

Clean Air Act. I am creating CO<sub>2</sub> as I speak. The gentleman from Washington, who was just speaking, as he spoke, was creating CO<sub>2</sub>. If you have a carbonated beverage, the reason it bubbles and it is called "carbonated" is because of CO<sub>2</sub>. Greenhouse gases are necessary to human life. They're what keep the planet warm. They're what trap heat so we have an atmosphere that we can exist in.

There is not a definition of a health exposure to CO<sub>2</sub>. The theory that CO<sub>2</sub> is harmful is based on a theory that the amount of greenhouse gases, specifically CO<sub>2</sub>, in the upper atmosphere, as it increases, so many parts per billion somehow affect the ability of the Earth to accumulate or dispense heat. It is a theory. There is nobody in this country or anywhere in the world who has been harmed because of manmade CO<sub>2</sub>. You cannot point to cases of CO<sub>2</sub> poisoning.

So, when my friends who oppose this amendment talk about carbon pollution, they're using a definition that is very loose and very nebulous.

The second point is that there is no question that the Clean Air Act, as passed and as amended in 1990, did not include CO<sub>2</sub> as a criterion pollutant. Because of a case, *Massachusetts vs. EPA*, the Supreme Court ruled—and my friend from Washington was correct—5-4 that the EPA could make a decision to regulate CO<sub>2</sub>. Could—not should, not must—but could.

The Bush administration began a process to analyze that decision. The Obama administration came in, and within the first 90 days, issued an endangerment finding, not based on independent analysis, but based more on press releases as far as I can say. They said, yes, by golly, that CO<sub>2</sub> was a pollutant and that, yes, they could regulate it. They have since been trying to shoehorn CO<sub>2</sub> regulation into the tenets of the original Clean Air Act.

The amendment before us this evening that Mr. POE, Mr. CARTER, and I have promulgated simply says: Let's take a timeout on CO<sub>2</sub> regulation for the next 7 months. Let's actually define what the greenhouse gases are that we want to look at, and let's restrict the analysis to stationary sources on the regulations that are implemented after January 2011.

The Acting CHAIR. The time of the gentleman has expired.

Mr. POE of Texas. I yield the gentleman an additional 20 seconds.

Mr. BARTON of Texas. There is no question that if you regulate CO<sub>2</sub> under the Clean Air Act you are going to destroy millions of jobs, which will cost hundreds of billions of dollars, without any real economic analysis to show that it is a harm.

So I support the Poe-Carter-Barton amendment, and I hope that the whole House will.

Mr. POE of Texas. I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, there are actually a couple of points that I would share with the gentleman who had been

the ranking member and who is now the senior member of the Energy and Commerce Committee.

The committee could pass legislation if they chose. I don't think this is the correct vehicle, a continuing resolution on funding activities, to be making law with regard to the Clean Air Act.

Secondly, as Mr. INSLEE informs me, the 5-4 decision of the Supreme Court said if you can show that there is an adverse health effect, then EPA is required by law to address that. That's what EPA is trying to do. That's what this amendment would prevent EPA from doing.

Now, it is not theory. Climate change is fact. It is real. Future generations will look back upon this generation and will wonder, how could our parents and grandparents have been so unmindful of the health effects that our families are experiencing.

The Acting CHAIR. The time of the gentleman has expired.

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent to extend for 30 seconds the remaining time on both sides.

The Acting CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MORAN. That is certainly fair. I thank the gentleman.

Mr. Chairman, there is an ongoing discussion as to theory and fact. We are convinced that the facts are there. They are science-driven facts. In fact, the melting of the polar ice cap has had a direct effect upon the concentration of moisture in the atmosphere, which is then causing the volatility: the extreme nature of the snowstorms, the flooding, even the droughts that we have been experiencing. There is no question but that in the last decade we have had the warmest years on record.

These are facts, but this is not the vehicle in which they should be debated and at 1 a.m. in the morning. I just simply would urge that we defeat this amendment. It is the wrong amendment and the wrong vehicle.

The Acting CHAIR. The time of the gentleman has again expired.

The gentleman from Texas has 45 seconds remaining.

Mr. POE of Texas. It is my understanding that the committee is going to move a standalone bill in the next few months on the very issue of CO<sub>2</sub>.

Mr. Chairman, this amendment is very simple. It prohibits the EPA from overreaching and from expanding its authority that Congress, in my opinion, has not given it to do. CO<sub>2</sub>. We all breathe CO<sub>2</sub>. Climate changes, but there is no evidence at all that it is manmade CO<sub>2</sub> that causes the climate to change. The climate has been changing, well, for thousands and thousands of years.

I urge my fellow Members of this House to support this amendment to rein in the oppressiveness of the EPA. States like Texas already regulate the

air through their State regulatory processes, so I ask that all Members support amendment No. 466.

Mr. POE of Texas. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. POE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. CARTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. GINGREY of Georgia, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, had come to no resolution thereon.

