

## RULE X

## ORGANIZATION OF COMMITTEES

***Committees and their legislative jurisdictions***

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing committees listed in this clause shall be referred to those committees, in accordance with clause 2 of rule XII, as follows:

§ 714. Number and jurisdiction of standing committees.

Under the Legislative Reorganization Act of 1946 (60 Stat. 812), the 44 committees of the 79th Congress were consolidated into 19, effective January 2, 1947. The number of standing committees grew over time with the creation of the Committee on Science and Astronautics (now Science and Technology), established on July 21, 1958 (p. 14513); the Committee on Standards of Official Conduct, established on April 13, 1967 (p. 9425); the Committee on the Budget, established on July 12, 1974, by the Congressional Budget Act of 1974 (88 Stat. 297); and the Committee on Small Business, established as a standing committee effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). The Committee on Internal Security was abolished in the 94th Congress (H. Res. 5, Jan. 14, 1975, p. 20).

The 104th Congress reduced the number to 19 by abolishing the Committees on the District of Columbia, Merchant Marine and Fisheries, and Post Office and Civil Service (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464). Matters formerly in the jurisdiction of the Committees on the District of Columbia and Post Office and Civil Service were transferred to the Committee on Oversight and Government Reform (formerly Government Reform and Oversight); and matters formerly in the jurisdiction of the Committee on Merchant Marine and Fisheries were transferred to the Committees on Natural Resources, Transportation and Infrastructure (formerly Public Works and Transportation), Armed Services (National Security during the 104th and 105th Congresses), and Science and Technology (formerly Science, Space, and Technology) (sec. 202(a), H. Res. 6, Jan. 4, 1995, p.

464). The 109th Congress established the Committee on Homeland Security (sec. 2(a), H. Res. 5, Jan. 4, 2005, p. \_\_).

A Permanent Select Committee on Intelligence was established in the 95th Congress (H. Res. 658, July 14, 1977, pp. 22932–49). Before the House recodified its rules in the 106th Congress, that committee was found in former rule XLVIII (current clause 11 of rule X) (H. Res. 5, Jan. 6, 1999, p. 47). A Permanent Select Committee on Aging was added to clause 6 of this rule effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470) until stricken in the 103d Congress (H. Res. 5, Jan. 5, 1993, p. 49).

Although earlier forms of the rule specified the number of Members comprising each of the standing committees, those specifications were eliminated in the 93d Congress, leaving to the House the authority to establish the sizes of committees by the numbers elected pursuant to clause 5 of rule X. The rules still specify part of the composition of the Committee on Budget (clause 5(a)(2) of rule X), and the size and ratio of the Committee on Standards of Official Conduct (clause 5(a)(3)(A) of rule X), as well as the size and preferred composition of the Permanent Select Committee on Intelligence (clause 11(a) of rule X).

The Speaker refers public bills in accordance with clause 1 of rule X, but when the House itself refers a bill it may send it to any committee without regard to the rules of jurisdiction (IV, 4375; V, 5527; VII, 2131) and jurisdiction is thereby conferred (IV, 4362–4364; VII, 2105). Motions for change of reference of public bills and resolutions must be authorized by the committee claiming jurisdiction (clause 7 of rule XII; VII, 2121; Feb. 13, 1918, p. 2070; Jan. 10, 1941, p. 100), must be made immediately following the reading of the Journal (VII, 1809, 2119, 2120), must apply to a single bill and not to a class of bills (VII, 2125), may be amended (VII, 2127), may not be divided (VII, 2125), and may not be debated (VII, 2126, 2128), but are not in order on Calendar Wednesday (VII, 2117), and are not privileged if the original reference was not erroneous (VII, 2125). The rereferral of most bills is accomplished by unanimous consent (see Procedure, ch. 17, §§ 17–38).

Before the 94th Congress, a bill could not be divided among two or more committees, even though it might have contained matters properly within the jurisdiction of several committees (IV, 4372). The Committee Reform Amendments of 1974 added former clause 5 of rule X (current clause 2 of rule XII), permitting the Speaker to refer any matter to more than one committee (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). That provision was amended in the 104th Congress to require the Speaker to designate a primary committee among those to which a matter is initially referred (sec. 205, H. Res. 6, Jan. 4, 1995, p. 467). However, the provision was amended again in the 108th Congress to permit the Speaker to refrain from designating a primary committee in extraordinary circumstances (sec. 2(i), H. Res. 5, Jan. 7, 2003, p. 7; see § 816, *infra*).

A committee having jurisdiction over a subject by means of a petition (IV, 3365) properly referred (IV, 4361) can report on the subject thereof. It has generally been held that a committee may not report a bill whereof the subject matter has not been referred to it by the House (IV, 4355–4360, 4372; VII, 1029, 2101, 2102). Where a House bill is returned from the Senate with a substitute amendment relating to a new and different subject, the reference could nevertheless be to the committee having jurisdiction over the original bill (IV, 4373, 4374); normally, however, such amended measures are held at the Speaker's table until disposed of by the House. The erroneous reference of a public bill under this rule, if it remains uncorrected, in effect gives jurisdiction (IV, 4365–4371; VII, 2108), but such is not the case with a private bill or petition (IV, 3364, 4382–4389) unless the reference be made by action of the House itself (IV, 4390, 4391; VII 2131). A point of order as to the reference of a private bill is timely when the bill comes up for consideration, either in the House or in the Committee of the Whole (IV, 4382–4389; VII, 2116, 2132; VIII, 2262) or at any time before passage (VII, 2116). The reference of a bill to a committee involving the same subject matter as a bill previously reported confers jurisdiction anew upon the committee to consider and report the bill subsequently introduced (VIII, 2311).

Clause 4 of rule XII prohibits the receipt or consideration of certain private bills relating to claims, pensions, construction of bridges, and the correction of military or naval records. In the 104th Congress the House adopted a rule to prohibit introduction or consideration of any bill or resolution expressing a commemoration by designation of a specified period of time (current clause 5 of rule XII, former clause 2 of rule XXII) (sec. 216, H. Res. 6, Jan. 4, 1995, p. 468).

**(a) Committee on Agriculture.**

- (1) Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.
- (2) Agriculture generally.
- (3) Agricultural and industrial chemistry.
- (4) Agricultural colleges and experiment stations.
- (5) Agricultural economics and research.
- (6) Agricultural education extension services.
- (7) Agricultural production and marketing and stabilization of prices of agricultural prod-

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ucts, and commodities (not including distribution outside of the United States).

- (8) Animal industry and diseases of animals.
- (9) Commodity exchanges.
- (10) Crop insurance and soil conservation.
- (11) Dairy industry.
- (12) Entomology and plant quarantine.
- (13) Extension of farm credit and farm security.
- (14) Inspection of livestock, poultry, meat products, and seafood and seafood products.
- (15) Forestry in general and forest reserves other than those created from the public domain.
- (16) Human nutrition and home economics.
- (17) Plant industry, soils, and agricultural engineering.
- (18) Rural electrification.
- (19) Rural development.
- (20) Water conservation related to activities of the Department of Agriculture.

This committee was established in 1820 (IV, 4149). In 1880 the subject of forestry was added to its jurisdiction, and the committee was conferred authority to receive estimates of and to report appropriations (IV, 4149). However, on July 1, 1920, authority to report appropriations for the Department of Agriculture was transferred to the Committee on Appropriations (VII, 1860).

The basic form of the present jurisdictional statement was made effective January 2, 1947, as a part of the Legislative Reorganization Act of 1946 (60 Stat. 812). Subparagraph (7) was altered by the 93d Congress, effective January 3, 1975, to include jurisdiction over agricultural commodities (including the Commodity Credit Corporation) (CCC) while transferring jurisdiction over foreign distribution and nondomestic production of commodities to the Committee on Foreign Affairs (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). Nevertheless, the committee has retained a limited jurisdiction over measures to release CCC stocks for such foreign distribution (Sept. 14, 1989, p. 20428). Previously unstated jurisdictions over com-

modities exchanges and rural development were codified effective January 3, 1975.

The 104th Congress consolidated the committee's jurisdiction over inspection of livestock and meat products to include inspection of poultry, seafood, and seafood products, and added subparagraph (20) relating to water conservation (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47).

The committee has had jurisdiction over bills for establishing and regulating the Department of Agriculture (IV, 4150), for inspection of livestock and meat products, regulation of animal industry, diseases of animals (IV, 4154; VII, 1862), adulteration of seeds, insect pests, protection of birds and animals in forest reserves (IV, 4157; VII, 1870), the improvement of the breed of horses, even with the cavalry service in view (IV, 4158; VII, 1865), and, in addition to the Committee on Energy and Commerce, amending the Horse Protection Act to prevent the shipping, transporting, moving, delivering, or receiving of horses to be slaughtered for human consumption (July 13, 2006, p. \_\_).

The committee, having charge of the general subject of forestry, has reported bills relating to timber, and forest reserves other than those created from the public domain (IV, 4160). The Committee on Natural Resources, and not this committee, has jurisdiction over a bill to convey land that is part of a National Forest created from the public domain (Mar. 23, 2004, p. \_\_). The committee also has exercised jurisdiction over bills: relating to agricultural colleges and experiment stations (IV, 4152), incorporation of agricultural societies (IV, 4159), and establishment of a highway commission (IV, 4153); to discourage fictitious and gambling transactions in farm products (IV, 4161; VII, 1861); to regulate the transportation, sale, and handling of dogs and cats intended for use in research and the licensing of animal research facilities (July 29, 1965, p. 18691); and to designate an agricultural research center (May 14, 1996, p. 11070). The committee shares with the Committee on the Judiciary jurisdiction over a bill comprehensively amending the Immigration and Nationality Act and including food stamp eligibility requirements for aliens (Sept. 19, 1995, p. 25533).

The House referred the President's message dealing with the refinancing of farm-mortgage indebtedness to the committee, thus conferring jurisdiction (Apr. 4, 1933, p. 1209).

The committee has jurisdiction over a bill relating solely to executive level positions in the Department of Agriculture (Mar. 2, 1976, p. 4958) and has jurisdiction over bills to develop land and water conservation programs on private and non-Federal lands (June 7, 1976, p. 16768).

### **(b) Committee on Appropriations.**

#### **(1) Appropriation of the revenue for the support of the Government.**

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(2) Rescissions of appropriations contained in appropriation Acts.

(3) Transfers of unexpended balances.

(4) Bills and joint resolutions reported by other committees that provide new entitlement authority as defined in section 3(9) of the Congressional Budget Act of 1974 and referred to the committee under clause 4(a)(2).

This committee was established in 1865, when all the general appropriation bills were confided to its care. In 1885 a portion of the bills were distributed to other committees. On July 1, 1920, the committee again was given jurisdiction over all appropriations (VII, 1741).

In the 95th Congress this paragraph was amended to correct a typographical error (H. Res. 5, Jan. 4, 1977, p. 53). Subparagraph (4) was amended in the 105th and 106th Congresses to conform to changes made by the Budget Enforcement Act of 1997 (sec. 10116, P.L. 105-33; H. Res. 5, Jan. 6, 1999, p. 47). When the House recodified its rules in the 106th Congress, it transferred an undesignated portion of this paragraph to clause 3(f)(2) of rule XIII (H. Res. 5, Jan. 6, 1999, p. 47).

The authority to conduct studies and examinations of the organization and operation of executive departments and agencies was first given to this committee on February 11, 1943 (p. 884); continued by resolution of January 9, 1945 (p. 135); and incorporated into permanent law in section 202(b) of the Legislative Reorganization Act of 1946 (60 Stat. 812). This authority was first made part of the standing rules on January 3, 1953 (pp. 17, 24), and is now listed as a special oversight responsibility of the committee in clause 3 of rule X, effective January 3, 1975 (formerly clause 2(b)(3) of rule X) (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). The committee is also authorized and directed to hold hearings on the budget as a whole in open session within 30 days of its submission (clause 4(a)(1)(A) of rule X), and to study on a continuing basis provisions of law providing spending authority or permanent budget authority and to report to the House recommendations for terminating or modifying such provisions (clause 4(a)(3) of rule X). The requirement of section 139 of the Legislative Reorganization Act of 1946 (60 Stat. 812) that the Committees on Appropriations of the House and Senate develop a standard appropriation classification schedule was superseded by section 202(a) of the Legislative Reorganization Act of 1970 (84 Stat. 1167), which now imposes that responsibility upon the Secretary of the Treasury and the Office of Management and Budget. The further requirement of section 139 of the 1946 Act that the Appropriations Committees study existing permanent appropriations and recommend which, if any, should be discontinued was made the respon-

sibility of all standing committees of the House by clause 4(e) of rule X, through enactment of section 253 of the 1970 Act (84 Stat. 1175).

Although this committee has authority to report appropriations, the power to report legislation relating thereto belongs to other committees (IV, 4033; clause 2 of rule XXI), and a general appropriation bill reported from this committee may not contain items of appropriation not authorized by law or provisions amending existing law (except retrenchments and rescissions of appropriations), and may not contain reappropriations of unexpended balances except within agencies (clause 2 of rule XXI). General appropriation bills may not be considered in the House until hearings thereon have been available for three days (clause 4 of rule XIII).

Effective July 12, 1974, special Presidential messages on rescissions and deferrals of budget authority submitted pursuant to sections 1012 and 1013 of the Impoundment Control Act of 1974 (2 U.S.C. 683, 684), as well as rescission bills and impoundment resolutions defined in section 1011 (2 U.S.C. 682) and required in section 1017 (2 U.S.C. 688) to be referred to the appropriate committee, are referred to the Committee on Appropriations if the proposed rescissions or deferrals involve funds already appropriated or obligated. Also effective July 12, 1974, the Congressional Budget Act of 1974 (sec. 404(a)) added to the committee's jurisdiction, which was later perfected by the Committee Reform Amendments of 1974 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470), subparagraphs (2), (3), and (4).

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**(c) Committee on Armed Services.**

- (1) Ammunition depots; forts; arsenals; and Army, Navy, and Air Force reservations and establishments.
- (2) Common defense generally.
- (3) Conservation, development, and use of naval petroleum and oil shale reserves.
- (4) The Department of Defense generally, including the Departments of the Army, Navy, and Air Force, generally.
- (5) Interoceanic canals generally, including measures relating to the maintenance, operation, and administration of interoceanic canals.
- (6) Merchant Marine Academy and State Maritime Academies.

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- (7) Military applications of nuclear energy.
- (8) Tactical intelligence and intelligence-related activities of the Department of Defense.
- (9) National security aspects of merchant marine, including financial assistance for the construction and operation of vessels, maintenance of the U.S. shipbuilding and ship repair industrial base, cabotage, cargo preference, and merchant marine officers and seamen as these matters relate to the national security.
- (10) Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.
- (11) Scientific research and development in support of the armed services.
- (12) Selective service.
- (13) Size and composition of the Army, Navy, Marine Corps, and Air Force.
- (14) Soldiers' and sailors' homes.
- (15) Strategic and critical materials necessary for the common defense.

This committee was established January 2, 1947, as a part of the Legislative Reorganization Act of 1946 (60 Stat. 812), combining the Committee on Military Affairs with the Committee on Naval Affairs, both of which had been created in 1822 (IV, 4179, 4189) and had jurisdiction over appropriations from 1885 to 1920 (IV, 4179, 4189; VII, 1741). The committee was redesignated the Committee on National Security in the 104th Congress (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464) and was redesignated again the Committee on Armed Services in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress, including the deletion of a redundant undesignated recitation of a special oversight function (H. Res. 5, Jan. 6, 1999, p. 47).

Much of the present legislative jurisdiction in this paragraph was adopted on January 3, 1953 (p. 17), to reflect jurisdiction over the Department of Defense, which was created in the National Security Act of 1947 (61 Stat. 495). In the 95th Congress, when the Joint Committee on Atomic



Energy was abolished, this committee gained jurisdiction over military applications of nuclear energy (H. Res. 5, Jan. 4, 1977, p. 53). The special oversight function of the committee in clause 3(a) was assigned by the Committee Reform Amendments of 1974, effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). The 104th Congress added subparagraph (8) for clarification and subparagraphs (5), (6), and (9) to reflect the transfer of those matters from the former Committee on Merchant Marine and Fisheries (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464), and later amended subparagraph (8) to effect a technical correction (H. Res. 254, Nov. 30, 1995, p. 35077).

The committee has jurisdiction over bills: relating to military housing construction (Feb. 21, 1962, p. 2684; Apr. 18, 1967, p. 9981); amending title 10 of the United States Code to permit suits against the United States for damage to reputation of members of Armed Forces acquitted of charges of crimes against civilians in combat zones (July 15, 1970, p. 24451); for construction of military medical facilities (Oct. 3, 1966, p. 24859); to require military commissary, post exchange, and medical care privileges for veterans with sufficient service-connected disabilities (Feb. 3, 1976, p. 1972); of a private character to waive the statutory time limit on the award of the Congressional Medal of Honor on individuals (Feb. 22, 1982, p. 1812); including authorization of appropriations to the Department of Energy for resource applications for naval petroleum and oil shale reserves (May 1, 1978, p. 11946); and effecting the transfer of military property to a State to be designated by the State as a wilderness area (Nov. 15, 1995, p. 32627).

The committee exercised jurisdiction with the Committee on Interior and Insular Affairs (now Natural Resources) over a resolution regarding continued operation of the Hanford Nuclear Reactor to produce power for the Bonneville Power Administration (July 17, 1986, p. 16888).

#### **(d) Committee on the Budget.**

(1) Concurrent resolutions on the budget (as defined in section 3(4) of the Congressional Budget Act of 1974), other matters required to be referred to the committee under titles III and IV of that Act, and other measures setting forth appropriate levels of budget totals for the United States Government.

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(2) Budget process generally.

(3) Establishment, extension, and enforcement of special controls over the Federal budget, including the budgetary treatment of

off-budget Federal agencies and measures providing exemption from reduction under any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

This committee was established in the 93d Congress, effective July 12, 1974, by section 101 of the Congressional Budget Act of 1974 (88 Stat. 299). The separate subpoena authority conferred upon the committee by section 101(b) of that Act has been superseded by the general grant of subpoena authority to all committees in clause 2(m) of rule XI (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). The committee is also charged with the special oversight functions as described in clause 3(c) and clause 4(b) of rule X.

Before the House recodified its rules in the 106th Congress, this paragraph consisted of the committee's legislative jurisdiction (current paragraph (d)), its oversight jurisdiction (current clause 4 of rule X), and its composition (current clause 5(a)(2) of rule X (H. Res. 5, Jan. 6, 1999, p. 47)).

In the 99th Congress this paragraph was again amended by section 232(h) of the Balanced Budget and Emergency Deficit Control Act of 1985, to confer jurisdiction over Senate joint or concurrent resolutions constituting congressional responses to a Presidential sequestration order issued pursuant to a report of the Comptroller General under section 252(b) of that Act (P.L. 99-177). It was again amended by the Budget Enforcement Act of 1990 to conform subparagraph (2) to changes in the congressional budget laws (tit. XIII, P.L. 101-508). In the 104th Congress, the House amended the paragraph to expand the limited legislative jurisdiction of the committee by: (1) adding other measures setting forth appropriate levels of budget totals to subparagraph (2) (now subparagraph (1)); (2) granting the committee jurisdiction over the congressional budget process generally in a new subparagraph (3) (now subparagraph (2)); and (3) granting the committee jurisdiction over special controls over the Federal budget in a new subparagraph (4) (now subparagraph (3)), including receiving from the former Committee on Government Operations (now Oversight and Government Reform) jurisdiction over budgetary treatment of off-budget Federal agencies and measures providing exemption from sequestration orders issued under the Balanced Budget and Emergency Deficit Control Act (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464). Three rereferrals from the Committee on Government Reform to the Committee on the Budget marked this migration of off-budget treatment jurisdiction: (1) the Committee on the Budget has primary jurisdiction over a bill excluding from the budget the Civil Service Retirement and Disability Fund (although the Committee on Oversight and Government Reform retains programmatic jurisdiction over that Fund); (2) the Committee on the Budget

has primary jurisdiction over a bill excluding from the budget the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund (although the Committee on Transportation and Infrastructure retains programmatic jurisdiction); and (3) the Committee on the Budget has secondary jurisdiction over a bill amending title 49 of the United States Code and providing off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund (Dec. 6, 1995, p. 35572). The chair of the Committee on the Budget inserted in the Congressional Record a memorandum of understanding between this committee and the Committee on Rules to clarify each Committee's jurisdiction over the congressional budget process (Jan. 4, 1995, p. 617). In the 105th Congress the jurisdictional statement in subparagraph (2), previously confined to the congressional budget process, was broadened to encompass also the executive budget process formerly included in the jurisdiction of the Committee on Government Reform and Oversight (now Oversight and Government Reform) (H. Res. 5, Jan. 7, 1997, p. 121). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47). This committee, and not the Committee on Ways and Means, has jurisdiction over a bill establishing a rule of sequestration under the Balanced Budget and Emergency Deficit Control Act (Dec. 15, 2000, p. 27085). This committee has primary jurisdiction, and the Committee on Ways and Means has additional jurisdiction, over a bill taking Social Security trust funds off budget (Dec. 15, 2000, p. 27085). This committee has primary jurisdiction, and the Committee on Rules has additional jurisdiction, over a bill amending the Budget Act to establish new legislative points of order and directing that the President include a specified matter with the budget (Feb. 13, 2001, p. 1817).

**(e) Committee on Education and Labor.**

(1) Child labor.

(2) Gallaudet University and Howard University and Hospital.

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(3) Convict labor and the entry of goods made by convicts into interstate commerce.

(4) Food programs for children in schools.

(5) Labor standards and statistics.

(6) Education or labor generally.

(7) Mediation and arbitration of labor disputes.

- (8) Regulation or prevention of importation of foreign laborers under contract.
- (9) Workers' compensation.
- (10) Vocational rehabilitation.
- (11) Wages and hours of labor.
- (12) Welfare of miners.
- (13) Work incentive programs.

This committee was established on January 2, 1947, as part of the Legislative Reorganization Act of 1946 (60 Stat. 812), combining the Committee on Education (created in 1867) (IV, 4242) and the Committee on Labor (created in 1883) (IV, 4244). When it was redesignated as the Committee on Economic and Educational Opportunities in the 104th Congress, the jurisdictional statement remained unchanged except by the combination of labor standards and labor statistics in a single subparagraph (5) (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464). In the 105th Congress the committee was redesignated the Committee on Education and the Workforce (H. Res. 5, Jan. 7, 1997, p. 121) and was again redesignated the Committee on Education and Labor in the 110th Congress (sec. 212(a), H. Res. 6, Jan. 4, 2007, p. \_\_).

By the Committee Reform Amendments of 1974, effective January 3, 1975, the committee gained jurisdiction over food programs for children in schools, an expansion of earlier jurisdiction over school-lunch programs (subpara. (4)), work incentive programs (subpara. (13)), and Indian education, a matter formerly within the specific jurisdiction of the Committee on Interior and Insular Affairs (now Natural Resources); jurisdiction of the committee over international education matters was specifically transferred to the Committee on Foreign Affairs; and its special oversight function was inserted in clause 3(c) of rule X (current clause 3(d) of rule X) (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress, including the deletion of obsolete references to the Columbia Institution for the Deaf, Dumb, and Blind, Freedmen's Hospital, and the United States Employees' Compensation Commission and the deletion of a redundant undesignated recitation of general and special oversight functions (H. Res. 5, Jan. 6, 1999, p. 47).

The committee has jurisdiction over bills dealing with juvenile delinquency (Jan. 22, 1959, p. 1027), runaway youth (July 12, 1973, p. 23633; Sept. 10, 1973, p. 28970), human services programs administered by the Department of Health, Education, and Welfare (June 21, 1972, p. 21733), education of Indians (Apr. 15, 1975, p. 10247; June 10, 1991, p. 14049), including the Native American Programs Act (Oct. 30, 1997, p. 23967), and compensation for work injuries to Federal employees (Apr. 16, 1975, p. 10339); over bills amending the Community Services Block Grant Act

to continue antipoverty programs originally authorized by the Economic Opportunity Act of 1964 (Nov. 4, 1993, p. 27359); and over an executive communication proposing draft legislation to amend the Labor Management Relations Act and the Employee Retirement Income Security Act (Mar. 24, 1983, p. 7402). The committee shares with the Committee on the Judiciary jurisdiction over a bill comprehensively amending the Immigration and Nationality Act and including provisions addressing the enforcement of labor laws (Sept. 19, 1995, p. 25533). The committee has additional jurisdiction (Commerce, now Energy and Commerce, has primary jurisdiction) over a developmental disabilities assistance and family support bill (Feb. 10, 2000, p. 1023). The jurisdiction of this committee over education and vocational rehabilitation does not include those subjects as they relate to veterans, which fall under the jurisdiction of the Committee on Veterans' Affairs. This committee, and not also the Committees on Oversight and Government Reform and House Administration, has jurisdiction over a bill amending the Family and Medical Leave Act of 1993 to address only private-sector employees (Oct. 30, 2007, p. \_\_).

