Authorizing the Committee on the Judiciary to initiate or intervene in judicial proceedings to enforce certain subpoenas and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2019

Mr. McGovern (for himself, Mr. Cummings, Mr. Engel, Mr. Nadler, Mr. Neal, Mr. Schiff, and Ms. Waters) submitted the following resolution; which was referred to the Committee on Rules

JUNE 10, 2019

Additional sponsors: Mr. Hastings, Mrs. Torres of California, Mr. Perlmutter, Mr. Raskin, Ms. Scanlon, Mr. Morelle, Mr. DeSaulnier, Mr. Casten of Illinois, Mr. Pascarella, Mr. Cohen, Mr. Gomez, Mr. Cicilline, Ms. Meng, Ms. Trair, Ms. Haaland, Ms. Omar, Mrs. Demings, Ms. Jackson Lee, Ms. Pressley, Ms. Norton, Mr. Serrano, Mr. Deutch, Ms. Escobar, Mr. Ted Lieu of California, Mr. Carbajal, Ms. Bass, Ms. Dean, Ms. Garcia of Texas, Ms. Schakowsky, Ms. DeGette, Mr. Cárdenas, Ms. Adams, Mr. Thompson of California, Ms. Clarke of New York, Ms. Jayapal, Mr. Blumenauer, Mrs. Watson Coleman, Mr. Lewis, Mr. Swalwell of California, Ms. Eshoo, Mr. Pallone, Mr. Sarbanes, Ms. DeLauro, Ms. Barragán, Ms. Castor of Florida, Mrs. Davis of California, Mr. Payne, Mr. DeFazio, Mr. Neguse, Mr. Smith of Washington, Ms. Matsui, Ms. Lofgren, Mrs. Lowey, Mr. Lucían, Ms. Mucarsel-Powell, Mr. Johnson of Georgia, Mr. Espaillat, Mr. Panetta, and Ms. Shalala
Resolved, That the chair of the Committee on the Judiciary of the House of Representatives is authorized, on behalf of such Committee, to initiate or intervene in any judicial proceeding before a Federal court—

(1) to seek declaratory judgments and any and all ancillary relief, including injunctive relief, affirming the duty of—

(A) William P. Barr, Attorney General, U.S. Department of Justice, to comply with the subpoena that is the subject of the resolution accompanying House Report 116–105; and

(B) Donald F. McGahn, II, former White House Counsel, to comply with the subpoena issued to him on April 22, 2019; and

(2) to petition for disclosure of information regarding any matters identified in or relating to the subpoenas referred to in paragraph (1) or any ac-
companying report, pursuant to Federal Rule of Criminal Procedure 6(e), including Rule 6(e)(3)(E) (providing that the court may authorize disclosure of a grand-jury matter "preliminarily to . . . a judicial proceeding").

Resolved, That the chair of each standing and permanent select committee, when authorized by the Bipartisan Legal Advisory Group, retains the ability to initiate or intervene in any judicial proceeding before a Federal court on behalf of such committee, to seek declaratory judgments and any and all ancillary relief, including injunctive relief, affirming the duty of the recipient of any subpoena duly issued by that committee to comply with that subpoena. Consistent with the Congressional Record statement on January 3, 2019, by the chair of the Committee on Rules regarding the civil enforcement of subpoenas pursuant to clause 8(b) of rule II, a vote of the Bipartisan Legal Advisory Group to authorize litigation and to articulate the institutional position of the House in that litigation is the equivalent of a vote of the full House of Representatives.

Resolved, That in connection with any judicial proceeding brought under the first or second resolving clauses, the chair of any standing or permanent select
committee exercising authority thereunder has any and all
necessary authority under Article I of the Constitution.

Resolved, That the chair of any standing or perma-

nent select committee exercising authority described in the
first or second resolving clause shall notify the House of
Representatives, with respect to the commencement of any
judicial proceeding thereunder.

Resolved, That the Office of General Counsel of the
House of Representatives shall, with the authorization of
the Speaker, represent any standing or permanent select
committee in any judicial proceeding initiated or inter-
vened in pursuant to the authority described in the first
or second resolving clause.

Resolved, That the Office of General Counsel of the
House of Representatives is authorized to retain private
counsel, either for pay or pro bono, to assist in the rep-
resentation of any standing or permanent select committee
in any judicial proceeding initiated or intervened in pursu-
ant to the authority described in the first or second resolv-
ing clause.

That the chair of the Committee on the Judiciary of
the House of Representatives is authorized, on behalf of such
Committee, to initiate or intervene in any judicial pro-
ceeding before a Federal court—
(1) to seek declaratory judgments and any and all ancillary relief, including injunctive relief, affirming the duty of—

(A) William P. Barr, Attorney General, to comply with the subpoena that is the subject of the resolution accompanying House Report 116-105; and

(B) Donald F. McGahn, II, former White House Counsel, to comply with the subpoena issued to him on April 22, 2019; and

(2) to petition for disclosure of information regarding any matters identified in or relating to the subpoenas referred to in paragraph (1) or any accompanying report, pursuant to Federal Rule of Criminal Procedure 6(e), including Rule 6(e)(3)(E) (providing that the court may authorize disclosure of a grand-jury matter “preliminarily to... a judicial proceeding”).

Resolved, That the chair of each standing and permanent select committee, when authorized by the Bipartisan Legal Advisory Group, retains the ability to initiate or intervene in any judicial proceeding before a Federal court on behalf of such committee, to seek declaratory judgments and any and all ancillary relief, including injunctive relief, affirining the duty of the recipient of any subpoena duly
issued by that committee to comply with that subpoena.
Consistent with the Congressional Record statement on January 3, 2019, by the chair of the Committee on Rules regarding the civil enforcement of subpoenas pursuant to clause 8(b) of rule II, a vote of the Bipartisan Legal Advisory Group to authorize litigation and to articulate the institutional position of the House in that litigation is the equivalent of a vote of the full House of Representatives.

Resolved, That in connection with any judicial proceeding brought under the first or second resolving clauses, the chair of any standing or permanent select committee exercising authority thereunder has any and all necessary authority under Article I of the Constitution.

Resolved, That the chair of any standing or permanent select committee exercising authority described in the first or second resolving clause shall notify the House of Representatives, with respect to the commencement of any judicial proceeding thereunder.

Resolved, That the Office of General Counsel of the House of Representatives shall, with the authorization of the Speaker, represent any standing or permanent select committee in any judicial proceeding initiated or intervened in pursuant to the authority described in the first or second resolving clause.
Resolved, That the Office of General Counsel of the House of Representatives is authorized to retain private counsel, either for pay or pro bono, to assist in the representation of any standing or permanent select committee in any judicial proceeding initiated or intervened in pursuant to the authority described in the first or second resolving clause.
RESOLUTION

Authorizing the Committee on the Judiciary to initiate or intervene in judicial proceedings to enforce certain subpoenas and for other purposes.

June 10, 2019