

**House Rules Reform Recommendations**  
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## Introduction

The House of Representatives has the capacity to be one of the greatest institutions for the promotion of the public good in human history. Over recent decades, through a combination of design, happenstance, and malign neglect, its members gave their power away to others: to the executive branch, to the Senate, to outside interest groups, to a handful of internal power brokers. This created an unlevel playing field where most representatives have surprisingly little ability to engage in policymaking.

Congress as an institution has been weakened accordingly. The narrowing of perspectives, evisceration of oversight, and limiting of lawmaking continues to drive the vicious cycle of congressional subordination. Governing is a muscle that must be exercised, lest it atrophy.

The following recommendations to reform the rules of the House of Representatives will do much to restore the capacity, incentives, and capability of representatives to fulfill their roles as legislators. They are the result of dozens of conversations with congressional experts, congressional staff, and members of Congress over the last year.

### The recommendations flow from these ten principles:

1. *The House must reimagine the chamber floor as a forum for open, informed debate on competing visions for America.*
  - See [Open Up Floor Debate](#) on page 3
2. *The House must reimagine committees as a place where open, informed debate on legislative proposals and government activities takes place, and where committee members are fully empowered and encouraged to participate on an equal footing in service of the best interests of the entire chamber.*
  - See [Empower Committees and their Members](#) on page 5
3. *Members of the House must be supported in their efforts to self-organize around shared interests and be able to access information that belongs to the House and relates to their interests.*
  - See [Encourage Members to Collaborate and Build Expertise](#) on page 7
4. *The House must recruit, hire, promote, empower, protect, and retain expert staff who have a diversity of skills, backgrounds, and expertise.*
  - See [Recruit and Retain Expert Staff](#) on page 9

5. *House ethics enforcement and oversight must focus on preventing the emergence of ethical conflicts and promptly addressing conflicts before they become problems for the institution.*
  - See [Promote Ethical Behavior](#) on page 12
6. *House support offices and agencies, and data concerning House activities, must be transparent, support the work of the full House, and be responsive to the will of the House.*
  - See [Strengthen House Operations and Make Them More Transparent](#) on page 15
7. *House technology must be modernized to support the oversight, legislative, and constituent service responsibilities of members, committees, support offices, and leadership.*
  - See [Improve Congressional Technology](#) on page 17
8. *Electronic information touching members and staff in whatever capacity, as well as committees, leadership, and support offices and agencies, must be secure from unwanted access.*
  - See [Enhance Cybersecurity](#) on page 19
9. *Transitions in membership of the House must not adversely impact constituent services.*
  - See [Continuity in Constituent Services](#) on page 20
10. *The House must continuously renew itself and study new approaches to its operations.*
  - See [New Approaches to Solving Problems](#) on Page 21

## OPEN UP FLOOR DEBATE

*The House must reimagine the chamber floor as a forum for open, informed debate on competing visions for America.*

The three day rule, whereby legislation must be available in final form prior to a floor vote —

- Must extend to resolutions. Waiving the three day rule for a resolution requires a 2/3s vote in the House; however, a vote on raising the debt ceiling or passing a straight continuing resolutions requires only a majority vote to waive the three day rule. The three day rule is not altered from current practice with respect to bills except as described below.
- Requires 72 hours (excluding Sundays and federal holidays) for the final bill to be available online prior to a vote, excluding votes on raising the debt ceiling and straight continuing resolutions.
- For all bills and resolutions, for the 72 hour clock to start, they must be available on a public website that shows how the bill would change the law in an automated redline. Amendments to the bills on the floor must also be shown online in such a way as to see how each amendment (or set of amendments) would change the bill and that bill would change the law.

Discharge petitions —

- Discharge petitions are in order for consideration on any day the House is in session.
- 218 continues to equal discharge.
- Should a discharge vest, a committee has three calendar days to report its own bill, unless it is within three weeks of the end of the session whereupon the discharge vests immediately. A committee may waive the three day requirement. Should multiple bills go to the floor, the House will use king-of-the-hill on the competing measures.

While it is not possible to require, the norm at the start of a new Congress should be public availability of the House rules package three days in advance of the vote.

