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6 OVERSIGHT HEARING ON U.S. DEPARTMENT

7 OF THE INTERIOR BUDGET AND POLICY

8 PRIORITIES FOR FISCAL YEAR 2020

9 Wednesday, May 15, 2019

10 House of Representatives,

11 Committee on Natural Resources,

12 Washington, D.C.

13

14

15 The Committee met, pursuant to notice, at 10:04 a.m., in
16 Room 1324, Longworth House Office Building, Hon. Raúl M.
17 Grijalva [Chairman of the Committee] presiding.

18 Present: Representatives Grijalva, Napolitano, Costa,
19 Sablan, Huffman, Lowenthal, Gallego, Cox, Neguse, Levin,
20 Haaland, Van Drew, Cunningham, Velazquez, DeGette, Clay,
21 Brown, Soto, Case, Horsford, San Nicolas, Cartwright; Bishop,
22 Gohmert, Lamborn, McClintock, Gosar, Westerman, Graves,
23 Radewagen, Webster, Cheney, González-Colón, Curtis, Hern, and
24 Fulcher.

25

26 *The Chairman. Thank you. The Committee on Natural
27 Resources will now come to order. The Committee is meeting
28 today to hear testimony in the U.S. Department of the
29 Interior's budget and policy priorities for fiscal year 2020.
30 Under Committee rule 4(f) any oral opening statements at
31 hearings are limited to the Chairman and the Ranking Minority
32 Member. Therefore, I will ask unanimous consent that all
33 other members' opening statements be made part of the record
34 of this hearing if they are submitted to the clerk by 5:00
35 p.m. today.

36 Hearing no objection, so ordered.

37 Thank you, Mr. Secretary, for being here today. Let me
38 recognize myself, Mr. Secretary, for my opening statements.

39

40 STATEMENT OF THE HON. RAUL GRIJALVA, A REPRESENTATIVE IN
41 CONGRESS FROM THE STATE OF ARIZONA

42

43 *The Chairman. Welcome again, and thank you for the
44 opportunity that we had to personally meet, as you did with
45 other individual members of the Committee. It is very much
46 appreciated. I think the need for civility and
47 professionalism in our communications and our interactions is
48 a shared attitude by members and yourself. And I appreciated
49 the conversation. It was necessary and frank, and I respect
50 that.

51 I think, Mr. Secretary, our differences are rooted in a
52 very proud, very profound concern that -- on the direction of
53 the Interior Department, a concern that is shared by the
54 majority on this Committee. And that concern, and the
55 direction, is rooted in the rationale and the motivation
56 behind this direction, and the decision-making that is at the
57 Department of the Interior. And, I might add, the
58 determination of this Committee to exercise its
59 constitutional prerogatives to find out.

60 [The prepared statement of The Chairman follows:]

61

62 The Natural Resources Committee meets today to hear
63 testimony from Interior Secretary David Bernhardt.

64

65 This is the Secretary's first appearance before this
66 Committee as Secretary and we thank him for making time to
67 join us today.

68 This hearing comes at a difficult time in the
69 relationship between Congress and the Executive Branch.

70 President Trump has repeatedly, and wrongly, asserted
71 that his Administration is under no obligation to cooperate
72 with Congressional oversight. The term "Constitutional
73 Crisis" should not be used lightly, but if we are not in one,
74 we are dangerously close.

75 Secretary Bernhardt testifies today as a cabinet
76 official representing a reckless, destructive, and unethical
77 administration. Policy, ethics, and legal requirements which
78 have guided every modern administration, have been discarded.

79 Secretary Bernhardt is not President Trump, nor is he
80 Ryan Zinke. He has sought personal meetings with me and many
81 members of this Committee and he is here today in response to
82 an invitation, and we very much appreciate his cooperation.

83 There are troubling signs, however, that Secretary
84 Bernhardt is not as distinct from his predecessor, or the
85 President, as he should be.

86 On the policy front, an Administration set on
87 sacrificing federal lands and waters on the altar of
88 corporate profits - as the Trump Administration proudly seeks
89 to do - faces a significant challenge.

90 In passing the Wilderness Act, Endangered Species Act,
91 NEPA, National Parks Organic Act, and dozens of other
92 bedrock, environmental laws, previous Congresses and
93 Presidents put in place a level of protection and
94 conservation that is difficult for this Administration, and
95 their corporate beneficiaries, to get around.

96 So, they try to cheat. They try to cut corners, suppress
97 scientific data, silence experts, ignore local residents, and
98 hope that the industry's political muscle can help the
99 Administration get around the law.

100 Former-Secretary Zinke and President Trump were allies
101 in that process. We are meeting today to discover if they
102 have an ally in Secretary Bernhardt.

103 And there are troubling signs that the Secretary is not
104 as distinct from President Trump as he should be in meeting
105 ethical standards as well.

106 Like the President, Secretary Bernhardt had an
107 extensive, private-sector career prior to his public service,
108 during which the very same corporate interests paid him
109 handsomely as a lobbyist.

110 And now we are witnessing a troubling lack of
111 transparency regarding what role his *former* clients are
112 playing in Secretary Bernhardt's *current* decision-making.

113 Secrecy and influence-peddling are the hallmarks of the
114 Trump Administration. We are here today to determine if they

115 are the hallmarks of the Interior Department as well.

116 Once again, let me extend my thanks to the Secretary for
117 joining us today and let me express my sincere hope that the
118 Interior Department will turn out to be the Bernhardt
119 exception to the Trump rule.

120

121 *The Chairman. And with that, let me submit for the
122 record the remainder of the opening statement, the content of
123 my opening statement, so that we can expedite the opportunity
124 for members to interact, ask questions of our -- of the
125 Secretary today.

126 With that, if there is no objection, with that let me
127 turn to and recognize the Ranking Member Bishop for his
128 opening statements.

129 Mr. Bishop?

130

131 STATEMENT OF THE HON. ROB BISHOP, A REPRESENTATIVE IN
132 CONGRESS FROM THE STATE OF UTAH

133

134 *Mr. Bishop. Thank you. We actually have to drag this
135 out, so you can get more members here.

136 Today I am happy to be here. I want you to know, Mr.
137 Chairman, I have brought my own Dr. Pepper. So this time,
138 when you spill coffee on me, I can come back. I have some
139 place to respond.

140 [Laughter.]

141 *Mr. Bishop. Mr. Secretary, thank you for being here.
142 I am very happy to have you here as the 53rd Secretary of the
143 Interior Department. Thank you also for being in Utah for
144 the Golden Spike anniversary, 150th anniversary there. Your
145 words were most profound, I appreciate that. I appreciate
146 you actually being there. That was a significant
147 commemoration of a significant date that changed America. So
148 I appreciate you doing that.

149 I realize that a lot of people in your position have
150 been appointed there for political reasons, or to pay off
151 some special interest group. I think you are a different
152 Secretary of the Interior; you know what you are talking
153 about, and that is extremely positive. You have been in --
154 confirmed for 35 days. In those 35 days -- we have been in
155 session only 18 of those, and this Committee has been doing

156 business for 9 of those 18. So I appreciate you having spent
157 as much time as you have up here in the House.

158 I realize you have already talked to the House
159 appropriators, for which you have our deepest sympathy, and
160 you will be going to the Senate soon, for which you have a
161 whole lot of empathy going over there. But thank you for
162 being here with us.

163 I also realize that you have been spending your time
164 talking to individual Members. I think that is a wise
165 approach to do this. That is very unprecedented. That is
166 very cool. I also realize that you have been talking to more
167 Democrats than Republicans, so I am going to castigate you
168 now and say I want equal time and equal treatment. Although,
169 if you look at this Committee, there is only two of our
170 Committee members that are new to it. They need a lot more
171 help. So I appreciate that. But be with us.

172 I think, as we started this session, and we passed the
173 backlog -- the S.B. 47, whatever we called that thing, it
174 showed that we can actually be productive in a bipartisan and
175 bicameral manner. And I think, as we go forward, there are
176 lots of things in which we want to engage with you and the
177 Department to continue that process. There is a backlog
178 issue that needs to be done in a bipartisan and bicameral
179 way.

180 There is a forest fire issue that needs to be done in a

181 bicameral and bipartisan way. And even though you don't have
182 charge of the Forest Service, many of the things that we are
183 talking about here that the Forest Service wants can apply to
184 BLM to mitigate the wildfires in that particular area, as
185 well.

186 I appreciate the amount of information that you have
187 sent up here. I want Mr. Grijalva to note that, even though
188 he doesn't believe this, I have a great deal of empathy for
189 the situation he is in and some of the frustrations. In the
190 four years I was working with Doc Hastings, when he was
191 Chairman, and my first two years as Chairman, we had an
192 Administration -- an Interior Department that was of a
193 different political party. That was a frustrating situation.
194 I realized I asked for a lot of materials, and we didn't get
195 that.

196 What I am telling you right now is I think you have been
197 unprecedented in the amount of information that you have been
198 sharing and giving. And I want Mr. Grijalva to know that I
199 understand what it was like in his position with this
200 situation. I do have empathy for that. But I have
201 appreciated the open approach that you have taken in that.
202 And it is going to happen before (sic).

203 Let me just say that what we were getting from a prior
204 Administration was not nearly as comprehensive as what you
205 have been sharing with this Committee. But I also understand

206 the situation Mr. Grijalva is in. I can appreciate it,
207 because I felt the same way at different times. I just think
208 I was more justified in it.

209 With that, I am happy to have you here. We are going to
210 be talking about a lot of -- this is tentatively to talk
211 about budget issues, even though the Democrats say they are
212 not going to have a budget. But other than that, I am sure
213 there is going to be a wide variety of questions that are
214 going to be given to you. Thank you for your willingness in
215 this very short period time since your confirmation to be up
216 here and to be with us. And I appreciate your efforts so
217 far.

218 And once again, I am very grateful for what you did at
219 Golden Spike.

220 [The prepared statement of Mr. Bishop follows:]

221

222 *****COMMITTEE INSERT*****

223

224 *Mr. Bishop. With that, Mr. Chairman, let me yield back
225 and we can get on with this.

226 *The Chairman. Thank you. Thank you very much, Mr.
227 Bishop. And we are gushing with a lot of empathy today.
228 That is good.

229 [Laughter.]

230 *Mr. Bishop. It won't last long. Take it while you get
231 it.

232 *The Chairman. I want to thank -- and thank you
233 Our witness today is the Secretary of the Department of
234 the Interior, Mr. David Bernhardt.

235 I want to thank you very much for taking the time to be
236 here and, as I stated earlier, for taking the time to meet
237 with individual members, as well. That is appreciated.

238 Under our Committee rules our statements are limited to
239 five minutes. Your entire statement will appear in the
240 hearing record.

241 The lights in front will turn yellow when there is one
242 minute left, and red when time is expired.

243 After Mr. Bernhardt testifies, members will be given the
244 opportunity to ask questions.

245 And with that, Secretary Bernhardt, you are recognized
246 for your testimony. Thank you.

247

248 STATEMENT OF DAVID L. BERNHARDT, SECRETARY, U.S. DEPARTMENT
249 OF THE INTERIOR

250

251 *Secretary Bernhardt. Chairman Grijalva, Ranking Member
252 Bishop, and members of the Committee, good morning.

253 I do request that my written statement be inserted in
254 the record at the appropriate place.

255 This is my first time appearing before the full
256 Committee. I am appearing at the Chairman's request to
257 discuss the Department's budget and policy priorities for
258 fiscal year 2020.

