

COMMITTEE ON HOMELAND SECURITY

**Committee Rules**

117<sup>th</sup> Congress

Adopted February 3, 2021

**Rule I.—GENERAL PROVISIONS.**

(A) *Applicability of the Rules of the U.S. House of Representatives.*—The Rules of the U.S. House of Representatives (the “House”) are the rules of the Committee on Homeland Security (the “Committee”) and its subcommittees insofar as applicable.

(B) *Applicability to Subcommittees.*—Except where the terms “Full Committee” and “subcommittee” are specifically mentioned, the following rules shall apply to the Committee’s subcommittees and their respective Chairs and Ranking Minority Members to the same extent as they apply to the Full Committee and its Chair and Ranking Minority Member.

(C) *Appointments by the Chair.*—Clause 2(d) of Rule XI of the House shall govern the designation of a Vice Chair of the Full Committee.

(D) *Conferences.*—The Chair is authorized to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the Chair considers it appropriate.

(E) *Committee Website.*—The Chair shall maintain an official Committee web site for the purposes of furthering the Committee’s legislative and oversight responsibilities, including communicating information about the Committee’s activities to Committee Members, other Members, and the public at large. The Ranking Minority Member may maintain a similar web site for the same purposes. The official Committee web site shall display a link on its home page to the web site maintained by the Ranking Minority Member.

(F) *Activity Report.*— The Committee shall submit a report to the House on the activities of the Committee in accordance with House rule XI 1(d).

**RULE II.—SUBCOMMITTEES.**

(A) *Generally.*—The Full Committee shall be organized into the following six standing subcommittees and each shall have specific responsibility for such measures or matters as the Chair refers to it:

- (1) Subcommittee on Border Security, Facilitation, and Operations
- (2) Subcommittee on Cybersecurity, Infrastructure Protection, and Innovation
- (3) Subcommittee on Emergency Preparedness, Response, and Recovery
- (4) Subcommittee on Intelligence and Counterterrorism
- (5) Subcommittee on Oversight, Management, and Accountability
- (6) Subcommittee on Transportation and Maritime Security

(B) *Selection and Ratio of Subcommittee Members.*—The Chair and Ranking Minority Member

of the Full Committee shall select their respective Members of each subcommittee. The ratio of Majority to Minority Members shall be comparable to the Full Committee, consistent with the party ratios established by the Majority party, except that each subcommittee shall have at least two more Majority Members than Minority Members.

(C) *Ex Officio Members.*—The Chair and Ranking Minority Member of the Full Committee shall be *ex officio* members of each subcommittee but are not authorized to vote on matters that arise before each subcommittee. The Chair and Ranking Minority Member of the Full Committee shall only be counted to satisfy the quorum requirement for the purpose of taking testimony and receiving evidence.

(D) *Powers and Duties of Subcommittees.*—Except as otherwise directed by the Chair of the Full Committee, each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Full Committee on all matters within its purview. Subcommittee Chairs shall set hearing and meeting dates only with the approval of the Chair of the Full Committee. To the greatest extent practicable, no more than one meeting and hearing should be scheduled for a given time.

### **Rule III.— SPECIAL COMMITTEE PANELS.**

(A) *Designation.*—The Chair of the Full Committee may designate a special panel of the Committee consisting of Members of the Committee to inquire into and take testimony on a matter or matters that warrant enhanced consideration, and to report to the Committee.

(B) *Party Ratios and Appointment.*—The chair of a special panel shall be appointed by the Chair of the Full Committee. The Ranking Minority Member of the Full Committee may select a ranking minority member for a special panel and may appoint additional minority members, consistent with the ratio of the full committee. The Chair and Ranking Minority Member may serve as *ex officio* members.

(C) *Duration.*—No special panel shall continue in existence for more than six months.

(D) *Jurisdiction.*—No panel shall have legislative jurisdiction.

### **Rule IV.—REGULAR MEETINGS.**

(A) *Regular Meeting Date.*—The regular meeting date and time for the transaction of business of the Full Committee shall be at 10:00 a.m. on the first Wednesday that the House is in Session each month, unless otherwise directed by the Chair.

