

# ATTACHMENT C

## Committee on Oversight and Reform 117th Congress

### A Resolution Offered by Chairwoman Carolyn B. Maloney

#### Rule 1 — General

(a) **Rules of the House.** The Rules of the House are the rules of the Committee on Oversight and Reform (“the Committee”) and its subcommittees so far as applicable.

(b) **Application of the Rules.** Except where the terms “the Committee” and “subcommittee” are specifically referred to, the following rules shall apply to the Committee and its subcommittees as well as to their respective chairs, ranking minority members, members, and staff.

#### Rule 2 — Meetings

(a) **Regular Meetings.** The regular meetings of the Committee shall be held on the second Thursday of each month at 10 a.m., when the House is in session. The Chair of the Committee is authorized to dispense with a regular meeting or to change the date thereof when circumstances warrant.

(b) **Additional and Special Meetings.** The Chair of the Committee may call and convene additional meetings, when circumstances warrant. A special meeting of the Committee may be requested by members of the Committee pursuant to the provisions of House Rule XI, clause 2(c)(2).

(c) **Subcommittee Meetings.** Each subcommittee shall meet at the call of its chair, subject to Rule 7.

(d) **Presiding Member.** The Chair of the Committee or a subcommittee shall preside over each meeting and hearing thereof (“the presiding member”). If the Chair of the Committee or a subcommittee is not present during a meeting or hearing thereof, the Vice Chair of the Committee or subcommittee, designated pursuant to House Rule XI, clause 2(d), shall serve as the presiding member during the absence of the Chair. If the Chair and Vice Chair of the Committee or a subcommittee are not present during a meeting or hearing thereof, the ranking member of the majority party on the Committee or subcommittee who is present shall serve as the presiding member during the absence of the Chair and Vice Chair.

(e) **Notice.** The Chair of the Committee or a subcommittee shall announce the date, place, and subject matter of a meeting or hearing pursuant to House Rule XI, clause 2(g)(3)(A).

(f) **Agenda.** Every member of the Committee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such days) before each meeting or hearing explaining: (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The Ranking Minority Member shall be responsible for providing the same information on witnesses whom the minority may request.

(g) **Availability of Text.** To the maximum extent practicable, amendments to a measure or matter shall be submitted in writing or electronically to the designee of the Chair and Ranking Minority Member of the Committee or a subcommittee at least 24 hours prior to its consideration of the measure or matter. The Chair may exercise discretion to give priority to amendments submitted pursuant to this process.

### **Rule 3 — Quorums**

(a) **Generally.** A majority of the members of the Committee or a subcommittee shall form a quorum for the Committee or subcommittee, respectively, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one third of the members shall form a quorum for taking any action other than for which the presence of a majority of the Committee or subcommittee is otherwise required.

(b) **Subcommittee Field Hearings.** The Chair of the Committee may, at the request of a subcommittee chair, make a temporary assignment of any member of the Committee to such subcommittee for the purpose of constituting a quorum at and participating in any public hearing by such subcommittee to be held outside of Washington, DC. A member appointed to such temporary positions shall not be a voting member. The Chair of the Committee shall give reasonable notice of such temporary assignment to the Ranking Minority Member of the Committee and of the respective subcommittee.

### **Rule 4 — Committee Reports**

(a) **Bills and Resolutions.** Each bill or resolution approved by the Committee shall be reported by the Chair of the Committee pursuant to House Rule XIII, clauses 2–4.

(b) **Approval of Investigative and Oversight Reports.** Only those investigative or oversight reports approved by a majority vote of the Committee at a meeting at which a quorum is present may be ordered printed, unless otherwise required by the Rules of the House of Representatives.

(c) **Notice of Investigative and Oversight Reports.** A proposed investigative or oversight report shall not be considered in the Committee unless the proposed report has been available to the members of the Committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such days) before consideration of such proposed report in the Committee. If a hearing has been held on the matter reported upon, every reasonable effort shall be made to have such hearing printed and available to the members of the Committee before the consideration of the proposed report in the Committee.

(d) **Additional Views.** If at the time of approval of a report, a member of the Committee gives notice of intent to file supplemental, minority, additional, or dissenting views any member of the Committee shall be entitled to file such views following House Rule XI, clause 2(l) and Rule XIII, clause 3(a)(1).

### **Rule 5 — Record Votes**

(a) **Request for Record Vote.** A record vote of the members may be had upon the request of any member upon approval of a one-fifth vote of the members present.