Bills with multiple committee referrals —

- If a bill is referred to multiple committees, once the first committee reports it out all additional committees have thirty calendar days to consider and report the legislation or to waive its jurisdiction from the date the bill was reported out of the first committee.
- If an additional committee votes to report a bill with different text than the first committee, upon a privileged motion by any member, the full House votes under a king-of-the-hill rule as to which measure advances.
- If an additional committee does not vote to report the bill within the thirty day timeframe, the first bill can be considered on the floor upon a motion by any member of the House, with a motion to return the bill to committee being in order.

Any member may make a privileged motion to bring to the floor for a vote any bill that had been previously passed by the House of Representatives in the prior two sessions, and passage of that measure through this process shall require a 2/3s affirmative vote of members present.

## **EMPOWER COMMITTEES AND THEIR MEMBERS**

*The House must reimagine committees as a place where open, informed debate on legislative proposals and government activities takes place, and where committee members are fully empowered and encouraged to participate on an equal footing in service of the best interests of the entire chamber.*

Committees and subcommittees must —

- Provide draft amendments, including the manager’s amendment, to committee members five calendar days in advance of consideration. In doing so, sub/committees must use technology that supports the automated showing of how an amendment or series of amendments would change the bill, and how the bill would change the law.
- Make amendments (subcommittee and full) publicly available three days in advance of the proceedings and announce markups at least seven days in advance of a proceeding. Notices must be in human and machine-readable formats. Holding a meeting with less notice than described above requires a showing of “good cause” in addition to either the concurrence of the chair and ranking member or a letter signed by a majority of members on the sub/committee.
- Make all introduced amendments publicly available on docs.house.gov.
- Make all votes on amendments (that are recorded) available on docs.house.gov as a dataset; sub/committees may vote using electronic means (so long as members are present).

Require the majority/minority ratio be no greater than 60:40 except on evenly balanced committees like Ethics or committees with nonpartisan staff like the Joint Tax Committee.

Subcommittee chairs shall be able to hire staff so long as the chair does not object to an individual staffer, and shall be empowered to unilaterally terminate staff.

Committees retain subpoena power, but the chair alone does not have that power.

Congressional testimony is permitted by video conference.

Draft appropriations subcommittee and full committee bills must be accompanied at each stage of the legislative process by a digital spreadsheet/ tabular document that shows each line item reflected in the appropriations bill and spending on each item on an annual basis over the last two decades, both unadjusted and adjusted for inflation. This can be accomplished through automated means. The information must also be contemporaneously published online.

Each standing and select committee shall be directed to hire (and later on be appropriated funds to hire) a person to serve as a non-partisan archivist/librarian, who is responsible to the majority and minority for keeping track of all official communications from the committee and submissions to the committee as well as any committee documents that may exist.

An unofficial transcript of committee activities must be publicly available within three days, in addition to any video or audio that may be released to the public.

All official, mandated agency reports to committees shall be shared with the Clerk's office for archiving. In addition, the Clerk shall publish a list of all reports Congress mandates agencies provide to Congress, either chamber, or its sub/committees.

House rules require committee proceedings to be open unless the committee holds a public vote to close the proceeding. Further clarify that open meetings must take place in open facilities — not in the SCIF — and providing a transcript afterward is insufficient for it to be considered open. An open meeting is one where the public is able to be present and video of the proceedings are available electronically.

Non-congressionals may file a complaint with the Office of Congressional Ethics or the Ethics Committee when a violation is anticipated or has occurred concerning House rules requiring sub/committee proceedings to be open to the public. The Ethics Committee should mete out appropriate sanctions to the chair on the occurrence of such a violation so as to discourage its recurrence, the least of which is a letter of admonition released to the public. It further shall be in order for any member of Congress to challenge any legislation or votes that occurred at a markup.

Committee retreats are an authorized use of committee funds, so long as majority and minority members are invited and it is under an amount set by the Committee on House Administration. Members can stay overnight; or go further if there is a United States government installation.

Redesignate the Intelligence Committee as a standing committee, and thus its members are appointed by a vote in the chamber and not by the speaker or minority leader.