(B) *Additional Meetings.*—At the discretion of the Chair, additional meetings of the Committee may be scheduled for the consideration of any legislation or other matters pending before the Committee, or to conduct other Committee business. The Committee shall meet for such purposes pursuant to the call of the Chair.

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

#### **Rule V.—NOTICE AND PUBLICATION.**

(A) *Notice.*—

(1) *Hearings.*—(a) Pursuant to clause 2(g)(3) of rule XI of the Rules of the House of Representatives, the Chair of the Committee shall make public announcement of the date, place, and subject matter of any hearing before the Full Committee or subcommittee, which may not commence earlier than one week after such notice.

(b) However, a hearing may begin sooner than specified in (a) if the Chair of the Committee, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin such hearing sooner, or if the Committee so determines by majority vote, a quorum being present for the transaction of business. If such a determination is made, the Chair shall make the announcement required under (a) at the earliest possible date. To the extent practicable, the names of all witnesses scheduled to appear at such hearing shall be provided to Members no later than 48 hours prior to the commencement of such hearing.

(2) *Meetings.*—

(a) The Chair shall announce the date, time, place and subject matter of any meeting, which may not commence earlier than the third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day) on which Members have notice thereof except in the case of a special meeting called under clause 2(c)(2) of House Rule XI. These notice requirements may be waived if the Chair with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the meeting sooner or if the Committee so determines by majority vote, a quorum being present for the transaction of business.

(b) At least 48 hours prior to the commencement of a meeting for the markup of legislation, or at the time of announcement of the meeting, if less than 48 hours under Rule V(A)(2), the text of such legislation to be marked up shall be provided to the Members, made publicly available in electronic form, and posted on the official Committee web site.

(c) Not later than 24 hours after concluding a meeting to consider legislation, the text of such legislation as ordered forwarded or reported, including any amendments adopted or defeated, shall be made publicly available in electronic form and posted on the official Committee web site.

(3) *Briefings.*—The Chair shall provide notice of the date, time, place, and subject matter of a Member briefing. To the extent practicable, a Member briefing shall not commence earlier than the third day on which Members have notice thereof.

(4) *Publication.*—House Rule XI 2(g)(3)(C) is hereby incorporated by reference.

#### **Rule VI.—OPEN MEETINGS AND HEARINGS; BROADCASTING.**

(A) *Open Meetings.*—

(1) All meetings and hearings of the Committee shall be open to the public including to radio, television, and still photography coverage, except as provided by Rule XI of the Rules of the House or when the Committee, in open session and with a majority present, determines by recorded vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, compromise sensitive law enforcement information, tend to defame, degrade or incriminate a witness, or violate any law or rule of the House of Representatives.

(2) The Committee or Subcommittee may meet in executive session for up to five additional consecutive days of hearings if agreed to by the same procedure.

(B) *Broadcasting.*—Whenever any hearing or meeting conducted by the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered by television broadcast, internet broadcast, print media, and still photography, or by any of such methods of coverage, in accordance with the provisions of clause 4 of Rule XI of the Rules of the House. Operation and use of any Committee operated broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of Rule XI and all other applicable rules of the Committee and the House. Priority shall be given by the Committee to members of the Press Galleries. Pursuant to clause 2(e) of rule XI of the Rules of the House of Representatives, the Committee shall, to the greatest extent practicable, provide audio and video coverage of each hearing or meeting in a manner that allows the public to easily listen to and view the proceedings and shall maintain the recordings of such coverage in a manner that is easily accessible to the public.

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

**Rule VII.—PROCEDURES FOR MEETINGS AND HEARINGS.**

(A) *Opening Statements.*—At any meeting of the Committee, the Chair and Ranking Minority Member shall be entitled to present oral opening statements of five minutes each. Other Members may submit written opening statements for the record. The Chair presiding over the meeting may permit additional opening statements by other Members of the Full Committee or of that subcommittee, with the concurrence of the Ranking Minority Member.

(B) *The Five-Minute Rule.*—The time any one Member may address the Committee on any bill, motion, or other matter under consideration by the Committee shall not exceed five minutes, and then only when the Member has been recognized by the Chair, except that this time limit may be extended when permitted by unanimous consent.

