



October 20, 2009

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
235 Cannon House Office Building
Washington, D.C. 20515

The Honorable John Boehner
Minority Leader
U.S. House of Representatives
1011 Longworth House Office Building
Washington, D.C. 20515

The Honorable Louise Slaughter
Chairwoman, Committee on Rules
U.S. House of Representatives
2469 Rayburn House Office Building
Washington, D.C. 20515

The Honorable David Dreier
Ranking Minority Member, Committee on Rules
U.S. House of Representatives
233 Cannon House Office Building
Washington, D.C. 20515

Dear Speaker Pelosi, Minority Leader Boehner, Chairwoman Slaughter, and Ranking Member Dreier:

The undersigned respectfully urge the Committee on Rules to hold a hearing to explore the benefits of amending the Rules of the House to require that all non-emergency legislation be posted online for 72 hours prior to consideration. As part of the Read the Bill campaign, we believe that it is fundamental to our democratic principles that Members of Congress, their staff, the public and the press have the opportunity to read and digest legislation before it comes to the House floor.

We represent a cross-section of interests and political affiliations and have each endorsed the following statement:

We support the 72-hour online rule to require generally that legislation and conference

reports be posted on the Internet for 72 hours before floor consideration in Congress.

Support for a 72-hour rule does not begin and end with us. More than 20,000 individuals signed the attached online petition attached urging Congress to require legislation and conference reports be posted on the Internet for 72 hours before debate begins.

In addition, more than 80 House members representing both parties have cosponsored H. Res. 554, a bill to require legislation be posted online for 72 hours prior to consideration, and other Members, including Minority Leader Boehner, have endorsed various other Read the Bill concepts. Media outlets including CNN's "No Bias No Bull" program, *The Journal Star* (Lincoln, Nebraska) and NBC Bay Area also endorsed a 72-hour rule.

We very much appreciate the effort that has been made by the leadership in the 111th Congress to make important legislation available online for public comment in a timely manner before debate begins. However, because there have been too many important pieces of legislation in this and earlier congresses that have been rushed, we believe a change in House Rules is the best way to ensure that, going forward, legislation is consistently available online, in its final form, at least 72 hours before consideration.

In the past decade, there have been numerous examples of bills that have been rushed through Congress resulting in dire outcomes:

- The Commodity Futures Modernization Act of 2000 was a 262-page financial deregulation bill inserted in an 11,000-page conference report minutes before consideration began in Congress. The bill would later be seen by some analysts as giving rise to risky behavior in the financial sector, ultimately leading to the global financial meltdown of September 2008.
- The USA PATRIOT Act of 2001 was brought to the floor the same day it was introduced. Not until after the bill became law did Members of Congress and the public become aware of the degree to which the law expanded the federal government's ability to engage in surveillance and secret searches of U.S. citizens and detain immigrants with little restraint.
- Best Pharmaceuticals for Children Act of 2007 was a 400-page bill available for just one hour before debate. Consumer advocates, who had no time to weigh in on the bill, note that the bill's safety standards for reviews of drugs and medical devices were weak. Since the law's passage, there have been serious problems associated with a number of drugs and medical devices approved by the U.S. Food and Drug Administration, putting the health and safety of the public at risk.
- American Recovery and Reinvestment Act of 2009, the oft-cited \$787 billion, 1,100-page behemoth meant to create jobs and jump-start the ailing economy, was available for public perusal for just 13 hours before Congress began considering it. Among the provisions that came to light only after the bill became law was a provision rewarding millions of dollars in bonuses to members of the financial sector responsible for the crisis.
- Starting in the 1980s, Congress has habitually passed omnibus appropriations measures totaling thousands of pages, appropriating billions of dollars, and often including unrelated and controversial provisions changing federal law mere hours after the legislation became available. Not even the most powerful members of the House, much less the public, have access to these bills that are often passed in the waning days of Congress.

A rule change that ensures that legislation will be available in certain online locations for a minimum

number of hours will create a more thoughtful, deliberative conversation between elected officials and the public, and may result in better public policy, more careful monitoring of the public purse and more trust in government. Yet, within the Capitol, questions have been raised about implementing and enforcing such a rule and whether there may be any unforeseen consequences of such a rules change. A hearing in the Rules Committee is necessary to address any lingering questions surrounding a 72-hour rule and move this important legislation forward.

We appreciate your consideration of this matter and look forward to working with you to find a way to implement a 72-hour rule in the House of Representatives. If you wish to discuss this matter, please contact Lisa Rosenberg at rosenberg@sunlightfoundation.com or 202-360-7895.

Sincerely,

All Things Reform

Americans for Campaign Reform

Association of Research Libraries

Center for Democracy and Technology

Center for Lobbying in the Public Interest

Citizen Century Institute

Citizens for Responsibility and Ethics in Washington

Demos

Electronic Frontier Foundation

Electronic Privacy Information Center

Federation of American Scientists

Greg Fite, Bernard E. Witkin Alameda (CA) County Law Library

Institute for Policy Innovation

iSolon.org

Susan Nevelow Mart, UC Hastings College of Law

Media Access Project

OMB Watch

OpenTheGovernment.org

Participatory Politics Foundation

Public Citizen

Public.Resource.org

Sunlight Foundation

U.S. PIRG