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House Select Committee on the Modernization of Congress: Structure and Procedures

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House Select Committee on the Modernization of Congress: Structure and Procedures

On January 4, 2019, the House established the Select Committee on the Modernization of Congress by adopting Title II of H.Res. 6, the House rules package for the 116th Congress (2019-2020), on a 418-12 vote. The purpose of the select committee as stated in its authorizing resolution is “to investigate, study, make findings, hold public hearings, and develop recommendations on modernizing Congress.”

Twelve Members, six from each party, have been selected by their leadership to serve on the select committee during its year-long investigation. The committee’s authorizing resolution requires its membership to include two Members from the freshman class of the 116th Congress, two Members of the Rules Committee, and two Members of the Committee on House Administration. Funding for the select committee in the amount of \$487,500 was provided through House adoption of H.Res. 245 on March 27, 2019.

Pursuant to H.Res. 6, committee operations were originally scheduled to end on February 1, 2020. Section 2 of H.Res. 695, agreed to by the House on November 14, 2019, extended the life of the committee to the end of the 116th Congress.

The committee has held 16 hearings to date.

The select committee issued three reports—H.Rept. 116-406, H.Rept. 116-407, and H.Rept. 116-408—on February 25, 2020. They contained 5, 24, and 16 recommendations, respectively.

A resolution, H.Res. 756, was introduced in the House by the chair of the select committee on December 10, 2019, that proposed committee-recommended changes in House procedures and practices. The resolution was considered under suspension of the rules and agreed to on March 10, 2020 (395-13, Roll no. 93).

Any final report of the committee will be made public. Publication of the final report will require approval from at least two-thirds of the committee. Given that both parties are equally represented on the committee, some amount of bipartisan support will be needed to approve and publish the final report.

R45724

April 15, 2020

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Overview

The Select Committee on the Modernization of Congress is the most recent effort of the House of Representatives to examine its internal procedures and operations through the use of a specialized committee, commission, or party conference or caucus group.¹ The original Joint Committee on the Organization of Congress was constituted during the 79th Congress (1945-1946) for the purpose of strengthening the role of Congress and its committees in the lawmaking process. In 1965, Congress reincarnated this joint committee to suggest additional changes in how the two chambers operate, and the committee was reconstituted during the 102nd and 103rd Congresses (1991-1994). While these efforts were bicameral in nature, other examinations of congressional operations, such as that being undertaken by this panel, have been focused primarily on the House.

Establishment and Duration

On January 4, 2019, the House established the Select Committee on the Modernization of Congress by adopting Title II of H.Res. 6, the House rules package for the 116th Congress (2019-2020), on a 418-12 vote. The stated purpose of the select committee is “to investigate, study, make findings, hold public hearings, and develop recommendations on modernizing Congress.”² The select committee’s authorization originally was to end on February 1, 2020. House adoption of H.Res. 695 on November 14, 2019, extended the life of the committee to the end of the 116th Congress.

Membership of the Select Committee

Twelve Members have been appointed by the Speaker to the select committee in accordance with H.Res. 6, six of whom were appointed on the recommendation of the minority leader. The committee’s authorizing resolution further requires the membership of the committee to include

- two freshman Members,
- two Members from the Committee on Rules, and
- two Members from the Committee on House Administration.

The membership of this committee differs from that of other committees in three key ways:

1. Party ratios on committees generally reflect the overall party balance in the chamber. The select committee, however, is composed of an equal number of Democrats and Republicans (like the House Ethics Committee).
2. Service on the select committee does not count toward the committee membership limitations in House Rule X.³
3. Members of the select committee are appointed by the Speaker based in part on recommendations of the minority leader. By comparison, placement on a

¹ For additional information on past efforts to reform House procedure and operations, see CRS Report RL31835, *Reorganization of the House of Representatives: Modern Reform Efforts*, by Judy Schneider and Christopher M. Davis.

² §201(c)(2) of H.Res. 6, 116th Congress.