(C) *Postponement of Vote.*—The Chair may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment and may resume proceedings on a postponed vote at any time after reasonable notice to Members by the Clerk or other designee of the Chair. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was

postponed.

(D) *Record*.—Members may have 10 business days to submit to the Chief Clerk of the Committee their statements for the record, and, in the case of a hearing, additional questions for the hearing record to be directed towards a witness at the hearing.

### **Rule VIII.—WITNESSES.**

#### **(A) *Questioning of Witnesses*.—**

(1) Questioning of witnesses by Members will be conducted under the five- minute rule unless the Committee adopts a motion permitted by clause 2(j)(2) of House Rule XI.

(2) In questioning witnesses under the five-minute rule, the Chair and the Ranking Minority Member shall first be recognized. In a subcommittee meeting or hearing, the Chair and Ranking Minority Member of the Full Committee are then recognized. All other Members who are present before the commencement of the meeting or hearing will be recognized in the order of seniority on the Committee, alternating between Majority and Minority Members. Committee Members arriving after the commencement of the hearing shall be recognized in order of appearance, alternating between Majority and Minority Members, after all Members present at the beginning of the hearing have been recognized. To the extent practicable, each Member shall be recognized at least once before any Member is given a second opportunity to question a witness.

(3) The Chair, in consultation with the Ranking Minority Member, or the Committee by motion, may permit a specified number of Members to question a witness for a period longer than five minutes, but the time allotted must be equally apportioned to the Majority party and the Minority and may not exceed one hour in the aggregate.

(4) The Chair, in consultation with the Ranking Minority Member, or the Committee by motion, may permit Committee staff of the Majority and Minority to question a witness for a specified period of time, but the time allotted must be equally apportioned to the Majority and Minority staff and may not exceed one hour in the aggregate.

(B) *Minority Witnesses*.— House Rule XI 2 (j)(1) is hereby incorporated by reference.

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

#### **(D) *Statements by Witnesses*.—**

(1) Consistent with the notice given, and to the greatest extent practicable, each witness shall submit a prepared or written statement for the record of the proceedings (including, where practicable, an electronic copy) with the Clerk of the Committee no less than 48 hours in advance of the witness's appearance before the Committee.

(2) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include a curriculum vita and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two preceding calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing. Such disclosures shall include the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing, and the amount and country of

origin of any payment or contract related to the subject matter jurisdiction of the hearing originating with a foreign government. Such statements, with the appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

#### **Rule IX.—QUORUM.**

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

#### **Rule X.—DECORUM.**

(A) *Breaches of Decorum.*—The Chair may punish breaches of order and decorum, by censure and exclusion from a hearing or meeting; and the Committee may cite the offender to the House for contempt.

(B) *Access to Dais.*—Access to the dais before, during, and after a hearing, markup, or other meeting of the Committee shall be limited to Members and staff of the Committee. Subject to availability of space on the dais, Committee Members’ personal staff may be present on the dais during a hearing if their employing Member is seated on the dais and during a markup or other meeting if their employing Member is the author of a measure or amendment under consideration by the Committee, but only during the time that the measure or amendment is under active consideration by the Committee, or otherwise at the discretion of the Chair, or of the Ranking Minority Member for personal staff employed by a Minority Member.

(C) *Wireless Communications Use Prohibited.*—During a hearing, mark-up, or other meeting of the Committee, ringing or audible sounds or conversational use of cellular telephones or other electronic devices is prohibited in the Committee room.

(D) *Protective Face Masks.*— During any covered period pursuant to section 3(s) of H. Res. 8, each individual physically present at a Committee proceeding or in Committee spaces must properly wear a protective face mask in that space.

#### **Rule XI.—REFERRALS TO SUBCOMMITTEES.**

*Referral of Bills and Other Matters by the Chair.*—Except for bills and other matters retained by the Chair for Full Committee consideration, each bill or other matter referred to the Full Committee shall be referred by the Chair to one or more subcommittees within two weeks of receipt by the Committee. In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Full Committee. Bills or other matters referred

to subcommittees may be reassigned or discharged by the Chair.

