TIP SHEET FOR COMMITTEE CLERKS
HANDLING OVERSIGHT INVESTIGATIONS

The following tips to facilitate oversight investigations and hearings were compiled with suggestions from House and Senate committee and subcommittee clerks. No one clerk could be expected to accomplish all of the following, absent assistance. The tips are instead intended to highlight key issues and offer a menu of options to consider at each stage of the investigative process. Clerks are encouraged to set priorities and build capacity over time.

Institutional Memory

Maintain or develop procedures to support the committee's institutional memory.
Maintain or compile a folder describing key precedents.
Maintain or develop committee standard operating procedures and share them with staff.
Maintain or develop standard forms and share them with staff.
Keep copies of sample subpoenas, document requests, witness invitation letters, witness lists, hearing scripts, press releases, and reports.
Maintain or develop timelines related to issuing subpoenas, managing reports, and holding hearings, and share them with staff.
Maintain contact information for prior clerks in case they need to be consulted.

Neutrality and Bipartisanship

Make an explicit commitment to bipartisanship and the even-handed treatment of all staff.
Make your desk a neutral, friendly space for investigators from both sides of the aisle.
Encourage a respectful, friendly tone within your office.
Provide information in an even-handed way to both sides of the aisle.
Encourage staff to meet their counterparts across the aisle; introduce them.
Encourage staff to engage in the timely sharing of key information across party lines.
Ask staff to identify any information that may not be disclosed to the other party.
Remind staff to share press releases with the other side before they go public.
Encourage staff to share hearing dates and witness lists on a timely basis.
Maintain committee websites in as bipartisan a way as possible.
Discourage surprises.

Counterpart Across the Aisle

If you have a counterpart clerk across the aisle, set up periodic meetings to discuss issues.
Try to agree on certain procedures and forms to standardize how the two sides operate.
Set up procedures to facilitate clearances on such matters as hearing notices, witness lists, exhibit books, charts, hearing memos, reports, press releases, online proceedings, and web posts.
Encourage bipartisanship through kind gestures.

Rules of Procedure

In a new Congress, review the relevant rules of procedure; suggest possible improvements.
Finalize the text, and ensure the rules are approved.
Prepare copies for distribution; distribute to staff, and supply to lawyers or witnesses as needed.
Determine whether to post a copy of the rules on the website.

Website

Maintain or work with webmaster to maintain the website in as bipartisan manner as possible.
Consider using a joint press release section for both sides of the aisle.
Maintain or develop procedures for posting key developments in a timely manner on the website such as hearing dates, notices, reports, and press releases.
At the end of each month, review or have an intern or staffer review the website to ensure it is up to date, adding any reports, hearing materials, post-hearing materials, or media matters.
Consider asking a staffer on each investigative team to review the relevant materials on the website at the end of each quarter and make any needed changes or additions.

Media

Maintain or develop procedures for tracking and responding to media calls.
Consider using an intern to develop and maintain a press list, to be shared across party lines.
Consider using an intern to assemble and distribute press clips of interest on a daily or weekly basis or after the advent of a hearing or report, to be shared across party lines.
Consider using an intern, working with the press shop, to identify and obtain copies of press releases, media interviews, columns, floor statements, and public statements on the investigation.
Maintain or develop procedures to store media-related information.

Investigative Files

When a new investigation begins, create electronic and hard copy files for expected materials.
Try to use a nonpartisan name for each investigation.
Identify lead staffers on both sides of the aisle who will manage the inquiry.
Create a shared electronic space that both sides can use to share key materials and information.
Maintain or develop written rules on who may access the investigative files.
Track which staffers have committee-issued devices and can or cannot access files from home.
Clarify that detailees/law clerks/interns using personal computers are limited to open-source research, and committee documents cannot be sent to a personal email address.

Contacts List

Develop a contacts list form with entries for key information such as the contact’s name, job title, employer, client, email, and telephone number.
Ask a staffer or intern on the investigative team to supply the information for the contact list.
Encourage them to include information for opposing counsel, agencies, experts, GAO/CRS/IG contacts, and staffers from other offices.
Make the same contact list available to both sides of the aisle; consider posting in a shared space.
Review the list with a key staffer periodically to ensure it is up to date.

Document Requests and Subpoenas

Maintain or develop standard subpoena forms, cover letters, and attachments.
Maintain or develop a staff sign-off procedure to know when a document request or subpoena is in final form as well as a procedure to obtain the Chair's signature on a subpoena.
Suggest and use procedures to share document requests with the other party before they go out.
Maintain or develop standard procedures for obtaining committee votes on contested subpoenas.
Maintain or develop standard procedures for service of subpoenas.
Maintain or develop contacts at the U.S. Marshal's office to facilitate subpoena service requests.
Create files for electronic and physical storage of document requests and subpoenas.
Maintain or develop staff procedures to track document requests – perhaps using a spreadsheet to log them by request date, due date, target, records received, and outstanding requests.
Review the spreadsheet with a key staffer periodically to ensure it is up to date.

