

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. RES. 25

Amending the Rules of the House of Representatives to establish a standing Committee on Homeland Security and a standing Committee on Intelligence and to allow the Committee on Appropriations to have 14 subcommittees (of which one is a Subcommittee on Intelligence), and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Mrs. MALONEY (for herself, Mr. SHAYS, Mr. HOLT, Mr. LEACH, Mr. CASE, and Ms. WATSON) submitted the following resolution; which was referred to the Committee on Rules

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## RESOLUTION

Amending the Rules of the House of Representatives to establish a standing Committee on Homeland Security and a standing Committee on Intelligence and to allow the Committee on Appropriations to have 14 subcommittees (of which one is a Subcommittee on Intelligence), and for other purposes.

1       *Resolved*, That clause 1 of rule X of the Rules of the  
2 House of Representatives is amended by redesignating  
3 paragraphs (i) through (s) as paragraphs (j) through (t),  
4 respectively, and by inserting after paragraph (h) the fol-  
5 lowing new paragraph:

1       “(i) **Committee on Homeland Security.**

2               “(1) The Department of Homeland Security.

3               “(2) Homeland security, generally.

4 The committee shall have exclusive jurisdiction over the  
5 matters referred to in subparagraphs (1) and (2).”.

6                               COMMITTEE ON INTELLIGENCE

7       SEC. 2. (a) Clause 1 of rule X of the Rules of the  
8 House of Representatives (as amended by the first section  
9 of this resolution) is further amended by redesignating  
10 paragraphs (k) through (t) as paragraphs (l) through (u),  
11 respectively, and by inserting after paragraph (j) (as re-  
12 designated by such first section) the following new para-  
13 graph:

14       “(k) **Committee on Intelligence.**

15               “(1) The Director of National Intelligence, the  
16 Central Intelligence Agency, the Director of Central  
17 Intelligence, and the National Foreign Intelligence  
18 Program as defined in section 3(6) of the National  
19 Security Act of 1947.

20               “(2) Intelligence and intelligence-related activi-  
21 ties of all other departments and agencies of the  
22 Government, including the tactical intelligence and  
23 intelligence-related activities of the Department of  
24 Defense.

25               “(3) The organization or reorganization of a de-  
26 partment or agency of the Government to the extent

1 that the organization or reorganization relates to a  
2 function or activity involving intelligence or intel-  
3 ligence-related activities.

4 “(4) Authorizations for appropriations, both di-  
5 rect and indirect, for the following:

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

11 “(B) Intelligence and intelligence-related  
12 activities of all other departments and agencies  
13 of the Government, including the tactical intel-  
14 ligence and intelligence-related activities of the  
15 Department of Defense.

16 “(C) A department, agency, subdivision, or  
17 program that is a successor to an agency or  
18 program named or referred to in subdivision  
19 (A) or (B).

20 The committee shall have exclusive jurisdiction over the  
21 matters referred to in subparagraphs (1) through (4).”.

22 (b) Clause 4 of rule X of the Rules of the House of  
23 Representatives is amended by adding at the end the fol-  
24 lowing new paragraph:

1           “(g)(1) For purposes of accountability to the House,  
2 the Committee on Intelligence shall make regular and  
3 periodic reports to the House on the nature and extent  
4 of the intelligence and intelligence-related activities of the  
5 various departments and agencies of the United States.  
6 The committee shall promptly call to the attention of the  
7 House, or to any other appropriate committee, a matter  
8 requiring the attention of the House or another com-  
9 mittee. In making such report, the committee shall pro-  
10 ceed in a manner consistent with subparagraph (7) to pro-  
11 tect national security.

12           “(2) The Committee on Intelligence shall obtain an-  
13 nual reports from the Director of National Intelligence,  
14 the Director of the Central Intelligence Agency, the Sec-  
15 retary of Defense, the Secretary of State, and the Director  
16 of the Federal Bureau of Investigation. Such reports shall  
17 review the intelligence and intelligence-related activities of  
18 the agency or department concerned and the intelligence  
19 and intelligence-related activities of foreign countries di-  
20 rected at the United States or its interests. An unclassified  
21 version of each report may be made available to the public  
22 at the discretion of the committee. Nothing herein shall  
23 be construed as requiring the public disclosure in such re-  
24 ports of the names of persons engaged in intelligence or  
25 intelligence-related activities for the United States or the

1 divulging of intelligence methods employed or the sources  
2 of information on which the reports are based or the  
3 amount of funds authorized to be appropriated for intel-  
4 ligence and intelligence-related activities.

