

.....  
(Original Signature of Member)

109TH CONGRESS  
1ST SESSION

**H. RES. \_\_\_\_\_**

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Mrs. MALONEY submitted the following resolution; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**RESOLUTION**

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

- 1       *Resolved*, That clause 1 of rule X of the Rules of the
- 2 House of Representatives is amended by redesignating
- 3 paragraphs (i) through (s) as paragraphs (j) through (t),



1 respectively, and by inserting after paragraph (h) the fol-  
2 lowing new paragraph:

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

4 “(1) The Department of Homeland Security.

5 “(2) Homeland security, generally.

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

8 COMMITTEE ON INTELLIGENCE

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

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

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

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



1           “(3) The organization or reorganization of a de-  
2           partment or agency of the Government to the extent  
3           that the organization or reorganization relates to a  
4           function or activity involving intelligence or intel-  
5           ligence-related activities.

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

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

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

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

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



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

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

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



1 be construed as requiring the public disclosure in such re-  
2 ports of the names of persons engaged in intelligence or  
3 intelligence-related activities for the United States or the  
4 divulging of intelligence methods employed or the sources  
5 of information on which the reports are based or the  
6 amount of funds authorized to be appropriated for intel-  
7 ligence and intelligence-related activities.

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

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

21 “(B) Notwithstanding the requirements of the first  
22 sentence of clause 2(g)(2) of rule XI, in the presence of  
23 the number of members required under the rules of the  
24 Committee on Intelligence for the purpose of taking testi-  
25 mony or receiving evidence, the committee may vote to



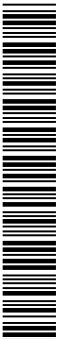
1 close a hearing whenever a majority of those present deter-  
2 mines that the testimony or evidence would endanger the  
3 national security.

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

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

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

22 “(6) The Committee on Intelligence shall formulate  
23 and carry out such rules and procedures as it considers  
24 necessary to prevent the disclosure, without the consent  
25 of each person concerned, of information in the possession



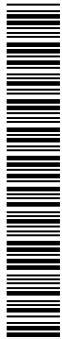
1 of the committee that unduly infringes on the privacy or  
2 that violates the constitutional rights of such person.  
3 Nothing herein shall be construed to prevent the com-  
4 mittee from publicly disclosing classified information in a  
5 case in which it determines that national interest in the  
6 disclosure of classified information clearly outweighs any  
7 infringement on the privacy of a person.

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

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

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

21 “(B)(i) In a case in which the Committee on Intel-  
22 ligence votes to disclose publicly any information that has  
23 been classified under established security procedures, that  
24 has been submitted to it by the executive branch, and that



1 the executive branch requests be kept secret, the com-  
2 mittee shall notify the President of such vote.

3       “(ii) The Committee on Intelligence may disclose  
4 publicly such information after the expiration of a five-  
5 day period following the day on which notice of the vote  
6 to disclose is transmitted to the President unless, before  
7 the expiration of the five-day period, the President, per-  
8 sonally in writing, notifies the committee that he objects  
9 to the disclosure of such information, provides his reasons  
10 therefor, and certifies that the threat to the national inter-  
11 est of the United States posed by the disclosure is of such  
12 gravity that it outweighs any public interest in the dislo-  
13 sure.

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

21       “(iv) Whenever the committee votes to refer the ques-  
22 tion of disclosure of any information to the House under  
23 clause (iii), the chairman shall, not later than the first  
24 day on which the House is in session following the day





1 on which the vote occurs, report the matter to the House  
2 for its consideration.

3 “(v) If the chairman of the committee does not offer  
4 in the House a motion to consider in closed session a mat-  
5 ter reported under clause (iv) within four calendar days  
6 on which the House is in session after the recommendation  
7 described in clause (iii) is reported, then such a motion  
8 shall be privileged when offered by a Member, Delegate,  
9 or Resident Commissioner. In either case such a motion  
10 shall be decided without debate or intervening motion ex-  
11 cept one that the House adjourn.

