

**MEMBER DAY HEARING ON PROPOSED RULES
CHANGES FOR THE 119TH CONGRESS**

**HEARING
BEFORE THE
COMMITTEE ON RULES
HOUSE OF REPRESENTATIVES
ONE HUNDRED EIGHTEENTH CONGRESS
SECOND SESSION**

SEPTEMBER 19, 2024



Available via <http://govinfo.gov>
Printed for the use of the Committee on Rules

U.S. GOVERNMENT PUBLISHING OFFICE

57-053

WASHINGTON : 2024

COMMITTEE ON RULES

MICHAEL C. BURGESS, Texas, *Chair*

GUY RESCHENTHALER, Pennsylvania	JAMES P. McGOVERN, Massachusetts
<i>Vice Chair</i>	<i>Ranking Member</i>
MICHELLE FISCHBACH, Minnesota	MARY GAY SCANLON, Pennsylvania
THOMAS MASSIE, Kentucky	JOE NEGUSE, Colorado
RALPH NORMAN, South Carolina	TERESA LEGER FERNANDEZ, New Mexico
CHIP ROY, Texas	
ERIN HOUCHEIN, Indiana	
NICHOLAS A. LANGWORTHY, New York	
AUSTIN SCOTT, Georgia	

JENNIFER BELAIR, *Staff Director*
DONALD C. SISSON, *Minority Staff Director*

SUBCOMMITTEE ON RULES AND ORGANIZATION OF THE HOUSE

GUY RESCHENTHALER, Pennsylvania, *Chair*

MICHAEL C. BURGESS, Texas	MARY GAY SCANLON, Pennsylvania,
ERIN HOUCHEIN, Indiana, <i>Vice Chair</i>	<i>Ranking Member</i>
THOMAS MASSIE, Kentucky	JAMES P. McGOVERN, Massachusetts
AUSTIN SCOTT, Georgia	

SUBCOMMITTEE ON LEGISLATIVE AND BUDGET PROCESS

MICHELLE FISCHBACH, Minnesota, *Chair*

MICHAEL C. BURGESS, Texas	TERESA LEGER FERNANDEZ, New Mexico,
RALPH NORMAN, South Carolina,	<i>Ranking Member</i>
<i>Vice Chair</i>	JOE NEGUSE, Colorado
CHIP ROY, Texas	
NICHOLAS A. LANGWORTHY, New York	

CONTENTS

September 19, 2024

	Page
Opening Statements:	
Hon. Michael C. Burgess, a Representative in Congress from the State of Texas and Chair of the Committee on Rules	1
Hon. James P. McGovern, a Representative in Congress from the State of Massachusetts and Ranking Member of the Committee on Rules	2
Witness Testimony:	
Hon. H. Morgan Griffith, a Representative in Congress from the State of Virginia	3
Hon. Derek Kilmer, a Representative in Congress from the State of Washington	5
Prepared Statement	7
Hon. Harriet Hageman, a Representative in Congress from the State of Wyoming	9
Prepared Statement	11
Hon. Brittany Pettersen, a Representative in Congress from the State of Colorado	14
Prepared Statement	16
Hon. Emanuel Cleaver, a Representative in Congress from the State of Missouri	18
Prepared Statement	20
Hon. Bill Foster, a Representative in Congress from the State of Illinois ..	22
Prepared Statement	24
Hon. Joaquin Castro, a Representative in Congress from the State of Texas	30
Hon. Rudy Yakym, a Representative in Congress from the State of Indiana	32
Prepared Statement	35
Hon. Andrew Ogles, a Representative in Congress from the State of Tennessee	67
Prepared Statement	70
Hon. Virginia Foxx, a Representative in Congress from the State of North Carolina	75
Additional Material Submitted for the Record:	
Statement from the Hon. Debbie Wasserman Schultz, a Representative in Congress from the State of Florida	39
Statement from the Hon. Kevin Mullin, a Representative in Congress from the State of California	41
Statement from the Hon. Mike Levin, a Representative in Congress from the State of California	42
Statement from the Hon. Mark Takano, a Representative in Congress from the State of California	44
Letter from the Hon. Joaquin Castro, a Representative in Congress from the State of Texas	49
Letter from the Hon. Darrell Issa, a Representative in Congress from the State of California	57
Letter from the Hon. Darrell Issa, a Representative in Congress from the State of California	59
Letter from the Hon. Chuck Edwards, a Representative in Congress from the State of North Carolina	61
Statement from the Hon. Anthony D'Esposito, a Representative in Congress from the State of New York	64

Additional Material Submitted for the Record—Continued	
Statement from the Hon. William Timmons, a Representative in Congress from the State of South Carolina	77
Statement from the Hon. James Moylan, a Delegate in Congress from the Territory of Guam	79

MEMBER DAY HEARING ON PROPOSED RULES CHANGES FOR THE 119TH CONGRESS

THURSDAY, SEPTEMBER 19, 2024

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RULES,
Washington, DC.

The committee met, pursuant to call, at 10:10 a.m., in Room H-313, The Capitol, Hon. Michael C. Burgess [chairman of the committee] presiding.

Present: Representatives Burgess, Fischbach, Norman, Langworthy, and McGovern.

The CHAIRMAN. I call the Committee on Rules to order.

Good morning, everyone. I do want to welcome everyone to the House Committee on Rules Member Day for the 118th Congress.

Pursuant to Section 3(h) of H. Res. 5, the committee is convening this Member Day to hear from the broader body about issues under this committee's jurisdiction.

I am grateful to see the interest and participation of the membership off our committee and look forward to hearing their ideas.

Before we get to that, I do just want to touch on the work we have done so far in this Congress. For the first time in years, this body has considered legislation under an open rule. This committee has also considered nearly double the amount of bills so far this year as the previous two Congresses at the same point in time.

We have considered nearly double the amount of bills under a structured rule as the previous Congress. We have eliminated the use of en bloc authority for amendments, ensuring that each amendment that was made in order under the rule is given its appropriate consideration and vote.

We have created the Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party, which has done incredible work investigating the extent of the CCP's global ambitions and providing legislative recommendations on how to combat this aggression.

We have also established the Select Committee on the Weaponization of the Federal Government to fully investigate the Biden-Harris administration's assault on the constitutional rights of American citizens.

And finally, we have adjusted various rules to make this body more accountable to the people who elect us, more efficient, and more conscious of the taxpayer dollars with which our constituents entrust us.

The Congress has not been without its challenges. And I look forward to the discussion today on ideas to make things work better

here, but I wanted to make a quick note of the accomplishments of this committee.

And I would like to yield to our ranking member, Mr. McGovern, for his observations and any other remarks that he wishes to make.

Mr. McGOVERN. Well, thank you, Mr. Chairman.

And, you know, when Democrats came into power during the 116th Congress, we spent months engaging with Members and vetting their ideas to make this body better. The result, the Rules package we came up with actually reflected bipartisan ideas.

We worked hard to create an inclusive process. It demonstrated our commitment to the fundamental principle that no party has a monopoly on good ideas. Good ideas can come from anywhere. And today, I hope we can carry that same spirit into our conversations.

You see, a willingness to work together is a necessary part of ensuring that we have a well-functioning House, one that doesn't just work for one political party or the other, but works for the American people.

Mr. Chairman, I have no idea what is going to happen in November. What I can tell you is that if Democrats have the honor of returning to the majority, we will see to it that the House of Representatives is a place where we can debate ideas professionally, a place that gives Members the opportunity to have their voices heard, and a place that can get real things done for this country.

We should all want to strive for a more collaborative process, rules that further improve transparency and accountability, measures that will bring this institution into the 21st century and reforms that will advance the efficiency and the efficacy of Congress.

I also hope, no matter who wins, after the election, that we can move away from the practice of so many closed rules. The last time my friends were in the majority, they set the record for the most closed rules. They beat that record in this Congress.

This has to be a place where a variety of ideas get to be brought to the floor and debated, and I hope we can strive to do better on that. I am eager to hear the ideas and the proposals that our colleagues have prepared for today's discussion.

And, with that, I yield back my time.

The CHAIRMAN. The gentleman yields back.

The chair thanks the gentleman.

Without objection, any prepared statements that our witnesses have will be included in the record.

The first panel is called to the table, and Mr. Griffith of Virginia; Mr. Kilmer of Washington, Ms. Pettersen of Colorado, and Mr. Cleaver—

Did I say Ms. Hageman of Wyoming?

Ms. HAGEMAN. Not yet.

The CHAIRMAN. And Mr. Cleaver of Missouri, if you would join us at the table for our first panel.

And the order I have here, Mr. Griffith, you are first.

And I would just a housekeeping detail. The Rules Committee is famous for not having a clock. However, each Member will have 5 minutes to testify, so if you have got multiple issues, I do recommend summarizing each submission and proposal if you have multiple.

So, Representative Griffith, I welcome your testimony.

STATEMENT OF THE HON. H. MORGAN GRIFFITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. GRIFFITH. Thank you, Mr. Chairman. And I think it was appropriate you mentioned that before I got started, because I do have multiples, as you know.

So I have got the text, and you all should have that. If you don't, I will leave it with you. But one, I do think we need to go back in and work on the germaneness rule. I proposed the same language 2 years ago. We then went into negotiations with leadership. I think it was fair that we tried to, you know, work out concerns.

The problem is the rule has never been used. The rule is not effective as it was written, notwithstanding all of our good intentions, both on my part and the part of leadership to work out a compromise. It hasn't worked.

I believe that if we have a strict germaneness rule, no matter who the Speaker is, it makes that Speaker more powerful vis-a-vis the Senate, because it would deny the Senate the ability to tack all kinds of garbage. Like I said before, you can take a coin bill and turn it into an omnibus, according to the Senate.

That clearly is not germane. It shouldn't be germane, and we need to have the ability to make that stricter. And so there is the language that I have proposed. I am happy to discuss that at any time with anybody.

Then I have a limitation on that waiver, and that is basically you can't by rule without a super majority. Now, I know that is not going to work, but it still makes me feel better. If we put it in there, it would put a limitation on waiving our single-purpose rule, which has worked somewhat, and our germaneness rule. And if we enhance the germaneness rule, I think it is important that we don't waive that with every rule on every bill as we move forward.

I then have a whole set of complicated proposals open to discussion related to the timing of actions and reports. I believe if a committee reports a bill out, one, I think there ought to be a timeline once it gets to Rule, that you have a certain number of days—21 is what I proposed—legislative days to get the bill out of the Rules Committee.

Now, that can be a lot of different things. It can be a re-referral back to your—to a new committee or a referral to a different committee. I have also set up a process where if the committee has—if the bill has been sent to more than one committee, once a major committee, one of the primary committees sends it to the Rules Committee, the other committee would only have 7 legislative days to send in their copy. If there are differences, as there often are, rules would conform those differences before the bill went to the floor.

I think it is one of these deals where if—I think it would make the committees more responsive as well in making sure that they had good measures that they sent to the Rules Committee as opposed to saying, We will fix it as we are moving.

But I also think that when a bill comes out—and we have seen it before. We have all seen it, where a bill comes out of a committee with either a unanimous vote or maybe there are two or three dissenters, but it is a strong vote, and then for various reasons, we can all come up with scenarios, that bill never moves forward.

I think people need to know if you get a bill out of committee that there is going to be a time when you actually get to hear that bill. So I have got that action. Again, that language you should have. If you don't, I have got it here with me today.

One that I love that I know most Members of this body don't love, but I got this adopted in Virginia in 1998 and, believe it or not, it is still there. And that is proportional seating on the committees. This is fair to everybody.

The committee ought to reflect the floor. The American people in a democratic republic send us here, 435 of us, and one party or the other will have a majority and they should have the majority. And the rule sets up that it is proportional seating, fractional people going to the majority party.

So, obviously, you can't have, you know, 20½ people on a committee on one side and 19½ on the other side. So the fractional person goes to the majority party.

That covers the big ones. I would say this, though, and I wanted to take a minute to talk about the Holman Rule. I hope that it will be kept. I still think it is effective. We have not successfully passed a Holman Rule. That is okay. It is not designed to be used every single day or every single bill. It is supposed to be extraordinary.

People have been doing this business, though, and it drives me crazy. As the chairman knows, I get all worked up about this stuff. And down to striking the last word he knows is one of my pet peeves, because you can always talk to the measure if it is the first time you have spoken on it.

But in regard to the Holman Rule, people want to say you only get a dollar. Well, I think that is probably not legal. And so I haven't voted in favor of any of those, because you still have your minimum wage laws.

Now, you can reduce them to minimum wage if you want to, but the purpose of Holman is not to reduce an individual. It is to rearrange the agency. Sometimes that affects one individual, but it is to have a retrenchment of expenditures while rearranging an agency or a subagency or a department.

That is the real beauty of it. And it can work, and it can work for people on the left and the right. It is amazing how folks on the left don't understand that this can be helpful to them too. If you have got an agency that is not doing right, you can stick in a Holman amendment and rearrange the agency to make it more efficient, to make it do more of what you intended it to do in the first place when we passed legislation. So I hope that you all would keep that.

I think I am still within my 5 minutes, but I am happy to answer questions. And in all fairness, you know, every day I think of something new and these were the ones I had ready to go. But if you had another hearing in November, I would probably have two or three more.

And I thank the gentleman, and I yield back.

The CHAIRMAN. The gentleman yields back.

The chair thanks the gentleman. I thank the gentleman for not striking the last word before he spoke.

Mr. Kilmer, you are recognized.

STATEMENT OF THE HON. DEREK KILMER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. KILMER. Thank you, Chairman Burgess and Ranking Member McGovern, for the opportunity to testify today.

You might be surprised to see a retiring Member before you, but in the time I have left, I am hoping to leave my campsite better than I found it.

The Fix Congress Caucus, which I started with Congressman Timmons, my former co-chair of the Select Committee on the Modernization of Congress, and our Members of the Caucus have put a lot of thought into how to improve Congress' effectiveness.

Several proposed rules changes in your committee's purview have come up, and I just wanted to share five with you today.

First, I propose we institute a biennial bipartisan retreat for Members of Congress at the start of a new Congress. This retreat would provide a rare opportunity to engage with one another outside of the pressures of Washington, D.C., and to build relationships across party lines.

Too often, we fail to collaborate simply because we don't know each other well enough. A retreat focused on mutual understanding and shared goals would help us form the coalitions we need to tackle some of the Nation's biggest challenges.

Second, I propose we amend the House rules to require every committee to hold a bipartisan agenda-setting retreat at the beginning of each session of Congress. While we won't always agree and often don't on every policy issue, these retreats will allow us to identify areas of mutual concern and agreement so we can know what we can work together on as a committee. Most functional organizations start by saying, So what do we want to get done? And we don't really do that here enough.

Next, I recommend allowing two Members from opposing parties to jointly sponsor bills. A model for this—and I am sure he will speak to it—is Representative Cleaver's bipartisan H. Res. 668, the BUDS Resolution. This simple change would incentivize bipartisanship. It would ensure that legislation reflects true collaboration and shared effort, while giving credit where it is due. We all know we have worked on bills together where we have to, in essence, you know, flip the coin on whose name is going to be on top of it. And that doesn't seem right, and it doesn't foster bipartisanship.

