

S. PRT. 117-7

COMMITTEE PRINT

Rules of Procedure

of the

COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS

United States Senate



MARCH 2021

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COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

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(II)

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RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

**PURSUANT TO RULE XXVI, SEC. 2,
STANDING RULES OF THE SENATE**

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. *Meeting dates.* The Committee shall hold its regular meetings on the first Wednesday of each month, when the Congress is in session, or at such other times as the Chair shall determine. Additional meetings may be called by the Chair as the Chair deems necessary to expedite Committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. *Calling special Committee meetings.* If at least three Members of the Committee desire the Chair to call a special meeting, they may file in the offices of the Committee a written request therefor, addressed to the Chair. Immediately thereafter, the clerk of the Committee shall notify the Chair of such request. If, within 3 calendar days after the filing of such request, the Chair fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the offices of the Committee their written notice that a special Committee meeting will be held, specifying the date and hour thereof, and the Com-

mittee shall meet on that date and hour. Immediately upon the filing of such notice, the Committee chief clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. *Meeting notices and agenda.* Written notices of Committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all Committee Members at least 5 calendar days in advance of such meetings, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session. The written notices required by this Rule may be provided by electronic mail. In the event that unforeseen requirements or Committee business prevent sufficient notice of either the meeting or agenda, the Committee staff shall communicate such notice and agenda, or any revisions to the agenda, as soon as practicable by telephone or otherwise to Members or appropriate staff assistants in their offices.

D. *Open business meetings.* Meetings for the transaction of Committee or Subcommittee business shall be conducted in open session, except that a meeting or series of meetings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the meeting to be closed, followed immedi-

ately by a record vote in open session by a majority of the Committee or Subcommittee Members when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such

person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or (6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on the Chair's own initiative and without any point of order being made by a Member of the Committee or Subcommittee; *provided, further*, that when the Chair finds it necessary to maintain order, the Chair shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

E. Prior notice of first degree amendments. Prior notice of first degree amendments. It shall not be in order for the Committee, or a Subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless a written copy of such amendment has been delivered to each Member of the Committee or Subcommittee, as the case may be, and to the

office of the Committee or Subcommittee, by no later than 4:00 p.m. two calendar days before the meeting of the Committee or Subcommittee at which the amendment is to be proposed, and, in the case of a first degree amendment in the nature of a substitute proposed by the manager of the measure, by no later than 5:00 p.m. five calendar days before the meeting. The written copy of amendments in the first degree required by this Rule may be provided by electronic mail. This subsection may be waived by a majority of the Members present, or by consent of the Chair and Ranking Minority Member of the Committee or Subcommittee. This subsection shall apply only when at least 5 calendar days written notice of a session to mark-up a measure is provided to the Committee or Subcommittee.

F. *Meeting transcript.* The Committee or Subcommittee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting whether or not such meeting or any part thereof is closed to the public, unless a majority of the Committee or Subcommittee Members vote to forgo such a record. (Rule XXVI, Sec. 5(e), Standing Rules of the Senate.)

RULE 2. QUORUMS

A. *Reporting measures and matters.* A majority of the Members of the Committee shall constitute a quorum for reporting to the Sen-

ate any measures, matters, or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

B. *Transaction of routine business.* One-third of the membership of the Committee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of subpoenas or any business of the Committee other than reporting to the Senate any measures, matters, or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

C. *Taking testimony.* One Member of the Committee shall constitute a quorum for taking sworn or unsworn testimony. (Rule XXVI, Sec. 7(a)(2) and 7(c)(2), Standing Rules of the Senate.)