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

18 “(vii) Debate on the question described in clause (vi)  
19 shall be limited to two hours equally divided and controlled  
20 by the chairman and ranking minority member of the com-  
21 mittee. After such debate the previous question shall be  
22 considered as ordered on the question of approving the  
23 recommendation without intervening motion except one  
24 motion that the House adjourn. The House shall vote on  
25 the question in open session but without divulging the in-



1 formation with respect to which the vote is taken. If the  
2 recommendation of the committee is not approved, then  
3 the question is considered as recommitted to the com-  
4 mittee for further recommendation.

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

14 “(ii) The Committee on Intelligence shall, under such  
15 regulations as it may prescribe, make information de-  
16 scribed in clause (i) available to a committee or a Member,  
17 Delegate, or Resident Commissioner, and permit a Mem-  
18 ber, Delegate, or Resident Commissioner to attend a hear-  
19 ing of the committee that is closed to the public. Whenever  
20 the committee makes such information available, it shall  
21 keep a written record showing, in the case of particular  
22 information, which committee or which Member, Delegate,  
23 or Resident Commissioner received the information. A  
24 Member, Delegate, or Resident Commissioner who, and a  
25 committee that, receives information under this clause



1 may not disclose the information except in a closed session  
2 of the House.

3 “(D) The Committee on Standards of Official Con-  
4 duct shall investigate any unauthorized disclosure of intel-  
5 ligence or intelligence-related information by a Member,  
6 Delegate, Resident Commissioner, officer, or employee of  
7 the House in violation of subdivision (C) and report to  
8 the House concerning any allegation that it finds to be  
9 substantiated.

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



1           “(F) The Committee on Intelligence may permit a  
2 personal representative of the President, designated by the  
3 President to serve as a liaison to the committee, to attend  
4 any closed meeting of the committee.

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

15           “(i) The activities of the Central Intelligence  
16 Agency and the Director of Central Intelligence.

17           “(ii) The activities of the Defense Intelligence  
18 Agency.

19           “(iii) The activities of the National Security  
20 Agency.

21           “(iv) The intelligence and intelligence-related  
22 activities of other agencies and subdivisions of the  
23 Department of Defense.

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



1           “(vi) The intelligence and intelligence-related  
2 activities of the Federal Bureau of Investigation, in-  
3 cluding all activities of the Intelligence Division.

4           “(vii) The activities of the Director of National  
5 Intelligence.

6           “(H)(i) In this clause, the term “intelligence and in-  
7 telligence-related activities” includes—

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

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

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

23           “(IV) the collection, analysis, production, dis-  
24 semination, or use of information about activities of  
25 persons within the United States, its territories and



1       possessions, or nationals of the United States abroad  
2       whose political and related activities pose, or may be  
3       considered by a department, agency, bureau, office,  
4       division, instrumentality, or employee of the United  
5       States to pose, a threat to the internal security of  
6       the United States; and

7               “(V) covert or clandestine activities directed  
8       against persons described in (IV).

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

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

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

23              “(c) Clause 5(a) of rule X of the Rules of the House  
24       of Representatives is amended by adding at the end the  
25       following new subparagraph:



1       “(4)(A) The Committee on Intelligence shall be com-  
2 posed of not more than 18 Members, Delegates, or the  
3 Resident Commissioner, of whom not more than 10 may  
4 be from the same party. The committee shall include at  
5 least one Member, Delegate, or the Resident Commis-  
6 sioner from each of the following committees:

7               “(i) The Committee on Appropriations.

8               “(ii) The Committee on Armed Services.

9               “(iii) The Committee on International Rela-  
10 tions.

11              “(iv) The Committee on the Judiciary.

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

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







1           (c) Clause 2(g)(2)(D) of rule 11 of the Rules of the  
2 House of Representatives is amended by striking “Perma-  
3 nent Select”.

