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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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June 3, 2011

The Honorable Darrell E. Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

We are writing to request that you immediately withdraw your misguided new policy on minority witness requests. This policy was conveyed by your staff via email for the first time on May 25, 2011. The email states:

It is the policy of the Committee, once the weekly schedule is officially posted, for the Minority to have 24 hours to recommend their witness for the hearing(s) posted. **If there is an Administration witness then that witness is the designated minority witness.** It is up to the Chairman to accept an additional witness but that witness must be recommended within the 24 hour period.¹

This new policy is unprecedented and undermines the integrity of our Committee by impairing the ability of minority Members to bring balance and perspective to the Committee's proceedings. No previous chairman has ever designated who the minority witness would be, let alone considered an Administration witness of the same party as the minority to be the minority's witness. Your policy is an extreme edict, and we are aware of no other House or Senate Committee with a similar policy.

We have two fundamental objections. First, your new policy is on its face contrary to the Committee's rules, which state that minority witness requests are requested by the minority.² It should be obvious that when you invite an individual to testify, that person is not appearing at the

¹ Email from Majority Staff, House Committee on Oversight and Government Reform, to Minority Staff, House Committee on Oversight and Government Reform (May 25, 2011) (emphasis in original).

² House Committee on Oversight and Government Reform, Committee Rule 2 (providing for "witnesses whom the minority may request").

request of the minority. If we have not requested an Administration witness, you may not “designate” an Administration official you invite as a minority witness, unless you are willing to allow the minority to withdraw that invitation as well.

Our second objection is to your new 24-hour rule, which you do not appear to be applying even to your own witnesses. During this Congress, you have complied with the minimum requirements necessary under our Committee rules by providing only a single week’s notice prior to Committee hearings. These notices have included nothing more than the title of hearings, with no witnesses identified. It is fundamentally absurd to demand that we identify minority witnesses *before* you have identified witnesses yourself. Yet your new policy does just that.

Apart from these specific objections, we are concerned about the direction of your overall approach. Rather than increasing bipartisan cooperation, as you pledged to do many times, you have adopted this new policy without identifying any legitimate basis or need for it. This leads to the unfortunate conclusion that you are more interested in holding hearings to advance your own personal political agenda rather than objectively gathering facts from a variety of sources to improve public policy.

As ranking members, we will reserve the right to request witnesses of our choosing, including individuals who we believe have the ability to enhance the understanding of Committee Members and provide perspectives that are not otherwise represented by the witnesses you invite. We have and will continue to submit minority witness requests to our respective Chairmen, and only those individuals identified and requested as minority witnesses should be considered as such.

When you were in the minority in 2007, you said this: “In a Democracy whose lifeblood is fueled by the market place of ideas, Committee practices that stifle or preclude full debate should be avoided at all cost.”³ We urge you to heed those words and immediately abandon this unfair and unreasonable policy.

Sincerely,



Elijah E. Cummings
Ranking Member
Committee on Oversight and
Government Reform

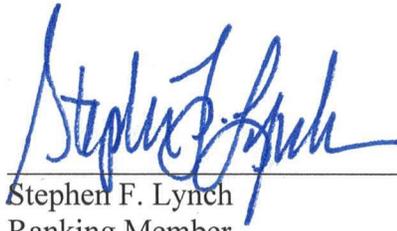


Gerald E. Connolly
Ranking Member
Subcommittee on Technology, Information
Policy, Intergovernmental Relations and
Procurement Reform

³ Letter from Ranking Member Darrell E. Issa to Chairman Dennis J. Kucinich (June 8, 2007) (online at http://issa.house.gov/index.php?option=com_content&task=view&id=310&Itemid=28&Itemid=4).



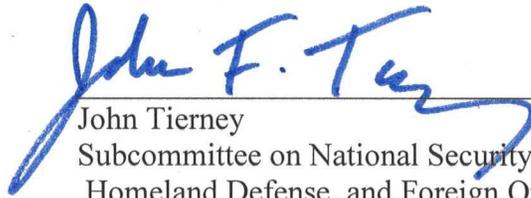
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Subcommittee on Government Organization
Efficiency and Financial Management



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Subcommittee on Federal Workforce,
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