Shorten the time frame requiring committee approval to access committee documents held by the National Archives to ten years, and require each committee to establish and publicly announce online a process and point of contact to initiate requests, such as the committee archivist/librarian.

All sub/committee amendments and committee votes must be published online on a central website (like docs.house.gov) in a sortable, searchable, format. (This supplements current process by which votes are published on committee sites as PDFs, and failed amendments are not available).

The Appropriations Committee shall gather all submitted Congressional Budget Justifications and publish them within five days of receipt on its website and in the Congressional Record, subject only to necessary redactions.

## **ENCOURAGE MEMBERS TO COLLABORATE AND BUILD EXPERTISE**

*Members of the House must be supported in their efforts to self-organize around shared interests and be able to access information that belongs to the House and relates to their interests.*

Allow for Legislative Service Organizations —

- These entities are intended to perform coordination and policymaking work for members with shared interests.
- They cannot be funded by outside entities.
- Each member is allotted \$10,000 to contribute towards LSOs. Money not spent goes back to the House. Total pool: \$4.41m.
- Any LSO with \$80k gets its own office space, franking privilege, telephones, etc. (Minimum pay for an LSO staffer must be \$40k).
- The House pays for benefits for full-time LSO staff.
- LSO staff are covered by the Ethics rules and subject to Ethics/OCE oversight.
- LSO is the immediate employing authority.
- LSOs may have house.gov web pages.
- LSOs must file annual public reports on their activities with the Clerk, which shall be made available online on a central website, which includes a general description of its work; a list of dues-paying members; a list of all staff, including their titles, pay, and responsibilities; the LSO's charter and mission; and other relevant information.
- LSO must make available on their websites a contemporaneously available list of their members, staff, charter, and at a minimum a basic description of their missions.

Address oversight and management of classified info and clearances —

- Track and release to public the number of staff who have clearances, how long it takes to receive a clearance, and the level of the clearances (like the executive does).
- Reform the process by which material deemed classified by the executive branch is released to the public by the House. Currently, only HPSCI can consider whether to recommend that the House to publish information deemed classified by the executive branch. Now any committee with jurisdiction over information can make that recommendation and prompt a vote on the House floor that will be carried unless opposed by  $\frac{2}{3}$  of the chamber.

The House of Representatives shall keep a central archive of all agency reports to the House, its committees, and subcommittees, which are available to all members and staff. The reports shall also be publicly available with appropriate, minimal redactions.

Where matters do not involve executive privilege, allow the House General Counsel to litigate on behalf of the House in furtherance of its subpoena power. (This may require legislation.)

Positions taken by the Bipartisan Legal Advisory Group, including interventions, are published online on a central website.

The House shall publish its own vital statistics on Congress, containing —

- Demographics of members of Congress.
- Congressional committee data.
- Congressional staff and operating expenses.
- Legislative productivity data.
- Congressional action on the budget.

## **RECRUIT AND RETAIN EXPERT STAFF**

*The House must recruit, hire, promote, empower, protect, and retain expert staff who have a diversity of skills, backgrounds, and expertise.*

Allow for each member of the House two staff associates for committees on which s/he serves.

- Member must designate the committee on which a staffer serves, and may split a staffer between two committees.
- Each staffer is paid by the committee, not out of the member representational account (MRA), with the pay level up to 80% of maximum staffer salary levels.
- Each staffer must spend 80% of his/her time working on issues that fall under the jurisdiction of the committee.
- Member can hire/fire the staffer, but hiring must be done with the expeditious acquiescence of the committee chair or ranking member.
- Staffer is granted the clearance necessary for work.
- Staffer has access to the committee documents and can attend briefings.

Staff pay and benefits —

- Maximum staff pay is decoupled from members pay rate, set at SES step 3 (GS-18).
- Each personal, committee, leadership, and legislative service organization staffer is eligible for educational loan repayment at an annual rate of \$10,000 paid out proportionally at the same time as the salary. It applies to all public loans regardless of status (repayment, deferral, forbearance), also is available for costs of ongoing education. Benefit is available to any full time staffer. The benefit or amount of payment is not up to the discretion of an individual office. Funds come from a central fund administered by the CAO, not out of the Member Representational Account.
- All staff with one year tenure on the hill are eligible for parental leave: three months paid leave in a 12 month period upon the birth/adoption of a child; funds to pay for leave reimbursed to MRA from a central fund administered by the CAO.
- Provide a housing stipend to staff and members based on the Office of Personnel Management's locality adjustment for Washington, D.C., with costs paid out of a central fund (not the MRA) administered by the CAO.
- Expand child care for congressional staff or create a subsidy for private care.

