

[COMMITTEE PRINT]

116th Congress }
1st Session }

HOUSE OF REPRESENTATIVES

RULES
OF THE
COMMITTEE ON OVERSIGHT AND REFORM
HOUSE OF REPRESENTATIVES

TOGETHER WITH

SELECTED RULES OF THE
HOUSE OF REPRESENTATIVES

AND

SELECTED STATUTES OF INTEREST



2019

Printed for the use of the Committee on Oversight and
Reform

116th Congress }
1st Session }

HOUSE OF REPRESENTATIVES

RULES
OF THE
COMMITTEE ON OVERSIGHT AND REFORM
HOUSE OF REPRESENTATIVES
TOGETHER WITH
SELECTED RULES OF THE
HOUSE OF REPRESENTATIVES
AND
SELECTED STATUTES OF INTEREST



2019

Printed for the use of the Committee on Oversight and Reform

U.S. GOVERNMENT PUBLISHING OFFICE

35-461 PDF

WASHINGTON : 2019

COMMITTEE ON OVERSIGHT AND REFORM

ELIJAH E. CUMMINGS, Maryland, *Chairman*

Carolyn B. Maloney, New York	Jim Jordan, Ohio, <i>Ranking Minority Member</i>
Eleanor Holmes Norton, District of Columbia	Justin Amash, Michigan
Wm. Lacy Clay, Missouri	Paul A. Gosar, Arizona
Stephen F. Lynch, Massachusetts	Virginia Foxx, North Carolina
Jim Cooper, Tennessee	Thomas Massie, Kentucky
Gerald E. Connolly, Virginia	Mark Meadows, North Carolina
Raja Krishnamoorthi, Illinois	Jody B. Hice, Georgia
Jamie Raskin, Maryland	Glenn Grothman, Wisconsin
Harley Rouda, California	James Comer, Kentucky
Katie Hill, California	Michael Cloud, Texas
Debbie Wasserman Schultz, Florida	Bob Gibbs, Ohio
John P. Sarbanes, Maryland	Clay Higgins, Louisiana
Peter Welch, Vermont	Ralph Norman, South Carolina
Jackie Speier, California	Chip Roy, Texas
Robin L. Kelly, Illinois	Carol D. Miller, West Virginia
Mark DeSaulnier, California	Mark E. Green, Tennessee
Brenda L. Lawrence, Michigan	Kelly Armstrong, North Dakota
Stacey E. Plaskett, Virgin Islands	W. Gregory Steube, Florida
Ro Khanna, California	
Jimmy Gomez, California	
Alexandria Ocasio-Cortez, New York	
Ayanna Pressley, Massachusetts	
Rashida Tlaib, Michigan	

DAVID RAPALLO, **Staff Director**

SUSANNE SACHSMAN GROOMS, **Deputy Staff Director and Chief Counsel**

KRISTA BOYD, **General Counsel**

ELISA LANIER, **Chief Clerk and Director of Operations**

CHRISTOPHER HIXON, **Minority Staff Director**

CONTENTS

	Page
I. Rules of the Committee on Oversight and Reform	1
Rule 1.—General	1
Rule 2.—Meetings	1
Rule 3.—Quorums	2
Rule 4.—Committee Reports	2
Rule 5.—Record Votes	3
Rule 6.—Subcommittees; Referrals	3
Rule 7.—Subcommittee Hearing and Meeting Procedure	4
Rule 8.—Staff	5
Rule 9.—Hearings	5
Rule 10.—Committee Records, Open Meetings, Transparency	6
Rule 11.—Audio and Visual Coverage of Committee Proceedings	7
Rule 12.—Additional Duties of the Chair of the Committee	7
Rule 13.—Consideration of Certain Bills and Resolutions	8
Rule 14.—Panels and Task Forces	8
Rule 15.—Deposition Authority	9
Rule 16.—Witness and Privilege Procedure	11
II. Selected Rules of the House of Representatives	13
A. 1. Powers and Duties of the Committee—Rule X of the House	13
2. General Oversight Responsibilities—Rule X, Clauses 2 and 3 of the House	14
3. Additional Functions of Committees—Rule X, Clause 4 of the House and H. Res. 5	17
B. Procedures of Committees and Unfinished Business—Rule XI of the House	18
C. Reports—Selected Excerpts from Rule XIII, Clauses 2, 3 and 4 of the House	31
III. Selected Matters of Interest	35
A. 2 U.S.C. Sec. 191. Oaths to witnesses	35
B. 2 U.S.C. Sec. 192. Refusal of witness to testify or produce pa- pers	35
C. 2 U.S.C. Sec. 193. Privilege of witnesses	35
D. 2 U.S.C. Sec. 194. Certification of failure to testify or produce; grand jury action	35
E. 5 U.S.C. Sec. 552a. Privacy Act exemptions	36
F. 5 U.S.C. Sec. 2302. Prohibited personnel practices	37
G. 5 U.S.C. Sec. 2954. Information to committees of Congress on request	37
H. 5 U.S.C. Sec. 7211. Employees' right to petition Congress	38
I. 18 U.S.C. Sec. 1001. Statements or entries generally	38
J. 18 U.S.C. Sec. 1505. Obstruction of proceedings before depart- ments, agencies, and committees	38
K. 18 U.S.C. Sec. 1621. Perjury generally	39
L. 18 U.S.C. Sec. 6005. Congressional proceedings	39
M. 28 U.S.C. Sec. 535. Investigation of crimes involving Govern- ment officers and employees; limitations	40
N. 31 U.S.C. Sec. 712. Investigating the use of public money	40
O. 31 U.S.C. Sec. 717. Evaluating programs and activities of the United States Government	40
P. 31 U.S.C. Sec. 719. Comptroller General reports	41
Q. 31 U.S.C. Sec. 1113. Congressional information	41

I. RULES OF THE COMMITTEE ON OVERSIGHT AND REFORM

U.S. House of Representatives

116th Congress

Rule 1 — General

(a) **Rules of the House.** The Rules of the House are the rules of the Committee on Oversight and Reform (“the Committee”) and its subcommittees so far as applicable.

(b) **Application of the Rules.** Except where the terms “the Committee” and “subcommittee” are specifically referred to, the following rules shall apply to the Committee and its subcommittees as well as to their respective chairs, ranking minority members, members, and staff.

Rule 2 — Meetings

(a) **Regular Meetings.** The regular meetings of the Committee shall be held on the second Thursday of each month at 10 a.m., when the House is in session. The Chair of the Committee is authorized to dispense with a regular meeting or to change the date thereof when circumstances warrant.

(b) **Additional and Special Meetings.** The Chair of the Committee may call and convene additional meetings, when circumstances warrant. A special meeting of the Committee may be requested by members of the Committee pursuant to the provisions of House Rule XI, clause 2(c)(2).

(c) **Subcommittee Meetings.** Each subcommittee shall meet at the call of its chair, subject to Rule 7.

(d) **Presiding Member.** The Chair of the Committee or a subcommittee shall preside over each meeting and hearing thereof (“the presiding member”). If the Chair of the Committee or a subcommittee is not present during a meeting or hearing thereof, the Vice Chair of the Committee or subcommittee, designated pursuant to House Rule XI, clause 2(d), shall serve as the presiding member during the absence of the Chair. If the Chair and Vice Chair of the Committee or a subcommittee are not present during a meeting or hearing thereof, the ranking member of the majority party on the Committee or subcommittee who is present shall serve as the presiding member during the absence of the Chair and Vice Chair.

(e) **Notice.** The chair of the Committee or a subcommittee shall announce the date, place, and subject matter of a meeting or hearing pursuant to House Rule XI, clause 2(g)(3)(A).

(f) **Agenda.** Every member of the Committee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such days) before each meeting or hearing explaining: (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The Ranking Minority Member shall be responsible for providing the same information on witnesses whom the minority may request.

