

Legislative Language Proposals for the House Rules
Prepared by Daniel Schuman, Demand Progress
Updated December 2018

OVERSIGHT

- 1) Complete list of mandated reports due to Congress and publish in a central repository (p. 3)
- 2) Appropriations Spreadsheets
- 3) Congressional Budget Justifications (p. 4)
- 4) Whistleblower Assistance Office
- 5) HPSCI Member Personal Office Staffer Clearances (p. 5)
- 6) Public Disclosure of Information the Executive Branch Has Deemed Classified
- 7) Select Committee: The Post-9/11 Commission (p. 6)
- 8) Committee Librarian/ Archivist (p. 9)
- 9) Personal Office Staffer Clearances (p. 10)

TECHNOLOGY

- 10) Formalize policy of machine readable House documents (p. 11)
- 11) Permit the use of open source software
- 12) House Chief Data Officer (p. 12)
- 13) House Chief Transparency Officer

ETHICS

- 14) Centralize witness disclosure forms (p. 14)
- 15) Office of Congressional Ethics (OCE) Appointments
- 16) Expand prohibited sexual conduct (p. 15)
- 17) Member Disclosure of Outside Employment Negotiation

18) OCE Subpoena Power (p. 16)

TRANSPARENCY

19) Transparency around the Bipartisan Legal Advisory Group (p. 17)

20) Inspector General Report Transparency

21) Central Access to Committee Vote Information (p. 18)

22) Release of Dear Colleague Letters

23) Legislative Resource Center (p. 19)

24) House Officer Reports

EFFECTIVE HOUSE

25) Reinstate Legislative Service Organizations (p. 20)

26) House Demographic and Pay Study

27) Select Committee on the Operations of Congress (p. 21)

28) Unions (p. 22)

29) Require all internships be paid at local minimum wage (p. 23)

30) Paid parental/FMLA leave

31) Notice for the markup of legislation in committee (p. 24)

32) Tracking Clearances in the House

33) Number of Personal Office Staff and Pay Rate (p. 25)

OVERSIGHT

1) Complete list of mandated reports due to Congress and publish in a central repository.

Explanation: All official, mandated agency reports to Congress should be listed in a document released by the Clerk's office and available from a central website reports.house.gov. Rule II(2)(b) currently require the annual generation of a list, but it doesn't cover committees and subcommittees and does not require online publication. This will facilitate staff access to the documents

Proposed text:

II(2)(b) At the commencement of every regular session of Congress, the Clerk shall make and cause to be delivered to every Member, Delegate, and the Resident Commissioner a list of the reports that any office or Department is required to make to Congress **or to the committees or subcommittees of either House**, citing the law or resolution in which the requirement may be contained and placing under the name of each office the list of reports required to be made by such officer. **The Clerk shall gather such reports and publish them contemporaneously on a central website, with appropriate redactions for classified or personnel matters.**

2) Appropriations Spreadsheets

Explanation: Draft appropriations bills should be accompanied at each stage of consideration by a digital spreadsheet that shows each line item in tabular form. This will allow reviewing each line item and accompanying spending in an electronic spreadsheet. This shall be accomplished by adding a new subsection (E) to Rule X(4)(a)(1)(E), which concerns the appropriations committee. As you read the text, note that Rule XI(2)(g)(4) states: "At least 24 hours prior to the commencement of a meeting for the markup of legislation, or at the time of an announcement under subparagraph (3)(B) made within 24 hours before such meeting, the chair of the committee shall cause the text of such legislation to be made publicly available in electronic form."

Proposed text:

X(4)(a)(1)(E) **At such time that the text of an appropriations bill is made publicly available in electronic form pursuant to Rule XI(2)(g)(4), or upon its favorable referral by the subcommittee and committee, or upon passage by the chamber, the Committee on Appropriations and its subcommittees shall cause to be published online in a machine readable tabular format a list of every appropriations line item and its corresponding appropriated funds alongside appropriated funds (if any) for the previous two fiscal years.**

3) Congressional Budget Justifications

Explanation: Congressional Budget Justifications are the justifications submitted by agencies to Congress that explain how an agency intends to use funding. Under OMB Circular A-11 section 22.6(c), agencies are required to publish their justifications on their websites within two weeks unless they are required to be withheld by law or would be withheld under the provision of FOIA that allows redactions. Unfortunately, there is no central repository for these reports and it is hard for many congressional staff to find current and historic submissions. To remedy this problem, the Appropriations committee should publish the agency submissions, with appropriate redactions. Accordingly, a new subsection (F) should be added to House Rule X(4)(a)(1)(E).

Proposed text:

X(4)(a)(1)(F) Within two weeks of receipt by the Committee on Appropriations or a subcommittee thereof, each Congressional Budget Justification shall be published online in a central repository that contains all submitted Congressional Budget Justifications, subject to redactions no more extensive than what is permitted to agencies under federal law.

4) Whistleblower Assistance Office

Explanation:

Proposed text:

Rule II(10).

