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From: Congressional Oversight Initiative, Project On Government Oversight

Subject: Summary of Subpoena and Deposition Rules in Congress

The Project On Government Oversight has gathered the rules for both Chambers' committee and subcommittee subpoena and deposition powers into one reference, which we hope is of use to committee staff as they consider rule changes for the 114th Congress. Enclosed is a brief analysis of the different patterns of rules that we saw regarding these powers.

As you know, many Congressional committees and subcommittees have the power to issue subpoenas and take depositions to aid their oversight and investigative responsibilities. POGO believes that oversight efforts are most credible, and carry the greatest impact, when conducted in a bipartisan fashion. One way to ensure that is by adopting rules that explicitly recognize roles for both majority and minority in compelling the production of documents and testimony in the course of oversight and investigative efforts. At the same time, requirements that depositions or subpoenas must be approved only by a vote of a full committee can be onerous, and may even complicate some investigative efforts.

Some committee rules encourage bipartisan cooperation in authorizing subpoenas and taking depositions by allowing for quick actions when there is such cooperation. For instance, the House Permanent Select Committee on Intelligence rules for the 113th Congress stated that a subpoena may be issued on the agreement of both the Chairman and the Ranking Member, *or* by a full committee vote. Such a rule allows for quick resolution when there is bipartisan agreement among the leadership and allows for a majority vote when such agreement is not reached.

We have included two charts for your reference. The first is a quick reference explaining the procedures for issuing a subpoena or taking depositions in the different committees and subcommittees that adopted such rules in the 113th Congress. The second is a detailed chart that includes the text of those rules and a hyperlink to the section of the rules dealing with these powers. We will be updating both charts once the new committee rules are voted on for the 114th Congress.

POGO is a nonpartisan independent watchdog that champions good government reforms. This project was conducted by POGO's Congressional Oversight Initiative, which seeks to improve and support Congress's ability to conduct effective oversight. For more information, visit www.pogo.org or contact Justin Rood at (202) 281-4055.

HOUSE	<i>Agriculture</i>		<p>“VI. POWER TO SIT AND ACT; SUBPOENA POWER... (b) Issuance of Subpoenas.—(1) A subpoena may be authorized and issued by the Committee or Subcommittee under paragraph (a)(2) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the Members voting, a majority being present, as provided in clause 2(m)(3)(A) of House Rule XI. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any Member designated by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chairman shall notify all Members of the Committee of such action.” (page 9)</p>
	<i>Appropriations</i>		<p>“Sec 1: Power to Sit and Act: ... (c) A subpoena may be authorized and issued by the Committee or its subcommittees under subsection (a) (2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members of the Committee voting, a majority being present. The power to authorize and issue subpoenas under subsection (a)(2) may be delegated to the Chairman pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.” (page 1)</p>

<u>CHAMBER</u>	<u>COMMITTEE</u>	<u>DEPOSITION</u>	<u>SUBPOENA</u>
HOUSE	Armed Services		<p>“RULE 12. POWER TO SIT AND ACT”; SUBPOENA POWER... (b)(1) A subpoena may be authorized and issued by the Committee, or any subcommittee with the concurrence of the full Committee Chairman and after consultation with the Ranking Minority Member of the Committee, under subparagraph (a) (2) in the conduct of any investigation, or series of investigations or activities, only when authorized by a majority of the members voting, a majority of the Committee or subcommittee being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Committee.” (page 8)</p>
	Budget		<p>“RULE 15—Subpoenas and Oaths (a) In accordance with clause 2(m) of rule XI of the House Rules, subpoenas authorized by a majority of the Committee or by the Chair (pursuant to such rules and limitations as the Committee may prescribe) may be issued over the signature of the Chair or of any member of the Committee designated by him, and may be served by any person designated by the Chair or such member.” (page 6)</p>
	Education and Workforce	<p>“RULE 10. DEPOSITION PROCEDURE: (a) In accordance with the Committee receiving authorization by the House of Representatives for the taking of depositions in furtherance of a Committee investigation, the Chair, upon consultation with the ranking minority member, may order the taking of depositions pursuant to notice or subpoena as contemplated by this rule.” (page 6)</p>	<p>“RULE 9. SUBPOENA AUTHORITY: The power to authorize and issue subpoenas is delegated to the Chair of the full Committee, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the Rules of the House of Representatives. The 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 ranking minority member at least 24 hours in advance of a subpoena being issued under such authority,</p>