D. *Subcommittee quorums.* Subject to the provisions of sections 7(a) (1) and (2) of Rule XXVI of the Standing Rules of the Senate, the Subcommittees of this Committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

E. *Proxies prohibited in establishment of quorum.* Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. *Quorum required.* Subject to the provisions of subsection (E), no vote may be taken

by the Committee, or any Subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. *Reporting measures and matters.* No measure, matter, or recommendation shall be reported from the Committee unless a majority of the Committee Members are actually present, and the vote of the Committee to report a measure or matter shall require the concurrence of a majority of those Members who are actually present at the time the vote is taken. (Rule XXVI, Sec. 7(a) (1) and (3), Standing Rules of the Senate.)

C. *Proxy voting.* Proxy voting shall be allowed on all measures, matters, and routine business before the Committee, or any Subcommittee thereof, provided:

(1) When the Committee, or any Subcommittee thereof, is voting to report a measure or matter, proxy votes shall be allowed solely for the purpose of recording a Member's position on the pending question. Proxy votes are not included in the vote tally when reporting the measure or matter.

(2) Proxy voting shall be allowed only if the absent Committee or Subcommittee Member has been informed of the matter on which the Member is being recorded and has affirmatively requested that the vote be so recorded.

(3) All proxies shall be filed with the chief clerk of the Committee or Subcommittee thereof, as the case may be. All proxies shall be in writing and shall contain sufficient ref-

erence to the pending matter as is necessary to identify it and to inform the Committee or Subcommittee as to how the Member establishes the vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. *Announcement of vote.* (1) Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each Member of the Committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the Committee by roll call vote acts upon any measure or amendment thereto, other than reporting a measure or matter, the results thereof shall be announced in the Committee report on that measure unless previously announced by the Committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each Member of the Committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a roll call vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or matter. (Rule XXVI, Sec. 7(b) and (c), Standing Rules of the Senate.)

E. *Polling*. (1) The Committee, or any Subcommittee thereof, may poll (a) internal Committee or Subcommittee matters including the Committee's or Subcommittee's staff, records and budget; (b) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (c) other Committee or Subcommittee business other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public.

(2) Only the Chair, or a Committee Member or staff officer designated by the Chair, may undertake any poll of the Members of the Committee. If any Member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the Committee shall keep a record of polls; if a majority of the Members of the Committee determine that the polled matter is in one of the areas enumerated in subsection (D) of Rule 1, the record of the poll shall be confidential. Any Committee Member may move at the Committee meeting following the poll for a vote on the polled decision, such motion and vote to be subject to the provisions of subsection (D) of Rule 1, where applicable.

F. *Naming postal facilities*. The Committee will not consider any legislation that would name a postal facility for a living person with the exception of bills naming facilities after former Presidents and Vice Presidents of the United States, former Members of Congress

over 70 years of age, former State or local elected officials over 70 years of age, former judges over 70 years of age, or wounded veterans. The Committee will not consider legislation that would name a postal facility unless it has the support of both Senators in the delegation of the state in which the facility is located.

G. *Technical and conforming changes.* A Committee vote to report a measure to the Senate shall also authorize the Committee Chair and Ranking Member by mutual agreement to make any required technical and conforming changes to the measure.

RULE 4. PRESIDING AT MEETINGS AND HEARINGS

The Chair shall preside at all Committee meetings and hearings except that the Chair shall designate a temporary Chair to act in the Chair's place if the Chair is unable to be present at a scheduled meeting or hearing. If the Chair (or a designee) is absent 10 minutes after the scheduled time set for a meeting or hearing, the Ranking Majority Member present shall preside until the Chair's arrival. If there is no Member of the Majority present, the Ranking Minority Member present, with the prior approval of the Chair, may open and conduct the meeting or hearing until such time as a Member of the Majority arrives.

RULE 5. HEARINGS AND HEARING PROCEDURES

A. *Announcement of hearings.* The Committee, or any Subcommittee thereof, shall make public announcement of the date, time, and subject matter of any hearing to be conducted on any measure or matter at least 5 calendar days in advance of such hearing, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session, unless the Committee, or Subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(a), Standing Rules of the Senate.)

