

Rules of the Democratic Caucus

116th Congress

Adopted on July 6, 2020

Hakeem S. Jeffries, Chair
Katherine M. Clark, Vice Chair

CONTENTS

Definitions

Title I: Rules Related to Caucus Organization and Operation

Caucus Organization

- Rule 1. Caucus Membership
- Rule 2. Party Leaders and Officers of the Caucus
- Rule 3. Caucus Election Procedures
- Rule 4. Temporary Step-Aside of a Member of the Leadership Who Is Indicted
- Rule 5. Automatic Replacement of a Member of the Leadership Who Is Convicted
- Rule 6. Nominations for Officers of the House

Caucus Meetings

- Rule 7. Calling and Scheduling Caucus Meetings
- Rule 8. Notice and Agenda of Caucus Meetings
- Rule 9. Admittance to and Procedure in Caucus Meetings

Caucus Entities

- Rule 10. Democratic Steering and Policy Committee
- Rule 11. Regions, Regional Elections, and Regional Whips
- Rule 12. Democratic Congressional Campaign Committee
- Rule 13. Committee on Caucus Procedures

Codification and Amending of the Caucus Rules

- Rule 14. Procedure for Amending Caucus Rules
- Rule 15. Exemptions, Exceptions, and Waivers of Caucus Rules

Title II: Rules Related to Committees

Committee Assignments

- Rule 16. Committee Ratios; Temporary Assignments to Committees
- Rule 17. Classification of Committees
- Rule 18. Restrictions on Committee Memberships
- Rule 19. Nominations for Membership on Standing Committees
- Rule 20. Procedure for Electing Members to Standing Committees

Chairs

- Rule 21. Nomination and Election of Committee Chairs of Standing Committees; Committees' Selection of Vice Chairs
- Rule 22. Limitations on Chairmanships of Committees and Subcommittees; Exceptions to Limitations
- Rule 23. Filling a Vacancy in the Position of Chair of a Committee
- Rule 24. Temporary Step-Aside of a Chair Who Is Indicted
- Rule 25. Replacement of a Chair Who Is Censured or Convicted
- Rule 26. Committee and Subcommittee Staff

Subcommittees

- Rule 27. Committee Caucus Organizational Meeting
- Rule 28. Election of Chairs of Subcommittees; Exceptions to Limitations
- Rule 29. Filling a Vacancy in the Position of Chair of a Subcommittee
- Rule 30. Procedure for Electing Members to Subcommittees
- Rule 31. Limitations on Subcommittee Membership
- Rule 32. Subcommittee Vacancies
- Rule 33. Appointments to Joint and Select Committees, Boards and Commissions

Title III: Rules Related to Floor and Conference Procedure

- Rule 34. Binding Votes on House Leadership
- Rule 35. Closed Rule Limitation
- Rule 36. Notice of Appropriations Violations
- Rule 37. Committee Review of Legislation Developed by Ad Hoc Task Forces
- Rule 38. Guidelines on Suspensions of House Rules
- Rule 39. Motions to Recommit; Motions to Instruct Conferees
- Rule 40. Role of Subcommittee Chairs on the Floor
- Rule 41. Democratic Representation on Conference Committees
- Rule 42. Diversity Rule

Definitions

Unless otherwise specified within a Rule:

- All references to the “Caucus” refer to the Democratic Caucus of the House of Representatives.
- All references to “Rules” refer to the Rules of the Democratic Caucus, unless otherwise specified.
- All references to “Speaker” refer to the Democratic Caucus nominee for Speaker and, when in the minority, the Democratic Leader.
- All references to “Assistant Speaker” refer to the Assistant Speaker and, when in the minority, the Assistant Democratic Leader.
- All references to “Caucus Chair” refer to the Chair of the Democratic Caucus.
- All references to “Vice Chair” refer to the Vice Chair of the Democratic Caucus, unless otherwise specified.
- All references to the “Chair” when in reference to a committee of the House, or a subcommittee thereof, should be read to mean the Democratic Chair or the Democratic Ranking Member.
- All references to the “Vice Chair” when in reference to a committee of the House, or a subcommittee thereof, should be read to mean the Democratic Vice Chair or the Democratic Ranking Vice Member.
- All references to “Member” or “Members” are references to one or more Democratic Members (or Delegates or the Resident Commissioner of Puerto Rico) of the entity named, such as the Caucus, House committees, or House committees’ subcommittees.
- The Democratic Congressional Campaign Committee shall be referenced as the “DCCC.”
- The Democratic Steering and Policy Committee shall be referenced as “Steering and Policy.”
- The Co-Chairs of the Democratic Policy and Communications Committee shall be referenced as “DPCC Co-Chairs.”
- The Caucus Leadership Representative shall be referenced as “CLR.”
- The Freshmen Leadership Representative shall be referenced as “FLR.”

Title I: Rules Related to Caucus Organization and Operation

Rule 1. Caucus Membership

- A. All Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegates from American Samoa, the District of Columbia, Guam, the Northern Mariana Islands, and the Virgin Islands who are Members of the Democratic Party shall be *prima facie* Members of the Democratic Caucus of the House of Representatives.
 - 1. Except that when a Member resigns from the Democratic Party or acts affirmatively to change political parties, the Member shall automatically cease to be a Member of the Caucus.
 - a) Such acts shall be limited to:
 - (i) Changing party registration in their home state, or
 - (ii) Filing for office as a candidate for nomination of or accepting the nomination of another political party, unless the Member files for or accepts the nomination of another party in addition to accepting the nomination of the Democratic Party.
 - 2. The following procedures shall govern when a Member chooses to leave the Democratic Party.
 - a) The Caucus Chair shall notify a Member in writing when they cease to be a Member of the Caucus in accordance with subparagraph 1.
 - b) The Member shall have the opportunity to request reinstatement, provided the request has the support in writing of at least five Members delivered by letter to the Chair.
 - (i) Within 10 days of such a request, the Caucus shall meet.
 - (ii) The Member shall be reinstated by a majority vote, of those voting and present, by secret ballot, at the meeting.
 - c) If the Member is not reinstated within 30 days of receiving notification, the Caucus Chair shall notify the Speaker of the House that the Member is no longer a Member of the Democratic Caucus.
 - 3. The Caucus may expel any Member by a two-thirds vote, of those voting and present.
- B. In order to maintain membership in good standing, Members shall not participate in campaign activities for any candidate in a partisan federal election who is not a Member of the Democratic Party.

Rule 2. Party Leaders and Officers of the Caucus

- A. The Caucus shall nominate a candidate for Speaker of the House of Representatives.
 - 1. During any time that the Democratic Party is not the majority party of the House of Representatives, any reference to, and any authority vested in, the Speaker under these Rules shall be considered references to and authority vested in the Democratic Leader.
- B. The Caucus shall elect the Democratic Leader, the Democratic Whip, and the Assistant Speaker.
- C. The Caucus shall elect a Chair and a Vice Chair.
 - 1. No Member shall be elected to serve as Chair or Vice Chair of the Caucus for more than two consecutive full terms.
 - 2. The Vice Chair shall perform the duties of the Chair during the temporary absence of the Chair. The Chair or Vice Chair shall have the right to name any Member to perform the duties of the Chair during a temporary absence.
- D. The Caucus shall elect a Chair of the Democratic Congressional Campaign Committee at a meeting of the Caucus no later than March 1 of the first session of a new Congress.
 - 1. Candidates for Chair shall not necessarily already be a Member of the DCCC.
 - 2. The Chair of the DCCC shall serve while a Member of the House and until a new Chair is elected.
 - 3. If a vacancy in the office of the Chair occurs at the beginning of a Congress, the Speaker shall appoint a temporary Chair to serve until a new Chair is elected pursuant to the provisions of this paragraph.
 - 4. If a vacancy occurs in the office of Chair prior to the end of a Congress, the Speaker shall appoint a temporary Chair immediately and convene a meeting of the DCCC within 45 days of the vacancy to nominate a new Chair.
 - a) The Caucus shall act upon that nomination and additional nominations made from the floor of the Caucus on petition of five Members of the Caucus within 75 days of vacancy.
- E. The Caucus shall elect four Co-Chairs of the Democratic Policy and Communications Committee.
 - 1. The Caucus shall elect four Members to serve as the Co-Chairs of the DPCC. The Co-Chairs will be elected through a multi-candidate election. Each Member will cast votes for up to four candidates, and the winners shall be determined by the four candidates who receive the most votes.

