

Recommendation for Updating the House Rules 117th Congress

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.

By way of example, at the start of the 116th Congress, the House created a new Office of the Whistleblower ombudsman, created a Select Committee on the Modernization of Congress, approved of the publication of information as structured data, reauthorized the Office of Congressional Ethics, changed how Congressional Member Organizations fund staff, and much more.

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 inclusive. Included below are a synthesis of recommendations that we have compiled based on those conversations. Much like our recommendations for 116th Congress, the reforms are broken up into ten categories.

The ten categories are:

1. Open up floor debate
2. Empower committees and their members
3. Encourage members to collaborate and build expertise
4. Recruit and retain expert staff
5. Promote ethical behavior
6. Strengthen House operations and make them more transparent
7. Improve Congressional technology
8. Enhance cybersecurity
9. Manage Congress as an institution
10. Adopt new approaches to solving problems

We welcome the opportunity to discuss this further.

For more information, contact:

Daniel Schuman
Policy Director, Demand Progress
daniel@demandprogress.org
240-237-3930

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Top Recommendations

Improve staff benefits

The House of Representatives should be a more inclusive and welcoming workplace that retains expert staff. Accordingly, we recommend the House adopt a baseline of benefits for all staff, which are to be centrally administered and paid out of a dedicated fund. Those benefits should include 12 weeks of paid family and medical leave at 2/3s the regular pay rate, educational loan repayments up to \$80,000 to all staff after 1 year of service, 60 calendar days of paid health care for any staffer after their Member leaves office, a housing stipend with a locality adjustment for staff and Members living in Washington, D.C., and additional child care space or subsidies for staff and Members with children under the age of 2. In addition, maximum staff pay should be set on the same maximum scale as executive branch staff. We also recommend a comprehensive overhaul and expansion of the House's Human Resources Office, which among its many duties would include the creation of broad pay bands, promotion schedules, and COLA rates for personal and committee offices.

Centralize Agency Reports to the House

The House should modernize how agency reports to the House are tracked and stored, which would facilitate Congressional understanding of Executive branch activities and reduce duplicative reports. The Clerk of the House already maintains a publicly-available list of reports *mandated* to be provided by Executive Branch agencies to the Congress, but includes only reports due to the House and Senate, not its committees and subcommittees. House Rule II, clause 2 should be amended to require the list of mandatory reports include all mandated reports to either chamber or committees thereof. In addition, the Clerk should compile a publicly-available list of reports *requested* in committee report language, and after an appropriate time period and in the absence of a committee objection, should release those reports to the public.

Improve Member Collaboration with Legislative Service Organizations

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. We recommend creating modern LSOs that can hire staff, receive separate office space, maintain an online presence, and 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.

Empower the House as a Litigator

The House of Representatives is at a serious disadvantage when it comes to enforcing its subpoenas, holding witnesses in contempt, and advancing its legal theories in the courts. We recommend the House General Counsel study and report on legislative recommendations to strengthen the House's statutory contempt powers, including improving the processes by which claims are resolved. In addition, just as the Department of Justice's Office of Legal Counsel has shaped the court's views by publishing its opinions online, the House General Counsel should also routinely publish its views about legal matters on its website, accompanied by the filings in the cases where it intervenes. The group that oversees that office, the Bipartisan Legal Advisory Group, should publish basic information about its operations and when it determines the House should intervene in litigation.

Empower Subcommittee Chairs

Each subcommittee chair should be provided committee funds for a designee who serves on the full committee in support of the subcommittee but is hired and removed by the subcommittee chair. This is a historical practice of the House that would empower subcommittee chairs to be more active and be guaranteed the support they need to operate effectively.

Ethics Fixes: House Ethics and OCE

Several changes to House Ethics proceedings would have a significant salutary effect. First, the House Ethics Committee should have the option of releasing a substantially completed report under circumstances where a Member departs from Congress. This will allow Members under investigation to clear their names (when appropriate) and encourage Members who have committed significant transgressions to depart once an investigation has started. Second, the appointment process of Board Members to the Office of Congressional Ethics should be restored to prior practices where the nomination of a Board Member by one party must receive the agreement of the other party, which would avoid the appointment of polarizing Members. Finally, OCE should be granted subpoena authority over non-Congressional entities and individuals so that it can obtain records from non-Congressional entities in the course of its fact-finding. Currently, many non-Congressional entities as a matter of policy will not provide records to OCE without a court order.

Legislative Branch Data Coordination Office

Technology in the legislative branch should be developed and supported in a more coordinated and collaborative fashion. Accordingly, the House should create a Legislative Branch Coordination Office, directed by a House Data Coordination Officer and, should the Senate establish a corresponding position, be coordinated in conjunction with the Senate. The office should have the responsibilities of supporting efforts to coordinate the Bulk 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.

Tracking Staff Diversity

The House of Representatives should improve its tracking of staff diversity. All new staff should provide demographic and other information upon their hiring to the Office of Diversity and Inclusion, as should all current staff. Data about individuals should not be made publicly available, but aggregate information should be released semi-annually in a structured data format. In addition, select researchers should be allowed access to the data under circumstances that protects anonymity.

Tracking the House's Vital Information

The House should track and publish basic information about its personnel and operations so that it can better understand and manage its activities. This data should be published in a dashboard providing crucial information about trends inside the House. Our recommendation is inspired by the *Vital Statistics on Congress* report published by the Brookings Institution. These vital statistics should contain: Demographics of Members of Congress; Demographics of personal, committee, leadership, and support office staff; Congressional Committee data, such as funding levels and number of staff; Congressional staff and operating expenses; historical reporting on spending by line items for the legislative branch; and so on. This information should be published in a structured data format, and could be overseen or produced in coordination with the Office of Diversity and Inclusion.

Classified Information and Clearances

Any committee with jurisdiction over information the Executive branch has deemed classified should be able to prompt a House floor vote on the release of that information — currently, this process is only available to the House Intelligence Committee. In addition, each Member of a committee that oversees classified matters (e.g. HPSCI, Armed Services, Appropriations, Foreign Affairs, Homeland Security, and Judiciary) should be afforded one personal office staffer with TS/SCI clearance to support the Member on relevant matters before that committee.

Modernized House Calendar

The House should adopt a 3 week on 2 week 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 allow Members and staff to better manage their time and have a better work-life balance.

Staff Unionization

Congressional staff should have a greater say regarding their pay, benefits, and the environment in which they work, and an appropriate mechanism to provide this balance is voluntary unionization of individual offices. Legislation to allow unionization was enacted in 1995, and the Office of Compliance promulgated regulations that govern this process. Many offices inside Congress were unionized at that time, including at the Library of Congress and the U.S. Capitol Police, but a provision held back unionization of personal, committee, leadership, and some support office staff pending the passage of a House resolution putting the regulation into effect. Accordingly, within 1 year, the House should put the regulation into effect after review to make sure the regulations would still work as intended.

Modernizing Congress

The House Select Committee on the Modernization of Congress was a success and its work should continue after its expiration. We recommend the creation of a formal collaborative working group between the Legislative Branch Appropriations Subcommittee and the Committee on House Administration, with full-time staff support and dedicated Members, to continue and expand upon that work with the sole focus of identifying and recommending ways to improve the operations of the House of Representatives.

In addition, the House of Representatives is in dire need of technology policy support and expert advice, a role formerly provided by the Office of Technology Assessment. We recommend that the House rules package endorse the concept of creating a modern OTA.

