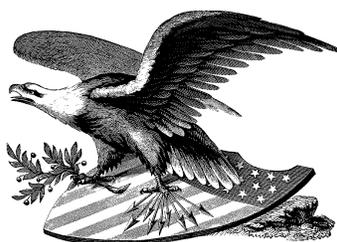


**Rules of Procedure
for the
Committee on Homeland Security**

U.S. House of Representatives

110th Congress



Adopted January 23, 2007

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Committee on Homeland Security**

**U.S. House of Representatives
Committee on Homeland Security**

110th Congress

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Committee on Homeland Security
110th Congress

(19-15)

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Rules of the Committee on Homeland Security

(Adopted January 23, 2007)

Rule I.—GENERAL PROVISIONS.

- (A) *Applicability of the Rules of the U.S. House of Representatives.*—The Rules of the U.S. House of Representatives (the “House”) are the rules of the Committee on Homeland Security (the “Committee”) and its subcommittees insofar as applicable.
- (B) *Applicability to Subcommittees.*—Except where the terms “Full Committee” and “subcommittee” are specifically mentioned, the following rules shall apply to the Committee’s subcommittees and their respective Chairmen and Ranking Minority Members to the same extent as they apply to the Full Committee and its Chairman and Ranking Minority Member.
- (C) *Appointments by the Chairman.*—The Chairman shall designate a Member of the Majority party to serve as Vice Chairman of the Full Committee. The Vice Chairman of the Full Committee shall preside at any meeting or hearing of the Full Committee during the temporary absence of the Chairman. In the absence of both the Chairman and Vice Chairman, the Chairman’s designee shall preside.
- (D) *Recommendation of Conferees.*—Whenever the Speaker of the House is to appoint a conference committee on a matter within the jurisdiction of the

Full Committee, the Chairman shall recommend to the Speaker of the House conferees from the Full Committee. In making recommendations of Minority Members as conferees, the Chairman shall do so with the concurrence of the Ranking Minority Member of the Committee.

- (E) *Motions To Disagree.*—The Chairman is directed to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the Chairman considers it appropriate.
- (F) *Committee Website.*—The Chairman shall maintain an official Committee web site for the purposes of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee Members, other Members and the public at large. The Ranking Minority Member may maintain a similar website for the same purposes.

Rule II.— TIME OF MEETINGS.

- (A) *Regular Meeting Date.*—The regular meeting date and time for the transaction of business of the Full Committee shall be on the first Wednesday that the House is in Session each month, unless otherwise directed by the Chairman.
- (B) *Additional Meetings.*—At the discretion of the Chairman, additional meetings of the Committee may be scheduled for the consideration of any bill or other matters pending before the Committee or to conduct other Committee business. The Committee shall meet for such purposes pursuant to the call of the Chairman.

- (C) *Consideration.*—Except in the case of a special meeting held under clause 2(c)(2) of House Rule XI, the determination of the business to be considered at each meeting of the Committee shall be made by the Chairman.

RULE III.—NOTICE AND PUBLICATION.

(A) *Notice.*—

- (1) *Hearings.*—The date, time, place and subject matter of any hearing of the Committee shall, except as provided in the Committee rules, be announced by notice at least one week in advance of the commencement of such hearing. The names of all witnesses scheduled to appear at such hearing shall be provided to Members no later than 48 hours prior to the commencement of such hearing. These notice requirements may be waived by the Chairman with the concurrence of the Ranking Minority Member.
- (2) *Meetings.*—The date, time, place and subject matter of any meeting, other than a hearing or a regularly scheduled meeting, shall be announced at least 36 hours in advance of a meeting to take place on a day the House is in session, and 72 hours in advance of a meeting to take place on a day the House is not in session, except in the case of a special meeting called under clause 2(c)(2) of House Rule XI. These notice requirements may be waived by the Chairman with the concurrence of the Ranking Minority Member.
- (a) Copies of any measure to be considered for approval by the Committee at any meeting, including any mark, print or amendment in the nature of a substitute shall be provided to the Members at least 24 hours in advance.

- (b) The requirement in subsection (a) may be waived or abridged by the Chairman, with advance notice to the Ranking Minority Member.
- (3) *Publication.*—The meeting or hearing announcement shall be promptly published in the Daily Digest portion of the Congressional Record. To the greatest extent practicable, meeting announcements shall be entered into the Committee scheduling service of the House Information Resources.