□ 0110

#### APPOINTMENT OF MEMBERS TO UNITED STATES GROUP OF NATO PARLIAMENTARY ASSEMBLY

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 1928a, and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of the following Members of the House to the United States Group of the NATO Parliamentary Assembly:

Mr. ROSS, Arkansas  
Mr. CHANDLER, Kentucky  
Mr. DAVID SCOTT, Georgia  
Ms. SCHWARTZ, Pennsylvania

#### APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 3003 note, and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe:

Mr. HASTINGS, Florida  
Ms. SLAUGHTER, New York  
Mr. MCINTYRE, North Carolina  
Mr. COHEN, Tennessee

#### PUBLICATION OF COMMITTEE RULES

RULES OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE FOR THE 112TH CONGRESS

FEBRUARY 17, 2011.

Hon. JOHN A. BOEHNER,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: Pursuant to Clause 2 of Rule XI of the Rules of the House, I am

submitting the Rules of the Permanent Select Committee on Intelligence for printing in the Congressional Record. On February 9, 2011, the Committee adopted these rules by recorded vote with a quorum present.

Sincerely,

MIKE ROGERS,  
Chairman.

RULES OF PROCEDURE FOR THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE, UNITED STATES HOUSE OF REPRESENTATIVES, 112TH CONGRESS

1. MEETING DAY

Regular Meeting Day for the Full Committee. The regular meeting day of the Committee for the transaction of Committee business shall be the first Thursday of each month, unless otherwise directed by the Chair.

2. NOTICE FOR MEETINGS

(a) Generally. In the case of any meeting of the Committee, the Chief Clerk of the Committee shall provide reasonable notice to every member of the Committee. Such notice shall provide the time, place, and subject matter of the meeting, and shall be made consistent with the provisions of clause 2(g)(3) of House Rule XI.

(b) Hearings. Except as provided in subsection (d), a Committee hearing may not commence earlier than one week after such notice.

(c) Business Meetings. Except as provided in subsection (d), a Committee business meeting may not commence earlier than the third day on which Members have notice thereof.

(d) Exception. A hearing or business meeting may begin sooner than otherwise specified in either of the following circumstances (in which case the Chair shall provide the notice at the earliest possible time):

(1) the Chair, with the concurrence of the Ranking Minority Member, determines there is good cause; or

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

(e) Definition. For purposes of this rule, "notice" means:

(1) Written notification; or

(2) Notification delivered by facsimile transmission, regular mail, or electronic mail.

3. PREPARATIONS FOR COMMITTEE MEETINGS

(a) Generally. Designated Committee Staff, as directed by the Chair, shall brief members of the Committee at a time sufficiently prior to any Committee meeting in order to:

(1) Assist Committee members in preparation for such meeting; and

(2) Determine which matters members wish considered during any meeting.

(b) Briefing Materials.

(1) Such a briefing shall, at the request of a member, include a list of all pertinent papers, and such other materials, that have been obtained by the Committee that bear on matters to be considered at the meeting; and

(2) The Staff Director shall also recommend to the Chair any testimony, papers, or other materials to be presented to the Committee at the meeting of the Committee.

4. OPEN MEETINGS

(a) Generally. Pursuant to House Rule XI, but subject to the limitations of subsections (b) and (c), Committee meetings held for the transaction of business and Committee hearings shall be open to the public.

(b) Meetings. Any meeting or portion thereof, for the transaction of business, including the markup of legislation, or any hearing or portion thereof, shall be closed to

the public, if the Committee determines by record vote in open session, with a majority of the Committee present, that disclosure of the matters to be discussed may:

(1) Endanger national security;

(2) Compromise sensitive law enforcement information;

(3) Tend to defame, degrade, or incriminate any person; or

(4) Otherwise violate any law or Rule of the House.

(c) Hearings. The Committee may vote to close a Committee hearing pursuant to clause 11(d)(2) of House Rule X, regardless of whether a majority is present, so long as at least two members of the Committee are present, one of whom is a member of the Minority and votes upon the motion.

(d) Briefings. Committee briefings shall be closed to the public.

5. QUORUM

(a) Hearings. For purposes of taking testimony, or receiving evidence, a quorum shall consist of two Committee members, at least one of whom is a member of the Majority.

(b) Other Committee Proceedings. For purposes of the transaction of all other Committee business, other than the consideration of a motion to close a hearing as described in rule 4(c), a quorum shall consist of a majority of members.

6. PROCEDURES FOR AMENDMENTS AND VOTES

(a) Amendments. When a bill or resolution is being considered by the Committee, members shall provide the Chief Clerk in a timely manner with a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of each such amendment shall be maintained in the public records of the Committee.

(b) Reporting Record Votes. Whenever the Committee reports any measure or matter by record vote, the report of the Committee upon such 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.

(c) Postponement of Further Proceedings. In accordance with clause 2(h) of House Rule XI, the Chair is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or adopting an amendment. The Chair may resume proceedings on a postponed request at any time after reasonable notice. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(d) Availability of Record Votes on Committee Website. In addition to any other requirement of the Rules of the House, the Chair shall make the record votes on any measure or matter on which a record vote is taken, other than a motion to close a Committee hearing, briefing, or meeting, available on the Committee's website not later than 2 business days after such vote is taken. Such record shall include an unclassified description of the amendment, motion, order, or other proposition, the name of each member voting in favor of, and each member voting in opposition to, such amendment, motion, order, or proposition, and the names of those members of the Committee present but not voting.

7. SUBCOMMITTEES

(a) Generally.

(1) Creation of subcommittees shall be by majority vote of the Committee.

