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U.S. House of Representatives

Committee on Natural Resources

Washington, DC 20515

Opening Statement of Chairman Doc Hastings

At the Full Committee Oversight Hearing on *"Status of Obama Administration's Rewrite of the Stream Buffer Zone Rule and Compliance with Committee Subpoenas"*

Thursday, July 19, 2012, at 10:00 a.m.

Today's hearing will focus on two specific issues: 1). The status of both the Interior Department's rewrite of the Stream Buffer Zone Rule and the lawsuit settlement agreement requiring a final rule to be in place last month; and 2). The failure of the Department to comply with official Congressional subpoenas for documents.

Almost immediately after President Obama took office, his Administration tossed aside the 2008 Stream Buffer Zone Rule, which had taken over five years of thorough environmental and scientific analysis and public comment to complete.

The Department then entered into a lawsuit settlement with environmental groups to rewrite the rule by June 29, 2012. The Administration has spent millions of taxpayer dollars working to rewrite this rule including hiring new contractors, only to dismiss those same contractors once it was publicly revealed that the Administration's new proposed regulation could cost 7,000 jobs and cause economic harm in 22 states.

To say this entire rulemaking process has been unorthodox would be a gross understatement.

The Department missed the June 29th deadline to produce the final regulation they agreed upon in court. In fact, the Department has yet to even release a draft regulation. For an Administration that was so eager to throw out the 2008 rule and rush the rewrite of a new one, it's bizarre that they are now missing their own self-imposed key deadlines.

One has to seriously question if the Department's plans have changed now that the devastating job and economic impacts have been made public. For example, audio tapes of meetings between hired contractors and Department officials reveal the Administration's efforts to massage and conceal the true economic impacts of their proposed regulation. No effort to refute the contents of these recordings has been made public.

Is the Obama Administration now waiting until after the election, when the President will have more "flexibility," to release its job-destroying regulation? What is the Administration planning to impose after November that it doesn't want the American people to know about now?

A pattern of secrecy has emerged from this Administration - an Administration that made bold promises of openness and unprecedented transparency. The Department has spent the last year and a half avoiding questions from this Committee about their rewrite and has failed to meet a single deadline for any document request. It's astonishing the lengths this Administration will go to withhold information from the public.

While this Committee has tried to patiently work with the Department throughout the course of this long-running investigation, the Department's refusal and inability to cooperate left us with no other choice but to issue two subpoenas for specific documents and recordings. Yet the Department has ignored these Congressional subpoenas the same way they have avoided other attempts to get answers to basic questions.

Repeated and baseless excuses of vague confidentiality interests and it being an on-going rulemaking process frankly don't stand the test of openness and transparency. These are not valid excuses for defying Congressional subpoenas. Dr. Pizarchik knows it, the Department knows it and all the lawyers in the White House know it.

Today, this Committee expects answers – open, honest and complete answers. It's inexcusable the way in which the Department has stonewalled this Committee's legitimate oversight efforts.

The Obama Administration has made no secret of their desire to reduce or prohibit coal production. Their war on coal is being carried out on multiple fronts – from the Environmental Protection Agency to the Office of Surface Mining– all using the same tactic of imposing onerous red tape that will slowly cripple the industry. Never mind the thousands of American families and small businesses that depend on coal for their livelihood.

CNN had a story this week entitled, "The War over Coal is Personal." It featured an interview with a mother of five from Ohio who spoke about her way of life being at stake. She said, "If coal fell, which is one of the main sources of employment around this area, everything would suffer. There'd be no funding for the schools, which are already suffering. I can't see how destroying one industry benefits anything."

This is what's on the line with the Department's new coal regulation. It's about jobs, American energy production, energy prices and the economic livelihood of communities.

If the Obama Administration has nothing to hide, then they should comply with our subpoenas and fully answer all questions today from this Committee.