**Rule IV.— OPEN MEETINGS AND HEARINGS;
BROADCASTING.**

- (A) *Open Meetings.*— All meetings and hearings of the Committee shall be open to the public including to radio, television and still photography coverage, except as provided by Rule XI of the Rules of the House or when the Committee, in open session and with a Majority present, determines by recorded vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, compromise sensitive law enforcement information, tend to defame, degrade or incriminate a witness, or violate any law or rule of the House of Representatives.
- (B) *Broadcasting.*—Whenever any hearing or meeting conducted by the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered by television broadcast, internet broadcast, print media, and still photography, or by any of such methods of coverage, in accordance with the provisions of clause 4 of Rule XI of the Rules of the

House. Operation and use of any Committee operated broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of Rule XI and all other applicable rules of the Committee and the House. Priority shall be given by the Committee to members of the Press Galleries.

- (C) *Transcripts.*—A transcript shall be made of the testimony of each witness appearing before the Committee during a Committee hearing. All transcripts of meetings or hearings that are open to the public shall be made available.

Rule V.—PROCEDURES FOR MEETINGS AND HEARINGS.

- (A) *Opening Statements.*—At any meeting of the Committee, the Chairman and Ranking Minority Member shall be entitled to present oral opening statements of five minutes each. Other Members may submit written opening statements for the record. The Chairman presiding over the meeting may permit additional opening statements by other Members of the Full Committee or of that subcommittee, with the concurrence of the Ranking Minority Member.
- (B) *The Five-Minute Rule.*—The time any one Member may address the Committee on any bill, motion, or other matter under consideration by the Committee shall not exceed five minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be extended when permitted by unanimous consent.
- (C) *Postponement of Vote.*—The Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or

adopting an amendment. The Chairman may resume proceedings on a postponed vote at any time, provided that all reasonable steps have been taken to notify Members of the resumption of such proceedings. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

- (D) *Contempt Procedures.*—No recommendation that a person be cited for contempt of Congress shall be forwarded to the House unless and until the Full Committee has, upon notice to all its Members, met and considered the alleged contempt. The person to be cited for contempt shall be afforded, upon notice of at least 72 hours, an opportunity to state why he or she should not be held in contempt prior to a vote of the Full Committee, with a quorum being present, on the question whether to forward such recommendation to the House. Such statement shall be, in the discretion of the Chairman, either in writing or in person before the Full Committee.

Rule VI.---WITNESSES.

(A) *Questioning of Witnesses.*—

- (1) Questioning of witnesses by Members will be conducted under the five-minute rule unless the Committee adopts a motion permitted by House Rule XI (2)(j)(2).
- (2) In questioning witnesses under the 5-minute rule, the Chairman and the Ranking Minority Member shall first be recognized. In a subcommittee

meeting or hearing, the Chairman and Ranking Minority Member of the Full Committee are then recognized. All other Members that arrive before the commencement of the meeting or hearing will be recognized in the order of seniority on the Committee, alternating between Majority and Minority Members. Committee Members arriving after the commencement of the hearing shall be recognized in order of appearance, alternating between Majority and Minority Members, after all Members present at the beginning of the hearing have been recognized. Each Member shall be recognized at least once before any Member is given a second opportunity to question a witness.

- (3) The Chairman, in consultation with the Ranking Minority Member, or the Committee by motion may permit an extension of the period of questioning of a witness beyond five minutes but the time allotted must be equally apportioned to the Majority party and the Minority and may not exceed one hour in the aggregate.
 - (4) The Chairman, in consultation with the Ranking Minority Member, or the Committee by motion may permit Committee staff of the Majority and Minority to question a witness for a specified, total period that is equal for each side and not longer than 30 minutes for each side.
- (B) *Minority Witnesses.*—Whenever a hearing is conducted by the Committee upon any measure or matter, the Minority party Members on the Committee shall be entitled, upon request to the Chairman by a Majority of those Minority Members before the

completion of such hearing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(C) *Oath or Affirmation.*—The Chairman of the Committee or any Member designated by the Chairman, may administer an oath to any witness.

(D) *Statements by Witnesses.*—

(1) Consistent with the notice given, witnesses shall submit a prepared or written statement for the record of the proceedings (including, where practicable, an electronic copy) with the Clerk of the Committee no less than 48 hours in advance of the witness's appearance before the Committee. Unless the 48 hour requirement is waived or otherwise modified by the Chairman after consultation with the Ranking Minority Member, the failure to comply with this requirement may result in the exclusion of the written testimony from the hearing record and/or the barring of an oral presentation of the testimony.

(2) To the greatest extent practicable, the written testimony of each witness appearing in a non-governmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness to the extent that such information is relevant to the subject matter of, and the witness' representational capacity at, the hearing.

Rule VII.—QUORUM.