The Whistleblower Assistance Office (“Office”) is an independent, nonpartisan office of the House of Representatives that provides advice, assistance, guidance, and training to congressional offices on how to engage with whistleblowers; guidance and assistance to whistleblowers on the full range of committees and offices with jurisdiction on the subject of their communication and a secure mechanism to do so; guidance to whistleblowers on best-practices for communicating with the House; and coordinates an annual unclassified publicly-available report on how the House has handled whistleblower communications no later than 60 days after the end of the calendar year. The Office shall be overseen by the Committee on House Administration.

The Office shall provide resources to assist both the House of Representatives and whistleblowers in their communications but shall not itself address the substance of

the issues raised in the communications. Absent the explicit written consent of the whistleblower, the Office shall not reveal the identity, any identifying information, or the content of any communication to anyone except when such disclosure is mandated by law.

Subject to the general guidance of the Committee on House Administration for the purpose of respecting the equities of the legislative branch, the Office shall utilize all appropriate resources to fulfill its mandate, including consultations with internal and external subject matter experts, independent government entities such as the Office of Special Counsel and Office of Compliance, and non-profit organizations in the area of whistleblower protection.

The Director of the Office and the Deputy Director shall be compensated at an annual rate of pay that is equal to the annual rate of basic pay payable for positions at level II of the Executive Schedule under section 5313 of title 5, and additional staff may be hired upon the concurrence of the Director and Deputy Director at compensation less than or equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314 of title 5.

5) HPSCI Member Personal Office Staffer Clearances

Explanation: Members who serve on the House Intelligence Committee need staff who are able to provide them the highest level of support, which requires having a staffer that reports to them who also has the highest clearance level and can participate in committee activities. Such accommodation is already made for the Speaker and Minority Leader, who are ex officio members. House Rule X, clause 11(a)(3) should be modified accordingly.

Proposed text:

X(11)(a)(3) The Speaker and Minority Leader each may designate a respective leadership staff member to assist in the capacity of the Speaker or Minority Leader as ex officio member, **and each other member of the committee may designate a personal office staff member to assist them in their capacity as a committee member,** with the same access to committee meetings, hearings, briefings, and materials as employees of the select committee and subject to the same security clearance and confidentiality requirements as employees of the select committee under this clause.

6) Public Disclosure of Information the Executive Branch Has Deemed Classified

Explanation: Currently, the House Intelligence Committee may release information to the public the executive branch has deemed classified, but other committees may have jurisdiction over classified information that should be released and should be able to make their own recommendation that the House consider release. The process in Rule X, clause 11(g)(1), et. seq. should be updated to change the phrase “the select committee” to “a committee of jurisdiction.”

Proposed text:

(g)(1) ~~The select committee~~ **A committee of jurisdiction** may disclose publicly any information in its possession after a determination by the select committee of jurisdiction that the public interest would be served by such disclosure. With respect to the disclosure of information for which this paragraph requires action by ~~the select a committee~~ **of jurisdiction**—

The ensuing text should be changed as above, replacing “select committee” with “committee of jurisdiction.”

7) Select Committee: The Post-9/11 Commission

Explanation: The House should undertake a broad-based review of the activities of the Intelligence Community since 9/11, modeled after the 9/11 Commission or the Senate Church Committee. From mass warrantless surveillance to torture to interference in domestic politics, the Intelligence Community has repeatedly overstepped its bounds and yet there has not been a comprehensive public accounting for these activities. The last time such an accounting took place, in the late 1970s, numerous criminal activities were uncovered and the House reconfigured itself to better conduct oversight. Unfortunately, the House Intelligence Committee has proven itself unwilling or unable to police contemporaneous behavior, let alone take a broader look over the last 17 years and call out bad actors. It is time to clear the air and understand what the Intelligence Community has done in our name at the best of political leaders like George W. Bush and Dick Cheney.

Proposed text:

SECTION 1. ESTABLISHMENT.

There is hereby established a select Committee to Investigate and Report with Respect to Intelligence Activities carried out by or on behalf of the Federal Government from September 2001 to present, hereinafter referred to as the “select committee or the “post-9/11 committee.”

SEC. 2. COMPOSITION.

(a) The select committee shall be composed of 21 members as follows:

(1) Two members of the Committee on Armed Services chosen respectively by the chair and ranking member.

(2) Two members of the Committee on Oversight and Government Reform chosen respectively by the chair and ranking member.

(3) Two members of the Committee on Homeland Security chosen respectively by the chair and ranking member.

(4) Four members from the Committee on the Judiciary chosen by the chair and ranking member.

(5) Four members chosen by the Chair of the Congressional Progressive Caucus.

(6) Three members chosen by the Chairs of the Congressional Black Caucus, Congressional Hispanic Caucus, and Asian Pacific American Caucus.

(7) Two members appointed by the Speaker after consultation with the minority leader and the chair of the Freedom Caucus.

(b) The majority members of the Committee shall elect a chairman and the minority members of the Committee shall elect a vice chairman and the committee shall adopt rules and procedures to govern its proceedings. Vacancies in the members of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee and shall be filled in the same manner as the original appointments to it.

