

## Union Calendar No. 876

115TH CONGRESS }  
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT  
115-1109

THE REPORT ON THE ACTIVITIES  
OF THE  
COMMITTEE ON HOUSE ADMINISTRATION  
DURING THE  
115TH CONGRESS  
TOGETHER WITH MINORITY VIEWS



DECEMBER 28, 2018.—Committed to the Committee of the Whole House  
on the State of the Union and ordered to be printed

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**LETTER OF TRANSMITTAL**

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOUSE ADMINISTRATION,  
*Washington, DC, December 28, 2018.*

Hon. KAREN L. HAAS,  
*Clerk of the House,*  
*Washington, DC.*

DEAR MS. HAAS: Pursuant to clause 1, section (d)(1) of rule XI of the Rules of the House of Representatives, I present herewith the report on the activities of the Committee on House Administration for the 115th Congress.

Sincerely,

GREGG HARPER,  
*Chairman.*



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### THE REPORT ON THE ACTIVITIES OF THE COMMITTEE ON HOUSE ADMINISTRATION DURING THE 115TH CON- GRESS

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Mr. HARPER, from the Committee on House Administration,  
submitted the following

#### R E P O R T

together with

#### MINORITY VIEWS

#### INTRODUCTION

The Committee on House Administration (“Committee”) is charged with the day-to-day operations of the House of Representatives and the oversight of federal elections.

The Committee on House Administration oversees accounts for the salaries and expenses of all House committees (except for the Committee on Appropriations); and accounts for the allowance and expenses of House Members, officers, and administrative offices; and the auditing and settling of these accounts. The Committee further oversees the employment of staff for House Members, committees, and other House employees. In addition, the Committee approves personnel actions for the Sergeant at Arms (“SAA”), Clerk of the House (“Clerk”), and Chief Administrative Officer (“CAO”). The Committee has jurisdiction over the House Library; the statuary and art in the Capitol; the Commission on Congressional Mailing Standards; the Congressional Record; accounts of the House; and the assignment of office space for House Members and committees. The Committee also oversees the SAA, the U.S. Capitol Police (“USCP”), and security of the House office buildings and grounds, in addition to overseeing House operations and legislative operations undertaken by the CAO and Clerk, respectively.

The Committee also oversees other services provided to the House, including food service contracts, including the Members’ Dining Room, parking facilities, and administration of the House office buildings and of the House wing of the Capitol. The Com-

mittee also deals with the domestic travel of Members; and the compensation, retirement and other benefits of Members, officers and employees of Congress. Additionally, the Committee has jurisdiction over the Library of Congress, the Botanic Garden, and the Smithsonian Institution. Lastly, the Committee's jurisdiction covers the election of the President and Vice President, House Members, Delegates, the Resident Commissioner, and Senators as well as House contested elections, credentials and qualifications of candidates, corrupt practices, and campaign finance matters in federal elections.

#### COMMITTEE FUNDING

The Committee on House Administration reports a biennial primary expense resolution by which standing and select committees of the House (except the Committee on Appropriations) are authorized operating funds for each Congress. During the first three months of each new Congress, House rule X, clause 7, provides a temporary authorization for House committees to continue operations. This temporary authorization is based on their funding authorizations from the preceding session and allows committees to organize, adopt legislative and oversight agendas, and seek spending authority through the adoption of a primary expense resolution by the House.

On March 15, 2017, the Committee reported H. Res. 173, providing for the expenses of certain committees of the House of Representatives for the 115th Congress. The amounts proposed in H. Res. 173 reflect requests and justifications provided to the Committee by the Chairs and Ranking Members of each of the 20 standing committees during their testimony to the Committee on February 15 and 16, 2017. The Committee held a markup and adopted H. Res. 173 by voice vote on March 8, 2017. On March 17, 2017, the House agreed to H. Res. 173 by voice vote.

On March 7, 2018, the Committee held a markup to adopt Committee Resolution 115–9, allocating \$200,000 from the Committee Reserve Fund<sup>1</sup> to the House Committee on Foreign Affairs. The Committee on Foreign Affairs requested additional funds to accommodate the staffing needs of the Tom Lantos Human Rights Commission.

On June 26, 2018, the Committee held a markup to adopt Committee Resolution 115–19, allocating \$200,000 from the Committee Reserve Fund<sup>2</sup> to the Veterans' Affairs Committee. The Committee on Veterans' Affairs requested additional funds to establish and staff a new Subcommittee on Technology Modernization, which provides additional oversight of the VA's Electronic Health Record Modernization program.

#### MEMBERS' REPRESENTATIONAL ALLOWANCE

The Members' Representational Allowance ("MRA") is the annual authorization made to each Member of the House to obligate U.S. Treasury funds not to exceed a certain amount. These funds may be used by the Member to pay ordinary and necessary business expenses incurred by the Member and his or her congressional office

<sup>1</sup> Established in H. Res. 173.

<sup>2</sup> *Id.*

employees in support of the Member's official and representational duties. The Committee oversees the use of appropriations from the accounts of the U.S. House of Representatives for the MRA as well as official travel by Members and staff. In addition, the Committee oversees the compensation, retirement and administration of benefits of Member office employees. The annual MRA is available for one legislative year (i.e., January 3 of one year through January 2 of the following year).

The amount of each Member's MRA varies but is calculated based on three components: the cost to lease federal office space in a Member's district; the number of U.S. Postal Service private delivery stops in a Member's district; and the distance between a Member's district and Washington, D.C.

Expenditures from the MRA fall into one of three categories: personnel compensation; official expenses; and official (franked) mail expenses. Each Member has discretion over expenditures from the MRA account as he or she determines the official needs to support his or her office's operations, subject to House rules and regulations in the Members' Congressional Handbook. The use of funds in any expense category is not limited by the amount factored into a corresponding expense component, e.g., a Member may spend more or less than the amount of the travel component in order to travel to and from the district.

Federal law<sup>3</sup> authorizes the Committee to fix and adjust the amounts, terms, and conditions of, and other matters relating to the MRA (including all aspects of official mail) by reason of:

1. A change in the price of materials, services, or office space;
2. A technological change or other improvement in office equipment; or
3. An increase in rates of pay under the General Schedule, e.g., a comparability and/or locality wage adjustment.

During the 115th Congress, the Committee took the following actions pertaining to the Member's Representational Allowance:

1) The Committee set authorization amounts for each of the 441 Members of the House of Representatives for the legislative year starting on January 3, 2017, until January 2, 2018. The final amounts were authorized by letter on February 17, 2017. MRAs were increased by \$50,000 over the 2016 authorization amounts.

2) On June 29, 2017, Members were authorized to receive an additional \$25,000 to their 2017 MRA. This increase was intended to be used for security expenses in wake of the June 2017 active shooter incident (see *infra*).

3) The Committee set authorization amounts for each of the 441 Members of the House of Representatives for the legislative year starting on January 3, 2018, until January 2, 2019. The final amounts were authorized by letter on March 26, 2018. MRAs again were increased by an additional \$25,000 over the 2017 authorized amounts. Thus, the total individual MRA increased by \$100,000 over the amounts authorized in the 114th Congress.

In addition, the Committee considered and adopted updates to the following manuals: House Administration Members' Congressional Handbook and House Administration Committees' Congressional Handbook.

<sup>3</sup>2 U.S.C. 4313.

Specifically, the Committee adopted Committee Resolution 115–7 on February 27, 2018, amending the Members’ Congressional Handbook as follows:

- Adding restrictions on settlements or awards in connection with conduct prohibited under the Congressional Accountability Act of 1995,
- Adding the authority to include security expenses with respect to obligating prior year funds expenses, and
- Clarifying language pertaining to permissible personal and district office security expenses.

Additionally, the Committee adopted Committee Resolution 115–8 on February 27, 2018, amending the Committee Handbook as follows:

- Adding restrictions on settlements or awards in connection with conduct prohibited under the Congressional Accountability Act of 1995 and
- Clarifying language on the deadline for submitting the monthly activities reports by each standing committee.

Finally, the Committee adopted Committee Resolution 115–20 on July 25, 2018, modifying and recognizing new categories of Town Hall Meetings, including:

- Physical Town Hall Meetings,
- Joint Physical Town Hall Meetings,
- Virtual Town Hall Meetings, and
- Joint Virtual Town Hall Meetings.

#### COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The Commission on Congressional Mailing Standards (also known as the “Franking Commission”), established by Public Law 93–191, is composed of six Members appointed by the Speaker of the House: three from the majority, and three from the minority. The Speaker designates the Chairman of the Franking Commission who must be: (1) one of the Members appointed to the Commission, and (2) must also be a Member of the Committee on House Administration. In the 115th Congress, the Commission was chaired by Rep. Rodney Davis of Illinois, with Rep. Susan A. Davis of California serving as Ranking Member. The Chairman and Ranking Member were joined by Commission Members Rep. Robert E. Latta of Ohio, Rep. Barbara Comstock of Virginia, Rep. Brad Sherman of California, and Rep. Donald A. McEachin of Virginia.

Federal statute, House Rule and Regulation set out the jurisdiction and related functions of the Franking Commission, which are as follows:

1. To prescribe regulations governing the proper use of the franking privilege by those entitled to use the privilege in connection with the mailing or contemplated mailing of franked mail under 39 U.S.C. sections 3210, 3211, 3212, 3213(2), 3218, 3219 or in connection with the operation of section 3215; in connection with any other Federal law (other than any law which imposes any criminal penalty), or in connection with any Rule of the U.S. House of Representatives relating to franked mail (2 U.S.C. 501(d)).

2. Upon the request of any person entitled to use the franking privilege and other official communication resources, to provide guidance, assistance, advice, and counsel, through advisory opinions or consultations, in connection with the distribution or con-



templated distribution of franked mail or official communications regarding the application and/or compliance with applicable Federal statutes and House rules and regulations. The staff assigned to the Commission are delegated authority by the Commission to perform advisory and counseling functions, subject to review by the Commission (2 U.S.C. 501(d), House rule XXIV, and the Regulations of the Committee on House Administration). At the time of filing this report, the Franking Commission had reviewed 14,208 requests for advisory opinions and issued 11,115 final advisory opinions during the 115th Congress. Staff of the Franking Commission also delivered individual office briefings to over 150 Member Offices.

