

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074  
MINORITY (202) 225-5051

<http://oversight.house.gov>

### Opening Statement Ranking Member Elijah E. Cummings Oversight Committee Organizational Meeting—114th Congress January 27, 2015

I want to join the Chairman in welcoming all of our returning Members and the new Members joining our Committee for the first time. It is an honor to have you here, and I look forward to working with each and every one of you.

Today is the first meeting of the Oversight Committee in the 114th Congress. It is also an opportunity for a new beginning. The last four years were filled with acrimony, partisanship, and sometimes vulgar displays. They were a stain on this Committee's integrity and an embarrassment to the House of Representatives.

It is my sincere hope that we can leave this tainted legacy behind and work together in a collaborative manner to address the serious challenges our nation faces. Chairman Chaffetz and I have had many productive conversations, both before and after he became Chairman. I want to thank him for visiting Baltimore to see firsthand some of the issues faced by people in my district, and I want to thank him for inviting me to visit his constituents in Utah last year.

The Chairman has stated publicly that he wants to run the Committee differently than his predecessor, and both Democrats and Republicans welcome this news. The Chairman has promised a more open and cooperative relationship, and I understand our staffs have already held several joint meetings both on—and off—the Hill. I hope those continue.

I believe the Chairman and I are off to a good start, and I thank him for the courtesies he and his staff have already shown us. That is why I am so disappointed that Democrats will not be able to support the rules package today.

There is nothing personal about our position. The simple fact of the matter is that the rules proposed by Chairman Chaffetz are worse than the rules we had under Chairman Issa.

For example, the new rules would eliminate the requirement that the Ranking Member must concur with requests for extended questioning of witnesses—a right that every Ranking Member of this Committee has had since this rule was first put in place 20 years ago.

More troubling is the proposal for issuing subpoenas. The Oversight Committee has always had unilateral subpoena authority in our rules. But historically, our Chairs declined to exercise that power. Instead, they obtained the Ranking Member's concurrence or they put it to

a vote. They recognized that the coercive power of subpoenas should be used only as a last resort after careful deliberation, and it should not be used by a single individual without the backing of either the Ranking Member or the Committee.

The only exception to this historical practice had been former Chairman Dan Burton, who issued more than 1,000 unilateral subpoenas that were widely criticized as abusive, including several subpoenas issued to the wrong people.

When Republican Tom Davis became Chairman, he corrected these abuses. He returned to the historical practice of obtaining the Ranking Member's concurrence or a Committee vote. And when Democrat Henry Waxman became Chairman, he continued this practice as well.

Unfortunately, when Chairman Issa took over, he decided to return to the Burton-era practice of issuing unilateral subpoenas. He promised to consult with Democrats, but he often did not. He also promised to hold votes on controversial subpoenas, but he never held a single vote during his entire four-year tenure as Chairman. He issued more than 100 unilateral subpoenas with no debate and no votes—including several that were unwarranted, abusive, and probably would have been rejected had they been voted on by the Committee.

For example, on May 2, 2014—the same day Speaker Boehner announced that he was taking the Benghazi investigation away from the Oversight Committee—Chairman Issa issued a unilateral subpoena to compel Secretary of State Kerry to testify. Chairman Issa had never even written or called to request the Secretary's testimony, and he later withdrew the subpoena.

On June 24, 2014, Chairman Issa issued a unilateral subpoena to IRS Commissioner John Koskinen after Ways and Means Committee Chairman Dave Camp announced that he would hold the first hearing on Lois Lerner's computer crash. Commissioner Koskinen made clear that he would have testified without a subpoena, as he had done multiple times previously.

After Chairman Issa, there should have been a correction, just like there was after Chairman Burton. But amazingly, House Republican leaders have doubled-down on Chairman Issa's abusive approach. Apparently, Speaker Boehner decided to export the Issa model to other committees and give other chairmen the same power to issue subpoenas unilaterally.

Let me be clear: this is not about the authority to issue subpoenas. Republicans on these committees already have that authority, and they also have the numbers to win any vote. This is about the Republicans not wanting a public debate about what they are doing. It's about Republicans eliminating transparency.

This is a mistake. The House of Representatives is a deliberative body. We each represent more than 700,000 Americans, and the most powerful authority Congress possesses should not be used without any debate.

So, at the appropriate time, Democrats will offer an amendment to return to the Committee's historical practice adopted by every previous Chairman of this Committee except two—Dan Burton and Darrell Issa.

Finally, with that said, we do have some positive news. Although we cannot agree to the rules package, the Chairman and I have agreed to other changes that I believe will help the Committee operate more effectively and efficiently. When we move to the debate portion of today's meeting, Mr. Chairman, I look forward to engaging in a colloquy with you about those new policies.

Thank you.

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Contact: Jennifer Hoffman, Communications Director, (202) 226-5181.