

# GIBSON DUNN TABLE OF AUTHORITIES OF HOUSE AND SENATE COMMITTEES

Committee (with rules hyperlinked)	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>House Committees</b>						
<a href="#">Agriculture</a>	May authorize <i>only</i> with approval of <i>majority</i> of members voting, w/ the <i>majority</i> being present according to House Rule XI Cl. 2(m)(3)(A). Rule VI(a)(2), VI(b)(1) and (2). See also Rule II(b)(3).	Other members must have notice by 5 pm of the day before a subpoena will be considered. Rule VI(b)(2).	Only “as authorized and directed by the House.” Rule VI(b)(3). Witnesses at hearings may be accompanied by counsel. Chairman of committee or subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from hearings; but only full committee may cite the offender to the House for contempt. Rule VII(j)(1)(i).	Two members constitute a quorum for taking testimony. Rule IV(c).		
<a href="#">Appropriations</a>	Only when authorized by majority of members voting, a majority being present. Sec. I(a)(2). The committee may delegate this authority to the Chairman. Sec. I(c).		Only “as authorized or directed by the House.” Sec I(d).	Two members constitute a quorum for taking testimony. Sec. 5(4)(c).		
<a href="#">Armed Services</a>	By committee, or subcommittee with concurrence of full committee Chairman and after consultation with Ranking Member of the committee . . . only when authorized by <i>majority</i> of		Only “as authorized or directed by the House.” Rule 12(b)(2).	Two members constitute a quorum for taking testimony. Rule (10)(a).		

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	members voting, a <i>majority</i> of being present. Rule 12(a)(2), 12(b)(1). See also Rule 10(b)(3).					
<a href="#">Budget</a>	By majority of committee. Rule 15(a).			Two members constitute a quorum for taking testimony. Rule 13.		
<a href="#">Education and the Workforce</a>	<i>Chairman</i> of full committee, pursuant to House Rule 2(m)(3)(A)(1). The Chairman must notify the Ranking Member and, to the extent practicable, consult with the Ranking Member 24 hours in advance. Rule 9.	Chairman must notify Ranking Member <i>before</i> issuance, and to extent practicable, shall consult with ranking member at least 24 hours in advance, excluding Saturdays, Sundays and federal holidays. As soon as possible after issuance, Chairman shall notify all committee members in writing. Rule 9.		Two members constitute a quorum for taking testimony. Rule 11; Chairman may authorize <b>staff</b> for majority and minority to question witnesses at a committee hearing. Rule 8(c). Extended Questioning authorized by Chairman, following an investigative hearing, may only be conducted by <b>counsel</b> for majority and minority, authorized to do so pursuant to Rule 8(c). Rule 8(d).	<b>When authorized by the full House</b> , and after consultation with the Ranking Member, a Chairman may order a deposition in furtherance of an investigation, pursuant to notice or subpoena. Rule 10(a); Chairman <i>or majority staff</i> shall consult with Ranking Member <i>or minority staff</i> at least 3 business days prior to issuing such a subpoena, and as soon as possible, all Members shall receive written notice that a subpoena will be issued. Rule 10(b); Shall be conducted by <b>one or more members or Committee counsel designated by the Chairman or Ranking</b>	Must be taken under oath [Rule 10(d)(2)]; New rule: <b>Member must be present* (unless waived by deponent)</b> [Rule 10(d)(3)]; May be accompanied by counsel [Rule 10(e)]; Questioning, unless otherwise agreed, is conducted in 60 minutes rounds [Rule 10(f)(1)]; May refuse to answer "only to preserve a privilege." [Rule 10(f)(2)]; Chairman rules on objection after deposition is adjourned. . . Deponent refusing to answer after being directed to do so in writing may be subject to sanction, unless ruling is reversed on appeal. [Rule 10(f)(2)]. Committee will timely consider objections to deposition testimony before it is offered as evidence. [Rule 10(f)(2)]; Deposition shall be transcribed and may be video recorded [Rule 10(g)]; Deponent will have 10 days to review transcript and suggest changes [Rule 10(i)]; Chairman and Ranking Member will consult on