3. To investigate, decide, and dispose of complaints regarding the misuse of the franking privilege (2 U.S.C. 501(e)).

On June 22, 2017, the Franking Commission agreed unanimously on three Commission Resolutions. The first resolution fully digitized the Franking Submission process. The resolution eliminated paper submissions and review processes and made digital submission mandatory, effective October 2, 2017. The second resolution extended the length of use for a template from one session of Congress to both sessions of Congress. The third resolution added three new examples of public distinctions: public education professionals, first responders, and military service members.

On April 25, 2018, the Committee on House Administration adopted Committee Resolution 115–10 which added three advertising categories to the Members’ Congressional Handbook (enforced by the Franking Commission): Members’ Representational Programs; “live” social media town hall meetings; and legislative updates. The Committee on House Administration also adopted Committee Resolution 115–11 which clarified the advertisement regulations in the Committee Congressional Handbook to allow the use of subcommittee names in advertisements.

On May 24, 2018, the Franking Commission received a complaint filed pursuant to the Rules of Practice in Proceedings before the House Commission on Congressional Mailing Standards. On July 19, 2018, the Commission unanimously issued an order to dismiss the complaint pursuant to Rule 3 of the Rules of Practice in Proceedings before the House Commission on Congressional Mailing Standards, determining there was no reason to believe that a violation had occurred.

Since January 3, 1996, all communications required to receive an Advisory Opinion from the Franking Commission are publicly disclosed. Communications that require an Advisory Opinion prior to distribution, publication, or dissemination include mass mailings and mass communications (regardless of medium) as defined by 39 U.S.C. section 3210(a)(6)(E) and the Members Congressional Handbook. The Franking Commission notifies a Member whenever his or her file has been reviewed publicly whether in full or in part. On May 24, 2018, the Franking Commission rolled out full digitization of the public disclosure process through the use of a Franking Advisory Opinion “kiosk” in the Legislative Resource Center.

## OVERSIGHT AND LEGISLATIVE ACTIVITIES OF THE COMMITTEE

The Committee continues to work with House Leadership and the Subcommittee on Legislative Branch Appropriations to reduce overall costs and efficiently manage House operations, including but not limited to financial, legislative, and security operations undertaken by the House Officers.

*Officers of the House*

One of the primary responsibilities of the Committee is to conduct oversight of the House Officers, whose organizations serve lead roles in the legislative, day-to-day administrative, and security operations in order to support the Members and staff of the House. On February 7, 2017, each Officer testified, during hearings titled “Priorities of the House Officers and Legislative Branch Entities for FY 2018 and Beyond”, on their goals and expectations for the 115th Congress.

During the hearings, the Clerk of the House outlined several key priorities: the redesign of the Clerk’s website; the installation of an upgraded electronic voting system on the House Floor; the implementation of a new comparative print requirement; the updating and enhancement of the Congressional Biography Directory; the effort to increase storage capabilities for the vital and historic records of Congress; the enhancement of the lobbying disclosure filing system; and the effort to meet the demand for legislative materials used on the House Floor and in committee hearings by transitioning to an on-demand print and delivery operation. Likewise, the Sergeant at Arms’ highlighted: the coordination necessary to facilitate the AOC’s renovation of the Rayburn and Cannon garages within the Rayburn Garage Rehabilitation Plan and the Cannon Renewal Project; the manpower challenges at key exterior entry points of House Office Buildings; the lifecycle replacement challenges of post-9/11 physical security; the ongoing reinforced windows initiative in the House Office Buildings; the additional responsibilities affiliated with the O’Neill Federal Office Building; and the vital issue of District Office security. Lastly, the Chief Administrative Officer focused on: solidifying its Strategic Plan; implementing cybersecurity measures needed to protect the House community; strengthening customer service through an enhanced House Learning Center, Finance Office, and providing technological services and enterprise solutions for Member’s Washington D.C. and District offices; maintaining the CAO’s collaborative role in the Cannon House Office Building Renewal Project; and reforming its asset management system and life cycle inventories. Each Officer subsequently updated the Committee on these priorities in the spring of 2018.<sup>4</sup>

*Clerk of the House*

The Office of the Clerk is charged with overseeing eight divisions in addition to the Clerk’s Immediate Office: Office of Legislative Operations, Office of Art and Archives, Office of Official Reporters, Office of House Employment Counsel, Legislative Resource Center,

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<sup>4</sup>The Committee requested this update from each Officer on March 8, 2018. The Clerk of the House responded on March 21, 2018. The Sergeant at Arms (SAA) and Chief Administrative Officer (CAO) both responded on May 18, 2018.

Legislative Computer Systems, Office of Communications, and Capitol Service Groups. The Clerk's primary responsibilities involve the legislative activities of the House. This includes managing all legislation originating in the House as well as overseeing implementation and management of the electronic voting system.

The Committee conducted monthly oversight meetings with the Clerk and the office's senior staff on all aspects of the Clerk's operations and identified priorities, including installation of the new electronic voting system on the House Floor; implementation of a redesigned website; development of a new online BioGuide (Biographical Directory of the United States Congress) for past and present Members of Congress; and ongoing construction of a new archival storage space located at the Government Publishing Office to store the records of the House.<sup>5</sup>

In addition, the Committee worked with several of the Clerk's divisions on projects over the last two years. This included the release of Asian and Pacific Islander Americans in Congress, 1900–2017, which was compiled by the Office of Art and Archives in collaboration with the House Historian and GPO. The book was launched by the Congressional Asian Pacific American Caucus (CAPAC), House Leadership, and the Committee, and was the fourth and final installation in the "In Congress" series mandated by law in the 107th Congress.

In addition, as will be discussed *infra*, the Rules of the House for the 115th Congress provided for greater transparency and accessibility to legislative information. Specifically, the Rules of the House were amended to provide comparative prints for all legislation moving to the House floor, which includes comparisons from existing law and for differing versions of legislative text. The Clerk is the primary entity responsible for implementing the initiative, which will be fully operational in 2020.

The Clerk continued to co-chair the Bulk Data Task Force and worked with Committee staff to strengthen transparency through digitizing legislative material in the House. The Clerk led and participated in the Committee sponsored Legislative Data and Transparency Conferences held on June 27, 2017 and on July 12, 2018. The events brought stakeholders together from within and outside the House to discuss strengthening access to the legislative process.

#### *Sergeant at Arms*

The House Sergeant at Arms ("HSAA") is responsible for maintaining the security of the House of Representatives, including the buildings located on the House side of the Capitol and its campus, and Members of Congress, congressional employees, and visitors. The HSAA directs security for the House Chamber, the parking garages, and district offices; and directs emergency responses and continuity of government operations for the House of Representatives. The Committee ensures the HSAA's priorities are consistent with the security needs of the Members, staff, and the public.

Following the active shooter incident in June 2017 and the increase in Member-reported threats, the Committee and House Leadership directed HSAA to create a program providing security equipment to Members' District Offices. The district office security

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<sup>5</sup>This initiative is a joint venture with the National Archives.

equipment installation and enhancement program became the Committee's main oversight focus during the latter part of 2017. The HSAA contracted with an outside vendor to provide basic security systems for one district office per Member. The Committee received weekly updates on the progress of the equipment installations. In addition, the Committee, Leadership staff, and the HSAA reviewed progress monthly from July to December 2017 to ensure equipment installations were completed in a timely manner. On February 27, 2018, the Committee adopted Committee Resolution 115-7, which incorporated changes to the Members' Congressional Handbook addressing the use of official resources for district security purposes (see *supra*). In May 2018, the Committee's focus turned to the future of the program and the development of policies for transitioning into the 116th Congress.

In 2018, the HSAA formally established the District Security Service Center ("DSSC"), which is responsible for continuing to implement the district office security equipment enhancement program. The DSSC is district offices' point of contact with the HSAA for district office security needs. The Center also incorporates the HSAA's Law Enforcement Coordinator Program as well as implements other district security initiatives. The Committee continues to monitor the development and effectiveness of the DSSC.

In addition to District Office Security meetings, the Committee conducted biweekly oversight meetings with the House Sergeant at Arms. The Committee received updates on campus-wide security infrastructure enhancements, including garage security; pre-screening; USCP manpower needs; special events such as the State of the Union Address; Enhanced Screening Portals; and securing the O'Neill House Office Building. Additionally, the Committee directed the HSAA to develop a comprehensive, campus-wide master security plan, the progress of which the Committee continues to monitor.

On January 11, 2017, the Committee adopted its House parking policy for the 115th Congress. In 2018, the Committee oversaw renewed enforcement of the House parking policy.

#### *Chief Administrative Officer*

The Chief Administrative Officer ("CAO") of the House provides services and support for the House community, including the Office of Financial Counseling, food services, logistics and support, furniture, photography, and access to the recording studio, among other internal House operations. The Committee oversaw enhancements in the CAO's service offerings and vision for the future during the 115th Congress.

#### *Financial Operation*

During the 115th Congress, the CAO and the Committee focused on strengthening the financial operations of the House. The CAO hired a new Chief Financial Officer of the House, Leonard Puzzuoli, in the fall of 2018. Additionally, the Committee emphasized the need for the CAO to improve the advice provided by the Office of Financial Counseling ("OFC"). The CAO took aggressive steps to improve the performance of personnel in the office, as well as the timeliness and accuracy of the office's work. Furthermore, the Committee has provided oversight and assistance with the

transition of the House Finance Card Program, which includes the House's Purchase and Travel credit cards. The Committee reviewed and approved the Finance Card transition and assisted OFC with resolving outstanding balances on the current Travel cards in order to ensure a smooth transition into the new Finance Card Program.

#### *Food Services*

The Committee continues to oversee the administration of the food service contracts. The Committee and CAO focused on improving food services, options and delivery to Members and staff. Of note, the Committee approved the opening of the Bennett Room located in the Members' Dining Room to staff, which will increase use of the facility.