³ Limitations on Member assignments to committees is the subject of CRS Report 98-151, *House Committees: Categories and Rules for Committee Assignments*, by Judy Schneider.

standing committee generally occurs on the basis of a three-step process: first, recommendations of a party's steering committee are made; second, each party must approve those recommendations; third, committee assignment resolutions ratifying each party's selections are adopted on the House floor.⁴

On January 4, 2019, Speaker Pelosi selected Representative Derek Kilmer (WA) to serve as chair of the Select Committee on the Modernization of Congress.⁵ On January 29, 2019, the Speaker appointed the five additional Democratic Members: Emanuel Cleaver (MO), Suzan DelBene (WA), Zoe Lofgren (CA), Mark Pocan (WI), and Mary Gay Scanlon (PA).⁶ On February 11, Republican Leader Kevin McCarthy recommended the six GOP Members: Tom Graves (vice chair, GA), Rob Woodall (GA), Susan Brooks (IN), Rodney Davis (IL), Dan Newhouse (WA), and William Timmons (SC).⁷

Committee Rules and Procedures

Section two of the select committee's authorizing resolution (Title II of H.Res. 6) created a set of procedures specific to the select committee that will help guide the committee's work during its year-long operation. These rules supplement House Rules X and XI, which govern most committee procedure that applies to the select committee, with certain exceptions.

No legislative jurisdiction was delegated to the committee—introduced measures will not be referred to it. The committee has the broad responsibility to study House operations with an eye toward modernizing the conduct of its business. In particular, the committee is charged with investigating the following seven areas:

1. rules to promote a more modern and efficient Congress;
2. procedures, including the schedule and calendar;
3. policies to develop the next generation of leaders;
4. staff recruitment, diversity, retention, and compensation and benefits;
5. administrative efficiencies, including purchasing, travel, outside services, and shared administrative staff;
6. technology and innovation; and
7. the work of the House Commission on Congressional Mailing Standards (Franking Commission).

⁴ For more information on committee assignment in the House, see CRS Report 98-367, *House Committees: Assignment Process*, by Judy Schneider.

⁵ This appointment was announced on the Speaker's website. See Office of Speaker of the House Nancy Pelosi, "Pelosi Announces Appointment of Congressman Derek Kilmer to Chair Select Committee on the Modernization of Congress," news release, January 4, 2019, at <https://www.speaker.gov/newsroom/1419-2/>.

⁶ These appointments were announced on the Speaker's website. See Office of Speaker of the House Nancy Pelosi, "Pelosi Names Members of the Select Committee on the Modernization of Congress," news release, January 29, 2019, at <https://www.speaker.gov/newsroom/12919/>. See also "Appointment of Members to Select Committee on the Modernization of Congress," *Congressional Record*, daily edition, vol. 165, part 18 (January 29, 2019), pp. H1279-H1280.

⁷ These appointments were announced on the Republican Leader's website. See Office of Republican Leader Kevin McCarthy, "Leader McCarthy Names Members for the House Select Committee on the Modernization of Congress," news release, February 11, 2019, at <https://www.republicanleader.gov/leader-mccarthy-names-members-for-the-house-select-committee-on-the-modernization-of-congress/>. See also "Appointment of Members to Select Committee on the Modernization of Congress," *Congressional Record*, vol. 165, part 25 (February 28, 2019), pp. H1490-H1491.

Building on the requirements of H.Res. 6, the select committee by a unanimous vote agreed to additional rules of procedure at its first meeting, held on March 12, 2019.⁸ The committee established its regular meeting day (the first Tuesday of each month), quorum requirements for various committee activities, and how the committee intends to conduct its questioning of invited witnesses. It takes two Members to make a quorum for a hearing, one-third for a markup (for instance, of any report the committee might release), and a majority “actually present” to issue a report. Committee rules also incentivize on-time arrival at a hearing with “early-bird” rules allowing Members present at the start to question witnesses before late-arrivers.