**(f) Committee on Energy and Commerce.**

- (1) Biomedical research and development.
- (2) Consumer affairs and consumer protection.

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- (3) Health and health facilities (except health care supported by payroll deductions).
- (4) Interstate energy compacts.
- (5) Interstate and foreign commerce generally.
- (6) Exploration, production, storage, supply, marketing, pricing, and regulation of energy resources, including all fossil fuels, solar energy, and other unconventional or renewable energy resources.
- (7) Conservation of energy resources.
- (8) Energy information generally.
- (9) The generation and marketing of power (except by federally chartered or Federal regional power marketing authorities); reliability and interstate transmission of, and

ratemaking for, all power; and siting of generation facilities (except the installation of interconnections between Government water-power projects).

(10) General management of the Department of Energy and management and all functions of the Federal Energy Regulatory Commission.

(11) National energy policy generally.

(12) Public health and quarantine.

(13) Regulation of the domestic nuclear energy industry, including regulation of research and development reactors and nuclear regulatory research.

(14) Regulation of interstate and foreign communications.

(15) Travel and tourism.

The committee shall have the same jurisdiction with respect to regulation of nuclear facilities and of use of nuclear energy as it has with respect to regulation of nonnuclear facilities and of use of nonnuclear energy.

The committee dates from 1795 (IV, 4096). Effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470), the name of the committee was changed from Interstate and Foreign Commerce to Commerce and Health. Effective January 14, 1975, it was redesignated as Interstate and Foreign Commerce (H. Res. 5, 94th Cong., p. 20). In the 96th Congress it was redesignated as Energy and Commerce and given much of its present jurisdiction, effective January 3, 1981 (H. Res. 549, Mar. 25, 1980, pp. 6405–10; *note* publication of intercommittee memoranda of understanding). In the 104th Congress it was redesignated as the Committee on Commerce (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464). In the 107th Congress it was redesignated again as the Committee on Energy and Commerce (sec. 2(d), H. Res. 5, Jan. 3, 2001, p. 25).

In the 74th Congress the jurisdictional statement of the committee was amended to include jurisdiction over bills relating to radio, and to transfer jurisdiction over water transportation, Coast Guard, lifesaving service,

lighthouses, lightships, ocean derelicts, Coast and Geodetic Survey, and the Panama Canal to the former Committee on Merchant Marine and Fisheries (VII, 1814, 1847), but with the demise of the latter committee in the 104th Congress, the latter subjects now reside in the jurisdiction of the Committee on Transportation and Infrastructure, except that the Committee on National Security (now Armed Services) has jurisdiction over the Panama Canal (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464). In the 85th Congress matters relating to the Bureau of Standards, standardization of weights and measures, and the metric system (conferred on the committee by the Legislative Reorganization Act of 1946, 60 Stat. 812), were transferred to the Committee on Science and Astronautics (now Science and Technology) (July 21, 1958, p. 14513). In the Committee Reform Amendments of 1974, effective January 3, 1975, the committee obtained specific jurisdiction over consumer affairs and consumer protection (subpara. (2)), travel and tourism (subpara. (15)), health and health facilities, except health care supported by payroll deductions (subpara. (3)) (a matter formerly within the jurisdiction of the Committee on Ways and Means), and biomedical research and development (subpara. (1)), and was released of jurisdiction over civil aeronautics to the Committee on Public Works and Transportation (now Transportation and Infrastructure), jurisdiction over civil aviation research and development, energy and environmental research and development, and the National Weather Service to the Committee on Science and Technology, and jurisdiction over trading with the enemy to the Committee on Foreign Affairs (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). In the 95th Congress, when the legislative jurisdiction of the Joint Committee on Atomic Energy in the House was transferred to various standing committees, this committee was given the same jurisdiction over nuclear energy as it had over nonnuclear energy and facilities (H. Res. 5, Jan. 4, 1977, pp. 53–70). In the 96th Congress the committee obtained specific jurisdiction over national energy policy generally (subpara. (11)), measures relating to exploration, production, storage, supply, marketing, pricing, and regulation of energy resources (subpara. (6)), measures relating to conservation of energy resources (subpara. (7)), measures relating to energy information generally (subpara. (8)), measures relating to the generation, marketing, interstate transmission of, and ratemaking for power as well as the siting of generation facilities, with certain exceptions (subpara. (9)), interstate energy compacts (subpara. (4)), and measures relating to general management of the Department of Energy and all functions of the Federal Energy Regulatory Commission (subpara. (10)) (H. Res. 549, Mar. 25, 1980, pp. 6405–10). In the 104th Congress the committee's jurisdiction over inland waterways and railroads (including railroad labor, retirement, and unemployment) was transferred to the Committee on Transportation and Infrastructure, and jurisdiction over measures relating to the commercial application of energy technology was transferred to the Committee on Science (now Science and Technology), while the Committee on Energy and Commerce

obtained jurisdiction over regulation of the domestic nuclear energy industry (subpara. (13)) from the Committee on Natural Resources (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47). In the 107th Congress the committee's jurisdiction over securities and exchanges was transferred to the Committee on Financial Services (sec. 2(d), H. Res. 5, Jan. 3, 2001, p. 25). The Speaker inserted in the Congressional Record a memorandum of understanding between the two committees to clarify the nature of this transfer (Jan. 30, 2001, p. 995), the final two paragraphs of which no longer provide jurisdictional guidance (Jan. 4, 2005, p. \_\_).

The committee has the special oversight responsibility under clause 3(e) of rule X as well as the general oversight responsibility required by clause 2 of rule X. This special oversight responsibility was expanded in the 96th Congress to include all energy, effective January 3, 1981 (H. Res. 549, Mar. 25, 1980, pp. 6405–10). In the 104th Congress it was again expanded to include nonmilitary nuclear energy and research and development including the disposal of nuclear waste (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464), though a conforming change in clause 3 was inadvertently omitted.

The committee formerly reported the river and harbor appropriation bill, but in 1883 the Committee on Rivers and Harbors was created for that role (IV, 4096), and since the 66th Congress such appropriations have been reported by the Committee on Appropriations.

The committee has general jurisdiction over bills affecting domestic and foreign commerce, except such as may affect the revenue (IV, 4097). It also has jurisdiction over bills authorizing the construction of marine hospitals and the acquisition of sites therefor (IV, 4110; VII, 1816), the general subjects of quarantine and the establishment of quarantine stations (IV, 4109), health, spread of leprosy and other contagious diseases, international congress of hygiene, etc. (IV, 4111). This committee formerly had jurisdiction over bills proposing construction of bridges across navigable streams, which now are banned under clause 4 of rule XII if private (see § 822, *infra*; see also General Bridge Act, 33 U.S.C. 525, 533).

Before the 104th Congress the committee considered bills regulating railroads in their interstate commerce relations (IV, 414) and exercised jurisdiction with the Committees on Education and Labor and Public Works and Transportation (now Transportation and Infrastructure) over bills providing labor protections to workers in the transportation industry, including railroad employees (Feb. 24, 1993, p. 3577). The committee considers bills relating to commercial travelers as agents of interstate commerce and the branding of articles going into such commerce (IV, 4115), the prevention of the carriage of indecent and harmful pictures or literature (IV, 4116), the adulteration and misbranding of foods and drugs (IV, 4112), and protection of game through prohibition of interstate transportation (IV, 4117). The committee has jurisdiction over bills imposing safety standards on motor vehicles purchased by the U.S. Government (Feb. 16, 1959, p. 2420),



bills creating civil remedies for false advertising or other violations of commercial ethics (June 4, 1962, p. 9601), and bills to assist financing of the Arctic Winter Games in Alaska (June 7, 1972, p. 19935). The committee had jurisdiction over a bill to reauthorize the Developmental Disabilities Assistance and Bill of Rights Act (ultimately repealed), which was focused on health matters rather than job training (June 1, 1981, p. 11028; Nov. 3, 1993, p. 27274). This committee and, in addition, the Committee on Education and Labor, have jurisdiction over the Developmental Disabilities Assistance and Bill of Rights Act of 1999 (which replaced the above-mentioned Act) as it contained a family support program within the jurisdiction of the Committee on Education and Labor (then Education and the Workforce) (Feb. 10, 2000, p. 1023). In the 94th Congress, the committee gained jurisdiction over bills amending the Lead-Based Paint Poisoning Prevention Act and bills dealing with nursing home construction as public health matters (June 10, 1975, p. 18009).

**(g) Committee on Financial Services.**

(1) Banks and banking, including deposit insurance and Federal monetary policy.

(2) Economic stabilization, defense production, renegotiation, and control of the price of commodities, rents, and services.

§ 722. Financial Services.

(3) Financial aid to commerce and industry (other than transportation).

(4) Insurance generally.

(5) International finance.

(6) International financial and monetary organizations.

(7) Money and credit, including currency and the issuance of notes and redemption thereof; gold and silver, including the coinage thereof; valuation and revaluation of the dollar.

(8) Public and private housing.

(9) Securities and exchanges.

(10) Urban development.

This committee was established in 1865 as the Committee on Banking and Currency (IV, 4082). In the Committee Reform Amendments of 1974, effective January 3, 1975, its name was changed to Banking, Currency and Housing (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). In the 95th Congress its name was changed to Banking, Finance and Urban Affairs (H. Res. 5, Jan. 4, 1977, pp. 53–70). In the 104th Congress its name was changed to Banking and Financial Services (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464). In the 107th Congress its name was changed to Financial Services (sec. 2(d), H. Res. 5, Jan. 3, 2001, p. 25).

The committee was given much of its present jurisdiction in the Legislative Reorganization Act of 1946 (60 Stat. 812), by which it absorbed the jurisdiction of the former Committee on Coinage, Weights, and Measures (created in 1864) (IV, 4090), except jurisdiction over the standardization of weights and measures and the metric system was given to the Committee on Interstate and Foreign Commerce and was later transferred to the Committee on Science and Astronautics (now Science and Technology) in the 85th Congress (H. Res. 580, July 21, 1958, p. 14513). In the 92d Congress jurisdiction over the impact on the economy of tax-exempt foundations and charitable trusts was transferred from the Subcommittee on Foundations of the Select Committee on Small Business, along with all that subcommittee's files, to this committee (H. Res. 320, Apr. 27, 1971, p. 12081). Before the end of the 93d Congress, the committee had legislative jurisdiction over the problems of small business under its general jurisdiction over financial aid to commerce and industry; but with the adoption of the Committee Reform Amendments of 1974, effective January 3, 1975, that jurisdiction was transferred to the standing Committee on Small Business, the permanent Select Committee on Small Business was abolished, and this committee was specifically given jurisdiction over Federal monetary policy, money and credit, urban development, economic stabilization, defense production, and renegotiation (the latter matter formerly within the jurisdiction of the Committee on Ways and Means), international finance, and international financial and monetary organizations (formerly within the jurisdiction of the Committee on Foreign Affairs), while jurisdiction over the Commodity Credit Corporation was transferred to the Committee on Agriculture, jurisdiction over export controls and international economic policy to the Committee on Foreign Affairs, jurisdiction over construction of nursing home facilities to what is now the Committee on Energy and Commerce, and jurisdiction over urban mass transportation to what is now the Committee on Transportation and Infrastructure (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). In the 104th Congress subparagraphs (2) and (3) were added (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47). In the 107th Congress jurisdiction over securities and exchanges was transferred from the Committee on Energy and Commerce to this committee (sec. 2(d), H. Res. 5, Jan. 3, 2001, p. 25). As a result of the new jurisdiction of the Committee

on Financial Services over securities and exchanges, its former jurisdiction over matters relating to bank capital markets activities and depository institutions securities activities were deleted as redundant (sec. 2(d), H. Res. 5, Jan. 3, 2001, p. 25). In the 107th Congress this committee also received jurisdiction over insurance generally (sec. 2(d), H. Res. 5, Jan. 3, 2001, p. 25). The Speaker inserted in the Congressional Record a memorandum of understanding between this committee and the Committee on Energy and Commerce to clarify these jurisdictional changes (Jan. 30, 2001, p. 995), the final two paragraphs of which no longer provide jurisdictional guidance (Jan. 4, 2005, p. \_\_). A technical change to subparagraph (6) was effected in the 108th Congress (sec. 2(u), H. Res. 5, Jan. 7, 2003, p. 7).

The committee has reported on subjects relating to the strengthening of public credit, issues of notes, and State taxation and redemption thereof (IV, 4084), propositions to maintain the parity of the money of the United States (IV, 4089; VII, 1792), the issue of silver certificates as currency (IV, 4087, 4088), national banks and current deposits of public money (IV, 4083; VII, 1790), the incorporation of an international bank (IV, 4086), subjects relating to the Freedman's Bank (IV, 4085), and Federal Reserve System, Farm Loan Act, home loan bills, stabilization of the dollar, War Finance Corporation, Federal Reserve bank buildings (VII, 1793, 1795). The committee has jurisdiction over bills providing consolidation of grant-in-aid programs for urban development (Mar. 18, 1970, p. 7887), bills providing for U.S. participation in the International Development Association (Mar. 9, 1960, p. 5046), bills to authorize GSA to acquire land in D.C. for transfer to the International Monetary Fund (May 1, 1962, p. 7428), bills relating to flood insurance (Dec. 4, 1975, p. 38701), and over an executive communication proposing regulations for college housing programs (notwithstanding that the requirement for such regulations was contained in higher education legislation reported from the Committee on Education and Labor) (June 15, 1982, p. 13638).

#### **(h) Committee on Foreign Affairs.**

- (1) Relations of the United States with foreign nations generally.
- (2) Acquisition of land and buildings for embassies and legations in foreign countries.
- (3) Establishment of boundary lines between the United States and foreign nations.
- (4) Export controls, including nonproliferation of nuclear technology and nuclear hardware.
- (5) Foreign loans.

§ 723. Foreign Affairs.

- (6) International commodity agreements (other than those involving sugar), including all agreements for cooperation in the export of nuclear technology and nuclear hardware.
- (7) International conferences and congresses.
- (8) International education.
- (9) Intervention abroad and declarations of war.
- (10) Diplomatic service.
- (11) Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
- (12) International economic policy.
- (13) Neutrality.
- (14) Protection of American citizens abroad and expatriation.
- (15) The American National Red Cross.
- (16) Trading with the enemy.
- (17) United Nations organizations.

This committee was established in 1822 (IV, 4162), and from 1885 to 1920 had authority to report appropriations. In the 94th Congress the name of the committee was changed from Foreign Affairs to International Relations (H. Res. 163, Mar. 19, 1975, p. 7343). In the 96th Congress it was changed back to Foreign Affairs (H. Res. 89, Feb. 5, 1979, p. 1848). In the 104th Congress the name was again changed to International Relations (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464). In the 110th Congress it was changed back to Foreign Affairs (sec. 213(a), H. Res. 6, Jan. 4, 2007, p. \_\_).

In addition to the jurisdiction vested in the committee by the Legislative Reorganization Act of 1946 (60 Stat. 812), the Committee Reform Amendments of 1974, effective January 3, 1975, gave the committee jurisdiction over measures relating to: international economic policy (subpara. (12)) and export controls (subpara. (4)), matters formerly within the jurisdiction of the Committee on Banking and Currency (now Financial Services); international commodity agreements other than those relating to sugar (subpara. (6)), formerly within the jurisdiction of the Committee on Agriculture; trading with the enemy (subpara. (16)), formerly within the juris-

diction of the Committee on Interstate and Foreign Commerce (now Energy and Commerce); and international education (subpara. (8)); while transferring jurisdiction over international financial and monetary organizations to the Committee on Banking and Currency (now Financial Services), and jurisdiction over international fishing agreements to the Committee on Merchant Marine and Fisheries (now Natural Resources) (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). When the legislative jurisdiction of the Joint Committee on Atomic Energy in the House was abolished in the 95th Congress (H. Res. 5, Jan. 4, 1977, pp. 53–70), the committee was given jurisdiction over nonproliferation of nuclear technology and hardware (subpara. (4)), and over international agreements on nuclear exports (subpara. (6)). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress, including the deletion of a redundant undesigned recitation of general and special oversight functions (H. Res. 5, Jan. 6, 1999, p. 47).

It has broad jurisdiction over foreign relations, including boundary lines between the United States and foreign nations, bridges and dams on international waters (IV, 4166; see also the “General Bridge Act,” 33 U.S.C. 525, 533), the protection of American citizens abroad and expatriation (IV, 4169; VII, 1883), extradition with foreign nations, international arbitration, relating to violations of neutrality (IV, 4178a), international conferences and congresses (IV, 4177; VII, 1884), the incorporation of the American National Red Cross and protection of its insignia (IV, 4173), intervention abroad and declarations of war (IV, 4164; VII 1880), affairs of the consular service, including acquisition of land and buildings for legations in foreign capitals (IV, 4163; VII, 1879), creation of courts of the United States in foreign countries (IV, 4167), treaty regulations as to protection of fur seals (IV, 4170), matters relating to the Philippines (see 60 Stat. 315), and measures establishing a District of Columbia corporation to support private American organizations engaged in communications with foreign nations (June 21, 1971, p. 21062).

The committee also has considered measures for fostering commercial intercourse with foreign nations and for safeguarding American business interests abroad (IV, 4175), and even the subjects of commercial treaties and reciprocal arrangements (IV, 4174), although in later practice the Committee on Ways and Means has considered such matters (IV, 4021). The committee has exercised general but not exclusive jurisdiction over legislation relating to claims affecting international relations (IV, 4168; VII, 1882). Pursuant to its jurisdiction over international education, the committee (and not the Committee on Education and Labor) has exercised jurisdiction over bills establishing scholarship programs for foreign students (May 10, 1988, p. 10305). The committee has jurisdiction over a communication from the President notifying the House, consistent with the War Powers Resolution, of the deployment abroad of U.S. armed forces to participate in an embargo against another nation (Nov. 4, 1993, p. 27393).

The special oversight function of the committee set forth in clause 3(f) of rule X (current clause 3(g) of rule X) was made effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470).

**(i) Committee on Homeland Security.**  
**(1) Overall homeland security policy.**

§ 723a. Homeland Security.

- (2) Organization and administration of the Department of Homeland Security.**  
**(3) Functions of the Department of Homeland Security relating to the following:**  
**(A) Border and port security (except immigration policy and non-border enforcement).**  
**(B) Customs (except customs revenue).**  
**(C) Integration, analysis, and dissemination of homeland security information.**  
**(D) Domestic preparedness for and collective response to terrorism.**  
**(E) Research and development.**  
**(F) Transportation security.**

This committee was established in the 109th Congress (sec. 2(a), H. Res. 5, Jan. 4, 2005, p. \_\_). For debate (and material submitted during debate) that may edify the reader on the jurisdictional issues surrounding the new committee, see January 4, 2005, p. \_\_. The Speaker announced that the referral of measures in the 108th Congress to the Select Committee on Homeland Security would not constitute precedent for referral to this committee (Jan. 4, 2005, p. \_\_).

In the 107th Congress the House established a Select Committee on Homeland Security (H. Res. 449, June 19, 2002, p. 10722). Its mission was to develop recommendations on such matters that relate to the establishment of a department of homeland security as may be referred to it by the Speaker and on recommendations submitted to it by standing committees to which the Speaker referred a bill establishing the department and to report its recommendation to the House on such bill. It was terminated after final disposition of the specified bill (Nov. 25, 2002, p. 23433). In the 108th Congress the House reestablished a Select Committee on Homeland Security (sec. 4, H. Res. 5, Jan. 7, 2003, p. 11). Its mission was to develop recommendations on such matters that relate to the Home-

§ 723b. Former Select Committees on Homeland Security.

land Security Act of 2002 (P.L. 107–296) as may be referred to it by the Speaker; to conduct oversight of laws, programs, and Government activities relating to homeland security; to conduct a study of the operation and implementation of the Rules of the House, including rule X, with respect to homeland security; and to report its recommendations to the House by bill or otherwise on matters referred to it by the Speaker and to report its recommendations on changes to House rules to the Committee on Rules.

**(j) Committee on House Administration.**

(1) Appropriations from accounts for committee salaries and expenses (except for the Committee on Appropriations); House Information Resources; and allowance and expenses of Members, Delegates, the Resident Commissioner, officers, and administrative offices of the House.

§ 724. House Administration.

(2) Auditing and settling of all accounts described in subparagraph (1).

(3) Employment of persons by the House, including staff for Members, Delegates, the Resident Commissioner, and committees; and reporters of debates, subject to rule VI.

(4) Except as provided in paragraph (r)(11), the Library of Congress, including management thereof; the House Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Garden; and purchase of books and manuscripts.

(5) The Smithsonian Institution and the incorporation of similar institutions (except as provided in paragraph (r)(11)).

(6) Expenditure of accounts described in subparagraph (1).

(7) Franking Commission.

(8) Printing and correction of the Congressional Record.

- (9) Accounts of the House generally.
- (10) Assignment of office space for Members, Delegates, the Resident Commissioner, and committees.
- (11) Disposition of useless executive papers.
- (12) Election of the President, Vice President, Members, Senators, Delegates, or the Resident Commissioner; corrupt practices; contested elections; credentials and qualifications; and Federal elections generally.
- (13) Services to the House, including the House Restaurant, parking facilities, and administration of the House Office Buildings and of the House wing of the Capitol.
- (14) Travel of Members, Delegates, and the Resident Commissioner.
- (15) Raising, reporting, and use of campaign contributions for candidates for office of Representative, of Delegate, and of Resident Commissioner.
- (16) Compensation, retirement, and other benefits of the Members, Delegates, the Resident Commissioner, officers, and employees of Congress.

This committee was created as the Committee on House Administration on January 2, 1947, as a part of the Legislative Reorganization Act of 1946 (60 Stat. 812), combining the Committees on Accounts (created in 1803) (IV, 4328), Enrolled Bills (created in 1789) (IV, 4350), Disposition of Executive Papers (created in 1889) (IV, 4419), Printing (created in 1846), Elections (created in 1794 and divided into three committees in 1895) (IV, 4019), Election of President, Vice President, and Representatives in Congress (created in 1893) (IV, 4299), and Memorials (created January 3, 1929, VII, 2080).

The committee was redesignated as the Committee on House Oversight in the 104th Congress, obtaining from the former Committee on Post Office and Civil Service jurisdiction over the Franking Commission (also known



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as the House Commission on Congressional Mailing Standards) in subparagraph (7), while transferring to the Committee on Resources (now Natural Resources) jurisdiction over erection of monuments to the memory of individuals (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464). References in subparagraphs (1) and (2) to the “contingent fund” were eliminated without changing the committee’s jurisdiction over the accounts that the fund comprised. In the 105th Congress subparagraph (1) was amended to effect a technical correction (H. Res. 5, Jan. 7, 1997, p. 121). In the 106th Congress the committee was redesignated House Administration, and the House recodified its rules to effect clerical and stylistic changes, including the deletion of a redundant undesignated recitation of general and special oversight functions (H. Res. 5, Jan. 6, 1999, p. 47). In the 107th Congress the committee’s responsibilities with respect to enrolled bills (which were set forth in former clause 4(d)(1)(A) of rule X) were transferred to the Clerk (see clause 2(d)(2) of rule II) (sec. 2(b), H. Res. 5, Jan. 3, 2001, p. 25).

The Committee has jurisdiction over measures relating to the House Restaurant (2 U.S.C. 2041), which was first under the jurisdiction of the former Committee on Accounts, then under the supervision of the Architect of the Capitol (H. Res. 590, 76th Cong., Sept. 5, 1940, p. 11552, as made permanent law by P.L. 76–812), and then the Select Committee on the House Restaurant (H. Res. 472, 91st Cong., July 10, 1969, p. 19080; H. Res. 111, 93d Cong., Feb. 7, 1973, p. 3680), which was not reestablished after the 93d Congress.