#### *Transition*

During the 115th Congress, the Committee worked closely with the CAO on transition policies and procedures for the 116th Congress. The Committee approved policies related to the 116th Congress transition, including but not limited to the handling of equipment, furniture, and records. These policies impact both incoming Members of Congress, as well as Departing Members of Congress.

While the Committee organizes and hosts the New Member Orientation for newly-elected Members of Congress, the Committee also focuses its efforts on ensuring Departing Members of Congress are supported in their transition. The Committee worked with the CAO to setup 2044 RHOB, an outfitted temporary space for outgoing Members of Congress who no longer have office space, to be able to continue their office operations through the end of the 115th Congress. The Committee also coordinated a Member-level briefing for Departing Members in November 2018 and followed the briefing with information to respond to Departing Member inquiries regarding their transition. Ongoing assistance for Departing Members will continue through the duration of the 115th Congress.

Finally, the Committee worked with the CAO to provide relevant information to House Committees regarding transitions from Majority to Minority status and vice versa. The Committee worked with the CAO to update operational information for Committees to utilize as they start transitioning. The CAO made this information available as part of its House Transition website.

#### *Workplace Rights and Responsibilities Education*

The CAO, working with the Committee, implemented Workplace Rights and Responsibilities Education Program in 2018. Utilizing feedback and lessons learned from the first year of the program, the CAO and the Committee are working to finalize the curriculum for the 2019 training and update the network systems that support the training program for the new year. See *infra* on the Office of Compliance for additional information on training program.

#### *House Information Resources*

Throughout the 115th Congress, the Committee worked with House Information Resources ("HIR") to improve technology services for the House community. The Committee approved new hardware and software standards; faster internet connectivity for District Offices; and the use of cloud-based services including Office

365 and district office telephone support. The Committee worked with HIR to complete the House's Technology Vendor Agreements for the 116th Congress.

The Committee conducted oversight over HIR's technology support for Member offices, including the support for the over 900 district offices throughout the United States and territories. At the direction of the Committee, HIR also completed the transition in all district offices to internet-based connections to improve speed. HIR has deployed cloud-based telephone services to 105 district offices, with the goal of deploying to all new Members of the 116th Congress. Office 365 has been deployed to 6,700 active users with mobile support deployed to initial Leadership, Member, and CAO users with broad scale deployment to the entire House community planned for 2019. In addition, HIR is executing a plan to move over 300 HIR- managed publicly facing websites to the cloud in 2019 thereby reducing costs and simplifying cybersecurity compliance.

The Committee continued to examine HIR's management of various technology service vendors and approved incremental improvements to policies and procedures governing these vendors.

Like any governmental organization, the House must continually evolve its cybersecurity capabilities to meet changing threats. In consultation with the Committee, HIR continued to review the House's security policies and procedures and worked to make improvements where warranted. HIR now monitors the commonly named Dark Web for House sensitive information. HIR improved the security of mobile devices by adding mobile security capabilities. HIR's use of a Risk Management Framework and assessment methodology has improved the security of both traditional and cloud applications.

Finally, the Committee continued to examine HIR's effort to improve technology governance, including efforts to improve strategic planning, service management and enterprise architecture.

#### *Shared Employees*

Toward the end of the 114th Congress, issues were raised with the Committee regarding the practices of shared employees. The Committee established a task force (Task Force) to review recommendations provided by the House Officers. The Task Force, led by Vice Chairman, Congressman Rodney Davis, held two bipartisan listening sessions focused on Members who employed shared staff. Approximately 15 members participated in the listening sessions.

On April 12, 2018, the Committee held a hearing on the issue of shared employees. Testifying at the hearing was Phil Kiko, CAO; Paul Irving, Sergeant at Arms, and Michael Ptasienski, Inspector General. The hearing provided members with the opportunity to question the House officers on proposals to mitigate the risks shared employees pose to the House. On April 25, 2018, the Committee on House Administration ("Committee") marked up and adopted Committee Resolutions 115-13 through 115-18. The Committee resolutions directed each of the House Officers to develop strategies to implement policies relating to shared information technology administrators and shared financial administrators. The resolutions directed the House Officers to submit recommendations within 30 days. On May 25, 2018, the Chief Administrative Officer

(“CAO”), the Clerk of the House of Representatives, and the Sergeant-at-Arms each submitted recommended strategies to implement Committee Resolutions 115–13 through 115–18.

Subsequent to the House Officer submissions to the Committee, concern was expressed by both Member offices who employed shared administrators as well as shared administrators themselves regarding the proposed strategies issued, particularly the proposed standards developed and advocated by the CAO. The concerns expressed were primarily twofold—(1) the standards themselves were unclear and (2) the standards were unnecessarily punitive. On September 14, 2018, the Committee received revised recommendations, including standards and best practices from the CAO for both the shared information technology administrators and shared financial administrators. Notwithstanding specific changes to both Appendix B and C, the CAO recommended the following: 1) Delaying the implementation date to January 2019; 2) Allowing the CAO to move computer accounts in October 2018 for interested shared staff; and 3) Allowing the implementation plan to include a review and update to standards and best practices at three and six-month intervals.

On September 26, 2018, the Committee marked up and adopted by unanimous consent Committee Resolution 115–21, a resolution approving the May 25, 2018 submissions presented by the House Officers, including revisions made on September 14, 2018.

#### *Inspector General*

The Committee worked with the House Office of the Inspector General (OIG) to implement its annual workplan focusing on the security and financial stability of the House. The House OIG issued another unmodified financial statement audit for Fiscal Year 2017, marking the twentieth consecutive year for the House to receive this positive result.

#### *The Architect of the Capitol*

The Committee oversees the AOC with respect to the House side of the Capitol campus, with exception of certain decisions that impact House Office Buildings. The Committee reinstated monthly oversight meetings with the AOC focusing on the AOC’s operations, including with the House Superintendent, the Office of Security Programs, and the Inspector General.

On May 24, 2017, the Committee held a hearing titled “Oversight of the Architect of the Capitol’s Office of the Inspector General.” Testifying at the hearing were Inspector General Christopher Failla, Architect of the Capitol, Stephen Ayers, and Beryl Davis, Director of Financial Management and Assurance for the Government Accountability Office, all of whom discussed the importance of the Inspector General’s work in the AOC’s operations. Since that time the Committee has focused on Inspector Failla’s commitment to institutional integrity and the judicious use of taxpayer dollars. Over the last Congress, the Office of the Inspector General has completed a Risk Assessment to guide future audit work; focused on more productive audits; and worked to implement the peer review of the Council of the Inspectors General on Integrity and Efficiency’s (“CIGIE”). The Committee anticipates the OIG will continue its audit work into the 116th Congress. To that end, the

Committee is committed to ensuring that resources for audits of the AOC's large-scale construction projects and other vital services necessary for obligations to Congress are available to the OIG.

In addition, the Committee continued its oversight of the Cannon Renovation Project. Started in 2016, the AOC completed Phase 0, is in the process of completing Phase I, and is preparing to start Phase II. Along with the Committee on Appropriations and the House Office Building Commission, the Committee continued to review the AOC's planning and execution for the ten-year project. The Committee continued to facilitate the Executive Working Group in order to address outstanding issues related to the project. Participants of the Executive Working Group include Committee staff, House Leadership staff, Committee on Appropriations staff, House Officers, USCP, SAA and the AOC.

The Committee also oversaw the automation and streamlining of the flag flying service available to House offices. The AOC in coordination with the CAO implemented a new service beginning February 12, 2018. A phased-in approach was initiated to automatically process constituent flag flying requests through the CAO's Flag Order Portal with the Pay.gov function embedded on Members' websites. With the new system, Member offices no longer need to purchase flags in-person or online from the House Office Supply Store. The AOC and CAO now deliver the purchased flags to the Flag Office to be flown before delivering them back to the Member's Office. This important development brings innovation and efficiency to a key, but historically and notoriously cumbersome, constituent service. All Member Offices were notified of the change between February 12–May 14, 2018. The Committee continues to monitor and facilitate the use of this program.

The Committee also continued to focus on: (1) the Rayburn Garage Rehabilitation Initiative, currently in Phase II, and (2) the Hearing Room Audio-Visual Initiative (HRAVI), a long-term initiative to modernize Hearing Room audio-visual capabilities. With respect to the Rayburn Rehabilitation Initiative, the Committee is monitoring the AOC and its work with other affected key stakeholders and with the House community to promptly notify them of changes to the functionality of the garages. The Committee also continued to collaborate with the AOC's HRAVI team and the HRAVI partners from the CAO's House Recording Studio to identify committees in need of updated audio-visual capabilities in their hearing rooms. In the 115th Congress, seven committee hearing rooms were completely upgraded with four more in the queue to be upgraded.

The Committee continued to oversee the Capitol Visitor Center. During 2018, its 10th anniversary year, the CVC witnessed its 22 millionth visitor. The Committee coordinated with the CVC's management team and met regularly to ensure visitor operations were run effectively and efficiently. The Committee held a hearing on May 16, 2018 entitled "The U.S. Capitol Visitor Center—Ten Years of Serving Congress and the American People." Testifying was CEO of Visitor Services for the CVC, Beth Plemmons.

Of particular focus at the hearing was the visitor experience as Members, Member staff, and the public continue to utilize the CVC. Responding to concern about Capitol tour wait times, the Committee worked with the Appropriations Committee to include



language in House Report 115–199. The Report directed the CVC to “develop potential alternate policies to guide ticket distributions during this [April through the Easter holiday] peak period.” The Report was submitted to the Committee on September 21, 2018 and will guide the Committee as it evaluates the CVC’s visitor and ticketing experience to ensure the CVC is properly focused and staffed to handle its increasing numbers of visitors.

In addition, the Committee continued to conduct oversight of the redesign of Exhibition Hall, which has infrastructure and technological vulnerabilities. A significant part of the design work was completed in 2018, which the Committee will continue to evaluate, while the physical renovations will begin in spring of 2019. The Committee expects the CVC to reopen Exhibition Hall by Inauguration Day 2021.

#### *Fine Arts Board*

The Committee oversees the House Fine Arts Board which is comprised of the five House Members of the Joint Committee on the Library. The Board oversees the works of fine art and historical objects that are the property of Congress and are displayed in the House wing of the Capitol or in the House Office Buildings. The Board also accepts gifts of fine art and historical objects on behalf of the House, the collection of which is maintained by the Clerk.