1. OPEN UP FLOOR DEBATE

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

Proposed Rule Changes

General Provisions

1. **House Rules transparency.** The proposed House rules package for the next Congress should be made publicly available no later than December 31st of the year Congress adjourned sine die.
2. **Machine readable legislation.** The House Rule should require the publication of legislative documents in machine readable formats.¹
3. **House resolutions.** 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.²

Improving Floor Process

4. **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 Congress, so long as at least 2/3s of Members voted in the affirmative. Such a measure must lay over for one legislative day prior to a vote, and 2/3s of Members must vote in the affirmative for passage. Should a committee wish to assert jurisdiction over the bill and refer it to the committee for consideration, the committee chair should be afforded an opportunity to make that motion on the House floor prior to the vote on final passage.
5. **Motion to recommit.** The text of a Motion to Recommit should be available 24-hours in advance of a vote for the motion to be in order, provided that the final text of the underlying legislation is available 72-hours in advance of the vote and no amendments are in order for consideration. However, in circumstances where the underlying bill is not available 72-hours in advance, the MTR should continue to be able to be offered

¹ This language has been included in the House Rules package, but not the House rules, for the last half-dozen Congresses. It should be moved into the rules. See, e.g., H. Res. 6 § 103(g) (116th Congress) on p. 26.
<https://docs.house.gov/billsthisweek/20181231/BILLS-116hresPIH-hres6.pdf>

² This is routinely met with publication at rules.house.gov.

immediately after the vote on passage.³

Facilitating Consideration of Bills Reported by Committee

6. Bills with two committee referrals:

If a bill is referred to two committees, after the first committee reports out the bill, and at the request of a sponsor or the chair of the reporting committee, the additional committee has 30 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 the second committee votes to report a bill with different text than the first committee, the Rules Committee will determine the appropriate rule to govern how the House considers the legislation.

If the second committee does not vote to report the bill within the 30-day timeframe, the first bill can be considered on the floor upon a motion by any Member of the House, with a motion to refer the bill to the Rules Committee being in order.

This provision does not apply to measures referred to three or more committees.

7. **Consideration of bills as reported by committee.** In circumstances where the committee of jurisdiction reports a bill, should the resolution to bring up the bill on the House floor contain a self-executing amendment that further amends the measure, the chair of the committee of jurisdiction may request a floor vote to determine whether the amended bill text or the bill reported by the committee of jurisdiction will be used as the base bill for any further legislative activities.
8. **Prior committee action.** The Chair of a Subcommittee or Full Committee may make a privileged motion to refer a bill to a committee of jurisdiction for consideration when that measure has not been considered and reported by the committee of jurisdiction. In such circumstances, the House of Representatives will vote on whether to refer the measure to committee.⁴

³ Under House Rules, the Motion to Recommit provides the minority party one final opportunity to debate and amend legislation on the floor, typically after the third reading of the bill. Currently, the MTR grants Members five minutes to make a decision to vote, which is not enough time to comprehensively examine changes to legislation. At the same time, the 72-hour requirement for publication of House Rules sometimes is waived, potentially providing Members insufficient time to consider the underlying bill.

⁴ Section 103(i) of H. Res. 6 (116th Congress) prohibited the House's consideration of a bill or joint resolution pursuant to a special order of business of the Committee on Rules when it had not been reported by a committee or, if it had been reported by committee, failed to identify related committee or subcommittee proceedings at which the legislation was developed. We support inclusion of this separate order as a rule, but also note numerous instances where it was waived. The provision that we recommend here provides an additional backstop to this separate order in case it is waived.

2. 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.

Proposed Rule Changes

Data, Technology, and Committee Operations

1. **Automated voting.** 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.
2. **Committee voting as structured data.** Committee votes should be recorded in a structured data format and published in a central database that is available to the public.
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3. **Nonpartisan Archivist/Librarian.** Each standing and select committee should hire a qualified professional 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. This person may serve in a shared capacity with other committees.

Transparency

4. **Committee reports.** A list of agency reports requested in committee report language should be compiled in a tabular electronic format that is maintained by the Clerk of the Committee and provided to the Clerk of the House for online publication.⁵ The committee, in coordination with the Clerk, will track whether the report has been provided. The report should also be provided by the Committee to the Clerk. Unless prohibited by law or the Committee determines the report should be withheld, the Clerk should make the report publicly available at a central location two calendar weeks after its receipt by the House.
5. **Markup notice.** 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

⁵ 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 page 9. <https://www.congress.gov/116/crpt/hrpt447/CRPT-116hrpt447.pdf>.

⁶ The House Clerk already maintains a list of reports that Congress has required agencies provide.

meeting or by 9 a.m. the preceding Monday, whichever is sooner, with notice waveable in accordance with current House rules.⁷

6. **Public participation.** 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 contact information on their respective websites. To the extent appropriate, the committee may include such communications in its official record of the proceedings.
7. **Closed proceedings.** House rules require committee proceedings to be open unless the committee holds a public vote to close the proceeding. The definition of open meeting should be expanded to constitute one where live video of the proceedings are available electronically.⁸ The House Parliamentarian is empowered to instruct a committee chair on proper procedure in circumstances where the Parliamentarian has reason to believe that a Committee may be planning to close a public proceeding in possible contravention of House rules, or has already done so.
8. **Transcripts.** 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.⁹
9. **Electronic spreadsheets of 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 spending 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.
10. **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 ten years; and each committee must establish and publicly announce a process and point of contact to initiate requests to documents that need committee approval.

⁷ 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.

⁸ This clarification is necessary because some House committees have taken the view that an open proceeding is one that is closed to the public and a transcript is made available afterward. This is in violation of House rules. See, e.g., a February 2019 civil society letter on this topic.

https://s3.amazonaws.com/demandprogress/letters/Letter_to_Chairman_Schiff_re_Closed_HPSCI_Meeting_on_2019-02-06.pdf

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. <https://modernizecongress.house.gov/recommendations>

Regular Order

11. Amendments

- A. All amendments considered by a committee or subcommittee should be made publicly available online no later than the time they are considered.¹⁰ 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.
- B. The manager's mark should be published at least 48 hours in advance, except when the committee chair determines it is impracticable to do so.
- C. 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.
- D. All amendments should be published online on a central website (like docs.house.gov) in a sortable, searchable, format.¹¹ Committees are strongly encouraged to publish amendments on their websites at the same time they are published on docs.house.gov.
- E. All votes on amendments (that are recorded) should be made available publicly online as a dataset.
- F. Sub/committees may vote using automated means for votes held at in-person proceedings.

12. Continuity of Congress. Committees should be able to hold hearings and mark-ups so long as the quorum requirement is met. Quorum may be satisfied by Members participating in person or, during emergencies, participating remotely in real-time.¹²

13. Committee meeting times. Committees should determine regular Subcommittee meeting times at the start of the new Congress. Full committees should not meet during the same time its subcommittees meet, except with the consent of the subcommittee chairs.¹³

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

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

¹² For more on remote deliberations in emergencies, see H. Res. 965, <https://www.congress.gov/bills/116th-congress/house-resolution/965>.

¹³ 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 reduce Congressional scheduling conflicts. See recommendation numbers 58-60. <https://modernizecongress.house.gov/recommendations>

14. **Subpoena power.** Committees retain subpoena power, which must be authorized by a vote of the full Committee.