- (A) *Quorum Requirements.*— Two Members shall constitute a quorum for purposes of taking testimony and receiving evidence. One-third of the Members of the Committee shall constitute a quorum for conducting business, except for
- (1) reporting a measure or recommendation;
 - (2) closing Committee meetings to the public, pursuant to Committee Rule IV;
 - (3) authorizing the issuance of subpoenas; and
 - (4) any other action for which an actual majority quorum is required by any rule of the House of Representatives or by law. The Chairman shall make reasonable efforts, including consultation with the Ranking Minority Member when scheduling meetings and hearings, to ensure that a quorum for any purpose will include at least one minority Member of the Committee.

Rule VIII.—DECORUM.

- (A) *Breaches of Decorum.*—The Chairman may punish breaches of order and decorum, by censure and exclusion from the hearing; and the Committee may cite the offender to the House for contempt.
- (B) *Access to Dais.*—Access to the dais before, during and after a hearing, mark up or other meeting of the Committee shall be limited to Members and staff of the Committee. Subject to availability of space on the dais, a Member may have a personal staff present on the dais during periods when the Member is seated on the dais at the hearing.
- (C) *Wireless Communications Use Prohibited.*— During a hearing, mark-up, or other meeting of the Committee,

ringing or audible sounds or conversational use of cellular telephones or other electronic devices is prohibited in the Committee room.

RULE IX.—SUBCOMMITTEES.

- (A) *Generally.*—The Full Committee shall be organized into the following six standing subcommittees:
- (1) Subcommittee on Border, Maritime and Global Counterterrorism;
 - (2) Subcommittee on Emergency Communications, Preparedness, and Response;
 - (3) Subcommittee on Transportation Security and Infrastructure Protection;
 - (4) Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment;
 - (5) Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology; and
 - (6) Subcommittee on Management, Investigations, and Oversight.
- (B) *Selection and Ratio of Subcommittee Members.*—The Chairman and Ranking Member of the Full Committee shall select their respective Members of each subcommittee. The ratio of Majority to Minority Members shall be comparable to the ratio of Majority to Minority Members on the Full Committee, except that each subcommittee shall have at least two more Majority Members than Minority Members.
- (C) *Ex Officio Members.*—The Chairman and Ranking Minority Member of the Full Committee shall be ex officio members of each subcommittee but are not authorized to vote on matters that arise before each subcommittee. The Chairman and Ranking Minority Member of the Full Committee shall not be counted to

satisfy the quorum requirement for any purpose other than taking testimony unless they are regular members of that subcommittee.

- (D) *Powers and Duties of Subcommittees.*—Except as otherwise directed by the Chairman of the Full Committee, each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Full Committee on all matters within its purview. Subcommittee Chairmen shall set hearing and meeting dates only with the approval of the Chairman of the Full Committee. To the greatest extent practicable, no more than one meeting and hearing should be scheduled for a given time.
- (E) *Special Voting Provision.*—If a tie vote occurs in a subcommittee on the question of reporting any measure to the Full Committee, the measure shall be placed on the agenda for Full Committee consideration as if it had been ordered reported by the subcommittee without recommendation.
- (F) *Task Forces or Select Subcommittees.*—The Chairman, with the concurrence of the Ranking Minority Member, may create task forces of limited duration to carry out specifically enumerated duties and functions within the jurisdiction of the Committee subject to any limitations provided for in the House Rules or other Caucus or Conference Rules. Any task force created under this rule shall be subject to all applicable Committee and House rules and other laws in the conduct of its duties and functions.

Rule X.—REFERRALS TO SUBCOMMITTEES.

Referral of Bills and Other Matters by Chairman.—Except for bills and other matters retained by the Chairman for

Full Committee consideration, each bill or other matters referred to the Full Committee shall be referred by the Chairman to one or more subcommittees. In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Full Committee. Bills or other matters referred to subcommittees may be reassigned or discharged by the Chairman.

RULE XI.—SUBPOENAS.

(A) *Authorization.*—Pursuant to clause 2(m) of Rule XI of the House, a subpoena may be authorized and issued under the seal of the House and attested by the Clerk of the House, and may be served by any person designated by the Full Committee for the furtherance of an investigation with authorization by—

- (1) a majority of the Full Committee, a quorum being present; or
- (2) the Chairman of the Full Committee, after consultation with the Ranking Minority Member of the Full Committee, during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the Chairman of the Full Committee, authorization and issuance of the subpoena is necessary to obtain the material or testimony set forth in the subpoena. The Chairman of the Full Committee shall notify Members of the Committee of the authorization and issuance of a subpoena under this rule as soon as practicable, but in no event later than one week after service of such subpoena.