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

13       “(4)(A) Except as specified in subdivision (B),  
14 clauses 8(a), (b), and (c) and 9(a), (b), and (c) of this  
15 rule, and clauses 1, 2, and 4 of rule XI shall apply to  
16 the Committee on Intelligence to the extent not incon-  
17 sistent with this clause.

18       “(B) Notwithstanding the requirements of the first  
19 sentence of clause 2(g)(2) of rule XI, in the presence of  
20 the number of members required under the rules of the  
21 Committee on Intelligence for the purpose of taking testi-  
22 mony or receiving evidence, the committee may vote to  
23 close a hearing whenever a majority of those present deter-  
24 mines that the testimony or evidence would endanger the  
25 national security.

1       “(5) An employee of the Committee on Intelligence,  
2 or a person engaged by contract or otherwise to perform  
3 services for or at the request of the committee, may not  
4 be given access to any classified information by the com-  
5 mittee unless such employee or person has—

6           “(A) agreed in writing and under oath to be  
7 bound by the Rules of the House, including the ju-  
8 risdiction of the Committee on Standards of Official  
9 Conduct and of the Committee on Intelligence con-  
10 cerning the security of classified information during  
11 and after the period of his employment or contrac-  
12 tual agreement with the committee; and

13           “(B) received an appropriate security clearance,  
14 as determined by the Committee on Intelligence in  
15 consultation with the Director of Central Intel-  
16 ligence, that is commensurate with the sensitivity of  
17 the classified information to which such employee or  
18 person will be given access by the committee.

19       “(6) The Committee on Intelligence shall formulate  
20 and carry out such rules and procedures as it considers  
21 necessary to prevent the disclosure, without the consent  
22 of each person concerned, of information in the possession  
23 of the committee that unduly infringes on the privacy or  
24 that violates the constitutional rights of such person.  
25 Nothing herein shall be construed to prevent the com-

1 mittee from publicly disclosing classified information in a  
2 case in which it determines that national interest in the  
3 disclosure of classified information clearly outweighs any  
4 infringement on the privacy of a person.

5 “(7)(A) The Committee on Intelligence may disclose  
6 publicly any information in its possession after a deter-  
7 mination by the committee that the public interest would  
8 be served by such disclosure. With respect to the disclo-  
9 sure of information for which this subparagraph requires  
10 action by the committee—

11 “(i) the committee shall meet to vote on the  
12 matter within five days after a member of the com-  
13 mittee requests a vote; and

14 “(ii) a member of the committee may not make  
15 such a disclosure before a vote by the committee on  
16 the matter, or after a vote by the committee on the  
17 matter except in accordance with this subparagraph.

18 “(B)(i) In a case in which the Committee on Intel-  
19 ligence votes to disclose publicly any information that has  
20 been classified under established security procedures, that  
21 has been submitted to it by the executive branch, and that  
22 the executive branch requests be kept secret, the com-  
23 mittee shall notify the President of such vote.

24 “(ii) The Committee on Intelligence may disclose  
25 publicly such information after the expiration of a five-

1 day period following the day on which notice of the vote  
2 to disclose is transmitted to the President unless, before  
3 the expiration of the five-day period, the President, per-  
4 sonally in writing, notifies the committee that he objects  
5 to the disclosure of such information, provides his reasons  
6 therefor, and certifies that the threat to the national inter-  
7 est of the United States posed by the disclosure is of such  
8 gravity that it outweighs any public interest in the disclo-  
9 sure.

10       “(iii) If the President, personally in writing, notifies  
11 the committee of his objections to the disclosure of infor-  
12 mation as provided in clause (ii), the committee may, by  
13 majority vote, refer the question of the disclosure of such  
14 information, with a recommendation thereon, to the  
15 House. The committee may not publicly disclose such in-  
16 formation without leave of the House.