During the past two years, the Fine Arts Board approved requests to organize the portrait fund Committees for Chairman Diane Black, (Acting) Chairman Sam Johnson, Chairman Ed Royce, Chairman Michael Conaway, Chairman Michael McCaul, Chairman (Ways & Means) Paul Ryan, Chairman Mac Thornberry, Chairman Lamar Smith, Chairman Pete Sessions and Chairman Bob Goodlatte. Further, the Board approved the acceptance and deed of gift for the portraits of Chairman Goodlatte, Chairman Jeb Hensarling, (Acting) Chairman Johnson, Chairman Lamar Smith, Chairman Ed Royce, Chairman Bill Shuster, Chairman Jeff Miller, Chairman (Budget) Ryan, Chairman Black, and Chairman Fred Upton. Each will be added to the House Collection.

The Board also approved a loan request from the Smithsonian’s National Portrait Gallery (NPG) for the campaign poster of Rep. Patsy Mink. The NPG requested to include the poster as part of their gallery exhibition “Votes for Women: An American Awakening, 1840–1920” commemorating the centennial of women’s suffrage. For this exhibit, the House Curator worked closely with the Portrait Gallery to facilitate the loan, which presents the House with an opportunity to showcase its collection.

#### *Office of Congressional Accessibility Services*

The Office of Congressional Accessibility Services (“OCAS”) was created by the Capitol Visitor Center Act of 2008. OCAS operates under the direction of the Congressional Accessibility Services Board and is charged with providing and coordinating accessibility services for individuals with disabilities, including Members of Congress, House Officers and employees of the House and Senate, and visitors to the U.S. Capitol Complex. The Committee on House Administration oversees the agency’s operations and meets with OCAS quarterly.

Over the past two years, the Committee met on a bicameral, bipartisan basis to discuss a number of accessibility issues impacting Member and committee offices and the public including, but not limited to, sign language interpreting services, assistive listening services, accessibility training, accessible tours, and House intranet improvements for accessibility resources and maps. The Committee continues to oversee the OCAS' commitment to the public and its commitment to educating and working with the other legislative branch stakeholders.

*Library of Congress and Joint Committee on the Library*

The Committee met regularly with Library management during the 115th Congress to monitor and review operations, services, and planning initiatives.

Of particular focus for the Committee was the Library's decision to develop and implement a new strategic plan, notwithstanding the current plan did not expire until 2020. Moreover, concern was expressed by the Library IG with the Library's lack of performance measures and accountability in the existing plan. To that end, on July 26, 2017, the Committee held the first of two hearings focused on the new Strategic Plan titled "Oversight of the Library of Congress' Strategic Plan." Testifying was Librarian of Congress Dr. Carla D. Hayden. On July 25, 2018, the Committee held a follow-up hearing entitled "Oversight of the Library of Congress' Strategic Plan, Part 2." Testifying were Librarian Hayden, LOC Inspector General Kurt Hyde, and Director of Strategic Planning at the Library Dianne Houghton.

The Library's final plan, "Enriching the Library Experience", was released on September 9, 2018. Encompassing the years 2019–2023, the Plan emphasizes the Library's commitment to usability, accessibility, collaboration, and technological innovation in order to bring the Library's resources to Congress and by extension to the American people. The Committee will continue to monitor the Library's overall implementation of the plan; the individual service units' implementation of the plan; the Library's realignment of service units to implement the plan, which began in Spring 2018; the Library's efforts to continue to attract, and better serve, its physical and online visitors through communication, marketing, and collaboration; and the Library's continued commitment to its collections and to maintaining the Library's status in the U.S. and the world.

Vital to these efforts is the Library's commitment to modernizing its Information Technology (IT) infrastructure. The Committee continued during the 115th Congress to hold the Library accountable for improving its severe IT deficiencies as documented in the Activities Report for the 114th Congress. The Library continued to implement and work with GAO to close its 31 public and 74 non-public recommendations stemming from GAO's 2015 IT Audit. At the urging of its CIO and IG, the Library has made significant progress in closing these recommendations. The LOC has successfully closed 24 of the public recommendations and has submitted evidence, currently being evaluated, to close out four more. The Committee anticipates the final three public recommendations being closed during the first (2 recommendations) and second (1 recommendation) quarters of FY19.

The Committee also focused on other Library initiatives, including: the Library's efforts to develop and execute a \$60 million Master Plan for a new Visitor Experience in the Jefferson Building; the aforementioned realignment of its service units; operations at the Audio-Visual Conservation Center (the Packard Campus) in Culpeper, VA; the National Library Service; and the Library's storage modules at Ft. Meade. The Committee focused on the Copyright Office's Modernization Plan and the Library's continued development of Congress.gov and related upcoming termination of LIS. Finally, the Committee focused on its efforts in ensuring CRS continued to meet the needs of Congress in an objective manner.

The Joint Committee on the Library (JCL) has no legislative authority but is tasked with oversight of the Library of Congress, the Congressional Research Service, and the United States Botanic Garden (USBG), as well as management of the National Statuary Hall Collection and art in the Capitol.

On February 2, 2017, H. Res. 82 was introduced in the House and passed by unanimous consent nominating the following Members to JCL: Chairman Harper, Rep. Loudermilk, Rep. Brady, Rep. Lofgren and Chairman Frelinghuysen. On April 6, 2017, the Joint Committee held its organizational meeting whereby the Chairman and Vice Chairman were designated and the rules governing the proceedings of the Joint Committee were adopted. Subsequent to Senator Roy Blunt's nomination to replace Senator Shelby as Chairman of the Senate Rules and Administration Committee, the Joint Committee held a second organizational meeting on May 16, 2018 to re-designate the Chairman and Vice-Chairman.

During the 115th Congress, the JCL worked with the AOC on requests to replace statues from the states of Nebraska (with William Cather and Chief Standing Bear); Utah (with Dr. Martha Hughes Cannon); and North Carolina (with Rev. Billy Graham). Finally, the JCL approved multiple resolutions important to the Botanic Garden and Library of Congress, such as the acceptance of unique preservation and conservation equipment necessary to the capabilities of the Audio- Visual Conservation Center; (funding a study of) the storage capacity of the Copyright Office; the empowerment of the Library's Trust Fund Board Investment Committee; the hours of the Law Library; artwork in the tunnel between the CVC and the Jefferson Building; empowering the Botanic Garden to offer a greater variety and means of educational and outreach services to its visiting public; updating the Garden's event policies to allow for a limited number of outdoors events; and expanding the Garden's hours for specific exhibit-related or holiday show needs to accommodate public demand and interest.

*Joint Committee on Printing and U.S. Government Publishing Office*

The Government Publishing Office ("GPO") produces, preserves and distributes the official publications and information products of the Congress and Federal government. By House rule, the Committee has oversight of and legislative jurisdiction over the Government Publishing Office. By law, the Chairman of the Committee on House Administration and the Chairman of the Senate Committee on Rules and Administration serve with four other Members of each committee on the Joint Committee on Printing ("JCP"). The

bicameral JCP exercises certain oversight and regulatory authority over Federal printing policy, congressional printing and administration of the GPO.

Throughout the Congress, the Committee worked closely with GPO on the production, communication and distribution of several publications including the 115th Congressional Directory, the 114th Congress Pictorial Directory, and the President's Budget. In addition to fulfilling requests for these publications, the Committee responded to numerous requests on a weekly basis for other Congressional publications including Our Flag, Pocket Constitution, Our American Government, and How Our Laws Are Made.

The Committee spent this Congress reviewing Title 44 of the United States Code as it relates to government printing and the Federal Depository Library Program and drafted legislation to modernize Chapters: 1; 3; 5; 7; 9; 11; 13; 15; 17; 19; 39; & 41. It has been more than a quarter of a century since Title 44 has been substantially reviewed; more than a half century since the "modern" Federal Depository Library Program was established; and more than 100 years since most public printing provisions were drafted. Through regular order, including: bipartisan hearings; bipartisan roundtable discussions; and bipartisan field visits to libraries; the Chairman and Ranking Member introduced legislation to reform Chapters 17, 19, and 41 of Title 44 to modernize the Federal Depository Library Program. All Members of the Committee were co-sponsors.

On February 7 and 8, 2017, the Committee held its first oversight hearing on GPO titled "Priorities of the House Officers and Legislative Branch Entities for FY2018 and Beyond." Testifying at the hearing for GPO was GPO Director Davita Vance-Cooks, who discussed GPO's budget priorities.

On April 6, 2017, the Joint Committee on Printing held its Organizational Meeting for the 115th Congress, during which time Senator Richard Shelby was designated as Chairman and Congressman Rodney Davis as Vice-Chairman. The JCP adopted Rules for the 115th Congress.

On May 17, 2017, the Committee held its second oversight hearing on GPO's operations titled "Transforming GPO for the 21st Century and Beyond." GPO Director Davita Vance-Cooks testified on GPO's priorities. The Committee focused on the five management challenges identified by GPO's IG in the last 11 semi-annual reports to Congress. At the top of the list is the IG's concern that GPO is not focusing on its core mission of information dissemination. The Committee's concern, and that of the IG, remains that there has been no significant progress by GPO management in addressing the challenges.

On July 18, 2017, the Committee held its third hearing on GPO entitled "Transforming GPO for the 21st Century and Beyond, Part 2." GPO Director Davita Vance-Cooks testified at the hearing. Although GPO responded to the Committee's follow up questions to the last hearing, with 1,100 pages of material, several of the answers needed further clarification. The Committee focused in greater detail on GPO's operations in order to make more meaningful reforms.

On September 26, 2017, the Committee held its fourth hearing on GPO titled: "Transforming GPO for the 21st Century and Be-

yond, Part 3—Federal Depository Library Program.” The hearing included two panels of witnesses. Testifying on the first panel was Acting Superintendent of Documents, Laurie Hall. On the second panel (1) Celina McDonald, Librarian for Government Documents, Law, Criminology and Criminal Justice at the University of Maryland; (2) Beth Williams, Stanford Law School’s Library Director; (3) Stephen Parks, State Librarian of Mississippi; and (4) Mike Furlough, Executive Director of Hathi Trust Digital Library all testified. The hearing focused on the implementation and needed reforms in Chapter 19 of Title 44, which established the Federal Depository Library Program (“FDLP”).

