

105TH CONGRESS }  
*1st Session* }

SENATE

{ S. Doc.  
105-16

**AUTHORITY AND RULES OF SENATE SPECIAL  
INVESTIGATORY COMMITTEES AND OTHER  
SENATE ENTITIES, 1973-97**

---

A COMPILATION OF THE AUTHORITY AND RULES OF SENATE SPECIAL INVESTIGATORY COMMITTEES AND OTHER SENATE ENTITIES

---

**JOHN W. WARNER, CHAIRMAN  
COMMITTEE ON RULES AND ADMINISTRATION  
UNITED STATES SENATE**



Printed under the authority of S. Res. 132, 105th Congress

AUTHORITY AND RULES OF SENATE SPECIAL INVESTIGATORY COMMITTEES AND OTHER  
SENATE ENTITIES, 1973-97

105TH CONGRESS }  
*1st Session* }

SENATE

{ S. Doc.  
105-16

AUTHORITY AND RULES OF SENATE SPECIAL  
INVESTIGATORY COMMITTEES AND OTHER  
SENATE ENTITIES, 1973-97

---

A COMPILATION OF THE AUTHORITY AND RULES OF SENATE SPE-  
CIAL INVESTIGATORY COMMITTEES AND OTHER SENATE ENTI-  
TIES

---

JOHN W. WARNER, CHAIRMAN  
COMMITTEE ON RULES AND ADMINISTRATION  
UNITED STATES SENATE



Printed under the authority of S. Res. 132, 105th Congress

---

U.S. GOVERNMENT PRINTING OFFICE

79-747

WASHINGTON : 1998

COMMITTEE ON RULES AND ADMINISTRATION

JOHN W. WARNER, Virginia, *Chairman*

JESSE HELMS, North Carolina  
TED STEVENS, Alaska  
MITCH McCONNELL, Kentucky  
THAD COCHRAN, Mississippi  
RICK SANTORUM, Pennsylvania  
DON NICKLES, Oklahoma  
TRENT LOTT, Mississippi  
KAY BAILEY HUTCHISON, Texas

WENDELL H. FORD, Kentucky  
ROBERT C. BYRD, West Virginia  
DANIEL K. INOUE, Hawaii  
DANIEL PATRICK MOYNIHAN, New York  
CHRISTOPHER J. DODD, Connecticut  
DIANNE FEINSTEIN, California  
ROBERT G. TORRICELLI, New Jersey

---

S. RES. 132

IN THE SENATE OF THE UNITED STATES,  
*October 6, 1997.*

*Resolved*, That a collection of rules and authorities of special investigatory committees of the Senate, be printed as a Senate document, and there be printed additional copies of such document up to, but not exceeding, \$1,200 for use of the Committee on Rules and Administration.

Attest:

GARY SISCO,  
*Secretary.*

## PREFACE

---

The authority and rules of the standing committees of the Senate, as well as of its permanent select and special committees, are collected and published each Congress by the Committee on Rules and Administration in a publication titled *Authority and Rules of Senate Committees*. The Rules Committee has published such a volume for the 105th Congress. Taken together, these volumes provide a convenient historical record of the evolution of rules of the Senate's permanent committees.

From time to time, the Senate establishes a temporary committee, often denominated a select or special committee, to carry out a particular investigatory task or study function, or assigns a standing committee the responsibility to perform such a task. A number of these inquiries have been of great contemporary and historical significance, such as the Committee on Presidential Campaign Activities chaired by Senator Sam Ervin of North Carolina that the Senate established in 1973 to investigate the Watergate affair.

The authority and rules of the Senate's special investigatory committees have never been collected and published together so that they may be readily examined in relation to each other. It is the purpose of this volume to bring together in convenient form all of the authorities and rules governing the Senate's special investigatory committees since the creation of the Watergate committee twenty-five years ago.

In addition to the Watergate Committee, this volume compiles the authorities and rules of the committee chaired by Senator Frank Church of Idaho that examined the United States government's intelligence activities and agencies in 1975, the committee that investigated the Iran/Contra affair jointly with a select House committee in 1987, and the committee that investigated POW/MIA issues in 1991–92, as well as those of other investigatory committees since 1970. This volume also includes a resolution of authority and rules for an investigatory matter handled not by a committee, but by a temporary counsel.

Review of the authority and rules of the Senate's special investigatory committees over the past two decades illuminates the Senate's handling of a number of issues relating to special investigatory assignments. First, the Senate has faced the question whether to create a new ad hoc committee to conduct an investigation or to assign the additional task to an existing committee. Often, as in the Watergate, Iran/Contra, and POW/MIA matters, the Senate has determined to create a free-standing select committee.

On other occasions, the Senate has created a special subcommittee of an existing permanent Senate committee to conduct a spe-

cific investigation. For example, a special subcommittee of the Committee on the Judiciary was established to investigate the relationship between President Jimmy Carter's brother, Billy, and the Libyan government, an investigation into conditions and programs affecting American Indians was assigned to a special investigatory subcommittee of the Select Committee on Indian Affairs, and a subcommittee of the Committee on Banking, Housing, and Urban Affairs was created to look into the Department of Housing and Urban Development's administration of a housing program. On still other occasions, such as for initial hearings into aspects of the Whitewater matter, the Senate has specially constituted an existing standing committee, in that case the Banking Committee, for purposes of a particular investigatory mandate. In 1997, the regularly constituted Committee on Governmental Affairs was assigned to conduct a special investigation of illegal or improper activities in the 1996 election campaigns. Finally, the Senate has delegated the task of investigating the source of the leaks to a specially appointed counsel, not to a committee, as in the case of leaks during Justice Clarence Thomas' confirmation proceedings.

In the case of both the Billy Carter and the Whitewater investigations, the special constitution of a subcommittee of the Judiciary Committee and the Banking Committee, respectively, enabled the Senate to supplement the committees' regular membership with representation from other committees that shared jurisdictional interest with the primary committees. Thus, for the Billy Carter matter, representatives of the Foreign Relations Committee were appointed to the special Judiciary subcommittee, and, for the Whitewater investigation, a representative of the Judiciary Committee was designated to serve on the Banking Committee.

Most commonly, each of these committees or subcommittees was created through an independent resolution of the Senate to perform a particular responsibility over a limited period of time. On one occasion, however, to conduct the Billy Carter inquiry, the Senate established a special subcommittee of the Judiciary Committee through a unanimous consent agreement of the Senate, rather than by formal resolution. In another case, in place of any special authorization from the Senate, a subcommittee of a standing committee, the Foreign Relations Committee, promulgated special guidelines for its conduct, utilizing its permanent authorities, of a special inquiry into allegations of an "October Surprise" in relations with the Iranian government in 1980.

One question presented by the creation of a special investigatory committee or subcommittee is the size of the committee. Special investigatory committees are usually kept fairly small to facilitate a concentrated, sustained focus. Sometimes, however, the importance of a matter or the existence of a number of standing committees with overlapping jurisdictional claims militates for a larger committee. Membership on the committees included in this volume have ranged from three members for the Special Investigations Committee into Indian matters to twenty members for the Whitewater investigation. Most committees, though, have been constituted with between seven and twelve members. Membership on select committees is usually divided to reflect the party split within the Senate, although, for particular committees, such as the Ab-

scam and POW committees, membership was evenly divided between the parties.

Finally, when the Senate has created special investigatory committees, it has determined whether to delegate special investigatory tools. Among the most important investigatory techniques that may be delegated is the authority to conduct staff depositions, that is, to compel sworn testimony from witnesses under examination by staff, without any Senators being present. Most of the select committees included in this volume were given deposition authority, although the Foreign Relations Committee (which, as a standing committee, does not have specific authority to compel attendance at depositions) did not obtain from the Senate special deposition authority for use during its October Surprise inquiry.

Another investigative tool given to some select investigative committees is the power, available to all committees under federal law, to confer use immunity on witnesses and thereby to compel testimony over an invocation of the constitutional privilege against self-incrimination. The Senate has typically supplemented the immunity authority available to all committees with specific authority for investigative committees to immunize witnesses, although in the Whitewater investigation the Senate acted to withhold immunization authority from the Banking Committee.

This volume collects the resolutions and other orders that have created the Senate's special investigative entities over the past twenty-five years, marked their jurisdictional mandates, and delineated their investigative tools. Like standing committees, each specially created select investigatory committee has then adopted rules of procedure to carry out its responsibilities and govern its proceedings. Subcommittees of existing standing committees adopted special rules to govern special investigatory proceedings in the cases of the Billy Carter and Indian investigations. However, the Banking Committee, the Foreign Relations Committee, and the Governmental Affairs Committee did not adopt special rules for the Whitewater, HUD, October Surprise, and campaign finance investigations. Instead, the regular rules of the standing committees were applied in those investigations. Where special rules of procedure were promulgated, the rules are collected and reprinted here.

In addition to the authority and rules of investigative committees, this volume contains the authority and rules for a commission created to study the procedures that the Senate uses to investigate complaints of ethical misconduct within the Senate.

It is our hope that this compilation will prove helpful both to individuals researching the history of Senate committee investigations and to those involved in working with future investigations by congressional committees. Readers should be aware that many of the investigatory committees covered in this document included in their final reports, or in appendices to their reports or hearings, further information about the processes and tools they utilized in conducting their inquiries. The committees' reports and hearings were published as Senate documents and are, accordingly, a useful further source of information about the operation of the Senate's investigatory committees. It should be noted that this volume does not endeavor to reprint the committees' final reports, many of which are voluminous. However, to facilitate further research, cita-

tions for the hearings and reports of each of the investigative committees are set forth in a bibliographic appendix at the end of this volume.

# CONTENTS

---

A. AUTHORITY AND RULES OF SENATE SPECIAL INVESTIGATORY COMMITTEES	
1. Select Committee on Presidential Campaign Activities [Watergate]:	Page
Jurisdiction and Authority, S. Res. 60, 93d Cong., 1st Sess., 119 Cong. Rec. 3849 (1973); S. Res. 132, 93d Cong., 1st Sess., 119 Cong. Rec. 21122 (1973); S. Res. 194, 93d Cong., 1st Sess., 119 Cong. Rec. 36095 (1973); S. Res. 327, 93d Cong., 2d Sess., 120 Cong. Rec. 15917 (1974) ....	1
Rules of Procedure for the Select Committee on Presidential Campaign Activities, 119 Cong. Rec. 5783 (1973) .....	12
Guidelines of the Select Committee on Presidential Campaign Activities ..	19
2. Select Committee to Study Governmental Operations With Respect to Intelligence Activities [Church Committee]:	
Jurisdiction and Authority, S. Res. 21, S. Jour., 94th Cong., 1st Sess. 51 (1975) .....	23
Rules of Procedure for the Select Committee to Study Governmental Operations With Respect to Intelligence Activities, 121 Cong. Rec. 12306 (1975) .....	29
3. Judiciary Subcommittee Investigating Activities Relating to Individuals Representing Interests of Foreign Governments [Billy Carter Investigation]:	
Jurisdiction and Authority, Unanimous-Consent Agreement—Investigation of Activities Relating to Individuals Representing Interests of Foreign Governments, 126 Cong. Rec. 19544 (1980) .....	37
Rules of Procedure of the Judiciary Subcommittee Investigating Activities Relating to Individuals Representing Interests of Foreign Governments, 126 Cong. Rec. 21931 (1980) .....	44
S. Res. 495, 96th Cong., 2d Sess., 126 Cong. Rec. 21002 (1980) .....	51
4. Select Committee to Study Law Enforcement Undercover Activities of Components of the Department of Justice [Abscam Investigation]:	
Jurisdiction and Authority, S. Res. 350, 97th Cong., 2d Sess., 128 Cong. Rec. 5518 (1982) .....	53
Rules of the Select Committee to Study Law Enforcement Undercover Activities of Components of the Department of Justice, 128 Cong. Rec. 6992 (1982) .....	59
5. Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition [Iran/Contra Investigation]:	
Jurisdiction and Authority, S. Res. 23, 100th Cong., 1st Sess., 133 Cong. Rec. 782 (1987) .....	67
Rules of Procedure of the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, as amended, 133 Cong. Rec. 1888, 6412, 10935 (1987) .....	77
6. Special Committee on Investigations of the Select Committee on Indian Affairs:	
Jurisdiction and Authority, Omnibus Committee Funding Resolution, S. Res. 66, 101st Cong., 1st Sess. §21(d) (1989); S. Res. 103, 101st Cong., 1st Sess., 135 Cong. Rec. 6226 (1989) .....	85
Rules of Procedure of the Special Committee on Investigations of the Select Committee on Indian Affairs, 135 Cong. Rec. 6738 (1989), amended 135 Cong. Rec. 7343, 7700 (1989) .....	87
7. HUD/MOD Rehab Investigation Subcommittee of the Committee on Banking, Housing, and Urban Affairs [HUD/MOD Rehab Investigation]:	
Jurisdiction and Authority, Omnibus Committee Funding Resolution, S. Res. 66, 101st Cong., 1st Sess. §6(d)(1) (1989); S. Res. 219, 101st Cong., 1st Sess., 135 Cong. Rec. 31379 (1989) .....	95

VIII

	Page
8. Select Committee on POW/MIA Affairs:	
Jurisdiction and Authority, S. Res. 82, 102d Cong., 1st Sess., 137 Cong. Rec. 6363 (1991); S. Res. 185, 102d Cong., 1st Sess., 137 Cong. Rec. 26504 (1991), all reprinted in S. Prt. No. 53, 102d Cong., 1st Sess. (1991); S. Res. 10, 103d Cong., 1st Sess., 139 Cong. Rec. S48 (daily ed. Jan. 7, 1993) .....	97
Rules of Procedure of the Select Committee on POW/MIA Affairs, 137 Cong. Rec. 27022 (1991), reprinted in S. Prt. No. 53, 102d Cong., 1st Sess. (1991) .....	104
9. Committee on Foreign Relations [October Surprise Investigation]:	
Funding, S. Res. 62, 102d Cong., 1st Sess. §12, 137 Cong. Rec. 4708 (1991) .....	113
Investigation Guidelines, S. Prt. No. 125, 102d Cong., 2d Sess. 7–8 (1992) .....	114
10. Committee on Banking, Housing, and Urban Affairs [Whitewater I Investigation]:	
Jurisdiction and Authority, S. Res. 229, 103d Cong., 2d Sess., 140 Cong. Rec. S7196 (daily ed. June 21, 1994) .....	117
11. Committee on Banking, Housing, and Urban Affairs [Whitewater II Investigation]:	
Jurisdiction and Authority, S. Res. 120, 104th Cong., 1st Sess., 141 Cong. Rec. S6784 (daily ed. May 17, 1995), as amended by S. Res. 153, 104th Cong., 1st Sess., 141 Cong. Rec. S10175 (daily ed. July 17, 1995); S. Res. 246, 104th Cong., 2d Sess., 142 Cong. Rec. S3450 (daily ed. Apr. 17, 1996) .....	123
12. Committee on Governmental Affairs [Campaign Finance Investigation]:	
Funding, S. Res. 54, 105th Cong., 1st Sess. §§13, 24, 143 Cong. Rec. S1419, 1421–22 (daily ed. Feb. 13, 1997), as amended by S. Res. 39, 105th Cong., 1st Sess., 143 Cong. Rec. S2125 (daily ed. Mar. 11, 1997) ..	137
B. AUTHORITY AND RULES OF OTHER SENATE ENTITIES	
1. Temporary Special Independent Counsel to Investigate Unauthorized Disclosures of Nonpublic Confidential Information [Hill/Thomas Leak Investigation]:	
Jurisdiction and Authority, S. Res. 202, 102d Cong., 1st Sess., 137 Cong. Rec. 28494 (1991) .....	143
Rules of Procedure of the Office of Temporary Special Independent Counsel, 137 Cong. Rec. 36334 (1991) .....	147
2. Ethics Study Commission:	
Jurisdiction and Authority, S. Res. 111, 103d Cong., 1st Sess., 139 Cong. Rec. S6329 (daily ed. May 21, 1993); S. Res. 173, 103d Cong., 1st Sess., 139 Cong. Rec. S16897 (daily ed. Nov. 20, 1993) .....	151
Bibliography .....	155

## A. AUTHORITY AND RULES OF SENATE SPECIAL INVESTIGATORY COMMITTEES

### 1. SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

[WATERGATE]

#### **S. Res. 60, 93d Cong. (1973)**

[119 Cong. Rec. 3849–51 (1973)]

*Resolved,*

SECTION 1. (a) That there is hereby established a select committee of the Senate, which may be called, for convenience of expression, the Select Committee on Presidential Campaign Activities, to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1972, or in any related campaign or canvass conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in such election, and to determine whether in its judgment any occurrences which may be revealed by the investigation and study indicate the necessity or desirability of the enactment of new congressional legislation to safeguard the electoral process by which the President of the United States is chosen.

(b) The select committee created by this resolution shall consist of seven Members of the Senate, four of whom shall be appointed by the President of the Senate from the majority Members of the Senate upon the recommendation of the majority leader of the Senate, and three of whom shall be appointed by the President of the Senate from the minority Members of the Senate upon the recommendation of the minority leader of the Senate. For the purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the select committee shall not be taken into account.

(c) The select committee shall select a chairman and vice chairman from among its members, and adopt rules of procedure to govern its proceedings. The vice chairman shall preside over meetings

of the select committee during the absence of the chairman, and discharge such other responsibilities as may be assigned to him by the select committee or the chairman. Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee and shall be filled in the same manner as original appointments to it are made.

(d) A majority of the members of the select committee shall constitute a quorum for the transaction of business, but the select committee may fix a lesser number as a quorum for the purpose of taking testimony or depositions.

SEC. 2. That the select committee is authorized and directed to do everything necessary or appropriate to make the investigation and study specified in section 1 (a). Without abridging or limiting in any way the authority conferred upon the select committee by the preceding sentence, the Senate further expressly authorizes and directs the select committee to make a complete investigation and study of the activities of any and all persons or groups of persons or organizations of any kind which have any tendency to reveal the full facts in respect to the following matters or questions:

(1) The breaking, entering, and bugging of the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia;

(2) The monitoring by bugging, eavesdropping, wiretapping, or other surreptitious means of conversations or communications occurring in whole or in part in the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia;

(3) Whether or not any printed or typed or written document or paper or other material was surreptitiously removed from the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia, and thereafter copied or reproduced by photography or any other means for the information of any person or political committee or organization;

(4) The preparing, transmitting, or receiving by any person for himself or any political committee or any organization of any report or information concerning the activities mentioned in subdivision (1), (2), or (3) of this section, and the information contained in any such report;

(5) Whether any persons, acting individually or in combination with others, planned the activities mentioned in subdivision (1), (2), (3), or (4) of this section, or employed any of the participants in such activities to participate in them, or made any payments or promises of payments of money or other

things of value to the participants in such activities or their families for their activities, or for concealing the truth in respect to them or any of the persons having any connection with them or their activities, and, if so, the source of the moneys used in such payments, and the identities and motives of the persons planning such activities or employing the participants in them;

(6) Whether any persons participating in any of the activities mentioned in subdivision (1), (2), (3), (4), or (5) of this section have been induced by bribery, coercion, threats, or any other means whatsoever to plead guilty to the charges preferred against them in the District Court of the District of Columbia or to conceal or fail to reveal any knowledge of any of the activities mentioned in subdivision (1), (2), (3), (4), or (5) of this section, and, if so, the identities of the persons inducing them to do such things, and the identities of any other persons or any committees or organizations for whom they acted;

(7) Any efforts to disrupt, hinder, impede, or sabotage in any way any campaign, canvass, or activity conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in 1972 by infiltrating any political committee or organization or headquarters or offices or home or whereabouts of the person seeking such nomination or election or of any person aiding him in so doing, or by bugging or eavesdropping or wiretapping the conversations, communications, plans, headquarters, offices, home, or whereabouts of the person seeking such nomination or election or of any other person assisting him in so doing, or by exercising surveillance over the person seeking such nomination or election or of any person assisting him in so doing, or by reporting to any other person or to any political committee or organization any information obtained by such infiltration, eavesdropping, bugging, wiretapping, or surveillance;

(8) Whether any person, acting individually or in combination with others, or political committee or organization induced any of the activities mentioned in subdivision (7) of this section or paid any of the participants in any such activities for their services, and, if so, the identities of such persons, or committee, or organization, and the source of the funds used by them to procure or finance such activities;

(9) Any fabrication, dissemination, or publication of any false charges or other false information having the purpose of discrediting any person seeking nomination or election as the can-

didate of any political party to the office of President of the United States in 1972;

(10) The planning of any of the activities mentioned in subdivision (7), (8), or (9) of this section, the employing of the participants in such activities, and the source of any moneys or things of value which may have been given or promised to the participants in such activities for their services, and the identities of any persons or committees or organizations which may have been involved in any way in the planning, procuring, and financing of such activities.

(11) Any transactions or circumstances relating to the source, the control, the transmission, the transfer, the deposit, the storage, the concealment, the expenditure, or use in the United States or in any other country, of any moneys or other things of value collected or received for actual or pretended use in the presidential election of 1972 or in any related campaign or canvass or activities preceding or accompanying such election by any person, group of persons, committee, or organization of any kind acting or professing to act in behalf of any national political party or in support of or in opposition to any person seeking nomination or election to the office of President of the United States in 1972;

(12) Compliance or noncompliance with any act of Congress requiring the reporting of the receipt or disbursement or use of any moneys or other things of value mentioned in subdivision (11) of this section;

(13) Whether any of the moneys or things of value mentioned in subdivision (11) of this section were placed in any secret fund or place of storage for use in financing any activity which was sought to be concealed from the public, and, if so, what disbursement or expenditure was made of such secret fund, and the identities of any person or group of persons or committee or organization having any control over such secret fund or the disbursement or expenditure of the same;

(14) Whether any books, checks, canceled checks, communications, correspondence, documents, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions the select committee is authorized and directed to investigate and study have been concealed, suppressed, or destroyed by any persons acting individually or in combination with others, and, if so, the identities and motives of any such persons or groups of persons;

(15) Any other activities, circumstances, materials, or transactions having a tendency to prove or disprove that persons acting either individually or in combination with others, en-

gaged in any illegal, improper, or unethical activities in connection with the presidential election of 1972 or any campaign, canvass, or activity related to such election;

(16) Whether any of the existing laws of the United States are inadequate, either in their provisions or manner of enforcement to safeguard the integrity or purity of the process by which Presidents are chosen.

SEC. 3. (a) To enable the select committee to make the investigation and study authorized and directed by this resolution, the Senate hereby empowers the select committee as an agency of the Senate (1) to employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as it deems necessary or appropriate; (2) to sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate; (3) to hold hearings for taking testimony on oath or to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study; (4) to require by subpoena or otherwise the attendance as witnesses of any persons who the select committee believes have knowledge or information concerning any of the matters or questions it is authorized to investigate and study; (5) to require by subpoena or order any department, agency, officer, or employee of the executive branch of the United States Government, or any private person, firm, or corporation, or any officer or former officer or employee of any political committee or organization to produce for its consideration or for use as evidence in its investigation and study any books, checks, canceled checks, correspondence, communications, document, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions it is authorized to investigate and study which they or any of them may have in their custody or under their control; (6) to make to the Senate any recommendations it deems appropriate in respect to the willful failure or refusal of any person to appear before it in obedience to a subpoena or order, or in respect to the willful failure or refusal of any person to answer questions or give testimony in his character as a witness during his appearance before it, or in respect to the willful failure or refusal of any officer or employee of the executive branch of the United States Government or any person, firm, or corporation, or any officer or former officer or employee of any political committee or organization, to produce before the committee any books, checks, canceled checks, correspondence, communications, document, financial records, papers, physical evidence, records, recordings, tapes, or materials in obedience to any subpoena or order; (7) to take depositions and other testimony on oath anywhere within the United States or in any other country; (8) to procure the temporary or

intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946; (9) to use on a reimbursable basis, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, the services of personnel of any such department or agency; (10) to use on a reimbursable basis or otherwise with the prior consent of the chairman of any other of the Senate committees or the chairman of any subcommittee of any committee of the Senate the facilities or services of any members of the staffs of such other Senate committees or any subcommittees of such other Senate committees whenever the select committee or its chairman deems that such action is necessary or appropriate to enable the select committee to make the investigation and study authorized and directed by this resolution; (11) to have access through the agency of any members of the select committee, chief majority counsel, minority counsel, or any of its investigatory assistants jointly designated by the chairman and the ranking minority member to any data, evidence, information, report, analysis, or document or papers relating to any of the matters or questions which it is authorized and directed to investigate and study in the custody or under the control of any department, agency, officer, or employee of the executive branch of the United States Government having the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States which will aid the select committee to prepare for or conduct the investigation and study authorized and directed by this resolution; and (12) to expend to the extent it determines necessary or appropriate any moneys made available to it by the Senate to perform the duties and exercise the powers conferred upon it by this resolution and to make the investigation and study it is authorized by this resolution to make.

(b) Subpenas may be issued by the select committee acting through the chairman or any other member designated by him, and may be served by any person designated by such chairman or other member anywhere within the borders of the United States. The chairman of the select committee, or any other member thereof, is hereby authorized to administer oaths to any witnesses appearing before the committee.

(c) In preparing for or conducting the investigation and study authorized and directed by this resolution, the select committee shall be empowered to exercise the powers conferred upon committees of the Senate by section 6002 of title 18 of the United States Code or

any other Act of Congress regulating the granting of immunity to witnesses.

SEC. 4. The select committee shall have authority to recommend the enactment of any new congressional legislation which its investigation considers it is necessary or desirable to safeguard the electoral process by which the President of the United States is chosen.

SEC. 5. The select committee shall make a final report of the results of the investigation and study conducted by it pursuant to this resolution, together with its findings and its recommendations as to new congressional legislation it deems necessary or desirable, to the Senate at the earliest practicable date, but no later than February 28, 1974. The select committee may also submit to the Senate such interim reports as it considers appropriate. After submission of its final report, the select committee shall have three calendar months to close its affairs, and on the expiration of such three calendar months shall cease to exist.

SEC. 6. The expenses of the select committee through February 28, 1974, under this resolution shall not exceed \$500,000, of which amount not to exceed \$25,000 shall be available for the procurement of the services of individual consultants or organizations thereof. Such expenses shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee. The minority members of the select committee shall have one-third of the professional staff of the select committee (including a minority counsel) and such part of the clerical staff as may be adequate.

**S. Res. 132, 93d Cong. (1973)**

[119 Cong. Rec. 21122 (1973)]

*Resolved,*

SECTION 1. That the first sentence of section 6 of Senate Resolution 60, which was adopted on February 7, 1973, is hereby changed to read as follows: "The expenses of the select committee through February 28, 1974, under this resolution shall not exceed \$1,000,000, of which amount not to exceed \$40,000 shall be available for the procurement of the services of individual consultants or organizations thereof."

**S. Res. 194, 93d Cong. (1973)**

[119 Cong. Rec. 36095 (1973)]

*Resolved, That—*

SECTION 1. By S. Res. 60, Ninety-third Congress, first session (1973), section 3(a)(5), the Select Committee on Presidential Campaign Activities was and is empowered to issue subpoenas for documents, tapes, and other material to any officer of the executive branch of the United States Government. In view of the fact that the President of the United States is, as recognized by S. Res. 60, an officer of the United States, and was a candidate for the office of President in 1972 and is therefore a person whose activities the select committee is authorized by S. Res. 60 to investigate, it is the sense of the Senate that the select committee's issuance on July 23, 1973, of two subpoenas duces tecum to the President for the production of tapes and other materials was and is fully authorized by S. Res. 60. Moreover, the Senate hereby approves and ratifies the committee's issuance of these subpoenas.

SEC. 2. On August 9, 1973, the select committee and its members instituted suit against the President of the United States in the United States District Court for the District of Columbia to achieve compliance with the two subpoenas referenced in section 1 above, and since that time, in both the district court and the United States Court of Appeals for the District of Columbia Circuit, have actively pursued this litigation. It is the sense of the Senate that the initiation and pursuit of this litigation by the select committee and its members was and is fully authorized by applicable custom and law, including the provisions of S. Res. 262, Seventieth Congress, First Session (1928). In view of the entirely discretionary provisions of section 3(a)(6) of S. Res. 60, it is further the sense of the Senate that the initiation of this lawsuit did not require the prior approval of the Senate. Moreover, the Senate hereby approves and ratifies the actions of the select committee in instituting and pursuing the aforesaid litigation.

