

# **Recommendations for Updating the House Democratic Caucus Rules 118th Congress**

The House Democratic Caucus rules provide the framework for how Democrats in the House of Representatives organize their Caucus. The rules address how they choose their leaders and committee members, identify their priorities, and express their values. Until very recently, the Caucus rules were secret and even some members of the House had trouble obtaining them. Today, the rules for the 116th and 117th Democratic Caucus can be found on the Caucus's website, providing members and the general public with increased transparency about aspects of the Caucus's operations.

With this new transparency, there are additional opportunities for the rules to further communicate Democratic values and shape the Caucus's operations. Caucus rules should reflect the values of the members and the voters who elected them. To this end, Demand Progress Education Fund has compiled a set of "low-hanging fruit" recommendations, broken into five sections, focused on making the Caucus more equitable, transparent, and democratic. A sixth section, entitled "empowering all members of the caucus," addresses improved power sharing among leadership, committees, and the rank-and-file.

## **Principles**

- Americans everywhere should be able to know about and participate in the lawmaking process, and its outcomes should be an expression of their values.
- The Democratic Caucus should ensure that all Democratic members of the House of Representatives have an opportunity to participate in the lawmaking process and make their voices heard and their votes count.
- Transparency is essential to running an open, accountable, representative government.
- Members of the Democratic Caucus should be held to the highest ethical standards.
- Congressional employees should reflect America's diversity, be paid a living wage, and enjoy good working conditions.

## **Table of Contents**

Public Transparency and Digital Democracy	<b>3</b>
Employee Diversity, Expertise, and Support	<b>5</b>
Ethics	<b>6</b>
Appointments	<b>7</b>
Agenda Setting	<b>8</b>
Empowering All Members of the Caucus	<b>10</b>
Additional Resources	<b>13</b>

# Public Transparency and Digital Democracy

*House Democrats must commit to the principles of transparency and accountability.*

House Democrats should publish online in a centralized location:

- Current and historical Caucus rules. (Until recently, the Democratic Caucus did not publish its rules.)<sup>1</sup>
- The rules governing the Steering and Policy Committee, which are referenced in the Caucus rules but not publicly available. (These rules relate to how members are chosen to serve on Committees.)<sup>2</sup>
- A list of current Steering and Policy Committee members.<sup>3</sup>
- All Steering and Policy Committee waivers, grandfathering, and special permissions.<sup>4</sup> (These relate to when exceptions are made to Caucus rules concerning member service on Committees.)
- A list of the members of the Committee on Caucus procedures.<sup>5</sup> (This committee reviews and makes recommendations on updating Caucus rules.)
- A list of members of the Democratic Congressional Campaign Committee.<sup>6</sup>
- The names and members of additional committees and task forces.
- The agendas and minutes from all Caucus and Steering and Policy Committee meetings should be published on an internal website and made available to all members of the Caucus. To the extent appropriate, they should also be made publicly available.

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<sup>1</sup> The Rules for the 117th and 118th Congress are now online. 117th Caucus Rules, [https://www.dems.gov/imo/media/doc/DEM\\_CAUCUS\\_RULES\\_117TH\\_April\\_2021.pdf](https://www.dems.gov/imo/media/doc/DEM_CAUCUS_RULES_117TH_April_2021.pdf); 116th Caucus Rules <https://www.dems.gov/imo/media/doc/DEM%20CAUCUS%20RULES%20116TH%20-%209.30.20.pdf>.

<sup>2</sup> 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.”

<sup>3</sup> The Congressional Research Service has published members of the Steering and Policy Committee, but ceased doing so for the 116th Congress. We published a compilation of those members in “Who Steers the Ship,” First Branch Forecast (July 20, 2020), <https://firstbranchforecast.com/2020/07/20/who-steers-the-ship-an-examination-of-house-steering-and-policy-committee-membership-in-the-116th-congress/>

<sup>4</sup> Democratic Caucus Rule 10(B)(3) should be updated accordingly.

<sup>5</sup> Democratic Caucus Rule 13 should be updated accordingly.

<sup>6</sup> Democratic Caucus Rule 12(a)(2) should be updated accordingly.

House Democrats should also:

- Adopt a presumption of openness regarding Caucus proceedings.
- Support the adoption of a presumption of openness by the House of Representatives, whereby information and data about the lawmaking process is directed to be released to the public except when there is a strong reason to withhold it.
- Make publicly available proposed Rules for the House of Representatives no fewer than 48 hours prior to the expected time of consideration.
- Make publicly available proposed Caucus Rules for the Democratic Caucus, including proposed amendments thereto, no fewer than 48 hours prior to the expected time for consideration.