Document Tracking, Access, and Storage

Maintain or develop procedures for tracking incoming documents – before any copies are made, log in each production by date, source, bates number range, document request that led to the production, and perhaps by key committee staffer.
If needed, add bates numbers to unmarked documents; add them before any copies are made.
Maintain or develop procedures for adding bates numbers that don't disclose a document source.
Store original incoming documents in appropriate electronic or hard copy files.
Make a single set of copies – with bates numbers – available to both sides of the aisle; ask staffers to leave the originals in the files, use the copies, and make any new copies they need.
Maintain, develop, and explain procedures for staff to access committee documents from home.
Clarify procedures, in-person and online, for sharing documents with third parties and providing copies during or prior to an interview, hearing, or report.
Distribute relevant House or Senate confidentiality rules to staff.
Provide binders or electronic files for hot docs; store them where both sides can access them.
Maintain or develop procedures for storing original documents over time.
Maintain or develop procedures for storing confidential or sealed documents.

Classified Information

Maintain or develop a document explaining office procedures for handling classified information as well as sensitive information bearing a label like "For Official Use Only."
Maintain a list of staff with clearances for classified information; doublecheck every six months.
Ensure classified information is sent to secured areas; do not accept delivery or keep them on site without special arrangements, including an approved safe.
Encourage staff to go to secured areas when reviewing classified information.
Warn against discussing classified information on the telephone or in non-secure rooms.
Warn against typing classified information on non-secure computers.
Arrange for an annual security briefing on handling of classified information.

Depositions/Transcribed Interviews/Interviews

Identify meeting rooms that can be used for interviews or depositions.
Maintain or develop a calendar, accessible to everyone, to reserve meeting rooms.
Maintain or develop procedures for determining what happens if there aren't enough rooms.
Maintain or develop procedures for scheduling online depositions and interviews.

Assist with production of document books for specific interviews, and for storing them.
Maintain a file for each deposition – date, participants, document book, and any transcripts.
Maintain or develop procedures for swearing in witnesses in-person and online.
Maintain or develop procedures to arrange for transcription services, when desired.
Maintain or develop procedures for using online notaries to swear in witnesses.
Determine if the transcription service has to be instructed not to sell transcripts to third parties.
Maintain or develop procedures to review transcripts, request transcript changes, approve those changes, transmit corrections, and obtain a final version of each transcript.
Maintain or develop procedures to store and provide access to transcripts and related documents, including copies of any meeting notes compiled by staff.

Reports

Maintain or develop procedures to draft, edit, and get final sign-off on the text of a report.
If drafts are shared outside of the committee, maintain or develop procedures to track who received copies, obtain proposed edits, and safeguard against the report's being leaked.
Maintain or develop procedures to ensure reports are shared across the aisle on a timely basis before they are made public; encourage staff to share report drafts.
Identify all documents to be released with a report, make any needed redactions, add any inscriptions, and clarify how the documents are to be identified and listed in the report.
Maintain or develop procedures for a final fact-check of the report before it is released publicly.
Include in the report a list of the Committee Members and key staff who worked on the report.
Maintain or develop procedures for including minority views and dissenting views.
Maintain or develop procedures for posting a report on the committee website; ensure bipartisan notice before posting; doublecheck that any document redactions are effective.
Maintain or develop procedures on how the report will be distributed before, during, or after a hearing and when it will be issued to the media.
Determine whether the report will be incorporated into a hearing record and how; whether it will be submitted for a committee review or vote; and whether it will be sent to GPO for printing.
Determine how many hard copy reports to request from GPO and where to store them.

Pre-Hearing Procedures

Maintain or develop a list of staff contacts to receive hearing information.
Work with staff to distribute key information to hearing staff contacts; determine whether to include on key emails or documents a confidentiality inscription such as: "Confidential Committee Information; Do Not Release to Third Parties."
Maintain, develop, or use a confidential calendar to reserve a hearing room.
Work with staff to identify hearing dates and reserve hearing rooms as early as possible.
Work with staff to determine if a hearing will be in-person, online, or in hybrid form, and clarify the staffing and procedures to be used in each type of hearing.
Work with staff to determine if the court reporter will operate in-person or online.
Work with staff to produce an official title for the hearing.
Work with staff to identify hearing witnesses and panels; encourage bipartisan sign-off on them.
Work with staff to issue timely witness invitation letters; encourage bipartisan sign-off on them.
Work with staff to issue and serve any subpoenas on witnesses; encourage bipartisan sign-off.
Make any needed witness travel arrangements.