259 I began my career 26 years ago in probably the lowest
260 seat on this side of the bench, I believe. Maybe it was the
261 other side of the bench, but it was basically over here. And
262 when I came in here there was a big picture of Wayne Aspinall
263 on my -- the person who had been chairman between, I think,
264 1959 and 1973. And I thought this was a magnificent room,
265 and it is an honor to be here today.

266 The President's fiscal year 2020 budget was transmitted
267 to Congress on March 11th. The -- on March 27 the Principal
268 Deputy for Policy, Management, and Budget, Scott Cameron,
269 appeared before the Committee and provided the Department's
270 perspective on the budget. In addition, a number of the
271 Department's bureaus have testified before their respective
272 subcommittees on both the budget and policy.

273 On April 3rd, Dan Smith, the Deputy Director of the
274 National Park Service, testified on the National Park,
275 Forests, and Public Lands Subcommittee on the Park Service's
276 budget request.

277 And on April 10th, Brian Steed, the Deputy Director of
278 the Bureau of Land Management, testified before that
279 Subcommittee on BLM's request.

280 Other subcommittee hearings are -- on bureau budgets are
281 scheduled in the near future. I think Mr. Huffman has a
282 hearing with Reclamation, maybe tomorrow, even.

283 Several of our bureaus have also appeared before Energy
284 and Mineral Subcommittee in early March to discuss
285 departmental policies and priorities under their programs,
286 including, on March 6, Walter Cruickshank, our Acting
287 Director of the Bureau of Ocean Energy Management, and Doug
288 Morris, the Chief of Offshore Regulatory Programs for the
289 Bureau of Safety and Environmental Enforcement.

290 And then Mike Nedd, our Deputy Director of BLM
291 Management, testified on the 12th.

292 In these hearings the Committee has heard and discussed
293 the specific details of the Department's fiscal year 2020
294 submission, and the Department's bureaus policy priorities.
295 As part of my written statement I have included their
296 testimonies so that it can refresh your recollection.

297 The President has been clear in his direction to and

298 priorities for the Department. With the overreaching goal of
299 continued economic growth and prosperity, he has expressed
300 his vision to the Department through a series of executive
301 orders, which are detailed in my written statement. Those
302 documents have served as a foundation for the Department's
303 policy objectives.

304 As Secretary, I will work hard to meet the President's
305 vision and to strike a right balance of protection and
306 sustainable use of resources in a way that will provide
307 conservation stewardship, enhance the safety of our
308 communities, increase energy security, and allow America to
309 prosper. At the same time I will strive to meet the
310 Administration's broader economic objective of managing
311 federal spending with restraint.

312 In terms of my specific areas of focus, we intend to
313 proceed with the Department's reorganization, including
314 efforts to relocate some operations out West, closer to where
315 the assets and the acres are located, particularly for the
316 Bureau of Land Management.

317 We are working hard to address workplace harassment
318 across the Department. We have established the clear anti-
319 harassment policy, which was unprecedented in the Department.
320 We directed each bureau to develop an action plan to address
321 its harassment-related issues, and I am tracking the progress
322 in their implementing those plans.

323 We launched an internal workplace culture transformation
324 advisory council to look at common issues raised in the
325 Federal Employee Viewpoint Survey, ways to improve employee
326 engagement. And we are trying to build career paths that
327 cross bureau silos.

328 We have taken significant action to combat workplace
329 misconduct, but there is more to be done, and more that must
330 be done.

331 The Department has grappled -- has also grappled for
332 many years to address deteriorating infrastructure across our
333 bureaus, and the maintenance backlog in our national parks,
334 national wildlife refuges, the Bureau of Indian Education
335 schools, and even some of our water facilities.

336 Mr. Chairman, as we discussed when I am -- when we met,
337 I am committed to working with Congress to develop a
338 legislative solution to address these important
339 infrastructure needs. We have put a proposal in our budget,
340 and I am sure there is other ways to address it. But I think
341 that is an area we can find some common ground.

342 It is also my hope that we can find some common ground
343 to address range and hazardous fuels management to allow us
344 to minimize the likelihood of catastrophic fire on the lands
345 that we manage. We have proposed some ideas. I know that
346 Representative Huffman has proposed a bill to address some
347 ideas. I don't think these ideas are completely mutually

348 exclusive. I would like to find some common ground. We have
349 proposed a six specific provisions in our budget, and I would
350 like to use them as a point to talk forward, and go forward
351 on.

352 With that I will conclude my testimony and prepare for
353 your questions.

354 [The prepared statement of Secretary Bernhardt follows:]

355

356 *****INSERT 1*****

357

358 *The Chairman. Let me -- thank you, Mr. Secretary. Let
359 me recognize myself for an initial question.

360 Mr. Secretary, I think it is important, you know, I
361 would like to start by addressing one of the big elephants in
362 the room. And that -- President Trump told the Washington
363 Post last month that he opposes the current and former White
364 House aides and personnel testifying to Congress. He said,
365 "There is no reason to go any further, and especially in a
366 Congress where it is very partisan."

367 The lack of transparency and accountability concerns
368 this Committee a great deal. Since the beginning of the year
369 we have sent 17 documented requests to the Interior
370 Department and only got substantive partial responses to two
371 of them.

372 I want to be clear that answering congressional
373 inquiries is not a matter of the President's -- or, for that
374 matter, a Secretary's -- personal discretion. We have legal
375 justification for that kind of request, and no legal
376 justification for not responding to those requests.

377 It is also, I think, important to note that the
378 Administration's lack of accountability has gone well beyond
379 the Mueller Report. The White House has gone so far as to
380 ignore legally unambiguous access to the President's tax
381 returns. President Trump has made it clear he is not
382 interested in cooperating with legitimate congressional

383 inquiries of any kind, for that matter. His attitude seems
384 to be, Mr. Secretary, that Democrats are just out to get him,
385 and so his Administration is not going to respond to our
386 questions or our concerns.

387 I am concerned that this stonewalling will escalate to a
388 constitutional collision, from crisis to collision. It seems
389 to be an inevitability, if the attitude continues. If the
390 President continues to ignore legitimate questions, whether
391 it suits him -- whenever it suits him, and tells his
392 appointees to do the same, Congress will have the duty to
393 defend and enforce their constitutional rights.

394 Since Secretary Zinke's abrupt departure, your
395 transition from acting secretary to confirmed head of the
396 Department, we have been doing our due diligence on this
397 Committee to fulfill our oversight responsibility. And in
398 doing so we have made inquiries, from subcommittees to full
399 Committee. You have been very -- and I might add we have
400 been very judicious about compelling the agency to respond to
401 these questions.

402 But we need to know. I think the Committee needs to
403 know, and I pose this question: We need to know what kind of
404 relationship we are going to have with you, as an equal
405 branch of government, from now on. I would like to hear from
406 you whether you feel the same way the President does, in
407 terms of his attitude toward Committee oversight, inquiry,

408 legitimate questions, and legal initiatives to try to acquire
409 and have that information. And can we expect a healthier
410 relationship with the Interior Department?

411 That is the question, because I really believe that, as
412 I said earlier, as we try to deal with the rationale and the
413 motivation behind a given Interior Department decision, a
414 policy change, a regulatory move, essential to us being able
415 to perform our job and be responsive to the American people
416 is information, information that will deal with those two
417 questions about rationale and motivation.

418 And so, with that, going -- the question is a general
419 question, Mr. Secretary. But I think it is one that this
420 cloud -- that the cloud that is being created right now by
421 the Trump Administration, in terms of non-responsiveness to
422 the majority in this House, I think is escalating.

423 And my question is what is the relationship between this
424 Committee, its majority, and your office, and the Department
425 of the Interior?

426 *Secretary Bernhardt. So I respect the role of Congress
427 to conduct oversight, and I believe that the Department needs
428 to be responsive.

429 At the same time, that interest is tempered by an
430 interest that I have to also ensure that I am appropriately
431 protective of the legitimate issue interests of the
432 Department and the executive branch.

433 Now, my experience over the last 26 years has been that
434 almost every item that Congress has an interest in, the two
435 branches of government in good faith can find a way to come
436 up with a reasonable accommodation that satisfies both
437 protecting the Department's interests and protecting yours.
438 And when I look at -- I asked for a comparison of the
439 requests that had come in from you all and our responsiveness
440 to them to -- the last time there was two -- or a House and a
441 different Administration. And when I run the numbers, we
442 have already provided over 66,000 pages of documentation and
443 10,000 documents.

444 And I do recognize that -- one of the things I was
445 thinking as I came up here is, to the extent that there is
446 frustration, maybe one of the ways to do it is to sit down
447 and have a discussion about developing a production schedule
448 that you find mutually agreeable.

449 There is some documentation -- when you ask for things
450 that are in deliberative process, there is some longstanding
451 interests there that we want to maintain, but there may be
452 ways to work with -- I am sorry to go over time, I --

453 *The Chairman. No, no, that -- I think yes, that is the
454 crux of the point. And I think that what -- there is
455 quantitative response to the request and then there is
456 qualitative response to the request. And a qualitative
457 response to the request is our point, that while we have

458 reams of paper, we don't have content that leads us to look
459 at rationale and motivation.

460 But with that, let me turn to the Ranking Member for his
461 time.

462 Mr. Bishop?

463 *Mr. Bishop. Thank you. I realize, Secretary, that you
464 have had 17 requests for documents so far, you have responded
465 to 16 of them with something. I walked into our office back
466 there with what has -- actually, you have consumed our office
467 right now with what you have sent up here, not only in
468 substantive, and -- but also qualitative.

469 I will ask you later on about the relationship you
470 actually have with the White House, simply because in past
471 Administrations Interior Department was often times overruled
472 or told what to do by the White House. I would like you -- I
473 will give you a chance to think about that while I ask some
474 other kinds of situations, though (sic).

475 There have been some vague and sometimes repeated
476 accusations that your Department is censoring science in
477 favor of certain industries. If you recall under the Obama
478 Administration, there were several scandals that undermined
479 the scientific integrity of the Department, including a
480 longstanding problem with the USGS that went unaddressed by
481 that Administration.

482 What is the current situation with science in the

483 Department? Are studies being tossed into the shredder as
484 soon as they are printed out, as some people have implied?

485 *Secretary Bernhardt. No.

486 *Mr. Bishop. All right. Your answer has to be at least
487 as long as the question that I gave you.

488 [Laughter.]

489 *Mr. Bishop. But other than that --

490 *Secretary Bernhardt. Now, let me say something about
491 that. First off, the answer is no. I actually think that
492 claims of scientific integrity misconduct are actually down
493 over the last two years, compared to the prior years. That
494 is according to our scientific integrity team.

495 Second, I -- as soon as -- one of the first things I did
496 as acting was I asked Bill Werkheiser, who is a career
497 scientist who was the head of scientific integrity in the
498 Department to come into my office and serve as my science
499 advisor. I did that for a couple of reasons: I want to
500 ensure that the information and advice I get is good, but it
501 was also to ensure that we have a representative from my
502 office that is liaising with all of the other bureaus'
503 science shops to ensure that they have a degree of comfort
504 that issues are being addressed.

505 My view is we take the science as we find it.
506 Generally, the science is one of -- or science or fact is one
507 of a couple of elements that go into a decision. Generally,

508 a decision -- at least from my perspective -- typically is
509 one that there is a legal framework for. There is a factual
510 basis that needs to be -- you need to have. And in certain
511 decisions -- not all, but in certain decisions there is also
512 an element of policy. Some decisions are pure science. Some
513 decisions are pure law. But in general, there is some
514 intersection of all three of those. Generally, on more
515 significant decisions --

516 *Mr. Bishop. Okay, I appreciate you doing that. Let me
517 tell you, like, three areas I would like to talk about.
518 Obviously, we won't get to it in the minute and 50 seconds I
519 have got remaining.