2. The four DPCC Co-Chairs shall serve no more than two consecutive full terms for the position of DPCC Co-Chair.
- F. The Caucus shall elect a Caucus Leadership Representative.
1. The Caucus shall elect a Member who has served five terms or less to serve as the CLR. That person will be elected by majority vote of the Members who have served five terms or less, when a quorum of their membership is present and voting.
 - a) A “term” is defined as a two-year period beginning on January 3 of each odd-numbered year (or the official start date of a new Congress), using the meaning established by the Clerk of the House and House Rules.
 - b) The definition of “five terms or less” shall include the term for which the Member is seeking the position.
 - c) No Member who has served any length of time greater than five full terms, including the term for which the Member is seeking the position, shall be eligible to serve as the CLR or to vote for the CLR.
 2. No Member shall be elected to serve as the CLR more than one full term.
- G. The Caucus shall elect a Freshmen Leadership Representative.
1. The Caucus shall elect a Member of the freshmen class who will serve as the FLR. That person will be elected by majority vote of the Members of the freshmen class, when a quorum of their membership is present and voting.

Rule 3. Caucus Election Procedures

Except as otherwise provided by another Rule, the following provisions shall apply to all elections in the Caucus or in entities of the Caucus:

- A. A quorum, which shall consist of a majority of the Members of the Caucus, shall be required to proceed.
- B. The name of each candidate shall be placed in nomination.
 1. Nominations shall be limited to not more than one 5-minute nominating speech and three 2-minute seconding speeches on behalf of each candidate so nominated.
 2. For the positions of the DPCC Co-Chairs, the CLR, and the FLR, the Caucus Chair may, in consultation with the candidates and the Caucus, establish alternate time limits for nominations.

- C. After nominating and seconding speeches, balloting shall proceed without interruption or recess from ballot to ballot until one candidate has received the votes of a majority of those present and voting, or other requirements detailed below. Such candidate shall be declared elected.
1. All votes shall be by secret ballot, except when a motion is made to waive the secret ballot, or on committee lists where no secret ballot is demanded under Rule 20.
 2. If there are more than two candidates, the nominated candidate receiving the fewest votes on the first and each succeeding ballot shall be eliminated. Votes for an eliminated candidate shall not be tallied nor considered except to determine the number of Members present for that vote.
 3. Votes cast for a person whose name was not placed in nomination shall not be counted nor considered except to determine the number of Members present for that vote.
 4. If two or more candidates tie for fewest votes on the first ballot, or on subsequent ballots, neither shall be eliminated; should this occur for a second time, however, both shall be eliminated.
 5. Following any ballot, a candidate wishing to withdraw shall be entitled to recognition for one minute for the purpose of so advising the Caucus.
 6. For the position of DPCC Co-Chairs, the winners shall be determined by the four candidates who receive the most votes, with a quorum being present.

Rule 4. Temporary Step-Aside of a Member of the Leadership Who Is Indicted

- A. The Speaker, Democratic Leader, Democratic Whip, Assistant Speaker, Chair or Vice Chair of the Caucus, Chair of the DCCC, any one of the DPCC Co-Chairs, CLR, or FLR who is indicted for a felony for which a sentence of two or more years of imprisonment may be imposed shall step aside and cease to exercise the power of their office.
- B. Upon the step-aside of the Member, the Caucus may determine who shall exercise those powers on a temporary basis.
- C. If the Member steps aside pursuant to paragraph A, and subsequently the charges are dismissed or reduced to less than a felony as described in paragraph A, or if the Member is found not guilty of such charges, that Member shall automatically resume the powers and the duties of that office unless the Caucus decides otherwise within 10 legislative days.

Rule 5. Automatic Replacement of a Member of the Leadership Who Is Convicted

- A. The Speaker, Democratic Leader, Democratic Whip, Assistant Speaker, Chair or Vice Chair of the Caucus, Chair of the DCCC, any one of the DPCC Co-Chairs, CLR, or FLR who is convicted of a felony for which a sentence of two or more years of imprisonment is imposed shall cease to exercise the

powers of their office, shall be removed from such position, and shall not serve in any such position for the remainder of that Congress.

- B. Immediately upon the removal of any Member from a position described in paragraph A, the Caucus shall select a replacement in accordance with Rules 2 or 3.

Rule 6. Nominations for Officers of the House

- A. The Speaker shall recommend to the Caucus nominees for the Officers of the House, such as the Clerk, Sergeant-at-Arms, Chaplain, and Chief Administrative Officer.
- B. The Caucus shall vote on the nominations.
 - 1. Upon a demand supported by 10 or more Members, a separate vote, by secret ballot, shall be had on any nomination. Any debate on such a demand, shall be limited to no more than 30 minutes with the time equally divided between proponents and opponents of the nomination.
 - 2. If a majority of those present and voting reject a nominee, the Speaker shall be entitled to submit new nominations until the position is filled.

Rule 7. Calling and Scheduling Caucus Meetings

- A. The Caucus shall meet regularly while the House of Representatives is in session.
- B. Meetings of the Caucus shall be called by the Caucus Chair upon their own motion, at the request of the Speaker, or upon the written request of 50 Members.
- C. Members shall not schedule committee meetings or hearings at times when the Caucus is in session.

Rule 8. Notice and Agenda of Caucus Meetings

- A. The Caucus Chair shall set the time and place of each meeting of the Caucus. The Chair shall provide Members with an agenda listing all matters to be considered by noon on the fifth day preceding the day on which the Caucus meeting is to be held.
 - 1. The Caucus Chair may waive the five-day notice requirement with reasonable notice to Members when the purpose of the meeting is to consider a veto override, legislation that has been reported to the House, or legislation scheduled for House consideration.
- B. An addition to the agenda shall not be in order except as specified in this paragraph.
 - 1. The agenda for each meeting called pursuant to the five-day notice requirement shall include any matter requested in writing by five or more Members and delivered to the office of the Caucus Chair on the same day the notice and agenda were issued under paragraph A.

- a) The Caucus Chair shall provide Members with written notification of any addition to the agenda under this subparagraph not later than 5 p.m. the following day.
 - b) This subparagraph shall not apply to any meeting for which the five-day notice requirement has been waived by the Caucus Chair.
- 2. The agenda shall include additional items requested by the Caucus Chair, or by the Speaker, or upon petition by 50 Members delivered to the office of the Caucus Chair by noon on the second day preceding the day on which the Caucus meeting is to be held.
 - a) The Caucus Chair shall provide Members with written notification of any addition to the agenda under this subparagraph not later than 5 p.m. the same day.
- 3. By a two-thirds vote of the Caucus, where the additional matter has been available for at least two hours.
- C. It shall not be in order to offer an amendment to a resolution being considered in Caucus that adds language directing or instructing the Democratic Members of a committee on any matter, unless the intent to instruct said Members was noticed in accord with the provisions of this Rule.
- D. A meeting of the Caucus may, at the call of the Caucus Chair or upon motion, be recessed and later reconvened for continuation of properly noticed business, at a time and place designated, except during election balloting as provided in Rule 3.C.

Rule 9. Admittance to and Procedure in Caucus Meetings

- A. No persons, except Members of the Caucus, a Caucus Transcript Clerk, and other necessary employees, shall be admitted to a meeting of the Caucus without the express permission of the Caucus Chair.
- B. Quorum
 - 1. A quorum of the Caucus shall consist of a majority of the Members of the Caucus.
 - 2. If the absence of a quorum is established, the Caucus Chair may continue the meeting for purposes of discussion only. No motion of any kind, except a motion to recess or adjourn, shall be in order at a continued meeting.
 - 3. Subject to the provisions of Rules 3 and 9.G. regarding secret ballots, a quorum call or roll call may be taken by electronic or other means, provided Members shall have not less than 15 minutes in which to have their vote or presence recorded.
- C. Parliamentary Procedure

1. The procedures, motions, and five-minute rule that apply when the House of Representatives is operating as the Committee of the Whole, with such special rules as may be adopted, shall govern the meetings of the Caucus.
 2. Two-thirds of the Members voting may suspend the Caucus Rules. Consideration of a motion to suspend the Rules, including the discretion of the Caucus Chair whether or not to entertain such a motion, shall follow the Rules of the House.
- D. Proxy voting is not allowed in the Democratic Caucus, nor in subunits of the Caucus, including Democratic caucuses of House committees and subcommittees.
 - E. The Caucus shall keep a transcript of its proceedings pertaining to elections and amendments to these Rules, which shall be available for inspection by any Member of the Caucus upon request.
 - F. Any question shall be decided by secret ballot or other non-record vote if a majority so demands, before the yeas and nays are ordered.
 - G. The yeas and nays on any question (except elections under Rule 3) before the Caucus shall, at the desire of one-fifth of those present, be entered in the transcript, and a copy of each record vote shall be distributed to each Member of the Caucus.

