May 6, 2022

The Honorable Rosa DeLauro  
Chair  
House Committee on Appropriations  
2413 Rayburn Office Building  
Washington, DC 20515

The Honorable Kay Granger  
Ranking Member  
House Committee on Appropriations  
1026 Longworth House Office Building  
Washington, DC 20515

The Honorable Tim Ryan  
Chairman  
Subcommittee on the Legislative Branch  
House Committee on Appropriations  
1126 Longworth House Office Building  
Washington, DC 20515

The Honorable Jaime Herrera Beutler  
Ranking Member  
Subcommittee on the Legislative Branch  
House Committee on Appropriations  
1126 Longworth House Office Building  
2352 Rayburn House Office Building  
Washington, DC 20515

Dear Chair DeLauro, Chairman Ryan, and Ranking Members Granger and Herrera Beutler:

The Project On Government Oversight (POGO) submits the following requests for language to be included in the fiscal year 2023 Legislative Branch appropriations bill and report.

POGO is a nonpartisan independent watchdog that investigates and exposes waste, corruption, abuse of power, and when the government fails to serve the public or silences those who report wrongdoing. POGO champions reforms to achieve a more effective, ethical, and accountable federal government that safeguards constitutional principles.

To further strengthen Congress’s efforts to promote government accountability and civil rights, we suggest several modest reforms, all of which could be addressed in either bill text or report language accompanying the legislative branch appropriations bill:

1. Encourage the use of bipartisan committee websites
2. Encourage the use of bipartisan committee reports when possible
3. Require bipartisan administrative personnel in oversight committees
4. Improve questioning of witnesses during oversight hearings
5. Add a bipartisan oversight workshop to the Congressional Staff Academy and Congressional Leadership Academy
6. Include a bipartisan oversight session in the new member orientation
7. Assess the viability of a congressional office of legal counsel
8. Permit one TS/SCI clearance per House personal office to support oversight
10. Report on making congressional documents more accessible
11. Require the Government Accountability Office to report on agencies’ compliance with the Good Accounting Obligation in Government Act

All of these suggestions are further described in the attachment to this letter.

Thank you for your consideration of these proposals to strengthen government accountability and oversight of the legislative branch. For more information, please have your staff contact me at joanna.derman@pogo.org.

Sincerely,

Joanna Derman
Policy Analyst

Enclosure: 1
POGO Recommendations to Strengthen Congressional Accountability and Government Oversight

In order to strengthen government accountability and congressional accountability, the Project On Government Oversight (POGO) suggests the following reforms be incorporated into report language accompanying the House Legislative Branch appropriations bill for fiscal year 2023.

Encourage the Use of Bipartisan Committee Websites

*Appropriations Committee:* Legislative Branch  
*Agency:* House of Representatives  
*Account:* Salaries and Expenses  
*Type of Request:* Report Language

**Justification:** The House now permits committees to create partisan websites that post information prepared exclusively by the majority or minority. This practice contributes to partisanship at the committee level, impedes bipartisan oversight, makes it more difficult for the public to follow committee activities, and increases taxpayer costs by requiring the upkeep of two websites instead of one. The use of partisan websites also risks losing online committee records after changes in the majority party or committee leadership. On December 8, 2021, the House Select Committee on the Modernization of Congress issued Civility Recommendation 11, endorsing bipartisan committee websites. Senate committees already typically use bipartisan websites.

**Proposed Report Language:** The Committee encourages House committees to merge any existing, partisan websites into a single website for each committee. Newly combined websites should present nonpartisan information about the committee and its activities (including all oversight activities), identify all committee and subcommittee members, and include a section allowing the majority and minority to each post joint, majority, or minority committee-related news releases. The Committee believes that committee websites that combine information from the majority and minority will encourage bipartisan committee operations and oversight efforts, aid the public in following committee activities, better safeguard committee records, and reduce taxpayer costs by maintaining one website instead of two.