520 But there is a cumulative effect of the regulatory
521 reform that has been going on. What would that actually mean
522 to the American people?

523 You have done, in your Department, some creative things
524 with fees, and what you want to do with fees in the future,
525 as well as you talked about reorganization.

526 There is still some areas we need to explore about why
527 that reorganization takes place.

528 And I would like to know about the relationship that you
529 have with the White House and the Interior Department. Do
530 you have really a free hand with the White House telling you
531 what to do with Interior? That did not happen in the last
532 Administration.

533 Which one of those do you want to hit first? You can
534 probably get one or two --

535 *Secretary Bernhardt. Let me take the White House one,
536 because, as somebody who -- I spent about 10 years in the
537 Department, in the Interior. And one thing I did not
538 appreciate until I was made acting is the role a cabinet
539 Secretary plays in interacting with the President. I guess I
540 had not given that a lot of thought. But I can tell you that
541 the role is very direct, and I think that that is a great
542 thing for the Department.

543 The reality is the President is responsive when you call
544 him, and he wants you to be responsive when you call -- when
545 he calls you. And it is really a positive thing that I was a
546 little taken aback by. My first meeting with the President
547 as acting, he asked me for my card. And I said, "Why would
548 you need my card?'"

549 And he said, "Because I might need to call you.'" And I
550 -- we talked about it, and he has. He has called me
551 regularly. And I think he is very hands-on, he is very
552 decisive when you give him pros and cons. He has been very
553 good to work with, and I feel very comfortable that I can go
554 into his office.

555 *Mr. Bishop. Okay, we are out of time, but thank you.
556 Sorry. Hopefully we will get some of those other issues
557 later.

558 *Secretary Bernhardt. I will get to them.

559 *Mr. Bishop. Okay.

560 *The Chairman. Mr. Sablan, sir?

561 *Mr. Sablan. Thank you very much, Mr. Chairman. Mr.
562 Secretary, welcome and thank you very much for taking the
563 time to visit the congressional office.

564 In looking at your testimony and all the attachments, a
565 paragraph was dedicated to the insular areas and the other
566 compact nations, and I read that in 2020 the Office of
567 Insular Affairs will implement activities to bolster health
568 care quality.

569 Mr. Secretary, the Northern Marianas and other insular
570 areas all benefitted from the supplemental Medicaid funding
571 included in the ACA/BPA that expires on September 30 of this
572 year, sir. We expect to hold a hearing soon in this
573 Committee on the impending Medicaid funding crisis, and I
574 understand the federal family is also concerned about the
575 potential harm to our health systems.

576 Congress will surely have a role to play in addressing
577 the Medicaid cliff affecting dangerous areas. But you, sir,
578 can assist us greatly, Mr. Secretary. You know what the
579 federal family can do, and what proposals the Administration
580 will support. If you could, please tell us how Congress may
581 be able to really help address this truly critical health
582 issue.

583 *Secretary Bernhardt. So, Secretary -- Assistant
584 Secretary Domenech I know is on top of that issue, and we
585 would be happy to sit down with you and discuss a pathway
586 forward.

587 Medicare is sort of something that is not in my --

588 *Mr. Sablan. I understand.

589 *Secretary Bernhardt. -- sweet spot of expertise. I
590 don't have a --

591 *Mr. Sablan. Okay, but the federal family may be -- all
592 right, so --

593 *Secretary Bernhardt. We are happy to be -- we are a
594 pretty good voice, internally, for the insular areas. And I
595 can tell you that if we get ourselves pointed in the right
596 direction, we can help.

597 *Mr. Sablan. Thank you, because this is really a issue
598 of life and death.

599 *Secretary Bernhardt. I appreciate that.

600 *Mr. Sablan. Thank you. So, Mr. Secretary, you
601 mentioned that you would probably get Assistant Secretary
602 Domenech to talk to us on this Medicaid crisis and see where
603 we could help each other address this issue for the -- our
604 mutual constituents in the insular areas.

605 So I am wondering maybe if this would do -- because we
606 discussed this also in your visit. I want to ask you whether
607 you have talked to Assistant Secretary Domenech about the

608 energy action plans required by federal law for each insular
609 area. In our meeting earlier we talked about the
610 requirements of the 2014 law. Your Department is supposed to
611 create extra -- expert teams to help each insular area draw
612 up a plan. The plan is supposed to set goals for reducing
613 foreign energy and increasing domestic energy, sir. The
614 Secretary -- you, sir -- are supposed to approve the plan.
615 And every year Congress is supposed to get a report from you
616 on the progress towards meeting specific benchmarks.

617 So all with an eye on reducing electricity rates for my
618 constituents, rates that are still four times higher in the
619 Marianas than the national average, and have not changed in
620 the years since the law was enacted, I did get a letter from
621 Mr. Domenech with information about energy strategies. Each
622 insular area has energy grants that Interior has awarded, and
623 we thank you for that. But it all seemed a bit unfocused.
624 And, as I say, despite millions of dollars spent, Mr.
625 Secretary, electricity cost has not changed, at least not in
626 the Northern Marianas.

627 So were you able to have that talk with Mr. Secretary
628 Domenech about implementing the law, Public Law 113-235?
629 What can you tell us, tell me about this, Mr. Secretary?

630 *Secretary Bernhardt. Secretary Domenech is looking
631 very carefully to see if he is complying, and he will be.

632 *Mr. Sablan. If he is complying with the law?

633 *Secretary Bernhardt. Absolutely. He will -- if we are
634 late on those reports, he is going to be working on those --

635 *Mr. Sablan. Respectfully, Mr. Secretary, has the
636 Department of the Interior sent at least one report to --

637 *Secretary Bernhardt. He -- I told him --

638 *Mr. Sablan. It is 2014 --

639 *Secretary Bernhardt. We are going to be in compliance.

640 *Mr. Sablan. -- 2015, 2016, 2017, 2018 -- 5 years.

641 *Secretary Bernhardt. We are going to be in compliance.

642 *Mr. Sablan. All right, okay. So, man, I don't have
643 too much time. I may have to submit.

644 But, yes, I appreciate, Mr. Secretary, that in that one
645 paragraph your Department has brought up the concern about
646 the waning influence of our -- the United States in the
647 Pacific, and the rise of Chinese interests. I appreciate
648 that, you know, the United States has been -- leadership is -
649 - provided leadership that countries in the Pacific look to
650 for economic, political, and defense guidance. However, our
651 allies in the region are increasingly engaging with China,
652 that has been more than willing to fill the void caused by
653 our Nation's increasing isolationist policy.

654 But I appreciate that your Department is going to look
655 into that. I appreciate that -- going to be visiting soon.
656 And thank you very much, Mr. Secretary, for today.

657 *Secretary Bernhardt. We are spending a significant

658 amount of time with other larger agencies, discussing the
659 need for us to be very smart in the insular areas across the
660 board. And I think you are getting -- I think that there is
661 tremendous interest in making sure that we are represented in
662 the United States.

663 *Mr. Sablan. Thank you, thank you. What is -- let me
664 just --

665 *The Chairman. Your time is way up, sir.

666 *Mr. Sablan. -- ask people --

667 *The Chairman. Mr. Sablan, I think we are done with the
668 time, thank you.

669 Mr. Lamborn?

670 *Mr. Lamborn. Thank you, Mr. Chairman. And Mr.
671 Bernhardt, I am glad that you are here. You are uniquely
672 qualified to be a Secretary of the Interior. You have been a
673 chief of staff to the Secretary, you have been a Director of
674 Congressional and Legislative Affairs in the Department, and
675 you were a Senate-confirmed solicitor under President Bush.
676 So you have background in the policy, managerial,
677 intergovernmental, and oversight roles that any Secretary
678 needs to master. So I think the people of the country are
679 well served to have you in this position. I appreciate that.

680 And you are a native of Colorado, so you understand the
681 West, and Colorado in particular, and I appreciate that,
682 also.

683 Let me ask you about reorganization of the Department.
684 There has been a push from some of the Colorado
685 representatives, and I think others in the West, to bring
686 some of the Washington D.C. offices west of the Mississippi
687 so they are closer to where the policies are actually
688 enacted, and it is easier to get around and see firsthand
689 what the policies -- what -- the effect they are on the land
690 itself.

691 So I think it makes a lot of sense to reorganize and
692 bring some offices to the West. And some of the places that
693 we are pushing for and would suggest for your consideration
694 are Grand Junction, which is in Scott Tipton's district;
695 Colorado Springs, which is in my district; and the Denver
696 Metro Area, which has five representatives, including Joe
697 Neguse and Diana DeGette, who are on this Committee.

698 So what can you tell us about an upcoming timeline to
699 announce anything that might happen with reorganization?

700 *Secretary Bernhardt. So Secretary Zinke had a very
701 ambitious reorganization proposal that really, from my
702 perspective, included three parts.

703 The first part was a unified regional boundary structure
704 for our bureaus, an internal management device. And we
705 worked with Congress, and in August of last year structured
706 the boundaries to be the same for regional boundaries for all
707 of the bureaus, except for the Bureau of Indian Affairs and

708 the Bureau of Indian Education. And that means that we came
709 up here and asked for a reprogramming, and that is locked in.
710 Those boundaries are made, and they just need to be
711 implemented.

712 We now have the other two pieces of the Secretary's
713 vision to deal with. The first -- or the second one was
714 moving some of the headquarters West, and we are -- I am very
715 committed to working to achieve that. Certainly some of the
716 communities you mentioned are logical places. Other members
717 have slightly different views, but I would expect that,
718 certainly by this summer, we are setting up a reprogramming
719 request regarding a potential move of some of the folks at --
720 - in the Bureau of Land Management, and potentially the U.S.
721 Geological Survey.

722 So that is -- and that is something that has long -- I
723 mean I have seen Committee transcripts back to 1936, where
724 they were talking about the need for senior management to be
725 farther West. So that is going to happen, I think.

726 *Mr. Lamborn. Excellent, excellent.

727 *Secretary Bernhardt. The third piece was a piece that
728 Secretary Zinke had, which was to create a kind of a regional
729 commander in each of these regions, and create a relatively
730 large bureaucracy. And I am not sold on that piece of it, so
731 we are tweaking that.

732 *Mr. Lamborn. Okay, thank you.

733 *Secretary Bernhardt. So that is where we are.

734 *Mr. Lamborn. Excellent.

735 *Secretary Bernhardt. So all of those communities you
736 mentioned are in the running.

737 *Mr. Lamborn. Okay, excellent. And, changing gears, I
738 want to ask about the Department of Ethics Office, and what
739 are you doing to transform the ethics program to make it even
740 more robust? I know that you have some career federal ethics
741 officials that you consult with regularly, including Vice
742 President Joe Biden's senior ethics official, Scott de la
743 Vega. So what are you doing in the ethics office there at
744 Interior?

745 *Secretary Bernhardt. So our ethics program, over a
746 long period of time, has been subject to significant
747 criticism. Both the Ethics Office and the Department -- the
748 Inspector General's office at different times in the prior
749 Administration requested additional money for Ethics, and
750 that money didn't arrive. And I think, frankly, the state of
751 that office did not help Secretary Zinke when he arrived.

752 So the steps that we have taken so far, we have elevated
753 the reporting structure of the designated agency ethics
754 official, who is the top person in Ethics. We brought in
755 additional people overall at the Department. I think we have
756 hired 42 additional ethics counselors. We are going through
757 a second phase of modifying the reporting structure to ensure

758 that they are all reporting to the career ethics officials.

