

116TH CONGRESS
1ST SESSION

H. RES. 430

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

RESOLUTION

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

1 *Resolved*, That the chair of the Committee on the Ju-
2 diciary of the House of Representatives is authorized, on
3 behalf of such Committee, to initiate or intervene in any
4 judicial proceeding before a Federal court—

5 (1) to seek declaratory judgments and any and
6 all ancillary relief, including injunctive relief, affirm-
7 ing the duty of—

8 (A) William P. Barr, Attorney General,
9 U.S. Department of Justice, to comply with the

1 subpoena that is the subject of the resolution
2 accompanying House Report 116–105; and

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

6 (2) to petition for disclosure of information re-
7 garding any matters identified in or relating to the
8 subpoenas referred to in paragraph (1) or any ac-
9 companying report, pursuant to Federal Rule of
10 Criminal Procedure 6(e), including Rule 6(e)(3)(E)
11 (providing that the court may authorize disclosure of
12 a grand-jury matter “preliminarily to . . . a judicial
13 proceeding”).

14 *Resolved*, That the chair of each standing and perma-
15 nent select committee, when authorized by the Bipartisan
16 Legal Advisory Group, retains the ability to initiate or in-
17 tervene in any judicial proceeding before a Federal court
18 on behalf of such committee, to seek declaratory judg-
19 ments and any and all ancillary relief, including injunctive
20 relief, affirming the duty of the recipient of any subpoena
21 duly issued by that committee to comply with that sub-
22 poena. Consistent with the Congressional Record state-
23 ment on January 3, 2019, by the chair of the Committee
24 on Rules regarding the civil enforcement of subpoenas
25 pursuant to clause 8(b) of rule II, a vote of the Bipartisan

1 Legal Advisory Group to authorize litigation and to articu-
2 late the institutional position of the House in that litiga-
3 tion is the equivalent of a vote of the full House of Rep-
4 resentatives.

5 *Resolved*, That in connection with any judicial pro-
6 ceeding brought under the first or second resolving
7 clauses, the chair of any standing or permanent select
8 committee exercising authority thereunder has any and all
9 necessary authority under Article I of the Constitution.

10 *Resolved*, That the chair of any standing or perma-
11 nent select committee exercising authority described in the
12 first or second resolving clause shall notify the House of
13 Representatives, with respect to the commencement of any
14 judicial proceeding thereunder.

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

21 *Resolved*, That the Office of General Counsel of the
22 House of Representatives is authorized to retain private
23 counsel, either for pay or pro bono, to assist in the rep-
24 resentation of any standing or permanent select committee
25 in any judicial proceeding initiated or intervened in pursu-

- 1 ant to the authority described in the first or second resolv-
- 2 ing clause.