Additionally, I suggest we establish a new joint committee on legislative processes, tasked with expediting the consideration of legislation that has passed one Chamber with broad bipartisan support. This is outlined in Congresswoman Williams and Congressman Timmons' bipartisan H. Con. Res. 8. Too often, good legislation supported by Members on both sides languishes in the other Chamber. This joint committee would examine ways to streamline the process to better prevent that from happening and to improve our ability to pass sound legislation for our constituents.

And finally, I urge the creation of a select committee on refreshing our democracy, with equal party representation. This committee would be charged with making recommendations on how to reduce political violence, toxic polarization, and the spread of misinformation.

It would also explore ways to incentivize collaboration and evidence-based policymaking to improve public confidence in Congress and to address critical issues that we haven't really engaged on adequately, like our existing candidate selection processes and the role of money in politics.

As we reach America's 250th birthday, we can't allow our democracy to be undermined by forces of division. These aren't partisan proposals. These are practical solutions. By instituting bipartisan retreats, bipartisan committee agenda-setting meetings, allowing joint sponsorship of bills, streamlining legislative processes between the House and the Senate and formally exploring reforms to strengthen our democracy, we can improve Congress and our output for the people we were sent here to represent.

I know your committee and House rules significantly impact House operations and our legislative work. I hope you seriously consider these proposals no matter who holds the gavel next year. And while I won't be here anymore, I will be rooting for you and this institution always.

I thank you again for your time and for your leadership on these issues. Thank you for the final chance to testify.

And finally, I just want to say thank you, Mr. Chairman, Ranking Member, to you and to your staff. I know how hard this committee works, and the fact that you are available to us day and night. And I particularly want to thank Don Sisson for going above and beyond for me this past week. You are all good partners in this effort to modernize Congress, and I thank you for that.

[The statement of Mr. Kilmer follows:]

Rep. Derek Kilmer
Rules Committee Member Day
Written Testimony

Thank you Chairman Burgess and Ranking Member McGovern for the opportunity to testify before you today.

You might be surprised to see a retiring Member—but in the time I have left, I want to leave my campsite better than I found it.

The Fix Congress Caucus, which I started with Rep. William Timmons, my former co-chair of the Select Committee on the Modernization of Congress, and our Members have put a lot of thought into ideas to improve Congress' effectiveness.

Several proposed Rules changes in your committee's purview have come up. I wanted to share my top five with you today.

First, I propose that we institute a biennial bipartisan retreat for Members of Congress at the start of each new Congress.

This retreat would provide us with a rare opportunity to engage with one another outside the pressures of Washington, D.C., to build relationships across party lines.

Too often, we fail to collaborate simply because we do not know each other well enough. A retreat focused on mutual understanding and shared goals will help us form the coalitions we need to tackle the nation's biggest challenges.

Second, I propose we amend the House Rules to require every committee to hold a bipartisan agenda-setting retreat at the beginning of each session of Congress.

While we won't always agree on every policy issue, these retreats will allow us to identify areas of mutual concern and agreement so we know what we *can* work on together as a committee.

Next, I recommend allowing two Members from opposing parties to jointly sponsor bills.

A model for this is Rep. Cleaver's bipartisan H.Res. 668, the BUDS Resolution. This simple change would incentivize bipartisanship. It would also ensure that legislation reflects true collaboration and shared effort, while giving credit where it's due.

Additionally, I suggest we establish a new Joint Committee on Legislative Processes, tasked with expediting the consideration of legislation that has passed one chamber with broad bipartisan support.

This is outlined in Rep. Williams' bipartisan H.Con.Res. 8. Too often, good legislation, supported by Members on both sides, languishes in the other chamber. This joint committee would streamline the process, to better prevent that from happening, and improve our ability to pass sound legislation for our constituents.

Finally, I urge the creation of a Select Committee on Refreshing our Democracy with equal party representation.

This committee would be charged with making recommendations on how to reduce political violence, toxic polarization, and the spread of misinformation. It would also explore ways to incentivize collaboration and evidence-based policymaking, improve public confidence in Congress, and address critical issues such as our existing candidate selection processes and the role of money in politics.

We cannot allow our democracy to be undermined by forces that erode trust and sow division.

These are not partisan proposals; they are practical solutions.

By instituting bipartisan retreats, bipartisan committee agenda-setting meetings, allowing joint sponsorship of bills, streamlining legislative processes between the House and Senate, and formally exploring reforms to strengthen our democracy, we can improve Congress and our output for the people we were sent here to represent.

I know your committee and House Rules significantly impact House operations and our legislative work. I hope you seriously consider these proposals, no matter who holds the gavel next year, when I won't be here anymore—but will be rooting for you and this institution, always.

Thank you again for your time and for your leadership on these issues. Thank you for a final chance to testify before you.

And a final thank you to you and your staff, especially Don Sisson, for going above and beyond for me this week and for you all being good partners throughout my efforts to modernize Congress.

I yield back.

The CHAIRMAN. The gentleman yields back. The chair thanks the gentleman.

The gentlelady from Wyoming is recognized.

STATEMENT OF THE HON. HARRIET HAGEMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WYOMING

Ms. HAGEMAN. Chairman Burgess, Ranking Member McGovern, and members of the Rules Committee, thank you for allowing me to testify on proposed rule changes for the 119th Congress.

Today, I would like to speak on my proposed rule change, which would amend House Rule XXI, restrictions on certain bills, to add a new clause 13 preventing the House from considering legislation unless the measure has a sunset provision.

Sunset provisions automatically terminate the legislation, discretionary appropriation, or program unless Congress renews or reauthorizes to continue beyond a fixed period of time.

As a freshman Member of Congress, I have learned, largely to my horror, how many unauthorized government agencies, offices, and programs exist and watched as controversial authorities extend in perpetuity, limiting reform opportunities.

I believe this proposed rule change will make Congress a more professional body, and make the executive branch more accountable to the legislature, as intended, as it will require ongoing oversight and review of authorities, programs, and spending in order to determine whether they should continue as is, be modified, or be terminated in their entirety.

Under our current system, programs and authorities have avoided congressional scrutiny simply because they exist, again, essentially into perpetuity. Even when concern about a particular program, agency, or spending priority is raised by our Members, the status quo of doing business, calendar constraints, political will and outside influences often prevent Congress from doing its job.

If we, as the lawmakers, are subjected to a routine and ongoing scrutiny in what essentially amounts to performance review through elections, then so should the authorities, programs, and agencies we create. Our discretionary spending should surely be subject to such ongoing review.

House Rule X, clause 21, lays out the general oversight responsibilities of the standing committee to analyze, quote, “the application, administration, execution, and effectiveness of Federal laws,” end quote, and quote, “conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation,” end quote.

Clearly, it is Congress that is intended to conduct this routine oversight. In light of our historical failure to do so, however, using sunset provisions as I am proposing could resolve the issue. Congress should have ongoing and routine oversight of the authorities, programs, executive offices and spending that we approve, even when there is broad congressional support for such programs, et cetera.

Oversight is an integral part of the legislative process, and routine reform is how we prevent or control issues long before they develop into a significant problem.

During the 118th Congress, the House Energy and Commerce Committee provided a great example of how this could work when it unveiled a discussion draft of a bill to sunset Section 230 of the Communications Decency Act.

Section 230 is well-known to our Members these days. And while we all have different ideas for how it should be reformed, I would argue that there is a general consensus among our Members and their constituents that some action is needed.

I seriously doubt that the social media companies would have so readily censored conservative speech had Section 230 been subject to periodic congressional review.

A sunset would require Congress, as part of the process of extending the authority, to work the policy through its committees of jurisdiction, where oversight and reform ideas could be proposed. This would then tee up the entire House to vote on whether to reform and/or extend an authority which has not been subject to substantive reform since its creation in 1996.

An example of a sunset clause working relates to Section 702 of FISA, of the FISA Act. Because it had a sunset provision, Congress was able to implement several substantive reforms this year in order to prevent the FBI and other Federal agencies from abusing the FISA court and process, such as what was discovered as part of the Russia collusion hoax.

Sunset clauses would require Congress to do its job. Routine consideration of extending authorities, appropriations, and programs would ensure Congress takes ongoing responsibility for addressing the important issues of the day, while also providing Members with more opportunities to shape policy and govern other than through a handful of must-pass bills that are not subject to proper process or consideration.

Adding a sunset requirement for bills Congress considers will only strengthen this body and contribute to efforts to make Congress a more professional and accountable body to the people.

Thank you again, Chairman Burgess and Ranking Member McGovern, and I yield back.

[The statement of Ms. Hageman follows:]

Rep. Hagedorn Rules Committee Member Day Testimony

- Chairman Burgess, Ranking Member McGovern, and members of the Rules Committee – thank you for allowing me to testify on proposed rule changes for the 119th Congress
- Today I would like to speak on my proposed rule change which would amend House Rule 21 (XXI), *Restrictions on Certain Bills* to add a new clause 13 preventing the House from considering legislation unless the measure has a sunset provision
- Sunset provisions automatically terminate the legislation, discretionary appropriations, or program unless Congress renews or reauthorizes them to continue beyond a fixed period of time
- As a freshman member of Congress, I have learned, largely to my horror, how many unauthorized government agencies, offices and programs exist and watched as controversial authorities extend in perpetuity, limiting reform opportunities
- I believe this proposed rule change will make Congress a more professional body and make the executive branch more accountable to the legislature, as intended, as it will require ongoing oversight and review of authorities, programs, and spending in order to determine whether they should continue as is, be modified or be terminated in their entirety.
- Under our current system, programs and authorities have avoided Congressional scrutiny simply because they exist essentially into perpetuity. Even when concern about a particular program, agency or spending priority is raised by our members, the status quo of doing business, calendar constraints, political will, and outside influences often prevent Congress from doing its job
- If we as the lawmakers are subject to routine and ongoing scrutiny and what essentially amounts to a performance review through elections, then so should the authorities, programs, and agencies we create. Our discretionary spending should surely be subject to such ongoing review.
- House Rule 10 clause 2 lays out the general oversight responsibilities of the standing committees to analyze QUOTE the application, administration,

execution, and effectiveness of Federal laws END QUOTE and QUOTE conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation END QUOTE

- Clearly, it is Congress that is intended to conduct this routine oversight. In light of our historical failure to do so, however, using sunset provisions as I am proposing could resolve this issue
- Congress should have ongoing and routine oversight of the authorities, programs, executive offices, and spending that we approve, even when there is broad Congressional support for such programs, etc.
- Oversight is an integral part of the legislative process, and routine reform is how we prevent or control issues long before they develop into a significant problem
- During the 118th Congress, the House Energy and Commerce Committee provided a great example of how this could work when it unveiled a discussion draft of a bill to sunset Section 230 of the Communications Decency Act
- Section 230 is well known to our members these days. And while we all have different ideas for how it should be reformed, I would argue that there is a general consensus among our members and their constituents that some action is needed
- I seriously doubt that the social media companies would have so readily censured conservative speech had Section 230 been subject to periodic congressional review.
- A sunset would have required Congress, as part of the process of extending the authority, to work the policy through its Committees of jurisdiction, where oversight and reform ideas could be proposed. This would then tee up the entire House to vote on whether to reform and/or extend an authority which has not been subject to substantive reform since its creation in 1996
- An example of a sunset clause working relates to Section 702 of the FISA act. Because it had a sunset provision, Congress was able to implement several substantive reforms this year in order to prevent the FBI and other

federal agencies from abusing the FISA courts and process, such as was discovered as part of the Russia collusion hoax.

- Sunset clauses would require Congress to do its job. Routine consideration of extending authorities, appropriations and programs would ensure Congress takes ongoing responsibility for addressing the important issues of the day, while providing members with more opportunities to shape policy and govern other than through a handful of must pass bills that are not subject to proper process or consideration
- Adding a sunset requirement for bills Congress considers will only strengthen this body and contribute to efforts to make Congress a more professional and accountable body to the People

Thank you again Chairman Burgess and Ranking Member McGovern, I yield back

The CHAIRMAN. The gentlelady yields back. The chair thanks the gentlelady.

The chair now recognizes the gentlelady from Colorado, Ms. Pettersen.

STATEMENT OF THE HON. BRITTANY PETTERSEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Ms. PETTERSEN. Hi. Thank you, Mr. Chairman, and Ranking Member. It is great to be with you all today. I really appreciate the opportunity to testify.

I am proposing rule changes for the next Congress to ensure that our rules are addressing some of the systemic barriers that make this body more representative of the American people.

Since the establishment of Congress in 1789, there have been more than 12,500 Members that serve on this body. Just 12 of those Members are women who have given birth during their term, and there is a reason for that.

In today's Congress, of the 541 current Members across both Chambers, only 37 of them are women with children under the age of 18. Moms of kids are underrepresented in this body, and we have the opportunity to remove some of those barriers to make sure that we change things to make it more accessible.

The current prohibition on proxy voting forces pregnant Members and Members who have recently welcomed a new child, to choose between taking care of their newborn or representing their constituents.

I am proposing that within the House rules, a narrow exception to the prohibition on proxy voting be added to allow Members to vote by proxy while taking parental leave, right in line with what we have for Federal employees for up to 12 weeks for parental leave. And that includes if you have a medical condition that makes it so you can't be here in person before giving birth, which would take from the total of 12 weeks.

To address the concerns around quorum, Members voting by proxy under this exception would not count towards quorum. So this would just be for voting on the floor and voting in committee.

I am personally—I was invested in this before. As I served in the legislature, I was the first person to be on leave when I gave birth to my newborn, Davis. Unfortunately, our laws were incredibly restrictive as well.

This was a priority for me, coming to Congress, to make sure that it was more accessible. And now I have a current vested interest. I am 20 weeks pregnant and due at the end of January or beginning of February.

And so, when I think about what it looks like to navigate being a Member of Congress and deciding am I going to be home taking care of my newborn, or am I going to be here to be a voice for my constituents. Do I have to bring my family and pull my child out of preschool to live in a studio apartment while we try to be here so that I am able to vote.

It is comparable to—what you go through physically is comparable to a very difficult surgery. The recovery time. You know, childcare isn't available for 3 months. So this is a necessary move

to make sure that we are modernizing Congress, a very narrow focus. Like I said, only 12 people have given birth while serving, but this should also apply to spouses who have newborns at home as well.

So thank you for your time and consideration, and I hope to be able to work with you to address these barriers in the future.

