

GIBSON DUNN

TABLE OF AUTHORITIES OF HOUSE AND SENATE COMMITTEES

115th 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 ¹	Other Deposition Provisions
	House Committees						
Agriculture		May authorize only with approval of a majority of members, voting, a majority being present, or by the chairman 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).	No supplemental provisions to H.R. 5. <i>See</i> FN 1.	
Appropriations		Only when authorized by majority of members voting, a majority being		Only as authorized or directed by the House. Sec. I(d).	Two members constitute a quorum for taking testimony. Sec. 5(c).	No supplemental provisions to H.R. 5. <i>See</i> FN 1.	

¹ Pursuant to Section 3(b) of House Resolution 5 (115th Cong.), the chair of any standing committee (other than the Committee on House Administration or 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. A member is required to be present during the deposition unless the witness waives the requirement or the House is not in session and a staff deposition is authorized by the Committee.

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		present. Sec. l(c). The committee may delegate this authority to the Chairman. Sec. <i>Id.</i> .					
Armed Services		By committee, or subcommittee with concurrence of full committee Chairman and after consultation with Ranking Member of the committee . . . only when authorized by majority of members voting, a majority of which 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.R. 5. <i>See</i> FN 1.	
Budget		By majority of committee, or by the Chairman under rules and limitations prescribed by the committee. Rule 15(a).			Two members constitute a quorum for taking testimony. Rule 13. Chairman and Ranking Member may designate staff from majority and minority to question a	No additional provisions to H.R. 5. <i>See</i> FN 1.	

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					witness for up to thirty minutes.		
Education and the Workforce		Chairman of full committee, pursuant to House Rule XI Cl. 2(m)(3)(A)(i). The Chairman must notify the Ranking Member and, to the extent practicable, consult with the Ranking Member 24 hours in advance, excluding Saturdays, Sundays and federal holidays. Rule 9. To authorize a subpoena, a majority of a subcommittee constitutes a quorum. Rule 11.	Chairman must notify the Ranking Member before issuance, and to extent 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, Chairman shall notify all committee members in writing. Rule 9.		Two members constitute a quorum for taking testimony. Rule 11; Chairman may authorize staff 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 counsel for majority and minority, authorized to do so pursuant to Rule 8(c). Rule 8(d).	When authorized by the full House, 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 or majority staff shall consult with Ranking Member or minority staff 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 one or more members or Committee counsel designated by the Chairman or Ranking Member. Rule 10(d)(1).	Must be taken under oath [Rule 10(d)(2)]; Member must be present* (unless waived by deponent) [Rule 10(d)(3)]; May be accompanied by counsel [Rule 10(e)]; Questioning, unless otherwise agreed, is conducted in 60 minute 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 release of transcript or recording, and matter will be referred to committee. [Rule 10(j)].

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 ¹	Other Deposition Provisions
Energy and Commerce		The power to authorize and issue subpoenas is delegated to the Chair of 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 chairman 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; Chairman, upon consultation with the Ranking Member, or the Committee by motion, may authorize committee staff of both sides to question witnesses in equal allotments, no longer than thirty minutes per side. Rule 3(d)(2).	No supplemental provisions to H.R. 5. See FN 1.	
Ethics (investigatory hearings)		Unless committee otherwise provides, power to issue lies with Chairman and Ranking Member; subpoena shall be issued upon request of the investigatory subcommittee. Rule 19(b)(5).		Admissibility of Evidence and Contempt: 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 the committee or an investigative 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, including the taking of	

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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). A respondent must be informed of the right to counsel, provided at his own expense. Rule 26(a).		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).	
Ethics (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. <i>See also</i> Rule 26(a). No later than two weeks or five legislative days after an adjudicatory committee is created, whichever is later, the Chairman of the adjudicatory subcommittee must establish a schedule and procedures for the hearing and for prehearing matters. Rule 23(i). The Chairman or the full subcommittee may change	Majority plus 1 of adjudicatory subcommittee (authorized by the committee) shall constitute a quorum for any business. Rule 9(b) and 23(b).		

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		23(d). <i>See also</i> Rule 23(h).		the procedures. <i>Id.</i> At the time of any prehearing rulings by the Chairman, all subcommittee members must be notified of the ruling. <i>Id.</i>			
Financial Services		The power to authorize and issue subpoenas is delegated to the Chair, who must provide written notice to the ranking minority member at least 48 hours in advance of the authorization or issuance. Rule 3(e)(1). In the case of exigent circumstances, the Chair shall provide such notice as soon as possible. <i>Id.</i>	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, in which case the Chair shall provide such notice as soon as possible. Rule 3(e)(1).		Two members constitute a quorum for taking testimony. Rule 3(b)(1).	No supplemental provisions to H.R. 5. <i>See</i> FN 1.	
Foreign Affairs		By Chairman, 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.	No supplemental provisions to H.R. 5. <i>See</i> FN 1.	

