

U.S. HOUSE OF REPRESENTATIVES

**COMMITTEE ON THE  
JUDICIARY**

**RULES OF PROCEDURE**

ONE HUNDRED TWELFTH CONGRESS

ADOPTED JANUARY 19, 2011

**MEMBERS OF COMMITTEE**  
**ONE HUNDRED TWELFTH CONGRESS**

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LAMAR SMITH, Texas, *Chairman*  
F. JAMES SENSENBRENNER, JR., Wisconsin  
HOWARD COBLE, North Carolina  
ELTON GALLEGLY, California  
BOB GOODLATTE, Virginia  
DANIEL E. LUNGREN, California  
STEVE CHABOT, Ohio  
DARRELL ISSA, California  
MIKE PENCE, Indiana  
J. RANDY FORBES, Virginia  
STEVE KING, Iowa  
TRENT FRANKS, Arizona  
LOUIE GOHMERT, Texas  
JIM JORDAN, Ohio  
TED POE, Texas  
JASON CHAFFETZ, Utah  
TOM REED, New York  
TIM GRIFFIN, Arkansas  
TOM MARINO, Pennsylvania  
TREY GOWDY, South Carolina  
DENNIS ROSS, Florida  
SANDY ADAMS, Florida  
BEN QUAYLE, Arizona

JOHN CONYERS, JR., Michigan, *Ranking Member*  
HOWARD L. BERMAN, California  
JERROLD NADLER, New York  
ROBERT C. "BOBBY" SCOTT, Virginia  
MELVIN L. WATT, North Carolina  
ZOE LOFGREN, California  
SHEILA JACKSON LEE, Texas  
MAXINE WATERS, California  
STEVE COHEN, Tennessee  
HENRY C. "HANK" JOHNSON, JR., Georgia  
PEDRO PIERLUISI, Puerto Rico  
MIKE QUIGLEY, Illinois  
JUDY CHU, California  
TED DEUTCH, Florida  
LINDA T. SÁNCHEZ, California  
DEBBIE WASSERMAN SCHULTZ, Florida

## RULES OF PROCEDURE

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**Rule I.** The Rules of the House of Representatives are the rules of the Committee on the Judiciary and its Subcommittees with the following specific additions thereto.

### **Rule II. Committee Meetings**

- (a) The regular meeting day of the Committee on the Judiciary for the conduct of its business shall be on Wednesday of each week while the House is in session.
- (b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.
- (c) At least 3 days (excluding Saturdays, Sundays and legal holidays when the House is not in session) before each scheduled Committee or Subcommittee meeting, each Member of the Committee or Subcommittee shall be furnished a list of the bill(s) and subject(s) to be considered and/or acted upon at the meeting. Bills or subjects not listed shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or Subcommittee.
- (d) In an emergency that does not reasonably allow for 3 days' notice, the Chairman may waive the 3-day notice requirement with the concurrence of the Ranking Minority Member.
- (e) At least 48 hours prior to the commencement of a meeting for the markup of legislation, the text of such legislation shall be made publicly available in electronic form.
- (f) To the maximum extent practicable, amendments to a measure or matter shall be submitted in writing or electronically to the designee of both the Chairman and Ranking Member at least 24 hours prior to the consideration of the measure or matter. The Chairman may use his discretion to give priority to amendments submitted in advance.
- (g) Committee and Subcommittee meetings for the transaction of business, i.e. meetings other than those held for the purpose of taking testimony, shall be open to the public except when the Committee or Subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would

tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

- (h) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon demand of any Member, and a copy made available to each Member present.
- (i) For purposes of taking any action at a meeting of the full Committee or any Subcommittee thereof, a quorum shall be constituted by the presence of not less than one-third of the Members of the Committee or subcommittee, except that a full majority of the Members of the Committee or Subcommittee shall constitute a quorum for purposes of reporting a measure or recommendation from the Committee or Subcommittee, closing a meeting to the public, or authorizing the issuance of a subpoena.
- (j)(1) Subject to subparagraph (2), the Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed request at any time.
  - (2) In exercising postponement authority under subparagraph (1), the Chairman shall take all reasonable steps necessary to notify Members on the resumption of proceedings on any postponed record vote.
  - (3) 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.
- (k) Transcripts of markups shall be recorded and may be published in the same manner as hearings before the Committee.
- (l) Without further action of the Committee, the Chairman is directed to offer a motion under clause 1 of rule XXII of the Rules of the House of Representatives whenever the Chairman considers it appropriate.

### **Rule III. Hearings**

- (a) The Committee Chairman or any Subcommittee Chairman shall make public announcement of the date, place, and subject matter of any hearing to be conducted by it on any measure or matter at least one week before the commencement of that hearing. If the Chairman of the Committee, or Subcommittee, with the concurrence of the Ranking Minority

Member, determines there is good cause to begin the hearing sooner, or if the Committee or Subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman or Subcommittee Chairman shall make the announcement at the earliest possible date.