Member Collaboration

15. **Cosponsoring threshold.** Similar to House floor rules, a piece of legislation is required to receive a committee markup once it is cosponsored by 2/5 of committee Members (if it has a bipartisan co-sponsor on the committee) or 218 cosponsors in the House.
16. **Committee makeup.** Require the majority/minority ratio to be no greater than 60:40 percent except on evenly balanced committees like Ethics or committees with nonpartisan staff like the Joint Committee on Taxation.
17. **Committee retreats.** 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 travel internationally if there is a United States government installation.¹⁴

Subcommittees

18. **Subcommittee staff hiring.** Each subcommittee chair should be provided committee funds for a designee who serves on the full committee in support of the subcommittee but is hired and removed by the subcommittee chair.¹⁵
19. **Subcommittee hearings.** A subcommittee chair can hold a hearing with (1) the agreement of the full committee chair or (2) pursuant to a secret vote held at the next meeting of the full Committee so long as 2/5s of committee Members present vote in the affirmative.
20. **Subcommittee chairs.** Subcommittee chairs should be chosen in a secret ballot by vote of a majority of Members of the full committee.

Separate Orders

¹⁴ This is consistent with recommendation 77 by the Select Committee on the Modernization of Congress, which encourages bipartisan Member retreats that should promote committee agenda-setting and civil decorum.
<https://modernizecongress.house.gov/recommendations>

¹⁵ This is generally consonant with a recommendation 76 by the Select Committee on the Modernization of Congress, which recommended subcommittee pilot rule changes that could have a positive effect committee-wide..
<https://modernizecongress.house.gov/recommendations>

Recording Committee Votes

21. **Committee vote website.** The House should support the creation of a central website that contains all record committee votes alongside the amendments/bills on which a vote is taken.¹⁶

Connecting Resolutions to Bills

22. The House Clerk should identify in all bill metadata starting in the 117 Congress which rules committee resolutions are connected to which bills.¹⁷

Nonpartisan Committee Staff Study

23. The CAO should oversee a study examining the feasibility of hiring non-partisan staff on committees, including what roles they might play, how they should be hired, and the appropriate number to hire. The CAO should consult with majority and minority Members, the House Office of Diversity and Inclusion, the Clerk's office, as well as outside experts regarding the utility, viability, and feasibility of implementing such an approach.¹⁸

¹⁶ As required by Section 504 of H. Res.756, the Clerk of the House submitted an initial report to the Committee on House Administration about establishing (and maintaining) a database of votes taken in committees, https://cha.house.gov/sites/democrats.cha.house.gov/files/InitialReport_HRes756_Section%20504_VotesTakenInCommittee.pdf

¹⁷ 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.

¹⁸ This is generally consonant with a recommendation 74 by the Select Committee on the Modernization of Congress, which encourages committees to hire bipartisan staff approved by both the Chair and Ranking Member. <https://modernizecongress.house.gov/recommendations>

3. 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.

Proposed Rule Changes

General Recommendations

1. **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.¹⁹
2. **Legislative Service Organizations**²⁰

Purpose. LSOs should once again be allowed to form to support member collaboration on policy issues. They vary from Congressional Member Organizations as described below.

Resource allocation. Each Member is allocated \$10,000 to contribute towards LSOs. Unspent funds will go back to the House. Total funding allocation: \$4.41 million. LSOs cannot be funded by outside entities.

Physical and digital space eligibility. Any LSO with \$80,000 or more in Member Contributions is provided its own Congressional office space, communication privileges, telephones, etc. The House pays for benefits for full-time LSO staff and are covered by the Ethics rules and subject to Ethics/OCE oversight. LSOs may have house.gov web pages.

Public reports and access. LSOs should file annual public reports on their activities with the Clerk, which should 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

¹⁹ A previous recommendation also encourages that the reports be maintained in a central location by the Clerk of the House.

²⁰ [1] 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, read "When Liberals Were Organized," The American Prospect (January 22, 2015), <https://prospect.org/power/liberals-organized/>. [2] 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. <https://modernizecongress.house.gov/recommendations>

LSO's charter and mission; and other relevant information. LSOs should make available on their websites a contemporaneously available list of their Members, staff, charter, and at a minimum a basic description of their missions.

Security Clearances

3. **Clearance availability.** The House should track and release to the public the number of staff who have clearances, how long it takes to receive a clearance, and the level of the clearance.²¹
4. **Release of classified information.** 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.²²
5. **TS/SCI security clearances for staff.** Each Member of a committee that oversees classified matters (e.g. HPSCI, Armed Services, Appropriations, Foreign Affairs, Homeland Security, and Judiciary) should be afforded one personal office staffer with TS/SCI clearance to support the Member on relevant matters before that committee.²³

Congressional Calendar²⁴

6. **Revised calendar format.** The House should adopt a 3 week on 2 week off calendar, with appropriate exceptions as determined by the Majority Leader.
7. **In session.** When the House is in session, Members should be available for hearings/markups or floor votes starting at 10 a.m. on Monday. However, the first week of this three week period should be focused on holding hearings and mark-ups in committees, with the option for committees to hold proceedings remotely, and floor

²¹ Appropriators mandated this reporting in the Legislative Branch Appropriations Committee report for FY 2020, but the non-classified report was withheld from public access by the Sergeant at Arms. A comparable report is publicly available for executive branch agencies. <https://www.govinfo.gov/content/pkg/CRPT-116hrpt64/pdf/CRPT-116hrpt64.pdf>. The requirement was repeated and expanded for FY 2021 to "also include, in the appropriate format, the number of clearances disaggregated by security level as well as clearances pending." See page 10. <https://www.congress.gov/116/crpt/hrpt447/CRPT-116hrpt447.pdf>

²² For the HPSCI process, see House Rule X, clause 11(g), available on page 15. <https://rules.house.gov/sites/democrats.rules.house.gov/files/documents/116-House-Rules-Clerk.pdf>

²³ For more on clearances in the Congress, see "A Primer on Congressional Staff Clearances," Daniel Schuman and Mandy Smithberger, February 5, 2020

https://s3.amazonaws.com/demandprogress/reports/A_Primer_on_Congressional_Staff_Clearances_2020-02-05.pdf

²⁴ Members of the House only spend 66 full work days in DC and roughly 65 days a year traveling, which wastes enormous amounts of Member time and resources. The Congressional calendar should be arranged so as to minimize travel time and maximize time available for hearings, markups, and floor activity.

business is discouraged.²⁵

8. **Travel and holidays.** In those 3 block work-weeks, if there is a federal holiday, that week would become an eligible remote work week.²⁶

Questioning Witnesses²⁷

9. **Staff questioning.** Members may allow a staffer to ask their questions. The Chair or Ranking Member may allow committee staff to question witnesses for 15 minutes at the end of the first round of questioning.
10. **Pool time.** Members may pool their question time to a particular Member or towards having a staffer ask questions.
11. **Member statement time.** Members who wish to make statements instead of asking questions will be provided an opportunity to do so at the end of the question period. The committee is empowered to address Members who use question time to make a statement by deprioritizing their questioning at a future hearing to the end of the proceedings.
12. **Witness statements.** The Chair, with the agreement of the Ranking Member, may relegate witness statements to written form and reduce oral statements to 2 minutes.

Separate Orders

Declassification

13. **Declassification office.** The House of Representatives historically has used different mechanisms to declassify information.²⁸ In conjunction with the National Archives Information Security Oversight Office, the House should establish a new office focused on declassifying historical and recent documents. This office should both be responsive

²⁵ Roughly speaking, this would increase the number of days Members are participating in committee or floor proceedings to 150 days, and the number of days Members are in DC to 100. Accordingly, Members would have more time in person to get to know each other and work together. The revised calendar structure would decrease the number of travel days to 20.

