

U.S. HOUSE OF REPRESENTATIVES

**COMMITTEE ON THE
JUDICIARY**

RULES OF PROCEDURE

ONE HUNDRED SIXTEENTH CONGRESS

ADOPTED JANUARY 24, 2019

MEMBERS OF THE COMMITTEE

ONE HUNDRED SIXTEENTH CONGRESS

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RULES OF PROCEDURE

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

Rule II. Committee Meetings

- (a) The regular meeting day of the Committee on the Judiciary for the conduct of its business shall be on Wednesday of each week while the House is in session.
- (b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.
- (c) The Chairman shall furnish each Member of the Committee or Subcommittee with the date, place, and a list of bills and subjects to be considered at a Committee or Subcommittee meeting, which may not commence earlier than the third day on which Members have notice thereof (excluding Saturdays, Sundays and legal holidays when the House is not in session).
- (d) At least 48 hours prior to the commencement of a meeting for the markup of legislation, the text of such legislation shall be made publicly available in electronic form.
- (e) In an emergency that does not reasonably allow for the notice as requirements in (c) and (d), the Chairman may waive the notice requirements with the concurrence of the Ranking Minority Member.
- (f) To the maximum extent practicable, amendments to a measure or matter shall be submitted in writing or electronically to the designee of both the Chairman and Ranking Member at least 24 hours prior to the consideration of the measure or matter. The Chairman may use his discretion to give priority to amendments submitted in advance.
- (g) Committee and Subcommittee meetings for the transaction of business, i.e. meetings other than those held for the purpose of taking testimony, shall be open to the public except when the Committee or Subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.
- (h) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon demand of any Member, and a copy made available to each Member present.
- (i) For purposes of taking any action at a meeting of the full Committee or any Subcommittee thereof for which a majority is not required, a quorum shall be constituted by the presence of not less than one-third of the Members of the Committee or Subcommittee, respectively.
- (j)(1) Subject to subparagraph (2), the Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed request at any time.

- (2) In exercising postponement authority under subparagraph (1), the Chairman shall take all reasonable steps necessary to notify Members on the resumption of proceedings on any postponed record vote.
- (3) When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.
- (k) Transcripts of markups shall be recorded and may be published in the same manner as hearings before the Committee.
- (l) Without further action of the Committee, the Chairman is directed to offer a motion under clause 1 of rule XXII of the Rules of the House of Representatives whenever the Chairman considers it appropriate.

Rule III. Hearings

- (a) The Committee Chairman or any Subcommittee Chairman shall make public announcement of the date, place, and subject matter of any hearing to be conducted by it on any measure or matter at least one week before the commencement of that hearing. If the Chairman of the Committee, or Subcommittee, with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the Committee or Subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman or Subcommittee Chairman shall make the announcement at the earliest possible date.
- (b) Committee and Subcommittee hearings shall be open to the public except when the Committee or Subcommittee determines by majority vote to close the hearing because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.
- (c) For purposes of taking testimony and receiving evidence before the Committee or any Subcommittee, a quorum shall be constituted by the presence of two Members.
- (d) In the course of any hearing each Member shall be allowed five minutes for the interrogation of a witness until such time as each Member who so desires has had an opportunity to question the witness.
- (e) The transcripts of those hearings conducted by the Committee which are decided to be printed shall be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Individuals, including Members of Congress, whose comments are to be published as part of a Committee document shall be given the opportunity to verify the accuracy of the transcription in advance of publication. Any requests by those Members, staff or witnesses to correct any errors other than errors in the transcription, or disputed errors in transcription, shall be appended to the record, and the appropriate place where the change is requested will be footnoted.
- (f) Prior to approval by the Chairman of hearings conducted jointly with another congressional Committee, a memorandum of understanding shall be prepared that specifies, to the extent possible, any deviation from Rule III of the Committee rules, and incorporates an agreement for the publication of the verbatim transcript. The Chairman shall provide this memorandum of understanding to the Ranking Member prior to the commencement of such hearing

Rule IV. Subpoenas

- (a) A subpoena may be authorized and issued by the Chairman, in accordance with clause 2(m) of rule XI of the House of Representatives, in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the Committee, following consultation with the Ranking Minority Member.
- (b) In addition, a subpoena may be authorized and issued by the Committee or its Subcommittees in accordance with clause 2(m) of rule XI of the House of Representatives, in the conduct of any investigation or activity or series of investigations or activities, when authorized by a majority of the Members voting, a majority of the Committee or Subcommittee being present. Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.
- (c) At least two calendar days (excluding Saturdays, Sundays, and legal holidays when the House is not in session) before issuing any subpoena pursuant to subsection (a), the Chair shall consult with the Ranking Member regarding the authorization and issuance of such subpoena and shall provide a full copy of the proposed subpoena, including any proposed document schedule, at that time.
- (d) The requirements of subsection (c) may be waived in the event of an emergency that does not reasonably allow for advance written notice.

Rule V. Broadcasting

Whenever a hearing or meeting conducted by the Committee or any Subcommittee is open to the public, those proceedings shall be open to coverage by television, radio and still photography subject to the requirements of clause 4 of Rule XI of the Rules of the House of Representatives.

Rule VI. Standing Subcommittees

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

The Subcommittee on the Constitution, Civil Rights, and Civil Liberties shall have jurisdiction over the following subject matters: constitutional rights, constitutional amendments, Federal civil rights, claims against the United States, non-immigration private claims bills, ethics in government, tort liability, including medical malpractice and product liability, legal reform generally, other appropriate matters as referred by the Chairman, and relevant oversight.

The Subcommittee on Courts, Intellectual Property, and the Internet shall have jurisdiction over the following subject matters: administration of U.S. Courts, Legal Services Corporation, Federal Rules of Evidence, Civil and Appellate Procedure, judicial ethics, patent and trademark law, information technology, other appropriate matters as referred to by the Chairman, and relevant oversight.

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

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

The *Subcommittee on Antitrust, Commercial, and Administrative Law* shall have jurisdiction over the following subject matters: the antitrust laws and competition policy, bankruptcy and commercial law, bankruptcy judgeships, Federal Rules of Bankruptcy Procedure, administrative law, the Administrative Conference of the United States, state taxation affecting interstate commerce, interstate compacts, other appropriate matters as referred by the Chairman, and relevant oversight.

- (c) The Chairman of the Committee and Ranking Minority Member thereof shall be ex officio Members, but not voting Members, of each Subcommittee to which such Chairman or Ranking Minority Member has not been assigned by resolution of the Committee. Ex officio Members shall not be counted as present for purposes of constituting a quorum at any hearing or meeting of such Subcommittee.

Rule VII. Powers and Duties of Subcommittees

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

Rule VIII. Non-Legislative Reports

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

Rule IX. Committee Records

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

Rule X. Official Committee Website

- (a) The Chairman shall maintain an official website on behalf of the Committee for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee Members and other Members of the House.

- (b) The Chairman shall make the record of the votes on any question on which a record vote is demanded in the full Committee available on the Committee's official website not later than 48 hours after such vote is taken. Such record shall identify or describe the amendment, motion, order, or other proposition, the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of the Members voting present.
- (c) Not later than 24 hours after the adoption of any amendment to a measure or matter considered by the Committee or its Subcommittees, the Chairman shall make the text of each such amendment publicly available in electronic form.
- (d) Not later than 3 days after the conclusion of a Committee meeting, the transcript of such meeting and the text of all amendments offered shall be made available on the Committee website.
- (e) The Ranking Member is authorized to maintain a similar official website on behalf of the Committee Minority for the same purpose, including communicating information about the activities of the Minority to Committee Members and other Members of the House.

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