Rule 10. Democratic Steering and Policy Committee

There shall be a Democratic Steering and Policy Committee.

A. Membership

1. The Speaker shall serve as Chair of Steering and Policy. Three Members elected by the membership of Steering and Policy shall serve as Co-Chairs, and one Member elected by the membership of Steering and Policy shall serve as the Parliamentarian.
2. The Democratic Steering and Policy Committee shall consist of the Speaker, Democratic Leader, Democratic Whip, Assistant Speaker, Caucus Chair, Caucus Vice Chair, Chair of the DCCC, the DPCC Co-Chairs, the CLR, the FLR, Chair of the Committee on Caucus Procedures, the three Co-Chairs of Steering and Policy, the Parliamentarian of Steering and Policy, Senior Chief Deputy Whip, all Chief Deputy Whips, a Member of the freshmen class, 12 Members who shall be elected from 12 equal regions as set forth in Rule 11, up to 15 Members who shall be appointed by the Speaker, the Chair of the Committee on Appropriations, the Chair of the Committee on the Budget, the Chair of the Committee on Rules, the Chair of the Committee on Energy and Commerce, the Chair of the Committee on Financial Services, and the Chair of the Committee on Ways and Means.
3. Terms of Service for Members of Steering and Policy shall expire when a successor is elected or appointed.

4. No Member shall be appointed or elected to more than two consecutive full terms.

B. Procedure

1. Steering and Policy shall adopt its own rules, which shall be in writing.
2. Steering and Policy shall keep a journal of its proceedings.
3. Steering and Policy shall record all committee waivers, grandfathering, and special permissions in a manner that will be available to Members.
4. Steering and Policy shall meet upon the call of the Chair of Steering and Policy, or whenever requested in writing by four of its Members.
5. Steering and Policy may authorize its Chair to appoint ad hoc committees from among the entire membership of the Caucus to conduct special studies or investigations whenever necessary.

C. Functions

1. Steering and Policy is vested with authority to:
 - a) Report its nominations for House committee memberships.
 - b) Report its nominations for House committee Chairs.
2. Steering and Policy is vested with authority to recommend vacating committee Chairs and removing Members from committees.
 - a) By majority vote, the Committee may recommend:
 - (i) That a House committee Chair or a subcommittee Chair position be declared vacant; or
 - (ii) The removal of a Member's House committee assignment.
 - b) Such a recommendation shall be circulated to the Caucus by the Caucus Chair.
 - (i) The Caucus shall meet to consider such a recommendation within five to 10 legislative days after the Committee reports its recommendation. Debate on any such recommendation shall be limited to 60 minutes, equally divided between proponents and opponents of the recommendation of the Committee.
 - (ii) If the recommendation of the Committee is approved, the vacancy shall be filled pursuant to Rules 19, 21, and 28.

3. Steering and Policy is vested with authority to render assistance in policy development and implementation.
 - a) Steering and Policy shall assist the full Democratic Caucus in the establishment and implementation of a Democratic policy agenda and legislative priorities.
 - b) Steering and Policy shall coordinate policy development and implementation, and message coordination efforts between the Caucus, the whip organization, Members of standing committees, and other Caucus entities.
 - c) Steering and Policy shall supplement ongoing policy development by the Chairs of each of the standing committees.
 - d) When practicable, Steering and Policy shall recommend policy to the Caucus for approval.

Rule 11. Regions, Regional Elections and Regional Whips

- A. The 50 States, the territories, and the District of Columbia shall be divided into 12 compact and contiguous regions, each containing approximately 1/12 of the Members of the Caucus.
 1. Following each election, the Chair of Steering and Policy shall review the number of Members in each region, and if necessary, shall submit to the Caucus for its approval changes necessary to maintain, as near as practicable, an equal number of Members in each region.
 2. The proposed changes and a list of Members in each region including the total years of service for each Member as of the start of the new Congress, shall be made available to Members of the Caucus at least seven days before a Caucus meeting to approve or amend the regions.
- B. Each region shall meet to elect its representatives to Steering and Policy at a time determined by the Chair of Steering and Policy and announced by written notice at least seven days in advance.
 1. The Chair of Steering and Policy shall also designate a Member from each region to call the region's election meeting to order and to preside until a permanent presiding officer is elected. Electing a permanent presiding officer shall be the first order of business at the region's election meeting.
 2. Nominations may be made from the floor or in advance of the election meeting by written notice signed by two Members from the region other than the nominee.
 - a) Written nominations must be delivered to the Steering and Policy office not later than 5 p.m. of the second day immediately preceding the day of the election meeting and distributed to all Members of the Caucus in that region not later than midnight of the second day immediately preceding the election meeting.

- b) Following the close of advance nominations, a ballot shall be prepared for each region containing the names of candidates nominated in advance for election from the region. Candidates shall be listed in alphabetical order and all ballots shall contain space to write in the names of Members nominated from the floor.
 - c) If more than one ballot is required, the candidate receiving the fewest votes on each ballot shall be eliminated from all succeeding votes until one candidate has received the votes of a majority of the votes cast.
- 3. One-half of the Members of a region shall constitute a quorum for an election. A majority of those present and voting shall be required to be elected.
 - a) If the election of a Member to Steering and Policy does not take place due to lack of quorum, the Chair of Steering and Policy shall reschedule the meeting as soon as practicable, provided Members are given at least 48 hours' notice in writing of when and where the rescheduled meeting will be held.
- 4. If a region's representative in the preceding Congress had completed 12 or more years of service at the start of their continuous service on Steering and Policy, the region's next representative shall be a Member who has less than 12 years of service, unless the incumbent Member seeks election in a newly constituted region.
 - a) This provision shall not apply to the reelection of an incumbent Member of the committee who is entitled to seek another term.
- 5. In the event of a regional vacancy the region shall elect a successor to fill the unexpired term.
- C. Regional Whips shall be elected by secret ballot, according to the provisions of Rule 11.B., which governs the election of regional representatives to Steering and Policy.
 - 1. In the event of a vacancy, the region shall elect a successor to fill the unexpired term.
 - 2. No Member shall be elected to more than two consecutive full terms as a Regional Whip.
 - 3. No regionally elected Member of Steering and Policy shall serve concurrently as a Regional Whip.

Rule 12. Democratic Congressional Campaign Committee

- A. The Democratic Congressional Campaign Committee shall consist of the Speaker, the DCCC Chair, one Member from each state, territory, and the District of Columbia and eight additional Members who shall be appointed by the Speaker.

1. The state delegations shall choose their Committee Members and inform the Speaker of their choice, and the Speaker shall make the Speaker's appointments no later than January 31 of the first session of a new Congress.
 2. No later than February 1 of the first session of a new Congress, the Speaker shall send to Members of the Caucus a listing of the membership of the DCCC for that Congress.
 3. Members of the DCCC shall serve for the duration of that Congress.
- B. Should a state's DCCC Member or an appointee of the Speaker be unable to serve a full term, the state delegation or the Speaker shall fill such vacancy within 15 days.
- C. The Chair shall nominate, and the DCCC shall elect, as many as eight officers to assist the Chair with their duties.
1. Candidates for these positions shall be Members of the Caucus.
 2. Any officer who is not, at the time of their election, a Member of the DCCC, shall become a Member by virtue of their election as an officer.
- D. Five Regional Vice Chairs shall be elected to assist the Chair of the DCCC by the Caucus Members from that region. Should more than one Member of a region run for the position, a secret ballot vote of the region's Members shall be used to elect the Vice Chair.

Rule 13. Committee on Caucus Procedures

- A. The Caucus Chair shall appoint a Committee on Caucus Procedures.
- B. The purpose of the Committee on Caucus Procedures is to review the Caucus Rules as circumstances may indicate, and if necessary, recommend action to the Caucus.