(c) A majority of the members of the select committee shall constitute a quorum for the transaction of business, but the select committee may affix a lesser number as a quorum for the purpose of taking testimony or depositions or ascribe those duties to staff.

SEC. 3. INVESTIGATE AND REPORT ON THE ACTIONS OF THE INTELLIGENCE COMMUNITY FROM SEPTEMBER 2001 to PRESENT

Not later than December 1, 2020, the select committee shall conduct an investigation of and submit to the House and make publicly available an interim or final report on—

(1) Governmental operations with respect to intelligence activities and of the extent, if any, of which illegal, improper, or unethical activities were engaged in by

any agency of the Federal Government or by any persons, acting individually or in combination with others, with respect to any intelligence activity carried out by or on behalf of the Federal Government from September 2001 to present, which may include, but is not limited to —

(i) The conduct of domestic intelligence or counterintelligence operations against United States citizens;

(ii) The application of US intelligence capabilities against individuals or organizations inside the United States;

(iii) The extent to which operation of domestic intelligence or counterintelligence activities and the operation of any other activities inside the United States conforms to the legislative charter of that Agency and the intent of Congress;

(iv) The nature and extent to which United States intelligence agencies are governed by Executive orders, rules, or regulations either published or secret and the extent to which those Executive orders, rules, or regulations interpret, expand, or are in conflict with specific legislative authority;

(v) The violation or suspected violation of and State or Federal statute by an intelligence agency of the Federal government including but not limited to surreptitious entries, wiretaps, eavesdropping, communications collection, illegal opening or monitoring of US Mail;

(vi) The engagement in illegal, improper, or unethical activities outside the United States, such as torture;

(vii) The need for improved, strengthened, or consolidated oversight of United States intelligence activities by Congress; and

(2) The suitability and performance of the House Permanent Select Committee in conducting oversight of such intelligence activities and informing the public thereof during said time-frame;

(3) The appropriateness of continuing the investigation into the next Congress.

SEC. 4. PROCEDURES OF THE SELECT COMMITTEE.

Rule XI of the Rules of the House of Representatives, including and clause 2(m)(3) (providing for the authority to subpoena witnesses and documents), shall apply to the select committee.

The Committee shall have all the authority necessary to carry out its duties, including providing its staff with access to any classified materials it deems appropriate and the ability to obtain all records upon demand it from any executive branch agency.

The Committee is empowered to release interim reports as it deems appropriate.

SEC. 5. STAFF; FUNDING.

(a) The select committee shall have the authority to hire staff and utilize the services of staff of employing entities of the House and may employ and fix the compensation of such staff as the chair considers necessary to carry out this resolution.

(b) There are authorized to be appropriated from the applicable accounts of the House such sums as may be necessary to carry out this resolution. Payments for the expenses of the select committee shall be made on vouchers signed by the chairman and approved in the manner directed by the Committee on House Administration. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 6. DISSOLUTION AND DISPOSITION OF RECORDS.

Upon dissolution of the select committee, the records of the select committee shall become the records of any committee designated by the Speaker.

8) Committee Librarian/ Archivist

Explanation: Committee records are the property of the House of Representatives, but committees often have difficulty organizing, maintaining, and preserving those records, especially as staff are focused on day-to-day activities. Accordingly, committees should have access to a non-partisan expert in Library Sciences who can track all official communications to and from the committee, submissions to the committee, and its other records. In addition, the time for public access to committee records maintained at the National Archives should be no more than 10 years and the committee should establish a clear process for public access to records prior to that date.

Proposed text:

Rule XI (2)(e)(1)(A)Each committee shall keep a complete record of all committee action which shall include —

(i) in the case of a meeting or hearing transcript, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(ii) a record of the votes on any question on which a record vote is taken;

(iii) all official reports received by the committee; and

(iv) all official letters sent by the committee or received by the committee.

Rule XI(2)(e)(2)(A) Except as provided in subdivision (B), all committee records (including hearings, data, charts and files) shall be kept separate and distinct from the congressional office records of the member serving as its chair. Such records shall be the property of the House, and each Member, Delegate, and the Resident Commissioner shall have access thereto. **Each Committee shall employ the services of an expert in library sciences or archival sciences or make use of a designee from the Library of Congress or National Archives who has responsibility for organizing, maintaining, and overseeing all committee records.**

Rule VII(4) A record (other than a record referred to in subparagraph (1), (2), or (3)) shall be made available if it has been in existence for ~~30~~ **10** years. **Each committee shall set forth a process by which members of the public may request a record prior to the passage of 10 years, including identifying the proper point of contact.**

9) Personal Office Staffer Clearances

Explanation: Members often must deal with matters classified at the highest level. While some Members of Congress are afforded staff with TS/SCI/SAP clearances, every Member of Congress should be allowed to have one staffer cleared at this level if they so choose.