By the Committee Reform Amendments of 1974, effective January 3, 1975, the committee obtained jurisdiction over parking facilities of the House, a matter formerly assigned to a select committee (subpara. (13)) (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). In the 94th Congress the committee was given jurisdiction over campaign contributions to candidates for the House, a matter formerly within the jurisdiction of the Committee on Standards of Official Conduct (subpara. (15)), and over compensation, retirement, and other benefits of Members, officers, and employees of Congress (subpara. (16)) (H. Res. 5, Jan. 14, 1975, p. 20).

The committee has jurisdiction over resolutions authorizing committees to employ additional professional and clerical personnel (Feb. 7, 1966, p. 2373). The Committee has supervisory authority over the House barber shops, beauty shops, and House Information Resources.

Under the Reorganization Act the committee has jurisdiction over some of the subjects formerly within the jurisdiction of the Joint Committee on the Library, such as matters relating to the Library of Congress and the House Library, statuary and pictures, acceptance or purchase of works of art for the Capitol, the Botanic Gardens, management of the Library of Congress, purchase of books and manuscripts, matters relating to the Smithsonian Institution, and the incorporation of similar institutions. Excepted are measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithso-

nian Institution, which fall under the jurisdiction of the Committee on Transportation (now Transportation and Infrastructure). The House Members of the Joint Committee on the Library, provided for by law (2 U.S.C. 132b), are elected by resolution each Congress.

The Committee has jurisdiction over matters relating to printing and correction of the Congressional Record, formerly within the jurisdiction of the Committee on Printing. The House Members of the Joint Committee on Printing, provided for by law (44 U.S.C. 101), are elected by resolution each Congress.

The committee has jurisdiction over measures relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally, and the electoral count, which formerly was within the jurisdiction of the Committee on Election of the President, Vice President, and Representatives in Congress (IV, 4303).

The committee's former responsibility to report on Members' travel was supplanted by the function of providing policy direction to and oversight of the Clerk, Sergeant-at-Arms, Chief Administrative Officer, and Inspector General (sec. 10, H. Res. 423, Apr. 9, 1992, p. 9040; sec. 201(e), H. Res. 6, Jan. 4, 1995, p. 463; see rule II and § 752, *infra*). In the 107th Congress the committee retained the responsibility to provide policy direction to and oversight of the Inspector General but retained only oversight of the remaining officers (sec. 2(g), H. Res. 5, Jan. 3, 2001, p. 25).

**(k) Committee on the Judiciary.**

- (1) The judiciary and judicial proceedings, civil and criminal.
- (2) Administrative practice and procedure.
- (3) Apportionment of Representatives.
- (4) Bankruptcy, mutiny, espionage, and counterfeiting.
- (5) Civil liberties.
- (6) Constitutional amendments.
- (7) Criminal law enforcement.
- (8) Federal courts and judges, and local courts in the Territories and possessions.
- (9) Immigration policy and non-border enforcement.
- (10) Interstate compacts generally.
- (11) Claims against the United States.

§ 729. Judiciary.

(12) Meetings of Congress; attendance of Members, Delegates, and the Resident Commissioner; and their acceptance of incompatible offices.

(13) National penitentiaries.

(14) Patents, the Patent and Trademark Office, copyrights, and trademarks.

(15) Presidential succession.

(16) Protection of trade and commerce against unlawful restraints and monopolies.

(17) Revision and codification of the Statutes of the United States.

(18) State and territorial boundary lines.

(19) Subversive activities affecting the internal security of the United States.

§ 730. Internal Security.

This committee dates from 1813 (IV, 4054). The essential jurisdiction defined in the rule was made effective January 2, 1947, as a part of the Legislative Reorganization Act of 1946 (60 Stat. 812), and combined the Committees on Revision of Laws (created 1868, IV, 4293), Patents (created in 1837) (IV, 4254), Immigration and Naturalization (created in 1893) (IV, 4309), Claims (created in 1794) (IV, 4262), and War Claims (created in 1883) (IV, 4269). By the Committee Reform Amendments of 1974, effective January 3, 1975, the committee's jurisdiction over holidays and celebrations was transferred to the former Committee on Post Office and Civil Service (now Oversight and Government Reform) (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). In the 94th Congress the Committee on Internal Security was abolished and jurisdiction over communist and other subversive activities affecting the internal security of the United States was transferred to this committee (subpara. (18), now (19)) (H. Res. 5, Jan. 14, 1975, p. 20), though an accompanying provision for the transfer of records and staff of the Internal Security Committee to the Judiciary Committee was deleted as obsolete in the 95th Congress (H. Res. 5, Jan. 4, 1977, pp. 53–70), and the specific reference to communism was deleted as unnecessary in the 104th Congress (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464). The 104th Congress also inserted “the judiciary” in subparagraph (1); added subparagraph (2) for clarification; combined former subparagraphs (6) and (9) in a new subparagraph (7) (now (8)); and combined former subparagraphs (13) and (14) in a new subparagraph (13) (now (14)) (sec. 202(a),

H. Res. 6, Jan. 4, 1995, p. 464). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress, including an update of a reference to the Patent and Trademark Office (H. Res. 5, Jan. 6, 1999, p. 47). In the 109th Congress the House established the Committee on Homeland Security with jurisdiction over certain functions of the Department of Homeland Security that resulted in a conforming change to subparagraph (9) (sec. 2(a)(1), H. Res. 5, Jan. 4, 2005, p. \_\_). For debate (and material submitted during debate) that may edify the reader on the jurisdictional issues surrounding the creation of the Committee on Homeland Security, see January 4, 2005, p. \_\_. In the 109th Congress the House added subparagraph (7) (sec. 2(a)(2), H. Res. 5, Jan. 4, 2005, p. \_\_).

Under subparagraph (15) the committee has jurisdiction over Presidential nominations to fill vacancies in the Office of Vice President, submitted pursuant to the 25th amendment to the Constitution (Oct. 13, 1973, p. 34032; Aug. 20, 1974, p. 29366). The committee has reported Articles of Impeachment of the President (Aug. 20, 1974, pp. 29219–81; Dec. 17, 1998, p. 27819). If the House has voted to impeach, members of the committee have been appointed as managers on the part of the House in presenting the charges to the Senate for trial (H. Res. 501, 99th Cong., July 22, 1986, p. 17306; H. Res. 511, 100th Cong., Aug. 3, 1988, p. 20223; H. Res. 12, 101st Cong., Jan. 3, 1989, p. 84; Dec. 19, 1998, p. 28112; Jan. 6, 1999, p. 15).

The Committee on the Judiciary considers charges against judges of the Federal courts (IV, 4062), legislative propositions relating to the service of the Department of Justice (IV, 4067), bills relating to local courts in the District of Columbia, Alaska, and the territories (IV, 4068), the establishment of a court of patent appeals (IV, 4075), relations of labor to courts and corporations (IV, 4072), crimes, penalties, extradition (IV, 4069; VII, 1747), construction and management of national penitentiaries (IV, 4070), matters relating to trusts (VII, 1764), claims of States against the United States (IV, 4080), general legislation relating to international and other claims (IV, 4078, 4079, 4081), including measures extending the terms of members of the Foreign Claims Settlement Commission (Nov. 14, 1991, p. 32130), bills relating to the flag (IV, 4055), bankruptcy (IV, 4065), removal of political disabilities (IV, 4058), prohibition of traffic in intoxicating liquors (IV, 4061; VII, 1773), mutiny and willful destruction of vessels (IV, 4145), counterfeiting (IV, 4071; VII, 1753), settlement of State and territorial boundary lines (VII, 1768), meeting of Congress and attendance of Members and their acceptance of incompatible offices (IV, 4077).

The committee also has jurisdiction over joint resolutions proposing amendments to the Constitution (IV, 4056; VII, 1779). Although the committee has historically exercised jurisdiction over lobbying activities, the Committee on Standards of Official Conduct was assigned such jurisdiction during a brief period (H. Res. 1031, 91st Cong., July 8, 1970, p. 23141; H. Res. 5, 94th Cong., Jan. 14, 1975, p. 20).

The committee also has jurisdiction over bills regulating the authority of States to impose taxes on interstate commerce (June 18, 1959, p. 11317), imposing conflict of interest standards and civil and criminal penalties relating thereto on government employees (Feb. 25, 1960, p. 3484), establishing an academy of criminal justice (Apr. 5, 1965, p. 6822), eliminating racketeering in the interstate sale of cigarettes (Feb. 9, 1972, p. 3429), providing worker's compensation for non-Federal firefighters killed during civil disorder (May 6, 1968, p. 11798) or to non-Federal policemen and firemen (Dec. 12, 1975, p. 40204), authorizing the Attorney General to consent to a modification of a certain trust on behalf of the Library of Congress (Aug. 17, 1959, p. 16051), amending an omnibus pension act to increase the amount of pension granted a certain class of persons (Feb. 15, 1960, p. 2523), and imposing criminal sanctions under the Controlled Substances Act (Nov. 14, 1983, p. 32457). The committee has sole jurisdiction over the Legal Services Corporation (Nov. 19, 1975, p. 37288). The committee has exercised jurisdiction, with the Committee on Education and Labor, over bills to amend the Walsh-Healey Act regarding hours of work under government contracts (May 15, 1985, p. 11946). This committee, and not the Committee on Public Works and Transportation (now Transportation and Infrastructure), exercised jurisdiction over a bill extending the authority for the Marshal of the Supreme Court and the Supreme Court Police to protect the Chief Justice, Associate Justices, officers, and employees of the Supreme Court beyond its building and grounds (Nov. 22, 1993, p. 32074). The Committee on Oversight and Government Reform, and not this committee, has jurisdiction over pay adjustments for administrative law judges (July 31, 1991, p. 20677; June 10, 1999, p. 12435). The Committee on Natural Resources, and not this committee, has jurisdiction over a bill to designate an immigration museum within a facility of the National Park Service (July 8, 2004, p. \_\_).

The committee has the general oversight responsibility set forth in clause 2(b).

**(1) Committee on Natural Resources.**

(1) Fisheries and wildlife, including research, restoration, refuges, and conservation.

§ 731. Natural Resources.

(2) Forest reserves and national parks created from the public domain.

(3) Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

(4) Geological Survey.

(5) International fishing agreements.

(6) Interstate compacts relating to apportionment of waters for irrigation purposes.

(7) Irrigation and reclamation, including water supply for reclamation projects and easements of public lands for irrigation projects; and acquisition of private lands when necessary to complete irrigation projects.

(8) Native Americans generally, including the care and allotment of Native American lands and general and special measures relating to claims that are paid out of Native American funds.

(9) Insular possessions of the United States generally (except those affecting the revenue and appropriations).

(10) Military parks and battlefields, national cemeteries administered by the Secretary of the Interior, parks within the District of Columbia, and the erection of monuments to the memory of individuals.

(11) Mineral land laws and claims and entries thereunder.

(12) Mineral resources of public lands.

(13) Mining interests generally.

(14) Mining schools and experimental stations.

(15) Marine affairs, including coastal zone management (except for measures relating to oil and other pollution of navigable waters).

(16) Oceanography.

(17) Petroleum conservation on public lands and conservation of the radium supply in the United States.

(18) Preservation of prehistoric ruins and objects of interest on the public domain.

(19) Public lands generally, including entry, easements, and grazing thereon.

(20) Relations of the United States with Native Americans and Native American tribes.

(21) Trans-Alaska Oil Pipeline (except rate-making).

The Committee on Public Lands was created in 1805 (IV, 4194). Its name has since been changed to Interior and Insular Affairs (Feb. 2, 1951, p. 883); to Natural Resources (H. Res. 5, Jan. 5, 1993, p. 49); to Resources (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464); and back to Natural Resources (sec. 214(a), H. Res. 6, Jan. 4, 2007, p. \_\_).

The core of the jurisdiction reflected in this paragraph was assigned to the committee effective January 2, 1947, as a part of the Legislative Reorganization Act of 1946 (60 Stat. 812), which consolidated in this committee the jurisdictions of the former Committees on Mines and Mining (created in 1865) (IV, 4223), Insular Affairs (created in 1899) (IV, 4213), Irrigation and Reclamation (created in 1893) (IV, 4307), Indian Affairs (created in 1821) (IV, 4204), and Territories (created in 1825) (IV, 4208), though vesting the subject of welfare of miners, formerly under the jurisdiction of the Committee on Mines and Mining, in the Committee on Education and Labor. Until the Reorganization Act, military parks, battlefields, and national cemeteries were under the jurisdiction of the Committee on Military Affairs. Jurisdiction over cemeteries of the United States in which veterans may be buried, except those administered by the Secretary of the Interior, was transferred to the Committee on Veterans' Affairs in the 90th Congress (H. Res. 241, Oct. 20, 1967).

In the Committee Reform Amendments of 1974, effective January 3, 1975, the committee gained jurisdiction over parks within the District of Columbia, formerly within the jurisdiction of the Committee on Public Works and Transportation (now Transportation and Infrastructure) (subpara. (10)), and lost specific jurisdiction over Indian education and over Hawaii and Alaska, generally (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). By that same resolution, the committee was given special oversight functions in clause 3.

The 104th Congress expanded the jurisdiction of the committee by: adding subparagraphs (1), (5), (15), and (16) to reflect the transfer of those matters from the former Committee on Merchant Marine and Fisheries; inserting the subject of monuments in memory of individuals in subparagraph (10) to reflect the transfer of that matter from the Committee on House Administration; adding subparagraph (21), an exceptional treatment of pipeline jurisdiction otherwise vested in the Committee on Trans-

portation and Infrastructure; and deleting the subject of regulation of the domestic nuclear energy industry to reflect the transfer of that jurisdiction, which this committee had acquired when the 95th Congress abolished the Joint Committee on Atomic Energy (H. Res. 5, Jan. 4, 1977, pp. 53–70) and which it shared with the Committee on Energy and Commerce, to the Committee on Energy and Commerce (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464). At the same time, the statements of special oversight functions formerly found in this paragraph and in former paragraph (e) of this clause were adjusted to reflect the transfer of nonmilitary nuclear energy and research and development, including disposal of nuclear waste, from this committee to the Committee on Energy and Commerce, though conforming changes in former paragraphs (e) and (h) of clause 3 were inadvertently omitted. Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress, (H. Res. 5, Jan. 6, 1999, p. 47).

The committee reports on subjects relating to the mineral resources of the public lands (IV, 4202), forfeiture of land grants and alien ownership (IV, 4201), validation of certain conveyances of erstwhile public lands by a railway company (July 11, 1995, p. 18397), public lands of Alaska (IV, 4196), forest reserves created out of the public domain (IV, 4197, 4199), including measures relating to criminal trespass provisions applying only within national forests created from the public domain (July 18, 1977, p. 23434); admission of States (IV, 4208); preservation of prehistoric ruins and objects of interest on the public domain (IV, 4199); and various classes of land claims (IV, 4203). The committee also has jurisdiction over the following bills: to dispose of proceeds from oil shale on public lands (other than naval oil shale reserves) (Aug. 3, 1967, p. 21179); to exclude certain lands in the Outer Continental Shelf from mineral leasing provisions of the Outer Continental Shelf Lands Act (May 16, 1963, p. 8777); to reinstate a U.S. oil and gas lease (Aug. 5, 1959, p. 15190); to address U.S. claims to lands along the Colorado River forming State boundaries (June 28, 1967, p. 17738); to designate national forest lands created from the public domain as wilderness (May 6, 1969, p. 11459); to include additional units in the Missouri River Basin project (Sept. 8, 1959, p. 18587); to establish a commission on development of Pennsylvania Avenue in D.C. as a national historic site (Oct. 21, 1965, p. 27803); to authorize the Secretary of the Interior to conduct a feasibility investigation of potential water resource development (May 1, 1975, p. 12764); to establish a commission to consider the creation of a (Hudson) River compact (July 21, 1975, p. 23653); to name a building constructed as part of a Federal recreation area (June 8, 1988, p. 13803); to address the siting on Federal park land of an established national memorial (Sept. 24, 1991, p. 23731); (with the Committee on Agriculture) to exchange a Federal tree nursery for certain State mining patents touching a public domain (western) forest (Sept. 17, 1991, p. 23193); and to transfer interest in a National Oceanic and Atmospheric Administration fisheries research laboratory (Oct. 1, 2002, p. 18796). The Committee on National Security (now Armed Services), and not this committee,



has jurisdiction over the transfer of military property to a State to be designated by the State as a wilderness area (Nov. 15, 1995, p. 32627). The Committee on Agriculture, and not this committee, has jurisdiction over the designation of an agricultural research center (May 14, 1996, p. 11070). The Committee on Education and Labor, and not this committee, has jurisdiction over a bill amending the Native American Programs Act of 1974 (an Indian education matter) (Oct. 30, 1997, p. 23967). This committee, and not the Committee on Agriculture, has jurisdiction over a bill to convey land that is part of a National Forest created from the public domain (Mar. 23, 2004, p. \_\_). This committee, and not the Committee on the Judiciary, has jurisdiction over a bill to designate an immigration museum within a facility of the National Park Service (July 8, 2004, p. \_\_). This committee, and not the Committee on Transportation and Infrastructure, has jurisdiction over a bill addressing a federal water project operated by the Bureau of Reclamation (June 25, 2007, p. \_\_).

The authority of the committee to report as privileged bills for the forfeiture of land grants to railroad and other corporations, preventing speculation in the public lands, for the preservation of the public lands for the benefit of actual and bona fide settlers, and for the admission of new States was eliminated in the Committee Reform Amendments of 1974, effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470).

**(m) Committee on Oversight and Government Reform.**

- (1) Federal civil service, including intergovernmental personnel; and the status of officers and employees of the United States, including their compensation, classification, and retirement.
- (2) Municipal affairs of the District of Columbia in general (other than appropriations).
- (3) Federal paperwork reduction.
- (4) Government management and accounting measures generally.
- (5) Holidays and celebrations.
- (6) Overall economy, efficiency, and management of government operations and activities, including Federal procurement.
- (7) National archives.

§ 732. Oversight and Government Reform.

- (8) Population and demography generally, including the Census.
- (9) Postal service generally, including transportation of the mails.
- (10) Public information and records.
- (11) Relationship of the Federal Government to the States and municipalities generally.
- (12) Reorganizations in the executive branch of the Government.

In the 82d Congress the name of this committee was changed from Expenditures in the Executive Departments to Government Operations (July 3, 1952, p. 9217). In the 104th Congress it was changed to Government Reform and Oversight (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464), in the 106th Congress to Government Reform (H. Res. 5, Jan. 6, 1999, p. 47), and in the 110th Congress to Oversight and Government Reform (sec. 215(a), H. Res. 6, Jan. 4, 2007, p. \_\_). The former Committee on Expenditures in the Executive Departments was established December 5, 1927 (VII, 2041), and took the place of 11 separate committees on expenditures in the several executive departments. The first of these committees was established in 1816, and others were added as new departments were created (IV, 4315). They reported bills relating to the efficiency and integrity of the public service (IV, 4320) and creation and abolition of offices (IV, 4318).

In addition to the jurisdiction vested in the Committee by the Legislative Reorganization Act of 1946 (60 Stat. 812), the Committee Reform Amendments of 1974, effective January 3, 1975, assigned the committee jurisdiction over measures relating to the overall economy and efficiency of Government operations and activities, including Federal procurement, intergovernmental relationships, and general revenue sharing (the latter from the Committee on Ways and Means was stricken from the jurisdictional statement of this committee in the 104th Congress (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464), and the National Archives (from the former Committee on Post Office and Civil Service) (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). In the 104th Congress (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464), the committee assumed the jurisdictions of the former Committee on the District of Columbia (subpara. (2)) and the former Committee on Post Office and Civil Service except that relating to the Franking Commission (subparas. (1), (5), (8), and (9)); and subparagraphs (3) and (10) were added to clarify existing jurisdiction. At the same time the committee's jurisdiction over measures relating to off-budget treatment of agencies or programs, which had been added by the Balanced Budget and Emergency Deficit Control Act of 1985 (P.L. 99-177), was transferred to the Committee

on the Budget. Three rereferrals from this committee to the Committee on the Budget marked this migration of off-budget treatment jurisdiction: (1) the Committee on the Budget has primary jurisdiction over a bill excluding from the budget the Civil Service Retirement and Disability Fund (although this committee retains programmatic jurisdiction over that Fund); (2) the Committee on the Budget has primary jurisdiction over a bill excluding from the budget the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund (although the Committee on Transportation and Infrastructure retains programmatic jurisdiction); and (3) the Committee on the Budget has secondary jurisdiction over a bill amending title 49 of the United States Code and providing off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund (Dec. 6, 1995, p. 35572). The committee was also released from jurisdiction over measures relating to exemptions from executive orders sequestering budget authority, which had been added by the Budget Enforcement Act of 1990 (tit. XIII, P.L. 101-508). In the 105th Congress any residual jurisdiction over budget process was transferred to the Committee on the Budget (H. Res. 5, Jan. 7, 1997, p. 121). The 104th Congress assigned the committee its responsibilities to coordinate committee oversight plans under clause 2(d) (sec. 203(a), H. Res. 6, Jan. 4, 1995, p. 467). In the 104th Congress the committee was also given the responsibility to consider and report recommendations concerning alternatives to commemorative legislation, although no such report was made to the House (sec. 216(b), H. Res. 6, Jan. 4, 1995, p. 468). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress, including the deletion of a redundant undesignated recitation of general and special oversight functions (H. Res. 5, Jan. 6, 1999, p. 47).

The committee has exercised jurisdiction over bills: waiving Reorganization Plans to establish the Rural Electrification Administration as an independent agency and transferring certain functions thereto (Mar. 19, 1959, p. 4692); establishing a Commission on Population Growth (Sept. 23, 1969, p. 26568); establishing a Cabinet Committee on Opportunities for Spanish-Speaking Americans (Nov. 24, 1969, p. 35509); providing payment of travel costs for Federal employment applicants (Feb. 15, 1967, p. 3466); and a bill to rename an existing post office building (Aug. 4, 1995, p. 22085; Oct. 1, 1998, p. 22933), even if the post office building also houses a courthouse (Sept. 14, 2000, p. 18054). The Committee on Transportation and Infrastructure, and not this committee, has jurisdiction over a measure redesignating a general-purpose Federal building as a post office (Apr. 24, 1997, p. 22085). The committee has exercised jurisdiction over counter-cyclical programs of revenue-sharing grants to State and local governments, such as that contained in Title II of the Public Works Employment Act of 1976 (Feb. 1, 1977, p. 3057). The committee shares jurisdiction over a bill to facilitate the reorganization of an agency by instituting a separa-

tion pay program to encourage eligible employees to voluntarily resign or retire (Aug. 2, 1993, p. 18161). The committee has jurisdiction over a bill explicitly waiving the Federal Property and Administrative Services Act and directing the Administrator of General Services to convey excess real property (Oct. 2, 1998, p. 23186). This committee, and not the Committee on the Judiciary, has jurisdiction over a bill authorizing a pay adjustment for administrative law judges (July 31, 1991, p. 20677; June 10, 1999, p. 12435).

The specific subpoena authority conferred upon the committee in the standing rules on February 10, 1947 (p. 942) was superseded by the general conferral of subpoena authority on all committees in clause 2(m) of rule XI. The committee may authorize the taking of depositions pursuant to subpoena (clause 4(c)(3) of rule X). By the Committee Reform Amendments of 1974, effective January 3, 1975, the committee was given the general function under clause 4(c)(1) of examining and reporting upon reports of the Comptroller General, evaluating laws reorganizing the legislative and executive branches, and studying intergovernmental relationships domestically and with international organizations to which the United States belongs (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). Under section 2954 of title 5, United States Code, an executive agency, if so requested by this committee or any seven members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee.

**(n) Committee on Rules.**

(1) Rules and joint rules (other than those relating to the Code of Official Conduct) and the order of business of the House.

§ 733. Rules.

(2) Recesses and final adjournments of Congress.

This committee, which had existed as a select committee from 1789, became a standing committee in 1880 (IV, 4321; VII, 2047). The jurisdiction defined in this paragraph became effective January 2, 1947, as a part of the Legislative Reorganization Act of 1946 (60 Stat. 812). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress, including the deletion of a redundant undesignated paragraph permitting the committee to sit during sessions of the House (H. Res. 5, Jan. 6, 1999, p. 47). That undesignated paragraph, originally designated as subparagraph (3) (H. Res. 5, Jan. 5, 1993, p. 49), was derived from section 134(c) of the Legislative Reorganization Act of 1946, even though the committee had authority to sit during sessions of the House since 1893 (IV, 4546). Effective January 3, 1975, however, the authority for all committees to sit and act whether the House is in session or has

adjourned rendered this provision obsolete (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470).