[The statement of Ms. Pettersen follows:]

Rules Committee Member Day Remarks
September 19,2024

- Thank you, Chairman. I am grateful for the opportunity to advocate for, what I view as, a needed modernization to the House Rules in the 119th Congress.
- Since the establishment of Congress in 1789, there have been more than 12,500 Members to serve in this body. Just 12 of these Members have been women who gave birth during their term.
- In today's Congress, of the 541 current Members across both Chambers, only 37 of them are women with children under the age of 18. That is less than 7%, compared to the general American population, where nearly 18% of adults are moms with minor children.
- Moms with young kids are underrepresented in this Congress and we have the opportunity to remove some of the systemic barriers that make it challenging to grow your family as a Member of Congress.
- The current prohibition on proxy voting, forces pregnant Members, and Members who have recently welcomed a new child, to choose between their families and representing their constituents.
- I am proposing that within the House Rules for the 119th Congress, a narrow exception to the prohibition on proxy voting be added to allow Members to vote by proxy while taking parental leave.
- Under this exception, Members would be permitted to vote by proxy, in both Committee and on the House floor, for up to 12 weeks while on parental leave. The 12 week time period is reflective of the 12 weeks granted to federal employees under the Parental Paid Leave benefit under the Family and Medical Leave Act (FMLA)
 - While Members would generally only be permitted to vote by proxy after the birth or arrival of their child, Members who are medically unable to fly due to their pregnancy would be able to use some of the parent proxy voting time prior to the birth.
 - For Members who are unable to fly due to their pregnancy, any time they take for proxy voting prior to the birth of their child will count against the total 12 weeks allowed.
- To address concerns with quorum, Members voting by proxy under this exception would not count towards quorum.

- Expectant and new parents in Congress are forced to make the choice between their families and fulfilling their congressional duties on the House Floor.
- Adding a narrow exception to the prohibition on proxy voting for parental leave is a common sense step we can take toward making our government more representative of the American people.
- With that I yield back and I am happy to answer any questions you may have.

The CHAIRMAN. The chair thanks the gentlelady. The gentlelady yields back.

Just prior to recognizing Mr. Cleaver, I would invite Mr. Foster if he wanted to join us at the witness table. And we will go to you after Mr. Cleaver.

Mr. Cleaver, you are recognized.

STATEMENT OF THE HON. EMANUEL CLEAVER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI

Mr. CLEAVER. Thank you, Mr. Chairman, and the Ranking Member, Mr. McGovern, for giving us the opportunity to make these suggestions.

Before I get into my specific recommendation, I would like to just say to this committee as I would like to say to the entire country, I think we had something with this committee that I think the people around the country of goodwill would love to see each day coming out of Washington.

Mr. Kilmer, Mr. Graves, Mr. Timmons worked fabulously, with a high level of civility and dignity, on the Committee on Modernization. It was rewarding to those of us who were on the committee to just come to a meeting and see that there was no name-calling, no screams across the aisle.

And I wanted to make sure I had a chance to say that on the record. Mr. Kilmer is here. I wish I had the opportunity to say that to Mr. Graves, although I did run into him a few months back and shared with him my delight in working with him.

I want to now thank you particularly for allowing us to come before you today. And I think it is important for us to voice our own experiences and ideas on how we can make this beautiful chaotic institution into something that would work just a little bit better.

During the 116th and 117th Congresses, I had the honor of serving on the Select Committee on Modernization of Congress, otherwise known as the Modernization Committee.

As you know, this select committee was slightly different from the others in our illustrious Chamber. It had an equal number of Democrats and Republicans working together to find bipartisan reforms that would, if implemented, make Congress a little more effective, efficient, and reflective of the will of the people.

Over those 4 years, I am happy to say that we were able to conjure up more than 200 recommendations that will help all of us better serve our constituents.

While I was proud of all the recommendations that we formally passed under the leadership of Chairman Kilmer and Mr. Timmons and Mr. Graves, there is one that I found particularly powerful, one that ultimately became my BUDS Resolution or Building Unity through Dual Sponsorship Resolution.

This important legislation would pull one small but very powerful lever that I believe would facilitate greater collaboration in the Halls of the House. This resolution would allow for any bill in the House to have two lead sponsors, provided they are from Members of different political parties.

I was proud to introduce the BUDS Resolution along with Representative Young Kim, who, in an ideal world, would be listed as

a lead sponsor as well, and Representatives Derek Kilmer, William Timmons, Dean Phillips and Mike Carey.

There are two key advantages to this resolution that I hope to emphasize. First, it can help us promote bipartisanship and civility, which I believe is desperately needed in our polarized politics.

Second, it can help give better recognition to Members who are working hard and seeking common ground here in D.C.

Allow me to take the second point first. Recognition for the hard and important work that lawmakers do is something that we can often feel uncomfortable for the most humble of lawmakers, because the last thing any of us wants to admit to our districts is that Members deserve praise.

But we all know that there are some Members, particularly when their party is in the minority, who are working hard every single day to craft meaningful bipartisan bills with the majority party to meet the needs and deal with the issues that our constituents are concerned about. We also all know that there are some Members who don't.

Even if the BUDS Resolution did not change behavior in any way, it would immediately become much easier for our constituents and the media alike to see when the Member of Congress is actively writing and introducing legislation when concurrently they would get listed top line.

I do believe, as do many others, that we won't just see better recognition for those Members who are working to introduce bipartisan bills, we will see a clear incentive change where Members know that it is now further in their advantage to work in a bipartisan manner more frequently.

I strongly believe that this is a key ideal we should be striving for in how we craft rules packages. This idea has gotten a lot of traction with the Fix Congress cohort of organizations we have worked with.

And we work with organizations like the Bipartisan Policy Center, Demand Progress, The Foundation for American Innovation, Issue One and many more.

But I believe that anyone who believes in smart organizational incentives and good system design can get behind this change, which I think would be of great aid to this organization.

Let me end by just saying that Mr. Kilmer opened up about having a retreat when we first come together at the beginning of a Congress. I spent a lot of time meeting with Ray LaHood and talking with him about it, because he actually organized one of those retreats for Members of both parties. And I just got ideas from him on what he did and how much time it took.

I think we make a terrible mistake—and I am through—when Members get elected and there is a Democratic bus and there is a Republican bus right at beginning. And that is a declaration, it is a scream, we are not together. And I think that that can be fixed if we come together at the beginning of each Congress.

Thank you very kindly.

[The statement of Mr. Cleaver follows:]

Remarks: House Rules Committee Member Day 2024**Prepared for: Rep. Emanuel Cleaver, II (MO-5)**

Thank you, Mr. Chairman.

I'm Representative Emanuel Cleaver, and I have the honor of representing the 5th District of the great state of Missouri.

I want to thank both Chairman Michael Burgess & Ranking Member Jim McGovern for all your hard work over the past two years. I know your jobs haven't always been easy, but you've demonstrated a commitment to civility, respect, and integrity that should be celebrated by your respective communities and the entire nation.

Today, I also want to thank you particularly for allowing America's Representatives this opportunity to voice our own experiences and ideas on how we can make this beautiful, chaotic institution that we all love work just a little bit better.

During the 116th and 117th Congresses, I had the honor of serving on the Select Committee on the Modernization of Congress, otherwise known as the Modernization Committee.

As you know, this Select Committee was slightly different from the others in our illustrious chamber; it had an equal number of Democrats and Republicans, working together to find bipartisan reforms that make Congress a little more effective, efficient, and reflective of the will of the people.

Over those four years, I'm happy to say that we were able to conjure up more than 200 recommendations that will help all of us better serve our constituents.

While I was proud of all the recommendations that we formally passed under the leadership of Chairman Derek Kilmer, there is one that I found particularly powerful, one that ultimately became my **BUDS Resolution**, or "Building Unity through Dual Sponsors" Resolution.

This important legislation would pull one small but powerful lever that I believe would facilitate greater collaboration in the halls of the House. This resolution would allow for any bill in the House to have two lead sponsors, provided they are from Members of different political parties.

I was proud to introduce the BUDS Resolution alongside Representative Young Kim, who in an ideal world would be listed as a lead sponsor as well, and Representatives Derek Kilmer, William Timmons, Dean Phillips, & Mike Carey.

There are two key advantages to this resolution that I hope to emphasize. First, it can help us promote bipartisanship, which I believe is desperately needed in our polarized politics. Second, it can help give better recognition to the Members who are working hard and seeking common ground here in DC.

Allow me to take the second point first. Recognition for the hard and important work that lawmakers do is something that can often feel uncomfortable for the most humble of lawmakers, because the last thing any of us wants to admit to our Districts is that Members deserve plaudits.

But we all know that there are some Members, particularly when their party is in the Minority, who are working hard every day to craft meaningful bipartisan bills with the Majority party to meet the needs of their constituents and make their communities a better place in key, tangible ways.

We also all know that there are some Members who ... don't.

Even if the BUDS Resolution did not change behavior in any way, it would immediately become much easier for our constituents & the media alike to see when their Member of Congress is actively writing and introducing legislation, when currently they wouldn't get listed "topline"

However, I would contend that the BUDS resolution would change behavior and that's the other benefit here – Promoting Bipartisanship.

I believe, as do many others, that we won't just see better recognition for those Members who are working to introduce bipartisan bills – we'll see a clear incentive change where Members know that it's now further in their advantage to work in a bipartisan manner more frequently.

I strongly believe this is a key ideal we should be striving for in how we craft a Rules package.

This idea has gotten a lot of traction with the "Fix Congress" cohort of organizations, and we've heard an outstanding amount of support from groups like the Bipartisan Policy Center, Demand Progress, the Foundation for American Innovation, Issue One, and more.

But I believe that anybody who believes in smart organizational incentives & good system design can get behind this change, which I think would be of great aid to this organization.

With that, I thank you for your time and appreciate your audience.

The CHAIRMAN. The chair thanks the gentleman. The gentleman yields back.

I now recognize Mr. Foster of Illinois for his observations.

**STATEMENT OF THE HON. BILL FOSTER, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF ILLINOIS**

Mr. FOSTER. Thank you, Chairman, Ranking Member.

It is not well-known by most Members of Congress, but prior to 1993, signing onto a discharge petition was an anonymous act. This made the discharge petition much more effective at its intended purpose, which is sort of to operate as a safety valve against, you know, the Speaker's rather dictatorial power, or absolute power, to control what gets voted on.

And then often this power, in a situation where the Speaker is holding onto power by a bare majority, that transfers the power to veto what gets voted on to, frankly, the most extreme wing of either party.

And so prior to 1993, this wasn't the case. And in a typical session of Congress, you had a handful of significant pieces of legislation that advanced because they were supported by a majority of usually centrists in the U.S. Congress.

And that has been missing since the rules change happened in 1993, which ironically came about as a result of a discharge petition. And the rules change made it public.

And at that point, any Member who signs onto a discharge petition from the opposing party immediately finds himself under threats from the Speaker, and under attack from the extreme wing of their own party. If you made it anonymous, you would allow Members to sort of probe support for centrist legislation.

You know, I am a scientist, but I am also a machine builder. And when I see a broken machine, I spend a while trying to study it and trying to understand how it ever worked and what could be done to fix it. And in this case—you know, I have been amused for a long time at how can it be that there is legislation supported by 70 or 80 percent of the public, a clear majority of Members of Congress, and yet we are not allowed to even vote on it, because it would clearly pass.

And it has to do with this absolute power of the Speaker and the threat, you know, that happens in both parties. You know, one of my first caucus meetings consisted of the then-Speaker of the House threatening Heath Shuler, a nice centrist Blue Dog Democrat, threatening him, or reaming him out for signing onto an enemy discharge petition.

And so then you say, all right, why was this rules change made? It was done in the name of transparency, because apparently some Members were claiming they signed onto a discharge petition when, in fact, they had not. Okay.

The rules change, which is in the form of legislation if we want it that way, provides a fix to that, that when you sign a discharge petition you simply check the box to say, I want this public. So that if you wish, it will be public. If you wish to make it private.

But what this would do, it would allow coalitions of centrists to probe the support for a centrist resolution without exposing them-

selves to the wrath of either the party leadership or the extreme wing of their party.

And maybe we would get rid of this logjam of centrist legislation that we don't get to vote on. And I think, you know, there are many examples of this.

One that I often refer to is just imagine a version of the Dream Act that would provide immediate legality but no path to citizenship. You know, you would get a big majority of both parties.

But right now, if any Democratic or Republican Speaker brought that up, they would catch hell from, you know, the extreme wing of their party on this. And providing anonymity during the period when we were probing the support, optimizing the language, would really go—you know, that is my best fix for trying to make this broken machine work better.

And so, we have legislation on this that I would like everyone to have a look at. If you want to sort of educate yourself about the history of the discharge petition, there is an excellent Wikipedia article. So everyone can go and just study that and the references in it.

And so, I think this would do a lot because, as the article points out, a lot of the legislation that advanced came about because the Speaker saw that the number of signatures was going up. And they then panicked and would go back and say, Look, we are going to get legislation drafted by the opposing party unless we come together as a party and make some moderate thing.

So it really gives the Speaker a lot of leverage against the extreme wing of their party. And so in a way, this would be liberating to a Speaker, even though someone might think that it is, you know, something no Speaker will ever agree to.

Anyway, I think we should consider adopting this in the coming session of Congress, at least on a temporary basis, and see if this actually oils the machine a little bit better. It is a good time to discuss this right now.

And why I bring it up is no one knows who is going to be in control of Congress. And when there is that uncertainty, it is a good time to understand if this is the sort of proposal that will make it work better whether or not you will end up being the winner or loser on this.

Anyway, that is I think a very important, very simple rules change that could go a long ways toward making this institution work again.

Thank you. I yield back.

[The statement of Mr. Foster follows:]

**House Rules Committee
Member Day Hearing
9/19/2024
Rep. Foster Remarks**

- Thank you to Chairman Burgess and Ranking Member McGovern for allowing me to testify today.
- As you well know, the 118th Congress has been one of the least productive in this institution's history.
- It seems more and more that extremists in both parties are calling the shots, and the majority of Members, who are seeking bipartisan solutions and thoughtful policymaking, are hamstrung.
- No one rule change can unilaterally solve this problem, but I believe returning to our decades-long practice of anonymous discharge petitions will help.

- From the inception of the discharge petition until reforms in 1993, Members who signed onto discharge petitions had their names kept secret by the Clerk.
- My proposal seeks to do something similar: Members' names would be hidden by default, but they could request that the Clerk make their name public.
- Then, if and when the discharge petition hits 218 signatures, all names would become public and Congress would vote on the underlying measure.
- I believe this proposal preserves the best of both worlds:
 - Some Members could privately support bipartisan legislation without fear of intimidation from the extreme flank of their party
 - Some Members would still proudly and publicly sign onto policies they support

- And all Members would remain accountable to their constituents by having their names published in the end.
- I believe that this proposal would also ease the challenges that leadership on both sides has had in gathering party-wide support for legislation.
- A Member on the extreme fringe may be more likely to support their party's favored bill if the alternative is a bipartisan discharge petition, rather than no legislation at all.
- The legislative text that I submitted to you reflects technical assistance from the House Parliamentarian, but it is just one way to accomplish these goals.
- I would be happy to work with anyone on this panel to make adjustments as you see fit.

- We have the power to move the House back towards productivity and back towards bipartisan, commonsense legislating.
- Thank you again for your time and consideration.

The CHAIRMAN. The chair thanks the gentleman. The gentleman yields back.

I want to thank all of our witnesses for their very thoughtful presentations and their thoroughness. You have done such a great job, the chairman has no questions, and I will yield to the ranking member for questions.

Mr. McGOVERN. I appreciate everybody's testimony here today, and there is certainly a lot to think about.

And, Mr. Kilmer, I am sorry you are leaving. And I want to thank you for your work on the Select Committee on Modernization and on the Fix Congress Caucus. I think your work has already made this place better, and so, I want to publicly thank you for that.

