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Testimony

of

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Chairman Kilmer, Vice Chairman Graves, and members of the Committee, I appreciate the opportunity to testify today. I am a Fellow of the National Academy of Public Administration (the Academy) and have served as its President and Chief Executive Officer since January 2017. Established in 1967 and chartered by Congress in 1984, the Academy is an independent, non-profit, and non-partisan organization dedicated to helping government leaders address today's most critical and complex challenges. The Academy has a strong organizational assessment capacity; a thorough grasp of cutting-edge needs and solutions across federal, state, and local governments; and unmatched independence, credibility, and expertise. Our organization consists of nearly 950 Fellows—including former cabinet officers, Members of Congress, governors, mayors, and state legislators, as well as distinguished scholars, career public administrators, and business executives. The Academy has a proven record of improving the quality, performance, and accountability of government at all levels.

I am pleased to offer the Academy's perspective on options to modernize Congressional operations. Our Congressional charter precludes the organization itself from taking an official position on legislation, and so my testimony today will reflect the Academy's history on this topic and our general recommendations.

THE ACADEMY'S PERSPECTIVES ON MODERNIZING THE EXECUTIVE BRANCH AND THEIR APPLICATION TO CONGRESS

Despite being chartered by Congress, very little of the Academy's work over its 52-year history has centered on examination of processes and structures within the Legislative Branch. Instead, the majority of the Academy's work, especially that portion of the work directed by Congress through statute and report language, has focused on the operations of various agencies across the Executive Branch. As a result, the Academy has developed strong competencies in organizational assessments, strategic planning, program evaluation, human capital planning and management, and performance metrics and organizational performance improvement. I would like to highlight some insights from our recent work with the Executive Branch that may be applicable to the Legislative Branch.

The Future of the Civil Service—No Time To Wait

<https://www.napawash.org/studies/academy-studies/no-time-to-wait-part-2-building-a-public-service-for-the-21st-century>

An Academy Panel chaired by Professor Don Kettl recently completed two papers outlining a fundamentally new vision for the future of federal civil service. Inspired by the changing nature of work in the private sector, these reports examined the impact of these inevitable changes on the civil service, and concluded that, without immediate and significant change, we all risk a federal workforce that is neither trained for, structured for, nor adaptable to, the work that will be required of it, and that the need for radical change is urgent. The reports present a new model of talent management that rests on three fundamental tenets: mission first, principles always, and accountability to both.

More specifically, the Panel posits that agencies must have the freedom to design and execute their human capital strategies and management tools in a way that best supports their successful

mission accomplishment, and in fact, the best measurement of any human capital strategy is the agency's mission performance. I am pleased to see this concept at work in the efforts of the Department of Homeland Security to design the new cyber workforce system, but personally think that such flexibilities need to be extended to every agency. There are plenty of workforce options already allowed by statute—agencies now need to be empowered, and even encouraged, to take advantage of those flexibilities in ways that best suit their mission objectives.

Although the *No Time to Wait* vision promotes much more flexibility in agency human capital management, it constrains that flexibility by requiring it to be consistent with merit principles. These principles form the foundation that keeps our civil service professional and non-political, and we view them as non-negotiable. The role of a central personnel agency should be to assure that agencies maintain accountability to both mission success and merit system principles, and to assist them in achieving that balance. The future of the civil service must be based on the management of human talent, not positions, and must be developed with a focus on building a government workforce that can accomplish the work of government with new tools in a modern environment.

In this space, Congress is in a unique position. As a separate branch of government, it already has the autonomy we advocate for in Executive Branch agencies to design its own human capital practices. A focus on mission first and principles always, combined with an understanding of modern talent management tools and practices, could strengthen the skills, development, and retention of the Legislative Branch workforce.

Effectively Managing Telework: The U.S. Patent and Trademark Office

<https://www.napawash.org/studies/academy-studies/the-united-states-patent-and-trademark-office-a-telework-internal-control-a>

In 2015, the Academy examined the telework practices of the U.S. Patent and Trademark Office (USPTO) to ensure that management controls and programmatic goals were effective and aligned with the Agency's mission. This entailed a two-part review of the telework program, including:

1. An internal control review of the USPTO telework program to determine if it complied with the Internal Control standards outlined in OMB Circular A- 123, Management's Responsibility for Internal Control; and
2. A programmatic review to determine the effectiveness and efficiency of the USPTO Telework Program.

