

U.S. House of Representatives
Committee on the Judiciary

Washington, DC 20515–6216
One Hundred Sixteenth Congress

July 15, 2020

The Honorable Jerrold L. Nadler
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Nadler:

On July 27, 2020, the Subcommittee on Antitrust, Commercial, and Administrative Law is scheduled to receive testimony from the chief executive officers of Alphabet, Amazon, Apple, and Facebook. On July 7, on behalf of Republican Members who would be excluded from participating in the Subcommittee hearing, I urged you to convene the hearing at the full committee level instead. The full committee is the more appropriate venue for the hearing given the scope of the Committee’s investigation, the broad interest from Members of both parties who do not serve on the Subcommittee, and the significance of the witnesses. As we understand more about how Subcommittee Chairman David Cicilline plans to run this hearing, it is even more apparent that the full committee is the best venue for hearing from these CEOs.

While you continue to consider our request to convene the hearing at the full committee, you should be aware of potential concerns with Chairman Cicilline’s proposal to depart from longstanding House and Committee rules during questioning of the CEOs. We understand that Chairman Cicilline, in seeking to allow more time for Member questions, intends to recognize Subcommittee Members to question witnesses for ten minutes each, and later to recognize a single Democrat and Republican Member for a period of extended questioning of up to thirty minutes. This extended questioning, while perhaps well-intended, undermines your chief argument against convening the hearing at the full committee level—namely, your commitments to the companies that the hearing would not be overly time-intensive.

In addition, Chairman Cicilline’s proposed course of action violates House and Committee rules. Subcommittees are subject to the rules of the Committee and rules of the House, and no provision of House or Committee rules authorizes Chairman Cicilline to make up new questioning procedures for a subcommittee hearing.¹ House rules require that “each committee shall apply the five-minute rule during the questioning of witnesses in a hearing until such time as each member of the committee who so desires has had an opportunity to question each witness.”² Likewise, Committee rules provide that “[i]n the course of any hearing each Member shall be allowed five minutes for the interrogation of a witness until such time as each

¹ *Rules of the House of Representatives*, 116th Cong. Clause 1(a), Rule XI (2019).

² *Rules of the House of Representatives*, 116th Cong. Clause 2(j)(2)(A), Rule XI (2019).

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Member who so desires has had an opportunity to question the witness.”³ Any change to the established five-minute rule requires formal action by the House.

The House’s longstanding five-minute rule is important to ensuring that each Member has an equal and fair opportunity to question witnesses before the Committee. If Chairman Cicilline’s goal is a thorough examination of the witnesses through a prolonged period of questioning, the questioning time should be equally allocated among all Committee Members pursuant to the five-minute rule rather than hoarded by only certain members of the Subcommittee. A full committee hearing will therefore both accommodate Chairman Cicilline’s desire for additional questioning time and also allow Members who do not serve on the Subcommittee an equal opportunity to participate in the hearing.

As I wrote to you on July 7, we have sought to work on the Committee’s investigation in a bipartisan manner. Increasingly, however, actions by Chairman Cicilline have threatened this relationship. We remain hopeful that you are open to the ideas and proposals put forward by Republicans—both those who serve on the Subcommittee and those who do not. Convening the hearing at the full committee level so that all Members may participate fully and equally would be a tremendous first step toward demonstrating bipartisanship. For all these reasons, I respectfully reiterate our request that you convene the hearing at the full committee. I look forward to your prompt response.

Sincerely,



Jim Jordan
Ranking Member

³ *Rules of the Committee on the Judiciary*, 116th Cong., Rule III (d) (2019).