

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

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

<http://oversight.house.gov>

December 18, 2019

The Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
Washington, DC 20515

Dear Madam Chairwoman:

On December 13, 2019, we received copies of invitation letters that you had sent the day before to witnesses that Republicans identified in our request for a minority hearing day in connection with the Committee's hearing on H.R. 51, granting statehood to the District of Columbia (D.C.).¹ You sent these invitations with only a brief staff consultation, over our objection as to the selected date of December 19, and without allowing us to substantively participate in the planning for this hearing. We sadly have become accustomed to a lack of consultation or notice for Committee hearings beyond the bare minimum required by House rules, but we are concerned by what appears to be a concerted effort in this instance to minimize serious misconduct in the D.C. government as the Committee considers H.R. 51.

We originally requested the minority day hearing regarding D.C. statehood because Democrats refused to allow us to examine the serious allegations of misconduct levied against D.C. Councilmember Jack Evans during the Committee hearing that occurred on September 19, 2019. Your choice to schedule the minority hearing day sandwiched between two other Committee events on the last day of this session disappoints us. Your lack of consultation and notice to Members and potential witnesses in your planning of the hearing reflects a lack of

¹ See Letter from Carolyn B. Maloney, Chairwoman, H. Comm. on Oversight and Reform, to Lynn Bowersox, Senior Vice President, Washington Metropolitan Area Transit Authority (Dec. 12, 2019) (on file with the Committee); see also Letter from Carolyn B. Maloney, Chairwoman, H. Comm. on Oversight and Reform, to Jennifer Ellison, Board Corporate Secretary, Washington Metropolitan Area Transit Authority (Dec. 12, 2019) (on file with the Committee); see also Letter from Carolyn B. Maloney, Chairwoman, H. Comm. on Oversight and Reform, to Patricia Y. Lee, General Counsel, Washington Metropolitan Area Transit Authority (Dec. 12, 2019) (on file with the Committee); see also Letter from Carolyn B. Maloney, Chairwoman, H. Comm. on Oversight and Reform, to The Honorable Clarence C. Crawford, Member, Maryland State Board of Education (Dec. 12, 2019) (on file with the Committee); see also Letter from Carolyn B. Maloney, Chairwoman, H. Comm. on Oversight and Reform, to The Honorable Jack Evans, Member, Council of the District of Columbia (Dec. 12, 2019) (on file with the Committee); see also Letter from Carolyn B. Maloney, Chairwoman, H. Comm. on Oversight and Reform, to Corbett A. Price, Chairman, Kurrion & Company, Inc. (Dec. 12, 2019) (on file with the Committee); see Letter from Republican Members of the H. Comm. on Oversight and Reform to Elijah E. Cummings, Chairman, H. Comm. on Oversight and Reform (Sept. 19, 2019) (on file with the Committee).

seriousness as to the Committee's oversight of D.C. government and a disregard of minority rights in the House.

Your decision to cut us out of the hearing planning suggests an apparent desire to avoid joining Republicans in asking serious questions about the Washington Metropolitan Area Transit Authority (WMATA) and the D.C. government. On July 16, 2019, we wrote to WMATA Board Chair Paul Smedberg seeking documents relating to the WMATA Board's investigation into former WMATA Board Chair and current D.C. Councilmember Evans.² The Committee has received over 900 pages of documents in response to our request. These documents suggest that Evans may have used his official capacity to urge a WMATA Office of Inspector General (OIG) investigation into a vendor that competed with Evans's client. Other documents suggest that Evans sought to provide off-hours access to WMATA facilities to another client, who was a competitor to WMATA for advertising revenue at the time.