759 I think it is an unprecedented effort to ensure that we
760 have a culture of compliance within the Department. And so
761 we have done a lot there.

762 *Mr. Lamborn. Mr. Chairman, I am going to yield back.
763 Thank you for your answer.

764 I would like to -- for unanimous consent -- introduce a
765 letter dated March 25th of this year from the Interior to
766 Senators Warren and Blumenthal on an ethics issue that I
767 think is of concern. I would just like to have it introduced
768 to the record by unanimous consent.

769 *The Chairman. Without objection, so ordered.

770 [The letter from the Department of the Interior
771 submitted by Mr. Lamborn for the record follows:]

772

773 *****COMMITTEE INSERT*****

774

775 *The Chairman. Mr. Huffman?

776 *Mr. Huffman. Thank you. Mr. Secretary, I hope we
777 agree that public service is a public trust, especially with
778 an office like yours, which is entrusted with overseeing vast
779 public resources for the American people. So let's start
780 with a basic question.

781 Do you agree that our ethics rules exist not just to
782 avoid actual conflicts of interests, but to avoid the
783 appearance of a conflict so that the public can have trust
784 and confidence in our government?

785 *Secretary Bernhardt. Well, I would say that 2635 CFR
786 502 --

787 *Mr. Huffman. That is -- it is a yes-or-no question,
788 Mr. Secretary.

789 *Secretary Bernhardt. Yes, it addresses --

790 *Mr. Huffman. Thank you.

791 *Secretary Bernhardt. -- impartiality.

792 *Mr. Huffman. Thank you. And I know that same standard
793 is reflected in your own recusal letter.

794 Mr. Secretary, before you joined the Administration you
795 were a lobbyist and a lawyer for the Westlands Water
796 District, and your work for that client included lobbying on
797 the WIN Act signed into law in late 2016, correct?

798 *Secretary Bernhardt. I worked on -- I certainly worked
799 at different times on provisions that were included within

800 the WIN Act, yes.

801 *Mr. Huffman. Right. Now, Mr. Secretary, the WIN Act
802 was a huge water bill. It had lots of sections, it had WRDA,
803 all of these Corps of Engineers provisions, had some money
804 for Flint, Michigan water needs, recycling, desalination,
805 some tribal water rights settlements. You didn't lobby on
806 any of those sections. You were lobbying for Westlands,
807 focused on efforts to increase Central Valley Project pumping
808 from the Delta. Specifically, sections 4001 and 4003 of
809 subtitle J of the WIN Act, correct?

810 *Secretary Bernhardt. I think it was more focused on
811 4002.

812 *Mr. Huffman. Okay, the specific sessions involving
813 Delta operations that affected Westlands, correct?

814 *Secretary Bernhardt. I certainly would say 4002 falls
815 into that category. And I am not sure I would say that it
816 affects Westlands, necessarily, but it is certainly that --

817 *Mr. Huffman. Well, Mr. Secretary, with all due
818 respect, those two specific sections involving Delta
819 operations were a giant thumb on the scale against endangered
820 fish in the Delta and in favor of the Westlands Water
821 District. It was your thumb when you helped write those
822 sections. And, by the way, you had been advocating for these
823 things for several years on behalf of Westlands. And it is
824 your thumb now, as the person in charge of interpreting these

825 laws and implementing them.

826 But your lobbying work for Westlands on these things
827 didn't count, you would argue, it didn't even count toward
828 your two-year recusal under the Trump ethics pledge, correct?

829 *Secretary Bernhardt. When I was -- before I was even
830 seriously considering coming into the Department as deputy I
831 told Secretary Zinke that before --

832 *Mr. Huffman. Mr. Secretary, I don't have time for a
833 narrative. The question is did your lobbying for Westlands
834 on these specific sections of the WIN Act count toward your
835 two-year recusal under the Trump ethics pledge?

836 *Secretary Bernhardt. The -- that specific -- those
837 specific activities regarding Public Law 114322, which is the
838 WIN Act, those activities were viewed to not constitute
839 lobbying on a particular matter --

840 *Mr. Huffman. Right, and that is significant --

841 *Secretary Bernhardt. -- which is a specific --

842 *Mr. Huffman. Reclaiming my time, that is a specific
843 term of art -- this is my time, Mr. Secretary. It is
844 important that you use that specific term of art. Because
845 even though there were specific sections benefitting your
846 client, if you can say that they didn't constitute a
847 particular matter, you have got a five-month head start
848 working on those things on behalf of Westlands as Secretary
849 of the Interior. You got five months in which your recusal

850 didn't apply. Correct?

851 *Secretary Bernhardt. It is not if my -- it is not my
852 view. What I did is I went to the career ethics officials --

853 *Mr. Huffman. And you convinced him that didn't
854 constitute a particular matter, particular matter.

855 Do you think, Mr. Secretary, by parsing in that way, do
856 you think you are upholding the standard of ethics we talked
857 about at the beginning of my question?

858 *Secretary Bernhardt. I absolutely do, because 502,
859 impartiality, goes to particular matters involving specific
860 parties. And my action is completely consistent with OGE
861 guidance, from my ethics officials, and I have followed their
862 guidance to a T, and that has been reaffirmed in multiple --

863 *Mr. Huffman. Mr. Secretary, Westlands was by no means
864 your only client. You also represented the Independent
865 Petroleum Association of America. I am sure you are aware of
866 how your former clients in the oil and gas industry have
867 boasted about their special access to you at a 2017 meeting.

868 Dan Naatz, the Director of the IPAA, boasted about how
869 well he knew you, saying, "We have direct access to him,
870 conversations about issues ranging from federal land access
871 to the ESA.'" This was during your recusal. Was he just
872 confused about who he thought he was talking to during this
873 period?

874 *Secretary Bernhardt. Well, I can say emphatically I

875 haven't talked to Dan Naatz since I walked into the
876 Department. Probably --

877 *Mr. Huffman. So he was just wrong when he told a room
878 full of oil and gas executives that he was having these
879 conversations?

880 *Secretary Bernhardt. He certainly didn't have any
881 conversations with me when I got to Interior a day after, or
882 any day after that.

883 *Mr. Huffman. Okay.

884 *The Chairman. Thank you, sir.

885 Mr. McClintock?

886 *Mr. McClintock. Thank you, Mr. Secretary. Just a
887 follow-up on this, just to be very clear. You have DOI
888 career ethics officials, and they have determined that your
889 recusal is not required? Am I correct?

890 *Secretary Bernhardt. That is right. That is exactly
891 right.

892 *Mr. McClintock. And there is a memo to Scott de la
893 Vega, who is the Director of the Department of -- the Ethics
894 Office of the DOI from Heather Gottry and Edward McConnoll, a
895 very lengthy document, but it concludes that both the draft
896 EISNOI and the 2009 BA are matters defined in the memorandum.
897 As such, DOI employees are not required to recuse from
898 participation in either the draft EISNOI or the 2019 BA.

899 *Secretary Bernhardt. That is correct.

900 *Mr. McClintock. Great. In fact, Mr. Chairman, I would
901 like unanimous consent to submit that for the record.

902 *The Chairman. [No response.]

903 *Mr. McClintock. Mr. Chairman? Unanimous consent?

904 [The document submitted by Mr. McClintock for the record
905 follows:]

906

907 *****COMMITTEE INSERT*****

908

909 *Mr. McClintock. Mr. Bernhardt, first and foremost --
910 and I have mentioned this before, but -- I want to thank you
911 again for your exemplary leadership as acting Secretary
912 during the shutdown this past winter. It was a stark
913 contrast to how the Obama Administration administered the
914 shutdown in 2013.

915 As you know, I have Yosemite Valley and Yosemite
916 National Park in my district, as well as Sequoia and Kings
917 Canyon, critically important to tourism and to the economies.
918 In 2013 during the shutdown the Obama Administration
919 deliberately closed and locked the gates. They forced every
920 business conducting business to shut down, just because they
921 were on a national park property. They went so far as to
922 barricade the turnouts on the highway overlooking the valley,
923 so people couldn't stop, get out of their cars, and even get
924 a glimpse of the valley.

925 When you took over as acting Secretary we had a
926 shutdown. You went to extraordinary lengths to keep the park
927 open. Businesses continued to operate, reservations
928 continued to be honored, the park gates were open, and you
929 did exemplary service in keeping the parks clean, safe, and
930 open for business through the shutdown.

931 And again, on behalf of all of the visitors of Yosemite
932 Valley and the gateway communities, I want to thank you again
933 for your service in that regard. And again, the contrast

934 with the Obama Administration was just stunning.

935 *Secretary Bernhardt. Thank you.

936 *Mr. McClintock. You are familiar with the California
937 State Water Resource Control Board unimpaired flow rule. We
938 have had record rainfall. That unimpaired rule is going to
939 require the early draining of our reservoirs. Central Valley
940 farmers are only getting a fraction of the water that they
941 are entitled to.

942 What can we do to mitigate this ridiculous rule from the
943 State Water Resources Control Board?

944 *Secretary Bernhardt. Well, we are -- Brenda Burman is
945 really on point at -- as the Commissioner of Reclamation. We
946 have, you know, obviously, participated in the Board
947 activities, and probably will end up participating in
948 litigation, depending on what they -- we actually have a very
949 good dialogue right now with the Governor's office. I think
950 his head of natural resources was in the Department yesterday
951 or the day before.

952 And so, you know, I am optimistic that we can find a
953 good pathway forward that is not irresponsible for everyone.

954 *Mr. McClintock. The Shasta raise, the 18-1/2-foot
955 addition to the Shasta Dam would add about 600,000 acre-feet
956 of water yield to the water available to California. And yet
957 it is not included in the appropriations bill for this year.
958 Would you consider that a shovel-ready project?

959 *Secretary Bernhardt. Well, when Representative Calvert
960 asked us to look at those, look at all of our projects, it
961 was the one that Reclamation thought had the shortest window.
962 There is a variety of projects in California. People have a
963 variety of views on them. But obviously, it is up there.

964 *Mr. McClintock. Could you give us a quick assessment
965 of the risk of catastrophic wildfire on Interior lands, and
966 what needs to be done to give you the tools to address that
967 threat?

968 *Secretary Bernhardt. Well, what we have asked for in
969 our budget -- well, first off, we are doing a lot. The
970 President issued an executive order late last winter.
971 Secretary Zinke issued a secretarial order to follow on that,
972 and we have had a little slowdown with the shutdown. But I
973 think we are really on top of things pretty well this year.

974 That said, we have asked for additional tools as part of
975 our budget. We have proposed six different categorical
976 exclusions we would like to see. And we would like to work
977 with Congress to try and get those codified.

978 *Mr. McClintock. Great. Well, I would be very
979 interested in your elaborating on that in the future. Thank
980 you.

981 *The Chairman. Thank you.

982 Mr. Lowenthal?

983 *Dr. Lowenthal. Thank you, Mr. Chairman.

984 Secretary Bernhardt, I appreciate your having taken the
985 time this -- to meet with me just a few weeks ago. When you
986 were in my office we discussed a number of letters that
987 Chairman Grijalva and I have sent to the Department of the
988 Interior that we have not received a response on.

989 One of those letters I would like to go into greater
990 detail is the one regarding the renewal of two mining leases
991 right next to the Boundary Waters Wilderness in Minnesota.
992 These were two leases that the Obama Administration had
993 canceled, and it just so happens that are owned by a mining
994 company run by Jared Kushner and Ivana Trump's landlord here
995 in D.C.

996 In early February of 2017, Interior employees were
997 circulating two documents through email. One was a briefing
998 memo on this topic, and the other one was a document on
999 withdrawal options.

