

1 (1) During the One Hundred Sixteenth Con-
2 gress, the chair of a standing committee (other than
3 the Committee on Rules), and the chair of the Per-
4 manent Select Committee on Intelligence, upon con-
5 sultation with the ranking minority member of such
6 committee, may order the taking of depositions, in-
7 cluding pursuant to subpoena, by a member or coun-
8 sel of such committee.

9 (2) Depositions taken under the authority pre-
10 scribed in this subsection shall be subject to regula-
11 tions issued by the chair of the Committee on Rules
12 and printed in the Congressional Record.

13 (b) PROVIDING FOR TRANSPARENCY WITH RESPECT
14 TO MEMORIALS SUBMITTED PURSUANT TO ARTICLE V OF
15 THE CONSTITUTION OF THE UNITED STATES.—With re-
16 spect to any memorial presented under clause 3 of rule
17 XII purporting to be an application of the legislature of
18 a State calling for a convention for proposing amendments
19 to the Constitution of the United States pursuant to Arti-
20 cle V, or a rescission of any such prior application—

21 (1) the chair of the Committee on the Judiciary
22 shall, in the case of a memorial presented in the One
23 Hundred Fourteenth Congress or succeeding Con-
24 gresses, and may, in the case of such a memorial
25 presented prior to the One Hundred Fourteenth

1 and ending on September 30, _____,' with the blank
2 being filled with the budget year for the concurrent resolu-
3 tion.

4 "3. Nothing in this rule shall be construed as limiting
5 or otherwise affecting—

6 "(a) the power of the House or the Senate to consider
7 and pass bills or joint resolutions, without regard to the
8 procedures under clause 1, that would change the statu-
9 tory limit on the public debt; or

10 "(b) the rights of Members, Delegates, the Resident
11 Commissioner, or committees with respect to the introduc-
12 tion, consideration, and reporting of such bills or joint res-
13 olutions.

14 "4. In this rule the term 'statutory limit on the public
15 debt' means the maximum face amount of obligations
16 issued under authority of chapter 31 of title 31, United
17 States Code, and obligations guaranteed as to principal
18 and interest by the United States (except such guaranteed
19 obligations as may be held by the Secretary of the Treas-
20 ury), as determined under section 3101(b) of such title
21 after the application of section 3101(a) of such title, that
22 may be outstanding at any one time."

23 **SEC. 103. SEPARATE ORDERS.**

24 (a) DEPOSITION AUTHORITY.—

hereby ratified and approved if otherwise in accord with the provisions of this Act.

"SEC. 139. (a) If a State (or another Federal grantee) used State funds (or the grantee's non-Federal funds) to continue carrying out a Federal program or furloughed State employees (or the grantee's employees) whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

"(1) such furloughed employees shall be compensated at their standard rate of compensation for such period;

"(2) the State (or such other grantee) shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon calculated under section 6503(d) of title 31, United States Code; and

"(3) the State (or such other grantee) may use funds available to the State (or the grantee) under such Federal program to reimburse such State (or the grantee), together with interest thereon calculated under section 6503(d) of title 31, United States Code.

"(b) For purposes of this section, the term 'State' and the term 'grantee' shall have the meaning as such term is defined under the applicable Federal program under subsection (a). In addition, 'to continue carrying out a Federal program' means the continued performance by a State or other Federal grantee, during the period of a lapse in appropriations, of a Federal program that the State or such other grantee had been carrying out prior to the period of the lapse in appropriations.

"(c) The authority under this section applies with respect to any period in fiscal year 2019 (not limited to periods beginning or ending after the date of the enactment of this Act) during which there occurs a lapse in appropriations with respect to any department or agency of the Federal Government which, but for such lapse in appropriations, would have paid, or made reimbursement relating to, any of the expenses referred to in this section with respect to the program involved. Payments and reimbursements under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts.

"SEC. 140. Notwithstanding section 251(a)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 and the timetable in section 254(a) of such Act, the final sequestration report for fiscal year 2019 pursuant to section 254(f)(1) of such Act and any order for fiscal year 2019 pursuant to section 254(f)(5) of such Act shall be issued, for the Congressional Budget Office, 10 days after the date specified in section 105(3), and for the Office of Management and Budget, 15 days after the date specified in section 105(3).

