

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM  
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WASHINGTON, DC 20515-6143

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May 27, 2020

The Honorable Carolyn B. Maloney  
Chairwoman  
Committee on Oversight and Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairwoman Maloney:

On May 20, 2020, Speaker Pelosi exercised authority given to her by H. Res. 965 to open the House of Representatives to proxy voting and remote committee hearings, markups and depositions. Yet, the Committee on Oversight and Reform continues to hold unsanctioned quasi-hearings. Rather than continue these fake hearings, we call on you to bring the Committee back to Washington, D.C. to conduct official business. For more than two hundred years, the House of Representatives has required Members to participate in proceedings in person—assuring on behalf of the American people that Members exercise their duties with full responsibility, transparency, and accountability. To fulfill its constitutional role, the House and its committees must engage in debates, votes, and other proceedings in person. The Speaker's actions and the resolution she promoted are regrettable departures from that proud history. Beyond the unprecedented nature of operating the House in this manner, it is unworkable from a day to day perspective.

This view is based on practical experience over the past two months in this Committee. Since the onset of the coronavirus pandemic, the Committee has demonstrated that remote proceedings do nothing more than violate the spirit and letter of the Rules of the House and are an assault on the rights of Minority Members. The remote proceedings also compromise the ability of the House and this Committee to serve the American people as it should.

As you know, since March 16, 2020, while the House has largely been in recess, the Committee has held sixteen virtual or remote briefings.<sup>1</sup> Gradually—and to the detriment of

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<sup>1</sup> *U.S. Fed. Emergency Mgmt. Agency Administrator Peter T. Gaynor on Coronavirus Crisis: Briefing Before the H. Comm. on Oversight & Reform*, 116<sup>th</sup> Cong. (Mar. 20, 2020); *U.S. Fed. Emergency Mgmt. Agency and U.S. Dep't of Health & Human Servs. regarding Coronavirus Crisis: Briefing Before the H. Comm. on Oversight & Reform*, 116<sup>th</sup> Cong. (Mar. 30, 2020); *Special Inspector Gen. for Afghanistan Reconstruction John F. Sopko on Women's Rights in Afghanistan: Briefing Before the H. Comm. on Oversight & Reform*, 116<sup>th</sup> Cong. (April 3, 2020); *U.S. Postmaster General on Coronavirus Crisis: Briefing Before the H. Comm on Oversight & Reform*, 116<sup>th</sup> Cong. (April 9, 2020); *Census Experts on Impact of the Coronavirus Crisis on the 2020 Census: Briefing Before the H. Comm. on Oversight and Reform*, 116<sup>th</sup> Cong. (April 14, 2020); *U.S. Dep't of Homeland Sec. on Coronavirus Crisis and*

Minority rights, public transparency, and procedural clarity—these briefings have evolved into quasi-hearings in their structure, tone, and affect. To be clear, at the time of all but the last two of these briefings, remote hearings were not permitted under House Rules. Official remote Committee events were prohibited to ensure the integrity of the Legislative Branch, public transparency, and Minority rights. For very good and established reasons, the House Rules previously in effect had clear requirements for Committee hearings and official meetings, including the presence of quorums, prohibition of proxy voting, public openness, and proper notice of official business.<sup>2</sup> In addition, the House Rules required each committee to engage in robust record-keeping.<sup>3</sup> By holding remote unofficial briefings, such as the one conducted on May 21, 2020 in the Select Subcommittee on the Coronavirus Crisis, the Democrats have essentially circumvented these rules and Minority protections.

Prior to the passage of H. Res. 965, on April 1, 2020, the House Rules Committee Chairman Jim McGovern's (D-MA) staff reinforced these norms with informal regulations setting forth expectations for every House Committee Chairperson to follow.<sup>4</sup> As far as we can tell, this Committee failed to adhere earnestly to Chairman McGovern's guidance, which stated that "[t]he standing rules of the House [did] not allow for virtual hearings."<sup>5</sup> For example, Republican staff was given barely 24 hours notice of a full Committee briefing on May 8, 2020. Republicans were not afforded the opportunity to properly prepare or call any additional briefers of their choosing, and at the last minute Members were informed of a change in format to include a public live-stream.<sup>6</sup> During this quasi-hearing, Democrats featured a one-sided approach to combatting the coronavirus and although Republicans were permitted time for questions, we