Proposed text:

XXVIII(3) Each member of Congress may designate a personal office staff member to assist in matters that are classified at the highest levels, with that staffer eligible for TS/SCI/SAP clearance upon a written notice by the Member to the Sergeant at Arms, subject to the same security clearance and confidentiality requirements as employees of the House Permanent Select Committee on Intelligence.

TECHNOLOGY

10) Formalize policy of machine readable House documents

Explanation: The House should adopt into its rules, and not merely into its rules package (as has been the practice for the last several years), a policy of the House of making legislative documents available in a machine readable format. A new provision should be added to Rule XXIX as section 5.

This is the language from the 115th Congress: “Broadening Availability Of Legislative Documents In Machine-Readable Formats.—The Committee on House Administration, the Clerk, and other officers and officials of the House shall continue efforts to broaden the availability of legislative documents in machine readable formats in the One Hundred Fifteenth Congress in furtherance of the institutional priority of improving public availability and use of legislative information produced by the House and its committees.”

Proposed text:

XXIX(5). Broadening Availability Of Legislative Documents In Machine-Readable Formats.—The Committee on House Administration, the Clerk, and other officers and officials of the House shall ~~continue efforts to~~ broaden the availability of legislative documents in machine readable formats in ~~the One Hundred Fifteenth Congress in~~ furtherance of the institutional priority of improving public availability and use of legislative information produced by the House and its committees.

11) Permit the use of open source software

Explanation: The House and its support offices should be permitted to use open source software, publish open source software developed by the House online, and collaborate with and provide feedback on the development of open source software, subject to appropriate security measures. The House Administration Committee should be charged with developing standards for congressional engagement with open source software. Accordingly, a new provision (F) should be established in Rule X, clause 4 (additional functions of committees), subclause d(1) (concerning the Committee on House Administration).

Proposed Text:

X(4)(d)(1)(F) establish and maintain standards for the use of, online publication of, and contribution to open source software by the House, its committees, and its offices.

12) House Chief Data Officer

Explanation: House leadership, committee, personal, support offices, and support agencies generate tremendous amounts of data, but no person or office is charged with trying to improve the quality and interoperability of the data, improve internal and public access, and largely make sure the House gets the best value out of this information. Both the Committee on House Administration and the Bulk Data Task Force play a role in this space, but there is a need for greater coordination. The House should create an office and an officer whose job is to serve as a facilitator. Rule II should add a new clause 9 for the Chief Data Officer.

Proposed text:

II(9). Chief Data Officer. There is established an Office of the Chief Data Officer, appointed by the Speaker, the Majority Leader, and the Minority leader, acting jointly. The Chief Data Officer is responsible for helping leadership offices, committees, personal offices, support offices, and support agencies to share information inside the House of Representatives and publish information online as data to the public; supporting the work of the Legislative Branch Bulk Data Task Force and participating in the Legislative Data and Transparency Conference; helping the public to locate information; and as feasible, and in conjunction with the Committee on House Administration, to assist the House in conducting an audit of the information it holds.

13) House Chief Transparency Officer

Explanation: House leadership, committee, personal, support offices, and support agencies generate tremendous amounts of public information, but often do so in ways that make it hard or impossible to find information about their activities. These offices would benefit from expert guidance on how to best publish information to the public, which information they should prioritize releasing, how to manage and coordinate those releases, and how to respond to public requests for information. The House should create an office and an officer whose job is focused on increasing the transparency of the House of Representatives, and coordinating with other offices and entities inside the House in doing so. Rule II should add a new clause 11 for a Chief Transparency Officer.

Proposed text:

II(9). Chief Transparency Officer. There is established an Office of the Chief Transparency Officer, appointed by the Speaker, the Majority Leader, and the Minority leader, acting jointly. The Chief Transparency Officer is responsible for helping leadership offices, committees, personal offices, support offices, and support agencies to make information available to the public; to prioritize and advocate for the release of information; to identify best practices; and to provide

guidance to the public. It should coordinate with the Chief Data Officer, support the work the Legislative Branch Bulk Data Task Force, and participate in the Legislative Data and Transparency Conference.

ETHICS

14) Centralize witness disclosure forms

Explanation: House rules require non-governmental witnesses appearing before a committee to disclose recent grants or contracts from the federal or foreign governments, which the committee then discloses to the public. In implementing this requirement, congressional committees are using PDF forms, although they are expected to shortly move to web forms. However, this information will still be saved as a PDF and published to each committee website. Instead, the information should be captured as data and available from a central database. Rule XI(2)(g)(5)(D), which governs disclosure, should be amended.

It is likely the Clerk is already working along these lines, so a phase-in of the requirement during the 116th Congress to coincide with the time necessary to build this capacity would be appropriate.

Proposed text:

XI(2)(g)(5)(D): Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic format not later than one day after the witness appears. **Disclosures of grants, contracts, and payments additionally shall be available in a consolidated, central database managed by the Clerk that is searchable, sortable, and downloadable.**

15) Office of Congressional Ethics (OCE) Appointments

Explanation: In the 115th Congress, Republicans weakened the Office of Congressional Ethics by changing the appointment process. Section 4(c)(3) of the House Rules Package contained the following language: “any requirement for concurrence in section 1(b)(1) shall be construed as a requirement for consultation.”