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					<b>Member. Rule 10(d)(1).</b>	release of transcript or recording, and matter will be referred to committee. [Rule 10(j)].
<a href="#">Energy and Commerce</a>	Chairman, <i>after consulting with Ranking Member</i> ; if Ranking Member objects in writing, matter is referred to committee. <i>Chairman</i> may authorize without committee referral for any period when House has adjourned more than 3 days. Rule 16. See also Rule 6 (Where House Rules so require, quorum is a majority. In all other cases, one third constitutes a quorum).	Chair reports to Members during recess period in no event later than 1 week after service. Rule 16.		Two members constitute a quorum for taking testimony. Rule 6; Chairman, upon consultation with the Ranking Member, or the Committee by motion, may authorize <b>committee staff</b> of both sides to question witnesses in equal allotments, no longer than thirty minutes per side. Rule 3(d)(2). [Rules on Subcommittee on Witness Inquiry in Executive Session have been eliminated].		[Rule regarding witness counsel has been eliminated]
<a href="#">Ethics (investigatory hearings)</a>	Unless committee otherwise provides, power to issue lies with Chairman and Ranking Member; subpoena shall be issued upon request of an investigatory subcommittee. Rule 19(b)(5).		<b>Admissibility of Evidence and Contempt:</b> Chairman of subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or pertinency of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of contempt. Witness, counsel, or member of	Two members of investigative subcommittee (authorized by committee) constitute a quorum for taking testimony. Rule 9(a).	<b>Staff</b> 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). <b>But member is required to be present:</b>	

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			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).		"All proceedings, 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="#">Ethics (adjudicatory hearings)</a>	Subcommittee may issue subpoena. Rule 23(d). <i>See also</i> Rule 23(h).		Rule 23(i)(2) and (3). Same as above. <i>See also</i> Rule 26(a).	Majority plus 1 of adjudicatory subcommittee (authorized by the committee) shall constitute a quorum for any business. Rule 23(b).		
<a href="#">Financial Services</a>	By committee or subcommittee only when authorized by a <i>majority</i> of the members voting, a <i>majority</i> being present, or pursuant to paragraph (2). Rule 3(e)(1). <i>See also</i> Rule 3(b)(2).	Chairman shall report to other members on authorization and issuance of a subpoena during the recess period as soon as practicable, but in no event later than 1 week after service of such subpoena. Rule 3(e)(2).		Two members constitute a quorum for taking testimony. Rule 3(b)(1).		

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	Chairman, with concurrence of Ranking Member, may authorize under such clause during any period for which House has adjourned for at least 3 days. Rule 3(e)(2).					
<a href="#">Foreign Affairs</a>	By <i>Chairman</i> , after consulting with Ranking Member. Also may be issued by <i>committee or subcommittee</i> when authorized by majority of members voting, a majority being present. Rule 22.			Two members constitute a quorum for taking testimony. Rule 3.		
<a href="#">Homeland Security</a>	<i>Majority of committee</i> , a quorum being present. Rule 12(A)(1) [Quorum requires a majority. Rule 7.]; or <i>Chairman</i> , after consultation with Ranking Member, during a recess period of more than 3 days. Rule 12(A)(2); Subpoena Duces	In the event a Chairman issues a subpoena during recess, he shall notify full committee as soon as practicable, but no later than 1 week after the subpoena is served. Rule 12(A)(2).	<b>Contempt Procedures.</b> - Full committee must consider contempt before a citation is forwarded to the House. The person to be cited for contempt shall have, upon notice of at least 72 hours, an opportunity to state why he or she should not be held in contempt prior to committee vote, with a quorum being present, on the question whether to forward such recommendation to the House. Rule 5(D). <b>Preventing Disclosure:</b> Provisions may be included in a	Two members constitute a quorum for taking testimony. Rule 7; Chairman, in consultation with Ranking Member, OR full committee, <b>may authorize taking an affidavit or deposition</b> of a subpoenaed witness who is unable to appear in person at a hearing or meeting. Rule 12(D).		

