

**Committee on the Judiciary**  
**116<sup>th</sup> Congress**  
**Resolution for Investigative Procedures**  
**Offered by Chairman Jerrold Nadler**

1       Whereas the Committee on the Judiciary beginning on  
2 March 4, 2019 has issued multiple discovery requests to  
3 individuals with potential information relevant to its  
4 investigation “into the alleged obstruction of justice, public  
5 corruption, and other abuses of power by President Trump, his  
6 associates, and members of his Administration”;

7       Whereas Special Counsel Robert Mueller’s Report released  
8 on April 18, 2019 found that the Russian government interfered  
9 in the 2016 election in “sweeping and systematic fashion,” that  
10 there were at least ten separate episodes of President Trump  
11 using his official powers to thwart or attempt to thwart the  
12 Special Counsel’s investigation, and recognized “that a federal  
13 criminal accusation against a sitting President  
14 would...potentially preempt constitutional processes for  
15 addressing presidential misconduct” and the Special Counsel  
16 subsequently confirmed his Report’s findings at a hearing before  
17 the Committee on July 24, 2019;

18       Whereas, on May 8, 2019, the Committee recommended  
19 the House of Representatives hold Attorney General William  
20 Barr in contempt of Congress for refusing to comply with a duly  
21 authorized subpoena issued in connection with the Committee’s  
22 investigation to determine “whether any of the conduct  
23 described in the Special Counsel’s Report warrants the  
24 Committee in taking any further steps under Congress’ Article I

25 powers. That includes whether to approve articles of  
26 impeachment with respect to the President or any other  
27 Administration official, as well as the consideration of other  
28 steps such as censure or issuing criminal, civil or administrative  
29 referrals”;

30 Whereas, in passing H. Res. 430 on June 11, 2019, which  
31 among other things provides that the chair of each standing and  
32 permanent select committee, when authorized by the Bipartisan  
33 Legal Advisory Group, retains the ability to initiate or intervene  
34 in any judicial proceeding before a Federal court on behalf of  
35 such committee, the House of Representatives affirmed that “in  
36 connection with any judicial proceeding...the chair of any  
37 standing or permanent select committee exercising authority  
38 thereunder has any and all necessary authority under Article I of  
39 the Constitution,” and the accompanying Committee on Rules  
40 report stated that “[a]n example of a Committee being able to  
41 use ‘all necessary authority under Article I of the Constitution’  
42 is illustrated by the Judiciary Committee’s contempt report  
43 which explained the purposes of its investigation...includes  
44 whether to recommend ‘articles of impeachment with respect to  
45 the President...’”;

46 Whereas H. Res. 430 authorized the Committee to petition  
47 a court for the disclosure of information related to its subpoena  
48 for the unredacted version of the Special Counsel’s Report and  
49 related materials “pursuant to Federal Rule of Criminal  
50 Procedure 6(e), including Rule 6(e)(3)(E) (providing that the  
51 court may authorize disclosure of a grand-jury matter  
52 ‘preliminarily to \* \* \* a judicial proceeding’”;

53 Whereas on July 10, 2019 the Committee authorized the  
54 issuance of subpoenas based upon a memorandum explaining

55 that “[t]he Committee seeks grand jury information and intends  
56 to conduct hearings with Mr. McGahn and other critical  
57 witnesses testifying to determine whether the Committee should  
58 recommend articles of impeachment against the President”;

59 Whereas the Committee has held a series of hearings to aid  
60 Members in evaluating the seriousness and constitutional  
61 significance of the President’s alleged misconduct as outlined in  
62 the Special Counsel’s Report, including a hearing on July 12,  
63 2019, where Chairman Nadler stated that “[w]ith regard to the  
64 Committee’s responsibility to determine whether to recommend  
65 articles of impeachment against the President, articles of  
66 impeachment are under consideration as part of the Committee’s  
67 investigation, although no final determination has been made”;

68 Whereas, on July 26, 2019, the Committee filed an  
69 application with the U.S. District Court for the District of  
70 Columbia seeking an order authorizing the release of certain  
71 grand jury materials to the Committee related to the Special  
72 Counsel’s Report to obtain “access to all the relevant facts and  
73 consider whether to exercise its full Article I powers, including a  
74 constitutional power of the utmost gravity—approval of articles  
75 of impeachment,” and the Committee filed a lawsuit on August  
76 7, 2019 seeking to enforce its subpoena for former White House  
77 Counsel Donald F. McGahn, II, a key witness to President  
78 Trump’s misconduct, to aid in assessing “whether to exercise its  
79 Article I power to recommend articles of impeachment against  
80 the President”;

81 Whereas on July 26, 2019 Chairman Nadler issued  
82 procedures governing Member access to grand jury information  
83 that may be obtained pursuant to the above described application  
84 with the U.S. District Court for the District of Columbia;

85           Whereas in an August 22, 2019 letter requesting the chairs  
86 of certain other committees to share information they have  
87 obtained over the course of their oversight investigations,  
88 Chairman Nadler noted “the Judiciary Committee’s authority  
89 and intent to conduct an investigation to determine whether to  
90 recommend articles of impeachment.” Now, therefore, be it

91           *Resolved*, that the Committee on the Judiciary states the  
92 following procedures apply to the presentation of information in  
93 connection with the Committee’s investigation to determine  
94 whether to recommend articles of impeachment with respect to  
95 President Donald J. Trump, subject to modification by the  
96 Committee as it deems proper as the investigation proceeds.

- 97           1. The Chairman may designate a full committee or  
98           subcommittee hearing as being for the purpose of the  
99           presentation of information in connection with the  
100           Committee’s investigation to determine whether to  
101           recommend articles of impeachment with respect to  
102           President Donald J. Trump.
  
- 103           2. If a witness is called to testify before the Committee at a  
104           hearing designated under paragraph 1, Committee staff as  
105           designated by the Chair and Ranking Member are permitted  
106           to question a witness for an additional hour equally divided  
107           between the Majority and Minority.
  
- 108           3. Information obtained pursuant to a letter request, subpoena,  
109           deposition, transcribed interview, or interrogatory  
110           pertaining to the Committee’s investigation to determine

111 whether to recommend articles of impeachment with  
112 respect to President Donald J. Trump, as so designated by  
113 the Chairman, shall be deemed received in executive  
114 session unless and until otherwise determined by the  
115 Chairman, after consultation with the Ranking Member.  
116 Grand jury information obtained by the Committee shall be  
117 deemed received in executive session pursuant to the  
118 procedures issued by Chairman Nadler on July 26, 2019.  
119 The Chairman, after consultation with the Ranking  
120 Member, is authorized to determine whether other material  
121 received by the Committee shall be deemed executive  
122 session material. The Chairman, after consultation with the  
123 Ranking Member, may issue additional procedures  
124 governing access by other Non-Committee Members to  
125 executive session materials, consistent with clause 2 (e)(2)  
126 of House Rule XI.

127 4. The President's counsel may respond in writing to  
128 information and testimony presented to the Committee in  
129 open session. The Chairman, after consultation with the  
130 Ranking Member, may invite the President's counsel to  
131 review and respond in writing to executive session  
132 materials.