

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074  
MINORITY (202) 225-5051

<http://oversight.house.gov>

### Opening Statement Ranking Member Elijah E. Cummings

#### Hearing on "Document Production Status Update" January 7, 2016

Thank you very much, Mr. Chairman. I strongly support the authority of this Committee to obtain necessary documents as part of our investigations. Documents are a critical tool to investigate waste, fraud, or abuse, eliminate unnecessary duplication, improve the effectiveness and efficiency of government, and determine whether Congress needs to change our laws to improve the lives of the American people.

Of course, we rely on other sources of information, such as hearing testimony, witness interviews, and informal briefings and meetings. But documents are unique. They give us the ability to understand what happened on the ground over a certain period of time without having to rely on hazy memories or the self-serving recollections of those being investigated.

I support the Committee's authority because I have been in the Chairman's seat. I know firsthand how oversight can be stifled by slow-walking documents or withholding information to which Congress is entitled. I remember the fights we had with the Bush Administration over their refusal to provide documents we needed, and I remember how those actions impaired our ability to do our work. So I support the Chairman in his efforts.

Unfortunately, I have also seen how investigations can be used as a form of political attack rather than a search for the facts. I have seen how massive, repeated, and overbroad document requests have been used as a partisan weapon. I have seen how they can grind down agencies, force them to divert personnel, and waste millions of taxpayer dollars in the process.

For today's hearing, I believe it is important to recognize the difference between these two purposes. We need to recognize not only the significant demands that have been placed on these agencies, but also what they have provided to date, which is substantial.

For example, the State Department has just experienced one of, if not the most, demanding years in its history in terms of congressional inquiries. The State Department is currently reporting to nine different committees, including the new Benghazi Select Committee, and it has been inundated with requests unlike any previous year on record.

In 2015, the Oversight Committee alone launched nine investigations relating to the State Department. In response, the Department provided more than 21 gigabytes of information. Just as part of our investigation of embassy construction, the State Department produced more than 160,000 pages of documents.

Of course, the Committee wants additional documents. In fact, I have signed onto some of those document requests myself. But it is inaccurate to suggest that the State Department has intentionally withheld the documents we need.

With that said, the State Department is notorious for its extremely poor records management systems, and this problem dates back several Administrations. As I said earlier, I have been incredibly frustrated in the past with the State Department's inability to run the most basic document searches and produce documents in a timely manner.

In my opinion, the solution to this problem is not to shame the heads of the legislative affairs offices. Many of these officials worked in Congress previously, they fully understand our needs and our rights to the information, and they are among some of our most effective advocates within the agencies.

Instead, if we really want to address this problem, we can take two key steps.

First, Congress can conduct sustained and detailed reviews of agency information management processes, including document preservation, collection, and production. We can support long-term efforts to upgrade and improve their systems so they take less agency time to implement and provide Congress what it needs more quickly. This work would pay dividends to Congress, the press, and the American public.

The second thing Congress can do is take a closer look at itself. We can end the politically motivated requests designed to generate headlines rather than improve effectiveness and efficiency. We can eliminate duplicate requests from multiple committees and streamline our oversight efforts. We can ask for only what we really need rather than everything under the sun. And we can work with agencies to understand their legitimate interests in protecting certain classes of information while pursuing accommodations that give us what we need to do our jobs.

I hope we can explore some of these issues here today, and I look forward to the testimony of our witnesses.

Thank you, Mr. Chairman.

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Contact: Jennifer Werner, Communications Director, (202) 226-5181.