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		members voting, a majority being present. Rule 22.					
Homeland Security		Authorization and issuance of subpoenas is delegated to the Chairman, as provided under House Rule XI cl. 2(m)(3)(A)(i). Rule 12(A). Chairman shall notify the Ranking Minority Member prior to issuing any subpoena under such authority. To the extent practicable, the Chairman shall consult with the Ranking Minority Member at least 24 hours in advance of a subpoena being issued under such authority, excluding Saturdays, Sundays, and Federal holidays.	The Chairman shall notify full committee as soon as practicable, but no later than 1 week after the subpoena is served. Rule 12(A).	Contempt Procedures. The Chairman 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 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).	Two members constitute a quorum for taking testimony, including at least one Minority Member. Rule 9; Chairman, 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.R. 5. 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 acknowledgement that counsel is authorized to accept service of 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).

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		<i>Id.</i> Subpoena Duces 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).					
House Administration		By majority of committee or subcommittee, a majority being present. Rule 6(b)(1). This power may be delegated to Chairman under rules prescribed by the committee. <i>Id.</i>		"Compliance with any subpoena issued by the Committee may be enforced only as authorized or directed by the House." Rule 6(b)(2). Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them of their constitutional rights. 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.		
Judiciary		A subpoena may be authorized by the Chairman in accordance with clause 2(m) of rule XI, following	If sent by the Chairman, at least two business days before issuing a subpoena, the Chairman shall		Two members constitute a quorum for taking testimony. Rule III(c).	No supplemental provisions to H.R. 5. <i>See</i> FN 1.	

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		consultation with the Ranking Minority Member. A subpoena may also be authorized when approved by a majority of committee or subcommittee voting, a majority being present. Rule IV.	consult with the Ranking Minority Member.				
Natural Resources		By majority vote of committee or subcommittee, or by Chairman of committee during any recess period of more than 3 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 Chairman, subject to appeal to committee. Rule 4(h).	Two members constitute a quorum for taking testimony. Rule 3(e)(1).	No supplemental provisions to H.R. 5. See FN 1.	
Oversight and Government Reform		The chairman of the full committee, upon consultation with the ranking minority member of the full committee,		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	Two members constitute a quorum for taking testimony. Rule 3(a); Chair may also appoint task forces or panels, subject to rules applicable	Chairman of full committee, in consultation with Ranking Member, may order the taking of depositions under oath	Consultation with Ranking Member and notice to other Members shall take place within 3 days before the deposition is taken. Rule 15(d); May be accompanied by counsel. Rule 15(e); Unless otherwise agreed,

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		<p>may order the taking of depositions, under oath and pursuant to notice or subpoena. Rule 15(a).</p> <p>Consultation with the ranking minority member shall include three business days' notice before any deposition is taken. All members shall also receive three business days' notice that a deposition has been scheduled. Rule 15(d).</p> <p>No consultation is required for the issuance of a subpoena other than for those ordering the taking</p>		<p>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.</p>	<p>to subcommittees regarding meetings, hearings, recommendations, and reports. Task forces or panels must be reappointed by Chair after 6 months. Rule 14. Chairman, with concurrence of Ranking Member, or the committee by motion, may permit committee 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(c).</p>	<p>and pursuant to notice or subpoena. [Rule 15(a)]; While at least one Member must be present (unless waived by deponent or unless the House is not in session pursuant to House Res. 5) Rule 15(f); <i>see also</i> FN 1, deposition may be conducted by Member or committee staff attorney. Rule 15(g). No more than two staff attorneys may ask questions during any one session. Rule 15(g).</p>	<p>questioning will take place in 60 minute rounds. Rule 15(h); May only refuse to answer to "preserve a privilege." Rule 15(i); 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(i); Staff will ensure testimony is transcribed, recorded, or both. Rule 15(j); Chairman and Ranking Member shall consult regarding release of depositions, subject to committee resolution upon written objection by Chairman or Ranking Member. Rule 15(l); Witness is not required to answer unless provided with copy of committee rules. Rule 15(m).</p> <p>Counsel must submit a notice of appearance specifying counsel's name, firm or organization, bar membership, and contact information including email, and each client or entity represented by</p>

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		of a deposition. Rule 12(g).					the counsel in connection with the proceeding. Rule 16(b).
Rules		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 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).		
Science, Space, and Technology	Any investigation undertaken in the name of the Committee shall be approved by the Chair. Rule 7(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 9.			Two members constitute a quorum for taking testimony. Rule 2(d). The Chair 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 3(c)(2)(ii).	The chair may authorize the staff of the Committee to conduct depositions pursuant to section 3(b) of House Resolution 5, 115th Congress. Rule 10.	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 3(d).