After a nine-month review, the Academy Panel determined that the telework program has provided important benefits to the USPTO, including saving money, enhancing employee quality of life, potentially increasing recruitment and retention, and ensuring on-going work during emergencies. The Panel also found that the USPTO has the controls in place to manage time and attendance for both on-site workers and teleworkers, and recommended that the USPTO continue its Telework and Hoteling Programs, while enhancing oversight mechanisms and strengthening its management practices.

The Panel also made over 30 recommendations to the USPTO to improve its telework practices, including:

1. The USPTO should establish separate probationary/conditional periods for beginning full-time teleworkers. Full-time teleworkers should be required to maintain “fully successful” status for two years after completing their training in order to continue being eligible for full-time telework.
2. Teleworkers should re-sign their teleworking agreements every two years to acknowledge acceptance of current telework policies and procedures.
3. The USPTO should continue to focus on developing ways to measure the quality of the examination process to target areas for training and to provide indicators of activities in the process that might lead to improvements in the quality of patents.

I recognize that telework is not immediately perceived as compatible with the day-to-day demands of the Congressional schedule and the type of work conducted by Members’ staffs while in session. Nonetheless, workers today routinely list flexible work arrangements as a desired feature of their employment. As Congress considers options for modernization, the Academy Panel’s PTO report—especially its recommendations for how managers and teleworking employees can establish productive working relationships—could be useful if Congress desired to increase flexibility in work arrangements through telework. This may help retain a talented workforce for the future.

Digital Insights from Federal Leaders

In partnership with ICF, the Academy conducted surveys in 2015 and 2016 of federal leaders to gain their perspectives about the pace with which the government is adopting, applying, and leveraging technological advancements in service to its constituencies. The Academy convened an expert Panel of its Fellows to guide the Academy/ICF study team's design and implementation of the survey, study its results, and offer key findings and recommendations. The Federal Leaders’ Digital Insight Study addressed the following broad topic areas: (1) use of digital technology, (2) job interaction with digital technology, (3) view of agency adoption of digital technology, and (4) acquisition of digital technology.

The 2015 survey showed that the federal workforce was knowledgeable about digital technology, had used it to increase productivity, believed technology makes agencies more efficient, and helped serve the public. The findings also reveal a number of challenges, including concerns that the government cannot keep pace with the rate of technological advances and the perception - not always supported by reality - that the private sector procures and adopts technologies more effectively. While some workers felt ever-present digital technology harmed private life, others thought it improved work/life balance. Respondents clearly expressed the need for federal workers to receive training when digital technology is deployed and on-going training to maintain skills.

The 2016 survey focused on actions that leverage existing institutions’ and agencies' resources and experiences to adopt and apply digital technology throughout government. These include: identifying effective practices to be shared across agencies; creating standards for hiring the best possible digital technology professionals; embracing ways to foster digital innovation and

reimagination; ensuring that digital security is effective while not hindering the application of technology; and continuing to assess stakeholder satisfaction. The survey indicated that, if government is going to keep pace with the private sector, it must foster true reimagination and transformation of digital operations to make them more effective and efficient for the American people.

Although these reports focused on the Executive Branch, they have implications for Congress as well. First, it is important for the U.S. House of Representatives to think strategically about digital technologies and how to use them to enhance services and connections to the public. Second, it is important for the House to develop more streamlined business processes, similar to those used by the private sector, prior to a major automation push. Third, it may be possible for the House to more efficiently acquire digital technology by establishing a more centralized approach to acquisition. And, finally, human capital is always critical. Digital technology does not run itself, so the House will need to work to recruit and retain digitally savvy staff and provide them with adequate training on how to use digital tools to greatest effect.

Best Practices for Government Leaders: Governing Across the Divide

<https://www.napawash.org/studies/academy-studies/governing-across-the-divide-four-best-practices-for-intergovernmental-leade>

To learn how government leaders are bridging divides to better deliver services, in 2017 the National Academy of Public Administration convened 15 panels of cross-sector government experts at four locations around the United States.