(b) **Postponement of a Record Vote.** Pursuant to House Rule XI, clause 2(h)(4), the presiding member at a meeting is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment and to resume proceedings on a

postponed question 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. After consultation with the Ranking Minority Member, the Chair shall take reasonable steps to notify members on the resumption of proceedings on any postponed record vote.

### **Rule 6 — Subcommittees; Referrals**

(a)

(1) There shall be five subcommittees of the Committee, with appropriate party ratios, as follows:

(A) *Subcommittee on Civil Rights and Civil Liberties*, which has oversight jurisdiction over: issues related to civil rights, civil liberties and the equal protection of laws, including voting rights, freedom of religion, speech, press, and assembly; equal employment; nondisclosure agreements; and criminal justice reform policies; and legislative and oversight jurisdiction over the Census Bureau and the Census.

(B) *Subcommittee on Economic and Consumer Policy*, which shall have oversight jurisdiction over: income inequality and policies that affect the growth and prosperity of the middle class, including education, housing, labor, trade, small business, agriculture; securities regulation; consumer protection; private sector information technology security, policy, and management; intellectual property; telecommunications; and federal acquisition policy unrelated to national security and information technology.

(C) *Subcommittee on Environment*, which shall have oversight jurisdiction over: global climate change; environmental protection, public lands, endangered species, air and water quality; oceans; public health; conservation; international agreements; energy policy, research and development; and oversight and legislative jurisdiction over regulatory affairs and federal paperwork reduction.

(D) *Subcommittee on Government Operations*, which shall have legislative and oversight jurisdiction over: the federal civil service; whistleblower protections; the U.S. Postal Service; government management and accounting measures; the economy, efficiency, and management of government operations and activities; government reorganization; intergovernmental affairs, including with state and local governments; federal information technology security, acquisition policy, and management; and federal property.

(E) *Subcommittee on National Security*, which shall have oversight jurisdiction over: national security; homeland security; foreign operations, including the relationships of the United States with other nations; immigration; defense; issues affecting veterans; and oversight and legislative jurisdiction over federal acquisition policy related to national security.

(2) In addition, each subcommittee shall have specific responsibility for such other measures or matters as the Chair of the Committee refers to it.

(3) Each subcommittee with legislative jurisdiction shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

(b) **Referrals.** Bills, resolutions, and other matters may be expeditiously referred by the Chair of the Committee to subcommittees, as appropriate in the determination of the Chair of the Committee, for consideration or investigation in accordance with subcommittees' jurisdictions. Bills, resolutions, and other matters referred to subcommittees may be re-referred or discharged by the Chair of the Committee when, in the judgment of the Chair, the subcommittee is not able to complete its work or cannot reach agreement therein.

(c) **Membership.** The Chair of the Committee shall assign members to the subcommittees and shall designate the chair and vice-chair of each subcommittee. Minority party assignments, including designation of the ranking minority member of each subcommittee, shall be made only with the concurrence of the Ranking Minority Member of the Committee.

(d) **Ex Officio Membership.** The Chair of the Committee and the Ranking Minority Member of the Committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for taking testimony.

### **Rule 7 — Subcommittee Hearing and Meeting Procedure**

(a) **Generally.** Each subcommittee is authorized to meet, hold hearings, receive testimony, markup legislation, and report to the Committee on any measure or matter referred to it.

(b) **During Committee Meetings and Hearings.** No subcommittee may meet or hold a hearing at the same time as a meeting or hearing of the Committee.

(c) **Scheduling.** Each subcommittee chair shall set hearing and meeting dates only with the approval of the Chair of the Committee with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of meetings or hearings.

### **Rule 8 — Staff**

(a) **Employment Authority.** Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the Chair of the Committee shall have the authority to hire and discharge employees of the professional and clerical staff of the Committee and subcommittees.

(b) **Duties.** Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the staff of the Committee and subcommittees shall be subject to the direction of the Chair of the Committee and shall perform such duties as the Chair of the Committee may assign.

### **Rule 9 — Hearings**

(a) **Generally.** Hearings shall be conducted according to the procedures in House Rule XI, clause 2(k). The Chair of the Committee or subcommittee shall make an opening statement as set forth in House Rule XI, clause 2(k)(1). In addition, the Ranking Minority Member of the Committee or subcommittee may make an opening statement. All questions put to witnesses before the Committee or a subcommittee shall be relevant to the subject matter before the Committee or subcommittee for consideration, and the presiding member shall rule on the relevance of any question put to a witness.