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Small Business		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 than three legislative days. Rule 11(B).			One member from each party shall constitute a quorum for taking testimony. Maybe waived at field hearings by Chairman. Rule 9. For hearings held other than in the Committee's hearingroom in Washington, D.C., a quorum shall be deemed to be present if the Chair is present. Rule 9.	No supplemental provisions to H.R. 5. See FN 1.	
Transportation and Infrastructure		By committee or subcommittee, only when authorized by majority of members voting, a majority being present. Rule 4(d)(1). If specific request for subpoena not been	As soon as practicable after issuance, Chairman will notify other committee members. Rule 4(d)(1).	". . . only as authorized or 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	No supplemental provisions to H.R. 5. See FN 1.	

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		previously rejected by either committee or subcommittee, then Chairman of committee, after consultation with Ranking Member, may authorize and issue. Rule 4(d)(1). <i>See also</i> Rule 4(a)(2).			question a witness for equal specified periods. May not exceed one hour in the aggregate. Rule 6(f)(2). Committee Panels: Chairman, with the concurrence of the Ranking Member, may designate a panel of committee members to take testimony on a matter that falls within the jurisdiction of multiple subcommittees, [Rule 18(a)], not to last more than 6 months [Rule 18(b)], and subject to the all the committee rules [Rule 18(f)].		
Veterans		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).	No supplemental provisions to H.R. 5. <i>See</i> FN 1.	
Ways and Means		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.	No supplemental provisions to H.R. 5. <i>See</i> FN 1.	

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Permanent Select Committee on Intelligence		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).	Subpoenas must have a copy of the committee rules attached. Rule 10(e).	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, 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)]. Citations for contempt will be forwarded to the	Two members constitute a quorum for taking testimony, at least one of whom is a member of the Majority. 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). The Chair and Ranking member may designate staff to question witnesses at a hearing. Rule 8(d)(2).	No supplemental provisions to H.R. 5. See FN 1.	

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				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).			

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	Senate Committees						
Agriculture, Nutrition, and Forestry	A majority of the committee must authorize an investigation in which depositions are taken or subpoenas issued. Rule 8.1.	Chairman may issue with consent of Ranking Member; Chairman 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. 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 8.3. 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.
Appropriations					One member constitutes a quorum for taking unsworn testimony, three members for sworn testimony. Rule II(3).		
Armed Services		The Chairman or his designate may issue after a authorization by a majority of the committee and consultation with the Ranking Member. Rule 9.		Witnesses may have counsel who shall be permitted at all times during such hearings to advise the witness of his legal rights. Rule 10(g).	Three members constitute a quorum, one of whom must be of the minority party, for sworn testimony unless otherwise ordered by a majority of the committee. Rule 6(c).		

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Banking, Housing, and Urban Affairs	Committee investigations must be authorized by the full Senate, the full committee, or the Chairman 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 Chairman 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 Chairman or Ranking Member. Rule 2(d).		Counsel may be present at testimony given pursuant to a subpoena in executive session. Rule 4(e).
Budget					One member constitutes a quorum for taking sworn or unsworn testimony. Rule III(3).		
Commerce, Science, and Transportation		The Chairman may issue a subpoena with consent of the Ranking Member or if the Ranking Member does not object within 72 hours of notice, excluding Saturdays and Sundays. If the		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(2).	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 or 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).

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		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).					
Energy and Natural Resources	Committee and subcommittee investigations must be authorized by the Chairman and the Ranking Member or the full committee before they are undertaken. Rule 10(a). The Chairman or the Ranking Member may direct a preliminary inquiry “to determine whether there is substantial credible evidence” to warrant an	The Chairman 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). At hearings, one minority and one majority staff member may ask questions. Rule 4(d).		

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	investigation. Rule 10(c).						
Environment and Public Works		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).		
Finance		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(b).		
Foreign Relations		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 four 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).	Staff may be authorized by the committee to take depositions***. Rule 7(c).	

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TABLE OF AUTHORITIES OF HOUSE AND SENATE COMMITTEES 115th 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
Health, Education, Labor, and Pensions	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 delegate this power to the committee Chairman, a subcommittee Chairman, or to a Chairman’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 Chairman determines, “in consultation with” the Ranking Member, “that such notice would unduly impede the		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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		investigation.” Rule 17(c).					
Homeland Security and Governmental Affairs		The Chairman 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). See also S. Res. 73 (2015) section 12(e)(3)(A).	A subcommittee must give notice to the full committee Chairman and Ranking Member at least 48 hours prior, excluding Saturdays and Sundays, 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 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. 73 (2015) section 12(e)(3)(E). Staff may conduct the deposition. Rule 5(k)(1).	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. Rule 5(k)(1). The deposition shall be in private. Rule 5(k)(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(k)(3).