I like the idea of two lead sponsors of a bill. I think it would encourage more bipartisanship. I also think there is a case to be made for two lead cosponsors, period. I mean, if you have two Members from the same State who are interested in a bill on behalf of a committee that both of them represent, you know, that is not a bad thing. They may be two Republicans or two Democrats. They might want to do that as well.

But I do think it is helpful to be able to have two leads, especially if you are trying to show some bipartisanship. So I think that is a good idea.

Ms. Pettersen, congratulations. And look, it is frustrating to me that this institution refuses to acknowledge that it is 2024. Technology is a reality. And, we learned during COVID that we could operate. And, you know, the challenge is to be able to allow flexibility for people, in your case, who are about to have a baby, but there are other cases as well.

We ought to be able to—we ought to allow for exceptions. We don't want to go so far that this place becomes a body that operates remotely, but there are cases. There are cases that I think we ought to allow for proxy voting, and so I am very much open to that.

And, Ms. Hageman, including sunsets in legislation, I personally believe should be up to Members as part of the legislative process on a case-by-case basis, because I am concerned, quite frankly, with the backlog of reauthorizations that this could potentially cause, totally clogging up the legislative process. But I am open to learning more about that.

Mr. Griffith, I appreciate all your recommendations. I didn't look deep enough on the committee ratios. Did you include the Rules Committee on that? Because—

Mr. GRIFFITH. The Rules Committee is the one exception.

Mr. McGOVERN. Yeah, well, you know—

Mr. GRIFFITH. Historically, that is—

Mr. McGOVERN. But if you did, this would have been a seven-to-six kind of committee, and we could have had some fun this year. And—

Mr. GRIFFITH. I think the Rules Committee is always fun. I love watching and—but that being said, no, I did not include the Rules Committee. It includes all committees other than Rules.

And if it works so well, and I think it will, as it has in Virginia, both—we have had numerous party changes since that rule was adopted in 1998, and both parties see value to it.

So I think it is something that we should look at. It is fair to the people of the United States. It may not be fair to the majority party on a given day, but what it has done in Virginia is not only has it made the situation fair, but both parties realize that they need to get out and work for their colleagues, not just because of the majority, but because an additional seat that they might win means that they might stay on a committee where otherwise they might be bounced off a committee. So it really makes both parties work harder.

Mr. McGOVERN. Right. But this committee I would argue, is about whether there should be fairness or not. And so it kind of trumps all the other committees, if you will, in terms of how legislation is presented. But, again, it is something—

Mr. GRIFFITH. I recognize that concern and, should you be in the majority, would not oppose that as a rule.

Mr. McGOVERN. What about if you are in the majority?

Mr. GRIFFITH. I will have to defer then to the leaders of my party.

Mr. McGOVERN. I got to tell you I don't agree with you on the Holman Rule. I don't. You know, I support our hardworking Federal employees, and I don't agree with you on that.

Mr. GRIFFITH. I do think that it is extraordinary. It is hard to pass. And I do believe that it could be used in a bipartisan fashion, or in a partisan fashion by both parties.

It is not set up to protect or to help one party or the other, and it is not set up just as a cudgel on Federal agencies *per se*, but it does give Congress more authority.

And I am having to explain this regularly to folks, that this is a wonderful tool. It was created in the 19th century. And it allows us to, as long as we are doing retrenchments, we can actually rearrange agencies on the floor. And I think it is a valuable tool, but I understand your objections.

Mr. McGOVERN. And just one final thing. I can't remember the Rules Committee on either side making in order a nongermane amendment under the majority.

So, I agree that nongermane amendments should not be made in order, but I think the Rules Committee has pretty consistently blocked all nongermane amendments. And so, I think we are doing that.

But in any event, I appreciate everyone—we have a lot here to think about, and I appreciate your recommendation as well. This is all very, very helpful.

So, with that, I thank you and I yield back.

The CHAIRMAN. The chair thanks the gentleman. The gentleman yields back.

The gentlelady from Minnesota.

Mrs. FISCHBACH. No questions.

The CHAIRMAN. The gentlelady has no questions.

The gentleman from South Carolina.

Mr. NORMAN. No questions.

The CHAIRMAN. The gentleman has no questions.

The gentleman from New York.

Mr. LANGWORTHY. No questions.

The CHAIRMAN. Has no questions.

So seeing no further members wishing to ask questions of this panel, I do want to thank you for your thoughtful presentations. Congratulations in advance of January.

And this panel is excused.

As the first panel makes their way out, I call up our second panel and invite Mr. Castro to the witness table.

And, Mr. Castro, you are recognized.

**STATEMENT OF THE HON. JOAQUIN CASTRO, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS**

Mr. CASTRO. Thank you, Chairman and Ranking Member, members of the committee. Great to be with you all.

I want to take up two rules in particular and first want to say thank you for allowing me to testify today, for giving all of us Members a chance to offer our suggestions on the rules.

I come to address an issue that is critical to our ability as Members of Congress to fulfill our legislative and oversight responsibilities effectively: Ensuring Members of Congress who have national security duties are provided staff who can support them in their work.

As someone who is a senior member of the House Foreign Affairs Committee, I have served since I came in in January of 2013, and also the Intelligence Committee, I have been there between 8 and 8½ years—I know that staff's access to classified material is not just a convenience. It is essential.

It enables our staff to support us as we review legislation, meet our oversight responsibilities, receive detailed briefings from executive branch officials, and visit various facilities, like military bases in our district.

Currently, Members may designate up to two personal office staff as eligible for top secret security clearances, following a background investigation. While a top secret clearance is helpful, it is insufficient for the needs of modern-day oversight over national security agencies.

These staff members remain ineligible for access to Sensitive Compartmented Information, or what is known as SCI, which limits their effectiveness in assisting us with our national security responsibilities.

The limitation on SCI access is increasingly challenging. As you know, information designated as SCI typically means that it relates to sensitive intelligence sources, methods, or analytical processes.

Over the past several decades, the executive branch has overseen an unprecedented expansion in the volume of SCI content and classified information. We also see the phenomenon of, quote/unquote, "overclassification," where agencies assign higher classification levels than required.

In the words of the Director of National Intelligence, or DNI, quote, "Overclassification undermines critical democratic objectives, such as increasing transparency to promote an informed citizenry and greater accountability."

This, combined with the fact that thousands of executive branch employees hold TS/SCI clearances means that a standard top secret clearance no longer lives up to its name.

Three years ago, the United States Senate recognized the same problem and made a change. Today, Senators can designate a member of their personal office, a member of their staff, to hold a Top Secret/SCI clearance. In the House, access to such information is restricted to a handful of leadership and committee staff.

So just to give the concrete example of what is going on, the members that sit on the committee are not allowed to have any staff member from their staff, their personal office, join them at any of the meetings in the SCIF, which undermines our ability to do our work.

When a Senator visits a sensitive facility on a military base in their State or attends a classified briefing here in Washington, they can bring a member of their staff to assist in their duties. When a Member of the House of Representatives does the same, we cannot.

To emphasize, the House of Representatives is at a disadvantage in comparison to the Senate when it comes to conducting oversight over U.S. national security.

To address these challenges, the House of Representatives should request that the House direct the Sergeant at Arms to update the House Security Manual to better reflect the realities of today's national security environment and allow at least one personal office staff member as eligible for a top secret/SCI clearance, contingent on a favorable background check investigation, just as the Senate has already done. So, again, the United States Senate made this change 2 years ago.

I want to emphasize that this would be a narrow change, consistent with current practice. Staff would still not gain access to classified information unless they demonstrate a need to know. In fact, even within the committee staff, there are times when compartmented information is being discussed that some committee staff will be in the room and others will not.

It would not, on its own, grant classified network access or permit the storage or transmission of classified information except where explicitly authorized by the House or relevant committees.

In addition, the adjudication process is the same for a top secret and top secret/SCI clearance, so the overall volume of requests would not increase and there wouldn't be any additional costs.

If a cleared individual divulges classified information without authorization, because I know that leaks are a concern, they would be subject to criminal prosecution, as currently law and House policy provides.

In closing, Members of Congress have a solemn duty to provide for the common defense and to conduct effective oversight of the executive branch. But to do so, we need appropriately cleared staff to support our efforts. If not, the way it currently exists, I believe that there is a handicap for House Members that the Senate no longer has.

The current policies encumber our ability to fulfill these responsibilities, and in some cases, they render it nearly impossible.

The second issue I would like to take up is one that we all deal with and all face in our own districts and our own work, and that would be to allow volunteers to support congressional events. The second issue I raise today concerns a policy regarding volunteers and the application of the House Gift Rule.

As Members of Congress, one of our core responsibilities is to support the needs of the communities that we represent, including through town halls, where we solicit input from constituents, and events, where we advertise Federal resources to our constituents.

These events take time and money and the hard work of staff to organize successfully, and they are necessary to ensure that Members of Congress continue to serve our communities.

One constraint that Members face in organizing such events is in our ability to work with volunteers that may want to help and support these efforts. And this, again, runs afoul of the House Gift Rule. So that work, that volunteerism can't be accepted.

I request that this committee consider a change in the Gift Rule or revise the application and guidelines of that rule to allow for limited support from volunteers for congressional offices, particularly in the district. The kind of support I am envisioning includes helping check in guests or helping an event be set up or pulled down.

To prevent abuse, any such change would need to have limits, of course. That could include prohibiting any such support from lobbyists and corporations or requiring a process to notify the Committee on Ethics of any instances where volunteers may be used at a particular event.

This change, while minor, I think could significantly improve the ability of Members of Congress and our offices to serve our constituents and to do our work.

Thank you so much for your time and consideration on these rules, and I look forward to your questions if you have any.

The CHAIRMAN. The gentleman yields back. Thanks to the gentleman.

The chair recognizes the gentleman for his testimony.

**STATEMENT OF THE HON. RUDY YAKYM, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF INDIANA**

Mr. YAKYM. Thank you, Chairman Burgess and Ranking Member McGovern, for holding today's hearing on proposed Rules changes for the 119th Congress.

On behalf of Chairman Jodey Arrington and the Budget Committee, I am here to present several ideas for the Rules package for the 119th Congress that will ensure greater fiscal accountability and responsibility.

We recommend three changes to the Rules package for the next Congress. Our first recommendation relates to caps on budgetary outlays. It is no secret that our Nation's fiscal health continues to decline more and more each year.

Currently, there is no enforcement mechanism in the House of Representatives when an appropriations bill or an amendment exceeds the acceptable 302(b) suballocation of outlays.

To fix this problem, the House should implement a rule that caps outlays in appropriations measures. This would enhance the trans-

parency and integrity of the appropriations process and ensure sustainable fiscal controls.

Under current law, the Senate has an enforcement mechanism for an appropriations bill or amendment that exceeds the acceptable 302(b) suballocation of outlays.

Our next suggestion has to do with the emergency spending designations. As you know, emergency designations are exempt from fiscal constraints, including requirements to offset spending. Circumventing spending caps distorts our true fiscal condition and reduces the much-needed transparency and accountability that we owe taxpayers.

Since 1991, Congress has enacted more than \$4 trillion in emergency designated discretionary spending. This constant practice of designating non-emergencies as emergency spending has undermined the original intent of the designation and led to reckless spending.

For example, nearly 4 years ago, Congress passed and President Biden signed into law the Infrastructure Investment and Jobs Act. All \$415 billion of its outlays were designated as an emergency, including \$66 billion for Amtrak. This influx of funding came a year after Amtrak received \$1 billion for true emergencies—pandemic-related problems such as, quote, “to avert further job losses and cuts to essential services.”

The \$66 billion Amtrak requested a year later received an emergency designation but was allocated for entirely foreseeable and longstanding items on Amtrak’s wish list, including \$13 billion in funds that will not even be spent until fiscal years 2030 and 2031.

Some examples include replacing Amtrak’s fleet of railcars and locomotives with, quote, “comfortable state-of-the-art equipment” and various other backlogged projects. However worthy, none of these meet the statutory definition of “emergency.”

IIJA was not responding to an emergency, so its funding should not have been treated as such.

We recommend that the House should consider a reform that would require Members who want to attach the, quote, “emergency” designation, to proposed spending to submit a written justification explaining how: number one, the funding meets the narrow criteria in the law to prevent, mitigate, or respond to, quote, “loss of life or property or threat to national security. . .”; and, number two, the situation is, quote, “unanticipated” by describing how it is, quote, “sudden, urgent, unforeseen, and temporary.”

We believe requiring an emergency spending justification would better inform members and limit using funds for non-emergency purposes.

Lastly, we should consider ways that eliminate the use of illusory savings in appropriations measures. Specifically, a “CHIMP,” or “Change in Mandatory Spending Program” occurs when an appropriations bill reduces mandatory budget authority for a program, then uses those, quote/unquote, “savings” to offset new discretionary spending.

Shifting taxpayer dollars to the discretionary side of the budget allows Congress to increase discretionary spending without technically breaking any applicable cap on spending. However, not all

CHIMPs are created equal. Some legitimately reduce long-term spending while others do not.

A, quote, “bad CHIMP” may reduce spending but only temporarily, and eventually lead to higher spending.

As a result, these provisions mislead lawmakers and taxpayers by creating the appearance of budgetary savings even as debt grows. Such provisions undermine the integrity of the budget process, encourage lawmakers to use illusory savings to justify increases in spending, and distort the full extent of our nation’s fiscal condition.

According to the Economic Policy Innovation Center (EPIC), President Biden’s Fiscal Year 2025 budget request included \$41.5 billion in total CHIMPs, which included provisions related to the Crimes Victims Fund and the Children’s Health Insurance Program among others.

So-called “bad CHIMPs” cut funding that would not have been spent anyway, so not only—and do so only on a temporary basis. Quote, “The offsets only appeared to exist on paper”, EPIC notes, “but the spending continues.”

The House should consider implementing a rule that would no longer reward bad behavior and ensure that new spending adheres to applicable spending caps and results in genuine—not illusory—savings.

Thank you again for holding today’s hearing to solicit input on proposed Rules changes for the 119th Congress. The ideas from the Budget Committee outlined in this testimony will help ensure that we are better stewards of taxpayer dollars and promote greater transparency and accountability in the budget and appropriations process.

Thank you again. And I yield back the balance of my time.
[The statement of Mr. Yakym follows:]

The Honorable Rudy Yakym (IN-02)

Testimony

Rules Committee Hearing, "Member Day Hearing on Proposed Rules Changes for the 119th Congress"

September 19, 2024

Chairman Burgess and Ranking Member McGovern, thank you for holding today's hearing on proposed rules changes for the 119th Congress. On behalf of Chairman Arrington and the Budget Committee, I am here to present several ideas for the Rules package for the 119th Congress that will ensure greater fiscal accountability and responsibility. We recommend three changes to the Rules package for next Congress.

Our first recommendation relates to caps on budgetary outlays. It is no secret that our nation's fiscal health continues to decline more and more each year. Currently, there is no enforcement mechanism in the House of Representatives when an appropriations bill or amendment exceeds the applicable 302(b) suballocation of outlays.