HOUSE			excluding Saturdays, Sundays, and federal holidays. As soon as practicable after issuing any subpoena under such authority, the Chair shall notify in writing all members of the Committee of the issuance of the subpoena.” (page 6)
	<i>Energy and Commerce</i>		<p>“RULE 16. SUBPOENAS AND INTERVIEWS: (a) Subpoenas. The chairman of the Committee may, after consultation with the ranking minority member, authorize and issue a subpoena under clause 2(m) of Rule XI of the House. If the ranking minority member objects to the proposed subpoena in writing, the matter shall be referred to the Committee for resolution. The chairman of the Committee may authorize and issue subpoenas without referring the matter to the Committee for resolution during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the chairman, authorization and issuance of the subpoena is necessary. The chairman shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable but in no event later than one week after service of such subpoena.” (page 7)</p>
	<i>Ethics</i>	<p>“Rule 23(d). Subcommittee may issue subpoena, and a subpoena for documents may specify terms of return other than at a meeting of the subcommittee.</p> <p>“Rule 19. Investigative Subcommittee: (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.” (page 33)</p>	<p>“RULE 19. Investigative Subcommittee: (5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chair and Ranking Minority Member of the Committee and a subpoena shall be issued upon the request of the investigative subcommittee.” (page 32)</p>

HOUSE	<i>Financial Services</i>		<p>“Subpoenas and Oaths: (e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, or pursuant to paragraph (2)” (page 5)</p> <p>“Power to sit and act; subpoena power: (m)(1) For the purpose of carrying out any of its functions and duties under this rule and rule X (including any matters referred to it under clause 2 of rule XII), a committee or subcommittee is authorized (subject to subparagraph (3)(A))—... (B) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it considers necessary.” (page 23)</p>
	<i>Foreign Affairs</i>		<p>“22. Subpoena Powers: A subpoena may be authorized and issued by the Chairman, in accordance with clause 2(m) of rule XI of the House of Representatives, in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the Committee, following consultation with the Ranking Minority Member...” (page 18)</p>

HOUSE	<i>Homeland Security</i>	<p>“RULE 12.—SUBPOENAS... (D) Affidavits and Depositions.—The Chairman of the Full Committee, in consultation with the Ranking Minority Member of the Full Committee, or the Committee may authorize the taking of an affidavit or deposition with respect to any person who is subpoenaed under these rules but who is unable to appear in person to testify as a witness at any hearing or meeting. Notices for the taking of depositions shall specify the date, time and place of examination. Depositions shall be taken under oath administered by a Member or a person otherwise authorized by law to administer oaths. Prior consultation with the Ranking Minority Member of the Full Committee shall include written notice three business days before any deposition is scheduled to provide an opportunity for Minority staff to be present during the questioning.” (page 9)</p>	<p>“RULE XII.—SUBPOENAS. (A) Authorization.— Pursuant to clause 2(m) of Rule XI of the House, a subpoena may be authorized and issued under the seal of the House and attested by the Clerk of the House, and may be served by any person designated by the Full Committee for the furtherance of an investigation with authorization by—...” (page 8)</p>
	<i>House Administration</i>		<p>“Rule No. 6: POWER TO SIT AND ACT; SUBPOENA POWER: (a) For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee is authorized (subject to subparagraph (b)(1) of this paragraph)--... (b)(1) A subpoena may be authorized and issued by the Committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the Chair pursuant to such rules and</p>