This had the effect of changing the Board language from H. Res 895 (110th) as follows:

(b) Board.—(1) The Office shall be governed by a board consisting of six individuals of whom three shall be nominated by the Speaker subject to the concurrence of the minority leader and three shall be nominated by the minority leader subject to the concurrence of the Speaker. The Speaker shall nominate at least one alternate board member subject to the concurrence of the minority leader and the minority leader shall nominate at least one alternate board member subject to the concurrence of the Speaker. If any vacancy occurs in the board, then the most senior alternate board member nominated by the same individual who nominated the member who left the

board shall serve on the board until a permanent replacement is selected. If a permanent appointment is not made within 90 days, the alternate member shall be deemed to have been appointed for the remainder of the term of the member who left the board and the Speaker or the minority leader, as applicable, shall nominate a new alternate subject to the ~~concurrence~~ consultation of the other leader.

This means that Republicans can name people to the OCE board who want to undermine its mission and Democrats cannot object. The new rules package should restore the concurrence language.

16) Expand prohibited sexual conduct

Explanation: Earlier this Congress, the House passed H. Res 724, which put into effect the House's anti-harassment policies. Section 6 prohibited sexual relationships between House Members and Employees, but the text was written too narrowly, as it only covered employees under the supervision of a Member. For committees, while the chair may not have a sexual relationship with staff, the ranking member may, as may the subcommittee chair or members of the committee. This is too permissive. Staff who work on a committee should not be subject to the sexual advances of members of the committee. Newly redesignated Rule XXIII, clause 18 should be amended.

Proposed text:

18. (a) A Member, Delegate, or Resident Commissioner may not engage in a sexual relationship with any employee of the House who works under the supervision of the Member, Delegate, or Resident Commissioner. **Furthermore, a Member, Delegate, or Resident Commissioner may not engage in a sexual relationship with an employee who serves on a committee or commission on which the Member, Delegate, or Resident Commissioner sits.** This paragraph does not apply with respect to any relationship between two people who are married to each other.

(b) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not engage in unwelcome sexual advances or conduct towards another Member, Delegate, Resident Commissioner, officer, or employee of the House.

(c) In this clause, the term 'employee' includes an applicant for employment, a paid or unpaid intern (including an applicant for an internship), a detailee, and an individual participating in a fellowship program.

17) Member Disclosure of Outside Employment Negotiation

Explanation: House rule XXVII says that a Member must give notice to the Ethics committee of the start of negotiations for future employment, and should a conflict of interest arise, notify the

Ethics committee who shall make the original notice publicly available. As a practical matter, this does not work. So long as a member is in Congress, negotiation for future employment poses an inherent conflict that should be immediately disclosed.

Proposed text:

Rule XXVII (1.) A Member, Delegate, or Resident Commissioner shall not **directly** negotiate or have any agreement **or understanding** of future employment or compensation unless such Member, Delegate, or Resident Commissioner, within 3 business days after the commencement of such negotiation or agreement **or reaching of an understanding** of future employment or compensation, files with the Committee on Ethics a statement, which must be signed by the Member, Delegate, or Resident Commissioner, regarding such negotiations or agreement, including the name of the private entity or entities involved in such negotiations or agreement, and the date such negotiations or agreement commenced, **and shall submit to the Clerk for immediate public disclosure of the statement filed with the Committee on Ethics.**

18) OCE Subpoena Power

Explanation: Individuals under investigation by the Office of Congressional Ethics have realized they do not need to cooperate because it does not have subpoena power. Accordingly, OCE should be granted the authority to issue subpoenas unless the House Ethics Committee acts within 3 days to disapprove of the issuance of a subpoena.

Proposed text:

In the provision of the House Rules Package incorporating H. Res 895 from the 110 Congress, the following language shall be added as newly created section (1)(n):

The Office of Congressional Ethics Board shall set forth regulations concerning and have the power to issue subpoenas and take appropriate actions to enforce the request. Should the OCE Board vote to issue a subpoena, it shall notify the House Ethics Committee which may prevent the issuance of a subpoena only by a majority vote of committee members within 3 calendar days of receipt of notice from the OCE.

TRANSPARENCY

19) Transparency around the Bipartisan Legal Advisory Group

Explanation: The Bipartisan Legal Advisory Group articulates the position of the House in all litigation matters and directs the Office of the General Counsel. While the General Counsel has a website, there is no information online concerning the positions taken by the BLAG. The House should update Rule II, clause 8(b).

