

116TH CONGRESS
2D SESSION

H. RES. 965

Authorizing remote voting by proxy in the House of Representatives and providing for official remote committee proceedings during a public health emergency due to a novel coronavirus, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2020

Mr. MCGOVERN submitted the following resolution; which was referred to the Committee on Rules

RESOLUTION

Authorizing remote voting by proxy in the House of Representatives and providing for official remote committee proceedings during a public health emergency due to a novel coronavirus, and for other purposes.

1 *Resolved,*

2 **SECTION 1. AUTHORIZATION OF REMOTE VOTING BY**

3 **PROXY DURING PUBLIC HEALTH EMER-**

4 **GENCY DUE TO NOVEL CORONAVIRUS.**

5 (a) AUTHORIZATION.—Notwithstanding rule III, at
6 any time after the Speaker or the Speaker's designee is
7 notified by the Sergeant-at-Arms, in consultation with the
8 Attending Physician, that a public health emergency due

1 to a novel coronavirus is in effect, the Speaker or the
 2 Speaker’s designee, in consultation with the minority lead-
 3 er or the minority leader’s designee, may designate a pe-
 4 riod (hereafter in this resolution referred to as a “covered
 5 period”) during which a Member who is designated by an-
 6 other Member as a proxy in accordance with section 2 may
 7 cast the vote of such other Member or record the presence
 8 of such other Member in the House.

9 (b) LENGTH OF COVERED PERIOD.—

10 (1) IN GENERAL.—Except as provided in para-
 11 graphs (2) and (3), a covered period shall terminate
 12 45 days after the Speaker or the Speaker’s designee
 13 designates such period.

14 (2) EXTENSION.—If, during a covered period,
 15 the Speaker or the Speaker’s designee receives fur-
 16 ther notification from the Sergeant-at-Arms, in con-
 17 sultation with the Attending Physician, that the
 18 public health emergency due to a novel coronavirus
 19 remains in effect, the Speaker or the Speaker’s des-
 20 ignee, in consultation with the minority leader or the
 21 minority leader’s designee, may extend the covered
 22 period for an additional 45 days.

23 (3) EARLY TERMINATION.—If, during a covered
 24 period, the Speaker or the Speaker’s designee re-
 25 ceives further notification by the Sergeant-at-Arms,

1 in consultation with the Attending Physician, that
2 the public health emergency due to a novel coronavi-
3 rus is no longer in effect, the Speaker or the Speak-
4 er's designee shall terminate the covered period.

5 **SEC. 2. PROCESS FOR DESIGNATION OF PROXIES.**

6 (a) IN GENERAL.—

7 (1) DESIGNATION BY SIGNED LETTER.—In
8 order for a Member to designate another Member as
9 a proxy for purposes of section 1, the Member shall
10 submit to the Clerk a signed letter (which may be
11 in electronic form) specifying by name the Member
12 who is designated for such purposes.

13 (2) ALTERATION OR REVOCATION OF DESIGNA-
14 TION.—

15 (A) IN GENERAL.—At any time after sub-
16 mitting a letter to designate a proxy under
17 paragraph (1), a Member may submit to the
18 Clerk a signed letter (which may be in elec-
19 tronic form) altering or revoking the designa-
20 tion.

21 (B) AUTOMATIC REVOCATION UPON CAST-
22 ING OF VOTE OR RECORDING OF PRESENCE.—
23 If during a covered period, a Member who has
24 designated another Member as a proxy under
25 this section casts the Member's own vote or

1 records the Member's own presence in the
2 House, the Member shall be considered to have
3 revoked the designation of any proxy under this
4 subsection with respect to such covered period.

5 (3) NOTIFICATION.—Upon receipt of a letter
6 submitted by a Member pursuant to paragraphs (1)
7 or (2), the Clerk shall notify the Speaker, the major-
8 ity leader, the minority leader, and the other Mem-
9 ber or Members involved of the designation, alter-
10 ation, or revocation.

11 (4) LIMITATION.—A Member may not be des-
12 ignated as a proxy under this section for more than
13 10 Members concurrently.

14 (b) MAINTENANCE AND AVAILABILITY OF LIST OF
15 DESIGNATIONS.—The Clerk shall maintain an updated
16 list of the designations, alterations, and revocations sub-
17 mitted or in effect under subsection (a), and shall make
18 such list publicly available in electronic form and available
19 during any vote conducted pursuant to section 3.

20 **SEC. 3. PROCESS FOR VOTING DURING COVERED PERIODS.**

21 (a) RECORDED VOTES ORDERED.—

22 (1) IN GENERAL.—Notwithstanding clause 6 of
23 rule I, during a covered period, the yeas and nays
24 shall be considered as ordered on any vote on which

1 a recorded vote or the yeas and nays are requested,
2 or which is objected to under clause 6 of rule XX.