The documents also suggest that Evans and Corbett Price, who served until recently on the WMATA Board as another representative of D.C., may have sought to obstruct the WMATA Board's investigation into Evans and conceal the results. Evans and Price allegedly threatened WMATA staff and officials in an effort to advance their scheme. Then-Chairman Cummings and Government Operations Subcommittee Chairman Connolly characterized these documents as "paint[ing] a disturbing picture of Mr. Evans's ethical transgressions."³

On September 10, 2019, we wrote to then-Chairman Cummings and Chairman Connolly requesting that they schedule transcribed interviews with several individuals involved in the WMATA Board's ethics investigation into Evans.⁴ We received no response to our request. On September 16, 2019, we requested that then-Chairman Cummings invite Evans to testify at the Committee's hearing on H.R. 51.⁵ This request was refused.⁶

Instead, then-Chairman Cummings and Chairman Connolly asked the WMATA OIG to examine aspects of this matter.⁷ However, we believe that an OIG investigation is not a

² Letter from Jim Jordan, Ranking Member, H. Comm. on Oversight and Reform, and Mark Meadows, Ranking Member, Subcomm. on Government Operations of the H. Comm. on Oversight and Reform, to Paul Smedberg, Chair, Washington Metropolitan Area Transit Authority (Jul. 16, 2019) (on file with the Committee).

³ Letter from Elijah E. Cummings, Chairman, H. Comm. on Oversight and Reform, and Gerald E. Connolly, Chairman, Subcomm. on Government Operations of the H. Comm. on Oversight and Reform, to Geoffrey Cherrington, Inspector Gen., Wash. Metro. Area Transit Auth. (Sept. 12, 2019).

⁴ See Letter from Jim Jordan, Ranking Member, H. Comm. on Oversight and Reform, and Mark Meadows, Ranking Member, Subcomm. on Government Operations of the H. Comm. on Oversight and Reform, to Elijah E. Cummings, Chairman, H. Comm. on Oversight and Reform, and Gerald E. Connolly, Chairman, Subcomm. on Government Operations of the H. Comm. on Oversight and Reform (Sept. 10, 2019) (on file with the Committee).

⁵ Letter from Jim Jordan, Ranking Member, H. Comm. on Oversight and Reform, and Mark Meadows, Ranking Member, Subcomm. on Government Operations of the H. Comm. on Oversight and Reform, to Elijah E. Cummings, Chairman, H. Comm. on Oversight and Reform (Sept. 12, 2019) (on file with the Committee).

⁶ Letter from Elijah E. Cummings, Chairman, H. Comm. on Oversight and Reform, to Jim Jordan, Ranking Member, H. Comm. on Oversight and Reform (Sept. 18, 2019) (on file with the Committee).

⁷ Letter from Elijah E. Cummings, Chairman, H. Comm. on Oversight and Reform, and Gerald E. Connolly, Chairman, Subcomm. on Government Operations of the H. Comm. on Oversight and Reform, to The Honorable

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substitute for the Committee's oversight, especially as the Committee needs detailed and timely information to fully consider H.R. 51. Therefore, because of the serious need for substantive oversight of WMATA and the D.C. government, we exercised one of the few remaining rights of the minority to request that witnesses testify before the Committee under the minority witness rule.⁸

The Committee cannot mark-up H.R. 51 until the Committee fully understands and assesses the nature and extent of D.C. Councilmember Evans's misconduct. Because you scheduled the minority hearing day on December 19 over our objection and with minimal notice, it is doubtful that all the witnesses we requested are able to testify that day. In addition, if you had consulted with the Inspector General, you would know that he believes that public testimony at this time could adversely affect his ongoing investigation. Accordingly, we ask that you reconsider convening the hearing on December 19 and work with us to find mutually acceptable date(s) in the future for the Committee to seriously examine the nature and extent of D.C. Councilmember Evans's misconduct.

Thank you for your attention to this matter.

Sincerely,



Jim Jordan
Ranking Member

cc: The Honorable Gerald E. Connolly
Chairman
Subcommittee on Government Operations

The Honorable Mark Meadows
Ranking Member
Subcommittee on Government Operations

Geoffrey Cherrington, Inspector General, Washington Metropolitan Area Transit Authority (Sept. 12, 2019) (on file with the Committee).

⁸ Letter from Republican Members of the H. Comm. on Oversight and Reform to Elijah E. Cummings, Chairman, H. Comm. on Oversight and Reform (Sept. 19, 2019) (on file with the Committee).