Ask staff to identify any witness expected to assert Fifth Amendment rights and, if needed, work with staff to prepare a hearing script to handle the matter during the hearing.
Work with staff to prepare and distribute an official hearing notice.
Work with staff to prepare any hearing exhibits – find the best copies of the documents, review them for cleanup and redactions, get approval of any redactions, and add exhibit numbers.
Work with staff to prepare any hearing charts; encourage bipartisan staff sign-offs.
If needed, send any videos to the Recording Studio to convert into shareable online versions.
Work with staff to prepare the hearing exhibit books – put the exhibits in order with charts first, create a descriptive list of the documents, and compile multiple notebooks for the hearing.
Work with staff on how to handle any video or report, and when and how to distribute copies.
Maintain or develop procedures to handle any last-minute exhibits, charts, or videos.
Determine how exhibits/charts/videos will be handled during the hearing, including online.
Arrange pre-hearing sessions with witnesses and staff to test online equipment and connections.
Determine if there will be a pre-hearing press conference and, if so, reserve a room, prepare any materials, and make copies of any packets for reporters.
If there is a staff briefing, arrange a date, time, and room, and the distribution of any materials.
If there is a hearing memo, get staff sign-off of the final version, and distribute as directed.
Encourage bipartisan hearing memos or at least timely sharing of the draft memo.
Find out from committee staff contacts which Members are expected to attend the hearing.
Alert staff as to who may give an opening statement and what time limits will apply to questions.

Hearing Procedures

If needed, arrange socially distanced seating in the hearing room and post mask rules.
Determine if the committee will provide masks if needed.
Conduct soundchecks in-person and online, as needed, including with the Recording Studio.
Prepare the official witness list – get bipartisan staff sign-off on names, job titles, affiliations.
Prepare any press release; encourage bipartisan sign-offs; consider whether and when to post it and the witness list on the website.
Determine any responsibility for preparing or making copies of any opening statements.
Prepare Member and witness name placards for in-person or online use.
Work with staff to prepare and distribute hearing packets for Members, including the witness list, press release, any hearing memo, and any key hearing exhibits/charts/video links.
Place exhibit book for each Member and at witness tables, or make available online.
Handle any last-minute exhibits/charts/videos, including making or distributing any copies.
Ensure easels for in-person hearing charts and equipment for any videos or presentations.
Reserve seats for witnesses and seat them when they arrive.
If needed, arrange for witnesses to be escorted to the hearing room.
If needed, arrange for rooms for excess staff or family members and explain how they can communicate with a witness in the hearing room.
Reserve any other seats requested by staff.
If needed, set up press tables and distribute copies of any press releases or opening statements.
If needed, work with staff and Capitol Police on any crowd control issues.
Track Members as they arrive to determine the order for asking questions.
Operate the timing system during the hearing to ensure compliance with time limits.
Ensure Members, staff, and witnesses have copies of exhibits, as needed during the hearing.
When the hearing concludes, pick up any physical Member materials or handwritten notes.

Post Hearing Questions

Maintain or develop procedures for sending out post-hearing questions for the record.
Work with staff to determine whether the questions will go out jointly or separately, and whether they will be identified as from the committee or from individual Members.
For each recipient, identify a contact responsible for responding to the post-hearing questions.
Distribute the questions and set a deadline for responses, not to exceed 30 days.
After 2 weeks, call the contacts on a regular basis to obtain the responses.
If no response by the deadline, ask a staffer from the investigative team to take over.

Hearing Record

Maintain or develop procedures to ensure a record is completed within 3 months of a hearing.
Assign tasks to specific staffers on each investigative team to meet that deadline.
Insist witnesses return hearing transcripts in 2 weeks or lose the opportunity to request edits.
Design the hearing record to make it easy for readers to find information.
Establish the order of the hearing materials, starting with the hearing transcript, any report, the hearing exhibits, any questions for the record (with answers), and any additional documents, including any cited in a report footnote or which came to light after the hearing.
Ask an investigative staffer to review the documents and use a highlighter to identify any recommended redactions; ask a senior staffer to okay the redactions before finalizing them.
If the hearing record contains substantial documents, include a list of them at the appropriate place, divided into subsections with subject matter headings.
Include a list of Committee Members and key staff present at the hearing.
Determine whether the hearing record will be sent to GPO or a congressional repository.
If needed, maintain or develop contacts at GPO to facilitate work on the hearing record.
If needed, work with GPO personnel to get a draft and final version of the hearing record.
Maintain or develop procedures for a key staffer to review the hearing record before it is final.
Identify the GPO or committee online citation for the hearing record.
Each quarter, check progress on outstanding hearing records to meet the 3-month deadline.
Maintain or develop an ongoing list of the committee's hearing records, using GPO or committee cites; distribute annually to staff; consider posting the list with links on the committee website.
Ensure a description of the hearing is included in the annual committee activity report.

Archiving

Maintain or develop a written description of the committee's archiving rules.
Ensure archiving duties are assigned to a specific committee staffer.
Identify, maintain, or develop contact information for a National Archives liaison.
Establish a process for archiving oversight files, perhaps by investigation and staffer.
Maintain or develop procedures for handling electronic records.
Ensure all reports, with any dissenting or additional views, are archived.
Arrange for an annual archiving briefing for staff so they know what to do.
In December each year, use interns to get files from closed investigations into archive boxes, develop a list of those files, and send the files to the archives.
Segregate and mark any exhibits or documents meant to be sealed from the public.
Keep copies of the lists of archived files to make it easy to retrieve a file.

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