

June 2025

Follow us on [LinkedIn](#) 

## Industry Update

# Congressional Oversight: Why the Minority Still Matters

By [Ronak D. Desai](#), [Renato Mariotti](#), [Daniel Prince](#), [Sripriya Narasimhan](#) and [Marguerite Harris](#)

Republicans currently control the White House and both chambers of Congress. As the majority power controlling both the House and Senate, the GOP holds the reins of the congressional oversight and investigations agenda. Committee chairs determine the hearing schedule, issue subpoenas and set investigative priorities.

But for companies, institutions and other stakeholders navigating Capitol Hill, it is easy to forget that the minority still exists and still matters in the context of congressional investigations.

While the minority lacks formal control over the oversight process, it retains meaningful tools to elevate issues, shape public discourse and even drive oversight momentum. In fact, the minority in Congress has many tools in its toolkit to both challenge the majority's agenda as well as advance its own priorities.

Understanding those tools and the strategic ways in which they can be deployed is essential for any entity engaging with Congress in a high-stakes environment.

### I. Beyond Formal Procedure

#### a. Minority Forums and Shadow Hearings

Minority members can convene public forums, listening sessions or panels to elevate oversight issues outside formal committee rooms. These events often attract public attention and allow affected individuals to speak directly. Recently, Democrats held shadow hearings, for example, to discuss changes to USAID under the Trump administration and issues facing veterans who previously were part of the federal workforce.

#### b. Whistleblower Engagement

Whistleblowers remain a vital source of investigative material. Former Ranking Member Henry Waxman used disclosures to initiate inquiries into Iraq War contracting abuses — even without subpoena power. Documented leaks, internal memos and firsthand accounts can help the minority press for majority action or generate independent attention.

#### c. Cross-Committee Coordination

Strategic coordination across multiple committees can enhance the minority's visibility. These strategies can be paired with minority-issued reports that document program impacts, amplify constituent concerns or frame agency conduct for future oversight.

## II. Mechanisms Within the Congressional Rules

### a. Objections to Unanimous Consent

Senate and House business frequently proceeds by unanimous consent (UC). Any senator, including from the minority, can object, thereby forcing debate, delaying nominations or extracting concessions. This tool remains one of the simplest ways to inject leverage into day-to-day proceedings.

### b. Holds and Filibusters

Senators can place “holds” on nominees or legislation, signaling intent to object to expedited approval. Though not always decisive, holds can cause delay and negotiation. For example, this February, Sen. Brian Schatz (D-HI) announced a hold on State Department nominees until the administration reversed its decision to shutter USAID. By April, the backlog of nominees reached more than 300 individuals. Filibusters remain another powerful tactic: although limited to certain legislation, they can slow or block action unless 60 senators vote for cloture.

### c. Statutory Access to Records

Under the “seven-member rule” (House Oversight) and “rule of five” (Senate Homeland Security), minority members may formally request documents from federal agencies. These provisions, enacted by statute, provide access routes even when majority chairs decline to act. While recent changes to House rules seek to limit this authority, the statute’s validity has not been negated by the courts.

### d. Motions to Adjourn and the Two-Hour Rule

House and Senate rules allow any member to move to adjourn a hearing — a vote that must be addressed immediately. Such procedural disruptions can frustrate tightly scheduled hearings by the majority. In the Senate, the “two-hour rule” lets members object to committee meetings beyond two hours after floor convening, halting official committee business.

### e. Witness Rights and Subpoena Motions

Minority members may request their own witnesses at hearings or even invoke a formal “minority day,” a separate hearing for their invited guests. Though the majority sets the timing, the request itself can draw attention. In 2019, the Republican minority held a minority day to oppose D.C. statehood.

Likewise, minority members may introduce motions to subpoena witnesses or document custodians, a tactic that, even if unsuccessful, highlights majority inaction. For instance, in 2024, the House Oversight minority introduced a subpoena motion for Elon Musk’s testimony. The vote failed narrowly, but the attempt generated significant public and media scrutiny.

## III. What Clients Should Know

- **The Minority Still Has Influence:** While it lacks formal control, the minority can delay legislation, surface oversight issues and generate headlines through procedural tactics and strategic coordination.
- **Investigative Risk Isn’t Limited to the Majority:** Minority members can draw attention to corporate conduct, industry practices or public controversies through letters, forums, whistleblower leaks and document requests — even absent formal hearings or subpoenas.

- **Engagement With Minority Staff Is Strategic, Not Symbolic:** Companies and institutions should maintain open channels with minority committee staff. Their interest in an issue can shape media coverage, drive pressure campaigns or become a predicate for future majority investigations.
- **Coordination Often Signals Escalation:** When minority members from multiple committees organize around a theme — for example, veterans' healthcare or consumer prices — clients should anticipate continued attention and potentially broader inquiry.

✧ ✧ ✧

*If you have any questions concerning these developing issues, please do not hesitate to contact any of the following Paul Hastings lawyers:*

#### Chicago

Renato Mariotti  
+1-312-499-6005  
[renatomariotti@paulhastings.com](mailto:renatomariotti@paulhastings.com)

#### Washington, D.C.

Ronak D. Desai  
+1-202-551-1826  
[ronakdesai@paulhastings.com](mailto:ronakdesai@paulhastings.com)

Marguerite Harris  
+1-202-551-1771  
[margueriteharris@paulhastings.com](mailto:margueriteharris@paulhastings.com)

#### Los Angeles

Daniel Prince  
+1-213-683-6169  
[danielprince@paulhastings.com](mailto:danielprince@paulhastings.com)

Sripriya Narasimhan  
+1-202-551-1869  
[sripriyanarasimhan@paulhastings.com](mailto:sripriyanarasimhan@paulhastings.com)

#### Paul Hastings LLP

Stay Current is published solely for the interests of friends and clients of Paul Hastings LLP and should in no way be relied upon or construed as legal advice. The views expressed in this publication reflect those of the authors and not necessarily the views of Paul Hastings. For specific information on recent developments or particular factual situations, the opinion of legal counsel should be sought. These materials may be considered ATTORNEY ADVERTISING in some jurisdictions. Paul Hastings is a limited liability partnership.  
Copyright © 2025 Paul Hastings LLP.