



Bipartisan Recommendations to Reform the House Rules

By Daniel Schuman and Zach Graves

Introduction

At the beginning of each Congress, lawmakers in the majority have the opportunity to set priorities and implement operational and institutional reforms through the House rules package.

This report is the result of many conversations with congressional experts on what we believe are ideas that can make the House more transparent, efficient, and robust. Included below are a synthesis of recommendations that we have compiled based on those conversations.

This report is a joint publication of Demand Progress and Lincoln Network. For more information, please contact: Daniel Schuman, policy director, Demand Progress (daniel@demandprogress.org); and Zach Graves, executive director, Lincoln Network (zach.graves@joinlincoln.org).

Table of Contents

Introduction	2
Table of Contents	3
Recommendations	4
Highlighted Recommendations	4
Transparency, Accountability, and Legislative Data	7
Internal Operations and Scheduling	11
Congressional Efficiency and Oversight	13
Congressional Security	15
Congressional Capacity and Staff	17
Congressional Ethics	20
Rules to Retain	23
Additional Resources	28
About the Authors	30

Recommendations

HIGHLIGHTED RECOMMENDATIONS

- **Establish a Select Subcommittee on House Modernization:** As a successor to reform efforts such as the Select Committee on Modernizing Congress and the former Joint Committee on the Organization of Congress, the House should establish a new subcommittee within the Committee on House Administration to provide a focal point for congressional modernization efforts. This body should be structured as a “select subcommittee,” which would include additional members to represent key stakeholder interests. Consideration should also be given to making it fully bipartisan.
- **House S&T Advisor:**¹ The House should prioritize streamlining access to expert resources to support policy formation. Accordingly, the House should create a nonpartisan office to act as an advisor and concierge for accessing expert resources both internal (e.g., CRS and GAO) and external (executive branch and private sector) to the legislative branch. It should further work to improve coordination between government entities to reduce duplication. This office would be led by a director with a small staff, providing services for each committee according to their needs (in consultation with their respective chairs).
- **Commission on Security and the Continuity of Congress:**² There is an apparent lack of planning, oversight, and implementation relating to security and continuity of Congress as demonstrated by the inability of the Capitol Police to secure and keep open the capitol campus, the strained role of the Attending Physician of the United States Congress during the pandemic, and the rush to implement new technology

¹ This is substantially similar to NAPA’s recommendation to create an “Office of the Congressional S&T Advisor” (OCSTA) to build absorptive capacity. See: [“Evaluating Science and Technology Policy Resources for U.S. Congress,”](#) National Academy of Public Administration.

² This is consistent with [recommendation 171](#) by the House Select Committee on the Modernization of Congress, which recommends the creation of a Joint Committee on Continuity.

when the Capitol campus was closed. A special task force should be established to explore the existing problems and propose solutions as quickly as due diligence and practicality will allow.

- **Office of the Whistleblower Ombuds:**³ Since its creation in the 116th Congress, the House has seen tremendous value from the Office of the Whistleblower Ombuds, helping to provide House of Representatives staff who may have questions on (or seek resources about) working with federal and private sector whistleblowers. The House should keep this office in its Rules package.
- **House Calendar:** The House should adopt a three weeks on, two weeks off calendar, with appropriate exceptions as determined by the Majority Leader. This would reduce the number of Member travel days, increase the number of days the House is in session, and provide a regularity to the proceedings that would allow Members and staff to better manage their time and have a better work-life balance.
- **TS/SCI Clearances:** Every member of the House should be afforded one personal office staffer who is eligible to apply for a TS/SCI clearance to support the member on relevant matters. The Senate recently has updated its security manual to provide a similar authority to its personal offices. As House personal offices are already provided two staffers with a TS clearance, the additional cost to provide one of those staffers SCI is negligible. The eligibility to apply for a clearance does not guarantee that a staffer would receive the clearance, nor does it demonstrate that a staffer has a need-to-know. However, it would clear an important technical barrier.
- **Mandatory Reports Due to Congress:**⁴ The Clerk of the House should maintain a list of all mandatory requirements for agencies to submit reports to the House, the Senate, its committees, and its subcommittees. This would expand the Rule II clause 2 requirement to encompass reports to committees and subcommittees. Legislation along these lines has been repeatedly passed by the House, only to falter in the Senate.

³ See “Rule II, clause 10 (a) in Rules of the House of Representatives, One Hundred Seventeenth Congress” p. 4.

⁴ This would implement part of the Access to Congressionally Mandated Reports Act, which passed the House and was included in H.R. 1, but has yet to pass the Senate. See, e.g., [H.R. 2485](#).

