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House Rules Changes Affecting Committee Procedure in the 118th Congress (2023-2024)

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SUMMARY

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Jane A. Hudiburg
Analyst on Congress and the Legislative Process

House Rules Changes Affecting Committee Procedure in the 118th Congress (2023-2024)

As agreed to in the House, H.Res. 5, a resolution adopting the rules of the House of Representatives, provided amendments to the rules, as well as separate orders, that affect committee procedure in the 118th Congress (2023-2024). The House also agreed to two separate resolutions that established a select committee and a select subcommittee. The House did not reestablish separate orders in force during the 117th Congress that enabled committee members to participate remotely in hearings and markups during pandemic-related "covered periods," as designated by the Speaker.

Amendments to Rule X redesignated the Committee on Education and Labor and the Committee on Oversight and Reform as the Committee on Education and the Workforce and the Committee on Oversight and Accountability, clarified that the Committee on Homeland Security's jurisdiction includes "cybersecurity" as it relates to the functions of the Department of Homeland Security, reestablished a prior requirement for a committee-adopted authorization and oversight plan, and codified into the standing rules previous separate orders that enabled the Committee on Agriculture to have six subcommittees.

Amendments to Rule XI directed the Committee on Ethics to adopt committee rules providing for a process to receive complaints from the public. H.Res. 5 struck provisions that required the committee to adopt rules related to the treatment of evidence in investigations, and it codified into standing rules earlier separate orders that directed the committee to form an investigative subcommittee when a Member is indicted on a criminal charge.

H.Res. 5 amended clause 8(c) of Rule II to remove clarifying text related to the continuing of litigation matters from Congress to Congress that was added in the 116th Congress. It also struck a provision from clause 3(b) of Rule XIII, which had previously exempted the Committee on Rules from the requirement that committees include in their written reports the numbers of votes cast for and against, and the names of members voting for and against, measures and matters decided by record (rollcall) votes.

The rules package also included separate orders that affect committee procedure for the duration of the 118th Congress but are not incorporated into the standing rules of the House:

- Any records of the Select Committee to Investigate the January 6th Attack on the United States Capitol shall be transferred to the Committee on House Administration not later than January 17, 2023.
- Any individual deposed by a committee may be accompanied by two personal, nongovernmental attorneys. Committee members, staff designated by the chair or ranking member, and an official reporter are also permitted to attend the deposition.
- Each full standing committee (except the Committee on Ethics) shall hold a "Member Day" hearing.
- Committee chairs may allow nongovernmental witnesses to appear remotely at committee proceedings, within certain limits.
- The Select Subcommittee on the Coronavirus Pandemic is established as a select subcommittee of the Committee on Oversight and Accountability.

Apart from the rules package, the House agreed to H.Res. 11, establishing a Select Committee on the Strategic Competition between the United States and the Chinese Communist Party, and H.Res. 12, establishing a Select Subcommittee on the Weaponization of the Federal Government as a subcommittee of the Committee on the Judiciary. The select committee and subcommittee are to serve in an investigatory capacity during the 118th Congress.

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Introduction

In January 2023, the House agreed to H.Res. 5, a resolution "Adopting the Rules of the House of Representatives for the One Hundred Eighteenth Congress." This report summarizes provisions affecting committee procedure in the 118th Congress (2023-2024) as provided for in H.Res. 5 and in two subsequent resolutions.[1]

H.Res. 5 provided amendments to the standing rules of the House, as well as separate orders, that affect committee procedure in the 118th Congress.[2] Several of these changes apply to general committee procedure, while others concern specific committees, such as modifications to the name, jurisdiction, or procedures of certain House committees, as well as the establishment of a select subcommittee for the duration of the Congress. The House also agreed to two additional resolutions (H.Res. 11 and H.Res. 12) that established a select committee and a select subcommittee, respectively, to conduct investigations during the 118th Congress.