We structured the panels and discussions to expose the solutions and leadership skillsets driving the best and the brightest. The insights gleaned from the 15 panels, 73 speakers, and nearly 400 expert attendees, uncovered four main practices employed by successful government leaders today.

- 1) An enterprise-wide innovation capacity that is integrated into the strategic fabric of the organization;
- 2) The optimization and rethinking of the systematic interaction of the various stakeholders in today's networked government;
- 3) The prioritization of factual, useful information in execution and communication; and
- 4) An emphasis on patient and persistent engagement with constituents, customers, and the workforce.

These practices identify the problem-solving mindset of our most successful government leaders, but all agreed that government alone cannot solve the problems of the future. Networked, collaborative, and co-produced solutions across the public, private, nonprofit, and academic sectors will be needed to ensure equitable and effective delivery of government services. These co-produced solutions require flexibility to negotiate and execute, which is why many of the most innovative solutions are often first developed on the local level in cities and states.

Change begins with risk-taking leaders who engage with citizens and risk-taking citizens who engage with their state and community governments. Leaders who are successfully advancing innovative policies take the time to deliberately engage citizens face-to-face over long periods of time to communicate complicated policy implications and build trust and legitimacy through transparency.

As Congress considers options for modernization, the Academy's lessons learned from this series of conferences suggest that consideration be given to reimagining the existing committee and caucus structures to ensure that they genuinely function as forums for the intentional and cross-sectional evaluation of data and information to develop factual baselines, promote the sharing of various perspectives and opinions to build understanding, and apply modern technology to ensure that the voices of all stakeholders can be heard. Most of all, we learned that effectively bridging divides to create understanding and shared solutions requires intention, attention, and time.

Modernizing Procurement Practices: The Transportation Security Agency

<https://www.napawash.org/studies/academy-studies/transportation-security-administration-an-assessment-of-procurement-competi>

In 2017, TSA's Office of Contracting and Procurement (OCP) contracted with the Academy to undertake a study that would assess TSA's competitive procurement goals and identify best practices for promoting competitive procurements. The Academy's Study Panel identified promising practices to support effective procurement planning and competitive procurements. While OCP has taken important steps to improve procurement planning, their continued progress depends most importantly on building stronger support from program leadership and top Agency leaders for competitive procurement and planning. The Panel recommended that OCP adopt effective practices that can enhance Agency leader support by communicating the importance of competition and procurement planning in terms of improved mission performance, enhanced budgetary management, and reduced risks to Agency reputation. Then, in the context of heightened support for competitive procurement and planning, the Panel recommended that OCP present a plan to Agency leaders to strengthen program accountability for competitive procurement. This plan would include requiring that Contracting Officer Representative (COR) duties be incorporated into the performance plans of designated program staff and that oversight of the COR be included in the performance plans of COR supervisors.

The Academy is also partnering with the Senior Executive Association and the Shared Services Leadership Coalition to host a monthly working group comprising agency representatives charged with implementing shared services across the Executive Branch. This effort supports the President's Management Agenda Cross-Agency Performance Goal to "deliver shared quality services." Collectively, the group is dealing with a variety of issues, including defining standards for service delivery, identifying solution sets that can meet the needs of different agency missions, preparing their staffs for the inevitable changes in the nature of their work, and managing and driving change at all levels. While these challenges are real, the group is committed to sharing lessons learned and working together to achieve improved operations through shared services.

The Academy understands that many procurement decisions are highly decentralized in Congress and provide discretion to Members in support of their individual offices. Nonetheless, there are clear efficiencies to be gained when purchases are made at scale, and operational advantages accrue from standardized requirements for common and integrated IT systems, as an example.

THE ACADEMY'S WORK WITH ORGANIZATIONS IN THE LEGISLATIVE BRANCH

Although the majority of the Academy's work has been with Executive Branch agencies, we have conducted assessments of organizations in the legislative branch.

Print or Publish: The Government Publishing Office

<https://www.napawash.org/studies/academy-studies/rebooting-the-government-printing-office-keeping-america-informed-in-the-di>

The conference report to the 2012 Consolidated Appropriations Act mandated that the Academy conduct a broad operational review of the Government Printing Office (GPO) to update past studies of GPO operations; examine the feasibility of GPO continuing to perform Executive Branch printing; and identify additional cost saving operational alternatives beyond those that GPO has already implemented.