- **House Inspectors General Reports:**⁵ On a contemporaneous basis, the House Inspector General should list and make available online the title and summary of the subject matter of the reports it has completed or submitted for review. Furthermore, it should publish the contents of its reports online, subject only to necessary redactions to protect national security or individual privacy.
- **Congressional Budget Justifications:** Congressional Budget Justifications received by the House of Representatives from its support offices and agencies should be published online in a central location.
- **Legislative Service Organizations:**⁶ Legislative Service Organizations are the predecessors to Congressional Member Organizations (i.e. caucuses), and historically provided a forum for Members of Congress to collaborate on issues of interest. The most famous of the LSOs was the Democratic Study Group. These organizations provided research, staff support, coordination, and produced a variety of legislative products that helped Members engage in the legislative process. Unlike modern CMOs, LSOs received significant financial support and played a far greater role than CMOs do today, however the support some received from outside entities was problematic. We recommend creating modern LSOs that can hire staff, receive separate office space, and maintain an online presence, and that are subject to appropriate oversight mechanisms. Unlike CMOs, which are funded by Members from their MRAs, each Member would be able to designate up to a maximum of \$10,000 from a separate (centrally administered) fund to go towards the LSOs of their choice.

⁵ This is a best practice for Inspector General reports. Non-confidential IG reports are routinely published online at oversight.gov; confidential IG reports are usually identified by title. The GAO also follows this practice, including publishing a list of classified reports on its website.

⁶ Legislative Service Organizations are the predecessors to Congressional Member Organizations and in part overlap with the current definition of Eligible Congressional Member Organizations. While CMOs are similar in scope, LSOs received greater financial support and garnered a greater amount of responsibility than CMOs do today. For a history of the most famous LSO, the Democratic Study Group, see "[When Liberals Were Organized](#)," *American Prospect* (January 22, 2015). This is generally consonant with a series of recommendations by the Select Committee on the Modernization of Congress, which recommended strengthening Congressional Member Organizations transparency and access to staff benefits. See recommendation [numbers 71–72](#).

TRANSPARENCY, ACCOUNTABILITY AND LEGISLATIVE DATA

Transparency and Accountability

House Resolutions:⁷ The House Rules should require the publication of the text of House resolutions 24 hours prior to floor consideration, unless that provision is waived by the House.

Committee Votes as Structured Data:⁸ Committee votes should be recorded in a structured data format and published in a central database that is available to the public.

Transcripts:⁹ An unofficial searchable transcript of committee proceedings should be publicly available within 24 hours of the end of the meeting, in addition to any video or audio that may be released to the public.

Amendments:

- All amendments considered by a committee or subcommittee should be made publicly available online no later than the time they are considered. To the maximum extent practical, first-degree amendments should be published online 24 hours in advance of the proceedings, although such amendments can be crafted up to and during the proceedings themselves.¹⁰
- The manager's mark should be published at least 48 hours in advance, except when the committee chair determines that it is impracticable to do so.
- To the extent practicable, amendments should be made available to Members and the public in such a way as to show how the amendment would alter the underlying legislation or an amendment.

⁷ This is routinely met with publication at rules.house.gov.

⁸ This matter is addressed in the [House Legislative Branch Appropriations Committee FY 2021 report](#) in the paragraph entitled “Automated Committee Roll Call Voting System” on p. 9.

⁹ This is generally consonant with a series of recommendations by the Select Committee on the Modernization of Congress, which recommended a number of measures to make the House accessible to all Americans. See [recommendation numbers 27–29](#).

¹⁰ Note: during COVID-19, the Appropriations Committee provided electronic notice of all amendments prior to consideration.

- All amendments should be published online on a central website (like docs.house.gov) in a sortable, searchable, format. Committees are strongly encouraged to publish amendments on their websites at the same time that they are published on docs.house.gov.¹¹
- All votes on amendments (that are recorded) should be made available publicly online as a dataset.
- Subcommittees may vote using automated means for votes held at in-person proceedings.

Machine-Readable Legislation:¹² The House Rule should once again require the publication of legislative documents in machine-readable formats.

Mandatory Reports Due to Congress:¹³ The Clerk of the House should maintain a list of all mandatory requirements for agencies to submit reports to the House, the Senate, its committees, and its subcommittees. This would expand the Rule II clause 2 requirement to encompass reports to committees and subcommittees.

Bipartisan Legal Advisory Group: Positions taken by the Bipartisan Legal Advisory Group (BLAG), including interventions, should be published online as structured data on a central website. In addition, BLAG court filings should also be centrally identified, along with basic information about the BLAG.

National Archives Document Access: The time frame under which committee approval is required to access committee documents held by the National Archives should now be 10 years; and each committee must establish and publicly announce a process and point of contact to initiate requests to documents that need committee approval.

“Dear Colleague” Access:¹⁴ “Dear Colleague” letters sent to all Member offices should be made publicly available online in a central database except when the sender determines otherwise.

¹¹ This supplements the current process by which votes are published on committee sites as PDFs.

¹² See “[Rule X: Organization of Committees, additional functions of committees 4. \(a\)\(1\)\(D\)](#) of The Rules of the House of Representatives One Hundred Seventeenth Congress,” p. 11.

¹³ This would implement part of the Access to Congressionally Mandated Reports Act, which passed the House and was included in H.R. 1, but has yet to pass the Senate. See, e.g., [H.R. 2485](#).