17       “(iv) Whenever the committee votes to refer the ques-  
18 tion of disclosure of any information to the House under  
19 clause (iii), the chairman shall, not later than the first  
20 day on which the House is in session following the day  
21 on which the vote occurs, report the matter to the House  
22 for its consideration.

23       “(v) If the chairman of the committee does not offer  
24 in the House a motion to consider in closed session a mat-  
25 ter reported under clause (iv) within four calendar days

1 on which the House is in session after the recommendation  
2 described in clause (iii) is reported, then such a motion  
3 shall be privileged when offered by a Member, Delegate,  
4 or Resident Commissioner. In either case such a motion  
5 shall be decided without debate or intervening motion ex-  
6 cept one that the House adjourn.

7 “(vi) Upon adoption by the House of a motion to re-  
8 solve into closed session as described in clause (v), the  
9 Speaker may declare a recess subject to the call of the  
10 Chair. At the expiration of the recess, the pending ques-  
11 tion, in closed session, shall be, “Shall the House approve  
12 the recommendation of the committee?”.

13 “(vii) Debate on the question described in clause (vi)  
14 shall be limited to two hours equally divided and controlled  
15 by the chairman and ranking minority member of the com-  
16 mittee. After such debate the previous question shall be  
17 considered as ordered on the question of approving the  
18 recommendation without intervening motion except one  
19 motion that the House adjourn. The House shall vote on  
20 the question in open session but without divulging the in-  
21 formation with respect to which the vote is taken. If the  
22 recommendation of the committee is not approved, then  
23 the question is considered as recommitted to the com-  
24 mittee for further recommendation.

1       “(C)(i) Information in the possession of the Com-  
2 mittee on Intelligence relating to the lawful intelligence  
3 or intelligence-related activities of a department or agency  
4 of the United States that has been classified under estab-  
5 lished security procedures, and that the committee has de-  
6 termined should not be disclosed under subdivision (A) or  
7 (B), may not be made available to any person by a Mem-  
8 ber, Delegate, Resident Commissioner, officer, or em-  
9 ployee of the House except as provided in clause (ii).

10       “(ii) The Committee on Intelligence shall, under such  
11 regulations as it may prescribe, make information de-  
12 scribed in clause (i) available to a committee or a Member,  
13 Delegate, or Resident Commissioner, and permit a Mem-  
14 ber, Delegate, or Resident Commissioner to attend a hear-  
15 ing of the committee that is closed to the public. Whenever  
16 the committee makes such information available, it shall  
17 keep a written record showing, in the case of particular  
18 information, which committee or which Member, Delegate,  
19 or Resident Commissioner received the information. A  
20 Member, Delegate, or Resident Commissioner who, and a  
21 committee that, receives information under this clause  
22 may not disclose the information except in a closed session  
23 of the House.

24       “(D) The Committee on Standards of Official Con-  
25 duct shall investigate any unauthorized disclosure of intel-

1 lidence or intelligence-related information by a Member,  
2 Delegate, Resident Commissioner, officer, or employee of  
3 the House in violation of subdivision (C) and report to  
4 the House concerning any allegation that it finds to be  
5 substantiated.

6       “(E) Upon the request of a person who is subject to  
7 an investigation described in subdivision (D), the Com-  
8 mittee on Standards of Official Conduct shall release to  
9 such person at the conclusion of its investigation a sum-  
10 mary of its investigation, together with its findings. If, at  
11 the conclusion of its investigation, the Committee on  
12 Standards of Official Conduct determines that there has  
13 been a significant breach of confidentiality or unauthor-  
14 ized disclosure by a Member, Delegate, Resident Commis-  
15 sioner, officer, or employee of the House, it shall report  
16 its findings to the House and recommend appropriate ac-  
17 tion. Recommendations may include censure, removal  
18 from committee membership, or expulsion from the House,  
19 in the case of a Member, or removal from office or employ-  
20 ment or punishment for contempt, in the case of an officer  
21 or employee.

22       “(F) The Committee on Intelligence may permit a  
23 personal representative of the President, designated by the  
24 President to serve as a liaison to the committee, to attend  
25 any closed meeting of the committee.