Proposed text:

II(8)(b). There is established a Bipartisan Legal Advisory Group (**BLAG**) composed of the Speaker and the majority and minority leaderships. Unless otherwise provided by the House, the Bipartisan Legal Advisory Group speaks for, and articulates the institutional position of, the House in all litigation matters. **Information about what the BLAG is, who serves on it, instances where the BLAG authorizes the Office of General Counsel to take a legal position, and the General Counsel's court filings shall be published on the Office of General Counsel's website.**

20) Inspector General Report Transparency

Explanation: The House Inspector General was created in the early 1990s in response to the House Post Office scandal, and it was intended to provide audit, investigative, and advisory services to the House. It was also intended to provide reassurance to the public. In its early years, the House IG published all its reports on its website, publishing 119 reports between the 104th and 109th congresses. After that time, it began reducing the number of and kind of reports on its website, and by 2009 the House IG, pursuant to House Administration directives, removed all its reports save a handful. In order to keep the public's trust, the House IG should at a minimum follow the best practice of the GAO and publish the name and date of all its reports. Unless there is a strong reason, its reports should be available online. The House should create a new provision concerning IG report transparency inside Rule II, clause 6(c). In addition, the House IG should be permitted to share best practices with the IG community, embodied in CIGIE.

Proposed text:

II(6)(c)(6) **publish online the titles and dates of all current and historical Inspector General reports, and make available the text of reports unless there is a compelling reason to withhold part or the entirety of a report;**

II(6)(7) **participate as appropriate in the Council of the Inspectors General on Integrity and Efficiency.**

21) Central Access to Committee Vote Information

Explanation: Committees are required to make available online within 48 hours information from record votes that include significant detail about the vote, including a description of the amendment and how each member voted. (Rule XI(2)(e)(1)(B)(i)). In addition, within 24 hours after the adoption of any amendment, the chair of the committee is required to publish the text online. (Rule XI(2)(e)(6)). As a practical matter, the amendment description, how each member voted, and the text of the adopted amendment are published online as PDFs on the committee's website as a scanned PDF, usually making that information hard to find and not published in a systematic way. For consistency and ease of access, this information should be required to be published on a central portal, such as docs.house.gov, and as appropriate in a structured data format. In addition, it would make sense to publish the text of failed amendments, not only the descriptions as is current practice. It would be reasonable to build in some time delay for the Clerk to be comfortable that its database is appropriately configured to handle this information

Proposed text:

XI(2)(e)(1)(B)(i) Except as provided in subdivision (B)(ii) and subject to paragraph (k)(7), the result of ~~every each such record~~ vote shall be made available by the committee for inspection by the public at reasonable times in its offices and also made publicly available in **a structured, machine readable electronic-format** within **24 48** hours of such ~~record~~ vote **on a central website maintained by the Clerk**. Information so available shall **be published in a machine-readable tabular format and** include a description **of and the text** of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting.

XI(2)(e)(6) ~~Not later than 24 hours after the adoption of any amendment to a measure or matter considered by a committee, the chair of such committee shall cause the text of each such amendment to be made publicly available in electronic form.~~

22) Release of Dear Colleague Letters

Explanation: Dear Colleague Letters can be helpful for members as they drum up support or otherwise notify colleagues of matters that may interest them, but the system has such high volume that it is very hard for staff to monitor the communications. Outside groups have proved themselves adept at building tools to help manage these work flows, and also to draw from multiple sets of data to help members find potential partners. Dear Colleague letters often are

released to the public, and even some private services. It makes sense to allow members the option to automatically have Dear Colleague letters released to the public unless they choose to make the dissemination internal only.

As part of the House Rules package, but not necessarily the House rules, the following language should be included:

Proposed text:

The Chief Administrative Office shall upgrade the Dear Colleague email system to have a public facing presence. Member letters will automatically be published online by default unless the sender chooses to keep it private. Such letters shall be published online with appropriate metadata and in an appropriate format to allow users to automatically download the information.

23) Legislative Resource Center

Explanation: The House of Representatives makes a number of documents available for public inspection at the Legislative Resource Center, but does not make them available online, nor allows the public to use electronic means to copy the records. The House should publish those documents online and keep a catalog of the documents available at the LRC. Rule XXIX should be updated according with a new section 6.

Proposed text:

Rule XXIX (6). **All public documents currently available in electronic form from the Legislative Resource Center shall be published online, and all new documents shall be published online at the same time they are made available to the public in the facility.**

24) House Officer Reports

Explanation: Various House officers must make regular reports on their activities, and except for privileged or confidential information, these reports should be routinely made publicly available as well.

Proposed text:

Rule II(10): Reports by the Clerk pursuant to Rule II(2)(j), the Sergeant-at-Arms pursuant to Rule II(3)(e), and the Chief Administrative Officer pursuant to Rule II(4)(b), shall be made publicly available except to the extent they contain confidential, privileged, or personal information.

EFFECTIVE HOUSE

25) Reinstate Legislative Service Organizations

Explanation: For decades, the House had Legislative Service Organizations, which are similar to Legislative Member Organizations (caucuses). However, LSOs could be an employing authority, it could be assigned separate office space, it could be directly supported by an MRA, employees could be appointed in the name of the LSO, it could use the frank, and so on. The Democratic Study Group is an excellent example of an LSO. They were abolished by Newt Gingrich in the 1990s, destroying an important avenue for members of Congress to work together. The House should allow for the reinstatement of LSOs, within appropriate bounds. The Committee on House Administration should be charged with setting forth regulations for LSOs, overseeing their activities, and providing a public list of their members. The appropriate provision is Rule X, clause 4, section d, subsection 1, new subclause (D).