General Committee Procedure

Termination of Remote Participation of Committee Members

The House did not re-adopt orders in force during the 117th Congress that enabled committee members to participate remotely in hearings and markups during pandemic-related "covered periods," as designated by the Speaker. In the 118th Congress, Members must be physically present at committee meetings in order to participate.

The 117th Congress rules package, H.Res. 8, and provisions of H.Res. 965 (116th Congress) had enabled House committees to conduct official committee proceedings remotely under specified circumstances.[3] Pursuant to these earlier resolutions, committees could conduct entirely virtual or hybrid meetings, and Members participating remotely could vote and be counted toward required quorums.

[1] This report does not consider changes related to the budget process, floor proceedings, or the administration of Congress (i.e., salaries, staff training, and membership requirements on boards and commissions). For more information about changes to House rules affecting floor procedure, see CRS Report R47490, *House Rules Changes Affecting Floor Proceedings in the 118th Congress (2023-2024)*, by Jane A. Hudiburg. For more information about budget process changes in the 118th Congress, see CRS Report R47384, *Changes to House Rules Affecting the Congressional Budget Process Included in H.Res. 5 (118th Congress)*, by James V. Saturno and Megan S. Lynch.

[2] See H.Res. 5; U.S. Congress, House, *Rules of the House of Representatives, One Hundred Eighteenth Congress*, prepared by Cheryl L. Johnson, Clerk of the House of Representatives, 118th Cong., 1st sess., 2023; U.S. Congress, House, *Constitution, Jefferson's Manual and the Rules of the House of Representatives of the United States One Hundred Seventeenth Congress* (hereinafter *House Manual*), 116th Cong., 2nd sess., 2021 (Washington: GPO, 2021); U.S. Congress, House Committee on Rules, H.Res. 5, *Adopting the Rules for the 118th Congress, Section-by-Section Analysis* (hereinafter *Section-by-Section*), 118th Cong., 1st sess., 2023. For information on changes to committee procedure in the 117th Congress, see CRS Report R46804, *House Rules Changes Affecting Committee Procedure in the 117th Congress (2021-2022)*, by Jane A. Hudiburg.

[3] For more information about remote committee proceedings in the 116th and 117th Congresses, see CRS Report R46804, *House Rules Changes Affecting Committee Procedure in the 117th Congress (2021-2022)*, by Jane A. Hudiburg.

Remote Appearance of Witnesses

Pursuant to a separate order, in the 118th Congress, committee chairs may allow nongovernmental witnesses to appear remotely at committee proceedings, provided that they follow certain requirements contained in regulations submitted by the chair of the Committee on Rules for publication in *the Congressional Record*. Such witnesses may be accompanied by counsel. Any oath taken may be administered by the chair of the committee or a member designated by the chair.[4]

According to the "Regulations for the Remote Participation of Committee Witnesses," nongovernmental witnesses may testify remotely if the majority leader has provided written approval of the remote participation, and the chair of the committee has determined that such testimony is "necessary" and the witness is unable to participate in person "due to extreme hardship or other exceptional circumstances." The committee "may only utilize a software platform certified by the Chief Administrative Officer," and witnesses appearing in a remote capacity must "agree to remain on the platform until excused by the chair."[5]

Committee Authorization and Oversight Plans

H.Res. 5 amended clause 2(d) of Rule X to reestablish a requirement last in force during the 115th Congress (2017-2018) that each standing committee—other than the Committees on Appropriations, Ethics, and Rules—adopt an authorization and oversight plan relating to programs and agencies within the committee's jurisdiction.