Encourage the Use of Bipartisan Committee Reports when Possible

*Appropriations Committee:* Legislative Branch  
*Agency:* House of Representatives  
*Account:* Salaries and Expenses  
*Type of Request:* Report Language
**Justification:** Committees conducting oversight often issue reports summarizing their factual findings and recommendations, but on occasion the majority and minority issue separate reports about the same investigation. Separate reports encourage partisan analysis, make it more difficult for the public to understand the committee’s oversight work and any areas of disagreement among committee members, and increase taxpayer costs by producing two reports instead of one. Committees also risk losing copies of minority reports that are posted solely on minority committee websites. A better practice is for committees to issue a single report that includes any additional or dissenting views of committee members. As POGO pointed out in a 2017 report, *Necessary and Proper: Best Practices for Congressional Investigations*, Senate committees often produce bipartisan reports that include lengthy additional or dissenting views, demonstrating the practicality of that approach for House committees.

**Proposed Report Language:** The Committee encourages House committees conducting oversight investigations to produce a single oversight report combining majority and minority views whenever possible, rather than separate majority and minority reports, and to include within the joint report any additional or dissenting views by committee members. The Committee believes that committee reports which incorporate additional or dissenting views will encourage bipartisan committee operations, aid the public in understanding the committee’s work and any areas of disagreement among committee members, better safeguard committee records, and reduce taxpayer costs by producing one report instead of two.

**Require Bipartisan Administrative Clerks in Oversight Committees**

*Appropriations Committee:* Legislative Branch  
*Agency:* House of Representatives  
*Account:* Salaries and Expenses  
*Type of Request:* Report Language

**Justification:** Some House committees employ separate administrative personnel for the majority and minority. As a result of being employed by one group of members rather than the full committee, administrative personnel may perceive their duty to lie not with the overall committee but with one side of the aisle. A committee’s administrative tasks should be executed in a nonpartisan manner, including such oversight-related tasks as preparing and issuing subpoenas, logging documents, releasing deposition transcripts, preparing reports, announcing hearings, compiling hearing records, and archiving investigative materials. In addition, committee administrative staff answering to both sides of the aisle may remain with the committee longer, building institutional knowledge including on oversight matters. In the 116th Congress, the House Select Committee on the Modernization of Congress issued Recommendation 74, calling for committees to “hire bipartisan staff approved by both the Chair and Ranking Member to promote strong institutional knowledge, evidence-based policy making, and a less partisan oversight agenda.” Senate committees already follow this practice.

**Proposed Report Language:** The Committee encourages House committees to hire administrative staff on a bipartisan basis and allocate employee compensation between the majority and minority on a roughly 50-50 basis. The Committee believes that joint administrative staff will eliminate duplication by employing fewer administrative staffers, encourage bipartisan administration of committee oversight tasks, and free up limited resources for other oversight professionals.
Improve Questioning of Witnesses During Oversight Hearings

**Appropriations Committee:** Legislative Branch  
**Agency:** House of Representatives  
**Account:** Office of the Chief Administrative Officer  
**Type of Request:** Report Language

**Justification:** Currently, House rules encourage committees to place a five-minute limit on questions asked by House members during hearings. Short-duration questioning too often diminishes the gravity and coherence of oversight hearings, leaves members struggling to get answers to their questions, and gives the impression that members are insensitive to witnesses. Five-minute question limits also produce abrupt topic changes that can make an oversight hearing difficult to follow and that produce exchanges which are not conducive to a useful hearing record. In the 116th Congress, the House Select Committee on the Modernization of Congress issued Recommendation 73, calling for committees to “experiment with alternative hearing formats to encourage more bipartisan participation.” During the 117th Congress, the Modernization Committee modeled the use of relaxed time limits during its oversight hearings. In the Senate, some committees and subcommittees have long used alternative time limits for questions during oversight hearings.

**Proposed Report Language:** The Committee encourages House committees to allow their chair and ranking member to reach agreement on questioning one or more witnesses for equal time periods without first having to obtain a motion or rule to do so, to eliminate the one-hour aggregate limit on time periods that extend beyond five minutes for questioning witnesses, and to encourage all House committees’ members to delegate any of their unneeded or remaining allotted time to other committee members when it would facilitate a hearing. The Committee believes that longer time periods for questioning witnesses will encourage more respectful, coherent, and productive oversight hearings.