(g) **Availability of Text.** To the maximum extent practicable, amendments to a measure or matter shall be submitted in writing or electronically to the designee of the Chair and Ranking Minority Member of the Committee or a subcommittee at least 24 hours prior to its consideration of the measure or matter. The Chair may exercise discretion to give priority to amendments submitted pursuant to this process.

Rule 3—Quorums

(a) **Generally.** A majority of the members of the Committee or a subcommittee shall form a quorum for the Committee or subcommittee, respectively, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one third of the members shall form a quorum for taking any action other than for which the presence of a majority of the Committee or subcommittee is otherwise required.

(b) **Subcommittee Field Hearings.** The Chair of the Committee may, at the request of a subcommittee chair, make a temporary assignment of any member of the Committee to such subcommittee for the purpose of constituting a quorum at and participating in any public hearing by such subcommittee to be held outside of Washington, DC. A member appointed to such temporary positions shall not be a voting member. The Chair of the Committee shall give reasonable notice of such temporary assignment to the ranking minority member of the Committee and of the respective subcommittee.

Rule 4—Committee Reports

(a) **Bills and Resolutions.** Each bill or resolution approved by the Committee shall be reported by the Chair of the Committee pursuant to House Rule XIII, clauses 2–4.

(b) **Approval of Investigative and Oversight Reports.** Only those investigative or oversight reports approved by a majority vote of the Committee at a meeting at which a quorum is present may be ordered printed, unless otherwise required by the Rules of the House of Representatives.

(c) **Notice of Investigative and Oversight Reports.** A proposed investigative or oversight report shall not be considered in the Committee unless the proposed report has been available to the members of the Committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such days) before consideration of such proposed report in the Committee. If a hearing has been held on the matter reported upon, every reasonable effort shall be made to have such

hearing printed and available to the members of the Committee before the consideration of the proposed report in the Committee.

(d) **Additional Views.** If at the time of approval of a report, a member of the Committee gives notice of intent to file supplemental, minority, additional, or dissenting views, any member of the Committee shall be entitled to file such views following House Rule XI, clause 2(1) and Rule XIII, clause 3(a)(1).

Rule 5—Record Votes

(a) **Request for Record Vote.** A record vote of the members may be had upon the request of any member upon approval of a one-fifth vote of the members present.

(b) **Postponement of a Record Vote.** Pursuant to House Rule XI, clause 2 (h)(4), the presiding member at a meeting is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment and to resume proceedings on a postponed question at any time after reasonable notice. 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. After consultation with the Ranking Minority Member, the Chair shall take reasonable steps to notify members on the resumption of proceedings on any postponed record vote.

Rule 6—Subcommittees; Referrals

(a)(1) There shall be five subcommittees of the Committee, with appropriate party ratios, as follows:

(A) ***Subcommittee on Civil Rights and Civil Liberties***, which has oversight jurisdiction over: issues related to civil rights, civil liberties and the equal protection of laws, including voting rights, freedom of religion, speech, press, and assembly; equal employment; nondisclosure agreements; criminal justice reform policies; and legislative and oversight jurisdiction over the Census Bureau and the Census.

(B) ***Subcommittee on Economic and Consumer Policy***, which shall have oversight jurisdiction over: income inequality and policies that affect the growth and prosperity of the middle class, including education, housing, labor, trade, small business, agriculture; securities regulation; consumer protection; private sector information technology security, policy, and management; intellectual property; telecommunications; and federal acquisition policy unrelated to national security and information technology.

(C) ***Subcommittee on Environment***, which shall have oversight jurisdiction over: global climate change; environmental protection, public lands, endangered species, air and water quality; oceans; public health; conservation; international agreements; energy policy, research and development; and oversight and legislative jurisdiction over regulatory affairs and federal paperwork reduction.

(D) **Subcommittee on Government Operations**, which shall have oversight jurisdiction over: information security, including cybersecurity and federal information security; information technology policy, management, and procurement; emerging technologies; intellectual property; telecommunications; and privacy.

(E) **Subcommittee on National Security**, which shall have oversight jurisdiction over: national security; homeland security; foreign operations, including the relationships of the United States with other nations; immigration; defense; issues affecting veterans; and oversight and legislative jurisdiction over federal acquisition policy related to national security.

(2) In addition, each subcommittee shall have specific responsibility for such other measures or matters as the Chair of the Committee refers to it.

(3) Each subcommittee with legislative jurisdiction shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

(b) **Referrals.** Bills, resolutions, and other matters may be expeditiously referred by the Chair of the Committee to subcommittees, as appropriate in the determination of the Chair of the Committee, for consideration or investigation in accordance with subcommittees' jurisdictions. Bills, resolutions, and other matters referred to subcommittees may be re-referred or discharged by the Chair of the Committee when, in the judgment of the Chair, the subcommittee is not able to complete its work or cannot reach agreement therein.

(c) **Membership.** The Chair of the Committee shall assign members to the subcommittees and shall designate the chair and vice-chair of each subcommittee. Minority party assignments, including designation of the ranking minority member of each subcommittee, shall be made only with the concurrence of the Ranking Minority Member of the Committee.

(d) **Ex Officio Membership.** The Chair of the Committee and the Ranking Minority Member of the Committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for taking testimony.

Rule 7—Subcommittee Hearing and Meeting Procedure

(a) **Generally.** Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Committee on any measure or matter referred to it.

(b) **During Committee Meetings and Hearings.** No subcommittee may meet or hold a hearing at the same time as a meeting or hearing of the Committee.

(c) **Scheduling.** Each subcommittee chair shall set hearing and meeting dates only with the approval of the Chair of the Committee with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of meetings or hearings.

Rule 8—Staff

(a) **Employment Authority.** Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the Chair of the Committee shall have the authority to hire and discharge employees of the professional and clerical staff of the Committee and subcommittees.

(b) **Duties.** Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the staff of the Committee and subcommittees shall be subject to the direction of the Chair of the Committee and shall perform such duties as the Chair of the Committee may assign.

Rule 9—Hearings

(a) **Generally.** Hearings shall be conducted according to the procedures in House Rule XI, clause 2(k). The Chair of the Committee or subcommittee shall make an opening statement as set forth in House Rule XI, clause 2(k)(1). In addition, the Ranking Minority Member of the Committee or subcommittee may make an opening statement. All questions put to witnesses before the Committee or a subcommittee shall be relevant to the subject matter before the Committee or subcommittee for consideration, and the presiding member shall rule on the relevance of any question put to a witness.

(b) **Recognition and Order of Questioning.** A member may question witnesses only when recognized by the presiding member for that purpose. In accordance with House Rule XI, clause 2(j)(2), the five-minute rule shall apply during the questioning of witnesses in a hearing. The presiding member shall, so far as practicable, recognize alternately based on seniority of those majority and minority members present at the conclusion of the members' opening statements as determined by the Chair for the majority members and the Ranking Minority Member for the minority members. Other members will be recognized based on their arrival at the hearing. Additional time may be extended at the direction of the presiding member.

(c) **Extended Questioning.** The presiding member, or the Committee or subcommittee by motion, may permit a specified number of majority and minority members to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(d) **Staff Questioning.** The presiding member, or the Committee or subcommittee by motion, may permit Committee or subcommittee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(e) **Time for Questioning.** Nothing in paragraph (c) or (d) affects the rights of a member (other than a member designated under paragraph (c)) to question a witness for 5 minutes in accordance with paragraph (b). In any extended questioning permitted under paragraph (c) or (d), the presiding member shall determine how to allocate the time permitted for extended questioning by majority members or staff, and the ranking minority member shall determine how to allocate the time permitted for extended questioning by minority members or staff.

(f) **Witness Statements.** Witnesses appearing before the Committee or a subcommittee shall, so far as practicable, submit written statements at least 24 hours before their appearance.

(g) **Oaths.** The presiding member may administer oaths to any witness before the Committee or subcommittee. All witnesses appearing in hearings may be administered the following oath by the presiding member prior to receiving the testimony: “Do you solemnly swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?”