Provide funds to members/committees to hire paid interns —

- All interns in D.C. must be paid (except for current college students currently in school that are getting academic credit) at D.C. minimum wage (currently \$15/hour) + transit.
- Paid interns can be kept for January-May; June-August; September-December.
- Funds must be used to pay for interns. If not used they are returned to the House.
- Internship availability must be announced on a central site administered by the CAO; immediate family members and immediate relatives of current campaign donors are not eligible for this paid internship.

- A congressional office may not hire an unpaid intern if the intern has completed an undergraduate degree.
- Interns capped at 40 hours/week.
- (Total cost: \$19.5m; assuming \$34,839 annual cost used by 562 personal and committee offices)

Allow personal and committee staff to unionize —

- Narrow the interpretation of the term “confidential” congressional employees, as interpreted by the Office of Compliance under section 220 of the Congressional Accountability Act, that are exempt from the ability to unionize. (See <https://www.nytimes.com/1996/07/23/us/congress-staff-may-not-gain-right-to-union.html>)
- 1 year implementation timeline.
- Look to existing union congressional support office and agency best practices.

Create broad pay bands and promotion schedules for personal and committee office staff in line with executive branch (and adjust MRA accordingly) — try to follow flexibly agency hiring/promotion/ COLA scale.

Require a biannual study on staff pay, retention, and diversity along the lines of what is included in the FY19 Legislative Branch appropriations bill.

Allow each member to designate one of the two personal office staffers with Top Secret clearance as able to obtain access to sensitive compartmented information; staffer is permitted to attend briefings/ hearings/ meetings wherever appropriate at the direction of the member.

Any person receiving a fellowship must register the fellowship 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 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 lobby, have an affiliated arm that lobbies, engages in political activities (i.e. campaign work), or has an affiliate that engages in political activities. The fellow may not engage in lobbying activities in Congress within three years of the end of the fellowship.

Fellows or designees paid for by the executive branch are not permitted to become an agency liaison to Congress for three years or to lobby Congress for three years after the end of the fellowship. 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.

When members leave office, any staffer who was employed by Congress in a full time capacity over the prior 180 days to that departure will be eligible to receive 60 calendar days of paid health care after that staffer departs.

Shared employees must affirmatively list all their employing offices with the Clerk, and that information shall be made publicly available.

## **PROMOTE ETHICAL BEHAVIOR**

*House ethics enforcement and oversight must focus on preventing the emergence of ethical conflicts and promptly addressing conflicts before they become problems for the institution.*

Grant the Office of Congressional Ethics the ability to subpoena witnesses —

- OCE requests a subpoena; Ethics chair and ranking member have three calendar days to jointly object, otherwise House legislative counsel effectuates. If they object, the OCE may appeal to the full committee membership, who have five calendar days to object.
- Restore the rule whereby appointees to OCE board must be approved by both the majority and the minority.
- Just as the House will now provide counsel for OOC inquiries, so too shall it pay for counsel to represent staff in collateral investigations in which they are called to appear before the OCE.

Ethics committee cannot halt OCE investigations by a mere statement, but must impanel an investigatory subcommittee.

When a member resigns or their service in Congress ends, the Ethics Committee may finalize and release a report on its findings thus far should such a report be substantially completed by the time of departure.

Non disclosure agreements —

- No House entity may request or require a staffer to sign a non disclosure agreement that in any way limits the ability of a staffer to go to the Office of Compliance, the House Ethics Committee, or the Office of Congressional Ethics.
- No notice can be requested or required of a staffer prior or subsequent to going to OOC, Ethics, or OCE.
- NDAs are declared by the House to not bind former staff who signed them with House entities should they choose to communicate with OOC, Ethics, or OCE.
- The House will affirmatively state in its chamber and committee rules, in guidance documents, and in staff trainings that non-disclosure agreements do not prohibit or require notice at any point concerning talking to OOC, Ethics, or OCE.

