

House Calendar No. 78

116TH CONGRESS
2^D SESSION

H. RES. 965

[Report No. 116–420]

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

MAY 14, 2020

Reported from the Committee on Rules; referred to the House Calendar and ordered to be printed

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,*

1 **SECTION 1. AUTHORIZATION OF REMOTE VOTING BY**
2 **PROXY DURING PUBLIC HEALTH EMER-**
3 **GENCY DUE TO NOVEL CORONAVIRUS.**

4 (a) AUTHORIZATION.—Notwithstanding rule III, at
5 any time after the Speaker or the Speaker’s designee is
6 notified by the Sergeant-at-Arms, in consultation with the
7 Attending Physician, that a public health emergency due
8 to a novel coronavirus is in effect, the Speaker or the
9 Speaker’s designee, in consultation with the Minority
10 Leader or the Minority Leader’s designee, may designate
11 a period (hereafter in this resolution referred to as a “cov-
12 ered period”) during which a Member who is designated
13 by another Member as a proxy in accordance with section
14 2 may cast the vote of such other Member or record the
15 presence of such other Member in the House.

16 (b) LENGTH OF COVERED PERIOD.—

17 (1) IN GENERAL.—Except as provided in para-
18 graphs (2) and (3), a covered period shall terminate
19 45 days after the Speaker or the Speaker’s designee
20 designates such period.

21 (2) EXTENSION.—If, during a covered period,
22 the Speaker or the Speaker’s designee receives fur-
23 ther notification from the Sergeant-at-Arms, in con-
24 sultation with the Attending Physician, that the
25 public health emergency due to a novel coronavirus
26 remains in effect, the Speaker or the Speaker’s des-

1 ignee, in consultation with the Minority Leader or
 2 the Minority Leader's designee, may extend the cov-
 3 ered period for an additional 45 days.

4 (3) EARLY TERMINATION.—If, during a covered
 5 period, the Speaker or the Speaker's designee re-
 6 ceives further notification by the Sergeant-at-Arms,
 7 in consultation with the Attending Physician, that
 8 the public health emergency due to a novel coronavi-
 9 rus is no longer in effect, the Speaker or the Speak-
 10 er's designee shall terminate the covered period.

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

12 (a) IN GENERAL.—

13 (1) DESIGNATION BY SIGNED LETTER.—In
 14 order for a Member to designate another Member as
 15 a proxy for purposes of section 1, the Member shall
 16 submit to the Clerk a signed letter (which may be
 17 in electronic form) specifying by name the Member
 18 who is designated for such purposes.

19 (2) ALTERATION OR REVOCATION OF DESIGNA-
 20 TION.—

21 (A) IN GENERAL.—At any time after sub-
 22 mitting a letter to designate a proxy under
 23 paragraph (1), a Member may submit to the
 24 Clerk a signed letter (which may be in elec-

1 tronic form) altering or revoking the designa-
2 tion.

3 (B) AUTOMATIC REVOCATION UPON CAST-
4 ING OF VOTE OR RECORDING OF PRESENCE.—
5 If during a covered period, a Member who has
6 designated another Member as a proxy under
7 this section casts the Member’s own vote or
8 records the Member’s own presence in the
9 House, the Member shall be considered to have
10 revoked the designation of any proxy under this
11 subsection with respect to such covered period.

12 (3) NOTIFICATION.—Upon receipt of a letter
13 submitted by a Member pursuant to paragraphs (1)
14 or (2), the Clerk shall notify the Speaker, the major-
15 ity leader, the Minority Leader, and the other Mem-
16 ber or Members involved of the designation, alter-
17 ation, or revocation.

18 (4) LIMITATION.—A Member may not be des-
19 ignated as a proxy under this section for more than
20 10 Members concurrently.

21 (b) MAINTENANCE AND AVAILABILITY OF LIST OF
22 DESIGNATIONS.—The Clerk shall maintain an updated
23 list of the designations, alterations, and revocations sub-
24 mitted or in effect under subsection (a), and shall make

1 such list publicly available in electronic form and available
2 during any vote conducted pursuant to section 3.