Rule 10—Committee Records, Open Meetings, Transparency

(a) **Generally.** The Committee and subcommittee staff shall maintain in the Committee offices a complete record of Committee and subcommittee actions from the current Congress including a record of the roll call votes taken at business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the Committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

(b) **Transcripts of Proceedings.** A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the Chair of the Committee may prescribe.

(c) **Open Meetings.** Meetings and hearings shall be open to the public or closed in accordance with the Rules of the House of Representatives.

(d) **Committee Website.** The Chair of the Committee shall maintain an official website on behalf of the Committee for the purpose of furthering the Committee’s legislative and oversight responsibilities, including communicating information about the Committee’s activities to Committee members and other members of the House. To the greatest extent practicable, the Chair of the Committee shall ensure that Committee records are made available on the Committee’s official website in appropriate formats.

(e) **Minority Website.** The Ranking Minority Member of the Committee is authorized to maintain an official website on behalf of the minority members of the Committee for the same purpose as in paragraph (d), including communicating information about the activities of the minority to Committee members and other members of the House.

(f) **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 written request of any member of the Committee.

Rule 11—Audio and Visual Coverage of Committee Proceedings

(a) **Generally.** An open meeting or hearing may be covered, in whole or in part, by television broadcast, radio broadcast, internet broadcast, and still photography, unless closed subject to the provisions of House Rules. Any such coverage shall conform to the provisions of House Rule XI, clause 4.

(b) **Committee Broadcast System.** Use of the Committee Broadcast System shall be fair and nonpartisan, and in accordance with House Rule XI, clause 4(b), and all other applicable rules of the House and the Committee. Members of the Committee shall have prompt access to a copy of coverage by the Committee Broadcast System, to the extent that such coverage is maintained.

(c) **Other Coverage.** Personnel providing coverage of an open meeting or hearing of the Committee by internet broadcast, other than through the Committee Broadcast System shall be currently accredited to the Radio and Television Correspondents' Galleries. If the Committee Broadcast System is not available, the Chair of the Committee may, with the concurrence of the Ranking Minority Member of the Committee, direct staff to provide coverage in a manner that is fair and nonpartisan and in accordance with House Rule XI, clause 4.

Rule 12—Additional Duties of the Chair of the Committee

The Chair of the Committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the Committee, as required by House Rule X, clause 4(c)(2);

(b) Direct such review and studies on—

(1) the impact or probable impact of tax policies affecting subjects within the Committee's jurisdiction, as required by House Rule X, clause 2(c);

(2) the operation of Government activities at all levels, including the Executive Office of the President, as required by House Rule X, clause 3(i);

(3) the effect of laws enacted to reorganize the legislative and executive branches of the Government, as required by House Rule X, clause 4(c)(1)(B); and

(4) 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, as required by House Rule X, clause 4(c)(1)(C);

(c) Submit to the Committee on House Administration the Committee's oversight plan as required by House Rule X, clause 2(d);

(d) Report to the House by April 15 in the first session of Congress, after consultation with the Speaker, the Majority Leader, and the Minority Leader, the oversight plans submitted by committees together with any recommendations that the Committee, or the House leadership group described above, may make to ensure the most effective coordination of oversight plans and otherwise achieve the objectives of House Rule X, clause 2;

(e) Submit to the House such recommendations as the Committee considers necessary or desirable in connection with the reports of the Comptroller General, as required by House Rule X, clause 4(c)(1)(A);

(f) Submit to the Committee on the Budget views and estimates required by House Rule X, clause 4(f), and to file reports with the House as required by the Congressional Budget Act;

(g) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the Committee;

(h) Prepare, after consultation with the Ranking Minority Member of the Committee, a budget for the Committee;

(i) Make any necessary technical and conforming changes to legislation reported by the Committee upon unanimous consent; and

(j) Offer motions under clause 1 of Rule XXII of the Rules of the House (motion to request or agree to a conference) whenever the Chair of the Committee considers it appropriate.

Rule 13—Consideration of Certain Bills and Resolutions

(a) **Commemorative Stamps.** The determination of the subject matter of commemorative stamps and new semi-postal issues is properly for consideration by the Postmaster General and the Committee will not give consideration to legislative proposals specifying the subject matter of commemorative stamps and new semi-postal issues. It is suggested that recommendations for the subject matter of stamps be submitted to the Postmaster General.

(b) **Postal Naming Bills.** The consideration of bills designating facilities of the United States Postal Service shall be conducted so as to minimize the time spent on such matters by the Committee and the House.

(c) **Resolutions.** The Chair of the Committee shall not request to have scheduled any resolution for consideration under suspension of the Rules, which expresses appreciation, commends, congratulates, celebrates, recognizes the accomplishments of, or celebrates the anniversary of, an entity, event, group, individual, institution, team or government program; or acknowledges or recognizes a period of time for such purposes.

Rule 14—Panels and Task Forces

(a) **Generally.** The Chair of the Committee is authorized to appoint panels or task forces to carry out the duties and functions of the Committee.

(b) **Ex Officio Membership.** The Chair and Ranking Minority Member of the Committee may serve as ex-officio members of each panel or task force established under this Rule.

(c) **Appointment of Leadership.** The chair of any panel or task force shall be appointed by the Chair of the Committee. The Ranking Minority Member of the Committee shall select a ranking minority member for each panel or task force.

(d) **Application of Rules.** The House and Committee rules applicable to subcommittee meetings, hearings, recommendations,

and reports shall apply to the meetings, hearings, recommendations, and reports of panels and task forces.

(e) **Termination.** No panel or task force appointed under this Rule shall continue in existence for more than six months. A panel or task force appointed under this Rule may, upon the expiration of six months, be reappointed by the chair.

Rule 15—Deposition Authority

(a) **Generally.** The Chair of the Committee, upon consultation with the Ranking Minority Member of the Committee, may order the taking of depositions, under oath and pursuant to notice or subpoena.

(b) **Notices.** Notices for the taking of depositions shall specify the date, time, and place of examination. All members shall also receive three calendar days' written notice (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such days) that a deposition has been scheduled, except in exigent circumstances. Depositions may continue from day to day.

(c) **Oaths.** Depositions shall be taken under oath administered by a member or a person otherwise authorized to administer oaths.

(d) **Consultation.** Consultation with the Ranking Minority Member of the Committee shall include three calendar days' notice (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such days), and a copy of a proposed deposition subpoena, if applicable, before any deposition is taken.

(e) **Attendance.** Witnesses may be accompanied at a deposition by counsel to advise them of their rights. No one may be present at depositions except members, Committee staff designated by the Chair of the Committee or the Ranking Minority Member of the Committee, an official reporter, the witness, and the witness's counsel. Observers or counsel for other persons, or for agencies under investigation, may not attend.

(f) **Joint Depositions.** The Chair of the Committee may designate a deposition as part of a joint investigation between committees, and in that case, provide notice to members of both committees.

(g) **Who May Question.** A deposition shall be conducted by any member or counsel designated by the Chair of the Committee or Ranking Minority Member of the Committee. When depositions are conducted by Committee counsel, there shall be no more than two Committee counsel permitted to question a witness per round. One of the Committee counsels shall be designated by the Chair of the Committee and the other by the Ranking Minority Member of the Committee. Other Committee staff members designated by the Chair of the Committee or Ranking Minority Member of the Committee may attend, but may not pose questions to the witness.

(h) **Order of Questions.** Questions in the deposition shall be propounded in rounds, alternating between the majority and minority. A single round shall not exceed 60 minutes per side, unless the members or counsel conducting the deposition agree to a different length of questioning. In each round, the member(s) or Committee counsel designated by the Chair of the Committee shall ask questions first, and the member(s) or Committee counsel des-

ignated by the Ranking Minority Member of the Committee shall ask questions second.