1000 Chairman and I on March 12th sent a very specific
1001 request for these documents, including their file names, with
1002 a March 15th response deadline. But as of today I have not
1003 seen the briefing memo or the withdrawal options document.

1004 Will your Department fulfill this very specific request
1005 by the end of this week, these two specific documents?

1006 *Secretary Bernhardt. I am not familiar with exactly
1007 the contents of those two documents, but I will promise you
1008 this. I will leave here today, I will go look at them, and

1009 if I think that there is anything we can share I will do one
1010 of two things. I will either share them for -- share them
1011 with you, or I will tell you you are welcome to come over and
1012 look at them.

1013 *Dr. Lowenthal. Well, let's talk about what you will
1014 share -- what you have shared. You know, this past Friday --
1015 and thank you for that, and I -- we received our first
1016 response to another letter that we sent to you on the topic
1017 of the mining leases near the Boundary Waters Wilderness,
1018 received our first response on this topic.

1019 We sent this letter on March 1st requesting all --
1020 information on the boundary -- on the mining leases. I think
1021 it will be on the -- this is the response that -- let me
1022 rephrase.

1023 What we found -- we got thousands of documents. Well,
1024 thousands of files. Let me tell you. They -- we -- these
1025 files, as of Friday, which were received at 5:00 p.m. --

1026 *Secretary Bernhardt. Is this still on the Boundary
1027 Waters, or is --

1028 *Dr. Lowenthal. Yes, this is on the Boundary Waters.
1029 We received 3,884 pages of documents. As you can see on this
1030 slide, 19 percent were duplicates. The vast majority of the
1031 others were already public documents, which we went through,
1032 59 percent. There is total redaction of some pages, but --
1033 it included unredacted phone numbers next to it, but

1034 everything else was redacted. Several pages of code. Can we
1035 see the next slide?

1036 [Slide]

1037 *Dr. Lowenthal. See this? I call this the gibberish
1038 slide. We have no idea what this is. But you sent it on.

1039 [Slide]

1040 *Dr. Lowenthal. Then, if we look at the next slide, it
1041 says "Briefing.'" That is what we asked for in the other
1042 one. The briefing memo, it is not really clear exactly what
1043 is in the briefing memo. Is this the briefing memo that you
1044 were supposed to send us? Is -- if you look at the slide, is
1045 this our briefing memo?

1046 *Secretary Bernhardt. So I will say this. I have spent
1047 years in civil litigation, and so I have seen a lot of
1048 documents that look like this. And the reality is that --

1049 *Dr. Lowenthal. I am sure you were as curious as we
1050 were about what this is.

1051 *Secretary Bernhardt. And it is my experience in
1052 dealing with that, that if there is a particular document
1053 that you are worried about being over-redacted, we have a
1054 conversation on that and try and figure it out.

1055 *Dr. Lowenthal. Okay.

1056 *Secretary Bernhardt. I think the --

1057 *Dr. Lowenthal. Let's get back. You said -- let's go
1058 on. You said that you would review and find out about the

1059 briefing memo and the withdrawal options of these slides, and
1060 you will get back to us.

1061 [Slide]

1062 *Dr. Lowenthal. You know, also -- we also haven't --
1063 the next slide if you look at the next slide -- yeah. You
1064 recently -- let's get -- let's go on -- sent on to us slides
1065 that labeled -- the FOIA exemption, stating that the FOIA
1066 exemption was pre-decisional.

1067 As you understand, and I am sure you have -- that was on
1068 this slide -- Congress is not subject to the FOIA. So I
1069 expect you to provide the actual --

1070 *Secretary Bernhardt. I do -- I learned that lesson
1071 very early in my career at Interior. I made the mistake of
1072 applying --

1073 *Dr. Lowenthal. Okay, I am going to yield back, and I
1074 hope that we --

1075 *Secretary Bernhardt. -- I got in a lot of trouble. I
1076 have learned that one well.

1077 *Dr. Lowenthal. Thank you.

1078 *Mr. Westerman. Thank you, Chairman Grijalva.
1079 Secretary Bernhardt, thank you for coming today, for your
1080 testimony, and for the work that you are doing and that the
1081 Administration is getting done at the Department of the
1082 Interior.

1083 I would say welcome to the home of the big bun. Some

1084 people may not understand the reference, but from my
1085 childhood days in the 1980s there was a famous TV commercial
1086 about hamburgers, and these ladies were at the home of the
1087 big bun, and they were looking for the beef, and they always
1088 ask, "Where is the beef?'"

1089 And as we look at the subject of the hearing today,
1090 looking at the Administration's budget, I think that is a
1091 good question, is where is the beef? And that is not the
1092 question to the Administration, but that would be a question
1093 to Congress. Because, as we know -- and we have talked about
1094 some constitutional issues in here -- article 1 says that
1095 budgeting is the responsibility of the Congress, and the
1096 Congress has no budget. There is not a budget that has been
1097 passed out of the Budget Committee. There is not a budget
1098 that has been presented on the floor. And by the process
1099 that Congress is supposed to follow to write appropriation
1100 bills, I am not sure how that process can ever work, since we
1101 don't even have a budget to start with.

1102 So I commend the Administration for at least putting a
1103 budget suggestion together. And again, that is all it is, is
1104 a suggestion, because, again, it is Congress's role to
1105 provide a budget. And you have prepared the Administration's
1106 budget, saying this is our suggestion on how we could
1107 actually operate the department.

1108 So we talk a lot about things that I am not sure are

1109 doing a lot of good for the country, and we fail to look at
1110 the good things that have been done, for the work that you
1111 all are getting done. And, you know, one issue that is very
1112 important to me -- and I think it is important to all members
1113 of this Committee, regardless of party -- is the devastating
1114 wildfires that we have seen.

1115 I know that the President signed executive order 13855
1116 that was to promote active management of our Nation's forest,
1117 and to reduce wildfire risk, and he got criticized in the
1118 press for that executive order. But I would also like to
1119 note that this is a bipartisan issue. Governor Newsom in
1120 California also had an executive order. And I want to read a
1121 quote from Governor Newsom when he issued the executive
1122 order, which was to accelerate forest management in
1123 California to reduce the risk of wildfire. He said, and I
1124 quote, "The increasing wildfire risk we face as a State means
1125 simply -- means we simply can't wait until a fire starts in
1126 order to start deploying emergency resources. California
1127 needs sustained focus and immediate action in order to better
1128 protect our communities.''

1129 I wholeheartedly agree with that. I believe it is not
1130 just California, it is many States that need that. It is
1131 many States that the Department of the Interior operates in.

1132 So my first question to you is what is the Interior
1133 Department doing to implement the President's executive order

1134 on federal lands to make our communities safer?

1135 *Secretary Bernhardt. So the first thing that we did is
1136 Secretary Zinke issued a secretarial order shortly after the
1137 President issued his. I think the President issued his
1138 executive order on the 21st of December, or thereabouts. I
1139 think Secretary Zinke issued his secretarial order on --
1140 well, obviously, before January 2nd. And that order set out
1141 some clear direction to our bureaus. And then each of the
1142 bureaus have moved forward in executing on that.

1143 We think we are going to meet the President's
1144 objectives. We have also in our budget asked for some
1145 additional legislative language to potentially make things
1146 easier, in terms of categorical exclusions. And we would
1147 like to work with Congress on finding some clear legislative
1148 solutions. But in the interim we are moving forward. We
1149 have a number of plans that we are going to announce in terms
1150 of vegetation management plans that will also be going
1151 through an EIS process.

1152 So I think we are on top of things this year. But, you
1153 know, we hope that the fire season is not extraordinary.

1154 *Mr. Westerman. Yes, and then I just want to go back to
1155 the Minnesota mine issue, just to address that issue.

1156 I want to ask you would it be more accurate to say that
1157 the Obama-era withdrawal, which was officially noticed
1158 January 19th, 2017, the day before President Trump's

1159 inauguration, was that the unusual action, particularly
1160 considering the bipartisan support the leases enjoyed from
1161 Minnesota's congressional delegation?

1162 *Secretary Bernhardt. Well, I am not going to opine on
1163 last-minute decisions. I will say this, that I think by noon
1164 today there will be an announcement on Twin Metals, on the
1165 two leases that the congressman referenced regarding BLM's
1166 action on those two leases. So I would expect that would
1167 come sometime. Maybe now, maybe in an hour.

1168 *The Chairman. Thank you.

1169 *Mr. Westerman. Thank you.

1170 *The Chairman. Mr. Gallego?

1171 *Mr. Gallego. Thank you, Mr. Chair.

1172 Mr. Secretary, earlier this year Congress has passed a
1173 public lands bill by a huge bipartisan margin that
1174 permanently reauthorized the Land and Water Conservation
1175 Fund. That is why I was so disturbed by the fact that your
1176 Department's budget plans to nearly eliminate the fund.
1177 Despite your Department's lack of interest, Congress is
1178 strongly committed to funding this popular and effective
1179 program. Will you commit to dispersing LWCF funding in a
1180 timely manner when appropriated by Congress?

1181 *Secretary Bernhardt. Yes. If Congress gives us the
1182 money, I promise that we will appropriate it promptly.

1183 *Mr. Gallego. Great. Mr. -- as I am sure you are away,

1184 a week ago today the President tweeted out his opposition to
1185 H.R. 312, the Mashpee Wampanoag Tribe Reservation
1186 Reaffirmation Act, as it was about to come to the House
1187 floor. He wrote, "Republicans shouldn't vote for H.R. 312, a
1188 special interest casino build backed by Elizabeth Pocahontas
1189 Warren. It is unfair and doesn't treat Native Americans
1190 equally.''

1191 So for now I will ignore the racist slur in his tweet,
1192 and, in general, the lies. I want to focus on the
1193 President's bizarre opposition to a small, bipartisan bill
1194 that is broadly supported by dozens of Tribes, tribal
1195 organizations, and State and local governments.

1196 Secretary Bernhardt, yes or no, are you familiar with
1197 the bill in question?

1198 *Secretary Bernhardt. I am not familiar with the
1199 specific contents of the bill.

1200 *Mr. Gallego. Okay, this bill would reaffirm Mashpee's
1201 Tribe's homeland and help save them from bankruptcy.

1202 Did the President consult with you about this issue
1203 before sending out that tweet? Yes or no.

1204 *Secretary Bernhardt. He may have consulted with the
1205 Department, but he didn't consult with me, specifically.

1206 *Mr. Gallego. To your knowledge, did the President
1207 consult with the Mashpee Tribe before sending out that tweet?

1208 *Secretary Bernhardt. I have no idea.

1209 *Mr. Gallego. To your knowledge, did the President
1210 consult with the National Congress of American Indians before
1211 sending out that tweet?

1212 *Secretary Bernhardt. I have no idea.

1213 *Mr. Gallego. Do you know if the President talked to
1214 any Tribes or tribal organizations about this issue before he
1215 tweeted?

1216 *Secretary Bernhardt. I have no idea.

1217 *Mr. Gallego. Okay. So the President did not confer
1218 with you, his highest-ranking official at the Department of
1219 the Interior, or, to your knowledge, any Tribes or
1220 organizations before --

1221 *Secretary Bernhardt. The President doesn't need to --

1222 *Mr. Gallego. Say again.

1223 *Secretary Bernhardt. The President does not need to
1224 consult with me on any tweet he wants to send.

1225 *Mr. Gallego. Okay, good to go. Good to know. We will
1226 continue.

1227 Any Tribes, he didn't talk to you, he didn't talk to you
1228 before making this decision, didn't talk to any of the tribal
1229 organizations, and clearly doesn't respect your Department.

