

Committee (with rules hyperlinked)	Authorizing Provisions	Subpoena* Procedure	Subpoena Notice	Subpoena Enforcement/ Other Provisions	Hearing Quorum Rules, Authority of Staff to Question Witnesses at a Hearing	Compulsory Deposition Authority and Staff’s Ability to Depose <sup>1</sup>	Other Deposition Provisions
<b>House Committees</b>							
<a href="#">House Administration</a>		A subpoena may be authorized and issued by the Chair of the full Committee, in accordance with clause 2(m) of House Rule IX, following consultation with the Ranking Minority Member. Rule 6(b)(1). A subpoena may also be authorized when approved by a majority of the Committee being present. Rule 6(b)(2).	At least two business days before issuing any subpoena pursuant to paragraph 6(b)(1) of Rule 6, the Chair shall consult with the Ranking Minority Member regarding the authorization and issuance of such subpoena, and the Chair shall provide a full copy of the proposed subpoena, including any proposed document schedule, at that time. Rule 6(b)(3). These requirements may be waived in the event of exigent	Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them of their constitutional rights. Rule 9(f)(3). Chair may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House for contempt. Rule 9(f)(4).	Two members constitute a quorum for taking testimony. Rule 7.	No supplemental provisions to H. Res. 6. See FN 1.  The Chair may authorize the staff of the Committee to conduct depositions pursuant to [Section 03(a)] of H. Res. 6 and subject to any regulations issued pursuant thereto. Rule 16.	

<sup>1</sup> Pursuant to Section 103(a) of House Resolution 6 (2019), the chair of any standing committee (other than the Committee on Rules), and the Chair of the Permanent Select Committee on Intelligence, may, upon consultation with the Ranking Minority Member, order the taking of depositions, including pursuant to a subpoena, by a member or counsel of such committee. The rules for the 116th Congress have eliminated the requirement that a member be present during a deposition. Additionally, the House Rules Committee’s new regulations governing depositions by committee counsel now allow for immediate overruling of objections raised by a witness’s counsel and immediate instructions to answer, on pain of contempt. See 165 Cong. Rec. H1216 (Jan. 25, 2019) (116th Congress Regulations for Use of Deposition Authority).

# GIBSON DUNN

## TABLE OF AUTHORITIES OF HOUSE AND SENATE COMMITTEES 116th Congress

Committee (with rules hyperlinked)	Authorizing Provisions	Subpoena* Procedure	Subpoena Notice	Subpoena Enforcement/ Other Provisions	Hearing Quorum Rules, Authority of Staff to Question Witnesses at a Hearing	Compulsory Deposition Authority and Staff's Ability to Depose <sup>1</sup>	Other Deposition Provisions
			circumstances. Rule 6(b)(4).				
<a href="#">House Agriculture</a>		May authorize only with approval of a majority of members voting, a majority being present, or by the Chair in consultation with the Ranking Minority Member. Such consultation shall occur at least 48 hours in advance of a subpoena being issued. Rule VII(a). <i>See also</i> Rule IV(b)(3).			Two members constitute a quorum for taking testimony. Rule IV(c).  Unless a majority of the Committee or Subcommittee determines otherwise, no Committee or Subcommittee staff shall interrogate witnesses. Rule VIII(e).	No supplemental provisions to H. Res. 6. <i>See</i> FN 1.	
<a href="#">House Appropriations</a>		Only when authorized by majority of members voting, a majority being present. Sec. 1(c). The Committee may delegate this authority to the Chair. <i>See id.</i>		Only as authorized or directed by the House. Sec. 1(d).	Two members constitute a quorum for taking testimony. Sec. 5(c).	No supplemental provisions to H. Res. 6. <i>See</i> FN 1.	

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Committee (with rules hyperlinked)	Authorizing Provisions	Subpoena* Procedure	Subpoena Notice	Subpoena Enforcement/ Other Provisions	Hearing Quorum Rules, Authority of Staff to Question Witnesses at a Hearing	Compulsory Deposition Authority and Staff's Ability to Depose <sup>1</sup>	Other Deposition Provisions
<a href="#">House Armed Services</a>		By Committee, or Subcommittee with concurrence of the Chair and after consultation with the Ranking Member only when authorized by majority of members voting, a majority of the Committee or Subcommittee being present. Rule 12(a)(2), 12(b)(1). <i>See also</i> Rule 10(b)(3).		Only as authorized or directed by the House. Rule 12(b)(2).	Two members constitute a quorum for taking testimony. Rule (10)(a).	No supplemental provisions to H. Res. 6. <i>See</i> FN 1.	
<a href="#">House Budget</a>		By majority of Committee, or by the Chair under rules and limitations prescribed by the Committee. Rule 18(a).			Two members constitute a quorum for taking testimony. Rule 16. Chair and Ranking Member may designate staff from majority and minority to question a witness for up to 30 minutes. Rule 17(d).	No supplemental provisions to H. Res. 6. <i>See</i> FN 1.	
<a href="#">House Education and Labor</a>		Power to authorize and issue subpoenas is delegated to the	Chair must notify the Ranking Member before issuance, and, to extent		Two members constitute a quorum for taking testimony. Rule 11.	No supplemental provisions to H. Res. 6. <i>See</i> FN 1.	Must be taken under oath. Rule 10(d)(2). May be accompanied by counsel. Rule 10(e).

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		<p>Chair of full Committee, pursuant to House Rule XI Cl. 2(m)(3)(A)(i). Rule 9. To authorize a subpoena, a majority of Committee or Subcommittee constitutes a quorum. Rule 11.</p>	<p>practicable, shall consult with the Ranking Member at least 24 hours in advance, excluding Saturdays, Sundays, and federal holidays. As soon as possible after issuance, Chair shall notify all Committee members in writing. Rule 9.</p> <p>The Chair or majority staff shall consult with the Ranking Member or minority staff no less than three business days before any notice or subpoena for a deposition is issued. After such consultation, all members shall receive written notice that a notice or subpoena for a deposition will be issued. Rule 10(b).</p>		<p>Chair may authorize staff for majority and minority to question witnesses at a Committee hearing. The time shall be equal between majority and minority and may not exceed one hour in the aggregate. Rule 8(c).</p> <p>Extended questioning authorized by Chair, following an investigative hearing, may only be conducted by counsel for majority and minority, authorized to do so pursuant to Rule 8(c). Rule 8(d).</p>	<p>Depositions shall be conducted by one or more members or Committee counsel designated by the Chair or Ranking Member. Rule 10(d)(1).</p>	<p>Questioning, unless otherwise agreed, is conducted in 60 minute rounds. Rule 10(f)(1). Witness may refuse to answer “only to preserve a privilege.” Rule 10(f)(2).</p> <p>Chair rules on objection after deposition is adjourned. If the Chair overrules any such objection and thereby orders a deponent 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 members and the deponent no less than three days before the ruling is enforced at a reconvened deposition. <i>Id.</i></p> <p>A deponent who refuses to answer after being directed to do so in writing may be subject to sanction, unless ruling is reversed on appeal. <i>Id.</i></p> <p>Committee will timely consider objections to deposition testimony before it is offered as evidence. <i>Id.</i></p>