SEC. 3. The select committee and its members, by issuing subpoenas to the President and instituting and pursuing litigation to achieve compliance with those subpoenas, were and are acting to determine the extent of possible illegal, improper, or unethical conduct in connection with the Presidential campaign and election of 1972 by officers or employees of the executive branch of the United States Government or other persons. It is the sense of the Senate that, in so doing, the select committee and its members were and are engaged in the furtherance of valid legislative purposes, to wit, a determination of the need for and scope of corrective legislation to safeguard the processes by which the President of the United

States is elected and, in that connection, the informing of the public of the extent of illegal, improper, or unethical activities that occurred in connection with the Presidential campaign and election of 1972 and the involvement of officers or employees of the executive branch or others therein. It is further the sense of the Senate that the materials sought by the committee's subpoenas are of vital importance in determining the extent of such involvement and in determining the need for and scope of corrective legislation.

**S. Res. 327, 93d Cong. (1974)**

[120 Cong. Rec. 15917 (1974)]

*Resolved*, That section 5 of S. Res. 60, which was adopted February 7, 1973, is hereby amended to read as follows: “The select committee shall make a final report of the results of the investigation and study conducted by it pursuant to this resolution, together with its findings and such legislative proposals as it deems necessary or desirable, to the Senate at the earliest practicable date, but no later than June 30, 1974. The select committee may also submit to the Senate such interim reports as it considers appropriate. After submission of its final report, the select committee shall have three calendar months to close its affairs, and on the expiration of such three calendar months shall cease to exist: *Provided, however*, That in case the judicial action brought by the select committee against the President to obtain specified taped recordings of conversations in which the President and his former aide, John W. Dean, participated is not fully adjudicated before the expiration of such three calendar months, the select committee shall continue in existence thereafter until thirty days subsequent to the occurrence of one of these alternative events, namely, the judicial action is finally adjudicated adversely to the select committee, or the specified taped recordings are actually received by the select committee pursuant to the final adjudication of such judicial action or otherwise. In case the last event occurs, the select committee is empowered to report to the Senate an addendum to its final report setting forth findings and legislative recommendations based on what the taped recordings disclose.”

RULES OF PROCEDURE  
FOR THE  
SELECT COMMITTEE ON  
PRESIDENTIAL CAMPAIGN  
ACTIVITIES

[119 Cong. Rec. 5783 (1973)]

---

1. Preliminary investigations may be initiated by the committee staff with the approval of the Chairman or at his direction.

2. Committee hearings or meetings shall be conducted by the Chairman or member designated by the Chairman.

3. The Chairman shall give each member written notice of the subject of and scope of any hearings 24 hours prior to the time such hearing is to begin within the District of Columbia; otherwise 48 hours prior thereto. No hearings shall then be held if any member objects unless upon the subsequent approval of the majority of the committee.

4. The Chairman shall have authority to call meetings of the committee which authority he may delegate to any other member. Members shall have at least 24 hours notice of any meeting of the committee within the District of Columbia; otherwise 48 hours prior thereto.

Should a majority of the members request the Chairman in writing to call a meeting of the committee and should the Chairman fail to call such meeting within 10 days thereafter, such majority may call a meeting by filing a written notice with the Clerk who shall promptly notify each member of the committee in writing. If the Chairman is not present at any such meeting, and has not designated another member to conduct the meeting, the ranking majority member present shall preside.

5. A quorum for the transaction of committee business shall consist of a majority of the committee members. Unless otherwise specified in these rules, decisions of the committee shall be by a majority of votes cast. For the purpose of hearing witnesses, taking testimony, and receiving evidence, a quorum will consist of one Senator.

6. No person shall be allowed to be present during a hearing or meeting held in executive session except members and employees of the committee, the witness and his counsel, stenographers, or interpreters of the committee. Other persons whose presence is re-

requested or consented to by the majority of the members of the committee present may be admitted to such sessions.

7. It shall be the duty of the Clerk and staff director to keep or cause to be kept a record of all committee proceedings, including the record of votes on any matter on which a record vote is taken and of all quorum calls together with all motions, points of order, parliamentary inquiries, rulings of the chair and appeals therefrom. The record shall show those members present at each meeting. Such record shall be available to any member of the committee upon request.

8. A vote by any member of the committee with respect to any measure or matter being considered by the committee may be cast by proxy providing the proxy authorization is in writing to the Chairman, designating the person who is to execute the proxy authorization, and is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

9. Subpenas for attendance of witnesses and the production of memoranda, documents, and records may be issued by the Chairman or any other member designated by him, and may be served by any person designated by such Chairman or member. Authorization for the issuance of a subpoena shall be given by the Chairman or Vice Chairman of the committee, or both, or by the majority of the members of the committee present at a meeting, if either the Chairman or Vice Chairman or both requests that the authorization for the issuance of any particular subpoena or subpoenas be decided by the committee.

10. Each subpoena shall be accompanied by a copy of the Senate resolution authorizing the investigation with respect to which the witness is summoned to testify or to produce papers.

11. Witnesses shall be subpoenaed at a reasonably sufficient time in advance of any hearing in order to give the witness an opportunity to prepare for the hearing, employ counsel should he so desire, and/or produce documents, books, records, memoranda, and papers called for by a subpoena *duces tecum*. The committee shall determine, in each particular instance, what period of time constitutes reasonable notice; however in no case shall it be less than 24 hours.

12. Except when publication is authorized by the Chairman, no member of the committee or staff shall make public the name of any witness subpoenaed before the committee or release any information to the public relating to a witness under subpoena or the issuance of a subpoena prior to the time and date set for his appearance.

13. All witnesses appearing before the committee, pursuant to subpoena, shall be furnished a printed copy of the rules of procedure of the committee.

14. All witnesses at public or executive investigative hearings shall give all testimony under oath or affirmation which shall be administered by the Chairman or a member of the committee.

15. The time and order of interrogation of witnesses appearing before the committee shall be controlled by the Chairman. Interrogation of witnesses at committee hearings shall be conducted by committee members and authorized committee staff personnel only.

16. Any objection raised by a witness or his counsel to procedures or to the admissibility of testimony and evidence shall be ruled upon by the Chairman or presiding member and such rulings shall be the rulings of the committee, unless a disagreement thereon is expressed by a majority of the committee present. In the case of a tie, the rule of the Chair will prevail.

17. Any witness desiring to make a prepared or written statement for the records of the proceedings shall file a copy of such statement with the counsel of the committee 24 hours in advance of the hearings at which the statement is to be presented, unless the Chairman waives the requirement. All such statements or portions thereof so received which are relevant and germane to the subject of investigation may, at the conclusion of the testimony of the witness and with the approval of a majority of the committee members be inserted in the official transcript of the proceedings.

18. A witness may make a statement, which shall be brief and relevant to the subject matter of his examination, at the beginning and conclusion of his testimony. Each such statement shall not exceed three minutes unless an extension of time is authorized by the Chairman. However, statements which take the form of personal attacks by the witness upon the motives of the committee, the personal character of any members of the Congress or of the committee staff, and intemperate statements, are not deemed to be relevant or germane, shall not be made, and may be stricken from the record of the proceedings.

19. All witnesses at public or executive hearings shall have the right to be accompanied by counsel. Any witness who desires counsel but who is unable to secure counsel may inform the committee at least 24 hours in advance of his appearance of his inability to retain counsel and the committee will endeavor to secure voluntary counsel for the witness. However, failure to secure counsel will not excuse the witness from appearing.

20. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing. The sole and exclusive

prerogative of the counsel shall be to advise such witness while he is testifying of his legal rights and constitutional rights. Provided, however, that any Government officer or employee being interrogated by the staff or testifying before the committee and electing to have his personal counsel present shall not be permitted to select such counsel from the employees or officers of any Government agency.

21. A witness shall not be excused from testifying in the event his counsel is not present or is ejected for contumacy or disorderly conduct; nor shall counsel for the witness coach the witness, answer for the witness, or put words in the witness' mouth. The failure of any witness to secure counsel shall not excuse such witness from attendance in response to subpoena.

22. At the conclusion of the interrogation of his client, counsel shall be permitted to make such reasonable and pertinent requests upon the committee, including the testimony of other witnesses or presentation of other evidence, as he shall deem necessary to protect his client's rights. These requests shall be ruled upon by the committee members present.

23. Counsel for witnesses shall conduct himself in a professional, ethical, and proper manner. His failure to do so shall, upon a finding to that effect by a majority of the committee members present, subject such counsel to disciplinary action which may include warning, censure, removal of counsel from the hearing room, or a recommendation of contempt proceedings.

24. There shall be no direct or cross-examination by counsel appearing for a witness. However, the counsel may submit in writing any questions he wishes propounded to his client or to any other witness. With the consent of the majority of the members present, such question or questions shall be put to the witness by the Chairman, by another member or by counsel of the committee either in the original form or in modified language. The decision of the committee as to the admissibility of questions submitted by counsel for a witness, as well as their form, shall be final.

25. Any person who is the subject of an investigation in public hearings may submit to the Chairman questions in writing for the cross-examination of the witnesses. Their formulation and admissibility shall be decided by the committee in accordance with rule 25.

26. Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by the committee member or counsel, tends to defame him or otherwise adversely affect his reputation, may (a) request to appear personally before the committee to testify on his own behalf, or, in the alternative; (b) file a sworn statement of facts relevant to the testimony, or other

evidence or comment complained of. Such request and such statement shall be submitted to the committee for its consideration and action.

27. No testimony taken or material presented in an executive session, or any summary or excerpt thereof shall be made available to other than the committee members and committee staff and no such material or testimony shall be made public or presented at a public hearing, either in whole or in part, unless authorized by a majority of the committee members or as otherwise provided for in these rules.

28. No evidence or testimony, or any summary or excerpt thereof given in executive session which the committee determines may tend to defame, degrade, or incriminate any person shall be released, or presented at a public hearing unless such person shall have been afforded the opportunity to testify or file a statement in rebuttal, and any pertinent evidence or testimony given by such person, or on his behalf, is made a part of the transcript, summary, or excerpt prior to the public release of such portion of the testimony.

29. A complete and accurate stenographic record shall be made of all testimony at all public and executive committee hearings.

30. A witness shall, upon request, be given a reasonable opportunity before any transcript is made public to inspect in the office of the committee the transcript of his testimony to determine whether it was correctly transcribed and may be accompanied by his counsel during such inspection. If the witness so desires, the committee will furnish him a copy of his testimony, at no expense to the witness.

31. Any corrections in the transcription of the testimony of the witness which the witness desires to make shall be submitted in writing to the committee within 5 days of the taking of his testimony. However, changes shall only be made for the purpose of making minor grammatical corrections and editing, and not for the purpose of changing the substance of the testimony. Any questions arising with respect to such editing shall be decided by the Chairman.

32. A copy of the testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his expense, if he so requests. Any witness shall be given a reasonable opportunity to inspect any such public testimony in the committee office.

33. Whenever the Chairman so permits, any committee hearing that is open to the public may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by

any other media coverage, provided that such coverage is orderly and unobtrusive.

34. The coverage of any hearing of the committee by television, radio, or still photography shall be under the direct supervision of the Chairman, who may for good cause terminate such media coverage in whole or in part, or take such other action as the circumstances may warrant.

35. A witness may request, on grounds of distraction, harassment, or physical discomfort, that during his testimony, television, motion picture, and other cameras and lights shall not be directed at him, such requests to be ruled on by the committee members present at the hearing.

36. No recommendation that a witness be cited for contempt of Congress shall be forwarded to the Senate unless and until the committee has, upon notice to all its members, met and considered the alleged contempt and by a majority of the committee voted that such recommendation be made.

37. All staff members shall be confirmed by a majority of the committee. After confirmation, the Chairman shall certify staff appointments to the financial clerk of the Senate, in writing.

38. The Chairman shall have the authority to utilize the services, information, facilities, and personnel of the departments and establishments of the Government, and to procure the temporary or intermittent services of experts or consultants or organizations thereof to make studies or assist or advise the committee with respect to any matter under investigation.

39. In preparing for or conducting the investigation and study authorized and directed by the resolution creating this committee the committee is empowered to exercise the powers conferred upon committees of the Senate by sections 6002 and 6005 of title 18 of the United States Code or any other act of Congress regulating the granting of immunity to witnesses.

40. All information developed by or made known to any member of the committee staff shall be deemed to be confidential. No member of the committee staff shall communicate to any person, other than a member of the committee or another member of the committee staff, any substantive information with respect to any substantive matter related to the activities of the committee. All communications with the press and other persons not on the committee or committee staff in respect to confidential substantive matters shall be by members of the committee only. Official releases of information to the press on behalf of the committee shall be made only with the express consent of the Chairman and Vice Chairman.

41. These rules may be modified, amended, or repealed by a decision of the committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the respective action.

GUIDELINES  
OF THE  
SELECT COMMITTEE ON  
PRESIDENTIAL CAMPAIGN  
ACTIVITIES

---

STATEMENT OF

SAM J. ERVIN, JR., CHAIRMAN

HOWARD H. BAKER, JR., VICE CHAIRMAN

On Monday, April 16, 1973, the Select Committee on Presidential Campaign Activities met and unanimously adopted guidelines regarding testimony and appearances of prospective witnesses before the Select Committee. The text follows.

In investigating the matters mentioned in S. Res. 60, the Senate Select Committee on Presidential Campaign Activities will observe its standing rules, its previously established procedures for staff interviews of prospective witnesses, and these guidelines:

1. The committee will receive oral and documentary evidence relevant to the matters S. Res. 60 authorizes it to investigate and matters bearing on the credibility of the witnesses who testify before it.

2. All witnesses shall testify before the committee on oath or affirmation in hearings which shall be open to the public and the news media. This guideline shall not abridge, however, the power of the committee to take the testimony of a particular witness on oath or affirmation in an executive meeting if the committee would otherwise be unable to ascertain whether the witness knows anything relevant to the matters the committee is authorized to investigate.

3. All still and motion picture photography will be completed before a witness actually testifies, and no such photography shall occur while the witness is testifying. Television coverage of a witness and his testimony shall be permitted, however, under the provisions of the Standing Rules of the Committee.

4. In taking the testimony of a witness, the committee will endeavor to do two things: First, to minimize inconvenience to the witness and disruption of his affairs; and, second, to afford the witness a fair opportunity to give his testimony without undue interruption. To achieve the first of these objectives, the committee will

honor the request of the witness to the extent feasible for advance notice of the time and place appointed for taking his testimony, complete the taking of his testimony with as much dispatch as circumstances permit, and release the witness from further attendance on the committee as soon as circumstances allow, subject, however, to the power of the committee to recall him for further testimony in the event the committee deems such action advisable. To afford the witness a fair opportunity to present his testimony, the committee will permit the witness to make an opening statement not exceeding 20 minutes, which shall not be interrupted by questioning, and a closing statement summarizing his testimony, not exceeding 5 minutes, which will not be interrupted by questioning: Provided, however, questions suggested by the closing statement may be propounded after such statement is made.

5. The committee respects and recognizes the right of a prospective witness who is interviewed by the staff of the committee in advance of a public hearing as well as the right of a witness who appears before the committee to be accompanied by a lawyer of his own choosing to advise him concerning his constitutional and legal rights as a witness.

6. If the lawyer who accompanies a witness before the committee advises the witness to claim a privilege against giving any testimony sought by the committee, the committee shall have the discretionary power to permit the lawyer to present his views on the matter for the information of the committee, and the committee shall thereupon rule on the validity of the claim or its application to the particular circumstances involved and require the witness to give the testimony sought in the event its ruling on the claim is adverse to the witness. Neither the witness nor any other officer or person shall be permitted to claim a privilege against the witness testifying prior to the appearance of the witness before the committee, and the committee shall not rule in respect to the claim until the question by which the testimony is sought is put to the witness.

7. The committee believes that it may be necessary for it to obtain the testimony of some White House aides if the committee is to be able to ascertain the complete truth in respect to the matters it is authorized to investigate by S. Res. 60. To this end, the committee will invite such White House aides as it has reason to believe have knowledge or information relevant to the matters it is authorized to investigate to appear before the committee and give testimony on oath or affirmation in open hearings respecting such matters. In this connection, the committee will extend to such aides the considerations set forth in detail in guideline No. 4 and the right to counsel set forth in detail in guidelines Nos. 5 and 6. In

addition to these considerations and rights, the committee will permit the White House to have its own counsel present when any White House aide appears before the committee as a witness, and permit such counsel to invoke any claim that a privilege available to the President forbids a White House aide to give the testimony sought by the committee, and the committee shall thereupon rule on validity of such claim or its application to the particular testimony sought in the manner and with the effect set forth in guideline No. 6 in respect to a claim of privilege invoked by a witness or his counsel. The committee will not subpoena a White House aide to appear before it or its staff unless such aide fails to make timely response to an invitation to appear.

8. The committee may require the Sergeant at Arms of the Senate, or any of his assistants or deputies, or any available law enforcement officer to eject from a meeting of the committee any person who willfully disrupts the meeting or willfully impedes the committee in the performance of its functions under S. Res. 60.

9. Whenever the committee takes testimony through the agency of less than the majority of the members of the committee, as authorized by its standing rules, the member or members of the committee taking the testimony shall be vested with the powers set forth in these guidelines and shall be deemed to act as the committee in exercising such powers.



2. SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

[CHURCH COMMITTEE]

[Journal of the Senate, 94th Cong., 1st Sess., 51-53, Jan. 27, 1975]

ESTABLISHMENT OF SELECT COMMITTEE TO INVESTIGATE FEDERAL INTELLIGENCE ACTIVITIES

Resolved, To establish a select committee of the Senate to conduct an investigation and study of governmental operations with respect to intelligence activities and of the extent, if any, to which illegal, improper, of unethical activities were engaged in by any agency of the Federal Government or by any persons, acting individually or in combination with others, with respect to any intelligence activity carried out by or on behalf of the Federal Government; be it further

Resolved, That (a) there is hereby established a select committee of the Senate which may be called, for convenience of expression, the Select Committee To Study Governmental Operations With Respect to Intelligence Activities to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any agency or by any persons, acting either individually or in combination with others, in carrying out any intelligence or surveillance activities by or on behalf of any agency of the Federal Government.

(b) The select committee created by this resolution shall consist of eleven members of the Senate, six to be appointed by the President of the Senate upon the recommendation of the majority members of the Senate upon the recommendation of the majority leader of the Senate, and five minority members of the Senate to be appointed by the President of the Senate upon the recommendation of the minority leader of the Senate. For the purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the select committee shall not be taken into account.

(c) The majority members of the committee shall select a chairman and the minority members shall elect a vice chairman and the committee shall adopt rules and procedures to govern its proceedings. The vice chairman shall preside over meetings of the select

committee during the absence of the chairman, and discharge such other responsibilities as may be assigned to him by the select committee or the chairman. Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee and shall be filled in the same manner as original appointments to it are made.

(d) A majority of the members of the select committee shall constitute a quorum for the transaction of business, but the select committee may affix a lesser number as a quorum for the purpose of taking testimony or depositions.

SEC. 2. The select committee is authorized and directed to do everything necessary or appropriate to make the investigations and study specified in subsection (a) of the first section. Without abridging in any way the authority conferred upon the select committee by the preceding sentence, the Senate further expressly authorizes and directs the select committee to make a complete investigation and study of the activities of any agency or of any and all persons or groups of persons or organizations of any kind which have any tendency to reveal the full facts with respect to the following matters or questions:

(1) Whether the Central Intelligence Agency has conducted an illegal domestic intelligence operation in the United States.

(2) The conduct of domestic intelligence or counterintelligence operations against United States citizens by the Federal Bureau of Investigation or any other Federal agency.

(3) The origin and disposition of the so-called Huston Plan to apply United States intelligence agency capabilities against individuals or organizations within the United States.

(4) The extent to which the Federal Bureau of Investigation, the Central Intelligence Agency, and other Federal law enforcement or intelligence agencies coordinate their respective activities, any agreements which govern that coordination, and the extent to which a lack of coordination has contributed to activities or actions which are illegal, improper, inefficient, unethical, or contrary to the intent of Congress.

(5) The extent to which the operation of domestic intelligence or counterintelligence activities and the operation of any other activities within the United States by the Central Intelligence Agency conforms to the legislative charter of that Agency and the intent of the Congress.

(6) The past and present interpretation by the Director of Central Intelligence of the responsibility to protect intelligence sources and methods as it relates to the provision in section 102(d)(3) of the National Security Act of 1947 (50 U.S.C. 403(d)(3)) that “. . . that the agency shall have no police, sub-

pena, law enforcement powers, or internal security functions.  
 . . .”

(7) Nature and extent of executive branch oversight of all United States intelligence activities.

(8) The need for specific legislative authority to govern the operations of any intelligence agencies of the Federal Government now existing without that explicit statutory authority, including but not limited to agencies such as the Defense Intelligence Agency and the National Security Agency.

The nature and extent to which Federal agencies cooperate and exchange intelligence information and the adequacy of any regulations or statutes which govern such cooperation and exchange of intelligence information.

(9) The extent to which United States intelligence agencies are governed by Executive orders, rules, or regulations either published or secret and the extent to which those Executive orders, rules, or regulations interpret, expand, or are in conflict with specific legislative authority.

(10) The violation or suspected violation of any State or Federal statute by any intelligence agency or by any person by or on behalf of any intelligence agency of the Federal Government including but not limited to surreptitious entries, surveillance, wire-taps, or eavesdropping, illegal opening of the United States mail, or the monitoring of the United States mail.

(11) The need for improved, strengthened, or consolidated oversight of United States intelligence activities by the Congress.

(12) Whether any of the existing laws of the United States are inadequate, either in their provisions or manner of enforcement, to safeguard the rights of American citizens, to improve executive and legislative control of intelligence and related activities, and to resolve uncertainties as to the authority of the United States intelligence and related agencies.

(13) Whether there is unnecessary duplication of expenditure and effort in the collection and processing of intelligence information by United States agencies.

(14) The extent and necessity of overt and covert intelligence activities in the United States and abroad.

(15) Such other related matters as the committee deems necessary in order to carry out its responsibilities under section (a).

SEC. 3. (a) To enable the select committee to make the investigation and study authorized and directed by this resolution, the Senate hereby empowers the select committee as an agency of the Senate (1) to employ and fix the compensation of such clerical, inves-

tigatory, legal, technical, and other assistants as it deems necessary or appropriate, but it may not exceed the normal Senate salary schedules; (2) to sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate; (3) to hold hearings for taking testimony on oath or to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study; (4) to require by subpoena or otherwise the attendance as witnesses of any person who the select committee believes [have] knowledge or information concerning any of the matters or questions it is authorized to investigate and study; (5) to require by subpoena or order any department, agency, officer, or employee of the executive branch of the United States Government, or any private person, firm, or corporation, to produce for its consideration or for use as evidence in its investigation and study any books, checks, canceled checks, correspondence, communications, document, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions it is authorized to investigate and study which they or any of them may have in their custody or under their control; (6) to make to the Senate any recommendations it deems appropriate in respect to the willful failure or refusal of any person to answer questions or give testimony in his character as a witness during his appearance before it or in respect to the willful failure or refusal of any officer or employee of the executive branch of the United States Government or any person, firm, or corporation to produce before the committee any books, checks, canceled checks, correspondence, communications, document, financial records, papers, physical evidence, records, recordings, tapes, or materials in obedience to any subpoena or order; (7) to take depositions and other testimony on oath anywhere within the United States or in any other country; (8) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946; (9) to use on a reimbursable basis, with the prior consent of the Committee on Rules and Administration, the services of personnel of any such department or agency; (10) to use on a reimbursable basis or otherwise with the prior consent of the chairman of any subcommittee of any committee of the Senate, the facilities or services of any members of the staffs of such other Senate committees or any subcommittees of such other Senate committees whenever the select committee or its chairman deems that such action is necessary or appropriate to enable the select committee to make the investigation and study authorized and directed by this resolution; (11) to have direct access through the agency of any

members of the select committee or any of its investigatory or legal assistants designated by it or its chairman or the ranking minority member of any data, evidence, information, report, analysis, or document or papers, relating to any of the matters or questions which it is authorized and directed to investigate and study in the custody or under the control of any department, agency, officer, or employee of the executive branch of the United States Government, including any department, agency, officer, or employee of the United States Government having the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States and any department, agency, officer, or employee of the United States Government having the authority to conduct intelligence or surveillance within or outside the United States, without regard to the jurisdiction or authority of any other Senate committee, which will aid the select committee to prepare for or conduct the investigation and study authorized and directed by this resolution; and (12) to expend to the extent it determines necessary or appropriate any moneys made available to it by the Senate to perform the duties and exercise the powers conferred upon it by this resolution and to make the investigation and study it is authorized by this resolution to make.

(b) Subpenas may be issued by the select committee acting through the chairman or any other member designated by him, and may be served by any person designated by such chairman or other member anywhere within the borders of the United States. The chairman of the select committee, or any other member thereof, is hereby authorized to administer oaths to any witnesses appearing before the committee.

(c) In preparing for or conducting the investigation and study authorized and directed by this resolution, the select committee shall be empowered to exercise the powers conferred upon committees of the Senate by section 6002 of title 18, United States Code, or any other Act of Congress regulating the granting of immunity to witnesses.

SEC. 4. The select committee shall have authority to recommend the enactment of any new legislation or the amendment of any existing statute which it considers necessary or desirable to strengthen or clarify the national security, intelligence, or surveillance activities of the United States and to protect the rights of United States citizens with regard to those activities.

SEC. 5. The select committee shall make a final report of the results of the investigation and study conducted by it pursuant to this resolution, together with its findings and its recommendations as to new congressional legislation it deems necessary or desirable,

to the Senate at the earliest practicable date, but no later than September 1, 1975. The select committee may also submit to the Senate such interim reports as it considers appropriate. After submission of its final report, the select committee shall have three calendar months to close its affairs, and on the expiration of such three calendar months shall cease to exist.

SEC. 6. The expenses of the select committee through September 1, 1975, under this resolution shall not exceed \$750,000 of which amount not to exceed \$100,000 shall be available for the procurement of the services of individual consultants or organizations thereof. Such expenses shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

SEC. . The select committee shall institute and carry out such rules and procedures as it may deem necessary to prevent (1) the disclosure, outside the select committee, of any information relating to the activities of the Central Intelligence Agency or any other department or agency of the Federal Government engaged in intelligence activities, obtained by the select committee during the course of its study and investigation, not authorized by the select committee to be disclosed, and (2) the disclosure, outside the select committee, of any information which would adversely affect the intelligence activities of the Central Intelligence Agency in foreign countries or the intelligence activities in foreign countries of any other department or agency of the Federal Government.

No employee of the select committee or any person engaged by contract or otherwise to perform services for the select committee shall be given access to any classified information by the select committee unless such employee or person has received an appropriate security clearance as determined by the select committee. The type of security to be required in the case of any such employee or person shall within the determination of the select committee be commensurate with the sensitivity of the classified information to which such employee or person will be given access by the select committee.

SEC. . As a condition for employment as described in section 3 of this Resolution, each person shall agree not to accept any honorarium, royalty or other payment for a speaking engagement, magazine article, book, or other endeavor connected with the investigation and study undertaken by this committee.

RULES OF PROCEDURE

FOR THE

SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

[121 Cong. Rec. 12306-08 (1975)]

RULES OF PROCEDURE FOR THE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES, U.S. SENATE, ADOPTED APRIL 9, 1975

RULE 1. CONVENING OF MEETINGS

1.1 The Committee may schedule a regular day and hour for the Committee to meet.

1.2 The Chairman shall have authority, upon proper notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee

1.3 A special meeting of the Committee may be called at any time upon the written request of six or more members of the Committee filed with the Clerk of the Committee.

1.4 In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, DC and at least 48 hours in the case of any meeting held outside Washington, DC.

1.5 If a majority of the members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, such majority may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1 Meetings of the Committee shall be open to the public except when otherwise directed by the Chairman or majority vote of members present.

2.2 It shall be the duty of the staff director to keep or cause to be kept a record of all Committee proceedings.

2.3 The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the

Committee. In the absence of the Chairman and the Vice Chairman at any meeting majority member is present the ranking minority member present, shall preside.

2.4 Except as otherwise provided in these Rules, decisions of the Committee shall be by majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of Executive sessions, shall consist of six Committee members except, that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5 A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing to the Chairman or Vice Chairman; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

#### RULE 3. BROADCASTING, TELEVISION, AND PHOTOGRAPHY

Any Committee meeting which is open to the public may, subject to Rule 6.7, be covered, in whole or in part, by television, radio, still photography or other media coverage, if the Chairman authorizes such coverage. When coverage by any such media is authorized it must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such media coverage in whole or in part, or take such other action as the circumstances may warrant.

#### RULE 4. INVESTIGATIONS

No investigation shall be initiated by the Committee unless a majority of the members of the Committee has specifically authorized such investigation, but any member of the Committee shall be entitled to pursue any inquiry individually unless specifically prohibited by a majority vote of the members of the Committee. Authorized investigations or inquiries may be conducted by members of the Committee and/or by designated staff members.