Rule 14. Procedure for Amending the Caucus Rules

- A. The Caucus Chair shall be responsible for codifying and revising the Caucus Rules, and for recommending modifications where advisable.
- B. When a Member offers an amendment to the Caucus Rules, the Member must provide 20 copies of such amendment at the time the amendment is offered.

Rule 15. Exemptions, Exceptions, and Waivers of Caucus Rules

- A. Any recommendation by the Committee on Caucus Procedures relating to an exemption or exception from, or waiver of, any rule of the Democratic Caucus with respect to any Member or group of Members shall be accompanied by a written report setting forth the reasons or arguments in support of the Committee's recommendation and the arguments made in opposition to such

action. The recommendation and report shall be distributed to all Members of the Caucus before the matter is considered by the Caucus.

- B. Any vote relating to a request or recommendation that a specific Member or group of Members be exempted or excepted from any rule of the Democratic Caucus, or that any such rule be waived with respect to any Member or group of Members, shall be by secret ballot.

Title II: Rules Related to Committees

Rule 16. Committee Ratios; Temporary Assignments to Committees

- A. The Democratic Caucus shall work to ensure that committee ratios are at least as representative of the number of Democrats in the House of Representatives and that each panel include the greatest number of Democrats possible.
- B. The Speaker should negotiate full committee ratios so that when all Members have committee assignments, Rule 18 is complied with.
- C. If additional committee positions remain available after all Members receive assignments, Steering and Policy shall, when possible, leave those additional positions vacant to ensure flexibility if more Members are elected during a Congress.
 - 1. However, if Steering and Policy decides it is in the best interest of the Caucus to fill a vacant committee position, Steering and Policy shall fill those positions with temporary assignments, such that any Member receiving temporary assignment:
 - a) Does not obtain seniority on that committee;
 - b) May not participate in the bidding process for any subcommittee position, but may fill any temporary subcommittee position remaining after all other Members of that committee have completed the bidding process;
 - c) Can be removed at any time if a Member is selected to serve as a permanent Member of that committee; and
 - d) Is removed from the committee at the end of the Congress for which the temporary assignment was made.

Rule 17. Committee Designations

For the purposes of the Caucus Rules, the following committee designations shall apply:

- A. The Committees on Appropriations, Ways and Means, and Rules shall be “exclusive” committees.

1. The Committee on Energy and Commerce shall be an “exclusive” committee for all Members first serving on the committee in the 104th and subsequent Congresses.
 2. The Committee on Financial Services shall be an “exclusive” committee for all Members first serving on the committee in the 109th and subsequent Congresses.
- B. The Committees on Agriculture; Armed Services; the Budget; Education and Labor; Foreign Affairs; Homeland Security; House Administration; Judiciary; Natural Resources; Oversight and Reform; Science, Space and Technology; Small Business; Transportation and Infrastructure; and Veterans’ Affairs shall be considered “non-exclusive” committees.
1. The Committee on Energy and Commerce shall be considered a “non-exclusive” committee for Members who served on the committee before the 104th Congress.
 2. The Committee on Financial Services shall be a “non-exclusive” committee for all Members first serving on the committee before the 109th Congress.

Rule 18. Restrictions on Committee Memberships

- A. No Member of an exclusive committee shall also serve on another exclusive or non-exclusive committee.
1. Except that service on the Committee on the Budget and the Committee on House Administration shall be exempt from this provision.
- B. No Member shall serve on more than two committees with legislative jurisdiction.
1. Except that the Committee on House Administration and the Committee on Ethics shall be exempt from this provision.
- C. No Member shall serve as a Member of the Committee on Ethics during more than three Congresses in any period of five successive Congresses.
1. Except that any service performed as a Member of the Committee for less than a full session of any Congress shall not apply for this purpose.
- D. No Member of the Permanent Select Committee on Intelligence may serve on more than one standing committee during that Member’s term of service on the select committee.
1. During the period a Member serves on the Committee, the Member shall be entitled to take a leave of absence from service on any committee or subcommittee. Seniority rights on each such committee and subcommittee to which the Member was assigned at the time shall be fully protected as though the Member had continued to serve during the period of the leave of absence.

- E. No Member shall serve as a Member of the Committee on the Budget during more than three Congresses in any period of five successive Congresses.
 - 1. Except that any service performed as a Member of the Committee for less than a full session of any Congress shall not apply for this purpose.
 - 2. Except that an incumbent Chair, having served on the Committee for three Congresses and having served as Chair for not more than one Congress, shall be eligible for reelection to the Committee as Chair for one additional Congress.
 - 3. Except that this limitation shall not apply to the Member appointed to the Committee by the Speaker.
 - 4. During the period a Member serves on the Committee on the Budget, the Member shall be entitled to take a leave of absence from service on any committee or subcommittee. Seniority rights on each such committee and subcommittee to which the Member was assigned at the time shall be fully protected as though the Member had continued to serve during the period of the leave of absence.

Rule 19. Nominations for Membership on Standing Committees

- A. Steering and Policy shall recommend to the Caucus nominees for membership on the standing committees of the House, one committee at a time.
 - 1. Except that the Speaker shall recommend to the Caucus nominees for membership on the Committee on Rules and the Committee on House Administration.
 - 2. Steering and Policy shall recommend to the Caucus nominees for membership on the Committee on the Budget, Committee on Appropriations, and the Committee on Ways and Means in the means described in the appropriate following paragraphs, including the provisions of paragraph B.
- B. With respect to the consideration of nominees by Steering and Policy:
 - 1. Steering and Policy shall automatically consider a Member for nomination to the committee membership to which the Member aspires, upon receiving a letter from a Member signed by 50 percent or more of said Member's state Democratic delegation, including said Member.
 - a) The Chair of Steering and Policy shall see that such Member's name is placed in nomination.
 - b) Except that this provision shall not apply to nominations for the Committee on Rules or the Committee on House Administration.

2. Steering and Policy shall consider all relevant factors, including merit, length of service on the committee, degree of commitment to the Democratic agenda, and the diversity of the Caucus, including appropriate representation of the Caucus' ideological and regional diversity, in making nominations for committee assignments.
3. Steering and Policy need not necessarily follow seniority in making nominations for committee assignments.
4. Steering and Policy shall not discriminate based on prior occupation or profession in making nominations for committee assignments.

C. With respect to the Committee on the Budget:

1. The Speaker shall appoint a Leadership Member of the Committee on the Budget; and
2. Steering and Policy shall nominate for membership on the Committee and election by the Caucus:
 - a) When the Democratic Party is the majority party of the House of Representatives, three Members of the Committee on Appropriations, three Members of the Committee on Ways and Means, at least one Member of the Committee on Rules, and the requisite number of Members of other Committees to fill all remaining Democratic seats.
 - b) When the Democratic Party is not the majority party of the House of Representatives, two Members of the Committee on Appropriations, two Members of the Committee on Ways and Means, and the requisite number of Members of other committees to fill all remaining Democratic seats.
3. All selections of Members to serve on the Committee shall be made without regard to seniority.
4. A list of said nominees shall be distributed to all Members of the Caucus prior to the election meeting described in Rule 20.

D. With respect to the Committee on Appropriations and the Committee on Ways and Means:

1. Steering and Policy shall report the nomination of any Member who served on the Committee on Appropriations or the Committee on Ways and Means in the preceding Congress to the Caucus for action pursuant to Rules 19 and 20.
2. Steering and Policy shall nominate one Member for each Democratic vacancy of the Committee on Ways and Means and the Committee on Appropriations and distribute to all Members at least 24 hours before the election meeting the name(s) of its nominee(s).

- E. Members may nominate additional candidates to the Committee on Appropriations, the Committee on Ways and Means, and the Committee on the Budget by written notice signed by five Members other than the nominee. Such nominations must be delivered to the offices of the Caucus Chair and the Caucus Vice Chair by the close of business on the day immediately preceding the election meeting. The Caucus Chair or Vice Chair shall distribute a list of all nominees to Members of the Caucus before the election.
- F. Members of the same class nominated to membership on a committee at the same time shall be ranked for seniority purposes by the method chosen by Steering and Policy.
 - 1. This paragraph shall not apply to the Committees on Rules and House Administration and is subject to the special procedures provided in Rule 20.A.1. for selection of Members of the Committee on the Budget.