Proposed text:

X(4)(d)(1)(D) promulgate regulations and oversee the management and operation of Legislative Service Organizations as well as provide a public listing of all members of each such organization. Each Legislative Service Organization may be an employing office; may appoint employees in its name; may be assigned separate office space and receive congressional services; may make use of the frank; and may have an independent website. Each Legislative Service Organization must have a charter and file annual public reports on its activities. They may not receive funds from outside Congress.

26) House Demographic and Pay Study

Explanation: Congressional staff should reflect the diversity of America and staff should receive equal pay for equal work, but there's no good way to assess this. Historically the House has conducted staff pay studies, but this stopped a decade ago, with a recent provision added to the FY19 Leg Branch Approps bill. This language would institutionalize that study and include better reporting mechanisms.

Proposed text:

House Rule XXIII: Code of Official Conduct

9. (a) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not discharge and may not refuse to hire an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment, because of the race, color, religion, sex (including marital or parental status), disability, age, or national origin of such individual, but may take into consideration the domicile or political affiliation of such individual.

(b) On an annual basis and completed no later than June 1 of each year, the Chief Administrative Officer shall oversee a survey of all officers and employees of the House to assess the demographic makeup of the House and whether employees are receiving equal pay for equal work. Demographic information shall include an individual's race, color, sex, marital status, parental status, disability, age, national origin, political party, and annualized pay rate. Information shall be aggregated into the following categories: personal offices, committee offices, leadership offices, and support offices, and include additional data that further breaks down the categories of personal, committee, and leadership office by political party. Each of these categories shall be further broken out by annualized pay range: \$0-\$49,999; \$50,000-\$99,999; \$100,000-\$149,000; \$150,000 and above.

(c) Employee response to the survey shall be voluntary and confidential. Responses shall not be maintained in personnel files or in any other personally-identifying form after publication of the report required by section 9(e) of these Rules. The CAO may draw on House data sources to populate its dataset. The CAO also shall include summary information on House committees, including the number of committees, the number of staff employed by each committee, and allotment by committee.

(d) No later than the first Monday of September, the CAO shall publish a report that sets forth the total number of House employees and officers surveyed, the number that responded, any adjustments made to the data as a consequence of addressing sample size, the aggregate and normalized results of responses submitted to the factors identified in subsection (b), and include current year data and historic survey results for each data point. The report shall assess (i) whether employees are receiving equal pay for equal work on the basis of sex and racial/ethnic/national origin, and (ii) progress towards addressing any deficits in diversity by race, gender, ethnicity, and national origin. The report shall include a model personal, committee, and leadership office that reflects the median office demographics in each category. The report shall include summary information (total number of committees, number of staff employed by each committee, and allotment) for each House committee. This report shall be published on the House of Representatives' website and shall include a structured data file with the findings presented in tabular format. Both the report and accompanying file shall not contain information that would allow for the identification of any individual staffer.

27) Select Committee on the Operations of Congress

Composition:

- Chair/ ranking CHA picks one representative each

- Chair/ ranking Leg Branch approps picks one representative each
- Chair/ ranking Rules picks one representative each
- Chair/ ranking OGR picks one representative each
- Speaker/ majority leader/ minority leader picks one representative each
- Progressive caucus/ new dems/ tri-caucus/ freshmen / freedom caucus/ RSC picks one rep each
- Committee members select chair (which can be any member of the House)

Staff:

- Full time staff
- Ability to have designees/ temporary staff from CRS + GAO + contractors
- Encouraged to consult with civil society + congress experts

Scope of inquiry:

- The operations of the legislative branch, including (joint) support offices and agencies — everything but the Senate
- The House should follow up on the reports from 1947, 1974, 1993 and look at whether the legislative branch (minus the senate) is capable of fulfilling its constitutional duties, and if not, what should be done. It should also include an exploration of recent recommendations to update the rules of the House of Representatives.
- Particular foci:
 - What are the appropriate number, pay, and benefits for personal, committee, leadership, support office, and support agency staff to encourage high levels of staff retention and expertise? What more does congress need to do to recruit and retain qualified, capable, and diverse staff?
 - Is CRS/GAO/CBO/ Library fully aligned to meet the needs of congressional offices, and how should they modernize their activities to meet those needs?
 - Is Congress's technology keeping up with the needs of the offices, and should more investment or even a new digital service be created to fill those gaps?
 - How should House/Committee rules be updated to ensure that all members can be informed and engaged participants in the work of their committees and the chamber as a whole?
 - What more should be done to empower congressional oversight?
 - How can the House ensure that it has a regular process in the ensuing years to look at its operations and explore appropriate reforms?

