

## OPENING STATEMENT

**RANKING MEMBER EDDIE BERNICE JOHNSON [D-TX]**

**March 26, 2015**

Mr. Chairman, I learned yesterday that the Chairman of the full committee issued a subpoena to the Environmental Protection Agency for documents related to allegations of text and email messages being deleted at EPA.

When the Committee adopted the new subpoena rules at the beginning of this Congress, he assured the Minority that **when he issued a subpoena it would not** come as a surprise. Yesterday we saw the first subpoena go out, and let me assure the Chairman that we were surprised.

As we understand it, the Chairman sent two letters asking for documents, one on January 27, 2015 and one on March 6, 2015. EPA was in the process of producing records responsive to these two requests, which had different scopes, over the last two weeks. Just Friday, EPA sent an email to the Majority that read, in part “I do want to emphasize our strong desire to continue to work with the Committee in a cooperative manner.” Then **five days later**, on March 25<sup>th</sup>, the Chairman issued his subpoena.

It is a long-standing tradition in relations between the Legislative and Executive branches, that there is an expectation that the two sides will accommodate the legitimate needs of each other in struggles over documents. And the fact of the matter is that EPA was complying with the Committee’s request, consistent with their responsibility to try to protect the Administrator’s privacy regarding personal contact and billing information.

This subpoena was thus entirely unnecessary from an oversight perspective. However, from a press release perspective, I imagine that issuing the subpoena before this hearing may be considered by some to be a clever move. But issuing a subpoena for press impact undermines the seriousness of the Chairman’s oversight work. That is not good for the Committee, the Congress, or the country.

I am attaching to my statement a timeline of contacts on this matter so that people can see that EPA was in truth working to meet our needs.

Today’s hearing, sadly, is about political theater and inflammatory claims that are not tied to any real facts. There are a lot of allegations being made about text messages and EPA, but there are not a lot of facts to rely on to know what really happened. To the degree we know anything, it is that EPA is probably doing about as well as any agency in trying to keep up with the changing landscape of communications technologies and its obligations to retain records. We also know that the most inflated claims regarding former EPA Administrator Lisa Jackson’s use of email were found to be largely unsubstantiated or just plain wrong.

In spite of that, we will have a witness appearing before us today who has been at the center of a steady attack on EPA regarding allegations that its employees lie, that they purposefully delete and withhold records, and that the top political officials take satisfaction in skirting the law. In short, there will be a lot of heated rhetoric at today's hearing, but not much evidence. I wish this Committee would not be rushing to judgment in an attempt to score political points, and instead would let the IG do its job and finish its probe into these allegations. Then we will know whether we have a mountain or a molehill and we can act accordingly.

Thank you, and I yield back.