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*Immigrant Detention Facilities: Briefing Before the H. Comm. on Oversight & Reform*, 116<sup>th</sup> Cong. (April 17, 2020); *Census Bureau Director: Briefing Before the H. Comm. on Oversight & Reform*, 116<sup>th</sup> Cong. (April 24, 2020); *U.S. Food & Drug Admin. on the Pharmaceutical Supply Chain: Briefing Before the H. Comm. on Oversight & Reform, Subcomm. on Nat'l Sec. & Subcomm. on Econ. and Consumer Policy*, 116<sup>th</sup> Cong. (April 27, 2020); *Inspector Gen. on Oversight of the Admin. During the Coronavirus Pandemic: Briefing Before the H. Comm. on Oversight & Reform, Subcomm. on Gov't Operations*, 116<sup>th</sup> Cong. (April 28, 2020); *Special Inspector Gen. for Afghanistan Reconstruction John F. Sopko: Briefing Before the H. Comm. on Oversight & Reform, Subcomm. on Nat'l Sec.*, 116<sup>th</sup> Cong. (April 28, 2020); *Lt. Gen. Russel L. Honoré (Ret.): Briefing Before the H. Comm. on Oversight & Reform*, 116<sup>th</sup> Cong. (May 8, 2020); *Coronavirus Testing, Tracing, and Targeted Containment: Steps to Reopen the Country: Briefing Before the H. Comm. on Oversight & Reform, Select Subcomm. on the Coronavirus Crisis*, 116<sup>th</sup> Cong. (May 13, 2020); *Coronavirus in Africa and Implications for International Security: Briefing Before the H. Comm. on Oversight & Reform, Subcomm. on Nat'l Sec.*, 116<sup>th</sup> Cong. (May 14, 2020); *F-35 Joint Strike Fighter Maintenance and Performance: Briefing Before the H. Comm. on Oversight and Reform*, 116<sup>th</sup> Cong. (May 19, 2020); *Heroes of the Coronavirus Crisis: Protecting Front-line and Essential Workers During the Pandemic: Briefing Before the H. Comm. on Oversight & Reform, Select Subcomm. on the Coronavirus Crisis*, 116<sup>th</sup> Cong. (May 21, 2020); *Member Briefing with the Principal Deputy Inspector General for the Department of Health and Human Services Before the H. Comm. on Oversight & Reform*, 116<sup>th</sup> Cong. (May 26, 2020).

<sup>2</sup> *Rules of the House of Representatives*, 116<sup>th</sup> Cong., Rule XI (2019).

<sup>3</sup> *Rules of the House of Representatives*, 116<sup>th</sup> Cong., Rule XI, Clause 1(e)(1) (2019).

<sup>4</sup> E-Mail from Democrat Staff, H. Comm. on Rules, to Republican Staff, H. Comm. on Rules (April 1, 2020).

<sup>5</sup> *Id.*

<sup>6</sup> Briefing with Lt. Gen. Russel L. Honoré (Ret.) (statement of Carolyn Maloney, Chairwoman, H. Comm on Oversight & Reform) *supra* note 1.

were not offered the opportunity to invite a briefer. Simply stated, this fake hearing did not embody proper Committee business.<sup>7</sup>

Aside from the serious procedural issues, the remote briefings held since March 20, 2020 have also presented technical problems which clearly demonstrate the need for Committee business to be conducted in person. During one of these quasi-hearings on April 3, 2020, it took nearly 20 minutes to get the briefing underway since every participant had to be vetted to engage in the event. As Ranking Member Jordan's April 10, 2020, letter outlined, the video teleconferencing platform used to conduct this briefing exposed the Committee to serious cybersecurity vulnerabilities.<sup>8</sup> On May 21, 2020, during a remote quasi-hearing of the Select Subcommittee on the Coronavirus Crisis, one of the briefers lost audio for several minutes, but thankfully was able to deliver her remarks—remarks that would have been seen by all Americans had we been working in person, in Washington.<sup>9</sup> Transparency and public participation in our civil discourse is nearly non-existent during these remote and unsanctioned proceedings.