(2) Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct.

(3) Subcommittees shall be governed by these rules.

(4) For purposes of these rules, any reference herein to the "Committee" shall be interpreted to include subcommittees, unless otherwise specifically provided.

(b) Establishment of Subcommittees. The Committee establishes the following subcommittees:

(1) Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence;

(2) Subcommittee on Technical and Tactical Intelligence; and,

(3) Subcommittee on Oversight and Investigations.

(c) Subcommittee Membership.

(1) Generally. Each member of the Committee may be assigned to at least one of the subcommittees.

(2) *Ex Officio* Membership. In the event that the Chair and Ranking Minority Member of the full Committee do not choose to sit as regular voting members of one or more of the subcommittees, each is authorized to sit as an *ex officio* member of the subcommittees and participate in the work of the subcommittees. When sitting *ex officio*, however, they:

(A) Shall not have a vote in the subcommittee; and

(B) Shall not be counted for purposes of determining a quorum.

(d) Regular Meeting Day for Subcommittees. There is no regular meeting day for subcommittees.

8. PROCEDURES FOR TAKING TESTIMONY OR RECEIVING EVIDENCE

(a) Notice. Adequate notice shall be given to all witnesses appearing before the Committee.

(b) Oath or Affirmation. The Chair may require testimony of witnesses to be given under oath or affirmation.

(c) Administration of Oath or Affirmation. Upon the determination that a witness shall testify under oath or affirmation, any member of the Committee designated by the Chair may administer the oath or affirmation.

(d) Questioning of Witnesses.

(1) Generally. Questioning of witnesses before the Committee shall be conducted by members of the Committee.

(2) Exceptions.

(A) The Chair, in consultation with the Ranking Minority Member, may determine that Committee Staff will be authorized to question witnesses at a hearing in accordance with clause (2)(j) of House Rule XI.

(B) The Chair and Ranking Minority Member are each authorized to designate Committee Staff to conduct such questioning.

(e) Counsel for the Witness.

(1) Generally. Witnesses before the Committee may be accompanied by counsel, subject to the requirements of paragraph (2).

(2) Counsel Clearances Required. In the event that a meeting of the Committee has been closed because the subject to be discussed deals with classified information, counsel accompanying a witness before the Committee must possess the requisite security clearance and provide proof of such clearance to the Committee at least 24 hours prior to the meeting at which the counsel intends to be present.

(3) Failure to Obtain Counsel. Any witness who is unable to obtain counsel should notify the Committee. If such notification occurs at least 24 hours prior to the witness' appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain counsel, however, will not excuse the witness from appearing and testifying.

(4) Conduct of Counsel for Witnesses. Counsel for witnesses appearing before the Committee shall conduct themselves ethically

and professionally at all times in their dealings with the Committee.

(A) A majority of members of the Committee may, should circumstances warrant, find that counsel for a witness before the Committee failed to conduct himself or herself in an ethical or professional manner.

(B) Upon such finding, counsel may be subject to appropriate disciplinary action.

(5) Temporary Removal of Counsel. The Chair may remove counsel during any proceeding before the Committee for failure to act in an ethical and professional manner.

(6) Committee Reversal. A majority of the members of the Committee may vote to overturn the decision of the Chair to remove counsel for a witness.

(7) Role of Counsel for Witness.

(A) Counsel for a witness:

(i) Shall not be allowed to examine witnesses before the Committee, either directly or through cross-examination; but

(ii) May submit questions in writing to the Committee that counsel wishes propounded to a witness; or

(iii) May suggest, in writing to the Committee, the presentation of other evidence or the calling of other witnesses.

(B) The Committee may make such use of any such questions, or suggestions, as the Committee deems appropriate.

(f) Statements by Witnesses.

(1) Generally. A witness may make a statement, which shall be brief and relevant, at the beginning and at the conclusion of the witness' testimony.

(2) Length. Each such statement shall not exceed five minutes in length, unless otherwise determined by the Chair.

(3) Submission to the Committee. Any witness desiring to submit a written statement for the record of the proceeding shall submit a copy of the statement to the Chief Clerk of the Committee.

(A) Such statements shall ordinarily be submitted no less than 48 hours in advance of the witness' appearance before the Committee and shall be submitted in written and electronic format.

(B) In the event that the hearing was called with less than 24 hours notice, written statements should be submitted as soon as practicable prior to the hearing.

(g) Objections and Ruling.

(1) Generally. Any objection raised by a witness, or counsel for the witness, shall be ruled upon by the Chair, and such ruling shall be the ruling of the Committee.

(2) Committee Action. A ruling by the Chair may be overturned upon a majority vote of the Committee.

(h) Transcripts.

(1) Transcript Required. A transcript shall be made of the testimony of each witness appearing before the Committee during any hearing of the Committee.

(2) Opportunity to Inspect. Any witness testifying before the Committee shall be given a reasonable opportunity to inspect the transcript of the hearing, and may be accompanied by counsel to determine whether such testimony was correctly transcribed. Such counsel:

(A) May review the transcript only if he or she has the appropriate security clearances necessary to review any classified aspect of the transcript; and

(B) Should, to the extent possible, be the same counsel that was present for such classified testimony.

(3) Corrections.