The Speaker was first made a member of the committee in 1858 (IV, 4321), and ceased to be a member on March 19, 1910 (VII, 2047). However, the Legislative Reorganization Act of 1946 deleted from the former rule the prohibition against the Speaker serving on the committee. The size of the committee was increased from 12 to 15 members for the 87th Congress (Jan. 31, 1961, p. 1589), and the increase in the committee's size was incorporated as a part of the rules in the 88th Congress (Jan. 9, 1963, p. 14). Effective January 3, 1975, however, the rules were amended to eliminate prescriptions of committee sizes (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470), and in the 94th through the 98th Congresses 16 Members were named to the Committee on Nominations from the respective party caucuses (see, *e.g.*, H. Res. 76, Jan. 20, 1975, p. 803; H. Res. 101, Jan. 28, 1975, p. 1611), and in the 99th through 101st Congresses, 13 Members were named to the Committee on Nominations from the respective party caucuses (see, *e.g.*, H. Res. 34, 35, Jan. 30, 1985, pp. 1271, 1273).

The subject of recesses and adjournments was formerly under the jurisdiction of the Committee on Ways and Means. In section 402(b) of the Congressional Budget Act of 1974 (P.L. 93-344, July 12, 1974), the committee was given specific authority to report emergency waivers of the required reporting date for bills and resolutions authorizing new budget authority. That authority was incorporated into this rule, effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470), but was repealed as obsolete in the 102d Congress (H. Res. 5, Jan. 3, 1991, p. 39). Jurisdiction over rules relating to official conduct and financial disclosure was transferred to the Committee on Standards of Official Conduct on April 3, 1968 (H. Res. 1099, 90th Cong.), but in the 95th Congress, jurisdiction over rules relating to financial disclosure by Members, officers, and employees of the House was returned to this committee (H. Res. 5, Jan. 4, 1977, pp. 53-70).

The jurisdiction of this committee is primarily over propositions to make or change the rules (V, 6770, 6776; VII, 2047), to create committees (IV, 4322; VII, 2048), and to direct them to make investigations (IV, 4322-4324; VII, 2048). Effective January 3, 1975, however, the authority for all committees to conduct investigations and studies was made a part of the standing rules (clause 1(b) of rule XI), as was the authority to issue subpoenas (clause 2(m) of rule XI) (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). The committee also reports resolutions relating to the hour of daily meeting and the days on which the House shall sit (IV, 4325), and orders relating to the use of the galleries during the electoral count (IV, 4327). The chair of the Committee on the Budget inserted in the Congressional Record a memorandum of understanding between this committee and the Committee on the Budget to clarify each Committee's jurisdiction over the congressional budget process (Jan. 4, 1995, p. 617). The Committee on the Budget has primary jurisdiction, and this committee has additional

jurisdiction, over a bill amending the Budget Act to establish new legislative points of order and directing that the President include a specified matter in the budget (Feb. 13, 2001, p. 1817).

Since 1883 the Committee on Rules has reported special orders providing times and methods for consideration of individual bills or classes of bills, thereby enabling the House by majority vote to forward particular legislation, instead of being forced to use for this purpose the motion to suspend the rules, which requires a two-thirds vote (IV, 3152; V, 6870; for forms of, IV, 3238–3263).

Special orders may still be made by suspension of the rules (IV, 3154) or by unanimous consent (IV, 3165, 3166; VII, 758); but it is not in order to provide that a subject be made a special order by way of a motion to postpone to a day certain (IV, 3164). Before the adoption of rules, and consequently before there is a rule as to the order of business, the Speaker may recognize a Member to offer for immediate consideration a special order providing for the consideration in the House of a subsequent resolution to adopt rules for the new Congress (H. Res. 5, Jan. 4, 1995, p. 447; H. Res. 5, Jan. 4, 2007, p. \_\_). A special order reported by the Committee on Rules must be agreed to by a majority vote of the House (IV, 3169).

It is not in order to move to postpone a special order providing for the consideration of a class of bills (V, 4958), but a bill that comes before the House by the terms of a special order merely assigning the day for its consideration may be postponed by a majority vote (IV, 3177–3182). A motion to rescind a special order is not privileged under the rules regulating the order of business (IV, 3173, 3174; V, 5323).

A motion to amend the Rules of the House does not present a question of privilege (VIII, 3377, overruling VIII, 3376; see also § 706, *supra*), and it is not in order by raising a question of the privileges of the House under rule IX to move to direct the Committee on Rules to consider a request to report a special order of business (Speaker Albert, June 27, 1974, p. 21599), or to direct the Committee on Rules to meet, to elect a temporary chair (in the temporary absence of the chair) and consider special orders of business (Speaker Albert, July 31, 1975, p. 26250).

For further discussion of the Committee on Rules, see §§ 857–863, *infra*.

**(o) Committee on Science and Technology.**

(1) All energy research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

(2) Astronautical research and development, including resources, personnel, equipment, and facilities.

- (3) Civil aviation research and development.
- (4) Environmental research and development.
- (5) Marine research.
- (6) Commercial application of energy technology.
- (7) National Institute of Standards and Technology, standardization of weights and measures, and the metric system.
- (8) National Aeronautics and Space Administration.
- (9) National Space Council.
- (10) National Science Foundation.
- (11) National Weather Service.
- (12) Outer space, including exploration and control thereof.
- (13) Science scholarships.
- (14) Scientific research, development, and demonstration, and projects therefor.

The standing Committee on Science and Astronautics was established in the 85th Congress and given jurisdiction formerly vested in a Select Committee on Astronautics and Space Exploration established a few months earlier (Mar. 5, 1958, p. 3443), as well as the former jurisdiction of the Committee on Interstate and Foreign Commerce (now Energy and Commerce) over the Bureau of Standards (now the National Institute of Standards and Technology) and science scholarships (July 21, 1958, p. 14513). By the Committee Reform Amendments of 1974, effective January 3, 1975, the committee was redesignated as the Committee on Science and Technology and given additional jurisdiction over civil aviation research and development, environmental research and development, non-nuclear energy research and development, and the National Weather Service (now part of the National Oceanic and Atmospheric Administration) (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). At the same time the committee was given the general and special oversight functions set forth in clause 2(b) and former clause 3(f) (current clause 3(k)). When the House abolished the Joint Committee on Atomic Energy in the 95th Congress, this committee was given jurisdiction over nuclear research and development as well (H. Res. 5, Jan. 4, 1977, pp. 53–70). Its jurisdiction over

energy research and development (now subpara. (1)) was amended in the 96th Congress, effective January 3, 1981, to specifically include energy demonstration projects and federally owned nonmilitary energy laboratories (H. Res. 549, Mar. 25, 1980, pp. 6405–10). In the 100th Congress, the committee was redesignated as the Committee on Science, Space, and Technology (H. Res. 5, Jan. 6, 1987, p. 6). In the 103d Congress the jurisdictional statement of the committee was updated to reflect the renaming of executive branch entities (H. Res. 5, Jan. 5, 1993, p. 49). The 104th Congress renamed the committee as the Committee on Science and expanded its jurisdiction by adding subparagraph (5), from the former Committee on Merchant Marine and Fisheries, and subparagraph (6), from the Committee on Energy and Commerce (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress, including the deletion of a redundant undesignated recitation of general and special oversight functions (H. Res. 5, Jan. 6, 1999, p. 47). The 110th Congress renamed the committee as the Committee on Science and Technology (sec. 216(a), H. Res. 6, Jan. 4, 2007, p. \_\_).

The committee has jurisdiction over proposals dealing with U.S. participation in the World Science Pan-Pacific Exposition (June 24, 1959, p. 11810); over a resolution condemning Soviet Union internal exile of an individual, and recommending that Government agencies including NASA, the National Bureau of Standards and the National Science Foundation defer official travel to that country (Jan. 30, 1980, p. 1320); with the Committees on Armed Services and Interior and Insular Affairs (now Natural Resources), over bills to test the commercial viability of oil shale technologies within the naval oil shale reserves or on other public lands (Sept. 26, 1978, p. 31623); and with four other committees over a bill coordinating Federal agencies' research into ground water contamination, including that done by the Environmental Protection Agency (Mar. 15, 1989, p. 4163). The Committee on Natural Resources, and not this committee, has jurisdiction over a bill transferring interest in a National Oceanic and Atmospheric Administration fisheries research laboratory (Oct. 1, 2002, p. 18796).

**(p) Committee on Small Business.**

(1) Assistance to and protection of small business, including financial aid, regulatory flexibility, and paperwork reduction.

§ 736. Small Business.

(2) Participation of small-business enterprises in Federal procurement and Government contracts.



A Select Committee on Small Business was first established in the 77th Congress (H. Res. 294, pp. 9418–28) and was reconstituted each Congress thereafter by resolution reported from the Committee on Rules until made permanent in the 92d Congress (H. Res. 5, Jan. 22, 1971, p. 144).

The Committee Reform Amendments of 1974 established a standing Committee on Small Business, effective January 3, 1975, and vested it with legislative jurisdiction formerly held by the Committee on Banking and Currency (now Financial Services) (subpara. (1)) and the Committee on the Judiciary (subpara. (2)) (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). At the same time the general and special oversight functions were set forth in clause 2(b) and in former clause 3(g) (current clause 3(l)). The 104th Congress expanded the jurisdiction of the committee over assistance to and protection of small business by inserting the references to regulatory flexibility and paperwork reduction in subparagraph (1) (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464; see also Feb. 9, 1995, p. 4328) and later effected a technical correction (H. Res. 254, Nov. 30, 1995, p. 35077). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress, including the deletion of a redundant undesignated recitation of general and special oversight functions (H. Res. 5, Jan. 6, 1999, p. 47).

### **(q) Committee on Standards of Official Conduct.**

#### **The Code of Official Conduct.**

In the 90th Congress the Committee on Standards of Official Conduct was established as a standing committee (H. Res. 418, Apr. 13, 1967, p. 9425). Its precursor was the Select Committee on Standards and Conduct, created in the 89th Congress (H. Res. 1013, Oct. 19, 1966, pp. 27713–30). At various times in its history, the legislative jurisdiction of the committee has included jurisdiction over measures relating to (1) financial disclosure by Members, officers, and employees of the House (H. Res. 1099, 90th Cong., Apr. 3, 1968, p. 8776); (2) the raising, reporting, and use of campaign contributions for candidates for the House (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470); and (3) lobbying activities (H. Res. 1031, 91st Cong., July 8, 1970, p. 23141). However, legislative jurisdiction over measures relating to financial disclosure was transferred to the Committee on Rules in the 95th Congress (H. Res. 5, Jan. 4, 1977, pp. 53–70); legislative jurisdiction over measures relating to campaign contributions for candidates for the House was transferred to House Administration, and legislative jurisdiction over measures relating to lobbying activities was removed from the committee (thereby devolving on the Committee on the Judiciary) in the 94th Congress (H. Res. 5, Jan. 14, 1975, p. 20). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress, including the deletion

of a redundant undesignated recitation of general and special functions (H. Res. 5, Jan. 6, 1999, p. 47).

Three rules relating to the official conduct of Members outside the confines of rule XXIII, the “Code of Official Conduct,” are as follows: rule XXIV, limitations on use of official funds, rule XXV, limitations on outside earned income and acceptance of gifts, and rule XXVII, disclosure of employment negotiations.

Under clause 5(a) of rule XIII, the committee is empowered to report as privileged resolutions recommending action by the House of Representatives with respect to the official conduct of an individual Member, officer, or employee of the House.

In addition to its legislative jurisdiction, the committee has the general oversight responsibility set forth in clause 2(b) and the additional functions of conducting the investigations and making the reports and recommendations required by clause 5 of rule XIII or by resolution of the House (see, e.g., H. Res. 252, 95th Cong., Feb. 9, 1977, pp. 3966–75, directing investigation of gifts from the Korean Government; H. Res. 1042, 94th Cong., Feb. 16, 1976, pp. 3158–61, directing investigation of unauthorized publication of report of Select Committee on Intelligence; and H. Res. 608, 96th Cong., Mar. 27, 1980, pp. 6995–98, relating to “Abscam”). The House referred to the committee a resolution relating to the House Page Program offered as a question of privilege (H. Res. 1065, 109th Cong., Sept. 29, 2006, p. \_\_\_).

The committee has investigated roll call procedures in the House and recommended installation of a modernized voting system (June 19, 1969, p. 16629). In the 95th Congress the committee was authorized by section 515 of Public Law 95–105 to act as the “employing agency” for the House of Representatives under the Foreign Gifts and Decorations Act, and the committee promulgated regulations under that statute concerning acceptance of foreign gifts and decorations by Members and employees (Jan. 23, 1978, p. 452). In the 96th Congress the committee was assigned as additional responsibilities the functions designated in title I of the Ethics in Government Act of 1978 (P.L. 95–521) relating to the administration of government ethics laws as they apply to Members, officers, and employees of the House (H. Res. 5, Jan. 15, 1979, p. 7). In the 102d Congress those responsibilities were enlarged to include the functions designated in title V of the Act and the specified sections of title 5, United States Code (H. Res. 5, Jan. 3, 1991, p. 39).

The committee has compiled statutory and rule-based ethical standards in the *House Ethics Manual* (110th Cong., 2d Sess.). In the *Manual*, the committee incorporates its advisory opinions issued under clause 3(a)(4) of rule XI, together with advisory opinions issued by the former Select Committee on Ethics, in its discussions of various ethical issues, including gifts, outside income, financial disclosure, staff rights and duties, official allowances and franking, casework considerations, campaign financing and practices, and involvement with official and unofficial organizations.

In the 95th Congress, the House established a Select Committee on Ethics and granted it exclusive legislative jurisdiction over bills that incorporated into permanent law provisions of House rules addressing financial ethics of Members, officers, and employees (H. Res. 383, Mar. 9, 1977, pp. 6811–16). The Select Committee was also granted jurisdiction to promulgate implementing regulations and to issue advisory opinions. The resolution creating the Select Committee provided that it would expire on December 31, 1977, but the committee and its functions ultimately were extended through the completion of its official business (H. Res. 871, Oct. 31, 1977, p. 35957).

In the 105th Congress a new subparagraph (3) was added at the end of former clause 4(e) of rule X to establish a Select Committee on Ethics only to resolve an inquiry originally undertaken by the standing Committee on Standards of Official Conduct in the 104th Congress (H. Res. 5, Jan. 7, 1997, p. 121). The Select Committee filed one report to the House (H. Rept. 105–1, H. Res. 31, Jan. 21, 1997, p. 393).

For Office of Congressional Ethics, see § 1125h, *infra*.

**(r) Committee on Transportation and Infrastructure.**

(1) Coast Guard, including lifesaving service, lighthouses, lightships, ocean derelicts, and the Coast Guard Academy.

§ 739. Transportation and Infrastructure.

(2) Federal management of emergencies and natural disasters.

(3) Flood control and improvement of rivers and harbors.

(4) Inland waterways.

(5) Inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.

(6) Navigation and laws relating thereto, including pilotage.

(7) Registering and licensing of vessels and small boats.

(8) Rules and international arrangements to prevent collisions at sea.

(9) The Capitol Building and the Senate and House Office Buildings.

(10) Construction or maintenance of roads and post roads (other than appropriations therefor).

(11) Construction or reconstruction, maintenance, and care of buildings and grounds of the Botanic Garden, the Library of Congress, and the Smithsonian Institution.

(12) Merchant marine (except for national security aspects thereof).

(13) Purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.

(14) Oil and other pollution of navigable waters, including inland, coastal, and ocean waters.

(15) Marine affairs, including coastal zone management, as they relate to oil and other pollution of navigable waters.

(16) Public buildings and occupied or improved grounds of the United States generally.

(17) Public works for the benefit of navigation, including bridges and dams (other than international bridges and dams).

(18) Related transportation regulatory agencies (except the Transportation Security Administration).

(19) Roads and the safety thereof.

(20) Transportation, including civil aviation, railroads, water transportation, transportation safety (except automobile safety and transpor-

tation security functions of the Department of Homeland Security), transportation infrastructure, transportation labor, and railroad retirement and unemployment (except revenue measures related thereto).

(21) Water power.

The committee was created effective January 2, 1947, as a part of the Legislative Reorganization Act of 1946 (60 Stat. 812), combining the Committees on Flood Control (created in 1916) (VII, 2069), Public Buildings and Grounds (created in 1837) (IV, 4231), Rivers and Harbors (created in 1883) (IV, 4118), and Roads (created in 1913) (VII, 2065). The authority of the committee to report as privileged bills authorizing the improvement of rivers and harbors was eliminated by the Committee Reform Amendments of 1974, effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). At the same time the committee's jurisdiction over parks in the District of Columbia was transferred to the Committee on Interior and Insular Affairs (now Natural Resources); and it gained jurisdiction over transportation, including civil aviation (except railroads, railroad labor, and railroad pensions), over roads and the safety thereof, over water transportation subject to the jurisdiction of the Interstate Commerce Commission, and over related transportation regulatory agencies with certain exceptions. The 104th Congress changed the name of the Committee from Public Works and Transportation to Transportation and Infrastructure and expanded its jurisdiction by: adding subparagraphs (1), (6)–(8), (12), and (15) to reflect the transfer of those matters from the former Committee on Merchant Marine and Fisheries; adding subparagraph (4) and enlarging subparagraph (20) to reflect the transfer of those matters from the Committee on Energy and Commerce; and adding subparagraph (2) and inserting the reference to inland, coastal, and ocean waters in subparagraph (14), as clarifying consolidations of formerly fractionalized subjects (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress. The 106th Congress also adopted a substantive amendment to this provision deleting the prohibition against including a provision for a specific road in a bill providing for another specific road or in a general road bill (H. Res. 5, Jan. 6, 1999, p. 47). In the 109th Congress the House established the Committee on Homeland Security (sec. 2(a), H. Res. 5, Jan. 4, 2005, p. \_\_). The new committee was given jurisdiction over certain functions of the Department of Homeland Security that resulted in two conforming changes to this paragraph. For debate (and material submitted during debate) that may edify the reader on the jurisdictional issues surrounding the creation of that committee, see January 4, 2005, p. \_\_.

The committee has jurisdiction over proposals establishing Treasury revolving funds for the Southeastern and Southwestern Power Administra-

tions (July 2, 1959, p. 12629); directing the Secretary of the Army to provide school facilities for dependents of Corps of Engineers construction workers (June 17, 1968, p. 17429); conveying Corps of Engineers flood-control project lands (July 15, 1965, p. 17002), naming reservoirs within such projects (Oct. 3, 1989, p. 22770) or allocating or limiting water use therefrom (Feb. 28, 1990, p. 2893); directing the Secretary of the Army to renew the license of an American Legion Post to use a parcel of land on a Corps of Engineer project (May 10, 1988, p. 10282); authorizing construction of an annex to the National Gallery of Art by the Smithsonian Institution (Apr. 10, 1968, p. 9553); addressing the location and development of the J. F. Kennedy Center for the Performing Arts (Sept. 15, 1965, p. 23927; Oct. 21, 1965, p. 27803); transferring land under the control of the Corps of Engineers to Indian tribes (Jan. 29, 1976, p. 1577); amending the Interstate Commerce Act to regulate truck transportation (Feb. 24, 1976, p. 4109; Mar. 1, 1979, p. 3754); concerning the treatment of a U.S. air freight carrier by the Japanese Ministry of Transport pursuant to an understanding negotiated under the International Air Transportation Competition Act of 1979 (not a Trade Act matter) (July 28, 1988, p. 19536); and over an executive communication amending Public Law 90-553, reported by the committee, to authorize the transfer, conveyance, lease and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for an international organization, as sites for governments of foreign countries (Sept. 10, 1981, p. 20598). The Committee on Government Reform and Oversight (now Oversight and Government Reform), and not this committee, has jurisdiction over a bill renaming an existing post office building (Aug. 4, 1995, p. 22085; Oct. 1, 1998, p. 22933) and renaming an existing post office building that also housed a courthouse (Sept. 14, 2000, p. 18054). However, this committee, and not the Committee on Oversight and Government Reform, has jurisdiction over a bill redesignating a general-purpose Federal building as a post office (Apr. 24, 1997, p. 6291). This committee, and not the Committee on Ways and Means, has jurisdiction over a bill designating a customs building (Dec. 12, 1995, p. 36165). The Committee on Natural Resources, and not this committee, has jurisdiction over a bill to validate certain conveyances of erstwhile public lands by a railway company (July 11, 1995, p. 18397). The Committee on Oversight and Government Reform, and not this committee, has jurisdiction over a bill transferring real property administered by the Coast Guard where the bill explicitly waives the Federal Property and Administrative Services Act and directs the Administrator of General Services to convey the property (Oct. 2, 1998, p. 23186).

The committee has shared jurisdiction: with the Committee on Energy and Commerce over a bill amending the Solid Waste Disposal Act to provide for the cleanup of hazardous waste sites or discharges presenting a threat to human health and the environment, including navigable waters (Mar. 21, 1984, p. 6186); with the Committee on Government Operations (now Oversight and Government Reform) over a bill to require the Administrator

of General Services to convey certain real property (a Federal building) to the Museum for the American Indian and providing for renovation and alteration of the property (Oct. 28, 1987, p. 29685); with the Committee on House Administration over a bill authorizing the Smithsonian Institution to construct, expand, and renovate facilities at the Cooper-Hewitt Museum in New York (July 21, 1987, p. 20309), and over a bill authorizing appropriations to plan, design, construct, and equip museum space for the Smithsonian (July 18, 1991, p. 18830); with several other committees over bills to convert from a defense economy by, *inter alia*, authorizing economic assistance for public works and economic development (June 24, 1991, p. 16021; June 11, 1992, p. 14470); and with the Committee on Education and Labor over bills providing labor protections to workers, including airline employees, in the transportation industry (June 24, 1991, p. 16020; Feb. 24, 1993, p. 3577).

In the 101st Congress, the committee reported a bill requiring a cooling-off period in a labor-management dispute between an airline and its unions under the Railway Labor Act (H.R. 1231, Mar. 13, 1989, p. 4032).

**(s) Committee on Veterans' Affairs.**

(1) Veterans' measures generally.

(2) Cemeteries of the United States in which

§ 740. Veterans' Affairs. veterans of any war or conflict are or may be buried, whether in the United States or abroad (except cemeteries administered by the Secretary of the Interior).

(3) Compensation, vocational rehabilitation, and education of veterans.

(4) Life insurance issued by the Government on account of service in the Armed Forces.

(5) Pensions of all the wars of the United States, general and special.

(6) Readjustment of servicemembers to civil life.

(7) Servicemembers' civil relief.

(8) Veterans' hospitals, medical care, and treatment of veterans.

This committee was established January 2, 1947, as a part of the Legislative Reorganization Act of 1946 (60 Stat. 812), and was vested with jurisdiction formerly exercised by the Committees on World War Veterans' Legisla-

tion (VII, 2077); Invalid Pensions (IV, 4258); and Pensions (IV, 4260). Jurisdiction over veterans' cemeteries administered by the Department of Defense was transferred from the Committee on Interior and Insular Affairs (now Natural Resources) in the 90th Congress (H. Res. 241, Oct. 20, 1967, p. 29560). Vocational rehabilitation, except that pertaining to veterans, is under the jurisdiction of the Committee on Education and Labor. The committee has jurisdiction over bills to amend the Servicemembers Civil Relief Act to permit certain declarations of fact in lieu of affidavits (Feb. 4, 1959, p. 1812), and over bills to amend the Servicemen's and Veterans' Survivor Benefits Act relating to service-connected deaths of retired members of the uniformed services (May 18, 1959, p. 8273). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47). Technical changes to subparagraphs (6) and (7) were effected in the 109th Congress (sec. 2(1), H. Res. 5, Jan. 4, 2005, p. \_\_).

**(t) Committee on Ways and Means.**

- (1) Customs revenue, collection districts, and ports of entry and delivery.
- (2) Reciprocal trade agreements.
- (3) Revenue measures generally.
- (4) Revenue measures relating to insular possessions.
- (5) Bonded debt of the United States, subject to the last sentence of clause 4(f).
- (6) Deposit of public monies.
- (7) Transportation of dutiable goods.
- (8) Tax exempt foundations and charitable trusts.
- (9) National social security (except health care and facilities programs that are supported from general revenues as opposed to payroll deductions and except work incentive programs).

