

Testimony of James Townsend
Director, Carl Levin Center for Oversight and Democracy at Wayne State University
Before the House Appropriations Subcommittee on the Legislative Branch, FY 2026
Concerning Ways to Strengthen the First Branch of Government
by Strengthening Tools for Congressional Oversight

Chair Valadao, Ranking Member Espaillat and Members of the Legislative Branch Appropriations Subcommittee:

Thank you for the opportunity to offer this testimony regarding ways to strengthen the first branch of government that are consistent with the intent of those who framed our Constitution. I am the Director of the Carl Levin Center for Oversight and Democracy, which is part of Wayne State University Law School in Detroit, Michigan.¹ To strengthen Congress's ability to conduct fact based, bipartisan oversight, I along with the Director of the Project on Government Oversight have recently suggested to the Committee via letter several modest reforms, all of which could be addressed by the House of Representatives in report language accompanying the FY26 legislative branch appropriations bill -- at little to no cost, and likely saving taxpayer dollars. In this testimony I highlight the three we consider most impactful: 1) bipartisan committee websites, 2) bipartisan reports, and 3) bipartisan administrative personnel in oversight committees. All three will strengthen the role of Congress, save taxpayer dollars and increase accountability in government.

By way of background, the Levin Center was established to honor the legacy of Senator Carl Levin who, during his long career representing Michigan in the Senate, championed fact-based, bipartisan oversight and civil discourse. Senator Levin used to say, "Good government requires good oversight." He also appreciated that the Supreme Court has long recognized

¹ The Levin Center is affiliated with Wayne State University Law School, but our views do not necessarily present those of either the University or the Law School.

Congress' need for information to carry out its constitutional responsibilities. Nearly 100 years ago, in an 8-0 opinion upholding a congressional subpoena seeking information related to the Attorney General, the Supreme Court wrote: "[T]he power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function. ... A legislative body cannot legislate wisely or effectively in the absence of information."²

Investigating facts – what happened and why – and analyzing complex problems are at the heart of congressional oversight. They are critical to Congress' work to enact effective legislation, allocate federal funds, review nominations, evaluate military actions, and inform the public about what its government is doing. When done well, oversight can save taxpayer dollars, ease problems affecting communities, strengthen federal programs, and carry out Congress' constitutional obligation to provide a check on abuse. Oversight can also help bridge political divides by providing legislators with an opportunity to develop a mutual understanding of a problem and reach consensus on the facts. Consensus on the facts can then provide the foundation needed to develop bipartisan reforms.

Since 2015, along with the Project on Government Oversight and the Lugar Center, we have offered "Oversight Boot Camps" twice a year for House and Senate staff from both political parties and from both committee and personal offices and to produce a nonpartisan, bicameral experience. To date, more than 500 congressional staff have completed our instruction on how to do fact-based, bipartisan, in-depth investigations.

² *McGrain v. Daugherty*, 273 U.S. 135,174-175 (1927).

As you are no doubt aware, while Senate Committees host bipartisan websites, facilitating the sharing and endurance of information and work product from one Congress to the next, the House permits committees to create partisan websites that post information prepared exclusively by the majority or minority. This practice not only contributes to partisanship at the committee level, but it also 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 regularly contributes to the loss of online committee records after changes in party or committee leadership. In fact, the Levin Center has initiated a new project, the Congressional Oversight Records Database (CORD), dedicated to locating and publishing committee work product, many of whose links are either no longer live or have disappeared altogether, locating it on the “hidden” web, and making it available again. Today, we have recovered and made available at <https://www.cord-levin-center.org/home> thousands of congressional oversight reports and materials from the last 25 years, many of which had been posted and then lost. The House Select Committee on the Modernization of Congress unanimously recommended use of bipartisan websites as well.

Relatedly, committees conducting oversight often issue reports summarizing their factual findings and recommendations, but on occasion the majority and minority issue separate reports on 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 which includes any additional or dissenting views of committee members. As the Project on Government Oversight 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.

Finally, while many House committees and subcommittees employ nonpartisan administrative personnel, a few hire separate administrative personnel for majority and minority. As a result of being employed by one group of members rather than the full committee, those 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, administrative committee staff answering to both sides of the aisle may remain with the committee longer, building institutional knowledge including on oversight matters. The Select Committee on the Modernization of Congress also issued a recommendation 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 successfully follow this practice.

To address these issues, we propose the following report language:

"The Committee directs House committees to merge any existing, partisan websites into a single committee website that identifies all committee and subcommittee members, presents

nonpartisan information about the committee and its activities (including all oversight activities), includes both majority and minority reports, and includes a section allowing the majority and minority to each post joint, majority, or minority committee-related news releases. Committee websites that combine information from the majority and minority encourage bipartisan committee operations and oversight efforts, aid the public in following committee activities, better safeguard committee records for the future, and reduce taxpayer costs by maintaining one website.

“ The Committee encourages House committees conducting oversight investigations, if a decision is made to issue a report, 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, not two.

“The Committee directs 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 personnel will eliminate duplication by employing fewer administrative staffers, encourage bipartisan administration of committee oversight tasks, and free up limited resources for other oversight professionals. “

Thank you for your consideration of these proposals to strengthen the role of Congress, save taxpayer dollars and increase accountability in government.



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James Townsend

Director of the Levin Center

Biography

James H. (Jim) Townsend, a former member of the Michigan legislature, was named director of the Levin Center for Oversight and Democracy in November 2019.

Previously, Townsend practiced law in the Detroit office of Butzel as a member of its Corporate and Real Estate Practice Group.

Prior to joining the firm, he represented the 26th District in the Michigan House of Representatives. He serves on the Michigan Economic Development Corporation's advisory council of the Redevelopment Ready Communities® program.

Before his career in law, Townsend was legislative director in the office of U.S. Representative Nita M. Lowey and worked for U.S. Sen. Frank R. Lautenberg.

Townsend's private sector experience includes working as a brand manager at Ford Motor Company, founding and directing the Michigan Suburbs Alliance, and leading economic development at the Detroit Metro Convention & Visitors Bureau.

Townsend graduated from the University of North Carolina at Chapel Hill, with Highest Honors in History, earned an M.B.A. and Master of Public Policy at the University of Michigan, and earned his J.D. (*cum laude*) at Wayne Law where he was elected to the Order of the Coif.

Degrees and Certifications

J.D., Wayne State

University Law School

M.B.A., University of Michigan

M.P.P., University of Michigan