(A) Pursuant to Rule XI of the House Rules, any corrections the witness desires to make in a transcript shall be limited to technical, grammatical, and typographical corrections.

(B) Corrections may not be made to change the substance of the Testimony.

(C) Such corrections shall be submitted in writing to the Committee within 7 days after the transcript is made available to the witnesses.

(D) Any questions arising with respect to such corrections shall be decided by the Chair.

(4) Copy for the Witness. At the request of the witness, any portion of the witness' testimony given in executive session shall be made available to that witness if that testimony is: subsequently quoted or intended to be made part of a public record. Such testimony shall be made available to the witness at the witness' expense.

(i) Requests to Testify.

(1) Generally. The Committee will consider requests to testify on any matter or measure pending before the Committee.

(2) Recommendations for Additional Evidence. Any person who believes that testimony, other evidence, or commentary, presented at a public hearing may tend to affect adversely that person's reputation may submit to the Committee, in writing:

(A) A request to appear personally before the Committee;

(B) A sworn statement of facts relevant to the testimony, evidence, or commentary; or

(C) Proposed questions for the cross-examination of other witnesses.

(3) Committee Discretion. The Committee may take those actions it deems appropriate with respect to such requests.

(j) Contempt Procedures. Citations for contempt of Congress shall be forwarded to the House only if:

(1) Reasonable notice is provided to all members of the Committee of a meeting to be held to consider any such contempt recommendations;

(2) The Committee has met and considered the contempt allegations;

(3) The subject of the allegations was afforded an opportunity to state either in writing or in person, why he or she should not be held in contempt; and

(4) The Committee agreed by majority vote to forward the citation recommendations to the House.

(k) Release of Name of Witness.

(1) Generally. At the request of a witness scheduled to be heard by the Committee, the name of that witness shall not be released publicly prior to, or after, the witness' appearance before the Committee.

(2) Exceptions. Notwithstanding paragraph (1), the Chair may authorize the release to the public of the name of any witness scheduled to appear before the Committee.

#### 9. INVESTIGATIONS

(a) Commencing Investigations. The Committee shall conduct investigations only if approved by the Chair, in consultation with the Ranking Minority Member.

(b) Conducting Investigations. An authorized investigation may be conducted by members of the Committee or Committee Staff designated by the Chair, in consultation with the Ranking Minority Member, to undertake any such investigation.

#### 10. SUBPOENAS

(a) Generally. All subpoenas shall be authorized by the Chair of the full Committee, upon consultation with the Ranking Minority Member, or by vote of the Committee.

(b) Subpoena Contents. Any subpoena authorized by the Chair of the full Committee, or the Committee, may compel:

(1) The attendance of witnesses and testimony before the Committee; or

(2) The production of memoranda, documents, records, or any other tangible item.

(c) Signing of Subpoena. A subpoena authorized by the Chair of the full Committee, or the Committee, may be signed by the Chair, or by any member of the Committee designated to do so by the Committee.

(d) Subpoena Service. A subpoena authorized by the Chair of the full Committee, or the Committee, may be served by any person designated to do so by the Chair.

(e) Other Requirements. Each subpoena shall have attached thereto a copy of these rules.

#### 11. COMMITTEE STAFF

(a) Definition. For the purpose of these rules, "Committee Staff" or "Staff of the Committee" means:

(1) Employees of the Committee;

(2) Consultants to the Committee;

(3) Employees of other Government agencies detailed to the Committee; or

(4) Any other person engaged by contract, or otherwise, to perform services for, or at the request of, the Committee.

(b) Appointment of Committee Staff and Security Requirements.

(1) Chair's Authority. Except as provided in paragraph (2), the Committee Staff shall be appointed, and may be removed, by the Chair and shall work under the general supervision and direction of the Chair.

(2) Staff Assistance to Minority Membership. Except as provided in paragraphs (3) and (4), and except as otherwise provided by Committee Rules, the Committee Staff provided to the Minority Party members of the Committee shall be appointed, and may be removed, by the Ranking Minority Member of the Committee, and shall work under the general supervision and direction of such member.

(3) Security Clearance Required. All offers of employment for prospective Committee Staff positions shall be contingent upon:

(A) The results of a background investigation; and

(B) A determination by the Chair that requirements for the appropriate security clearances have been met.

(4) Security Requirements. Notwithstanding paragraph (2), the Chair shall supervise and direct the Committee Staff with respect to the security and nondisclosure of classified information. Committee Staff shall comply with requirements necessary to ensure the security and nondisclosure of classified information as determined by the Chair in consultation with the Ranking Minority Member.

#### 12. LIMIT ON DISCUSSION OF CLASSIFIED WORK OF THE COMMITTEE

(a) Prohibition.

(1) Generally. Except as otherwise provided by these rules and the Rules of the House of Representatives, members of the Committee and Committee Staff shall not at any time, either during that person's tenure as a member of the Committee or as Committee Staff, or anytime thereafter, discuss or disclose, or cause to be discussed or disclosed:

(A) The classified substance of the work of the Committee;

(B) Any information received by the Committee in executive session;

(C) Any classified information received by the Committee from any source; or

(D) The substance of any hearing that was closed to the public pursuant to these rules or the Rules of the House.

(2) Non-Disclosure in Proceedings.