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	Tecum: may be issued whose return to Committee Clerk shall occur at a time and place other than that of a regularly scheduled meeting. Rule 12(C).		subpoena with concurrence of Chairman 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 prohibiting revelation by witnesses and their counsel of full committee's inquiries. Rule 12(B).			
<a href="#">House Administration</a>	By majority of committee or subcommittee, a majority being present. Rule 6(b)(1). <i>This power may be delegated to Chairman</i> under rules prescribed by the committee. Rule 6(b)(1). See also Rule 6(a).		". . . only as authorized or directed by the House." Rule 6(b)(2). Witnesses, at hearings, may be accompanied by counsel. Rule 9(f)(3); Chairman 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.		
<a href="#">Judiciary</a>	Majority of committee or subcommittee is required. Rule 2(i).			Two members constitute a quorum for taking testimony. Rule 3(c).		
<a href="#">Natural Resources</a>	By majority vote of committee or subcommittee, or by Chairman of committee during any recess period of more than 3 days. Rule 4(d).		Claims of common-law privileges made by witnesses in hearings, or by interviewees or <b>deponents</b> in investigations or inquiries, are applicable only at discretion of the Chairman, subject to appeal to committee. Rule 4(h).	Two members constitute a quorum for taking testimony. Rule 3(e)(1).		

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	If by committee, majority constitutes a quorum. Rule 3(e)(1).					
<a href="#">Oversight and Government Reform</a>	Chairman authorizes and issues in conduct of an investigation. Rule 12(d)		House rules concerning counsel during hearings apply. (Witnesses may be accompanied by counsel during hearings. Also, Chairman 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 panels must be reappointed by Chair after 6 months. Rule 14.	Chairman 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)]; <b>While at least one Member must be present* (unless waived by deponent) [Rule 15(e)], deposition may be conducted by Member or committee staff attorney [Rule 15(f)].</b>	Consultation with Ranking Member and notice to other Members shall take place within 3 days before the deposition is taken. [Rule 15(c)]; May be accompanied by counsel [Rule 15(d)]; Unless otherwise agreed, questioning will take place in 60 minute rounds [Rule 15(g)]; May only refuse to answer to "preserve a privilege" [Rule 15(h)]; Committee chairman rules on objection after deposition adjourns, and if he overrules the objection, notice will be provide to the committee clerk and deponent at least 3 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 Chairman is overturned on appeal [Rule 15(h)]; Staff will ensure testimony is transcribed, recorded, or both Rule 15(i)]; Chairman and Ranking Member shall consult regarding release of depositions, subject to committee resolution upon written objection by Chairman or Ranking Member [Rule 15(k)]; Witness is not required to answer unless provided with copy of committee rules [Rule 15(l)].

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<a href="#">Rules</a>	By committee or subcommittee, <i>only when authorized by a majority of the members voting, a majority being present.</i> Rule 3(e)(1). See also Rules 3(b)(3) and 5(e)(2); Chairman may issue a subpoena when the House has adjourned for at least 3 days. Rule 3(e)(2).			Five members constitute a quorum regarding requests for rules. Rule 3(b)(1). Three members constitute quorum regarding matters of original jurisdiction and taking testimony. Rule 3(b)(2). Subcommittees: Two members constitute a quorum for taking testimony. Rule 5(e)(1).		
<a href="#">Science, Space, and Technology</a>	Majority of committee or subcommittee, a majority being present. Rule 5(a)(1). See also Rule 6(a)(2); Chairman, in consultation with Ranking Member, or if he cannot be reached, Ranking Member of relevant subcommittee, may authorize/issue a subpoena after a recess period longer than 3 days. Rule 5(a)(2).			Two members constitute a quorum for taking testimony, which unless waived by Chairman in consultation with Ranking Member, shall include at least 1 member each from majority and minority. Rule 6(a)(3); Extended Questioning: Notwithstanding Rule 3(c), upon a motion, Chairman in consultation with Ranking Member may designate staff from each party to question a witness for equal specific periods. May not exceed one hour in the aggregate. Rule 7(d).		