#### RULE 5. SUBPOENAS

Subpoenas for attendance of witnesses or the production of memoranda, documents, records, or any other material may be issued by the Chairman, or any other member designated by him after consultation with the Vice Chairman, and may be served by any person designated by the Chairman or member. Each subpoena shall contain a copy of Senate Resolution 21, 94th Congress, 1st Session.

## RULE 6. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

6.1 *Notice.*—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

6.2 *Oath or Affirmation.*—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

6.3 *Interrogation.*—Committee interrogation shall be conducted by members of the Committee and such staff personnel as is authorized by the Chairman, the Vice Chairman, or the presiding member.

6.4 *Counsel for the Witness.*—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact, and if consistent with the notice given under Section 6.1 hereof, at least 24 hours prior to his appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness, but failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross examination by counsel. However, counsel may submit in writing any questions he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it may see fit.

6.5 *Statements by Witnesses.*—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding member. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the Clerk of the Committee, and in so far as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his appearance before the Committee.

6.6 *Objections and Rulings.*—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling. In the case of tie votes the rule of the chair will prevail.

6.7 *Lights and Broadcasting.*—(a) A witness may request, on grounds of distraction, harassment, or physical discomfort, that during his testimony, television, motion picture, and other cameras and lights shall not be directed at him, such requests to be ruled on in accordance with Rule 2.4.

(b) No witness subpoenaed by the Committee shall be required against his will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. So far as is practicable, a witness desiring to make such a request shall so inform the Chief Counsel of the Committee at least 24 hours prior to the time that witness is scheduled to testify.

6.8 *Inspection and Correction.*—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days of the availability of the transcript. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in Executive session which are subsequently quoted or made part of a record shall be made available to that witness at his expense.

6.9 *Persons Affected by Testimony.*—A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or Committee counsel, may tend to affect adversely his reputation, may request to appear personally before the Committee to testify on his own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

6.10 *Contempt Procedures.*—No recommendations that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he should not be held in contempt, and agreed, by majority vote of the Committee to forward such recommendation to the Senate.

6.11 *Release of Name of Witness.*—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to his appearance before the Committee.

RULE 7. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

7.1 Committee staff offices on the first floor of the Dirksen Office Building shall operate under strict security precautions. At least one security guard shall be on duty at all times by the entrance to control entry. All persons before entering the offices shall identify themselves. At least one additional security guard shall be posted at night for surveillance of the secure area where sensitive documents are kept.

7.2 Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the Committee staff offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, and in conformity with Section 9.2 hereof.

7.3 Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all papers and other materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

7.4 Access to classified information supplied to the Committee shall be limited to the Staff Director, the Chief Counsel and the Coun[sel] to the Minority, and those staff members with appropriate security clearances and a need-to-know.

7.5 No testimony taken including the names of witnesses testifying or material presented at an Executive Session, or classified papers, and other materials received by the staff or its consultants while in the employ of the Committee shall be made public, in whole or in part or by way of summary, or disclosed to any person outside the Committee unless authorized by a majority vote of the entire Committee, or after the termination of the Committee, in such manner as may be determined by the Senate.

7.6 Before the Committee is called upon to make any disposition with respect to the testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers and other materials that have been obtained by the Committee staff. No member shall

release any such testimony, papers, or other materials, or any information contained in such testimony, papers, or other materials, to the public or any person outside the Committee unless authorized by a majority vote of the entire Committee, or after the termination of the Committee, in such manner as may be determined by the Senate.

#### RULE 8. PREPARATION FOR COMMITTEE MEETINGS

8.1 Under direction of the Chairman, the Staff Director, Chief Counsel, Counsel to the Minority, or other designated staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting in order to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

8.2 The Staff Director, the Chief Counsel, and the Counsel to the Minority shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or Executive session shall be made pursuant to the rules of the Senate.

#### RULE 9. STAFF

9.1 The appointment of all staff members and consultants shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman shall certify staff appointments to the Financial Clerk of the Senate in writing.

9.2 Except as otherwise provided by the Committee, the duties of staff and consultants shall be performed, and staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the Staff Director and the Chief Counsel. The Counsel for the Minority shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

9.3 The staff of the Committee shall not discuss either the substance or procedure of the work of the Committee with anyone other than a member of the Committee or other Committee personnel. Upon termination of employment by the Committee, each member of the staff, or consultant, shall surrender all classified and other material relating to the work of the Committee which came into his possession while in the employ of the Committee.

9.4 The employment of any member of the staff or consultant who fails to conform to any of these Rules shall be immediately terminated.

RULE 10. SERVICES, INFORMATION, FACILITIES, AND PERSONNEL OF  
THE GOVERNMENT; CONSULTANTS

The Chairman shall have the authority to utilize the services, information, facilities, and personnel of the departments and agencies of the government, and to procure the temporary or intermittent services of experts or consultants or organizations thereof to make studies or assist or advise the Committee with respect to any matter under investigation.

RULE 11. REPORTING OF MEASURES OR RECOMMENDATIONS

11.1 No measure or recommendations shall be reported from the Committee unless a majority of the Committee is actually present and a majority of those present concur.

11.2 In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented and printed by any member or members of the Committee.

11.3 A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three calendar days in which to file such views, in writing, with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

RULE 12. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.



3. JUDICIARY SUBCOMMITTEE INVESTIGATING ACTIVITIES  
RELATING TO INDIVIDUALS REPRESENTING INTERESTS  
OF FOREIGN GOVERNMENTS

[BILLY CARTER INVESTIGATION]

[126 Cong. Rec. 19544-46 (1980)]

UNANIMOUS-CONSENT AGREEMENT—INVESTIGATION OF ACTIVITIES RE-  
LATING TO INDIVIDUALS REPRESENTING INTERESTS OF FOREIGN GOV-  
ERNMENTS

Mr. ROBERT C. BYRD. Mr. President, meetings have occurred on yesterday and today with the distinguished minority leader, the distinguished minority whip, Senators THURMOND and DOLE from the minority, the distinguished majority whip, Senator BAYH, Senator RIBICOFF, Senator BAUCUS, Senator PELL, and myself, in my office to discuss the investigation of activities relating to individuals representing the interests of foreign governments.

Several discussions took place and the following unanimous-consent request represents the unanimous agreement that was reached after those discussions terminated in the final meeting earlier today.

The distinguished minority leader is here to speak for himself. I am sure that he discussed with other Senators on his side of the aisle the understanding that was reached, and I have done the same on my side of the aisle.

Mr. President, I ask unanimous consent that a committee of the Judiciary Committee, consisting of four Democrats and three Republicans, to be selected by the acting chairman (Mr. BAYH), who has been designated acting chairman by the chairman of the Judiciary Committee (Mr. KENNEDY), and ranking member of the Judiciary Committee, be established immediately for the purpose of conducting an investigation of activities relating to individuals representing the interests of foreign governments, which subcommittee shall submit to the Senate not later than October 4, 1980, a final or interim report.

Provided further, that two members of the Foreign Relations Committee, one each to be designated by the majority and minority leaders, shall serve as members of the aforementioned subcommittee, with the same powers, authority, and prerogatives of all other members of that subcommittee;

Provided further, that service on this subcommittee shall not be considered a violation of Senate rule XXV, subsections 4(b)(1) and 4(e)(2);

Provided further, that subpoenas shall be issued by the subcommittee upon the cosignature of its chairman and vice chairman, or upon the signature of either of them at the direction of the subcommittee;

Provided further, that the Senate legal counsel and deputy counsel be authorized and directed to work with and under the jurisdiction and authority of the subcommittee chairman and ranking member;

Provided further, that the extent and scope of the investigation shall be determined by the subcommittee.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, the majority leader, of course, correctly describes the negotiations that have been undertaken in the course of the last 2 days and which culminated in the meeting conducted an hour or so ago in his office.

Mr. President, I wish to join with the majority leader in asking unanimous consent for the action directed in this request.

Mr. President, further on reservation, I would like to thank the majority leader for his time and patience and his consideration of the elements of this agreement, which were deemed to be especially significant to those of us in the minority who were concerned with the quality of the investigation that is about to occur.

I personally had hoped for and would have preferred a select committee, a select committee appointed by the majority and minority leaders, comprised of equal representation of both parties, and drawn from the Senate as a whole.

But I recognize the circumstances that have suggested this arrangement and I believe this is the best arrangement that can be achieved at this time. I fully support it.

It should be noted, Mr. President, as I have noted in previous meetings leading to this point, that nothing in this resolution deprives me, or any other Member of the Senate, from later introducing a resolution calling for the creation of a select committee, nor does it abrogate nor supersede the jurisdictional responsibility or opportunity of any other committee. But this is a good beginning. This is a good way to commence.

This, I believe, is a good faith effort by both sides to create a forum for a fair, depoliticized, impartial inquiry of the most sensitive nature into a matter of great importance to the Senate and to the country.

Having arrived now at a satisfactory arrangement for that undertaking, I wish, on this reservation, to pledge to the majority leader, to the Senate, and to the country, there, so far as we are concerned on our side of the aisle, from this moment forward there will be no element of partisan politics involved; that this will be the most judicious, the fairest, the most impartial inquiry that is possible. We recognize and acknowledge not only the sensitivity of this issue, but also our responsibility to the Senate and to the country, which far transcends any temporary political advantage.

Mr. President, we recognize that the lives, the fortunes, and the good names of men and women are being dealt with in this inquiry, and we are sensitive to that requirement. We wish no one ill.

Now, Mr. President, I thank the majority leader for his cooperation. I believe it is especially important that we broaden the inquiry to include representatives of the Foreign Relations Committee. If this unanimous-consent request is granted—and I hope it will be—I will designate one member from our side of the Foreign Relations Committee to participate.

I am especially pleased that the senior Republican on this committee, who will be chosen from the Judiciary Committee, will be designated as the vice chairman. I believe it is important that we will have coauthority between the chairman and the vice chairman to issue subpoenas. I approve of the provision which states that if the chairman and the vice chairman cannot agree on the issue of subpoena, either of them may sign the subpoena on order of the subcommittee itself.

It is my understanding, although I do not see it in the request, that this subcommittee will make its report to the Senate. Maybe I overlooked that.

Mr. ROBERT C. BYRD. It is in there.

Mr. BAKER. It will make its report to the Senate, which I believe is an important aspect.

I am especially pleased that, on the suggestion of the majority leader, the Senate legal counsel and the deputy legal counsel will be involved in these proceedings. That is a good employment of their resources and talents.

Altogether, Mr. President, I believe the Senate has acted wisely and well in a difficult and sensitive political situation, and I offer my congratulations to the majority leader for his efforts in this respect.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished minority leader for his cooperation in arriving at the unanimous-consent agreement.

I thank all the other Senators whose names I have mentioned previously and, of course, I thank those whose advice and concurrence were sought, but whose names I have not mentioned, for their cooperation.

I also express my appreciation to the distinguished minority leader for the statement he has just made. I wish to say, on my own behalf, Mr. President, that this is a matter that is not going to go away. It is a matter that, in my judgment, requires the investigation which has been ordered by this consent agreement.

I believe that the Judiciary Committee, having primary jurisdiction over the matter, and certainly jurisdiction over any criminal activities that may have occurred, is the appropriate committee to conduct the investigation, with the added proviso that the Foreign Relations Committee, which has jurisdiction over the Foreign Relations Committee, which has jurisdiction over the Foreign Agents Registration Act, is appropriately represented by the unanimous-consent agreement.

I have every confidence that the acting chairman of the Judiciary Committee, Mr. BAYH, who has been asked by me to serve as chairman of the subcommittee, and the Democrats whom he will select from that committee, as well as the ranking member, Mr. THURMOND, and the Republican members whom he will select, and the two members of the Foreign Relations Committee who will be selected by Mr. BAKER and me, will discharge their duties in a responsible, honorable, admirable, and dutiful way.

It will be the responsibility of this subcommittee to act fairly and to act thoroughly and to follow leads wherever they may go. I have every confidence that they will be able to do that.

I appreciate the statement of the distinguished minority leader—if I did not misunderstand him—that this will not be a partisan matter, and I agree that it should not be a partisan matter. I am just as concerned about this matter as is any other Member of the Senate, on either side of the aisle, and just as concerned that there be an investigation; that it be fair; that it be thorough; that it be impartial, and that it be conducted on a nonpartisan basis rather than on a partisan basis.

As the distinguished minority leader has said, there are people whose names, whose reputations, whose lives, and whose honor may be involved. So I feel it the duty of the Senate to proceed forthwith.

I can understand the preference of the majority leader for a select committee; but, as he has indicated, I believe there are circumstances which, in my judgment, dictate that the procedure that has been agreed upon is the better one under the circumstances.

The Judiciary Committee is staffed and has the authority to employ additional staff. The Senate legal counsel, who I appointed, and the Senate deputy legal counsel, who was appointed by Mr. BAKER, both of whom received the formal approval of the Senate, are very able men and are being authorized and directed by the agreement to assist the chairman and the ranking member of the subcommittee which is being created by the consent agreement. This will enable the investigation to proceed immediately. There should be no delay.

I believe that the agreement that was reached with respect to the issuance of subpoenas gives to both the majority and the minority the right to subpoena witnesses, but with the cosignature each of the other. I feel that, in all respects, this is a very appropriate way to proceed.

It has been required that the subcommittee report to the Senate, and that is very appropriate; that at least an interim report be submitted by October 4, which will be either the sine die adjournment of the Senate or will be adjournment of the Senate over until after the election.

Having said that, Mr. President, I again feel indebted to the minority leader and the Members on his side of the aisle, to my own Members, especially Mr. BAYH, who will be taking on this onerous task, and to the others whose names were mentioned.

I think that about does it.

Mr. BAYH. Mr. President, I think the Senate owes the distinguished majority leader a debt of gratitude for the time and effort he expended in putting together the framework on which the special subcommittee of the Judicial Committee will undertake this very important task.

I express my deep appreciation to him for the tremendous role he played in this.

I think we also owe to the minority leader a debt of gratitude because he was willing to display a significant willingness of give and take that was necessary to put this together in a harmonious fashion.

This is a thankless task. It is an important task. It is one that I trust the subcommittee will in fact exercise in a manner in which the entire Senate can take some degree of pride.

We want this committee to act expeditiously, thoroughly, and fairly, and we shall endeavor to do just that.

Again, I am indebted to the distinguished majority leader for the critical catalytic role he played in putting this together in a way that I think the hearings that are conducted by this committee will as much as is humanly possible search the truth and follow the

tracks of these activities wherever they may lead and let the chips fall where they may.

I am confident that the Senator from South Carolina and I will be able to structure a committee in such a way that we will put on our quasi-judicial robes and we will take off the partisan remnants that occasionally adorn us every 2 years or 4 years and pursue truth. We will avoid the temptation to resort to witch hunting or playing petty expedient politics.

Let us see what the facts are and then the Senate itself, the Government of this country and more importantly, the people of this country can decide for themselves what the proper course of action should be.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Indiana (Mr. BAYH) and again I say that I have asked him to serve as chairman of the subcommittee and I have done it with the utmost confidence in his integrity and dedication to purpose.

Mr. THURMOND. Mr. President, I wish to commend the able majority leader and the able minority leader in reaching agreement as to the membership to be composed of this Subcommittee on Investigation.

It was suggested that we have a select committee of the Senate. I, like the distinguished minority leader, would have preferred that. But since that was not the decision, as the ranking member of the Judiciary Committee, who I presume now will be the vice chairman of this subcommittee, I just wish to say that it shall certainly be my intention to see that this investigation is conducted in a fair, impartial, and honest manner.

No investigation is worth anything unless it is conducted in such a manner. We are not entering upon this investigation as partisans. We are not entering upon this investigation as Democrats or Republicans. We shall enter upon this investigation with one purpose in mind, and that is to seek the truth.

We shall go after the facts, regardless of where they lead to, regardless of who it affects. It may affect individuals. It may affect people in the Government. Or it may affect other individuals in one way or another.

But this investigation from the standpoint of the vice chairman will certainly be conducted in a way that we hope will meet the approval of the American people and to do that it must be done in a fair, just, impartial, and honest manner.

Mr. BAUCUS. Mr. President, I know it is customary during these moments when the Senate is embarking upon an investigation to praise the participants who were part of putting the endeavor together. But I wish to say that I, as one who somewhat partici-

pated, probably more observed these deliberations in the last 24 hours, was very impressed with the fact that we are starting off with the right foot. The right tone is being set.

No one knows precisely where this investigation is going to go. No one knows precisely what evidence will be uncovered, and no one knows probably in any way where this investigation will lead.

But I must say I am very impressed and very proud that the participants, particularly the minority leader and the majority leader, started off on the right foot with the right tone in the spirit of bipartisanship.

There were times when the negotiations almost broke down. There were times when emotions perhaps got a little higher than they ordinarily are. But with perseverance in the effort and more important, in my judgment, because the majority leader and minority leader and those who participated above all wanted the investigation to proceed properly, we overcame those differences as small as they might be and in the end we reached agreement as to how we might proceed.

Mr. President, I must say that I think that speaks well not only for our institution, our body—and I commend the minority leader and majority leader very highly—but it also speaks well for the professional manner in which this investigation will be undertaken.

RULES OF PROCEDURE  
OF THE  
JUDICIARY SUBCOMMITTEE INVESTIGATING ACTIVITIES  
RELATING TO INDIVIDUALS REPRESENTING INTERESTS  
OF FOREIGN GOVERNMENTS

[BILLY CARTER INVESTIGATION]

[126 Cong. Rec. 21931-32 (1980)]

Rule 1. Convening of Meetings:

1.1 The subcommittee may schedule a regular day and hour for the subcommittee to meet.

1.2 The Chairman shall have authority, upon proper notice, to call such additional meetings of the subcommittee as he may deem necessary and may delegate such authority to any other member of the subcommittee.

1.3 A special meeting of the subcommittee may be called at any time upon the written request of six or more members of the subcommittee filed with the clerk of the subcommittee.

1.4 In the case of any meeting of the subcommittee, other than a regularly scheduled meeting, the clerk of the subcommittee shall notify every member of the subcommittee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, DC, and at least 48 hours in the case of any meeting held outside Washington, DC.

1.5 If six or more members of the subcommittee have made a request in writing to the Chairman to call a meeting of the subcommittee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, such members may call a meeting by filing a written notice with the clerk of the subcommittee who shall promptly notify each member of the subcommittee in writing of the date and time of the meeting.

Rule 2. Meeting Procedures:

2.1 Meetings of the subcommittee shall be open to the public, except when otherwise directed by the Chairman or majority vote of the members present.

2.2 It shall be the duty of a staff officer designated by the Chairman to keep or cause to be kept a record of all subcommittee proceedings.

2.3 The Chairman of the subcommittee shall preside over all meetings of the subcommittee. In the absence of the Chairman, the Vice Chairman shall preside.

2.4 Except as otherwise provided in these Rules, decisions of the subcommittee shall be by majority vote of the members present and voting. A quorum for the transaction of subcommittee business, including the conduct of Executive sessions, shall consist of five subcommittee members except that, for the purpose of hearing witnesses, taking sworn testimony, and receiving documentary or physical evidence, a quorum shall consist of one Senator.

Rule 3. Broadcasting, Television, and Photography:

Any Committee meeting which is open to the public may, subject to Rule 5.8, be covered, in whole or in part, by television, radio, still photography, or other media coverage, if the Chairman authorizes such coverage. When coverage by any such media is authorized it must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such media coverage in whole or in part, or take such other action as the circumstances may warrant.

Rule 4. Subpoenas:

4.1 Subpoenas for attendance of witnesses or the production of memoranda, documents, records, or any other material, and orders for the inspection of locations and systems of records, shall be authorized by the subcommittee or by the Chairman and Vice Chairman. When authorized by the subcommittee, subpoenas may be issued upon the signature of either the Chairman or the Vice Chairman, or by a member designated by the subcommittee. When authorized by the Chairman and Vice Chairman, subpoenas shall be issued upon both their signatures and thereupon each member shall be notified.

4.2 A subpoena duces tecum may be issued whose return shall occur at a time and place other than that of a regularly scheduled meeting. Upon the return of such a subpoena, any member, on two hours' telephonic notice [to] all other subcommittee members, may convene a meeting for the sole purpose of elucidating further information about the return on the subpoena and deciding any objections to the subpoena.

Rule 5. Taking of Testimony at Hearings:

5.1 Witnesses required to appear before the subcommittee shall be given, absent extraordinary circumstances, at least forty-eight hours' notice and all witnesses shall be furnished with a copy of these rules.

5.2 All witnesses at public or executive hearings who testify to matters of fact shall be sworn, unless a majority of members of the subcommittee provide otherwise.

5.3 Subcommittee interrogation shall be conducted by members of the subcommittee and by such staff personnel as are authorized by the presiding member.

5.4 Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he is testifying, of his legal rights; provided, however, that in the case of any witness who is a government officer or employee, or officer or employee of a corporation or association, the presiding member may rule that selection of counsel from the government or the corporation or association, creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government or corporation or association.

5.5 A witness who is unable to obtain counsel may inform the subcommittee of such fact, and if, consistent with the notice given under section 5.1 hereof the subcommittee is so informed at least 24 hours prior to the witness's appearance, the subcommittee shall then endeavor to obtain voluntary counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the subcommittee. Failure to obtain counsel will not excuse the witness from appearing and testifying.

5.6 Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action, which may include warning, censure, or removal and if counsel is removed, the provisions of Rule 5.5 hereof for a witness who is unable to obtain counsel shall apply.

5.7 Any witness desiring to make an introductory statement in executive or public hearings shall file a copy of such statement with the Chairman or clerk of the subcommittee 48 hours in advance of the hearings at which the statement is to be presented unless the presiding member waive[s] this requirement. The subcommittee shall determine whether such statement may be read or placed in the record of the hearing.

5.8 A witness may request, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony, television, motion picture, and other cameras and lights shall not be directed at him. Such requests shall be ruled on by the subcommittee members present at the hearing.

5.9 An accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his own testimony whether in public or executive session shall be made available for inspection by witness or his counsel under committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his expense if he so requests.

5.10 Any person who is the subject of an investigation in public hearings may submit to the Chairman of the subcommittee questions in writing for the cross-examination of [any] other witness called by the subcommittee. With the consent of a majority of the members of the subcommittee present and voting, these questions, or paraphrased versions of them, shall be put to the witness by the Chairman, by a member of the subcommittee, or by staff of the subcommittee.

5.11 Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a subcommittee member or staff, tends to defame him or otherwise adversely affect his reputation, may (a) request to appear personally before the subcommittee to testify in his own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the subcommittee for its consideration and action.

If a person requests to appear personally before the subcommittee pursuant to alternative (a) referred to herein, said request shall be considered untimely if it is not received by the Chairman of the subcommittee or its counsel in writing on or before fifteen days subsequent to the day on which said person's name was mentioned or otherwise specifically identified during a public hearing held before the subcommittee, unless the Chairman and the Vice Chairman waive this requirement.

If a person requests the filing of his sworn statement pursuant to alternative (b) referred to herein, the subcommittee may condition the filing of said sworn statement upon said person agreeing to appear personally before the subcommittee and to testify concerning the matters contained in his sworn statement, as well as any other matters related to the subject of the investigation before the subcommittee.

**Rule 6. Depositions on Notice:**

6.1 Notices for the taking of depositions shall be authorized by the Chairman and the Vice Chairman or by a staff officer designated by them. Such notices shall specify a time and place for examination, and may specify that the examination shall be in private.

6.2 The subcommittee shall not initiate procedures leading to criminal or civil enforcement proceedings in the event a witness fails to appear at a deposition unless the deposition notice was accompanied by a subcommittee subpoena.

6.3 Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rules 5.4, 5.5, and 5.6 hereof.

6.4 Witnesses shall be examined upon an oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by committee staff. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify, on the basis of relevance or privilege, the committee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a member of the subcommittee. If the member overrules the objection, he may refer the matter to the subcommittee or he may order and direct the witness to answer the question, but the subcommittee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a member of the subcommittee.

6.5 The committee staff shall see that the testimony is either transcribed or electronically recorded, or both. If a witness's testimony is transcribed, he shall be furnished with a copy of it for review. No later than five days thereafter, the staff shall enter the changes, if any, requested by the witness, with a statement of the witness's reasons for the changes, and the witness shall sign the transcript. The individual administering the oath shall then certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed, together with any electronic record, with the clerk of the subcommittee.

**Rule 7. Examinations on Commission:**

7.1 Commissions for the examination of witnesses shall be authorized and issued by the Chairman. Such commissions shall name a commissioner, who shall be authorized to appoint a time and place for examination, and to determine whether the examination shall be in public or in private.

7.2 The subcommittee shall not initiate procedures leading to criminal or civil enforcement proceedings in the event a witness fails to appear at an examination on commission unless the witness has received a subcommittee subpoena. The commission may name the witness or witnesses to be examined, or if the witnesses cannot be determined at the time of issuance of the commission, it may authorize the commissioner to name subsequently the witness or witnesses to be examined. In the event that such a commission is issued with witnesses to be named subsequently, the commissioner may be issued properly authorized subpoenas without witnesses' names. The commissioner will subsequently insert the names upon

receiving telephonic authorization from the Chairman and Vice Chairman or members designated by them to insert the names and serve the subpoenas.

7.3 Witnesses may be accompanied at an examination upon commission by counsel to advise them of their rights, subject to the provisions of Rules 5.4, 5.5, and 5.6 hereof.

7.4 Witnesses shall be examined upon an oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by the commissioner or by committee staff. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify, the provisions of Rule 6.4 hereof shall apply.

7.5 The commissioner shall see that the testimony is transcribed or electronically recorded, or both, and then reviewed, subscribed, certified, and filed, as provided by Rule 6.5 hereof.

Rule 8. Procedures for Handling of Classified or Sensitive Materials:

8.1 Subcommittee staff offices shall operate under strict security precautions. The Chairman shall request the Staff Director of the Select Senate Committee on Intelligence and the Senate Sergeant at Arms to provide assistance necessary to insure strict security.

8.2 Sensitive or classified documents and materials shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the subcommittee staff offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or subcommittee meetings, including the taking of testimony at hearings, examinations, and depositions.

8.3 The members of the Subcommittee shall at all times have access to all papers and other material received from any source subject to the security provisions of S. Res. 400. The Chairman shall designate a staff officer responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified or sensitive papers and other materials in the possession of the subcommittee, and such registry shall be available to any member of the subcommittee.

8.4 Access to categories of classified information supplied to the subcommittee shall be limited to members, and to staff members with a need-to-know, designated by the Chairman and Vice Chairman.

8.5 No testimony taken including the names of witnesses testifying, or material presented at an executive session, or classified papers and other materials received by the staff or its consultants while in the employ of the committee shall be made public, in whole or in part or by way of summary, or disclosed to any person

outside the committee unless authorized by a majority vote of the entire subcommittee, or after the termination of the subcommittee, in such manner as may be determined by the Senate.

Rule 9. Staff:

9.1 For purposes of interrogation of witnesses and security of information, under Rules 5, 6, 7, 8 and 9 officers and employees of the Office of Senate Legal Counsel shall be deemed subcommittee staff.

9.2 The staff of the subcommittee shall not discuss either the substance or procedure of the work of the subcommittee with anyone other than a member of the subcommittee or other subcommittee personnel. Upon termination of employment by the subcommittee, each member of the staff, or consultant, shall surrender all classified and other material relating to the work of the subcommittee which came into his possession while in the employ of the subcommittee.

9.3 The employment of any member of the staff or consultant who fails to conform to any of these Rules shall be immediately terminated. In the event of a serious unjustified release of information obstructing the progress of the investigation the subcommittee may vote to refer the matter to the Department of Justice.

Rule 10. Detailees and Consultants:

10.1 The Chairman shall have the authority to utilize the services, information, facilities, and personnel of the departments and agencies of the government.

10.2 The Chairman shall have the authority to procure the temporary or intermittent services of experts or consultants or organizations thereof to make studies or assist or advise the subcommittee with respect to any matter under investigation. Government personnel detailed to the subcommittee, and consultants, may be deemed subcommittee staff for purposes of Rules 5, 6, 7, 8 and 9 if the Chairman so designates in writing.

Rule 11. Changes in Rules:

These Rules may be modified, amended, or repealed by the subcommittee, provided that a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the CONGRESSIONAL RECORD.

