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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

August 30, 2012

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Mr. Neal Kemkar
Office of the Secretary
(On detail to the Council on Environmental Quality)
U.S. Department of the Interior
1849 C. Street, NW
Washington, D.C. 20240

Ms. Mary Katherine Ishee
Office of the Secretary
U.S. Department of the Interior
1849 C. Street, NW
Washington, D.C. 20240

Dear Mr. Kemkar and Ms. Ishee:

On July 18, 2012, you were both invited to voluntarily appear at a planned July 25, 2012 Committee on Natural Resources ("Committee") hearing regarding the Obama Administration's decision imposing a Gulf of Mexico drilling moratorium and the drafting and editing of the May 27, 2010 report entitled, "Increased Safety Measures for Energy Development on the Outer Continental Shelf ("Drilling Moratorium Report"), which misrepresented that independent engineers had peer reviewed and supported the moratorium when they did not.

This hearing was scheduled only after the Department refused repeated requests to make you and other officials available for on-the-record interviews with the Committee's majority oversight staff and to comply with a duly authorized and issued subpoena to Secretary Salazar for documents.

Unfortunately, that hearing was postponed less than 20 hours prior to the scheduled start after all five witnesses and the Department refused to confirm attendance after multiple requests to do so. As a result of the refusal to arrange transcribed interviews or confirm attendance at the hearing, the Committee voted, 26-17, on August 1, 2012 to authorize the issuance of subpoenas to compel your attendance at a future hearing. Since the Committee's vote to approve subpoena authority, Department officials have indicated in writing and in conversations with the

Committee's majority staff that Secretary Salazar has committed to having you appear voluntarily at a rescheduled hearing.

Accordingly, it is requested that you personally confirm in writing, by close of business on September 4, 2012, your intention to appear voluntarily at an oversight hearing of the full Committee entitled, "*Committee Oversight of Department of the Interior: Questioning Key Department Officials*," scheduled for 10 am, Thursday, September 13, 2012, in room 1324 of the Longworth House Office Building. Failure to provide the requested confirmation by the September 4 deadline is likely to prompt the issuance of a subpoena to compel your cooperation and attendance at this hearing.

In preparing for your appearance, you should be prepared to answer questions on (1) your roles in assisting with developing, reviewing, and editing the Drilling Moratorium Report, (2) how the moratorium decision was made without any technical or scientific analysis, (3) whether the peer review language in the Drilling Moratorium Report was intentionally misrepresented to justify the economically devastating moratorium decision, and (4) the activities of the Office of Inspector General, and other Departmental matters of which you may have personal knowledge.

In July 2010, seven members of this Committee originally wrote to the Department's Office of Inspector General ("IG") to request an investigation into the editing of the Drilling Moratorium Report, similar to how it investigated other allegations of scientific misconduct in the previous administration. The Department and others have repeatedly sought to deflect the Committee's inquiries by arguing the IG's investigation found no wrong-doing.

The IG issued an 8-page report in November 2010 confirming that edits by White House officials led to the incorrect implication that the peer reviewers had supported moratorium. However, the IG was unable, based on its limited investigation, to independently verify witness statements (including from Mr. Kemkar) and failed to determine whether the edits were intentionally made to use the peer reviewers as "cover," as some of the peer reviewers had wondered.

Significant questions have since been raised that the IG's lead investigators were unable – or directed not – to obtain all relevant documents or allowed to interview key witnesses as may have been necessary. In addition, there are also questions about a lack of independence by the Acting Inspector General in overseeing this investigation and the accuracy of testimony the Acting Inspector General gave in a June 2010 Committee hearing.

During the course of its investigation, the IG's lead investigators interviewed Mr. Kemkar, who had personally assisted with developing the Drilling Moratorium Report, communicated with the peer reviewers, and transmitted edits with White House staff, but they apparently did not seek documents directly from Mr. Kemkar. In addition, they did not pursue documents from or an interview with Ms. Ishee, who then served as Deputy Director of the Minerals Management Service, despite a recommendation to do so from another witness. Your testimony and documents are important to understanding the actions surrounding the moratorium decision and the editing of the Drilling Moratorium Report.

The Committee has displayed considerable patience in the face of the Department's continuing lack of compliance with this legitimate oversight. A subpoena was issued to Secretary Salazar on April 3, 2012 for your documents concerning the Drilling Moratorium Report, among others. In response, the Department made a select few documents available, including additional peer reviewer communications as well as two draft versions of the Drilling Moratorium Report Executive Summary for review by Committee staff. However, the Department to date has not provided all of your documents covered by the subpoena. The Department has neither informed the Committee that a Constitutionally based privilege has been asserted, nor has a log of all your withheld documents been provided to the Committee as requested in the instructions for the April subpoena to the Secretary.

In order to assist the Committee members and staff in preparation for this hearing and to avoid any further delays, you are separately being compelled by subpoena to provide in advance of the hearing copies of all documents that were created, sent, or received by you between April 26, 2010 and June 30, 2010 related to the development, editing, review, issuance, response, or reaction to the Drilling Moratorium Report.

Enclosed with this letter are the parameters regarding written and oral testimony. Should you have any questions, please contact the Committee offices at 202-225-2761.

Sincerely,



Doc Hastings
Chairman

Enclosure