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<a href="#">Small Business</a>	By majority vote of full committee, unless waived by Ranking Member. Chairman may issue after consultation with Ranking Member during a recess period of at least 3 days. Rule 7.			One member from each party shall constitute a quorum for taking testimony. May be waived at field hearings by Chairman. Rule 8.		
<a href="#">Transportation and Infrastructure</a>	By committee or subcommittee, <i>only when authorized by majority of members voting, a majority being present.</i> Rule 4(d)(1). If specific request for subpoena not been previously rejected by either committee or subcommittee, then <i>Chairman of committee, after consultation with Ranking Member,</i> may authorize and issue. Rule 4(d)(1). See also Rule 4(a)(2).	As soon as practicable <i>after</i> issuance, Chairman will notify other committee members. Rule 4(d)(1).	". . . only as authorized and directed by the House." Rule 4(d)(2).	Two members constitute a quorum for taking testimony. Rule 5(d). Extended Questioning: Chairman of committee or subcommittee, with concurrence of Ranking Member, may permit committee staff for majority and minority to question a witness for equal specified periods. May not exceed one hour in the aggregate. Rule 6(f)(3).		

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<a href="#">Veterans</a>	By majority of committee or subcommittee, a majority being present. Rule 3(g).		Chairman, after consultation with the Ranking Member, may authorize committee staff to question witnesses. Rule 3(f)(2).	Two members constitute a quorum for taking testimony. Rule 4(a).		
<a href="#">Ways and Means</a>	Chairman of full committee, as provided for in House Rule XI, cl. 2(m)(3)(A)(i). Rule 15.			Two members constitute a quorum for taking testimony. Rule 2.		
<a href="#">Permanent Select Committee on Intelligence</a>	May be authorized by Chairman, in consultation with Ranking Member, or by majority of committee. Rule 10(a). If by committee, a majority constitutes a quorum. Rule 5(b).		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)(5)]. Majority of committee may overrule decision of Chairman to remove counsel. [Rule 8(e)(6)]. 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,	Two members constitute a quorum for taking testimony. Rule 5(a); Chairman, in consultation with the Ranking Member, may determine that committee staff may be authorized to question witnesses at a hearing. Rule 8(d)(2)(A); When designated by Chairman in consultation with Ranking Member, committee staff may conduct an investigation. Rule 9(b).		

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			the presentation of other evidence or calling of other witnesses. [Rule 8(e)(7)(A)]. Any objection is ruled on by the Chairman but may be overturned by majority vote of the committee [Rule 8(g)].			

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<b>Senate Committees</b>						
<a href="#">Agriculture, Nutrition, and Forestry</a>	Chairman may 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. Rue 8.2.			One member constitutes a quorum for taking testimony. Rule 5.1. Notice of a deposition may be sent by the Chairman or a person authorized by him or her. Rule 8.3.	Staff may take depositions**. Rule 8.3.	Deposition is in private. Rule 8.4. The Chairman 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="#">Appropriations</a>				One member constitutes a quorum for taking unsworn testimony, three members for sworn testimony. Rule II(3).		
<a href="#">Armed Services</a>	The Chairman or his designate may issue after authorization by a majority of the committee and consultation with the Ranking Member. Rule 9.		Witnesses may have counsel. Rule 10(g).	Three members constitute a quorum for sworn testimony unless otherwise ordered by a majority of the committee. Rule 6(c).		
<a href="#">Banking, Housing, and Urban Affairs</a>	The Chairman may issue upon approval of the Ranking Member, or by a majority vote of the committee.		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 Chairman		Counsel may be present at testimony given pursuant to a subpoena in executive session. Rule 4(e).

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	Same rule for subcommittees. Rule 4(d).			or Ranking Member. Rule 2(d).		
<a href="#">Budget</a>				One member constitutes a quorum for taking sworn or unsworn testimony. Rule II(3).		
<a href="#">Commerce, Science, and Transportation</a>	The Chairman may issue a subpoena 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. Rule V(1).		Counsel may accompany the witnesses unless the Chairman determines a conflict of interest exists, in which case he can require personal counsel for the witness (government employees, corporate officers). Rule V(2).	One member constitutes a quorum for taking sworn or unsworn testimony. Rule II(3).	Staff may take depositions** at the direction of the Chairman and with 72 hour notice to the Ranking Member. Rule V(1).	The Ranking Member of staff designated by the Ranking Member may attend and participate in the taking of any depositions. Rule V(1). Counsel for the witness may attend the deposition. Rule V(2).
<a href="#">Energy and Natural Resources</a>	A majority of the committee may authorize a subpoena. If an investigation has been authorized by the committee, the Chairman with the Ranking Member's concurrence may issue a subpoena within the scope of the investigation. 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). At hearings, one minority and one majority staff member may ask questions. Rule 4(d).		