The chair (Representative Kilmer) and vice chair (Representative Graves) are provided five minutes each to make opening statements, and the chair may recognize others to make opening statements as well. Committee rules place an overall time limit of 10 minutes for opening statements. Questioning witnesses occurs under the five-minute rule, and any committee member may submit to the chair “questions for the record” (written questions to witnesses who appeared) within 10 business days of a hearing. Although the committee is not authorized to issue subpoenas to compel the attendance of witnesses or the production of documents, it “may recommend subpoenas and depositions and submit such recommendations to the relevant standing committee.”⁹

Funding and Staffing

Pursuant to H.Res. 6, the select committee was authorized to use the services of House staff. It also was provided with \$50,000 in interim funding on February 7, 2019.¹⁰

On March 26, 2019, the Committee on House Administration reported H.Res. 245, a resolution to fund House standing and select committees during the 116th Congress, which the House agreed to the following day. This resolution authorized \$487,500 for expenditures of the select committee during the course of its investigation. With operations of the select committee originally scheduled to end on February 1, 2020, all but \$37,500 of this amount was reserved for use during the first session of the 116th Congress (2019).

The Committee on House Administration adopted a committee resolution allocating \$450,000 from the reserve fund for the select committee for the first session of the 116th Congress.¹¹

After the extension of the select committee, a subsequent resolution by the Committee on House Administration allocated \$912,500 from the reserve fund for the second session of the 116th Congress.¹²

⁸ The committee’s rules of procedure are available at <https://modernizecongress.house.gov/sites/modernizecongress.house.gov/files/documents/Adopted%20SCMC%20Rules.pdf>.

⁹ §201(d)(1)(B)(iii) of H.Res. 6, 116th Congress.

¹⁰ H.Res. 6 stated that the committee was eligible for interim funding, which was provided through the adoption of H.Res. 86 on February 7 (see also H.Res. 105). H.Res. 86 authorized \$50,000 for committee activities from the start of the 116th Congress through the end of March 2019. In general, standing committees are provided interim funding pursuant to House Rule X, clause 7, until March 31 of each odd-numbered year. For additional information on committee funding, see CRS Report R42778, *House Committee Funding: Description of Process and Analysis of Disbursements*, by William T. Egar.

¹¹ Committee on House Administration, Committee Resolution 116-12, adopted based on a poll of the committee members conducted July 23, 2019, through July 26, 2019, <https://cha.house.gov/committee-activity/committee-resolutions>.

¹² Committee on House Administration, Committee Resolution 116-14, adopted based on a poll of the committee members conducted January 15, 2020, through January 16, 2020, <https://cha.house.gov/committee-activity/committee-resolutions>.

Hearings

Consistent with its mandate, the committee's first hearing (March 12) was held for the purpose of receiving testimony from Members themselves regarding any suggested improvements to congressional operations.¹³ Thirty-five Members testified before the committee to present their own reform ideas spanning a wide range of subjects—for instance, changes to the standing rules, family-friendly adjustments to the House schedule, additional resources to support the work of Congress, and ways to delegate more policymaking responsibilities to individual Members.¹⁴

The committee's next hearings included testimony from Capitol Hill practitioners, former Members and staff, scholars, and others on a number of proposals the committee might consider in making its own recommendations.¹⁵

To date, the committee has held 16 hearings, covering topics including past congressional reform efforts; the experience of former Members; proposals to increase transparency, improve constituent engagement, increase staff diversity and retention, improve the use of technology, promote civility, and modify the House schedule; congressional mailing standards (franking); potential administrative efficiencies; and other efforts to enhance congressional operations and the workings of Congress.

Information on the committee's activities can be found on its official website.¹⁶

Recommendations from the House Select Committee on the Modernization of Congress

The select committee favorably reported recommendations on May 23, July 25, and December 19, 2019. The select committee also issued three reports—H.Rept. 116-406, H.Rept. 116-407, and H.Rept. 116-408—on February 25, 2020. They contained 5, 24, and 16 recommendations, respectively, covering a variety of House operations.

Adoption of House Resolution

A House resolution, H.Res. 756, was introduced by Representative Kilmer, chair of the Select Committee, on December 10, 2019. It proposed committee-recommended changes in House procedures and practices. It was considered under suspension of the rules and agreed to on March 10, 2020 (395-13, Roll no. 93).

The resolution contained 26 sections across five titles related to

1. streamlining and reorganizing House human resources, including centralizing the House human resources functions; requiring reports from the Office of Diversity and Inclusion; examining changes to the monthly House staff payroll system and

resolutions.