Rule 20. Procedure for Electing Members to Committees

- A. Once recommendations for membership on the committees of the House are received by the Caucus from Steering and Policy, or from the Speaker for the Committee on Rules and the Committee on House Administration, the Caucus shall vote on memberships one committee at a time, except as provided in paragraph B.
 - 1. The Caucus shall use the following procedures for election to membership on the Committee on the Budget:
 - a) The Caucus shall elect one Member to serve as Chair of the Committee on the Budget. The election of the Chair (who by virtue of their election is a Member of the Committee) shall precede the election of other Members to the Committee. The Member selected as Chair shall be counted as having filled one position in the appropriate category as described in Rule 19.C.2.
 - b) Following election of the Chair, election of other Members shall be by ballot that lists all candidates by category in the order they were nominated.
 - c) A majority of those present and voting for a nominated candidate shall be required to be elected. However, any ballot that contains votes for more or fewer candidates than there are vacancies to be filled in each category shall not be counted.
 - 2. The Caucus shall use the following procedures for election to membership on the Committee on Appropriations and the Committee on Ways and Means:
 - a) Election shall be by ballot that lists all candidates in the order they were nominated.

- b) A majority of those present and voting for a nominated candidate shall be required to be elected. However, any ballot that contains votes for more or fewer candidates than there are vacancies to be filled in each category shall not be counted.
- B. Upon a demand supported by 10 or more Members, the Caucus shall hold a separate vote, by secret ballot, on any individual Member of a committee.
 - 1. Debate shall be limited to not more than 30 minutes with the time equally divided between proponents and opponents, upon a demand made and properly supported.
 - 2. If the noes prevail on any such vote, the list for the committee in question shall be recommitted to Steering and Policy for the sole purpose of implementing the direction of the Caucus.
 - 3. Except that if any nominee is rejected for membership to the Committee on Rules or the Committee on House Administration, the Speaker shall be entitled to submit new nominations until any such positions are filled.
 - 4. Except that this paragraph shall not apply to nominees to the Committee on the Budget, or nominees to fill vacancies on the Committee on Appropriations and the Committee on Ways and Means.

Rule 21. Nomination and Election of Chairs of Standing Committees; Committees' Selection of Vice Chairs

- A. Except as provided in this paragraph, Steering and Policy shall nominate one Member of each standing committee for the position of Chair.
 - 1. Steering and Policy shall consider all relevant factors, including merit, length of service on the committee, degree of commitment to the Democratic agenda, and the diversity of the Caucus, in making nominations for Chair.
 - 2. Steering and Policy need not necessarily follow seniority in making nominations for Chair.
 - 3. With the exception of the Committee on the Budget, only Members who have been recommended for membership on the committee shall be eligible for nomination as Chair.
 - a) Nomination and election by the Caucus of the Chair of the Committee on the Budget shall be in accordance with the provisions of Rules 3, 18.E.2., 19.C., 20.A.1., and this Rule.
 - 4. Steering and Policy shall conduct secret ballots for each Chair of the standing committees and shall count all such ballots for which there is more than one nomination.
 - 5. The Speaker shall recommend to the Caucus a nominee for Chair of the Committee on Rules and the Committee on House Administration.

- a) Debate and balloting on a nominee as Chair of the Committee on Rules or the Committee on House Administration shall be subject to the same provisions as apply to the nominations of Chairs of other committees under Rule 3 and this Rule.
- B. If the nominee of Steering and Policy for Chair of a committee, or the nominee of the Speaker for Chair of the Committee on Rules or the Committee on House Administration, was the Chair of the committee in the previous Congress who was re-elected and who is eligible for the position:
 - 1. No other nominations shall be allowed. The Caucus shall vote by secret ballot to approve or disapprove that nominee alone; and no debate shall be allowed unless requested by the nominee or by a Member who wishes to speak in opposition to the nomination, provided that the request to speak in opposition is supported by three or more Members.
 - a) Except that additional nominations shall be in order from the floor of the Caucus and election shall be in accordance with the provisions of Rule 3.B. if:
 - (i) At least 14 Members of Steering and Policy voted for candidates other than the Member nominated for Chair of a standing committee; or
 - (ii) At least 50 Members request, in writing, that nominations be considered in addition to the nominee of Steering and Policy.
 - b) If paragraph B does not apply, additional nominations shall be in order from the floor of the Caucus in accordance with the provisions of Rule 3.B.
 - 2. If a majority of those present and voting reject a nominee of Steering and Policy for Chair of a committee, Steering and Policy shall report a new nomination to the Caucus within five days.
 - a) The Caucus shall meet five to 10 days after Steering and Policy makes the new nomination in order to consider the new nominee and any additional nominations offered from the floor. Should additional nominations be made from the floor, the election shall be conducted in accordance with Rule 3, subject to the debate provided under paragraph C of this Rule.
 - b) Except that if a majority of those present and voting reject a nominee for Chair of the Committee on Rules or the Committee on House Administration, the Speaker shall be entitled to submit to the Caucus a new nomination until that position is filled.
- C. Debate on any nomination for Chair of a committee shall be limited to 60 minutes, equally divided between proponents and opponents of the nominee. Debate time on a nomination shall be extended only by a majority vote of the Caucus.
- D. Each committee shall have a Member, who must have served on that committee fewer than five terms, serve as the Committee Vice Chair or Vice Ranking Member. The purpose of this position is to

provide an opportunity for a junior Member to gain insight and experience into the workings of the committee. Procedures for selecting the Vice Chair or Vice Ranking Member are as follows:

1. The membership of each standing committee shall elect one Member who will serve as Vice Chair or Vice Ranking Member.
 - a) When the Democratic Party is the majority party in the House of Representatives, each Committee Chair shall then designate the elected Vice Chair as the Vice Chair under House Rule XI(d).
2. The individual shall be selected in a manner consistent with the following requirements:
 - a) The position of Vice Chair or Vice Ranking Member does not amend, adjust or interfere with succession, seniority on committee, or seating arrangement.
 - b) Should more than one Member of a committee seek the position, a secret ballot vote of the committee Members shall be used to elect the Vice Chair or Vice Ranking Member.
 - c) The term of the Vice Chair or Vice Ranking Member will be limited to one term.

Rule 22. Limitations on Chairmanships of Committees and Subcommittees; Exceptions to Limitations

- A. No Chair of an exclusive or non-exclusive committee may serve on another exclusive or non-exclusive committee;
 1. Except that this limitation shall not apply to the Chair of the Committees on the Budget, Foreign Affairs, House Administration, Natural Resources, Oversight and Reform, Science, Space and Technology, Small Business, and Veterans' Affairs.
- B. No Chair of an exclusive or non-exclusive committee or select committee with legislative jurisdiction shall serve as a Member of the Committee on Ethics.
- C. No Chair of a full committee shall serve simultaneously as the Chair of any other standing, select, permanent select, special, ad hoc, or joint committee;
 1. Except that the Chair of the Committee on Ways and Means may also serve as Chair of the Joint Committee on Taxation;
 2. Except that the Chair of the Committee on House Administration may also serve as Chair of the Joint Committee on Printing and the Joint Committee on the Library; and
 3. Except that the Caucus may grant an exemption in the case of an ad hoc committee.

- D. No Chair of a full committee or a select committee with legislative jurisdiction shall serve as the Chair of a subcommittee of that committee or any other such full committee;
 - 1. Except that this limitation shall not apply to the Chair of the Committee on Appropriations, the Committee on Ethics, the Committee on House Administration, or joint Committees.
- E. Except that Rules 22.A. (prohibiting service on another committee), 22.D. (prohibiting service as both a Chair and subcommittee Chair) and 28.F. (prohibiting service as Chair of two subcommittees) shall not apply for the remainder of the Congress to Members who are elected as Chair of a full committee or subcommittee, or appointed as Chair of a permanent select committee with legislative jurisdiction, after March 1 of the second session of a Congress.

Rule 23. Filling a Vacancy in the Position of Chair of a Committee

- A. Should a vacancy in the position of a Chair of a committee occur due to the death, retirement or resignation of the Chair, the position shall be filled within 30 calendar days from the date on which the vacancy occurred in accordance with the steps for selecting committee Chairs described in Rule 21.
- B. The nominee of the Caucus for the vacancy will be submitted to the House of Representatives at the earliest practicable date thereafter.