(A) Members of the Committee and the Committee Staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee Staff in connection with any proceeding, judicial or otherwise, either during the person's tenure as a member of the Committee, or of the Committee Staff, or at any time thereafter, except as directed by the Committee in accordance with the Rules of the House and these rules.

(B) In the event of the termination of the Committee, members and Committee Staff

shall be governed in these matters in a manner determined by the House concerning discussions of the classified work of the Committee.

(3) Exceptions.

(A) Notwithstanding the provisions of subsection (a)(1), members of the Committee and the Committee Staff may discuss and disclose those matters described in subsection (a)(1) with:

(i) Members and staff of the Senate Select Committee on Intelligence designated by the chair of that committee;

(ii) The chairmen and ranking minority members of the House and Senate Committees on Appropriations and staff of those committees designated by the chairmen of those committees; and,

(iii) The chair and ranking minority member of the Subcommittee on Defense of the House Committee on Appropriations and staff of that subcommittee as designated by the chair of that subcommittee, or Members of that subcommittee designated by the Chair pursuant to clause (g)(1) of Committee Rule 12.

(B) Notwithstanding the provisions of subsection (a)(1), members of the Committee and the Committee Staff may discuss and disclose only that budget-related information necessary to facilitate the enactment of the annual defense authorization bill with the chairmen and ranking minority members of the House and Senate Committees on Armed Services and the staff of those committees as designated by the chairmen of those committees.

(C) Notwithstanding the provisions of subsection (a)(1), members of the Committee and the Committee Staff may discuss with and disclose to the chair and ranking minority member of a subcommittee of the House Appropriations Committee with jurisdiction over an agency or program within the National Intelligence Program (NIP), and staff of that subcommittee as designated by the chair of that subcommittee, only that budget-related information necessary to facilitate the enactment of an appropriations bill within which is included an appropriation for an agency or program within the NIP.

(D) The Chair may, in consultation with the Ranking Minority Member, upon the written request to the Chair from the Inspector General of an element of the Intelligence Community, grant access to Committee transcripts or documents that are relevant to an investigation of an allegation of possible false testimony or other inappropriate conduct before the Committee, or that are otherwise relevant to the Inspector General's investigation.

(E) Upon the written request of the head of an Intelligence Community element, the Chair may, in consultation with the Ranking Minority Member, make available Committee briefing or hearing transcripts to that element for review by that element if a representative of that element testified, presented information to the Committee, or was present at the briefing or hearing the transcript of which is requested for review.

(F) Members and Committee Staff may discuss and disclose such matters as otherwise directed by the Committee.

(4) Records of Closed Proceedings. Any records or notes taken by any person memorializing material otherwise prohibited from disclosure by members of the Committee and Committee staff under these rules, including information received in executive session and the substance of any hearing or briefing that was closed to the public, shall remain Committee material subject to these rules and may not be publicly discussed, disclosed, or caused to be publicly discussed or disclosed, unless authorized by the Committee consistent with these rules.

(b) Non-Disclosure Agreement.

(1) Generally. All Committee Staff must, before joining the Committee Staff, agree in writing, as a condition of employment, not to divulge or cause to be divulged any classified information which comes into such person's possession while a member of the Committee Staff, to any person not a member of the Committee or the Committee Staff, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(2) Other Requirements. In the event of the termination of the Committee, members and Committee Staff must follow any determination by the House of Representatives with respect to the protection of classified information received while a member of the Committee or as Committee Staff.

(3) Requests for Testimony of Staff.

(A) All Committee Staff must, as a condition of employment, agree in writing to notify the Committee immediately of any request for testimony received while a member of the Committee Staff, or at any time thereafter, concerning any classified information received by such person while a member of the Committee Staff.

(B) Committee Staff shall not disclose, in response to any such request for testimony, any such classified information, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(C) In the event of the termination of the Committee, Committee Staff will be subject to any determination made by the House of Representatives with respect to any requests for testimony involving classified information received while a member of the Committee Staff.

### 13. CLASSIFIED MATERIAL

(a) Receipt of Classified Information.

(1) Generally. In the case of any information that has been classified under established security procedures and submitted to the Committee by any source, the Committee shall receive such classified information as executive session material.

(2) Staff Receipt of Classified Materials. For purposes of receiving classified information, the Committee Staff is authorized to accept information on behalf of the Committee.

(b) Non-Disclosure of Classified Information. Any classified information received by the Committee, from any source, shall not be disclosed to any person not a member of the Committee or the Committee Staff, or otherwise released, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(c) Exception for Non-Exclusive Materials.

(1) Non-Exclusive Materials. Any materials provided to the Committee by the executive branch, if provided in whole or in part for the purpose of review by members who are not members of the Committee, shall be received or held by the Committee on a non-exclusive basis. Classified information provided to the Committee shall be considered to have been provided on an exclusive basis unless the executive branch provides a specific, written statement to the contrary.

(2) Access for Non-Committee Members. In the case of materials received on a non-exclusive basis, the Chair, in consultation with the Ranking Minority Member, may grant non-Committee members access to such materials in accordance with the requirements of Rule 14(0)(4), notwithstanding paragraphs (1), (2), and (3) of Rule 14.

### 14. PROCEDURES RELATED TO HANDLING OF CLASSIFIED INFORMATION

(a) Security Measures.

