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

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

 Whereas, on May 8, 2019, the Committee recommended the House of Representatives hold Attorney General William Barr in contempt of Congress for refusing to comply with a duly authorized subpoena issued in connection with the Committee’s investigation to determine “whether any of the conduct described in the Special Counsel’s Report warrants the Committee in taking any further steps under Congress’ Article I
powers. That includes whether to approve articles of impeachment with respect to the President or any other Administration official, as well as the consideration of other steps such as censure or issuing criminal, civil or administrative referrals”;

Whereas, in passing H. Res. 430 on June 11, 2019, which among other things provides 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, the House of Representatives affirmed that “in connection with any judicial proceeding...the chair of any standing or permanent select committee exercising authority thereunder has any and all necessary authority under Article I of the Constitution,” and the accompanying Committee on Rules report stated that “[a]n example of a Committee being able to use ‘all necessary authority under Article I of the Constitution’ is illustrated by the Judiciary Committee’s contempt report which explained the purposes of its investigation...includes whether to recommend ‘articles of impeachment with respect to the President...’”;

Whereas H. Res. 430 authorized the Committee to petition a court for the disclosure of information related to its subpoena for the unredacted version of the Special Counsel’s Report and related materials “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’)”; 

Whereas on July 10, 2019 the Committee authorized the issuance of subpoenas based upon a memorandum explaining
that "[t]he Committee seeks grand jury information and intends to conduct hearings with Mr. McGahn and other critical witnesses testifying to determine whether the Committee should recommend articles of impeachment against the President";

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

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

Whereas on July 26, 2019 Chairman Nadler issued procedures governing Member access to grand jury information that may be obtained pursuant to the above described application with the U.S. District Court for the District of Columbia;
Whereas in an August 22, 2019 letter requesting the chairs of certain other committees to share information they have obtained over the course of their oversight investigations, Chairman Nadler noted “the Judiciary Committee’s authority and intent to conduct an investigation to determine whether to recommend articles of impeachment.” Now, therefore, be it

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

1. The Chairman may designate a full committee or subcommittee hearing as being for the purpose of the presentation of information in connection with the Committee’s investigation to determine whether to recommend articles of impeachment with respect to President Donald J. Trump.

2. If a witness is called to testify before the Committee at a hearing designated under paragraph 1, Committee staff as designated by the Chair and Ranking Member are permitted to question a witness for an additional hour equally divided between the Majority and Minority.

3. Information obtained pursuant to a letter request, subpoena, deposition, transcribed interview, or interrogatory pertaining to the Committee’s investigation to determine
whether to recommend articles of impeachment with
respect to President Donald J. Trump, as so designated by
the Chairman, shall be deemed received in executive
session unless and until otherwise determined by the
Chairman, after consultation with the Ranking Member.
Grand jury information obtained by the Committee shall be
deemed received in executive session pursuant to the
procedures issued by Chairman Nadler on July 26, 2019.
The Chairman, after consultation with the Ranking
Member, is authorized to determine whether other material
received by the Committee shall be deemed executive
session material. The Chairman, after consultation with the
Ranking Member, may issue additional procedures
governing access by other Non-Committee Members to
executive session materials, consistent with clause 2 (e)(2)
of House Rule XI.

4. The President’s counsel may respond in writing to
information and testimony presented to the Committee in
open session. The Chairman, after consultation with the
Ranking Member, may invite the President’s counsel to
review and respond in writing to executive session
materials.