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<a href="#">Environment and Public Works</a>	The committee may approve the issuance of a subpoena, with a quorum requirement of one third of its 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="#">Finance</a>	The Chairman 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.		
<a href="#">Foreign Relations</a>	Upon a majority vote of the committee the Chairman or any member may issue a subpoena. Rule 7(a).	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 Chairman or his designate may convene a hearing with two hours notice and one member constituting a quorum, to elucidate further information about the subpoena return and rule on the objection. Rule 7(b).	One member constitutes a quorum for taking testimony. Rule 4(a) and (b).	Staff may be authorized by the committee to take depositions**. Rule 7(c).	
<a href="#">Health, Education, Labor, and Pensions</a>	The committee or its subcommittees may authorize subpoenas. Rule 17(a). The committee may delegate this power to the chairman. Rule 17(c)		Subpoenas may only be issued if the investigative activity has been authorized by the full committee. Rule 17(a). Testifying witnesses have the right to counsel. Rule 17(d).	Three members constitute a quorum to take sworn testimony, unless the Chairman and Ranking member agree that one member suffices. Rule 17(b).		

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<a href="#">Homeland Security and Governmental Affairs</a>	The Chairman may issue a subpoena 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. Rule 5(c).	A subcommittee must give notice to the full committee Chairman and Ranking Member at least 48 hours prior to issuing a subpoena, unless the Chairman and Ranking member waive the requirement, or the subcommittee Chairman certifies that immediate issuance is necessary. Rule 7(e).	Counsel may accompany the witnesses unless the Chairman 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 Chairman may authorize a deposition, unless the Ranking Member objects within 72 hours of receiving notice, excluding Saturdays and Sundays. If the Ranking Member timely objects, the committee may authorize the deposition. Rule 5(j)(1).	The committee has deposition authority under S. Res. 81 section 12(e)(3)(E). Staff may conduct the deposition. Rule 5(j)(1).	The deponent has the right to counsel. Rule 5(d). The deposition notice must include the time and place of examination, and the name of the person administering the deposition. Rule 5(j)(1). No civil or criminal actions for failure to appear will be brought unless the deposition notice was accompanied by a subpoena. Rule 5(j)(1). The deposition shall be in private. Rule 5(j)(1). 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(j)(3).
<a href="#">Permanent Subcommittee on Investigations (Homeland Security and Governmental Affairs Subcommittee)</a>	The Chairman 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 Chairman and Ranking Member; the subpoena may not be delivered until 48 hours after the notice, unless waived by the Chairman and Ranking Member or the PSI Chairman certifies in writing that immediate issuance is necessary. Rule 2.	Counsel may accompany the witnesses unless the Chairman 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 Chairman of the subcommittee may authorize depositions, keeping the full committee Chairman 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. 81 section 12(e)(3)(E). Staff may conduct the deposition. Rule 9.1.	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. 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 question will be noted in the record, while objections based on privilege or relevance will be referred to the subcommittee Chairman or a designated

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						member, at which time the matter may be referred 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.
<a href="#">Judiciary</a>	No specific rules regarding subpoenas, but the Chairman has the authority to call meetings and determine the subject-matter thereof.***			One member constitutes a quorum for taking testimony. Rule III.		
<a href="#">Small Business and Entrepreneurship</a>	The Chairman 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 subpoena. Rule "Hearings" (d).		A quorum to issue a subpoena is one third of the members. Rule "Quorums"(a)(2). The Chairman 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)(1). Interrogations of witnesses may be conducted by staff, during hearings, if authorized by the Chairman or Ranking Member. Rule "Hearings" (b)(2).		
<a href="#">Veterans' Affairs</a>	The Chairman may issue a subpoena is		If a quorum cannot be obtained due to the lack of a minority member, the	One member constitutes a quorum for taking testimony.		



