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Committee System Rules Changes in the House, 109th Congress

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Summary

This fact sheet details changes in the committee system contained in H.Res. 5, the rules of the House for the 109th Congress, agreed to by the House January 4, 2005, and the Speaker's announced policies. The fact sheet will not be updated unless further rules changes for the 109th Congress are adopted.

Committee Organization and Structure

Budget Committee Membership. One member of the majority and one member of the minority are to be "designated" by the respective elective leadership. Current rules state that such members be "from" elected leadership.

Committee on Homeland Security. A standing Committee on Homeland Security is created with legislative and oversight jurisdiction. Rule X grants the new panel jurisdiction over "(1) overall homeland security policy; (2) organization and administration of the Department of Homeland Security; (3) functions of the Department of Homeland Security related to the following: (A) border and port security (except immigration policy and non-border enforcement); (B) customs (except customs revenue); (C) integration, analysis, and dissemination of homeland security information; (D) domestic preparedness for and collective response to terrorism; (E) research and development; (F) transportation security." Size and ratio determinations are not made in the resolution.

Jurisdiction. The resolution transfers jurisdiction over transportation security and port security to the Committee on Homeland Security, but the Committee on Transportation and Infrastructure retains jurisdiction over the Coast Guard and transportation safety. The resolution transfers jurisdiction over domestic preparedness for terrorist acts to the Homeland Security Committee, but the Transportation and Infrastructure Committee retains jurisdiction over natural disasters and other emergencies. The resolution transfers jurisdiction over border security to the Committee on Homeland Security, but the Judiciary Committee retains jurisdiction over immigration and non-

border related policy. The resolution adds “criminal law enforcement” to the jurisdiction of the Judiciary Committee. The resolution transfers jurisdiction over the Customs Service to the Committee on Homeland Security, but the Ways and Means Committee retains oversight over customs revenue.¹

The Speaker’s announced policies include a provision that indicates that the final two paragraphs of the “Memorandum of Understanding Between the Energy and Commerce Committee and the Financial Services Committee” dated January 30, 2001 should no longer provide jurisdictional guidance.

Oversight. The resolution requires committees, in oversight plans provided to the Government Reform Committee and the House Administration Committee, to “have a view toward insuring against duplication of federal programs.”

Referral. The Speaker’s announced policies include a provision that indicates that referral of measures to the Select Committee on Homeland Security in the 108th Congress “will not constitute precedent for referrals to the new committee.”

Subcommittees. The resolution maintains the current rule regarding the number of subcommittees each committee can create. However, the Committee on Armed Services and the Committee on Transportation and Infrastructure may create up to six subcommittees each, and the Committee on International Relations may create up to seven subcommittees in the 109th Congress.

Term Limits. The resolution authorizes the chair of the Rules Committee to serve as chair notwithstanding the current rule limiting service of committee chairs to three consecutive terms.

Committee Procedure

Recess Authority. The resolution allows for a privileged motion in committee to recess subject to the call of the chair for a period of less than 24 hours. Current rules allow for a privileged motion to recess from day to day.

Motion to Go to Conference. The resolution allows committees to adopt a rule allowing the committee chair to offer a privileged motion to go to conference whenever the chair deems it appropriate to do so.

¹ For a “Legislative History to Accompany Changes to Rule X,” see *Congressional Record*, Jan. 4, 2005, pp. H25-H26. For the text and discussion related to jurisdictional changes, see pp. H7-H31.