On October 4, 2017 the Committee held a roundtable discussion on the current Federal Depository Library Program with FDLP stakeholders. The following stakeholders were invited: American Association of Law Libraries; American Library Association; Association of Research Libraries; Association of Southeastern Research Libraries; Cyber Cemetery; Demand Progress; Digital Library Federation; GovTrack; HathiTrust; Internet Archive; Ithaki S+R; Medical Library Association; OpenGov Foundation; Public Resource.org; Special Libraries Association; Sunlight Foundation; and Urban Libraries Council. The discussion focused on the structural and programmatic aspects of the FDLP as well as way to modernize the program.

On October 11, 2017, the Committee held its fifth hearing on GPO operations titled: “Transforming GPO for the 21st Century and Beyond, Part 4.” The hearing included two panels of witnesses. The first panel included the Honorable Karen Haas, Clerk of the House, and the second panel included: (1) Eric Petersen, specialist in American National Government, Congressional Research Service, who discussed the role of the Joint Committee on Printing and the constitutional principles of separation of powers as it related to Congress’s control of Federal printing in executive branch agencies; (2) Robin Dale, Deputy Director for Library Services, Institute of Museum and Library Services, an independent agency in the executive branch, who discussed Federal grantmaking to libraries; and (3) Roger Schonfeld, Director of Libraries and Scholarly Communications Programs, Ithaka S+R, a not-for-profit service that helps academic and cultural communities effectively use digital technologies. The hearing enabled the committee to discuss broad reforms with stakeholders.

On January 24, 2018 the Committee held a roundtable discussion on the current draft of the GPO Modernization Act of 2018 with the labor unions representing GPO employees. The following union bargaining units were invited to participate: AFGE Local 2876; BPAT Local 1937; CTU Local 101–12; FOP Lodge No. 1; GCC Local 1–C; GCC Local 4–B; GCC Local 713–S; IAM & AW Local 2135; and IBEW Local 121.

On March 7, 2018, the Committee scheduled, but postponed, a hearing on GPO entitled “Management of the Government Publishing Office.” Acting Director James Bradley was requested to appear as a witness but resigned his office the day before the scheduled hearing. As a result, the hearing was postponed.

On April 12, 2018, the Committee held a meeting to markup H.R. 5305, the Federal Depository Library Program Modernization Act of 2018, and H.R. 4631, the Access to Congressionally Man-

dated Reports Act. H.R. 5305 makes the following changes to the FDLP: (1) it recognizes the existence of a national collection of information dissemination products; (2) it updates the types of depository libraries across the country that may participate in the FDLP; (3) it eliminates the problems with fugitive documents in the government; (4) it allows the FDLP to accept work completed by the library community; (5) it provides for greater transparency in the FDLP itself; and (6) it removes the sales program from the purview of the Superintendent of Documents to allow the Superintendent to focus on no-fee access to government information. H.R. 5305 is supported by the major library associations, including the American Library Association, the American Association of Law Libraries, the Association of Research Libraries, and the Chief Officers of State Library Agencies.

H.R. 4631 also amends Title 44 by requiring the Government Publishing Office to, among other things, establish and maintain a publicly available website containing copies of all congressionally mandated reports. The bill also directs the Office of Management and Budget to issue guidance to federal agencies to assist them in submitting the reports to GPO. The bill was marked up and reported out of the Committee on Oversight and Government Reform earlier in the year. Forty-five organizations support this bipartisan legislation.

On May 16, 2018, the Joint Committee on Printing held an organizational meeting to elect a new Chairman. Senator Roy Blunt was selected. Congressman Rodney Davis remained Vice-Chairman.

#### *United States Capitol Police*

The United States Capitol Police (“USCP”, the “Department”) force protects Members, staff, the public, and the Capitol campus to allow Congress to fulfill its constitutional and legislative responsibilities in a safe, secure, and open environment.

The Committee’s goals with respect to oversight of the USCP have been twofold: to ensure the effectiveness of USCP operations and to ensure that USCP management are supporting rank-and-file officers and civilians, including providing the resources needed to conduct operations. To that end, over the last two years, the Committee held biweekly oversight meetings with USCP leadership and staff from the Committee on Senate Rules and Administration. During meetings, the Committees received reports on House Office Building entrance wait times, staffing, and personnel updates. USCP also briefed Committees of all upcoming special events.

Similarly, in 2018, Committee staff met with the Assistant Chief of Police and each USCP Bureau Commander and Office Director to gain deeper understanding of each of the Department’s components.

The Committee also regularly reviewed the progress of security construction projects and other physical security enhancements in and around the Capitol during the 115th Congress. Such projects include construction of an area to prescreen visitors outside buildings; implementation of garage security enhancements; incorporation of the O’Neill Building into the House Office Building perimeter; and expansion of the House Day Care Center. The Committee

closely monitored the USCP recruitment classes and necessary changes to training curricula.

With respect to management and workforce, on June 26, 2018, the Committee conducted an oversight hearing titled, “United States Capitol Police: Operations and Workforce.” The Committee received testimony from Matthew R. Verderosa, Chief, United States Capitol Police; Michael A. Bolton, Acting Inspector General, USCP; and Gus Papatthasiou, Chairman of the USCP Labor Committee, Fraternal Order of Police. The hearing enabled the Committee to understand the USCP Strategic Plan; convey the Committee’s expectation regarding USCP operations; and examine the USCP’s decision-making process. While USCP management assured the Committee that its emphasis on workforce development and morale remained a priority, the labor union representative made clear that management must do more to resolve termination arbitration issues. USCP management also emphasized its continued work to close out recommendations from its Office of Inspector General.

The Committee also reviewed and responded to the needs of Members subsequent to an active shooter incident. The incident demonstrated the vulnerability of Members and staff and the need to revisit policies and procedures regarding the security of Members off campus. The Committee continues to monitor Member security support. In addition to its focus on procedure, the Committee allocated an additional \$50,000 for Member MRA to support enhanced district office security (see *supra* 3–4).

Separately, the Committee conducted oversight of FLETC and FLETC’s Psychology Consortium to better understand the USCP recruitment process. In particular, attending FLETC enabled the Committee to review the basic training curriculum.

### *Smithsonian*

The Committee serves as the primary legislative and oversight body for the Smithsonian Institution, a federal trust instrumentality composed of 19 museums, numerous research centers, and the National Zoological Park (“Zoo”). Approximately two-thirds of the Institution’s funding is from direct federal appropriations.

Governance of the Smithsonian is vested in a 17-member Board of Regents, consisting of the Chief Justice, Vice President, six Members of Congress and nine citizen regents nominated by the Board and approved by a joint resolution of Congress.

During the 115th Congress, the Smithsonian Board of Regents nominated four individuals to serve as citizen regents, Roger Ferguson, Michael Govan, Steven Case and Barbara Barrett. Both Mr. Case and Ms. Barrett were nominated to serve a second term as citizen regents. Legislation providing for these appointments was introduced and referred to the Committee (H.J. Res. 80; H.J. Res. 79; H.J. Res. 78; and H.J. Res. 133). Committee Members met separately with each nominee to discuss Smithsonian governance and assess the nominees’ views and qualifications. The House approved the legislation by unanimous consent on April 6, 2017 (S.J. Res. 30; S.J. Res. 35; and S.J. Res. 36) and on June 28, 2018 (S.J. Res. 60) and the legislation was subsequently signed into law.

On March 28, 2017, the Committee held an oversight hearing on “The Smithsonian Institution’s Priorities.” Testifying at the hearing

was David Skorton, Secretary of the Smithsonian. The hearing provided an opportunity for the Committee to discuss the development of a new strategic plan for the Smithsonian and to review goals and priorities in 2017 and in the future. The Secretary also updated the Committee on facilities maintenance issues, including the renovation of the National Air and Space Museum (“NASM”) Mall building and the significant backlog of deferred maintenance projects. Given these challenges and budgetary constraints, the Secretary testified that the Smithsonian currently lacked the capacity and resources to add new museums to its portfolio.

On October 11, 2017, H.R. 4009 was introduced authorizing the Smithsonian to construct a central parking facility at the National Zoo’s campus in the District of Columbia, using no appropriated funds. Officials from the Smithsonian and the National Zoo briefed Committee and Member staff on the proposal. The Smithsonian planned to consolidate parking lots spread across the Zoo campus into a central facility located at a mid-point of the Zoo. The intent was to enter into a public-private partnership to design, construct and operate the facility. On December 13, 2017, the Committee marked up H.R. 4009 and reported it by voice vote. Following passage by the House and Senate, H.R. 4009 was signed into law on June 1, 2018. Subsequently, the Smithsonian cancelled its plans to move forward with parking facility due to limited response to the Request for Proposal process.

In addition to legislation, the Committee’s oversight activities in the 115th Congress included: biweekly oversight meetings and site visits to Smithsonian facilities. In January 2018, staff visited the NASM Udvar-Hazy museum in Chantilly, VA to review progress on the construction of a new storage module. In the near term, the module will be used as swing space for artifacts that must be removed from the Mall facility during the revitalization of that building. Ultimately, it will become the permanent storage space for collection items moved from substandard facilities at the Garber Facility in Suitland, MD. The storage module is scheduled for completion in January 2019 at a cost of \$58.4 million. In July 2018, staff visited the Rock Creek campus of the National Zoo to receive a briefing on proposed security enhancements and tour the areas of the zoo affected by the changes.

In addition, the Committee met with the Smithsonian and the Smithsonian IG on various topics including information security; the partnership between the Smithsonian and the Victoria and Albert Museum in London; financial and budgetary matters; agendas for the Board of Regent meetings; the upcoming closure of a portion of the NASM Mall building due to the revitalization project; and the Smithsonian’s educational resources and programming.

