

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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June 5, 2020

The Honorable Jim Jordan
Ranking Member
Committee on Oversight and Reform
Washington, D.C. 20515

Dear Ranking Member Jordan:

I am writing in response to the letter you sent to me and released to the press on May 27 with other Republican Members of the Committee regarding remote proceedings. As I expressed when I became Chairwoman, I sincerely hope that we can work together on a bipartisan basis to conduct the critical work the American people have entrusted us to do.

Today, our country faces a deadly pandemic that has swept across the nation and the world. Particularly troubling, our country has had more coronavirus cases—and more deaths—than any other nation on Earth. We cannot ignore these facts.

The gist of your letter seems to be that the Committee should disregard the dangers of the coronavirus crisis, return to Washington, D.C., and proceed with business as usual. While I share your frustration at being inconvenienced by this deadly global pandemic, as Chairwoman, I must guide this Committee in a way that keeps us safe—based on facts and science—while continuing to conduct the critical and rigorous oversight work the Constitution demands.

The Attending Physician of the United States Congress advises us that, in his expert opinion, we should be instituting “maximum teleworking for all Congressional offices.”¹ The Attending Physician warns:

It is critical that an emphasis be placed on establishing the minimum necessary personnel to be physically present in a work center with the balance of other personnel assigned to a telework or remote work capacity.²

¹ Attending Physician of the U.S. Congress, *Procedures for House Sessions on Wednesday, May 27 and Thursday, May 28, 2020* (May 26, 2020).

² Attending Physician of the U.S. Congress, *Attending Physician Pandemic Social Distancing and Daily Health Screening Implementation Guidelines for Congressional Offices and Work Centers* (May 7, 2020).

The Committee will follow these recommendations. These protections are in place not only for you, but for the health and safety of our staff, Capitol security officers, and custodial staff who clean our offices and hearing rooms every time they are used.

With respect to your concerns about conducting remote proceedings, I share your frustration with technological challenges. I understand that video or audio sometimes do not work immediately, and I understand that we sometimes have delays while we verify the identities of participants. However, instead of publicly condemning the hard work of our dedicated staff who are trying to put on these events for us while dealing with significant and unprecedented challenges of their own, I ask that you cooperate with our efforts.

Like others across this country—from Supreme Court Justices remotely hearing cases, to physicians who are seeing patients by video, to high school principals conducting remote graduations, to second grade teachers leading virtual classes—the Committee can and will continue our work remotely when that is safer than doing so in person. Committee staff have repeatedly offered individual practice sessions to all Members, and we will continue to make these practice sessions available. In addition, the Office of the Chief Administrative Officer has a number of resources available to assist with remote work.³

With respect to your concerns about the remote briefings we have been holding to date, briefings are a longstanding means of providing Members with important information, and they have been utilized routinely by both Democratic and Republican Chairs, including under former Chairman Trey Gowdy.⁴ The Committee will not stop providing these opportunities for Members to receive briefings.

As you know, the House has now passed H. Res. 965 authorizing official remote hearings for a temporary period during this health crisis. Pursuant to this resolution, I notified Committee Members on Wednesday that we will have a practice session today, Friday, June 5, for all Members. I also notified Committee Members on Wednesday that we will conduct our first remote hearing next Wednesday, June 10. The topic will be proposals to support our heroes who are on the front lines of this crisis—the very same people we are trying to protect by holding these proceedings remotely instead of in-person.

Attached to your letter, you provided an addendum with 30 questions about remote proceedings. Most of your questions are addressed by existing Committee Rules and procedures, H. Res. 965, and the Remote Committee Proceedings Regulations established by the Rules Committee. I have also attached an addendum to this letter with responses to your questions.

³ See U.S. House of Representatives, *House Telework Information and Support* (online at housenet.house.gov/telework).

⁴ See, e.g., Committee on Oversight and Reform, *Member Roundtable on U.S. Olympics: Promoting Success While Protecting Athletes* (Dec. 11, 2018); Subcommittee on the Interior, Energy, and Environment, *Field Briefing in Hamilton, Montana on Wildfire Management and Response: Challenges and Opportunities* (Aug. 7, 2018); Subcommittee on the Interior, Energy, and Environment and Subcommittee on Intergovernmental Affairs, *Field Briefing in Sheboygan, Wisconsin on Examining the Impacts of Proposed NAAQS on the Sheboygan, Wisconsin Area* (May 1, 2018); Committee on Oversight and Reform and Committee on the Judiciary, *Member Briefing on Parkland Shooting* (Mar. 6, 2018).

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If you have additional questions, my staff and I are available to discuss them at your convenience.