Add Bipartisan, Fact-Based Oversight Workshop to the Congressional Staff Academy and Congressional Leadership Academy

**Appropriations Committee:** Legislative Branch  
**Agency:** House of Representatives  
**Account:** Office of the Chief Administrative Officer  
**Type of Request:** Report Language

**Justification:** To deter Members of Congress, their staffs, and committee staff from treating oversight investigations as a partisan exercise, and to demonstrate how oversight inquiries can bridge political divides and provide effective reviews of government programs and private sector activities, more oversight training and workshops are needed. Currently, the Congressional Staff Academy offers no training on using fact-based, bipartisan oversight to strengthen rather than weaken committee and member relationships, civility, and collaboration. In addition, limited or no consideration has been given to providing a bipartisan, fact-based oversight workshop for members in the upcoming Congressional Leadership Academy.
Since 2006, POGO’s Congressional Oversight Initiative has worked to help Congress perform one of its most important constitutional responsibilities: overseeing the executive branch. Over the past 15 years, we have trained thousands of congressional staff — Democrats and Republicans, House and Senate, from nearly every committee office and many personal offices — on best investigative and oversight practices through our monthly oversight trainings. Additionally, since 2015, POGO, the Levin Center, and the Lugar Center have held twice-yearly, bipartisan training sessions for congressional staff, called “Oversight Boot Camps,” to hone the skills needed to conduct fact-based, bipartisan, high-quality inquiries. Our two-day boot camps combine staff from the House and Senate, and from both parties, in investigative exercises that, to date, have trained over 300 staffers. In recent years, we’ve received over 100 applications for the 25 spots available in each boot camp, demonstrating the strong demand for civil, effective, bipartisan oversight training. Boot camp participants are put into bipartisan groups, often with their committee counterparts on the other side of the aisle or on the other side of the Capitol, helping to create invaluable working relationships.

In the 116th Congress, the House Select Committee on the Modernization of Congress issued Recommendations 32 and 63, calling for an increase in “bipartisan learning opportunities for staff” and “staff certifications” in congressional skills. On December 8, 2021, the Modernization Committee also recommended that the proposed Congressional Leadership Academy and Congressional Staff Academy offer voluntary training to members and staff to promote civility, leadership, and collaboration skills.

**Proposed Report Language:** The Committee encourages the Chief Administrative Officer (CAO) to ask the Congressional Staff Academy and the Congressional Leadership Academy to work with outside organizations that provide effective oversight workshops to offer educational and professional development opportunities on conducting high-quality, fact-based, bipartisan oversight investigations. The Committee also encourages the CAO to prioritize offering a staff certification for Oversight Investigators through the Congressional Staff Academy.

**Include Bipartisan Oversight Session in the New Member Orientation**

**Appropriations Committee:** Legislative Branch  
**Agency:** House of Representatives  
**Account:** Office of the Chief Administrative Officer  
**Type of Request:** Report Language

**Justification:** To prevent newly elected House members from treating oversight investigations as a partisan exercise, and to provide them with basic information about Congress’s oversight responsibilities and capabilities, the 2022 New Member Orientation should include a bipartisan session on oversight. In December 2020, at the invitation of the Committee on House Administration, the first-ever New Member Orientation oversight workshop was held, and it featured four panelists: the Government Accountability Office, the House Office of the Whistleblower Ombuds, the Levin Center, and POGO. Although it was offered to all new members, a Democratic leadership session was held at the same time, and only Republican members attended.
During the 116th Congress, the House Select Committee on the Modernization of Congress issued Recommendations 12-14, calling for “offering new-Member orientation in a nonpartisan way,” providing “opportunities for members to collaborate in small groups,” “making new-Member orientation more comprehensive,” and “promoting civility during new-Member orientation.” On December 8, 2021, the Modernization Committee also recommended that New Member Orientation sessions be held separately from party leadership events so that all members may attend, and that they include material to promote bipartisan collaboration.