To fix this problem, the House should implement a rule that caps outlays in appropriations measures. This would enhance the transparency and integrity of the appropriations process and ensure sustainable fiscal controls. Under current law, the Senate has an enforcement mechanism for an appropriations bill or amendment that exceeds the applicable 302(b) suballocation of outlays.¹

Our next suggestion has to do with emergency spending designations. As you know, emergency designations are exempt from fiscal constraints, including requirements to offset spending. Circumventing spending caps distorts our true fiscal condition and reduces the much-needed transparency and accountability that we owe taxpayers.

Since 1991, Congress has enacted more than \$4 trillion in emergency designated, discretionary spending. This constant practice of designating non-emergencies as emergency spending has undermined the original intent of the designation and led to reckless spending.

For example, nearly four years ago, Congress passed and President Biden signed into law the Infrastructure Investment and Jobs Act. All \$415 billion of its outlays were designated as an emergency, including \$66 billion for Amtrak. This influx of funding came a year after Amtrak received \$1 billion for true emergencies – pandemic-related problems such as “to avert further job losses and cuts to essential...services.”

The \$66 billion Amtrak requested a year later received an emergency designation but was allocated for entirely foreseeable and longstanding items on Amtrak's wish list, including \$13 billion in funds that will not even be spent until fiscal years 2030 and 2031. Some examples include replacing Amtrak's fleet of railcars and locomotives with “comfortable, state-of-the-art” equipment, and various other backlogged projects. However, worthy, none of these meet the statutory definition of “emergency”.

IIJA was not responding to an emergency, so its funding should not have been treated as such. We recommend that the House should consider a reform that would require Members who want to attach the “emergency” designation to proposed spending to submit a written justification explaining how:

¹ 2 U.S.C. 633(f)(2)

- (1) The funding meets the narrow criteria in law to prevent, mitigate, or respond to “loss of life or property, or a threat to national security...,” and
- (2) The situation is “unanticipated,” by describing how it is “sudden, urgent, unforeseen, and temporary.”

We believe requiring an emergency spending justification would better inform members and limit using funds for non-emergency purposes.

Lastly, we should consider ways that eliminate the use of illusory savings in appropriations measures. Specifically, a “CHIMP” or “Change in Mandatory Programs” occurs when an appropriations bill reduces mandatory budget authority for a program and then uses those “savings” to offset new discretionary spending.

Shifting taxpayer dollars to the discretionary side of the budget allows Congress to increase discretionary spending without technically breaking any applicable cap on spending. However, not all CHIMPs are created equal. Some legitimately reduce long-term spending, others do not.

A “bad CHIMP” may reduce spending, but only temporarily, and eventually lead to higher spending. As a result, these provisions mislead lawmakers and taxpayers by creating the appearance of budgetary savings even as the debt grows. Such provisions undermine the integrity of the budget process, encourage lawmakers to use these illusory savings to justify increases in spending, and distort the full extent of our nation’s fiscal condition.

According to the Economic Policy Innovation Center, President Biden’s FY25 budget request included \$41.5 billion total in CHIMPs, which included provisions related to the Crime Victims Fund and the Children’s Health Insurance Program among others.² So called “bad CHIMPs” cut funding that would not have been spent anyway and do so only on a temporary basis. “The offsets only exist on paper,” EPIC notes, “but the spending continues.”³

The House should consider implementing a rule that would no longer reward bad behavior and ensure that new spending adheres to applicable spending caps and results in genuine – not illusory – savings.

Thank you again for holding today’s hearing to solicit input on proposed rules changes for the 119th Congress. The ideas from the Budget Committee outlined in this testimony will help ensure we are better stewards of taxpayer dollars and promote greater transparency and accountability in the budget and appropriations process.

I yield back the balance of my time.

² “EPIC Explainer: FY 2025 Discretionary Toplines,” June 5, 2024, <https://epicforamerica.org/wp-content/uploads/2024/06/EPIC-Explains-FY-2025-Appropriations-Toplines.pdf>.

³ Ibid.

The CHAIRMAN. The gentleman yields back. The chair thanks the gentleman.

I thank both of you for your thoughtful and thought-provoking testimony.

Mr. Yakym, I'm mindful of the fact that I am also missing a budget hearing currently to chair this meeting. But let me ask you, as far as the Budget Committee is concerned, doesn't the Budget Committee already have jurisdiction over defining emergency situations?

Mr. YAKYM. We do. But we also believe that having this fully baked into the Rules would be an additional layer of accountability and enforceability.

The CHAIRMAN. Is there additional legislation that needs to come through the Budget Committee, though, in this regard?

Mr. YAKYM. We may be introducing additional legislation on this matter, but we think having a hard and fast rule baked into the House Rules going into next year would certainly be in the best interest of not only our House but also the broader country as well.

The CHAIRMAN. Well, it certainly begs credibility that you would pass something as an emergency that is not going to be spent for another 8 years, so I understand your anxiety there.

Again, I want to thank you for your testimony.

I will go to the ranking member for his questions.

Mr. McGOVERN. I want to thank you both for your suggestions. They certainly deserve consideration.

And Mr. Castro, on the issue that you brought up initially, you know, as someone who has worked on issues over the years that require access to the SCI information, I certainly understand the importance of ensuring Congress has the capacity to analyze this information.

If I recall, when we took over a while ago, this issue was brought up. I think we kind of looked into it. I think there are some complications, but we ought to stay in touch and figure out—

Mr. CASTRO. Yeah. I hope you all will take a fresh look, Ranking Member.

Mr. McGOVERN. Yeah.

Mr. CASTRO. Obviously, it makes it harder to do our work as Members. Remember, the only time we can view these materials is by going to the SCIF.

Mr. McGOVERN. Yeah.

Mr. CASTRO. So you have got all of these people with busy schedules who are supposed to be performing oversight, no personal staff help, so we are with all relying on committee staff. And the committee staff does an incredible job. They work very hard. But, I mean, as you know, these are—the material that we are dealing with, it is some of the highest stakes in this building.

Mr. McGOVERN. Right.

Mr. CASTRO. And I just think it is a liability at this point not to have somebody there to be helpful.

Mr. McGOVERN. Mr. Chairman, I want to ask unanimous consent to insert into the record the following statements from Representative Debbie Wasserman Schultz writing in support of remote voting for new parents; Representative Mullin writing in support of codifying House digital services as the Office of Digital Services; adjust-

ing staff pay for inflation, and piloting floor schedule improvements to reduce the number of travel days and improve productivity; Representative Mike Levin writing in support of placing the Transition Assistance Program under the primary jurisdiction of the Veterans Affairs Committee; and Ranking Member Takano writing to urge us to establish a House office for science and technology.

The CHAIRMAN. Without objection, so ordered. All of those will be entered into the record.

**Rep. Debbie Wasserman Schultz
Proxy/Remote Voting for New Parents**

Chairman Burgess, Ranking Member McGovern, and Members of the House Committee on Rules:

Thank you for hosting this Member's Hearing on potential rule changes for the 119th Congress.

Regardless of who controls the House in the next Congress, it is imperative that we work together in a bipartisan way to advance common sense rule changes that make the House more accessible, transparent, and fair.

One area where the House urgently needs to catch up, especially compared to the private sector and the rest of the public sector, is in providing support for Members who are new parents.

Whether mothers or fathers, the first child or the birth of any child, parents need time with their newborn babies at home, and their constituents need to have their voices heard during that timeframe.

We know that we can accomplish this from our time utilizing proxy voting during the COVID-19 pandemic and there are numerous international examples where new parents can spend a brief time at home while still voting in committees and on the House floor.

In fact, in the British Parliament, Members can take new parent leave and FMLA leave for a range of life events. They manage this with much shorter vote times, a much more complicated vote process, and about 120 more members than here in our House.

In the U.S. private sector, new parents receive anywhere from 6 to 12 weeks of parental leave, with an average of 10 to 12 weeks, depending on the region of the country where they reside and work. The rest of our federal government colleagues, and what most of us offer our staff is 12 weeks of leave. Giving Members the ability to vote remotely while prioritizing their recovery, bonding, and adjusting to their new lives is *not a nice-to-do; it is a must-do* and something well within our capabilities.

While we will defer to the committee, House Clerk staff, and rules/procedures experts on how to best implement a system to accept proxy votes in the House and in committees, there are three factors that we believe should be included:

1. the provisions of the rule should apply to new moms and dads in the House;
2. the period covered should be no shorter than six weeks;
3. the covered period should also take into account the time when a pregnant mother would be unable to travel, under a doctor's guidance, to protect the health of the mother and baby.

Providing parents six weeks off is the bare minimum that we can do to allow new parents time to adjust and recover, and it is the bare minimum we can do to ensure that Members are able to represent their constituents while growing their families.

In addition to allowing new parents up to 6-weeks of proxy voting, I would ask that the committee and the House Administration Committee also consider the needed changes to enable new parents or members who are not able to be in the Capital region for periods of time to continue to claim rental compensation – since even if members are not able to attend votes in D.C., they are still responsible for paying for their second accommodation in the Capital region, in addition to their residence in their respective districts.

We need more people to want to and be able to serve in the House, whether that be people from different economic situations, younger people, people with young families, and people of different educational/work backgrounds, to name a few. This could be a step in the right direction to ensure that more people can serve and feel comfortable serving while looking to start or grow their families.

I thank you all for your service to the House as you review rule changes that will make the House a better institution.

Proposed Rules Changes for the 119th Congress
Rep. Kevin Mullin

1. Codify the House Digital Service

The House Digital Service (HDS) is a small team within the Office of the Chief Administrative Officer. HDS grew out of a pilot program with an aim to improve congressional operations and modernize House IT through the development of custom software products. In areas in which it has worked, HDS products have revolutionized aspects of the member and staffer experience. However, HDS is currently limited in scope and mandate; it lacks a dedicated budget and clear authority to be able to work with other institutional offices.

Proposal: Establish the House Digital Service as an office (i.e., Office of Digital Services) with its own congressionally-directed mandate, hiring authority, and appropriations line item. This would be similar to the establishment of the Office of Congressional Ethics, Office of the Whistleblower Ombuds, and the former Office of Diversity and Inclusion.

2. Adjust Staff Pay for Inflation

As the former House Committee on the Modernization of Congress put it: “[C]ongressional staff salaries have not kept up with inflation. Since 2001, the chief of staff position is the only staff position in member offices that has experienced salary growth in real dollars.”

Proposal: Direct the Chief Administrative Officer to add an annual cost of living adjustment to the calculation of the staff salary portion of the MRA. The language could also direct the Speaker to adjust compensation levels based on their existing statutory authority.

3. Pilot Floor Schedule Improvements

Members of Congress spend more than 90 days per year just doing district-D.C. travel. This inhibits the development of deeper member-to-member relationships, more productive legislative work periods, and the ability of members to better learn the institution. Having fewer travel days would also reduce member exhaustion.

Proposal: Require the Majority Leader to pilot work periods whereby, over a 14 day period, members would be expected to spend seven consecutive days in D.C. followed by seven consecutive days in district. (This would be in contrast to work periods that, e.g., start with two days in district, then four days in D.C., then three days in district, then four days in D.C., then finish back in the district.) The Leader could be required to establish such work periods – or a variation – at least once per quarter for at least the 1st Session of the 119th Congress (i.e., to try it for a year). This would reduce the number of travel days and help members balance home and work life. This could also improve bipartisan relationship building and encourage more productive legislating.

Ranking Member Mike Levin: Rule change proposal for Primary Jurisdiction of Transition Assistance Program (TAP) from HASC to HVAC

During the transition from service member to veteran, military members deal with the stress of multiple life changes to their employment, housing, support structures, and identity occurring all at once. Several recent studies have highlighted that a difficult transition can spiral into a crisis for veteran and the risk of a veteran dying by suicide is significantly elevated during the first year of separation from the military. If Congress wants to address this early before the point of crisis, like all of us so often say that we do, we must ensure that the Services, the VA, and the Department of Labor – who our committee regularly meets with - have the proper programs in place and that we here in Congress are doing constant and rigorous oversight.

Rule 10 within the Rules of the House of Representatives lays out which Committees should be doing that oversight. Under Rule 10(c)(10), the Committee on Armed Services has primary jurisdiction over the “pay, promotion, retirement, and other benefits and privileges of members of the armed forces.” However, Rule 10(s)(6) directs the Committee on Veterans’ Affairs to have primary jurisdiction over the “readjustment of service-members to civil life.” While Armed Services has jurisdiction over the service member themselves, the VA Committee has responsibility over their transition, leaving an overlap that has caused progress on service member transition legislation to slow to a crawl, which is why I have come before you today.

Presently, due to the overlap in Rule 10, the Parliamentarian refers any transition related legislation that falls under Title 10 to HASC, meaning that any changes to Transition policy are subject to the yearly NDAA cycle. Understandably, the Transition Assistance Program is not a priority for the Department of Defense or the Armed Services Committee; they must prioritize fighting and winning our nation’s wars, which can be in conflict with prioritizing service members’ transition needs. But, a proper transition is critical to almost everything we do in the Veterans Affairs Committee.

I ask that the Veterans Affairs Committee assume primary jurisdiction over Transition policy, even under Title 10. This change is necessary to establish better oversight and continuity in the legislative process. The VA Committee has been at the forefront of transition policy research and reform for the past five Congresses and will continue these efforts going forward. Committee Members and staff have dedicated substantial time to meeting with Military and Veteran Service Organizations, traveling to military installations around the world, and conducting hearings and roundtables to identify ways to improve the existing transition process. My Subcommittee is the nexus that ties the Services, the VA, DoL VETS, and SBA together.

Transferring jurisdiction to the Veterans Affairs Committee, with secondary referral support from Armed Services, will facilitate the independent advancement of transition legislation, eliminating the need to wait for the yearly NDAA cycle. Entrusting the VA Committee with transition oversight will simplify and expedite legislative efforts to support transitioning service members and addressing veteran mental health crises. Failures in service members’ transition fall on the VA; HVAC should have the primary role in the oversight of that mission.

That is why I ask that the Rules Committee modify Rule 10 to shift primary jurisdiction of service member transition in Title 10 to the Committee on Veterans' Affairs. Thank you for your time and I yield back.

**House Committee on Rules
Member Day
Prepared Remarks for Representative Mark Takano (CA-39)
September 19, 2024**

Chairman Burgess, Ranking Member McGovern, and Members of the Committee on Rules, thank you for the opportunity to submit this written testimony. I applaud your leadership and dedication to formulate a rules package that reflects the current operational and institutional needs of the House of Representatives. In that spirit, I urge the Rules Committee to establish a House Office for Science and Technology in the rules package for the upcoming 119th Congress to ensure that the House of Representatives has access to the resources necessary to respond to the latest advancements in science and technology.

It is more important now than ever that Congress has access to robust science and technology resources. The American public has watched as Congress has struggled to find the right path forward on emerging technologies including artificial intelligence, quantum computing, and autonomous vehicles, and the rapid pace of technological innovation is only increasing. A House Office of Science and Technology will help the House of Representatives respond to technological innovation with targeted and thoughtful policy.

