

44 4/5/91

102d Congress
1st Session

COMMITTEE PRINT

S. Prt.
102-53

AUTHORITY AND RULES

OF THE

SELECT COMMITTEE ON POW/MIA AFFAIRS

UNITED STATES SENATE



OCTOBER 1991

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1991

48-081

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402

ISBN 0-16-036877-4

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(III)

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(II)

102D CONGRESS
1ST SESSION

S. RES. 82

To establish a Select Committee on POW/MIA Affairs.

IN THE SENATE OF THE UNITED STATES

MARCH 14 (legislative day, FEBRUARY 6), 1991

Mr. SMITH (for himself, Mr. GRASSLEY, Mr. HELMS, Mr. REID, Mr. GRAHAM, Mr. MACK, Mr. THURMOND, Mr. RIEGLE, Mr. SPECTER, Mr. LAUTENBERG, Mr. BROWN, Mr. DIXON, Mr. ROTH, Mr. WIRTH, Mr. BRYAN, Mr. GORTON, Mr. DURENBERGER, Mr. KASTEN, Mr. AKAKA, Mr. COATS, Mr. HEFLIN, Mr. COCHRAN, Mr. ADAMS, Mr. LOTT, Mr. SHELBY, Mr. HOLLINGS, Mr. WALLOP, Mr. SEYMOUR, Mr. DODD, Mr. HATFIELD; Mr. D'AMATO, Mr. GARN, Mr. SYMMS, Mr. CRAIG, Mr. BURNS, Mr. DOMENICI, Mr. EXON, Mr. BOND, Mr. GRAMM, Mr. SIMPSON, Mr. PRESSLER, Mr. GORE, Mr. NICKLES, Mr. HARKIN, Mr. FOWLER, Mr. SANFORD, Ms. MIKULSKI, Mr. BREAUX, Mr. LEVIN, Mr. BOREN, Mr. MOYNIHAN, Mr. WARNER, and Mr. KOHL) submitted the following resolution which was referred to the Committee on Rules and Administration

AUGUST 2 (legislative day, JULY 8), 1991

Reported by Mr. FORD, with an amendment

AUGUST 2 (legislative day, JULY 8), 1991

Considered, amended, and agreed to

RESOLUTION

To establish a Select Committee on POW/MIA Affairs.

1 *Resolved,*

2 SECTION 1. (a) There is established a temporary Se-
3 lect Committee on POW/MIA Affairs (hereafter in this
4 resolution referred to as the "select committee") which

1 shall consist of 12 members, 6 to be appointed by the
 2 President pro tempore of the Senate upon recommenda-
 3 tions of the Majority Leader from among members of the
 4 majority party, and 6 to be appointed by the President
 5 pro tempore of the Senate upon recommendations of the
 6 Minority Leader from among members of the minority
 7 party.

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

10 (c) The Minority Leader shall select the vice chair-
 11 man of the select committee.

12 (d) The service of a Senator as a member or chair-
 13 man on the select committee shall not count for purposes
 14 of paragraph 4 of rule XXV of the Standing Rules of the
 15 Senate.

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

23 (f) Vacancies in the membership of the select commit-
 24 tee shall not affect the authority of the remaining mem-
 25 bers to execute the functions of the select committee.

1 SEC. 2. (a) There shall be referred to the select com-
 2 mittee, concurrently with referral to any other committee
 3 of the Senate with jurisdiction, all messages, petitions, me-
 4 morials, and other matters relating to United States per-
 5 sonnel unaccounted for from military conflicts.

6 (b) Nothing in this resolution shall be construed as
 7 prohibiting or otherwise restricting the authority of any
 8 other committee of the Senate or as amending, limiting,
 9 or otherwise changing the authority of any standing com-
 10 mittee of the Senate.

11 SEC. 3. The select committee may, for the purposes
 12 of accountability to the Senate, make such reports to the
 13 Senate with respect to matters within its jurisdiction as
 14 it shall deem advisable which shall be referred to the ap-
 15 propriate committee. In making such reports, the select
 16 committee shall proceed in a manner consistent with the
 17 requirements of national security.