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<a href="#">House Energy and Commerce</a>		The power to authorize and issue subpoenas is delegated to the Chair of the full Committee, pursuant to House Rule XI cl. 2(m)(3)(A)(i). Chair shall notify Ranking Minority Member prior to issuing any subpoena. Rule 16.	To the extent practicable, the Chair shall consult with the ranking Minority Member at least 72 hours in advance of a subpoena being issued under such authority. The Chair shall report to the members of the Committee on the issuance of a subpoena as soon as practicable but in no event later than one week after issuance of such subpoena. Rule 16.		Two members constitute a quorum for taking testimony. Rule 6. Chair, with the concurrence of the Ranking Member, or the Committee by motion, may authorize Committee staff of both sides to question witnesses in equal allotments, no longer than 30 minutes per side. Rule 3(d)(2).	No supplemental provisions to H. Res. 6. See FN 1.	
<a href="#">House Ethics</a> <i>(investigatory hearings)</i>		Unless Committee otherwise provides, power to issue lies with Chair and Ranking Member; subpoena shall be issued upon request of the investigatory Subcommittee. Rule 19(b)(5).		Admissibility of Evidence and Contempt: Chair of Subcommittee or other presiding member at any investigatory Subcommittee proceeding shall rule upon any question of admissibility or relevance of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of	Two members of the Committee or an investigatory Subcommittee (authorized by Committee) constitute a quorum for taking testimony. Rule 9(a).	Staff may interview witnesses, examine documents and other evidence, and request statements be under oath and documents be certified as to authenticity and accuracy. Rule 19(b)(4). All proceedings,	

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				contempt. Witness, counsel, or member of Subcommittee may appeal any rulings to members present at that proceeding. A majority vote of members present at such proceeding on such appeal shall govern the question of admissibility, and no appeal shall lie to the Committee. Rule 19(c)(2). When a person is determined by majority vote to be in contempt of the Subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House for consideration. Rule 19(c)(3). Any relevant evidence shall be admissible unless it is privileged under precedents of the House. Rule 19(c)(1). A respondent must be informed of the right to counsel, provided at his or her own expense. Rule 26(a).		including the taking of testimony, shall be conducted in executive session and all testimony taken by deposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in executive session. Rule 19(b)(1).	
<a href="#">House Ethics</a> (adjudicatory hearings)		Subcommittee may issue subpoena, and a subpoena for documents may specify terms of return other than at a meeting of the Subcommittee. Rule		Rule 23(j)(2) and (3). Same as above. See also Rule 26(a). No later than two weeks or five legislative days after an adjudicatory Committee is created, whichever is later, the Chair of the adjudicatory Subcommittee must establish a schedule and procedures for the hearing and for	Majority plus 1 of adjudicatory Subcommittee (authorized by the Committee) shall constitute a quorum for	Depositions, interrogatories, and sworn statements taken under any investigative Subcommittee direction may be accepted into the	

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		23(d). <i>See also</i> Rule 23(h).		prehearing matters. Rule 23(i). The Chair or a majority of the full Subcommittee may change the procedures. <i>Id.</i> If the Chair makes prehearing rulings, the Chair shall make available those rulings to all Subcommittee members at the time of the ruling. <i>Id.</i>	any business. Rules 9(b) and 23(b).	hearing record. Rule 23(d).	
<a href="#">House Financial Services</a>		The power to authorize and issue subpoenas is delegated to the Chair. Rule 3(e)(1).	The Chair will provide written notice to the Ranking Minority Member at least 48 hours in advance of the authorization and issuance of a subpoena, except when exigent circumstances exist that do not permit such amount of notice. Rule 3(e)(1).		Two members constitute a quorum for taking testimony. Rule 3(b)(1).	No supplemental provisions to H. Res. 6. <i>See</i> FN 1.	
<a href="#">House Foreign Affairs</a>		By Chair, after consulting with Ranking Member. Also may be issued by Committee or Subcommittee when authorized by majority of			Two members constitute a quorum for taking testimony. Rule 3.  Committee staff may be permitted to question a witness for equal specified periods either	No supplemental provisions to H. Res. 6. <i>See</i> FN 1.	

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		members voting, a majority being present. Rule 22.			with the concurrence of the Chair and Ranking Minority Member of the full Committee or by motion. However, in no case may questioning by Committee staff proceed before each Member of the Committee who wishes to speak under the five-minute rule has had one opportunity to do so. Rule 6(a)(4).		
<a href="#">House Homeland Security</a>		Authorization and issuance of subpoenas is delegated to the Chair, as provided under House Rule XI cl. 2(m)(3)(A)(i). Rule XII(A). Chair shall notify the Ranking Minority Member prior to issuing any subpoena under such authority. To the extent practicable, the Chair shall consult with the	The Chair shall notify full Committee as soon as practicable, but no later than 1 week after the subpoena is served. Rule 1XII(A).	Contempt Procedures. The Chair may punish breaches of order and decorum, by censure and exclusion from a hearing or meeting; and the Committee may cite the offender to the House for contempt. Rule X.  Preventing Disclosure: Provisions may be included in a subpoena with concurrence of Chair and Ranking Member of full Committee, or by Committee, to prevent disclosure of full Committee's demands for information when deemed necessary for security of information or progress of an investigation, including but not limited to	Two members constitute a quorum for taking testimony, including at least one Minority Member. Rule IX. Chair, in consultation with the Ranking Member, or the Committee by motion, may permit Committee staff to question a witness for a specified period of time, but time allotted must be equal between the parties and the aggregate may not exceed one hour. Rule 8(A)(4).	No supplemental provisions to H. Res. 6. See FN 1.	When representing a witness or entity before the Committee in response to a document request, request for transcribed interview, or subpoena from the Committee, or in connection with testimony before the Committee at a hearing, counsel for the witness must submit a notice of appearance specifying: (a) counsel’s name, firm or organization, and contact information; and (b) each client represented by the counsel in connection with the proceeding. Submission of a notice of appearance constitutes acknowledgment that counsel is authorized to accept service of