"SEC. 141. Section 319L(e)(1)(A) of the Public Health Service Act (42 U.S.C. 247d-7e(e)(1)(A)) shall continue in effect through the date specified in section 105(3) of this Act.

"SEC. 142. Section 405(a) of the Pandemic and All Hazards Preparedness Act (42 U.S.C. 247d-6a note) shall continue in effect through the date specified in section 105(3) of this Act."

SEC. 102. For the purposes of division C of Public Law 115-245, the time covered by such division shall be considered to include the period which began on or about December 22, 2018, during which there occurred a lapse in appropriations.

SEC. 103. Subsection (c)(2) of section 1341 of title 31, United States Code, is amended by inserting ", and subject to the enactment of appropriations Acts ending the lapse" before the period.

SEC. 104. For the purposes of the annual report issued pursuant to section 5 of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 934) after adjournment of the second session of the 115th Congress, and for determining whether a sequestration order is necessary under such section, the debit for the budget year on the 5-year

scorecard, if any, and the 10-year scorecard, if any, shall be deducted from such scorecard in 2019 and added to such scorecard in 2020.

Mrs. LOWEY (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.J. RES. 31, FURTHER CONTINUING APPROPRIATIONS FOR DEPARTMENT OF HOMELAND SECURITY, 2019

Mrs. LOWEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 31) making further continuing appropriations for the Department of Homeland Security for fiscal year 2019, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HOYER. Reserving the right to objection, I do not intend to object, Mr. Speaker, but I hope the experience of the last 35 days has taught us that we should never repeat this exercise of shutting down government again.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. The reservation of objection is withdrawn.

Is there objection to the request of the gentleman from New York?

The Chair hears none and, without objection, appoints the following conferees: Mrs. LOWEY, Ms. ROYBAL-ALLARD, Mr. PRICE of North Carolina, Ms. LEE of California, Messrs. CUELLAR, AGUILAR, Ms. GRANGER, Messrs. FLEISHMANN, GRAVES of Georgia, and PALAZZO.

There was no objection.

116TH CONGRESS REGULATIONS FOR USE OF DEPOSITION AUTHORITY

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 25, 2019.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

MADAM SPEAKER: Pursuant to section 103(a)(2) of House Resolution 6, 116th Congress, I hereby submit the following regulations regarding the conduct of depositions by committee and select committee counsel for printing in the Congressional Record.

Sincerely,

JAMES P. MCGOVERN,
Chairman, Committee on Rules.

REGULATIONS FOR THE USE OF DEPOSITION AUTHORITY

1. Notices for the taking of depositions shall specify the date, time, and place of examination. Depositions shall be taken under oath administered by a member or a person otherwise authorized to administer oaths. Depositions may continue from day to day.

2. Consultation with the ranking minority member shall include three days' notice before any deposition is taken. All members of the committee shall also receive three days written notice that a deposition will be taken, except in exigent circumstances. For purposes of these procedures, a day shall not include Saturdays, Sundays, or legal holidays except when the House is in session on such a day.

3. Witnesses may be accompanied at a deposition by personal, nongovernmental counsel to advise them of their rights. Only members, committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness's counsel are permitted to attend. Observers or counsel for other persons, including counsel for government agencies, may not attend.

4. The chair of the committee noticing the deposition may designate that deposition as part of a joint investigation between committees, and in that case, provide notice to the members of the committees. If such a designation is made, the chair and ranking minority member of the additional committee(s) may designate committee staff to attend pursuant to regulation 3. Members and designated staff of the committees may attend and ask questions as set forth below.

5. A deposition shall be conducted by any member or committee counsel designated by the chair or ranking minority member of the Committee that noticed the deposition. When depositions are conducted by committee counsel, there shall be no more than two committee counsel permitted to question a witness per round. One of the committee counsel shall be designated by the chair and the other by the ranking minority member per round.