B. *Open hearings.* Each hearing conducted by the Committee, or any Subcommittee thereof, shall be open to the public, except that a hearing or series of hearings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the hearing to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee Members when it is determined that the matters to be discussed or the testimony to be taken at such hearing or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on the Chair's own initiative and without any point of order being made by a Member of the Committee or Subcommittee; *provided, further*, that when the Chair finds it necessary to maintain order, the Chair shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

C. *Full Committee subpoenas.* The Chair, with the approval of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses at a hearing or deposition or the production of memoranda, documents, records, or any other materials. The Chair may subpoena attendance or production without the approval of the Ranking Minority Member where the Chair has not received a letter of disapproval signed by the Ranking Minority Member within 3 calendar days, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session, of the Ranking Minority Member's receipt of a letter signed by the Chair providing notice of the Chair's intent to issue a subpoena, including an identification of all individuals and items sought

to be subpoenaed. Delivery and receipt of the signed notice and signed disapproval letters and any additional communications related to the subpoena may be carried out by staff officers of the Chair and Ranking Minority Member, and may occur through electronic mail. If a subpoena is disapproved by the Ranking Minority Member as provided in this subsection, the subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chair authorizes subpoenas, subpoenas may be issued upon the signature of the Chair or any other Member of the Committee designated by the Chair.

D. *Witness counsel.* Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing or deposition to advise such witness while the witness is testifying, of the witness's legal rights; *provided, however,* that in the case of any witness who is an officer or employee of the Government, or of a corporation or association, the Committee Chair may rule that representation by counsel from the Government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Committee by personal counsel not from the Government, corporation, or association or by personal counsel not representing other witnesses. This subsection shall not be

construed to excuse a witness from testifying in the event the witness's counsel is ejected for conduct that prevents, impedes, disrupts, obstructs, or interferes with the orderly administration of the hearings; nor shall this subsection be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

E. *Witness transcripts.* An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of a witness's testimony whether in public or executive session shall be made available for inspection by the witness or the witness's counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be provided to any witness at the witness's expense if the witness so requests. Upon inspecting that transcript, within a time limit set by the chief clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors; the Chair or a staff officer designated by the Chair shall rule on such requests.

F. *Impugned persons.* Any person whose name is mentioned or is specifically identified, and who believes that evidence pre-

sented, or comment made by a Member of the Committee or staff officer, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn the person's character or adversely affect the person's reputation may:

(a) File a sworn statement of facts relevant to the evidence or comment, which statement shall be considered for placement in the hearing record by the Committee;

(b) Request the opportunity to appear personally before the Committee to testify in the person's own behalf, which request shall be considered by the Committee; and

(c) Submit questions in writing which the person requests be used for the cross-examination of other witnesses called by the Committee, which questions shall be considered for use by the Committee.

G. *Radio, television, and photography.* The Committee, or any Subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the Committee, or Subcommittee, may impose. (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

H. *Advance statements of witnesses.* A witness appearing before the Committee, or any Subcommittee thereof, shall provide electronically a written statement of the witness's proposed testimony at least 2 calendar days prior to the witness' appearance, excluding

Saturdays, Sundays, and legal holidays in which the Senate is not in session. This requirement may be waived by the Chair and the Ranking Minority Member following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec. 4(b), Standing Rules of the Senate.)

I. *Selection of hearing witnesses.* In any hearing conducted by the Committee, or any Subcommittee thereof, the Chair and Ranking Minority Member shall consult and seek agreement on the selection of witnesses. Should the Chair and Ranking Minority Member not reach agreement on the selection of witnesses and the Chair has selected non-government witnesses, the Ranking Minority Member is entitled to select at least one non-government witness. The Chair will set the total number of non-government witnesses with the Ranking Minority Member entitled to select an equal number of non-government witnesses, where the total number of non-government witnesses is an even number, or to select one less witness than the Chair, where the total number of non-government witnesses is an odd number.