3 (2) INDICATIONS OF PROXY STATUS.—In the
4 case of a vote by electronic device, a Member who
5 casts a vote or records a presence as a designated
6 proxy for another Member under this resolution
7 shall do so by ballot card, indicating on the ballot
8 card “by proxy”.

9 (b) DETERMINATION OF QUORUM.—Any Member
10 whose vote is cast or whose presence is recorded by a des-
11 ignated proxy under this resolution shall be counted for
12 the purpose of establishing a quorum under the rules of
13 the House.

14 (c) INSTRUCTIONS FROM MEMBER AUTHORIZING
15 PROXY.—

16 (1) RECEIVING INSTRUCTIONS.—Prior to cast-
17 ing the vote or recording the presence of another
18 Member as a designated proxy under this resolution,
19 the Member shall obtain an exact instruction from
20 the other Member with respect to such vote or
21 quorum call, in accordance with the regulations re-
22 ferred to in section 6.

23 (2) ANNOUNCING INSTRUCTIONS.—Immediately
24 prior to casting the vote or recording the presence
25 of another Member as a designated proxy under this

1 resolution, the Member shall seek recognition from
 2 the Chair to announce the intended vote or recorded
 3 presence pursuant to the exact instruction received
 4 from the other Member under paragraph (1).

5 (3) FOLLOWING INSTRUCTIONS.—A Member
 6 casting the vote or recording the presence of another
 7 Member as a designated proxy under this resolution
 8 shall cast such vote or record such presence pursu-
 9 ant to the exact instruction received from the other
 10 Member under paragraph (1).

11 **SEC. 4. AUTHORIZING REMOTE PROCEEDINGS IN COMMIT-**
 12 **TEES.**

13 (a) AUTHORIZATION.—During any covered period,
 14 and notwithstanding any rule of the House or its commit-
 15 tees—

16 (1) any committee may conduct proceedings re-
 17 motely in accordance with this section, and any such
 18 proceedings conducted remotely shall be considered
 19 as official proceedings for all purposes in the House;

20 (2) committee members may participate re-
 21 motely during in-person committee proceedings, and
 22 committees shall, to the greatest extent practicable,
 23 ensure the ability of members to participate re-
 24 motely;

1 (3) committee members may cast a vote or
2 record their presence while participating remotely;

3 (4) committee members participating remotely
4 pursuant to this section shall be counted for the pur-
5 pose of establishing a quorum under the rules of the
6 House and the committee;

7 (5) witnesses at committee proceedings may ap-
8 pear remotely;

9 (6) committee proceedings conducted remotely
10 are deemed to satisfy the requirement of a “place”
11 for purposes of clauses 2(g)(3) and 2(m)(1) of rule
12 XI; and

13 (7) reports of committees (including those filed
14 as privileged) may be delivered to the Clerk in elec-
15 tronic form, and written and signed views under
16 clause 2(l) of rule XI may be filed in electronic form
17 with the clerk of the committee.

18 (b) LIMITATION ON BUSINESS MEETINGS.—A com-
19 mittee shall not conduct a meeting remotely or permit re-
20 mote participation at a meeting under this section until
21 a member of the committee submits for printing in the
22 Congressional Record a letter from a majority of the mem-
23 bers of the committee notifying the Speaker that the re-
24 quirements for conducting a meeting in the regulations re-
25 ferred to in subsection (h) have been met and that the

1 committee is prepared to conduct a remote meeting and
2 permit remote participation.

3 (c) REMOTE PROCEEDINGS.—Notwithstanding any
4 rule of the House or its committees, during proceedings
5 conducted remotely pursuant to this section—

6 (1) remote participation shall not be considered
7 absence for purposes of clause 5(c) of rule X or
8 clause 2(d) of rule XI;

9 (2) the chair may declare a recess subject to
10 the call of the chair at any time to address technical
11 difficulties with respect to such proceedings;

12 (3) copies of motions, amendments, measures,
13 or other documents submitted to the committee in
14 electronic form as prescribed by the regulations re-
15 ferred to in subsection (h) shall satisfy any require-
16 ment for the submission of printed or written docu-
17 ments under the rules of the House or its commit-
18 tees;

19 (4) the requirement that results of recorded
20 votes be made available by the committee in its of-
21 fices pursuant to clause 2(e)(1)(B)(i) of rule XI
22 shall not apply;

23 (5) a committee may manage the consideration
24 of amendments pursuant to the regulations referred
25 to in subsection (h);

1 (6) counsel shall be permitted to accompany
 2 witnesses at a remote proceeding in accordance with
 3 the regulations referred to in subsection (h); and

4 (7) an oath may be administered to a witness
 5 remotely for purposes of clause 2(m)(2) of rule XI.