#### *Office of Compliance*

In 1995, Congress passed the Congressional Accountability Act (“CAA”), which among other things required Congress to adhere to many of the same employment and workplace safety standards required of the federal government and the private sector.<sup>6</sup> The CAA applies thirteen workplace laws to the legislative branch, including but not limited to: “The Fair Labor Standards Act of 1938 (29

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<sup>6</sup>2 U.S.C. 1301 et seq.



U.S.C. 201 et seq.); Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.); The Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.); The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); Chapter 71 (relating to Federal service labor-management relations) of title 5; The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.); The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.); The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.); and Chapter 43 (relating to veterans' employment and re-employment) of title 38.”<sup>7</sup>

In addition to incorporating employment and workplace safety standards, the CAA created the Office of Compliance (“OOC”), which is responsible for implementing and enforcing the CAA. The accounts of sexual harassment revealed in the congressional workplace during the 115th Congress increased the Committee’s focus on the operations of the OOC.

The OOC testified at both of the Committee’s hearings on sexual harassment [see November 14, 2018 hearing and December 7, 2018 hearing *infra*]. In addition, the Committee closely monitored the Office’s reporting requirement under 2 U.S.C. 1381(h)(3). On November 30, 2017, the Committee requested the following information from the OOC: (1) statistics concerning the aggregate amount of settlements against Member, Committee and Leadership Offices since 2013 including the number of offices against whom claims were awarded or settled; the number of claims that specifically involved sexual discrimination (which includes sexual harassment and gender discrimination); and the number of claims that specifically involving [sic] sexual harassment. In addition, the Committee sought statistics concerning the aggregate amount of settlements paid by the House of Representatives and a breakdown of the aggregate amount of settlements paid by the House of Representatives by type of claim, including a specific category for sexual harassment (which includes quid pro quo and hostile workplace harassment claims) since 1997. The OOC responded on December 1, 2017; December 19, 2017; and January 12, 2018; with the relevant information.

Relatedly, the Speaker of the House of Representatives directed the Committee to review the House’s workplace policies, procedures, and training. On November 14, 2017, the Committee on House Administration held the first of two hearings titled “Preventing Sexual Harassment in the Congressional Workplace.” Testifying at the hearing were OOC Board Chair, Barbara Walters, and Gloria Lett, Counsel, OHEC, in addition to Congresswoman Speier (CA) and Congressman Byrne (AL). The hearing focused on identifying the most apparent gaps in the House of Representatives’ training, policies, and procedures and identifying effective mechanisms to address these issues.

In response to the hearing, on November 29, 2017, the House passed H. Res. 630, a resolution requiring all House employees, including interns, fellows, and detailees, to participate in a mandatory annual training program. In addition, the resolution required

<sup>7</sup> 2 U.S.C. 1302(a).

all House offices to post a statement of employee rights and protections under the CAA. The Committee implemented the training requirement set forth in H.R. 630 by passing Committee Resolution 115–22 on December 19, 2017. The resolution outlined the parameters of the training, including the requirement that the training be in person and for 90 minutes. On January 8, 2018, the Committee directed the CAO to implement the training requirement. The CAO subsequently awarded the responsibilities to Franklin Covey on February 9, 2018. At the completion of the initial training phase July 2, 2018, more than 14,000 Members and House employees, interns, detailees, and fellows had completed the training. Training continues for all new employees through December 31, 2018.

On December 7, 2017, the Committee held a second hearing focusing on necessary reforms to the CAA. Testifying at the hearing were Victoria A. Lipnic, Acting Chair, Equal Employment Opportunity Commission; Susan Tsui Grundmann, Executive Director, Office of Compliance; Gloria Lett, Counsel, Office of House Employment Counsel; and Daniel F. C. Crowley, Partner, K&L Gates LLP. The witnesses discussed the administration of the adjudication process by the OOC. Among the issues highlighted during the hearing were the following:

- The importance of investigations in anti-harassment complaint processes,
- The need for a victim’s advocate,
- The need for mediation to be discretionary,
- The need to expedite the adjudication process, and
- The need for greater transparency in statistics reported by the OOC.

In addition to the hearings, the Committee also held a roundtable discussion with representatives from various organizations, including Society for Human Resource Management, National Women’s Law Center, and private litigators. The purpose of the roundtable was to discuss best practices in the private sector with respect to training and workplace rights and responsibilities generally with practitioners and other experts to identify practicable reforms to the current dispute resolution process. Separately, the Committee met again with the EEOC to discuss the EEOC’s Anti-Harassment and Anti-Discrimination Task Force Recommendations.

Subsequent to the hearings and roundtable discussion, the House unanimously passed H.R. 4924, The Congressional Accountability Reform Act, on February 6, 2018. The House bill made a number of important changes to the Congressional Accountability Act, including: providing investigatory authority to the Office of Workplace Rights for employment law claims against Congressional Offices; ending required counseling and mediation for claimants; and prohibiting federal funds from being used for settlements for sexual harassment and other forms of discrimination committed by Members of Congress. H.R. 4924 provided transparency when employment law claims are settled or awards issued and also renamed the OOC to the Office of Congressional Workplace Rights. On December 13, 2018, the House passed by unanimous consent S. 3749, the Congressional Accountability Act of 1995 Reform Act. S. 3749 among other things holds Members personally responsible for un-

lawful acts of harassment and retaliation. S. 3749 was also passed by the Senate on the same day.

On February 6, 2018, the House unanimously passed H. Res. 724, which among other reforms, requires the House of Representatives to establish a universal policy on anti-harassment and anti-discrimination. Relatedly, the Committee hosted a roundtable discussion with stakeholders to share best practices for the development of a universal anti-harassment and anti-discrimination policy, as well as to analyze the key components of an effective policy. The Committee passed Committee Resolution 115–12 on April 25, 2018, which established the minimum requirements that must be incorporated into each office’s employment policy.

H. Res. 724 also authorized the creation of the Office of Employee Advocacy. The Office of Employee Advocacy began offering assistance to House employees beginning October 1, 2018, including providing consultation, advice, and representation to all House employees on employment issues.

### *Elections*

Article 1, Section 5, of the Constitution, delegates to each Chamber responsibility and authority to judge its own elections. Pursuant to this authority and House rule X, clause 1, the Committee on House Administration is responsible for the elections of the President, Vice President, Members, Senators, Delegates, or the Resident Commissioner, corrupt practices, contested elections, credentials and qualifications, and overseeing federal elections generally. In addition, the Committee is responsible for implementing the Federal Contested Elections Act (2 U.S.C. 381 *et seq.*).

To execute its responsibilities under the Constitution, FCEA, and oversight of federal elections generally, the Committee coordinates efforts on a bipartisan basis to ensure that all ballots in close congressional races are counted fairly and accurately. When requested by a Member or candidate, the Committee deploys two observers, one from the Majority and one from the Minority, to the congressional district at issue. Specific observer responsibilities include: documenting the state of ballots during an extended count and/or recount, observing the security of voting machines, equipment, voter rolls, records, and the security of stored ballots. The observations are critical to the United States House of Representatives and to the Committee, particularly in the event the House or Committee is directed to investigate or resolve any contested election.

During the 2018 election, the Committee received 13 requests for observers from Members and/or candidates for congressional office. Nine observers were deployed for the Majority to 11 congressional races. Two candidates later determined observers were unnecessary after consultation with the Committee.

In addition to implementing the election observer program, on January 24, 2017, the Committee introduced H.R. 634, the Election Assistance Commission Termination Act. The Committee held a markup on February 7, 2017, ordering H.R. 634 to be reported by a vote of 6–3.

## ADDITIONAL OVERSIGHT ACTIVITIES OF THE COMMITTEE

*House Office of Legislative Counsel and Law Revision Counsel Modernization Project*

The Committee worked with the House Office of the Legislative Counsel (“HOLC”), the Office of Law Revision Counsel (“LRC”), Leadership, and the Office of the Clerk on legislative modernization projects. The primary goal is to maintain a complete, authoritative, accurate, and consolidated version of the U.S. Code in a modern technical format for public use.

Since 2011, the HOLC has been partnering with the Clerk of the House, the Government Publishing Office, and the Law Revision Counsel to update legislative data from a first-generation ‘DTD’ xml to a generation two ‘schema’ xml, commonly called USLM, allowing for the future development of enhanced legislative drafting and interpretive tools. This project continues the development work with the US Code (LRC), providing enrolled bills, public laws, Statutes at Large, and the Code of Federal Regulations in the USLM format; providing Statute Compilations in the USLM format (see below); and, in future phases, providing the bills, resolutions, and amendments in the USLM format.

Relatedly, in 2016, with the Committee’s support, LRC completed the implementation of a new codification drafting system. The new codification drafting system enables LRC to prepare bills in XML, automatically generate tables and other materials to show the impact of LRC bills on existing law and create side-by-side comparison documents. The Committee continues to support LRC’s effort to develop a new Code editing system that will enable LRC to maintain and update all Code data in XML. A prototype of the new editing system was delivered in June 2018 and is currently being tested extensively prior to implementation.

HOLC also partnered, beginning in the Spring of 2018, with the Clerk of the House, Senate Office of the Legislative Counsel, and GPO in posting Office Statute Compilations in GPO Collections and converting the format of these compilations into the USLM format. This is an ongoing project that is necessary to the development of the Rule 12a Comparative Print tool (Posey amendment). The Posey amendment also has the added benefit of transparency necessary for researching Federal law. In December 2018, the House Committee on Appropriators authorized GPO (and the House’s Bulk Data Task Force led by the Clerk’s office) to move forward with phase two of this project. Phase two will convert the current set of Statute Compilations into USLM XML format.

During the 115th Congress, the Office of the Clerk worked with the House Office of the Legislative Counsel (“HOLC”) to comply with the new House rule (clause 12 of rule XXI) on comparative prints. This legislative transparency requirement called for the creation of an electronic document showing how proposed changes, indicated by marked omissions and insertions, impact current law before legislation can be considered in the House. It also required a document-to-document comparison between different versions of legislative language.