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

4 (a) RECORDED VOTES ORDERED.—

5 (1) IN GENERAL.—Notwithstanding clause 6 of
6 rule I, during a covered period, the yeas and nays
7 shall be considered as ordered on any vote on which
8 a recorded vote or the yeas and nays are requested,
9 or which is objected to under clause 6 of rule XX.

10 (2) INDICATIONS OF PROXY STATUS.—In the
11 case of a vote by electronic device, a Member who
12 casts a vote or records a presence as a designated
13 proxy for another Member under this resolution
14 shall do so by ballot card, indicating on the ballot
15 card “by proxy”.

16 (b) DETERMINATION OF QUORUM.—Any Member
17 whose vote is cast or whose presence is recorded by a des-
18 ignated proxy under this resolution shall be counted for
19 the purpose of establishing a quorum under the rules of
20 the House.

21 (c) INSTRUCTIONS FROM MEMBER AUTHORIZING
22 PROXY.—

23 (1) RECEIVING INSTRUCTIONS.—Prior to cast-
24 ing the vote or recording the presence of another
25 Member as a designated proxy under this resolution,

1 the Member shall obtain an exact instruction from
2 the other Member with respect to such vote or
3 quorum call, in accordance with the regulations re-
4 ferred to in section 6.

5 (2) ANNOUNCING INSTRUCTIONS.—Immediately
6 prior to casting the vote or recording the presence
7 of another Member as a designated proxy under this
8 resolution, the Member shall seek recognition from
9 the Chair to announce the intended vote or recorded
10 presence pursuant to the exact instruction received
11 from the other Member under paragraph (1).

12 (3) FOLLOWING INSTRUCTIONS.—A Member
13 casting the vote or recording the presence of another
14 Member as a designated proxy under this resolution
15 shall cast such vote or record such presence pursu-
16 ant to the exact instruction received from the other
17 Member under paragraph (1).

18 **SEC. 4. AUTHORIZING REMOTE PROCEEDINGS IN COMMIT-**
19 **TEES.**

20 (a) AUTHORIZATION.—During any covered period,
21 and notwithstanding any rule of the House or its commit-
22 tees—

23 (1) any committee may conduct proceedings re-
24 motely in accordance with this section, and any such

1 proceedings conducted remotely shall be considered
2 as official proceedings for all purposes in the House;

3 (2) committee members may participate re-
4 motely during in-person committee proceedings, and
5 committees shall, to the greatest extent practicable,
6 ensure the ability of members to participate re-
7 motely;

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

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

14 (5) witnesses at committee proceedings may ap-
15 pear remotely;

16 (6) committee proceedings conducted remotely
17 are deemed to satisfy the requirement of a “place”
18 for purposes of clauses 2(g)(3) and 2(m)(1) of rule
19 XI; and

20 (7) reports of committees (including those filed
21 as privileged) may be delivered to the Clerk in elec-
22 tronic form, and written and signed views under
23 clause 2(l) of rule XI may be filed in electronic form
24 with the clerk of the committee.

1 (b) LIMITATION ON BUSINESS MEETINGS.—A com-
2 mittee shall not conduct a meeting remotely or permit re-
3 mote participation at a meeting under this section until
4 a member of the committee submits for printing in the
5 Congressional Record a letter from a majority of the mem-
6 bers of the committee notifying the Speaker that the re-
7 quirements for conducting a meeting in the regulations re-
8 ferred to in subsection (h) have been met and that the
9 committee is prepared to conduct a remote meeting and
10 permit remote participation.