¹⁴ Dear Colleague letters are often available from private services where lobbyists pay for access. Everyone should have equal access to these documents regardless of ability to pay.

House Inspectors General Reports: On a contemporaneous basis, the House Inspector General should list and make available online the title and summary of the subject matter of the reports it has completed or submitted for review.¹⁵ Furthermore, it should publish the contents of its reports online, subject only to necessary redactions to protect national security or individual privacy.¹⁶

Legislative Data

House Chief Data Officer:¹⁷ The House should create a Chief Data Officer. The CDO should have the responsibilities of supporting efforts to coordinate the Congressional Data Task Force; tracking datasets released by the legislative branch; providing advice, guidance, and encouragement to offices regarding the publication of legislative branch information as data; supporting the annual Legislative Data and Transparency Conference; and supporting and providing assistance to the public with finding and obtaining legislative data. The CDO should serve as a forum for convening relevant internal stakeholders to facilitate coordination of strategies, procurement, knowledge-sharing; consult with internal and external experts; and serve as a clearinghouse for appropriately routing technical inquiries, issues, and ideas.

Charter the House Digital Service: Codify the House Digital Service—a specialized group of technologists, designers, and mission specialists focused on improving congressional operations—with its own charter, hiring authority, and appropriations line item. In this process, the mission, structure and authorities of the House Digital Service should be clarified in order to maximize its effectiveness.

Structured Data for Appropriations Bills: Draft legislative language and favorably reported appropriations subcommittee and full committee text should be accompanied by an electronic spreadsheet that shows in tabular form each spending line item to be considered. For each item, the spreadsheet should reflect not only currently proposed spending but also spend-

¹⁵ This is a best practice for Inspector General reports. Non-confidential IG reports are routinely published online at oversight.gov; confidential IG reports are usually identified by title. The GAO also follows this practice, including publishing a list of classified reports on its website.

¹⁶ House Inspector General reports were made publicly available from 1995 to 2006. In recent years, however, the IG has stopped publishing the reports, for a time released the names of the reports only, and now simply lists the number of reports it has issued. See “[The House Office of Inspector General Should Publish Information About Its Reports](#),” Demand Progress.

¹⁷ For more information on the Chief Data Office/Officer proposal, see [Testimony of Nick Hart Before the House Select Committee on the Modernization of Congress](#), October 27, 2021, p. 4.

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

Open Source: The Committee on House Administration and House Ethics Committee, in consultation with the Chief Administrative Officer and the Clerk, should issue an open source code policy that is published online and regularly updated.

Resolution Clarity:¹⁸ The House Clerk (or CRS) should identify in all bill metadata starting in the 117th Congress which rules committee resolutions are connected to which bills.

Mapping Legislation: The comparative print project, which uses technology to show how an amendment would modify a bill, or a bill would modify the law, is a success. The project should be expanded to identify when several bills contain virtually the same language; to show when a bill is incorporated into a larger bill; and to identify antecedent legislation for a current bill from prior Congresses.

¹⁸ It is often difficult to identify when one bill becomes the legislative vehicle for another. This will make it possible to use an automated means to make that determination.

INTERNAL OPERATIONS AND SCHEDULING

Markup Notice:¹⁹ The current requirement of three days' public notice for a committee markup should be amended to require notice be given either 72 hours in advance of the meeting or by 9 a.m. the preceding Monday, whichever is sooner, with notice waivable in accordance with current House rules.

Strengthen the House Admin Committee: The House should look to increase the number of staff and resources for the Committee on House Administration, which continues to expand the scope of its work and oversight obligations. Its resources should be expanded regardless, but certainly if a subcommittee on modernization is created.

Automated Committee Voting:²⁰ To expedite committee voting, the House Rules should explicitly authorize committees to use automated voting methods for deliberations when members are physically present in the meeting room. This information should be recorded and published as structured data in a central repository, and both assurances for the security of the data and a review of the methods by which it is gathered should be reviewed by the CAO and the Clerk.

Committee Remote Deliberations: A provision should be made to allow committees to convene fully-remote proceedings if they so choose.

Vital Statistics on Congress: The House should publish, in a structured data format, its own vital statistics on Congress. This work can be overseen or take place in coordination with the Office of Diversity and Inclusion and other relevant offices.

The vital statistics should contain statistics about Members of Congress (similar to CRS' biannual profile;²¹ statistics about personal, committee, leadership, and support office staff including tenure and compensation; and data about congressional Committee data, such as funding levels and number of staff. In addition, it should identify the number of congressional

¹⁹ The purpose of this provision is to require that markups held on a Thursday or Friday must be noticed by Monday morning, so that it is possible to anticipate the week's schedule.

²⁰ The House Committee on Natural Resources has used automatic electronic voting for committee and subcommittee votes since the 116th Congress.