²⁶ [1] In addition, it would be appropriate to not have in-DC work during the month of August and to close for major federal holidays, like Christmas week. [2] This is generally consonant with recommendation 61 by the Select Committee on the Modernization of Congress, which recommended the Congressional Schedule should ensure there are more work days spent working than traveling.. <https://modernizecongress.house.gov/recommendations>

²⁷ [1] Congressional committees are encouraged to modify the 5-minute rule to allow for improved questioning of witnesses and additional fact finding. [2] This is generally consonant with recommendation 73 by the Select Committee on the Modernization of Congress, which incentivizes committees to experiment with alternative hearing formats for more bipartisan participation. <https://modernizecongress.house.gov/recommendations>

²⁸ For a fascinating and discursive history of mechanisms the House has used to declassify material, see "Executive Branch Classified National Security Information and Congress," Information Security Oversight Office (2007), available at <https://www.archives.gov/files/declassification/pidb/meetings/06-22-07-carpenier.pdf>.

to requests from Members and the public as well as review historical materials in Congressional archives that may be of public or historical interest.

Expert Advice

14. **Interaction with academics and applied researchers.** Examine the creation of a support office that facilitates congressional committee questions to academics and other experts. The office must train academics and other experts to present answers to Congress in a timely and digestible fashion. It should in some ways mirror the work of the United Kingdom with respect to calls for written evidence.²⁹

²⁹ See. Guide for witnesses giving written or oral evidence to a House of Commons select committee, February 2016 <https://www.parliament.uk/documents/commons-committees/witnessguide.pdf>; Committee inquiries: Open calls for evidence <https://www.parliament.uk/business/committees/inquiries-a-z/current-open-calls-for-evidence/>

4. 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

Proposed Rule Changes

Staff Benefits

1. **Paid Family and Medical Leave.** All congressional and support office staff with at least one year tenure should be eligible for 10 weeks of paid family and medical leave at 2/3s the regular pay rate. CAO should administer the fund.³⁰
2. **Educational loan repayments.** Each personal, committee, leadership, and legislative service organization staffer should be eligible for educational loan repayment at an annual rate of \$10,000 paid out proportionally at the same time as the salary, up to \$80,000. It should apply to all public loans regardless of status (repayment, deferral, forbearance), and is available for costs of ongoing education. The benefit must be available to any full time staffer with 1 year of service, and the benefit or amount of payment should not be up to the discretion of an individual office. Funds come from a central fund administered by the CAO, not out of the MRA. The House Legislative Branch Appropriations Bill for FY 2021 contains language to this effect, but it is not yet law.³¹
3. **Ongoing Benefits.** When Members leave office, any staffer who was employed by that Member's office 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.

³⁰ [1] It is our understanding that paid parental leave is available to all congressional staff starting in October 2020. Current law provides paid family and medical leave for congressional staff through the end of this year for ten weeks at 2/3s the regular pay rate. <https://www.ocwr.gov/sites/default/files/FFCRA%20Covered%20Employee%20notice%204-1-20.pdf>. For a discussion on recent implementation of the paid parental leave policy in the executive branch, see "What feds need to know about the upcoming paid parental leave program," Federal News Network (August 7, 2020), <https://federalnewsnetwork.com/benefits/2020/08/what-feds-need-to-know-about-the-upcoming-paid-parental-leave-program/>. [2] This is generally consonant with recommendation 68 by the Select Committee on the Modernization of Congress, which recommended expanding access to health insurance for congressional staff. <https://modernizecongress.house.gov/recommendations>

³¹ [1] The House FY21 Legislative Branch Appropriations report, page 22 https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/FY21LB_38861.pdf#page=22 [2] This is generally consonant with recommendation 69 by the Select Committee on the Modernization of Congress, which encourages the House to provide more financial stability for congressional staff enrolled in the federal student loan program. <https://modernizecongress.house.gov/recommendations>

4. **Pay Scale.** Maximum staff pay should be decoupled from the Member pay rate³², and set at the annual rate of basic pay for Level 2 of the Executive Schedule.³³
5. **Child care.** Guarantee every staffer access to child care for all children under the age of 2, whether at the congressional child care center or via a subsidy for private care.
6. **Housing stipend.** 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.
7. **Congressional pay bands.** The Human Resources Office should create broad pay bands and promotion schedules for personal and committee office staff that draw inspiration from those available within the executive branch, with the MRA and funding made available to committees adjusted accordingly.³⁴

The CAO, through its HR Office, should be empowered to annually adjust legislative branch salary ranges to account for inflation and also the changing nature of job roles and categories, drawing inspiration from the practices of executive branch agencies.

Funding for an annual bonus on top of the current salary should be made at the discretion of the immediate employer based upon job performance and should not exceed 3% of the average office staffer's annual salary. (This would allow for junior staffer to receive larger bonuses and senior staffers to receive proportionally smaller bonuses.)

Improving Staff Support

8. **Member committee staff associates.** Allow each Member of the House two staff associates for committees on which they serve. These staff associates do not count against the Member personal office staff cap.

Designated staffer. Members should designate the committee on which a staffer serves, and may split a staffer between two committees.

³² This echoes recommendation 71 by the Select Committee on the Modernization of Congress, which recommended staff pay should be delinked from Member pay and a new cap specific to staff should be established.

<https://modernizecongress.house.gov/recommendations>

³³ Executive Schedule - ES Level 2 Pay

[https://www.federalpay.org/ses/level-2#:~:text=The%20Executive%20Schedule%20\(ES\)%20sets,the%20head%20of%20an%20agency](https://www.federalpay.org/ses/level-2#:~:text=The%20Executive%20Schedule%20(ES)%20sets,the%20head%20of%20an%20agency)

³⁴ [1] The House FY21 Legislative Branch Appropriations report requested the CAO to produce a report with recommendations on how to improve retention and bring staff salaries in line with executive agency equivalents. pg 11

https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/FY21LB_38861.pdf#page=11 [2] This is generally consonant with recommendation 67 by the Select Committee on the Modernization of Congress, which encourages the House to establish a nonbinding, voluntary pay band system for House staff. <https://modernizecongress.house.gov/recommendations>

Pay. Each staffer is paid by the committee, not out of the MRA, with the pay level up to 80 percent of maximum staffer salary levels.

Time allocation. Each staffer should spend at least 80 percent of their time working on issues that fall under the jurisdiction of the committee.

Hire/fire protocol. Members should be able to hire/fire the staffer on their own volition.

Security clearance. If applicable, staff associates should be granted the clearance necessary for work.

Document access. Staff associates should have access to committee documents to the same extent other committee staff have access and can attend briefings.

Shared/ Temporary Staff

9. **Intern funding and hiring practices.** The House should require that all interns be paid the local minimum wage, that hiring announcements should be advertised in a central location, and that anti-nepotism rules should apply to the hiring of interns.
10. **Executive Branch fellows and designees.** Fellows or designees paid for by the executive branch should not be permitted to become an agency liaison to Congress or to lobby Congress for three years 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.
11. **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 (i.e. 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.
12. **Shared employees.** Shared employees should affirmatively list all their employing offices with the Clerk, and that information should be made publicly available in a central location.

Separate Orders

Personal, Committee, and Leadership Staff Unionization

13. **The House of Representatives should explore unionization of personal, committee, and leadership staff.** Within 1 year, the House should put in place the regulation issued by the Office of Congressional Workplace Rights (formerly the Office of Compliance) that sets forth a process by which personal, committee, and leadership, and some support office staff may unionize.³⁵

Intern Resource Office

14. The House should create an Intern Resource Office to oversee intern related matters.

Purpose. It should be responsible for advertising internships; reaching out to historically underrepresented communities; providing guidance, training, support, and assistance to interns regarding their work environment; and gathering demographic and other data about interns employed by the House of Representatives in personal, committee, and leadership offices.