6 (d) REMOTE PARTICIPANTS DURING IN-PERSON
 7 PROCEEDINGS.—All relevant provisions of this section and
 8 the regulations referred to in subsection (h) shall apply
 9 to committee members participating remotely during in-
 10 person committee proceedings held during any covered pe-
 11 riod.

12 (e) TRANSPARENCY FOR MEETINGS AND HEAR-
 13 INGS.—Any committee meeting or hearing that is con-
 14 ducted remotely in accordance with the regulations re-
 15 ferred to in subsection (h)—

16 (1) shall be considered open to the public;

17 (2) shall be deemed to have satisfied the re-
 18 quirement for non-participatory attendance under
 19 clause 2(g)(2)(C) of rule XI; and

20 (3) shall be deemed to satisfy all requirements
 21 for broadcasting and audio and visual coverage
 22 under rule V, clause 4 of rule XI, and accompanying
 23 committee rules.

24 (f) SUBPOENAS.—

1 (1) AUTHORITY.—Any committee or chair
2 thereof empowered to authorize and issue subpoenas
3 may authorize and issue subpoenas for return at a
4 hearing or deposition to be conducted remotely
5 under this section.

6 (2) USE OF ELECTRONIC SIGNATURE AND
7 SEAL.—During any covered period, authorized and
8 issued subpoenas may be signed in electronic form;
9 and the Clerk may attest and affix the seal of the
10 House to such subpoenas in electronic form.

11 (g) EXECUTIVE SESSIONS.—

12 (1) PROHIBITION.—A committee may not con-
13 duct closed or executive session proceedings re-
14 motely, and members may not participate remotely
15 in closed or executive session proceedings.

16 (2) MOTION TO CLOSE PROCEEDINGS.—Upon
17 adoption of a motion to close proceedings or to move
18 into executive session with respect to a proceeding
19 conducted remotely under this section, the chair
20 shall declare the committee in recess subject to the
21 call of the chair with respect to such matter until it
22 can reconvene in person.

23 (3) EXCEPTION.—Paragraphs (1) and (2) do
24 not apply to proceedings of the Committee on Eth-
25 ics.

1 (h) REGULATIONS.—This section shall be carried out
2 in accordance with regulations submitted for printing in
3 the Congressional Record by the chair of the Committee
4 on Rules.

5 (i) APPLICATION TO SUBCOMMITTEES AND SELECT
6 COMMITTEES.—For purposes of this section, the term
7 “committee” or “committees” also includes a sub-
8 committee and a select committee.

9 **SEC. 5. STUDY AND CERTIFICATION OF FEASIBILITY OF RE-**
10 **MOTE VOTING IN HOUSE.**

11 (a) STUDY AND CERTIFICATION.—The chair of the
12 Committee on House Administration, in consultation with
13 the ranking minority member, shall study the feasibility
14 of using technology to conduct remote voting in the House,
15 and shall provide certification to the House upon a deter-
16 mination that operable and secure technology exists to
17 conduct remote voting in the House.

18 (b) REGULATIONS.—

19 (1) INITIAL REGULATIONS.—On any legislative
20 day that follows the date on which the chair of the
21 Committee on House Administration provides the
22 certification described in subsection (a), the chair of
23 the Committee on Rules, in consultation with the
24 ranking minority member, shall submit regulations
25 for printing in the Congressional Record that pro-

1 vide for the implementation of remote voting in the
2 House.

3 (2) SUPPLEMENTAL REGULATIONS.—At any
4 time after submitting the initial regulations under
5 paragraph (1), the chair of the Committee on Rules,
6 in consultation with the ranking minority member,
7 may submit regulations to supplement the initial
8 regulations submitted under such paragraph for
9 printing in the Congressional Record.

10 (c) IMPLEMENTATION.—Notwithstanding any rule of
11 the House, upon notification of the House by the Speaker
12 after the submission of regulations by the chair of the
13 Committee on Rules under subsection (b)—

14 (1) Members may cast their votes or record
15 their presence in the House remotely during a cov-
16 ered period;

17 (2) any Member whose vote is cast or whose
18 presence is recorded remotely under this section
19 shall be counted for the purpose of establishing a
20 quorum under the rules of the House; and

21 (3) the casting of votes and the recording of
22 presence remotely under this section shall be subject
23 to the applicable regulations submitted by the chair
24 of the Committee on Rules under subsection (b).

1 **SEC. 6. REGULATIONS.**

2 To the greatest extent practicable, sections 1, 2, and
3 3 of this resolution shall be carried out in accordance with
4 regulations submitted for printing in the Congressional
5 Record by the chair of the Committee on Rules.

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