Proposed Report Language: The Committee encourages the Chief Administrative Officer and the Committee on House Administration to sponsor a bipartisan workshop on congressional oversight during the 2022 New Member Orientation, to schedule the workshop at a time when members from both parties may attend, and if possible, include interactive oversight exercises. The Committee believes that an NMO bipartisan oversight workshop will help foster relationships between new members, improve civility, and build trust among new members.

Congressional Office of Legal Counsel

Appropriations Committee: Legislative Branch
Agency: Government Accountability Office
Account: Salaries and Expenses
Type of Request: Report Language

Justification: The executive branch derives great value from the opinions issued by the Justice Department’s Office of Legal Counsel (OLC), which shape public and judicial views of the law. However, these opinions overwhelmingly favor executive branch interests at the expense of Congress, and they contribute to the overreach of executive power. It is crucial that Congress develop its own process for issuing respected, persuasive legal opinions on its legislative and oversight authorities. Congress has previously considered establishing a bicameral legal office to articulate and defend its institutional interests and authorities, including during the drafting of the Ethics in Government Act of 1978. Although the OLC objected to a 1975 bill seeking to establish such an office, then called the Office of the Congressional Legal Counsel, the department later agreed to an iteration of that office included in the Senate version of the Ethics in Government Act after negotiations with lawmakers. Proposals to strengthen the House Office of General Counsel and the Office of Senate Legal Counsel have also been considered from time to time. In October 2021, the House Committee on the Modernization of Congress sent a letter to the Government Accountability Office asking it to study the feasibility and possible functions of a Congressional Office of Legal Counsel.

Proposed Report Language: The Committee applauds the Government Accountability Office for beginning to study the feasibility and possible functions of a Congressional Office of Legal Counsel. Congress has a strong interest in protecting and asserting its constitutional prerogatives so it can obtain the information it needs to effectively conduct oversight and its legislative duties. The Committee strongly encourages the GAO to examine how a congressional counterpart to the executive branch’s OLC should be structured, what functions and authorities that office should have, and how the office should interact or intersect with the functions and powers of existing legal support offices in Congress.
Permit One TS/SCI Clearance Per House Personal Office to Support Oversight

**Appropriations Committee:** Legislative Branch  
**Agency:** House of Representatives  
**Account:** Salaries, Officers and Employees: Office of the Sergeant at Arms  
**Funding Level:** N/A  
**Type of request:** Report Language

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

The fiscal year 2020 Legislative Branch Appropriations bill requested a study and report on processing times for security clearances for House employees and whether such clearances “are being finalized and adjudicated consistently with executive branch timelines.” The fiscal year 2021 Legislative Branch Appropriations bill asked for further clarification of this information, directing the Sergeant at Arms to “include the number of clearances disaggregated by security level as well as clearances pending.”

The House of Representatives should also empower every Member to designate one personal office staffer who shall be provided clearance at the TS/SCI level should that staffer pass the background check. Receiving a clearance does not put a staffer “in access” to information, since that requires an additional determination of need-to-know. However, it removes an important barrier so that staffer can provide an appropriate level of responsive, unbiased, expert advice to their employing Member.

Demand Progress supports this appropriations request.

**Proposed Report Language: Security Clearances:** The Committee directs the House Security Division (HSD) of the Sergeant at Arms to amend the House of Representatives Security Policy Manual to establish a procedure, within 30 days of enactment of this Act, through which every House Member may submit a maximum of one Top-Secret-cleared employee per House personal office through HSD for adjudication of eligibility to access Sensitive Compartmented Information (SCI) by the Department of Defense Central Adjudication Facility. This shall not alter the established precedence of a “need-to-know” determination made by the entity in possession of the classified information or material sought.

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

Appropriations Committee: Legislative Branch
Agency: Capitol Police
Account: General Expenses
Funding Level: N/A
Type of request: Report Language

Justification: The Office of the Inspector General for the U.S. Capitol Police (USCP) is supposed to provide independent, professional, nonpartisan oversight of the U.S. Capitol Police’s operations, but it does not make its reports available to the public. This policy is pursuant to the direction of the Capitol Police Board, and undermines public accountability and congressional oversight. Last year’s attack on the U.S. Capitol, and the subsequent questions surrounding USCP procedures and operations, are a clear example of why the presumption should be reversed: reports by the USCP should be made publicly available as a general rule, and only in limited exceptions should a summary be published in their stead. Currently, the only documents available on the USCP IG’s website are four External Peer Review Reports from 2019, 2016, 2013, and 2010.

