

July 17, 2019

The Honorable Derek Kilmer
Chair
Select Committee on the Modernization
of Congress
United States House of Representatives
226 Cannon House Office Building
Washington, DC 20515

The Honorable Tom Graves
Vice Chair
Select Committee on the Modernization
of Congress
United States House of Representatives
226 Cannon House Office Building
Washington, DC 20515

Dear Chairman Kilmer & Vice Chairman Graves:

We write to bring your attention to the inefficiencies and vulnerabilities of the current process used to collect Member signatures in the House of Representatives and to urge your consideration of the solution outlined below.

The use of e-mail, internal websites like HouseNet, and online submission of legislative and administrative materials has revolutionized the work of the U.S. House of Representatives. In almost every case, these technologies have allowed House Members, Officers, and employees to spend more time working on behalf of the American people and less time doing paperwork and other clerical tasks.

Advances like the online on-demand accessibility of legislative text for Americans demonstrates how communications and information technology has changed our world. While Congress has benefited greatly from technological advancements, one area of House operations remains woefully stuck in the past: the inefficient, imprecise, and insecure method of obtaining signatures on joint letters and cosponsorship enrollment forms.

Obtaining Members' signatures is essential to the legislative process and function of Congress, but our means of providing them is remarkably similar those used in the 19th century, even as the volume of articles requiring Members' signatures has increased considerably.

At any given time, as many as several dozen congressional interns and staffers are walking the halls of Congress collecting hand-signed "wet ink" signatures from sometimes hundreds of Members' offices at a time on joint letters, appropriations requests, and other initiatives.

It's an open secret that, due to the intense schedules Members face and sheer volume of documents requiring their signature, rarely do the Members themselves actually sign by their own hand. Instead, internally approved staff often simply produce the signature of their boss.

However, this current approach presents serious drawbacks. Before a letter is circulated, all signature lines must be precisely prepared and in keeping with each Member's sometimes specific preferences (including spelling, salutations, post nominal titles, middle initials, and other

details) and staff from whom signatures will be requested must be informed in advance so that offices may accommodate the request. When a document is presented for signature, the office must be open for business and a staffer who is approved to sign available. Typically, the collection of a single Member's signature consumes approximately 10 minutes and a joint letter with widespread support can cumulatively consume many hours of walking and waiting. All the while, the actual process of collecting signatures continuously carries the risk of a signature page becoming damaged, or mishandled, or a signature given in an incorrect place; all of which would require at least a page of signatures, if not an entire document, to need to be recirculated for new signatures.

This system is inefficient and, because it lacks verification and authentication processes, it is rife with potential for error. While typically unintentional results of miscommunication, errors can require the entire effort be restarted, prevent Members from endorsing a cause as intended, or cause a member to endorse an effort they oppose. Current House rules dictate that the sponsor of a bill need only submit the printed name of any member to enroll that Member as a cosponsor.

In January 2015, Rep. Adam Smith of Washington State learned that he had been mistakenly added as a cosponsor to a bill that he had no intention of supporting. The bill in question would keep the Department of Health and Human Services from giving federal family planning grants to women's clinics that provide abortion services. Rep. Adam Smith, who has consistently opposed legislation that would bar federal money from funding such clinics, had been mistaken for Rep. Adrian Smith of Nebraska. Because Members are permitted to sign their colleagues onto bills without a signature, Rep. Adam Smith's name was added without his consent. Since Members are still not required to obtain the signature of a potential cosponsor, the same issue could arise for any Member at any time.

Most concerning, the current process is vulnerable to fraud or other nefarious practices by a Member or staffer who does not produce the document in a diligent, ethical manner. In March 2015, during the early months of his first term in office, Rep. Brian Babin's office faced a situation that, if not an example of foul play, illustrates how that could easily happen.

At the time, Congress was beginning consideration of Trade Promotion Authority (TPA) legislation to grant President Obama and Congress "fast-track" authority to consider proposed trade deals like the Trans-Pacific Partnership (TPP). It was and remains a complicated and divisive issue, with both strong support and opposition from constituents and stakeholders in Rep. Babin's district. In March 2015, a joint letter written to the President by certain freshmen Members of the Republican Conference pledging support for TPA and urging a vote on it as soon as possible, was presented to Rep. Babin's Capitol Hill office. Rep. Babin nor his staff had ever agreed to sign that letter, but through a mistake or potentially something worse, an intern had been dispatched to gather his signature anyway. Fortunately, Rep. Babin's staff refused to sign the letter, and later confirmed that it never should have been presented in the first place.

While Rep. Babin decided months later that he would support and vote for the TPA legislation, having his signature on this letter would have had profound ramifications and unjustly interfered with the deliberations and conversations he was having with his constituents and staff about that bill, even if he had asked the authors to "remove" his signature later. While Rep. Adam Smith's

unintended cosponsorship was technically remedied through a procedural motion, official records still note that he was briefly a cosponsor of legislation he actually opposed. No Member's record, work product, or legacy should be affected by these errors, intentional or not.

The shortcomings and inefficiencies of the current system can be avoided by modernizing the signature-collecting process. We now use modern technology for the research and initial requests for these letters, but we fail to use that technology to ensure the responsible and efficient collection of signatures. Utilizing a yet-to-be-determined platform or software, we can ensure that these documents are seen by the appropriate designated personnel in each office. The House has recently utilized technology to revolutionize the way we process and approve financial transactions, exemplifying how we can be adopt and implement a system to fit a unique purpose.

We propose implementing a system that will accommodate all documents that require multiple signatures, including, but not limited to, joint letters to a Cabinet official, Appropriations request support letters, and co-sponsorship requests. Under this system, members who have agreed to lend their names to a letter will have their digital signature uploaded and appropriately placed into the document, along with their precise name, post nominal title, state and district, etc. Members and certain approved staff would be granted access to this platform, ensuring signatures are authorized by the appropriate personnel.

The requirements for security, accuracy, and integrity of this letter system will require a custom-built software program, as well as training for users and support staff to help Members, Officers, and employees effectively utilize it. The Select Committee on the Modernization of Congress should develop criteria for potential developers who will bid for the right to develop this software for the House. The Committee should also hold hearings with Members and staff as well as outside experts who specialize in electronic-signature software to ascertain the requirements, costs, and timeline for implementation. Additional hearings or forums should be held with the Clerk, Chief Administrative Officer, House Information Resources officials, and Parliamentarian to ascertain what changes to House Rules are necessary and what further safeguards and procedures need to be enacted.

We understand and respect that our constituents sent us to Congress to fix their problems, not our own. We also know that the less time that Members and staff spend on inefficient processes, the more they can devote to issues that make a difference in people's lives. We look forward to working with you to realize an improved process and fix this broken system for the good of this institution and the American people we all have the great honor of serving in their House.

Sincerely,



Brian Babin, D.D.S.
United States Representative (R-TX-36)



Adam Smith
United States Representative (D-WA-9)