²¹ See, e.g., CRS, "[Membership of the 117th Congress: A Profile](#)."

staff and operating expenses and aggregate data on legislative activities such as hearings, votes, session time. Further, it should include data concerning historical reporting on spending by line items for the legislative branch and historical spending information on the 302(b) allocations for the legislative branch and a breakdown of defense versus non-defense appropriations spending. Finally, it should track the volume and type of incoming communications to Congress.

Congressional Budget Justifications:²² Congressional Budget Justifications received by the House of Representatives from its support offices and agencies should be published online in a central location.

²² Federal agencies are currently required to publish their Congressional Budget Justifications online. This applies a similar rule to congressional agencies.

CONGRESSIONAL EFFICIENCY AND OVERSIGHT

Public Participation Form: Each hearing announcement should specify how the public can send information—such as public testimony or letters—for the committee to use as part of its proceedings. Committees also should be required to publish this information on their respective websites. These forms should all have a unique ID, similar to an agency notice and comments process. To the extent appropriate, the committee may include such communications in its official record of the proceedings. The Clerk and the CAO should provide appropriate support to create infrastructure to automate this process.

Subpoena Authority and Contempt Power: Congress traditionally has relied on two complementary authorities to enforce its subpoenas: statutory contempt law and inherent contempt powers. Historically, these authorities have served as a critical backstop in negotiations with executive branch officials because they can generate political and material costs to noncompliance. The House should establish a working group to consider new statutory contempt language within the House Rules. The language should remedy the major failures in the current law by authorizing an independent special counsel to decide whether to prosecute findings of contempt by Congress and providing an expedited review and enforcement process in the courts that (as appropriate) narrow the issues presented.²³

Investing in Congressional Oversight:²⁴ Each year, legislative branch oversight activities save tens of billions of dollars in reducing waste, fraud, and abuse. In conjunction with committee oversight work, the Government Accountability Office has consistently provided a return on investment of more than \$100 for every dollar of its budget. In order to strengthen Article I and invest in oversight capacity, up to one-tenth of reported savings resulting from implementation of GAO's recommendations should be counted as deficit reduction applicable towards discretionary spending in the legislative branch appropriations bill above current levels.

²³ For more information on the statutory contempt proposal, see [“Modernizing Congress’s Subpoena Compliance and Enforcement Methods”](#) Testimony of Anne Tindall and Grant Tudor Prepared for the Record Before the House Committee on the Judiciary Subcommittee on Courts, Intellectual Property, and the Internet, June 8, 2021, p. 9.

²⁴ Dan Lips, [“Reviewing the Data: How GAO Saves Taxpayer Dollars.”](#) Lincoln Network.

House Regulatory Review Office:²⁵ Establish a House Regulatory Review Office to serve as a legislative branch counterpart to OIRA. The function of this office would be to provide appropriate analysis of proposed regulations, regulatory expertise to assist committee oversight, and tracking of regulatory compliance with changes in authorizing law.

House S&T Advisor: The House should prioritize streamlining access to expert resources to support policy formation. Accordingly, the House should create a nonpartisan office to act as an advisor and concierge for accessing expert resources both internal (e.g., CRS and GAO) and external (executive branch and private sector) to the legislative branch. It should further work to improve coordination between government entities to reduce duplication. This office would be led by a director with a small staff, providing services for each committee according to their needs (in consultation with their respective chairs).

To facilitate increased innovation expertise within Congress, this office should organize a new series of substantive bipartisan briefings for Members and staff on relevant topics. The office should also work with CAO to build a new HouseNet portal for accessing expert resources.

Track Responses to Questions for the Record: Require committees to publish a database of witness responses to Member questions to increase transparency, improve executive branch oversight, and make “for the record” requests more meaningful. This should be done in a way that minimizes the administrative burden on committee staff and resources, while also making the information available as structured data.

Congressional Security

²⁵ See: Kevin Kosar and Philip Wallach, “[The Case for a Congressional Regulation Office](#),” National Affairs, Fall 2016.

CONGRESSIONAL SECURITY

USCP Oversight: Over the past several years, it has become clear that the the United States Capitol Police (USCP) is in need of more oversight. From its operations to its funding to its USCP board, there is simply not enough capacity to monitor the agency that is necessary. The House should look to provide the Committee on House Administration Majority and Minority with funds for a staffer with security expertise to focus on USCP oversight.

USCP Board Oversight: Additionally, the House should look to require the House Sergeant at Arms to routinely publicly report on operations of the USCP Board. This public report should include a summary of what takes place during the meetings of USCP Board members.

Cybersecurity: The House should make official resources available to members and staff to protect their official and non-official accounts from hacking, including providing Yubikeys and two-factor authentication and training. It should further allow for cybersecurity support and training for non-official individual accounts for Members and staff.

Surveillance by the Executive Branch and Foreign Powers: The House should establish a working group to consider how to address concerns arising from potential surveillance by law enforcement without an Article III court order or intelligence agencies without appropriate authorization. There is particular concern about unencrypted congressional information systems, unofficial devices used by Members, and the storage of congressional information on non-governmental servers.