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

14 (1) remote participation shall not be considered
15 absence for purposes of clause 5(c) of rule X or
16 clause 2(d) of rule XI;

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

20 (3) copies of motions, amendments, measures,
21 or other documents submitted to the committee in
22 electronic form as prescribed by the regulations re-
23 ferred to in subsection (h) shall satisfy any require-
24 ment for the submission of printed or written docu-

1 ments under the rules of the House or its commit-
2 tees;

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

7 (5) a committee may manage the consideration
8 of amendments pursuant to the regulations referred
9 to in subsection (h);

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

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

15 (d) REMOTE PARTICIPANTS DURING IN-PERSON
16 PROCEEDINGS.—All relevant provisions of this section and
17 the regulations referred to in subsection (h) shall apply
18 to committee members participating remotely during in-
19 person committee proceedings held during any covered pe-
20 riod.

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

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

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

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

8 (f) SUBPOENAS.—

9 (1) AUTHORITY.—Any committee or chair
10 thereof empowered to authorize and issue subpoenas
11 may authorize and issue subpoenas for return at a
12 hearing or deposition to be conducted remotely
13 under this section.

14 (2) USE OF ELECTRONIC SIGNATURE AND
15 SEAL.—During any covered period, authorized and
16 issued subpoenas may be signed in electronic form;
17 and the Clerk may attest and affix the seal of the
18 House to such subpoenas in electronic form.

19 (g) EXECUTIVE SESSIONS.—

20 (1) PROHIBITION.—A committee may not con-
21 duct closed or executive session proceedings re-
22 motely, and members may not participate remotely
23 in closed or executive session proceedings.

24 (2) MOTION TO CLOSE PROCEEDINGS.—Upon
25 adoption of a motion to close proceedings or to move

1 into executive session with respect to a proceeding
2 conducted remotely under this section, the chair
3 shall declare the committee in recess subject to the
4 call of the chair with respect to such matter until it
5 can reconvene in person.

6 (3) EXCEPTION.—Paragraphs (1) and (2) do
7 not apply to proceedings of the Committee on Eth-
8 ics.

9 (h) REGULATIONS.—This section shall be carried out
10 in accordance with regulations submitted for printing in
11 the Congressional Record by the chair of the Committee
12 on Rules.

13 (i) APPLICATION TO SUBCOMMITTEES AND SELECT
14 COMMITTEES.—For purposes of this section, the term
15 “committee” or “committees” also includes a sub-
16 committee and a select committee.

17 **SEC. 5. STUDY AND CERTIFICATION OF FEASIBILITY OF RE-**
18 **MOTE VOTING IN HOUSE.**

19 (a) STUDY AND CERTIFICATION.—The chair of the
20 Committee on House Administration, in consultation with
21 the ranking minority member, shall study the feasibility
22 of using technology to conduct remote voting in the House,
23 and shall provide certification to the House upon a deter-
24 mination that operable and secure technology exists to
25 conduct remote voting in the House.

1 (b) REGULATIONS.—

2 (1) INITIAL REGULATIONS.—On any legislative
3 day that follows the date on which the chair of the
4 Committee on House Administration provides the
5 certification described in subsection (a), the chair of
6 the Committee on Rules, in consultation with the
7 ranking minority member, shall submit regulations
8 for printing in the Congressional Record that pro-
9 vide for the implementation of remote voting in the
10 House.

11 (2) SUPPLEMENTAL REGULATIONS.—At any
12 time after submitting the initial regulations under
13 paragraph (1), the chair of the Committee on Rules,
14 in consultation with the ranking minority member,
15 may submit regulations to supplement the initial
16 regulations submitted under such paragraph for
17 printing in the Congressional Record.

18 (c) IMPLEMENTATION.—Notwithstanding any rule of
19 the House, upon notification of the House by the Speaker
20 after the submission of regulations by the chair of the
21 Committee on Rules under subsection (b)—

22 (1) Members may cast their votes or record
23 their presence in the House remotely during a cov-
24 ered period;

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

5 (3) the casting of votes and the recording of
6 presence remotely under this section shall be subject
7 to the applicable regulations submitted by the chair
8 of the Committee on Rules under subsection (b).

9 **SEC. 6. REGULATIONS.**

10 To the greatest extent practicable, sections 1, 2, and
11 3 of this resolution shall be carried out in accordance with
12 regulations submitted for printing in the Congressional
13 Record by the chair of the Committee on Rules.

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