

JOHN L. MICA, FLORIDA
MICHAEL R. TURNER, OHIO
JOHN J. DUNCAN, JR., TENNESSEE
PATRICK T. McHENRY, NORTH CAROLINA
JIM JORDAN, OHIO
JASON CHAFFETZ, UTAH
TIM WALBERG, MICHIGAN
JAMES LANKFORD, OKLAHOMA
JUSTIN AMASH, MICHIGAN
PAUL A. GOSAR, ARIZONA
PATRICK MEEHAN, PENNSYLVANIA
SCOTT DeSJARLAIS, TENNESSEE
TREY GOWDY, SOUTH CAROLINA
BLAKE FARENTHOLD, TEXAS
DOC HASTINGS, WASHINGTON
CYNTHIA M. LUMMIS, WYOMING
ROB WOODALL, GEORGIA
THOMAS MASSIE, KENTUCKY
DOUG COLLINS, GEORGIA
MARK MEADOWS, NORTH CAROLINA
KERRY L. BENTIVOLIO, MICHIGAN
RON DeSANTIS, FLORIDA

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

FACSIMILE (202) 225-3974

MINORITY (202) 225-5051

<http://oversight.house.gov>

CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
JOHN F. TIERNEY, MASSACHUSETTS
WM. LACY CLAY, MISSOURI
STEPHEN F. LYNCH, MASSACHUSETTS
JIM COOPER, TENNESSEE
GERALD E. CONNOLLY, VIRGINIA
JACKIE SPEIER, CALIFORNIA
MATTHEW A. CARTWRIGHT, PENNSYLVANIA
MARK POCAN, WISCONSIN
L. TAMMY DUCKWORTH, ILLINOIS
ROBIN L. KELLY, ILLINOIS
DANNY K. DAVIS, ILLINOIS
PETER WELCH, VERMONT
TONY CARDENAS, CALIFORNIA
STEVEN A. HORSFORD, NEVADA
MICHELLE LUJAN GRISHAM, NEW MEXICO

LAWRENCE J. BRADY
STAFF DIRECTOR

November 7, 2013

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Ms. McCarthy:

Six months have passed since Senator Vitter and I wrote your Agency seeking documents related to our ongoing investigations of EPA activities.¹ Given the EPA's continued lack of cooperation, I am left with no choice but to issue a subpoena to compel the production of documents relevant to the Committee's oversight obligations.

Moreover, troubling information has recently been brought to my attention that raises questions about the reasons for EPA's lack of cooperation with the Committee. An e-mail produced in response to a FOIA request from a non-profit group suggests that the White House may have played a role in EPA withholding information from Congress. On June 13, 2013, EPA Acting Principal Deputy General Counsel, Kevin Minoli, e-mailed White House Special Assistant to the President, Daniel Dominguez, regarding the request from Senator Vitter and me. Mr. Minoli wrote, "Folks here would like to send up a second set of documents in response to the attachment to the Issa/Vitter April 10th letter that has a list of 106 documents they want in unredacted form."² Despite EPA's apparent desire to fulfill their obligation and turn over these documents to the Committee, they were never produced. I am left with the impression that EPA's lack of cooperation results from a coordinated effort to keep information from the Committee and the American public.

This is a serious matter; as you know, it is illegal to interfere with a Congressional investigation. The applicable law, 18 U.S.C. § 1505, states in pertinent part:

¹ Letter from Hon. Darrell E. Issa, Chairman, H. Comm. on Oversight & Gov't Reform, Hon. David Vitter, Ranking Member, S. Comm. on Env't & Pub. Works, to Gina McCarthy, Assistant Adm'r, U.S. Env'tl. Prot. Agency (Apr. 10, 2013).

² E-mail from Mr. Kevin Minoli, Acting Principal Deputy General Counsel, U.S. Environmental Protection Agency, to Daniel Dominguez, Special Assistant to the President, White House. (June 13, 2013).

The Honorable Gina McCarthy

November 7, 2013

Page 2

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress--

Shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both.

As such, I am now also requesting all documents and communications between or among employees of the Executive Office of the President, including, but not limited to, the White House Office and the Office of Management and Budget, and employees of the Environmental Protection Agency referring or relating to requests from Congress or requests pursuant to the Freedom of Information Act. This request will be included in the schedule of the subpoena.

Thank you for your prompt attention to this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Darrell Issa", with a large, sweeping flourish extending to the right.

Darrell Issa
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Minority Member