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		<p>Ranking Minority Member at least 24 hours in advance of a subpoena being issued under such authority, excluding Saturdays, Sundays, and federal holidays.</p> <p><i>Id.</i> Subpoena may be issued whose return to Committee Clerk shall occur at a time and place other than that of a regularly scheduled meeting. Rule XII(C).</p>		<p>prohibiting revelation by witnesses and their counsel of full Committee’s inquiries. Rule 12(B).</p>			<p>process by the Committee on behalf of such client(s), and that counsel is bound by and agrees to comply with all applicable House and Committee rules and regulations. Rule XII(D).</p>
<p><a href="#">House Judiciary</a></p>		<p>A subpoena may be authorized by the Chair in accordance with clause 2(m) of Rule XI, following consultation with the Ranking Minority Member. A subpoena may also be authorized when approved by a majority of Committee or</p>	<p>If sent by the Chair, at least two calendar (excluding Saturdays, Sundays, and legal holidays when the House is not in session) days before issuing a subpoena, the Chair shall consult with the Ranking Minority Member. Rule IV(c).</p>		<p>Two members constitute a quorum for taking testimony. Rule III(c).</p>	<p>No supplemental provisions to H. Res. 6. See FN 1.</p>	

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		Subcommittee voting, a majority being present. Rule IV.	These requirements may be waived in the event of an emergency. Rule IV(d).				
<a href="#">House Natural Resources</a>		By majority vote of Committee or Subcommittee, or by Chair of Committee during any recess period of more than three days. Rule 4(d). If by Committee, majority constitutes a quorum. Rule 3(e)(1).		Claims of common-law privileges made by witnesses in hearings, or by interviewees or deponents in investigations or inquiries, are applicable only at discretion of the Chair, subject to appeal to Committee. Rule 4(g).	Two members constitute a quorum for taking testimony. Rule 3(e)(1).	No supplemental provisions to H. Res. 6. See FN 1.	
<a href="#">House Oversight and Reform</a>		The Chair of the full Committee, upon consultation with the Ranking Minority Member of the full Committee, may order the taking of depositions under oath and pursuant to notice or subpoena. Rule 15(a).	Consultation with the Ranking Minority Member prior to the taking of depositions shall include three business days’ notice before any deposition is taken. Rule 15(d).  All members shall also receive three business days’ notice	House rules concerning counsel during hearings apply. (Witnesses may be accompanied by counsel during hearings. Also, Chair may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House for contempt). House Rule XI.	Two members constitute a quorum for taking testimony. Rule 3(a).  Chair may also appoint task forces or panels, subject to rules applicable to Subcommittees regarding meetings, hearings, recommendations, and reports. Task forces or	Chair of full Committee, in consultation with Ranking Member, may order the taking of depositions under oath and pursuant to notice or subpoena. Rule 15(a).  No more than two staff attorneys may ask	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

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		<p>No consultation is required for the issuance of a subpoena other than for those ordering the taking of a deposition. Rule 12(g).</p>	<p>that a deposition has been scheduled. Rule 15(b).</p>	<p>Witnesses may be accompanied at a deposition by counsel to advise them of their rights. Rule 15(e).</p>	<p>panels must be reappointed by Chair after six months. Rule 14.</p> <p>Chair of the Committee or Subcommittee by motion, may permit Committee or Subcommittee staff of the majority and minority to question a witness for a specified time, but the time allotted must be equal between the parties and not longer than 30 minutes for each side. Rule 9(d).</p>	<p>questions during any one session. Rule 15(g).</p>	<p>email; and (2) each client or entity represented by the counsel in connection with the proceeding. Rule 16(b).</p> <p>Unless otherwise agreed, questioning in depositions will take place in 60-minute rounds. Rule 15(h).</p> <p>A witness may refuse to answer only to "preserve a privilege." Committee Chair rules on objection, and if he or she overrules the objection during the deposition, the witness shall be ordered to answer; if he or she rules following a deposition, notice will be provided to the Committee members and deponent at least three days before reconvened deposition. Appeal in writing by a Member is reserved for the Committee. Refusal to answer may subject a deponent to sanction, unless the Chair is overturned on appeal. Rule 15(i).</p>

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<a href="#">House Permanent Select Committee on Intelligence</a>		May be authorized by Chair, in consultation with Ranking Member, or by majority of Committee. Rule 10(a). If by Committee, a majority constitutes a quorum. Rule 5(b).	Subpoenas must have a copy of the Committee rules attached. Rule 10(e).	<p>Witnesses at a hearing may be accompanied by counsel, Rule 8(e)(1), provided that counsel accompanying witnesses during closed hearings due to discussion of classified material possess the requisite security clearance. Rule 8(e)(2). Failure to obtain counsel will not excuse the witness from testifying. Rule 8(e)(3). Counsel must conduct themselves ethically and professionally at all times, Rule 8(e)(4), or face removal of counsel from the proceeding, Rule 8(e)(4)(C). Majority of Committee may overrule decision of Chair to remove counsel. <i>Id.</i></p> <p>Counsel for a witness (i) shall not be allowed to examine witnesses before the Committee; but (ii) may submit questions in writing to Committee that counsel wishes propounded to a witness; or (iii) May suggest, in writing to Committee, the presentation of other evidence or calling of other witnesses. Rule 8(e)(5)(A).</p>	<p>Two members constitute a quorum for taking testimony, at least one of whom is a member of the Majority. Rule 5(a).</p> <p>When designated by Chair in consultation with Ranking Member, Committee staff may conduct an investigation. Rule 9(b).</p> <p>The Chair and Ranking member may designate staff to question witnesses at a hearing. Rule 8(d)(2).</p>	No supplemental provisions to H. Res. 6. See FN 1.	