AUTHORITY FOR CERTAIN ACTIONS BY THE STAFF OF THE  
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY**S. Res. 495, 96th Cong. (1980)**

[126 Cong. Rec. 21002-03 (1980)]

Whereas, by Order of July 24, 1980, the Senate established a subcommittee of the Committee on the Judiciary to investigate activities relating to individuals representing the interests of foreign governments;

Whereas, for the expeditious conduct of the subcommittee investigation it is necessary that its staff members examine witnesses under oath and gather evidence;

Whereas, under 5 U.S.C. § 2903(c)(2), an oath authorized under the laws of the United States may be administered by an individual authorized by local law to administer oaths in the State, District, or territory or possession of the United States where the oath is administered: Now, therefore, be it

*Resolved*, That the subcommittee of the Committee on the Judiciary to investigate activities relating to individuals representing the interests of foreign governments be authorized to issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by local law to administer oaths. Employees of the Office of Senate Legal Counsel shall be deemed staff members for purposes of this resolution.

SEC. 2. The subcommittee shall have authority to place in the record of its public or executive sessions sworn testimony and evidence obtained at examinations and depositions, but testimony and evidence so obtained shall be deemed to have been taken before the subcommittee once filed with the clerk of the subcommittee, whether or not placed in the subcommittee record.

SEC. 3. Subpoenas for staff examinations and depositions may be issued under the authority granted by Order of July 24, 1980, or under any other relevant authority. This resolution shall supplement without limiting in any way the existing authority of Senate committees and subcommittees to conduct examinations and depositions.

SEC. 4. The subcommittee may delegate to the Chairman and Vice Chairman, or to staff officers designated in writing by the Chairman and Vice Chairman, power to authorize and issue deposition notices, and may determine by subcommittee rule the procedures for conducting examinations and depositions. Subcommittee rules of procedure shall be effective immediately upon adoption by a majority of the subcommittee and a publication in the Congressional Record, notwithstanding any other provision of law.



4. SELECT COMMITTEE TO STUDY LAW ENFORCEMENT UNDERCOVER ACTIVITIES OF COMPONENTS OF THE DEPARTMENT OF JUSTICE

[ABSCAM INVESTIGATION]

**S. Res. 350, 97th Cong. (1982)**

[128 Cong. Rec. 5518–19 (1982)]

Whereas, law enforcement undercover activities by components of the Department of Justice may fulfill a useful and beneficial purpose in the investigation and prosecution of crimes against the United States;

Whereas, allegations have been raised of improprieties in the formulation and conduct of the so-called Abscam undercover operation by components of the Department of Justice;

Whereas, these allegations specifically include the allegation that in the Abscam operation attempts were made to create improper conduct on the part of certain persons (including Members of Congress), including instances where no adequate basis may have existed for suspecting the person of prior improper activity or a predisposition to commit such activity;

Whereas, these allegations respecting investigative techniques further include questions of possible prosecutorial misconduct in connection with the Abscam operation;

Whereas, these allegations may further indicate a pattern of illegal or improper targeting and investigative techniques utilized by components of the Department of Justice in law enforcement undercover operations; and

Whereas, a thorough and independent investigation by the Senate of the United States is necessary to determine the facts with respect to targeting and investigative techniques utilized in connection with law enforcement undercover operations carried out by components of the Department of Justice generally and in connection with the Abscam operation specifically; Now therefore be it

*Resolved*, That it is the purpose of this resolution to establish a select committee of the Senate to conduct an investigation and study of the activities of components of the Department of Justice in connection with their law enforcement undercover operations or of any persons, acting individually or in combination with others,

in connection with such operations, and to recommend such legislation as the committee deems necessary or desirable.

SEC. 2. (a) There is hereby established a select committee of the Senate, which may be called, for convenience of expression, the Select Committee to Study Law Enforcement Undercover Activities of Components of the Department of Justice (hereinafter referred to as the "select committee"), to conduct an investigation and study of activities of components of the Department of Justice in connection with their law enforcement undercover operations or of any persons acting individually or in combination with others, in connection with such operations, and to recommend such legislation as the select committee deems necessary or desirable.

(b) The select committee shall consist of eight members of the Senate, four majority members of the Senate to be appointed by the President of the Senate upon the recommendation of the Majority Leader of the Senate, and four minority members of the Senate to be appointed by the President of the Senate upon the recommendation of the Minority Leader of the Senate. For the purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the select committee shall not be taken into account.

(c) The majority members of the select committee shall select a vice chairman, and the minority members of the select committee shall select a vice chairman, and the select committee shall adopt rules and procedures, not inconsistent with the rules and procedures of the Senate, to govern its proceedings, and to provide for the security of records, documents, information and other materials in its custody and of its proceedings, and to prevent unauthorized disclosure of information and materials disclosed to it in the course of its investigation and study. The vice chairman shall not assume the functions of Acting Chairman in the absence of the Chairman, but shall preside over meetings of the select committee during the absence of the chairman, and shall discharge such other responsibilities as may be assigned to him by the select committee or the chairman. Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee and shall be filled in the same manner as original appointments to it are made.

(d) A majority of the members of the select committee shall constitute a quorum for the transaction of business, but the select committee may affix a lesser number as a quorum for the purpose of taking testimony before the select committee.

(e) In the event that a tie vote occurs, the pending matter then being voted upon shall be determined in accordance with the vote of the chairman.

SEC. 3. The select committee is authorized and directed to do everything necessary or appropriate to conduct the investigation and study specified in subsection (a) of section 2. Without restricting in any way the authority conferred upon the select committee by the preceding sentence, the Senate further expressly authorizes and directs the select committee to make a complete investigation and study of the activities of components of the Department of Justice or of any or all persons who may have information bearing upon the jurisdiction of the select committee, with respect to the following matters:

(1) The alleged targeting by any component of the Department of Justice of particular individuals for law enforcement undercover activities without justification.

(2) The origin and initiation of such law enforcement undercover activities, including the standards applied in determining whether and with respect to whom such activities should be employed.

(3) Continuation or modification of previously initiated law enforcement undercover activities, including the standards applied in determining whether any such ongoing activities should be employed with respect to additional individuals.

(4) The standards for termination of such law enforcement undercover activities.

(5) The techniques employed in the course of such law enforcement undercover activities, including the standards applied in determining which techniques should be employed.

(6) The management, supervision, and direction of such law enforcement undercover activities and the decision-making process with respect thereto.

(7) The management, direction, supervision, and control of undercover agents employees and informants in such law enforcement undercover activities.

(8) The coordination between or among components of the Department of Justice in connection with such law enforcement undercover activities.

(9) The activities and responsibilities of prosecutors in connection with the investigation and prosecution of cases arising out of such law enforcement undercover activities.

(10) The effectiveness of, and need for further, Executive Branch guidelines in connection with such law enforcement undercover activities.

(11) The need for specific legislation to govern such law enforcement undercover activities.

(12) The possible violation of any state or United States statute or constitutional provision, or the possible violation of any rule or regulation by any component of the Department of Justice, in con-

nection with such law enforcement undercover activities, and the extent to which innocent persons may have been harmed by such possible violations.

(13) The need for improved oversight by the Executive Branch and the Congress of such law enforcement undercover activities.

(14) The issue of whether the existing laws of the United States are adequate, either in their provisions or manner of enforcement, to safeguard the rights of American citizens, to accomplish appropriate Executive Branch and Legislative Branch control of such law enforcement undercover activities, and to give appropriate authorization for components of the Department of Justice to engage in law enforcement undercover activities.

(15) The effectiveness of, and need for further Executive Branch procedures to investigate allegations made concerning illegal, improper or unethical conduct in connection with such law enforcement undercover activities.

(16) Such other related matters as the select committee deems necessary in order to carry out its responsibilities under Section 2.

SEC. 4. (a) To enable the select committee to conduct investigations and studies into any matter within its jurisdiction, the Senate hereby empowers the select committee as an agency of the Senate (1) to employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as it deems necessary or appropriate, but it may not exceed the normal Senate salary schedules; (2) to sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate; (3) to hold hearings for taking testimony on oath or to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study; (4) to require by subpoena or otherwise the attendance as witnesses before the select committee or at depositions of any persons who may have knowledge or information concerning any of the matters the select committee is authorized to investigate and study; (5) to require by subpoena or order any department, agency, officer, or employee of the Executive Branch of the United States Government, or any person, firm, corporation, or entity to produce for its consideration or for use as evidence in the Select Committee's investigation and study any books, checks, canceled checks, correspondence, communications, documents, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters it is authorized to investigate and study which they or any of them may have in their custody or under their control; (6) to make to the Senate any recommendations the Select Committee deems appropriate with respect to the failure or refusal of any person to answer questions or give testimony before it or in a deposition or with respect to the failure or refusal of any officer

or employee of the Executive Branch of the United States Government or any person, firm, corporation, or entity, to produce before the select committee any books, checks, canceled checks, correspondence, communications, documents, financial records, papers, physical evidence, records, recordings, tapes, or materials in obedience to any subpoena or order; (7) to take depositions and other testimony under oaths administered by a member or a person otherwise authorized by law to administer oaths; (8) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946; (9) to use on a reimbursable basis, with the prior consent of the Committee on Rules and Administration, the services of personnel of any department or agency of the United States; (10) to use on a reimbursable basis or otherwise, with the prior consent of the chairman of any committee or of any subcommittee of any committee of the Senate, facilities or services of any members of the staffs of such other Senate committee or subcommittees, whenever the select committee or its chairman deems that such action is necessary or appropriate to enable the select committee to conduct the investigation and study authorized and directed by the resolution; (11) to have direct access through the agency of its members or staff, when and as designated by the select committee, to any data, evidence, information, report, analysis, or document or paper, relating to any of the matters or questions which it is authorized and directed to investigate and study which is in the custody or under the control of any department, agency, officer, or employee of the Executive Branch of the United States Government, without regard to the jurisdiction or authority of any other Senate committee, and which will aid the select committee to prepare for or conduct the investigation and study authorized and directed by the resolution, and (12) to expend to the extent it determines necessary or appropriate any moneys made available to it by the Senate to perform the duties and exercise the powers conferred upon it by this resolution and to conduct the investigation and study authorized and directed by this resolution to conduct.

(b) Subpoenas may be authorized and issued by the select committee acting through the chairman or any other member designated by him; and may be served by any persons designated by such chairman or other member anywhere within the borders of the United States. The chairman of the select committee, or any other member thereof, is hereby authorized to administer oaths to any witnesses appearing before the committee.

(c) In preparing for or conducting the investigation and study authorized and directed by this resolution, the select committee shall be empowered to exercise the powers conferred upon committees of the Senate by section 6002 of title 18, United States Code, or any other Act of Congress regulating the granting of immunity to witnesses.

(d) To assist the select committee in its investigation and study, the Senate legal counsel and deputy counsel are authorized and directed to work with and under the jurisdiction and authority of the select committee chairman and vice chairman.

(e) To assist the select committee in its investigation and study, the chairman shall appoint a committee chief counsel and the vice chairman shall appoint a committee deputy chief counsel. All clerical, investigatory, legal, technical, and other personnel who assist the select committee in its investigation and study shall provide such assistance pursuant to the direction and control of the committee chief counsel and the committee deputy chief counsel.

SEC. 5. The select committee shall have authority to recommend the enactment of any new legislation or the amendment of any existing statute which it considers necessary or desirable in accordance with its findings.

SEC. 6. The select committee shall make a final report of the results of the investigation and study conducted by it pursuant to this resolution, together with its findings and its recommendations as to new congressional legislation or any administrative or other action it deems necessary or desirable, to the Senate at the earliest practicable date, but no later than December 15, 1982. The select committee may also submit to the Senate such interim reports as it considers appropriate. After submission of its final report, the select committee shall have until January 15, 1983, to close its affairs, and on such date shall cease to exist.

SEC. 7. The expenses of the select committee through December 15, 1982, shall not exceed \$250,000. Such expenses shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

RULES OF THE SELECT COMMITTEE TO STUDY LAW ENFORCEMENT UNDERCOVER ACTIVITIES OF COMPONENTS OF THE DEPARTMENT OF JUSTICE

[128 Cong. Rec. 6992–93 (1982)]

RULE 1. CONVENING OF MEETINGS AND HEARINGS

1.1 Meetings. The committee shall hold its regular meetings every Wednesday when the Senate is in session. The chairman may call additional meetings or cancel regular meetings. The members of the committee may call special meetings as provided in Senate Rule XXVI(3).

1.2 Notice. The committee shall make public announcement of the date, place, and subject matter of any hearing at least one week before its commencement. A hearing may be called on shortened notice if the chairman, with the concurrence of the vice chairman, determines that there is good cause to begin such hearing at an earlier date.

1.3 Presiding officer. The chairman shall preside when present. If the chairman is not present at any meeting or hearing, the vice chairman shall preside. The chairman may designate any member of the committee to preside over the conduct of a meeting or hearing in the absence of the chairman or vice chairman.

RULE 2. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

2.1 Procedure. All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed session to discuss whether the meeting or hearing will concern the matters enumerated in Rule 2.3. Immediately after such discussion the committee shall return to open session and the meeting or hearing may then be closed by a record vote, including proxy votes, in open session of a majority of the members of the committee.

2.2 Witness request. Any witness called for a hearing may submit a written request to the chairman no later than twenty-four hours in advance for his examination to be in closed or open session. The chairman shall inform the committee of any such request, and the committee shall take such action pursuant to Rule 2.1 as it deems appropriate.

2.3 Closed session subjects. A meeting or hearing or portion thereof may be closed if the matters to be discussed concern: (1) national security; (2) committee staff personnel or internal staff management or procedure; (3) matters tending to reflect adversely on the character or reputation or to invade the privacy of any individuals; (4) matters which will disclose the identity of any informer or undercover law enforcement agent or will disclose any information

relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or (5) other matters enumerated in Senate Rule XXVI(5)(b).

#### 2.4 Broadcasting.

(a) Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the presiding officer may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

(b) Request. A witness may request of the presiding officer on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony cameras, media microphones, and lights shall not be directed at him, and the presiding officer may take such action as he deems appropriate in response to the request.

### RULE 3. QUORUMS AND VOTING

3.1 Reporting. Five members shall constitute a quorum for reporting a matter or recommendation to the Senate. A quorum must be physically present at the time of the final vote on reporting.

3.2 Other committee business. Three members shall constitute a quorum for the conduct of any committee business other than a final vote on reporting, providing a member of the minority is present. One member shall constitute a quorum for hearing testimony.

3.3 Proxies. Proxies shall be in writing, and shall be filed with the chief clerk by the absent member or by a member present at the meeting. Proxies shall contain sufficient reference to the pending matter to show that the absent member has been informed of it and has affirmatively requested that he be recorded as voting on it. Proxies shall not be counted towards a quorum.

#### 3.4 Polling.

(a) Subjects. The committee may poll only (1) internal committee matters including the committee's staff records, and budget; (2) authorization for steps in the investigation, including the authorization and issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; (3) other committee business, not including a final vote on reporting to the Senate, which has been designated for polling at a meeting.

(b) Procedure. The chairman shall circulate polling sheets to each member specifying the matter being polled and the time limit for completion of the poll. If any member so requests, the matter shall be held for meeting rather than being polled. The chief clerk shall

keep a record of polls; if the chairman, with the approval of a majority of the members, determines that the polled matter is in one of the areas enumerated in Rule 2.3, the record of the poll shall be confidential. Any member may move at the committee meeting following a poll for a vote on the polled decision.

#### RULE 4. SUBPOENAS

4.1 Authorization. Subpoenas may be authorized by the committee or by the chairman, and may be issued by the chairman or by any other member designated by him. The chief clerk shall keep a log, and a file, of all subpoenas issued by the committee.

4.2 Return. A subpoena duces tecum or order to an agency for documents may be issued whose return shall occur at a time and place other than that of a scheduled hearing. When a return on such a subpoena or order is incomplete or accompanied by an objection, the chairman may convene a meeting or hearing on shortened notice to determine the adequacy of the return and to rule on the objection, or may refer the issues raised by the return for decision by poll of the committee. At a meeting or hearing on such a return, one member shall constitute a quorum.

#### RULE 5. HEARINGS

5.1 Notice. Witnesses called before the committee shall be given at least 48 hours notice absent a determination by the chairman of extraordinary circumstances, and all witnesses called shall be furnished with a copy of Senate Resolution 350 and of these rules.

5.2 Oath. All witnesses who testify to matters of fact shall be sworn unless the committee votes to waive the oath. The chairman, or any member, shall administer the oath.

5.3 Statement. Any witness desiring to make an introductory statement shall file 3 copies of such statement with the chairman or clerk of the committee 48 hours in advance of his appearance, unless the chairman and vice chairman determine that there is good cause for a witness's failure to do so. A witness may be required to summarize his or her prepared statement if it exceeds ten minutes.

#### 5.4 Counsel.

(a) Presence. A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or deposition or staff interview to advise such witness of his rights; provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the chairman or the committee may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that

the witness shall be represented by personal counsel not from the government, corporation or association or not representing other witnesses.

(b) Indigence. A witness who is unable for economic reasons to obtain counsel may inform the committee at least 48 hours prior to the witness's appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the committee. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(c) Conduct. Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action, which may include warning, censure, or ejection. If counsel is disciplined, the provisions of Rule 5.4(b) for a witness who is unable to obtain new counsel shall apply.

5.5 Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in closed and public hearings. Upon his request and at his expense, a copy of or access to a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his transcript, within a time limit set by the committee clerk a witness may request changes in the transcript to correct errors of transcription, grammatical errors, and obvious errors of fact; the chairman or a staff officer designated by him shall rule on such requests.

5.6 Impugned persons. Any person who believes that evidence presented, or comment made by a member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his character or adversely affect his reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the committee to testify in his own behalf; or

(c) submit questions in writing which he requests be used for the cross-examination or [of] witnesses called by the committee. The chairman shall inform the committee of such requests for appearance or cross-examination. If the committee so decides, the requested questions, or paraphrased versions or portions of them, shall be put to the other witnesses by a member or by staff.

5.7 Additional witnesses. Any three members of the committee shall be entitled, upon request made to the chairman, to call additional witnesses or to require the production of documents during at least one day of hearing. Such request must be made before the completion of the hearing or, if subpoenas are required, no later than three days before the completion of the hearing.

## RULE 6. DEPOSITIONS AND EXAMINATION OF RECORDS

6.1 Notice. Notices for the taking of depositions shall be authorized and issued by the chairman or by a staff lawyer designated by him. Such notices shall specify a time and place for examination, and the name of the staff lawyer or lawyers 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 subpoena authorized by the committee or the chairman.

6.2 Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule 5.4.

6.3 Procedure. Witnesses shall be examined upon oath administered by a member or an individual authorized by local law to administer oaths. Questions shall be propounded orally by staff lawyers. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the committee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the chairman of the committee or a member designated by him. If the chairman or designated member overrules the objection, he may refer the matter to the committee or he may order and direct the witness to answer the question, but the committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been so ordered and directed to answer.

6.4 Filing. The committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy or access to a copy for review. No later than five days thereafter, if a copy is provided the witness shall return it with his or her signature, and the staff may enter the changes, if any, requested by the witness in accordance with Rule 5.5. If the witness fails to return a signed copy the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the committee clerk. Committee staff may stipulate with the witness to changes in his procedure. Objections to errors in his procedure which might be cured if promptly presented are waived unless timely objection thereto is made.

6.5 Examination of records. The committee or the chairman may authorize the staff to inspect locations or systems of records on behalf of the committee.

RULE 7. PROCEDURES FOR HANDLING OF SENSITIVE OR CONFIDENTIAL MATERIALS

7.1 Security. Committee offices shall operate under strict security precautions. The chairman may request the Senate Sergeant at Arms to provide assistance necessary to insure strict security.

7.2 Sensitive or confidential materials. The chairman may designate categories of sensitive or confidential materials, which shall be segregated in a secure storage area. The chairman may also enter into agreements to obtain materials and information under assurances concerning confidentiality. Each member of the committee shall be notified of such agreements.

7.3 Access. Members may designate individuals on their staffs to have access to committee materials subject to the rules concerning nondisclosure applicable to committee staff. Staff access to materials may be limited by the chairman and vice chairman or by staff officers designated by them to protect the confidentiality of materials.

7.4 Nondisclosure. No testimony taken including the names of witnesses testifying, or material presented, in depositions or at closed hearings, and no confidential materials or information, shall be made public, in whole or in part or by way of summary, or disclosed to anyone outside the committee and individuals designated on members' staffs, unless authorized by the committee or the chairman. Allegations concerning unauthorized disclosure may be resolved by the committee or may be referred by a majority vote of the committee to the Select Committee on Ethics. The employment of any member of the staff who fails to conform to these rules may be immediately terminated.

RULE 8. STAFF

8.1 Detailees and consultants. The chairman shall have authority to use on a reimbursable basis, with the prior consent of the Committee on Rules and Administration, the services of personnel of any department or agency of the United States and shall have authority to procure the temporary or intermittent services of individual consultants of organizations.

8.2 Applicability of rules. For purposes of Rules 6 and 7 of these rules, the officers and employees of the Office of Senate Legal Counsel shall be deemed committee staff.

## RULE 9. EFFECTIVE CHANGES IN RULES

9.1 These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the committee so long as any witnesses who may be effected by the change in rules are provided with them.



5. SELECT COMMITTEE ON SECRET MILITARY ASSISTANCE  
TO IRAN AND THE NICARAGUAN OPPOSITION

[IRAN/CONTRA INVESTIGATION]

**S. Res. 23, 100th Cong. (1987)**

[133 Cong. Rec. 782 (1987)]

*Resolved,*

ESTABLISHMENT OF THE SELECT COMMITTEE

SECTION 1. (a) There is established a select committee of the Senate to be known as the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition (hereafter in this resolution referred to as the “select committee”).

(b) The purpose of the select committee is—

(1) to conduct an investigation into, and study of, all matters which have any tendency to reveal the full facts about—

(A) any activity of—

(i) the National Security Council or of any member or staff thereof,

(ii) any other department, agency, or entity of the United States Government or of any officer or employee thereof,

(iii) any foreign government, or of any agency or instrumentality thereof, or of any officer or employee thereof, or

(iv) any other individual, group, corporation, entity, or organization, which relates to—

(I) the direct or indirect sale, shipment, or other provision of arms, or the direct or indirect provision of materiel, funds, or other assistance, to Iran,

(II) the use of the proceeds from any transaction described in subclause (I) to provide assistance to any faction or insurgency in Nicaragua or in any other foreign country, or to further any political purpose or activity within the United States, or to further any other purpose of any nature whatsoever,

(III) the generation and use of any other money, item of value, or service to provide assistance to the Nicaraguan democratic resistance, or

(IV) the provision of coordination of support for persons or entities engaged as insurgents in armed conflict with the Government of Nicaragua, in order to determine whether any such activity was illegal, improper, unauthorized, or unethical;

(B) any other activity, circumstance, material, or transaction having a tendency to prove or disprove that any official of the United States Government, or any other person, acting either individually or in combination with others, engaged in any activity which was illegal, improper, unauthorized, or unethical, in connection with any activity described in subclause (I), (II), (III), or (IV) of clause (A) or in connection with the operations described in clause (C); and

(C) the suitability of the structure and operations of the National Security Council, and persons serving as staff, consultants, or agents thereto, for any function related to the formulation, implementation, or conduct of American national security policy; and

(2)(A) to make such findings of fact as are warranted and appropriate;

(B) to make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the select committee may determine to be necessary or desirable; and

(C) to fulfill the Constitutional oversight and informing function of the Congress with respect to the matters described in this section.

(c) For purposes of this section, the term "Iran" includes the Government of Iran, any agency or instrumentality thereof, any officer or employee thereof, or any person purporting to represent the Government of Iran or any agency or instrumentality thereof, any national of Iran, or any person located in Iran.

#### MEMBERSHIP AND ORGANIZATION OF THE SELECT COMMITTEE

SEC. 2. (a)(1) The select committee shall consist of eleven members of the Senate, six of whom shall be appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate, and five of whom shall be appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate.

(2) Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee and shall be filled in the same manner as original appointments to it are made.

(3) For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the select committee shall not be taken into account.

(b)(1) The chairman of the select committee shall be selected by the Majority Leader of the Senate and the vice chairman of the select committee shall be selected by the Minority Leader of the Senate. The vice chairman shall discharge such responsibilities as the select committee or the chairman may assign.

(2) A majority of the voting members of the select committee shall constitute a quorum for reporting a matter or recommendation to the Senate, except that the select committee may fix a lesser number as a quorum for the purpose of taking testimony before the select committee or for conducting the other business of the select committee.

(c)(1) The select committee shall promptly adopt rules and procedures not inconsistent with the rules and procedures of the Senate.

(2) The rules and procedures of the select committee shall—

(A) govern the proceedings of the select committee; and

(B) consistent with section 6 of this resolution—

(i) provide for the security of the records of the select committee and the protection of classified information and materials; and

(ii) prevent the unauthorized disclosure of information and materials obtained by the select committee in the course of its investigation and study.

#### STAFF OF THE SELECT COMMITTEE

SEC. 3. (a)(1) To assist the select committee in its investigation and study, the chairman, after consultation with the vice chairman and the approval of the select committee, shall appoint the commitment staff.

(2) All staff shall work for the select committee as a whole, shall report to the chairman and vice chairman and, except as otherwise provided by the select committee, shall be under the direction of the chairman.

(b) To assist the select committee in its investigation and study, the Senate Legal Counsel and Deputy Senate Legal Counsel shall work with and under the jurisdiction and authority of the select committee.

(c) The Majority and Minority leaders of the Senate may each designate one staff person to serve on the staff of the select committee to serve as their liaison to the select committee.

(d) The Comptroller General of the United States is requested to provide from the General Accounting Office whatever personnel, in-

vestigatory, material, or other appropriate assistance may be required by the select committee.

PUBLIC ACTIVITIES OF THE COMMITTEE

SEC. 4. (a) Consistent with—

- (1) the rights of persons subject to investigation and inquiry,
- (2) considerations of national security, including the protection of sources and methods of intelligence gathering and analysis, and
- (3) the interests of the relationship of the United States with other nations;

the select committee shall make every effort to fulfill the right of the public and the Congress to know the essential facts and implications of the activities of officials of the United States Government and other persons and entities with respect to the matters under investigation and study as described in section 1.

(b) In furtherance of the public's and Congress' right to know, the select committee—

- (1) shall hold, as it considers appropriate, open hearings;
- (2) may make interim reports to the Senate as it considers appropriate; and
- (3) shall make a final comprehensive public report to the Senate which contains a description of all relevant factual determinations consistent with subsection (a) of this section and section 1(b)(2) and which contains recommendations for new legislation and other actions pursuant to the goal of an open, lawful, and effective conduct of American national security policy and, when necessary, lawful intelligence activities in support of American national security policy.

(c) The decision as to what matters shall be heard in closed or open session shall be determined by the select committee in accordance with paragraph 5(b) of rule XXVI of the Standing Rules of the Senate.

POWERS OF THE SELECT COMMITTEE

SEC. 5. (a) The select committee shall do everything necessary and appropriate under the laws and Constitution of the United States to make the investigation and study specified in section 1.

(b) The select committee is authorized to issue subpoenas for obtaining testimony and for the production of documentary or physical evidence. A subpoena may be authorized and issued by the select committee, acting through the chairman or any other member designated by the chairman, and may be served by any person designated by such chairman or other member anywhere within or without the borders of the United States to the full extent per-

mitted by law. The chairman of the select committee, or any other member thereof, is authorized to administer oaths to any witnesses appearing before the committee.

(c) The select committee may exercise the powers conferred upon committees of the Senate by sections 6002 and 6005 of title 18, United States Code.

(d) The select committee is authorized to do the following:

(1) To employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as the select committee considers necessary or appropriate.

(2) To sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

(3) To hold hearings for taking testimony under oath or to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study.

(4) To require by subpoena or order the attendance, as witnesses before the select committee or at depositions, of any person who may have knowledge or information concerning any of the matters the select committee is authorized to investigate and study.

(5) To take depositions and other testimony under oath anywhere within the United States or in any other country, to issue orders by the chairman or any other member designated by the chairman which require witnesses to answer written interrogations under oath, to make application for issuance of letters rogatory, and to request, through appropriate channels, other means of international assistance, as appropriate.

(6) To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by local law to administer oaths. The select committee, acting through the chairman, may authorize and issue, and may delegate to designated staff members the power to authorize and issue, commissions and deposition notices.

(7) To require by subpoena or order—

(A) any department, agency, entity, officer, or employee of the United States Government,

(B) any person or entity purporting to act under color or authority of State or local law, or

(C) any private person, firm, corporation, partnership, or other organization,

to produce for its consideration or for use as evidence in the investigation or study of the select committee any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record,

recording, tape, or any other material relating to any of the matters or questions such committee is authorized to investigate and study which they or any of them may have in their custody or under their control.

