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House Select Committee on Intelligence: Leadership and Assignment Limitations

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Summary

Both House rules and respective party rules address committee assignments and leadership selection. Several of those rules apply specifically to select committees, and in some cases, are unique to the Permanent Select Committee on Intelligence. This report identifies House rules, Republican Conference rules, and Democratic Caucus rules that affect the makeup of the Permanent Select Committee on Intelligence. It will be updated if events warrant.

House Rules

House Rule X, clause 11 addresses the creation, membership, and jurisdiction of the Permanent Select Committee on Intelligence.

- Clause 11(a)(1) establishes the select committee and states that the panel should have no more than 18 members, of whom no more than 10 may be from the same party. Further, the Committees on Appropriations, Armed Services, International Relations, and the Judiciary should each have at least one Member serving on the select committee.¹

¹ The size of the select committee has changed several times since the panel's creation. The current size was set in 2001, when the House agreed to H.Res. 5, the rules changes for the 107th Congress. H.Res. 5 for the 109th Congress maintained the size at 18. On Jan. 26, 2005, by unanimous consent, the House agreed to change the size to 19. That same day, the House agreed to H.Res. 51, changing the size of the select committee to 21. On Feb. 1, 2005, the House agreed to H.Res. 42, which, among other things, changed the size of the select committee to 19. The engrossed version of H.Res. 42 did not contain section 2, changing the size of the select committee. The select committee currently has 21 members.

- Clause 11(a)(2) provides that the Speaker and minority leader serve as *ex officio* members without a vote, and that they cannot be counted to determine a quorum.
- Clause 11(a)(3) allows the Speaker and minority leader to designate a leadership staffer to assist with committee business, and that leadership staffer is accorded the same access as select committee staff.
- Clause 11(a)(4)(A) limits a committee member (not including the Speaker or minority leader) to service on the select committee to no more than four Congresses in a period of six successive Congresses. Service during part of a session does not count.
- Clause 11(a)(4)(B) states that the chair or ranking minority member of the select committee does not have term limitations.² (House Rule X, clause 5(c)(2) limits chairs of standing committees (except the Committee on Rules) to serving as chair of a standing committee, or of a subcommittee of a standing committee, to three consecutive Congresses.)
- Clause 11(b) addresses the jurisdiction of the select committee, and the remaining clauses address committee procedure.

Party Rules

Both Republican Conference and Democratic Caucus rules address assignment issues related to the Permanent Select Intelligence Committee, although in varying degree and specificity.

Republican Conference Rules

Republican conference rule 13 notes that the Speaker names all Republican members of select committees.

Conference rule 14 states that members are limited to three consecutive terms as chair or ranking member of standing, select, joint, or ad hoc committees or subcommittees, beginning with the 104th Congress. (There is no mention of either waiver provisions or House rules.)

Democratic Caucus Rules

Democratic Caucus rule 18 classifies House committees as either exclusive or non-exclusive. The Permanent Select Committee on Intelligence is not listed in either category.

Caucus rule 19 E states that Democratic members of the Intelligence panel may not serve on more than one standing committee while on the Intelligence Committee. They are entitled to take a leave of absence from any of their committees, with seniority retained, while serving on the Intelligence Committee.

² The three-term tenure of the chair of the select committee was removed in 2003, when the House agreed to H.Res. 5, its rules changes for the 108th Congress.

Caucus rule 20 provides that in making assignments to select committees, the Democratic leader should give consideration to sharing the “workload and responsibility among qualified Members of the House who have indicated an interest in the subject matter ... and have expressed a willingness to actively participate in its deliberations and operations.” Caucus rule 20 further provides that at the end of each Congress, all Democratic slots on select committees are deemed to be vacant until the Democratic leader appoints or reappoints Members.

Caucus rule 25 E prohibits a chair/ranking member of a select committee with legislative jurisdiction from chairing/ranking on a subcommittee on that committee or on any other committee (exemptions are provided in the rule).

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