HOUSE			under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.”
	<i>Intelligence</i>		10. SUBPOENAS (a) Generally. All subpoenas shall be authorized by the Chair of the full Committee, upon consultation with the Ranking Minority Member, or by vote of the Committee.” (page 7)
	<i>Natural Resources</i>		“RULE 4. HEARING PROCEDURES: (d) Subpoenas.—The Committee or a Subcommittee may authorize and issue a subpoena under clause 2(m) of House Rule XI if authorized by a majority of the Members voting. In addition, the Chairman of the Committee may authorize and issue subpoenas during any period of time in which the House of Representatives has adjourned for more than three days. Subpoenas shall be signed only by the Chairman of the Committee, or any Member of the Committee authorized by the Committee, and may be served by any person designated by the Chairman or Member.” (page 6)

<u>CHAMBER</u>	<u>COMMITTEE</u>	<u>DEPOSITION</u>	<u>SUBPOENA</u>
HOUSE	<i>Oversight and Government Reform</i>	<p>“Rule 15 — Deposition Authority: (a) the chairman 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.” (page 12)</p>	<p>“Rule 12 — Additional Duties of Chairman: The chairman of the full committee shall... (d) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the Committee.” (page 10)</p>
	<i>Rules</i>		<p>“RULE 3—MEETING AND HEARING PROCEDURES: SUBPOENAS AND OATHS: (e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.”</p>
	<i>Science, Space, and Technology</i>		<p>“Rule VII. SUBPOENAS AND DOCUMENTS: (a) A subpoena may be authorized and issued in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents as deemed necessary when authorized by majority vote of the Committee or Subcommittee (as the case may be), a majority of the Committee or Subcommittee being present. Authorized subpoenas shall be signed only by the Chairman, or by any Member designated by the Chairman. [House Rule XI 2(m)(3)(A)]” (page 14)</p>

	<p><i>Small Business</i></p>		<p>“7. Subpoenas. A subpoena may be authorized and issued by the Committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witness and the production of such books, records, correspondence, memoranda, papers and document, as deemed necessary. Such subpoena shall be authorized by a majority of the full Committee. The requirement that the authorization of a subpoena require a majority vote may be waived by the Ranking Member of the Committee. The chair may issue a subpoena in consultation with the Ranking Minority member, when the House is out for session for more than three legislative days.” (page 6)</p>
<p>HOUSE</p>	<p><i>Transportation and Infrastructure</i></p>		<p>“RULE IV. POWER TO SIT AND ACT; POWER TO CONDUCT INVESTIGATIONS; OATHS; SUBPOENA POWER: ... (d) ISSUANCE OF SUBPOENAS.—(1) IN GENERAL.—A subpoena may be issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. If a specific request for a subpoena has not been previously rejected by either the Committee or subcommittee, the Chairman of the Committee, after consultation with the ranking minority member of the Committee, may authorize and issue a subpoena under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chairman shall notify all members of the Committee of such action.” (page 5)</p>

	<i>Veterans' Affairs</i>		<p>"RULE 3 – MEETINGS AND HEARINGS GENERALLY..." (g) SUBPOENAS – Pursuant to clause 2(m) of Rule XI of the Rules of the House, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present." (page 3)</p>
	<i>Ways and Means</i>		<p>"Rule 15. Subpoena Power: The power to authorize and issue subpoenas is delegated to the Chairman of the full Committee, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the Rules of the House of Representatives" (page 9)</p>

<u>CHAMBER</u>	<u>COMMITTEE</u>	<u>DEPOSITION</u>	<u>SUBPOENA</u>
SENATE	<i>Agriculture, Nutrition, and Forestry</i>	<p><u>“RULE 8--INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS: 8.3 Notice for Taking Depositions.--</u> Notices for the taking of depositions, in an investigation authorized by the committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a committee subpoena.”</p>	<p><u>“RULE 8--INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS: 8.2 Subpoenas.--</u>The Chairman, with the approval of the ranking minority member of the committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the ranking minority member when the Chairman has not received notification from the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph the subpoena may be authorized by vote of the members of the committee. When the committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the committee designated by the Chairman.”</p>