Preserving Speech or Debate Protections in the Cloud: The Constitution's Speech or Debate Clause plays a vital role in the separation of powers, providing members and their staff with critical protections for their work. To ensure these protections remain strong in the digital era, the House should study the issue and make recommendations for a statutory solution.

Task Force on Capitol Complex Security: An independent identity should be established for the physical security around the Capitol to represent the interests of Members of Congress, congressional staff, Capitol Hill essential workers, support office and agency staff, journalists, lobbyists, the gen-

eral public, and neighborhood/DC residents. Its members should include representatives from those categories and it should hold meetings where the public is invited to attend. The Independent Board should be fully independent of the USCP, the Capitol Police Board, and the SAA. The Independent Board members should be compensated for their time and provided appropriate staff to support their work. The Independent Board should be afforded the opportunity to testify before Congress, meet regularly with Capitol Police Leadership, hold public meetings, inquire into matters of interest to the Independent Board, obtain information from the USCP, and make information publicly available as it deems appropriate.

Open Congress. The Capitol and surrounding buildings must remain open to all engaged in the business of our democracy. Any decision to reduce public access on a temporary basis must be driven by a meaningful strategy to address an exigent threat that is part of a thoughtful, coordinated plan developed by a competent security authority. To that end, any fence erected around the capitol must be temporary; any prohibitions on access must be minimized; and the business of Congress must be open to the public and the press.

CONGRESSIONAL CAPACITY

Classified Information and Clearances

TS/SCI Clearances:²⁶ Every member of the House should be afforded one personal office staffer with TS/SCI clearances to support the member on relevant matters before the committee. This does not put them in access to info, but removes a technical barrier. The Senate has recently updated its security manual to provide all senators with an appropriately cleared staff.

Release of Classified Information:²⁷ Any committee with jurisdiction over information deemed classified by the executive branch may recommend and prompt a vote on the House floor to release that information, in a process that parallels that available to the House Permanent Select Committee on Intelligence.

Declassification Office: Create an office that can assist members with getting classified matters released.

HPSCI Standing Committee: Members of the House Permanent Select Committee on Intelligence should be appointed by the chamber at large, not individual members.

Staff Designees for HPSCI: The House should look to provide the members who sit on the House Permanent Select Committee on Intelligence with staff designees based on new funding from committee budget allocations. (maybe HASC as well)

Human Resources

Human Resources Office: The House expands the Human Resources Office (HR office) inside the CAO. The HR office should be responsible for:

²⁶ For more on clearances in the Congress, see “[A Primer on Congressional Staff Clearances](#),” Daniel Schuman and Mandy Smithberger, February 5, 2020.

²⁷ This is generally consonant with [recommendation 6](#) by the Select Committee on the Modernization of Congress, which supports creating a one-stop shop Human Resources HUB for member, committee, and leadership staff. This was included in a resolution passed by the House in the 116th Congress. [H.Res 756, Section 101](#).

- Administering paid parental and family leave, student loan repayment and reimbursement, and other shared HR services.
- Providing guidance on pay bands for various positions within personal, committee, and leadership offices.
- Providing support for hiring and serving as a resource for job announcements.
- Coordinating with the Office of Diversity and Inclusion, Office of Employee Assistance, Office of Employee Advocacy, Office of Congressional Workplace Rights, Office of Finance inside the CAO, Intern Resource Office, and Child Care Center.
- Maintaining a list of mandatory trainings, who must take the training, the frequency by which it must be completed, and a link to where it can be found.
- Creating an universal onboarding process for new staff that addresses topics like the resources available to staff, managing common activities (e.g., booking rooms), etc.
- Overseeing the Vital Statistics on the House.
- Providing guidance on other resources available for offices to promote more inclusive environments for their teams, including lists of practitioners available to facilitate staff retreats, mental health services, and 1:1 executive leadership training for members and staff.
- The Office of Diversity and Inclusion should be subsumed into this office.

Staff Study: The House should continue to publish annual studies of staff pay, benefits, statistics, and publish the study as data.

Anti-Corruption and Remuneration

Adjust Staff Pay for Inflation: To fulfill its constitutional oversight and legislative duties, Congress must recruit and retain excellent staff. This presents an ongoing challenge, especially acute with inflation at a 40-year high. Guidance should be promulgated to peg staff pay bands to the General Schedule (GS) scale, with an upper limit of Level I of the Senior Execu-

tive Service (SES) scale. The Speaker could also use their authority (under 2 U.S.C. 4532) to adjust compensation levels upward. The Members' Representational Allowance should also be adjusted to account for rising cost of living and support provided for housing.

Member Remuneration: For over a decade, Congress has waived its annual statutory COLA increase for Member pay, representing a decrease of approximately \$70,000 in real dollars since 2009. Meanwhile, the cost of living in the DMV area has also increased. In order to attract high quality candidates from diverse economic backgrounds in a time of rising inflation, Congress should allow future COLA increases.