# GIBSON DUNN TABLE OF AUTHORITIES OF HOUSE AND SENATE COMMITTEES

Committee (link to rules)	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
	the Ranking Member does not object within 48 hours of notice, excluding Saturdays, Sundays, and federal holidays. If the Ranking Member timely objects, the whole committee may authorize the subpoena. Rule IV(E).		requirement that a minority member be present is waived after one day. Rule II(B).	Rule II(C).		
<a href="#">Indian Affairs</a>	The Chairman and the Vice Chairman 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). Staff designated by the Chairman or Ranking Member may ask questions during a hearing. Rule 4(d).	The committee is authorized to take depositions**. S. Res. 4 (1977) section 105(c)(1).	
<a href="#">Select Committee on Ethics</a>	A majority vote of the committee is required to issue a subpoena; however, for a preliminary inquiry, adjudicatory review, or other proceeding the Chairman and Vice Chairman acting jointly may issue a subpoena. Rule 6(a)(1).		Witnesses may have counsel. Rule 5(j)(4).	The committee may set quorum levels for taking testimony. S. Res. 338 section (c)(3). Notice of a deposition may be authorized by the committee or the Chairman and Vice Chairman acting jointly, or any person jointly designated by the Chairman and Ranking Member. Rule 6(b)(2).	The committee is authorized to take depositions. S. Res. 338 (1964) section (3)(a)(6). Staff may be authorized by the committee to administer a deposition. Rule 6(b)(4).	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, or the Chairman or Vice Chairman may rule by telephone or otherwise, and may refer the matter to the full committee. Rule 6(b)(4). Criminal and civil enforcement for failure to respond shall not be initiated unless the deponent was directed to answer a

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						question by a member of the committee or the full committee. Rule 6(b)(2).
<a href="#">Select Committee on Intelligence</a>	Subpoenas must be authorized by the committee, and may be issued by the Chairman, the Vice Chairman, or the Chairman'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. Witnesses have the right to counsel, and the committee shall endeavor to obtain voluntary counsel if the witness notifies the committee at least 24 hours in advance that he or she cannot obtain counsel (though failure to find counsel does not excuse testifying). Rule 8.4.	One member constitutes a quorum for taking testimony. Rule 2.4. Staff may interrogate witnesses if authorized by the Chairman, Vice Chairman, 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 Chairman or presiding member rules on objections in hearings. Rule 8.6.
<a href="#">Special Committee on Aging</a>	The Chairman or his or her designate may issue a subpoena. Rule VI(2).	The Ranking Member and any other requesting member must be notified regarding the person's identity who had received the subpoena, the information sought, and the information's relationship to the investigation. Rule VI(2).		One member constitutes a quorum for taking testimony. Rule V(3). The Chairman or a designated staff officer may issue notices to witnesses regarding depositions. Rule VII(1).	The Committee is authorized to take depositions. S. Res. 4 (1977) section 104(c)(1). Staff may conduct depositions. Rule VII(3).	Depositions are in private. Rule VII(3). The notice must be accompanied by a subpoena before civil or criminal proceedings can be initiated for failure to appear. Rule VII(1). The deponent may be accompanied by counsel but if the Chairman determines a conflict of interest exists in the case of governmental or corporate employees, then independent counsel may be appointed by the Chairman. Rule II(6). Questions shall be oral and by committee staff. Rule VII(3). If the deponent refuses to answer based on privilege or

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						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. Rule VII(3). Criminal and civil enforcement for failure to respond will only be initiated against the deponent if he was directed to answer a question by a member of the committee. Rule VII(1).

\* **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.**

\*\*\* **In 2007 during committee investigations, its members voted to authorize the chairman to issue subpoenas. The committee’s calendar described one such vote as “Committee agreed to two motions to give the Committee authority to issue subpoenas in connection with the investigation into the replacement of United States Attorneys” and subsequent votes as the “Committee approved the issuance of subpoenas in the connection with investigation into replacement of U.S. attorneys.”**