During the first session of a Congress, each covered committee is to adopt the plan in an open meeting not later than March 1 and simultaneously summit the plan to the Committee on Oversight and Accountability and the Committee on House Administration. Not later than April 15, and in consultation with the Speaker, the majority leader, and the minority leader, the Committee on Oversight and Accountability shall report to the House the plans submitted by the standing committees, together with any recommendations the committees or House leadership "may make to ensure the most effective coordination of authorization and oversight plans and otherwise to achieve the objectives of this clause."[6]

"To the maximum extent possible," each authorization and oversight plan shall include

- a list of agencies or programs that have lapsed authorizations or have permanent authorizations that have not been comprehensively reviewed by the committee of jurisdiction within the past three Congresses;
- a description of programs and agencies to be authorized during the current or following Congresses;
- a description of any oversight needed to support program and agency authorizations; and
- recommendations for moving such programs and agencies from mandatory to discretionary funding, if applicable.

Optional content includes

[4] Oaths are administered pursuant to clause 2(m)(2) of Rule XI.

[5] The Rules Committee's Regulations for the Remote Participation of Committee Witnesses is available at https://rules.house.gov/press-releases/118th-congress-regulations.

[6] H.Res. 5.

- "recommendations for the consolidation or termination of such programs or agencies that are duplicative, unnecessary, or inconsistent with the appropriate roles and responsibilities of the Federal Government;"
- "recommendations for changes to existing law related to Federal rules, regulations, statutes, and court decisions affecting such programs and agencies that are inconsistent with the authorities of the Congress under Article I of the Constitution;" and
- descriptions of any other oversight activities the committee deems necessary.

Scope of Authority to Act in Continuing Litigation Matters

H.Res. 5 amended clause 8(c) of Rule II to strike the phrase *including, but not limited to, the issuance of subpoenas*, which was added to the rule via the 117th Congress rules package (H.Res. 8).[7] As amended in the 118th Congress, clause 8(c) states that the House, the Speaker, a committee, or a chair of a committee has the authority to "take such steps as may be appropriate" to continue an investigation spanning more than one Congress.

According to the 117th Congress Rules Committee's *Section-by-Section Analysis* of H.Res. 5, which was prepared by the committee's majority staff, the addition of *including, but not limited to, the issuance of subpoenas* clarified that committees and their chairs, if previously authorized, had the authority to "immediately reissue subpoenas, prior to the organization of their committees, to ensure litigation can continue uninterrupted."[8] In the 118th Congress, however, the committee's majority staff found the phrase to be "superfluous," and the House, by agreeing to this technical change in H.Res. 5, restored clause 8(c) to the text contained in the 115th Congress and 116th Congress House rules.[9]

Deposition Authority

A separate order reestablishes separate orders in force during the prior Congress relating to deposition authority and provides a new clause specifying the persons permitted to attend committee depositions. As in earlier Congresses, the separate order states that the chair of a standing committee (excluding the Rules Committee) and the chair of the Permanent Select Committee on Intelligence "may order the taking of depositions, including pursuant to subpoena, by a member or counsel of such committee" after consulting with the ranking member of the committee. In addition, such depositions "shall be subject to regulations issued by the chair of the Committee on Rules and printed in the *Congressional Record*."[10]

The 118th Congress separate order stipulates that deponents may be accompanied by two personal, nongovernmental attorneys "to advise them of their rights." Committee members, staff designated by the chair or ranking member, and an official reporter are also permitted to attend a deposition.

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[7] See CRS Report R46804, *House Rules Changes Affecting Committee Procedure in the 117th Congress (2021-2022)*, by Jane A. Hudiburg.

[8] U.S. Congress, House Committee on Rules, *Adopting the Rules for the 117th Congress, Section-by-Section Analysis* (117th Cong., 1st sess., 2021).

[9] *Section-by-Section*, 118th Congress.

[10] The Rules Committee's Regulations for the Use of Deposition Authority is available at https://rules.house.gov/press-releases/118th-congress-regulations.

Member Day Hearings

A separate order reestablished, with one revision, a separate order from the 117th Congress that requires committees to hold Member Day hearings. That is, during the first session of the Congress (or the first or second session for the Committee on Rules[11]) each standing committee (except the Committee on Ethics) shall hold a "Member Day" hearing, enabling House Members, regardless of whether or not they serve on the committee, to testify on proposed legislation within the committee's jurisdiction.

