

Committee on Natural Resources
1324 Longworth House Office Building
May 15, 2019
10:00 a.m.

Oversight Hearing on
“U.S. Department of the Interior Budget and Policy Priorities for FY 2020.”

Questions from Chairman Grijalva for Secretary David Bernhardt, U.S. Department of the Interior

1. Mr. Bernhardt, you have refused to cooperate with a request for interviews from Chairman Cummings and me with four people at Interior with knowledge of your calendars.
 - a. Are the four people refusing to come in for the interviews or are they being instructed not to come?
 - b. Have you expressed to anyone at all that you do not want them to come in for the interview? Who?
2. CQ Roll Call reported that “on some days, staff would print out [Secretary Bernhardt’s] public calendar along with any relevant meeting request forms.”

Faith Vander Voort, an Interior department spokesperson, said that “Meeting requests are a huge part of the puzzle that makes up [Secretary Bernhardt’s] calendar. It shares what they want to meet about, who asked for the meeting. It’s a puzzle piece that fits together, and when you have the public calendar and the daily card and the meeting request, if you put those things together, you could have a very good picture of what his day looks like.”

- a. Given the importance of these meeting request forms to deciphering the “puzzle” that is your calendar, why have you not made those meeting requests public in response to FOIA requests?
3. The New York Times reported in February that you received verbal approval from ethics officials before you rolled back protections for the Delta Smelt, an action that has long been sought by one of your biggest former clients, Westlands Water District.
 - a. Given the obvious potential for conflicts of interest here, why would you get that guidance verbally rather than in writing?

- b. Who gave you that verbal guidance?
 - c. Have you ever encouraged political appointees to get verbal ethics advice rather than written guidance?
4. Invoices show you continued working with Westlands as late as April 2017—the same month President Trump nominated you to become Deputy Secretary, and six months after you filed paperwork saying you would stop working as a lobbyist. An invoice from March 2017 specifically billed Westlands for “Federal Lobbying.” However, you now say that was a mistake because you did not engage in “regulated lobbying on behalf of Westlands” during that time.
- a. What services were you billing them for between November 2016 and April 2017, if not regulated lobbying?
5. I’m concerned the Awareness Review is delaying the release of documents under FOIA and is at least one of the reasons for such a large backlog.

On December 12, 2018, there was a memo from the National Park Service’s Washington FOIA Office to the Park Service’s Deputy Assistant Director in the Office of the Chief Information Officer. It said, “Delays resulting from the Awareness Review process, which prevent the NPS from responding to requests within the legally required 20-workday time frame are preventing the NPS from meeting its legal obligations under the FOIA.”

- a. Is the Awareness Review slowing down FOIA productions?
6. The Department has recently made several changes to how it handles FOIA requests, including proposing new regulations and putting a political appointee in charge of FOIA productions. The documents supporting these changes suggest they are justified because you are overwhelmed by the number and complexity of FOIA requests.

However, your own annual report suggests other problems, which are entirely controllable by decision-makers at Interior. It cites a loss of staff because of your hiring freeze and budgeting, an increase in litigation that is a logical result of having a backlog, and FOIA officers not spending enough time on FOIA requests compared to their other duties.

- a. Is Interior proposing an increase in staff dedicated to processing FOIA requests? If so, how many?
- b. Has Interior lifted the hiring freeze on people working on FOIA requests that has been in place since the beginning of the Trump administration?

- c. This committee has made a document request, cosigned by Chairman Cummings, regarding some of these questions. When will Interior be providing a substantive production for that request?
7. The Secretary that preceded you was riddled with major ethics challenges that continue past his tenure. You have a long list of clients you used to serve and whom you now regulate. You already have Inspector General investigations underway related to your conduct. If you are to earn the trust of the American people, your employees, and Congress, you need to take extraordinary steps. Will you commit to:
 - a. Not taking any more meetings with former clients?
 - b. Not working for any of the industries you currently regulate or have decision-making authority over when you are no longer Secretary?
8. We have heard from multiple employees that work at Interior's Headquarters, where you also work, about a toxic work environment. They say morale is extremely low and that the stress is driving the most effective and efficient employees away from Interior.
 - a. Under your leadership, what will the Department do to change that?
9. Last year, two top scientists from the U.S. Geological Survey (USGS) resigned – Dr. Murray Hitzman, head of the Energy and Minerals division at USGS, and Dr. Larry Meinert, his Deputy. In his resignation letter, Dr. Hitzman said it was due to the USGS providing the final results of the energy assessment for the National Petroleum Reserve to former Secretary Zinke several days in advance of the information's public release.
 - a. Did former Secretary Zinke request to see the final results of that assessment before its public release? Did you also request to see those results before they were released?

USGS scientific integrity policy states that these assessments are not disclosed to anyone prior to release because they can move financial markets, resulting in unfair advantages or the perception of an unfair advantage.

 - b. Do you believe that the Secretary is not covered by this scientific integrity policy?
 - c. That change never happened. So clearly the USGS knew that they had to change their policy to allow for a briefing. So, who initiated this potential change and then who stopped it?
10. The United Nations recently released a staggering report concluding that, without action, one million species of plants and animals will soon face extinction—and humanity itself hangs in the balance.

In responding to the UN report, the U.S. Fish and Wildlife Service touted itself as “a global leader in the effort to combat extinction.” Yet, in the past two years, the U.S. Fish and Wildlife Service and NOAA Fisheries have listed a mere 17 species as threatened or endangered under the Endangered Species Act. This is a shockingly low number compared to any previous administrations (the George H.W. Bush and Reagan administrations oversaw an average of 58 and 32 listings annually), and especially considering the severity of the extinction crisis.

- a. Can you please explain how your agency can possibly be “a global leader in the effort to combat extinction,” while slow-rolling protections for our most imperiled plants and animals?