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

11               “(i) The activities of the Central Intelligence  
12 Agency and the Director of Central Intelligence.

13               “(ii) The activities of the Defense Intelligence  
14 Agency.

15               “(iii) The activities of the National Security  
16 Agency.

17               “(iv) The intelligence and intelligence-related  
18 activities of other agencies and subdivisions of the  
19 Department of Defense.

20               “(v) The intelligence and intelligence-related ac-  
21 tivities of the Department of State.

22               “(vi) The intelligence and intelligence-related  
23 activities of the Federal Bureau of Investigation, in-  
24 cluding all activities of the Intelligence Division.

1           “(vii) The activities of the Director of National  
2 Intelligence.

3           “(H)(i) In this clause, the term ‘intelligence and in-  
4 telligence-related activities’ includes—

5           “(I) the collection, analysis, production, dis-  
6 semination, or use of information that relates to a  
7 foreign country, or a government, political group,  
8 party, military force, movement, or other association  
9 in a foreign country, and that relates to the defense,  
10 foreign policy, national security, or related policies of  
11 the United States and other activity in support of  
12 the collection, analysis, production, dissemination, or  
13 use of such information;

14           “(II) activities taken to counter similar activi-  
15 ties directed against the United States;

16           “(III) covert or clandestine activities affecting  
17 the relations of the United States with a foreign  
18 government, political group, party, military force,  
19 movement, or other association;

20           “(IV) the collection, analysis, production, dis-  
21 semination, or use of information about activities of  
22 persons within the United States, its territories and  
23 possessions, or nationals of the United States abroad  
24 whose political and related activities pose, or may be  
25 considered by a department, agency, bureau, office,

1 division, instrumentality, or employee of the United  
2 States to pose, a threat to the internal security of  
3 the United States; and

4 “(V) covert or clandestine activities directed  
5 against persons described in (IV).

6 “(ii) In this clause, the term ‘department or agency’  
7 includes any organization, committee, council, establish-  
8 ment, or office within the Federal Government.

9 “(iii) For purposes of this clause, reference to a de-  
10 partment, agency, bureau, or subdivision shall include a  
11 reference to any successor department, agency, bureau, or  
12 subdivision to the extent that a successor engages in intel-  
13 ligence or intelligence-related activities now conducted by  
14 the department, agency, bureau, or subdivision referred to  
15 in this clause.

16 “(I) Clause 12(a) of rule XXII does not apply to  
17 meetings of a conference committee respecting legislation  
18 (or any part thereof) reported by the Committee on Intel-  
19 ligence.”.

20 (c) Clause 5(a) of rule X of the Rules of the House  
21 of Representatives is amended by adding at the end the  
22 following new subparagraph:

23 “(4)(A) The Committee on Intelligence shall be com-  
24 posed of not more than 18 Members, Delegates, or the  
25 Resident Commissioner, of whom not more than 10 may



1 MEMBERSHIP ON COMMITTEE ON APPROPRIATIONS

2 SEC. 4. Clause 5 of rule X of the Rules of the House  
3 of Representatives is amended by adding at the end the  
4 following new paragraph:

5 “(f) One-third of the members of the Committee on  
6 Intelligence (but if such number is not an even-number  
7 divisible by three, then the next highest even-number that  
8 is divisible by three) shall be members of the Committee  
9 on Appropriations, of whom not more than one-half shall  
10 be from the same party.”.

11 CONFORMING AMENDMENTS

12 SEC. 5. (a) Clause 3(l) of rule X of the Rules of the  
13 House of Representatives is amended by striking “Perma-  
14 nent Select” and by striking “clause 11(b)(1)(A)” and in-  
15 serting “clause 1(k)”.

16 (b) Clause 9(a)(2) of rule X of the Rules of the House  
17 of Representatives is amended by striking “Permanent Se-  
18 lect”.

19 (c) Clause 11 of rule 10 of the Rules of the House  
20 of Representatives is repealed.

21 (d) Clause 2(g)(2)(D) of rule 11 of the Rules of the  
22 House of Representatives is amended by striking “Perma-  
23 nent Select”.

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