

Opening Statement
Ranking Member Elijah E. Cummings
Hearing on “Document Production Status Update, Part II”
April 19, 2016

Thank you very much, Mr. Chairman. As I pointed out at our previous hearing on document productions, I strongly support the authority of our Committee to obtain documents we need as part of our investigations. Executive Branch agencies and outside entities have a duty to comply with our requests, regardless of which party is in the majority.

Documents are one essential tool we use to investigate waste, fraud, and abuse to ensure that our government runs as effectively and efficiently as possible.

Just this past December, our Committee adopted, by a unanimous vote, a bipartisan report on the U.S. Secret Service that made key recommendations for improving the effectiveness and efficiency of that agency. That report would not have been possible without the thousands of pages of documents we obtained as part of our oversight efforts.

Our ongoing investigation into the water crisis in Flint, Michigan, is another example. Documents obtained by this Committee reveal how the actions of Governor Snyder and his administration caused this disaster. That investigation is ongoing, and we received another production of documents on Friday.

So, I wholeheartedly agree that documents are a critical tool for us to conduct our oversight duties, but we also have an obligation to use that power responsibly and avoid massive and overbroad requests that create the very waste and inefficiency we are trying to eliminate. Our document requests should focus on investigating *actual* waste or wrongdoing rather than fishing for nonexistent problems or using the power of the Committee for partisan attacks.

We need to recognize how much work goes into responding to our requests—and how many taxpayer dollars are spent. We have an obligation to craft our requests narrowly to seek only those documents we need to do our jobs.

For example, in the case of the IRS, we have now received more than 1.3 million pages of documents at a cost of tens of millions of taxpayer dollars—including a request for emails Lois Lerner wrote going back to 1986. Yet, the Republican Inspector General at the IRS has identified no evidence of political targeting. Nor has the Department of Justice. Nor has this Committee. Still, this investigation continues with no end in sight. This is an example of what I believe is an abuse of this Committee’s authority.

Forcing agencies to divert personnel and spend critical taxpayer dollars on baseless and overbroad document requests is counterproductive to good government because it causes the very waste and inefficiency our Committee is charged with eliminating. Ironically, the cost to taxpayers for agencies to fulfill requests like these sometimes exceeds any possibility for cost savings.

Finally, let me make one last point. The invitation letters for today's hearing suggest that the agencies testifying before us "routinely fail" to cooperate and have produced nothing of value in response to our requests. But that is simply not the case.

For example, HHS has made seven formal and informal productions totaling more than 30,000 pages in response to the Committee's requests for information about Consumer Operated and Oriented Plans under the Affordable Care Act. Now, I understand that Republicans hate the Affordable Care Act and will continue to attack it, but HHS has been extremely responsive.

I also understand that House Republicans are engaged in an orchestrated attack on the Administration's new clean water rule known as Waters of the United States, or WOTUS. They oppose the expanded protection of our nation's waterways, so they have been investigating this new rule by sending massive document requests to EPA, the Army, and the Office of Information and Regulatory Affairs (OIRA), which is here today.

But these agencies are also cooperating. EPA made 15 productions over the past year totaling about 24,670 pages of documents, the Army made 7 productions totaling about 13,087 pages, and OMB has made 8 productions on behalf of OIRA totaling more than 6,000 pages.

And as I noted earlier, DHS has been producing tens of thousands of pages of documents from its component agencies, including the Secret Service, U.S. Citizen and Immigration Services, the Transportation Security Administration, and Immigration and Customs Enforcement in response to dozens of requests from our Committee.

These agencies are not refusing to cooperate with this Committee. They are trying to do their jobs, trying to act professionally, trying to protect the legitimate interests of the Executive Branch, and trying to provide this Committee with the information we need to fulfill our oversight responsibilities under the Constitution.

I thank our witnesses for being here, and I hope we can explore these issues in earnest here today. Thank you, Mr. Chairman.

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