Increase Capacity for Committee Policy Staff: Given the enormous resource imbalance between Congress and executive branch agencies, committees should be provided with significantly increased capacity to hire professional staff to conduct oversight.

Disclosure Forms: All disclosure forms required of witnesses before committees and subcommittees should be available contemporaneously online in one database, as structured data, in an electronic format. They should use common identifiers so that it is possible to identify when a person or entity has testified multiple times. The forms should be expanded to require identification of any payment by a foreign entity, not merely when that entity has business before the committee. We note that these recommendations have been previously approved by the House funded through the appropriations process and the House should continue its support.

Expand Scope of Truth in Testimony Disclosure: The House Ethics Committee should be charged with reviewing and determining in a timely manner whether a witness has violated the truth in testimony requirements—either upon referral or sua sponte—and should have a process to receive public complaints. Upon a timely review and finding of a violation, the House Ethics Committee should notify the Clerk, who should maintain a public list of persons currently or previously barred. Furthermore, the House Ethics Committee should report violations of the rule by attorneys to their bar association. In addition, a communication should be sent to their employer. Particular attention should be given to concerns political process influence arising from foreign countries and their proxies.

Close the Personal Capacity Loophole for Truth in Testimony

Disclosures:²⁸ Witnesses who select to testify “in their personal capacity” are still subject to the requirement that they must identify funding received by an employing or affiliated organization so long as the work of the organization is in any way connected or related to the work of the committee.

Reform Member Stock Trading: The appearance of Members (and their spouses) exploiting insider and non-public information for personal profit

²⁸ The 117th House Rules required committee truth-in-testimony documents to include additional information about conflicts-of-interest. See “Rule XI, clause 2(5)(B) of the Rules of the House of Representatives One Hundred Seventeenth Congress,” p. 19.

has undermined public trust in the institution of Congress. The House Ethics Committee should review and update guidance concerning securities trading for Members, working with stakeholders to improve transparency and address conflicts of interest.

Potential reforms include a delay and notice period for new trades, banning the trade of individual stocks while allowing appropriate specific sector-wide index funds, and/or full divestment from individual stocks. If new divestment requirements are adopted, they should be accompanied with legislation providing a waiver for tax deferral.

Legislative Resource Center:²⁹ All documents that are available for public access at the Legislative Resource Center must be published online contemporaneously when they become publicly available. In addition, it should be possible to make an electronic copy of records available at the Legislative Resource Center at no cost.

Fellowship Registration: Any person receiving a fellowship should register the fellowship with the Clerk, who should make publicly available the name of the fellow, the office in which they are placed, their role, the rate of pay, and who is funding the fellowship—both the immediate employing organization and the ultimate source of funds. Support offices and agencies are permitted to have fellows. Fellowships are not permitted to be funded by entities that engage in political activities (e.g., campaign work) or have an affiliate that engages in political activities. For fellowships funded by the executive branch, the fellow may not engage in lobbying activities in Congress within three years of the end of the fellowship. All this information should be published as structured data.

Executive Branch Fellows and Detailees: Fellows or detailees paid for by the executive branch should not be permitted to become an agency liaison to Congress or to lobby Congress for two years on behalf of the agency after the end of the fellowship. All fellows and designees must register with the Clerk, who will make publicly available the name of the fellow, the office in which they are placed, their role, the rate of pay, and the department/agency/office placing the fellow.

²⁹ For more information on what is not disclosed publicly, see “[Letter to Committee on House Administration on the Need to Modernize the Legislative Resource Center](#),” March 4, 2022.

Office of Congressional Ethics Subpoena Power:³⁰ The OCE should be granted subpoena authority over non-congressional entities and individuals. Subpoenas are to be issued by the Board, and OCE staff are empowered to bring suit. When this decision is made, OCE should give notice to the Ethics Committee.

Centralized Disclosure of Travel: Require complete and centralized disclosure of all official congressional travel information as well as travel paid for by outside entities for official purposes.

Honoraria Disclosure: Honoraria should be disclosed online in a central database when received by a Member.

Residing in Offices: That House should encourage all Members of Congress to make alternate arrangements whereby they are not residing in their offices. To further this goal, the House should establish a task force on what steps, if any, could be taken by the House to address this issue.

American Innovation Act Authority for House Officers: The House should grant House officers the authority to conduct public prize competitions for improvements to legislative branch operations. This authority should include appropriate ethical safeguards and requirements for bipartisan support. The executive branch, using authorities most recently granted in the American Innovation and Competitiveness Act of 2017, has conducted more than 1,200 prize competitions engaging people of all backgrounds in the nation's most promising opportunities.

³⁰ H. Res. 5, section 4(c)(3) (114th Congress) contained the following novel language: "any requirement for concurrence in section 1(b)(1) shall be construed as a requirement for consultation." Instead of each party needing to agree to the other's nominees to OCE's Board, now they merely need to be informed. This alteration carried forward into the 115th and 116th Congresses. It should be reverted to the prior understanding.