Rule 24. Temporary Step-Aside of a Chair Who Is Indicted

- A. A Chair of a standing, select, special or joint committee of the Congress, or subcommittee thereof, who is indicted for a felony for which a sentence of two or more years of imprisonment may be imposed, shall cease to exercise the powers of the Chair and shall step aside.
- B. The next senior Member of the committee or subcommittee concerned who is not the Chair of a standing, select, special or joint committee or an Appropriations subcommittee, shall serve as acting Chair for the remainder of that Congress, unless the Chair resumes the position of Chair in accordance with paragraphs C or E.
- C. If during the same Congress, the charges are dismissed or reduced to less than a felony as described in paragraph A, or if the Member is found not guilty of said charges, the Member shall automatically resume the position of Chair, unless the Caucus within 10 legislative days decides otherwise.
- D. If at the start of the next Congress, the Member referred to in paragraph A is still under indictment, the Caucus shall fill the position of Chair, for which that Member shall not be eligible, on an interim basis with a Member selected in accordance with Rules 20, 21, and 28 as acting Chair.
 - 1. If said Chair position is filled in this manner, and if during that Congress the charges against said Member are dismissed, or if the Member is found not guilty of said charges, or if circumstances

no longer warrant holding said Chair in an interim status, the Chair shall be determined in accordance with Rules 20, 21, and 28, the same as at the start of a Congress.

2. The acting Chair shall not serve simultaneously as the Chair of any committee.
 3. Service as an acting Chair of committee or subcommittee in accordance with this paragraph shall not be subject to the restrictions in Caucus Rule 22.B.
 4. If an indictment against a Member referred to in paragraph A is quashed or otherwise vitiated and the Member returns to their former position of Chair, then the next senior Member who took the place of the indicted Member shall return without prejudice to their former subcommittee Chair status.
- E. The Caucus may waive the provisions of this Rule at any time by majority vote.

Rule 25. Replacement of a Chair Who Is Censured or Convicted

- A. A Chair of a standing, select, special, or joint committee of the Congress, or subcommittee thereof, who is censured by a vote of the House when the Democratic Party is the majority party in the House of Representatives, or who is convicted of a felony for which a sentence of two or more years of imprisonment may be imposed, shall cease to exercise the powers of the Chair and shall not serve as Chair of any committee or subcommittee for the remainder of that Congress.
- B. Immediately upon censure or conviction of any Chair referred to in paragraph A, the next senior Member of the committee or subcommittee who is not the Chair of a standing, select, special or joint committee or an Appropriations subcommittee, shall serve as acting Chair until a new Chair is selected in accordance with paragraph C or until the Caucus acts in accordance with paragraph D.
- C. The Chair described in paragraph A shall be replaced in accordance with Rules 20, 21, and 28.
- D. Subsequent to a request made by a Chair described in paragraph A within 15 calendar days of their censure or conviction, the Caucus may order, if circumstances so warrant, that the Chair step aside rather than be replaced and that the acting Chair continue in such status for the remainder of that Congress only, or may waive the provisions of paragraph A entirely.
 1. If subsequently during that Congress the conviction of the Member described in paragraph D is reversed and all appeals are exhausted, the Member shall automatically resume the position of the Chair, unless the Caucus decides otherwise, within 10 legislative days.
- E. If a Member described in paragraph A was replaced as the Chair of a committee or subcommittee pursuant to paragraph C, and if subsequently during that Congress the conviction of said Member is reversed and all appeals are exhausted, the Member shall be presumed to have been the Chair of that committee or subcommittee for the entire Congress for purposes of selecting committee and subcommittee Chairs at the start of the next Congress.

Rule 26. Committee and Subcommittee Staff

- A. The Chair of each full committee shall control the committee budget designated for the Democratic majority or minority after appropriate consultation with the subcommittee Chairs of the committee.
- B. The Chair shall select and designate Democratic committee staff members subject to the approval of a majority of the Members of the full committee. Such staff shall serve all of the Members of the full committee.
- C. All committee staff appointments are subject to the approval of the Speaker.

Rule 27. Committee Caucus Organizational Meeting

- A. There shall be a caucus of each standing committee and any other committee with legislative jurisdiction consisting of all Members of the committee, hereafter referred to as the “committee caucus.”
- B. At the start of each Congress, the Chair of each standing committee (except the Committee on Ethics) or other committee with legislative jurisdiction shall call a meeting of the committee caucus, giving at least three days’ notice to all Members of the committee.
 - 1. The Chair shall call the meeting subsequent to the House Democratic Caucus approval of the committee lists but prior to the organizational meeting of the full committee.
 - 2. The committee caucus shall fill the positions of subcommittee Chairs and subcommittee Members in accordance with procedures described in Rules 27 through 30.
 - 3. If, within 10 days after the organization or reorganization of any committee, a Member of the committee raises a point of order against the organization or reorganization of that committee with the Chair of the Democratic Caucus on the grounds that the Caucus rules have been violated, the Caucus Chair shall inform the Chair of that committee of the point of order.
 - 4. If the point of order is sustained by the Caucus Chair, and if the committee has not brought itself into compliance within five legislative days of receipt of the communication of the Caucus Chair, the matter will be referred to Steering and Policy for disposition.
- C. When the Democratic Party is the majority party of the House of Representatives, the committee caucuses as described in paragraph A shall approve and secure adoption of committee rules incorporating the following steps:
 - 1. Prior to the start of the bidding process for subcommittee Chairs positions and assignments, the caucus of each committee shall establish the number of subcommittees, fix the jurisdiction of each subcommittee, and determine the size of each subcommittee.

- a) The Resident Commissioner and Delegates shall not be counted in determining committee and subcommittee sizes for purposes of this Rule.
 - b) Subcommittee size shall be limited to no more than 60 percent of the size of the full committee.
 - c) The committee caucus may change the size of any subcommittee after the start of the bidding process, but in that event, all previous action on the bidding process shall start anew.
 - d) No panel, task force, special subcommittee, or any other subunit of a standing committee may be created without the knowledge of the full committee Chair and the concurrence of the committee caucus. The Chair of the committee shall notify the Caucus Chair within seven days of the creation of any panel, task force, special subcommittee, or any other subunit of a standing committee.
- 2. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the committee on all matters referred to it. Subcommittee Chairs shall set meeting dates after consultation with the Chair and other subcommittee Chairs with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.
 - 3. All legislation and other matters referred to a committee shall be referred to all subcommittees of appropriate jurisdiction within two weeks unless, by majority vote of the Members of the full committee, consideration is to remain with the full committee.
- D. When the Democratic Party is the majority party of the House of Representatives, the committee caucus shall determine an appropriate ratio of Democratic to minority party Members for each subcommittee and shall authorize a Member or Members to negotiate that ratio with the minority party.
 - 1. Party representation on each subcommittee, including ex-officio Members, shall be no less favorable to the Democratic Party than the ratio for the full committee.
 - 2. The Resident Commissioner or Delegates shall not be counted for purposes of this provision.
 - E. Periodic meetings of the committee caucus may be called by the Chair of the committee, or a majority of the Members of a committee caucus, with due notice to all Members of the committee of such caucuses.
 - 1. The Chair shall call a meeting of the committee caucus within 10 days of a written request of 10 Members of the committee or of a majority of the Members of the committee, whichever is

less, addressed to the Chair, to hold a committee caucus. Said request shall contain the subject matter for discussion at such caucus.

2. All actions by a committee caucus shall require a majority of those voting, a quorum being present.
3. A quorum of a committee caucus shall consist of a majority of the Members assigned to the committee.

Rule 28. Election of Chairs of Subcommittees; Exceptions to Limitations

- A. The Members of any standing committee shall have the right to bid in order of full committee seniority for the position of Chair of each subcommittee at the committee caucus described in Rule 27.
 1. Except that the committee caucus of the Committee on Appropriations, in its discretion, may use seniority on the subcommittee concerned, as determined by the order in which Members elect to go on the subcommittee, as the criterion for determining subcommittee Chairs.
 2. Any request for a subcommittee Chair shall be subject to approval by a majority of those present and voting by secret ballot in the committee caucus.
 3. If the committee caucus rejects a Member's bid for the position of subcommittee Chair, that Member may then bid for any remaining position of Chair of a subcommittee.
 - a) If that Member is not elected to serve as Chair of any subcommittee, the next senior Member may bid for any remaining subcommittee Chair positions as in the first instance.
 4. The Resident Commissioner and Delegates shall bid for the positions of subcommittee Chair pursuant to the provisions of this paragraph and Rule 30.A.
- B. The Chair of each standing committee shall report to Steering and Policy and the Caucus Chair the names of Members selected by the committee caucus to serve as subcommittee Chairs. The Caucus Chair shall distribute the list to the Members of the Democratic Caucus.
 1. Except as provided in paragraph C or D, the Democratic Caucus shall vote on any Member so selected if Steering and Policy recommends such a vote, or it is requested in writing by 50 or more Members and is submitted to the Caucus Chair within three legislative days of the report to Steering and Policy.
 - a) The subcommittee Chair shall not exercise their duties until the issue is resolved by the Caucus.
 - b) The Caucus will convene within seven legislative days to hold the election.