(b) **Recognition and Order of Questioning.** A member may question witnesses only when recognized by the presiding member for that purpose. In accordance with House Rule XI, clause 2(j)(2), the five-

minute rule shall apply during the questioning of witnesses in a hearing. The presiding member shall, so far as practicable, recognize alternately based on seniority of those majority and minority members present at the conclusion of the members' opening statements as determined by the Chair for the majority members and the Ranking Minority Member for the minority members. Other members will be recognized based on their arrival at the hearing. Additional time may be extended at the direction of the presiding member.

(c) **Extended Questioning.** The presiding member, or the Committee or subcommittee by motion, may permit a specified number of majority and minority members to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side

(d) **Staff Questioning.** The presiding member, or the Committee or subcommittee by motion, may permit Committee or subcommittee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(e) **Time for Questioning.** Nothing in paragraph (c) or (d) affects the rights of a member (other than a member designated under paragraph (c)) to question a witness for 5 minutes in accordance with paragraph (b). In any extended questioning permitted under paragraph (c) or (d), the presiding member shall determine how to allocate the time permitted for extended questioning by majority members or staff, and the Ranking Minority Member shall determine how to allocate the time permitted for extended questioning by minority members or staff.

(f) **Witness Statements.** Witnesses appearing before the Committee or a subcommittee shall, so far as practicable, submit written statements at least 24 hours before their appearance.

(g) **Oaths.** The presiding member may administer oaths to any witness before the Committee or subcommittee. All witnesses appearing in hearings may be administered the following oath by the presiding member prior to receiving the testimony: "Do you solemnly swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?"

### **Rule 10 — Committee Records, Open Meetings, Transparency**

(a) **Generally.** The Committee and subcommittee staff shall maintain in the Committee offices a complete record of Committee and subcommittee actions from the current Congress including a record of the roll call votes taken at business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the Committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

(b) **Transcripts of Proceedings.** A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the Chair of the Committee may prescribe.

(c) **Open Meetings.** Meetings and hearings shall be open to the public or closed in accordance with the Rules of the House of Representatives.

(d) **Committee Website.** The Chair of the Committee 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. To the greatest extent practicable, the Chair of the Committee shall ensure that Committee records are made available on the Committee's official website in appropriate formats.

(e) **Minority Website.** The Ranking Minority Member of the Committee is authorized to maintain an official website on behalf of the minority members of the Committee for the same purpose as in paragraph (d), including communicating information about the activities of the minority to Committee members and other members of the House.

(f) **Archived Records.** The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House. The Chair shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

### **Rule 11 — Audio and Visual Coverage of Committee Proceedings**

(a) **Generally.** An open meeting or hearing may be covered, in whole or in part, by television broadcast, radio broadcast, internet broadcast, and still photography, unless closed subject to the provisions of House Rules. Any such coverage shall conform to the provisions of House Rule XI, clause 4.

(b) **Committee Broadcast System.** Use of the Committee Broadcast System shall be fair and nonpartisan, and in accordance with House Rule XI, clause 4(b), and all other applicable rules of the House and the Committee. Members of the Committee shall have prompt access to a copy of coverage by the Committee Broadcast System, to the extent that such coverage is maintained.

(c) **Other Coverage.** Personnel providing coverage of an open meeting or hearing of the Committee by internet broadcast, other than through the Committee Broadcast System shall be currently accredited to the Radio and Television Correspondents' Galleries. If the Committee Broadcast System is not available, the Chair of the Committee may, with the concurrence of the Ranking Minority Member of the Committee, direct staff to provide coverage in a manner that is fair and nonpartisan and in accordance with House Rule XI, clause 4.

### **Rule 12 — Additional Duties of the Chair of the Committee**

The Chair of the Committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the Committee, as required by House Rule X, clause 4(c)(2);

(b) Direct such review and studies on—

(1) the impact or probable impact of tax policies affecting subjects within the Committee's jurisdiction, as required by House Rule X, clause 2(c);

(2) the operation of Government activities at all levels, including the Executive Office of the President, as required by House Rule X, clause 3(i);

(3) the effect of laws enacted to reorganize the legislative and executive branches of the Government, as required by House Rule X, clause 4(c)(1)(B); and

(4) intergovernmental relationships between the United States and the States and municipalities and between the United States and international organizations of which the United States is a member, as required by House Rule X, clause 4(c)(1)(C);

(c) Submit to the Committee on House Administration the Committee's oversight plan as required by House Rule X, clause 2(d);

