

## Rules and Procedures for the House Special Investigatory Committee

***Note:** These Rules and Procedures are those that were adopted by the Investigatory Subcommittee of the House Rules and Order of Business Committee in the 2011 impeachment investigation, revised where appropriate for the present investigation.*

1. The House Special Investigatory Committee (HSIC) shall give public notice of the date, time and place of its meetings as soon as practicable before the commencement of its meetings.
2. At the request of special counsel or a majority of the HSIC, the HSIC shall conduct appropriate proceedings in executive session. Staff members must sign confidentiality statements.
3. The task of gathering and presenting evidence to the HSIC shall be the responsibility of special counsel. In that regard:
  - a. all documentary evidence from public records, including affidavits of investigative authorities, shall be presented in open, public sessions;
  - b. as other evidence is gathered, and at the request of special counsel, the HSIC shall decide how that evidence is to be presented — i.e., through live witnesses, depositions or otherwise;
  - c. also at the request of special counsel, the HSIC will decide whether that evidence is to be presented in public sessions or whether respect for ongoing civil, criminal or administrative proceedings or questions of privilege requires that such evidence be presented in executive session;
  - d. testimony by witnesses, whether presented in public session or otherwise, shall be under oath, through direct questioning by special counsel. Members of the HSIC shall, however, retain the right to question any witness presented. Members of the HSIC may submit questions to the special counsel regarding testimony by deposition;
  - e. these proceedings are investigative and charging in nature and thus do not require an adversarial hearing. Nonetheless, the Secretary of State shall be apprised of the evidence submitted by special counsel, and the Secretary's response to that information shall be invited by way of:
    - (1) the Secretary's own testimony, under oath, provided through the questioning of special counsel; and
    - (2) through other means, under terms and conditions deemed appropriate by the HSIC,

upon the recommendation of special counsel; and

- f. special counsel is authorized to request the issuance of subpoenas on behalf of the HSIC.
- 4. After the presentation of the evidence, the HSIC, sitting in executive session, shall receive and consider the advice of special counsel with respect to any potential articles of impeachment.
- 5. The question presented to the HSIC and the House is, "Is there credible evidence to warrant impeachment?". The HSIC and the House will apply the following standard of proof:

There is credible evidence to warrant impeachment.

- 6. The HSIC shall make a report to the full House. If the report recommends articles of impeachment, the HSIC shall present the articles of impeachment to the whole House.\*
- 7. If and when articles of impeachment are presented to the House, all House members shall be given access to all the evidence considered by the HSIC.

---

\*Note that Rules and Procedure No. 6 has been modified. In 2011, the investigatory subcommittee was a subcommittee of a standing committee of the House of Representatives, and thus the report of the subcommittee had to be transmitted through that committee. In 2011, the language was: "The subcommittee shall make a report to the full committee. If the report recommends articles of impeachment, the subcommittee shall present the articles of impeachment through the committee to the whole house."