(i) **Objections.** Any objection made during a deposition must be stated concisely and in a non-argumentative and non-suggestive manner. The witness may refuse to answer a question only to preserve a privilege. When the witness has refused to answer a question to preserve a privilege, members or staff may (i) proceed with the deposition, or (ii) either at that time or at a subsequent time, seek a ruling from the Chair either by telephone or otherwise. If the Chair of the Committee overrules any such objection during the deposition, the witness shall be ordered to answer. If following the deposition's recess, the Chair of the Committee overrules any such objection and thereby orders a witness to answer any question to which a privilege objection was lodged, such ruling shall be filed with the clerk of the Committee and shall be provided to the members and the witness no less than three days before the reconvened deposition. If a member of the Committee appeals in writing the ruling of the Chair, the appeal shall be preserved for Committee consideration. A deponent who refuses to answer a question after being directed by the Chair in writing, or orally during the proceeding as reflected in the record, may be subject to sanction, except that no sanctions may be imposed if the ruling of the Chair is reversed by the Committee on appeal.

(j) **Record of Testimony.** Committee staff shall ensure that the testimony is either transcribed or electronically recorded or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days after the witness has been notified of the opportunity to review the transcript, the witness may submit suggested changes to the Chair of the Committee. Committee staff may make any typographical and technical changes. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter signed by the witness requesting the changes and a statement of the witness's reasons for each proposed change. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

(k) **Transcription Requirements.** The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the Committee in Washington, D.C. Depositions shall be considered to have been taken in Washington, D.C., as well as the location actually taken once filed there with the clerk of the Committee for the Committee's use. The Chair of the Committee and the Ranking Minority Member of the Committee shall be provided with a copy of the transcripts of the deposition at the same time.

(l) **Release.** The Chair of the Committee and Ranking Minority Member of the Committee shall consult in advance regarding the release of deposition testimony, transcripts, or recordings, and portions thereof. If either objects in writing to a proposed release of a deposition testimony, transcript or recording, or a portion thereof,

the matter shall be promptly referred to the Committee for resolution.

(m) **Provision of Rules to Witnesses.** A witness shall not be required to testify unless the witness has been provided with a copy of the Committee's rules.

Rule 16—Witness and Privilege Procedure

(a) **Witness Disclosures.** Witnesses appearing at a hearing of the Committee or a subcommittee in a non-governmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of each federal grant (or subgrant thereof) or contract (or subcontract thereof), as well as the amount and source of payments or contracts originating from foreign governments, insofar as they relate to the subject matter of the hearing, received during the current calendar year or either of the two previous calendar years, by the witness or by an entity represented by the witness.

(b) **Representation by Counsel.** When representing a witness or entity before the Committee or a subcommittee in response to a request or subpoena from the Committee, or in connection with testimony before the Committee or a subcommittee, counsel for the witness or entity must promptly submit to the Committee a notice of appearance specifying the following: (1) counsel's name, firm or organization, bar membership, and contact information including email; and (2) each client or entity represented by the counsel in connection with the proceeding.

(c) **Privileges.** The Chair of the Committee has the authority to rule on assertions of privilege.

(1) For the Chair to consider assertions of privilege over testimony or statements, witnesses or entities must clearly state the specific privilege being asserted and the reason for the assertion on or before the scheduled date of testimony or appearance, or upon a demand from the Chair of the Committee that provides for a subsequent due date.

(2) For the Chair to consider an assertion of privilege over a document, on or before the scheduled date of testimony or appearance, or upon a demand from the Chair of the Committee that provides for a subsequent due date, the assertion must be set forth in a privilege log that includes the following information for each document for which a privilege is asserted: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipients; (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege asserted.

(3) The only assertions of executive privilege that the Chair of the Committee will consider are those made in writing by an executive branch official authorized to assert the privilege.

(4) The Chair of the Committee may waive or modify any of the requirements of this rule in order to facilitate cooperation.

II. SELECTED RULES OF THE HOUSE OF REPRESENTATIVES

A. 1. Powers and Duties of the Committee—Rule X of the House

House Rule X provides for the organization of standing committees. The first paragraph of clause 1 of Rule X and subdivision (n) thereof reads as follows:

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:

* * * * *

- (n) Committee on Oversight and 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.
 - (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.

2. General Oversight Responsibilities—Rule X, Clauses 2 and 3 of the House

Clause 2 of Rule X relates to general oversight responsibilities. Paragraphs (a), (b), (c), (d), and (e) of clause 2 read as follows:

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

(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) 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 March 1 of the first session of a Congress, each standing committee (other than the Committee on Appropriations, the Committee on Ethics, and the Committee on Rules) shall—

- (A) prepare, in consultation with the ranking minority member, an oversight plan for that Congress;
 - (B) provide a copy of that plan to each member of the committee for at least seven calendar days before its submission; and
 - (C) submit that plan (including any supplemental, minority, additional, or dissenting views submitted by a member of the committee) simultaneously to the Committee on Oversight and Reform and the Committee on House Administration.
- (2) In developing the plan, the chair of 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 with the objective of ensuring maximum coordination and cooperation among committees when conducting reviews of such laws, programs, or agencies and include in the 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 the 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 the committee's jurisdiction are subject to review every 10 years; and
 - (E) have a view toward insuring against duplication of federal programs.
- (3) Not later than April 15 in the first session of a Congress, after consultation with the Speaker, the Majority Leader, and the Minority Leader, the Committee on Oversight and Reform shall report to the House the oversight plans submitted under subparagraph (1) 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 objectives of this clause.

Special oversight functions

Clause 3 of Rule X also relates to oversight functions. Paragraph (i) reads as follows:

* * * * *

(i) The Committee on Oversight and Reform shall review and study on a continuing basis the operation of Government activities at all levels, including the Executive Office of the President.

3. Additional Functions of Committees—Rule X, Clause 4 of the House and H. Res. 5

Clause 4 of Rule X relates to additional functions of committees. Paragraph (c) of clause 4 reads as follows:

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

(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 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 committee having jurisdiction over the matter involved.

(3)(A) The Committee on Oversight and 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 timely.

**B. Procedures of Committees and Unfinished Business—
Rule XI of the House**

Clauses 1, 2, 4, 5 and 6 of Rule XI are set out below.

In general

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

(B) Each subcommittee is a part of its committee and is subject to the authority and direction of that committee and to its rules, so far as applicable.

(2)(A) In a committee or subcommittee—

(i) a motion to recess from day to day, or to recess subject to the call of the Chair (within 24 hours), shall be privileged; and

(ii) a motion to dispense with the first reading (in full) of a bill or resolution shall be privileged if printed copies are available.

(B) A motion accorded privilege under this subparagraph shall be decided without debate.

(b)(1) Each committee may conduct at any time such investigations and studies as it considers necessary or appropriate in the exercise of its responsibilities under rule X. Subject to the adoption of expense resolutions as required by clause 6 of rule X, each committee may incur expenses, including travel expenses, in connection with such investigations and studies.

(2) A proposed investigative or oversight report shall be considered as read in committee if it has been available to the members for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day).

(3) A report of an investigation or study conducted jointly by more than one committee may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

(4) After an adjournment sine die of the last regular session of a Congress, an investigative or oversight report may be filed with the Clerk at any time, provided that a member who gives timely notice of intention to file supplemental, minority, additional, or dissenting views shall be entitled to not less than seven calendar days in which to submit such views for inclusion in the report.

(c) Each committee may have printed and bound such testimony and other data as may be presented at hearings held by the committee or its subcommittees. All costs of stenographic services and transcripts in connection with a meeting or hearing of a committee shall be paid from the applicable accounts of the House described in clause 1(k)(1) of rule X.

(d)(1) Not later than January 2 of each odd-numbered year, a committee shall submit to the House a report on the activities of that committee.