## **RULE XII.—SUBPOENAS; COUNSEL.**

(A) *Authorization.*— The power to authorize and issue subpoenas is delegated to the Chair of the Full Committee, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the Rules of the House of Representatives. The Chair shall notify the Ranking Minority Member prior to issuing any subpoena under such authority. To the extent practicable, the Chair shall consult with the Ranking Minority Member at least 24 hours in advance of a subpoena being issued under such authority, excluding Saturdays, Sundays, and Federal holidays. The Chair of the Full Committee shall notify Members of the Committee of the authorization and issuance of a subpoena under this rule as soon as practicable, but in no event later than one week after service of such subpoena.

(B) *Disclosure.*—Provisions may be included in a subpoena with the concurrence of the Chair and the Ranking Minority Member of the Full Committee, or by the Committee, to prevent the disclosure of the Full Committee's demands for information when deemed necessary for the security of information or the progress of an investigation, including but not limited to prohibiting the revelation by witnesses and their counsel of Full Committee's inquiries.

(C) *Subpoena duces tecum.*—A subpoena *duces tecum* may be issued whose return to the Committee Clerk shall occur at a time and place other than that of a regularly scheduled meeting.

(D) *Counsel.*—When representing a witness or entity before the Committee in response to a document request, request for transcribed interview, or subpoena from the Committee, or in connection with testimony before the Committee at a hearing, counsel for the witness or entity must promptly submit to the Committee a notice of appearance specifying the following: (a) counsel's name, firm or organization, and contact information; and (b) each client represented by the counsel in connection with the proceeding. Submission of a notice of appearance constitutes acknowledgement that counsel is authorized to accept service of process by the Committee on behalf of such client(s), and that counsel is bound by and agrees to comply with all applicable House and Committee rules and regulations.

(E) *Deposition Authority.* —Section 103 of H.Res 6 is hereby incorporated by reference.

## **RULE XIII.—COMMITTEE STAFF.**

(A) *Generally.*—Committee staff members are subject to the provisions of clause 9 of House Rule X and must be eligible to be considered for routine access to classified information.

(B) *Staff Assignments.*—For purposes of these rules, Committee staff means the employees of the Committee, detailees, fellows, interns, or any other person engaged by contract or otherwise to perform services for, or at the request of, the Committee. All such persons shall be either Majority, Minority, or shared staff. The Chair shall appoint, supervise, where applicable determine remuneration of, and may remove Majority staff. The Ranking Minority Member shall appoint,

supervise, where applicable determine remuneration of, and may remove Minority staff. In consultation with the Ranking Minority Member, the Chair may appoint, supervise, determine remuneration of and may remove shared staff that is assigned to service of the Committee. The Chair shall certify Committee staff appointments, including appointments by the Ranking Minority Member, as required.

(C) *Divulgence of Information.*—Prior to the public acknowledgement by the Chair or the Committee of a decision to initiate an investigation of a particular person, entity, or subject, no member of the Committee staff shall knowingly divulge to any person any information, including non-classified information, which comes into his or her possession by virtue of his or her status as a member of the Committee staff, if the member of the Committee staff has a reasonable expectation that such information may alert the subject of a Committee investigation to the existence, nature, or substance of such investigation, unless authorized to do so by the Chair or the Committee.

#### **RULE XIV.—CLASSIFIED AND CONTROLLED UNCLASSIFIED INFORMATION.**

(A) *Security Precautions.*—Committee staff offices, including Majority and Minority offices, shall operate under strict security precautions administered by the Security Officer of the Committee. A security officer shall be on duty at all times during normal office hours. Classified documents and controlled unclassified information (CUI)— formerly known as sensitive but unclassified (SBU) information— may be destroyed, discussed, examined, handled, reviewed, stored, transported and used only in an appropriately secure manner in accordance with all applicable laws, executive orders, and other governing authorities. Such documents may be removed from the Committee’s offices only in furtherance of official Committee business. Appropriate security procedures, as determined by the Chair in consultation with the Ranking Minority Member, shall govern the handling of such documents removed from the Committee’s offices.

