

108TH CONGRESS
2D SESSION

H. RES. 837

Amending the Rules of the House of Representatives to establish a standing Committee on Homeland Security and a standing Committee on Intelligence (with jurisdiction over appropriations for intelligence activities), and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2004

Mrs. MALONEY (for herself, Mr. SHAYS, Mr. CASE, Mr. SANDLIN, Mr. DINGELL, and Mr. CARDOZA) submitted the following resolution; which was referred to the Committee on Rules

RESOLUTION

Amending the Rules of the House of Representatives to establish a standing Committee on Homeland Security and a standing Committee on Intelligence (with jurisdiction over appropriations for intelligence activities), 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:

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

7 “(1) The Department of Homeland Security.

1 “(2) Homeland security, generally.

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

4 COMMITTEE ON INTELLIGENCE

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

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

13 “(1) The Central Intelligence Agency, the Di-
14 rector of Central Intelligence, and the National For-
15 eign Intelligence Program as defined in section 3(6)
16 of the National Security Act of 1947.

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

22 “(3) The organization or reorganization of a de-
23 partment or agency of the Government to the extent
24 that the organization or reorganization relates to a
25 function or activity involving intelligence or intel-
26 ligence-related activities.

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

3 “(A) The Central Intelligence Agency, the
4 Director of Central Intelligence, and the Na-
5 tional Foreign Intelligence Program as defined
6 in section 3(6) of the National Security Act of
7 1947.

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

13 “(C) A department, agency, subdivision, or
14 program that is a successor to an agency or
15 program named or referred to in subdivision
16 (A) or (B).

17 “(5) Appropriations for the revenue for the sup-
18 port of the matters referred to in subparagraphs (1)
19 through (4).

20 The committee shall have exclusive jurisdiction over the
21 matters referred to in subparagraphs (1) through (5).”.

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 the Central Intelligence
14 Agency, the Secretary of Defense, the Secretary of State,
15 and the Director of the Federal Bureau of Investigation.
16 Such reports shall review the intelligence and intelligence-
17 related activities of the agency or department concerned
18 and the intelligence and intelligence-related activities of
19 foreign countries directed at the United States or its inter-
20 ests. An unclassified version of each report may be made
21 available to the public at the discretion of the committee.
22 Nothing herein shall be construed as requiring the public
23 disclosure in such reports of the names of persons engaged
24 in intelligence or intelligence-related activities for the
25 United States or the divulging of intelligence methods em-

1 ployed or the sources of information on which the reports
2 are based or the amount of funds authorized to be appro-
3 priated for intelligence and intelligence-related activities.

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

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

17 “(B) Notwithstanding the requirements of the first
18 sentence of clause 2(g)(2) of rule XI, in the presence of
19 the number of members required under the rules of the
20 Committee on Intelligence for the purpose of taking testi-
21 mony or receiving evidence, the committee may vote to
22 close a hearing whenever a majority of those present deter-
23 mines that the testimony or evidence would endanger the
24 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 party member of
16 the committee. After such debate the previous question
17 shall be considered as ordered on the question of approv-
18 ing the recommendation without intervening motion except
19 one motion that the House adjourn. The House shall vote
20 on the question in open session but without divulging the
21 information 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 “(H)(i) In this clause, the term “intelligence and in-
2 intelligence-related activities” includes—

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

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

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

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

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

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

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

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

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

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

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

1 least one Member, Delegate, or the Resident Commis-
2 sioner from each of the following committees:

3 “(i) The Committee on Armed Services.

4 “(ii) The Committee on Homeland Security.

5 “(iii) The Committee on International Rela-
6 tions.

7 “(iv) The Committee on the Judiciary.

8 The committee shall include the chairman and ranking mi-
9 nority party member of the Committee on Appropriations
10 and the chairman and ranking minority party member of
11 the Subcommittee on Defense of the Committee on Appro-
12 priations.

13 “(B) The Speaker and the Minority Leader shall be
14 ex officio members of the Committee on Intelligence, but
15 shall have no vote in the committee and may not be count-
16 ed for purposes of determining a quorum.

17 “(C) The Speaker and Minority Leader each may
18 designate a member of his leadership staff to assist him
19 in his capacity as ex officio member, with the same access
20 to committee meetings, hearings, briefings, and materials
21 as employees of the committee and subject to the same
22 security clearance and confidentiality requirements as em-
23 ployees of the committee under this clause.”.

24 CONFORMING AMENDMENTS

25 SEC. 3. (a)(1) Clause l(b)(1) of rule X of the Rules
26 of the House of Representatives is amended by inserting

1 “, except for matters within the jurisdiction of the Com-
2 mittee on Intelligence” before the period.

3 (2) Clause 1(b)(2) of rule X of the Rules of the House
4 of Representatives is amended by inserting “other than
5 appropriation Acts reported by the Committee on Intel-
6 ligence” before the period.

7 (b) Clause 3(1) of rule X of the Rules of the House
8 of Representatives is amended by striking “Permanent Se-
9 lect” and by striking “clause 11(b)(1)(A)” and inserting
10 “clause 1(k)”.

11 (c) Clause 9(a)(2) of rule X of the Rules of the House
12 of Representatives is amended by striking “Permanent Se-
13 lect”.

14 (d) Clause 11 of rule 10 of the Rules of the House
15 of Representatives is repealed.

16 (e) Clause 2(g)(2)(D) of rule 11 of the Rules of the
17 House of Representatives is amended by striking “Perma-
18 nent Select”.

19 EFFECTIVE DATE

20 SEC. 4. The amendments made by this resolution
21 shall take effect immediately before noon, January 3,
22 2005.

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