## Employee Diversity, Expertise, and Support

*House Democrats should provide an open and welcoming work environment that provides for the needs of all employees. In addition, House Democrats should strive to recruit a diverse workplace that provides equal opportunity for all to advance and succeed.*

House Democrats should adopt the following rules to apply to all staff:

- Every personal, committee, and leadership office should provide 12 weeks of paid family and medical leave to every permanent staffer and encourage staff to use that leave.
- House Democrats should continue to support the right to unionize for all congressional staff and support efforts by staff to unionize.
- Member, committee, and leadership offices should be encouraged, to the extent practicable, to pay all interns at least the prevailing minimum wage in the location where they work. Internships serve as a pipeline into congressional offices, and maximal efforts should be made to ensure they draw from diverse pools. There should be no unpaid internships.
- The House Democratic Caucus should work to ensure the House of Representatives is sufficiently funded to pay staff a living wage that is competitive with service in the Executive branch. In pursuit of that goal, the Caucus should promulgate model pay levels for all congressional staff positions.
- All fellows in congressional offices whose work is subsidized or paid 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

*The Democratic Caucus should promote ethical practices and standards for all of its members.*

House Democrats should adopt the following ethics rules to apply to all members:

- Caucus members should be discouraged from being personally involved in fundraising activities between 9 AM and 6 PM on days when the House holds votes.
- Advancement of a member to serve as a committee chair or in another leadership position should not in any way be based upon the members financial support for the party apparatus. This creates perverse incentives to fundraise from entities whose goals are orthogonal to the interests of the Democratic Caucus and the American people.
- A member of the Democratic Caucus who is indicted should be required to temporarily step down from committees on which they serve, pending the outcome.<sup>7</sup>
- The Caucus should support policies that deny former members of Congress access to the House floor and gym if they resign from office before the conclusion of a pending investigation by the House Ethics Committee.

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<sup>7</sup> See Democratic Caucus Rules 4 and 5 for a model of how temporarily stepping aside could work; see also Republican Conference Rule 25, temporary step aside of a member who is indicted

<https://s3.amazonaws.com/demandprogress/documents/House-GOP-115.pdf#page=16>.

## Appointments

*The Democratic Caucus should provide ample support for members to receive information from their colleagues and staff.*

House Democrats should adopt the following rules regarding appointments:

- Each Chair or ranking member of a subcommittee should be afforded one staffer to specifically support their work.<sup>8</sup> (Rule 26(b) has the full Committee chair select all staff members; those staff are obligated to serve all members of the Committee.)
- 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.

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<sup>8</sup> Democratic Caucus Rule 26(A) should be amended appropriately, and (B) and (C) brought into conformity.

## Agenda Setting

*The Democratic Caucus should provide its members with ample opportunities to participate in the legislative and rulemaking process.*

House Democrats should adopt the following rules:

- Make available to all members minutes and agendas of Caucus proceedings. The entire set of documents should be proactively provided at the time a member is elected, at the start of each new Congress, and upon demand thereafter.<sup>9</sup> In addition, all these documents should be available on an internal website that all members can access, including a staffer that they designate.
- 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, in advance of proceedings and with ample time, to provide to all members a copy of the requested agenda items and an explanation for the rejection.<sup>10</sup>
- As a matter of policy, the House Democratic Caucus should support restoring the functions of Legislative Service Organizations, which were the predecessor to Congressional Member Organizations. LSOs were an informational resource and collaboration tool for members of Congress who shared an affinity on a particular matter, and had quasi-official status that allowed them to act as separate entities.
- 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.

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<sup>9</sup> Democratic Caucus 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.

<sup>10</sup> Democratic Caucus Rule 8(A) should be amended accordingly.





## Empowering All Members of the Caucus

*The Democratic Caucus should ensure that all members have an equal opportunity to participate in the lawmaking process.*

The recommendations outlined in this report are focused on identifying changes in the operations of the Democratic Caucus that are largely non-controversial. For the sake of completeness, this report does not address in depth the structural issues within the caucus rules that overly centralize power in leadership, which is to the long-term disadvantage of most members of the Democratic Caucus.

We would be remiss, however, if we failed to mention that we recommend addressing the centralization of power, especially the centralization of power in the party leadership in the form of the Steering and Policy Committee. The Committee has 50-something members, and the membership overwhelmingly reflects the influence of the Democratic leader.<sup>11</sup>

By way of example, in the 117th Congress, the Democratic Leader (i.e., the Speaker) directly appointed 14 members and had strong influence over the selection of many others. There are 12 regional representatives (elected by the regions); 10 whips (elected by the regions); six committee chairs (chosen by the Steering & Policy Committee, which is dominated by the Democratic Leader); 12 members of the democratic leadership team (including the Democratic Leader), including a freshman class president; six committee chairs; four caucus co-chairs; and three steering committee co-chairs.