RULES TO RETAIN

Committee Operations

Member Hearing Days:³¹ Each standing committee is required to hold a Member Day Hearing during the first session of Congress to hear testimony from any Member of the House on proposed legislation within its jurisdiction. The House Rules Committee was empowered to hold its Member day in the second session to receive testimony on proposed standing rules changes.

Amendment Availability:³² The 117th House Rules made amendments adopted by their committees publicly available within 24 hours by requiring all other amendments—including failed or withdrawn amendments—to be posted within 48 hours of their disposition or withdrawal. This requirement does not apply to amendments not offered.

Electronic Vote Availability:³³ The 117th House Rules modernized the requirement for committees to make the results of record votes publicly available by removing the requirement that they be made available to the public for in-person inspection in committee offices. Committees will still be required to make the results of record votes publicly available electronically within 48 hours of the vote.

Electronic Filing of Reports and Electronic Signatures:³⁴ 117th House Rules Subsection (l) authorizes electronic filing of committee reports, which was temporarily allowed by House Resolution 965 of the 116th, and allows electronic signatures to be used for signed views in committee reports and for select forms received by the Committee on Ethics. Reports received electronically will be processed as otherwise provided in rule XIII, and committees filing electronic reports should continue to consult with the Clerk regarding proper format and other administrative requirements.

³¹ See [H. Res 8 \(117th Congress\), section 3\(a\)](#).

³² See [Rule 11, clause 2\(e\)](#).

³³ See [Rule 11, clause 2\(e\)](#).

³⁴ See [H. Res 8 \(117th\), sec. 2\(l\)](#).

Truth-in-Testimony Reform:³⁵ The 117th House Rules amended the disclosure requirements for witnesses appearing in nongovernmental capacities by: (1) adding grants to the reporting requirement for foreign payments; (2) expanding the look back period for reporting to 36 months; (3) requiring witnesses to disclose whether they are the fiduciary of any organization or entity with an interest in the subject matter of the hearing; and (4) requiring, to the extent practicable, the disclosures be made publicly available 24 hours prior to the witness's appearance at a hearing. The subsection also updates the text of clause 2(g)(5) of rule XI for clarity. The House is also working to modernize its Truth-in-Testimony documents and to make the information they contain available online in a central database.

Remote Deliberations for Committees:³⁶ At the discretion of the chair, House committees and subcommittees are allowed to hold hearings and markups where some or all members participate remotely by videoconference. This allows for witnesses from all around the world to testify and for members who are not physically present to participate in the proceedings. This allows for the scheduling of proceedings when the House otherwise would not be in session; expands the times when less popular committees can hold their meetings so that Members are more able to attend; and creates significantly more flexibility should an emergency arise.

Technology and Modernization

Comparative Print Project: The House Clerk's office and Office of Legislative Counsel recently announced the release of the Comparative Print Suite of tools House-wide.³⁷ The applications allow users to view how a bill would change current law and the differences between proposed legislation in real time. The House should continue to provide support to the ongoing comparative print project, which fulfills the requirement for Members to see how legislation has been amended prior to a vote.³⁸ In addition, the House should explore making the tool available to the public.

³⁵ See H. Res 8 (117th), sec. 7(k).

³⁶ See H. Res 8 (117th), sec. c(s).

³⁷ <https://twitter.com/GullicksonK/status/1585381609850941440>

³⁸ See H. Res 8 (11th), sec. 3(j).

Machine-Readable Legislation:³⁹ The House should continue the priority of publishing legislative information in machine-readable formats. This allows for technological innovation that supports greater transparency and understanding concerning the legislative process.

Ethics

Annual Ethics Training:⁴⁰ Subsection (p) extends the annual ethics training requirement to all Members, Delegates, and the Resident Commissioner. The previous rule required new Members, Delegates, and the Resident Commissioner to attend ethics training, and staff to attend ethics training annually, but did not apply to current Members.

Indicted or Formally Charged Member Floor and Gym Access:⁴¹ The House should continue the practice of barring former members and elected officers of the House from having access to the floor if they have been convicted of a crime related to their election or service.

Staff Non-Disclosure Agreements and Sexual Harassment:⁴² The 117th House Rules package included language that non-disclosure agreements cannot prohibit staff from talking to the Ethics Committee, OCWR, or OCE and continued mandatory anti-harassment training. This means that Members cannot force staff to sign an NDA for matters that should be reported to ethics-related entities.

Prohibiting Sexual Relationships Between Committee Members and Committee Staff:⁴³ Members of a Committee are prohibited from into personal sexual relationships with staffers who serve on that committee.

Mandatory Anti-Harassment and Anti-Discrimination Policies for House Offices:⁴⁴ Rule XXIII, clause 9 requires each House office to adopt an anti-harassment and anti-discrimination policy. Identical language was passed by the 115th and 116th House Congresses.

³⁹ See H. Res 8 (117th), sec. 3(j).

⁴⁰ Rule 11 clause 3.

⁴¹ See H. Res 8 (117th), sec 2(d).