18 SEC. 4. (a) For the purposes of this resolution, the
 19 select committee is authorized at its discretion (1) to make
 20 investigations into any matter within its jurisdiction, (2)
 21 to hold hearings, (3) to sit and act at any time or place
 22 during the sessions (subject to paragraph 5 of rule XXVI
 23 of the Standing Rules of the Senate), recesses, and ad-
 24 journed periods of the Senate, (4) to require, by subpoena
 25 or otherwise, the attendance of witnesses and the produc-

1 tion of correspondence, books, papers, and documents, (5)
 2 to make expenditures from the contingent fund of the Sen-
 3 ate to carry out its functions and to employ personnel,
 4 subject to procedures of paragraph (9) of rule XXVI of
 5 the Standing Rules of the Senate, and (6) with the prior
 6 consent of the Government department or agency con-
 7 cerned and the Committee on Rules and Administration,
 8 to use on a reimbursable, or nonreimbursable basis the
 9 services of personnel of any such department or agency.

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

12 (c) Subpoenas authorized by a majority of the select
 13 committee shall be issued over the signature of the chair-
 14 man and may be served by any person designated by the
 15 chairman.

16 SEC. 5. (a) No employee of the select committee or
 17 person engaged to perform services for or at the request
 18 of such committee shall be given access to any classified
 19 information by such committee unless such employee or
 20 person has (1) agreed in writing and under oath to be
 21 bound by the rules of the Senate and of such committee
 22 as to the security of such information during and after
 23 the period of his employment or relationship with such
 24 committee; and (2) received an appropriate security clear-
 25 ance as determined by such committee in consultation with

1 the Director of Central Intelligence. The type of security
 2 clearance to be required in the case of any such employee
 3 or person shall, within the determination of such commit-
 4 tee in consultation with the Director of Central Intelli-
 5 gence, be commensurate with the sensitivity of the classi-
 6 fied information to which such employee or person will be
 7 given access by such committee.

8 (b) The select committee shall designate a security
 9 officer qualified to administer appropriate security proce-
 10 dures to ensure the protection of confidential and classi-
 11 fied information in the possession of the select committee
 12 and shall make suitable arrangements, in consultation
 13 with the Office of Senate Security, for the physical protec-
 14 tion and storage of classified information in its possession.

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

22 (b) Nothing in this resolution shall be construed to
 23 prevent the select committee from publicly disclosing any
 24 such information in any case in which such committee de-
 25 termines the national interest in the disclosure of such in-

1 formation clearly outweighs any infringement on the pri-
2 vacy of any person or persons.

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

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

“POW/MIA Affairs 12.”

10 SEC. 9. The select committee shall terminate at the
11 end of the One Hundred Second Congress. Upon termina-
12 tion of the select committee, all records, files, documents,
13 and other materials in the possession, custody, or control
14 of the select committee, under appropriate conditions es-
15 tablished by the select committee, shall be transferred to
16 the Secretary of the Senate.

○

102^D CONGRESS
1ST SESSION

S. RES. 185

To provide for expenses and supplemental authority of Select Committee
on POW/MIA Affairs.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26 (legislative day, SEPTEMBER 19), 1991

Mr. KERRY (from the Select Committee on POW/MIA Affairs) reported the
following original resolution; which was referred to the Committee on
Rules and Administration

OCTOBER 3 (legislative day, SEPTEMBER 19), 1991

Reported by Mr. FORD, with an amendment

[Strike out all after “Resolved,” and insert the part printed in *italic*]

OCTOBER 16 (legislative day, SEPTEMBER 19), 1991

Considered, amended, and agreed to

RESOLUTION

To provide for expenses and supplemental authority of Select
Committee on POW/MIA Affairs.

1 *Resolved*, That (a) in carrying out its powers, duties,
2 and functions under Senate Resolution 82, agreed to Au-
3 gust 2, 1991 (102nd Congress, 1st Session), and under
4 this resolution, from August 2, 1991 through February
5 29, 1992, and from March 1, 1992 until the end of the
6 One Hundred Second Congress, through January 2, 1993,

1 the Select Committee on POW/MIA Affairs (referred to
2 in this resolution as the "select committee") is authorized
3 in its discretion to—

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

6 (2) appoint and fix compensation of personnel.

7 (b)(1) The expenses of the select committee for the
8 period from August 2, 1991, through February 29, 1992,
9 shall not exceed \$540,300 of which amount not to exceed
10 \$53,000 may be expended for the procurement of the serv-
11 ices of individual consultants, or organizations thereof, as
12 authorized by section 202(i) of the Legislative Reorganiza-
13 tion Act of 1946 (2 U.S.C. 72a(i)).