The 117th Congress separate order contained, after reference to standing committees, the phrase *or each subcommittee thereof (other than a subcommittee on oversight)*, enabling the Member Day hearing requirement to be fulfilled at the subcommittee level. H.Res. 5 removed those words, restoring the requirement from the 116th Congress that the Member Day hearing be held at the full committee level.

Committee on House Administration

Transfer of Certain Committee Records to the Committee on House Administration

A separate order directed the transfer of any records of the Select Committee to Investigate the January 6th Attack on the United States Capitol to the Committee on House Administration not later than January 17, 2023. Such records "shall become the records of the Committee on House Administration."

Committee on Education and the Workforce

Designating Committee on Education and the Workforce

The rules package redesignated the Committee on Education and Labor, changing the committee's name to the Committee on Education and the Workforce. H.Res. 5 strikes *Labor* from clauses 1(e) and 3(d) of Rule X and inserts *the Workforce*.

Since its establishment in 1867 (40th Congress), the committee has operated under several names: Education and Labor (40th-47th, 80th-103rd, 110th, 111th, 116th, and 117th Congresses); Education (48th-79th Congresses); Economic and Educational Opportunities (104th Congress); and Education and the Workforce (105th-109th, 112th-115th, and 118th Congresses). In its recent history, the committee has been designated the Committee on Education and the Workforce under periods of Republican House majority and the Committee on Education and Labor under periods of Democratic majority.

[11] The separate orders in the 116th, 117th, and 118th Congresses allowed the Committee on Rules to hold its Member Day hearing during the second session of the Congress. According to the 116th Congress's Committee on Rules, a second session hearing enables Members to testify on proposed rules changes for the upcoming Congress. U.S. Congress, House Committee on Rules, H.Res. 6, *Adopting the Rules for the 116th Congress, Section-by-Section Analysis*, 116th Cong., 1st sess., 2019.

Committee on Ethics[12]

Acceptance of Information from the Public

H.Res. 5 amended clause 3(r) of Rule XI to add a subparagraph (2) that directs the Committee on Ethics to adopt rules providing for a process to receive complaints from the public. The process should include a method for submitting outside information to the committee in "electronic form."

Empaneling Investigative Subcommittee of Committee on Ethics

H.Res. 5 amends clause 3(b) of Rule XI to add a subparagraph (9), codifying into House rules earlier separate orders that directed the Committee on Ethics to form an investigative subcommittee when a Member is indicted on a criminal charge. As initially established by H.Res. 451 (110th Congress, 2007-2008) and reestablished as separate orders in subsequent Congresses, the text of subparagraph (9) instructs the committee to empanel an investigative subcommittee to review the allegations whenever a Member is indicted or otherwise formally charged with criminal conduct in a court of the United States or any state not later than 30 days after the date of such indictment or charge. If the committee chooses not to empanel a subcommittee, it is required to submit a report to the House describing the reasons for not empaneling an investigative subcommittee, as well as the actions, if any, the committee took in response to the allegations.[13]

Treatment of Evidence in Committee and Subcommittee Investigations

The rules package strikes two subparagraphs from clause 3(p) of Rule XI that had instructed the Committee on Ethics to adopt committee rules related to the use of court documents and exhibits as evidence in its investigations. According to the Rules Committee's *Section-by-Section Analysis*, these subparagraphs are unnecessary because the Committee on Ethics has already adopted such rules.[14]

Subparagraph (9) required the committee to state in its rules the committee's authority, or an investigative subcommittee's authority, to examine the trial transcript and associated exhibits for a trial that resulted in a criminal conviction. Subparagraph (5)(E) required that the committee adopt a rule stating that a respondent to a committee investigation must receive written notice whenever the committee or investigative subcommittee uses as evidence criminal trial transcripts or exhibits.

