

Client Alert

Special Matters & Government Investigations

JANUARY 15, 2025

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119th Congress House Rules – Key Oversight Provisions

On January 3, 2025, the U.S. House of Representatives approved its rules package for the 119th Congress (“House Rules”) by a vote of 215-209.¹ As anticipated, the 119th Congress will increase the number of members required to trigger a no-confidence vote to remove the House Speaker from a **single member to nine members** of the majority party. Additionally, the House Rules include several provisions for this Congress that will shape how House Republicans target and achieve their oversight objectives.

Congressional investigations create truly challenging circumstances for private entities that combine legal, business, public relations, and crisis-management considerations and decisions that routinely play out on the public stage. Like their Democratic counterparts, Republicans have found significant value, both politically and legislatively, in committee-led inquiries targeting both government and private-sector stakeholders. A summary follows of key provisions in the new House Rules that are most likely to impact ongoing and future investigations.

KEY PROVISIONS

- *Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party – Broad Authority and Reach*
 - Sec. 4(a) continues the Select Committee under its authorizing resolution from the 118th Congress and similarly grants its “investigative jurisdiction” to report “policy recommendations countering the economic, technological, security, and ideological threats of the Chinese Communist Party to the United States and allies and partners of the United States.” This provision also requires the Select Committee to submit any reports or policy recommendations

to relevant House committees by December 31, 2026. In the 119th Congress, we expect the Select Committee to use its broad authority and reach to continue operating in a generally bipartisan manner, active on both the investigative and policy fronts.

- *House Committee on Oversight and Government Reform – Information Requests to Executive Branch Agencies*
 - Sec. 3(s), which was also included in the 118th Congress House Rules, requires that the chair of the House Committee on Oversight and Government Reform (Chairman Comer (R-KY) in this Congress) be “included as one of the seven members of the Committee making any request of an Executive agency pursuant to section 2954 of title 5, United States Code.”ⁱⁱ The “rule of seven” has been used in the past by minority members to advance oversight objectives without the majority party. For instance, in 2016, eleven Democratic members of the House Oversight and Government Reform Committee sent a letter to the General Services Administration (GSA) citing the statute and requesting information regarding its lease of the historic Old Post Office Building to the Trump Organization.ⁱⁱⁱ However, by requiring the Republican Committee Chair’s participation in the process, the current provision effectively blocks Committee Democrats from seeking to compel the production of information from an Executive Branch agency under the statute.
- *House Committee on the Judiciary – DOJ Subpoenas and Continuing Litigation Authorities*
 - Sec. 3(v) authorizes the chair of the House Judiciary Committee to re-issue subpoenas to Attorney General Merrick Garland^{iv} and DOJ attorneys Mark Daly and Jack Morgan,^v in connection with ongoing Committee investigations into President Biden and Hunter Biden. The provision also authorizes Chairman Jordan (R-OH) and the House Office of General Counsel to continue civil litigation to enforce the subpoenas on behalf of the Committee, prior to its organizational meeting for the 119th Congress.
- *Deposition Authority*
 - Sec. 3(t) authorizes committee members or counsel, at the direction of their committee chair, to take witness depositions. Pursuant to this rule, only committee members, designated staff, an official reporter, the witness, and the witness’s two personal nongovernmental attorneys may attend the deposition. In practice, committees may allow for additional counsel to attend but some committees have prohibited a witness from having more than two personal counsel in attendance. This provision, which is identical to the provision in the 118th Congress House Rules, has been subject to some controversy between the executive and legislative branches in the past, as it has been used to prohibit a government agency witness from being accompanied by personal and agency counsel.^{vi}
- *Remote Appearance of Witnesses*
 - Sec. 3(i) provides committee chairs with the discretion to allow witnesses to appear remotely at committee proceedings. The provision does not apply to Executive Branch U.S. Government witnesses. The 118th Congress House Rules included a similar provision specifying that the rule only applied to witnesses appearing in a non-governmental capacity. Under the 119th Congress House Rules, however, committee chairs will have the discretion to allow remote witness testimony from state and local officials as well.
- *Improving the Committee Electronic Document Repository*
 - Sec. 3(l) calls for continued improvements to the House’s existing electronic document repository, which provides public access to committee-produced materials, such as information on committee

votes, amendments, and witness disclosure forms. While the 118th Congress House Rules included similar language, this provision also calls for “streamlining” the process by which documents are simultaneously released by the House Rules Committee. These improvements should make it easier for broad disclosure of key committee hearing materials and documents previously posted to individual committee websites, rather than to the existing House electronic document repository.

CONCLUSION

Responding to a Congressional inquiry involves unique challenges that differ from litigating or navigating a regulatory action. While the Select Committee and the Committee on Oversight and Government Reform will continue to play lead investigative roles in the 119th Congress, other House committees, such as Education & Workforce, Energy & Commerce, Judiciary, and Ways & Means, will also carry out investigative agendas within their jurisdictions. Anticipating and proactively planning ahead for key oversight committees’ priorities, tactics, and developing areas of focus during the 119th Congress is critical for private sector stakeholders to be prepared and ready to respond strategically when congressional attention shifts in their direction.

Perennially recognized by Chambers USA, King & Spalding’s Congressional Investigations practice is uniquely positioned to help clients understand and mitigate significant legal, reputational, and political risks associated with congressional inquiries and hearings.

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ⁱ H. Res. 5, 119th Cong. (2025), available [here](#).

ⁱⁱ 5 U.S.C. 2954, available [here](#).

ⁱⁱⁱ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform to the Honorable Denise Turner Roth, Administrator, General Services Administration (Dec. 22, 2016), available [here](#).

^{iv} *Chairman Jordan and Comer Threaten Attorney General Garland with Contempt over Special Counsel Hur Materials*, U.S. Committee on the Judiciary, Press Release, (Mar. 25, 2024), available [here](#).

^v Ashley Oliver, “Republicans Sue Two DOJ Officials for Ignoring Subpoenas in Hunter Biden Investigation,” *Washington Examiner* (Mar. 21, 2024), available [here](#).

^{vi} Jacqueline Alemany and Devlin Barrett, “Tensions Flare Between House GOP and Justice Dept. Over Witnesses,” *Washington Post* (Sept. 15, 2023), available [here](#).

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