1230 *Secretary Bernhardt. I think the President --

1231 *Mr. Gallego. If the recommendation for this tweet
1232 didn't come from you, it makes me wonder where it did come
1233 from.

1234 *Secretary Bernhardt. The President --

1235 *Mr. Gallego. I am taking my time. This is my time.

1236 Mr. Secretary, do you know who Matt Schlapp of Cove
1237 Strategies is?

1238 *Secretary Bernhardt. Do I know who Matt Schlapp is?

1239 *Mr. Gallego. Of Cove Strategies.

1240 *Secretary Bernhardt. I know who Matt Schlapp is. I am
1241 not sure what -- the name of the company. I didn't hear
1242 that, but --

1243 *Mr. Gallego. So for those who don't know -- I am glad
1244 you do know -- Matt Schlapp is the lobbyist for Twin River
1245 Casino, which opposes granting Mashpee its ancestral homeland
1246 because they are worried about a potential tribal casino will
1247 hurt their business.

1248 Matt Schlapp is a Republican donor. He has close ties
1249 to the White House, CPAC, and the President has called him a
1250 fantastic friend and supporter. He also happens to be
1251 married to the President's Director of Strategic
1252 Communications.

1253 Have you or, to the best of your knowledge, or anyone at
1254 Interior ever spoken to Matt Schlapp or Cove Strategies
1255 regarding the Mashpee bill or this issue in general?

1256 *Secretary Bernhardt. Not to my knowledge.

1257 *Mr. Gallego. Not to your knowledge, okay. Mr.
1258 Secretary, are you aware of any communication that the

1259 President has had with Matt Schlapp or Cove Strategies
1260 regarding the Mashpee bill?

1261 *Secretary Bernhardt. No.

1262 *Mr. Gallego. I have a lobbying report right here from
1263 Cove Strategies that says that Matt Schlapp lobbied the
1264 executive office of the President earlier this year on behalf
1265 of Twin River Casino. Twin River has paid three separate
1266 lobbying firms so far this year. The other two have only
1267 lobbied the House and the Senate.

1268 Matt Schlapp, with his close ties to the White House, is
1269 the only one who lobbied the executive office of the
1270 President. So the President may not have consulted with you,
1271 Mashpee, or any other tribal organizations or any within your
1272 Department before sending out his tweet and influencing the
1273 outcome of the legislation, but it seems pretty clear to me
1274 that who he was listening to was a high-powered special
1275 interest lobbyist with deep pockets and political
1276 connections.

1277 *Secretary Bernhardt. I don't think that is
1278 necessarily --

1279 *Mr. Gallego. Allowing lobbyists and special interests
1280 to --

1281 *Secretary Bernhardt. I don't think that is necessarily
1282 true. President --

1283 *Mr. Gallego. Well, it has certainly been proven true

1284 so far. Allowing lobbyists and special interests to drive
1285 this Administration's policy towards sovereign Tribes is
1286 disturbing. Despite the President's interference on this
1287 bill, which recognizes a homeland that the Mashpee have lived
1288 on for thousands of years before they were greeted by the
1289 pilgrims, we will be passing H.R. 312 out of the House on the
1290 floor today.

1291 As the Secretary of the Interior I think you should let
1292 the President know that it is our federal trust
1293 responsibility to enter into government-to-government
1294 consultations with Tribes for making decisions that impact
1295 them, not to launch racist, unilateral attacks on a Tribe's
1296 sovereignty on Twitter.

1297 I yield back my time.

1298 *The Chairman. Mrs. Radewagen?

1299 *Mrs. Radewagen. Thank you, Chairman Grijalva and
1300 Ranking Member Bishop, for holding this hearing. And thank
1301 you and welcome, Secretary Bernhardt, for coming today to
1302 discuss DOI's priorities, policy priorities.

1303 Now, Mr. Secretary, what is your opinion on former
1304 Secretary Zinke's monument review, specifically regarding his
1305 recommendations for the marine monuments?

1306 And what is DOI's current status on the issue of fishing
1307 access in and around the Rose Atoll and Pacific Islands
1308 National Monuments?

1309 And will you be making your own recommendations to the
1310 President?

1311 *Secretary Bernhardt. So the President directed
1312 Secretary Zinke to review the monuments and create a report.
1313 And Secretary Zinke did that, and that report was submitted
1314 to the President. And the President will decide whether he
1315 wants to act on any or -- he needs to, obviously, act on some
1316 of the provisions. He may act on other recommendations. And
1317 I would expect that he might.

1318 He hasn't asked me for a second report. And, you know,
1319 so our position is they have the report, and it is in the
1320 President's hands right now, and he will make some decisions,
1321 I expect.

1322 Obviously, in terms of access, you know, public access
1323 is a centerpiece of our interest at the Department. And so
1324 access is important to us.

1325 *Mrs. Radewagen. Okay. So the next question is -- and
1326 you may have partially answered it already, but -- you could
1327 spend all day responding to this question, but please instead
1328 only take a couple of sentences, if possible.

1329 What is the Department doing to enhance public land
1330 access and recreational use for the average American?

1331 *Secretary Bernhardt. So I actually think this is going
1332 to end up being a major milestone of the President's tenure.

1333 First off, we are committed to public access, we are

1334 committed to increasing hunting, fishing, angling, and
1335 recreational opportunities. And I frankly think that the
1336 bill you all worked together to pass in such a bipartisan
1337 fashion gives us a number of things to even carry that
1338 farther forward.

1339 My expectation is we will be announcing soon over one
1340 million acres of additional public access, just on refuge
1341 areas. So we are excited about it.

1342 *Mrs. Radewagen. Thank you, Mr. Chairman. I yield
1343 back.

1344 *The Chairman. Mr. Cox?

1345 *Mr. Cox. Yes, thank you. And thanks for being here,
1346 Secretary Bernhardt.

1347 I do want to touch on the reauthorization of the Land
1348 and Water Conservation Fund. It passed 92 to 8 in the
1349 Senate, 363 to 62 in the House. And I think everybody on
1350 this Committee voted for that. And so it is certainly a
1351 victory for conservation, showing the strong bipartisan
1352 support of protecting access to our public lands. And
1353 certainly in my district it has helped fund Shafer Park in
1354 Selma, Hanford Sports Park, and the national parks Sequoia
1355 and Kings Canyon, just east of my district.

1356 And so, you know, this is one of the most successful
1357 conservation programs that we have. And so I think all of us
1358 here were very concerned when the Interior's budget -- when

1359 your budget included a 95 percent reduction in funding for
1360 the fund.

1361 And as you testified earlier, your role is to "work
1362 hard, effectuate the President's vision," which is the
1363 elimination of this fund. So can you explain why these cuts
1364 were proposed from the Interior Department? And, as you
1365 testified, if there are funding that you will -- if the funds
1366 are appropriated, you will expend those funds. But that
1367 would seem to be a direct contravention of the President's
1368 vision. And so how do you reconcile that?

1369 *Secretary Bernhardt. Well, to your last question, it
1370 is my understanding the President proposes and the Congress
1371 disposes when it comes to appropriations, and that is the way
1372 our Constitution works.

1373 In terms of LWCF, I would say this, that we are thrilled
1374 that you created the permanent authorization. It is my
1375 experience that, since LWCF has been enacted, there has been
1376 two years that it has been fully funded. And I actually
1377 think that the fact that it is reauthorized permanently gives
1378 me an opportunity in the next budget to push harder in our
1379 internal budget debates about it.

1380 But if you look at our budget overall, and you compare
1381 our budget to EPA and DOE and other similarly situated
1382 agencies, I think we did pretty good in the internal process.
1383 But we will spend money that, if you -- if Congress gives us

1384 for LWCF, and we -- and the question was really, I think, can
1385 we get it out quickly, and the answer is yes. We appreciate
1386 that you reauthorized it.

1387 *Mr. Cox. No, the question was more -- the President's
1388 vision, as enacted by his budget request, which came from
1389 Interior, I am assuming, was to terminate the program, to
1390 reduce it by 95 percent.

1391 *Secretary Bernhardt. It was to --

1392 *Mr. Cox. And although that money may be appropriated,
1393 it is still against the President's vision, which you said
1394 you are working to enact, and not spend the money.

1395 *Secretary Bernhardt. I don't think that is the case.
1396 I think the President said this year this is what we would
1397 like. You all take that and you decide what you like, and
1398 then we implement whatever you like. And the President is
1399 not going to say, if you appropriate it, "We can't spend
1400 it."

1401 *Mr. Cox. What if the President would say, "I don't
1402 want you to spend it on parks, I want you to spend it on a
1403 border wall"?

1404 *Secretary Bernhardt. I don't -- I probably don't want
1405 to get into a legal argument about the President's authority,
1406 but I don't know if that would be a --

1407 *Mr. Cox. It was certainly a question that was raised
1408 earlier, and we know how everyone voted on that. But no,

1409 thanks very much with regard to that, because I know you are
1410 a strong supporter of public lands, and access to public
1411 lands. But I do see that conflict between yourself, the
1412 Interior Department, and the Administration.

1413 The other question I would like to ask is about climate
1414 change, and I am particularly interested in the threat that
1415 climate change poses to water infrastructure and water
1416 security in California, notwithstanding the other States.
1417 And we are expecting longer, more frequent droughts, higher
1418 temperatures, earlier spring runoffs.

1419 And I want to know more about how the Department is
1420 incorporating climate change into your infrastructure
1421 management.

1422 *Secretary Bernhardt. Well, I think everybody
1423 recognizes that the climate is changing. The -- where we go
1424 in terms of thinking through these issues is a place that the
1425 fourth assessment and the USGS scientists all agree on, and
1426 that is that the largest uncertainty in projecting future
1427 climate conditions is the level of GHG, going forward.

1428 And so, what our scientists tell us are the best
1429 practices to use in thinking through these issues is that we
1430 recognize that there is not one particular model that is
1431 going to be the probabilistic answer. You need to look at
1432 all of the models, and a full range of models, and then look
1433 at -- within that range. And they have said they use

1434 multiple models, use multiple representative concentration
1435 pathways. And you know, that is what we are trying to do
1436 with our decisions, to ensure that we have the full range of
1437 modeling, and then utilize it as appropriate.

1438 And if you look at our written decisions, you see that
1439 that is the case.

1440 *Mr. Cox. Great, thank you.

1441 *The Chairman. Miss Gonzalez-Colon?

1442 *Miss Gonzalez-Colon. Thank you, Mr. Chairman. Good
1443 morning and congratulations on your recent confirmation, Mr.
1444 Secretary. I do have many questions, but I will try to focus
1445 just on one.

1446 The first is that I do understand that the
1447 Administration held a significant offshore wind lease in
1448 December of last year for the -- Massachusetts totaling \$405
1449 million in revenue. And I do understand this will mean
1450 significant growth for the industry, and Americans that are
1451 living on the mainland.

1452 I don't know if you are aware, but we introduced with a
1453 group of members in this Committee a bill that will promote
1454 the same kind of opportunities of offshore wind for the
1455 territories, as well. It was passed unanimously for this
1456 Committee and is going to the floor.

1457 Is your Department supporting this kind of bill?

1458 *Secretary Bernhardt. I am not familiar with that

1459 specific legislation, and whether we took a particular
1460 approach to it. But I would say that, as a concept, we would
1461 absolutely be supportive of providing opportunities for the
1462 insular areas to develop their resources in a responsible
1463 way, of course.