- c) The debate and vote of the Democratic Caucus shall be in accordance with the procedures set forth in Rule 21.C.
 - d) If the full Caucus disapproves of the selection of any Member as subcommittee Chair, the appropriate committee caucus shall select a new subcommittee Chair in accordance with procedures established in paragraph A of this Rule.
- 2. Except that Rule 28.B. shall not apply to the Committee on Ethics.
- C. Steering and Policy shall vote on the nomination of each Member nominated by the appropriate committee caucus to serve as the Chair of a subcommittee of the Committee on Appropriations, the Committee on Energy and Commerce, the Committee on Financial Services, or the Committee on Ways and Means.
 - 1. If a majority of those present and voting reject any nominee for Chair, the relevant committee caucus shall submit new nominations to Steering and Policy until all such nominations have been approved.
 - 2. In reviewing such nominations, Steering and Policy shall consider all relevant factors, including merit, length of service on the committee, degree of commitment to the Democratic agenda, and the diversity of the Caucus.
 - 3. The full Democratic Caucus shall vote on each such nominee following the same procedure set forth in Rule 21 for the election of standing committee Chairs.
 - a) If a majority present and voting rejects any such nominee, the appropriate committee caucus shall submit new nominations to Steering and Policy until such position is filled by the Caucus.
- D. Steering and Policy and the Democratic Caucus shall vote on the nomination of any Member who serves on the Committee on Appropriations, the Committee on Energy and Commerce, the Committee on Financial Services, or the Committee on Ways and Means, who serves on any other standing committee and who is nominated by the committee caucus of the other standing committee to serve as Chair of a subcommittee of that other committee, pursuant to the considerations and procedures set forth in paragraph C.
- E. The full Democratic Caucus shall vote on the nomination of any Member selected by a committee caucus to serve as Chair of any subcommittee who, within the two years of the preceding Congress, has been convicted of a felony or has been censured by the House.
 - 1. The debate and vote of the full Caucus shall be in accordance with the procedures set forth in Rule 21 for the election of standing committee Chairs.

2. If the full Caucus disapproves of the selection of any Member as subcommittee Chair, the appropriate committee caucus shall select a new subcommittee Chair in accordance with procedures established in paragraph A of this Rule.
- F. No Member shall serve as Chair of more than one subcommittee of a full committee or select committee with legislative jurisdiction.
1. Except that this limitation shall not apply to the Committee on House Administration, Committee on Ethics, and joint Committees.
- G. Members who are elected as Chair of a full committee, or of a subcommittee, or are appointed as Chair of a permanent select committee with legislative jurisdiction after March 1 of the second session of a Congress, shall be exempt for the remainder of that Congress from the provisions of:
1. Rule 22.A. (prohibiting service on more than one committee);
 2. Rule 22.D. (prohibiting full committee and subcommittee chairmanships); and
 3. Rule 28.F. (prohibiting two subcommittee chairmanships).

Rule 29. Filling a Vacancy in the Position of Chair of a Subcommittee

- A. When a vacancy in the position of subcommittee Chair occurs, the bidding procedure described in Rule 28 shall begin anew as at the beginning of a Congress.
1. All subsequent subcommittee positions shall then be filled pursuant to Rule 30.
 2. The committee caucus of the committee in question may by unanimous consent provide for a different procedure.
 3. Any vacancy occurring after March 1 of the second session of a Congress may be filled for the remainder of that Congress by the next senior Member on that subcommittee, notwithstanding the provisions of Rule 28.
- B. A vacancy in the position of subcommittee Chair on the Committee on Appropriations shall be filled within 30 calendar days from the date on which the vacancy occurs in accordance with the steps for selecting the subcommittee Chairs of the Committee on Appropriations outlined in Rule 28.

Rule 30. Procedure for Electing Members to Subcommittees

- A. A Member elected as a Chair of a subcommittee shall not choose a second subcommittee position before Members of the full committee who served in the preceding Congress and newly elected Members have selected one subcommittee assignment, in order of their rank on the full committee.

1. Except that paragraph A shall not apply to subcommittees of the Committee on Appropriations.
- B. A Member elected as the Chair of a subcommittee may bid on additional subcommittee positions during each subsequent round of bidding.
- C. The Resident Commissioner and Delegates shall bid for membership on a subcommittee pursuant to the provisions of paragraphs A and B.
- D. All Democratic membership positions on the subcommittees of the standing committees of the House shall be filled by the committee caucus pursuant to Rules 16 and 27 according to these five steps:
 1. Step One - Members who served on that committee in the preceding Congress who are not a Chair of a subcommittee shall have the option, during the first round of bidding and in order of their rank on the full committee, to retain one subcommittee assignment held on that committee in the preceding Congress, or to pass and forego their right to retain any subcommittee position the Member held in the preceding Congress.
 - a) In a case where the committee caucus has split a subcommittee into two subcommittees, such Member may select assignments on both of said subcommittees.
 - b) A Member of the Committee on Appropriations who served on that committee in the preceding Congress shall be entitled to retain not more than two subcommittee assignments the Member held on that committee in the preceding Congress.
 2. Step Two - Members who passed in Step One shall be entitled, in order of their rank on the full committee, to select a new subcommittee assignment to the extent that subcommittee size permits.
 - a) A Member of the Committee on Appropriations who retains no subcommittee assignments shall be entitled, in order of their rank on the full committee, to select one subcommittee position each.
 3. Step Three - New Members of the committee shall be entitled to choose any one subcommittee assignment to the extent that subcommittee size permits.
 - a) New Members of the Committee on Appropriations shall be entitled, in order of their rank on the full committee, to select one subcommittee position each.
 4. Step Four - Members shall be entitled to select additional subcommittee assignments during further rounds of selection in order of rank on the full committee until remaining subcommittee vacancies are filled.

- a) Members of the Committee on Appropriations who have only one subcommittee assignment shall be entitled, in order of their rank on the full committee, to select a second subcommittee assignment, to the extent that subcommittee size permits.
- 5. Step Five - Members who are assigned to standing committees on a temporary basis shall be entitled to select subcommittee assignments only after steps one through four have been completed, during further rounds of selection in the order of the temporary Members' ranks on the full committee, until remaining subcommittee vacancies are filled.
- E. For the purposes of these Rules, the term "subcommittee" refers to any panel, task force, special subcommittee, or any other subunit of a standing committee which is established for a period of longer than six months.
 - 1. Except that such term shall not apply to a task force of the Committee on the Budget, except for purposes of Caucus Rule 31.A., or to an investigative or adjudicatory subcommittee of the Committee on Ethics.

Rule 31. Limitations on Subcommittee Membership

- A. No Member shall serve on more than four of the following entities:
 - 1. Subcommittees as defined in Rule 30.E.; and
 - 2. Subcommittees of a non-legislative select committee, excepting one such subcommittee.
- B. As soon as is practicable following the organization of a Congress, the Caucus shall conduct a survey to determine if any Member of the Caucus is in violation of this Rule.
 - 1. The Caucus shall provide those Members with written notification of any such violation and shall grant those Members 30 calendar days to bring themselves into compliance with paragraph A.
 - 2. If, at the end of 30 calendar days following written notification, a Member is still not in compliance, the matter will be referred to the Steering and Policy Committee for disposition.