SENATE	<i>Armed Services</i>		<p>“9. Subpoenas--Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued, after consultation with the Ranking Minority Member, by the Chairman or any other member designated by the Chairman, but only when authorized by a majority of the members of the Committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.”</p>
	<i>Budget</i>		<p>“II. QUORUMS AND VOTING: (1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: Provided, that proxies shall not be counted in making a quorum. (2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: Provided, that proxies shall not be counted in making a quorum.(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator. (4) (a) The committee may poll - (i) internal committee matters including those concerning the committee’s staff, records, and budget; (ii) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (iii) other committee business that the committee has designated for polling at a meeting, except that the committee may not vote by poll on reporting to the Senate any measure, matter, or recommendation, and may not vote by poll on closing a meeting or hearing to the public.”</p>

SENATE	Commerce, Science, and Transportation		<p>RULE V—Subpoenas “The Chairman, with the approval of the ranking minority member of the Committee, may subpoena the attendance of witnesses for hearings and the production of memoranda, documents, records, or any other materials. The Chairman may subpoena such attendance of witnesses or production of materials without the approval of the ranking minority member if the Chairman or a member of the Committee staff designated by the Chairman has not received notification from the ranking minority member or a member of the Committee staff designated by the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena.” V(1)</p>
	Energy and Natural Resources		<p>“SUBPOENAS: Rule 12. The Chairman shall have authority to issue subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or other materials (1) with the agreement of the Ranking Minority Member, (2) when authorized by a majority of all the Members of the Committee, or (3) when within the scope of an investigation authorized under Rule 10(a).”</p>
	Environment and Public Works		<p>“RULE 2. QUORUMS (a) BUSINESS MEETINGS: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, one third of the members of the committee, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).”</p>

SENATE	<i>Finance</i>		<p>Rule 10. Subpoenas “Witnesses and memoranda, documents, and records may be subpoenaed by the chairman of the committee with the agreement of the ranking minority member or by a majority vote of the committee. Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.” (page 3)</p>
	<i>Foreign Relations</i>	<p>“RULE 7 – SUBPOENAS: (c) Depositions.--At the direction of the committee, staff is authorized to take depositions from witnesses.” (page 5)</p>	<p>“RULE 7 – SUBPOENAS: (a) Authorization.--The chairman or any other member of the committee, when authorized by a majority vote of the committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. At the request of any member of the committee, the committee shall authorize the issuance of a subpoena only at a meeting of the committee. When the committee authorizes a subpoena, it may be issued upon the signature of the chairman or any other member designated by the committee” (page 5)</p>

SENATE	<i>Health, Education, Labor, and Pensions</i>		<p>Rule 17.c “The committee may, by a majority vote, delegate the authority to issue subpoenas to the chairman of the committee or a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chairman of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation.”</p>
	<i>Homeland Security and Governmental Affairs</i>	<p>“RULE 5. HEARINGS AND HEARING PROCEDURES: J. Full Committee depositions. Depositions may be taken prior to or after a hearing as provided in this subsection.” (page 16)</p>	<p>“RULE 5. HEARINGS AND HEARING PROCEDURES: C. Full Committee subpoenas. The Chairman, with the approval of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses at a hearing or deposition or the production of memoranda, documents, records, or any other materials, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided in this subsection, the subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Committee designated by the</p>

			Chairman.” (page 13)
	<i>Indian Affairs</i>		“ Rule 12 . The Chairman may, with the agreement of the Vice Chairman, or the Committee may, by majority vote, authorize the issuance of subpoenas.”