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				Any objection is ruled on by the Chair but may be overturned by majority vote of the Committee. Rule 8(g). Citations for contempt will be forwarded to the House only if the Committee has met and considered the contempt allegations (with reasonable notice given to Committee members in advance), the subject of the allegations was afforded an opportunity to state in writing or in person why he or she should not be held in contempt and the Committee agrees to recommend contempt by a majority vote. Rule 8(j).			
<a href="#">House Rules</a>		By committee or subcommittee, only when authorized by a majority of the members voting, a majority being present. Rule 3(e)(1). <i>See also</i> Rules 3(b)(3) and 5(e)(2).  Chairman may issue a subpoena when the House has			For purposes of hearing testimony on requests for rules, five members constitute a quorum . Rule 3(b)(1).  Three members constitute quorum regarding matters of original jurisdiction and taking testimony. Rule 3(b)(2).		

# GIBSON DUNN

## TABLE OF AUTHORITIES OF HOUSE AND SENATE COMMITTEES 116th Congress

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		adjourned for at least 3 days. Rule 3(e)(2).			Subcommittees: Two members constitute a quorum for taking testimony. Rule 5(e)(1).		
<a href="#">House Science, Space, and Technology</a>	Any investigation undertaken in the name of the Committee shall be approved by the Chair. Rule VII(c).	The power to authorize and issue subpoenas is delegated to the Chair as provided for under clause 2(m)(3)(A)(i) of House Rule XI. Rule IX.	The Chair shall notify the Ranking Minority Member prior to issuing any subpoena and shall consult with the Ranking Minority Member at least 24 hours in advance of a subpoena being issued. Rule IX.		Two members constitute a quorum for taking testimony. Rule 2(d).  The Chair, in consultation with the Ranking Minority Member, may designate staff from each party to question a witness for a period of time equally divided between the majority party and the minority party, not to exceed one hour in the aggregate. Rule III(c)(2)(ii).	The Chair may authorize the staff of the Committee to conduct depositions pursuant to section 103 of House Resolution 6, 116th Congress. Rule X.	Claims of common-law privileges made by witnesses in hearings or by interviewees or deponents in investigations or inquiries are applicable only at the discretion of the Chair, subject to appeal to the Committee. Rule III(d).
<a href="#">House Select Committee on the Climate Crisis<sup>2</sup></a>	The sole authority of the Select Committee shall be to investigate, study, make findings, and	The Committee is not authorized to issue subpoenas, but it may recommend subpoenas and			Two members constitute a quorum for taking testimony and receiving evidence. Rule 7(a)(1).	The Committee is not authorized to take depositions, but it may recommend depositions and submit such recommendations	

<sup>2</sup> This is a new committee for the 116th Congress.

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	develop recommendations on policies, strategies, and innovations to achieve substantial and permanent reduction in pollution and other activities that contribute to the climate crisis. H. Res. 6 § 104(f)(2)(B) (2019).	submit such recommendations to the relevant standing Committee. H. Res. 6 § 104(f)(3)(B)(iii) (2019).				to the relevant standing Committee. H. Res. 6 § 104(f)(3)(B)(iii) (2019).	
<a href="#">House Small Business</a>		A subpoena may be authorized and issued by the Committee by majority of the full Committee. Requirement for a majority vote may be waived by the Ranking Member. Rule 11. Chair may issue a subpoena, in consultation with the Ranking Member, if the House is out of session for more			One member from each party shall constitute a quorum for taking testimony. For hearings held other than in the Committee’s hearing room in Washington, D.C., a quorum shall be deemed to be present if the Chair of Committee or Subcommittee is present. Rule 9(b).	No supplemental provisions to H. Res. 6. See FN 1.	

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		than three legislative days. Rule 11(B).					
<a href="#">House Transportation and Infrastructure</a>	<p>The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under House Rule X. Rule IV(b)(1).</p> <p>A Subcommittee may not begin a major investigation without approval of a majority of such Subcommittee. Rule IV(b)(2).</p>	<p>A subpoena may be authorized by the Committee or Subcommittee, only when authorized by majority of members voting, a majority being present. Rule IV(d)(1). If specific request for subpoena not been previously rejected by either Committee or Subcommittee, then Chair of Committee, after consultation with Ranking Member, may authorize and issue. Rule IV(d)(1).</p>	<p>As soon as practicable after issuance, Chair will notify other Committee members. Rule IV(d)(1).</p>	<p>Compliance with any subpoena issued by the Committee or Subcommittee may be enforced only as authorized or directed by the House. Rule IV(d)(2).</p>	<p>Two members constitute a quorum for taking testimony. Rule V(d).</p> <p>Extended Questioning: Chair of Committee or Subcommittee, with concurrence of Ranking Member or the Committee or Subcommittee by motion, may permit Committee staff for majority and minority to question a witness for equal specified periods. This questioning may not exceed one hour in the aggregate. Rule VI(f)(3).</p> <p>Committee Panels: Chair, with the concurrence of the Ranking Member, may designate a panel of Committee members to take testimony on a matter that falls within</p>	<p>No supplemental provisions to H. Res. 6. See FN 1.</p>	



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					<p>the jurisdiction of multiple Subcommittees. Rule XVIII(a).</p> <p>No panel shall continue in existence for more than six months. Rule XVIII(b).</p> <p>The panel shall be subject to all the Committee rules. Rule XVIII(f).</p>		

# GIBSON DUNN

## TABLE OF AUTHORITIES OF HOUSE AND SENATE COMMITTEES 116th Congress

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<a href="#">House Veterans' Affairs</a>		<p>Subpoenas may be authorized and issued by the Committee only when authorized by a majority of the members voting, a majority being present. Rule 1(h).</p> <p>The Chair, upon consultation with the Ranking Minority Member, may order the taking of depositions, including pursuant to subpoena, by a member or counsel of the Committee. Rule 1(g).</p>			<p>Two members constitute a quorum for taking testimony. Rule 4(a).</p> <p>The Chair after consultation with the Ranking Minority Member may permit Committee staff for its majority and minority party members to question a witness for equal specified periods, not exceeding one hour. Rule 3(c)(2).</p>	<p>No supplemental provisions to H. Res. 6. See FN 1.</p>	
<a href="#">House Ways and Means</a>		<p>Chair of full Committee may authorize subpoenas as provided for in House Rule XI, cl. 2(m)(3)(A)(i). Rule 15.</p>			<p>Two members constitute a quorum for taking testimony. Rule 2.</p>	<p>No supplemental provisions to H. Res. 6. See FN 1.</p>	