1464 *Miss Gonzalez-Colon. I do understand that the Royalty
1465 Policy Committee recommended pursuing the change, and the
1466 Bureau of Ocean Energy Management supported similar draft
1467 legislation that passed this House of Representatives last
1468 year and during the last Congress, so --

1469 *Secretary Bernhardt. You are more familiar with it
1470 than I am.

1471 *Miss Gonzalez-Colon. So I --

1472 *Secretary Bernhardt. We are not going to change our
1473 position, I can promise you that.

1474 *Miss Gonzalez-Colon. That was what I wanted to hear.
1475 Thank you for letting me know that.

1476 As you may know, the Department of the Interior got
1477 important certifications from the island and jurisdiction of
1478 many sites like the San Juan National Historic Park, which
1479 includes important 16th century fortifications from the
1480 Spanish colonial era, among many other sites.

1481 One of the questions that we did have during the last
1482 budget -- last year, it was about letters coming from the --
1483 of 40 masons for the Department of the Interior --

1484 *Secretary Bernhardt. Well, let me tell you. I can
1485 answer that right now. I don't know if it will be 40, it may
1486 be less than that, but I am issuing an order today that will
1487 allow recreational fee dollars to be used for permanent
1488 employees for certain situations, and one of those would be,
1489 in my opinion, the masons or some of the masons in -- I think
1490 it is the fort at San Juan.

1491 So I think we are about to take care of that. And what
1492 I can do is have somebody call you this afternoon with the
1493 specific details.

1494 *Miss Gonzalez-Colon. I really appreciate that. They
1495 submitted a --

1496 *Secretary Bernhardt. But it is a problem, and I think
1497 we have figured out a solution for you.

1498 *Miss Gonzalez-Colon. I am glad to hear that. I do
1499 know that we got 88 employees, full-time employees, at that
1500 fort. But those 40 masons are doing a great job
1501 implementing --

1502 *Secretary Bernhardt. I have been there, I have seen
1503 their work. And it is really unprecedented.

1504 *Miss Gonzalez-Colon. And another -- this -- members of
1505 this Committee, we traveled to Puerto Rico a few months ago
1506 -- a few weeks ago, and we visited El Yunque, which is the
1507 only national rainforest in the U.S. And the visitor center
1508 was hit directly --

1509 *Secretary Bernhardt. With the hurricane?

1510 *Miss Gonzalez-Colon. With the hurricane. Although the
1511 funds are being allocated to the island, allocated to the
1512 Department of the Interior to do the repairs in that area, it
1513 has been a year and a half and we haven't seen anything being
1514 done yet. Do you have any information on that?

1515 *Secretary Bernhardt. So we have -- the Fish and
1516 Wildlife Service has actually done a pretty good job of
1517 trying to obligate money. One of the challenges in those
1518 situations is, like, there is such a demand for contractors
1519 that it is challenging.

1520 I will look into that specifically, but I know we are
1521 having some difficulties in that regard.

1522 *Miss Gonzalez-Colon. And I do know the Department of
1523 the Interior presence is also seen through the -- of course,
1524 the Fish and Wildlife, as you just mentioned. And we do have
1525 five national wildlife refuges in five islands: Desecheo,
1526 Cartagena, Culebra, Vieques. And I am pleased to hear that
1527 the President's budget request for a national wildlife system
1528 is \$509 million, an increase of \$23 million from this last
1529 fiscal year. Where that money is going to be used?

1530 *Secretary Bernhardt. I am not 100 percent sure about
1531 that. I will have to get back to you on that one,
1532 specifically.

1533 *Miss Gonzalez-Colon. So, in your view, that provision

1534 of \$23 million will help strengthen the national wildlife
1535 refuges across the nation, including those in Puerto Rico?

1536 *Secretary Bernhardt. Well, that would be our hope,
1537 yes.

1538 *Miss Gonzalez-Colon. I mean why you answer --

1539 *Secretary Bernhardt. We had better do better, right?

1540 *Miss Gonzalez-Colon. If you can later on provide a
1541 detail or the breakdown of the total cost of the deferred
1542 maintenance projects across the five national wildlife
1543 refuges in Puerto Rico, I will really --

1544 *Secretary Bernhardt. Okay.

1545 *Miss Gonzalez-Colon. And I will submit the rest of the
1546 questions for the record.

1547 *Secretary Bernhardt. We will do that.

1548 *Miss Gonzalez-Colon. I yield back.

1549 *The Chairman. Mr. Neguse?

1550 *Mr. Neguse. Good morning, Mr. Secretary. Thank you
1551 for coming today, and for your testimony.

1552 I want to start by just -- with reference and great
1553 respect to my colleague, Mr. Westerman, who posed the
1554 question of "Where is the beef" -- and I think it is an
1555 appropriate question -- I would say the title of this hearing
1556 is the budget priorities of the Department of the Interior --
1557 the policy priorities of the Department of the Interior. And
1558 so certainly, that is where my questions will be focused.

1559 And to that end, I think it can get lost in some of the
1560 exchanges, just how much the Department's proposed budget,
1561 which I understand is a proposal, and that, obviously,
1562 Congress and our appropriators will be doing the bulk of the
1563 work in preparing a final budget, but nonetheless, just how
1564 much the budget decimates some really important programs.

1565 A decrease of \$18.6 million for national park visitor
1566 services. As you know, Mr. Secretary, or as you may know, I
1567 represent the 2nd district in Colorado, which includes Rocky
1568 Mountain National Park.

1569 *Secretary Bernhardt. My wife and I were married in
1570 Estes, right outside of Rocky --

1571 *Mr. Neguse. I proposed to my wife in Estes.

1572 *Secretary Bernhardt. Oh, did you? Oh, that is great.

1573 *Mr. Neguse. I am glad that we have that in common.
1574 But nonetheless, the \$18.6 million decrease in park services
1575 for the millions of visitors that will be visiting my
1576 district in the coming months is cause for great concern.

1577 A decrease of 12.9 million for resource stewardship, \$11
1578 million to implement the Endangered Species Act, and a \$11.6
1579 million decrease for fish and aquatic conservation, the
1580 elimination of the national wildlife refuge fund, the
1581 elimination of science support programs, juxtaposed against a
1582 66.4 percent increase in coal management programs, and a \$1.4
1583 million increase to expedite permitting for oil and gas.

1584 And so, Mr. Secretary, I would just say I agree with Mr.
1585 Cox and other colleagues of mine, that a budget fundamentally
1586 reflects our values. And I don't agree with the budget
1587 priorities as the Department of the Interior has laid them
1588 out.

1589 I want to focus in particular on the LWCF program. And
1590 if you could, kind of just help us, Mr. Secretary, understand
1591 the reasoning behind the Department's decision to really
1592 decimate that program and cut it by 105 percent. Because, I
1593 mean, I understand -- we looked back, and I have a tweet --
1594 not my tweet, your tweet -- here that we can enter into the
1595 record from February 15th of this year that says, from
1596 Secretary David Bernhardt, @SecBernhardt, "There is a lot to
1597 agree on in the public lands package from the Senate. The
1598 Trump Administration fully supports reauthorizing LWCF, and
1599 we included it in our budget last year.''

1600 And yet, one month later, we have a budget from the
1601 Department of the Interior that cuts by 105 percent that very
1602 same program.

1603 *Secretary Bernhardt. So that tweet was in reference to
1604 reauthorization. But, you know, we -- in our budget, I
1605 think, is something that we can all agree on, and I would
1606 love, given your passion for the parks, to have us all work
1607 on, and that is creating a infrastructure fund to deal with
1608 our maintenance backlog issues, which are extreme. They are

1609 extreme in Rocky Mountain, they are extreme in Acadia, they
1610 are extreme everywhere. And that is not an insignificant
1611 thing to get through the budget. I mean I think it is about
1612 a \$6.5 billion proposal. And --

1613 *Mr. Neguse. I appreciate that, Mr. Secretary.

1614 *Secretary Bernhardt. And it is a major commitment to
1615 parks and infrastructure --

1616 *Mr. Neguse. I appreciate that.

1617 *Secretary Bernhardt. And I --

1618 *Mr. Neguse. I am going to reclaim my time.

1619 *Secretary Bernhardt. I do appreciate that --

1620 *Mr. Neguse. Because I have limited time -- I
1621 appreciate that.

1622 *Secretary Bernhardt. Okay.

1623 *Mr. Neguse. I am certainly appreciative of that
1624 commitment. I would just say I would hope that it would be
1625 mirrored in the fundamental program around land acquisition
1626 for the LWCF. So -- but I think you understand my point.

1627 I will move on to just one other topic. I believe you
1628 are probably aware of a woman by the name of Maria Caffrey,
1629 who was a researcher at CU Boulder in my district. Dr.
1630 Caffrey was contracted with the National Park Service to lead
1631 a report on the effects of sea level rise and storm surge on
1632 national parks.

1633 Before the final version of the report was published she

1634 was repeatedly pressured to remove any references to the
1635 human causes of climate change from the report. Dr. Caffrey
1636 believed that the science of the report required a discussion
1637 on the human impact of climate change, and ultimately
1638 adamantly refused.

1639 Fortunately, after the incident was publicized in an
1640 investigative report, major backlash ensued. The report was
1641 released with its original language.

1642 My understanding -- this was before I came to Congress
1643 -- was, thanks to the Chairman's leadership and the
1644 leadership of several other members of this Committee, a
1645 request was made of the Department of the Interior's
1646 inspector general to look into this issue. The unfortunate
1647 aspect of this is that the IG subsequently, after the report
1648 was released without the edits, closed that investigation.

1649 I would hope that you would support the inspector
1650 general taking another look, particularly given what I
1651 understand to be recent reports in the news around the fact
1652 that the doctor's contract was recently expired and not
1653 renewed in February of this year, and that there is some
1654 controversy around that aspect of it.

1655 *Secretary Bernhardt. So I am not -- I will say this.
1656 I am not sure that -- I haven't looked at what the inspector
1657 general said specifically, but my understanding -- and I can
1658 go back and check this when I get back to the office and give

1659 you a call if this is wrong, but my understanding is what the
1660 inspector general actually did is said, "Hey, this looks like
1661 a matter of scientific integrity,'" and so it was sent to the
1662 scientific integrity team, and that they looked at it and
1663 decided there wasn't an issue.

1664 But I will go back and double-check that for you. But
1665 that is my understanding. It is not that the IG just said,
1666 "We are not doing anything,'" it was -- they said, "Hey, this
1667 is probably better for this group,'" and they looked at it.
1668 But I will go back and double-check.

1669 *Mr. Neguse. I would just say, Mr. Chairman -- thank
1670 you, Mr. Secretary. And with respect to that particular
1671 issue, to the extent that the IG did not essentially hold
1672 their investigation in abeyance, or close it because the
1673 issue was rendered moot, if that is not the case, then I
1674 would appreciate your support --

1675 *Secretary Bernhardt. I will double-check, I don't
1676 know. I will ask Mary.

1677 *Mr. Neguse. Thank you.

1678 *The Chairman. Thank you.

1679 Mr. Curtis?

1680 *Mr. Curtis. Thank you, Mr. Chairman and Mr. Ranking
1681 Member.

1682 Secretary, congratulations on your confirmation. Thank
1683 you for being here with us today, and staying with us so

1684 long.

1685 Due to a great bipartisan effort, we passed a major
1686 public lands package the beginning of this year. One of the
1687 largest bills in there was also due to some great bipartisan
1688 work, the Emery County Public Lands bill. Over a million
1689 acres in my district -- in rare form we were actually able to
1690 agree on what to do with public lands.