- (B) *Disclosure*.—Provisions may be included in a subpoena with the concurrence of the Chairman and the Ranking Minority Member of the Full Committee, or by the Committee, to prevent the disclosure of the Full Committee's demands for information when deemed necessary for the security of information or the progress of an investigation, including but not limited to prohibiting the revelation by witnesses and their counsel of Full Committee's inquiries.
- (C) *Subpoena duces tecum*.—A subpoena duces tecum may be issued whose return to the Committee Clerk shall occur at a time and place other than that of a regularly scheduled meeting.
- (D) *Affidavits and Depositions*.—The Chairman of the Full Committee, in consultation with the Ranking Minority Member of the Full Committee, or the Committee may authorize the taking of an affidavit or deposition with respect to any person who is subpoenaed under these rules but who is unable to appear in person to testify as a witness at any hearing or meeting. Notices for the taking of depositions shall specify the date, time and place of examination. Depositions shall be taken under oath administered by a Member or a person otherwise authorized by law to administer oaths. Prior consultation with the Ranking Minority Member of the Full Committee shall include written notice three business days before any deposition is scheduled to provide an opportunity for Minority staff to be present during the questioning.

RULE XII.—COMMITTEE STAFF.

- (A) *Generally*.— Committee staff members are subject to the provisions of clause 9 of House Rule X and must

be eligible to be considered for routine access to classified information.

- (B) *Staff Assignments.*—For purposes of these rules, Committee staff means the employees of the Committee, detailees, fellows or any other person engaged by contract or otherwise to perform services for, or at the request of, the Committee. All such persons shall be either Majority, Minority, or shared staff. The Chairman shall appoint, determine remuneration of, supervise and may remove Majority staff. The Ranking Minority Member shall appoint, determine remuneration of, supervise and may remove Minority staff. In consultation with the Ranking Minority Member, the Chairman may appoint, determine remuneration of, supervise and may remove shared staff that is assigned to service of the Committee. The Chairman shall certify Committee staff appointments, including appointments by the Ranking Minority Member, as required.
- (C) *Divulgence of Information.*—Prior to the public acknowledgment by the Chairman or the Committee of a decision to initiate an investigation of a particular person, entity, or subject, no member of the Committee staff shall knowingly divulge to any person any information, including non-classified information, which comes into his or her possession by virtue of his or her status as a member of the Committee staff, if the member of the Committee staff has a reasonable expectation that such information may alert the subject of a Committee investigation to the existence, nature, or substance of

such investigation, unless authorized to do so by the Chairman or the Committee.

RULE XIII.—MEMBER AND STAFF TRAVEL

(A) *Approval of Travel.*—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, travel to be reimbursed from funds set aside for the Committee for any Member or any Committee staff shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any Member and any Committee staff only in connection with official Committee business, such as the attendance of hearings conducted by the Committee and meetings, conferences, site visits, and investigations that involve activities or subject matter under the general jurisdiction of the Full Committee.

(1) *Proposed Travel by Majority Party Members and Staff.*—In the case of proposed travel by Majority party Members or Committee staff, before such authorization is given, there shall be submitted to the Chairman in writing the following: (a) the purpose of the travel; (b) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (c) the location of the event for which the travel is to be made; and (d) the names of Members and staff seeking authorization. On the basis of that information, the Chairman shall determine whether the proposed travel is for official Committee business, concerns subject matter within the jurisdiction of the Full Committee, and

is not excessively costly in view of the Committee business proposed to be conducted.

(2) *Proposed Travel by Minority Party Members and Staff.*— In the case of proposed travel by Minority party Members or Committee staff, the Ranking Minority Member shall provide to the Chairman a written representation setting forth the information specified in items (a), (b), (c), and (d) of subparagraph (1) and his or her determination that such travel complies with the other requirements of subparagraph (1).

(B) *Foreign Travel.*—All Committee Member and staff requests for Committee-funded foreign travel must be submitted to the Chairman, through the Chief Financial Officer of the Committee, not less than seven business days prior to the start of the travel. Within 60 days of the conclusion of any such foreign travel authorized under this rule, there shall be submitted to the Chairman a written report summarizing the information gained as a result of the travel in question, or other Committee objectives served by such travel.

RULE XIV.—CLASSIFIED AND OTHER CONFIDENTIAL INFORMATION.

(A) *Security Precautions.*—Committee staff offices, including Majority and Minority offices, shall operate under strict security precautions administered by the Security Officer of the Committee. A security officer shall be on duty at all times during normal office hours. Classified documents and sensitive but unclassified (SBU) documents (including but not limited to those marked with dissemination

restrictions such as Sensitive Security Information (SSI), Law Enforcement Sensitive (LES), For Official Use Only (FOUO), or Critical Infrastructure Information (CII) may be examined only in an appropriately secure manner. Such documents may be removed from the Committee's offices in furtherance of official Committee business. Appropriate security procedures shall govern the handling of such documents removed from the Committee's offices.