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Committee (with rules hyperlinked)*	Authorizing Provisions	Subpoena* Procedure	Subpoena Notice	Subpoena Enforcement/Other Provisions	Hearing Quorum Rules, Authority of Staff to Question Witnesses at a Hearing	Compulsory Deposition Authority and Staff's Ability to Depose	Other Deposition Provisions
<b>Senate Committees</b>							
<a href="#">Senate Agriculture, Nutrition, and Forestry</a>	A majority of the Committee must authorize an investigation in which depositions are taken or subpoenas issued. Rule 8.1.	Chair may issue with consent of Ranking Member; Chair may also issue if Ranking Member fails to object within 72 hours of notice, excluding Saturdays and Sundays. If Ranking Member objects, the full Committee may issue. Rule 8.2.			One member constitutes a quorum for taking testimony. Rule 5.1.  Notice of a deposition may be sent by the Chair or a person authorized by him or her. Rule 8.3.	Staff may take depositions**. Rule 8.3.	Deposition is in private. Rule 8.3. The Chair rules on objections. Rule 8.4. The Committee shall not institute criminal and civil enforcement for failure to appear unless the deposition was accompanied by a subpoena. Rule 8.3.
<a href="#">Senate Appropriations</a>					One member constitutes a quorum for taking unsworn testimony before Committee or Subcommittee, three members for sworn testimony before the Committee, one member for sworn testimony before Subcommittee. Rule II(3).		
<a href="#">Senate Armed Services</a>		The Chair or his or her designate may issue after		Witnesses may have counsel who shall be permitted at all times during	Three members constitute a quorum, one of whom must be of the		

# GIBSON DUNN

## TABLE OF AUTHORITIES OF HOUSE AND SENATE COMMITTEES

116th Congress

Committee (with rules hyperlinked)*	Authorizing Provisions	Subpoena* Procedure	Subpoena Notice	Subpoena Enforcement/Other Provisions	Hearing Quorum Rules, Authority of Staff to Question Witnesses at a Hearing	Compulsory Deposition Authority and Staff's Ability to Depose	Other Deposition Provisions
		authorization by a majority of the Committee and consultation with the Ranking Member. Rule 9.		such hearings to advise the witness of his or her legal rights. Rule 10(g).	minority party, for sworn testimony unless otherwise ordered by a majority of the Committee. Rule 6(c).		
<a href="#">Senate Banking, Housing, and Urban Affairs</a>	Committee investigations must be authorized by the full Senate, the full Committee, or the Chair and Ranking Member before they are initiated. Rule 2(a). Subcommittee investigations must be authorized by the full Senate or the full Committee before they are initiated. Rule 3(c).	The Chair may issue upon approval of the Ranking Member, or by a majority vote of the Committee. Same rule for Subcommittees. Rule 4(d).		Witnesses appearing pursuant to a subpoena may have counsel. Rule 4(e).	One member constitutes a quorum for taking testimony. Rule 6. Staff are authorized to interrogate witnesses if authorized by the Chair or Ranking Member. Rule 2(d).		
<a href="#">Senate Budget</a>					One member constitutes a quorum for taking sworn or unsworn testimony. Rule IV(3).		
<a href="#">Senate Commerce, Science, and Transportation</a>		The Chair may issue a subpoena with consent of the Ranking Member or		Counsel may accompany the witnesses at public or executive hearing, or the taking of a deposition, unless the Chair	One member constitutes a quorum for taking sworn or unsworn testimony. Rule II(3).	Staff may take depositions** at the direction of the Chair and with 72 hours of notice to	The Ranking Member or staff designated by the Ranking Member may attend and participate in the taking of any depositions. Rule V(1).

# GIBSON DUNN

## TABLE OF AUTHORITIES OF HOUSE AND SENATE COMMITTEES 116th Congress

Committee (with rules hyperlinked)*	Authorizing Provisions	Subpoena* Procedure	Subpoena Notice	Subpoena Enforcement/Other Provisions	Hearing Quorum Rules, Authority of Staff to Question Witnesses at a Hearing	Compulsory Deposition Authority and Staff's Ability to Depose	Other Deposition Provisions
		if the Ranking Member does not object within 72 hours of notice, excluding Saturdays and Sundays. If the Ranking Member objects, the whole committee may authorize the subpoena by a majority vote, the majority of the members being present including one member of the minority party. Rule V(1).		determines a conflict of interest exists, in which case he or she can require personal counsel for the witness (government employees, corporate officers). Rule V(2).		the Ranking Member. Rule V(1).	Counsel for the witness may attend the deposition. Rule V(2).
<a href="#">Senate Energy and Natural Resources</a>	Committee and Subcommittee investigations must be authorized by the Chair and the Ranking Member or the full Committee before they are undertaken. Rule 10(a). The Chair or the Ranking Member may direct a preliminary	The Chair may issue a subpoena (1) with the agreement of the Ranking Member; (2) when authorized by the full Committee; or (3) within the scope of an investigation which has been authorized by the Committee. Rule 12.		Witnesses may have counsel. Rule 10(b).	One member constitutes a quorum for taking testimony. Rule 6(c). The Committee rules allow unsworn interviews and a "public or closed hearing" during an investigation. Rule 10(b). No staff member may question a witness at a hearing. Rule 4(d).		

