency Operations costs under the revised criteria developed by the Department.

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 2,435 former senior DOD and acquisition officials were employed by defense contractors. 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.” Due 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 to require senior defense officials seeking employment with defense contractors to seek and obtain written a written ethics opinion regarding the applicability or inapplicability of post-employment restrictions to activities that he official or former official may undertake on behalf of a contractor.

Report Language:

Ethics Opinion Database: The Committee is concerned about numerous reports of senior Department of Defense officials passing through a revolving door from government service to the very industries they regulate and oversee. These types of professional moves raise questions about whether the decisions of those officials while in office were 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 public within 120 days of enactment of this legislation.