Reporting mechanism:

- Deadline for Committee to report out is September 30, 2020. They can recommend to extend the Committee into the next Congress, to establish a joint committee, to adopt particular recommendations or a set of recommendations. Rules Committee must vote to refer the recommendations to the floor for debate or refer them back to committee.

28) Unions

Explanation: In 1995, Congress enacted the Congressional Accountability Act, which allowed most legislative branch agency staff to unionize by right and charged the Office of Compliance Board with determining and promulgating regulations on whether Congressional personal, committee, leadership, and support office staff should unionize. Much to the surprise of congressional Republicans, the Board voted to allow unions, but the House declined to put that regulation into effect. Unions are an important mechanism to protect the right of employees, and the House Administration Committee should review the Board's regulation and determine whether, how, and the extent to which House staff should be allowed to establish unions.

Proposed text:

A new provision should be included in the House rules package.

By June 27, 2019, the Committee on House Administration shall determine whether, how, and the extent to which House staff described under section 220(e) of the Congressional Accountability Act of 1995 should be permitted to unionize and shall report out appropriate legislation or otherwise take appropriate actions to effectuate their recommendations. In doing so, they should examine the findings reach and regulations proposed by the Office of Compliance Board on September 4, 1996.

29) Require all internships be paid at local minimum wage

Explanation: Unpaid internships are a major driver of unrepresentative staff. Only those with financial means can afford the internships, and they're the gateway to staff positions. We would have the CAO manage a separate account that's a source of funds for all interns and ban unpaid internships except those for college credit.

Proposed text:

XXVIII Personnel. (1). **All internships must be paid at a rate no less than the local minimum wage except for short-term college internships that receive class credit. All internships shall be paid out of a central fund administered by the Chief Administrative Officer, which shall be available to personal, committee, leadership, and support offices.**

30) Paid parental/FMLA leave

Explanation: All personal, committee, and leadership staff should be able to receive 12 weeks of paid parental leave and other leave under the Family and Medical Leave Act, but currently that decision is left to each individual office and it is paid out of the MRA (or committee equivalent). This is inequitable, and having the funds come from the MRA creates a hardship for each office.

Proposed text:

XXVIII Personnel. (2) All personal, committee, and leadership staff shall be eligible for 12 weeks paid parental leave and other paid described in the Family Medical and Leave Act. The Committee on House Administration has the authority to promulgate regulations to govern the use of leave and funding for this leave shall be paid out of a central fund administered by the Chief Administrative Officer.

31) Notice for the markup of legislation in committee

Explanation: It is important for members of a committee and the public to have the ability to read and react to legislation prior to its markup in committee or subcommittee. The current rule requires 24 hours notice, which is insufficient for review.

Proposed text:

Rule XI(2)(g)(4): At least ~~24~~ **72** hours prior to the commence of a meeting for the markup of legislation, or at the time of an announcement under subparagraph (3)(b) made within ~~24~~ **72** hours before such meeting, the chair of the committee shall cause the text of such legislation to be made publicly available in electronic form, **including any chairman's mark.**

32) Tracking Clearances in the House

Explanation: Many Congressional staff have clearances at various levels, but while the executive branch tracks and publishes information pursuant to section 367 of P.L. 111-259 — i.e., how many staff executive have clearances, the levels of clearance they have and the distribution thereof by agency, and how long it takes to receive a clearance — there is no equivalent process for the legislative branch. It is not unusual for staff to wait for years for clearance and there should be some accountability for this. The responsibility for tracking clearances resides in the Office of House Security, which is part of the office of the Sergeant at Arms.

Proposed text:

Rule II(5): The Sergeant at Arms shall keep track of all congressional staff and contractors who have clearances and their clearance levels as well as all applications for clearances. Each year, the Sergeant shall publish a public report on the distribution of clearances and backlog to receive clearances for House staff that is analogous to the one published by the Director of National Intelligence pursuant to section 367 of P.L. 111-259, but substituting for each element of the intelligence community the broad categories of personal, committee, leadership, and support office staff.

33) Number of Personal Office Staff and Pay Rate

Explanation: The number of personal office staff has been capped at 18 since 1975 (2 UCS 5321), which is far too few. The maximum pay rate for staff is capped at \$172,500 pursuant to a 2009 staff pay order issued in accordance with 2 USC 4532. While increases in member MRAs are also appropriate, the House should lift these limitations for the 116th Congress.

Proposed text:

Rule XXVIII(4)(a) Under the Members' Representational Allowance, each Member of the House of Representatives may employ not more than 20 permanent employees and a total of not more than 4 additional employees in the following categories:

(1) Interns.

(2) Part-time employees.

(3) Shared employees.

(4) Temporary employees.

(5) Employees on leave without pay.

(b) Two employees may be designed as staff associates of a committee on which the member serves and funded out of that committee's budget pursuant to regulations to be released by the Committee on House Administration by February 15, 2019

Rule XXVIII(5) The maximum pay rate for staff is capped at Level 1 of the Senior Executive Service.