- (B) *Temporary Custody of Executive Branch Material.*—Executive branch documents or other materials containing classified information in any form that were not made part of the record of a Committee hearing, did not originate in the Committee or the House, and are not otherwise records of the Committee shall, while in the custody of the Committee, be segregated and maintained by the Committee in the same manner as Committee records that are classified. Such documents and other materials shall be returned to the Executive branch agency from which they were obtained at the earliest practicable time.
- (C) *Access by Committee Staff.*—Access to classified information supplied to the Committee shall be limited to Committee staff members with appropriate security clearance and a need-to-know, as determined by the Chairman and Ranking Minority Member and under their direction of the Majority and Minority Staff Directors.
- (D) *Maintaining Confidentiality.*—No Member of the Committee or Committee staff shall disclose, in whole or in part or by way of summary, to any person who is not a Member of the Committee or an authorized

member of Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the Committee in executive session. Classified information and sensitive but unclassified (SBU) information (including but not limited to documents marked with dissemination restrictions such as Sensitive Security Information (SSI), Law Enforcement Sensitive (LES), For Official Use Only (FOUO), or Critical Infrastructure Information (CII)) shall be handled in accordance with all applicable provisions of law and consistent with the provisions of these rules.

- (E) *Oath.*—Before a Member or Committee staff member may have access to classified information, the following oath (or affirmation) shall be executed:

I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service on the Committee on Homeland Security, except as authorized by the Committee or the House of Representatives or in accordance with the Rules of such Committee or the Rules of the House.

Copies of the executed oath (or affirmation) shall be retained by the Clerk as part of the records of the Committee.

- (F) *Disciplinary Action.*—The Chairman shall immediately consider disciplinary action in the event any Committee Member or member of the Committee staff fails to conform to the provisions of these rules

governing the disclosure of classified or unclassified information. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff, criminal referral to the Justice Department, and notification of the Speaker of the House. With respect to Minority party staff, the Chairman shall consider such disciplinary action in consultation with the Ranking Minority Member.

RULE XV.—COMMITTEE RECORDS

- (A) *Committee Records.*—Committee Records shall constitute all data, charts and files in possession of the Committee and shall be maintained in accordance with House Rule XI, clause 2(e).
- (B) *Legislative Calendar.*—The Clerk of the Committee shall maintain a printed calendar for the information of each Committee Member showing any procedural or legislative measures considered or scheduled to be considered by the Committee, and the status of such measures and such other matters as the Committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of such revisions shall be made available to each Member of the Committee upon request.
- (C) *Members Right To Access.*—Members of the Committee and of the House shall have access to all official Committee Records. Access to Committee files shall be limited to examination within the Committee offices at reasonable times. Access to Committee Records that contain classified information shall be provided in a manner consistent with these rules.

- (D) *Removal of Committee Records.*—Files and records of the Committee are not to be removed from the Committee offices. No Committee files or records that are not made publicly available shall be photocopied by any Member.
- (E) *Executive Session Records.*—Evidence or testimony received by the Committee in executive session shall not be released or made available to the public unless agreed to by the Committee. Members may examine the Committee's executive session records, but may not make copies of, or take personal notes from, such records.
- (F) *Public Inspection.*—The Committee shall keep a complete record of all Committee action including recorded votes. Information so available for public inspection shall include a description of each amendment, motion, order or other proposition and the name of each Member voting for and each Member voting against each such amendment, motion, order, or proposition, as well as the names of those Members present but not voting. Such record shall be made available to the public at reasonable times within the Committee offices.
- (G) *Separate and Distinct.*—All Committee records and files must be kept separate and distinct from the office records of the Members serving as Chairman and Ranking Minority Member. Records and files of Members' personal offices shall not be considered records or files of the Committee.
- (H) *Disposition of Committee Records.*—At the conclusion of each Congress, non-current records of the Committee shall be delivered to the Archivist of

the United States in accordance with Rule VII of the Rules of the House.

- (I) *Archived Records.*—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee. The Chairman shall consult with the Ranking Minority Member on any communication from the Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the Rule.

RULE XVI.—CHANGES TO COMMITTEE RULES

These rules may be modified, amended, or repealed by the Full Committee provided that a notice in writing of the proposed change has been given to each Member at least 48 hours prior to the meeting at which action thereon is to be taken.

