

PROVIDING FOR CONSIDERATION OF THE RESOLUTION (H. RES. 21) CALLING ON VICE PRESIDENT MICHAEL R. PENCE TO CONVENE AND MOBILIZE THE PRINCIPAL OFFICERS OF THE EXECUTIVE DEPARTMENTS OF THE CABINET TO ACTIVATE SECTION 4 OF THE 25TH AMENDMENT TO DECLARE PRESIDENT DONALD J. TRUMP INCAPABLE OF EXECUTING THE DUTIES OF HIS OFFICE AND TO IMMEDIATELY EXERCISE POWERS AS ACTING PRESIDENT; AND FOR OTHER PURPOSES

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JANUARY 12, 2021.—Referred to the House Calendar and ordered to be printed

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Ms. SCANLON, from the Committee on Rules,  
submitted the following

## R E P O R T

[To accompany H. Res. 38]

The Committee on Rules, having had under consideration House Resolution 38, by a record vote of 8 to 4, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H. Res. 21, Calling on Vice President Michael R. Pence to convene and mobilize the principal officers of the executive departments of the Cabinet to activate section 4 of the 25th Amendment to declare President Donald J. Trump incapable of executing the duties of his office and to immediately exercise powers as acting President, under a closed rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees. The resolution waives all points of order against consideration of H. Res. 21. The resolution provides that the amendment to the preamble printed in this report shall be considered as adopted and H. Res. 21, as amended, shall be considered as read. The resolution provides that the prohibition against personality in debate with respect to references to the President shall not apply during consideration of H. Res. 21 or any special order of business providing for the consideration of H. Res. 24. The resolution provides that during a covered period designated pursuant to section 3(s) of House Resolution 8, (1) the Sergeant-at-Arms is authorized and directed to impose a fine against a Member, Delegate, or the Resident Commissioner for the failure to wear a mask in contravention of the Speaker's an-

nounced policies of January 4, 2021; (2) a fine imposed pursuant to section 4 of the resolution shall be treated as though imposed under clause 3(g) of rule II and shall be administered as though pursuant to clause 4(d) of rule II, except that the time periods described in clause 3(g)(3)(C) of rule II shall not commence until the Committee on Ethics has adopted written rules, and the chair of the Committee on Ethics shall notify all Members, Delegates, or the Resident Commissioner with pending appeals upon such commencement; and (B) a fine subject to appeal under clause 3(g)(3) of rule II shall proceed unless dismissed within the time period provided under clause 3(g)(3)(C) of rule II. This establishes a standard of conduct within the meaning of clause 3(a)(2) of rule XI. By treating fines imposed pursuant to section 4 of the resolution as though imposed under clause 3(g) of rule II and administered as though under clause 4(d) of rule II, the resolution authorizes the Sergeant-at-Arms, the Chief Administrative Officer, and the Committee on Ethics to establish policies and procedures for the implementation of this provision.

#### EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of H. Res. 21, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee record vote No. 1*

Motion by Mr. Cole to strike sections 2 and 3 of the rule. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings .....	.....	Mr. Cole .....	Yea
Mrs. Torres .....	Nay	Mr. Burgess .....	Yea
Mr. Perlmutter .....	Nay	Mrs. Lesko .....	Yea
Mr. Raskin .....	Nay	Mr. Rescenthaler .....	Yea
Ms. Scanlon .....	Nay		
Mr. Morelle .....	Nay		
Mr. DeSaulnier .....	Nay		
Ms. Ross .....	Nay		
Mr. McGovern, Chairman .....	Nay		

##### *Rules Committee record vote No. 2*

Motion by Ms. Scanlon to report the rule. Adopted: 8–4

Majority Members	Vote	Minority Members	Vote
Mr. Hastings .....	.....	Mr. Cole .....	Nay
Mrs. Torres .....	Yea	Mr. Burgess .....	Nay
Mr. Perlmutter .....	Yea	Mrs. Lesko .....	Nay
Mr. Raskin .....	Yea	Mr. Rescenthaler .....	Nay
Ms. Scanlon .....	Yea		
Mr. Morelle .....	Yea		
Mr. DeSaulnier .....	Yea		
Ms. Ross .....	Yea		
Mr. McGovern, Chairman .....	Yea		

SUMMARY OF THE AMENDMENT TO H. RES. 21 CONSIDERED AS  
ADOPTED

1. Nadler (NY): Corrects the legal authority that directs the Congress to count electoral votes on January 6 following the presidential election.

TEXT OF AMENDMENT TO H. RES. 21 CONSIDERED AS ADOPTED

In the first whereas clause, strike “fixed by the Constitution” and insert “prescribed under section 15 of title 3, United States Code,”.

