

Pursuant to section 4(c)(5)(B) of House Resolution \_\_\_\_\_, I hereby submit the following procedures for the taking of depositions pursuant to section 4(c)(5)(A) of such resolution.

1 (a) Notice for the taking of depositions shall specify  
2 the date, time, and place of examination (if other than  
3 within the committee offices). Depositions shall be taken  
4 under oath administered by a member or a person other-  
5 wise authorized to administer oaths.

6 (b) Consultation with the ranking minority member  
7 shall include three business days' notice before any deposi-  
8 tion is taken. All members of the Select Committee shall  
9 also receive three business days notice that a deposition  
10 has been scheduled.

11 (c) Witnesses may be accompanied at a deposition by  
12 counsel to advise them of their rights. No one may be  
13 present at depositions except members, committee staff  
14 designated by the chair or ranking minority member, an  
15 official reporter, the witness, and the witness's counsel.  
16 Observers or counsel for other persons, or for agencies  
17 under investigation, may not attend.

18 (d) At least one member of the committee shall be  
19 present at each deposition taken by the committee, unless

1 the witness to be deposed agrees in writing to waive this  
2 requirement.

3 (e) A deposition shall be conducted by any member  
4 or staff attorney designated by the chair or ranking minor-  
5 ity member. When depositions are conducted by committee  
6 staff attorneys, there shall be no more than two committee  
7 staff attorneys permitted to question a witness per round.  
8 One of the committee staff attorneys shall be designated  
9 by the chair and the other by the ranking minority mem-  
10 ber. Other committee staff members designated by the  
11 chair or ranking minority member may attend, but may  
12 not pose questions to the witness.

13 (f) Questions in the deposition shall be propounded  
14 in rounds, alternating between the majority and minority.  
15 A single round shall not exceed 60 minutes per side, unless  
16 the members or staff attorneys conducting the deposition  
17 agree to a different length of questioning. In each round,  
18 a member or committee staff attorney designated by the  
19 chair shall ask questions first, and the member or com-  
20 mittee staff attorney designated by the ranking minority  
21 member shall ask questions second.

22 (g) Any objection made during a deposition must be  
23 stated concisely and in a non-argumentative and non-sug-  
24 gestive manner. The witness may refuse to answer a ques-  
25 tion only to preserve a privilege. When the witness has

1 objected and refused to answer a question to preserve a  
2 privilege, the chair of the Select Committee may rule on  
3 any such objection after the deposition has adjourned. If  
4 the chair overrules any such objection and thereby orders  
5 a witness to answer any question to which a privilege ob-  
6 jection was lodged, such ruling shall be filed with the clerk  
7 of the committee and shall be provided to the members  
8 and the witness no less than three days before the recon-  
9 vened deposition. If a member of the committee appeals  
10 in writing the ruling of the chair, the appeal shall be pre-  
11 served for committee consideration. A deponent who re-  
12 fuses to answer a question after being directed to answer  
13 by the chair in writing may be subject to sanction, except  
14 that no sanctions may be imposed if the ruling of the chair  
15 is reversed on appeal.

16 (h) Committee staff shall ensure that the testimony  
17 is either transcribed or electronically recorded or both. If  
18 a witness's testimony is transcribed, the witness or the  
19 witness's counsel shall be afforded an opportunity to re-  
20 view a copy. No later than five days thereafter, the witness  
21 may submit suggested changes to the chair. Committee  
22 staff may make any typographical and technical changes.  
23 Substantive changes, modifications, clarifications, or  
24 amendments to the deposition transcript submitted by the  
25 witness must be accompanied by a letter signed by the

1 witness requesting the changes and a statement of the  
2 witness's reasons for each proposed change. Any sub-  
3 stantive changes, modifications, clarifications, or amend-  
4 ments shall be included as an appendix to the transcript  
5 conditioned upon the witness signing the transcript.

6 (i) The individual administering the oath, if other  
7 than a member, shall certify on the transcript that the  
8 witness was duly sworn. The transcriber shall certify that  
9 the transcript is a true record of the testimony, and the  
10 transcript shall be filed, together with any electronic re-  
11 cording, with the clerk of the Select Committee in Wash-  
12 ington, DC. Depositions shall be considered to have been  
13 taken in Washington, DC, as well as the location actually  
14 taken once filed there with the clerk of the Select Com-  
15 mittee for the Select Committee's use. The chair and the  
16 ranking minority member shall be provided with a copy  
17 of the transcripts of the deposition at the same time.

18 (j) The chair and ranking minority member shall con-  
19 sult regarding the release of depositions. If either objects  
20 in writing to a proposed release of a deposition or a por-  
21 tion thereof, the matter shall be promptly referred to the  
22 Select Committee for resolution.

23 (k) A witness shall not be required to testify unless  
24 the witness has been provided with a copy of rule XI of

1 the Rules of the House of Representatives and these pro-  
2 cedures.