⁴² Rule XXIII clause 20.

⁴³ Rule XXIII clause 16.

⁴⁴ H. Res 8 (117th), sec. 3(h).

Separation of Powers and Oversight

Staff Depositions:⁴⁵ The 117th House Rules included language to allow staff to take depositions. This language should be retained.

War Power Resolutions:⁴⁶ The 117th House Rules included language to prevent motions to table War Powers resolutions. This language should be retained.

Subpoena Power:⁴⁷ The 117th House Rules included language to reaffirm the right of the House to subpoena anyone, including the president. This language should be retained.

Floor Operations

Accommodation of Religious Headwear:⁴⁸ The 117th House Rules clarified and maintained the existing prohibition on wearing hats in the Hall of the House while making express that this prohibition does not include religious headwear. The language for this clarification is modeled on the statutory provision providing for proper decorum during the Pledge of Allegiance, 4 U.S.C. 4.

House Support Offices

Office of the Whistleblower Ombuds:⁴⁹ The House Office of the Whistleblower Ombuds provides nonpartisan support to all Members of the House in addressing communications from whistleblowers and providing guidance and resources on that topic. It was created in the 116th Congress and codified in the 117th. Rules instruct the Speaker, in consultation with the chairs and ranking minority members of the Committee on House Administration and the Committee on Oversight and Reform, to appoint a Director of the Office.

⁴⁵ Rule XXIII clause 16.

⁴⁶ H. Res 8 (117th), clause 3(c).

⁴⁷ H. Res 8 (117th), clause d(m).

⁴⁸ Rule XVI clause 5.

⁴⁹ Rule II clause 10.

Congressional Member Organizations

Congressional Member Organization Transparency Reform:⁵⁰ Subsection (p) allows participating Members to enter into agreements with eligible Congressional Member Organizations for the purpose of payment of salaries and expenses and expands the definition of Congressional Member Organizations from the 114th and 115th Congresses. This means that CMOs can be employing entities, instead of the previous arrangement that required complex bookkeeping to pay staff and provide them benefits.

⁵⁰ H. Res 8, clause 3(0).

Additional Resources

- Modernizing the People's House: Reform Proposals for the 118th Congress. **Lincoln Network.**
- Building Digital Capacity in Congress: Recommendations for the House Digital Service. **Lincoln Network.**
- Select Recommendations for Updating the House Rules for the 117th Congress. **Demand Progress.**
- Reforms Included in the House Rules for the 116th Congress, **First Branch Forecast** (2020-02-20).
- Members' Day Hearing on Proposed Rules Changes for the 116th Congress (2018-09-13). Video.
- Section-By-Section Analysis of H. Res 6 Adopting the Rules for the 116th Congress (2019-01-01).
- Primer on Demand Progress' House Rules Proposals for the 116th Congress (2018-09-12). See also: <https://www.getthehouseinorder.com>. **Demand Progress.**
- Draft Legislative Language: Proposals for the House Rules Prepared by Daniel Schuman. (2018-12-05). **Demand Progress.**
- Strengthening Congressional Oversight Over the Intelligence Community (2016-09-13). **R Street Institute, Demand Progress, Freedom Works,** and the **Electronic Frontier Foundation.**
- Letter from a bipartisan group of 33 organizations endorsing the recommendations (2016-09-13).
- Recommendations for Updating House Rules for the 114th Congress, released by **Citizens for Responsibility and Ethics in Washington,** the **Sunlight Foundation,** and the **OpenGov Foundation** (2014-10-07).
- House Rules Changes: Sunlight's Proposals for the 113th Congress (2012). **Sunlight Foundation.**

- House Rules Changes: Sunlight's Proposals for the 112th Congress
(2010-09-16). **Sunlight Foundation.**

About the Authors

DANIEL SCHUMAN

Daniel Schuman is policy director at Demand Progress and Demand Progress Education Fund. He is the editor of the First Branch Forecast, a weekly newsletter that covers government accountability and transparency, with a focus on Congress and its interactions with the Executive branch. Previously, he worked as policy director at Citizens for Responsibility and Ethics in Washington; policy counsel at the Sunlight Foundation; and as a legislative attorney with the Congressional Research Service. He graduated cum laude from Emory University School of Law. He also worked at the Constitution Project, the American Constitution Society, the House of Representatives, and the Georgia Trial Lawyers Association.

ZACH GRAVES

Zach is executive director at Lincoln Network, a nonprofit focused on advancing a more perfect union between technology and the American republic. His research and writing focuses on the intersection of governance and innovation policy. He is also a fellow at the National Security Institute at George Mason University's Antonin Scalia Law School, a contributing editor at American Purpose magazine, and a member of the Polaris Council, an advisory board for science and technology at the U.S. Government Accountability Office.

This report is an iterative and collaborative product. Its content draws heavily on past work from the teams at Lincoln Network and Demand Progress, as well as input from a range of expert stakeholders. The authors are indebted to these individuals for their contributions and thoughtful comments.