To effectuate new House rule 12(a), the Clerk’s office and HOLC worked with vendors to augment an existing application, as well as develop a new web-based solution. Both tools generate comparison

documents in compliance with clause 12 of rule XXI of the House Rules for the 115th Congress. These documents are posted on the Rules Committee website ([rules.house.gov](http://rules.house.gov)) and the U.S. House of Representatives Document Repository ([docs.house.gov](http://docs.house.gov)). The solutions were delivered under budget and before the December 31, 2017, deadline.

During the second session of the 115th Congress, the Clerk's office continued to make improvements to the web-based application and prepared for the next phases of the project to implement House rules 12(a) include securing a second contract to continue the work. The current web-based solution will become the foundation for the enterprise-wide solution that will provide all House staffers the ability to create comparative prints that illustrate the changes between:

- Two versions of a bill, resolution, or amendment (document to document comparison);
- Current law and current law as proposed to be changed by amendments contained in a bill, resolution, or amendment to current law (positive and non-positive law); and
- A bill or resolution and the bill or resolution as proposed to be modified by amendments (amendment impact).

#### EDUCATIONAL AND OUTREACH ACTIVITIES

##### *Outreach and Communications*

The Committee launched a professional development training series for Member's DC and District staffs back in 2014 and have continued to expand it over the last four years. The program initially focused on the basics of individual job responsibilities, learning about other positions in the office, and working with Committee and Leadership staff. Additionally, the Committee offered training on all the services the Committee and the House Officers provide to Members and their staff. The Committee expanded the professional development in 2016, cohosting with the Speaker's office, to launch the first Committee training series specifically focused on Oversight Best Practices for Committees. The Oversight and Investigative series expanded to include a second and third series of briefings. The Committee hosted sessions for Chiefs of Staff, Legislative Directors, Legislative Assistants, Schedulers, Staff Assistants, Interns and District staff.

The Committee sent two regular weekly emails during in-sessions weeks to educate staff on important information relevant to the House community. The communications also discussed helpful information for offices to share with visiting constituents. The Committee on House Administration also educated Financial Administrators, House IT staffers and other administrative staff on the new Shared Employees regulations and other administrative issues such as the Rayburn Garage Renovation and the Cannon Renewal Project.

##### *New Member Orientation*

The Committee is responsible for coordinating the orientation program and associated travel and logistics for newly-elected Members of Congress and their designated aides. The program was held

during the week of November 13–17, 2018, and continued during the week of November 27–December 1, 2018.

Over the course of the two-week bipartisan New Member Orientation (“NMO”), the Committee facilitated training on the Members’ Congressional Handbook, the Franking Commission, practical guidance on setting up a congressional office, an overview of procedures on the House Floor, an introduction to the legislative process, and several Member-led panels on relevant topics. The Members-Elect were also given presentations from the House Officers, the Committee on Ethics, the Office of the General Counsel, the Office of Compliance, the Office of House Employment Counsel, and the Office of the Chief Administrative Officer. The 2018 NMO was the first to offer sexual harassment training—Workplace Rights and Responsibilities Education. The Committee utilized a digital binder system to disseminate all materials associated with the program. Members-Elect also received individualized training sessions to help expedite the setup of their DC and District offices.

For the second time, the Committee developed and hosted a Designated Aide program for staff accompanying the newly-elected Members for orientation. This program assisted aides in preparing for the first two years in office. Twenty sessions were held for the aides during which time opportunities were presented to complete required training.

#### *Congressional Internship Program for Individuals With Intellectual Disabilities*

During the 115th Congress, the internship program, initiated in 2010, reached its highest level of participation since its creation. For the first time in the program’s history, the Committee maintained a waitlist for offices who sought interns. Seventy-nine unique House and Senate offices participated in the bipartisan program since Fall 2016 and more than 170 unique offices have hosted interns since the program’s inception.

#### *Congressional Summer Intern Lecture Series*

The Congressional Summer Intern Lecture Series is a bipartisan, bicameral effort coordinated annually by the Committee on House Administration and the Senate Committee on Rules and Administration. Started by former Representatives Gerald Ford and Donald Rumsfeld in the 1960s, both committees extend invitations, primarily to current and former government and military officials, policy experts, and media personalities, to speak to congressional interns.

A total of 49 lectures were held over the nine-week period between June 4, 2018 and August 3, 2018. Notable speakers included the White House Chief of Staff, General John F. Kelly; Supreme Court Justices Elena Kagan and Ruth Bader Ginsburg; the Speaker of the House, Paul D. Ryan; House Democratic Leader, Nancy Pelosi; Majority Leader, Kevin McCarthy; Secretary of the Navy, Richard V. Spencer; Vice Chairman of the Joint Chiefs of Staff, General Paul J. Selva; Director of the FBI, Christopher Wray; and Cabinet Secretaries Elaine Chao, Steven Mnuchin, Betsy DeVos, Alexander Acosta, Ben Carson, and Administrator Linda McMahon.

MINORITY VIEWS OF RANKING MEMBER ROBERT A. BRADY,  
REPRESENTATIVE ZOE LOFGREN AND REPRESENTATIVE  
JAMIE RASKIN

LIBRARY OF CONGRESS

During the 115th Congress, the Committee Democratic and Majority staffs of the Committee on House Administration (the Committee) worked on several bipartisan issues that affect the Library of Congress (LOC). The Committee met regularly with LOC to discuss the 2019–2023 strategic plan, IT modernization and the process the Congressional Research Service (CRS) developed to make their reports available to the public. While the Committee Democrats and Majority have agreed on oversight for most of the issues facing LOC, the Committee Democrats want to see more effort put into upgrading programs within the National Library Services for the Blind and Physically Handicapped (NLS). The Committee is particularly interested in increasing access, getting a younger audience engaged and in developing more diverse materials for patrons.

In August, the Committee Democrats planned, and the Majority participated in, an oversight visit to the Carnegie Library for the Blind and Physically Handicapped (LBPH) in Pittsburgh, Pennsylvania. LBPH is part of NLS's network of libraries. This network is comprised of over 100 libraries throughout the country and they work with NLS to distribute materials. The Committee wanted to visit LBPH after hearing about their innovative efforts to increase access. LBPH is working to reach a younger audience and is developing more efficient inventory management. During the visit, LBPH mentioned that more uniformity and better communication between the network libraries would make sharing resources easier and faster. The Committee Democrats believe that further engagement with network libraries will help NLS as they work to improve their programs. The Committee Democrats want to increase funding for NLS to allow them to move forward with their modernization plans and to better collaborate with the network libraries.

OVERSIGHT OF SHARED EMPLOYEES

On April 12th 2018, the Committee conducted a hearing on the role of shared employees in House operations. Testimony from the Chief Administrative Officer, the Sergeant-at-Arms, and the Inspector General reiterated systematic, ongoing vulnerabilities concerning the widespread use of shared employees for critical House functions. This hearing was the first Committee hearing on shared employees since May of 2008. Following the 2008 hearing, the Committee adopted a new resolution concerning shared employee compliance and issued a new shared employee manual.

Despite an Office of Inspector General's report noting the risks of compliance failures, the Committee failed to take any further of-

ficial action until a systematic problem occurred. In the weeks following, the Committee Democrats worked with the Majority to identify and remedy issues of concern surrounding the use of shared employees. While significant common ground was identified, some vulnerabilities remain unaddressed. The Committee Democrats hope to further the work of reforming this system in the 116th Congress and conduct robust oversight as well. As these issues affect nearly every Member of the House, we hope our Republican counterparts will join in this ongoing effort.

#### WORKPLACE RIGHTS AND RESPONSIBILITIES

Until the creation of the Congressional Accountability Act of 1995 (CAA), Congress was exempt from workplace discrimination laws. The CAA was established to ensure that the Congressional workplace would be covered by anti-discrimination laws and regulations. Despite providing protections and a matter of redress for alleged violations, the CAA is over twenty years old and in 2017, as a growing number of survivors broke their silence and focused the nation's attention on workplace harassment across industries, the Committee began to investigate the adequacy of the CAA.

The Committee began to examine if the CAA provided sufficient protection for survivors of sexual harassment in the Congressional workplace. Our first hearing took place on November 14th, 2017, titled Preventing Sexual Harassment in the Congressional Workplace. This hearing validated the need for reforms to the CAA. Soon after on December 17th, 2017, the Committee convened a second hearing that focused on specific proposals to reform the CAA.

During the entire examination of potential gaps in the CAA, our Members met with survivors and stakeholders from varied sources such as the Office of Compliance (OOC), the Office of House Employment Counsel (OHEC), the National Women's Law Center, and the Equal Employment Opportunity Commission. The Committee took testimony from Representative Jackie Speier, who spoke about her personal experiences as a former Congressional staffer as well as Representative Bradley Byrne, whose 30 years of experience in employment law identified many opportunities for reform. From this thorough examination and collaborative process the Committee was able to introduce and pass three measures to ensure the safeguarding of survivor rights.

While the Senate passed a version of CAA reform in May 2018, they held no hearings, no stakeholder sessions nor conducted a collaborative process. As a result, organizations such as the American Civil Liberties Union found the House bill "superior" to the Senate bill.<sup>1</sup> That same sentiment was echoed in a May 23, 2018 coalition letter signed by several major civil rights groups and women's organizations addressed to Speaker Ryan and Leader Pelosi expressing that the House bill, ". . . provide[s] greater transparency and ac-

<sup>1</sup>Jacobs, Mia. Congress Needs to Take Responsibility for Fixing Harassment in Its Own Halls: (2018, September 24). In ACLU Blog Women's Rights. Retrieved December 11, 2018 from <https://www.aclu.org/blog/womens-rights/womens-rights-workplace/congress-needs-take-responsibility-fixing-harassment-its>



countability to the public and stronger protections for employees of the legislative workforce”.<sup>2</sup>

House Resolution 630, introduced November 28, 2017, mandated that all Members and staff, including interns, fellows and detailees of the House would need to undergo annual mandatory anti-harassment and anti-discrimination training. The House unanimously adopted this resolution, and the initial training was completed on July 2, 2018 with 100% participation from Members.

The second reform we enacted was House Resolution 724. This resolution imposed two mandates on the House; first, that all House offices would be required to adopt an anti-discrimination and anti-harassment policy for the workplace. Second, the resolution established an Office of Employee Advocacy, which would provide publicly funded attorneys for House employees when facing workplace discrimination or harassment. This measure passed the House by voice vote on February 6, 2018.