A select Committee on Ways and Means dates from 1789. It was made a standing committee in 1802. Originally it considered both revenue and appropriations, but in 1865 the appropriation bills were given to the Committee on Appropriations and certain other bills to the Committee on Bank-



ing and Currency (now Financial Services) (IV, 4020). Its jurisdiction was also amended on April 5, 1911 (p. 58), and further defined in the Legislative Reorganization Act of 1946 (60 Stat. 812), which transferred the subject of recesses and final adjournments from this committee to the Committee on Rules.

By the Committee Reform Amendments of 1974, effective January 3, 1975, the committee gained legislative jurisdiction over tax exempt foundations and charitable trusts (subpara. (8)), formerly within the jurisdiction of the Committee on Banking and Currency (now Financial Services) because of their impact on the economy, while it was released from: jurisdiction over health care and facilities programs supported from general revenues to the Committee on Energy and Commerce; jurisdiction over work incentive programs to the Committee on Education and Labor; and jurisdiction over renegotiation to the Committee on Banking, Finance and Urban Affairs (now Financial Services) (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). The Committee Reform Amendments also transferred jurisdiction over general revenue sharing from this committee to the Committee on Government Operations (now Oversight and Government Reform); however, revenue sharing was stricken from the jurisdictional statement of that committee in the 104th Congress (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464).

The committee's jurisdiction over the bonded debt of the United States (subpara. (5)) was made subject to the last sentence of clause 4(f) (formerly clause 4(g)) of rule X in the 96th Congress by Public Law 96-78 (93 Stat. 589). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47). In the 109th Congress the House established the Committee on Homeland Security (sec. 2(a), H. Res. 5, Jan. 4, 2005, p. \_\_), which was given jurisdiction over certain functions of the Department of Homeland Security that resulted in a conforming change to this paragraph. For debate (and material submitted during debate) that may edify the reader on the jurisdictional issues surrounding the creation of that committee, see January 4, 2005, p. \_\_.

The revenue jurisdiction of the committee extends to such subjects as transportation of dutiable goods, collection districts, ports of entry and delivery (IV, 4026), customs unions, reciprocity treaties (IV, 4021), revenue relations of the United States with Puerto Rico (IV, 4025), the revenue bills relating to agricultural products generally, excepting oleomargarine (IV, 4022), and tax on cotton and grain futures. The committee formerly had jurisdiction as to seal herds and other revenue-producing animals in Alaska but this jurisdiction was changed in the 68th Congress to the former Committee on Merchant Marine and Fisheries (VII, 1725, 1851). As exemplified by sequential referrals in the 96th Congress, the committee has jurisdiction over reported bills creating major oil spill and hazardous waste trust funds in the Treasury, funded by assessments on all quantities of oil, petrochemical feedstocks, and other hazardous substances offered for

sale, where the scope and size of the funds and the method of assessment (similar to an excise tax) represented the collection of general revenue to fund particular Federal activities, a type of financing mechanism over which the Ways and Means Committee has traditionally exercised jurisdiction (May 20, 1980, p. 11862).

The committee has jurisdiction over subjects relating to the Treasury of the United States and the deposit of the public moneys (IV, 4028), but it failed to make good a claim to the subjects of “national finances” and “preservation of the Government credit” (IV, 4023). The committee has jurisdiction over bills providing tax incentives for persons investing in Indian property (Feb. 1, 1964, p. 1582), providing unemployment compensation to individuals with military or Federal service (Apr. 28, 1976, p. 11590), providing extended and increased unemployment compensation (Apr. 16, 1975, p. 10346), and over private bills waiving provisions of the Tariff Act to require reliquidation of certain imported materials as duty-free (July 13, 1982, p. 16014). The Committee on Transportation and Infrastructure, and not this committee, has jurisdiction over a bill to designate a customs administrative building (Dec. 12, 1995, p. 36165). The Committee on the Budget, and not this committee, has jurisdiction over a bill establishing a rule of sequestration under the Balanced Budget and Emergency Deficit Control Act (Dec. 15, 2000, p. 27085). The Committee on the Budget has primary jurisdiction, and this committee has additional jurisdiction, over a bill taking Social Security trust funds off budget (Dec. 15, 2000, p. 27085).

The committee has exercised jurisdiction, with the Committee on Energy and Commerce, over executive communications reporting on inpatient hospital services under title XVIII (medicare) and under title XIX (medicaid) of the Social Security Act (Dec. 21, 1982, p. 33261); with the Committee on Public Works and Transportation (now Transportation and Infrastructure) over executive communications proposing draft legislation reauthorizing the Surface Transportation Act but also containing a revenue title raising taxes to fund surface transportation programs (Mar. 20, 1986, p. 5804); with the former Committee on Merchant Marine and Fisheries (succeeded by the Committee on Natural Resources) over a bill amending the Fishermen’s Protective Act to authorize the President to prohibit the importation of any product from a country violating an international fishery conservation program (Mar. 21, 1989, p. 5077); and with three other committees over a bill imposing certain international economic sanctions including tariffs (May 27, 1992, p. 12658).

The committee in the earlier practice reported resolutions distributing the President’s annual message (IV, 4030), but since the first session of the 64th Congress this practice has been discontinued (VIII, 3350).

***General oversight responsibilities***

2. (a) The various standing committees shall have general oversight responsibilities as provided in paragraph (b) in order to assist the House in—

§ 742. General oversight.

(1) its analysis, appraisal, and evaluation of—

(A) the application, administration, execution, and effectiveness of Federal laws; and

(B) conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation; and

(2) its formulation, consideration, and enactment of changes in Federal laws, and of such additional legislation as may be necessary or appropriate.

(b)(1) In order to determine whether laws and programs addressing subjects within the jurisdiction of a committee are being implemented and carried out in accordance with the intent of Congress and whether they should be continued, curtailed, or eliminated, each standing committee (other than the Committee on Appropriations) shall review and study on a continuing basis—

(A) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction;

(B) the organization and operation of Federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction;

(C) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction (whether or not a bill or resolution has been introduced with respect thereto); and

(D) future research and forecasting on subjects within its jurisdiction.

(2) Each committee to which subparagraph (1)

§ 743. Oversight subcommittees. applies having more than 20 members shall establish an oversight subcommittee, or require its subcommittees to conduct oversight in their respective jurisdictions, to assist in carrying out its responsibilities under this clause. The establishment of an oversight subcommittee does not limit the responsibility of a subcommittee with legislative jurisdiction in carrying out its oversight responsibilities.

(c) Each standing committee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdiction as described in clauses 1 and 3.

(d)(1) Not later than February 15 of the first session of a Congress, each standing committee shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plan for that Congress. Such plan shall be submitted simultaneously to the Committee on Oversight and Government Reform and to the Committee on House Administration. In developing its plan each committee shall, to the maximum extent feasible—

(A) consult with other committees that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction with the objective of ensuring maximum coordination and cooperation among committees when conducting reviews of such laws, programs, or agencies and include in its plan an explanation of steps that have been or will be taken to ensure such coordination and cooperation;

(B) review specific problems with Federal rules, regulations, statutes, and court decisions that are ambiguous, arbitrary, or nonsensical, or that impose severe financial burdens on individuals;

(C) give priority consideration to including in its plan the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority;

(D) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review every 10 years; and

(E) have a view toward insuring against duplication of Federal programs.

(2) Not later than March 31 in the first session of a Congress, after consultation with the Speaker, the Majority Leader, and the Minority Leader, the Committee on Oversight and Government Reform shall report to the House the oversight plans submitted by committees together with any recommendations that it, or the House leadership group described above, may make to ensure the most effective coordination

of oversight plans and otherwise to achieve the objectives of this clause.

(e) The Speaker, with the approval of the House, may appoint special ad hoc oversight committees for the purpose of reviewing specific matters within the jurisdiction of two or more standing committees.

Clause 2(a), and the first requirement of clause 2(b)(1) that each standing committee shall review the application, etc. of all laws within its jurisdiction, was originally contained in section 118(b) of the Legislative Reorganization Act of 1970 (84 Stat. 1140) and was made part of the standing rules on January 22, 1971 (H. Res. 5, p. 144). Effective January 3, 1975, general oversight responsibilities set forth in the remainder of the clause were incorporated into the rule (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). Oversight responsibilities are also contained in section 190d of title 2, United States Code. On January 14, 1975, the size of those standing committees required by clause 2(b)(2) (formerly clause 2(b)(1)) to establish an oversight subcommittee or to require its subcommittees to conduct oversight was increased from 15 to more than 20 (H. Res. 5, 94th Cong., p. 20). In the 100th Congress the requirement that representatives from the Committee on Government Operations (now Oversight and Government Reform) meet with other committees at the beginning of each Congress to discuss oversight plans and that that Committee report to the House its oversight coordination recommendations within 60 days after the convening of the first session was deleted (H. Res. 5, Jan. 6, 1987, p. 6). The 104th Congress added the requirement that each standing committee adopt by February 15 of the first session of a Congress its oversight plans for that Congress, such plans to be submitted to the Committees on Government Reform and Oversight (now Oversight and Government Reform) and House Oversight (now House Administration). The 104th Congress also added paragraph (e) (sec. 203(a), H. Res. 6, Jan. 4, 1995, p. 467). The 106th Congress deleted a provision added in the 104th Congress making consideration of resolutions funding each committee contingent on submission of its oversight plans to the committees specified; deleted the exception for the Budget Committee from the general oversight responsibilities listed in clause 2(b); effected clerical corrections to conform references to a re-named committee; and effected clerical and stylistic changes when the House recodified its rules (H. Res. 5, Jan. 6, 1999, p. 47). Clause 2(d)(1)(B) was added in the 107th Congress (sec. 2(e), H. Res. 5, Jan. 3, 2001, p. 25). Clause 2(d)(1)(E) was added in the 109th Congress (sec. 2(b), H. Res. 5, Jan. 4, 2005, p. \_\_). Paragraph (d) was amended in the 110th Congress to reflect a change in committee name (sec. 215(b), H. Res. 6, Jan. 4, 2007, p. \_\_).

***Special oversight functions***

3. (a) The Committee on Appropriations shall conduct such studies and examinations of the organization and operation of executive departments and other executive agencies (including an agency the majority of the stock of which is owned by the United States) as it considers necessary to assist it in the determination of matters within its jurisdiction.

§ 744. Special oversight.

(b) The Committee on Armed Services shall review and study on a continuing basis laws, programs, and Government activities relating to international arms control and disarmament and the education of military dependents in schools.

(c) The Committee on the Budget shall study on a continuing basis the effect on budget outlays of relevant existing and proposed legislation and report the results of such studies to the House on a recurring basis.

(d) The Committee on Education and Labor shall review, study, and coordinate on a continuing basis laws, programs, and Government activities relating to domestic educational programs and institutions and programs of student assistance within the jurisdiction of other committees.

(e) The Committee on Energy and Commerce shall review and study on a continuing basis laws, programs, and Government activities relating to nuclear and other energy and nonmilitary nuclear energy research and development including the disposal of nuclear waste.

(f) The Committee on Foreign Affairs shall review and study on a continuing basis laws, programs, and Government activities relating to customs administration, intelligence activities relating to foreign policy, international financial and monetary organizations, and international fishing agreements.

(g)(1) The Committee on Homeland Security shall review and study on a continuing basis all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.

(2) In addition, the committee shall review and study on a primary and continuing basis all Government activities, programs, and organizations related to homeland security that fall within its primary legislative jurisdiction.

(h) The Committee on Natural Resources shall review and study on a continuing basis laws, programs, and Government activities relating to Native Americans.

(i) The Committee on Oversight and Government Reform shall review and study on a continuing basis the operation of Government activities at all levels with a view to determining their economy and efficiency.

(j) The Committee on Rules shall review and study on a continuing basis the congressional budget process, and the committee shall report its findings and recommendations to the House from time to time.



(k) The Committee on Science and Technology shall review and study on a continuing basis laws, programs, and Government activities relating to nonmilitary research and development.

(l) The Committee on Small Business shall study and investigate on a continuing basis the problems of all types of small business.

(m) The Permanent Select Committee on Intelligence shall review and study on a continuing basis laws, programs, and activities of the intelligence community and shall review and study on an exclusive basis the sources and methods of entities described in clause 11(b)(1)(A).

The oversight authority conferred on the Committee on Appropriations was first given that committee on February 11, 1943 (p. 884), continued by resolution of January 9, 1945 (p. 135), and incorporated into permanent law in section 202(b) of the Legislative Reorganization Act of 1946, and made a part of the standing rules on January 3, 1953 (pp. 17, 24). The special oversight responsibilities of the Committee on the Budget were made part of the rules effective July 12, 1974 by section 101(c) of the Congressional Budget Act of 1974 (88 Stat. 300). Paragraph (e) (formerly paragraph (h)) was added on January 4, 1977, upon the abolition of the legislative jurisdiction in the House of the Joint Committee on Atomic Energy (H. Res. 5, 95th Cong., pp. 53–70). The special oversight responsibilities of the Committee on Energy and Commerce over nuclear energy to all energy programs became effective January 3, 1981 (H. Res. 549, Mar. 25, 1980, pp. 6405–10). The oversight authority conferred on the Committee on Oversight and Government Reform was first made effective as part of the Legislative Reorganization Act of 1946 (60 Stat. 812). In the 104th Congress conforming amendments to the special oversight functions of the Committees on Natural Resources and Energy and Commerce were adopted to reflect the transfer of jurisdiction over nonmilitary nuclear energy from the Committee on Natural Resources to the Committee on Energy and Commerce (H. Res. 254, Nov. 30, 1995, p. 35077). Paragraph (j) was added by section 226 of the Balanced Budget and Emergency Deficit Control Act of 1985 (P.L. 99–177). The remainder of the clause (except for paragraphs (g) and (m)) became effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). This clause has been amended several times to conform references to renamed committees (H. Res. 89, Feb. 5, 1979, p. 1848; H. Res. 549, Mar. 25, 1980, pp. 6405–10; H. Res. 5, Jan. 5, 1993, p. 49; sec. 202(b), H. Res. 6, Jan. 4, 1995, p. 464; H. Res. 5, Jan.

7, 1997, p. 121; H. Res. 5, Jan. 6, 1999, p. 47; H. Res. 6, Jan. 4, 2007, p. \_\_). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress, including the transfer to this clause of oversight functions of the Committees on Oversight and Government Reform and Appropriations found in clause 2 (H. Res. 5, Jan. 6, 1999, p. 47). The oversight authority of the Permanent Select Committee on Intelligence in paragraph (m) was added in the 107th Congress (sec. 2(f), H. Res. 5, Jan. 3, 2001, p. 25). The Committee on Homeland Security was established in the 109th Congress and given the oversight authority set forth in paragraph (g)(1) (sec. 2(a), H. Res. 5, Jan. 4, 2005, p. \_\_). Paragraph (g)(2) was added in the 111th Congress (sec. 2(b), H. Res. 5, Jan. 6, 2009, p. \_\_).

Section 9 of the House Administrative Reform Resolution of 1992 (H. Res. 423, Apr. 9, 1992, p. 9040) added a paragraph in this clause creating a bipartisan Subcommittee on Administrative Oversight of the Committee on House Administration, to be chaired by the chair of the Committee on House Administration and to be composed of members of the Committee on House Administration, one-half from the majority party and one-half from the minority party. The paragraph was rewritten in the 103d Congress to provide that the Speaker, the Majority and Minority Leaders, and the chair and ranking minority member of the Committee on House Administration be informed of tie votes in that subcommittee (H. Res. 5, Jan. 5, 1993, p. 49), but the paragraph was deleted entirely in the 104th Congress (sec. 201(d), H. Res. 6, Jan. 4, 1995, p. 463).

***Additional functions of committees***

4. (a)(1)(A) The Committee on Appropriations shall, within 30 days after the transmittal of the Budget to Congress each year, hold hearings on the Budget as a whole with particular reference to—

§ 745. Committee on Appropriations; budget hearings.

(i) the basic recommendations and budgetary policies of the President in the presentation of the Budget; and

(ii) the fiscal, financial, and economic assumptions used as bases in arriving at total estimated expenditures and receipts.

(B) In holding hearings under subdivision (A), the committee shall receive testimony from the

Secretary of the Treasury, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, and such other persons as the committee may desire.

(C) A hearing under subdivision (A), or any part thereof, shall be held in open session, except when the committee, in open session and with a quorum present, determines by record vote that the testimony to be taken at that hearing on that day may be related to a matter of national security. The committee may by the same procedure close one subsequent day of hearing. A transcript of all such hearings shall be printed and a copy thereof furnished to each Member, Delegate, and the Resident Commissioner.

(D) A hearing under subdivision (A), or any part thereof, may be held before a joint meeting of the committee and the Committee on Appropriations of the Senate in accordance with such procedures as the two committees jointly may determine.

This part of clause 4 was originally contained in section 242(c)(1) of the Legislative Reorganization Act of 1970 and was made part of the standing rules in the 92d Congress (H. Res. 5, Jan. 22, 1971, p. 144). Paragraph (a)(1)(C), requiring open hearings, was first adopted in the 93d Congress (H. Res. 259, Mar. 7, 1973, pp. 6713–20) and was amended in the 94th Congress to limit the effect of a vote to close a hearing to that day and one subsequent day (H. Res. 5, Jan. 14, 1975, p. 20). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47).

(2) Pursuant to section 401(b)(2) of the Congressional Budget Act of 1974, when a committee reports a bill or joint resolution that provides new

§ 747. Budget Act; 15-day referral to Appropriations.

entitlement authority as defined in section 3(9) of that Act, and enactment of the bill or joint resolution, as reported, would cause a breach of the committee's pertinent allocation of new budget authority under section 302(a) of that Act, the bill or joint resolution may be referred to the Committee on Appropriations with instructions to report it with recommendations (which may include an amendment limiting the total amount of new entitlement authority provided in the bill or joint resolution). If the Committee on Appropriations fails to report a bill or joint resolution so referred within 15 calendar days (not counting any day on which the House is not in session), the committee automatically shall be discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

(3) In addition, the Committee on Appropriations shall study on a continuing basis those provisions of law that (on the first day of the first fiscal year for which the congressional budget process is effective) provide spending authority or permanent budget authority and shall report to the House from time to time its recommendations for terminating or modifying such provisions.

(4) In the manner provided by section 302 of the Congressional Budget Act of 1974, the Committee on Appropriations (after consulting with the Committee on Appropriations of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the

conference report on such concurrent resolution, and promptly report the subdivisions to the House as soon as practicable after a concurrent resolution on the budget for a fiscal year is agreed to.

Subparagraph (2) first became effective on July 12, 1974, by inclusion in section 401(b)(2) of the Congressional Budget Act of 1974 (88 Stat. 317), was incorporated into the rules effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470), was amended in the 95th Congress to correct an error in cross-reference (H. Res. 5, Jan. 4, 1977, pp. 53–70), and was again amended in the 105th Congress to reflect the repeal of the collective definition of “new spending authority” and the revision of various remaining parts (Budget Enforcement Act of 1997 (sec. 10116, P.L. 105–33)). Subparagraph (3) was also contained in the Congressional Budget Act of 1974 in section 402(f), and was likewise incorporated into the rules effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). The requirements of subparagraph (4) (formerly paragraph (h)) was originally contained in section 302(b) of the Congressional Budget Act of 1974 (P.L. 93–344, July 12, 1974) and was incorporated into this rule effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). It was amended by the Budget Enforcement Act of 1990 (tit. XIII, P.L. 101–508) to conform to the enactment of title VI of the Budget Act. It was again amended by the Budget Enforcement Act of 1997 (sec. 10118, P.L. 105–33) to conform to the subsequent repeal of title VI. Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress, including the transfer of former paragraph (h) to this paragraph as new subparagraph (4) (H. Res. 5, Jan. 6, 1999, p. 47).

(5)(A) There is established a Select Intelligence Oversight Panel of the Committee on Appropriations (hereinafter in this paragraph referred to as the “select panel”). The select panel shall be composed of not more than 13 Members, Delegates, or the Resident Commissioner appointed by the Speaker, of whom not more than eight may be from the same political party. The select panel shall include the chair and ranking minority member of the Committee on Appropriations, the chair and ranking minority member of its

§ 747a. Select  
Intelligence Oversight  
Panel.

Subcommittee on Defense, six additional members of the Committee on Appropriations, and three members of the Permanent Select Committee on Intelligence.

(B) The Speaker shall designate one member of the select panel as its chair and one member as its ranking minority member.

(C) Each member on the select panel shall be treated as though a member of the Committee on Appropriations for purposes of the select panel.

(D) The select panel shall review and study on a continuing basis budget requests for and execution of intelligence activities; make recommendations to relevant subcommittees of the Committee on Appropriations; and, on an annual basis, prepare a report to the Defense Subcommittee of the Committee on Appropriations containing budgetary and oversight observations and recommendations for use by such subcommittee in preparation of the classified annex to the bill making appropriations for the Department of Defense.

(E) Rule XI shall apply to the select panel in the same manner as a subcommittee (except for clause 2(m)(1)(B) of that rule).

(F) A subpoena of the Committee on Appropriations or its Subcommittee on Defense may specify terms of return to the select panel.

Subparagraph (5) was added in the 110th Congress (H. Res. 35, Jan. 9, 2007, p. \_\_). Gender-based references were eliminated in the 111th Congress (sec. 2(l), H. Res. 5, Jan. 6, 2009, p. \_\_).

(b) The Committee on the Budget shall—

- § 748. Budget.
- (1) review on a continuing basis the conduct by the Congressional Budget Office of its functions and duties;
  - (2) hold hearings and receive testimony from Members, Senators, Delegates, the Resident Commissioner, and such appropriate representatives of Federal departments and agencies, the general public, and national organizations as it considers desirable in developing concurrent resolutions on the budget for each fiscal year;
  - (3) make all reports required of it by the Congressional Budget Act of 1974;
  - (4) study on a continuing basis those provisions of law that exempt Federal agencies or any of their activities or outlays from inclusion in the Budget of the United States Government, and report to the House from time to time its recommendations for terminating or modifying such provisions;
  - (5) study on a continuing basis proposals designed to improve and facilitate the congressional budget process, and report to the House from time to time the results of such studies, together with its recommendations; and
  - (6) request and evaluate continuing studies of tax expenditures, devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays, and report the results of such studies to the House on a recurring basis.

Paragraph (b)(1) became a part of the rules on July 12, 1974 by enactment of section 101(c) of the Congressional Budget Act of 1974 (88 Stat.

300). Subparagraph (2), contained in section 301(d) of that Act, subparagraph (3), subparagraph (4), contained in section 606 of that Act, and subparagraph (5), contained in section 703 of that Act, all were made part of the rules effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). Paragraph (b)(2) was amended in the 99th Congress by section 232 of the Balanced Budget and Emergency Deficit Control Act of 1985 (P.L. 99-177) to remove reference to the first concurrent resolution on the budget. Before the House recodified its rules in the 106th Congress, subparagraph (6) was found in former clause 1(d)(5)(C) of rule X (H. Res. 5, Jan. 6, 1999, p. 47).

(c)(1) The Committee on Oversight and Government Reform shall—

§ 749. Oversight and Government Reform.

(A) receive and examine reports of the Comptroller General of the United States and submit to the House such recommendations as it considers necessary or desirable in connection with the subject matter of the reports;

(B) evaluate the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(C) study intergovernmental relationships between the United States and the States and municipalities and between the United States and international organizations of which the United States is a member.

(2) In addition to its duties under subparagraph (1), the Committee on Oversight and Government Reform may at any time conduct investigations of any matter without regard to clause 1, 2, 3, or this clause conferring jurisdiction over the matter to another standing committee. The findings and recommendations of the committee in such an investigation shall be made available to any other standing com-



mittee having jurisdiction over the matter involved.

(3)(A) The Committee on Oversight and Government Reform may adopt a rule authorizing and regulating the taking of depositions by a member or counsel of the committee, including pursuant to subpoena under clause 2(m) of rule XI (which hereby is made applicable for such purpose).

(B) A rule adopted by the committee pursuant to this subparagraph—

(i) may provide that a deponent be directed to subscribe an oath or affirmation before a person authorized by law to administer the same; and

(ii) shall ensure that the minority members and staff of the committee are accorded equitable treatment with respect to notice of and a reasonable opportunity to participate in any proceeding conducted thereunder.

(C) Information secured pursuant to the authority described in subdivision (A) shall retain the character of discovery until offered for admission in evidence before the committee, at which time any proper objection shall be timely.