<p>SENATE</p>	<p><i>Select Aging</i></p>	<p>“<u>C.</u> For the purposes of this section, the special committee is authorized, in its discretion, ... (G) to take depositions and other testimony”</p> <p>“<u>VII. Depositions and Commissions:</u> Notice. Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.”</p>	<p>“<u>C.</u> For the purposes of this section, the special committee is authorized, in its discretion, ... (F) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence books, papers, and documents”</p>
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	<p><i>Small Business and Entrepreneurship</i></p>		<p>“Hearings, Subpoenas, and Legal Counsel: (d) Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, and other materials may be authorized by the Chair with the consent of the Ranking Minority Member or by the consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting, but must be in writing. The Chair may subpoena attendance or production without the consent of the Ranking Minority Member when the Chair has not received notification from the Ranking Minority Member of disapproval of the subpoena within 72 hours of being notified of the intended subpoena, excluding Saturdays, Sundays, and holidays. Subpoenas shall be issued by the Chair or by the Member of the Committee designated by him or her. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents, records, and other materials shall identify the papers or materials required to be produced with as much particularity as is practicable.”</p>
	<p><i>Select Ethics</i></p>	<p>“RULE 6: SUBPOENAS AND DEPOSITIONS: (b) DEPOSITIONS: (1) PERSONS AUTHORIZED TO TAKE DEPOSITIONS: Depositions may be taken by any member of the Committee designated by the Chairman and Vice Chairman, acting jointly, or by any other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.” (page 35)</p>	<p>“RULE 6: SUBPOENAS AND DEPOSITIONS: (a) SUBPOENAS: (1) AUTHORIZATION FOR ISSUANCE: Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein, may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time during a preliminary inquiry, adjudicatory review, or other proceeding.” (page 35)</p>

	Select Intelligence	<p>“SEC. 5. (a) For the purposes of this resolution, the Select Committee is authorized in its discretion...(7) to take depositions and other testimony” (page 13)</p>	<p>“RULE 7. SUBPOENAS: Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records, or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400 of the 94th Congress, and a copy of these rules.” (page 3)</p>
	Small Business and Entrepreneurship		<p>“Hearings, Subpoenas, and Legal Counsel: (d) Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, and other materials may be authorized by the Chair with the consent of the Ranking Minority Member or by the consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting, but must be in writing. The Chair may subpoena attendance or production without the consent of the Ranking Minority Member when the Chair has not received notification from the Ranking Minority Member of disapproval of the subpoena within 72 hours of being notified of the intended subpoena, excluding Saturdays, Sundays, and holidays. Subpoenas shall be issued by the Chair or by the Member of the Committee designated by him or her. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents, records, and other materials shall identify the papers or materials required to be produced with as much particularity as is practicable.”</p>

HOUSE	<i>Agriculture</i>	N/A	Majority vote of all members.
	<i>Appropriations</i>	N/A	Majority vote of all members, unless power is delegated to the Chairman.
	<i>Armed Services</i>	N/A	Majority vote of all members.
	<i>Budget</i>	N/A	Majority vote of all members or by the Chair, pursuant to Committee limitations.
	<i>Education and Workforce</i>	Chair may authorize after consulting with Ranking Member.	Chair may issue unilaterally, must notify Ranking Member 24 hours in advance of issuance. Chair should notify full committee ASAP after issuance.
	<i>Ethics</i>	N/A	Majority vote of all members.
	<i>Financial Services</i>	N/A	Majority vote of all members.
	<i>Foreign Affairs</i>	N/A	Chair may issue after consulting with Ranking Member.

HOUSE	<i>Homeland Security</i>	Chair may authorize after consulting with Ranking Member, or full vote by the committee.	Full vote by the committee, or the Chair may issue after consulting with Ranking Member if the House has adjourned for more than 3 days and the Chair determines that it is necessary to issue then.
	<i>House Administration</i>	N/A	Majority vote of all members, unless power is delegated to the Chairman.
	<i>Intelligence</i>	N/A	Chair may authorize after consulting with Ranking Member, or full vote by the committee.
	<i>Natural Resources</i>	N/A	Full vote by the committee, or the Chair may issue after consulting with Ranking Member if the House has adjourned for more than 3 days.
	<i>Oversight and Government Reform</i>	Chair may authorize after consulting with Ranking Member.	May be issued by Chair unilaterally.
	<i>Rules</i>	N/A	Majority vote of all members.
	<i>Science, Space, and Technology</i>	N/A	Majority vote of all members.
	<i>Small Business</i>	N/A	Majority vote of all members, unless the Ranking Member waves the requirement. If the House is out of session for more than 3 days, then the Chair may issue after consultation with the Ranking Member.

