

The first day President Obama took office in 2009 the White House website declared his Administration would become *“the most open and transparent in history.”* Obama issued high-profile orders pledging “a new era” and *“an unprecedented level of openness”* across the massive federal government.

During *“Sunshine Week,”* March 10 – 16, Senate Environment and Public Works Committee Republicans are working to remind the Administration of their transparency pledge to the American people.



“Sue-and-Settle”

“Sue-and-settle” refers to a practice in which environmental groups file lawsuits against a federal agency in a friendly court demanding the agency take action. The agency being sued agrees to move forward with the requested action to get the issue out of court. While the environmental group has a seat at the table, private property owners and other affected states and communities are not given the opportunity to take part in the settlements.

The Obama Administration has used the “sue-and-settle” tactic to create a significant portion of its regulatory policy behind closed doors, the majority involving the Environmental Protection Agency (EPA) and the U.S. Fish and Wildlife Service (USFWS).

Sen. Vitter is calling on Congress to cut off money for the enforcement of these settlements.

Earlier this week, the *Wall Street Journal* [published an op-ed](#) further dissecting the Administration’s use of “sue-and-settle.”



Lesser Prairie Chicken, Proposed Threatened Listing status

EPA’s Secret Tactic: Sue-and-Settle

Limits Transparency: With “sue-and-settle” agreements, other stakeholders or representatives of the public are left out of negotiations. They are denied the opportunity to shed light on how they may be impacted. So far, thirteen state Attorney Generals in a Freedom of Information Act (FOIA) request have asked for any and all correspondence between EPA and a list of 80 environmental organizations involved in this tactic. In addition to joining the request to EPA, Senator Vitter requested that the FOIA be expanded to include USFWS.

Expands ESA Without Explanation: Using “sue-and-settle,” in 2011 USFWS agreed to list more than 250 species as endangered or threatened and make determinations for 500 additional species, without input from businesses, private landowners, and the states and counties where the impacted lands sit. This will impact millions of acres of private and public land and will ultimately limit the way that land is used. In addition, USFWS has refused to respond to congressional inquiries for information related to the settlement agreements will lead to species recovery.

Dampens Job Creation: The agreements with environmental groups coming out of “sue-and-settle” are an attempt to lock up millions of acres of land, which stops development of public and private lands, costing hundreds-of-thousands of jobs.

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