# GIBSON DUNN

## TABLE OF AUTHORITIES OF HOUSE AND SENATE COMMITTEES 116th Congress

Committee (with rules hyperlinked)*	Authorizing Provisions	Subpoena* Procedure	Subpoena Notice	Subpoena Enforcement/Other Provisions	Hearing Quorum Rules, Authority of Staff to Question Witnesses at a Hearing	Compulsory Deposition Authority and Staff's Ability to Depose	Other Deposition Provisions
	inquiry “to determine whether there is substantial credible evidence” to warrant an investigation. Rule 10(c).						
<a href="#">Senate Environment and Public Works</a>		The Committee may approve the issuance of a subpoena, with a quorum requirement of seven members, of which at least two are from the minority. Rule 2(a).			One member constitutes a quorum for a hearing. Rule 2(e).		
<a href="#">Senate Finance</a>		The Chair may issue a subpoena upon approval of either the Ranking Member or a majority vote of the Committee. Rule 10.			One member constitutes a quorum for a hearing. Rule 4(b).		
<a href="#">Senate Foreign Relations</a>		Upon a majority vote of the Committee, the Chair or any member may issue	Upon any member's request, the Committee may issue a subpoena only at a committee meeting. Rule 7(a).	Upon return of a subpoena that is incomplete or returned with an objection, the Chair or his or her designate may convene a hearing with four hours' notice and one member constituting a quorum, to	One member constitutes a quorum for taking testimony. Rule 4(a).	Staff may be authorized by the Committee to take depositions**. Rule 7(c).	

# GIBSON DUNN

## TABLE OF AUTHORITIES OF HOUSE AND SENATE COMMITTEES 116th Congress

Committee (with rules hyperlinked)*	Authorizing Provisions	Subpoena* Procedure	Subpoena Notice	Subpoena Enforcement/Other Provisions	Hearing Quorum Rules, Authority of Staff to Question Witnesses at a Hearing	Compulsory Deposition Authority and Staff's Ability to Depose	Other Deposition Provisions
		a subpoena. Rule 7(a).		elucidate further information about the subpoena return and rule on the objection. Rule 7(b).			
<a href="#">Senate Health, Education, Labor, and Pensions</a>	Subpoenas may be issued and hearings held to take sworn testimony only if such investigative activity has been authorized by majority vote of the Committee. Rule 17(a).	The Committee or its Subcommittees may authorize subpoenas. Rule 17(a). The Committee may, by a majority vote, delegate this power to the Committee Chair, a Subcommittee Chair, or to a Chair's designee. Rule 17(c).	The Committee or Subcommittee Ranking Member, or any other requesting member, must be notified before a subpoena's issuance, unless the Committee or Subcommittee Chair determines, in consultation with the Ranking Member, that such notice would unduly impede the investigation. Rule 17(c).	Testifying witnesses have the right to counsel. Rule 17(d).	Three members constitute a quorum to take sworn testimony, unless the Chair and Ranking member agree that one member suffices. Rule 17(b).		

# GIBSON DUNN TABLE OF AUTHORITIES OF HOUSE AND SENATE COMMITTEES 116th Congress

Committee (with rules hyperlinked)*	Authorizing Provisions	Subpoena* Procedure	Subpoena Notice	Subpoena Enforcement/Other Provisions	Hearing Quorum Rules, Authority of Staff to Question Witnesses at a Hearing	Compulsory Deposition Authority and Staff's Ability to Depose	Other Deposition Provisions
<a href="#">Senate Homeland Security and Governmental Affairs</a>		The Chair may issue a subpoena if the Ranking Member does not object through a signed letter within 72 hours of notice, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session. If the Ranking Member objects, the whole Committee may authorize the subpoena. Rule 5(C).	A Subcommittee must give notice to the full Committee Chair and Ranking Member at least 48 hours prior, excluding Saturdays and Sundays, to issuing a subpoena, unless the Chair and Ranking member waive the requirement, or the Subcommittee Chair certifies that immediate issuance is necessary. Rule 7(E).	Counsel may accompany the witnesses unless the Chair determines a conflict of interest exists, in which case he can require personal counsel for the witness (government employees, corporate officers). Rule 5(D).	One member constitutes a quorum for taking testimony. Rule 2(C). The Chair may authorize a deposition, unless the Ranking Member objects through a signed letter within 72 hours of receiving notice, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session. If the Ranking Member timely objects, the Committee may authorize the deposition. Rule 5(K)(1).	The Committee has deposition authority under S. Res. 70 § 12(e)(3)(E) (2019). Staff may conduct the deposition. Rule 5(K)(1). This authority is enforceable by subpoena. Rule 5(C).	The deponent has the right to counsel. Rules 5(D) and 5(K)(2). The deposition notice must include the time and place of examination, and the name of the person administering the deposition. Rule 5(K)(1). No civil or criminal actions for failure to appear will be brought unless the deposition notice was accompanied by a subpoena. <i>Id.</i> The deposition shall be in private. <i>Id.</i> If a witness objects to a question or refuses to testify, it shall be noted for the record and the member or staff may proceed with the remainder of the deposition. Rule 5(K)(3).
<a href="#">Senate Indian Affairs</a>		The Chair and the Vice Chair jointly may issue a subpoena, or the full Committee by a majority vote. Rule 12.			One member constitutes a quorum for taking testimony. Rule 6(b).	The Committee is authorized to take depositions**. S. Res. 4 (1977) section 105(c)(1).	
<a href="#">Senate Judiciary</a>		Chair of the Committee, with the agreement of Ranking Member or by vote of the	Any subpoena issued for a deposition that is to be conducted by staff shall be accompanied by a		One member constitutes a quorum for taking testimony. Rule III(2).	The Committee is authorized to require by subpoena the attendance of witnesses at depositions of the	Any deposition shall have at least one member present for the duration of the deposition, unless waived by agreement of the Chair and Ranking Member. All members