J. *Swearing in witnesses.* In any hearings conducted by the Committee, the Chair or the Chair's designee may swear in each witness prior to their testimony.

K. *Full Committee depositions.* Depositions may be taken prior to or after a hearing as provided in this subsection.

(1) Notices for the taking of depositions shall be authorized and issued by the Chair,

with the approval of the Ranking Minority Member of the Committee. The Chair may initiate depositions without the approval of the Ranking Minority Member where the Chair has not received a letter of disapproval of the deposition notice signed by the Ranking Minority Member within 3 calendar days, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session, of the Ranking Minority Member's receipt of a letter signed by the Chair providing notification of the Chair's intent to issue a deposition notice, including identification of all individuals sought to be deposed. Delivery and receipt of the signed notification letter and signed disapproval letter and any additional communications related to the deposition may be carried out by staff officers of the Chair and Ranking Member, and may occur through electronic mail. If a deposition notice is disapproved by the Ranking Minority Member as provided in this subsection, the deposition notice may be authorized by a vote of the Members of the Committee. Committee deposition notices shall specify a time and place for examination, and the name of the Committee Member or Members or staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear or produce unless the deposition notice was accompanied by a Committee subpoena.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 5D.

(3) Oaths at depositions may be administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by a Committee Member or Members or staff. If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the Committee Member or Members or staff may proceed with the remainder of the deposition.

(4) The Committee shall see that the testimony is transcribed or electronically recorded (which may include or audio/video recordings). If it is transcribed, the transcript shall be made available for inspection by the witness or the witness's counsel under Committee supervision. The witness shall sign a copy of the transcript and may request changes to it, which shall be handled in accordance with the procedure set forth in subsection (E). If the witness fails to sign a copy, the staff shall note that fact on the transcript. The individual administering the oath shall certify on the transcript that the witness was duly sworn in their presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk of the Committee. The Chair or a staff officer designated by the Chair may stipulate with the witness to changes in the procedure; deviations from this procedure which do not

substantially impair the reliability of the record shall not relieve the witness from the witness's obligation to testify truthfully.

RULE 6. COMMITTEE REPORTING PROCEDURES

A. *Timely filing.* When the Committee has ordered a measure or matter reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time. (Rule XXVI, Sec. 10(b), Standing Rules of the Senate.)

B. *Supplemental, Minority, and additional views.* A Member of the Committee who gives notice of an intention to file supplemental, Minority, or additional views at the time of final Committee approval of a measure or matter shall be entitled to not less than 3 calendar days excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session, in which to file such views, in writing, with the chief clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views. (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. *Notice by Subcommittee Chairmen.* The Chair of each Subcommittee shall notify the Chair in writing whenever any measure has been ordered reported by such Subcommittee

and is ready for consideration by the full Committee.

D. Draft reports of Subcommittees. All draft reports prepared by Subcommittees of this Committee on any measure or matter referred to it by the Chair shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the Committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the Committee at the earliest practicable time.

E. Impact statements in reports. All Committee reports, accompanying a bill or joint resolution of a public character reported by the Committee, shall contain (1) an estimate, made by the Committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next 5 years thereafter (or for the authorized duration of the proposed legislation, if less than 5 years); and (2) a comparison of such cost estimates with any made by a Federal agency; or (3) in lieu of such estimate or comparison, or both, a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

Each such report shall also contain an evaluation, made by the Committee, of the regulatory impact which would be incurred in car-

rying out the bill or joint resolution. The evaluation shall include (a) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (b) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the forgoing evaluation, the report shall include a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(b), Standing Rules of the Senate.)

RULE 7. COMMITTEE CONFIDENTIALITY

Any Senator, officer, or employee of the Senate who shall disclose the secret or confidential business or proceedings of the Senate, including the business and proceedings

of the committees, subcommittees, and offices of the Senate, shall be liable, if a Senator, to suffer expulsion from the body; and if an officer or employee, to dismissal from the service of the Senate, and to punishment for contempt. (Rule XXIX, Sec. 5, Standing Rules of the Senate.)