[12] H.Res. 5 also, in a separate order, directs the Speaker to establish a bipartisan task force "to conduct a comprehensive review of House ethics rules and regulations." This task force shall "submit recommended improvements to the Speaker, the Majority Leader, the Minority Leader, and the respective chairs and ranking minority members of the committees on Ethics and Rules." The establishment and possible impact of this task force is outside of the scope of this report.

[13] H.Res. 451 (110th Congress); CRS Report 98-15, *House Committee on Ethics: A Brief History of Its Evolution and Jurisdiction*, by Jacob R. Straus.

[14] *Section-by-Section*, 118th Congress.

Committee on Homeland Security

Cybersecurity

H.Res. 5 amended clause 1(j)(3) of Rule X to add subparagraph (G) Cybersecurity. This amendment clarifies that the jurisdiction of the Committee on Homeland Security includes cybersecurity as it relates to "functions of the Department of Homeland Security." According to the Committee on Rules, the clarification will not alter other committees' jurisdictions, and "committees currently holding jurisdiction over cybersecurity functions of DHS will retain a shared jurisdictional interest in such functions."[15]

Committee on Rules

Record Votes on Measures Reported by the Committee on Rules

The rules package amended clause 3(b) of Rule XIII to strike the provision that previously exempted the Committee on Rules from the requirement that committees include in their written reports the number of votes cast for and against, and the names of Members voting for and against, measures and matters decided by record (rollcall) votes. Previously, this provision stated that the requirement to depict record votes in committee reports applied only "to the maximum extent practicable to a report by the Committee on Rules on a rule, joint rule, or the order of business."[16]

Committee on Agriculture

Subcommittees of the Committee of Agriculture

H.Res. 5 codified in the standing rules separate orders in force in prior Congresses that allowed the Committee on Agriculture to have not more than six subcommittees rather than be limited to five subcommittees (or six if one subcommittee is on oversight), pursuant to clause 5(d) of Rule X.

Committee on Oversight and Accountability

Designating Committee on Oversight and Accountability

The rules package amended House rules to redesignate the Committee on Oversight and Reform the Committee on Oversight and Accountability. H.Res. 5 struck each occurrence of *Committee on Oversight and Reform* in the standing rules and replaced it with *Committee on Oversight and Accountability*.

In previous Congresses, the committee has operated under different names. In 1927, the committee was established as the Committee on Expenditures in the Executive Departments,

[15] *Section-by-Section*, 118th Congress.

[16] *House Manual*, §835.

consolidating 11 separate committees that investigated such expenditures. In 1953, the House changed its name to the Committee on Government Operations.[17] In 1995, the committee assumed the jurisdictions of the Committee on the Post Office and Civil Service and the Committee on the District of Columbia, which were abolished, and was designated the Committee on Government Reform and Oversight. Since then, it has also operated under the name Government Reform (106th-111th Congresses), Oversight and Government Reform (112th-115th Congresses), Oversight and Reform (116th-117th Congresses), and now Oversight and Accountability.

Information to Committees of Congress on Request

A separate order clarifies that the chair of the Committee on Oversight and Accountability shall be one of the seven members of the committee making any official request for information pursuant to Section 2954, Title 5, of the *United States Code*, a provision colloquially known as the "Seven Member Rule."[18] Section 2954 provides that, on request of the House Committee on Government Operations (now the Committee on Oversight and Accountability), "or of any seven members thereof," an executive agency "shall submit any information requested of it relating to any matter within the jurisdiction of the committee." In the 118th Congress, the seven-committee-member minimum for such requests must include the chair of the Committee on Oversight and Accountability.