As you all know, there was once an office that provided Congress with relevant, unbiased technical and scientific assessments for more than two decades – the Office of Technology Assessment (OTA). Unfortunately, OTA was defunded in 1995, stripping Congress of a valuable resource that understood both emerging technologies as well as the intricacies of the legislative process and the needs of policy makers. In the nearly thirty years without OTA, the need for comprehensive science and technology resources for Congress has only grown. Members have consistently pushed for increases to science and technology resources through

annual efforts to restore funding to OTA, legislative proposals to modernize the underlying authorization of OTA, as well as multiple bipartisan recommendations to strengthen Congress's science and technology support through the Select Committee on Modernization during the 116th and 117th Congress.

To better understand the need for increased science and technology support, in 2018, Congress directed the Congressional Research Service (CRS) to contract with the National Academy of Public Administration (NAPA) to conduct a review of the resources regarding science and technology policy within the Legislative Branch. The subsequent report, "Science and Technology Policy Assessment: A Congressional Directed Review," was published in October 2019 and found glaring gaps in congressional support for science and technology networking, consultative services, short-to-medium-term reporting, and horizon scanning. Since the findings of the report were published, Congress has directed additional appropriations to CRS and the Government Accountability Office (GAO) to increase the depth and breadth of these support agencies' capacity for policy analysis on science and technology issues. While it appears there has been some progress since 2019, significant gaps continue to exist – particularly when it comes to networking support. There is currently no office or support agency that meets the networking support needs identified in the 2019 NAPA report. My proposal, the House Office of Science and Technology, specifically addresses this gap for the House of Representatives.

This office, to be led by a Chief Science and Technology Advisor, would serve as a nonpartisan office, advisor, and concierge to connect Members of Congress, committees, leadership, and our staffs with expert science and technology resources both internally and externally. These resources would improve access to the expertise available at CRS and GAO and further expand such expertise to the executive branch, academia, and the private sector. This

office would further work to improve coordination between government entities to reduce duplication. Additionally, this office would be directed to host a series of nonpartisan briefings on relevant science and technology issues – bringing together Members, staff, and outside experts to improve Congressional knowledge on science and technology and build relationships between Members and staff of the House with these leading experts. My proposal sets these deliverables as guiding principles for the office and directs the Committee on House Administration and Committee on Science, Space, and Technology to oversee the specifics of the office, including the total number of staff and general office operation. The creation of this office will ensure that the House of Representatives has access to leading science and technology experts from across the country without having to rely consistently on personal connections or individual research and outreach.

I am particularly proud this proposal has been endorsed by both the Foundation for American Innovation and the American Governance Institute, reflecting bipartisan agreement that more must be done to bolster Congress's science and technology capabilities. I thank both organizations for their endorsement and for their dedication to improving how Congress works for the American people.

I would also like to thank my colleague, Rep. Bill Foster, Congress's only PhD physicist, for his cosponsorship of this proposal and for his leadership and partnership in efforts to improve Congress's ability to effectively respond to the rapid innovation of science and technology.

Chairman Burgess, Ranking Member McGovern, and Members of the Committee, thank you for your time and leadership. Although I would much prefer an office that provides robust, unbiased science and technology expertise to both the House of Representatives and the Senate as OTA once did, we can no longer afford to wait. My proposed change to the House rules will

allow at least one chamber to benefit from increased access to science and technology resources and ensure that the House is not left behind while efforts to restore and modernize OTA continue. This office will allow the House of Representatives to improve our legislative capability beginning next Congress, but a more comprehensive, bicameral office is essential for the long-term. I look forward to working with you all to ensure that the House of Representatives, and Congress as a whole, has the resources necessary to respond to the latest advancements in science and technology.

Mr. McGOVERN. I yield back.

The CHAIRMAN. And recognize the gentlelady from Minnesota for questions.

Mrs. FISCHBACH. I have none.

The CHAIRMAN. The gentlelady has no questions.

The gentleman from South Carolina.

Mr. NORMAN. No.

The CHAIRMAN. No questions.

Seeing no other members wishing to ask questions of this panel,
I—

Mr. CASTRO. Chairman, can I enter just a letter into the record on the first issue I presented on?

The CHAIRMAN. On—

Mr. CASTRO. Just enter this letter into the record?

The CHAIRMAN. And the letter?

Mr. CASTRO. Yeah, it is a letter that was signed by many Members of Congress in support of the first issue that I described allowing for personal staff from members of certain committees who sit on the Intelligence Committee.

The CHAIRMAN. Without objection, so ordered.

Congress of the United States
Washington, DC 20515

March 11, 2024

The Honorable Mike Johnson
Speaker of the House of Representatives
H-232, The Capitol
Washington, DC 20515

Dear Speaker Johnson,

We write to request your help in improving the ability of Members of Congress to fulfill their legislative and oversight responsibilities by updating the House of Representatives' decades-old policy regarding the provision of security clearances to select congressional staff.

Today, House policy permits up to two personal office staff of select Members to obtain a Top-Secret clearance following a favorable background investigation. Personal office staff and shared staff are, however, ineligible for access to Sensitive Compartmented Information (SCI) as a matter of House policy. Unprecedented growth in SCI content created by the Executive Branch combined with the significant expansion of SCI facilities over the last several decades has rendered staff "Top Secret" clearances of limited use in supporting Members in conducting their official duties.

Members of Congress with national security oversight responsibilities require a reasonable and commensurate level of staff classified access to inform legislative action, conduct research, assist Members with oversight responsibilities, and to meet with and receive briefings from Executive Branch representatives in Washington D.C. and while conducting official staff travel. Current House security policy prevents Members of the House from fulfilling their Constitutional responsibilities and must evolve to match the function of the modern Executive Branch.

We note that the United States Senate reached this same conclusion two years ago and now permits individual Senators to designate a member of their personal office staff as eligible to hold a Top Secret//Sensitive Compartmented Information (TS//SCI) security clearance. Without a change in House policy, members of the House of Representatives will be disadvantaged when compared to members of the Senate in exercising oversight over the United States' national security policy.

For these reasons, we request a change to House policy permitting Members of relevant national security committees, to include the House Committee on Armed Services, House Committee on Foreign Affairs, the House Permanent Select Committee on Intelligence, and the Defense, State and Foreign Operations, and Energy and Water subcommittees of the House Committee on Appropriations to designate at least one member of their personal staff as eligible to hold a Top Secret//Sensitive Compartmented Information (TS//SCI) security clearance following a favorable background investigation.

In keeping with current House policy, we note that this narrow expansion of SCI eligibility would not provide classified network access, permit the retention, transmission, or storage of classified

information, or extend to special access programs unless otherwise authorized by the House or a relevant Committee. Furthermore, all House national security committees of jurisdiction should continue to determine “need to know” and access policy for classified committee hearings and briefings, as consistent with current practice.

Members of Congress have a duty to provide for the common defense and conduct appropriate oversight of the Executive Branch. However, without appropriately cleared staff to inform these efforts, Members’ ability to perform these duties is unduly encumbered and, in some cases, rendered all but impossible.

The updating of these policies and procedures does not require the passage of a law or resolution. Rather, a letter from your office directing the Sergeant at Arms to update the House Security Manual would suffice. We urge you to modernize House security policy without delay.

Sincerely,



Don Bacon
Member of Congress



Sara Jacobs
Member of Congress



French Hill
Member of Congress



Joaquin Castro
Member of Congress



Elise M. Stefanik
Member of Congress



Ted W. Lieu
Member of Congress



Brad R. Wenstrup, D.P.M.
Member of Congress



Raja Krishnamoorthi
Member of Congress



Joe Wilson
Member of Congress



Dean Phillips
Member of Congress



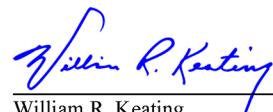
Mario Diaz-Balart
Member of Congress



Barbara Lee
Member of Congress



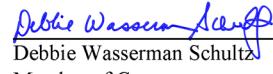
Robert J. Wittman
Member of Congress



William R. Keating
Member of Congress



Charles J. "Chuck"
Fleischmann
Member of Congress



Debbie Wasserman Schultz
Member of Congress



Maria Elvira Salazar
Member of Congress



Ami Bera, M.D.
Member of Congress



Michael Waltz
Member of Congress



John Garamendi
Member of Congress



Brian J. Mast
Member of Congress



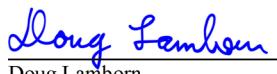
Jason Crow
Member of Congress



Andy Barr
Member of Congress



Susan Wild
Member of Congress



Doug Lamborn
Member of Congress



Seth Moulton
Member of Congress



Jack Bergman
Member of Congress



Ro Khanna
Member of Congress



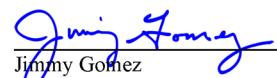
Dan Crenshaw
Member of Congress



Chrissy Houlahan
Member of Congress



Tim Burchett
Member of Congress



Jimmy Gomez
Member of Congress



Mike Garcia
Member of Congress



Salud Carbajal
Member of Congress



Warren Davidson
Member of Congress



Mike Quigley
Member of Congress



Matt Gaetz
Member of Congress



Marc A. Veasey
Member of Congress



Mark Alford
Member of Congress



Veronica Escobar
Member of Congress



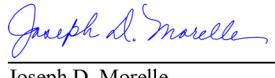
Brad Finstad
Member of Congress



Sydney Kamlager-Dove
Member of Congress



Carlos A. Gimenez
Member of Congress



Joseph D. Morelle
Member of Congress



Stephanie Bice
Member of Congress



Marilyn Strickland
Member of Congress



Lance Gooden
Member of Congress



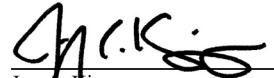
Jake LaTurner
Member of Congress



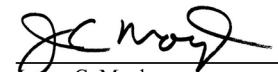
Cory Mills
Member of Congress



Rich McCormick, MD, MBA
Member of Congress



Jen Kiggans
Member of Congress



James C. Moylan
Member of Congress



Donald G. Davis
Member of Congress

cc:

The Honorable Hakeem Jeffries, Minority Leader of the House of Representatives

Mr. CASTRO. Thanks.

The CHAIRMAN. And, again, I want to thank the panel for their thoughtful presentation and the thoughtful responses to questions, and this panel is excused.

Prior to going to our next panel, I also want to—without objection, the written testimony of the following members will be included in the record: Mr. Issa, Mr. Edwards, Mr. D'Esposito.

Without objection, all of those members' statements will be inserted into the record.

Congress of the United States
Washington, DC 20510

September 16, 2024

The Honorable Mike Johnson
Speaker of the House
H-232, The Capitol
Washington, D.C. 20515

Dear Speaker Johnson,

We write to request your help in improving Members of Congress' ability to fulfill their legislative and oversight responsibilities by updating the House of Representatives' decades-old policy regarding the provision of security clearances to select congressional staff.

House policy permits up to two personal office staff of select Members to obtain a Top-Secret clearance following a favorable background investigation. Personal office staff and shared staff are, however, ineligible for access to Sensitive Compartmented Information (SCI) as a matter of House policy. Further, an office cannot exceed the two clearances, even if an incoming hire retains an active clearance that is otherwise eligible to be transferred.

First, on the SCI prohibition, unprecedented growth in SCI content created by the Executive Branch, combined with the significant expansion of SCI facilities over the last several decades, has rendered staff "Top Secret" clearances of limited utility in supporting Members in the conduct of their official duties.

Members of Congress with national security oversight responsibilities require a reasonable and commensurate level of staff with access to classified materials and briefings to inform legislative action, conduct research, assist Members with oversight responsibilities both in Washington, D.C. and abroad on official travel.

Current House security policy prevents Members of the House from fulfilling their Constitutional responsibilities and must evolve to match the function of the modern Executive Branch. We note that the United States Senate reached this same conclusion two years ago and now permits individual Senators to designate a member of their personal office staff as eligible to hold a Top Secret//Sensitive Compartmented Information (TS//SCI) security clearance. Without a change in House policy, Members of the House of Representatives will be disadvantaged when compared to Senators in exercising oversight over the United States' national security policy.

For these reasons, we request a change to House policy permitting Members of relevant national security committees and subcommittees, to include the House Committee on Armed Services, House Committee on Foreign Affairs, the House Permanent Select Committee on Intelligence, the House Judiciary Committee, and the defense and foreign operations subcommittees of the House Committee on Appropriations, to designate at least one member of their personal staff as eligible to hold a Top Secret//Sensitive Compartmented Information (TS//SCI) security clearance following a favorable background investigation.

In keeping with current House policy, we note that this narrow expansion of SCI eligibility would not provide classified network access, permit the retention, transmission, or storage of classified information, or extend to special access programs unless otherwise authorized by the House or a relevant Committee. Furthermore, all House relevant committees of jurisdiction should continue to determine “need to know” and access policy for classified committee hearings and briefings, as consistent with current practice.

Second, current House policy limits a Member to a maximum of two staff members with active clearances, with no more than one clearance application submission at any given time.

This policy prevents Member offices from hiring and retaining highly qualified, experienced candidates. For example, we are aware of instances in which new staff were forced to release their clearances upon hire because their new offices had already reached the maximum. Similarly, this policy restricts transfers of skilled employees from one office to another.

This is a value loss for the taxpayer, as a resource-intensive tool that has already been paid for and acquired, with the capability to enhance the essential work of Congress, is instead forgone.

Further, limiting offices to one clearance application at a time prolongs the duration in which an office may remain without full support capabilities at the onboarding of new Member of Congress and following departures of existing staff with clearances. This process would be more efficient if multiple applications per office could be considered simultaneously.

For these reasons, we request the security policy be updated to allow more than two clearances to be held at any given time and more than one application in process at a time to ensure continuity of essential policy support.

In closing, Members of Congress have a duty to provide for the common defense and conduct appropriate oversight of the Executive Branch. However, without appropriately cleared staff to inform these efforts, Members’ ability to perform these duties is unduly encumbered and, in some cases, rendered all but impossible. The updating of these policies and procedures does not require the passage of a law or resolution. Rather, a letter from your office directing the Sergeant at Arms to update the House Security Manual would suffice. We urge you to modernize House security policy without delay.

Sincerely,



Darrell Issa
Member of Congress



Sara Jacobs
Member of Congress

DARRELL ISSA
48TH DISTRICT, CALIFORNIA
COMMITTEE ON JUDICIARY
COMMITTEE ON FOREIGN AFFAIRS
COMMITTEE ON SCIENCE,
SPACE AND TECHNOLOGY

September 16, 2024

Congress of the United States
House of Representatives

Washington, DC 20515-0550

WASHINGTON OFFICE
2108 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5672

ESCONDIDO DISTRICT OFFICE
221 W. CREST ST. STE.110
ESCONDIDO, CA 92025
(760) 304-7575

TEMECULA DISTRICT OFFICE
41000 MAIN ST.
TEMECULA, CA 92590
(760) 304-7575

The Honorable Mike Johnson
Speaker, United States House of Representatives
H-232, The Capitol
Washington, D.C. 20515

Dear Speaker Johnson,

Thank you for your strong leadership during the 118th Congress. As you consider changes to the House Rules and other practices for the 119th Congress, I write with four proposals for your consideration.