¹³ §201(d)(2) of H.Res. 6, 116th Congress.

¹⁴ Testimony provided at this hearing is available at <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=109102>.

¹⁵ Testimony from the hearing on March 27 can be viewed at <https://www.youtube.com/watch?v=WnAR1vXyL5s>.

¹⁶ The select committee's official website is available at <https://modernizecongress.house.gov/>.

- exploring a bimonthly payroll option; examining the limitation on Member office staff; and reforming the employee orientation and separation processes.
2. improving orientation for new Members of Congress and offering continuing education opportunities for all Members, including proposals for staffing for Members-elect; conducting orientation services in a nonpartisan manner wherever practicable; exploring the possibility of establishing a Congressional Leadership Academy; and requiring annual cybersecurity training for Members and employees.
 3. modernizing and enhancing technology, including reforming House Information Resources (HIR); authorizing technologies to improve constituent engagement; streamlining the approval process for outside technology vendors; enabling early adoption of new technologies and applications by some House offices prior to final approval by the House; improving Member feedback regarding outside vendors and HIR services including in district offices; leveraging the House's bulk purchasing power; requiring the Congressional Research Service to provide short rapid response fact sheets; and establishing a nonpartisan constituent engagement and services page on HouseNet with ideas and best practices.
 4. increasing accessibility to the House, including ensuring accessibility of House websites and applications; providing closed captioning of all House proceedings and videos created by House offices; and requiring a comprehensive review of the accessibility of the United States Capitol buildings and grounds and of legislative branch programming.
 5. improving access to documents and publications, including adopting a standardized format for the drafting, viewing, and publishing of legislative documents; completing a legislation comparison project required by clause 12 of House Rule XXI (see also H.Res. 5, §2(s), 115th Congress); establishing a publicly available database on the expiration of program authorizations; establishing a publicly available database of votes taken in committees; assigning unique identifiers for reports filed by registered lobbyists; and making any report required by this resolution (H.Res. 756) available to the public.

Publication of Final Report

H.Res. 6 states that the select committee “shall submit a final report to the House.”¹⁷ The final report is to include the committee’s findings and any policy recommendations it might have.

Documents produced by House committees generally require a majority of the committee with a quorum present to support their publication. In the case of the select committee, a higher threshold of two-thirds is required to publish its final report. Given that the committee is composed of six Members from each party, some amount of bipartisan support will be needed to publish the final report. If all committee members are present for this vote, support from at least 8 of the 12 would be needed to meet the two-thirds threshold.

¹⁷ §201(f)(3) of H.Res. 6, 116th Congress.

Public Availability of Committee Records and Their Disposition

House rules generally require committees to make their proceedings and written documents available to the public within a specified period of time.¹⁸ The select committee is not excepted from this obligation. As specified in Committee Rule 6, “documents reflecting the proceedings of the Committee shall be made publicly available ... not more than 24 hours after each meeting has adjourned.”¹⁹

After the committee’s work is concluded, any records it produced during the course of its investigation will be distributed to the relevant standing committee(s) as designated by the Speaker, and any recommendations offered by the committee in its final report must be made public within 30 days of its submission to the House.

CRS Experts List

The below CRS experts are available to answer inquiries from congressional clients concerning the topics specified.

Areas of Concentration	Name/Title
Committee Structure, Staffing, and Funding	Ida A. Brudnick <i>Specialist on the Congress</i>
	R. Eric Petersen <i>Specialist in American National Government</i>
	William T. Egar <i>Analyst in American National Government</i>
Committee Rules and Procedures	Mark J. Oleszek <i>Analyst on Congress and the Legislative Process</i>
	Jane A. Hudiburg <i>Analyst on Congress and the Legislative Process</i>
	Walter J. Oleszek <i>Senior Specialist in American National Government</i>

¹⁸ See House Rule XI, clause 2(e), and House Rule VII, clause 3.

¹⁹ The committee’s rules of procedure are available at <https://modernizecongress.house.gov/sites/modernizecongress.house.gov/files/documents/Adopted%20SCMC%20Rules.pdf>.

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