(1) Strict Security. The Committee's offices shall operate under strict security procedures administered by the Director of Se-

curity and Registry of the Committee under the direct supervision of the Staff Director.

(2) U.S. Capitol Police Presence Required. At least one U.S. Capitol Police officer shall be on duty at all times outside the entrance to Committee offices to control entry of all persons to such offices.

(3) Identification Required. Before entering the Committee's offices all persons shall identify themselves to the U.S. Capitol Police officer described in paragraph (2) and to a member of the Committee or Committee Staff.

(4) Maintenance of Classified Materials. Classified documents shall be segregated and maintained in approved security storage locations.

(5) Examination of Classified Materials. Classified documents in the Committee's possession shall be examined in an appropriately secure manner.

(6) Prohibition on Removal of Classified Materials. Removal of any classified document from the Committee's offices is strictly prohibited, except as provided by these rules.

(7) Exception. Notwithstanding the prohibition set forth in paragraph (6), a classified document, or copy thereof, may be removed from the Committee's offices in furtherance of official Committee business. Appropriate security procedures shall govern the handling of any classified documents removed from the Committee's offices.

(b) Access to Classified Information by Members. All members of the Committee shall at all times have access to all classified papers and other material received by the Committee from any source.

(c) Need-to-know.

(1) Generally. Committee Staff shall have access to any classified information provided to the Committee on a strict "need-to-know" basis, as determined by the Committee, and under the Committee's direction by the Staff Director.

(2) Appropriate Clearances Required. Committee Staff must have the appropriate clearances prior to any access to compartmented information.

(d) Oath.

(1) Requirement. Before any member of the Committee, or the Committee Staff, shall have access to classified information, the following oath shall be executed:

"I do solemnly swear (or affirm) that I will not disclose or cause to be disclosed any classified information received in the course of my service on the House Permanent Select Committee on Intelligence, except when authorized to do so by the Committee or the House of Representatives."

(2) Copy. A copy of such executed oath shall be retained in the files of the Committee.

(e) Registry.

(1) Generally. The Committee shall maintain a registry that:

(A) Provides a brief description of the content of all classified documents provided to the Committee by the executive branch that remain in the possession of the Committee; and

(B) Lists by number all such documents.

(2) Designation by the Staff Director. The Staff Director shall designate a member of the Committee Staff to be responsible for the organization and daily maintenance of such registry.

(3) Availability. Such registry shall be available to all members of the Committee and Committee Staff.

(f) Requests by Members of Other Committees. Pursuant to the Rules of the House, members who are not members of the Committee may be granted access to such classified transcripts, records, data, charts, or files of the Committee, and be admitted on a

non-participatory basis to classified hearings of the Committee involving discussions of classified material in the following manner:

(1) **Written Notification Required.** Members who desire to examine classified materials in the possession of the Committee, or to attend Committee hearings or briefings on a non-participatory basis, must notify the Chief Clerk of the Committee in writing. Such notification shall state with specificity the justification for the request and the need for access.

(2) **Committee Consideration.** The Committee shall consider each such request by non-Committee members at the earliest practicable opportunity. The Committee shall determine, by record vote, what action it deems appropriate in light of all of the circumstances of each request. In its determination, the Committee shall consider:

(A) The sensitivity to the national defense or the confidential conduct of the foreign relations of the United States of the information sought;

(B) The likelihood of its being directly or indirectly disclosed;

(C) The jurisdictional interest of the member making the request; and

(D) Such other concerns, constitutional or otherwise, as may affect the public interest of the United States.

(3) **Committee Action.** After consideration of the member's request, the Committee may take any action it deems appropriate under the circumstances, including but not limited to:

(A) Approving the request, in whole or part;

(B) Denying the request;

(C) Providing the requested information or material in a different form than that sought by the member; or

(D) Making the requested information or material available to all members of the House.

(4) **Requirements for Access by Non-Committee Members.** Prior to a non-Committee member being given access to classified information pursuant to this subsection, the requesting member shall:

(A) Provide the Committee a copy of the oath executed by such member pursuant to House Rule XXIII, clause 13; and

(B) Agree in writing not to divulge any classified information provided to the member, pursuant to this subsection, to any person not a member of the Committee or the Committee Staff, except as otherwise authorized by the Committee in accordance with the Rules of the House and these rules.

(5) **Consultation Authorized.** When considering a member's request, the Committee may consult the Director of National Intelligence and such other officials it considers necessary.

(6) **Finality of Committee Decision.**

(A) Should the member making such a request disagree with the Committee's determination with respect to that request, or any part thereof, that member must notify the Committee in writing of such disagreement.

(B) The Committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, the Committee will take.

(g) **Admission of Designated Members of the Subcommittee on Defense of the Committee on Appropriations.** Notwithstanding the provisions of subsection (f), the Chair may admit no more than three designated Members of the Subcommittee on Defense of the Committee on Appropriations to classified hearings and briefings of the Committee involving discussions of classified material. Such Members may also be granted access to classified transcripts, records, data, charts or files of the Committee incident to such attendance.

(1) **Designation.** The Chair may designate three Members of the Subcommittee to be eligible for admission in consultation with the Ranking Minority Member, of whom not more than two may be from the same political party. Such designation shall be effective for the entire Congress.

