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

Mr. McGovern submitted the following resolution, which was referred to the Committee on

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 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—
2. (1) to seek declaratory judgments and any and all ancillary relief, including injunctive relief, affirming the duty of—
3. (A) William P. Barr, Attorney General,
4. 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 re-
garding 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 perma-
nent select committee, when authorized by the Bipartisan
Legal Advisory Group, retains the ability to initiate or in-
tervene in any judicial proceeding before a Federal court
on behalf of such committee, to seek declaratory judg-
ments 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 sub-
poena. Consistent with the Congressional Record state-
ment 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 pursu-
1 ant to the authority described in the first or second resolv-
2 ing clause.