Paragraph (c)(1) became effective January 2, 1947, as part of the Legislative Reorganization Act of 1946 (60 Stat. 812). Paragraph (c)(2) was made a function of the Committee effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). Paragraph (c)(2) was amended in the 107th Congress to delete the requirement that committees include oversight findings and recommendations by the Committee on Government Reform in their reports as was required under the former clause 3(c)(4) of rule XIII (sec. 2(l), H. Res. 5, Jan. 3, 2001, p. 24). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47). Under section 2954 of title 5, United States Code, an executive agency, if so requested by this committee or any seven

members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee. Paragraph (c)(3) was added in the 110th Congress (sec. 502, H. Res. 6, Jan. 4, 2007, p. \_\_ (adopted Jan. 5, 2007)). Other committees have been granted such authority for specific investigations (Dec. 5, 2007, p. \_\_; sec. 4(f), H. Res. 5, Jan. 6, 2009, p. \_\_).

(d)(1) The Committee on House Administration shall—

§ 750. House Administration.

(A) provide policy direction for the Inspector General and oversight of the Clerk, Sergeant-at-Arms, Chief Administrative Officer, and Inspector General;

§ 752. Direction of officers.

(B) oversee the management of services provided to the House by the Architect of the Capitol, except those services that lie within the jurisdiction of the Committee on Transportation and Infrastructure under clause 1(r);

§ 753. Acceptance of gifts.

(C) have the function of accepting on behalf of the House a gift, except as otherwise provided by law, if the gift does not involve a duty, burden, or condition, or is not made dependent on some future performance by the House; and

(D) promulgate regulations to carry out subdivision (C).

(2) An employing office of the House may enter into a settlement of a complaint under the Congressional Accountability Act of 1995 that provides for the payment of funds only after receiving the joint approval of the chair and ranking minority member of the Committee on House Administration concerning the amount of such payment.

§ 754. Approval of certain settlements.

The duty of the committee to arrange for memorial services of Members was eliminated from the rules effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). Former paragraph (d)(3) required the committee to provide a committee scheduling service, which was provided through House Information Resources and was made mandatory on all committees and subcommittees in the 97th Congress (H. Res. 5, Jan. 5, 1981, pp. 98–113). The requirement was stricken altogether when two provisions were added by section 10 of the House Administrative Reform Resolution of 1992 (H. Res. 423, 102d Cong., Apr. 9, 1992, p. 9040) to ensure the orderly transfer of functions and entities from elected officers to the Director of Non-legislative and Financial Services and to provide for policy direction and oversight of certain administrative officials and elected officers. However, in the 107th Congress the House amended clause 4(d)(1) of rule X to remove the requirement that the committee provide policy direction to such officials and officers except the Inspector General (sec. 2(g), H. Res. 5, Jan. 3, 2001, p. 24). The Committee also provides policy review and oversight of the Chief Executive Officer for Visitor Services within the Office of the Architect of the Capitol (sec. 6701, P.L. 110–28). In the 104th Congress the rule was amended (1) to reflect the change in the name of the Committee on House Administration to the Committee on House Oversight and (2) to reflect the abolishment of the Director of Non-legislative and Financial Services (sec. 201, H. Res. 6, Jan. 4, 1995, p. 463). Later in the 104th Congress the provision for the acceptance of gifts was added as paragraph (d)(3) (H. Res. 250, Nov. 16, 1995, p. 33434). In the 105th Congress paragraph (d) was redesignated as (d)(1), its former subparagraphs (1) through (3) were redesignated as (1)(A) through (1)(C), and a new paragraph (d)(2) was added to require approval by the committee for monetary settlements of certain employment claims (H. Res. 5, Jan. 7, 1997, p. 121). In the 111th Congress a new subparagraph (1)(B) was inserted regarding the Architect of the Capitol (and existing subparagraphs (1)(B) and (1)(C) were redesignated) (sec. 2(c), H. Res. 5, Jan. 6, 2009, p. \_\_). The 104th Congress also prohibited the establishment or continuation of any legislative service organization (as that term had been understood in the 103d Congress) and directed the Committee on House Oversight (now House Administration) to take such steps as were necessary to ensure an orderly termination and accounting for funds of any legislative service organization in existence on January 3, 1995 (sec. 222, H. Res. 6, Jan. 4, 1995, p. 469). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47). The 107th Congress transferred the committee's responsibilities with respect to enrolled bills (formerly paragraph (d)(1)(A)) to the Clerk (clause 2(d)(2) of rule II) (sec. 2(b), H. Res. 5, Jan. 3, 2001, p. 25).

(e)(1) Each standing committee shall, in its consideration of all public bills and public joint resolutions within its

§ 755. Annual appropriations.

jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the government of the District of Columbia will be made annually to the maximum extent feasible and consistent with the nature, requirement, and objective of the programs and activities involved. In this subparagraph programs and activities of the Federal Government and the government of the District of Columbia includes programs and activities of any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or of the government of the District of Columbia.

(2) Each standing committee shall review from time to time each continuing program within its jurisdiction for which appropriations are not made annually to ascertain whether the program should be modified to provide for annual appropriations.

The provisions of this paragraph derive from section 253(c) of the Legislative Reorganization Act of 1970 (84 Stat. 1140), and were made part of the rules in the 92d Congress (H. Res. 5, Jan. 22, 1971, p. 144). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47).

### ***Budget Act responsibilities***

(f)(1) Each standing committee shall submit to the Committee on the Budget not later than six weeks after the submission of the budget by the President, or at such time as the Committee on the Budget may request—

§ 756. Concurrent resolution on Budget.

(A) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year that are within its jurisdiction or functions; and

(B) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

(2) The views and estimates submitted by the Committee on Ways and Means under subparagraph (1) shall include a specific recommendation, made after holding public hearings, as to the appropriate level of the public debt that should be set forth in the concurrent resolution on the budget.

The requirements of paragraph (f)(1) were originally contained in section 301(c) of the Congressional Budget Act of 1974 (P.L. 93-344, July 12, 1974), and were incorporated into this rule effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). The requirement of paragraph (f)(2) that the Committee on Ways and Means include a specific recommendation as to the appropriate level of the public debt in its views and estimates submitted to the Committee on the Budget was added in the 96th Congress by Public Law 96-78 (93 Stat. 589) and was originally intended to apply to concurrent resolutions on the budget for fiscal years beginning on or after October 1, 1980. However, in the 96th Congress the provisions of that public law amending the Rules of the House were made applicable to the third concurrent resolution on the budget for fiscal year 1980 as well as the first concurrent resolution on the budget for fiscal year 1981 (H. Res. 642, Apr. 23, 1980, pp. 8789-90). The deadline for submitting views and estimates to the Budget Committee has changed several times (Balanced Budget and Emergency Deficit Control Act of 1985, sec. 232(c), P.L. 99-177; Budget Enforcement Act of 1997, sec. 10104, P.L. 105-33; H. Res. 5, 106th Cong., Jan. 6, 1999, p. 47). A former paragraph directing standing committees to submit reconciliation recommendations to the Budget Committee was deleted in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47), but committees are still required to submit such rec-

ommendations under section 310 of the Congressional Budget Act of 1974. Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47). Paragraph (f)(2) was amended in the 107th Congress to reflect the repeal of former rule XXIII (“Statutory Limit on Public Debt”) (sec. 2(s), H. Res. 5, Jan. 3, 2001, p. 24), which was reinstated in the 108th Congress as rule XXVII (sec. 2(t), H. Res. 5, Jan. 7, 2003, p. 7) and renumbered in the 110th Congress as rule XXVIII (sec. 301, P.L. 110–81). A gender-based reference was eliminated in the 111th Congress (sec. 2(l), H. Res. 5, Jan. 6, 2009, p. \_\_).

### ***Election and membership of standing committees***

5. (a)(1) The standing committees specified in clause 1 shall be elected by the House within seven calendar days after the commencement of each Congress, from nominations submitted by the respective party caucus or conference. A resolution proposing to change the composition of a standing committee shall be privileged if offered by direction of the party caucus or conference concerned.

§ 757. Electing committees.

The old rule entrusting the appointment of committees to the Speaker was adopted in 1789 and amended in 1790 and in 1860 (IV, 4448–4476). Committees are now elected on resolutions offered from the floor (VIII, 2171) and it is in order to move the previous question on each resolution (VIII, 2174). The resolution is not divisible (clause 5 of rule XVI), and is privileged (VIII, 2179) if offered by direction of the respective party caucus (a requirement that was made part of the rules effective January 3, 1975, by the Committee Reform Amendments of 1974 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470)). That same resolution also eliminated the designations in the rules of the numbers of Members comprising the standing committees, thereby permitting the House to establish committee size by the numbers of Members elected to each committee pursuant to this paragraph. The role of the party caucuses in presenting privileged resolutions to the House electing Members to committees is discussed in detail in Deschler, ch. 17, § 9. In the 99th Congress the requirement for election of standing committees within the first seven calendar days and the conferral of privileged status on resolutions from the party caucuses to change the composition of standing committees were added by section 227 of the Balanced Budget and Emergency Deficit Control Act of 1985 (P.L. 99–177). Before the House recodified its rules in the 106th Congress, this

provision was found in former clause 6 of rule X (H. Res. 5, Jan. 6, 1999, p. 47).

(2)(A) The Committee on the Budget shall be composed of members as follows:

§ 758. Budget,  
composition of.

(i) Members, Delegates, or the Resident Commissioner who are members of other standing committees, including five from the Committee on Appropriations, five from the Committee on Ways and Means, and one from the Committee on Rules;

(ii) one Member designated by the elected leadership of the majority party; and

(iii) one Member designated by the elected leadership of the minority party.

(B) Except as permitted by subdivision (C), a member of the Committee on the Budget other than one described in subdivision (A)(ii) or (A)(iii) may not serve on the committee during more than four Congresses in a period of six successive Congresses (disregarding for this purpose any service for less than a full session in a Congress).

(C) A Member, Delegate, or Resident Commissioner may exceed the limitation of subdivision (B) if elected to serve a second consecutive Congress as the chair or a second consecutive Congress as the ranking minority member.

This paragraph (formerly clause 1(d) of rule X) was amended in the 96th Congress to relax the limitation on Members' service on the Budget Committee to three Congresses (from two) in any period of five successive Congresses, to exempt representatives from the party leaderships from the limitation, and to permit an incumbent chair who had served on the committee for three Congresses and as chair for not more than one Congress to be eligible for reelection as chair for one additional Congress (H. Res. 5, Jan. 15, 1979, p. 8). It was again amended in the 100th Congress to

eliminate as obsolete the words “beginning after 1974” following “any period of five successive Congresses” as a measure of permissible terms of service on the committee (H. Res. 5, Jan. 6, 1987, p. 6). It was further amended in the 101st Congress to permit, in that Congress only, a minority Member who had served on the committee for three terms to run within the party’s caucus for the position of ranking minority member and thus be able to serve on the committee for one additional Congress, and to permit a Member elected as ranking minority member during a third term on the committee to serve one additional term on the committee as the ranking minority member (H. Res. 5, Jan. 3, 1989, p. 72). It was again amended in the 102d Congress to extend the waiver of the tenure restriction for the ranking minority member of the committee (H. Res. 5, Jan. 3, 1991, p. 39), but in the 103d Congress that provision was stricken as obsolete (H. Res. 5, Jan. 5, 1993, p. 49). In the 104th Congress the limitation on a Member’s service on the committee was relaxed to four Congresses (from three) in any period of six successive Congresses, with the exception that a Member who has served as chair or as ranking minority member during a fourth such Congress may serve in either capacity during a fifth, so long as not thereby exceeding two consecutive terms as chair or as ranking minority member (sec. 202(a), H. Res. 6, Jan. 4, 1995, p. 464). The tenure limitation of clause 5(a)(2)(B) was suspended during the 106th Congress (sec. 2(b), H. Res. 5, Jan. 6, 1999, p. 47). The special tenure limitation for the chair and ranking minority member was replaced in the 108th Congress with a provision subjecting the chair only to the overall tenure limitation that applies to all standing committee chairs (sec. 2(e–1), H. Res. 5, Jan. 7, 2003, p. 7). This provision was replaced in the 111th Congress with an exception to the tenure limitation for the second consecutive Congress in which a chair or ranking minority member serves (sec. 2(d), H. Res. 5, Jan. 6, 2009, p. \_\_). In the 109th Congress subdivisions (A)(ii) and (A)(iii) were amended to address a member designated by the elected leadership as opposed to a member of the elected leadership of each party, and a conforming change was made to subdivision (B) (sec. 2(c), H. Res. 5, Jan. 4, 2005, p. \_\_).

In the 94th Congress the membership of the committee was increased to 25 (from 23), with 13 (rather than 11) members elected from committees other than Appropriations and Ways and Means (H. Res. 5, Jan. 14, 1975, p. 20). The membership was increased again in the 97th Congress to 30, with 28 from other standing committees and two from the respective leaderships (H. Res. 5, Jan. 5, 1981, pp. 98–113), and again in the 98th Congress to 31 (unanimous-consent order, Feb. 7, 1983, p. 1791). In the 99th Congress, the House amended this paragraph to remove any numerical limitation on the membership of the committee (H. Res. 7, Jan. 3, 1985, p. 393). In the 108th Congress the composition of the committee was changed to require inclusion of one member from the Committee on Rules (sec. 2(e), H. Res. 5, Jan. 7, 2003, p. 7).



Before the House recodified its rules in the 106th Congress, this provision was found in former clause 1(d) of rule X (H. Res. 5, Jan. 6, 1999, p. 47).

(3)(A) The Committee on Standards of Official Conduct shall be composed of 10 members, five from the majority party and five from the minority party.

§ 759. Committee on Standards of Official Conduct.

(B) Except as permitted by subdivision (C), a member of the Committee on Standards of Official Conduct may not serve on the committee during more than three Congresses in a period of five successive Congresses (disregarding for this purpose any service for less than a full session in a Congress).

(C) A member of the Committee on Standards of Official Conduct may serve on the committee during a fourth Congress in a period of five successive Congresses only as either the chair or the ranking minority member of the committee.

(4)(A) At the beginning of a Congress, the Speaker or a designee and the Minority Leader or a designee each shall name 10 Members, Delegates, or the Resident Commissioner from the respective party of such individual who are not members of the Committee on Standards of Official Conduct to be available to serve on investigative subcommittees of that committee during that Congress. The lists of Members, Delegates, or the Resident Commissioner so named shall be announced to the House.

(B) Whenever the chair and the ranking minority member of the Committee on Standards of Official Conduct jointly determine that Mem-

bers, Delegates, or the Resident Commissioner named under subdivision (A) should be assigned to serve on an investigative subcommittee of that committee, each of them shall select an equal number of such Members, Delegates, or Resident Commissioner from the respective party of such individual to serve on that subcommittee.

Before the 93d Congress, the rule that established the size of the Committee on Standards of Official Conduct at 12 members also required that its membership be equally divided between the parties. Effective in the 93d Congress, the ratio of the committee was codified in the first sentence of subparagraph (3)(A) (formerly clause 6(a)(2)) (H. Res. 988, Oct. 8, 1974, p. 34470). The Ethics Reform Act of 1989 added a sentence to limit service on the committee (P.L. 101–194, Nov. 30, 1989), which was amended in the 105th and 106th Congresses (sec. 2, H. Res. 168, Sept. 18, 1997, p. 19336; H. Res. 5, Jan. 6, 1999, p. 47). A requirement that two members from each party rotate off the committee was adopted in the 105th Congress (sec. 2, H. Res. 168, Sept. 18, 1997, p. 19336), but was deleted in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47). Subparagraph (4) (formerly clause 6(a)(3)) was adopted in the 105th Congress (sec. 1, H. Res. 168, Sept. 18, 1997, p. 19335). The 106th Congress formally reduced the size of the committee to 10 members, which was the de facto size of the committee in the 105th Congress even though the Ethics Reform Act of 1989 required each party caucus to nominate seven Members (sec. 803(b), P.L. 101–194, Nov. 30, 1989; H. Res. 5, Jan. 6, 1999, p. 47). Gender-based references were eliminated in the 111th Congress (sec. 2(l), H. Res. 5, Jan. 6, 2009, p. \_\_). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 6(a) of rule X (H. Res. 5, Jan. 6, 1999, p. 47).

(b)(1) Membership on a standing committee during the course of a Congress shall be contingent on continuing membership in the party caucus or conference that nominated the Member, Delegate, or Resident Commissioner concerned for election to such committee. Should a Member, Delegate, or Resident Commissioner cease to be a member of a particular party caucus or conference, that

§ 760. Party membership as basis for election.

Member, Delegate, or Resident Commissioner shall automatically cease to be a member of each standing committee to which elected on the basis of nomination by that caucus or conference. The chair of the relevant party caucus or conference shall notify the Speaker whenever a Member, Delegate, or Resident Commissioner ceases to be a member of that caucus or conference. The Speaker shall notify the chair of each affected committee that the election of such Member, Delegate, or Resident Commissioner to the committee is automatically vacated under this subparagraph.

(2)(A) Except as specified in subdivision (B), a Member, Delegate, or Resident Commissioner may not serve simultaneously as a member of more than two standing committees or more than four subcommittees of the standing committees.

(B)(i) Ex officio service by a chair or ranking minority member of a committee on each of its subcommittees under a committee rule does not count against the limitation on subcommittee service.

(ii) Service on an investigative subcommittee of the Committee on Standards of Official Conduct under paragraph (a)(4) does not count against the limitation on subcommittee service.

(iii) Any other exception to the limitations in subdivision (A) may be approved by the House on the recommendation of the relevant party caucus or conference.

(C) In this subparagraph the term “subcommittee” includes a panel (other than a special oversight panel of the Committee on Armed Services), task force, special subcommittee, or other subunit of a standing committee that is established for a cumulative period longer than six months in a Congress.

The requirement that membership on standing committees be contingent on continuing membership in a party caucus or conference, along with the mechanism for the automatic vacating of a Member’s election to committee should party relationship cease, was added to the rules in the 98th Congress (H. Res. 5, Jan. 3, 1983, p. 34). The limitation on full committee and subcommittee assignments was added in the 104th Congress (sec. 204, H. Res. 6, Jan. 4, 1995, p. 467; see H. Res. 11, Jan. 4, 1995, p. 549). The exception for special service on an investigative subcommittee of the Committee on Standards of Official Conduct from the limitation on subcommittee service was added in the 105th Congress (sec. 1, H. Res. 168, Sept. 18, 1997, p. 19335). A technical correction was effected in the 106th Congress to conform references to a renamed committee (H. Res. 5, Jan. 6, 1999, p. 47). A technical correction to paragraph (b)(2)(B)(iii) was effected in the 109th Congress (sec. 2(l), H. Res. 5, Jan. 4, 2005, p. \_\_). Gender-based references were eliminated in the 111th Congress (sec. 2(l), H. Res. 5, Jan. 6, 2009, p. \_\_).

The Speaker lays before the House communications relative to the removal of a Member from committee pursuant to this clause (see, *e.g.*, Sept. 11, 1984, p. 24790; Feb. 22, 1989, p. 2500; May 10, 1995, p. 12396; July 19, 1999, p. 16586; Feb. 1, 2000, p. 401; Sept. 13, 2000, p. 17832). The Speaker also lays before the House a communication from a Member announcing a change in party affiliation (Sept. 13, 2000, p. 17832). On one occasion there was a delay in laying the latter communication before the House, and the House by unanimous consent retroactively changed informational voting records from the date on the communication (Sept. 13, 2000, p. 17832). The earlier practice was for the minority party to handle committee assignments for third-party Members (VIII, 2184–2185). In the latter practice, a major party takes that responsibility by separate resolution (see, *e.g.*, H. Res. 45, Jan. 24, 1991, p. 2171).

(c) One of the members of each standing committee shall be elected by the House, on the nomination of the majority party caucus or conference, as chair thereof. In the absence of the member serving as

§ 761. Committee chairs.

chair, the member next in rank (and so on, as often as the case shall happen) shall act as chair. Rank shall be determined by the order members are named in resolutions electing them to the committee. In the case of a vacancy in the elected chair of a committee, the House shall elect another chair.

The requirement that nominations for chairs be submitted by the majority party caucus was made part of the rules effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). A provision addressing temporary and permanent vacancies in chairs was adopted on April 5, 1911 (VIII, 2201), and was continued in the Legislative Reorganization Act of 1946 (60 Stat. 812), but the 111th Congress deleted such references when clarifying the devolution of authority in case of absence or vacancy (sec. 2(m), H. Res. 5, Jan. 6, 2009, p. \_\_). The 104th Congress adopted a limitation on terms for committee and subcommittee chairs (sec. 103(b), H. Res. 6, Jan. 4, 1995, p. 462). The 109th Congress excepted the Committee on Rules from that limitation (sec. 2(c), H. Res. 5, Jan. 4, 2005, p. \_\_). The 111th Congress repealed the limitation (sec. 2(d), H. Res. 5, Jan. 6, 2009, p. \_\_). Gender-based references were eliminated in the 111th Congress (sec. 2(l), H. Res. 5, Jan. 6, 2009, p. \_\_). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 6(c) of rule X (H. Res. 5, Jan. 6, 1999, p. 47).

In the 102d Congress a resolution included as a matter properly incidental to its election of the chair of a standing committee a proviso that his powers and duties be exercised by the vice chair until otherwise ordered by the House (H. Res. 43, Jan. 24, 1991, p. 2169; Feb. 6, 1991, p. 3198). In the 103d Congress a privileged resolution, offered at the direction of the Democratic Caucus, authorized a named acting chair to exercise the powers and duties of a chair of a standing committee until otherwise ordered by the House (H. Res. 396, Mar. 23, 1994, p. 6093).

(d)(1) Except as permitted by subparagraph (2), a committee may have not more than five subcommittees.

§ 762. Requirement for subcommittees.

(2) A committee that maintains a subcommittee on oversight may have not more than six subcommittees. The Committee on Appropriations may have not more than 13 subcommittees. The Committee on Oversight and

## Government Reform may have not more than seven subcommittees.

This paragraph was adopted in the 104th Congress (sec. 101(b), H. Res. 6, Jan. 4, 1995, p. 462), replacing a requirement that all standing committees having more than 20 members (except the Committee on the Budget) establish at least four subcommittees (H. Res. 5, Jan. 14, 1975, p. 20). In the 106th Congress the paragraph was amended to delete the Committee on Transportation and Infrastructure from the list of exceptions to the general rule and to add a new exception for committees that maintain a subcommittee on oversight (H. Res. 5, Jan. 6, 1999, p. 47). In the 110th Congress it was amended to reflect a change in the name of a committee (sec. 215(e), H. Res. 6, Jan. 4, 2007, p. \_\_). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 6(d) of rule X (H. Res. 5, Jan. 6, 1999, p. 47).

Notwithstanding clause 5(d), the Committee on Oversight and Government Reform was permitted to have not more than eight subcommittees during the 106th and 107th Congresses (sec. 2(d), H. Res. 5, Jan. 6, 1999, p. 47; sec. 3(c), H. Res. 5, Jan. 3, 2001, p. 26); the Committee on Foreign Affairs was permitted to have not more than six during the 107th and 108th Congresses and not more than seven during the 109th, 110th, and 111th Congresses (sec. 3(c), H. Res. 5, Jan. 3, 2001, p. 26; sec. 3(b), H. Res. 5, Jan. 7, 2003, p. 11; sec. 3(b), H. Res. 5, Jan. 4, 2005, p. \_\_; sec. 511(b), H. Res. 6, Jan. 4, 2007, p. \_\_ (adopted Jan. 5, 2007); sec. 3(b), H. Res. 5, Jan. 6, 2009, p. \_\_); the Committee on Transportation and Infrastructure was permitted to have not more than six during the 107th through 111th Congresses (sec. 3(c), H. Res. 5, Jan. 3, 2001, p. 26; sec. 3(b), H. Res. 5, Jan. 7, 2003, p. 11; sec. 3(b), H. Res. 5, Jan. 4, 2005, p. \_\_; sec. 511(b), H. Res. 6, Jan. 4, 2007, p. \_\_ (adopted Jan. 5, 2007); sec. 3(b), H. Res. 5, Jan. 6, 2009, p. \_\_); and the Committee on Armed Services was permitted to have not more than six during the 108th and 109th Congresses and not more than seven during the 110th and 111th Congresses (sec. 3(b), H. Res. 5, Jan. 7, 2003, p. 11; sec. 3(b), H. Res. 5, Jan. 4, 2005, p. \_\_; sec. 511(b), H. Res. 6, Jan. 4, 2007, p. \_\_ (adopted Jan. 5, 2007); sec. 3(a)(1), H. Res. 5, Jan. 6, 2009, p. \_\_). In the 108th Congress the Committee on Appropriations reorganized its subcommittees to reflect the creation of the new Department on Homeland Security (P.L. 107–296) by creating a new subcommittee on Homeland Security and combining the subcommittees on Transportation and Treasury, Postal Service and General Government. That committee reduced the number of its subcommittees to 10 in the 109th Congress, and increased it to 12 in the 110th Congress. In each case, the committee’s reorganization was in compliance with this clause.