**RULE 8. SUBCOMMITTEES AND
SUBCOMMITTEE PROCEDURES**

A. Regularly established Subcommittees. The Committee shall have three regularly established Subcommittees. The Subcommittees are as follows:

PERMANENT SUBCOMMITTEE ON
INVESTIGATIONS

SUBCOMMITTEE ON EMERGING THREATS
AND SPENDING OVERSIGHT

SUBCOMMITTEE ON GOVERNMENT
OPERATIONS AND BORDER MANAGEMENT

B. *Ad hoc Subcommittees.* Following consultation with the Ranking Minority Member, the Chair shall, from time to time, establish such ad hoc Subcommittees as the Chair deems necessary to expedite Committee business.

C. *Subcommittee membership.* Following consultation with the Majority Members, and the Ranking Minority Member of the Committee, the Chair shall announce selections

for membership on the Subcommittees referred to in paragraphs A and B, above.

(1) The Chair and Ranking Minority Member shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(2) Any Member of the Committee may attend hearings held by any subcommittee and question witnesses testifying before that Subcommittee, subject to the approval of the Subcommittee Chair and Ranking Member.

D. *Subcommittee meetings and hearings.* Each Subcommittee of this Committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the Committee except as provided in Rules 2(D) and 8(E).

E. *Subcommittee subpoenas.* Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee; provided:

(1) A written notice of intent to issue the subpoena shall be provided to the Chair and Ranking Minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chair or a staff officer designated by the Subcommittee Chair immediately upon such authorization, and no subpoena shall be issued for at least 2 calendar days, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session, from delivery to the appropriate offices, unless the Chair and Ranking Minority Member waive the notice period or unless the

Subcommittee Chair certifies in writing to the Chair and Ranking Minority Member that, in the Subcommittee Chair's opinion, it is necessary to issue a subpoena immediately.

F. *Subcommittee budgets.* During the first year of a new Congress, each Subcommittee that requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, by a date and time prescribed by the Chair, its request for funds for the two (2) 12-month periods beginning on March 1 and extending through and including the last day of February of the 2 following years, which years comprise that Congress. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the Chair of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding Congress detailed year by year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding Congress detailed year by year, (b) the funds actually expended during that Congress detailed year by year, (c) the amount requested for each year of the Congress, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding Congress detailed year by year and the number of such personnel requested for each year of

the Congress. The Chair may request additional reports from the Subcommittees regarding their activities and budgets at any time during a Congress. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 9. CONFIRMATION STANDARDS AND PROCEDURES

A. *Standards.* In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which the nominee has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which the nominee was nominated.

B. *Information concerning the Nominee.* Each nominee shall submit the following information to the Committee:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, in such specificity as the Committee deems necessary, including a list of assets and liabilities of the nominee and tax returns for the 3 years preceding the time of the person's nomination, and copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement, nec-

essary for the Committee's consideration;
and

(3) (3) Copies of other relevant documents the Committee may request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office. At the request of the Chair or the Ranking Minority Member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor. Information received pursuant to this subsection shall be made available for public inspection; *provided, however*, that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. Procedures for Committee inquiry. The Committee shall conduct an inquiry into the experience, qualifications, suitability, and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which the person is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the 3 years preceding the time of the person's nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which the person is nominated. For the purpose of assisting the Committee in the conduct of this inquiry, a Majority investigator or investigators shall be designated by the Chair and a Minority investigator or investigators shall be designated by the Ranking Minority Member. The Chair, Ranking Minority Member, other Members of the Committee, and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, including access to the report of the Federal Bureau of Investigation. The Committee may request the assistance of the U.S. Government Accountability Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. *Report on the Nominee.* After a review of all information pertinent to the nomination, a confidential report on the nominee shall be made in the case of judicial nominees and may be made in the case of non-judicial nominees by the designated investigators to the Chair and the Ranking Minority Member and, upon request, to any other Member of the Committee. The report shall summarize the steps taken by the Committee during its investigation of the nominee and the results of the Committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

E. *Hearings.* The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to the nominee's suitability for office, including the policies and programs which the nominee will pursue while in that position. No hearing shall be held until at least 3 calendar days after the following events have occurred: The nominee has responded to prehearing questions submitted by the Committee; and, if applicable, the report described in subsection (D) has been made to the Chair and Ranking Minority Member, and is available to other Members of the Committee, upon request.

