

# Ideas for updating the House Democratic Caucus Rules 116th Congress

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## Democratic Principles

House Democrats believe...

- Transparency is essential to running an open, accountable government.
- Members of Congress must be held to the highest ethical standards.
- Americans everywhere should be able to use electronic means to know about and participate in the lawmaking process.
- Congressional employees should reflect America's diversity, be paid a living wage, and enjoy good working conditions.
- The House of Representatives must have an open and welcoming campus for all.
- The House of Representatives should be green and be environmentally-friendly in its operations.

## Public Transparency and Digital Democracy

- The House of Representatives should adopt a presumption of openness, where information and data about the lawmaking process is released to the public except when there is a strong reason to withhold it.
- House Democrats should routinely publish their caucus rules online and publish their historic caucus rules online.
  - Model language can be found in Republican conference rule 30(a): “To the maximum extent practicable, the Chair shall make the text of matters adopted during the organizational conference held pursuant to rule 3 [rule 3 governs the organizational conference] publicly available in electronic form.”
- The House Democratic Caucus should be required to post its proposed Rules for the House of Representatives 72 hours prior to their expected date of consideration.
- House Democrats should routinely publish a list of current Steering and Policy committee members and the rules governing the committee.
  - Democratic Caucus Rule 10 covers the Steering and Policy Committee. Clause (A)(2) identifies characteristics of those who may serve on the Committee. Clause (B)(1) says the Committee “shall adopt its own rules, which shall be in writing.”
- The Steering and Policy Committee should be required to publish on the Democratic Caucus’s website all committee waivers, grandfathering, and special permissions. Rule 10(B)(3) should be updated accordingly.
- Members of the Democratic Congressional Campaign Committee should be required to be published online. Caucus Rule 12(a)(2) should be updated accordingly.
- Members of the Committee on Caucus procedures should be required to be published online. Rule 13 should be updated accordingly.
- Committees of the House, member offices, and leadership are encouraged to publish on their website an updated list of their staff and the issue areas they cover.

## **Employee Diversity, Expertise, and Support**

Whether in the majority or minority, House Democrats should adopt best practices concerning staff. In many circumstances decisions about hiring and pay depend upon available funds, but it is important to set forth a standard that Democratic staff resemble the diversity that is America, including equal opportunity for all to serve. Rule 26 concerns committee and subcommittee staff, and Democrats should adopt the following rules that should apply to all staff.

- Each personal, committee, and leadership office should be encouraged to adopt best practices to further a diverse hiring process that ensures that staff reflect all Americans.
- Each personal, committee, and leadership office should be encouraged to provide 12 weeks of paid family and medical leave to every permanent staffer and encourage staff to use that leave.
- Member, committee, and leadership offices should be encouraged, to the extent practicable, to pay interns at least the prevailing minimum wage in the locality at which they work. Internships serve as a pipeline into Congressional offices, and maximal efforts should be made to ensure they draw from diverse pools.
- House Democratic leadership should be required to promulgate model pay levels for all congressional staff positions that embodies a living wage and is competitive with service in the executive branch.
- All fellows in Congressional offices whose work is subsidized in or paid outright by other entities should be required to disclose the source of funds to the Democratic Caucus, who in turn should publish this information online in a central database. No congressional office should be allowed to employ a fellow funded by an organization that engages in advocacy.

## **Ethics**

- Members of Congress should be prohibited from being personally involved in fundraising activities between 9 a.m. and 6 p.m. on days when the House holds votes.
- Members of Congress (and former members of Congress) should be denied access to the House floor and gym if they resign from office while there is a pending investigation by the House Ethics Committee, unless the Democratic caucus votes to restore that privilege.
- A Member of the House who is indicted should be required to temporarily step aside from committees on which they serve, pending the outcome. See Democratic Caucus rules 4 and 5 for a model of how temporarily stepping aside could work; see also

Republican Caucus Rule 25, temporary step aside of a member who is indicted.

- For political reasons, it would be unwise to restore earmarks.

## **Internal Transparency**

- Transcripts of caucus proceedings pertaining to elections and amendments to these rules should be required to be made available electronically to every member of the caucus upon the member's election, at the start of each new Congress, and upon demand thereafter. Rule 9(E) should be updated accordingly. This parallels Rule 9(G), where copies of record votes are distributed to each Member of the Caucus.

## **Appointments**

- The Chair and Members of the House Permanent Select Committee on Intelligence should be chosen in the same fashion as members of the standing committees, in accordance with the process outlined in Rule 19, and the chair of the standing committees, in accordance with the process outlined in Rule 21. Those caucus rules should be amended accordingly, as should Rule 33, regarding appointments to select committees.
- Each Chair or RM of a subcommittee should be afforded one staffer to support their work. Rule 26(A) should be amended appropriately, and (B) and (C) brought into conformity.
- Any member of the caucus, with the written support of 9 other members, should be able to recommend nominees for House officers. Rule 6(A) should be amended accordingly.

## **Agenda Setting**

- The Caucus Chair should be obligated to include items on the agenda that are requested by members of the caucus except when prudence counsels otherwise, and should be required to provide to all members a copy of the requested agenda items and an explanation for the rejection. Rule 8(A) should be amended accordingly.
- Closed rules, addressed in Rule 35, should be reformed to allow additional opportunities for germane amendments. Accordingly, structured rules that effectively act as closed rules (e.g., only one or two amendments are permitted) should be governed by this provision and limited as well. In addition, the threshold number of members required to give written notice to offer a germane amendment should be reduced.

- Rule 38(A)(2), guidelines on suspending House rules, should update language from “at least three calendar days” to “at least 72 hours” to be in conformity with recent House Rules changes. Similarly, Rule 38(C)(2) should be reviewed for conformity with House Rules.