(e) The House shall fill a vacancy on a standing committee by election on the nomination of the respective party caucus or conference.

This paragraph was first adopted in the 62d Congress (VIII, 2178). At the beginning of the 80th Congress it was amended to prevent a Member from serving on more than one standing committee, except that Members elected to serve on the Committees on District of Columbia or Un-American Activities (renamed the Committee on Internal Security and jurisdiction redefined on Feb. 19, 1969, p. 3723) could be elected to serve on not more than two standing committees, and that Members of the majority party, serving on the Committee on Expenditures in the Executive Departments (changed to Committee on Government Operations July 3, 1952, p. 9217) or House Administration could be elected to serve on not more than two standing committees. This limitation was continued through the 80th, 81st, and part of the 82d Congresses until July 3, 1952 (p. 9217) when it was modified so that Members elected to serve on the Committees on the District of Columbia, Government Operations, Un-American Activities, or House Administration could be elected to serve on not more than two standing committees. It was restored to its original form by amendment on January 13, 1953 (p. 368) so that there was no limitation in House rules on the number of committees to which a Member may be elected until the 104th Congress added paragraph (b)(2) (see § 760, *supra*). Party caucuses or conferences have also placed restrictions on committee assignments. The role of the respective party caucus or conference in making nominations to fill vacancies in standing committees was made part of the rule in the 98th Congress (H. Res. 5, Jan. 3, 1983, p. 34). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 6(e) of rule X (H. Res. 5, Jan. 6, 1999, p. 47).

Form of resolution electing a Member to a committee and fixing rank thereon (Jan. 23, 1947, p. 536; H. Res. 157, May 25, 1995, p. 14424). The House by unanimous consent fixed the relative rank of two Members on a committee where an error had been made on the original appointment (Jan. 20, 1947, p. 481). The House has filled a vacancy on a standing committee (H. Res. 43, Jan. 24, 1991, p. 2169) with a Member subsequently designated by the party caucus as “temporary” (in order to avoid caucus limitations on committee assignments) (Feb. 5, 1991, p. 2814).

### ***Expense resolutions***

6. (a) Whenever a committee, commission, or other entity (other than the Committee on Appropriations) is granted authorization for the payment of its expenses

§ 763. Primary expense resolution.

(including staff salaries) for a Congress, such authorization initially shall be procured by one primary expense resolution reported by the Committee on House Administration. A primary expense resolution may include a reserve fund for unanticipated expenses of committees. An amount from such a reserve fund may be allocated to a committee only by the approval of the Committee on House Administration. A primary expense resolution reported to the House may not be considered in the House unless a printed report thereon was available on the previous calendar day. For the information of the House, such report shall—

§ 764. Availability of report.

(1) state the total amount of the funds to be provided to the committee, commission, or other entity under the primary expense resolution for all anticipated activities and programs of the committee, commission, or other entity; and

(2) to the extent practicable, contain such general statements regarding the estimated foreseeable expenditures for the respective anticipated activities and programs of the committee, commission, or other entity as may be appropriate to provide the House with basic estimates of the expenditures contemplated by the primary expense resolution.

§ 765. Additional expense resolution.

(b) After the date of adoption by the House of a primary expense resolution for a committee, commission, or other entity for a Congress, authorization for the payment of additional expenses (including staff sal-



aries) in that Congress may be procured by one or more supplemental expense resolutions reported by the Committee on House Administration, as necessary. A supplemental expense resolution reported to the House may not be considered in the House unless a printed report thereon was available on the previous calendar day. For the information of the House, such report shall—

(1) state the total amount of additional funds to be provided to the committee, commission, or other entity under the supplemental expense resolution and the purposes for which those additional funds are available; and

(2) state the reasons for the failure to procure the additional funds for the committee, commission, or other entity by means of the primary expense resolution.

(c) The preceding provisions of this clause do not apply to—

(1) a resolution providing for the payment from committee salary and expense accounts of the House of sums necessary to pay compensation for staff services performed for, or to pay other expenses of, a committee, commission, or other entity at any time after the beginning of an odd-numbered year and before the date of adoption by the House of the primary expense resolution described in paragraph (a) for that year; or

§ 766. Exception for certain initial funding.

(2) a resolution providing each of the standing committees in a Congress additional office equipment, airmail and special-delivery postage stamps, supplies, staff personnel, or any other specific item for the operation of the standing committees, and containing an authorization for the payment from committee salary and expense accounts of the House of the expenses of any of the foregoing items provided by that resolution, subject to and until enactment of the provisions of the resolution as permanent law.

Paragraphs (a)–(c) of this clause were contained originally in section 110(b) of the Legislative Reorganization Act of 1970 (84 Stat. 1140) and were added to the rules in the 92d Congress (H. Res. 5, Jan. 22, 1971, p. 144). Effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470), the authority of all committees to incur expenses, including travel expenses, was made contingent upon adoption by the House of resolutions reported pursuant to this clause (clause 1(b) of rule XI). The clause was amended in the 95th Congress (H. Res. 5, Jan. 4, 1977, pp. 53–70) to extend its applicability to all committees, commissions, and entities rather than just to standing committees. Paragraphs (a)–(c) were amended in the 104th Congress to institute biennial funding of committee expenses and to require that all committee staff salaries and expenses (including statutory staff) be authorized by expense resolution (sec. 101(c), H. Res. 6, Jan. 4, 1995, p. 462). In the 105th Congress paragraph (a) was amended to permit a primary expense resolution to include a reserve fund for unanticipated expenses of committees (H. Res. 5, Jan. 7, 1997, p. 121). A technical correction to paragraphs (a) and (b) was effected in the 106th Congress to conform references to a renamed committee (H. Res. 5, Jan. 6, 1999, p. 47). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 5 of rule XI (H. Res. 5, Jan. 6, 1999, p. 47).

The Committee on Appropriations is not covered by this clause, but is reimbursed by funds in appropriation acts for expenses of examinations of estimates of appropriations in the field (31 U.S.C. 22a). An exemption from this clause for the Committee on the Budget was effective from the enactment of the Congressional Budget Act of 1974 through the 103d Congress.

Based on the exception stated in paragraph (c), a resolution establishing a task force of members of a standing committee and providing for the

payment of its expenses from the contingent fund of the House (now referred to as “applicable accounts of the House described in clause 1(j)(1) of rule X”) was held not to be subject to a point of order under clause 5(a) of rule XI (now clause 6(a) of this rule) for lack of report language detailing the funding provided, because the resolution was called up at the beginning of the session before consideration of a primary expense resolution for all committees for that calendar year (Feb. 5, 1992, p. 1621).

(d) From the funds made available for the appointment of committee staff by a primary or additional expense resolution, the chair of each committee shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the committee and that the minority party is treated fairly in the appointment of such staff.

§ 767. Funds for committee staffs; expense resolutions.

Paragraph (d) was adopted in the 104th Congress (sec. 101(c)(4), H. Res. 6, Jan. 4, 1995, p. 462). A preceding form of the paragraph, first adopted in the 94th Congress, authorized the chair and ranking minority member of a subcommittee each to appoint one staff member to the subcommittee (H. Res. 5, Jan. 14, 1975, p. 20). As adopted in the 93d Congress to take effect on the first day of the 94th Congress, the paragraph had required that each standing committee, upon request of a majority of its minority members, devote one-third of its staffing funds to the needs of the minority (H. Res. 988, Oct. 8, 1974, p. 34470). As adopted in the 92d Congress, the paragraph required that the minority be accorded fair consideration in the appointment of committee staff (H. Res. 5, Jan. 22, 1971, p. 144). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 5(d) of rule X (H. Res. 5, Jan. 6, 1999, p. 47). A gender-based reference was eliminated in the 111th Congress (sec. 2(l), H. Res. 5, Jan. 6, 2009, p. \_\_).

(e) Funds authorized for a committee under this clause and clauses 7 and 8 are for expenses incurred in the activities of the committee.

Before the House recodified its rules in the 106th Congress, this provision was found in former clause 2(n)(1) of rule XI (H. Res. 5, Jan. 6, 1999, p. 47).

***Interim funding***

7. (a) For the period beginning at noon on January 3 and ending at midnight on March 31 in each odd-numbered year, such sums as may be necessary shall be paid out of the committee salary and expense accounts of the House for continuance of necessary investigations and studies by—

(1) each standing and select committee established by these rules; and

(2) except as specified in paragraph (b), each select committee established by resolution.

(b) In the case of the first session of a Congress, amounts shall be made available for a select committee established by resolution in the preceding Congress only if—

(1) a resolution proposing to reestablish such select committee is introduced in the present Congress; and

(2) the House has not adopted a resolution of the preceding Congress providing for termination of funding for investigations and studies by such select committee.

(c) Each committee described in paragraph (a) shall be entitled for each month during the period specified in paragraph (a) to 9 percent (or such lesser percentage as may be determined by the Committee on House Administration) of the total annualized amount made available under expense resolutions for such committee in the preceding session of Congress.

(d) Payments under this clause shall be made on vouchers authorized by the committee in-

volved, signed by the chair of the committee, except as provided in paragraph (e), and approved by the Committee on House Administration.

(e) Notwithstanding any provision of law, rule of the House, or other authority, from noon on January 3 of the first session of a Congress until the election by the House of the committee concerned in that Congress, payments under this clause shall be made on vouchers signed by the ranking member of the committee as it was constituted at the expiration of the preceding Congress who is a member of the majority party in the present Congress.

(f)(1) The authority of a committee to incur expenses under this clause shall expire upon adoption by the House of a primary expense resolution for the committee.

(2) Amounts made available under this clause shall be expended in accordance with regulations prescribed by the Committee on House Administration.

(3) This clause shall be effective only insofar as it is not inconsistent with a resolution reported by the Committee on House Administration and adopted by the House after the adoption of these rules.

This clause (formerly clause 5(f) of rule XI) was originally adopted in the 99th Congress to provide automatic interim funding for committees at the beginning of a Congress (H. Res. 7, Jan. 3, 1985, p. 393). Resolutions providing such interim funding had been routinely adopted at the convening of Congress before the adoption of this standing authority. In the 100th Congress, the provision was amended to make the automatic committee funding mechanism applicable to the first three months of the second session of a Congress, as well as the first session, and to authorize the Committee on House Administration to establish interim funding for

any committee at a percentage lower than 9 percent of the total annualized amount (H. Res. 5, Jan. 6, 1987, p. 6). In the 104th and 106th Congresses technical corrections were effected to conform references to a renamed committee (sec. 202(b), H. Res. 6, Jan. 4, 1995, p. 464; H. Res. 5, Jan. 6, 1999, p. 47). Clerical corrections were effected in the 107th Congress (sec. 2(x), H. Res. 5, Jan. 3, 2001, p. 24). Paragraph (e) was simplified and a gender-based reference was eliminated in the 111th Congress (secs. 2(l), 2(m), H. Res. 5, Jan. 6, 2009, p. \_\_). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 5(f) of rule XI (H. Res. 5, Jan. 6, 1999, p. 47).

At its organization the 104th Congress suspended the operation of paragraph (f) in favor of special provisions for interim funding in light of its abolishment of three standing committees, its reduction in the overall number of committee staff, and its institution of biennial primary expense resolutions (sec. 101(c)(3), H. Res. 6, Jan. 4, 1995, p. 462). The House by unanimous consent has agreed to a resolution providing funding for interim expenses of a new select committee (H. Res. 77, Feb. 13, 2003, p. 3793) and a new standing committee (Jan. 4, 2005, p. \_\_).

### *Travel*

8. (a) Local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States or its territories or possessions. Appropriated funds, including those authorized under this clause and clause 6, may not be expended for the purpose of defraying expenses of members of a committee or its employees in a country where local currencies are available for this purpose.

(b) The following conditions shall apply with respect to travel outside the United States or its territories or possessions:

(1) A member or employee of a committee may not receive or expend local currencies for subsistence in a country for a day at a rate in

excess of the maximum per diem set forth in applicable Federal law.

(2) A member or employee shall be reimbursed for the expenses of such individual for a day at the lesser of—

(A) the per diem set forth in applicable Federal law; or

(B) the actual, unreimbursed expenses (other than for transportation) incurred during that day.

(3) Each member or employee of a committee shall make to the chair of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and funds expended for any other official purpose and shall summarize in these categories the total foreign currencies or appropriated funds expended. Each report shall be filed with the chair of the committee not later than 60 days following the completion of travel for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(c)(1) In carrying out the activities of a committee outside the United States in a country where local currencies are unavailable, a member or employee of a committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law.

(2) A member or employee shall be reimbursed for the expenses of such individual for a day, at the lesser of—

(A) the per diem set forth in applicable Federal law; or

(B) the actual unreimbursed expenses (other than for transportation) incurred during that day.

(3) A member or employee of a committee may not receive reimbursement for the cost of any transportation in connection with travel outside the United States unless the member or employee actually paid for the transportation.

(d) The restrictions respecting travel outside the United States set forth in paragraph (c) also shall apply to travel outside the United States by a Member, Delegate, Resident Commissioner, officer, or employee of the House authorized under any standing rule.

Before the adoption of this clause (formerly clause 2(n) of rule XI) and of clause 1(b) of rule XI under the Committee Reform Amendments of 1974, effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470), each committee was given separate authority to incur expenses in connection with its investigations and studies, and certain committees were authorized to use local currencies for foreign committee travel, in resolutions reported from the Committee on Rules in each Congress. This clause was amended in the 95th Congress (H. Res. 5, Jan. 4, 1977, pp. 53–70) to clarify the availability of local currencies for travel outside the United States and its territories and possessions, to require reports within 60 days for use in complying with statutory reporting requirements, and to authorize the Committee on House Administration to recommend in expense resolutions expenses for foreign as well as domestic travel. This clause was further amended on March 2, 1977 (H. Res. 287, 95th Cong., pp. 5933–53) to limit all travel expenses to the maximum per diem rate or actual, unreimbursed expenses, whichever is less. Before the House recodified its rules in the 106th Congress, this provision was found in former clause 2(n) of rule XI, except that the “lame duck” travel prohibitions formerly found in clause 2(n)(5) of rule XI and clause 8 of rule I were transferred to former rule



XXV (redesignated as rule XXIV in the 107th Congress) (H. Res. 5, Jan. 6, 1999, p. 47). Clerical corrections were effected and gender-based references were eliminated in the 111th Congress (secs. 2(l), 2(m), H. Res. 5, Jan. 6, 2009, p. \_\_).

Under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)), foreign local currencies owned or purchased by the United States may be used for foreign travel expenses by members or employees of standing or select committees when authorized by the chair thereof, and by other Members or employees when authorized by the Speaker. Consolidated committee reports prepared on a quarterly basis, and individual reports required within 30 days after the travel involved, must be forwarded to the Clerk of the House and published in the Congressional Record.

### ***Committee staffs***

9. (a)(1) Subject to subparagraph (2) and paragraph (f), each standing committee may appoint, by majority vote, not more than 30 professional staff members to be compensated from the funds provided for the appointment of committee staff by primary and additional expense resolutions. Each professional staff member appointed under this subparagraph shall be assigned to the chair and the ranking minority member of the committee, as the committee considers advisable.

§ 771. Thirty professional staff.

§ 772. Assignment.

(2) Subject to paragraph (f) whenever a majority of the minority party members of a standing committee (other than the Committee on Standards of Official Conduct or the Permanent Select Committee on Intelligence) so request, not more than 10 persons (or one-third of the total professional committee staff appointed under this clause, whichever is fewer) may be selected, by majority vote of the minority party members, for appointment by the committee as professional staff members under

§ 773. Minority.

subparagraph (1). The committee shall appoint persons so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of a person so selected are unacceptable, a majority of the minority party members may select another person for appointment by the committee to the professional staff until such appointment is made. Each professional staff member appointed under this subparagraph shall be assigned to such committee business as the minority party members of the committee consider advisable.

This clause (formerly clause 6 of rule XI) had its origins in section 202 of the Legislative Reorganization Act of 1946 (60 Stat. 812), which allocated up to four nonpartisan professionals to each committee other than Appropriations and specifically provided for clerical staff, and which was incorporated into the rules on January 3, 1953 (p. 24). Section 302(b) of the Legislative Reorganization Act of 1970 (84 Stat. 1140), which increased the authorized maximum for professional staff from four to six and added the concept of minority staffing, was incorporated into the rules in the 92d Congress (H. Res. 5, Jan. 22, 1971, p. 144). In the 93d Congress the maximum was increased from six to 18, the minority entitlement within that number was increased from two to six, a requirement that professional staff be appointed without regard to political affiliation was eliminated, and prohibitions against consideration of race, creed, sex, or age in the appointment of staff were added (H. Res. 988, Oct. 8, 1974, p. 34470). An exemption for the Committee on the Budget was included in section 901 of the Congressional Budget Act of 1974 (88 Stat. 330), was later omitted under the Committee Reform Amendments of 1974 (H. Res. 988, Oct. 8, 1974, p. 34470), and was reinserted by the 94th Congress (H. Res. 5, Jan. 14, 1975, p. 20). The requirement added in 1975 that staff positions made available to subcommittee chairs and ranking minority members pursuant to former provisions of clause 5 of rule XI be provided from staff positions available under this clause unless provided in a primary or additional expense resolution was eliminated in the 104th Congress (sec. 101(c)(5), H. Res. 6, Jan. 4, 1995, p. 462). The 98th Congress added the Permanent Select Committee on Intelligence to the exception for the Committee on Standards of Official Conduct (H. Res. 58, Mar. 1, 1983, p. 3241). The 101st Congress added an exemption for the Committee on Rules (H. Res. 5, Jan. 3, 1989, p. 72). The Ethics Reform Act of 1989 struck the

antidiscrimination provisions as redundant (P.L. 101–194, Nov. 30, 1989). The 104th Congress eliminated the former distinction between professional and clerical staff, set the authorized maximum for committee staff under expense resolutions at 30, eliminated subcommittee entitlement to staff, and set the entitlement of the full committee minority within that number at one-third (sec. 101(c)(5), H. Res. 6, Jan. 4, 1995, p. 462). The 104th Congress also mandated that the total number of staff of House committees be at least one-third less than the corresponding total in the 103d Congress (sec. 101(a), H. Res. 6, Jan. 4, 1995, p. 462). A gender-based reference was eliminated in the 111th Congress (sec. 2(l), H. Res. 5, Jan. 6, 2009, p. \_\_). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 6 of rule XI (H. Res. 5, Jan. 6, 1999, p. 47).

Additional staff of committees are authorized by the Committee on House Administration and agreed to by the House. There is no legal power to fill a vacancy in the clerkship of a committee after one Congress has expired and before the next House has been organized (IV, 4539). An assault upon the clerk of a committee within the walls of the Capitol was held to be a breach of privilege (II, 1629). The pay of clerks has been the subject of several decisions (IV, 4536–4538).

Committees may, with the approval of the Committee on House Administration, procure the temporary or intermittent services of consultants and obtain specialized training for professional staff, subject to expense resolutions, under the Legislative Reorganization Act of 1970, sections 303 and 304 (2 U.S.C. 72a(i) and (j)).

§ 774. Consultants and training.

(b)(1) The professional staff members of each standing committee—

§ 775. Staff duties.

(A) may not engage in any work other than committee business during congressional working hours; and

(B) may not be assigned a duty other than one pertaining to committee business.

(2)(A) Subparagraph (1) does not apply to staff designated by a committee as “associate” or “shared” staff who are not paid exclusively by the committee, provided that the chair certifies that the compensation paid by the committee for any such staff is commensurate with the work performed for the

§ 776. “Associate” or “shared” staff.

committee in accordance with clause 8 of rule XXIII.

(B) The use of any “associate” or “shared” staff by a committee other than the Committee on Appropriations shall be subject to the review of, and to any terms, conditions, or limitations established by, the Committee on House Administration in connection with the reporting of any primary or additional expense resolution.

The Ethics Reform Act of 1989 prescribed that staff work be confined to committee business during congressional working hours but maintained exceptions for the Committees on the Budget and Rules (P.L. 101–194, Nov. 30, 1989). The 104th Congress eliminated exceptions by committee in favor of exceptions for “associate” or “shared” staff (sec. 101(c)(5), H. Res. 6, Jan. 4, 1995, p. 462). Technical corrections were effected in the 104th Congress (H. Res. 254, Nov. 30, 1995, p. 35077); in the 106th Congress, which conformed references to a renamed committee (H. Res. 5, Jan. 6, 1999, p. 47); in the 107th Congress, which conformed references to a redesignated rule (sec. 2(s), H. Res. 5, Jan. 3, 2001, p. 24); and in the 108th Congress, which confined the exception for the Committee on Appropriations to subparagraph (B), rather than to the entire paragraph (sec. 2(f), H. Res. 5, Jan. 7, 2003, p. 7). A gender-based reference was eliminated in the 111th Congress (sec. 2(l), H. Res. 5, Jan. 6, 2009, p. \_\_). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 6 of rule XI (H. Res. 5, Jan. 6, 1999, p. 47).

(c) Each employee on the professional or investigative staff of a standing committee shall be entitled to pay at a single gross per annum rate, to be fixed by the chair and that does not exceed the maximum rate of pay as in effect from time to time under applicable provisions of law.

§ 777. Pay.

This provision (formerly clause 6(c) of rule XI) was derived from section 477(c) of the Legislative Reorganization Act of 1970 (84 Stat. 1140) and was incorporated into the rules in the 92d Congress (H. Res. 5, Jan. 22, 1971, p. 144). Under the Committee Reform Amendments of 1974, effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470), the maximum salary was set at level V of the Executive Schedule, rather than at the highest rate of basic pay law (5 U.S.C. 5332(a)(1)), as specified in

the 1970 Reorganization Act, and effective in the 95th Congress (H. Res. 5, Jan. 4, 1977, pp. 53–70), the authority for two professional staff to be paid at level IV of the Executive Schedule was added to the clause. Under section 311 of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 60a–2a), the maximum salary for staff members is now set by pay order of the Speaker. At the beginning of the 101st Congress, references to particular levels of the executive schedule were deleted (H. Res. 5, Jan. 3, 1989, p. 72). In the 104th Congress this paragraph was amended to reflect the elimination of the former distinction between “professional” and “clerical” staff (sec. 101(c)(5), H. Res. 6, Jan. 4, 1995, p. 462). A gender-based reference was eliminated in the 111th Congress (sec. 2(1), H. Res. 5, Jan. 6, 2009, p. \_\_). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 6 of rule XI (H. Res. 5, Jan. 6, 1999, p. 47).

(d) Subject to appropriations hereby authorized, the Committee on Appropriations may appoint by majority vote such staff as it determines to be necessary (in addition to the clerk of the committee and assistants for the minority). The staff appointed under this paragraph, other than minority assistants, shall possess such qualifications as the committee may prescribe.

§ 778. Staff, Committee on Appropriations.

This paragraph (formerly clause 6(d) of rule XI) derives from section 202(b) of the Legislative Reorganization Act of 1946 (60 Stat. 812), which was incorporated into the rules on January 3, 1953 (p. 24). The exemption was extended to the Committee on the Budget by section 901 of the Congressional Budget Act of 1974 (88 Stat. 330). The reference to that committee was inadvertently omitted by the 93d Congress (H. Res. 988, Oct. 8, 1974, p. 34470) and reinserted by the 94th Congress (H. Res. 5, Jan. 14, 1975, p. 20). The 104th Congress deleted the exemption for the Committee on the Budget (sec. 101(c)(5), H. Res. 6, Jan. 4, 1995, p. 462). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 6(d) of rule XI (H. Res. 5, Jan. 6, 1999, p. 47).

(e) A committee may not appoint to its staff an expert or other personnel detailed or assigned from a department or agency of the Government except with the writ-

§ 779. Detailed employees.

ten permission of the Committee on House Administration.