Location. This office may be located inside a central HR office.

Coordination. This office should coordinate with the Office of Diversity and Inclusion.

Demographic Information

15. **New staff.** All new staff should provide demographic information upon their hiring and other information requested by the Office of Diversity and Inclusion. This information will be used to analyze diversity among staff.³⁶

16. **Current staff.** All current staff should provide demographic information that will be used in support of tracking diversity in the House of Representatives.

³⁵ The law setting forth the unionization process is codified at 2 USC § 1383 (<https://www.law.cornell.edu/uscode/text/2/1383>); the adoption of the regulations is available in the Congressional Record at H10019 (September 4, 1996) (<https://www.govinfo.gov/content/pkg/CREC-1996-09-04/pdf/CREC-1996-09-04-pt1-PgH10019-4.pdf>).

³⁶ The collection of demographic data for these purposes is included in the Legislative Branch Appropriations Committee Report for FY 2021 in the provision entitled *Pay Comparability and Disparities* on page 11. <https://www.congress.gov/116/crpt/hrpt447/CRPT-116hrpt447.pdf>

Pay Frequency

17. The frequency by which staff are paid will be increased two times a month from once a month.³⁷

³⁷ The House Select Committee on the Modernization of Congress requested a study on this issue in recommendation number 8.
<https://modernizecongress.house.gov/recommendations>

5. 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.

Proposed Rule Changes

Office of Congressional Ethics and the Ethics Committee

1. **Subpoena power.** 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.
2. **Bipartisan support.** The House should restore the rule whereby appointees to OCE board must be approved by both the majority and the minority.³⁸
3. **Halting investigations.** The Ethics Committee cannot halt OCE investigations by a mere statement, but must impanel an investigatory subcommittee.
4. **Pink sheet guidance.** All pink sheet guidance documents released by the Ethics Committee that are currently in effect should be available online in one central location.

Committee Witnesses

5. **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.

Should use common identifiers so it is possible to identify when a person or entity has testified multiple times.

Should be expanded to require identification of any payment by a foreign entity, not merely when that entity has business before the committee.

³⁸ 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.

<https://www.congress.gov/bill/115th-congress/house-resolution/5/text#H97A2D699D0C1483F8CC6DA89C34C677B>

6. Truth in Testimony Forms

Violations. Witnesses who violate the truth in testimony requirements should be barred from voluntarily testifying before Congress for its duration. The House Ethics Committee should be charged with reviewing and determining when such a violation has taken place, and should have a process to receive public complaints. Upon a finding of a violation, the House Ethics Committee should notify the Clerk, who should maintain a public list of persons so barred. Furthermore, the House Ethics Committee should report violations of the rule by attorneys to their bar association.

Personal capacity. 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.

Demographics. Witnesses should be requested to voluntarily provide demographic information to the Clerk’s office as part of a new supplement to the Truth in Testimony Form. The Clerk will be charged with analyzing diversity information and publishing annual summaries of the diversity of witnesses before a committee, including a comparison against diversity data from prior congresses. The supplemental information provided by a witness should not be made publicly available except as aggregate data.

Ethics and financial disclosures

7. **Legislative Resource Center.** 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.
8. **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.
9. **Statement of Disbursement transparency.** All disbursements (including from Leg. agencies) must be published in an open, consistent format as structured data. The information disclosed needs to be granular, with sufficient detail to explain what was purchased. (The label “reimbursement” is insufficient). In addition, the digital version of the House Statements of Disbursements should include an additional data field that contains a unique identifier for each office (such as the Bioguide ID for Members) and a unique identifier for each staffer.

10. **Resignation reports.** When a Member resigns or their service in Congress ends, the Ethics Committee may finalize and release a report on its findings thus far concerning the Member should such a report be substantially completed by the time of departure.
11. **Financial disclosure transparency.** Each Member of the House must disclose to the Clerk, who should 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. The Clerk should disclose the payments contemporaneously.
12. **Honoraria disclosure.** Honoraria should be disclosed online in a central database when received by a Member.
13. **Legal defense fund disclosures.** All contributions to legal defense funds should be publicly disclosed online.

Ethics Rules

14. **Sleeping in offices.** That House should mandate that all Members of Congress are prohibited from sleeping in their offices.

15. **Floor and gym access**

Indicted and/or formally charged. Former members who have been indicted or formally charged with a felony that carries a potential sentence should not be allowed access to the House floor, the House Member gym, or any other amenities granted to current and former Members.

Resignations. In addition, former Members of Congress who resigned while an ethics investigation was pending should be denied access to the floor and gym unless they successfully petition and the House Ethics Committee votes to grant them access.

16. **Staff reimbursement caps.** Impose a \$50 cap on staff reimbursements for official expenses except in emergency circumstances, per guidance to be articulated by the Committee on House Administration.³⁹

³⁹ This prevents staff from providing financial advances to Members, particular when such advances are not timely or fully reimbursed. This also addresses where the designation of a reimbursement can hide the nature of the purchase.

17. **Public university gift loophole.** 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.
18. **Member fundraising.** 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 10 a.m. and 6 p.m. on days the House holds votes.

Separate Orders

Negotiation for future employment

19. Form a working group to recommend whether to expand filing and public disclosure requirements when Members and senior staff are conducting negotiations for employment off the Hill.

Lobbying

20. Lobbying forms should be modernized to ease filing and address common filing errors.⁴⁰

⁴⁰ The GAO has identified a number of commonly-made mistakes in LDA forms in a series of reports going back years. See, e.g., "Observations on Lobbyists' Compliance with Disclosure Requirements," GAO-20-449, <https://www.gao.gov/products/GAO-20-449>. Some of these errors could easily be addressed by improving how the forms are designed, automatically validating some data fields for obviously erroneous and non-compliant answers, and other straightforward steps.

6. 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.

Proposed Rule Changes

Transparency and Record Keeping

1. **Mandatory reports due to Congress.** 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 subcommittees. This would expand the Rule II clause 2 requirement to encompass reports to committees and subcommittees.⁴¹
2. **Tracking legislative vehicles.** The Clerk of the House should maintain a publicly-available table in machine-readable format that identifies when bills are used as legislative vehicles for other bills. This will make it easier to track when an amendment in the nature of a substitute replaces the text of one bill with the contents of another, thereby facilitating congressional and public understanding of the legislative process.
3. **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.⁴²
4. **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.⁴³ Furthermore, it should publish the contents of its reports online, subject only to necessary redactions to protect national security or individual privacy.⁴⁴

⁴¹ 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. 736. <https://www.congress.gov/bill/116th-congress/house-bill/736>

⁴² Federal agencies are currently required to publish their Congressional Budget Justifications online. This applies a similar rule to Congressional agencies.

⁴³ 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. For more see

<https://demandprogress.org/the-house-office-of-inspector-general-should-publish-information-about-its-reports/>

⁴⁴ House Inspector General reports were made publicly available from 1995-2006. In recent years, however, the IG 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. For more information, see "The House Office of Inspector General Should Publish Information About Its Reports," Demand Progress. <https://demandprogress.org/the-house-office-of-inspector-general-should-publish-information-about-its-reports/>

5. **Support agency report access.** The House should mandate that all 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, 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.
6. **House video use.** The restrictions on how the public may use video of House proceedings should be removed as it is inconsistent with the First Amendment.⁴⁵
7. **Document audits.** Once each Congress, the Clerk of 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.⁴⁶
8. **Outgoing Members transitions.** The House should mandate that outgoing Members must provide notice to constituents about their options to continue casework with new offices.