(8) To make to the Senate any recommendations, including recommendations for criminal or civil enforcement, which the select committee may consider appropriate with respect to—

(A) the willful failure or refusal of any person to appear before it, or at a deposition, or to answer interrogatories, in obedience to a subpoena or order;

(B) the willful failure or refusal of any person to answer questions or give testimony during his appearance as a witness before such committee, or at a deposition, or in response to interrogatories; or

(C) the willful failure or refusal of—

(i) any officer or employee of the United States Government,

(ii) any person or entity purporting to act under color or authority of State or local law, or

(iii) any private person, partnership, firm, corporation, or organization,

to produce before the committee, or at a deposition, or at any time or place designated by the committee, any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record, recording, tape, or any other material in obedience to any subpoena or order.

(9) To procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(10) To use on a reimbursable basis, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration of the Senate, the services of personnel of such department or agency.

(11) To use, with the prior consent of the chairman of any other Senate committee or the chairman of any subcommittee of any committee of the Senate, the facilities or services of any members of the staff of such other Senate committee whenever the select committee or its chairman considers that such action is necessary or appropriate to enable the select committee to make the investigation and study provided for in this resolution.

(12) To have access through the agency of any members of the select committee, staff director, chief counsel, or any of its investigatory assistants designated by the chairman, to any data, evidence, information, report, analysis, document, or paper—

(A) which relates to any of the matters or questions which the select committee is authorized to investigate or study;

(B) which is in the custody or under the control of any department, agency, entity, officer, or employee of the United States Government, including those which have—

(i) the power under the law of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States; or

(ii) the authority to, or which in fact has, conducted intelligence gathering or intelligence activities, without regard to the jurisdiction or authority of any other Senate committee; and

(C) which will aid the select committee to prepare for or conduct the investigation and study authorized and directed by this resolution.

(13) To report violations of any law to the appropriate Federal, State, or local authorities.

(14) To expend, to the extent the select committee determines necessary and appropriate, any moneys made available to such committee by the Senate to make the investigation, study, and reports authorized by this resolution.

(e) The level of compensation payable to any employee of the select committee shall not be subject to any limitation on compensation otherwise applicable to an employee of the Senate.

#### PROTECTION OF CONFIDENTIAL AND CLASSIFIED INFORMATION

SEC. 6. (a)(1) Before being given access to any classified information, any member of the staff of, or consultant to, the select committee shall have the appropriate security clearance and a need to know such information. The chairman of the select committee shall decide which select committee staff members and consultants are required to have security clearances.

(2) All staff members and consultants shall, as a condition of employment, agree in writing to abide by the conditions of an appropriate nondisclosure agreement promulgated by the select committee.

(3) The case of any Senator who violates the security procedures of the select committee may be referred to the Select Committee on

Ethics of the Senate for the imposition of sanctions in accordance with the rules of the Senate. Any staff member or consultant who violates the security procedures of the select committee shall immediately be subject to removal from office or employment with the select committee or shall be subject to such other sanction as may be provided in the rules of the select committee.

(b)(1) Any classified information obtained by the select committee either directly from the Executive branch of the United States Government, through the Select Committee on Intelligence of the Senate, or by other means, shall be disclosed only in the same manner in which such information may be disclosed under the provisions of section 8 of Senate Resolution 400 (Ninety-fourth Congress, second session), except that references to the Select Committee on Intelligence in such section shall be deemed to be references to the select committee established under this resolution.

(2) The select committee shall make suitable arrangements, in consultation with the Select Committee on Intelligence of the Senate, for the physical protection and storage of classified information provided to the select committee.

(3) Upon the termination of the select committee pursuant to section 9 of this resolution, all records, files, documents, and other materials in the possession, custody, or control of the select committee, under appropriate conditions established by such committee, shall be transferred to the Select Committee on Intelligence of the Senate.

#### RELATION TO OTHER INVESTIGATIONS

SEC. 7. (a) In order to—

(1) expedite the thorough conduct of the investigation and study authorized by this resolution,

(2) promote efficiency among all the various investigations underway in all branches of the United States Government, and

(3) engender a high degree of confidence on the part of the public regarding the conduct of such investigation, the select committee is encouraged—

(A) to seek the full cooperation of all relevant investigatory bodies, and

(B) to seek access to all information which is acquired and developed by such bodies.

(b)(1) The Select Committee on Intelligence is hereby directed to prepare and provide to the select committee, in closed session a report of its investigation into matters described in section 1 of this resolution, which report shall include a summary of the testimony and chronology of events developed by the Select Committee on In-

telligence, together with a listing of unresolved questions and issues which it recommends be pursued by the select committee as soon as possible, and the select committee may release as much of the information in such report to the public as it deems advisable, consistent with the interest of the public and national security, and is deemed by the committee to be in the public interest after a determination by such committee that the public interest would be served by such disclosure.

(2) The select committee, through its members and appropriate staff, shall be provided full access to all records, files, documents and other materials in the possession, custody, or control of the Select Committee on Intelligence of the Senate, obtained or produced by the Select Committee on Intelligence of the Senate with respect to any matter described in section 1 of this resolution.

(3) All subpoenas issued by the Select Committee on Intelligence of the Senate on any matter described in section 1 of this resolution shall continue in force and may be enforced by the select committee as if issued by the select committee.

(c) The Senate requests that any independent counsel appointed pursuant to chapter 39 of title 28, United States Code, to investigate any matter related to a matter described in section 1 of this resolution, make available to the select committee, as expeditiously as possible, all documents and information which may assist the select committee in its investigation and study.

#### SALARIES AND EXPENSES

SEC. 8. Such sums as are necessary shall be available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations for payment of salaries and other expenses of the select committee under this resolution, which shall include sums which shall be available for the procurement of the services of individual consultants or organizations thereof, in accordance with section 5(d)(9). Payment of expenses shall be disbursed upon vouchers approved by the chairman of the select committee, except that vouchers shall not be required for the disbursement of salaries paid at an annual rate.

#### REPORTS; TERMINATION

SEC. 9. (a)(1) The select committee shall make a final public report to the Senate of the results of the investigation and study conducted by such committee pursuant to this resolution, together with its findings and any recommendations at the earliest practicable date, but not later than August 1, 1987: *Provided*, That on or before August 1, 1987 a privilege motion made by the majority leader, to be debatable for no more than 1 hour, in the usual form,

shall be in order, namely, "I move that the time be extended from August 1, 1987 to October 30, 1987 for the investigation by and final report of the select committee." The select committee shall also submit to the Senate such interim reports as it considers appropriate.

(2) The final report of the select committee may be accompanied by whatever classified or confidential annexes are necessary to protect classified or confidential information, particularly intelligence sources and methods.

(b) After submission of its final report, the select committee shall conclude its business and close out its affairs as expeditiously as practicable.

RULES OF PROCEDURE  
OF THE  
SELECT COMMITTEE ON SECRET MILITARY ASSISTANCE  
TO IRAN AND THE NICARAGUAN OPPOSITION

[Adopted January 15, 1987; as amended, 133 Cong. Rec. 1888-90, 6412, 10935  
(1987)]

RULE 1. CONVENING OF MEETINGS AND HEARINGS

1.1 *Meetings.* The committee shall meet at the call of the chairman. The members of the committee may call special meetings as provided in Senate Rule XXVI(3).

1.2 *Notice.* The committee shall publicly announce the date, place, and subject matter of any hearing at least one week before its commencement. A hearing may be called on shorter notice if the chairman, after consultation with the vice chairman, determines that there is good cause to begin it at an earlier date.

1.3 *Presiding Officer.* The chairman shall preside when present. If the chairman is not present at any meeting or hearing, the vice chairman shall preside. The chairman may designate any member of the committee to preside in the absence of the chairman or vice chairman.

RULE 2. CLOSED SESSIONS

2.1 *Procedure.* All meetings and hearings shall be open to the public unless closed. To close all or part of a hearing or meeting, or a series of hearings or meetings for a period of no more than 14 days, the committee shall vote in open session by a record vote, including proxy votes, of a majority of the members of the committee. If discussion is necessary, a motion shall be made and seconded to go into closed session to discuss whether the meeting or hearing will concern the matters enumerated in Rule 2.2 Immediately after such discussion the committee shall return to open session and the meeting or hearing may then be closed by a record vote.

2.2 *Closed Session Subjects.* A meeting or hearing may be closed if the matters to be discussed concern: (1) national security or the confidential conduct or foreign relations; (2) committee staff personnel or internal staff management or procedure; (3) matters tending to reflect adversely on the character or reputation, or to invade the privacy, of any individuals; (4) matters that will disclose the identity of any informer or undercover law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the inter-

ests of effective law enforcement; or (5) other matters enumerated in Senate Rule XXVI(5)(b).

2.3 *Witness Request.* Any witness may submit to the chairman, no later than 24 hours in advance of a hearing, a written request to be examined in closed or open session. The chairman shall inform the committee of the request, and the committee shall take such action pursuant to Rule 2.1 as it deems appropriate.

2.4 *Broadcasting.*

(a) *Control.* Any meeting or hearing open to the public may be covered by television, radio, or still photography. Coverage must be conducted in an orderly and unobtrusive manner, and the presiding officer may for good cause terminate coverage in whole or in part or take other action to promote orderly proceedings.

(b) *Request.* A witness may request of the presiding officer on grounds of distraction, harassment, personal safety, or physical discomfort that during his or her testimony cameras, media microphones, and lights shall not be directed at the witness, and the presiding officer may take such action as he deems appropriate.

RULE 3. QUORUMS AND VOTING

3.1 *Reporting.* Six members shall constitute a quorum for reporting a matter or recommendation to the Senate.

3.2 *Other Business.* Six members, or four members providing that a member of the majority is present, shall constitute a quorum for the conduct of other business.

3.3 *Testimony.* One member shall constitute a quorum for hearing testimony.

3.4 *Proxies.* Proxies shall be in writing, and shall be filed with the chief clerk by the absent member or by a member present at the meeting. Proxies shall contain sufficient reference to the pending matter to show that the absent member has been informed of it and has affirmatively requested that he be recorded as voting on it. Proxies shall not be counted towards a quorum.

3.5 *Polling.*

(a) *Subjects.* The committee may poll only (1) internal committee matters including the committee's staff, records, and budget; (2) authorization for steps in the investigation, including the authorization and issuance of subpoenas and deposition notices, applications for immunity orders, and requests for documents; (3) other committee business, not including a vote on reporting to the Senate, that the committee at a meeting has designated for polling at a subsequent time.

(b) *Procedure.* At the direction of the committee or the chairman, as provided in Rule 3.5(a), polling sheets shall be circulated to each member specifying the matter being polled and the time limit for

completion of the poll. If any member so requests, the matter shall be held for consideration at a meeting. The chief clerk shall keep a record of polls; if the chairman, with the approval of a majority of the members, determines that the polled matter is in one of the areas enumerated in Rule 2.3, the record of the poll shall be confidential.

#### RULE 4. SUBPOENAS

4.1 *Authorization.* Subpoenas may be authorized by the committee or by the chairman and may be issued by the chairman or by any other member designated by him. The chief clerk shall keep a log, and a file, of all subpoenas.

4.2 *Return.* A subpoena duces tecum or order for documents may be issued whose return shall occur at a deposition or at another time and place other than at a hearing. When a return on such a subpoena or order is incomplete or accompanied by an objection, the chairman may convene a meeting or hearing on shortened notice to determine the adequacy of the return and to rule on the objection or may refer the issues raised by the return for decision by poll of the committee. At a meeting or hearing on such a return, one member shall constitute a quorum.

#### RULE 5. HEARINGS

5.1 *Notice.* Witnesses shall be given at least 48 hours notice, unless the chairman determines that extraordinary circumstances warrant shorter notice, and all witnesses shall be furnished with a copy of Senate Resolution 23 and of these rules.

5.2 *Oath.* All witnesses who testify to matters of fact shall be sworn unless the committee authorizes waiver of an oath.

5.3 *Statement.* Any witness desiring to make an introductory statement shall file 20 copies of the statement with the chairman or chief clerk 48 hours in advance of the appearance, unless the chairman determines that there is good cause for a witness's failure to do so. A witness may be required to summarize a prepared statement if it exceeds ten minutes. Unless the committee determines otherwise, a witness who appears before the committee under a grant of immunity shall not be permitted to make a statement or testify except to respond directly to questions posed by committee members or committee staff.

#### 5.4 *Counsel.*

(a) *Presence.* A witness's counsel shall be permitted to be present during the witness's testimony at any public or closed hearing or deposition or staff interview to advise the witness of his or her rights; provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or as-

sociation, the chairman or the committee may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association or not representing other witnesses.

(b) *Inability to Obtain Counsel.* A witness who is unable for indigence or other reason to obtain counsel shall inform the committee at least 48 hours prior to the witness's appearance, and the committee will endeavor to obtain volunteer counsel for the witness. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(c) *Conduct.* Counsel shall behave in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject counsel to disciplinary action, which may include warning, censure, or ejection.

5.5 *Transcript.* An accurate electronic or stenographic record shall be kept of all testimony in closed and public hearings. At a witness's request and expense, access to a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting the transcript, within a time limit set by the chief clerk, a witness may in writing request changes in the transcript to correct errors of transcription, grammatical errors, and obvious errors of fact; the chairman or a staff officer designated by him shall rule on such requests.

5.6 *Impugned Persons.* Any person who believes that evidence presented, or comment made by a member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) file a sworn statement of the facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the committee to testify in his or her own behalf; or

(c) request that submitted written questions be used for the cross-examination of witnesses called by the committee. The chairman shall inform the committee of requests for appearance or cross-examination. If the committee so decides, the requested questions, or paraphrased versions or portions of them, shall be put to the other witnesses by a member or by staff.

5.7 *Additional Witnesses.* Any three members of the committee shall be entitled, upon a timely request made to the chairman, to call additional witnesses or to require the production of documents during at least one day of hearing.

RULE 6. DEPOSITIONS, EXAMINATION OF RECORDS, AND  
INTERROGATORIES

6.1 *Deposition Notices.* Notices for the taking of depositions shall be authorized and issued by the chairman or by a staff member designated by him. Such notices shall specify a time and place for examination, and the name of the staff member or members 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 subpoena authorized by the committee or the chairman.

6.2 *Counsel at Depositions.* Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule 5.4.

6.3 *Deposition Procedure.* Witnesses at depositions shall be examined upon oath administered by a member or an individual authorized by local law to administer oaths. Questions shall be propounded orally by staff members. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the committee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the chairman of the committee or a member designated by him. If the chairman or designated member overrules the objection, he may refer the matter to the committee or he may order and direct the witness to answer the questions, but the committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after having been ordered and directed to answer.

6.4 *Filing of Depositions.* The committee staff shall see that deposition testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy, or access to a copy, for review. No later than five days thereafter, if a copy is provided, the witness shall return it with his or her signature, and the staff may enter the changes, if any, requested by the witness in accordance with Rule 5.5. If the witness fails to return a signed copy the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk. Committee staff may stipulate with the witness to changes in this procedure. Objections to errors in this procedure that might be cured if promptly presented are waived unless timely objection is made.

6.5 *Examination of Records.* The committee or the chairman may authorize the staff to inspect locations or systems of records on behalf of the committee.

6.6 *Written Interrogatories.* Written interrogatories may be authorized and issued by the chairman or by any member designated by the chairman and shall specify a date for filing an answer with the chief clerk. Written interrogatories shall be answered under oath.

RULE 7. PROCEDURES FOR HANDLING OF SENSITIVE OR CLASSIFIED MATERIALS

7.1 *Security.* Committee offices shall operate under strict security precautions. The chairman may request the Senate Sergeant at Arms to provide assistance necessary to ensure strict security.

7.2 *Sensitive or Classified Materials.* Sensitive or classified materials shall be segregated in a secure storage area. The committee shall adopt security regulations governing the handling of sensitive or classified materials. The chairman may enter into agreements to obtain materials and information under assurances concerning confidentiality. Each member of the committee shall be notified of such agreements.

7.3 *Access.* Staff access to classified materials shall be limited to staff members with appropriate security clearances and a need to know. The committee shall adopt internal guidelines governing staff access to particular categories of classified materials, which shall be applied by the chairman and vice chairman. Staff access to sensitive materials may be limited by the chairman and vice chairman.

7.4 *Nondisclosure.* No member of the committee or its staff shall disclose, in whole or in part or by way of summary, to any person outside the committee and its staff, for any purpose or in connection with any proceeding, judicial or otherwise, any testimony taken, including the names of witnesses testifying, or material presented, in depositions or at closed hearings, or any confidential materials or information, unless authorized by the committee or the chairman, and, for classified materials or information, pursuant to the provisions of section 8 of Senate Resolution 400 of the 94th Congress.

7.5 *Nondisclosure Agreement.* All members of the committee staff shall agree in writing, as a condition of employment, to abide by the conditions of the nondisclosure agreement promulgated by the committee pursuant to section 6(a)(2) of Senate Resolution 23.

7.6 *Violations.* Allegations concerning unauthorized disclosure may be addressed by the committee or may be referred by a majority vote of the committee to the Select Committee on Ethics. Any

member of the staff who fails to conform to the provisions of Rule 7 shall be subject to disciplinary sanction, including termination of employment.

*7.7 Applicability of Rules.* For purposes of Rules 6 and 7, committee staff include the employees of the committee, staff designated by the members, with the approval of the chairman, to work on committee business, the officers and employees of the Office of Senate Legal Counsel who are requested by the chairman to work on committee business, and detailees and consultants to the committee.

#### RULE 8. DETAILEES AND CONSULTANTS

The chairman shall have authority to use on a reimbursable basis, with the prior consent of the Committee on Rules and Administration, the services of personnel of any department or agency of the United States and shall have authority to procure the temporary or intermittent services of individual consultants or organizations.

#### RULE 9. EFFECTIVE CHANGES IN RULES

9.1 These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the committee so long as any witnesses who may be affected by the change in rules are provided with them.

#### RULE 10. JOINT HEARINGS

10.1 The Committee may conduct hearings jointly with the House Select Committee to Investigate Covert Arms Transactions with Iran.

10.2 Rules 3.2, 3.5, 5, 6.1–6.10, and 6.12 of the House Select Committee, to the extent that they are inconsistent with the rules of this Committee, shall govern hearings conducted jointly by the two Committees, when such hearings are held in facilities provided by the House.

10.3 Notwithstanding Rule 10.2, all such joint hearings shall for all purposes be considered hearings of this Senate Committee.



6. SPECIAL COMMITTEE ON INVESTIGATIONS OF THE  
SELECT COMMITTEE ON INDIAN AFFAIRS

**S. Res. 103, 101st Cong. (1989)**

[135 Cong. Rec. 6226-27 (1989)]

*Resolved*, That (a) subsection (d) of section 21 of Senate Resolution 66, agreed to February 28, 1989, is amended to read as follows:

“(d)(1) The Special Committee on Investigations (hereafter in this section referred to as the “special committee”), a duly authorized subcommittee of the select committee, is authorized from March 1, 1989, through February 28, 1990, to study or investigate any and all matters pertaining to problems and opportunities of Indians and the Federal administration of mineral resources, including but not limited to resource management and trust responsibilities of the United States Government, Indian education, health, special services, and other Federal programs, and related matters.

“(2) For the purpose of this section the special committee is authorized from March 1, 1989 through February 28, 1990, in its discretion (A) to adopt rules (not inconsistent with this resolution and the Standing Rules of the Senate) governing its procedure, to be published in the Congressional Record, (B) to make investigations into any matter within its jurisdiction, (C) to make expenditures from the contingent fund of the Senate, (D) to employ personnel, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to hold hearings and to take staff depositions, interrogatories, and other testimony, (G) to require, by subpoena or order, the attendance of witnesses and the production of correspondence, books, papers, and documents at hearings or at staff depositions, (H) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable basis the services of personnel of any such department or agency.

“(3) The chairman of the special committee or any member thereof may administer oaths to witnesses, and, at staff depositions au-

thorized by the special committee, oaths may be administered by any individual authorized by local law to administer oaths.

“(4) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any member of the special committee designated by the chairman, or the member signing the subpoena.

“(5) All subpoenas and related legal processes of the special committee authorized under S. Res. 381 of the One Hundredth Congress, Second Session, are authorized to continue.

“(6) The special committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate through the select committee at the earliest practicable date, but not later than February 28, 1990.”.

(b) The amendment made by subsection (a) of this resolution shall be considered as having taken effect on February 28, 1989.

RULES OF PROCEDURE OF THE SPECIAL COMMITTEE ON  
INVESTIGATIONS OF THE SELECT COMMITTEE ON IN-  
DIAN AFFAIRS

[135 Cong. Rec. 6738 (1989), amended 135 Cong. Rec. 7343-44, 7700 (1989)]

RULE 1. CONVENING OF MEETINGS AND HEARINGS

1.1 MEETINGS. The committee shall meet at the call of the chairman. The members of the committee may call special meetings as provided in Senate Rule XXVI, except that actions of only two members of the committee shall be required to call special meetings.

1.2 NOTICE. The committee shall make public announcement of the date, place, and subject matter of any hearing at least one week before its commencement, except that a hearing may be called on shortened notice if the chairman determines that there is good cause to begin such hearing at an earlier date.

1.3 PRESIDING OFFICERS. The chairman shall preside when present. If the chairman is not present at any meeting or hearing, the co-chairman shall preside. Any member of the committee designated by the chairman may preside at a hearing.

RULE 2. CLOSED SESSIONS

2.1 PROCEDURE. All meetings and hearings shall be open to the public unless closed. To close all or part of a hearing or meeting, or a series of hearings or meetings for a period of no more than 14 days, the committee shall vote in open session by a record vote, including proxy votes, of a majority of the members of the committee. If discussion in closed session is necessary, a motion shall be made and seconded to go into closed session to discuss whether the meeting or hearing will concern the matters enumerated in Rule 2.2. Immediately after such discussion the committee shall return to open session and the meeting or hearing may then be closed by a record vote.

2.2 CLOSED SESSION SUBJECTS. A meeting or hearing may be closed if the matters to be discussed concern: (1) national security or the confidential conduct of foreign relations; (2) committee staff personnel or internal staff management or procedure; (3) matters tending to reflect adversely on the character or reputation; or to invade the privacy, of any individuals; (4) matters that will disclose the identity of any informer or undercover law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or (5) matters that will disclose information relating to the trade secrets of financial or commercial information that must be kept confidential by reason

of law or in order to prevent competitive injury; or (6) matters required to be kept confidential under other provisions of law or regulations.

2.3 WITNESS REQUEST. Any witness called to testify at a hearing may submit to the chairman, no later than 24 hours in advance of a hearing, a written request to be examined in closed or open session. The chairman shall inform the committee of the request, and the committee shall take such action pursuant to Rule 2.1 as it seems appropriate.

2.4 BROADCASTING.

(a) CONTROL. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Coverage must be conducted in an orderly and unobtrusive manner, and the presiding officer may for good cause terminate coverage in whole or in part or take other action to promote orderly proceedings.

(b) REQUEST. A witness may request of the presiding officer on grounds of distraction, harassment, personal safety, or physical discomfort that during his or her testimony cameras, media microphones, and lights shall not be directed at the witness, and the presiding officer may take such action as he deems appropriate.

### RULE 3. QUORUMS AND VOTING

3.1 REPORTING AND OTHER BUSINESS. Two members shall constitute a quorum for reporting a matter or recommendation to the Senate or for the conduct of other business.

3.2 TESTIMONY. One member shall constitute a quorum for hearing testimony.

3.3 PROXIES. Proxies shall be in writing, and shall be filed with the chief clerk by the absent member or by a member present at the meeting. Proxies shall contain sufficient reference to the pending matter to show that the absent member has been informed of it and has affirmatively requested that he be recorded as voting on it. Proxies shall not be counted towards a quorum.

3.4 POLLING.

(a) SUBJECTS. The committee may poll only (1) internal committee matters including the committee's staff, records, and budget; (2) authorization for steps in the investigation, including the authorization and issuance of subpoenas and deposition notice, requests for applications for immunity orders, and requests for documents; (3) other committee business, not including a vote on reporting to the Senate, that the committee at a meeting has designated for polling at a subsequent time.

(b) PROCEDURE. At the direction of the committee or the chairman, as provided in Rule 3.4(a), polling sheets shall be circulated to each member specifying the matter being polled and the time

limit for completion of the poll. If any member so requests, the matter shall be held for consideration at a meeting. The chief clerk shall keep a record of polls, including a written or oral disposition of polled matters. If the chairman, with the approval of a majority of the members, determines that the polled matter is in one of the areas enumerate[d] in Rule 2.2, the record of the poll shall be confidential.

#### RULE 4. SUBPOENAS

4.1 AUTHORIZATION. Subpoenas may be authorized by the Committee, the Chairman or Co-Chairman, and may be issued by the Chairman, Co-Chairman, or any member of the Committee designated by the Chairman or Co-Chairman. The Chief Clerk shall keep a log and a file of all subpoenas that have been issued.

4.2 RETURN. A subpoena duces tecum or order for documents may be issued whose return shall occur at a deposition or at another time and place other than at a hearing. When a return on such a subpoena or order is incomplete or accompanied by an objection, the chairman may convene a meeting or hearing on shortened notice to determine the adequacy of the return and to rule on the objection or may refer the issues raised by the return for decision by poll of the committee. At a meeting hearing on such a return, one member shall constitute a quorum.

#### RULE 5. HEARINGS

5.1 NOTICE. Witnesses shall be given at least 48 hours notice, unless the chairman determines that extraordinary circumstances warrant shorter notice, and all witnesses shall be furnished with a copy of Senate Resolution 66, 101st Congress (1989) as amended, and of these rules.

5.2 OATH. All witnesses who testify to matters of fact shall be sworn unless the committee authorizes waiver of oath. The chairman or any member shall administer oaths to witnesses at hearings.

5.3 STATEMENT. Any witness desiring to make an introductory statement shall file 10 copies of the statement with the chairman or chief clerk 48 hours in advance of the appearance, unless the chairman determines that there is good cause for a witness's failure to do so. A witness may be required to summarize a prepared statement if it exceeds 5 minutes.

Unless the Committee determines otherwise, a witness who appears before the committee under a grant of immunity shall not be permitted to make a statement or testify except to respond directly to questions posed by committee members or committee staff.

#### 5.4 COUNSEL.

(a) PRESENCE. A witness's counsel shall be permitted to be present during the witness's testimony at any public or closed hearings or deposition of staff interview to advise the witness of his or her rights; provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the chairman or the committee may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association or not representing other witnesses.

(b) INABILITY TO OBTAIN COUNSEL. A witness who is unable for indigence or other reason to obtain counsel shall inform the committee at least 48 hours prior to the witness's appearance, and the committee will endeavor to obtain volunteer counsel for the witness. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(c) CONDUCT. Counsel shall behave in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject counsel to disciplinary action, which may include warning, censure, or ejection.

5.5 TRANSCRIPT. An accurate electronic or stenographic record shall be kept to all testimony in closed and public hearings. At a witness's request and expense access to a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting the transcript, within a time limit set by the chief clerk, a witness may in writing request changes in the transcript to correct errors of transcription, grammatical error, and obvious errors of fact, the chairman or a staff officer designated by him shall rule on such requests.

5.6 IMPUGNED PERSONS. No person shall be deemed to be impugned under this section if either prior or subsequent to said public hearing such person was afforded the opportunity under oath, whether by deposition, sworn statement or otherwise, to answer the substance of the evidence presented or comment made at the public hearing.

5.7 ADDITIONAL WITNESSES. The co-chairman of the committee shall be entitled, upon a timely request made to the chairman, to call additional witnesses or to require the production of documents during at least one day of hearing.

### RULE 6. DEPOSITIONS AND EXAMINATION OF RECORDS

6.1 DEPOSITION NOTICES. Notices for the taking of depositions may be authorized by the Committee, the Chairman, Co-Chairman,

or, in the event that a subpoena has been authorized pursuant to Rule 4, by the Chief Counsel. Such notices shall be issued by the Chairman, Co-Chairman, or the Chief Counsel. Such notices shall specify a time and place for examination, and the name of the staff member or members who will take the deposition. Unless otherwise specified, the deposition shall be in private. At the direction of the Chairman, Co-Chairman, or any member, a deposition may be taken by telephone. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the party received a subpoena authorized pursuant to Rule 4.

6.2 COUNSEL AND DEPOSITION. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule 5.4.

6.3 DEPOSITION PROCEDURE. Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or any member who may be present and elect to administer the oath. Questions shall be propounded orally by staff members. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the committee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the chairman of the committee or a member designated by him. The chairman or designated member may refer the matter to the committee or rule on the objection. If he overrules the objection, he may order and direct the witness to answer the questions. The committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after having been ordered and directed to answer.