This leader-centric model is familiar to most members of Congress, but the history of how the House of Representatives organized itself has varied widely for more than 200 years.<sup>12</sup> At times it centralized power in just a few individuals, or in committees, or even in the majority of all members in the chamber.

The current structure and rules largely reflects the overthrow of racist committee chairs in the 1970s by the rank-and-file and leadership combined, who had previously worked to weaken the racist cabal that ran the House Rules Committee as a syndicate of southern conservative Democrats and Republicans. In the 1980s and 1990s, leadership moved to centralize power in the party, and then in itself, which is where it remains.

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<sup>11</sup> For a partial list of the members in the 117th, see

<https://docs.google.com/spreadsheets/d/198cYMFJKN7E6RaZdenwlgjok4rS0OimZR2e--Jfzt0/edit?usp=sharing>

<sup>12</sup> See Eras of Control of the House of Representatives,

<https://firstbranchforecast.com/2022/08/30/eras-of-control-of-the-house-of-representatives/>

In our view, a more appropriate balance of power would reflect a balance among leadership, the rules committee, the policy committees, and the rank-and-file. To that end, we recommend consideration of the following:

- Providing greater transparency concerning the activities of the Steering and Policy Committee to all members, so that they can become expert in its operations and know how to properly engage its processes.
- Ensuring that the Steering and Policy Committee is, in fact, holding regular meetings and making decisions on policy and steering matters. There is some concern that decisions best made collaboratively are currently being made by the Democratic Leader alone.
- Having the Steering and Policy Committee membership more accurately reflect the diverse ideological views within the party, as well as the regional needs. This would mean increasing the number of members elected by the rank-and-file, addressing how those elections occur, and decreasing the number under direct and indirect control of the Democratic leader.
- Working to ensure that all committee members more proportionally reflect the ideological diversity of the Caucus.
- Making committee chairs more responsive to members of the committees.
- Providing for all committee members — except for temporary select committees — to be chosen by the Steering and Policy Committee and not any individual.
- Consider whether some or all chairs should be chosen by the committee membership.
- Granting committee chairs, acting on behalf of their committees, more ability to move legislation to the floor in a timely fashion. This can range from a clock by which the Rules committee must address reported legislation, to easing mechanisms for discharge petitions, to providing a day in which committees can bring up matters on the floor. This matters more when the House is under Democratic rule.

- Providing funding and support for Legislative Service Organizations, of which the Democratic Study Group was the most notable example.<sup>13</sup> This powerful educational and organizing tool was undermined by Speaker Gingrich and was not restored when Democrats retook power. Members should be allowed to organize by affinity and to receive party and chamber financial support for those efforts.

In the past, the Caucus has set up task forces on modernizing the operations of the Caucus and the Steering and Policy Committee, but has controlled the process in such a way that recommendations either are not issued or are made sufficiently anodyne as to not alter the balance of power.

As we approach the start of the 118th Congress, the Democratic Caucus must improve the pipeline for new leadership, support policy entrepreneurship among its members, and provide all members an opportunity to shine.

Central control, even in the hands of a capable leader, results in political and policy blind spots that weaken the caucus as a whole. A more democratic form of control can be more messy, but it is much more durable and effective over the long term.

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<sup>13</sup> See "When Liberals Were Organized," The American Prospect <https://prospect.org/power/liberals-organized/>.

## Additional Resources

116th Congress - Ideas for Updating the House Democratic Caucus Rules<sup>14</sup>

117th Congress — Ideas for Updating the House Democratic Caucus Rules<sup>15</sup>

A compilation of House Democratic Caucus Rules, House Republican Conference Rules, Senate Republican Conference Rules, curated by Demand Progress Education Fund.<sup>16</sup>

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<sup>14</sup> Ideas for updating the House Democratic Caucus Rules, 116th Congress, Demand Progress, April 26, 2019  
[https://s3.amazonaws.com/demandprogress/documents/Ideas\\_for Updating the House Democratic Caucus Rules 116th Congress.pdf](https://s3.amazonaws.com/demandprogress/documents/Ideas_for Updating the House Democratic Caucus Rules 116th Congress.pdf)

<sup>15</sup> Ideas for updating the House Democratic Caucus Rules, 117th Congress, Demand Progress Education Fund, October 20, 2022  
[https://s3.amazonaws.com/demandprogress/letters/Ideas\\_for Updating the House Democratic Caucus Rules 117th Congress.pdf](https://s3.amazonaws.com/demandprogress/letters/Ideas_for Updating the House Democratic Caucus Rules 117th Congress.pdf)

<sup>16</sup> A compilation of caucus and conference rules, <https://github.com/DanielSchuman/Policy/wiki/Caucus-and-Conference-Rules>.