14 (2) The expenses of the select committee for the pe-
15 riod from March 1, 1992 through January 2, 1993, shall
16 not exceed \$1,360,200 of which amount not to exceed
17 \$160,000 may be expended for the procurement of the
18 services of individual consultants, or organizations thereof,
19 as authorized by section 202(i) of the Legislative Reorga-
20 nization Act of 1946 (2 U.S.C. 72a(i)).

21 (c) Expenditures from the contingent fund shall be
22 paid out of the appropriations account for Expenses of In-
23 quiries and Investigations upon vouchers approved by the
24 chairman, except that vouchers shall not be required for—

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

3 (2) the payment of expenses for telecommuni-
4 cations services provided by the Telecommunications
5 Department, Sergeant at Arms, United States Sen-
6 ate;

7 (3) the payment of expenses for stationery sup-
8 plies purchased through the Keeper of the Station-
9 ery, United States Senate;

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

12 (5) the payment of metered charges on copying
13 equipment provided by the Sergeant at Arms, Unit-
14 ed States Senate.

15 (d) There are authorized such sums as may be nec-
16 essary for agency contributions related to the com-
17 pensation of employees of the select committee to be paid
18 from the appropriations account for Expenses of Inquiries
19 and Investigations, in like manner as for the standing and
20 permanent select committees of the Senate.

21 (e) Of the funds authorized by this resolution for the
22 funding period ending on the last day of February 1992,
23 any unexpended balance remaining after such last day
24 shall be transferred to a special reserve for this committee,
25 which reserve shall be available to this committee for the

1 period commencing March 1, 1992, and ending with the
2 close of September 30, 1992, for the purpose of—

3 (1) meeting any unpaid obligations incurred
4 during the funding period ending on the last day of
5 February 1992; and

6 (2) meeting expenses of such committee in-
7 curred after such last day and prior to the close
8 of September 30, 1992.

9 SEC. 2. (a) In addition to all powers, duties, and
10 functions vested in the Select Committee of POW/MIA Af-
11 fairs by Senate Resolution 82, agreed to August 2, 1991
12 (102nd Congress, 1st Session), the select committee is au-
13 thorized to do the following:

14 (1) To delegate to the chairman the power, with
15 the consent of the vice chairman, to authorize sub-
16 poenas for the attendance of witnesses and the pro-
17 duction of correspondence, books, papers, docu-
18 ments, and other records.

19 (2) To (A) authorize staff to conduct deposi-
20 tions of witnesses under oath, including oaths ad-
21 ministered by individuals authorized by local law to
22 administer oaths, for the purpose of taking testi-
23 mony and receiving correspondence, books, papers,
24 documents, and other records, and (B) require, by
25 subpoena or order, the attendance of witnesses and

1 the production of correspondence, books, papers,
2 documents, and other records at such staff deposi-
3 tions.

4 (3) To make to the Senate any rec-
5 ommendations by report or resolution, including rec-
6 ommendations for criminal or civil enforcement,
7 which the select committee may consider appropriate
8 with respect to (A) the failure or refusal of any per-
9 son to appear at a hearing or deposition or to
10 produce records, in obedience to a subpoena or
11 order, or (B) the failure or refusal of any person to
12 answer questions during his or her appearance as
13 a witness at a hearing or deposition.

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

21 (5) To (A) use, with the prior consent of the
22 chairman of any other Senate committee or the
23 chairman of any subcommittee of any committee of
24 the Senate, the facilities of any other Senate com-
25 mittees or the services of any members of the staff

1 of them whenever the select committee or its chair-
 2 man considers that such action is necessary or ap-
 3 propriate to enable the select committee to carry out
 4 its powers, duties, and functions, and (B) pay the
 5 official travel expenses for staff members of other
 6 committees used pursuant to this resolution.

7 (b) Any foreign travel by Members and employees re-
 8 quired for the select committee shall be deemed to be on
 9 behalf of the Senate for purposes of Senate Resolution
 10 179, agreed to May 25, 1977 (95th Congress, 1st Ses-
 11 sion).

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

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

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

1 lect Committee on Intelligence in such section shall be
 2 deemed to be references to the select committee.

○

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

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 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 committees 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 introductory 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 in-

dividual 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 *Detailees 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.