(2) **Admission.** The Chair may determine whether to admit designated Members at each hearing or briefing of the Committee involving discussions of classified material. If the Chair admits any of the designated Members to a particular hearing or briefing, all three of the designated Members shall be admitted to that hearing or briefing. Designated Members shall not be counted for quorum purposes and shall not have a vote in any meeting.

(3) **Requirements for Access.** Prior to being given access to classified information pursuant to this subsection, a designated Member shall:

(A) Provide the Committee a copy of the oath executed by such Member pursuant to House Rule XXIII, clause 13; and

(B) Agree in writing not to divulge any classified information provided to the Member pursuant to this subsection to any person not a Member of the Committee or a designated Member or authorized Staff of the Subcommittee on Defense of the Committee on Appropriations, except as otherwise authorized by the Committee in accordance with the Rules of the House and these rules.

(h) **Advising the House or Other Committees.** Pursuant to Section 501 of the National Security Act of 1947 (50 U.S.C. 413), and to the Rules of the House, the Committee shall call to the attention of the House, or to any other appropriate committee of the House, those matters requiring the attention of the House, or such other committee, on the basis of the following provisions:

(1) **By Request of Committee Member.** At the request of any member of the Committee to call to the attention of the House, or any other committee, executive session material in the Committee's possession, the Committee shall meet at the earliest practicable opportunity to consider that request.

(2) **Committee Consideration of Request.** The Committee shall consider the following factors, among any others it deems appropriate:

(A) The effect of the matter in question on the national defense or the foreign relations of the United States;

(B) Whether the matter in question involves sensitive intelligence sources and methods;

(C) Whether the matter in question otherwise raises questions affecting the national interest; and

(D) Whether the matter in question affects matters within the jurisdiction of another Committee of the House.

(3) **Views of Other Committees.** In examining such factors, the Committee may seek the opinion of members of the Committee appointed from standing committees of the House with jurisdiction over the matter in question, or submissions from such other committees.

(4) **Other Advice.** The Committee may, during its deliberations on such requests, seek the advice of any executive branch official.

(i) **Reasonable Opportunity to Examine Materials.** Before the Committee makes any decision regarding any request for access to any classified information in its possession, or a proposal to bring any matter to the attention of the House or another committee, members of the Committee shall have a reasonable opportunity to examine all pertinent testimony, documents, or other materials in the Committee's possession that may inform their decision on the question.

(j) **Notification to the House.** The Committee may bring a matter to the attention

of the House when, after consideration of the factors set forth in this rule, it considers the matter in question so grave that it requires the attention of all members of the House, and time is of the essence, or for any reason the Committee finds compelling.

(k) **Method of Disclosure to the House.**

(1) Should the Committee decide by record vote that a matter requires the attention of the House as described in subsection (i), it shall make arrangements to notify the House promptly.

(2) In such cases, the Committee shall consider whether:

(A) To request an immediate secret session of the House (with time equally divided between the Majority and the Minority); or

(B) To publicly disclose the matter in question pursuant to clause 11(g) of House Rule X.

(l) **Requirement to Protect Sources and Methods.** In bringing a matter to the attention of the House, or another committee, the Committee, with due regard for the protection of intelligence sources and methods, shall take all necessary steps to safeguard materials or information relating to the matter in question.

(m) **Availability of Information to Other Committees.** The Committee, having determined that a matter shall be brought to the attention of another committee, shall ensure that such matter, including all classified information related to that matter, is promptly made available to the chair and ranking minority member of such other committee.

(n) **Provision of Materials.** The Director of Security and Registry for the Committee shall provide a copy of these rules, and the applicable portions of the Rules of the House of Representatives governing the handling of classified information, along with those materials determined by the Committee to be made available to such other committee of the House or non-Committee member.

(o) **Ensuring Clearances and Secure Storage.** The Director of Security and Registry shall ensure that such other committee or non-Committee member receiving such classified materials may properly store classified materials in a manner consistent with all governing rules, regulations, policies, procedures, and statutes.

(p) **Log.** The Director of Security and Registry for the Committee shall maintain a written record identifying the particular classified document or material provided to such other committee or non-Committee member, the reasons agreed upon by the Committee for approving such transmission, and the name of the committee or non-Committee member receiving such document or material.

(q) **Miscellaneous Requirements.**

(1) **Staff Director's Additional Authority.** The Staff Director is further empowered to provide for such additional measures, which he or she deems necessary, to protect such classified information authorized by the Committee to be provided to such other committee or non-Committee member.

(2) **Notice to Originating Agency.** In the event that the Committee authorizes the disclosure of classified information provided to the Committee by an agency of the executive branch to a non-Committee member or to another committee, the Chair may notify the providing agency of the Committee's action prior to the transmission of such classified information.

#### 15. LEGISLATIVE CALENDAR

(a) Generally. The Chief Clerk, under the direction of the Staff Director, shall maintain a printed calendar that lists:

(1) The legislative measures introduced and referred to the Committee;

(2) The status of such measures; and

(3) Such other matters that the Committee may require.

(b) Revisions to the Calendar. The calendar shall be revised from time to time to show pertinent changes.

(c) Availability. A copy of each such revision shall be furnished to each member, upon request.