(2) Such report shall include—

(A) separate sections summarizing the legislative and oversight activities of that committee under this rule and rule X during the Congress;

(B) a summary of the authorization and oversight plans submitted by the committee under clause 2(d) of rule X;

(C) a summary of the actions taken and recommendations made with respect to the authorization and oversight plans specified in subdivision (B);

(D) a summary of any additional oversight activities undertaken by that committee and any recommendations made or actions taken thereon; and

(E) a delineation of any hearings held pursuant to clauses 2(n), (o), or (p) of this rule.

(3) After an adjournment sine die of the last regular session of a Congress, or after December 15 of an even-numbered year, whichever occurs first, the chair of a committee may file the report described in subparagraph (1) with the Clerk at any time and without approval of the committee, provided that—

(A) a copy of the report has been available to each member of the committee for at least seven calendar days; and

(B) the report includes any supplemental, minority, additional, or dissenting views submitted by a member of the committee.

Adoption of written rules

2. (a)(1) Each standing committee shall adopt written rules governing its procedure. Such rules—

(A) shall be adopted in a meeting that is open to the public unless the committee, in open session and with a quorum present, determines by record vote that all or part of the meeting on that day shall be closed to the public;

(B) may not be inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House;

(C) shall in any event incorporate all of the succeeding provisions of this clause to the extent applicable; and

(D) shall include provisions to govern the implementation of clause 4 as provided in paragraph (f) of such clause.

(2) Each committee shall make its rules publicly available in electronic form and submit such rules for publication in the Congressional Record not later than 60 days after the chair of the committee is elected in each odd-numbered year.

(3) A committee may adopt a rule providing that the chair be directed to offer a motion under clause 1 of rule XXII whenever the chair considers it appropriate.

Regular meeting days

(b) Each standing committee shall establish regular meeting days for the conduct of its business, which shall be not less frequent than monthly. Each such committee shall meet for the consideration of a bill or resolution pending before the committee or the transaction of other committee business on all regular meeting days fixed by the committee if notice is given pursuant to paragraph (g)(3).

Additional and special meetings

(c)(1) The chair of each standing committee may call and convene, as the chair considers necessary, additional and special meetings of the committee for the consideration of a bill or resolution pending before the committee or for the conduct of other committee business, subject to such rules as the committee may adopt. The committee shall meet for such purpose under that call of the chair.

(2) Three or more members of a standing committee may file in the offices of the committee a written request that the chair call a special meeting of the committee. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chair of the filing of the request. If the chair does not call the requested special meeting within three calendar days after the filing of the request (to be held within seven calendar days after the filing of the request) a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held. The written notice shall specify the date and hour of the special meeting and the measure or matter to be considered. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Such notice shall also be made publicly available in electronic form and shall be deemed to satisfy paragraph (g)(3)(A)(ii). Only the measure or matter specified in that notice may be considered at that special meeting.

Temporary absence of chair

(d) A member of the majority party on each standing committee or subcommittee thereof shall be designated by the chair of the full committee as the vice chair of the committee or subcommittee, as the case may be, and shall preside during the absence of the chair from any meeting. If the chair and vice chair of a committee or subcommittee are not present at any meeting of the committee or subcommittee, the ranking majority member who is present shall preside at that meeting.

Committee records

(e)(1)(A) Each committee shall keep a complete record of all committee action which shall include—

(i) in the case of a meeting or hearing transcript, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(ii) a record of the votes on any question on which a record vote is taken.

(B)(i) Except as provided in subdivision (B)(ii) and subject to paragraph (k)(7), the result of each such record vote shall be made available by the committee for inspection by the public at reasonable times in its offices and also made publicly available in electronic form within 48 hours of such record vote. Information so available shall include a description of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting.

(ii) The result of any record vote taken in executive session in the Committee on Ethics may not be made available for inspection by the public without an affirmative vote of a majority of the members of the committee.

(2)(A) Except as provided in subdivision (B), all committee records (including hearings, data, charts, and files) shall be kept separate and distinct from the congressional office records of the member serving as its chair. Such records shall be the property of the House, and each Member, Delegate, and the Resident Commissioner shall have access thereto.

(B) A Member, Delegate, or Resident Commissioner, other than members of the Committee on Ethics, may not have access to the records of that committee respecting the conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House without the specific prior permission of that committee.

(3) Each committee shall include in its rules standards for availability of records of the committee delivered to the Archivist of the United States under rule VII. Such standards shall specify procedures for orders of the committee under clause 3(b)(3) and clause 4(b) of rule VII, including a requirement that nonavailability of a record for a period longer than the period otherwise applicable under that rule shall be approved by vote of the committee.

(4) Each committee shall make its publications available in electronic form to the maximum extent feasible.

(5) To the maximum extent practicable, each committee shall—

(A) provide audio and video coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily listen to and view the proceedings; and

(B) maintain the recordings of such coverage in a manner that is easily accessible to the public.

(6) Not later than 24 hours after the adoption of any amendment to a measure or matter considered by a committee, the chair of such committee shall cause the text of each such amendment to be made publicly available in electronic form.

Prohibition against proxy voting

(f) A vote by a member of a committee or subcommittee with respect to any measure or matter may not be cast by proxy.

Open meetings and hearings

(g)(1) Each meeting for the transaction of business, including the markup of legislation, by a standing committee or subcommittee thereof (other than the Committee on Ethics or its subcommittees) shall be open to the public, including to radio, television, and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be in executive session because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade, or incriminate any person, or otherwise would violate a law or rule of the House. Persons, other than members of the committee and such noncommittee Members, Delegates, Resident Commissioner, congressional staff, or departmental representatives as the committee may authorize, may not be present at a business or markup session that is held in executive session. This subparagraph does not apply to open committee hearings, which are governed by clause 4(a)(1) of rule X or by subparagraph (2).

(2)(A) Each hearing conducted by a committee or subcommittee (other than the Committee on Ethics or its subcommittees) shall be open to the public, including to radio, television, and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by record 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 national security, would compromise sensitive law enforcement information, or would violate a law or rule of the House.

(B) Notwithstanding the requirements of subdivision (A), in the presence of the number of members required under the rules of the committee for the purpose of taking testimony, a majority of those present may—

(i) agree to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger national security, would com-

promise sensitive law enforcement information, or would violate clause 2(k)(5); or

(ii) agree to close the hearing as provided in clause 2(k)(5).

(C) A Member, Delegate, or Resident Commissioner may not be excluded from nonparticipatory attendance at a hearing of a committee or subcommittee (other than the Committee on Ethics or its subcommittees) unless the House by majority vote authorizes a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegates, and the Resident Commissioner by the same procedures specified in this subparagraph for closing hearings to the public.

(D) The committee or subcommittee may vote by the same procedure described in this subparagraph to close one subsequent day of hearing, except that the Committee on Appropriations, the Committee on Armed Services, the Committee on Homeland Security and the Permanent Select Committee on Intelligence, and the subcommittees thereof, may vote by the same procedure to close up to five additional, consecutive days of hearings.

(3)(A) The chair of a committee shall announce the date, place, and subject matter of—

(i) a committee hearing, which may not commence earlier than one week after such notice; or

(ii) a committee 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.

(B) A hearing or meeting may begin sooner than specified in subdivision (A) in either of the following circumstances (in which case the chair shall make the announcement specified in subdivision (A) at the earliest possible time):

(i) the chair of the committee, with the concurrence of the ranking minority member, determines that there is good cause; or

(ii) the committee so determines by majority vote in the presence of the number of members required under the rules of the committee for the transaction of business.

(C) An announcement made under this subparagraph shall be published promptly in the Daily Digest and made publicly available in electronic form.

(D) This subparagraph and subparagraph (4) shall not apply to the Committee on Rules.

(4) At least 24 hours prior to the commencement of a meeting for the markup of legislation, or at the time of an announcement under subparagraph (3)(B) made within 24 hours before such meeting, the chair of the committee

shall cause the text of such legislation to be made publicly available in electronic form.

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae 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 previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) 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

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with 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.