Finally, we introduced, H.R. 4924. This bill strengthened the CAA for all legislative branch employees. The legislation, which passed unanimously on February 6, 2018, eliminated counseling and mandatory mediation requirements, required current and former Members of Congress to reimburse the Treasury if an employee receives an award or settlement for the Member’s alleged act of discrimination or retaliation, required non-congressional legislative offices that violate CAA requirements to reimburse the Treasury for resulting award or settlement payments, and extended CAA nondiscrimination requirements to unpaid interns, detailees, and fellows.

Throughout this process the Committee worked in a bipartisan manner to quickly enact meaningful legislation. While these three measures are a good investment in safeguarding the workplace, we were disappointed that the Majority did not extend protections to the LBGQT and gender identity community by providing protection from discrimination and harassment based on sexual identity and/or gender discrimination.

Currently, extending workplace protections has become an issue as the Committee prepares to promulgate a model anti-harassment and anti-discrimination policy that House employers can use as an example for their own policies. The proposed model employee policy makes significant strides to improve employee protections. We have reached bipartisan agreement on many components of the model policy, including guidelines that would require offices to adopt a statement that they are committed to equal opportunity, definitions of prohibited harassment of all kinds, clearly explained employee obligations to report violations of the policy, and addressing the office’s responsibility to have a method to investigate and correct allegations of violations to the policy. The policy proposed by the Majority leaves behind protections for the LBGQT employees. While this has been a bipartisan, good faith effort to date, we cannot endorse a policy that neglects so many vulnerable employees in the Congressional workforce.

<sup>2</sup>American Civil Liberties Union, et al. “Coalition Letter Calling for a Conference Committee on the Congressional Accountability Act of 1995 Reform Act (H.R. 4924/S.2952).” Received by Speaker Ryan and Leader Pelosi. 8 June 2018.

Requiring the same protections for gender identity and LGBTQ community as other protected classes is not only the right thing to do, but it is recommended by OHEC as well as the General Counsel of OOC. Further, recent appellate court decisions make clear that sexual orientation is prohibited under Title VII of the Civil Rights Act of 1964.<sup>3</sup> Additionally, gender identity is a protected category in many jurisdictions, and gender stereotyping is also a form of sex discrimination.<sup>4</sup> A number of gender identity, sexual orientation, and related cases, are being successfully brought pursuant to this case law.<sup>5</sup>

#### FEDERAL ELECTIONS

The Committee Majority has effectively abdicated their responsibility to oversee and improve the administration of federal elections. While such a dereliction of duty is troubling at any time, it is particularly troubling in this moment when there is consensus among American intelligence officials and even both parties that attempts were made by Russia to compromise the integrity of American elections. On July 17, 2018, Speaker Paul Ryan said to reporters “They did interfere in our elections—it’s really clear,” and Senate Majority Leader Mitch McConnell referred to “indisputable evidence” of Russia’s attempts to influence the 2016 election. Leader McConnell further stated, “We understand the Russian threat, and I think that is the widespread view here in the United States among Members of both parties.”<sup>6</sup>

That widespread view was either not held or not heeded by the Committee Majority. Instead, the fact of Russian interference in the 2016 election was confirmed by eight national agencies—the Central Intelligence Agency, Office of the Director of National Intelligence, F.B.I., National Security Agency, Justice Department, Department of Homeland Security, House Intelligence Committee, Senate Intelligence Committee<sup>7</sup>—the Majority turned a willfully blind eye, denying the American people important hearings about these profoundly troubling findings even though they were well within the jurisdiction and fundamental responsibility of this Committee.

Instead of investigating or holding hearings on Russian interference, on the challenges faced by struggling states seeking to protect their election infrastructure with inadequate resources or convening experts to provide guidance on how to bolster election security, the Majority held exactly one hearing on elections, the topic of which was “State Voter Registration List Maintenance,” ostensibly to address the possibility of voter fraud. While the Brennan Center for Justice has found that National Weather Service data

<sup>3</sup> See *Zarda v. Altitude Express, Inc.*, 883 F.3d 100 (2nd Cir. 2018); *Hively v. Ivy Tech. Comm. College*, 853 F.3d 339 (7th Cir. 2017).

<sup>4</sup> *Price Waterhouse v. Hopkins*, 109 S.Ct 1775 (1989).

<sup>5</sup> *Schroer v. Billington*, 577 F. Supp. 2d 293 (D.D.C. 2008).

<sup>6</sup> Michael Collins, Nicole Gaudiano & Eliza Collins, *Congressional GOP leadership: No doubt that Russia meddled in 2016 presidential election*, USA TODAY, July 17, 2018, available at <https://www.usatoday.com/story/news/politics/2018/07/17/paul-ryan-really-clear-russia-meddled-presidential-election/791541002/>.

<sup>7</sup> Karen Yourish & Troy Griggs, *8 U.S. Intelligence Groups Blame Russia for Meddling, but Trump Keeps Clouding the Picture*, N.Y. TIMES, Aug. 2, 2018 available at <https://www.nytimes.com/interactive/2018/07/16/us/elections/russian-interference-statements-comments.html>.

shows that Americans are struck and killed by lightning about as often as voter fraud occurs,<sup>8</sup> the Majority chose to focus on this issue for a hearing, rather than the findings on election insecurity verified by eight national intelligence agencies and leadership in both parties. What's more, the Majority voted again to terminate the only federal agency charged with improving election administration, the Election Assistance Commission (EAC), in a February 2017 mark-up.

The Committee Democrats thankfully worked to fill the vacuum. Democratic Leader Nancy Pelosi announced the formation of the Congressional Task Force on Election Security (the Task Force), led by Committee on Homeland Security Ranking Member Bennie G. Thompson and Committee on House Administration Ranking Member Robert A. Brady.

Over six months, the Task Force collaborated with stakeholders to gain critical insights into election security's challenges and possible solutions. Experts consulted included state election officials, computer scientists, advocacy groups and election technology vendors. As noted in the Task Force's July 2018 report, the first forum was "Securing America's Elections: Understanding the Threat." The forum featured former Secretary of Homeland Security Jeh Johnson and former Under Secretary of the National Protection and Programs Directorate at DHS Suzanne Spaulding. The next forum was titled "Securing America's Elections: Preparing for 2018 and Beyond." In that presentation, Members heard from EAC Chairman Tom Hicks, Rhode Island Secretary of State Nellie Gorbea, and then-Virginia Elections Commissioner Edgardo Cortés.<sup>9</sup> Through this work, the Task Force developed a set of recommendations on how to secure our elections going forward. Those recommendations were released in a final report in January 2018, and were followed by an updated report in July 2018, which focused on the eighteen states that remained most vulnerable to election interference.

The Committee was further involved in additional activities to better understand the issue of election security and how to best address it.

On March 6, 2018, the Committee Democrats joined House Democratic Whip Steny Hoyer in leading a letter to the Appropriations Committee requesting that the Fiscal Year (FY) 2018 Omnibus include \$14 million for the EAC and \$400 million in unspent funds under the Help America Vote Act of 2002 (HAVA), so states could begin to take much-needed steps to secure their election infrastructure. On March 23, 2018, Congress passed the FY 2018 omnibus spending bill, which appropriated \$380 million to the EAC in HAVA grants. The Committee worked with appropriators to ensure omnibus language that provides that the EAC is to use the money to make payments to states "for activities to improve the adminis-

<sup>8</sup>Brennan Center for Justice, Policy Brief on the Truth About "Voter Fraud," September 12, 2006, available at <https://www.brennancenter.org/analysis/policy-brief-truth-about-voter-fraud>. (It is important to draw the distinction between vanishingly rare voter fraud, and *election* fraud, which is an attempt to influence an election's outcome by those involved in the election, such as is alleged against the Republican candidate in NC-09's current House race.)

<sup>9</sup>Committee on House Administration—Democrats, Election Security Update: Top 18 Most Vulnerable States, July 2018.

tration of elections for Federal office, including to enhance election technology and make election security payments.”

On March 19, 2018, the Committee Democrats led another letter with Whip Hoyer to the House Appropriations Committee requesting further increases in election security funding in FY 2019 to help states secure their systems in advance of the 2020 election. Specifically, the letter called for \$23 million for the EAC to enable the agency to increase research on secure voting equipment and cybersecurity best practices, create technical guidelines for voting machines in conjunction with the National Institute of Standards, and hire additional staff to provide full time assistance to state and local election officials on security issues. The letter also requested \$1.2 billion in funding under HAVA for states to use to secure their voting systems from future attack, including by replacing aging and vulnerable voting machines that are at risk of being hacked, implementing risk limiting audits, hiring IT staff, and providing cybersecurity training to all election officials and poll workers. The FY 2019 Financial Services and General Government Appropriations Act, which has jurisdiction over this funding, has yet to be enacted as of the writing of this report.

Finally, the Committee Democrats have actively engaged with the EAC and the community on securing America’s election systems. On May 11, 2018, Committee Member Representative Jamie Raskin joined Whip Hoyer on a tour of the EAC headquarters in Silver Spring, Maryland to receive updates from EAC staff on the status of the election security funding provided in the FY 2018 omnibus spending bill for states’ efforts to secure their election systems. During the tour, the Members also discussed cybersecurity practices with election technology vendors. Committee Members expressed serious concerns that these vendors have insufficient financial incentive to prioritize security and are not currently required to use cybersecurity best practices. Following their visit, the pair announced plans for a public forum on election security in Rockville, Maryland.

That forum in Rockville took place eleven days later, on Tuesday, May 22, 2018. The Committee Democrats hosted a Congressional Forum on Election Security with Rep. Raskin and Whip Hoyer. Additional panelists included EAC Chairman Tom Hicks, Danielle Root, Center for American Program Voting Rights Manager, and Liz Howard, Counsel for the Brennan Center’s Democracy Program. The forum focused on the state of U.S. election systems, the Election Assistance Commission’s efforts to help states secure their elections, and the need for Congressional action to protect against foreign interference.

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