Select Subcommittee on the Coronavirus Pandemic

In a separate order, H.Res. 5 established the Select Subcommittee on the Coronavirus Pandemic as a select subcommittee of the Committee on Oversight and Accountability. For the duration of the 118th Congress, the select subcommittee is to investigate and report on, among several subjects:

- the origins of the Coronavirus pandemic;
- the effectiveness of the use of taxpayer funds for virus-relief programs;
- waste or fraud regarding those funds;
- pandemic-related federals laws or regulations implemented or considered;
- the "development of vaccines and treatments, and vaccination policies for Federal employees and the armed forces;"
- the "societal impacts of closing schools;" and
- "protection of whistleblowers who provide information on waste, fraud, abuse, and improper activities related to the coronavirus pandemic."

The Speaker is to appoint to the select committee not more than 16 members and to designate, from this membership, the chair.[19] (Seven members shall be appointed in consultation with the

[17] U.S. Congress, House Committee on Government Reform, *Activities of the House Committee on Government Reform*, 106-1053, 106th Cong., 2nd sess. (Washington: GPO, 2001).

[18] "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" (5 U.S.C. §2954).

[19] H.Res. 5, which established the select committee, was subsequently amended by H.Res. 78, changing the composition of the select committee from not more than 12 members to not more than 16 members.

minority leader.[20]) The chair and ranking minority member of the Committee on Oversight and Accountability shall serve on the select committee as *ex officio* members but have no vote on the select committee or be counted for purposes of establishing a quorum. For purposes of the subcommittee, the members are to be treated as members of the Committee on Oversight and Accountability. However, membership to the subcommittee will not count against the House rules' limitation of Members' service to not more than four subcommittees of the standing committees.[21]

The select subcommittee does not have subpoena power or legislative authority, and, thus, cannot report legislation. However, the full Oversight and Accountability Committee or its chair "may authorize and issue subpoenas to be returned at the select subcommittee," and the select subcommittee can from "time to time" report to the House or any House committee the results of its investigations or legislative recommendations.[22]

Not later than January 2, 2025, the select subcommittee is to issue a final report, and 30 days after that report is filed, the select subcommittee shall cease to exist. With respect to any litigation matter, the Committee on the Oversight and Accountability is designated as the select subcommittee's "successor in interest" and "shall take such steps as may be appropriate to ensure continuation of such litigation matter."[23]

Separate Resolutions

Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party

In a separate resolution, H.Res. 11, the House established a Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party. The select committee's "sole authority" is to "investigate and submit policy recommendations on the status of the Chinese Communist Party's economic, technological, and security progress and its competition with the United States." Accordingly, the select committee may hold public hearings in the performance of this investigative function.

The Speaker is to appoint to the select committee not more than 24 members and to designate, from this membership, the chair.[24] (Eleven members are to be appointed in consultation with the minority leader.[25]) The Speaker and the minority leader shall serve on the select committee as *ex officio* members but have no vote on the select committee or be counted for purposes of establishing a quorum. Each leader may appoint a staff member in support of his or her service.

The select committee does not have legislative jurisdiction. In other respects, with specified exceptions, it "shall have the authorities and responsibilities of, and shall be subject to the same

[20] H.Res. 78.

[21] Clause 5(b)(2)(A) of Rule X.

[22] H.Res. 5. Clause 2(m)(3)(A)(i) of Rule XI enables the committee (or the chair of the committee if delegated such authority by committee rules) to authorize and issue subpoenas. The Committee on Oversight and Accountability's committee rules, 118th Congress, provide that the chair of the committee may authorize and issue subpoenas.

[23] Clause 8(c) of Rule II.

[24] H.Res. 11, which established the select committee, was subsequently amended by H.Res. 78, changing the composition of the select committee from not more than 16 members to not more than 24 members.

[25] H.Res. 78.

limitations and restrictions as, a standing committee of the House."[26] These authorities include the power to authorize and issue subpoenas for testimony and documents, pursuant to clause 2(m) of Rule XI.

