

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371

www.science.house.gov

April 13, 2017

The Honorable Lamar Smith
Chairman
Committee on Science, Space, and Technology
2321 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Smith,

I am writing to you today to request that the Committee on Science, Space, and Technology initiate an investigation of senior political appointees at the Environmental Protection Agency (EPA) for potentially intentionally misleading Congress.

On April 4, 2017, Bloomberg BNA reported that:

“EPA staff comments on extensive burdens linked to a controversial House-passed bill never made it to the Congressional Budget Office. That’s because personnel in the Environmental Protection Agency’s leadership circle quashed the comments, choosing instead to say there would be no burden whatsoever if the bill became law, current EPA officials and an email obtained by Bloomberg BNA say.”¹

The article went on to report that the EPA Administrator’s office ended up sending a response to the Congressional Budget Office (CBO) indicating simply, “no cost, no comment.”

The CBO released its cost estimate for H.R. 1430, the HONEST Act, on March 29. This cost estimate, based in part on the comments from EPA leadership, indicated that the cost of complying with the legislation would run somewhere between “a few million dollars per year to more than one hundred million dollars per year.” The cost estimate was a dramatic departure from the cost estimate issued for the HONEST Act’s predecessor: the Secret Science Reform Act. That cost estimate, released in 2015, indicated that the costs

¹ *EPA Leaders Trashed Staff Comments Critical of Data Overhaul Bill: Officials*, Bloomberg BNA (April 4, 2017).

of compliance for the EPA would be upwards of \$250 million per year, and in addition, that the agency would be forced to use dramatically less science in their activities.

The Bloomberg BNA report indicates that EPA staff reported to EPA leadership that the HONEST Act would, “cost the agency at least \$250 million a year while threatening agency know-how.” In other words, EPA career technical experts reported to EPA political leadership that the HONEST Act would cost the same as the prior versions of the bill.

Based on these reports, it appears that EPA political leadership may have intentionally misled the CBO about the potential costs of H.R. 1430 in order to minimize the reported costs of the legislation. This is a very serious matter, and it deserves the Congress’s immediate attention. Each and every Member of Congress relies upon forthright agency comments to evaluate the merits of proposed legislation. If Executive branch officials are intentionally misleading Congress, then it makes it difficult, if not impossible, for Members of the Legislative branch to effectively do our jobs.

In a different context, you yourself expressed similar concerns about executive branch officials interfering with the transmittal of essential information to Congress, stating:

“Instead of providing the type of scientific information needed by Congress to legislate effectively, senior departmental officials sought to hide information, lobbied against legislation, and retaliated against a scientist for being forthcoming... Moving forward, the department needs to overhaul its management practices to ensure that Congress is provided the information it requires to legislate.”²

That Committee investigation of the Department of Energy was joined by the Democratic Members, because good governance should know no party loyalty. I sincerely hope that your attitudes about the need for Congress to receive accurate information from the Executive Branch have not changed with the change of party in the White House. I strongly urge you to initiate a formal investigation of EPA leadership to determine if they intentionally misled the Congress.

Thank you for your attention to this matter.

Sincerely,



EDDIE BERNICE JOHNSON
Ranking Member
Committee on Science, Space, and Technology

² Press Release, *Committee Releases Report on Department of Energy Misconduct*, December 20, 2016.

Cc: Members of the Committee on Science, Space, and Technology