- (b) Committee and Subcommittee hearings shall be open to the public except when the Committee or Subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.
- (c) For purposes of taking testimony and receiving evidence before the Committee or any Subcommittee, a quorum shall be constituted by the presence of two Members.
- (d) In the course of any hearing each Member shall be allowed five minutes for the interrogation of a witness until such time as each Member who so desires has had an opportunity to question the witness.
- (e) The transcripts of those hearings conducted by the Committee which are decided to be printed shall be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Individuals, including Members of Congress, whose comments are to be published as part of a Committee document shall be given the opportunity to verify the accuracy of the transcription in advance of publication. Any requests by those Members, staff or witnesses to correct any errors other than errors in the transcription, or disputed errors in transcription, shall be appended to the record, and the appropriate place where the change is requested will be footnoted. Prior to approval by the Chairman of hearings conducted jointly with another congressional Committee, a memorandum of understanding shall be prepared which incorporates an agreement for the publication of the verbatim transcript.

#### **Rule IV. Broadcasting**

Whenever a hearing or meeting conducted by the Committee or any Subcommittee is open to the public, those proceedings shall be open to coverage by television, radio and still photography except when the hearing or meeting is closed pursuant to the Committee Rules of Procedure.

#### **Rule V. Standing Subcommittees**

- (a) The full Committee shall have jurisdiction over such matters as determined by the Chairman.
- (b) There shall be five standing Subcommittees of the Committee on the Judiciary, with jurisdictions as follows:

The *Subcommittee on Courts, Commercial and Administrative Law* shall have jurisdiction over the following subject matters: Administration of U.S. Courts, Federal Rules of Evidence, Civil and Appellate Procedure, judicial ethics, bankruptcy and commercial law, bankruptcy judgeships, administrative law, independent counsel, state taxation affecting interstate commerce, interstate compacts, other appropriate matters as referred by the Chairman, and relevant oversight.

The *Subcommittee on the Constitution* shall have jurisdiction over the following subject matters: constitutional amendments, constitutional rights, Federal civil rights, ethics in government, tort liability, including medical malpractice and product liability, legal reform generally, other appropriate matters as referred by the Chairman, and relevant oversight.

The *Subcommittee on Intellectual Property, Competition, and the Internet* shall have jurisdiction over the following subject matters: copyright, patent, trademark law, information technology, antitrust matters, other appropriate matters as referred by the Chairman, and relevant oversight.

The *Subcommittee on Crime, Terrorism, and Homeland Security* shall have jurisdiction over the following subject matters: Federal Criminal Code, drug enforcement, sentencing, parole and pardons, internal and homeland security, Federal Rules of Criminal Procedure, prisons, criminal law enforcement, and other appropriate matters as referred by the Chairman, and relevant oversight.

The *Subcommittee on Immigration Policy and Enforcement* shall have jurisdiction over the following subject matters: immigration and naturalization, border security, admission of refugees, treaties, conventions and international agreements, claims against the United States, Federal charters of incorporation, private immigration and claims bills, non-border enforcement, other appropriate matters as referred by the Chairman, and relevant oversight.

- (c) The Chairman of the Committee and Ranking Minority Member thereof shall be ex officio Members, but not voting Members, of each Subcommittee to which such Chairman or Ranking Minority Member has not been assigned by resolu-

tion of the Committee. Ex officio Members shall not be counted as present for purposes of constituting a quorum at any hearing or meeting of such Subcommittee.

#### **Rule VI. Powers and Duties of Subcommittees**

Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective Subcommittees after consultation with the Chairman and other Subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and Subcommittee meetings or hearings whenever possible.

#### **Rule VII. Non-Legislative Reports**

No report of the Committee or Subcommittee which does not accompany a measure or matter for consideration by the House shall be published unless all Members of the Committee or Subcommittee issuing the report shall have been apprised of such report and given the opportunity to give notice of intention to file supplemental, additional, or dissenting views as part of the report. In no case shall the time in which to file such views be less than three calendar days (excluding Saturdays, Sundays and legal holidays when the House is not in session).

#### **Rule VIII. Committee Records**

The records of the Committee at the National Archives and Records Administration shall be made available for public use according to the Rules of the House. The Chairman shall notify the Ranking Minority Member of any decision to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

#### **Rule IX. Official Committee Website**

- (a) The Chairman 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.
- (b) The Chairman shall make the record of the votes on any question on which a record vote is demanded in the full Committee available on the Committee's official website not later than 48 hours after such vote is taken. Such record shall identify or describe 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 the Members voting present.

- (c) Not later than 24 hours after the adoption of any amendment to a measure or matter considered by the Committee or its Subcommittees, the Chairman shall make the text of each such amendment publicly available in electronic form.
- (d) Not later than 3 days after the conclusion of a Committee meeting, the transcript of such meeting and the text of all amendments offered shall be made available on the Committee website.
- (e) The Ranking Member is authorized to maintain a similar official website on behalf of the Committee Minority for the same purpose, including communicating information about the activities of the Minority to Committee Members and other Members of the House.

