

Select Committee on the Modernization of Congress
Hearing: Enhancing Committee Productivity through Consensus Building

July 20, 2021

Good afternoon Chairman Kilmer, Vice Chair Timmons and Members of the Committee. Thank you for the invitation to speak with you today regarding committee best practices, promoting bipartisanship, and strengthening policymaking. My name is Jenness Simler. I am currently employed by The Boeing Company, but I am testifying before you today as a former Staff Director and Deputy Staff Director of the House Armed Services Committee. The views expressed are my own.

By way of brief background, I joined the HASC as a member of the professional staff in 2005. I served in both the majority and minority. And after more than a dozen years in various roles on the committee and working tirelessly with members and fellow-members of the staff to craft the National Defense Authorization Act (NDAA), which has been enacted annually for 60 years, I hope my experience may offer some unique perspectives regarding committee work and cooperation.

First, let me ask you to consider the following. What do these individuals have in common? A former Army EOD officer, a prosecutor of 9/11 co-conspirators, the 2nd ever female fighter pilot (with over 1500 hours in the F-15 Eagle), a retired Army colonel and nurse, a counter terrorism expert and professor, a former Thunderbird #1 with more sorties over Vietnam than any other pilot, a former army program manager, an author, a Defense Acquisition Workforce Level III Science & Technology manager, a former CEO. These are just a sampling of the careers the HASC staff had prior to working for Congress. What they also have in common is that they were never asked their party affiliation. They were patriots, hired for their policy expertise and commitment to service.

This is just one aspect of how the House Armed Services Committee gets a bill enacted every year with large bipartisan majorities. I firmly believe bipartisanship is at the heart of consensus

building, which leads to transparency, sound policymaking, and productive legislating. Bipartisanship does not mean the members agree on all issues. Far from it. However, with deliberate intent, bipartisanship can be built in order to allow policy differences to be debated constructively and to create resiliency for institutions in the face of electoral change.

Bipartisanship at the HASC starts with its membership. Members who request seats on the Armed Services Committee tend to represent districts with a strong military or defense industrial base footprint. This is a key difference compared to other committees, where members may have fewer shared equities. Bipartisanship also stems from the issues within the committee's jurisdiction. Not only do members have a profound sense of the importance of national security, but they also take pride in fulfilling a specifically enumerated constitutional responsibility for Congress. Moreover, many of the issues the committee considers do not lend themselves to partisanship. For example, a member doesn't feel one way about the importance of naval power or science and technology just because they are a Democrat or a Republican. They may care where the next ship is built, but all members support domestic shipbuilding. However, the military is a microcosm of the issues facing America as a whole. There are plenty of issues, particularly social issues or foreign policy, where members may divide along party lines. That's where the deliberate cultivation of bipartisanship and transparency makes a difference.

As I mentioned at the outset, the staff tend to be hired externally and based on their subject matter expertise. While there are technically majority and minority positions to allow both the chairman and the ranking member to hire staff, there is no political litmus test. It is not uncommon for a staff member to be hired by the majority when one party is control of the House and to stay in that majority position when the other party assumes the majority. It is rare to hear a member of the staff introduce themselves as a "majority" or "minority" staffer. In fact, I think many members of the committee do not know exactly which staff are majority and which are minority. The staff also share offices space, take meetings together, and travel together. These practices build trust between and among the members and the staff.

Behind the scenes, this trust is strengthened through the technology and practices used to conduct hearings and to build the NDAA. While the majority is responsible for the calendar and

for operations, hearings are designed collaboratively. There is a single, joint hearing memo issued by the staff. Many events are scheduled as roundtables or briefings, to turn off the cameras, and allow a real exchange of information to take place.

As you know, the NDAA is voluminous. Some of the bill is template, with certain items re-authorized every year like military end-strength. But most of the bill and report comes from ideas submitted by members and staff. The committee uses a web-based portal to collect member legislative requests and all requests can be viewed by both majority and minority staff. They have a shared goal to include as much as practicable from all members' top priorities. The committee also uses a separate database to draft both the bill and report language from start to finish. The database is open to the entire staff at all times. There is no surprising the minority with the content drafted on the side and minority staff have the opportunity to make edits in real time. Everyone can see exactly where a provision is in the approval process and who the sponsor of the provision is. At mark up, all submitted amendments are reviewed by the entire staff together in one room, with the goal toward identifying where consensus is possible and where the debates will be. Every member of the committee can offer as many amendments as he or she would like and they will all be considered. This fosters significant transparency and the opportunity to legislate, as the subcommittees each have legislative jurisdiction, as well as the full committee. Every year, well over 350 amendments are considered before the NDAA ever leaves committee. Technology aids in this process, as amendments are now distributed electronically and can easily be found in the committee repository for review.

During floor consideration of the NDAA, where hundreds more amendments are filed, a similar bipartisan process is used to review the amendments, with similar goals – where can consensus be found and where are the important debates that need to occur. A comparable theme extends to conference negotiations with the Senate. Both a majority and minority staff member are assigned to each provision and participate in all negotiations. When I was new to the staff, I was surprised to learn that the biggest conference disagreements were often between the House and Senate, not Republicans and Democrats! The key takeaway from these practices is that bipartisan cooperation and transparency at the staff level creates a product that all members' feel reflects

their input. As a result, while no member will support every provision in the bill, they are incentivized to support it because they have had such a direct hand in shaping it.

In conclusion, while there are some HASC practices that may be difficult to replicate in other committees, I hope these observations form a useful starting point for this committee's work. I also believe there are external best practices the HASC and other committees could adopt with respect to staff diversity, professional training and career development, and leadership opportunities for personal staff, which could only improve outcomes. I look forward to your questions and once again thank the committee for your time today and the valuable work you are doing to modernize an institution I care for deeply.