(6)(A) Except as provided in subdivision (B), a point of order does not lie with respect to a measure reported by a committee on the ground that hearings on such measure were not conducted in accordance with this clause.

(B) A point of order on the ground described in subdivision (A) may be made by a member of the committee that reported the measure if such point of order was timely made and improperly disposed of in the committee.

(7) This paragraph does not apply to hearings of the Committee on Appropriations under clause 4(a)(1) of rule X.

Quorum requirements

(h)(1) A measure or recommendation may not be reported by a committee unless a majority of the committee is actually present.

(2) Each committee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence, which may not be less than two.

(3) Each committee (other than the Committee on Appropriations, the Committee on the Budget, and the Committee on Ways and Means) may fix the number of its members to constitute a quorum for taking any action other than one for which the presence of a majority of the committee is otherwise required, which may not be less than one-third of the members.

(4)(A) Each committee may adopt a rule authorizing the chair of a committee or subcommittee—

(i) to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment; and

(ii) to resume proceedings on a postponed question at any time after reasonable notice.

(B) A rule adopted pursuant to this subparagraph shall provide that 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.

Limitation on committee sittings

(i) A committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

Calling and questioning of witnesses

(j)(1) Whenever a hearing is conducted by a committee on a measure or matter, the minority members of the committee shall be entitled, upon request to the chair by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(2)(A) Subject to subdivisions (B) and (C), each committee shall apply the five-minute rule during the questioning of witnesses in a hearing until such time as each member of the committee who so desires has had an opportunity to question each witness.

(B) A committee may adopt a rule or motion permitting a specified number of its members to question a witness for longer than five minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

(C) A committee may adopt a rule or motion permitting committee staff for its majority and minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

Hearing procedures

(k)(1) The chair at a hearing shall announce in an opening statement the subject of the hearing.

(2) A copy of the committee rules and of this clause shall be made available to each witness on request.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chair may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted by a member of the committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness—

(A) notwithstanding paragraph (g)(2), such testimony or evidence shall be presented in executive session if, in the presence of the number of members required under the rules of the committee for the purpose of taking testimony, the committee determines by vote of a majority of those present that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if the committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chair shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) Evidence or testimony taken in executive session, and proceedings conducted in executive session, may be released or used in public sessions only when authorized by the committee, a majority being present.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinence of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of the testimony of such witness given at a public session or, if given at an executive session, when authorized by the committee.

Supplemental, minority, additional, or dissenting views

(1) If at the time of approval of a measure or matter by a committee (other than the Committee on Rules) a member of the committee gives notice of intention to file supplemental, minority, additional, or dissenting views for inclusion in the report to the House thereon, all members shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays except when the House is in

session on such a day) to file such written and signed views with the clerk of the committee.

Power to sit and act; subpoena power

(m)(1) For the purpose of carrying out any of its functions and duties under this rule and rule X (including any matters referred to it under clause 2 of rule XII), a committee or subcommittee is authorized (subject to subparagraph (3)(A))—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it considers necessary; and

(B) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it considers necessary.

(2) The chair of the committee, or a member designated by the chair, may administer oaths to witnesses.

(3)(A)(i) Except as provided in subdivision (A)(ii), a subpoena may be authorized and issued by a committee or subcommittee under subparagraph (1)(B) in the conduct of an investigation or series of investigations or activities only when authorized by the committee or subcommittee, a majority being present. The power to authorize and issue subpoenas under subparagraph (1)(B) may be delegated to the chair of the committee under such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chair of the committee or by a member designated by the committee.

(ii) In the case of a subcommittee of the Committee on Ethics, a subpoena may be authorized and issued only by an affirmative vote of a majority of its members.

(B) A subpoena duces tecum may specify terms of return other than at a meeting or hearing of the committee or subcommittee authorizing the subpoena.

(C) Compliance with a subpoena issued by a committee or subcommittee under subparagraph (1)(B) may be enforced only as authorized or directed by the House.

(n)(1) Each standing committee, or a subcommittee thereof, shall hold at least one hearing during each 120-day period following the establishment of the committee on the topic of waste, fraud, abuse, or mismanagement in Government programs which that committee may authorize.

(2) A hearing described in subparagraph (1) shall include a focus on the most egregious instances of waste, fraud, abuse, or mismanagement as documented by any report the committee has received from a Federal Office of the Inspector General or the Comptroller General of the United States.

(o) Each committee, or a subcommittee thereof, shall hold at least one hearing in any session in which the committee has received disclaimers of agency financial statements from auditors of any Federal agency that the committee may authorize to hear testimony on such disclaimers from representatives of any such agency.

(p) Each standing committee, or a subcommittee thereof, shall hold at least one hearing on issues raised by reports issued by the Comptroller General of the United States indicating that Federal programs or operations that the committee may authorize are at high risk for waste, fraud, and mismanagement, known as the “high-risk list” or the “high-risk series.”

* * * * *

Audio and visual coverage of committee proceedings

4.(a) The purpose of this clause is to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings or committee meetings that are open to the public may be covered by audio and visual means—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body, and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution as an institution of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause may not be used for any partisan political campaign purpose or be made available for such use.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered under authority of this clause by audio or visual means, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations, and may not be such as to—

(1) distort the objects and purposes of the hearing or other meeting or the activities of committee members in connection with that hearing or meeting or in connection with the general work of the committee or of the House; or

(2) cast discredit or dishonor on the House, the committee, or a Member, Delegate, or Resident Commissioner or bring the House, the committee, or a Member, Delegate, or Resident Commissioner into disrepute.

(d) The coverage of committee hearings and meetings by audio and visual means shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever a hearing or meeting conducted by a committee or subcommittee is open to the public, those proceedings shall be open to coverage by audio and visual means. A committee or subcommittee chair may not limit the number of television or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(f) Written rules adopted by each committee pursuant to clause 2(a)(1)(D) shall contain provisions to the following effect:

(1) If audio or visual coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) The allocation among the television media of the positions or the number of television cameras permitted by a committee or subcommittee chair in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(3) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(4) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(5) Equipment necessary for coverage by the television and radio media may not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(6)(A) Except as provided in subdivision (B), floodlights, spotlights, strobelights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(B) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in a hearing or meeting room to the lowest level necessary to provide adequate television coverage of a

hearing or meeting at the current state of the art of television coverage.

(7) If requests are made by more of the media than will be permitted by a committee or subcommittee chair for coverage of a hearing or meeting by still photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(8) Photographers may not position themselves between the witness table and the members of the committee at any time during the course of a hearing or meeting.

(9) Photographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(10) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Pay of witnesses

5. Witnesses appearing before the House or any of its committees shall be paid the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, Delegates, the Resident Commissioner, and employees of the House, plus actual expenses of travel to or from the place of examination. Such per diem may not be paid when a witness has been summoned at the place of examination.

Unfinished business of the session

6. All business of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress in the same manner as if no adjournment had taken place.

**C. Reports—Selected Excerpts from Rule XIII, Clauses 2, 3
and 4 of the House**

Filing and printing of reports

2. (a)(1) Except as provided in subparagraph (2), all reports of committees (other than those filed from the floor) shall be delivered to the Clerk for printing and reference to the proper calendar under the direction of the Speaker in accordance with clause 1. The title or subject of each report shall be entered on the Journal and printed in the Congressional Record.

(2) A bill or resolution reported adversely (other than those filed as privileged) shall be laid on the table unless a committee to which the bill or resolution was referred requests at the time of the report its referral to an appropriate calendar under clause 1 or unless, within three days thereafter, a Member, Delegate, or Resident Commissioner makes such a request.

(b)(1) It shall be the duty of the chair of each committee to report or cause to be reported promptly to the House a measure or matter approved by the committee and to take or cause to be reported promptly to the House a measure or matter approved by the committee and to take or cause to be taken steps necessary to bring the measure or matter to a vote.