In the House report accompanying the fiscal year 2021 legislative branch appropriations bill, lawmakers requested that the IG publicly release reports if they do not compromise law enforcement activities, national security, or congressional security and processes without redaction. The committee’s request that the IG review all issued reports from the previous three years to determine which could have been made public is commendable; the USCP IG review was due on March 27, 2021. We urge all reports identified by the IG be published immediately, and a new policy be put into effect requiring that IG reports be made publicly available except under limited circumstances, in which case a summary should be published in their stead.

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

In addition, the USCP IG is requested to publish on its website and on Oversight.gov within 180 days of enactment of this legislation the following information concerning reports issued over the last 10 years: the subject (or a descriptive title); date of publication; and any findings, recommendations, conclusions, and actions taken that relate to the report. Further, it may publish the entirety of any of its reports sua sponte, subject to the above restrictions, and shall establish a process for the public to request online publication of individual reports.
Report on Making Congressional Documents More Accessible

**Appropriations Committee:** Legislative Branch  
**Agency:** House of Representatives  
**Account:** N/A  
**Funding Level:** N/A  
**Type of request:** Report Language

**Justification:** The House of Representatives should be accessible for all Americans. In the 116th Congress, the House Select Committee on the Modernization of Congress issued Recommendation 27, which calls for greater accessibility to the House of Representatives by specifically “[i]mproving access to congressional websites for individuals with disabilities.” This is because lack of access to congressional websites can preclude some constituents from obtaining important information about their representatives, such as legislation, district services offered through the office, or job and internship opportunities. Increasing the accessibility of bills online will also better equip legislative branch staff to obtain the information they need to oversee the executive branch effectively.

**Proposed Report Language:** This Committee supports the House Modernization’s Recommendation 27 to improve access to congressional websites for individuals with disabilities by directing the Chief Administrative Officer (CAO) and the Office of House Information Resources (HIR) to scan and develop a plan to promptly maximize website accessibility. The CAO and HIR should work in close coordination with the House Office of Diversity and Inclusion.

Government Accountability Office Report on Agencies’ Compliance with Good Accounting Obligation in Government Act

**Appropriations Committee:** Legislative Branch  
**Agency:** GAO  
**Account:** General Provisions  
**Funding Level:** N/A  
**Type of request:** Report Language

**Justification:** The Good Accounting Obligation in Government Act (GAO-IG Act) established clear requirements that agencies publish as a part of their budget justifications each year a list of all recommendations from the Government Accountability Office and from the agency’s Inspector General Office that are more than a year old and still open or unimplemented. Despite this law going into effect in 2019 and the importance of the reporting, many agencies have failed to report the necessary information in their budget justification documents. This means that agencies are not consistently reporting on the status of open recommendations, providing an implementation timeline, or issuing detailed justifications for decisions to not implement a particular recommendation. Congress should require the GAO to analyze and report on federal agencies’ compliance with the GAO-IG Act to ensure agencies fully consider and respond to recommendations from these key oversight offices.
Proposed Report Language: The Committee directs the Government Accountability Office to review and report on every agency’s compliance with the reporting requirements of the GAO-IG Act. The report should indicate which agencies are in full compliance, which are missing some of the required reporting, and which are failing to report any of the required information. Further, the report should attempt to determine if there are any barriers or complications that prevent full compliance with the reporting requirements, and what steps Congress might take to ensure future compliance from all agencies. The Committee further directs all agencies to take whatever steps necessary to ensure they issue all required GAO-IG Act information with their next set of budget justification materials. The Committee also strongly encourages agencies to use the GAO-IG reporting process as an opportunity to review open recommendations and consider possible steps to fully or even partially implement the proposed actions.