6.4 FILING OF DEPOSITIONS. The committee staff shall see that deposition testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy, or access to a copy, for review. No later than five days thereafter, if a copy is provided, the witness shall return it with his or her signature, and the staff may enter the changes, if any, requested by the witness in accordance with Rule 5.5. If the witness fails to return a signed copy the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk. Committee staff may stipulate with the witness to changes in this procedure. Objections

to errors in this procedure that might be cured if promptly presented are waived unless timely objection is made.

6.5 EXAMINATION OF RECORDS. The committee or the chairman may authorize the staff to inspect locations or systems of records on behalf of the committee.

6.6 WRITTEN INTERROGATORIES AND REQUESTS FOR ADMISSIONS. Written interrogatories and requests for admission may be authorized and issued by the Chairman, or Co-Chairman, and shall specify a date for filing an answer with the chief clerk. Written interrogatories and requests for admissions shall be answered under oath.

#### RULE 7. SENSITIVE OR CONFIDENTIAL MATERIALS

7.1 NONDISCLOSURE. No member of the committee or its staff shall disclose, in whole or in part or by way of summary, to any person outside the committee and its staff, for any purpose or in connection with any proceeding, judicial or otherwise, any testimony taken, including the names of witnesses testifying, or material presented, in closed depositions or at closed hearings, or any confidential materials or information, unless authorized by the committee or the chairman.

7.2 NONDISCLOSURE AGREEMENT. All members of the committee staff shall agree in writing, as a condition of employment, to abide by the conditions of a nondisclosure agreement promulgated by the committee.

7.3 VIOLATIONS. Allegations concerning unauthorized disclosure may be addressed by the committee or may be referred by a majority vote of the committee to the Select Committee on Ethics. Any member of the staff who fails to conform to the provisions of Rule 7 shall be subject to disciplinary sanction, including termination of employment.

7.4 APPLICABILITY OF RULES. For purposes of Rules 6 and 7, committee staff include the employees of the committee, detailees and consultants to the committee, and the officers and employees of the Office of Senate Legal Counsel who are required by the chairman to work on committee business.

#### RULE 8. DETAILEES AND CONSULTANTS

The chairman shall have authority to use on a reimbursable basis, with the prior consent of the Committee on Rules and Administration, the services of personnel of any department or agency of the United States and shall have authority to procure the temporary or intermittent services of individual consultants or organizations.

## RULE 9. EFFECTIVE CHANGES IN RULES

These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the change rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the committee as long as any witnesses who may be affected by the change in rules are provided with them.



7. HUD/MOD REHAB INVESTIGATION SUBCOMMITTEE OF  
THE COMMITTEE ON BANKING, HOUSING, AND URBAN  
AFFAIRS

[HUD/MOD REHAB INVESTIGATION]

AMENDING SENATE RESOLUTION 66

**S. Res. 219, 101st Cong. (1989)**

[135 Cong. Rec. 31379 (1989)]

*Resolved*, That (a) section 6(b)(1) of the Senate Resolution 66 (101st Congress), agreed to February 28, 1989, is amended by striking “\$1,000” and inserting “\$61,000”.

(b) Section 6(c)(1) of Senate Resolution 66 (101st Congress), agreed to February 28, 1989, is amended by striking “\$1,000” and inserting “\$81,000”.

SEC. 2. HUD/MOD REHAB INVESTIGATION SUBCOMMITTEE.

Section 6 of Senate Resolution 66 (101st Congress), agreed to February 28, 1989, is amended by adding at the end thereof the following:

“(d)(1) The HUD/MOD Rehab Investigation Subcommittee (referred to as the ‘subcommittee’), a duly authorized subcommittee of the Committee on Banking, Housing, and Urban Affairs, is authorized to conduct an investigation beginning on November 10, 1989, through February 28, 1991, of the management and other activities of the Department of Housing and Urban Development, which occurred before January 1, 1989, surrounding the Moderate Rehabilitation Program under section 8 of the United States Housing Act of 1937 and related programs, including the use of FHA co-insurance and low income tax credits in connection with Moderate Rehabilitation projects. Such investigation shall include past administrative or programmatic developments that contributed to fraud and abuse in the section 8 Moderate Rehabilitation Program.

“(2) For the purpose of the investigation described in paragraph (1) the Committee on Banking, Housing, and Urban Affairs is authorized (A) to require, by subpoena or order, the attendance of witnesses and the production of correspondence, books, papers, documents, and other records; (B) to notice depositions for staff members of such Committee to examine witnesses and to receive evidence at staff depositions under oath administered by an individual

authorized by local law to administer oaths; and (C) to require, by subpoena or order, the attendance of witnesses and the production of such records at such staff depositions. The authority of the Committee under this paragraph shall not be delegated to the subcommittee and may be exercised only by the Committee, either by the Chairman with the agreement of the Ranking Minority Member or by a majority vote of the Committee.

“(3) The subcommittee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate Committee on Banking, Housing, and Urban Affairs to be referred to the Subcommittee on Housing at the earliest practicable date, but not later than February 28, 1991.”.

## 8. SELECT COMMITTEE ON POW/MIA AFFAIRS

### **S. Res. 82, 102d Cong. (1991)**

[137 Cong. Rec. 6363–64 (1991)]

*Resolved,*

SECTION 1. (a) There is established a temporary Select Committee on POW/MIA Affairs (hereafter in this resolution referred to as the “select committee”) which shall consist of 12 members, 6 to be appointed by the President pro tempore of the Senate upon recommendations of the Majority Leader from among members of the majority party, and 6 to be appointed by the President pro tempore of the Senate upon recommendations of the Minority Leader from among members of the minority party.

(b) The Majority Leader shall select the chairman of the select committee.

(c) The Minority Leader shall select the vice chairman of the select committee.

(d) The service of a Senator as a member or chairman on the select committee shall not count for purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate.

(e) A majority of the members of the select committee shall constitute a quorum thereof for the transaction of business, except that the select committee may fix a lesser number as a quorum for the purpose of taking testimony. The select committee shall adopt rules of procedure not inconsistent with this resolution and the rules of the Senate governing standing committees of the Senate.

(f) Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee.

SEC. 2. (a) There shall be referred to the select committee, concurrently with referral to any other committee of the Senate with jurisdiction, all messages, petitions, memorials, and other matters relating to United States personnel unaccounted for from military conflicts.

(b) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee of the Senate or as amending, limiting, or otherwise changing the authority of any standing committee of the Senate.

SEC. 3. The select committee may, for the purposes of accountability to the Senate, make such reports to the Senate with respect to matters within its jurisdiction as it shall deem advisable which shall be referred to the appropriate committee. In making such reports, the select committee shall proceed in a manner consistent with the requirements of national security.

SEC. 4. (a) For the purposes of this resolution, the select committee is authorized at its discretion (1) to make investigations into any matter within its jurisdiction, (2) to hold hearings, (3) to sit and act at any time or place during the sessions (subject to paragraph 5 of rule XXVI of the Standing Rules of the Senate), recesses, and adjourned periods of the Senate, (4) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (5) to make expenditures from the contingent fund of the Senate to carry out its functions and to employ personnel, subject to procedures of paragraph (9) of rule XXVI of the Standing Rules of the Senate, and (6) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas authorized by a majority of the select committee shall be issued over the signature of the chairman and may be served by any person designated by the chairman.

SEC. 5. (a) No employee of the select committee or person engaged to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate and of such committee as to the security of such information during and after the period of his employment or relationship with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

(b) The select committee shall designate a security officer qualified to administer appropriate security procedures to ensure the protection of confidential and classified information in the possession of the select committee and shall make suitable arrangements,

in consultation with the Office of Senate Security, for the physical protection and storage of classified information in its possession.

SEC. 6. (a) The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons.

(b) Nothing in this resolution shall be construed to prevent the select committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any persons or persons.

SEC. 7. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 8. Paragraph 3(c) of rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following:

“POW/MIA Affairs ..... 12.”.

SEC. 9. The select committee shall terminate at the end of the One Hundred Second Congress. Upon termination of the select committee, all records, files, documents, and other materials in the possession, custody, or control of the select committee, under appropriate conditions established by the select committee, shall be transferred to the Secretary of the Senate.

**S. Res. 185, 102d Cong. (1991)**

[137 Cong. Rec. 26504–05 (1991)]

*Resolved*, That (a) in carrying out its powers, duties, and functions under Senate Resolution 82, agreed to August 2, 1991 (102nd Congress, 1st Session), and under this resolution, from August 2, 1991 through February 29, 1992, and from March 1, 1992 until the end of the One Hundred Second Congress, through January 2, 1993, the Select Committee on POW/MIA Affairs (referred to in this resolution as the “select committee”) is authorized in its discretion to—

(1) make expenditures from the contingent fund of the Senate; and

(2) appoint and fix compensation of personnel.

(b)(1) The expenses of the select committee for the period from August 2, 1991, through February 29, 1992, shall not exceed \$540,300 of which amount not to exceed \$53,000 may be expended for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(2) The expenses of the select committee for the period from March 1, 1992 through January 2, 1993, shall not exceed \$1,360,200 of which amount not to exceed \$160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(c) Expenditures from the contingent fund shall be paid out of the appropriations account for Expenses of Inquiries and Investigations upon vouchers approved by the chairman, except that vouchers shall not be required for—

(1) the disbursement of salaries of employees who are paid at an annual rate;

(2) the payment of expenses for telecommunications services provided by the Telecommunications Department, Sergeant at Arms, United States Senate;

(3) the payment of expenses for stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) the payment of expenses for postage to the Postmaster, United States Senate; or

(5) the payment of metered charges on copying equipment provided by the Sergeant at Arms, United States Senate.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the select committee to be paid from the appropriations account for

Expenses of Inquiries and Investigations, in like manner as for the standing and permanent select committees of the Senate.

(e) Of the funds authorized by this resolution for the funding period ending on the last day of February 1992, any unexpended balance remaining after such last day shall be transferred to a special reserve for this committee, which reserve shall be available to this committee for the period commencing March 1, 1992, and ending with the close of September 30, 1992, for the purpose of—

- (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1992; and
- (2) meeting expenses of such committee incurred after such last day and prior to the close of September 30, 1992.

SEC. 2. (a) In addition to all powers, duties, and functions vested in the Select Committee of POW/MIA Affairs by Senate Resolution 82, agreed to August 2, 1991 (102nd Congress, 1st Session), the select committee is authorized to do the following:

(1) To delegate to the chairman the power, with the consent of the vice chairman, to authorize subpoenas for the attendance of witnesses and the production of correspondence, books, papers, documents, and other records.

(2) To (A) authorize staff to conduct depositions of witnesses under oath, including oaths administered by individuals authorized by local law to administer oaths, for the purpose of taking testimony and receiving correspondence, books, papers, documents, and other records, and (B) require, by subpoena or order, the attendance of witnesses and the production of correspondence, books, papers, documents, and other records at such staff depositions.

(3) To make to the Senate any recommendations by report or resolution, including recommendations for criminal or civil enforcement, which the select committee may consider appropriate with respect to (A) the failure or refusal of any person to appear at a hearing or deposition or to produce records, in obedience to a subpoena or order, or (B) the failure or refusal of any person to answer questions during his or her appearance as a witness at a hearing or deposition.

(4) To procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(5) To (A) use, with the prior consent of the chairman of any other Senate committee or the chairman of any subcommittee of any committee of the Senate, the facilities of any other Senate committees or the services of any members of the staff of

them whenever the select committee or its chairman considers that such action is necessary or appropriate to enable the select committee to carry out its powers, duties, and functions, and (B) pay the official travel expenses for staff members of other committees used pursuant to this resolution.

(b) Any foreign travel by Members and employees required for the select committee shall be deemed to be on behalf of the Senate for purposes of Senate Resolution 179, agreed to May 25, 1977 (95th Congress, 1st Session).

(c) The Majority Leader and the Minority Leader may each select one investigator to serve on the staff of the select committee.

(d) The Majority Leader and the Minority Leader shall serve as ex officio members of the select committee but shall have no vote in the select committee and shall not be counted for purposes of determining a quorum.

SEC. 3. The disclosure of any classified information obtained by the select committee either directly from the Executive branch of the United States Government, through the Select Committee on Intelligence, or by other means, shall be governed by the provisions of section 8 of Senate Resolution 400, agreed to May 19, 1976 (94th Congress, 2nd Session), except that references to the Select Committee on Intelligence in such section shall be deemed to be references to the select committee.

## SUBMISSION OF FINAL REPORT

**S. Res. 10, 103d Cong. (1993)**

[139 Cong. Rec. S48 (daily ed. Jan. 7, 1993)]

**SECTION 1. EXTENDED REPORTING TIME.**

Notwithstanding the provisions of Senate Resolution 282, agreed to August 2, 1991 (102d Congress, 1st Session), and Senate Resolution 185, agreed to October 16, 1991 (102d Congress, 1st Session), the Select Committee on POW/MIA Affairs is authorized to make expenditures from the appropriations account for Miscellaneous Items in the contingent fund of the Senate, upon vouchers approved by the Secretary of the Senate, for expenses incurred during the period from January 3, 1993, through January 13, 1993, in connection with the preparation and submission, prior to January 13, 1993, of its final report to the Senate, including printing and filing.

**SEC. 2. EFFECTIVE DATE.**

This resolution is effective January 2, 1993.

RULES OF PROCEDURE OF THE SELECT COMMITTEE ON  
POW/MIA AFFAIRS

[137 Cong. Rec. 27022–24 (1991)]

## RULE 1. CONVENING OF MEETINGS AND HEARINGS

1.1 *Definitions.* As used in these rules, the term “meeting” includes a meeting to conduct a hearing. The term “hearing” is used to describe any meeting of the committee for the purpose of receiving testimony.

1.2 *Calling of Meetings.* The committee shall meet at the call of the chairman. The members of the committee may call special meetings as provided in Senate Rule XXVI(3).

1.3 *Notice of Hearings.* The committee shall publicly announce the date, place, and subject matter of any hearing at least one week before its commencement. A hearing may be called on shorter notice if the chairman, after consultation with the vice chairman, determines that there is a good cause to begin it at an earlier date.

1.4 *Presiding Officer.* The chairman shall preside when present. If the chairman is not present at any meeting, the vice chairman shall preside. The chairman may designate any member of the committee to preside in the absence of the chairman or vice chairman.

## RULE 2. OPEN AND CLOSED SESSIONS AND MEDIA

2.1 *Procedure.* All meetings shall be open to the public unless closed. To close all or part of a meeting, or a series of meetings for a period of no more than 14 days, the committee shall vote in open session by a record vote, including proxy votes, of a majority of the members of the committee. If discussion is necessary, a motion shall be made and seconded to go into closed session to discuss whether the meeting will concern the matters enumerated in Rule 2.2. Immediately after such discussion the committee shall return to open session and the meeting may then be closed by a record vote.

2.2 *Closed Session Subjects.* A meeting may be closed if the matters to be discussed concern: (1) national security or the confidential conduct of foreign relations; (2) committee staff personnel or internal staff management or procedure; (3) matters tending to reflect adversely on the character or reputation, or to invade the privacy, of any individuals; (4) matters that will disclose the identity of any informer or undercover law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or (5) other matters enumerated in Senate Rule XXVI(5)(b).

2.3 *Representative of the President.* The presiding officer at any closed meeting or hearing may permit any personal representative of the President, designated by the President to serve as a liaison to the committee, to attend the closed meeting.

2.4 *Witness Request.* Any witness may submit to the chairman, no later than 24 hours in advance of a hearing, a written request that he or she [be] examined in closed or open session. The chairman shall inform the committee of the request, and the committee shall take such action pursuant to Rule 2.1 as it deems appropriate.

2.5 *Media.* Any meeting open to the public may be covered by television, radio, or still photography. Coverage must be conducted in an orderly and unobtrusive manner. The presiding officer, in exercising his or her responsibility for the conduct of meetings, may order that the use of cameras, microphones, and lights adhere to standards which the select committee deems appropriate, taking into account the concerns of any witness. For good cause the presiding officer may terminate coverage in whole or in part or take other action to promote orderly proceedings or for the protection of witnesses.

### RULE 3. QUORUMS AND VOTING

3.1 *In General.* A majority of members of the committee[] shall constitute a quorum for reporting to the Senate and for the transaction of other business.

3.2 *Testimony.* One member shall constitute a quorum for taking testimony.

3.3 *Proxies.* Proxies shall be in writing, and shall be filed with the chief clerk by the absent member or by a member present at the meeting. Proxies shall contain sufficient reference to the pending matter to show that the absent member has been informed of it and has affirmatively requested that he or she be recorded as voting on it. Proxies shall not be counted towards a quorum.

#### 3.4 *Polling.*

(a) *Subjects.* The committee may poll only (1) internal committee matters including the committee's staff, records, and budget; (2) authorization for steps in any investigation within its jurisdiction, including the authorization and issuance of subpoenas, applications for immunity orders, and requests for documents; (3) other committee business, not including a vote on reporting to the Senate, that the committee at a meeting has designated for polling at a subsequent time.

(b) *Procedure.* At the direction of the committee or the chairman, the chief clerk shall distribute a polling form to each member specifying the matter being polled and the time limit for completion of

the poll. If any member so requests, the matter shall be held for consideration at a meeting. If the chairman, with the approval of a majority of the members, determines that the polled matter is in one of the areas enumerated in Rule 2.2, the record of the poll shall be confidential. The chief clerk shall keep a record of polls, and shall notify the members of the committee of the results of each poll. In order for a proposition to be approved by poll, a majority of the members of the committee must have responded to the poll and a majority of those responding must have voted in the affirmative.

#### RULE 4. SUBPOENAS

4.1 *Authorization.* Subpoenas shall be authorized either by a majority of the committee or by the chairman with the consent of the vice chairman, and shall be issued by the chairman. Subpoenas may be served by any person designated by the chairman. The chief clerk shall keep a log, and a file, of all subpoenas.

4.2 *Return.* A subpoena duces tecum or order for records may be issued whose return shall occur at a time and place other than at a meeting. When a return on such a subpoena or order is incomplete or accompanied by an objection, the chairman, after consultation with the vice chairman, may convene a meeting, including a hearing on shortened notice, to determine the adequacy of the return and to rule on the objection, or may refer the issues raised by the return for decision by poll of the committee. At a hearing on such a return one member shall constitute a quorum.

#### RULE 5. HEARINGS

5.1 *Notice.* Witnesses shall be given at least 48 hours notice, unless the chairman, after consultation with the vice chairman, determines that extraordinary circumstances warrant shorter notice, and all witnesses shall be furnished with copies of Senate Resolution 82 (102d Congress, 1st Session), Senate Resolution 185 (102d Congress, 1st Session), and these rules.

5.2 *Oath.* All witnesses who testify to matters of fact shall be sworn unless the committee authorizes waiver of an oath. Any member of the committee may administer oaths to witnesses.

5.3 *Statement.* Any witness desiring to make an introductory statement shall file 40 copies of the statement with the chairman or chief clerk 48 hours in advance of the appearance unless the chairman determines that there is good cause to modify either of these requirements. A witness may be required to summarize a prepared statement if it exceeds ten minutes. Unless the committee determines otherwise, a witness who appears before the committee under a grant of immunity shall not be permitted to make an intro-

ductory or other statement and may be required to testify only in response to questions posed directly by committee members or committee staff.

*5.4 Counsel.*

(a) *Presence.* A witness' counsel shall be permitted to be present during the witness' testimony at any open hearing, closed hearing, or deposition, or at any staff interview of the witness, to advise the witness of his or her rights; provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the chairman or the committee may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association or not representing other witnesses.

(b) *Inability To Obtain Counsel.* A witness who is unable for indigence or other reason to obtain counsel shall inform the committee at least 48 hours prior to the witness' appearance and the committee will endeavor to obtain volunteer counsel for the witness. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(c) *Conduct.* Counsel shall behave in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject counsel to disciplinary action, which may include warning, censure, or ejection.

*5.5 Transcript.* An accurate electronic or stenographic record shall be kept of all testimony in open and closed hearings. At a witness' request and expense, access to a copy of the transcription of a witness' testimony in open or closed session shall be provided to the witness. Upon inspecting the transcript, within a time limit set by the chief clerk, a witness may in writing request changes in the transcript to correct errors of transcription. A witness may also request that specified grammatical errors and obvious errors of fact be corrected for the purpose of any printed record of the witness' testimony. The chairman or a staff officer designated by the chairman shall rule on such requests.

*5.6 Impugned Persons.* Any person who believes that evidence presented, or comment made by a member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the committee to testify in his or her own behalf; or

(c) request that submitted written questions be used for the cross-examination of witnesses called by the committee. The chairman shall inform the committee of requests for appearance or cross-examination. If the committee so decides, the requested questions, or paraphrased versions or portions of them, shall be put to the other witnesses by a member or by staff.

5.7 *Additional Witnesses.* Any four members of the committee shall be entitled, upon a timely request made to the chairman, to call additional witnesses or to require the production of documents during at least one day of hearing.

5.8 *Objections.* The presiding officer shall rule on any objections at a hearing, which ruling shall be the ruling of the committee unless a majority of the committee disagrees with the ruling. In the case of a tie, the vote of the chairman shall prevail.

RULE 6. DEPOSITIONS, EXAMINATION OF RECORDS, AND  
INTERROGATORIES

6.1 *Authorization for Depositions.* The chairman and the vice chairman, acting jointly, may authorize the taking of a deposition. The authorization shall specify a time and place for examination, and the name of the staff member or members 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 any notice of the deposition was accompanied by a subpoena authorized by the committee.

6.2 *Counsel at Depositions.* Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule 5.4.

6.3 *Deposition Procedures.* Witnesses at depositions shall be examined upon oath administered by a committee member or an individual authorized by local law to administer oaths. Questions shall be propounded orally by staff members. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the committee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection. The ruling may be sought from the chairman of the committee or, in the absence of the chairman, from the vice chairman, or, in the absence of both the chairman and the vice chairman, from any member designated by the chairman. The member from whom the ruling is sought may rule on the objection, and order the witness to answer the question if the objection is overruled, or may refer the matter to the committee for ruling. The committee shall not initiate procedures leading

to civil or criminal enforcement unless the witness refuses to testify after having been ordered to answer.

*6.4 Deposition Transcripts.* An accurate electronic or stenographic record shall be kept of all testimony at depositions. If a transcript is prepared, the witness shall be furnished with a copy, or access to a copy, for review. No later than five days thereafter, if a copy is provided, the witness shall return it with his or her signature, and the staff may enter or append to the transcript the changes, if any, requested by the witness in accordance with the procedures established by Rule 5.5. If the witness fails to return a signed copy the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk. Committee staff may stipulate with the witness to changes in this procedure. Objections to errors in this procedure that might be cured if promptly presented are waived unless timely objection is made.

*6.5 Examination of Records.* The committee or the chairman and vice chairman, acting jointly, may authorize the staff to inspect locations or systems of records on behalf of the committee.

*6.6 Written Interrogatories.* Written interrogatories may be authorized by the committee or the chairman and vice chairman, acting jointly, and issued by the chairman, or, in the absence of the chairman, by the vice chairman, or, in the absence of both the chairman and the vice chairman, by any member designated by the chairman, and shall specify a date for filing an answer with the chief clerk. Written interrogatories shall be answered under oath.

#### RULE 7. PROCEDURES FOR HANDLING OF CONFIDENTIAL OR CLASSIFIED MATERIALS

*7.1 Security.* Committee offices shall operate under strict security precautions. The chairman or vice chairman may request the Senate Sergeant at Arms and the Office of Senate Security to provide assistance necessary to ensure strict security.

*7.2 Confidential or Classified Materials.* Confidential or classified materials shall be segregated in a secure storage area under the supervision of the committee's security officer. The committee shall adopt security regulations, in consultation with the Office of Senate Security, governing the handling of confidential or classified materials. The chairman may enter into agreements to obtain materials and information under assurances concerning confidentiality. Each member of the committee shall be notified of such agreements.

7.3 *Privacy Interests.* Before disclosing publicly information that could adversely affect the privacy or other legitimate interests of any person, the committee shall carefully consider that person's interests, but the committee may disclose publicly any information for which it determines that the national interest in disclosure outweighs the privacy or other interests of the persons concerned.

7.4 *Access.* Staff access to classified materials shall be limited to staff members with appropriate security clearances and a need to know, as determined by the chairman and vice chairman, in consultation with the Director of Central Intelligence. The committee shall adopt internal guidelines governing staff access to particular categories of classified materials, which shall be applied by the chairman and vice chairman. Staff access to confidential materials may be limited by the chairman and vice chairman.

7.5 *Nondisclosure.* No member of the committee or its staff shall disclose, in whole or in part or by way of summary, to any person outside the committee and its staff, for any purpose or in connection with any proceeding, judicial or otherwise, any testimony taken, including the names of witnesses testifying, or material presented, in closed hearings, or any confidential materials or information, including the results of the committee's investigation and any proposed or otherwise non-public conclusions of the committee, unless authorized by the committee or the chairman.

7.6 *Nondisclosure Agreement.* All members of the committee staff shall agree in writing, as a condition of employment or agreement for the provision of services, to abide by the conditions of the nondisclosure agreement promulgated by the committee pursuant to section 5(a)(1) of Senate Resolution 82.

7.7 *Violations.* Allegations concerning unauthorized disclosure may be addressed by the committee or may be referred by a majority vote of the committee to the Select Committee on Ethics in accordance with section 8 of Senate Resolution 400 (94th Congress, 2d Session), as made applicable to this committee by Senate Resolution 185. Any member of the staff who fails to conform to the provisions of Rule 7 shall be subject to disciplinary sanction, including termination of employment or agreement for the provision of services.

7.8 *Applicability of Rules.* For purposes of Rule 7, committee staff include the employees of the committee, staff designated by the members, with the approval of the chairman, to work on committee business, other officers and employees of the Senate who are requested by the chairman to work on committee business, and detailees and consultants to the committee, including any person engaged to perform services for or at the request of the committee.

## RULE 8. DETAILEES, CONSULTANTS, AND ASSISTANCE OF OTHER COMMITTEES

8.1 *Detainees and Consultants.* The chairman and vice chairman, acting jointly, shall have authority to use on a reimbursable or nonreimbursable basis, with the prior consent of the Committee on Rules and Administration, the services of personnel of any department or agency of the United States and shall have authority to procure the temporary or intermittent services of individual consultants or organizations.

8.2 *Assistance of Other Committees.* The chairman and vice chairman, acting jointly, may request the chairman of any Senate committee or subcommittee for consent to utilize the facilities of any such committee or the services of any members of its staff for the purpose of enabling this committee to perform its responsibilities under Senate Resolution 82 and Senate Resolution 185.

8.3 *Scope of Authority.* Detailees, consultants, and staff of other committees who provide services to the committee pursuant to Rule 8 shall be deemed to be staff of the committee for all purposes under these rules.

## RULE 9. FOREIGN TRAVEL

No member of the committee or its staff shall travel abroad on committee business unless specifically authorized by the President pro tempore, Majority Leader, or Minority Leader of the Senate, in accordance with Senate Resolution 179 (95th Congress, 1st Session). All requests for authorization of such travel shall first be presented to the chairman and vice chairman for approval and shall state the extent, nature, and purpose of the proposed travel. When the foreign travel of a member of the staff not accompanying a member of the committee has been authorized, all members of the committee shall be advised, prior to the commencement of such travel, of its extent, nature, and purpose.

## RULE 10. EFFECTIVENESS OF RULES AND RULE CHANGES

These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provided proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record.



9. COMMITTEE ON FOREIGN RELATIONS

[OCTOBER SURPRISE INVESTIGATION]

FUNDING

[137 Cong. Rec. 4706, 4708 (1991)]

**S. Res. 62, 102d Cong. (1991)**

*Resolved*, That this resolution may be cited as the “Omnibus Committee Funding Resolution for 1991 and 1992”.

\* \* \* \* \*

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed \$2,774,561, of which amount (1) not to exceed \$45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed \$2,891,437, of which amount not to exceed \$45,000 may be expended for the procurement of the services of individual consult-

ants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

## INVESTIGATIVE PROCEDURE

[S. Prt. No. 102-125, 102d Cong., 2d Sess. 7-8 (1992)]

### 1. JURISDICTION

The Committee has substantive jurisdiction over the matters in this investigation in accordance with Foreign Relations Rule 1(a)(15), relating to the protection of United States citizens abroad, and Foreign Relations Rule 1(a)(16), pertaining to relations of the United States with foreign nations generally. The Committee also has general oversight jurisdiction pursuant to Foreign Relations Rule 1(b). The subcommittee's proceedings in this investigation are governed by the rules of the full Committee.