F. *Action on confirmation.* A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the prehearing inquiry.

G. *Application.* The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the Chair and Ranking Minority Member, those procedures may apply to persons nominated by the President to serve on a part-time basis.

**RULE 10. PERSONNEL ACTIONS
AFFECTING COMMITTEE STAFF**

In accordance with Rule XLII of the Standing Rules of the Senate and the Congressional Accountability Act of 1995 (P.L. 104 1), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, state of physical handicap, or disability.

**RULE 11. APPRISAL OF COMMITTEE
BUSINESS**

The Chair and Ranking Minority Member shall keep each other apprised of hearings, investigations, and other Committee business.

**RULE 12. PER DIEM FOR FOREIGN
TRAVEL**

A per diem allowance provided a Member of the Committee or staff of the Committee in connection with foreign travel shall be used solely for lodging, food, and related expenses and it is the responsibility of the Member of the Committee or staff of the Committee receiving such an allowance to return to the United States Government that portion of the allowance received which is not actually used for necessary lodging, food, and related expenses. (Rule XXXIX, Paragraph 3, Standing Rules of the Senate.)

SENATE RESOLUTION 70, 117th CON-
GRESS, 1st SESSION (CONSIDERED
AND AGREED TO FEBRUARY 24, 2021)

AUTHORIZING EXPENDITURES BY COM-
MITTEES OF THE SENATE FOR THE
PERIODS MARCH 1, 2021 THROUGH
FEBRUARY 28, 2023.

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**SEC. 12. COMMITTEE ON HOMELAND
SECURITY AND GOVERNMENTAL AF-
FAIRS.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate and S. Res. 445, agreed to October 9, 2004 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs is authorized from March 1, 2021 through February 28, 2023, in its discretion—

- (1) to make expenditures from the contingent fund of the Senate;
- (2) to employ personnel; and
- (3) with the prior consent of the Government department or agency concerned and

the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2019—The expenses of the committee for the period March 1, 2021, through September 30, 2021, under this section shall not exceed \$6,430,401, of which amount—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2020 PERIOD.—The expenses of the committee for the period October 1, 2021, through September 30, 2022, under this section shall not exceed \$11,023,545, of which amount—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2021.—The expenses of the committee for the period October 1, 2022, through February 28, 2023, under this section shall not exceed \$4,593,144, of which amount—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(e) INVESTIGATIONS—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated there-

with, doing business with the Government, and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and the Government's relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or inter-

national commerce, and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety, including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

- (iv) legislative and other proposals to improve these methods, processes, and relationships;
- (F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—
 - (i) the collection and dissemination of accurate statistics on fuel demand and supply;
 - (ii) the implementation of effective energy conservation measures;
 - (iii) the pricing of energy in all forms;
 - (iv) coordination of energy programs with State and local government;
 - (v) control of exports of scarce fuels;
 - (vi) the management of tax, import, pricing, and other policies affecting energy supplies;
 - (vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;
 - (viii) the allocation of fuels in short supply by public and private entities;
 - (ix) the management of energy supplies owned or controlled by the Government;
 - (x) relations with other oil producing and consuming countries;
 - (xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations gov-

erning the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman is authorized, in its, his, her, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.— Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and any duly authorized subcommittee of the committee authorized under S. Res. 70, agreed to February 27, 2019 (116th Congress) are authorized to continue.