(2) In any event, the report of a committee on a measure that has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which a written request for the filing of the report, signed by a majority of the members of the committee, has been filed with the clerk of the committee. The clerk of the committee shall immediately notify the chair of the filing of such a request. This subparagraph does not apply to a report of the Committee on Rules with respect to a rule, joint rule, or order of business of the House, or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(c) All supplemental, minority, additional, or dissenting views filed under clause 2(1) of rule XI by one or more members of a committee shall be included in, and shall be a part of, the report filed by the committee with respect to a measure or matter. When time guaranteed by clause 2(1) of rule XI has expired (or, if sooner, when all separate views have been received), the committee may arrange to file its report with the Clerk not later than one hour after the expiration of such time. This clause and provisions of clause 2(1) of rule XI do not preclude the immediate filing or printing of a committee report in the absence of a timely request for the opportunity to file supplemental, minority, additional, or dissenting views as provided in clause 2(1) of rule XI.

Content of reports

3. (a)(1) Except as provided in subparagraph (2), the report of a committee on a measure or matter shall be printed in a single volume that—

(A) shall include all supplemental, minority, additional, or dissenting views that have been submitted by the time of the filing of the report; and

(B) shall bear on its cover a recital that any such supplemental, minority, additional, or dissenting views (and any material submitted under paragraph (c)(3)) are included as part of the report.

(2) A committee may file a supplemental report for the correction of a technical error in its previous report on a measure or matter. A supplemental report only correcting errors in the depiction of record votes under paragraph (b) may be filed under this subparagraph and shall not be subject to the requirement in clause 4 or clause 6 concerning the availability of reports.

(b) With respect to each record vote on a motion to report a measure or matter of a public nature, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of members voting for and against, shall be included in the committee report. The preceding sentence does not apply to votes taken in executive session by the Committee on Ethics, and applies only to the maximum extent practicable to a report by the Committee on Rules on a rule, joint rule, or the order of business.

(c) The report of a committee on a measure that has been approved by the committee shall include, separately set out and clearly identified, the following:

(1) Oversight findings and recommendations under clause 2(b)(1) of rule X.

(2) The statement required by section 308(a) of the Congressional Budget Act of 1974, except that an estimate of new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant programs to the appropriate levels under current law.

(3) An estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 if timely submitted to the committee before the filing of the report.

(4) A statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding.

(5) On a bill or joint resolution that establishes or reauthorizes a Federal program, a statement indicating whether any such program is known to be duplicative of another such program, including at a minimum an explanation of whether any such program was included in a report to Congress pursuant to section 21 of Public Law 111-139 or whether the most recent Catalog of Federal Domestic Assistance (published pursuant to section 6104 of title 31, United States Code) identified other programs related to the program established or reauthorized by the measure.

(d) Each report of a committee on a public bill or public joint resolution shall contain the following:

(1)(A) An estimate by the committee of the costs that would be incurred in carrying out the bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following that fiscal year (or for the authorized duration

of any program authorized by the bill or joint resolution if less than five years);

(B) a comparison of the estimate of costs described in subdivision (A) made by the committee with any estimate of such costs made by a Government agency and submitted to such committee; and

(C) when practicable, a comparison of the total estimated funding level for the relevant programs with the appropriate levels under current law.

(2)(A) In subparagraph (1) the term “Government agency” includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia.

(B) Subparagraph (1) does not apply to the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, or the Committee on Ethics, and does not apply when a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been included in the report under paragraph (c)(3).

(e)(1) Whenever a committee reports a bill or joint resolution proposing to repeal or amend a statute or part thereof, it shall include in its report or in an accompanying document (showing by appropriate typographical devices the omissions and insertions proposed)—

(A) the entire text of each section of a statute that is proposed to be repealed; and

(B) a comparative print of each amendment to the entire text of a section of a statute that the bill or joint resolution proposes to make.

(2) If a committee reports a bill or joint resolution proposing to repeal or amend a statute or part thereof with a recommendation that the bill or joint resolution be amended, the comparative print required by subparagraph (1) shall reflect the changes in existing law proposed to be made by the bill or joint resolution as proposed to be amended.

Availability of reports

4. (a)(1) Except as specified in subparagraph (2), it shall not be in order to consider in the House a measure or matter reported by a committee until the proposed text of each report (except views referred to in clause 2(1) of rule XI) of a committee on that measure or matter has been available to Members, Delegates, and the Resident Commissioner for 72 hours.

(2) Subparagraph (1) does not apply to—

(A) a resolution providing a rule, joint rule, or order of business reported by the Committee on Rules considered under clause 6;

(B) a resolution providing amounts from the applicable accounts described in clause 1(k)(1) of rule X reported by the Committee on House Administration considered under clause 6 of rule X;

(C) a resolution presenting a question of the privileges of the House reported by any committee;

(D) a measure for the declaration of war, or the declaration of a national emergency, by Congress; and

(E) a measure providing for the disapproval of a decision, determination, or action by a Government agency that would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress. In this subdivision the term "Government agency" includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or of the government of the District of Columbia.

(b) A committee that reports a measure or matter shall make every reasonable effort to have its hearings thereon (if any) printed and available for distribution to Members, Delegates, and the Resident Commissioner before the consideration of the measure or matter in the House.

III. SELECTED MATTERS OF INTEREST

A. 2 U.S.C. Sec. 191. Oaths to witnesses

The President of the Senate, the Speaker of the House of Representatives, or a chairman of any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or of a committee of the whole, or of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination.

Any member of either House of Congress may administer oaths to witnesses in any matter depending in either House of Congress of which he is a Member, or any committee thereof.

B. 2 U.S.C. Sec. 192. Refusal of witness to testify or produce papers

Every person who having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than \$1,000 nor less than \$100 and imprisonment in a common jail for not less than one month nor more than twelve months.

C. 2 U.S.C. Sec. 193. Privilege of witnesses

No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of Congress, or by any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous.

D. 2 U.S.C. Sec. 194. Certification of failure to testify or produce; grand jury action

Whenever a witness summoned as mentioned in section 192 of this title fails to appear to testify or fails to produce any books, papers, records, or documents, as required, or whenever any witness so summoned refuses to answer any question pertinent to the subject under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee or subcommittee of either House of Congress, and the fact of such failure or failures is reported to either House while Congress is in session or when Congress is not in session, a statement of fact constituting such failure is reported to and filed with the President of the Senate or the Speaker of the House, it shall be the duty of the said President of the Senate or Speaker of the House, as the case may be, to certify, and he shall so certify, the statement of facts aforesaid under the seal of the

Senate or House, as the case may be, to the appropriate United States attorney, whose duty it shall be to bring the matter before the grand jury for its action.

E. 5 U.S.C. Sec. 552a. Privacy Act exemptions

* * * * *

(b) Conditions of Disclosure.—No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be—

(1) to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

(2) required under section 552 of this title;

(3) for a routine use as defined in subsection (a)(7) of this section and described under subsection (e)(4)(D) of this section;

(4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

(5) to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) to the National Archives and Records Administration as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Archivist of the United States or the designee of the Archivist to determine whether the record has such value;

(7) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the Government Accountability Office;

(11) pursuant to the order of a court of competent jurisdiction; or

(12) to a consumer reporting agency in accordance with section 3711(e) of title 31.

F. 5 U.S.C. Sec. 2302. Prohibited personnel practices

* * * * *

(b) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority—(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: “These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.”

This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress. For purposes of paragraph (8), (i) any presumption relating to the performance of a duty by an employee whose conduct is the subject of a disclosure as defined under subsection (a)(2)(D) may be rebutted by substantial evidence, and (ii) a determination as to whether an employee or applicant reasonably believes that such employee or applicant has disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee or applicant could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.

G. 5 U.S.C. Sec. 2954. Information to committees of Congress on request

An Executive agency, on request of the Committee on Government Operations of the House of Representatives, or of any seven members thereof, or on request of the Committee on Governmental Affairs of the Senate, or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee.