(B) *Temporary Custody of Executive Branch Material.*—Executive branch documents or other materials containing classified information in any form that were not made part of the record of a Committee hearing, did not originate in the Committee or the House, and are not otherwise records of the Committee shall, while in the custody of the Committee, be segregated and maintained by the Committee in the same manner as Committee records that are classified. Such documents and other materials shall be returned to the Executive branch agency from which they were obtained at the earliest practicable time.

(C) *Access by Committee Staff.*—Access to classified information supplied to the Committee shall be limited to Committee staff members with appropriate security clearances and a need-to-know, as determined by the Chair or Ranking Minority Member, and under the direction of the Majority or Minority Staff Directors.

(D) *Maintaining Confidentiality.*—No Committee Member or Committee staff shall disclose, in whole or in part or by way of summary, to any person who is not a Committee Member or authorized Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the Committee in executive session except for purposes of



obtaining an official classification of such testimony. Classified information and controlled unclassified information (CUI) shall be handled in accordance with all applicable laws, executive orders, and other governing authorities and consistently with the provisions of these rules and Committee procedures.

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

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

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

(F) *Disciplinary Action*.—The Chair shall immediately consider disciplinary action in the event any Committee Member or Committee staff member fails to conform to the provisions of these rules governing the disclosure of classified or unclassified information. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff, criminal referral to the Justice Department, and notification of the Speaker of the House. With respect to Minority staff, the Chair shall consider such disciplinary action in consultation with the Ranking Minority Member.

## **RULE XV.—COMMITTEE RECORDS.**

(A) *Committee Records*.— House Rule XI 2(e) is hereby incorporated by reference.

(B) *Legislative Calendar*.—The Clerk of the Committee shall maintain a printed calendar for the information of each Committee Member showing any procedural or legislative measures considered or scheduled to be considered by the Committee, and the status of such measures and such other matters as the Committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of such revisions shall be made available to each Member of the Committee upon request.

(C) *Members Right To Access*.—Members of the Committee and of the House shall have access to all official Committee Records. Access to Committee files shall be limited to examination within the Committee offices at reasonable times. Access to Committee Records that contain classified information shall be provided in a manner consistent with these rules.

(D) *Removal of Committee Records*.—Files and records of the Committee are not to be removed from the Committee offices. No Committee files or records that are not made publicly available shall be photocopied by any Member.

(E) *Executive Session Records*.—Evidence or testimony received by the Committee in executive session shall not be released or made available to the public unless authorized by the Committee, a majority being present. Such information may be made available to appropriate government personnel for purposes of classification. Members may examine the Committee's executive

session records, but may not make copies of, or take personal notes from, such records.

(F) *Availability of Committee Records.*—The Committee shall keep a complete record of all Committee action including recorded votes and attendance at hearings and meetings. Information so available for public inspection shall include a description of each amendment, motion, order, or other proposition, including the name of the Member who offered the amendment, motion, order, or other proposition, and the name of each Member voting for and each Member voting against each such amendment, motion, order, or proposition, as well as the names of those Members present but not voting. Such record shall be made available to the public at reasonable times within the Committee offices and also made publicly available in electronic form and posted on the official Committee web site within 48 hours of such record vote.

(G) *Separate and Distinct.*—All Committee records and files must be kept separate and distinct from the office records of the Members serving as Chair and Ranking Minority Member. Records and files of Members' personal offices shall not be considered records or files of the Committee.

(H) *Disposition of Committee Records.*—At the conclusion of each Congress, non-current records of the Committee shall be delivered to the Archivist of the United States in accordance with Rule VII of the Rules of the House.

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

## **RULE XVI. —COMMITTEE RULES.**

(A) *Availability of Committee Rules in Electronic Form.*—House Rule XI 2(a) is hereby incorporated by reference.

(B) *Changes to Committee Rules.*—These rules may be modified, amended, or repealed by the Full Committee provided that a notice in writing of the proposed change has been given to each Member at least 48 hours prior to the meeting at which action thereon is to be taken and such changes are not inconsistent with the Rules of the House of Representatives.