The Academy Panel and study team conducted a ten-month study of the agency's current role, its operations, and its future direction, and determined that the federal government in the digital age must continue to ensure that the public has permanent access to authentic government information and that GPO has a critical role to play in meeting this need, but that not all of that information needed to be in printed form. The Panel issued fifteen recommendations intended to position the federal government for the digital age, strengthen GPO's business model, and further GPO's continuing transformation. Among other things, the Panel recommended that Congress establish an inter-agency process to develop a government-wide strategy for managing the life-cycle of digital government information; GPO should provide an expanded set of services supporting the life cycle management of digital government information; GPO and Congress should explore alternative funding models for the Federal Digital System; and GPO should continue to perform Executive Branch printing, while further reducing costs and improving service to customers.

GPO leaders have made significant progress in "rebooting" the agency from a print-centric to a content-centric focus. In fact, changing the agency's name from the Government Printing Office to the Government Publishing Office was a public declaration of this change in emphasis. As Congress considers its options to modernize its operations, it could examine the requirements around publication of the various legislative products and work with GPO to evaluate further business and operational changes that can increase efficiency while also increasing public access to these critical records.

Other Studies Underway

The Academy currently has two studies nearing completion that will offer additional recommendations for the legislative branch.

Science and Technology Policy: In the 2019 Conference Report to Accompany H.R. 5895, Congress directed the Congressional Research Service (CRS) to contract with the Academy to conduct a review detailing the current resources within the Legislative Branch that are available to Members of Congress regarding science and technology policy. These resources include the U.S. Government Accountability Office (GAO) and CRS. As mandated by the Conference Report language, the Academy's study will accomplish the following:

- Produce a report detailing the current resources available to Members of Congress within the Legislative Branch regarding science and technology policy, including GAO.
- Assess the potential need within the Legislative Branch to create a separate entity charged with the mission of providing nonpartisan advice on issues of science and technology, such as the former Office of Technology Assessment (OTA).
- Address whether the creation of a separate entity would duplicate services already available to Members of Congress.

Architect of the Capitol (AOC): AOC contracted with the Academy in 2019 to coordinate, manage, and support a Blue Ribbon Panel of experts to identify ideas and propose renewal strategies for the Longworth and Rayburn House Office Buildings. The review is considering such issues as renovation opportunities, new construction alternatives to renovation, associated costs and timing for those plans, required swing space and/or temporary augmentations to existing spaces, and other key implementation factors. The Blue Ribbon Panel's final report will recommend specific options that should be the subject of a more detailed and separate feasibility study that will consider design and cost issues in greater depth. Upon completion, AOC will share this report with Congress. However, the future requirements for congressional office space could also depend on the choices Congress might make around telework, shared administrative staffs, centralized common services, and other changes to operations.

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I would reiterate here that, although the Academy has not specifically studied the options for modernizing Congress and its operations, we are an institution chartered by Congress, and as such, Congress could certainly direct such a study.

Since its establishment in 1967, the Academy has responded to requests for assistance from a wide range of agencies and organizations and has undertaken numerous studies on issues of interest to Congress and the Executive Branch. With its network of distinguished Fellows and an experienced, multi-dimensional professional staff, the Academy is uniquely qualified and trusted to provide objective advice and practical solutions that help government leaders overcome difficult challenges and produce positive change. Many of our Fellows have prior service in

Congress and on committee staffs, and many others have deep expertise in the set of functions that this Committee is considering in their evaluation of options.

Each Academy project is directed and overseen by an expert Panel or Expert Advisory Group (EAG) that consists primarily of Fellows. These Panels or EAGs provide high-level expertise and knowledge of current and emerging best practices. They are supported by a professional study team of highly qualified project directors, analysts and researchers that ensure our Panels have all the information required to develop their recommendations and provide meaningful advice to our client organizations.

We would welcome the opportunity to partner with this Committee to develop and evaluate options that could lead to recommendations that could improve how Congress manages its schedule and procedures, how it recruits and develops its staff, how it executes its administrative processes, and how it procures technology and manages innovation.

Mr. Chairman, that concludes my written statement, and I would be pleased to answer any questions you or the Committee members may have.