Sincerely,

A handwritten signature in blue ink that reads "Carolyn B. Maloney". The signature is written in a cursive style and is positioned above a horizontal line.

Carolyn B. Maloney
Chairwoman

Responses to Addendum Questions

- 1. During all proceedings, will you make a hearing room available for Members who are concerned about their connectivity and wish to attend in Washington, D.C.?**

Not at this time. The purpose of remote proceedings is to reduce the dangers of the coronavirus crisis to Members, staff, security officers, and custodial staff. The Chair is following the advice of the Attending Physician and implementing maximum telework procedures in all Committee offices and hearing rooms to protect their health and safety. The Chair will not require the unnecessary cleaning of Committee hearing rooms.

- 2. How will you handle proceedings if Members are having difficulty connecting to them remotely?**

The Chair will follow the procedures set forth in H. Res. 965 and the Remote Committee Proceedings Regulations issued by the Rules Committee. Under these procedures, the Chair may declare a recess to address technical difficulties. (H. Res. 965 Sec. 4(c).) “Members experiencing connectivity issues or other technical problems hindering their participation in the proceeding should inform committee majority or minority staff,” (Reg. A.5), and the “Chair shall make a good faith effort to provide every member experiencing connectivity issues an opportunity to participate fully in the proceedings.” (Reg. A.6.) Members participating remotely also will be “provided access to technical support via telephone throughout any proceeding.” (Reg. B.5.)

- 3. What is your plan in the event the Chair is kicked off the platform being used for a remote proceeding? Will the next-ranking Majority Member continue or recess?**

Just as with in-person hearings, if the Chair is not participating in the remote hearing, the Committee will follow existing rules relating to Presiding Members set forth in Committee Rule 2(d).

- 4. Will you stream remote proceedings on a time-delay and, if so, how long will the delay be?**

The Chair will endeavor to have remote hearings streamed with the least amount of delay necessary. The Committee will follow the Remote Committee Proceedings Regulations, which provide that “proceedings may be streamed on a reasonably short delay if necessary for technical reasons.” (Reg. B.1.)

- 5. How will proceedings be handled if a stream stops working and the public and press are therefore denied access?**

The Chair will follow the procedures for streaming set forth in the Remote Committee Proceedings Regulations.

- 6. How will you enforce access to the platform being used for a proceeding? Will a Member be kicked off the platform if they are using a staffer's device?**

The Chair will follow the procedures for platform access set forth in the Remote Committee Proceedings Regulations, and a Member is permitted to use a staffer's device provided the Member's identity can be appropriately verified.

- 7. Will Minority staff, including committee and personal staff, be allowed access to proceedings through the platform being used rather than just the stream?**

The Chair will follow the procedures for platform access set forth in the Remote Committee Proceedings Regulations. Approved majority and minority Committee staff will be provided access to the platform, and other staff, including personal office staff, will be able to access the hearing through the livestream.

- 8. How will official reporters be enabled to view proceedings?**

Pursuant to Remote Committee Proceedings Regulations, House stenographers will be allowed access to the WebEx platform. (Reg. B.8.)

- 9. How will official reporters identify speakers during proceedings (especially if a Member is using another person's device)?**

Pursuant to the Remote Committee Proceedings Regulations, "Members participating remotely in a committee proceeding must be visible onscreen within the software platform when joining the proceeding for the purposes of identity verification." (Reg. A.1.) The Chair also intends to recognize Members by name to ensure clarity.

- 10. What will happen if the official reporter gets kicked off the platform during a proceeding?**

The Chair will follow the procedures for remote proceedings set forth in H. Res. 965 and the Remote Committee Proceedings Regulations, under which the Chair may declare a recess at any time to address technical difficulties with respect to such proceedings. (H. Res. 965 Sec. 4(c).)

- 11. How will Members and witnesses know how much time they have remaining during proceedings?**

Committee staff will endeavor to have a timer that can be viewed by Members on the grid view.

12. How will you enforce those time limits?

Just as with in-person hearings, the Chair will enforce time limits in accordance with existing Committee Rules and procedures.

13. Who should a Member call if there are technical issues during a proceeding?

Pursuant to the Remote Committee Proceedings Regulations, Members will be provided the contact numbers of Committee staffers who will provide technical support via telephone throughout each hearing. (Reg. B.5.)

14. Will there be technical support online as well through the platform being used for the proceeding?

Each hearing notice will identify the name and contact number of the majority and minority Committee staffers providing technical support. (Reg. B.5). In addition, on the WebEx platform, the public chat function will be enabled and used to provide technical or logistical support to Members. (Reg. B.2.)

15. Members must go through rehearsals before certain official remote proceedings can begin. What about witnesses? How will you ensure they know how to use the platform being employed and are able to connect to it?