H. 5 U.S.C. Sec. 7211. Employees’ right to petition Congress

The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to ei-

ther House of Congress, or to a committee or Member thereof, may not be interfered with or denied.

I. 18 U.S.C. Sec. 1001. Statements or entries generally

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the the Government of the United States, knowingly and willfully—

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

(c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to—

(1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or

(2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.

J. 18 U.S.C. Sec. 1505. Obstruction of proceedings before departments, agencies, and committees

Whoever, with intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any civil investigative demand duly and properly made under the Antitrust Civil Process Act, willfully withholds, misrepresents, removes from any place, conceals, covers up, destroys, mutilates, alters, or by other means falsifies any documentary material, answers to written interrogatories, or oral testimony, which is the subject of such demand; or attempts to do so or solicits another to do so; or

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States,

or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress—

Shall be fined under this title imprisoned not more than 5 years, or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both.

K. 18 U.S.C. Sec. 1621. Perjury generally

Whoever—

- (1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or
- (2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;

is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

L. 18 U.S.C. Sec. 6005. Congressional proceedings

(a) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before or ancillary to either House of Congress, or any committee, or any subcommittee of either House, or any joint committee of the two Houses, a United States district court shall issue, in accordance with subsection (b) of this section, upon the request of a duly authorized representative of the House of Congress or the committee concerned, an order requiring such individual to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in section 6002 of this title.

(b) Before issuing an order under subsection (a) of this section, a United States district court shall find that—

(1) in the case of a proceeding before or ancillary to either House of Congress, the request for such an order has been approved by an affirmative vote of a majority of the Members present of that House;

(2) in the case of a proceeding before or ancillary to a committee or a subcommittee of either House of Congress or a joint committee of both Houses, the request for such an order has been approved by an affirmative vote of two-thirds of the members of the full committee; and

(3) ten days or more prior to the day on which the request for such an order was made, the Attorney General was served with notice of an intention to request the order.

(c) Upon application of the Attorney General, the United States district court shall defer the issuance of any order under subsection

(a) of this section for such period, not longer than twenty days from the date of the request for such order, as the Attorney General may specify.

M. 28 U.S.C. Sec. 535. Investigation of crimes involving Government officers and employees; limitations

* * * * *

(b) Any information, allegation, matter, or complaint witnessed, discovered, or received in a department or agency of the executive branch of the Government relating to violations of Federal criminal law involving Government officers and employees shall be expeditiously reported to the Attorney General by the head of the department or agency, or the witness, discoverer, or recipient, as appropriate, unless—

(1) the responsibility to perform an investigation with respect thereto is specifically assigned otherwise by another provision of law; or

(2) as to any department or agency of the Government, the Attorney General directs otherwise with respect to a specified class of information, allegation, or complaint.

N. 31 U.S.C. Sec. 712. Investigating the use of public money

The Comptroller General shall—

* * * * *

(3) analyze expenditures of each executive agency the Comptroller General believes will help Congress decide whether public money has been used and expended economically and efficiently;

(4) make an investigation and report ordered by either House of Congress or a committee of Congress having jurisdiction over revenue, appropriations, or expenditures; and

(5) give a committee of Congress having jurisdiction over revenue, appropriations, or expenditures the help and information the committee requests.

O. 31 U.S.C. Sec. 717. Evaluating programs and activities of the United States Government

* * * * *

(d)(1) On request of a committee of Congress, the Comptroller General shall help the committee to—

(A) develop a statement of legislative goals and ways to assess and report program performance related to the goals, including recommended ways to assess performance, information to be reported, responsibility for reporting, frequency of reports, and feasibility of pilot testing; and

(B) assess program evaluations prepared by and for an agency.

(2) On request of a member of Congress, the Comptroller General shall give the member a copy of the material the Comptroller General compiles in carrying out this subsection that has been released by the committee for which the material was compiled.

P. 31 U.S.C. Sec. 719. Comptroller General reports

* * * * *

(d) The Comptroller General shall report on analyses carried out under section 712(3) of this title to the Committees on Governmental Affairs and Appropriations of the Senate, the Committees on Government Operations and Appropriations of the House, and the committees with jurisdiction over legislation related to the operation of each executive agency.¹

* * * * *

(h) On request of a committee of Congress, the Comptroller General shall explain to discuss with the committee or committee staff a report the Comptroller General makes that would help the committee—

- (1) evaluate a program or activity of an agency within the jurisdiction of the committee; or
- (2) in its consideration of proposed legislation.

Q. 31 U.S.C. Sec. 1113. Congressional information

(a)(1) When requested by a committee of Congress having jurisdiction over receipts or appropriations, the President shall provide the committee with assistance and information.

(2) When requested by a committee of Congress, additional information related to the amount of an appropriation originally requested by an Office of Inspector General shall be submitted to the committee.

(b) When requested by a committee of Congress, by the Comptroller General, or by the Director of the Congressional Budget Office, the Secretary of the Treasury, the Director of the Office of Management and Budget, and the head of each executive agency shall—

- (1) provide information on the location and kind of available fiscal, budget, and program information;
- (2) to the extent practicable, prepare summary tables of that fiscal, budget, and program information and related information of the committee, the Comptroller General, or the Director of the Congressional Budget Office considers necessary; and
- (3) provide a program evaluation carried out or commissioned by an executive agency.

(c) In cooperation with the Director of the Congressional Budget Office, the Secretary, and the Director of the Office of Management and Budget, the Comptroller General shall—

- (1) establish and maintain a current directory of sources of, and information systems for, fiscal, budget, and program information and a brief description of the contents of each source and system;
- (2) when requested, provide assistance to committees of Congress and members of Congress in obtaining information from the sources in the directory; and

¹For other requirements which relate to General Accounting Office reports to Congress and which affect the committee, see secs. 232 and 236 of the Legislative Reorganization Act of 1970 (Public Law 91-150).

- (3) when requested, provide assistance to committees and to the extent practicable, to members of Congress in evaluating the information obtained from the sources in the directory; and
- (d) To the extent they consider necessary, the Comptroller General and the Director of the Congressional Budget Office individually or jointly shall establish and maintain a file of information to meet recurring needs of Congress for fiscal, budget, and program information to carry out this section and sections 717 and 1112 of this title. The file shall include information on budget requests, congressional authorizations to obligate and expend apportionment and reserve actions, and obligations and expenditures. The Comptroller General and the Director shall maintain the file and an index to the file so that it is easier for the committees and agencies of Congress to use the file and index through data processing and communications techniques.
- (e)(1) The Comptroller General shall—
- (A) carry out a continuing program to identify the needs of committees and members of Congress for fiscal budget, and program information to carry out this section and section 1112 of this title;
 - (B) assist committees of Congress in developing their information needs;
 - (C) monitor recurring reporting requirements of Congress and committees; and
 - (D) make recommendations to Congress and committees for changes and improvements in those reporting requirements to meet information needs identified by the Comptroller General, to improve their usefulness to congressional users, and to eliminate unnecessary reporting.
- (2) Before September 2 of each year, the Comptroller General shall report to Congress on—
- (A) the needs identified under paragraph (1)(A) of this subsection;
 - (B) the relationship of those needs to existing reporting requirements;
 - (C) the extent to which reporting by the executive branch of the United States Government currently meets the identified needs;
 - (D) the changes to standard classifications necessary to meet congressional needs;
 - (E) activities, progress, and results of the program of the Comptroller General under paragraph (1)(B)-(D) of this subsection; and
 - (F) progress of the executive branch in the prior year.
- (3) Before March 2 of each year, the Director of the Office of Management and Budget and the Secretary shall report to Congress on plans for meeting the needs identified under paragraph (1)(A) of this subsection, including—
- (A) plans for carrying out changes to classifications to meet information needs of Congress;
 - (B) the status of information systems in the prior year; and
 - (C) the use of standard classifications.