

RANKING MEMBER ELIJAH E. CUMMINGS
AMENDMENT #2 ON SUBPOENAS
COMMITTEE ORGANIZATIONAL MEETING
Tuesday, January 25, 2011

I have an amendment at the desk.

Mr. Chairman, one of your primary objections to the previous amendment seemed to be that it would not allow you to issue emergency subpoenas.

In other words, there could be cases when an individual sought by the Committee is a flight risk or is about to board an airplane out of the country. In these cases, waiting for the Committee to vote on a subpoena could prevent us from obtaining the information we seek.

This amendment addresses this concern directly.

It requires the Chairman to seek minority concurrence or a Committee vote, but it also includes an exception for emergencies.

In those cases, it requires the Chairman to notify Committee members within three days after the subpoena is issued about the nature of the emergency and the efforts to contact the Ranking Member.

It also requires the Chairman to explain why waiting for a Committee vote would prevent us from obtaining the information sought by the subpoena.

This is a common-sense compromise that I think you should be able to support.

In fact, let me give credit where credit is due. This is the exact proposal you made at this Committee's organizational meeting in 2007. This is what you said at that time:

“I might just suggest ... that other committees on which I serve, specifically the Select Intelligence Committee, have a procedure which I believe would, if we cannot accept a concurrence, their procedure is a consultation, a full vote of the committee, unless the chairman finds it to be extraordinary, meaning that for some reason, in this case, the subpoena would have to be issued in a hurry.”

You went on to say that this approach would not take away any of the Chairman's “power,” but would establish the steps he should follow in these cases.

Given that this was your idea, Mr. Chairman, I hope you and all of the Republican members can support it.