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Rules and Administration (114th Cong.)					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.		
Permanent Subcommittee on Investigations (Homeland Security and Governmental Affairs Subcommittee)	The Chairman 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. “Preliminary inquiries may be undertaken” by majority or minority staff with approval	The Chairman or his or her designate may issue a subpoena, with notice to the Ranking Member. Rule 2. <i>See also</i> S. Res. 62 (2017) section 12(e)(3)(A).	A written notice must be provided to the full committee Chairman and Ranking Member; the subpoena may not be delivered until 48 hours, excluding Saturdays and Sundays, 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. 62 (2017) 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 member, at which time the matter may be

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	of the Chairman or Ranking Member, respectively, and notice to one of three listed individuals of the other party. Rule 1. The Chairman and Ranking Member may approve an investigation, providing notice to all members. Rule 1.						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.
Judiciary		Chairman of the committee, with the agreement of Ranking Member or by vote of the committee, may subpoena attendance of a witness at a hearing, committee deposition, or compel production of documents. Rule IX			One member constitutes a quorum for taking testimony. Rule III.	The committee is authorized to require by subpoena the attendance of witnesses at depositions of the committee, which may be conducted by designated staff. S. Res. 62 (2017), Sec. 13(e). Any subpoena for a deposition taken by staff shall be accompanied by notice identifying the staff designated to take 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 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).

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						deposition. Majority and Minority staff will have opportunity to participate on equal terms. Rule X(1).	
Small Business and Entrepreneurship		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; 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 quorum to issue a subpoena is one third of the members, including at least one minority member. 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)(3). Interrogations of witnesses may be conducted by staff, during hearings, if authorized by the Chairman or Ranking Member. Rule "Hearings" (b)(2).	The Chairman may authorize committee staff to take depositions, providing at least 72 hours’ notice to the Ranking Member. Rule “Depositions.”	Deposition notices shall include the “time and place for examination,” as well as the person administering the deposition. Members or staff designated by the Chairman or Ranking Member may attend and participate. Rule “Depositions.”

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Veterans' Affairs		The Chairman may issue a subpoena if 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).		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).	One member constitutes a quorum for taking testimony. Rule II(C).		
Indian Affairs		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).	The committee is authorized to take depositions***. S. Res. 4 (1977) section 105(c)(1).	
Select Committee on Ethics	After a preliminary inquiry report is issued, the committee votes “whether there is substantial credible evidence which	A majority vote of the committee is required to issue a subpoena; however, for a preliminary inquiry, adjudicatory review, or other	A subpoena must attach the committee’s rules and a brief statement of the purpose of the Committee’s	Witnesses at adjudicatory hearings may have counsel. Rule 5(j)(4).	The committee may set quorum levels for taking testimony. S. Res. 338 (1964) section (c)(3). Except for adjudicatory hearings and depositions taken outside the	The committee is authorized to take depositions. S. Res. 338 (1964) section (3)(a)(6). Staff, or any other designee, may be authorized by the	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

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	provides substantial cause” to conclude that a violation within the committee’s jurisdiction occurred. Rule 3(g). 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).	proceeding the Chairman and Vice Chairman acting jointly may issue a subpoena. Rule 6(a)(1).	proceeding. Rule 6(a)(2).		presence of a Member, one member constitutes a quorum for taking testimony, if all members have notice and the Chairman has designated a Majority member and the Vice Chairman 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 Chairman and Vice Chairman acting jointly. Rule 6(b)(2).	committee to administer a deposition. Rule 6(b)(1).	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 question by a member of the committee or the full committee. Rule 6(b)(4).
Select Committee on Intelligence	Investigations may be initiated only after five or more members “have specifically requested the Chairman or the Vice Chairman to authorize such an investigation.” Rule 6.	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.	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.

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Special Committee on Aging	Committee staff may initiate investigations with the approval of the Chairman and the Ranking Member. Rule VI(1).	Subpoenas must be authorized by the Chairman and Ranking Member acting together, and may be issued by the Chairman or his or her designate. Rule VI(2).	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(2).		One member constitutes a quorum for taking testimony. Rule V(3).	The Committee is authorized to take depositions. S. Res. 4 (1977) section 104(c)(1). Staff may conduct depositions. Rule VII(3).	The Chairman 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(1). 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 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

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							deponent if he was directed to answer a question by a member of the committee. Rule VII(3).

- * Substantive changes from the 114th Congress are indicated in bold text.
- ** 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.