First, I request a change to House policy regarding staff security clearances. Limiting personal offices to a maximum of two staff members with active clearances and a maximum of one application submission at a time prevents Member offices from hiring and retaining highly qualified candidates. Similarly, this policy restricts transfers of skilled employees from one office to another.

Further, processing one clearance application at a time prolongs the duration in which an office may remain without full cleared staff support capabilities. This is especially concerning for incoming Congressional members and following the departure of existing staff with clearances.

Second, I request the modernization of Members' identification cards to serve as a singular card for multiple required purposes. Currently, Members must carry several different devices – an identification card, voting card, and elevator card – to be used in the Capitol complex. A single card with the capability for all three tasks would be a more efficient practice to adopt.

Similarly, Congressional staff identification cards should be modernized, as well. Staff identifications cards already utilize integrated circuit chips to access critical Capitol locations including offices and parking lots. With network security concerns on the rise, employing this technology as a key to access the House network would protect secure information and systems. The Military implements similar card access technology to enter secure networks and view mission-critical files. Utilizing staff identification cards as a key to access the House network would enhance protection of sensitive materials.

Lastly, I request an adjustment to future legislation governing Workplace Rights and Responsibilities training. I understand that H. Res 435's directs Members, officers, and employees of the House of Representatives to complete annual trainings. Because the training's substance remains the same each year, I propose that new legislation dictate the training be completed once per Congress rather than on an annual calendar basis. Limiting this requirement to once per Congress would maintain the high standards of conduct expected within the House of Representatives while also optimizing resources.

Thank you for your consideration. I look forward to working together in the 119th Congress.

Sincerely,



Darrell Issa
Member of Congress

CC:

The Honorable Bryan Steil
Chairman, Committee on House Administration
1309 Longworth House Office Building
Washington D.C. 20515

The Honorable Michael Burgess
Chairman, Committee on House Rules
H-312, The Capitol
Washington, D.C. 20515

CHUCK EDWARDS
11TH DISTRICT, NORTH CAROLINA
WASHINGTON OFFICE
1505 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3311
(202) 225-6401

DISTRICT OFFICE
200 NORTH GROVE STREET, SUITE 121
HENDERSONVILLE, NC 28792
(828) 455-7310
FAX: (770) 200-3788



HOUSE COMMITTEE ON APPROPRIATIONS
FINANCIAL SERVICES AND GENERAL GOVERNMENT SUBCOMMITTEE
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES SUBCOMMITTEE
LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES SUBCOMMITTEE
STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS SUBCOMMITTEE
COMMITTEE ON BUDGET

Congress of the United States

House of Representatives

Washington, DC 20515-3311

September 18, 2024

The Honorable Michael C. Burgess
Chairman
House Committee on Rules
H-312, The Capitol
Washington, DC 20515

The Honorable Jim McGovern
Ranking Member
House Committee on Rules
H-152, The Capitol
Washington, DC 20515

Dear Chairman Burgess and Ranking Member McGovern,

We would like to share our gratitude for this opportunity to submit a statement for the record in place of verbal testimony to share our request to change Rule IV(2)(8), pertaining to the admittance of a Member's staff on the House Floor during legislative activity.

Admittance to the floor of the U.S. House of Representatives is a prestigious privilege that rightfully requires strict protocol to preserve the sanctity of the floor and any ongoing legislative activity; however, the current use and admittance protocols for the Hall of the House are impeding Member efficiency and confidence. We urge you to reconsider the rule that can prohibit a Member's staff from joining them on the House floor when presenting or debating legislation.

We believe that a single staff person allowed on the House floor would add value to a member's presentation. Equally important, however, is that our staff invest numerous hours in researching, writing, and preparing for legislative changes - they should be allowed the dignity and respect of participating in the near final steps to see their work come to fruition. We have observed that there is never a shortage of seating available if this rule is changed.

As the 118 Second Session House Rules are written, use and admittance for staff members are limited to the following circumstances provided under clause 2:

"(7) Staff of committees when business from their committee is under consideration, and staff of the respective party leaderships when so assigned with the approval of the Speaker.

(8) Not more than one person from the staff of a Member, Delegate, or Resident Commissioner when that Member, Delegate, or Resident Commissioner has an amendment under consideration (subject to clause 5)."

This Congress, there was an instance where staff were prohibited from joining their Member during debate of a bill that the Member had introduced and was the lead sponsor of. We believe it is imperative that we amend the House Rules to resolve any risk of a similar situation taking place in future Congresses.

On May 8, 2024, the Equal Representation Act was debated on the House floor. Rep. Edwards' was not permitted to lead debate of the bill, as he was no longer a member of the committee of jurisdiction – the Oversight Committee – because he had previously resigned from the committee after being appointed to the Appropriations Committee. Given this, he was not listed as the Republican party's leadership for debate and could not gain his staff access under clause (2)(7). Further, committee staff claimed to have no available committee spots that could be used for his staff under clause (2)(7), and because the Equal Representation Act was a bill and not an amendment, a staff member was not qualified to join him on the floor under clause (2)(8).

Committee staff serve as a great resource, but they have not always worked intimately with a member to craft a bill, gain cosponsors and endorsements, or move it through the House. A Member's office staff are best suited to consult with the member when it is needed during debate, and at least one staff member per a lead sponsor's office should never be forbidden from accessing the floor to assist their member.

We are requesting that Rule IV(2)(8) be amended to permit staff of a Member, Delegate, or Resident Commissioner be granted access when that Member, Delegate, or Resident Commissioner has an amendment or bill under consideration (subject to clause 5).

We would like to reiterate our appreciation for the opportunity to share our request for a change to the House Rules in the new Congress. We look forward to continuing our work together in the 119th Congress and are grateful for your consideration of our request. Please do not hesitate to let us know if you have any additional questions or concerns regarding this request.

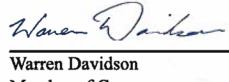
Sincerely,



Chuck Edwards
Member of Congress



Monica De La Cruz
Member of Congress



Warren Davidson
Member of Congress



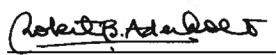
Mark Alford
Member of Congress



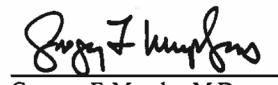
Mike Collins
Member of Congress



Russell Fry
Member of Congress



Robert B. Aderholt
Member of Congress



Gregory F. Murphy, M.D.
Member of Congress



Michael Waltz
Member of Congress

Good Morning,

Thank you, Chairman Burgess and Ranking Member McGovern, for having me testify today on proposed rule changes for the upcoming 119th Congress.

My proposed rule change would prevent expelled Members of the House of Representatives from accessing benefits and services normally available to former Members of Congress. Specifically, expelled members will be barred from retaining possession of a Member pin and access to the following: the House floor, athletic facilities and other facilities available for the use of Members, the House Members' Dining Room in the Capitol, parking, material from the House Document Room, short-term franking privileges, materials through the Congressional Research Service and the Library of Congress, and the use of the collections in the House Legislative Resource Center without borrowing privileges.

Current and Former Members of the House of Representatives are provided certain privileges as part of their service in elected office. These include access to the House Floor, campus parking, and access to

the Member's gym, among others. The House of Representatives reserves the right to expel any Member for any reason. When Members are expelled from the House, there is no rule preventing the expelled Member from accessing the benefits and privileges provided to current and former Members. I strongly believe that if Congress can expel a Member for misconduct and criminal activities then Congress should have the power to revoke the privileges of that individual. It is illogical to allow expelled members to have the same benefits as Members who uphold their constitutional duty and the integrity of the House of Representatives.

Members whose actions constitute the necessity to be expelled from Congress out not have affiliation with Congress, especially the benefits and services provided to current and former members. It is deplorable that an expelled Member of Congress attended the State of the Union simply because they still had their Member pin and floor access. It is also important to note that some of these privileges are funded by American taxpayers, which is unacceptable to allow expelled Members to reap the benefits provided by the American people. This is a

mockery of this institution and to American citizens. Congress must continue to hold Members accountable when they violate the Constitution, commit crimes, and infringe on America's public trust.

Members of the Committee, I urge you all to consider this proposed rule for the 119th Congress as it is significant to upholding the integrity of this institution.

Thank you again, Chairman Burgess and Ranking Member McGovern.

The CHAIRMAN. We will call up our next panel, Mr. Ogles.

Let me again remind you any materials that you wish to be made as part of the record will be done so. And you are now recognized to give us your summary of your prepared remarks.

STATEMENT OF THE HON. ANDREW OGLES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TENNESSEE

Mr. OGLES. Thank you, Dr. Burgess, Ranking Member.

Each of us has an obligation to the American people to make this historic institution work for them, and I know that we all share common commitment. When Republicans took the majority, we had a chance to fix how Washington works to make it work for everyone, and after the longest Speaker fight since before the Civil War, we developed a House rules package befitting the greatness of the people of our Nation. From sea to shining sea, to my home in Maury County, Tennessee, this rules package gave all Americans a greater voice into our legislative process.

Through the efforts of my colleagues and I, Republicans passed with near unanimous support the current rules package governing how the House does business, and the results speak for themselves. When I say 2026, I am not talking about the calendar year. I am talking about the number of Republican amendments that have been made in order since last January. And my colleagues and I have indicated from the very beginning having all viewpoints from across the Republican Conference represented in this legislative process provides greater input and diversity as we move forward for our respective districts.

The number of Republican amendments made in order since this last January is more than a total combined number of those amendments made in order from the 115th to the 117th Congress. With members having the ability to amend legislation, every House Republican has the opportunity to deliver on district-specific priorities, including those Republicans in congressional districts Joe Biden carried in 2020. For my own part, I have been able to get 59 amendments through the House. That matters enormously to my constituents back home. This outcome across the conference is unprecedented in terms of its level of success. It has yielded great results and has benefited Republicans from New York, to Middle Tennessee, to California.

Despite the numerous positive outcomes for Republicans and our constituents this Congress, I know there are plenty of well-meaning folks on our side who want to change House rules and move back to the previous status quo. However, I would argue that changes to the reforms adopted in this Congress' rules package would make it even harder to develop a consensus among Republicans in the new Congress.

For instance, aside from the second appropriations minibus this past March, House leadership has done a great job of adhering to the so-called 72-hour rule, giving members and their staff 72 hours, a real 72 hours, to review consequential legislation.

Legislation should continue to be focused on a single subject along with the comparative print. This ought to be the rule for the 119th Congress, and I would be surprised to hear any opposition

to this that isn't led by the Democrats. But if we changed it, we would start losing our own colleagues.

Another flash point this Congress has centered around the use of the Holman Rule. I recognize the concerns that some on this panel may have, including the potential unconstitutionality of reducing salaries to \$1. I would support a modified Holman rule which would address the minimum wage concern raised by folks in the conference. But otherwise, any amendment to either reduce the salary or expenses of an underperforming individual or office must be made in order to any appropriations bill.

Again, every single person in our conference, with the exception of one, voted in support of the Holman Rule in allowing individual members acting on behalf of their constituents to hold rogue and underperforming bureaucrats to account.

This Congress' rule package also includes permitting rank-and-file members to raise a question of the privileges of the House under clause 2(a) of rule IX. Insofar as most Republicans' applications of rule IX are concerned, from censures to voting on terminating national emergencies, if you are opposed to the underlying policy, members can simply vote against the things they don't support. Quite frankly, that is how this place is supposed to work. There is no good argument to deny rank-and-file members who would like the option of influencing the legislative debate.

The most significant implication of keeping clause 2(a) of rule IX the same is the motion to vacate. I personally want to make this point clear: I never have, I don't plan to, or have any desire to utilize the motion to vacate. And I am sure many of my colleagues would agree with that same sentiment.

However, if we attempt to change the parameters and circumstances under which a motion to vacate may be brought up, it would undoubtedly fracture the Republican Conference. We all agreed on the changes to clause 2(a) of rule IX as well as the one-person motion to vacate. Everybody who is a Republican serving today, aside from one person, agreed to that on the record. Again, attempts to change the threshold would invite more chaos.

Aside from keeping the rules package as it is currently constituted, I would like to propose a few ideas of my own, if I may. The first is incorporating a modified version of GOP Conference rule 29 into the rules of the House. Rule 29 says we can't consider any legislation under suspension of the rules if it fails to include a cost estimate or to which the cost estimate exceeds \$100 million. However, this rule has often been waived. Indeed it's been waived far too many times.

As a result, I would recommend the 119th Congress nullify the waiver completely when incorporating Conference rule 29 into House rules.

We should simultaneously also put an end to the bills that authorize appropriations in excess of \$100 million. If we want to get serious about spending—that should be a common objective among Republicans, by the way—we cannot just let bills authorizing hundreds of millions in spending pass on suspension by voice, and also argue that it won't affect direct spending. It is more than a little disingenuous, it misleads the American people, and if Congress

wants to consider massive spending legislation we ought to do so under a rule, not under suspension.

On the topic of suspensions, we also need to return back to the pre-Pelosi era norm of only considering suspension votes Monday through Wednesday. This was the norm of the House codified in clause 1 of rule XV. The ability to airdrop suspension votes at any time creates additional confusion, disruption, and incentivizes both parties to plan less effectively.

Another proposed change to the 118th rule package implicates amendments to appropriations legislation. It is nearly impossible to cut from one program to fund another. In other words, rank-and-file members are still unable to prioritize spending within an appropriations bill.

My recommendation directs the Congressional Budget Office to provide congressional offices with the outlay rate of any program requested within an appropriations bill. And if the ensuing amendment balances; in other words, if it doesn't affect the debt, the amendment must be made in order; that or commonsense increase/decrease amendments ought to be made in order. I am perfectly amenable to both.

In sum, I recommend the following: Keeping the 72-hour rule for reviewing legislation; securing the Holman Rule while addressing concerns with decreasing someone's salary, the minimum wage concern; preserving the right of any member to offer a question of the privileges of the House, and retaining the motion to vacate threshold as it is; abandoning closed rules; incorporating a modified Conference rule 29 into the House rules and eliminating existing waiver authority; reimposing the pre-Pelosi era rule that suspensions may be only considered Monday through Wednesday; directing the CBO to work with member offices to obtain outlay rates and making subsequent appropriation amendments in order; and otherwise maintaining the 118th rules package.

This rules package must be the floor not the ceiling for subsequent negotiation and debate. Again, 220 Republicans voted for it.

I thank you for this opportunity and the time that you have allowed me and your graciousness, sir. Thank you.

[The statement of Mr. Ogles follows:]

Rules Committee Member Day
H-313, the Capitol

9.19.2024
10 A.M.

Rep. Andy Ogles (TN-05)
Testimony for House Committee on Rules Member Day Hearing on Proposed
Rules Changes for the 119th Congress
September 19, 2024

Thank you, Dr. Burgess, Ranking Member.

Each of us has an obligation to the American people to make this historic institution work for them, and I know that we all share a common commitment.

When Republicans took the majority, we had a chance to fix how Washington works - to make it work for everyone. And after the longest speaker fight since before the Civil War, we developed a House Rules package befitting the greatness of the people of our nation - from sea to shining sea, to my home in Maury County, Tennessee, this rules package gave all Americans a greater voice into our legislative process.