*The House As Litigator*⁴⁷

9. **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, as well as basic information about the BLAG.
10. **Congressional equivalent to the Executive Branch Office of Legal Counsel.** When the House of Representatives takes a position on legal questions, that determination is made by the BLAG and it is implemented by the House General Counsel. However, unlike its executive branch equivalent, the BLAG generally does not publicly articulate its views and the Office of the General Counsel does not publish advisory opinions. We have seen great value for the executive branch in pushing its opinions into the public domain to shape how the public and judges view the law. The House should act in a similar fashion with respect to the House General Counsel.⁴⁸

⁴⁵ See House Rules V, § 1(c) on page 4.

<https://rules.house.gov/sites/democrats.rules.house.gov/files/documents/116-House-Rules-Clerk.pdf>

⁴⁶ The executive branch has a similar requirement as part of its Open Government Plan.

⁴⁷ This is generally consonant with a recommendation 81 by the Select Committee on the Modernization of Congress, which recommended the House identify how increased regulatory and legal resources could help strengthen the role of the legislative branch. <https://modernizecongress.house.gov/recommendations>

⁴⁸ This is consistent with recommendation 82 by the Select Committee on the Modernization of Congress, which advocates for the House to facilitate a true system of checks and balances by ensuring the legislative branch is sufficiently represented in the courts. <https://modernizecongress.house.gov/recommendations>

Separate Orders

The House as Litigator

11. **Subpoena power.** The House General Counsel should make recommendations to the House of Representatives concerning legislation that should be enacted by Congress that would strengthen its statutory contempt powers. It is encouraged to consult with internal and external experts with respect to those recommendations, which should specifically address allowing a non-Department of Justice official to independently evaluate and bring before a federal judge matters concerning contempt. It should also address whether and under what circumstances expedited review should be written into the law.

Centrally-administered Technology Tools

12. Room reservations

Centralized portal. The House CAO should maintain a portal that lists all meeting, hearing, and non-designated rooms in the House of Representatives, the CVC, and the LOC, a calendar that indicates in real-time when the room is available or occupied, and an online request mechanism for requesting a reservation of the room. This also should include basic information about the room, including the configuration and number of seats.

Digital request and fulfillment. The request mechanism should be fully digital, with requests, transmission of responses, and transmission of booking confirmations all sent via the portal.

Non-congressional events. If a room reservation is fulfilled by a non-congressional entity, this information should be displayed on the portal.

13. **Flag request portal.** The House should develop a portal for flag requests that allows users to see where a flag is in the process, encompassing all stages within both the Flag Office and the House Office Supply Store.
14. **Digitized tour requests.** The House should administer a system that digitizes and simplifies the tour request systems to minimize time wasted, constituent confusion, and security issues.

15. **“Dear Colleague” access.** “Dear Colleague” letters sent to all Member offices should be made publicly available online in a central database except when the sender determines otherwise.⁴⁹

⁴⁹ 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.

7. IMPROVE CONGRESSIONAL TECHNOLOGY

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

Proposed Rule Changes

Legislative Branch Data Coordination Office

1. **Purpose.** The House should create a Legislative Branch Coordination Office, directed by a House Data Coordination Officer and, should the Senate establish a corresponding position, be coordinated in conjunction with the Senate.⁵⁰

Operation. The office should have the responsibilities of supporting efforts to coordinate the Bulk Data Task Force⁵¹; 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. It 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 as a clearinghouse for appropriately routing technical inquiries, issues, and ideas.

Staff. The House Data Coordination Officer should be appointed by the House Clerk and the Chief Administrative Officer, acting jointly.

Separate Orders

Improving Congressional Workflow with Technology

2. **Electronic cosponsors.** The House should update its procedures to allow Members to electronically add or remove their name as a bill cosponsor.⁵²

⁵⁰ For a detailed discussion of how this could work, please see our testimony before the Senate Legislative Branch Appropriations Subcommittee (April 30, 2020), https://s3.amazonaws.com/demandprogress/testimony/Demand_Progress_Testimony_S_Leg_Br_Approps_FY_2021.pdf.

⁵¹ This is generally consonant with recommendation 96 by the Select Committee on the Modernization of Congress, which recommended making permanent the Bulk Data Task Force and renaming it to the Congressional Data Task Force. <https://modernizecongress.house.gov/recommendations>

⁵² The Legislative Branch Appropriations Committee Report for FY 2021 encourages the Clerk to develop this tool. See *Automating Co-Sponsorship of Bills* on page 9. <https://www.congress.gov/116/crpt/hrpt64/CRPT-116hrpt64.pdf>

3. **Committee video IDs.** All House committee meetings, hearings, and forums that are live streamed online should be accompanied by the proper meeting ID number in the title.
4. **E-Hopper:** Beyond the coronavirus emergency period, the House of Representatives should continue the availability of the e-Hopper for the submission of legislation, extensions of remarks, bill co-sponsorships, and similar information, and the Clerk should take steps to continue to modernize it.⁵³
5. **External executive communications.** Congressional offices frequently receive and manage requests from constituents for receiving White House greetings, birthday wishes, Christmas cards, etc. The CAO should work with the White House to facilitate a centralized, electronic mechanism for handling these requests with a front-facing interface that can be published on individual Member websites.
6. **Technology vendor central point of contact.** The House should create a single, publicly-named point of contact for all new and prospective vendors who wish to do business with any component of the House that is responsible for providing assistance, advice, and guidance on working with the House across the various silos.
7. **House information security policies.** The House should publish all House Information Security Policies (HISPOLs) on a central, publicly available website except to the extent doing so would create a clear danger to House security. In those circumstances, the report should be named but published online.
8. **House information security publications.** The House should publish all House Information Security Publications (HISPUBS) on a central publicly available website except to the extent doing so would create a clear danger to House security. In those circumstances, the report should be named but published online.
9. **Open source.** The Committee on House Administration and House Ethics Committee, in consultation with the Chief Administrative Officer and Clerk, should issue an open source code policy that is published online and regularly updated. The policy should address a number of questions. Under what circumstances are offices permitted or restricted from using and deploying open source code? May Member or other offices contribute to an online code repository, and if so, in what circumstances? What restrictions, if any, should be placed on feedback or comments or feature requests made by congressional offices in publicly-available open source code repositories? There should be an opportunity for public comment as the proposal is drafted and feedback on a draft policy.

⁵³ This is generally consonant with a recommendation 97 by the Select Committee on the Modernization of Congress, which recommended the House identify changes made to operations due to the COVID-19 pandemic and determine - if any - additional changes should be made. <https://modernizecongress.house.gov/recommendations>

Congressional Digital Service in the House

10. Technology is at the heart of congressional operations. However, Congress's offices and agencies operate under unique circumstances that add additional needs and constraints to the use of technological services. Just as the executive branch has responded to this need through the creation of a U.S. Digital Service, so too it is worth consideration of whether the legislative branch should make available to itself a specialized group of technologists, designers, and others who can support its internal and public facing operations.

Some of this work already is being accomplished internally through the good work of the CAO, the Clerk, and others, but in some circumstances there can be redundancy, a lack of coordination, and bespoke projects that may not sufficiently tie together. Perhaps a central technology service could ameliorate some of these issues and provide a greater level of service and sophistication to the technology products available in the Congressional environment.