All disclosure forms required of witnesses before committees or subcommittees —

- Shall be available contemporaneously online in one database, as structured data, in electronic format.
- Shall use common identifiers so it is possible to identify when a person or entities has testified multiple times.
- Shall be expanded to require any payment by a foreign entity, not just when they have business before the committee.

Each member of the House must disclose to the Clerk, who shall publish online, any payment of dues or any provision of money or other donation to any entity in return for or in connection with being nominated or selected or advanced for membership of or a position on a committee or subcommittee in the House or a leadership office.

Direct member involvement in fundraising (i.e., fundraising phone calls and events where the member makes the request or sets the stage for a request to be made) is prohibited between 9 a.m. and 6 p.m. on days the House holds votes.

Member negotiations for future employment requires notice during preliminary stages of negotiations (i.e. preliminary discussion of salary, terms, possible start date, etc.) not just at the end point, and those forms should be publicly available at the start.

Lobbying disclosure forms should be revised —

- They should include the unique ID for each individual lobbyist.
- They should contain auto-validation to avoid mis-filling out fields.
- They should use the Library of Congress categories for policy agenda areas.
- The Clerk should implement technical means to aid in determining whether candidate names filed with the FEC correlate with filings in the House.

All disbursements must published in an open, consistent format, with a public API; members and staff are held accountable for inaccurate/ late reportings. The information disclosed needs to be more granular, so that it explains what was purchased. (The label “reimbursement” is insufficient).

Impose a \$50 cap on staff reimbursements for official expenses.

- This prevents staff from being used as a piggy bank for members.
- This also addresses where reimbursements are used to hide purchases.

Extend the prohibition on sexual relations between staff and members of Congress to include any committee members that serve on a committee on which a staffer serves.

The Ethics Committee and House Administration Committee shall form a joint subcommittee that oversees a new administrative office, the Office of Professional Support (OPS), whose focus is to confidentially help congressional personal, committee, and leadership offices that appear to be suffering from personnel management problems or other signs of dysfunction. OPS may reach out to members and staff on its own accord based on indicia of dysfunction, such as high or uneven staff turnover rates, or upon anonymous tips or news media accounts. For members/offices that show symptoms of dysfunction, OPS may confidentially engage to provide assistance to the member and staff in helping to resolve the issues as well as alert staff to other sources of support.

Require complete and centralized disclosure of all official congressional travel as well as travel paid for by outside entities for official purposes.

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 shall be possible to make an electronic copy of records available at the Legislative Resource Center, whether individually or in bulk.

All pink sheet guidance documents released by the Ethics Committee that are currently in effect should be available online in one central location.

Honoraria should be disclosed online when received by a Member.

Donations to charitable organizations in lieu of an honorarium require disclosures of the name of or information about the charity.

If a Member of Congress serves as an uncompensated board member, at a minimum that fact should be publicly disclosed by the Member. The Clerk will keep and make publicly available online a central registry of such affiliations. (The House may consider banning the practice.)

All contributions to legal defense funds should be disclosed.

Eliminate gift rules loopholes for public universities, so that they too many not directly give anything of value to members of Congress and their staff.

## **STRENGTHEN HOUSE OPERATIONS AND MAKE THEM MORE TRANSPARENT**

*House support offices and agencies, and data concerning House activities, must be transparent, support the work of the full House, and be responsive to the will of the House.*

Establish a non-partisan Whistleblower Ombudsman office to —

- Provide assistance to congressional offices in handling whistleblowers (i.e. people reporting waste, fraud, abuse, malfeasance, or criminal activity to Congress).
- Provide guidance and a secure method for non-congressional to get in contact with appropriate offices in congress.
- Provide training on helping whistleblowers.

Establish the non-partisan position of House Chief Data Officer —

- Responsible for helping committees and support offices in releasing data as information to the public.
- Assists the work of the bulk data task force.
- Helps the public find out where to find information.

Annual, semi-annual, and other regularly recurring reports on entity activities from the legislative support offices, such as the Clerk, Chief Administrative Office, Sergeant at Arms, should be made available online, such as on a website like docs.house.gov, subject only to necessary redactions to protect national security or individual privacy.