### 2. INVESTIGATION GUIDELINES

The conduct of this investigation has been governed by the following Guiding Principles as adopted by Senator Sanford and Senator Jeffords in October 1991:

(a) Focus: The focus of the investigation will be upon any action taken prior to the 1980 elections by private citizens or Government officials to manipulate the timing of the release of the hostages.

(b) Investigation: The investigation will be conducted professionally and without fanfare. Public hearings or public discussions will not be conducted unless and until the subcommittee determines there is sufficient credible evidence to warrant same.

(c) Non-Partisan: We have agreed that all matters will be decided by the chairman and the ranking minority member. The special counsel has been selected in this manner as will be the rest of the staff.

(d) Staff: All staff who are engaged in the investigation will be under the direct supervision of the chairman and the ranking minority member.

(e) Confidentiality: All travel or evidence (including, but not limited to, persons, places or documents) will be available only on a "need to know" basis as determined by the chairman and the ranking minority member of the subcommittee. In addition, the chairman and the ranking minority member of the subcommittee will periodically provide the chairman and the rank-

ing minority member of the full committee a general description of the avenues of inquiry, the progress of the investigation and the types of individuals being investigated.

(f) Press: We will issue an initial press release to name the special counsel, thereafter there will be no public statements made about the content of the investigation until such time as the subcommittee has formally acted upon its findings.

(g) House of Representatives: We will cooperate with the House Task Force to reduce time and expenditures, but will not compromise the need for confidentiality, security or non-partisanship.



10. COMMITTEE ON BANKING, HOUSING, AND URBAN  
AFFAIRS

[WHITEWATER I INVESTIGATION]

**S. Res. 229, 103d Cong. (1994)**

[140 Cong. Rec. S7196 (daily ed. June 21, 1994)]

*Resolved,*

**SECTION 1. SCOPE OF THE HEARINGS.**

The Committee on Banking, Housing, and Urban Affairs (referred to as the “committee”) shall—

(1) conduct hearings into whether improper conduct occurred regarding—

(A) communications between officials of the White House and the Department of the Treasury or the Resolution Trust Corporation relating to the Whitewater Development Corporation and the Madison Guaranty Savings and Loan Association;

(B) the Park Service Police investigation into the death of White House Deputy Counsel Vincent Foster; and

(C) the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster at the time of his death; and

(2)(A) make such findings of fact as are warranted and appropriate;

(B) make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the committee may determine to be necessary or desirable; and

(C) fulfill the Constitutional oversight and informing function of the Congress with respect to the matters described in this section.

The hearings authorized by this resolution shall begin on a date determined by the Majority Leader, in consultation with the Minority Leader, but no later than the earlier of July 29, 1994, or within 30 days after the conclusion of the first phase of the independent counsel’s investigation.

**SEC. 2. MEMBERSHIP, ORGANIZATION, AND JURISDICTION OF THE COMMITTEE FOR PURPOSES OF THE HEARINGS.**

(a)(1) For the sole purpose of conducting the hearings authorized by this resolution, the committee shall consist of—

(A) the members of the Committee on Banking, Housing, and Urban Affairs, who shall, in serving as members of the committee, reflect the legislative and oversight interests of other committees of the Senate with a jurisdictional interest (if any) in the hearings authorized in paragraph (1) of section 1 as provided in subparagraph (B);

(B)(i) Senator Kerry and Senator Bond from the Committee on Small Business;

(ii) Senator Reigle and Senator Roth from the Committee on Finance;

(iii) Senator Shelby and Senator Domenici from the Subcommittee on Public Lands, Parks, and Forests of the Committee on Energy and Natural Resources;

(iv) Senator Moseley-Bruan from the Committee on the Judiciary; and

(v) Senator Sasser and Senator Roth from the Permanent Subcommittee on Investigations; and

(C) the ranking member of the Committee on the Judiciary who shall serve for purposes of considering matters within the jurisdiction of the Committee on the Judiciary, but shall not serve as a voting member of the committee.

(2) For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of the ranking member of the Committee on the Judiciary as a member of the committee shall not be taken into account.

(b) The jurisdiction of the committee shall encompass the jurisdiction of the committees and subcommittees listed in subsection (a)(1)(B), to the extent, if any, pertinent to the hearings authorized by this resolution.

(c) A majority of the members of the committee shall constitute a quorum for reporting a matter or recommendation to the Senate, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony before the committee or for conducting the other business of the committee as provided in paragraph 7 of rule XXVI of the Standing Rules of the Senate.

**SEC. 3. ADDITIONAL STAFF FOR THE COMMITTEE.**

(a) The committee, through the chairman, may request and use, with the prior consent of the chairman of any committee or sub-

committee listed in section 2(a)(1)(B), the services of members of the staff of such committee or subcommittee.

(b) In addition to staff provided pursuant to subsection (a) and to assist the committee in its hearings, the chairman may appoint and fix the compensation of additional staff.

#### **SEC. 4. PUBLIC ACTIVITIES OF THE COMMITTEE.**

(a) Consistent with the rights of persons subject to investigation and inquiry, the committee shall make every effort to fulfill the right of the public and the Congress to know the essential facts and implications of the activities of officials of the United States Government with respect to the matters covered by the hearings as described in section 1.

(b) In furtherance of the public's and Congress' right to know, the committee—

(1) shall hold, as the chairman (in consultation with the ranking member) considers appropriate and in accordance with paragraph 5(b) of rule XXVI of the Standing Rules of the Senate, open hearings subject to consultation and coordination with the independent counsel appointed pursuant to title 28, parts 600 and 603, of the Code of Federal Regulations (referred to as the “independent counsel”);

(2) may make interim reports to the Senate as it considers appropriate; and

(3) shall, in order to accomplish the purposes set forth in subsection (a), make a final comprehensive public report to the Senate of the findings of fact and any recommendations specified in paragraph (2) of section 1.

#### **SEC. 5. POWERS OF THE COMMITTEE.**

(a) The committee shall do everything necessary and appropriate under the laws and Constitution of the United States to conduct the hearings specified in section 1.

(b) The committee is authorized to exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate and section 705 of the Ethics in Government Act of 1978 (2 U.S.C. 288d), including the following:

(1) To issue subpoenas or orders for the attendance of witnesses or for the production of documentary or physical evidence before the committee. A subpoena may be authorized by the committee or by the chairman with the agreement of the ranking member and may be issued by the chairman or any other member designated by the chairman, and may be served by any person designated by the chairman or the authorized member anywhere within or without the borders of the United

States to the full extent permitted by law. The chairman of the committee, or any other member thereof, is authorized to administer oaths to any witnesses appearing before the committee.

(2) Except that the committee shall have no authority to exercise the powers of a committee under section 6005 of title 18, United States Code for immunizing witnesses.

(3) To procure the temporary or intermittent services of individual consultants, or organizations, thereof.

(4) To use on a reimbursable basis, with the prior consent of the Government department or agency concerned, the services of personnel of such department or agency.

(5) To report violations of any law to the appropriate Federal, State, or local authorities.

(6) To expend, to the extent the committee determines necessary and appropriate, any money made available to such committee by the Senate to conduct the hearings and to make the reports authorized by this resolution.

(7) To require by subpoena or order the attendance, as witnesses, before the committee or at depositions, any person who may have knowledge or information concerning matters specified in section 1(1).

(8) To take depositions under oath anywhere within the United States, to issue orders by the chairman or his designee which require witnesses to answer written interrogatories under oath, and to make application for issuance of letters rogatory.

(9) To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by law to administer oaths. The committee, acting through the chairman, may delegate to designated staff members the power to authorize and issue commissions and deposition notices.

(c)(1) Subject to the provisions of paragraph (2), the committee shall be governed by the rules of the Committee on Banking, Housing, and Urban Affairs, except that the committee may modify its rules for purposes of the hearings conducted under this resolution. The committee shall cause any such amendments to be published in the Congressional Record.

(2) The committee's rules shall be consistent with the Standing Rules of the Senate and this resolution.

## **SEC. 6. RELATION TO OTHER INVESTIGATIONS.**

In order to—

(1) expedite the thorough conduct of the hearings authorized by this resolution;

(2) promote efficiency among all the various investigations underway in all branches of the United States Government; and

(3) engender a high degree of confidence on the part of the public regarding the conduct of such hearing, the committee is encouraged—

(A) to obtain relevant information concerning the status of the independent counsel's investigation to assist in establishing a hearing schedule for the committee; and

(B) to coordinate, to the extent practicable, its activities with the investigation of the independent counsel.

#### **SEC. 7. SALARIES AND EXPENSES.**

Senate Resolution 71 (103d Congress) is amended—

(1) in section 2(a) by striking “\$56,428,119” and inserting “\$56,828,119”; and

(2) in section 6(c) by striking “\$3,220,767” and inserting “\$3,620,767”.

#### **SEC. 8. REPORTS; TERMINATION.**

(a) The committee shall make the final public report to the Senate required by section 4(b) not later than the end of the 103d Congress.

(b) The final report of the committee may be accompanied by whatever confidential annexes are necessary to protect confidential information.

(c) The authorities granted by this resolution shall terminate 30 days after submission of the committee's final report. All records, files, documents, and other materials in the possession, custody, or control of the committee shall remain under the control of the regularly constituted Committee on Banking, Housing, and Urban Affairs.

#### **SEC. 9. COMMITTEE JURISDICTION AND RULE XXV.**

The jurisdiction of the committee is granted pursuant to this resolution notwithstanding the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate relating to the jurisdiction of the standing committees of the Senate.

#### **SEC. 10. COMMITTEE FUNDING AND RULE XXVI.**

The supplemental authorization for the committee is granted pursuant to this resolution notwithstanding the provisions of paragraph 9 of rule XXVI of the Standing Rules of the Senate.

**SEC. 11. ADDITIONAL HEARINGS.**

(a) In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98–0 on March 17, 1994, should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(b) Any additional hearings should be structured and sequenced in such a manner that in the judgment of the two leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

11. COMMITTEE ON BANKING, HOUSING, AND URBAN  
AFFAIRS

[WHITEWATER II INVESTIGATION]

**S. Res. 120, 104th Cong. (1995)**

[141 Cong. Rec. S6784 (daily ed. May 17, 1995)]

*Resolved,*

**SECTION 1. ESTABLISHMENT OF SPECIAL COMMITTEE.**

(a) ESTABLISHMENT.—There is established a special committee administered by the Committee on Banking, Housing, and Urban Affairs to be known as the “Special Committee to Investigate Whitewater Development Corporation and Related Matters” (hereafter in this resolution referred to as the “special committee”).

(b) PURPOSES.—The purposes of the special committee are—

(1) to conduct an investigation and public hearings into, and study of, whether improper conduct occurred regarding the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster following his death;

(2) to conduct an investigation and public hearings into, and study of, the following matters developed during, or arising out of, the investigation and public hearings concluded by the Committee on Banking, Housing, and Urban Affairs prior to the adoption of this resolution—

(A) whether any person has improperly handled confidential Resolution Trust Corporation (hereafter in this resolution referred to as the “RTC”) information relating to Madison Guaranty Savings and Loan Association or Whitewater Development Corporation, including whether any person has improperly communicated such information to individuals referenced therein;

(B) whether the White House has engaged in improper contacts with any other agency or department in the Government with regard to confidential RTC information relating to Madison Guaranty Savings and Loan Association or Whitewater Development Corporation;

(C) whether the Department of Justice has improperly handled RTC criminal referrals relating to Madison Guar-

anty Savings and Loan Association or Whitewater Development Corporation;

(D) whether RTC employees have been improperly importuned, prevented, restrained, or deterred in conducting investigations or making enforcement recommendations relating to Madison Guaranty Savings and Loan Association or Whitewater Development Corporation; and

(E) whether the report issued by the Office of Government Ethics on July 31, 1994, or related transcripts of deposition testimony—

(i) were improperly released to White House officials or others prior to their testimony before the Committee on Banking, Housing, and Urban Affairs pursuant to Senate Resolution 229 (103d Congress); or

(ii) were used to communicate to White House officials or to others confidential RTC information relating to Madison Guaranty Savings and Loan Association or Whitewater Development Corporation;

(3) to conduct an investigation and public hearings into, and study of, all matters that have any tendency to reveal the full facts about—

(A) the operations, solvency, and regulation of Madison Guaranty Savings and Loan Association, and any subsidiary, affiliate, or other entity owned or controlled by Madison Guaranty Savings and Loan Association;

(B) the activities, investments, and tax liability of Whitewater Development Corporation and, as related to Whitewater Development Corporation, of its officers, directors, and shareholders;

(C) the policies and practices of the RTC and the Federal banking agencies (as that term is defined in section 3 of the Federal Deposit Insurance Act) regarding the legal representation of such agencies with respect to Madison Guaranty Savings and Loan Association;

(D) the handling by the RTC, the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the Federal Savings and Loan Insurance Corporation of civil or administrative actions against parties regarding Madison Guaranty Savings and Loan Association;

(E) the sources of funding and the lending practices of Capital Management Services, Inc., and its supervision and regulation by the Small Business Administration, including any alleged diversion of funds to Whitewater Development Corporation;

(F) the bond underwriting contracts between Arkansas Development Finance Authority and Lasater & Company; and

(G) the lending activities of Perry County Bank, Perryville, Arkansas, in connection with the 1990 Arkansas gubernatorial election;

(4) to make such findings of fact as are warranted and appropriate;

(5) to make such recommendations, including recommendations for legislative, administrative, or other actions, as the special committee may determine to be necessary or desirable; and

(6) to fulfill the constitutional oversight and informational functions of the Congress with respect to the matters described in this section.

## **SEC. 2. MEMBERSHIP AND ORGANIZATION OF THE SPECIAL COMMITTEE.**

### (a) MEMBERSHIP.—

(1) IN GENERAL.—The special committee shall consist of—

(A) the members of the Committee on Banking, Housing, and Urban Affairs; and

(B) the chairman and ranking member of the Committee on the Judiciary, or their designees from the Committee on the Judiciary.

(2) SENATE RULE XXV.—For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as the chairman or other member of the special committee shall not be taken into account.

### (b) ORGANIZATION OF SPECIAL COMMITTEE.—

(1) CHAIRMAN.—The chairman of the Committee on Banking, Housing, and Urban Affairs shall serve as the chairman of the special committee (hereafter in this resolution referred to as the “chairman”).

(2) RANKING MEMBER.—The ranking member of the Committee on Banking, Housing, and Urban Affairs shall serve as the ranking member of the special committee (hereafter in this resolution referred to as the “ranking member”).

(3) QUORUM.—A majority of the members of the special committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate. A majority of the members of the special committee, or one-third of the members of the special committee if at least one member of the minority party is present, shall constitute a quorum for the conduct of

other business. One member of the special committee shall constitute a quorum for the purpose of taking testimony.

(c) **RULES AND PROCEDURES.**—Except as otherwise specifically provided in this resolution, the special committee's investigation, study, and hearings shall be governed by the Standing Rules of the Senate and the Rules of Procedure of the Committee on Banking, Housing, and Urban Affairs. The special committee may adopt additional rules or procedures not inconsistent with this resolution or the Standing Rules of the Senate if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the special committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures shall become effective upon publication in the Congressional Record.

### **SEC. 3. STAFF OF THE SPECIAL COMMITTEE.**

(a) **APPOINTMENTS.**—To assist the special committee in the investigation, study, and hearings authorized by this resolution, the chairman and the ranking member each may appoint special committee staff, including consultants.

(b) **ASSISTANCE FROM THE SENATE LEGAL COUNSEL.**—To assist the special committee in the investigation, study, and hearings authorized by this resolution, the Senate Legal Counsel and the Deputy Senate Legal Counsel shall work with and under the jurisdiction and authority of the special committee.

(c) **ASSISTANCE FROM THE COMPTROLLER GENERAL.**—The Comptroller General of the United States is requested to provide from the General Accounting Office whatever personnel or other appropriate assistance as may be required by the special committee, or by the chairman or the ranking member.

### **SEC. 4. PUBLIC ACTIVITIES OF THE SPECIAL COMMITTEE.**

(a) **IN GENERAL.**—Consistent with the rights of persons subject to investigation and inquiry, the special committee shall make every effort to fulfill the right of the public and the Congress to know the essential facts and implications of the activities of officials of the United States Government and other persons and entities with respect to the matters under investigation and study, as described in section 1.

(b) **DUTIES.**—In furtherance of the right of the public and the Congress to know, the special committee—

(1) shall hold, as the chairman (in consultation with the ranking member) considers appropriate and in accordance with paragraph 5(b) of rule XXVI of the Standing Rules of the Sen-

ate, hearings on specific subjects, subject to consultation and coordination with the independent counsel appointed pursuant to chapter 40 of title 28, United States Code, in Division No. 94–1 (D.C. Cir. August 5, 1994) (hereafter in this resolution referred to as “the independent counsel”);

(2) may make interim reports to the Senate as it considers appropriate; and

(3) shall make a final comprehensive public report to the Senate which contains—

(A) a description of all relevant factual determinations;

and

(B) recommendations for legislation, if necessary.

#### **SEC. 5. POWERS OF THE SPECIAL COMMITTEE.**

(a) **IN GENERAL.**—The special committee shall do everything necessary and appropriate under the laws and the Constitution of the United States to conduct the investigation, study, and hearings authorized by section 1.

(b) **EXERCISE OF AUTHORITY.**—The special committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate and section 705 of the Ethics in Government Act of 1978, including the following:

(1) **SUBPOENA POWERS.**—To issue subpoenas or orders for the attendance of witnesses or for the production of documentary or physical evidence before the special committee. A subpoena or order may be authorized by the special committee or by the chairman with the agreement of the ranking member, and may be issued by the chairman or any other member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the authorized member anywhere within or outside of the borders of the United States to the full extent permitted by law. The chairman, or any other member of the special committee, is authorized to administer oaths to any witnesses appearing before the special committee. If a return on a subpoena or order for the production of documentary or physical evidence is incomplete or accompanied by an objection, the chairman (in consultation with the ranking member) may convene a meeting or hearing to determine the adequacy of the return and to rule on the objection. At a meeting or hearing on such a return, one member of the special committee shall constitute a quorum. The special committee shall not initiate procedures leading to civil or criminal enforcement of a subpoena unless the person or entity to whom the subpoena is directed refuses to produce the re-

quired documentary or physical evidence after having been ordered and directed to do so.

(2) COMPENSATION AUTHORITY.—To employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as the special committee, or the chairman or the ranking member, considers necessary or appropriate.

(3) MEETINGS.—To sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

(4) HEARINGS.—To hold hearings, take testimony under oath, and receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study. Unless the chairman and the ranking member otherwise agree, the questioning of a witness or a panel of witnesses at a hearing shall be limited to one initial 30-minute turn each for the chairman and the ranking member, or their designees, including majority and minority staff, and thereafter to 10-minute turns by each member of the special committee if 5 or more members are present, and to 15-minute turns by each member of the special committee if fewer than 5 members are present. A member may be permitted further questions of the witness or panel of witnesses, either by using time that another member then present at the hearing has yielded for that purpose during the yielding member's turn, or by using time allotted after all members have been given an opportunity to question the witness or panel of witnesses. At all times, unless the chairman and the ranking member otherwise agree, the questioning shall alternate back and forth between members of the majority party and members of the minority party. In their discretion, the chairman and the ranking member, respectively, may designate majority or minority staff to question a witness or a panel of witnesses at a hearing during time yielded by a member of the chairman's or the ranking member's party then present at the hearing for his or her turn.

(5) TESTIMONY OF WITNESSES.—To require by subpoena or order the attendance, as a witness before the special committee or at a deposition, of any person who may have knowledge or information concerning any of the matters that the special committee is authorized to investigate and study.

(6) IMMUNITY.—To grant a witness immunity under sections 6002 and 6005 of title 18, United States Code, provided that the independent counsel has not informed the special committee in writing that immunizing the witness would interfere with the ability of the independent counsel successfully to prosecute criminal violations. Not later than 10 days before the special committee seeks a Federal court order for a grant of

immunity by the special committee, the Senate Legal Counsel shall cause to be delivered to the independent counsel a written request asking the independent counsel promptly to inform the special committee in writing if, in the judgment of the independent counsel, the grant of immunity would interfere with the ability of the independent counsel successfully to prosecute criminal violations. The Senate Legal Counsel's written request of the independent counsel required by this paragraph shall be in addition to all notice requirements set forth in sections 6002 and 6005 of title 18, United States Code.

(7) DEPOSITIONS.—To take depositions and other testimony under oath anywhere within the United States, to issue orders that require witnesses to answer written interrogatories under oath, and to make application for the issuance of letters rogatory. All depositions shall be conducted jointly by majority and minority staff of the special committee. A witness at a deposition shall be examined upon oath administered by a member of the special committee or an individual authorized by local law to administer oaths, and a complete transcription or electronic recording of the deposition shall be made. Questions shall be propounded first by majority staff of the special committee and then by minority staff of the special committee. Any subsequent round of questioning shall proceed in the same order. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to answer on the basis of relevance or privilege, the special committee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling on the objection from the chairman. If the chairman overrules the objection, the chairman may order and direct the witness to answer the question, but the special committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to answer after having been ordered and directed to answer.

(8) DELEGATIONS TO STAFF.—To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by local law to administer oaths. The special committee, or the chairman with the concurrence of the ranking member, may delegate to designated staff members of the special committee the power to issue deposition notices authorized pursuant to this paragraph.

(9) INFORMATION FROM OTHER SOURCES.—To require by subpoena or order—

(A) any department, agency, entity, officer, or employee of the United States Government;

(B) any person or entity purporting to act under color or authority of State or local law; or

(C) any private person, firm, corporation, partnership, or other organization;

to produce for consideration by the special committee or for use as evidence in the investigation, study, or hearings of the special committee, any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record, recording, tape, or any other material relating to any of the matters or questions that the special committee is authorized to investigate and study which any such person or entity may possess or control.

(10) RECOMMENDATIONS TO THE SENATE.—To make to the Senate any recommendations, by report or resolution, including recommendations for criminal or civil enforcement, which the special committee may consider appropriate with respect to—

(A) the willful failure or refusal of any person to appear before it, or at a deposition, or to answer interrogatories, in compliance with a subpoena or order;

(B) the willful failure or refusal of any person to answer questions or give testimony during the appearance of that person as a witness before the special committee, or at a deposition, or in response to interrogatories; or

(C) the willful failure or refusal of—

(i) any officer or employee of the United States Government;

(ii) any person or entity purporting to act under color or authority of State or local law; or

(iii) any private person, partnership, firm, corporation, or organization;

to produce before the special committee, or at a deposition, or at any time or place designated by the committee, any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record, recording, tape, or any other material in compliance with any subpoena or order.

(11) CONSULTANTS.—To procure the temporary or intermittent services of individual consultants, or organizations thereof.

(12) OTHER GOVERNMENT PERSONNEL.—To use, on a reimbursable basis and with the prior consent of the Government

department or agency concerned, the services of the personnel of such department or agency.

(13) OTHER CONGRESSIONAL STAFF.—To use, with the prior consent of any member of the Senate or the chairman or the ranking member of any other Senate committee or the chairman or ranking member of any subcommittee of any committee of the Senate, the facilities or services of the appropriate members of the staff of such member of the Senate or other Senate committee or subcommittee, whenever the special committee or the chairman or the ranking member considers that such action is necessary or appropriate to enable the special committee to conduct the investigation, study, and hearings authorized by this resolution.

(14) ACCESS TO INFORMATION AND EVIDENCE.—To permit any members of the special committee, staff director, counsel, or other staff members or consultants designated by the chairman or the ranking member, access to any data, evidence, information, report, analysis, document, or paper—

(A) that relates to any of the matters or questions that the special committee is authorized to investigate or study under this resolution;

(B) that is in the custody or under the control of any department, agency, entity, officer, or employee of the United States Government, including those which have the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States without regard to the jurisdiction or authority of any other Senate committee or subcommittee; and

(C) that will assist the special committee to prepare for or conduct the investigation, study, and hearings authorized by this resolution.

(15) REPORTS OF VIOLATIONS OF LAW.—To report possible violations of any law to appropriate Federal, State, or local authorities.

(16) EXPENDITURES.—To expend, to the extent that the special committee determines necessary and appropriate, any money made available to the special committee by the Senate to carry out this resolution.

(17) TAX RETURN INFORMATION.—To inspect and receive, in accordance with the procedures set forth in sections 6103(f)(3) and 6104(a)(2) of the Internal Revenue Code of 1986, any tax return or tax return information, held by the Secretary of the Treasury, if access to the particular tax-related information

sought is necessary to the ability of the special committee to carry out section 1(b)(3)(B).

#### **SEC. 6. PROTECTION OF CONFIDENTIAL INFORMATION.**

(a) **NONDISCLOSURE.**—No member of the special committee or the staff of the special committee shall disclose, in whole or in part or by way of summary, to any person other than another member of the special committee or other staff of the special committee, for any purpose or in connection with any proceeding, judicial or otherwise, any testimony taken, including the names of witnesses testifying, or material presented, in depositions or at closed hearings, or any confidential materials or information, unless authorized by the special committee or the chairman in concurrence with the ranking member.

(b) **STAFF NONDISCLOSURE AGREEMENT.**—All members of the staff of the special committee with access to confidential information within the control of the special committee shall, as a condition of employment, agree in writing to abide by the conditions of this section and any nondisclosure agreement promulgated by the special committee that is consistent with this section.

(c) **SANCTIONS.**—

(1) **MEMBER SANCTIONS.**—The case of any Senator who violates the security procedures of the special committee may be referred to the Select Committee on Ethics of the Senate for investigation and the imposition of sanctions in accordance with the rules of the Senate.

(2) **STAFF SANCTIONS.**—Any member of the staff of the special committee who violates the security procedures of the special committee shall immediately be subject to removal from office or employment with the special committee or such other sanction as may be provided in any rule issued by the special committee consistent with section 2(c).

(d) **STAFF DEFINED.**—For purposes of this section, the term “staff of the special committee” includes—

- (1) all employees of the special committee;
- (2) all staff designated by the members of the special committee to work on special committee business;
- (3) all Senate staff assigned to special committee business pursuant to section 5(b)(13);
- (4) all officers and employees of the Office of Senate Legal Counsel who are requested to work on special committee business; and
- (5) all detailees and consultants to the special committee.

**SEC. 7. RELATION TO OTHER INVESTIGATIONS.**

(a) PURPOSES.—The purposes of this section are—

(1) to expedite the thorough conduct of the investigation, study, and hearings authorized by this resolution;

(2) to promote efficiency among all the various investigations underway in all branches of the United States Government; and

(3) to engender a high degree of confidence on the part of the public regarding the conduct of such investigation, study, and hearings.

(b) SPECIAL COMMITTEE ACTIONS.—To carry out the purposes stated in subsection (a), the special committee is encouraged—

(1) to obtain relevant information concerning the status of the investigation of the independent counsel, to assist in establishing a hearing schedule for the special committee; and

(2) to coordinate, to the extent practicable, the activities of the special committee with the investigation of the independent counsel.

**SEC. 8. SALARIES AND EXPENSES.**

A sum equal to not more than \$950,000 for the period beginning on the date of adoption of this resolution and ending on February 29, 1996, shall be made available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations for payment of salaries and other expenses of the special committee under this resolution, which shall include not more than \$750,000 for the procurement of the services of individual consultants or organizations thereof, in accordance with section 5(b)(11). Payment of expenses shall be disbursed upon vouchers approved by the chairman, except that vouchers shall not be required for the disbursement of salaries paid at an annual rate.

**SEC. 9. REPORTS; TERMINATION.**

(a) COMPLETION OF DUTIES.—

(1) IN GENERAL.—The special committee shall make every reasonable effort to complete, not later than February 1, 1996, the investigation, study, and hearings authorized by section 1.

(2) EVALUATION OF PROGRESS.—The special committee shall evaluate the progress and status of the investigation, study, and hearings authorized by section 1 and, not later than January 15, 1996, make recommendations with respect to the authorization of additional funds for a period following February 29, 1996. If the special committee requests the authorization of additional funds for a period following February 29, 1996, the Majority Leader and the Democratic Leader shall meet and de-

termine the appropriate timetable and procedures for the Senate to vote on any such request.

(b) FINAL REPORT.—

(1) SUBMISSION.—The special committee shall promptly submit a final public report to the Senate of the results of the investigation, study, and hearings conducted by the special committee pursuant to this resolution, together with its findings and any recommendations.

(2) CONFIDENTIAL INFORMATION.—The final report of the special committee may be accompanied by such confidential annexes as are necessary to protect confidential information.

(3) CONCLUSION OF BUSINESS.—After submission of its final report, the special committee shall promptly conclude its business and close out its affairs.