Through the efforts of my colleagues and I, Republicans passed - with near unanimous support - the current rules package governing how the House does business, and the results speak for themselves. When I say 2026, I am not talking about the calendar year. I am talking about the number of Republican amendments that have been made in order since last January (2023). As my colleagues and I have indicated from the very beginning, having all viewpoints from across the Republican Conference represented in this legislative process provides greater input and diversity as we move forward for our respective districts.

The number of Republican amendments made in order since last January (2023) is more than the total combined number of those amendments made in order from the 115th through the 117th Congress. With Members having the ability to amend legislation, every House Republican has the opportunity to deliver on district-specific priorities, including those Republicans in congressional districts

Rules Committee Member Day
H-313, the Capitol

Joe Biden carried in 2020. For my own part, I have been able to get 59 amendments through the House. That matters enormously to my constituents back home.

This outcome - across the Conference - is unprecedented in terms of its level of success. It's yielded great results and has benefited Republicans from New York to Middle Tennessee to California.

Despite the numerous positive outcomes for Republicans - and our constituents - this Congress, I know there are plenty of well-meaning folks on our side who want to change House Rules and move back to the previous status quo. However, I would argue that changes to the reforms adopted in this Congress' rules package would make it even harder to develop a consensus among Republicans in the new Congress.

For instance, aside from the second appropriations minibus this past March, House leadership has done a great job of adhering to the so-called 72-hour rule - giving Members and their staff 72 hours, a real 72 hours, to review consequential legislation. Legislation should continue to be focused on a single subject along with the comparative print. This ought to be the rule for the 119th Congress, and I would be surprised to hear any opposition to this that isn't led by the Democrats. But if we changed it, we would start losing our own colleagues.

Another flashpoint this Congress has centered around the use of the Holman Rule. I recognize the concerns that some on this panel may have, including the potential unconstitutionality of reducing salaries to \$1. I would support a modified Holman Rule which would address the minimum wage concern raised by folks in the Conference, but otherwise, any amendment to either reduce the salary or expenses of an underperforming individual or office must be made in order to any appropriations bill. Again, every single person in our Conference, with the exception of one, voted in support of the Holman Rule in allowing individual Members - acting on behalf of their constituents - to hold rogue and underperforming bureaucrats to account.

Rules Committee Member Day
H-313, the Capitol

This Congress's rules package also includes permitting rank-and-file Members to raise a question of the privileges of the House under clause 2(a) of Rule IX. Insofar as most applications of Rule IX are concerned, from censures to voting on terminating national emergencies - if you're opposed to the underlying policy, Members can simply vote against the things they don't support. Quite frankly, that is how this place is supposed to work. There is no good argument to deny rank-and-file Members who would like the option of influencing the legislative debate.

The most significant implication of keeping clause 2(a) of Rule IX the same is the motion to vacate. I personally want to make this point clear: I never have, I don't plan to, or have any desire to utilize the motion to vacate. And I am sure many of my colleagues would agree with that same sentiment. However, if we attempt to change the parameters and circumstances under which a motion to vacate may be brought up, it would undoubtedly fracture the Republican Conference. We all agreed on the changes to clause 2(a) of Rule IX, as well as the one-person motion to vacate. Everybody who is a Republican serving today - aside from one person - agreed to that on the record. Again, attempts to change the threshold would invite more chaos.

Aside from keeping the rules package as it is currently constituted, I would like to propose a few ideas of my own, if I may. The first is incorporating a modified version of GOP Conference Rule 29 into the Rules of the House. Rule 29 says we can't consider any legislation under suspension of the Rules if it fails to include a cost estimate, or for which the cost estimate exceeds \$100 million. However, this Rule has often been waived - indeed, it has been waived far too many times. As a result, I would recommend that the 119th Congress nullify the waiver completely when incorporating Conference Rule 29 into House Rules.

We should simultaneously also put an end to the bills that *authorize* appropriations in excess of \$100 million. If we want to get serious about spending - that should be a common objective among Republicans, by the way - we cannot

Rules Committee Member Day
H-313, the Capitol

just let bills authorizing hundreds of millions in spending pass on suspension by voice, and also argue that it won't have an effect on direct spending. It is more than a little disingenuous, it misleads the American people, and if Congress wants to consider massive spending legislation, we ought to do so under a Rule - not under Suspension.

On the topic of Suspensions, we also need to return back to the pre-Pelosi era norm of only considering suspension votes Monday through Wednesday. This was the norm of the House, codified in Clause 1 of Rule XV (15). The ability to airdrop suspension votes at any time creates additional confusion, disruption, and incentivizes both parties to plan less effectively.

Another proposed change to the 118th Rules package implicates amendments to appropriations legislation. It is nearly impossible to cut from one program to fund another - in other words, rank-and-file Members are still unable to prioritize spending within an appropriations bill. My recommendation directs the Congressional Budget Office to provide Congressional offices with the outlay rate of any program requested within an appropriations bill, and if the ensuing amendment balances; in other words, if it doesn't affect the debt, the amendment must be made in order. That, or common-sense increase / decrease amendments ought to be made in order. I am perfectly amenable to both.

In sum, I recommend the following:

- Keeping the 72 hour Rule for reviewing legislation;
- Securing the Holman Rule while addressing concerns with decreasing someone's salary (the minimum wage concern);
- Preserving the right of any member to offer a question of the privileges of the House, and retaining the motion to vacate threshold as it is;
- Abandoning Closed Rules;
- Incorporating a modified Conference Rule 29 into the House Rules, and eliminating existing waiver authority;

Rules Committee Member Day
H-313, the Capitol

- Reimposing the pre-Pelosi era rule that Suspensions may only be considered Monday through Wednesday;
- Directing the CBO to work with Member offices to obtain outlay rates, and making subsequent appropriations amendments in order;
- And, otherwise, maintaining the 118th Rules package. This rules package must be the floor, not the ceiling, for subsequent negotiation and debate. Again, 220 Republicans voted for it.

I thank you for this opportunity and the time that you have allowed me and your graciousness, sir. Thank you.

The CHAIRMAN. The chair thanks the gentleman. The gentleman yields back.

The chair now recognizes the gentlelady from North Carolina, Chairman Foxx, Dr. Foxx.

STATEMENT OF THE HON. VIRGINIA FOXX, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Ms. FOXX. Thank you very much, Mr. Chairman and members. Thanks for hosting this member day and giving members the opportunity to speak before the committee.

As we all remember, the start of the 118th Congress was a turbulent time for this institution. While we worked diligently to elect a Speaker of the House, there was confusion about when Members-elect officially become Members of Congress bestowed with the powers of the office to perform their duties, such as receiving intelligence briefings and conducting oversight.

Legal scholars agree that Members-elect must take the oath of office to begin exercising the authorities of office. While the Speaker of the House is traditionally the one who administers the oath of office, the 20th Amendment to the Constitution states that the terms of Representatives shall begin on January 3 at noon. Therefore, it is the opinion of many that it is not a requirement for the Speaker to administer the oath of office, but rather the usual practice of the House.

Therefore, to prevent confusion in the event that future Congresses also have difficulty electing a Speaker, I believe it is wise to ensure that Members-elect become full-fledged Members of Congress on January 3 at noon. The best way to do that is to require Members-elect to submit signed oath of office cards to the House Clerk before noon on January 3. This ensures that at noon all Members-elect will be able to exercise the powers of office immediately. Members-elect already sign oath of office cards that are filed with the House Clerk, and counting these signed cards as the legal oath of office would reduce confusion and help this institution function better.

The Speaker of the House could still ask members to affirm their oaths of office in the Chamber publicly after his or her election as Speaker, but the removal of uncertainty about when the powers of office begin would strengthen this institution for future generations.

We owe it to our posterity to fix the problems of our time and leave these institutions stronger than when we arrived.

So that is my—I have introduced the bill to do that, and I think it would help us a great deal if we did it.

The CHAIRMAN. Again, I thank you both for bringing these to the committee.

Let me just ask you, Ms. Foxx, Dr. Foxx, the term of a departing Member of Congress, that would not extend beyond noon of January 3 even if the Speaker was not elected and the new Congress was not supporting it. I just want to make sure that I can make plans for after noon on January 3.

Ms. FOXX. Yeah, I think you would be released, Dr. Burgess, if that is what you wish.

The CHAIRMAN. I'm telling any day now I shall be released.

I will recognize the ranking member for his questions.

Mr. McGOVERN. Thank you.

And, Dr. Foxx, thank you for bringing this to our attention. I need to think about it a little bit. This is the first time I think anyone has brought this kind of amendment before us.

And, Mr. Ogles, I was listening to you, and I am looking at the summary that you submitted, and one of the things in the summary that you guys submitted was dialing back closed rules, prioritizing open or structured rules by keeping Mr. Massie, Mr. Roy, and Mr. Norman on the Rules Committee. And I love them all, but I may feel bad for Ms. Fischbach.

But the deal is, I guess what I find somewhat amusing is that you guys just broke the record of the most closed rules in history. We had 106 closed rules come out of this committee. And I am just doing a quick search. Mr. Massie voted for 93 of them; Mr. Norman voted for 94 of them; Mr. Roy voted for 91 of them. And you, Mr. Ogles, voted for 97 closed rules on the House floor. And by the way, of the amendments that were denied, more than half of them were Republican amendments that were brought before this committee that were blocked in this Congress.

So, I don't know whether rules changes or assigning who goes on the Rules Committee is going to do the job. I mean, there just has to be a mindset change that ideas—by the way, not just Republican ideas, because you talked about how great the committee was to Republicans, although, I, again, point out half of the Republican amendments were denied. But this is a place where there has to be more space for people of all opinions to be able to offer their ideas and have a debate.

And so, I just wanted to point that out because I thought it was kind of strange that was the point of your testimony given the fact that, again, Republicans just broke their previous record of the most closed rules of any Congress in history. And I get it, when you are in charge, you want to control the process. You know, you don't want to have people—your members take tough votes. But this is the Congress of the United States, and I think people expect us to have a freer exchange of ideas on the House floor than we currently do.

And so, again, I thank you for being here.

And I yield back.

The CHAIRMAN. The chair thanks the gentleman. The gentleman yields back.

The gentlelady from Minnesota.

Mrs. FISCHBACH. I have no question.

The CHAIRMAN. Mr. Norman.

Mr. NORMAN. No questions.

The CHAIRMAN. Seeing no other members wishing to ask questions, this panel is excused. And thank you for your testimony.

Mr. OGLES. Thank you, Mr. Chairman.

Ms. FOXX. Thank you very much.

The CHAIRMAN. I would just ask is there anyone else who is seeking to testify before the Rules Committee?

Seeing none, without objection, the committee stands adjourned. [Whereupon, at 11:15 a.m., the committee was adjourned.]

Statement for the Record - Representative William R. Timmons, IV
South Carolina's Fourth Congressional District
House Committee on Rules
Member Day Hearing on Proposed Rules Changes for the 119th Congress
September 19, 2024, 10 am

Chairman Burgess, Ranking Member McGovern, and members of the Rules Committee, thank you for holding this hearing and providing us with the opportunity to speak on proposed rules changes for the 119th Congress.

At the beginning of the 116th Congress, the Select Committee on the Modernization of Congress was founded with the mission to make Congress work better for the American people. I am proud of the Modernization Committee's efforts to improve the institution and our ability to serve the people we were elected to represent. Serving as Vice Chair alongside Chair Derek Kilmer (D-WA), our committee passed over 200 bipartisan recommendations to make Congress more efficient, effective, and transparent. While our committee came to a natural conclusion, these are issues many of us still feel passionate about, and we have been hard at work getting some of our remaining recommendations across the finish line.

Many members of this committee are aware of these recommendations and our progress toward full implementation. A limited number of our outstanding recommendations require a rule change to be fully implemented and effectively utilized.

Today, I would like to emphasize one recommendation that I believe is very well suited for the rules of the 119th Congress—Recommendation 196: Requiring Data to be Entered into Committee Scheduling Tool: House Rules or policies should require entering of committee meeting times into the shared committee scheduling tool.

The Select Committee recommended the creation of a calendar tool to show when Members of Congress had conflicts, designed especially to deconflict overlapping committee engagements. The House Digital Service created such a tool, which is called “Deconflict.” The Deconflict tool is currently in use and has been provided widely to majority committee clerks.

However, not all committees are inputting the necessary data into the Deconflict tool. In order to improve Deconflict's utility, we need all committees to participate. Therefore, we request a change to House rules that would require all House committees to input their committee business into the Deconflict tool. In doing so, we will have complete information in the tool, which will in turn lead to better outcomes.

We know there is truly no way to resolve every conflict. There will always be some. But by implementing a baseline requirement in the Rules for committees to simply share their information, I believe we will see even more positive results. Committees should still be free to schedule as they see fit; all we are asking for is more data in the Deconflict tool.

Thank you for considering this proposal to make improvements to the Congressional schedule and for your assistance in implementing many of the Select Committee on the Modernization of Congress's bipartisan recommendations to make Congress work better for the American people.

Statement for the Record

Chairman Burgess, Ranking Member McGovern, I would like to thank you for holding this important hearing. As the Committee knows, the roles of Territorial Delegates have often changed from one Congress to the next. Today, the Delegate offices of the Territories enjoy many of the same rights and responsibilities as Representatives from the 50 States. As the Committee considers proposed changes to the Rules of the House for the 119th Congress, I urge you to protect the rights we hold now. I also ask you to seriously consider my proposed changes and the future of territorial districts as you proceed.

Since 1973, the people of Guam have been represented by a Delegate to Congress. Since then, U.S. territories have become increasingly more important to the United States. For Guam, our location in the Western Pacific and the large military presence has necessitated our participation in the relevant committees and discussions. Moreover, Guamanians proudly serve their country and are among the most patriotic Americans. While Guam has given its all to the United States, the people of Guam do not have the ability to vote on the passage of legislation—even when those bills affect us most.

My first, and most important proposed change to the Rules is to expand the voting rights of delegates. Currently, delegates can only vote in committee and have a limited capacity on floor amendments. With the benefit of hindsight, many political episodes could have been avoided if the Delegates had expanded rights in the 118th Congress. I remember a discussion I had with Kevin McCarthy about the speakership race last year. He lamented to me about how much easier the process would have been if I could have voted for the speaker. Additionally, each year Chairman Rogers must whip votes for the NDAA. Given this bill's economic significance to Guam, I was disheartened by the fact I was unable to vote for its passage. As Congress grapples with appropriations, I stand ready to contribute more than my position allows.

I understand the complexity of expanding Delegates' voting rights on the floor of the House. However, if improvements can be made, I strongly encourage my colleagues to seriously consider these options. The trend of American history has been to gradually expand the rights of delegates, and I hope to play my part in continuing this tradition.

If voting on the floor is not feasible, I would urge this Committee to recognize the role of Delegates and to focus on our committee assignments. As a part of this role, my second proposal is that Delegates be allowed to sign and introduce petitions to discharge legislation. Under Clause 2 of Rule XV, only Representatives from the States are allowed to sign and introduce Motions to Discharge. A simple change to this Rule would afford the same rights to Delegates and allow us to participate more fully in the legislative process.

I thank the Committee for its consideration of my proposals to the Rules of the House for the 119th Congress.