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Opening Statement of
Chairman Doug Lamborn
Subcommittee on Energy and Mineral Resources
Before the Full Committee on Natural Resources
Business Meeting:

“To consider a motion to authorize the Chairman to issue subpoenas for the production of documents”

Wednesday, March 28, 2012

Thank you Mr. Chairman.

As the Chairman said, these investigations have been methodically conducted in an effort to get answers and understand the actions of the Administration. Actions that have cost taxpayers millions in canceled contracts, and have caused or may cause tens of thousands of Americans to lose their jobs and cripple our economy.

Time and time again, the Administration has failed to respond in a timely or complete manner to even the simplest requests. There should be no doubt that if the Administration had chosen to comply with the requests of the Committee that we would not be here today.

I want to review for the Committee the process of these investigations. I will begin with the Stream Buffer Zone Rule Investigation. The date of the original letter the Chairman and I sent to the Department of the Interior was February 8, 2011. More than one year ago. Subsequently an additional letter for additional information was sent February 10.

These letters were met with a complete failure by the administration to even respond by the deadline in the letters, and it wasn't until days after the deadline that the administration responded with a letter making no commitments and providing NO DOCUMENTS. The Chairman and I sent a subsequent letter April 1, but it wasn't until May 13 that the Administration provided their first response. That response was nothing more than publicly available documents and reports.

The Chairman and I then engaged in a series of letters that were all met with missed deadlines and failure to comply with the requests. These letters include July 18th, August 15th, September 25, and October 13. It was then at a November hearing of the Energy and Minerals Subcommittee that we uncovered the existence of nearly 30 hours of digital audio recordings of meetings between agency personnel and contractors that the Administration had not yet even discovered in their records, calling into question the adequacy of their efforts to respond to our document requests.

In December and January the Administration began to provide some heavily redacted documents with no legal justification for the redactions. The redactions appear to be arbitrary and not based on any legitimate privilege.

In addition, at no time has the Administration attempted to provide a privilege log which would include a list of the documents being withheld from the Committee and a legal basis for withholding them.

In the end, this resulted in the January 25, 2012 letter that provided the Administration with one last time to respond adequately and provide a privilege log or be compelled to do so. Needless to say the administration didn't meet that deadline. As a result we are here today.

But that isn't the only example of the Administration stonewalling, and the story is similar regarding our investigation into the six-month OCS Drilling Moratorium.

The effort by members of the Committee to investigate started in July of 2010 with a group letter from 5 members of this Committee to the DOI Inspector General. That resulted in a quick report from the Inspector General that was issued in November. That report raised many more questions than it answered.

In April of 2011, the Chairman and I began asking additional question of both the Secretary and the Inspector General.

In May, on deadline, the Inspector General responded with a complete copy of the report and 11 attachments, however, they told us that 6 documents were withheld per DOI instruction. The Department never produced documents by the deadline. In July we sent another letter with an August deadline -- that resulted in 1 document for review. In August the Department finally provided the first set of documents in response to our April request, those documents were duplicates of the documents provided to the Committee by the Inspector General months earlier.

On August 15, we sent a letter to DOI reiterating request for full compliance with our document requests. Through August and September we engaged in a series of exchanges with DOI that resulted in the production of a few duplicate documents. On September 28, the Chairman and I wrote again requesting documents that were specifically withheld by DOI; and after that deadline passed an additional letter in October, where we note the Administration's ongoing "pattern of delay."

On January 25 of this year, we sent another letter to the Department with a final opportunity to respond or be compelled to do so. Not one category of documents requested was fulfilled. As a result we are here today.

This six-month drilling moratorium has adversely impacted tens of thousands of citizens through lost wages and jobs, cost business hundreds of thousands of dollars, and incurred litigation costs to defend the moratorium that the court has found to be arbitrary and capricious. The altering of this 30-Day Safety Report is an egregious example of disregarding science and merits a complete examination.

I hope that the members of this Committee understand the comprehensive chronology of the investigations so far. We have worked diligently and patiently for the Administration to help us understand the reasons for their decisions and we have been met with nothing more than a disregard for legitimate oversight.