(d) Consultation with Appropriate Government Entities. Unless otherwise directed by the Committee, legislative measures referred to the Committee may be referred by the Chief Clerk to the appropriate department or agency of the Government for reports thereon.

#### 16. COMMITTEE WEBSITE

The Chair shall maintain an official Committee web site 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.

#### 17. MOTIONS TO GO TO CONFERENCE

In accordance with clause 2(a) of House Rule XI, the Chair is authorized and directed to offer a privileged motion to go to conference under clause 1 of House Rule XXII whenever the Chair considers it appropriate.

#### 18. COMMITTEE TRAVEL

(a) Authority. The Chair may authorize members and Committee Staff to travel on Committee business.

(b) Requests.

(1) Member Requests. Members requesting authorization for such travel shall state the purpose and length of the trip, and shall submit such request directly to the Chair.

(2) Committee Staff Requests. Committee Staff requesting authorization for such travel shall state the purpose and length of the trip, and shall submit such request through their supervisors to the Staff Director and the Chair.

(c) Notification to Members.

(1) Generally. Members shall be notified of all foreign travel of Committee Staff not accompanying a member.

(2) Content. All members are to be advised, prior to the commencement of such travel, of its length, nature, and purpose.

(d) Trip Reports.

(1) Generally. A full report of all issues discussed during any travel shall be submitted to the Chief Clerk of the Committee within a reasonable period of time following the completion of such trip.

(2) Availability of Reports. Such report shall be:

(A) Available for review by any member or appropriately cleared Committee Staff; and

(B) Considered executive session material for purposes of these rules.

(e) Limitations on Travel.

(1) Generally. The Chair is not authorized to permit travel on Committee business of Committee Staff who have not satisfied the requirements of subsection (d) of this rule.

(2) Exception. The Chair may authorize Committee Staff to travel on Committee business, notwithstanding the requirements of subsections (d) and (e) of this rule.

(A) At the specific request of a member of the Committee; or

(B) In the event there are circumstances beyond the control of the Committee Staff hindering compliance with such requirements.

(f) Definitions. For purposes of this rule the term "reasonable period of time" means:

(1) No later than 60 days after returning from a foreign trip; and

(2) No later than 30 days after returning from a domestic trip.

#### 19. DISCIPLINARY ACTIONS

(a) Generally. The Committee shall immediately consider whether disciplinary action

shall be taken in the case of any member of the Committee Staff alleged to have failed to conform to any rule of the House of Representatives or to these rules.

(b) Exception. In the event the House of Representatives is:

(1) In a recess period in excess of 3 days; or

(2) Has adjourned sine die; the Chair of the full Committee, in consultation with the Ranking Minority Member, may take such immediate disciplinary actions deemed necessary.

(c) Available Actions. Such disciplinary action may include immediate dismissal from the Committee Staff.

(d) Notice to Members. All members shall be notified as soon as practicable, either by facsimile transmission or regular mail, of any disciplinary action taken by the Chair pursuant to subsection (b).

(e) Reconsideration of Chair's Actions. A majority of the members of the full Committee may vote to overturn the decision of the Chair to take disciplinary action pursuant to subsection (b).

#### 20. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the Committee is open to the public, a majority of the Committee may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in the Rules of the House.

#### 21. COMMITTEE RECORDS TRANSFERRED TO THE NATIONAL ARCHIVES

(a) Generally. The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with the Rules of the House of Representatives.

(b) Notice of Withholding. The Chair shall notify the Ranking Minority Member of any decision, pursuant to the Rules of the House of Representatives, to withhold a record otherwise available, and the matter shall be presented to the full Committee for a determination of the question of public availability on the written request of any member of the Committee.

#### 22. CHANGES IN RULES

(a) Generally. These rules may be modified, amended, or repealed by vote of the full Committee.

(b) Notice of Proposed Changes. A notice, in writing, of the proposed change shall be given to each member at least 48 hours prior to any meeting at which action on the proposed rule change is to be taken.

### SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 6. Concurrent resolution commending the National Association for the Advancement of Colored People on the occasion of its 102nd anniversary, to the Committee on the Judiciary.

### ADJOURNMENT

Mr. CARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 10 minutes a.m.), the House adjourned until today, Friday, February 18, 2011, at 9 a.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

538. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's "Major" final rule — Subpart A — Repowering Assistance Payments to Eligible Biorefineries (RIN: 0570-AA74) received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

539. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluazifop-P-butyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0980; FRL-8861-1] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

540. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sulfentrazone; Pesticide Tolerances [EPA-HQ-OPP-2008-0125; FRL-8860-1] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

541. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2010-0596; FRL-9249-2] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

542. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; The Milwaukee-Racine and Sheboygan Areas; Determination of Attainment of the 1997 8-hour Ozone Standard; Withdrawal of Direct Final Rule [EPA-R05-OAR-2010-0850; FRL-9258-7] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

543. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identifying and Listing Hazardous Waste Exclusion [EPA-R05-RCRA-2010-0843; SW-FRL-9259-1] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

544. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standards for the Nashville, Tennessee Area [EPA-R04-OAR-2010-0663-201061; FRL-9259-2] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

545. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Removal of Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Alabama [EPA-R04-OAR-2010-0697-201102; FRL-9259-8] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

546. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's