All legislative support officers are appointed and removed only by House resolution.

In an annual report that is made publicly available, the House Inspector General must list the reports it has completed or submitted for review.

Record votes on the floor shall be made contemporaneously available to the public in a structured data format, with information about how each member voted.

The Clerk of the House will maintain a list of all mandatory requirements for agencies to submit reports to the House, the Senate, its committees, and subcommittees.

“Dear Colleague” letters should be made available online except when the sender determines otherwise.

Once each Congress, the House of Representatives should undertake an audit of the documents or other information that it holds, who is responsible for the information, the format in which it is stored, and whether, where, and how it can be obtained by the public. To the maximum extent possible, this list should be publicly available.

The restrictions on how the public may use video of House proceedings should be removed as it is inconsistent with the First Amendment.

## **IMPROVE CONGRESSIONAL TECHNOLOGY**

*House technology must be modernized to support the oversight, legislative, and constituent service responsibilities of members, committees, support offices, and leadership.*

Create a Congressional Digital Service in the House —

- Responsible for developing appropriate technology for the House, such as better constituent relations tools, legislative information management tools, and external and internal information sharing and publication tools.
- Includes the role of a technology lab that experiments with new approaches to improving the work of the House and its components and members.
- Includes user experience, user interface, and design experts.
- Facilitates and collaborates on internal and external use of legislative tools, data, and information.
- Is modeled after 18f.
- Has nonpartisan management and staff.
- Look to this draft legislation for the CDS for guidance:  
<https://mymadison.io/documents/CDS-bill>

Establish a non-partisan Chief Transparency Officer or Transparency Ombudsman whose job is to —

- Assist members, committees, and leadership offices in making information available to the public, including online.
- Assist the public in finding House information.
- Assist the bulk data task force.
- Provide best practices and training for congressional staff.
- This person will work with the Chief Data Officer.

Permit open source technology to be used by the House. Allow members of the House to use open source code developed elsewhere, publish online code developed inside the House, and to collaborate on software development.

Develop a tool that allows members to see in real time how an amendment would change a bill and a bill would change a law.

Allow digital signatures for official documents, such as co-sponsorships, MRA filings, and casework inquiries.

Member offices and committees are granted the authority to operate (ATO), so they can take on risk when trying new technologies.

House must publish a list of approved vendors and what they are approved for.

Move member technology costs out of the MRA into a separate fund for each member. Member offices can pool their technology funds.

It is the policy of the House of Representatives to publish legislative information online in a structured data format.

## **ENHANCE CYBERSECURITY**

*Electronic information touching members and staff in whatever capacity, as well as committees, leadership, and support offices and agencies, must be secure from unwanted access.*

Extend speech or debate clause protection to information owned or used by congressional offices but stored in the cloud.

Prohibit/defund the executive branch from surveilling congressional offices without an Article III court order. (This would require legislation)

Separate the CAO into two separate offices with separate heads: one responsible for physical security measures and the other responsible for electronic security measures.

Formalize the cybersecurity working group.

Allow for cybersecurity support and training for the individual accounts of congressional staff in their private capacity.

Consider appropriate measures to support and protect the confidential communications of candidates/campaigns.

## **CONTINUITY IN CONSTITUENT SERVICES**

*Transitions in membership of the House must not adversely impact constituent services.*

Outgoing member must provide notice to constituents about their options to continue casework with new offices.

(E-signing of documents by constituents is addressed in the technology section)

## **NEW APPROACHES TO SOLVING PROBLEMS**

*The House must continuously renew itself and study new approaches to its operations.*

Examine reforming personal and committee funding by making it a percentage of discretionary funding instead of a separate appropriation bill. This applies to policymaking side of Congress, not administrative side.

Evaluate the tools and needs for individual member and committee offices. What are they purchasing? What should be built in house?

How to bring committee staff numbers back in line with historic norms?

Look to budget process reform recommendations from the work of the joint committee.

Consider convening a Joint Committee on the Operations of Congress to explore improving Congressional operations and strengthening the work of the legislative support offices and agencies.