(d) Report to the House by April 15 in the first session of Congress, after consultation with the Speaker, the Majority Leader, and the Minority Leader, the oversight plans submitted by committees together with any recommendations that the Committee, or the House leadership group described above, may make to ensure the most effective coordination of oversight plans and otherwise achieve the objectives of House Rule X, clause 2;

(e) Submit to the House such recommendations as the Committee considers necessary or desirable in connection with the reports of the Comptroller General, as required by House Rule X, clause 4(c)(1)(A);

(f) Submit to the Committee on the Budget views and estimates required by House Rule X, clause 4(f), and to file reports with the House as required by the Congressional Budget Act;

(g) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the Committee;

(h) Prepare, after consultation with the Ranking Minority Member of the Committee, a budget for the Committee;

(i) Make any necessary technical and conforming changes to legislation reported by the Committee upon unanimous consent; and

(j) Offer motions under clause 1 of Rule XXII of the Rules of the House (motion to request or agree to a conference) whenever the Chair of the Committee considers it appropriate.

### **Rule 13 — Consideration of Certain Bills and Resolutions**

(a) **Commemorative Stamps.** The determination of the subject matter of commemorative stamps and new semi-postal issues is properly for consideration by the Postmaster General, and the Committee will not give consideration to legislative proposals specifying the subject matter of commemorative stamps and new semi-postal issues. It is suggested that recommendations for the subject matter of stamps be submitted to the Postmaster General.

(b) **Postal Naming Bills.** The consideration of bills designating facilities of the United States Postal Service shall be conducted so as to minimize the time spent on such matters by the Committee and the House.

(c) **Resolutions.** The Chair of the Committee shall not request to have scheduled any resolution for consideration under suspension of the Rules, which expresses appreciation, commends, congratulates, celebrates, recognizes the accomplishments of, or celebrates the anniversary of, an entity, event, group, individual, institution, team or government program; or acknowledges or recognizes a period of time for such purposes.

### **Rule 14 — Panels and Task Forces**

(a) **Generally.** The Chair of the Committee is authorized to appoint panels or task forces to carry out the duties and functions of the Committee.

(b) **Ex Officio Membership.** The Chair and Ranking Minority Member of the Committee may serve as ex-officio members of each panel or task force established under this Rule.

(c) **Appointment of Leadership.** The chair of any panel or task force shall be appointed by the Chair of the Committee. The Ranking Minority Member of the Committee shall select a ranking minority member for each panel or task force.

(d) **Application of Rules.** The House and Committee rules applicable to subcommittee meetings, hearings, recommendations, and reports shall apply to the meetings, hearings, recommendations, and reports of panels and task forces.

(e) **Termination.** No panel or task force appointed under this Rule shall continue in existence for more than six months. A panel or task force appointed under this Rule may, upon the expiration of six months, be reappointed by the chair.

### **Rule 15 — Deposition Authority**

(a) **Generally.** The Chair of the Committee, upon consultation with the Ranking Minority Member of the Committee, may order the taking of depositions, under oath and pursuant to notice or subpoena.

(b) **Notices.** Notices for the taking of depositions shall specify the date, time, and place of examination. All members shall also receive three calendar days' written notice (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such days) that a deposition has been scheduled, except in exigent circumstances. Depositions may continue from day to day.

(c) **Oaths.** Depositions shall be taken under oath administered by a member or a person otherwise authorized to administer oaths.

(d) **Consultation.** Consultation with the Ranking Minority Member of the Committee shall include three calendar days' notice (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such days), and a copy of a proposed deposition subpoena, if applicable, before any deposition is taken.

(e) **Attendance.** Witnesses may be accompanied at a deposition by counsel to advise them of their rights. No one may be present at depositions except members, Committee staff designated by the Chair of the Committee or the Ranking Minority Member of the Committee, an official reporter, the witness, and the witness's counsel. Observers or counsel for other persons, or for agencies under investigation, may not attend.

(f) **Joint Depositions.** The Chair of the Committee may designate a deposition as part of a joint investigation between committees, and in that case, provide notice to members of both committees.

(g) **Who May Question.** A deposition shall be conducted by any member or counsel designated by the Chair of the Committee or Ranking Minority Member of the Committee. When depositions are conducted by Committee counsel, there shall be no more than two Committee counsel permitted to question a witness per round. One of the Committee counsel shall be designated by the Chair of the

Committee and the other by the Ranking Minority Member of the Committee. Other Committee staff members designated by the Chair of the Committee or Ranking Minority Member of the Committee may attend, but may not pose questions to the witness.