H.Res. 11 enables the select committee to report to the House or any committee "from time to time" the results of its investigations, as well as any "detailed findings, policy recommendations, and legislative proposals." Policy recommendations are to be submitted to the "relevant standing committees not later than December 31, 2023," and reports to the House are to be submitted by December 31, 2024. Within 30 days of these respective dates for completion, the recommendations and reports shall be made available to the public "in widely accessible formats" and in unclassified form but may include "a classified annex, a law enforcement-sensitive annex, or both."

Select Subcommittee on the Weaponization of the Federal Government as a Select Subcommittee of the Committee on the Judiciary

H.Res. 12 established the Select Subcommittee on the Weaponization of the Federal Government as a select investigative subcommittee of the Committee on the Judiciary. The select subcommittee is to investigate, among other subjects, the authority of the executive branch to "facilitate action against American citizens, including the extent, if any, to which illegal or improper, unconstitutional, or unethical activities were engaged in by the executive branch or private sector against citizens of the United States."[27]

On February 1, 2023, the House agreed to a unanimous consent request that raised the select subcommittee's membership threshold from the number set by H.Res. 12, as amended by H.Res. 78. According to this agreement, the composition of the select subcommittee shall be "not more than 21 Members, Delegates, or the Resident Commissioner appointed by the Speaker, of whom not more than 9 shall be appointed in consultation with the Minority Leader."[28]

The select subcommittee's membership shall include the chair and ranking minority member of the Committee on the Judiciary. For purposes of the subcommittee, the members are to be treated as members of the full committee. However, membership on the subcommittee will not count against the limitation in House rules on Members' service on not more than four subcommittees.[29]

The select subcommittee does not have subpoena power. However, the Committee on the Judiciary or its chair "may authorize and issue subpoenas to be returned at the select

[26] The exceptions are as follows: Service does not count on limitations in clause 5(b)(2) of Rule X (Members cannot serve on more than two standing committees or more than four subcommittees); the select committee does not have to prepare an authorization and oversight plan (clause 2(d) of Rule X); and, like the Permanent Select Committee on Intelligence, the subcommittee may vote to "close up to five additional, consecutive days of hearings" (clause 2(g)(2)(D) of Rule XI).

[27] See H.Res. 12 for a complete list of investigative authorities.

[28] H.Res. 12, as amended by H.Res. 78, specified the select subcommittee's membership as "the chair and ranking minority member of the Committee on the Judiciary, together with not more than 12 other Members, Delegates, or the Resident Commissioner appointed by the Speaker, of whom not more than 9 shall be appointed in consultation with the minority leader."

[29] Clause 5(b)(2)(A) of Rule X.

subcommittee."[30] In addition, the select subcommittee "shall be authorized to receive information available to the Permanent Select Committee on Intelligence," pursuant to clause 11 of Rule X.[31]

The select subcommittee has no legislative authority, so it cannot report legislation. The subcommittee, though, may report the results of its investigations, findings, or any legislative recommendations to the House or to any House committee.

Not later than January 2, 2025, the select subcommittee is to issue a final report and may, prior to that date, issue "such interim reports as it may deem necessary."[32] Thirty days after the final report is filed, the select subcommittee shall cease to exist. The Committee on the Judiciary is authorized to act as the successor of the select subcommittee with respect to any litigation matter and is authorized to "take such steps as may be appropriate to ensure continuation of such litigation matter."[33]

Author Information

Jane A. Hudiburg
Analyst on Congress and the Legislative Process

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[30] H.Res. 12. Clause 2(m)(3)(A)(i) of Rule XI enables the committee (or the chair of the committee if delegated such authority by committee rules) to authorize and issue subpoenas. The Committee on the Judiciary's committee rules, 118th Congress, provide that the chair of the committee may authorize and issue subpoenas following consultation with the ranking minority member.

[31] H.Res. 12.

[32] H.Res. 12.

[33] H.Res. 12; clause 8(c) of Rule II.