6. Deposition questions shall be propounded in rounds. The length of each round shall not exceed 60 minutes per side, and shall provide equal time to the majority and the minority. In each round, the member(s) or committee counsel designated by the chair shall ask questions first, and the member(s) or committee counsel designated by the ranking minority member shall ask questions second.

7. Objections must be stated concisely and in a non-argumentative and non-suggestive manner. A witness's counsel may not instruct a witness to refuse to answer a question, except to preserve a privilege. In the event of professional, ethical, or other misconduct by the witness's counsel during the deposition, the Committee may take any appropriate disciplinary action. The witness may refuse to answer a question only to preserve a privilege. When the witness has refused to answer a question to preserve a privilege, members or staff may (i) proceed with the deposition, or (ii) either at that time or at a subsequent time, seek a ruling from the Chair either by telephone or otherwise. If the Chair overrules any such objection and thereby orders a witness to answer any question to which an objection was lodged, the witness shall be ordered to answer. If a member of the committee chooses to appeal the ruling of the chair, such appeal must be made within three days, in writing, and shall be preserved for committee consideration. The Committee's ruling on appeal shall be filed with the clerk of the Committee and shall be provided to the members and witness no less than three days before

the reconvened deposition. A deponent who refuses to answer a question after being directed to answer by the chair may be subject to sanction, except that no sanctions may be imposed if the ruling of the chair is reversed by the committee on appeal.

8. The Committee chair shall ensure that the testimony is either transcribed or electronically recorded or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days after the witness has been notified of the opportunity to review the transcript, the witness may submit suggested changes to the chair. Committee staff may make any typographical and technical changes. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter signed by the witness requesting the changes and a statement of the witness's reasons for each proposed change. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

9. The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the committee in Washington, DC. Depositions shall be considered to have been taken in Washington, DC, as well as the location actually taken once filed there with the clerk of the committee for the committee's use. The chair and the ranking minority member shall be provided with a copy of the transcripts of the deposition at the same time.

10. The chair and ranking minority member shall consult regarding the release of deposition testimony, transcripts, or recordings, and portions thereof. If either objects in writing to a proposed release of a deposition testimony, transcript, or recording, or a portion thereof, the matter shall be promptly referred to the committee for resolution.

11. A witness shall not be required to testify unless the witness has been provided with a copy of section 103(a) of H. Res. 6, 116th Congress, and these regulations.

ADJOURNMENT

Mrs. LOWEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 p.m.), under its previous order, the House adjourned until Monday, January 23, 2019, at noon for morning-hour debate.

RULES AND REPORTS SUBMITTED PURSUANT TO THE CONGRESSIONAL REVIEW ACT

Pursuant to 5 U.S.C. 801(d), executive communications [final rules] submitted to the House pursuant to 5 U.S.C. 801(a)(1) during the period of August 7, 2018 through January 3, 2019, shall be treated as though received on January 25, 2019. Original dates of transmittal, numberings, and referrals to committee of those executive communications remain as indicated in the Executive Communication section of the relevant CONGRESSIONAL RECORD.

EXECUTIVE COMMUNICATIONS, ETC.

59. Under clause 2 of rule XIV, letter from the Senior Counsel, Legal Division, Bureau of Consumer Financial Protection, transmitting the Bureau's Major final policy guidance — Disclosure of Loan-Level HMDA Data [Docket No.: CFPB-2017-0025] received January 24, 2019, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868), was taken from the Speaker's table, referred to the Committee on Financial Services.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CONNOLLY (for himself, Mr. HOYER, Mr. CUMMINGS, Mr. TRONE, Mr. RASKIN, Mr. SARBANES, Mr. BEYER, Ms. WEXTON, Mr. BROWN of Maryland, and Ms. NORTON):

H.R. 790. A bill to provide for a pay increase in 2019 for certain civilian employees of the Federal Government, and for other purposes; to the Committee on Oversight and Reform.

By Mr. BALDERSON:

H.R. 791. A bill to amend title 31, United States Code, to provide for automatic continuing resolutions; to the Committee on Appropriations.

By Ms. BONAMICI (for herself and Mr. KILMER):

H.R. 792. A bill to amend the Higher Education Act of 1965 to reauthorize the Federal work-study program, and for other purposes; to the Committee on Education and Labor.