Committee staff will work with witnesses prior to hearings to ensure that they know how to connect with and use the remote platform.

16. How will you handle the proceeding if a witness gets kicked off the platform being used? What if the witness kicked off is the only Minority witness?

The Chair will follow the procedures set forth in H. Res. 965 and the Remote Committee Proceedings Regulations, under which the Chair may declare a recess at any time to address technical difficulties with respect to such proceedings. (H. Res. 965 Sec. 4(c).)

17. How will you handle the situation if a witness' counsel is kicked off the platform?

The Chair will follow the procedures set forth in H. Res. 965 and the Remote Committee Proceedings Regulations, under which the Chair may declare a recess at any time to address technical difficulties with respect to such proceedings. (H. Res. 965 Sec. 4(c).)

18. The McGovern guidelines mandate that you must provide "reasonable latitude" to Members seeking recognition for timely requests. How will you fulfill that requirement?

The Chair will follow the procedures for recognition set forth in the Remote Committee Proceedings Regulations, as well as longstanding Committee practice regarding recognition requests.

19. What is your plan for situations in which multiple Members seek recognition at the same time?

The Chair will follow the procedures for recognition set forth in the Remote Committee Proceedings Regulations, as well as longstanding Committee practice regarding recognition requests. In order to recognize Members in a timely and orderly fashion, the Chair asks that Members who wish to seek recognition notify the Committee using the chat function or by emailing Committee majority staff. This does not prevent Members from verbally seeking recognition, but provides an additional means to do so.

20. Will you allow your staff to mute Members participating in proceedings? If so, how will you ensure that practice is handled uniformly?

The Chair will follow the procedures set forth in the Remote Committee Proceedings Regulations regarding muting and unmuting microphones during remote hearings. (Regs. C.2, C.3, C.4, and D.1.)

21. How will you enforce decorum, including among remote participants?

The Chair will follow House Rules and the procedures set forth in the Remote Committee Proceedings Regulations regarding decorum. (Regs. D.1., D.2., D.3., and D.4.)

22. How will you advise Members concerning their online backgrounds when they participate remotely?

The Chair refers Members to Regulations D.3 and D.4 of the Remote Committee Proceedings Regulations regarding remote backgrounds and exhibits.

23. If you change from an in-person to a hybrid proceeding, how and when will you inform Members of that change, including about how they can participate remotely?

If a hearing is changed from an in-person to a hybrid proceeding in order to accommodate a request from a Member to participate remotely, the Committee will notify all Members through regular notice procedures as soon as practicable after the decision is made, consistent with H. Res. 965 and the Remote Committee Proceeding Regulations, including procedures for Members to participate remotely.

24. If you plan from the outset to hold a hybrid proceeding, will the original notice include information on how Members can participate remotely?

Yes, if the Committee plans from the outset to hold a hybrid hearing, the Chair will notify Members how to participate remotely.

25. How will Members be able to confer with Committee staff during remote proceedings?

Each hearing notice will identify the name and contact number of the majority and minority Committee staffers providing technical support. (Reg. B.5.) In addition, majority Committee staff will provide Members via email a list of all majority and minority staff with participatory access 24 hours before each hearing. (Reg. B.7.) A variety of options for Member-staff communication exist outside the remote platform, including telephone, text, email, and outside chat functions.

26. How will Members be enabled to submit amendments during a proceeding, including 2nd degree amendments, in real-time when they are participating remotely?

The Chair will provide Committee Members with instructions on how to submit documents electronically pursuant to the amendment procedures set forth in the Remote Committee Proceedings Regulations. Notices for remote hearings will provide the [Oversight Clerks@mail.house.gov](mailto:Oversight_Clerks@mail.house.gov) address and information on how and when to submit documents. (Reg. E.3).

27. How will those amendments be distributed?

Amendments that have been provided to the [Oversight Clerks@mail.house.gov](mailto:Oversight_Clerks@mail.house.gov) address will be emailed to all Members and staff through the pre-established email chain.

28. Will there be any pause in a proceeding while amendments are being electronically distributed? If so, for how long?

As with in-person hearings, the Chair will continue to follow longstanding Committee practice to allow Members sufficient time to review amendments.

29. How will you ensure that Members participating remotely in one of this Committee's proceedings are not simultaneously participating in another committee's proceeding?

It is up to each Member to comply with all applicable rules and regulations.

30. While it is not mandated in the McGovern guidelines, will you require rehearsals before official subcommittee remote activities and before the Committee's first hybrid hearing and deposition?

The Chair will defer to each Subcommittee chair to determine whether remote practice sessions in addition to the full Committee rehearsal are necessary.