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Interior Dept Disregards President Obama's Transparency Pledge, Fails to Comply with Subpoena on Coal Regulations that Internal Documents Show Would Destroy Thousands of American Jobs

WASHINGTON, D.C. – House Natural Resources Committee Chairman Doc Hastings (WA-04) released the following statement after the Department of the Interior [failed to provide the documents requested](#) in the April 4, 2012 subpoena related to the Committee's more than year-long investigation into the Obama Administration's rewrite of a coal production regulation, the 2008 Stream Buffer Zone Rule:

"The Obama Administration has not made a secret of their disdain for coal energy and the job losses and higher energy costs to families and businesses that their policies will cause, but this is no excuse for the Interior Department to refuse to comply with a Congressional subpoena.

"For over a year the Interior Department has dodged legitimate questions and document requests to avoid being held accountable for decisions made in rewriting this coal production regulation and the highly unusual manner in which they are drafting the new rule. Their decision to flout a subpoena by reciting an already refuted excuse—that because they're still writing the regulation they don't have to comply with Congressional oversight—is either arrogant or a desperate attempt to avoid disclosing their actions. This is not a legal basis for them to refuse to provide these documents and recordings to Congress and they were duly informed of this fact over three months ago. A desire to shield their actions from Congressional oversight is not a basis for defying a subpoena. The Department's stubborn resistance to even the smallest amount of transparency and Congressional oversight only raises more questions about their decision to suddenly cast aside and rapidly rewrite a coal regulation that endured five years of painstaking environmental and scientific analysis.

"Although the Interior Department has failed to comply with the deadline of the first subpoena for a narrow and specific set of documents and recordings that the Department could easily accumulate and disclose in a timely manner, this will not delay my issuing a second subpoena seeking a broader range of more comprehensive documents. The Obama Administration will be held to account for providing all of these documents and will not be permitted to skirt President Obama's own pledge of unprecedented transparency."

Background:

Click [here](#) to read the issuance of the April 4, 2012 [subpoena](#).

The specific documents sought in the subpoena include:

1. All recordings, and complete and unredacted transcripts of recordings, of meetings between the Department and contractors regarding the rewrite of the rule. This includes, but is not limited to, the known 43 digital audio recordings totaling approximately 30 hours.
2. Complete and unredacted versions of email communications previously provided to the Committee and documents reviewed by Committee staff *in camera*.
3. All documents related to the development of the Advanced Notice of Proposed Rulemaking and Notice of Intent to prepare a Supplemental Environmental Impact Statement for the coal production regulation.
4. Complete drafts of the Environmental Impact Statement and the Regulatory Impact Analysis as of January 31, 2011 for the Administration's rewrite of the coal production regulation.
5. Complete current drafts of the Environmental Impact Statement and the Regulatory Impact Analysis for the Administration's rewrite of the coal production rule, as well as versions created since January 31, 2011.
6. The subpoena deadline is April 12, 2012 at 12:00PM. The subset of documents included in this first subpoena are distinct and narrowly focused, which is intended to allow the Department to produce them promptly. Additional categories of documents, not included in this subpoena but previously requested as far back as February of 2011, that are broader in scope and will likely produce a greater volume of responsive material are anticipated to be sought in the near future.

For more information, on the Committee's oversight investigation, visit <http://naturalresources.house.gov/oversight/coalregs>

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