The technical and procedural problems that beset these remote briefings also made it difficult for Committee Members to fully and fairly participate. Several of the briefings presented difficulties for Members and staff to join the discussion in a timely manner. During the Friday, May 8, 2020, quasi-hearing, many members of the Minority staff were approved and admitted to the platform after or during the opening remarks.<sup>10</sup> This presented needless and nearly constant interruptions that unfairly impacted Ranking Member Jody Hice's (R-GA) opening remarks. Throughout the rest of the briefing, Member questioning time ranged from the stated two-minute time-limit to well beyond five minutes. Throughout these quasi-hearings, Democrat Members have repeatedly used procedural and parliamentary terms such as "yield back" and referred without correction to the forum as a "hearing" or the briefer as a "witness" providing "testimony." These issues highlight the problems posed by remote proceedings that lack clear procedural expectations.

Republicans on this Committee believe it is imperative that we avoid remote proceedings, return to Washington, and conduct Committee hearings, markups and depositions in person. Rather than continue a pattern of unfair remote proceedings that inhibit the Minority and confuse the American People, we urge you to bring the Committee back to regular order. Barring this approach, we urge you to acknowledge that the Speaker has declared the House to be in a "covered period," pursuant to H. Res. 965, and follow Chairman McGovern's procedural expectations ("the McGovern guidelines") submitted for printing in the Congressional Record on May 15, 2020. You must abandon these quasi-hearings and move the Committee into

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<sup>7</sup> *Id.*

<sup>8</sup> Letter from Jim D. Jordan, Ranking Member, H. Comm. on Oversight & Reform, to Carolyn B. Maloney, Chairwoman, H. Comm on Oversight & Reform (Apr. 10, 2020);

<sup>9</sup> Briefing on Heroes of the Coronavirus Crisis (statement of Ms. Zenobia Shephard) *supra* note 1.

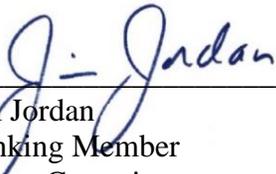
<sup>10</sup> Briefing with Lt. Gen. Russel L. Honoré (Ret) (statement of Carolyn Maloney, Chairwoman, H. Comm on Oversight & Reform) *supra* note 1.

compliance with the McGovern guidelines. There is a playbook – albeit a murky one – that we must follow at this point.

To provide clarity on how the Committee will proceed, we ask that you answer the questions regarding the McGovern guidelines in the attached addendum. In the interim, we hope you will work with Speaker Pelosi to safely reconvene the House of Representatives to continue our vital work in person and on the fairest and most transparent terms. Congress must lead by example, and this Committee needs to remain focused on holding China accountable and reopening our great economy.

If you will not stop the weekly fake hearings and move toward the framework laid out in H. Res. 965 and the accompanying McGovern guidelines, the Republican Members will be forced to consider abstaining from these violative proceedings. We look forward to learning whether you will return the Committee to Washington, D.C. and your responses to our attached questions. We stand ready to engage in a dialogue on these important matters. Thank you for your attention.

Sincerely,



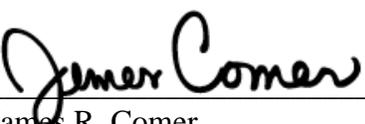
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Jim Jordan  
Ranking Member  
House Committee on  
Oversight and Reform



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Jody B. Hice  
Ranking Member  
Subcommittee on  
Government Operations



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James R. Comer  
Ranking Member  
Subcommittee on Environment



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Michael Cloud  
Ranking Member  
Subcommittee on Economic and  
Consumer Policy



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Chip E. Roy  
Ranking Member  
Subcommittee on Civil Rights and  
Civil Liberties



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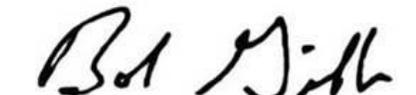
Glenn S. Grothman  
Ranking Member  
Subcommittee on National Security



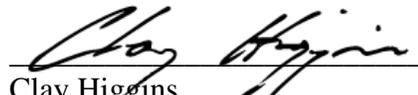
Paul A. Gosar, D.D.S.  
Member of Congress



Virginia A. Foxx  
Member of Congress



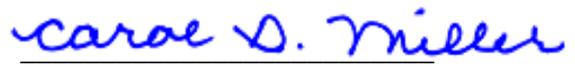
Bob Gibbs  
Member of Congress



Clay Higgins  
Member of Congress



Ralph W. Norman  
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Carol D. Miller  
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Mark E. Green, M.D.  
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Kelly M. Armstrong  
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W. Gregory Steube  
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Fred Keller  
Member of Congress