# GIBSON DUNN

## TABLE OF AUTHORITIES OF HOUSE AND SENATE COMMITTEES 116th Congress

Committee (with rules hyperlinked)*	Authorizing Provisions	Subpoena* Procedure	Subpoena Notice	Subpoena Enforcement/Other Provisions	Hearing Quorum Rules, Authority of Staff to Question Witnesses at a Hearing	Compulsory Deposition Authority and Staff's Ability to Depose	Other Deposition Provisions
		Committee, may subpoena attendance of a witness at a Committee or Subcommittee hearing, Committee deposition, or may compel production of documents. Rule IX.	notice of deposition identifying the Majority staff officers designated by the Chair and the Minority staff officers designated by the Ranking Member to take the deposition, and the Majority and Minority shall be afforded the opportunity to participate on equal terms. Rule X(1).			Committee, which may be conducted by designated staff. Rule X(1). S. Res. 70 § 13(e) (2019).	shall be notified of the time, date, and location of any deposition. Rule X(2).  Any member may attend and participate in a deposition. Rule X(3).  Depositions are private, unless otherwise specified. Rule X(5).
<a href="#">Senate Permanent Subcommittee on Investigations</a> ( <i>Homeland Security and Governmental Affairs Subcommittee</i> )	The Chair and Ranking Member or a majority of the Subcommittee must approve in advance a “public hearing connected with an investigation.” Rule 1. If all minority members object, a public hearing may not be held, unless the full Committee approves of the hearing. Rule 1.	The Chair or his or her designate may issue a subpoena, with notice to the Ranking Member. Rule 2.	A written notice must be provided to the full Committee Chair and Ranking Member; the subpoena may not be delivered until 48 hours, excluding Saturdays and Sundays, after the notice, unless waived by the Chair and Ranking Member or the Permanent	Counsel may accompany the witnesses unless the Chair determines a conflict of interest exists, in which case he can require personal counsel for the witness (government employees, corporate officers). Rule 8.	One member constitutes a quorum for taking testimony. Rule 5. The Chair of the Subcommittee may authorize depositions, keeping the full Committee Chair and Ranking Member fully apprised. Rule 9.1. Authorized Subcommittee staff may ask questions at hearings. Rule 13.	The Subcommittee has deposition authority under S. Res. 70 § 12(e)(3)(E) (2019) . Staff may conduct the deposition. Rule 9.1. This authority is enforceable by subpoena. <i>Id.</i>	The deposition shall take place in private. Rule 9.1. Notices of a deposition shall include the time and place of the examination, as well as the person administering the deposition. Rule 9.1. Witnesses may be accompanied by counsel but failure to secure counsel does not excuse the witnesses from compliance. Rule 9.2; Rule 8. No civil or criminal proceedings will be initiated for failure to appear unless the deposition notice was accompanied by a subpoena. Rule 9.1. Objections as to the form of a

# GIBSON DUNN

## TABLE OF AUTHORITIES OF HOUSE AND SENATE COMMITTEES 116th Congress

Committee (with rules hyperlinked)*	Authorizing Provisions	Subpoena* Procedure	Subpoena Notice	Subpoena Enforcement/Other Provisions	Hearing Quorum Rules, Authority of Staff to Question Witnesses at a Hearing	Compulsory Deposition Authority and Staff's Ability to Depose	Other Deposition Provisions
	<p>“Preliminary inquiries may be undertaken” by majority or minority staff with approval of the Chair or Ranking Member, respectively, and notice to one of three listed individuals of the other party. Rule 1. The Chair and Ranking Member may approve an investigation, providing notice to all members. Rule 1.</p>		<p>Subcommittee on Investigations Chair certifies in writing that immediate issuance is necessary. Rule 2.</p>				<p>question will be noted in the record, while objections based on privilege or relevance will be referred to the Subcommittee Chair or a designated member. If the Chair overrules the objection, he or she may refer the matter to the Subcommittee or the witness may be directed to answer. Rule 9.3. No civil or criminal proceedings shall be initiated against a witness for failing to answer a question unless the witness has been ordered and directed to answer by a member of the Subcommittee. Rule 9.3.</p>
<p><a href="#">Senate Rules and Administration</a></p>					<p>Two members constitute a quorum for taking testimony under oath and one member constitutes a quorum for taking testimony not under oath, but in either instance once a quorum is established, one member can continue to take testimony. Rule 10.</p>		

# GIBSON DUNN TABLE OF AUTHORITIES OF HOUSE AND SENATE COMMITTEES 116th Congress

Committee (with rules hyperlinked)*	Authorizing Provisions	Subpoena* Procedure	Subpoena Notice	Subpoena Enforcement/Other Provisions	Hearing Quorum Rules, Authority of Staff to Question Witnesses at a Hearing	Compulsory Deposition Authority and Staff's Ability to Depose	Other Deposition Provisions
<a href="#">Senate Select Committee on Ethics</a>	<p>After a preliminary inquiry report is issued, the Committee votes “whether there is substantial credible evidence which provides substantial cause” to conclude that a violation within the Committee’s jurisdiction occurred. Rule 3(g).</p> <p>Letters of admonition and the initiation of an “adjudicatory review of conduct of a Member, officer, or employee of the Senate” both require the affirmative vote of at least four members. Rule 3(g)(2)-(3).</p>	<p>At any time during a preliminary review, adjudicatory review, or other proceeding, subpoenas may be authorized for issuance by either a majority vote of the Committee or the Chair and Vice Chair acting jointly. Rule 6(a)(1).</p>	<p>A subpoena must attach the Committee’s rules and a brief statement of the purpose of the Committee’s proceeding. Rule 6(a)(2).</p>	<p>Witnesses at adjudicatory hearings may have counsel. Rule 5(j)(4).</p>	<p>Except for adjudicatory hearings and depositions taken outside the presence of a Member, one member constitutes a quorum for taking testimony, if all members have notice and the Chair has designated a Majority member and the Vice Chair has designated a Minority member to be in attendance, and either attends. Rule 1(d)(3). Notice of a deposition may be authorized by the Committee or the Chair and Vice Chair acting jointly. Rule 6(b)(2).</p>	<p>The Committee is authorized to take depositions. S. Res. 338 (1964) (as amended) section (3)(a)(6). Staff, or any other designee, may be authorized by the Committee to administer a deposition. Rule 6(b)(1).</p>	<p>Depositions are in private. Rule 6(b)(2). The notice must be accompanied by a subpoena before civil or criminal proceedings can be initiated for failure to appear. Rule 6(b)(2). The deponent may be accompanied by counsel. Rule 6(b)(3). Any member present may rule on objections. If no member of the Committee is present, the individual who has been designated by the Chair and Vice Chair, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chair or Vice Chair of the Committee, who may refer the matter to the Committee or rule on the objection. Rule 6(b)(4). Criminal and civil enforcement for failure to respond shall not be initiated unless the witness refuses to testify or produce documents after having been directed to do so. <i>Id.</i></p>