(c) RECORDS.—Upon the conclusion of the special committee's business and the closing out of its affairs, all records, files, documents, and other materials in the possession, custody, or control of the special committee shall remain under the control of the Committee on Banking, Housing, and Urban Affairs.

**SEC. 10. COMMITTEE JURISDICTION AND RULE XXV.**

The jurisdiction of the special committee is granted pursuant to this resolution, notwithstanding the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate relating to the jurisdiction of the standing committees of the Senate.

**S. Res. 153, 104th Cong. (1995)**

[141 Cong. Rec. S10175 (daily ed. July 17, 1995)]

*Resolved*, That Senate Resolution 120, agreed to May 17, 1995 (104th Congress, 1st Session), in amended—

(1) in section 2(a)(1)(A) by inserting “, except that Senator Frank H. Murkowski shall substitute for Senator Phil Gramm” before the semicolon;

(2) in section 5(b)—

(A) in paragraph (11) by inserting “with the approval of the Committee on Rules and Administration” before the period; and

(B) in paragraph (12) by inserting “and the Committee on Rules and Administration” after “concerned”; and

(3) in section 8 by adding at the end the following: “There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Special Committee from May 17, 1995, through February 29, 1996, to be paid from the appropriations account for ‘Expenses of Inquiries and Investigations’ of the Senate.”.

**S. Res. 246, 104th Cong. (1996)**

[141 Cong. Rec. S3450 (daily ed. April 17, 1996)]

*Resolved,***SECTION 1. FUNDS FOR SALARIES AND EXPENSES OF SPECIAL COMMITTEE.**

There shall be made available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations, for use not later than June 17, 1996, by the Special Committee to Investigate Whitewater Development Corporation and Related Matters (hereafter in this Resolution referred to as the “special committee”), established by Senate Resolution 120, 104th Congress, agreed to May 17, 1995 (as amended by Senate Resolution 153, 104th Congress, agreed to July 17, 1995) to carry out the investigation, study, and hearings authorized by that Senate Resolution—

(1) a sum equal to not more than \$450,000.

(A) for payment of salaries and other expenses of the special committee; and

(B) not more than \$350,000 of which may be used by the special committee for the procurement of the services of individual consultants or organizations thereof; and

(2) such additional sums as may be necessary for agency contributions related to the compensation of employees of the special committee.

**SEC. 2. TERMINATION OF THE SPECIAL COMMITTEE.**

(a) HEARINGS.—Not later than June 17, 1996, the special committee shall complete the investigation, study, and hearings authorized by Senate Resolution 120, 104th Congress, agreed to May 17, 1995 (as amended by Senate Resolution 153, 104th Congress, agreed to July 17, 1995).

(b) REPORT.—Not later than June 17, 1996, the special committee shall submit to the Senate the final public report required by section 9(b) of Senate Resolution 120, 104th Congress, agreed to May 17, 1995 (as amended by Senate Resolution 153, 104th Congress, agreed to July 17, 1995) on the results of the investigation, study, and hearings conducted pursuant to that Resolution.

12. COMMITTEE ON GOVERNMENTAL AFFAIRS

[CAMPAIGN FINANCE INVESTIGATION]

FUNDING

**S. Res. 54, 105th Cong. (1997)**

[143 Cong. Rec. S1419, 1420–21 (daily ed. Feb. 13, 1997)]

*Resolved,*

SHORT TITLE

SECTION 1. This resolution may be cited as the “Omnibus Committee Funding Resolution for 1997 and 1998.”.

\* \* \* \* \*

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed \$4,533,600, of which amount (1) not to exceed \$375,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed

\$4,653,386, of which amount (1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relationships or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly-mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations

governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purposes of this subsection, the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1997, through February 28, 1999, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the session, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 73 of the One Hundred Fourth Congress, second session, are authorized to continue.

\* \* \* \* \*

### **S. Res. 39, 105th Cong. (1997)**

[143 Cong. Rec. S2125 (daily ed. Mar. 11, 1997)]

*Resolved*, That (a) Senate Resolution 54, agreed to February 13, 1997, is amended by adding at the end the following:

#### AUTHORIZATION OF ADDITIONAL FUNDS

SEC. 24. (a) IN GENERAL.—A sum equal to not more than \$4,350,000, for the period beginning on the date of adoption of this

section and ending on December 31, 1997, shall be made available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations for payment of salaries and other expenses of the Committee on Governmental Affairs under this resolution, of which amount not to exceed \$375,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended). The expenditures by the Committee on Governmental Affairs authorized by this section supplement those authorized in section 13 and may be expended solely for the purpose stated in this section.

(b) PURPOSE OF ADDITIONAL FUNDS.—The additional funds authorized by this section are for the sole purpose of conducting an investigation of illegal or improper activities in connection with 1996 Federal election campaigns.

(c) REFERRAL TO SELECT COMMITTEE ON ETHICS.—The Committee on Governmental Affairs shall refer any evidence of illegal or improper activities involving any Member of the Senate revealed pursuant to the investigation authorized by subsection (b) to the Select Committee on Ethics.

(d) FINAL REPORT.—The Committee on Governmental Affairs shall submit a final public report to the Senate no later than January 31, 1998, of the results of the investigation, study, and hearings conducted by the Committee pursuant to this section.

\* \* \* \* \*



B. AUTHORITY AND RULES OF OTHER SENATE ENTITIES

1. TEMPORARY SPECIAL INDEPENDENT COUNSEL TO INVESTIGATE UNAUTHORIZED DISCLOSURES OF NONPUBLIC CONFIDENTIAL INFORMATION

[HILL/THOMAS LEAK INVESTIGATION]

**S. Res. 202, 102d Cong. (1991)**

[137 Cong. Rec. 28494–95 (1991)]

*Resolved,*

**SECTION 1. CONDUCT OF THE INVESTIGATION.**

The Federal Bureau of Investigation, the General Accounting Office, and any other Government department or agency as may be appropriate, shall be utilized in carrying out the investigation required by this resolution and the special independent counsel established by this resolution may, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

**SEC. 2. OFFICE OF TEMPORARY SPECIAL INDEPENDENT COUNSEL.**

There is established, as a temporary office of the Senate, an Office of Temporary Special Independent Counsel, which shall be directed by a special independent counsel (referred to as the “special independent counsel”), with administrative support from the Secretary of the Senate, to conduct an investigation of any unauthorized disclosures of non-public confidential information from Senate documents in connection with the following investigations:

- (1) the consideration of the nomination of Clarence Thomas to be an Associate Justice of the Supreme Court by the Committee on the Judiciary; and
- (2) the investigation of matters related to Charles Keating by the Select Committee on Ethics.

**SEC. 3. APPOINTMENT OF THE SPECIAL INDEPENDENT COUNSEL AND EMPLOYMENT OF STAFF.**

(2) The President pro tempore of the Senate, upon the joint recommendation of the Majority Leader and the Minority Leader, shall appoint and fix the compensation at an annual or daily rate of pay, or shall contract for the services in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), of a special independent counsel to direct the office established in the preceding paragraph. The President pro tempore of the Senate, upon the joint recommendation of the Majority Leader and the Minority Leader, may terminate the special independent counsel at any time.

(b) The Secretary of the Senate shall, upon the recommendation of the special independent counsel and with the joint approval of the Majority Leader and the Minority Leader, appoint and fix the compensation of such additional staff, including staff appointed at daily rates of pay, as are necessary to carry out the purposes of this resolution.

(c) Any employee appointed under this resolution may be paid at a rate not to exceed the maximum annual rate of pay for an employee of a standing committee of the Senate.

**SEC. 4. EXPENSES OF INVESTIGATION.**

(a) The expenses of the investigation of the special independent counsel shall be paid out of the Contingent Fund of the Senate from the appropriation account Miscellaneous Items upon vouchers approved by the Secretary of the Senate, except that vouchers shall not be required for—

(1) the disbursement of salaries of employees who are paid at an annual rate;

(2) payment of expenses for telecommunications services provided by the Telecommunications Department, Sergeant at Arms, United States Senate;

(3) the payment of expenses for stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) the payment of expenses for postage to the Postmaster, United States Senate; and

(5) the payment of metered charges on copying equipment provided by the Sergeant at Arms, United States Senate.

(b) In carrying out the provisions of this resolution, the special independent counsel may procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing com-

mittee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(c) The Secretary of the Senate is authorized to advance such sums as may be necessary to defray the expenses incurred in carrying out the provisions of this resolution.

#### **SEC. 5. COOPERATION OF THE SENATE.**

All committees, Senators, officers, and employees of the Senate shall cooperate with the special independent counsel in conducting the investigation required by this resolution.

#### **SEC. 6. DEPOSITION AND SUBPOENAS.**

(a) The special independent counsel shall have the power to conduct depositions, at any time or place, of witnesses under oath, including oaths administered by individuals authorized by local law to administer oaths, for the purpose of taking testimony upon examination by any counsel designated by the special independent counsel, and receiving correspondence, books, papers, documents, and other records.

(b) At the request of the special independent counsel, the President pro tempore of the Senate shall have the power to authorize subpoenas, which shall be issued by the Secretary of the Senate, on behalf of the Senate for the attendance of witnesses at depositions under section 6(a) and for the production of correspondence, books, papers, documents, and other records.

(c) The chairman and ranking member of the Committee on Rules and Administration, acting jointly, shall adopt rules for the conduct of depositions and other matters related to the investigation required by this resolution, which shall be published in the Congressional Record. The rules may be amended by the same process.

(d) If a witness refuses, on the basis of relevance, privilege, or other objection, to testify in response to a question or to produce records in connection with the investigation required by this resolution, the chairman and ranking member of the Committee on Rules and Administration, acting jointly, shall rule upon such objection, or they may refer such objection to the full Committee on Rules and Administration for a ruling.

(e) The Committee on Rules and Administration may make to the Senate any recommendations by report or resolution, including recommendations for criminal or civil enforcement, which the committee may consider appropriate with respect to—

- (1) the failure or refusal of any person to appear at a deposition or to produce records in obedience to a subpoena or order;
- or

(2) the failure or refusal of any person to answer questions during his or her appearance as a witness at a deposition, in connection with the investigation required by this resolution.

**SEC. 7. REPORT OF THE SPECIAL INDEPENDENT COUNSEL.**

The special independent counsel shall report the counsel's findings regarding all matters relevant to the investigation by transmitting the report to the Majority Leader and the Minority Leader. The Leaders shall make the report available to all Senators. The Majority Leader and the Minority Leader or their designees shall make—

(1) a determination on referral to the appropriate law enforcement authority of any possible violation of Federal law;

(2) a determination on referring to the appropriate committee any disciplinary action that should be taken against any Senator, official, employee, or person engaged by contract or otherwise to perform services for the Senate, who may have violated any rule of the Senate or of any Senate committee;

(3) a determination on referring to the appropriate executive branch any questions involving the conduct of any official or employee of the executive branch responsible for the unauthorized disclosure; and

(4) recommendations for any changes in Federal law or in Senate rules that should be made to prevent similar unauthorized disclosures in the future.

**SEC. 8. EFFECTIVE DATE.**

The special independent counsel shall submit the report required by this resolution not later than 120 days after the appointment of the counsel.

RULES OF PROCEDURE OF THE OFFICE OF TEMPORARY  
SPECIAL INDEPENDENT COUNSEL (ESTABLISHED PURSU-  
ANT TO S. RES. 202, 102d CONG.)

[137 Cong. Rec. 36334–35 (1991)]

## RULE 1. SUBPOENAS

1.1 *Request.* The special independent counsel shall submit to the President pro tempore written requests for the authorization of subpoenas for the attendance at deposition of any witness, or for the production of any correspondence, books, papers, documents, or other records, that may be relevant to the investigation authorized by Senate Resolution 202, 102d Congress.

1.2 *Authorization.* The President pro tempore shall have the power to authorize, in writing or by telephone, the issuance of subpoenas upon the written request of the special independent counsel. Whenever the President pro tempore exercises the power to authorize subpoenas by telephone, the authorization shall be contemporaneously memorialized in writing.

1.3 *Issuance.* Upon receipt of the written authorization, or written memorialization of the telephone authorization, for the issuance of a subpoena by the President pro tempore, the Secretary of the Senate shall issue the subpoena that is the subject of the authorization. The Secretary shall keep a log, and a file, of all subpoenas that have been issued.

1.4 *Service.* Subpoenas may be served by any person designated by the Secretary of the Senate. All subpoenas shall be accompanied by a copy of Senate Resolution 202, 102d Congress, and these rules. Criminal or civil enforcement proceedings for a witness's failure to appear at a deposition, to testify, or to produce records shall not be initiated unless a duly authorized subpoena was served upon the witness.

## RULE 2. DEPOSITIONS

2.1 *Designation.* The special independent counsel shall designate in writing the counsel, whether one or more in number, who will examine witnesses at each deposition. For purposes of Rule 2.3–2.4, the term “special independent counsel” includes the special independent counsel and any counsel designated by the special independent counsel to examine witnesses pursuant to this rule.

2.2 *Attendance.*

(a) *General Rule.* Unless otherwise specified, the deposition shall be in private.

(b) *Counsel.*

(1) *Presence.* Subject to the provisions of Rule 2.2(b) (2)–(4), a witness's counsel shall be permitted to be present during the

witness's testimony at any deposition to advise the witness of his or her rights.

(2) *Conflicts.* The chairman and ranking minority member of the Committee on Rules and Administration, acting jointly, or the full Committee if the chairman and ranking minority member refer the matter to it, may rule that representation of a witness who is an officer or employee of the government by counsel from the government, or of a witness who is an officer or employee of a corporation or association by counsel from the corporation or association, or of a witness by counsel representing other witnesses, creates a conflict of interest, and that the witness shall be represented by counsel not from the government, corporation, or association or not representing other witnesses.

(3) *Inability to Obtain Counsel.* A witness who is unable for indigence or other reason to obtain counsel may inform the Committee on Rules and Administration at least 48 hours prior to the scheduled return on the subpoena, and the Committee will endeavor to obtain volunteer counsel for the witness. Failure to obtain counsel will not excuse the witness from complying with the subpoena.

(4) *Conduct.* Counsel shall behave in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by the chairman and ranking minority member of the Committee on Rules and Administration, acting jointly, or the full Committee if the chairman and ranking minority member refer the matter to it, subject counsel to disciplinary action, which may include warning, censure, or removal.

### 2.3 Procedures.

(a) *Examination.* Witnesses at depositions shall be examined upon oath administered by an individual authorized by federal or local law to administer oaths. Questions shall be propounded orally by special independent counsel.

(b) *Objections.* Objections by a witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify, or objects to the production of records, on the basis of privilege or other ground, special independent counsel may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection. The ruling may be sought from the chairman and ranking minority member of the Committee on Rules and Administration. The chairman and ranking minority member, acting jointly, may rule on the objection, and order the witness to answer the question, or to produce the records, if the objection is overruled, or may refer the matter to the full Committee for a ruling. Procedures leading to civil or criminal enforcement shall not be initiated unless the

witness has refused to testify, or to produce records, after having been ordered to comply.

2.4 *Transcripts.* An accurate electronic or stenographic record shall be kept of all testimony at depositions. If a transcript is prepared, the witness shall be furnished with a copy, or access to a copy, of the transcript for review. Upon inspecting the transcript, a witness may submit, in writing within five days, corrections to the transcript, with a statement of the reasons for the corrections, to correct errors of transcription, grammatical errors, or errors of fact. Within the same time limit, the witness shall, if a copy was provided, return the transcript, and the witness shall sign the transcript, including any changes submitted. Any corrections submitted by the witness shall be appended to the transcript. If the witness fails to sign a transcript, or to return a signed copy, the date that access to a copy, or a copy, was provided, and the failure to sign or to return it, shall be noted on the transcript. The individual who made the electronic or stenographic record shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the office of special independent counsel. The special independent counsel may stipulate with the witness to changes in this procedure. Objections to errors in this procedure that might be cured if promptly presented are waived unless timely objection is made.

### RULE 3. RETURN OF DOCUMENTARY SUBPOENAS

Return on subpoenas for the production of correspondence, books, papers, documents, or other records, without testimony, may be required, at other than a deposition, at the special independent counsel's offices or other place specified in the subpoena. Rulings on objections to the production of records shall be obtained in accordance with Rule 2.3(b).

### RULE 4. CONFIDENTIALITY

4.1 *Security.* The office of special independent counsel shall operate under strict security precautions in order to maintain the secrecy of all office records.

4.2 *Nondisclosure.* Except as necessary for the performance of his or her duties in connection with the investigation authorized by Senate Resolution 202, 102d Congress, and as authorized by that resolution and these rules, no personnel of the office of special independent counsel, as defined in Rule 4.5, shall disclose, in whole or in part or by way of summary, to any person, for any purpose or, unless authorized by the Senate, in connection with any proceeding, judicial or otherwise, any records or other confidential in-

formation of the office. As used in this rule, the term “records or other confidential information of the office” includes, but is not limited to, all testimony taken, including the names of witnesses testifying, and all exhibits or other materials presented or received, in depositions or otherwise, and also includes any proposed or otherwise nonpublic conclusions, views, memoranda, or report of the office of special independent counsel.

4.3 *Nondisclosure Agreement.* All personnel of the office of special independent counsel, as defined in Rule 4.5, shall agree in writing, as a condition of employment or agreement for the provision of services, to abide by Rule 4.2.

4.4 *Violations.* Any of the personnel of the office, as defined by Rule 4.5, who fails to conform to the provisions of Rule 4.2 shall be subject to disciplinary sanction, including termination of employment or agreement for the provision of services.

4.5 *Definition of Office Personnel.* For purposes of Rule 4, the term “personnel of the office of special independent counsel” includes the special independent counsel, any persons engaged to perform, or who perform, services on behalf of the office, the employees of the office, any detailees and consultants to the office, and any employees of the Senate who assist the office or are given access to any records of the office for reasons related to their official duties.

#### RULE 5. EFFECTIVENESS, PUBLICATION, AND AMENDMENT OF RULES

These rules shall be effective immediately upon adoption and shall be published in the Congressional Record. These rules may be modified, amended, or repealed by the chairman and ranking minority member of the Committee on Rules and Administration, acting jointly. Any changes in these rules shall be effective immediately upon adoption and shall be published in the Congressional Record.

## 2. ETHICS STUDY COMMISSION

### **S. Res. 111, 103d Cong. (1993)**

[139 Cong. Rec. S6329 (daily ed. May 21, 1993)]

*Resolved, That—*

SECTION 1. SENATE ETHICS STUDY COMMISSION.—

(a) ESTABLISHMENT AND PURPOSES.—There is established in the Senate the Ethics Study Commission (hereinafter referred to as “Commission”) for the purposes of—

- (1) conducting a study of rules and procedures relating to the Senate Select Committee on Ethics; and
- (2) taking such actions as may be required to support the purpose specified in paragraph (1).

(b) MEMBERSHIP.—The Commission shall be composed of the following members:

- (1) the Chairman of the Select Committee on Ethics, who shall serve as Chairman of the Commission;
- (2) the Vice Chairman of the Select Committee on Ethics;
- (3) the members of the Select Committee on Ethics; and
- (4) such former members of the Select Committee on Ethics (including current and former Members of the Senate) as the Majority Leader, in consultation with the Minority Leader, shall recommend to be appointed by the President pro tempore of the Senate.

(c) VACANCIES.—Vacancies in the membership of the Commission shall not affect the authority of the remaining members to conduct the business of the Commission.

(d) CONSTRUCTION.—Nothing in this resolution shall be construed as restricting the authority of the Select Committee on Ethics or otherwise changing the authority of any committee of the Senate.

SEC. 2. SERVICES OF STAFF.—The Chairman of the Commission may designate Senate staff to assist the Commission; however, no additional staff shall be employed by the Commission under the authority of this resolution.

SEC. 3. GENERAL AUTHORITY.—For the purposes of this resolution the Commission—

- (a) is authorized in its discretion,

- (1) to hold hearings;
- (2) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate; and
- (b) shall be deemed a committee of the Senate for the conduct of hearings, including for the purpose of having printed and bound the testimony and other data presented at such hearings.

SEC. 4. EXPENSES.—(a) In carrying out its duties under the authority and purposes of this resolution, from March 4, 1993 through December 31, 1993, the Commission is authorized to make such expenditures as may be necessary from the Contingent Fund of the Senate.

(b) Expenditures from the Contingent Fund shall be paid out of the appropriations account “Miscellaneous Items” upon vouchers approved by the Chairman of the Commission, except that vouchers shall not be required for—

- (1) the payment of expenses for stationery supplies purchased through the Keeper of the Stationery, United States Senate;
- (2) the payment of expenses for postage to the Postmaster, United States Senate;
- (3) the payment of metered charges on copying equipment provided by the Sergeant at Arms, United States Senate; or
- (4) the payment of expenses for telecommunication services provided by the Telecommunications Department, Sergeant at Arms, United States Senate.

SEC. 5. REPORT.—The Commission shall report its findings and recommendations to the Majority Leader and the Minority Leader upon the conclusion of its study.

SEC. 6. TERMINATION.—The provisions of this resolution shall be deemed effective March 4, 1993, and shall terminate on December 31, 1993.

**S. Res. 173, 103d Cong. (1993)**

[139 Cong. Rec. S16897 (daily ed. Nov. 20, 1993)]

*Resolved*, That S. Res. 111, which was adopted May 21, 1993, is hereby amended by striking “December 31, 1993” each place it appears and inserting “March 1, 1994”.



## BIBLIOGRAPHY

1. Select Committee on Presidential Campaign Activities [Watergate]:

The Final Report of the Select Committee on Presidential Campaign Activities, S. Rep. No. 93-981, 93d Cong., 2d Sess. (1974).

Presidential Campaign Activities of 1972: Hearings of the Senate Select Committee on Presidential Campaign Activities, 93d Cong., 1st and 2d Sess. (1973-74).

2. Select Committee to Study Governmental Operations With Respect to Intelligence Activities [Church Committee]:

Final Report of the Senate Select Committee to Study Governmental Operations With Respect to Intelligence Activities, S. Rep. No. 94-755, 94th Cong., 2d Sess. (1976).

3. Judiciary Subcommittee Investigating Activities Relating to Individuals Representing Interests of Foreign Governments [Billy Carter Investigation]:

Inquiry Into the Matter of Billy Carter and Libya, S. Rep. No. 96-1015, 96th Cong., 2d Sess. (1980).

Inquiry Into the Matter of Billy Carter and Libya: Hearings Before the Subcomm. to Investigate the Activities of Individuals Representing the Interests of Foreign Governments of the Senate Comm. on the Judiciary, 96th Cong., 2d Sess. (1980).

4. Select Committee to Study Law Enforcement Undercover Activities of Components of the Department of Justice [Abscam Investigation]:

Final Report of the Select Committee to Study Law Enforcement Undercover Activities of Components of the Department of Justice, S. Rep. No. 97-682, 97th Cong., 2d Sess. (1982).

Hearings Before the Senate Select Committee to Study Law Enforcement Undercover Activities of Components of the Department of Justice, 97th Cong., 2d Sess. (1982).

5. Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition [Iran/Contra Investigation]:

Report of the Congressional Committee Investigating the Iran-Contra Affair, S. Rep. No. 100–216, H.R. Rep. No. 100–433, 100th Cong., 1st Sess. (1987).

Joint Hearings Before the House Select Comm. to Investigate Covert Arms Transactions with Iran and the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, 100th Cong., 1st Sess. (1987).

6. Special Committee on Investigations of the Select Committee on Indian Affairs:

Final Report and Legislative Recommendations: A Report of the Special Committee on Investigations of the Select Committee on Indian Affairs, S. Rep. No. 101–216, 101st Cong., 1st Sess. (1989).

Federal Government's Relationship With American Indians: Hearings Before the Special Committee on Investigations of the Senate Select Committee on Indian Affairs, S. Hrg. No. 101–126, pts. 1–11, 101st Cong., 1st Sess. (1989).

7. HUD/MOD Rehab Investigation Subcommittee of the Committee of Banking, Housing, and Urban Affairs [HUD/MOD Rehab Investigation]:

Final Report and Recommendations: Report of the HUD/MOD Rehab Investigation Subcommittee of the Senate Committee on Banking, Housing, and Urban Affairs, S. Prt. No. 101–124, 101st Cong., 2d Sess. (1990).

Abuses in the Section 8 Moderate Rehabilitation Program: Hearings Before the Senate Committee on Banking, Housing, and Urban Affairs, S. Hrg. No. 101–440, 101st Cong., 1st Sess. (1989).

The Abuse and Mismanagement of HUD: Hearings Before the HUD/MOD Rehab Investigation Subcommittee of the Senate Committee on Banking, Housing, and Urban Affairs, S. Hrg. No. 101–868, pts. 1 & 2, 101st Cong., 2d Sess. (1990).

8. Select Committee on POW/MIA Affairs:

POW/MIA's: Report of the Select Committee on POW/MIA Affairs, S. Rep. No. 103–1, 103d Cong., 1st Sess. (1993).

POW/MIA Policy and Process: Hearings Before the Select Committee on POW/MIA Affairs, S. Hrg. No. 102–351, pts. 1 & 2, 102d Cong., 1st Sess. (1991).

Questions Regarding American POW's in the 1970's: Hearings Before the Select Committee on POW/MIA Affairs, S. Hrg. No. 102–543, 102d Cong., 2d Sess. (1992).

Americans Missing or Prisoner in Southeast Asia, the Department of Defense Accounting Process, Hearing Before the

Select Committee on POW/MIA Affairs, S. Hrg. No. 102-966, 102d Cong., 2d Sess. (1992).

Hearing on Symbols, Before the Select Committee on POW/MIA Affairs, S. Hrg. No. 102-1030, 102d Cong., 2d Sess. (1993).

U.S. Government's Post-war POW/MIA Efforts: Hearings Before the Select Committee on POW/MIA Affairs, S. Hrg. No. 102-1130, 102d Cong., 2d Sess. (1993).

Hearings on the Paris Peace Accords: Hearings Before the Select Committee on POW/MIA Affairs, S. Hrg. No. 102-1115, 102d Cong., 2d Sess. (1993).

Oversight Hearings: Hearings Before the Select Committee on POW/MIA Affairs, S. Hrg. No. 102-1141, 102d Cong., 2d Sess. (1993).

9. Committee on Foreign Relations [October Surprise Investigation]:

The "October Surprise" Allegations and the Circumstances Surrounding the Release of the American Hostages Held in Iran, S. Prt. No. 102-125, 102d Cong., 2d Sess. (1992).

Whether the Senate Should Proceed to Investigate Circumstances Surrounding the Release of the American Hostages in 1980: Hearings Before the Subcomm. on Near Eastern and South Asian Affairs of Senate Comm. on Foreign Relations, 102d Cong., 1st Sess. (1991) [reprinted in S. Prt. No. 102-125 at 134].

10. Committee on Banking, Housing, and Urban Affairs [Whitewater Investigation]:

Investigation of Whitewater Development Corporation and Related Matters: Final Report of the Special Committee to Investigate Whitewater Development Corporation and Related Matters, S. Rep. No. 104-280, 104th Cong., 2d Sess. (1996).

Madison Guaranty S&L and the Whitewater Development Corporation, Washington, D.C. Phase: Report of the Senate Committee on Banking, Housing, and Urban Affairs, S. Rep. No. 103-433, 103d Cong., 2d Sess. (1994) (2 vols.).

Hearings Related to Madison Guaranty S&L and the Whitewater Development Corporation—Washington D.C. Phase, S. Hrg. No. 103-889, 103d Cong., 2d Sess. (1993) (2 vols.).

11. Committee on Governmental Affairs [Campaign Finance Investigation]:

Investigation of Illegal or Improper Activities In Connection With 1996 Federal Election Campaigns, S. Rep. No. 105-167, 105th Cong., 1st Sess. (1997).

Investigation on Illegal or Improper Activities in Connection With the 1996 Federal Election Campaign: Hearings Before the Senate Comm. on Governmental Affairs, S. Hrg. No. 105-300, 105th Cong., 1st Sess. (1997) (10 vols.).

12. Temporary Special Independent Counsel to Investigate Unauthorized Disclosures of Nonpublic Confidential Information [Hill/Thomas Leak Investigation]:

Report of Temporary Special Independent Counsel, S. Doc. No. 102-20, pts. 1 and 2, 102d Cong., 2d Sess. (1992).

13. Ethics Study Commission:

Recommending Revisions to the Procedures of the Senate Select Committee on Ethics, S. Prt. No. 103-71, 103d Cong., 2d Sess. (1994).

Recommending Revisions to the Procedures of the Senate Select Committee on Ethics, S. Hrg. No. 103-142, 103d Cong., 1st Sess. (1993).

