

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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July 8, 2015

The Honorable Loretta Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Madam Attorney General:

We are writing to ask the Department of Justice to investigate whether Rafael Moure-Eraso, the former Chairman of the Chemical Safety and Hazard Investigation Board (CSB), committed perjury and made knowingly false statements during the course of the Committee's investigation of his agency.

For more than two years, the Committee has been investigating serious management deficiencies and allegations of whistleblower retaliation at the CSB, among other things. The Committee conducted nine transcribed interviews, obtained and reviewed thousands of pages of documents from the agency and other sources, and held two investigative hearings. On June 19, 2014, Mr. Moure-Eraso testified before the Committee at a hearing entitled "Whistleblower Reprisal and Management Failures at the U.S. Chemical Safety Board." He also testified at a hearing on March 4, 2015, entitled "Rebuilding the Chemical Safety Board: Finding a Solution to the CSB's Governance and Management Challenges."

We believe Mr. Moure-Eraso's testimony during those hearings with respect to three specific issues may have implicated federal statutes that prohibit lying under oath, making false statements, and obstructing Congress.

First, Mr. Moure-Eraso testified, under oath, that he consulted with the General Counsel of the CSB before approving a request to access the emails of two CSB employees. However, the agency's General Counsel told the Committee that the Chairman did not do so.

Second, Mr. Moure-Eraso testified, under oath, that the CSB's former Chief Information Officer (CIO) was responsible for overseeing a production of emails to the Environmental Protection Agency's Office of Inspector General. According to the Inspector General, Mr. Moure-Eraso's testimony is contradicted by the former CIO's sworn statement.

Third, Mr. Moure-Eraso testified, under oath, that he stopped using his personal email account for official business “about a year and a half” before the Committee’s June 2014 hearing. Documents and information provided to the Committee by the Inspector General’s office indicate that Mr. Moure-Eraso in fact continued using his personal email account for official business until a much later date.

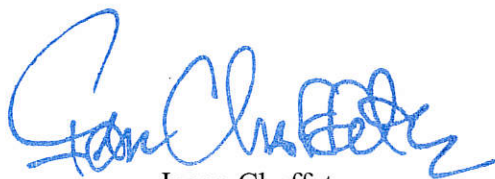
The inconsistencies between Mr. Moure-Eraso’s testimony and other information received by the Committee raise significant concerns about the truthfulness of Mr. Moure-Eraso’s testimony. Furthermore, the testimony in question is related to key aspects of the Committee’s investigation, and in each case, Mr. Moure-Eraso appeared to answer questions in such a way as to avoid additional scrutiny.

Perjury, false statements, and obstructing Congress are serious crimes. Under 18 U.S.C. § 1621, a witness commits perjury if the witness, “having taken an oath . . . , willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true.” Under 18 U.S.C. § 1001, a witness commits a crime if the witness “knowingly and willfully” makes a statement “knowing the same to contain any materially false, fictitious, or fraudulent statement.” Under 18 U.S.C. § 1505, a witness commits a crime if he “corruptly” “influences, obstructs, or impedes,” or “endeavors to influence, obstruct, or impede,” 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.”

The Committee relies on the truthful testimony of witnesses who appear at our hearings to conduct effective oversight. We are concerned by information and documents that suggest that Mr. Moure-Eraso’s testimony was not truthful. We respectfully request that you consider this information and determine whether further investigation by the Department of Justice is warranted.

Thank you for your attention to this important matter.

Sincerely,



Jason Chaffetz
Chairman



Elijah E. Cummings
Ranking Member