Should a Congressional Digital Service Office be created? What is its proper scope? What are the experiences of other legislatures around the world, such as the United Kingdom? Where should it exist? How should it be funded? What advantages would be obtained through a more unified approach to information technology development? How should it be overseen? Should relevant organizational structures be adapted with respect to this body? What are the alternatives?

To address these and other questions, the House should direct the establishment of a Congressional Digital Services Task Force composed of staff representatives of the Clerk of the House, the Chief Administrative Officer, the Library of Congress, the Congressional Research Service, the Government Publishing Office, the Government Accountability Office, the Sergeant At Arms, and such other congressional offices (such as the Committee on House Administration and House Legislative Branch Appropriations Subcommittee) as may be necessary, to examine these and any additional issues it considers relevant and to report back to the Committee on Appropriations of the House and Senate by December 30, 2021. It should further encourage the task force to take into consideration the advice of congressional experts and technology efforts relative to these questions.⁵⁴

⁵⁴ This is generally consonant with recommendation 95 by the Select Committee on the Modernization of Congress, which recommended the establishment of a Congressional Digital Service Task Force.
<https://modernizecongress.house.gov/recommendations>

8. 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.

Proposed Rule Changes

Cybersecurity

1. **Requirement for training.** The Chief Administrative Officer should carry out a cybersecurity training program under which each individual who has access to the House Network (including each Member, officer, employee, intern, and vendor of the House) at least annually receives an appropriate amount of cybersecurity training.⁵⁵ That training should also include counterintelligence training at least as extensive as employees of the executive branch receive.
2. **Individual account security.** Allow for cybersecurity support and training for the non-official individual accounts of Members and congressional staff in their private capacity. Oftentimes non-official accounts are used for official activities or may provide a window into congressional activities; this would plug an important loophole.
3. **Cloud storage.** The House should assert speech or debate clause protection for information owned or used by congressional offices but stored in the cloud.

Separate Orders

Protecting Confidential Congressional Work

4. **Confidential communications.** The House should establish a task force to recommend appropriate measures to support and protect the confidential communications of congressional candidates/campaigns.
5. **Executive Branch surveillance.** The House should establish a working group to consider whether to prohibit/defund the executive branch from surveilling congressional offices without an Article III court order.
6. **Foreign Influence.** The House should assess the counterintelligence and foreign influence risks associated with foreign government-funded travel by congressional staff, in particular the Mutual Education and Cultural Exchange Act. Such assessment should be done in coordination with the Intelligence Community and Federal Law Enforcement.

⁵⁵ This was included in a resolution passed by the House in the 116th Congress. H.Res 756, Section 204 <https://www.congress.gov/116/bills/hres/756/BILLS-116hres756eh.pdf>

The Committee on House Administration should make recommendations regarding whether staff travel should continue to be funded by foreign governments or whether other arrangements should be made.⁵⁶

Outside Technology

7. **More secure tools.** In circumstances where the House does not prohibit a congressional office from using technology that has not been officially approved by the CAO but prohibits the expenditure of funds to purchase a license to use that technology, such prohibition should be lifted when (1) there is a free version of the program used or that could be used by the congressional office, and (2) the non-free version apparently provides a higher level of cybersecurity than the free version.

⁵⁶ This is based on a recommendation from Volume 5 of the Senate Select Committee on Intelligence Report on Russian Active Measures Campaigns and Influence in the 2016 Election, p. 935, in the section entitled “Protect Government Employees from Foreign Influence Efforts,” https://www.intelligence.senate.gov/sites/default/files/documents/report_volume5.pdf.

9. MANAGE CONGRESS AS AN INSTITUTION

The House must continually look at ways to examine its makeup, operations, and support mechanisms to better understand how to improve itself as an institution.

Proposed Rule Changes

Human Resources Office

1. **Purpose.** The House expands the Human Resources Office (HR office) inside the CAO.
2. **Operation.** The HR office should be responsible for:
 - a. Administering paid parental and family leave, student loan repayment and reimbursement, and other shared HR services.
 - b. Providing guidance on pay floors for various positions within personal, committee, and leadership offices.
 - c. Providing support for hiring and being a central point for all job announcements.
 - d. 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, the Intern Resource Office, and the Child Care Center.
 - e. 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.
 - f. 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.⁵⁷
 - g. Overseeing the Vital Statistics on the House.
 - h. 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

⁵⁷ This is generally consonant with recommendation 64 by the Select Committee on the Modernization of Congress, which recommended providing institution-wide, standard onboarding training for new employees, including required training. <https://modernizecongress.house.gov/recommendations>

training for members and staff.

Member Orientation and Training

3. The Member Orientation process should be expanded — not separate Members based upon party — and be part of a continuous training program available to Members throughout the two-year Congressional cycle that focuses on tools and information that Members of Congress should know to manage their offices and understand the legislative process. Relevant programming should be recorded on video and otherwise made available in modules for Members to review asynchronously.⁵⁸

House Employment

4. **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. These vital statistics will contain:
 - a) Demographics of Members of Congress.
 - b) Demographics of personal, committee, leadership, and support office staff.⁵⁹
 - c) Congressional Committee data, such as funding levels and number of staff.
 - d) Congressional staff and operating expenses.
 - e) Legislative productivity data.
 - f) Congressional action on the budget.
 - g) Historical reporting on spending by line items for the legislative branch.
 - h) Historical spending information on the 302(b) allocations for the legislative branch and a breakdown of defense versus non-defense appropriations spending.
5. **Job announcements and hiring tracking.** House personal, committee, and leadership offices should be required to post job announcements in the House's job announcement

⁵⁸ This implements a recommendation of the Select Committee on the Modernization of Congress. See generally recommendation number 15, Select Committee on the Modernization of Congress. <https://modernizecongress.house.gov/recommendations>

⁵⁹ 2019 House of Representatives Compensation and Diversity Study Report: House Overall Results https://www.house.gov/sites/default/files/uploads/documents/2019_house_compdiversitystudy_finalreport_houseoverall.pdf

bulletin. The HR office should track the time from initial announcement to hiring, with appropriate job and demographic data, and publish the anonymized data.

Separate Orders

Build A Complete House Staff Directory

6. **House staff contact database.** Staff contact information, which is available at <https://directory.house.gov/#/>, should systematically identify and include the issues upon which staff work.

Improve How Vacancies Are Published

7. **Job vacancy reports as structured data.** Currently, the House publishes a bipartisan House job vacancy bulletin each week with open positions as a PDF. This information should be posted on the House website as structured data and downloadable through an API. In addition, job descriptions should include pay ranges and benefits.

10. ADOPT NEW APPROACHES TO SOLVING PROBLEMS

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

Proposed Rule Changes

Remote Deliberations

1. **Remote Deliberations.** The House resolution on remote deliberations should be put into the House rules, allowing fully remote deliberations and voting on the floor and in committees in the event of an emergency that makes physical presence unsafe.⁶⁰

Modernizing Congress: New Subcommittee

2. **Modernizing Congress:** The House should establish a joint select subcommittee of the Legislative Branch Appropriations Subcommittee and the Committee on House Administration to continue and expand upon the work of the Select Committee on the Modernization of Congress to identify and recommend ways to improve the operations of the House of Representatives.⁶¹

Oversight Plans and Equity

3. As part of the oversight plan that many standing committees are required to generate, each committee should include a discussion of how committee work over the forthcoming Congress will address issues of inequities on the basis of race, gender, and class.⁶²

Separate Orders

Continuity of Congress

4. **Quorum rule.** House Rules should remove the quorum reducing rule and establish a commission to make recommendations on ensuring continuity of the House of Representatives in circumstances where it cannot make a quorum.⁶³
5. **Emergency planning.** The House CAO, Clerk, and Sergeant at Arms, in conjunction with leadership from both parties and the House Rules and Administration committees,

⁶⁰ H. Res. 965, <https://www.congress.gov/bills/116/congress/house-resolution/965>

⁶¹ For a more in-depth discussion, see <https://fedsoc.org/commentary/fedsoc-blog/modernizing-the-select-committee-on-the-modernization-of-congress>

⁶² See, generally, House Rule X, clause 2(d).