# GIBSON DUNN

## TABLE OF AUTHORITIES OF HOUSE AND SENATE COMMITTEES 116th Congress

Committee (with rules hyperlinked)*	Authorizing Provisions	Subpoena* Procedure	Subpoena Notice	Subpoena Enforcement/Other Provisions	Hearing Quorum Rules, Authority of Staff to Question Witnesses at a Hearing	Compulsory Deposition Authority and Staff's Ability to Depose	Other Deposition Provisions
<a href="#"><u>Senate Select Committee on Intelligence</u></a>	Investigations may be initiated only after five or more members "have specifically requested the Chair or the Vice Chair to authorize such an investigation." Rule 6.	Subpoenas must be authorized by the Committee, and may be issued by the Chair, the Vice Chair, or the Chair's designate. Rule 7.	A subpoena must attach the Committee's rules and S. Res. 400 from the 94th Congress. Rule 7.	No action for contempt of Congress may be taken unless the Committee met and considered the recommendation, afforded the person the opportunity to oppose the recommendation in writing or in person, and a majority vote of the Committee approved the recommendation. Rule 8.9.	One member constitutes a quorum for taking testimony. Rule 2.4. Staff may interrogate witnesses if authorized by the Chair, Vice Chair, or presiding member. Rule 8.3.	The Committee is authorized to take depositions**. S. Res. 400 (1976) section 5(a).	Witnesses may have counsel, and if a witness notifies the Committee at least 24 hours in advance of his or her failure to obtain counsel, the Committee shall endeavor to obtain counsel for the witness. But failure to provide counsel does not excuse testifying. Rule 8.4. The Chair or presiding member rules on objections in hearings, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the Chair. Rule 8.6.
<a href="#"><u>Senate Small Business and Entrepreneurship</u></a>		The Chair may issue a subpoena if the Ranking Member does not object within 72 hours of notice, excluding Saturdays, Sundays, and holidays. If the Ranking Member timely objects, the whole Committee may authorize the		A quorum to issue a subpoena is one third of the members, including at least one minority member. Rule "Quorums" (a)(2). The Chair will rule on assertions of privilege or objections to the subpoena. Rule "Hearings" (e). Witnesses may have counsel. Rule "Hearings" (c).	One member constitutes a quorum for taking testimony. Rule "Quorums" (a)(3). Interrogations of witnesses may be conducted by staff, during hearings, if authorized by the Chair or Ranking Member. Rule "Hearings" (b)(2).		

# GIBSON DUNN

## TABLE OF AUTHORITIES OF HOUSE AND SENATE COMMITTEES 116th Congress

Committee (with rules hyperlinked)*	Authorizing Provisions	Subpoena* Procedure	Subpoena Notice	Subpoena Enforcement/Other Provisions	Hearing Quorum Rules, Authority of Staff to Question Witnesses at a Hearing	Compulsory Deposition Authority and Staff's Ability to Depose	Other Deposition Provisions
		subpoena; a majority may also authorize the issuance of a subpoena—this authorization may be given “informally” without a meeting but must be given in writing. Rule "Hearings" (d).					
<a href="#">Senate Special Committee on Aging</a>	Committee staff may initiate investigations with the approval of the Chair and the Ranking Member. Rule VI.	Subpoenas must be authorized by the Chair and Ranking Member acting together, and may be issued by the Chair or his or her designate. Rule VI.	The Ranking Member and any other requesting member must be notified before the subpoena’s issuance regarding the person’s identity who had received the subpoena, the information sought, and the information’s relationship to the investigation. Rule VI.		One member constitutes a quorum for taking testimony. Rule V.	The committee is authorized to take depositions. S. Res. 4 § 104(c)(1) (1977). Staff may conduct depositions. Rule VII.  This authority is enforceable by subpoena. <i>Id.</i>	The Chair or a designated staff officer may issue notices to witnesses regarding depositions. Notices shall include the “time and place for examination,” as well as the person administering the deposition. Depositions are in private. Rule VII. The notice must be accompanied by a subpoena before civil or criminal proceedings can be initiated for failure to appear. <i>Id.</i> The deponent may be accompanied by counsel, but if the Chair determines a conflict of interest exists in the case of governmental or corporate employees, then the Chair may rule that representation by personal counsel not from the government, corporation or

# GIBSON DUNN

## TABLE OF AUTHORITIES OF HOUSE AND SENATE COMMITTEES 116th Congress

Committee (with rules hyperlinked)*	Authorizing Provisions	Subpoena* Procedure	Subpoena Notice	Subpoena Enforcement/Other Provisions	Hearing Quorum Rules, Authority of Staff to Question Witnesses at a Hearing	Compulsory Deposition Authority and Staff's Ability to Depose	Other Deposition Provisions
							association is required. Rule II. Questions shall be oral and by Committee staff. Rule VII. If the deponent refuses to answer based on privilege or relevance, the staff member may seek a ruling from a member of the Committee to overrule the objection, and the member may refer the matter to the whole Committee or direct the deponent to respond. <i>Id.</i> Criminal and civil enforcement for failure to respond will be initiated against the deponent only if he was directed to answer a question by a member of the committee. <i>Id.</i>
<a href="#">Senate Veterans' Affairs</a>		The Chair may issue a subpoena if the Ranking Member does not object within 48 hours of notice, excluding Saturdays, Sundays, and federal holidays. Regardless of whether the Ranking Member concurs, the whole Committee may authorize the			One member constitutes a quorum for taking testimony. Rule II(C).  If a quorum cannot be obtained due to the lack of a minority member, the requirement that a minority member be present is waived after one day. Rule II(B).		

# GIBSON DUNN TABLE OF AUTHORITIES OF HOUSE AND SENATE COMMITTEES 116th Congress

Committee (with rules hyperlinked)*	Authorizing Provisions	Subpoena* Procedure	Subpoena Notice	Subpoena Enforcement/Other Provisions	Hearing Quorum Rules, Authority of Staff to Question Witnesses at a Hearing	Compulsory Deposition Authority and Staff's Ability to Depose	Other Deposition Provisions
		subpoena. Rule IV(E).					

\* House committees and subcommittees are authorized to issue subpoenas under House rule XI. Senate standing committees and subcommittees are authorized to issue subpoenas under Senate rule XXVI(1). The rules authorize subpoenas for obtaining documents and what appears to be taking testimony. It does not appear that these House and Senate authorities are self-executing; hence, most—though not all—committees adopt rules that apply specifically to the issuance of subpoenas and the execution of other authorities.

\*\* Whether committees have authority to compel a witness to take a deposition, absent authorization from the Senate or House, is unclear. **©2019 Gibson, Dunn & Crutcher LLP**