Rule 32. Subcommittee Vacancies

- A. After March 1 of a second session of a Congress, Members who are elected as Chair of a full committee or of a subcommittee or appointed as Chair of a permanent select committee with legislative jurisdiction, shall be exempt for the remainder of that Congress from the provisions of
 - 1. Rule 22.A. (prohibiting service on another committee);
 - 2. Rule 22.D. (prohibiting full committee and subcommittee chairmanships); and

3. Rule 28.F. (prohibiting two subcommittee chairmanships).
- B. Subject to the provision of Rule 29 on vacancies in subcommittee chairmanships, a Member who is assigned to a committee during a Congress shall be entitled to choose subcommittee assignments under Step Three of Rule 30, and all subsequent subcommittee positions shall then be chosen anew as at the beginning of a new Congress.
- C. The steps for selecting subcommittee membership in Caucus Rule 30 shall apply to membership vacancies on subcommittees and to membership on special subcommittees or subunits, exclusive to the committee and with legislative jurisdiction, that may be created during a Congress.
- D. A committee caucus may by unanimous consent provide for a different procedure.

Rule 33. Appointments to Joint and Select Committees, Boards and Commissions

- A. In those instances where the Speaker has the power to appoint Members to joint and select committees, boards and commissions, due consideration should be given to sharing the workload and responsibility among qualified Members of the House who have indicated an interest in the subject matter of the committee, board, or commission and have expressed a willingness to actively participate in its deliberations and operations.
- B. All Members serving on joint and select committees, boards and commissions by virtue of appointment by the Speaker shall be considered to have completed their tenure and their positions deemed to be vacant until filled by appointment or re-appointment by the Speaker at the start of a new Congress.

Title III: Rules Related to Floor and Conference Procedure

Rule 34. Binding Votes on House Leadership

- A. With respect to voting in the House of Representatives for Speaker and other officers of the House, for each committee Chair, and for membership of committees, a majority vote of those present and voting at a Democratic Caucus shall bind all Members of the Caucus.

Rule 35. Closed Rule Limitation

- A. When the Democratic Party is the majority party in the House of Representatives, it shall be the policy of the Caucus that a Committee Chair or their designee shall not seek, and the Members of the Committee on Rules shall not support, any rule or order prohibiting any germane amendment to any bill reported from committee, until four legislative days have elapsed following notice in the Congressional Record of an intention to do so.
- B. If, within the four legislative days following said notice in the Congressional Record, 50 or more Members of the Caucus give written notice to the Chair of the committee seeking the rule and to

the Chair of the Committee on Rules that they wish to offer a particular germane amendment, the Chair of the committee or their designee shall not seek and the Members of the Committee on Rules shall not support any rule or order relating to the bill or resolution involved until the Caucus has met and decided whether the proposed amendment should be allowed to be considered in the House of Representatives.

- C. If 50 or more Members give notice as provided in paragraph B, then notwithstanding the provisions of Rule 8, the Caucus shall meet for such purpose within three legislative days following a request for such a meeting by the reporting committee's Chair or their designee to the Speaker and to the Chair of the Caucus.
- D. Notices referred to above also shall be submitted to the Speaker and the Caucus Chair.

Rule 36. Notice of Appropriations Violations

- A. When the Committee on Appropriations orders reported any general appropriation bill that includes any provision in violation of clause 2 of House Rule XXI and within the jurisdiction of a standing committee, it shall be the policy of the Caucus that the Committee on Appropriations give notice immediately to the Chair and Ranking Member of the standing committee which has jurisdiction over such provision or the specific provisions in violation of clause 2 of House Rule XXI.
 - 1. When any other committee of the House orders reported any bill, resolution, or amendment thereto carrying an appropriation from a committee not having jurisdiction to report appropriations in violation of clause 4 of House Rule XXI, such committee shall give notice immediately to the Chair of the Committee on Appropriations.
- B. It shall be the policy of the Caucus that it is the responsibility of the Committee on Appropriations to deliver copies of House-passed appropriation bills with numbered Senate amendments to the Chair and Ranking Member of the appropriate authorizing committees at least 24 hours prior to requesting appointment of conferees thereon, unless the Speaker determines otherwise.
- C. It shall be the policy of the Caucus that it is the responsibility of the Committee on Appropriations, upon filing of a conference report on an appropriations measure, to deliver copies of the conference report and joint statement of the managers to the Chair and Ranking Member of the appropriate authorizing committees at least 24 hours prior to floor action thereon, unless the Speaker determines otherwise.

Rule 37. Committee Review of Legislation Developed by an Ad Hoc Task Force

- A. It shall be the policy of the Caucus that the standing committee or committees of jurisdiction of the House of Representatives shall have the right, for at least five legislative days, to consider, review,

and report on any legislative measure developed by any ad hoc task force appointed or designated by the Speaker.

Rule 38. Guidelines on Suspensions of House Rules

- A. When being consulted on the consideration of bills or resolutions under the suspension of the Rules of the House of Representatives, the Democratic Leadership shall not consent to such consideration of any measure that:
 - 1. Has not been cleared with the Speaker and Chair(s) of the committee(s) of jurisdiction;
 - 2. Will be amended by an amendment that was not authorized by the committee(s) of jurisdiction, is not agreed to by the Chair(s) of the committee(s) of jurisdiction, and is not available at least three calendar days in advance of consideration (including the day of consideration);
 - 3. Was opposed by more than one-third of any committee reporting it;
 - 4. Is added to the suspension list less than one day in advance of consideration (except in the case of a legitimate emergency); or
 - 5. Does not meet the requirements of paragraphs B-E of this Rule.
- B. Any committee Chair supporting a request that a bill or resolution be brought up under the suspension of the Rules of the House, must provide to the Speaker in writing any cost estimate provided to the committee by any of the following:
 - 1. The committee considering said bill or resolution;
 - 2. The Congressional Budget Office;
 - 3. The relevant executive department, agency, or instrumentality having jurisdiction in the matter; or
 - 4. Any other department, agency, or instrumentality of the government where such an estimate indicates that the bill or resolution in question may make or authorize appropriations in excess of \$100,000,000 for any fiscal year.
- C. The Speaker shall not consent to consideration of any bill or resolution under the suspension of the Rules of the House or Representatives in any case where a request made under paragraph B of this Rule contains a cost estimate in excess of \$100,000,000 in any fiscal year.
 - 1. Except that this prohibition shall not apply where the Speaker requests Steering and Policy review a request to schedule for consideration under suspension of the Rules of the House such

legislation, and Steering and Policy authorizes the Speaker to consent to scheduling said bill or resolution for consideration under the suspension of the Rules of the House.

2. In any case as authorized in paragraph C.1., the Speaker shall not consent to such bill or resolution being scheduled under the suspension of the Rules before the fourth calendar day (excluding Saturdays, Sundays, and legal holidays) following the day on which Steering and Policy authorized such action.

D. Paragraph A shall not apply to:

1. Any measure for the declaration of war, or extreme emergency; or
2. Any measure directly related to any executive decision, determination, or action which would become or continue to be, effective unless disapproved or otherwise invalidated by Congress.

E. Paragraph A of this Rule shall not apply if the House of Representatives adopts a resolution near the end of a session of Congress that waives certain Rules of the House for the consideration of legislation for the remainder of that session.

Rule 39. Motions to Recommit; Motions to Instruct Conferees

- A. When the Democratic Party is the minority party for the House of Representatives all motions on the Floor of the House of Representatives for which Democratic Members are granted priority in recognition, including motions to recommit and motions to instruct conferees, shall be used, to the extent possible, to support the positions of the Democratic Caucus and the Democratic Leadership.
- B. When more than one Member proposes to offer such a motion, the Democratic Leader shall determine the course of action that best reflects the position of the Democratic Caucus and the Democratic Leadership.
 1. Any Member having priority in recognition to offer such a motion shall act in accordance with that determination, including, if necessary, yielding one's rights to offer such a motion to another Member.

Rule 40. Role of Subcommittee Chairs on the Floor

- A. The Chairs of full committees shall, to the extent practicable, permit subcommittee Chairs to handle legislation from their respective subcommittees on the Floor of the House of Representatives.

Rule 41. Democratic Representation on Conference Committees

- A. When the Democratic Party is the majority party in the House of Representatives, representation on conference committees shall be no less favorable to the Democratic Party than the ratio for the full House committee.

- B. When the Democratic Party is not the majority party in the House of Representatives, the Democratic Leader shall make recommendations to the Speaker of the House on all Democratic Members who shall serve as conferees.

Rule 42. Diversity Rule

- A. To the extent practicable, offices shall:
 - 1. Engage with the House Diversity and Inclusion Office to identify qualified candidates for vacancies;
 - 2. Engage with congressional staff associations and outside stakeholder groups that represent diversity to solicit résumés; and
 - 3. Interview diverse applicants for all vacancies.