⁶³ For that provision, see Rule XX, clause 3(c)(1) on page 33.

<https://rules.house.gov/sites/democrats.rules.house.gov/files/documents/116-House-Rules-Clerk.pdf>

should develop and report to the House a series of best practices, policy changes, amendments to the House Rules, and alterations of federal law to enable Congress to continue operating in emergencies.

6. **Technology.** The CAO, Clerk of the House, and other appropriate officials should examine on an ongoing basis a study of what technologies should be put in place in personal, committee, and leadership offices, as well as support offices and agencies, and on the House floor, to ensure that a transition to remote operations is seamless and secure.

Member Housing

7. **Page Dorm Study.** The House should conduct a study to determine the feasibility and cost of turning the page dorm into a facility for Members of Congress and made available to those in the bottom 20 percent of Member net worth on a lottery basis. Part of the assessment should include what is an appropriate reimbursement, if any, for Members to pay for use of the space.⁶⁴

Science and Technology Expertise

8. **House Office of Technology Assessment.** The House should establish a House Office of Technology Assessment (HOTA), intended to fill a role similar to that filled by the Office of Technology Assessment.⁶⁵

The HOTA should be directed by a Chief Science and Technology Advisor to Congress, who should be compensated at an annual rate of pay which 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 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. On an interim basis, the Chief Science and Technology Advisor (CSTA) should be appointed by the Speaker of the House with the concurrence of the Minority Leader, and the CSTA should appoint his/her deputy director.

The HOTA should establish policies to consider requests from committee chairs as well as rank-and-file members. It also should coordinate with CRS and GAO to avoid duplicative work.

⁶⁴ The building formerly used as a page dorm, which previously housed 72 people, is unoccupied. For more, see "Pages of the United States Congress: History, Background Information, and Proposals for Change," June 3, 2008 https://www.everycrsreport.com/files/20080703_RL33685_e3028ebc473be110a7354eb422876dc118b64695.pdf

⁶⁵ This is generally consonant with recommendation 84 by the Select Committee on the Modernization of Congress, which supports restoring the Office of Technology Assessment. <https://modernizecongress.house.gov/recommendations>

No later than December 2021, the HOTA should provide to the appropriate committees its recommendations regarding what further provisions should be enacted to constitute the HOTA inside the House of Representatives and/or to restore it as a legislative branch agency.

The HOTA should be overseen by a bipartisan Technology Assessment Board which makes determinations for report requests, staffing, and other matters. The TAB should consist of eight voting Members including: the chair and ranking minority members of the House Committee on Science, Space, and Technology; the House Appropriations Subcommittee on the Legislative Branch; the Committee on House Administration; the House Committee on Energy and Commerce; or their designees who serve on the same committee; and, in addition, the CSTA, the Comptroller General, the GAO chief scientist, and the CRS director, who should not be voting members.

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LEGISLATIVE DOCUMENTS COMMONLY CITED

Collection of Reports issued by the Select Committee on the Modernization of Congress, available at <https://modernizecongress.house.gov/committee-activity/official-reports>.

Summary of Recommendations of the Select Committee on the Modernization of Congress, available at <https://modernizecongress.house.gov/recommendations>

Legislative Branch Appropriations Committee Report for FY 2020, H. Rept. 116-64, available at <https://www.congress.gov/116/crpt/hrpt64/CRPT-116hrpt64.pdf>.

Legislative Branch Appropriations Committee Report for FY 2021, H. Rept. 116-447, available at <https://www.congress.gov/116/crpt/hrpt447/CRPT-116hrpt447.pdf>.

Moving Our Democracy and Congressional Operations Towards Modernization Resolution, H. Res. 756 (116th), available at <https://www.congress.gov/bill/116th-congress/house-resolution/756>.

Resolution Adopting the Rules of the House of Representatives for the 116th Congress, H. Res. 6, available at <https://www.govinfo.gov/content/pkg/BILLS-116hres6eh/pdf/BILLS-116hres6eh.pdf>.

Rules of the House of Representatives: 116th Congress, available at <https://rules.house.gov/sites/democrats.rules.house.gov/files/documents/116-House-Rules-Clerk.pdf>.

PRIOR CIVIL SOCIETY RECOMMENDATIONS ON MODERNIZING HOUSE RULES

116th Congress

Reforms Included in the House Rules for the 116th Congress, First Branch Forecast
([2020-02-20](#))⁶⁶

Members' Day Hearing on Proposed Rules Changes for the 116th Congress ([2018-09-13](#))
([video](#))⁶⁷

Section-By-Section Analysis of H. Res 6 Adopting the Rules for the 116th Congress
([2019-01-01](#))⁶⁸

115th Congress

Report: Primer on Demand Progress' House Rules Proposals for the 116th Congress
([2018-09-12](#)).⁶⁹ See also <https://www.getthehouseinorder.com/>

Draft Legislative Language: Proposals for the House Rules Prepared by Daniel Schuman,
Demand Progress ([2018-12-05](#))⁷⁰

Strengthening Congressional Oversight Over the Intelligence Community, released by R Street
Institute, Demand Progress, Freedom Works, and the Electronic Frontier Foundation.
([2016-09-13](#)).⁷¹ Letter from a bipartisan group of 33 organizations endorsing the
recommendations. ([2016-09-13](#))⁷²

114th Congress

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](#))⁷³

⁶⁶ <https://firstbranchforecast.com/2020/02/20/reforms-included-in-the-house-rules-for-the-116th-congress/>

⁶⁷ <https://rules.house.gov/bill/115/subcommittee-hearing-0>

⁶⁸ <https://docs.house.gov/billsthisweek/20181231/116-HRes6-SxS.pdf>

⁶⁹ https://s3.amazonaws.com/demandprogress/reports/House_Rules_Reform_Recommendation_2018-09-12.pdf

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https://s3.amazonaws.com/demandprogress/reports/116th_Congress_House_Rules_Reform_Legislative_Language_2018-12-05.pdf

⁷¹ https://s3.amazonaws.com/demandprogress/reports/Strengthening_Congressional_Oversight_of_the_IC_White_Paper_Sept_2016.pdf

⁷² https://s3.amazonaws.com/demandprogress/letters/Strengthening_Congressional_Oversight_of_the_IC_Letter_Sept_2016.pdf

⁷³ https://s3.amazonaws.com/demandprogress/documents/10-7-14_114th_Congress_Updating_House_Rules.pdf

113th Congress

- House Rules Changes: Sunlight's Proposals for the 113th Congress. ([2012](#))⁷⁴

112th Congress

- House Rules Changes: Sunlight's Proposals for the 112th Congress. ([2010-09-16](#))⁷⁵

⁷⁴

<http://assets.sunlightfoundation.com.s3.amazonaws.com/policy/papers/Sunlight's%20Proposal%20for%20113th%20House%20Rules.pdf>

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https://s3.amazonaws.com/demandprogress/documents/2010-09-16_Sunlight_Proposal_for_House_Rules_Changes_for_112th_Congress.pdf