This paragraph was contained in section 202(f) of the Legislative Reorganization Act of 1946 (60 Stat. 812) and was incorporated into the rules on January 3, 1953 (p. 24). In the 104th and 106th Congresses it was amended to conform references to a renamed committee (sec. 202(b), H. Res. 6, Jan. 4, 1995, p. 464; H. Res. 5, Jan. 6, 1999, p. 47).

(f) If a request for the appointment of a minority professional staff member under paragraph (a) is made when no vacancy exists for such an appointment, the committee nevertheless may appoint under paragraph (a) a person selected by the minority and acceptable to the committee. A person so appointed shall serve as an additional member of the professional staff of the committee until such a vacancy occurs (other than a vacancy in the position of head of the professional staff, by whatever title designated), at which time that person is considered as appointed to that vacancy. Such a person shall be paid from the applicable accounts of the House described in clause 1(j)(1) of rule X. If such a vacancy occurs on the professional staff when seven or more persons have been so appointed who are eligible to fill that vacancy, a majority of the minority party members shall designate which of those persons shall fill the vacancy.

(g) Each staff member appointed pursuant to a request by minority party members under paragraph (a), and each staff member appointed to assist minority members of a committee pursuant to an expense resolution described in clause 6(a), shall be accorded equitable treatment with respect to the fixing of the rate of

pay, the assignment of work facilities, and the accessibility of committee records.

(h) Paragraph (a) may not be construed to authorize the appointment of additional professional staff members of a committee pursuant to a request under paragraph (a) by the minority party members of that committee if 10 or more professional staff members provided for in paragraph (a)(1) who are satisfactory to a majority of the minority party members are otherwise assigned to assist the minority party members.

Paragraphs (f)–(h) (formerly clause 6(f)–(h) of rule XI) are derived from section 302(c) of the Legislative Reorganization Act of 1970 (84 Stat. 1140) and were incorporated into the rules in the 92d Congress (H. Res. 5, Jan. 22, 1971, p. 144). Effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470), conforming changes were made in paragraphs (f) and (h) to reflect increased minority professional and clerical staff permitted to committees under paragraphs (a) and (b) of this clause. In the 104th Congress paragraphs (f)–(h) were amended to reflect the elimination of the former distinction between “professional” and “clerical” staff (sec. 101(c)(5), H. Res. 6, Jan. 4, 1995, p. 462). The 104th Congress also mandated that the total number of staff of House committees be at least one-third less than the corresponding total in the 103d Congress (sec. 101(a), H. Res. 6, Jan. 4, 1995, p. 462). In the 105th Congress paragraph (f) was amended to update an archaic reference to the “contingent fund” (H. Res. 5, Jan. 7, 1997, p. 121). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 6 of rule XI (H. Res. 5, Jan. 6, 1999, p. 47). A clerical correction was effected in the 107th Congress (sec. 2(x), H. Res. 5, Jan. 3, 2001, p. 24), and a conforming change to paragraph (f) was effected in the 109th Congress (sec. 2(a), H. Res. 5, Jan. 4, 2005, p. \_\_).

(i) Notwithstanding paragraph (a)(2), a committee may employ nonpartisan staff, in lieu of or in addition to committee staff designated exclusively for the majority or minority party, by an affirmative vote of a majority of the members of the major-

§ 780. Nonpartisan staff.

ity party and of a majority of the members of the minority party.

Section 202(a) of the Legislative Reorganization Act of 1946 (60 Stat. 812), which was incorporated into the rules on January 3, 1953 (p. 24), required committee professional staffs to be appointed on a permanent basis without regard to political affiliation. The concept of minority staffing was added by section 302(b) of the Legislative Reorganization Act of 1970. Under the Committee Reform Amendments of 1974, effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470), paragraph (i) (formerly clause 6(i) of rule XI) was added to permit committees to employ nonpartisan staff upon an affirmative vote of the majority of the members of each party. In the 104th Congress it was amended to reflect the elimination of the former distinction between “professional” and “clerical” staff (sec. 101(c)(5), H. Res. 6, Jan. 4, 1995, p. 462). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 6(i) of rule XI (H. Res. 5, Jan. 6, 1999, p. 47).

Effective in the 95th Congress (H. Res. 5, Jan. 4, 1977, pp. 53–70), former clause 6(j) of rule XI, which was added on January 3, 1953 (p. 24) and which was contained in section 134(b) of the Legislative Reorganization Act of 1945, was deleted; that clause required committees to report semiannually to the Clerk, for printing in the Congressional Record, on the names, professions, and salaries of committee employees.

### ***Select and joint committees***

10. (a) Membership on a select or joint committee appointed by the Speaker under clause 11 of rule I during the course of a Congress shall be contingent on continuing membership in the party caucus or conference of which the Member, Delegate, or Resident Commissioner concerned was a member at the time of appointment. Should a Member, Delegate, or Resident Commissioner cease to be a member of that caucus or conference, that Member, Delegate, or Resident Commissioner shall automatically cease to be a member of any select or joint committee to which assigned. The chair of the relevant party

§ 782. Party membership as basis for appointment.



caucus or conference shall notify the Speaker whenever a Member, Delegate, or Resident Commissioner ceases to be a member of a party caucus or conference. The Speaker shall notify the chair of each affected select or joint committee that the appointment of such Member, Delegate, or Resident Commissioner to the select or joint committee is automatically vacated under this paragraph.

This party membership requirement for select and joint committees, analogous to clause 5(b), was added in the 98th Congress (H. Res. 5, 1983, Jan. 3, 1983, p. 34). Gender-based references were eliminated in the 111th Congress (sec. 2(l), H. Res. 5, Jan. 6, 2009, p. \_\_). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 6(g) of rule X (H. Res. 5, Jan. 6, 1999, p. 47).

(b) Each select or joint committee, other than a conference committee, shall comply with clause 2(a) of rule XI unless specifically exempted by law.

§ 783. Select and joint committee compliance.

Before the House recodified its rules in the 106th Congress, paragraph (b) was found in clause 2(a) of rule XI (H. Res. 5, Jan. 6, 1999, p. 47). The extension of clause 2(a) requirements to select and joint committees was added to clause 2(a) when that rule was rewritten by the Committee Reform Amendments of 1974 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470).

A paragraph (i) of former clause 6 of rule X was incorporated into the rules effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470), to provide for a permanent select committee on aging. That provision was stricken in the 103d Congress (H. Res. 5, Jan. 5, 1993, p. 49).

§ 784. Aging.

***Permanent Select Committee on Intelligence***

11. (a)(1) There is established a Permanent Select Committee on Intelligence (hereafter in this clause referred to as the “select committee”). The select committee shall be composed of not more

§ 785. Permanent Select Committee on Intelligence.

than 22 Members, Delegates, or the Resident Commissioner, of whom not more than 13 may be from the same party. The select committee shall include at least one Member, Delegate, or the Resident Commissioner from each of the following committees:

- (A) the Committee on Appropriations;
- (B) the Committee on Armed Services;
- (C) the Committee on Foreign Affairs; and
- (D) the Committee on the Judiciary.

(2) The Speaker and the Minority Leader shall be ex officio members of the select committee but shall have no vote in the select committee and may not be counted for purposes of determining a quorum thereof.

(3) The Speaker and Minority Leader each may designate a respective leadership staff member to assist in the capacity of the Speaker or Minority Leader as ex officio member, with the same access to committee meetings, hearings, briefings, and materials as employees of the select committee and subject to the same security clearance and confidentiality requirements as employees of the select committee under this clause.

(4)(A) Except as permitted by subdivision (B), a Member, Delegate, or Resident Commissioner, other than the Speaker or the Minority Leader, may not serve as a member of the select committee during more than four Congresses in a period of six successive Congresses (disregarding for this purpose any service for less than a full session in a Congress).

(B) In the case of a Member, Delegate, or Resident Commissioner appointed to serve as the chair or the ranking minority member of the select committee, tenure on the select committee shall not be limited.

(b)(1) There shall be referred to the select committee proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(A) The Central Intelligence Agency, the Director of National Intelligence, and the National Intelligence Program as defined in section 3(6) of the National Security Act of 1947.

(B) Intelligence and intelligence-related activities of all other departments and agencies of the Government, including the tactical intelligence and intelligence-related activities of the Department of Defense.

(C) The organization or reorganization of a department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence or intelligence-related activities.

(D) Authorizations for appropriations, both direct and indirect, for the following:

(i) The Central Intelligence Agency, the Director of National Intelligence, and the National Intelligence Program as defined in section 3(6) of the National Security Act of 1947.

(ii) Intelligence and intelligence-related activities of all other departments and agencies of the Government, including the tac-

tical intelligence and intelligence-related activities of the Department of Defense.

(iii) A department, agency, subdivision, or program that is a successor to an agency or program named or referred to in (i) or (ii).

(2) Proposed legislation initially reported by the select committee (other than provisions solely involving matters specified in subparagraph (1)(A) or subparagraph (1)(D)(i)) containing any matter otherwise within the jurisdiction of a standing committee shall be referred by the Speaker to that standing committee. Proposed legislation initially reported by another committee that contains matter within the jurisdiction of the select committee shall be referred by the Speaker to the select committee if requested by the chair of the select committee.

(3) Nothing in this clause shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review an intelligence or intelligence-related activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of that committee.

(4) Nothing in this clause shall be construed as amending, limiting, or otherwise changing the authority of a standing committee to obtain full and prompt access to the product of the intelligence and intelligence-related activities of a department or agency of the Government relevant to a matter otherwise within the jurisdiction of that committee.

(c)(1) For purposes of accountability to the House, the select committee shall make regular and periodic reports to the House on the nature and extent of the intelligence and intelligence-related activities of the various departments and agencies of the United States. The select committee shall promptly call to the attention of the House, or to any other appropriate committee, a matter requiring the attention of the House or another committee. In making such report, the select committee shall proceed in a manner consistent with paragraph (g) to protect national security.

(2) The select committee shall obtain annual reports from the Director of National Intelligence, the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence and intelligence-related activities of the agency or department concerned and the intelligence and intelligence-related activities of foreign countries directed at the United States or its interests. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of persons engaged in intelligence or intelligence-related activities for the United States or the divulging of intelligence methods employed or the sources of information on which the reports are based or the amount of funds authorized to be

appropriated for intelligence and intelligence-related activities.

(3) Within six weeks after the President submits a budget under section 1105(a) of title 31, United States Code, or at such time as the Committee on the Budget may request, the select committee shall submit to the Committee on the Budget the views and estimates described in section 301(d) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

(d)(1) Except as specified in subparagraph (2), clauses 8(a), (b), and (c) and 9(a), (b), and (c) of this rule, and clauses 1, 2, and 4 of rule XI shall apply to the select committee to the extent not inconsistent with this clause.

(2) Notwithstanding the requirements of the first sentence of clause 2(g)(2) of rule XI, in the presence of the number of members required under the rules of the select committee for the purpose of taking testimony or receiving evidence, the select committee may vote to close a hearing whenever a majority of those present determines that the testimony or evidence would endanger the national security.

(e) An employee of the select committee, or a person engaged by contract or otherwise to perform services for or at the request of the select committee, may not be given access to any classified information by the select committee unless such employee or person has—

(1) agreed in writing and under oath to be bound by the Rules of the House, including

the jurisdiction of the Committee on Standards of Official Conduct and of the select committee concerning the security of classified information during and after the period of the employment or contractual agreement of such employee or person with the select committee; and

(2) received an appropriate security clearance, as determined by the select committee in consultation with the Director of National Intelligence, that is commensurate with the sensitivity of the classified information to which such employee or person will be given access by the select committee.

(f) The select committee shall formulate and carry out such rules and procedures as it considers necessary to prevent the disclosure, without the consent of each person concerned, of information in the possession of the select committee that unduly infringes on the privacy or that violates the constitutional rights of such person. Nothing herein shall be construed to prevent the select committee from publicly disclosing classified information in a case in which it determines that national interest in the disclosure of classified information clearly outweighs any infringement on the privacy of a person.

(g)(1) The select committee may disclose publicly any information in its possession after a determination by the select committee that the public interest would be served by such disclosure. With respect to the disclosure of informa-

tion for which this paragraph requires action by the select committee—

(A) the select committee shall meet to vote on the matter within five days after a member of the select committee requests a vote; and

(B) a member of the select committee may not make such a disclosure before a vote by the select committee on the matter, or after a vote by the select committee on the matter except in accordance with this paragraph.

(2)(A) In a case in which the select committee votes to disclose publicly any information that has been classified under established security procedures, that has been submitted to it by the executive branch, and that the executive branch requests be kept secret, the select committee shall notify the President of such vote.

(B) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of the vote to disclose is transmitted to the President unless, before the expiration of the five-day period, the President, personally in writing, notifies the select committee that the President objects to the disclosure of such information, provides reasons therefor, and certifies that the threat to the national interest of the United States posed by the disclosure is of such gravity that it outweighs any public interest in the disclosure.

(C) If the President, personally in writing, notifies the select committee of objections to the disclosure of information as provided in subdivi-



sion (B), the select committee may, by majority vote, refer the question of the disclosure of such information, with a recommendation thereon, to the House. The select committee may not publicly disclose such information without leave of the House.

(D) Whenever the select committee votes to refer the question of disclosure of any information to the House under subdivision (C), the chair shall, not later than the first day on which the House is in session following the day on which the vote occurs, report the matter to the House for its consideration.

(E) If the chair of the select committee does not offer in the House a motion to consider in closed session a matter reported under subdivision (D) within four calendar days on which the House is in session after the recommendation described in subdivision (C) is reported, then such a motion shall be privileged when offered by a Member, Delegate, or Resident Commissioner. In either case such a motion shall be decided without debate or intervening motion except one that the House adjourn.

(F) Upon adoption by the House of a motion to resolve into closed session as described in subdivision (E), the Speaker may declare a recess subject to the call of the Chair. At the expiration of the recess, the pending question, in closed session, shall be, "Shall the House approve the recommendation of the select committee?"

(G) Debate on the question described in subdivision (F) shall be limited to two hours equally

divided and controlled by the chair and ranking minority member of the select committee. After such debate the previous question shall be considered as ordered on the question of approving the recommendation without intervening motion except one motion that the House adjourn. The House shall vote on the question in open session but without divulging the information with respect to which the vote is taken. If the recommendation of the select committee is not approved, then the question is considered as re-committed to the select committee for further recommendation.

(3)(A) Information in the possession of the select committee relating to the lawful intelligence or intelligence-related activities of a department or agency of the United States that has been classified under established security procedures, and that the select committee has determined should not be disclosed under subparagraph (1) or (2), may not be made available to any person by a Member, Delegate, Resident Commissioner, officer, or employee of the House except as provided in subdivision (B).

(B) The select committee shall, under such regulations as it may prescribe, make information described in subdivision (A) available to a committee or a Member, Delegate, or Resident Commissioner, and permit a Member, Delegate, or Resident Commissioner to attend a hearing of the select committee that is closed to the public. Whenever the select committee makes such information available, it shall keep a written

record showing, in the case of particular information, which committee or which Member, Delegate, or Resident Commissioner received the information. A Member, Delegate, or Resident Commissioner who, and a committee that, receives information under this subdivision may not disclose the information except in a closed session of the House.

(4) The Committee on Standards of Official Conduct shall investigate any unauthorized disclosure of intelligence or intelligence-related information by a Member, Delegate, Resident Commissioner, officer, or employee of the House in violation of subparagraph (3) and report to the House concerning any allegation that it finds to be substantiated.

(5) Upon the request of a person who is subject to an investigation described in subparagraph (4), the Committee on Standards of Official Conduct shall release to such person at the conclusion of its investigation a summary of its investigation, together with its findings. If, at the conclusion of its investigation, the Committee on Standards of Official Conduct determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, Delegate, Resident Commissioner, officer, or employee of the House, it shall report its findings to the House and recommend appropriate action. Recommendations may include censure, removal from committee membership, or expulsion from the House, in the case of a Member, or removal from office or employment

or punishment for contempt, in the case of an officer or employee.

(h) The select committee may permit a personal representative of the President, designated by the President to serve as a liaison to the select committee, to attend any closed meeting of the select committee.

(i) Subject to the Rules of the House, funds may not be appropriated for a fiscal year, with the exception of a bill or joint resolution continuing appropriations, or an amendment thereto, or a conference report thereon, to, or for use of, a department or agency of the United States to carry out any of the following activities, unless the funds shall previously have been authorized by a bill or joint resolution passed by the House during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Director of National Intelligence and the Office of the Director of National Intelligence.

(2) The activities of the Central Intelligence Agency.

(3) The activities of the Defense Intelligence Agency.

(4) The activities of the National Security Agency.

(5) The intelligence and intelligence-related activities of other agencies and subdivisions of the Department of Defense.

(6) The intelligence and intelligence-related activities of the Department of State.

(7) The intelligence and intelligence-related activities of the Federal Bureau of Investigation.

(8) The intelligence and intelligence-related activities of all other departments and agencies of the executive branch.

(j)(1) In this clause the term “intelligence and intelligence-related activities” includes—

(A) the collection, analysis, production, dissemination, or use of information that relates to a foreign country, or a government, political group, party, military force, movement, or other association in a foreign country, and that relates to the defense, foreign policy, national security, or related policies of the United States and other activity in support of the collection, analysis, production, dissemination, or use of such information;

(B) activities taken to counter similar activities directed against the United States;

(C) covert or clandestine activities affecting the relations of the United States with a foreign government, political group, party, military force, movement, or other association;

(D) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by a department, agency, bureau, office, division, instrumentality, or employee of the United

States to pose, a threat to the internal security of the United States; and

(E) covert or clandestine activities directed against persons described in subdivision (D).

(2) In this clause the term “department or agency” includes any organization, committee, council, establishment, or office within the Federal Government.

(3) For purposes of this clause, reference to a department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that a successor engages in intelligence or intelligence-related activities now conducted by the department, agency, bureau, or subdivision referred to in this clause.

(k) Clause 12(a) of rule XXII does not apply to meetings of a conference committee respecting legislation (or any part thereof) reported by the Permanent Select Committee on Intelligence.

This clause (formerly rule XLVIII) was adopted in the 95th Congress (H. Res. 658, July 14, 1977, pp. 22932–49) and has had several technical amendments: (1) to change the size of the committee from 13 to 14 members (H. Res. 70, 96th Cong., Jan. 25, 1979, p. 1023); (2) to reflect a change in the name of a committee (H. Res. 89, 96th Cong., Feb. 5, 1979, p. 1848); (3) to change the size to not more than 16 members (H. Res. 33, 99th Cong., Jan. 30, 1985, p. 1271); (4) to change the size to not more than 17 members and to change the cross-reference in clause 7(c)(1) to include paragraph (a) or (b) (H. Res. 5, 100th Cong., Jan. 6, 1987, p. 6); (5) to change the size to not more than 19 members (H. Res. 5, 101st Cong., Jan. 3, 1989, p. 73) and to permit the Speaker to attend meetings and have access to information (H. Res. 268, Nov. 14, 1989, p. 28789); (6) to strike obsolete language relating to tenure restrictions in clause 1 and relating to the requirement for authorizations of appropriations in clause 9 (H. Res. 5, 102d Cong., Jan. 3, 1991, p. 39); (7) to limit the size of the panel to 16, with no more than nine members from the same party; to set the tenure limitation at four Congresses within a period of six Con-

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gresses, with exceptions for ongoing service as chair or ranking minority member; to make the Speaker (rather than the Majority Leader) an ex officio member of the panel (as opposed to former free access to its meetings and information); and to conform references to renamed committees (sec. 221, H. Res. 6, 104th Cong., Jan. 4, 1995, p. 469); (8) to make certain conforming changes (Budget Enforcement Act of 1997, sec. 10104, P.L. 105–33; H. Res. 5, Jan. 6, 1999, p. 47); (9) to increase the size of the committee to not more than 18 members, of whom not more than 10 shall be of the same political party (sec. 2(h), H. Res. 5, 107th Cong., Jan. 3, 2001, p. 25); (10) to make a clerical correction in a cross reference (sec. 2(x), H. Res. 5, 107th Cong., Jan. 3, 2001, p. 26); (11) to remove the tenure limitation for the chair and ranking minority member (sec. 2(e–1), H. Res. 5, 108th Cong., Jan. 7, 2003, p. 7); (12) to increase the size of the committee to not more than 21 members, of whom not more than 12 shall be of the same political party (H. Res. 51, 109th Cong., Jan. 26, 2005, p. \_\_); (13) to reflect a change in the name of a committee (sec. 213(c), H. Res. 6, Jan. 4, 2007, p. \_\_); (14) to conform jurisdictional statements to changes in the intelligence community (sec. 504, H. Res. 6, Jan. 4, 2007, p. \_\_ (adopted Jan. 5, 2007)); (15) to eliminate gender-based references (sec. 2(l), H. Res. 5, Jan. 6, 2009, p. \_\_); (16) to increase the size of the committee to not more than 22 members, of whom not more than 13 shall be of the same political party (H. Res. 97, 111th Cong., Jan. 28, 2009, p. \_\_). Before the House recodified its rules in the 106th Congress, this provision was found in former rule XLVIII (H. Res. 5, Jan. 6, 1999, p. 47). By order of the House, the size of the committee was increased for the 107th Congress to not more than 20 members, of whom not more than 11 shall be of the same political party (Jan. 6, 2001, p. 25). The Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108–458) reorganized the intelligence community.

More substantive amendments have been adopted as follows: (1) clause 4 was amended to make former clause 6(c) of rule XI (current clause 9(c) of rule X) applicable to salaries of the staff of the committee (H. Res. 5, Jan. 15, 1979, pp. 7–16); (2) paragraph (d) (formerly clause 4) was amended to make an exception to the provisions of clause 2(g)(2) of rule XI (requiring a majority of the membership of a committee be present in order to vote to close a hearing) to allow the committee to vote to go into executive session if a majority of the members present, there being in attendance the requisite number under the committee rules for the purpose of taking testimony, determine that it is necessary to do so for national security reasons (but in no event to be determined by less than two members) (H. Res. 165, Mar. 29, 1979, p. 6820); (3) paragraph (d) (formerly clause 4) was amended to provide the committee with permanent professional and clerical staff as provided by former clauses 6(a) and (b) of rule XI (current clauses 9(a) and (b) of rule X) (H. Res. 58, Mar. 1, 1983, p. 3241); (4) paragraph (b)(1) (formerly clause 2(a)) was amended to clarify jurisdiction over the National Foreign Intelligence Program and the tactical intel-

ligence and intelligence-related activities of the Department of Defense and paragraph (a)(3) (formerly clause 1(b)) was added to clarify staffing arrangements for the Speaker and the Minority Leader as ex officio members (sec. 221, H. Res. 6, Jan. 4, 1995, p. 469).

The resolution creating the committee directed the committee to make a study with respect to intelligence and intelligence-related activities of the U.S. and to report thereon, together with appropriate recommendations, not later than the close of the 95th Congress (sec. 3, H. Res. 658; see H. Rept. 95-1795, Oct. 14, 1978), and transferred to the committee all records, files, documents, and other materials of the Select Committee on Intelligence of the 94th Congress in the possession, custody, or control of the Clerk of the House.

The committee has shared jurisdiction with the Committee on the Judiciary over bills concerning electronic surveillance of foreign intelligence (Nov. 4, 1977, p. 37070); concurrent jurisdiction with the Committees on Science, Space, and Technology (now Science and Technology) and Foreign Affairs over a bill establishing a satellite monitoring commission (Mar. 15, 1988, p. 3847); and sole jurisdiction over a resolution of inquiry directing the Secretary of Defense to furnish to the House documents and information on Cuban or other foreign military or paramilitary presence in Panama or the Canal Zone (Apr. 6, 1978, p. 9105).

Paragraph (g)(2) places restrictions on the committee only with respect to the public disclosure of classified information in the possession of that committee, and does not prevent the House from determining to release any matter properly presented to it in secret session pursuant to clause 9 of rule XVII (formerly rule XXIX) (Feb. 25, 1980, p. 3618).

For a discussion of the role of the Permanent Select Committee on Intelligence in regulating access to the classified records of the former Select Committee on U.S. National Security and Military/Commercial Concerns With the People's Republic of China, see House Practice, ch. 11, §§ 12, 13.

In the 107th Congress the committee was given oversight authority described in clause 3(m) of rule X (sec. 2(f), H. Res. 5, Jan. 3, 2001, p. 25).

## RULE XI

### PROCEDURES OF COMMITTEES AND UNFINISHED BUSINESS

#### *In general*

1. (a)(1)(A) The Rules of the House are the rules of its committees and subcommittees so far as applicable.

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