By Mr. BUCK:

H.R. 793. A bill to prohibit the use of funds for the official travel of Members of Congress during any period in which a Government shutdown is in effect; to the Committee on House Administration.

By Mr. CLAY:

H.R. 794. A bill to amend title 13, United States Code, to provide that individuals in prison shall, for the purposes of a decennial census, be attributed to the last place of residence before incarceration, and for other purposes; to the Committee on Oversight and Reform.

By Mrs. DINGELL:

H.R. 795. A bill to require the Secretary of Transportation to conduct a study on the economic and environmental risks to the Great Lakes of spills or leaks of oil, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES of Louisiana (for himself and Mr. LAMALFA):

H.R. 796. A bill to provide appropriations to secure the southern border of the United States, and for other purposes; to the Committee on Appropriations, and in addition to the Committees on Education and Labor, the Judiciary, Homeland Security, Agriculture, Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GROTHMAN (for himself and Mr. LOEBACK):

H.R. 797. A bill to amend title 31, United States Code, to provide for automatic con-

tinuing resolutions; to the Committee on Appropriations.

By Mr. HIGGINS of Louisiana:

H.R. 798. A bill to amend the Immigration and Nationality Act to make the exception for returning workers permanent, and for other purposes; to the Committee on the Judiciary.

By Mr. MEEKS (for himself, Mr. BEYER, Ms. NORTON, Ms. KELLY of Illinois, Ms. JACKSON LEE, Mr. LANGEVIN, Mr. RYAN, Mr. BROWN of Maryland, Mr. VARGAS, Mrs. WATSON COLEMAN, Mr. GREEN of Texas, Ms. WASSERMAN SCHULTZ, Mr. DESAULNIER, Mr. HECK, Ms. DELAURO, Mr. QUIGLEY, and Mr. PERLMUTTER):

H.R. 799. A bill to amend the Fair Credit Reporting Act to prohibit certain persons from furnishing negative credit information of furloughed employees, and for other purposes; to the Committee on Financial Services.

By Mr. MEEKS (for himself, Ms. NORTON, Ms. KELLY of Illinois, Ms. JACKSON LEE, Mr. LANGEVIN, Mr. RYAN, Mr. BROWN of Maryland, Mr. VARGAS, Mrs. WATSON COLEMAN, Mr. GREEN of Texas, Ms. WASSERMAN SCHULTZ, Mr. DESAULNIER, Ms. DELAURO, Mr. SIRE, Mr. QUIGLEY, and Mr. PERLMUTTER):

H.R. 800. A bill to amend the Community Reinvestment Act of 1977 to provide financial institutions with credit for providing assistance during Government shutdowns; to the Committee on Financial Services.

By Mr. RYAN (for himself and Mr. PALAZZO):

H.R. 801. A bill to amend the Internal Revenue Code of 1986 to allow for a credit against tax for employers of reservists; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY (for herself, Mr. BRENDAN F. BOYLE of Pennsylvania, and Mr. VEASEY):

H.R. 802. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to Patriot employers, and for other purposes; to the Committee on Ways and Means.

By Mr. WELCH (for himself, Mr. GRIFFITH, Mr. CARTER of Georgia, Mrs. RODGERS of Washington, and Mr. COLLINS of Georgia):

H.R. 803. A bill to amend title XVIII of the Social Security Act to prohibit prescription drug plan sponsors and MA-PD organizations under the Medicare program from retroactively reducing payment on clean claims submitted by pharmacies; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H. Res. 77. A resolution expressing the sense of Congress that financial institutions and other companies should work proactively with their customers affected by the shutdown of the Federal Government who may be facing short-term financial hardship and long-term damage to their creditworthiness through no fault of their own; to the Committee on Financial Services.

By Mr. AMODEI:

H. Res. 78. A resolution expressing the sense of the House of Representatives that the United States postal facility network is an asset of significant value and the United States Postal Service should take appropriate measures to maintain, modernize and fully utilize the existing post office network for economic growth; to the Committee on Oversight and Reform.