(h) **Order of Questions.** Questions in the deposition shall be propounded in rounds, alternating between the majority and minority. A single round shall not exceed 60 minutes per side, unless the members or counsel conducting the deposition agree to a different length of questioning. In each round, the member(s) or Committee counsel designated by the Chair of the Committee shall ask questions first, and the member(s) or Committee counsel designated by the Ranking Minority Member of the Committee shall ask questions second.

(i) **Objections.** Any objection made during a deposition must be stated concisely and in a non-argumentative and non-suggestive manner. The witness may refuse to answer a question only to preserve a privilege. When the witness has refused to answer a question to preserve a privilege, members or staff may (i) proceed with the deposition, or (ii) either at that time or at a subsequent time, seek a ruling from the Chair either by telephone or otherwise. If the Chair of the Committee overrules any such objection during the deposition, the witness shall be ordered to answer. If following the deposition's recess, the Chair of the Committee overrules any such objection and thereby orders a witness to answer any question to which a privilege objection was lodged, such ruling shall be filed with the clerk of the Committee and shall be provided to the members and the witness no less than three days before the reconvened deposition. If a member of the Committee appeals in writing the ruling of the Chair, the appeal shall be preserved for Committee consideration. A deponent who refuses to answer a question after being directed by the Chair in writing, or orally during the proceeding as reflected in the record, may be subject to sanction, except that no sanctions may be imposed if the ruling of the Chair is reversed by the Committee on appeal.

(j) **Record of Testimony.** Committee staff shall ensure that the testimony is either transcribed or electronically recorded or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days after the witness has been notified of the opportunity to review the transcript, the witness may submit suggested changes to the Chair of the Committee. Committee staff may make any typographical and technical changes. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter signed by the witness requesting the changes and a statement of the witness's reasons for each proposed change. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

(k) **Transcription Requirements.** The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the Committee in Washington, D.C. Depositions shall be considered to have been taken in Washington, D.C., as well as the location actually taken once filed there with the clerk of the Committee for the Committee's use. The Chair of the Committee and the Ranking Minority Member of the Committee shall be provided with a copy of the transcripts of the deposition at the same time.

(l) **Release.** The Chair of the Committee and Ranking Minority Member of the Committee shall consult in advance regarding the release of deposition testimony, transcripts, or recordings, and portions thereof. If either objects in writing to a proposed release of a deposition testimony, transcript or recording, or a portion thereof, the matter shall be promptly referred to the Committee for resolution.

(m) **Provision of Rules to Witnesses.** A witness shall not be required to testify unless the witness has been provided with a copy of the Committee's rules.

### **Rule 16 — Witness and Privilege Procedure**

(a) **Witness Disclosures.** Witnesses appearing at a hearing of the Committee or a subcommittee in a non-governmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of each federal grant (or subgrant thereof) or contract (or subcontract thereof), as well as the amount and source of payments or contracts originating from foreign governments, insofar as they relate to the subject matter of the hearing, received during the current calendar year or either of the two previous calendar years, by the witness or by an entity represented by the witness.

(b) **Representation by Counsel.** When representing a witness or entity before the Committee or a subcommittee in response to a request or subpoena from the Committee, or in connection with testimony before the Committee or a subcommittee, counsel for the witness or entity must promptly submit to the Committee a notice of appearance specifying the following: (1) counsel's name, firm or organization, bar membership, and contact information including email; and (2) each client or entity represented by the counsel in connection with the proceeding.

(c) **Privileges.** The Chair of the Committee has the authority to rule on assertions of privilege.

(1) For the Chair to consider assertions of privilege over testimony or statements, witnesses or entities must clearly state the specific privilege being asserted and the reason for the assertion on or before the scheduled date of testimony or appearance, or upon a demand from the Chair of the Committee that provides for a subsequent due date.

(2) For the Chair to consider an assertion of privilege over a document, on or before the scheduled date of testimony or appearance, or upon a demand from the Chair of the Committee that provides for a subsequent due date, the assertion must be set forth in a privilege log that includes the following information for each document for which a privilege is asserted: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipients; (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege asserted.

(3) The only assertions of executive privilege that the Chair of the Committee will consider are those made in writing by an executive branch official authorized to assert the privilege.

(4) The Chair of the Committee may waive or modify any of the requirements of this rule in order to facilitate cooperation.