

November 29, 2019

The Honorable Derek Kilmer
The Honorable Tom Graves
Select Committee on the Modernization of Congress
United States House of Representatives

RE: Rules and Procedures in the U.S. House of Representatives

Chair Kilmer, Vice Chair Graves, and Members of the Select Committee on the Modernization of Congress:

I am writing concerning the upcoming hearing on rules and procedures in the United States House of Representatives. For the last decade, I have submitted recommendations to the Committee on Rules concerning updating the rules of the House of Representatives. Some of those recommendations¹ have been adopted in furtherance of congressional transparency, accountability, and efficiency, but there is more to do. It is my understanding the upcoming hearing will focus on floor and committee rules and procedures, so I will focus my recommendations on those areas.

HOUSE FLOOR

• **Understanding legislation.** For the 72-hour rule to begin its countdown to permit that a bill be voted upon on the floor, that legislation should be available on a public website that shows, in a track-changes version, how the bill would change the law. The technology to do this is under construction.

¹ House Rules Reform Recommendations: 116th Congress (Demand Progress), available at https://s3.amazonaws.com/demandprogress/reports/House_Rules_Reform_Recommendation_2018-09-12.pdf; Legislative Language Proposals for the House Rules: 116th Congress (Demand Progress), available at https://s3.amazonaws.com/demandprogress/reports/116th_Congress_House_Rules_Reform_Legislative_Language_2018-12-05.pdf; Strengthening Congressional Oversight of the Intelligence Community: September 2016, available at https://s3.amazonaws.com/demandprogress/reports/Strengthening_Congressional_Oversight_of_the_IC_White_Paper_Sept_2016.pdf; Recommendations for Updating House Rules for the 114th Congress (Citizens for Responsibility and Ethics in Washington), available at https://s3.amazonaws.com/demandprogress/documents/10-7-14_114th_Congress_Updating_House_Rules.pdf; House Rules Changes: Sunlight's Proposals for the 113th Congress (Sunlight Foundation), available at <http://assets.sunlightfoundation.com/s3.amazonaws.com/policy/papers/Sunlight's%20Proposal%20for%20113th%20House%20Rules.pdf>; House Rules Changes: Sunlight's Proposals for the 112th Congress (Sunlight Foundation), available at https://s3.amazonaws.com/demandprogress/documents/2010-09-16_Sunlight_Proposal_for_House_Rules_Changes_for_112th_Congress.pdf.

- **Expedited consideration of non-controversial bills.** Any member should be permitted to make a privileged motion to bring to the floor for a vote any bill that has been previously passed by the House of Representatives in the prior two sessions of Congress, so long as passage was by unanimous consent or 2/3s of the members voted in the affirmative. Passage of that measure through this process should be either by unanimous consent or through a requirement that 2/3s of members present vote in the affirmative.

- **House resolutions.** The House Rules should encourage (but not require) the publication of House resolutions 72 hours prior to consideration. In addition, the House Rules package should be published 72 hours in advance of consideration.

- **Machine readable legislation.** The House Rules package of the last few Congresses included language encouraging the publication of legislative documents in machine readable formats. This required should be included as policy within the rules themselves.

COMMITTEES

- **Markup notice:** The current requirement of three-days public notice for a committee markup should be amended to require notice be given the longer of 72 hours in advance of the meeting or by 9 a.m. Monday, with notice waivable in accordance with current House rules.

- **Bills with multiple committee referrals:** When a bill is referred to multiple committees, after the first committee has reported out the bill, all remaining committees must report out the legislation within 30 calendar days — which can include amendments and/or a recommendation the legislation not move forward.

- **Amendments:** All amendments considered by the committee or subcommittee should be made publicly available online. To the maximum extent practicable, all amendments should be published online 24 hours in advance of the proceedings, although amendments can be crafted up to and during the proceedings themselves. The managers mark should be published at least 48-hours in advance, to the maximum extent practicable. Similarly, amendments should be available in advance both as legislative language and as a redline showing how the amendment would change the underlying legislation. All amendments (subcommittee and full committee) should be published online no later than 24 hours after the close of proceedings.

- **Electronic voting:** The House Rules should explicitly authorize (and encourage) committees to use electronic voting methods, when applicable, to expedite committee voting procedures and support the creation of a central website that contains all record committee votes alongside the amendments/bills on which a vote is taken.

- **Appropriations bills:** Draft and favorably reported appropriations subcommittee and full committee bills should be accompanied by an electronic spreadsheet that shows in tabular form

each spending line item to be considered and spending on that line item on an annual basis over the last two decades, adjusted and unadjusted for inflation. The spreadsheet should be made publicly available prior to a markup at least 48-hours in advance, and within 24 hours of the completion of a meeting.

Transcripts: An unofficial searchable transcript of committee proceedings should be publicly available within 48-hours of the end of the meeting, in addition to any video or audio that may be released to the public.

Open proceedings: The requirement for open proceedings should be defined as requiring the public be able to attend in person and that the proceedings be recorded by video.

Staff. For each committee that oversees classified matters, every member of the committee should be afforded the opportunity to designate one personal office staffer with ts/sci clearance, who shall be available to support that member on relevant matters before that committee. The House should also examine whether to increase the use of staff designees, whereby members of a committee may hire their own staffer, paid for out of committee funds, to primarily support member work with the committee.

Reports: Committees should provide to their members, on a weekly basis, a list of reports received by the committee from the agencies/entities within its jurisdiction and how they can be obtained. Such reports should also be filed and stored centrally with the House of Representatives.

CONCLUSION

Thank you for the opportunity to submit recommendations on modernizing floor and committee rules and procedures. There is a great deal more to consider, including staffing, collaboration between member offices, promoting ethics and accountability, and increasing transparency, but it is my hope these recommendations have provided a useful perspective for your upcoming discussion.

As always, I welcome and appreciate the opportunity to work with you and your staff on these matters. I can be contacted at daniel@demandprogress.org and 240-237-3930.

With best regards,

Daniel Schuman
Policy Director
Demand Progress