

OPENING STATEMENT
Ranking Member Eddie Bernice Johnson (D-TX)

House Committee on Science, Space, and Technology
*“Affirming Congress’ Constitutional Oversight Responsibilities:
Subpoena Authority and Recourse for Failure to Comply with Lawfully Issued Subpoenas”*
September 14, 2016

Thank you Mr. Chairman.

I must say I am disappointed and disheartened to be here today. Congressional oversight is critically important. It’s a fundamental function of our government, and it helps to root out cases of waste, fraud, abuse and mismanagement in the federal government.

When Congressional oversight is done right, it can help to effect profound positive changes in our society. Since the Science Committee was first established 58-years ago, it has traditionally used its legitimate oversight authority and its investigative tools effectively, identifying technical challenges and helping to resolve real problems, often in a bipartisan manner. But this has changed recently. Today the Majority seems to view its oversight powers as a political tool, and the Committee’s investigative authority as unbounded.

This hearing appears to be the culmination of a politically motivated “oversight” agenda that has been applauded by oil, gas, and mining interests and broadly condemned by the public, the media and the independent scientific community across the country and around the world.

The Committee Majority has abused the Committee’s oversight powers to harass NOAA climate scientists, going so far as to threaten former NASA astronaut, and current NOAA Administrator Kathy Sullivan with contempt, all in an attempt to undercut the notion of human-caused climate change. The Chairman has issued subpoenas in a reckless attempt to obtain the health records of hundreds of thousands of American citizens so they could be provided to tobacco industry consultants – all part of some bizarre attempt to disprove the notion that air pollution is bad for people’s health. The Chairman has also demanded documents and testimony from the EPA in a naked attempt to assist a foreign mining company in their active litigation against the U.S. government.

That brings us to the latest embarrassment of this Committee in the name of oversight: The Majority’s brazen attempts to assist ExxonMobil in the face of legitimate fraud investigations by various state Attorneys General. The Majority has claimed that their investigation is about protecting the First Amendment rights of ExxonMobil. However, the law is clear – fraud is not protected by the First Amendment. If any companies in the oil industry defrauded the public or their shareholders in their well-documented disinformation campaign on global warming, then that is a matter for the state AGs and the courts, not the Committee on Science.

I also want to take a moment to highlight the irony in the Chairman’s nine subpoenas issued to various NGOs. In his stated attempt to protect ExxonMobil’s supposed First Amendment rights,

the Chairman is unequivocally violating these groups' First Amendment rights to petition the government.

I hope all the Members of the Majority think long and hard about the precedent the Chairman is setting here, and whether you'd like Democratic Members to take these same kinds of actions against certain conservative minded groups when Democrats are in the Majority.

I look forward to hearing from Professor Charles Tiefer who worked as the General Counsel for the House of Representatives for 11 years, who can help us understand the clear limits to the Committee's legal authority to interfere with ongoing investigations by state law enforcement agencies.

The Majority's misguided efforts undermine the Science Committee's important and legitimate oversight authority and dramatically increase the public's distaste and distrust of this body. That is extremely troubling, particularly at a time when we are confronted with critical scientific and technological challenges affecting the health and safety of the public, the sustainability and diversity of our environment, and the security of our nation and our neighborhoods. These are the issues the Committee should be overseeing, exploring and investigating.

In closing, let me be clear. The Majority's actions are not without consequence. Public contempt for the Committee's recent actions may hinder our ability to effectively conduct legitimate oversight in the future. I hope that Members of the Majority will take a moment to contemplate the lasting damage to this Committee and to this Congress that will result if we continue down the path we are currently on.

Lastly, I would like to enter the Committee's correspondence on this issue into the record. It is not only important the public hears what you have to say and what I have to say on this subject but I believe it is important the public gets to hear what the nine non-governmental organizations (NGOs) that utilized their constitutional right to petition the government and the two State law enforcement agencies that are investigating ExxonMobil for potentially defrauding its investors have said about this subject and the Committee's subpoenas to them.

Thank you. I yield back.