HOUSE	<i>Transportation and Infrastructure</i>	N/A	Majority vote of all members, unless a specific request for a subpoena has not been rejected by the committee before, then the Chair may issue after consultation with the Ranking Member.
	<i>Veterans' Affairs</i>	N/A	Majority vote of all members.
	<i>Ways and Means</i>	N/A	May be issued by Chair unilaterally.
SENATE	<i>Agriculture, Nutrition, and Forestry</i>	May be authorized by Chair unilaterally.	Chair may issue after consultation with Ranking Member. Chair may issue unilaterally if the Chair doesn't hear from the Ranking Member within 72 hours (excluding weekends) of being notified of the subpoena. If the Ranking Member doesn't agree, then a subpoena may be issued after full vote of the committee.
	<i>Armed Services</i>	N/A	Chair may authorize after consulting with Ranking Member, or by the Chair after a full vote by the committee.
	<i>Budget</i>	N/A	Majority vote of committee quorum.

SENATE	<i>Commerce, Science, and Transportation</i>	N/A	Chair may issue after consultation with Ranking Member. Chair may issue unilaterally if the Chair doesn't hear from the Ranking Member within 72 hours (excluding weekends) of being notified of the subpoena. If the Ranking Member doesn't agree, then a subpoena may be issued after full vote of the committee.
	<i>Energy and Natural Resources</i>	N/A	Chair may authorize after consulting with Ranking Member, or by the Chair after a full vote by the committee.
	<i>Environment and Public Works</i>	N/A	Majority vote of quorum that includes at least two members of the minority.
	<i>Finance</i>	N/A	Chair may authorize after consulting with Ranking Member, or full vote by the committee.
	<i>Foreign Relations</i>	N/A	Majority vote of all members.
	<i>Health, Education, Labor, and Pensions</i>	N/A	Majority vote of all members.
	<i>Homeland Security and Governmental Affairs</i>	N/A	Chair may issue after consultation with Ranking Member. Chair may issue unilaterally if the Chair doesn't hear from the Ranking Member within 72 hours (excluding weekends) of being notified of the subpoena. If the Ranking Member doesn't agree, then a subpoena may be issued after full vote of the committee.

	<i>Indian Affairs</i>	N/A	Chair may authorize after consulting with Ranking Member, or full vote by the committee.
	<i>Select Aging</i>	May be authorized by the Chair unilaterally.	At committee's discretion.
	<i>Select Ethics</i>	N/A	Majority vote of all members, or Chair and Vice Member acting jointly.
	<i>Select Intelligence</i>	N/A	Majority vote of all members.
	<i>Small Business and Entrepreneurship</i>	N/A	Chair may authorize after consulting with Ranking Member, or by a full vote by the committee.

Key:

Majority vote of all members.*	Chair may issue/authorize after consulting with Ranking Member.
May be authorized by the Chair unilaterally.	Chair may authorize after consulting with Ranking Member, or full vote by the committee.*
Full vote by the committee, or the Chair may issue after consulting with Ranking Member if the House has adjourned for more than 3 days and the Chair determines that it is necessary to issue then.*	Chair may issue after consultation with Ranking Member. Chair may issue unilaterally if the Chair doesn't hear from the Ranking Member within 72 hours (excluding weekends) of being notified of the subpoena. If the Ranking Member doesn't agree, then a subpoena may be issued after full vote of the committee.*
At committee's discretion.	Chair may issue unilaterally, must notify Ranking Member 24 hours in advance of issuance. Chair should notify full committee ASAP after issuance.

*Text varies.