1691 Inside that is some -- a lot of work. And in some
1692 cases, the work has just started: the SITLA exchange, the
1693 San Rafael Swell Recreation Area Management Plan, Jurassic
1694 National Monument Management Plan. Given your shortage of
1695 resources and the many things that you have to do, can you
1696 see a path forward to put the resources into these management
1697 plans and the SITLA exchanges?

1698 *Secretary Bernhardt. So let me tell you what I have
1699 done there.

1700 Right after -- shortly after the bill was signed into
1701 law, I sent an order to all of our bureau directors,
1702 demanding the following: that we go through the statute,
1703 look at those provisions that were in it, identify those
1704 provisions that needed some sort of implementation. And they
1705 gave me the overall list a while ago.

1706 And then I asked them to go back and develop an
1707 implementation plan for each of those priority items. I
1708 think that had a deadline of day 60, which would probably be

1709 the 22nd of this month.

1710 What I can do is come talk to you or visit with you
1711 after I get that on the 22nd. Because I think we will have a
1712 plan, and we will get it done.

1713 *Mr. Curtis. Thank you, I appreciate that. SITLA alone
1714 represents millions of dollars in these exchanges for our
1715 schools in Utah, and just really critical. Thank you for
1716 your --

1717 *Secretary Bernhardt. I know how important it is.

1718 *Mr. Curtis. Yes, thank you for your special attention
1719 to that.

1720 We have got kind of a really unique situation in Carbon
1721 County. The Bureau of Reclamation -- eight years ago there
1722 were some homes built on the wrong spot on their property,
1723 some private cabins. And the bureau has been doing quiet
1724 title to take these back. And we -- with the Ranking Member
1725 and Senator Romney, we sent a letter to thank you for your
1726 response to that letter. This may be down too much into the
1727 weeds for you, but I would love your help and attention on
1728 trying to resolve this in a way that doesn't destroy these
1729 cabins, if there is an answer in there that works both for
1730 the Federal Government and --

1731 *Secretary Bernhardt. I will talk to Brenda about it.

1732 I --

1733 *Mr. Curtis. Thank you, I appreciate that. And also, a

1734 big thanks to you and Superintendent Kate Cannon and the
1735 Arches for a very, very difficult issue, the way that has
1736 been handled. I think it is very important that the
1737 residents of that town feel listened to. Thank you for that,
1738 and for the many people in your organization that made that
1739 possible.

1740 Also, just kind of a plug to keep that forward-most in
1741 our mind, how this is resolved. The public buy-in will have
1742 a lot to do with how thorough they feel that we have vetted
1743 the different options. And so --

1744 *Secretary Bernhardt. We respect that, and are very
1745 sensitive to blow-ups on that.

1746 *Mr. Curtis. Thank you. And finally, I am going to let
1747 this be at your discretion. The moment may have passed.
1748 There have been a couple of things that you would have liked
1749 to have responded to in this hearing, and you were not given
1750 that opportunity. If the moment has passed, that is fine,
1751 but I did want to give you that.

1752 Thank you, Mr. Chairman, I yield my time.

1753 *The Chairman. Thank you very much.

1754 Mr. Levin?

1755 *Mr. Levin. Thank you, Chair Grijalva.

1756 Secretary Bernhardt, I appreciated the chance to meet
1757 you in my office earlier this month. I am pleased you joined
1758 the Committee for a public hearing.

1759 During our meeting we discussed a number of issues, from
1760 offshore drilling to renewable energy on public lands to
1761 climate science. We discussed the myriad of actions this
1762 Administration has taken that impact our land and water. I
1763 came into our meeting, as I think you know, troubled by some
1764 of your Department's handling of important environmental
1765 issues. And our discussion, while it was productive, didn't
1766 fully alleviate those concerns.

1767 After our meeting I sent you a letter outlining several
1768 remaining questions that I had from our conversation, and
1769 again, urging you to remove California from future offshore
1770 drilling plans. I requested a response to my inquiry by this
1771 past Monday. But unfortunately, you have not yet responded.

1772 Mr. Chairman, without objection, I would like to enter
1773 this letter, the letter that I sent Mr. Bernhardt, into the
1774 record, and request a written response from the Secretary.

1775 *The Chairman. Without objection, so ordered.

1776 [The letter to Secretary Bernhardt submitted by Mr.
1777 Levin for the record follows:]

1778

1779 *****COMMITTEE INSERT*****

1780

1781 *Mr. Levin. With that I will turn to my questions.

1782 Mr. Secretary, in our meeting you seemed to indicate
1783 that you don't believe Congress has directed you to address
1784 the impacts of climate change. But federal courts have held
1785 on numerous occasions that the Department must take
1786 consideration of future impacts into account, especially
1787 those related to climate change under the National
1788 Environmental Policy Act and the Endangered Species Act,
1789 among many others.

1790 This means that courts interpreting and relying on
1791 existing law say that you must consider climate change, and
1792 decisions made on the basis of the very real threat of
1793 climate change are valid.

1794 I would also argue that a plain reading of the existing
1795 laws enacted by Congress squarely require you to manage for
1796 climate change in the natural resource planning process.

1797 Mr. Secretary, I would appreciate a yes-or-no answer to
1798 the following questions.

1799 First, does the Federal Land Policy and Management Act
1800 require you to take -- and I quote -- "into account the long-
1801 term needs of future generations'" and -- and I quote "take
1802 any action necessary to prevent unnecessary or undue
1803 degradation of those lands"?

1804 *Secretary Bernhardt. I think that is in the policy
1805 statement of the Act.

1806 *Mr. Levin. So that would be a yes?

1807 *Secretary Bernhardt. Sure.

1808 *Mr. Levin. Again, yes or no, when it comes to the
1809 national wildlife refuge system, are you required by law to
1810 "ensure that the biological integrity, diversity, and
1811 environmental health'' of the refuge system "are maintained
1812 for the benefit of present and future generations of
1813 Americans''?

1814 *Secretary Bernhardt. I think that is pretty consistent
1815 with the way it reads, without looking at it.

1816 *Mr. Levin. So that is a yes.

1817 Third, yes or no, are you required by law to ensure that
1818 national parks are "unimpaired for the enjoyment of future
1819 generations''?

1820 *Secretary Bernhardt. I believe that is what the
1821 Organic Act says.

1822 *Mr. Levin. Correct.

1823 Fourth, yes or no, is it true that the SECURE Water Act
1824 of 2009 tasks the Secretary of the Interior with the
1825 responsibility "A, to take the lead role in assessing risks
1826 to the water resources of the United States, including risks
1827 posed by global climate change; and B, to develop strategies
1828 to mitigate the potential impacts of climate change''?

1829 *Secretary Bernhardt. That Act is one of two acts I
1830 know that have affirmative obligations related to climate

1831 change for the Secretary of the --

1832 *Mr. Levin. So four for four, I believe.

1833 And finally, given these statements and law, yes or no,
1834 is there any doubt that you have a legal obligation to take
1835 into account the needs of future generations and manage the
1836 public lands to prevent unnecessary or undue degradation now
1837 and in the future?

1838 *Secretary Bernhardt. We certainly have a need to take
1839 them into account. We are taking them into account.

1840 *Mr. Levin. Yet when we met you claimed that Congress
1841 hasn't given you enough direction to address climate change.

1842 *Secretary Bernhardt. That is not -- what I
1843 specifically said is you haven't given me any direction to
1844 stop any particular activity. And if you want to stop it,
1845 you need to give us that direction.

1846 The reality is we are compliant with NEPA, we are -- our
1847 compliance --

1848 *Mr. Levin. Mr. Bernhardt, Secretary, what type of
1849 direction would you want Congress to give you to make it any
1850 clearer?

1851 *Secretary Bernhardt. Whatever you think you can do to
1852 stop it, if that is what you want to do. Go for it. But
1853 that should happen in this body. That is not a -- that is
1854 not something the Department of the Interior does with a
1855 magic wand.

1856 *Mr. Levin. Well, Secretary, I have just given you a
1857 number of examples where you do have to take climate change
1858 into account to do your work.

1859 *Secretary Bernhardt. You can --

1860 *Mr. Levin. And we are talking about real people in
1861 communities here that are impacted in my district and
1862 districts all across the country. And we know, when you talk
1863 about a range, we know the range is from very bad to
1864 extremely bad. We are talking about long-term economic
1865 consequences, environmental consequences. And you are at the
1866 forefront of that.

1867 And we talk a lot about draining the swamp. It is the
1868 epitome of the swamp to have a handful of polluters dictate
1869 the environmental policies of this Administration. And you
1870 might wonder why there are people in swamp creature outfits
1871 behind you. The public has real concerns about your work,
1872 sir. And you have done very little to address those.

1873 *Secretary Bernhardt. Well, I am here voluntarily --

1874 *Mr. Levin. And we are going to continue to hold you to
1875 account, Secretary.

1876 *Secretary Bernhardt. I am here voluntarily --

1877 *Mr. Levin. And with that I would be happy to yield
1878 back my time.

1879 *The Chairman. Mr. Fulcher?

1880 *Mr. Fulcher. Thank you, Mr. Chairman.

1881 And Mr. Secretary, thank you for being here. And I can
1882 tell by the comments that you have got a lot on your plate.
1883 And I just want to go on record to say, for those of us in
1884 Idaho, we appreciate you.

1885 We also want to take some of that stuff off of your
1886 plate. We would be happy to take care of a little bit more
1887 of the things in our own backyard. But --

1888 *Secretary Bernhardt. Well, our plan is to keep our
1889 public land and manage it, so --

1890 *Mr. Fulcher. Good, all right. Well, we would like to
1891 help you with that.

1892 And to that end, you had some personal involvement with
1893 the sage-grouse plan in our State, with stakeholders there,
1894 with the State, and officials there, and collaborated nicely
1895 to work out a plan where we could deal with local threats. I
1896 want to thank you for that.

1897 I am disappointed that it is being litigated now. And
1898 that actually leads to the question that I had. This was
1899 originally for budget discussions. Do you have any insight,
1900 do you have any idea, in terms of cost and/or time, that
1901 litigation adds to your typical budget?

1902 *Secretary Bernhardt. Well, litigation is a constant at
1903 Interior. And so it is a part of our world, and people are
1904 entitled to litigate.

1905 The -- you know, it is a significant amount of time to

1906 deal with litigation, but it is part of our -- it is part of
1907 what we are responsible for, and we take it as it comes.

1908 *Mr. Fulcher. Stakeholders in my State tell me that
1909 that is one of the number-one obstacles to making progress in
1910 how --

1911 *Secretary Bernhardt. So --

1912 *Mr. Fulcher. -- how lands are managed, and just a
1913 positive improvement there.

1914 *Secretary Bernhardt. You know, it is -- I think the
1915 real issue at times is that it just adds uncertainty after a
1916 policy decision is made. And that uncertainty then, you
1917 know, affects planning.

1918 And I will say that, for sage-grouse, I think what has
1919 happened over the last 10 years has been really pretty
1920 amazing. When you look at -- all of these States have gotten
1921 together, they have come up with their own plans. The
1922 Federal Government is largely in alignment with their plans.
1923 And it doesn't matter whether it is Kate Brown in Oregon or
1924 your governor or others, the governors are all on board.

1925 And then you have a group that doesn't like it, and they
1926 sue. And they are entitled to do that. But the particular
1927 group here in this case, they sued on the prior plan, which
1928 was done in the Obama Administration, and they just amended
1929 their complaint to the new one. And so -- you know, and they
1930 will have their day in court.

1931 But what it does do is maybe not give people a feeling
1932 of momentum to get on with the important work. And we have
1933 collectively, as a society, invested a great deal in the
1934 sage-grouse. Ag Department, we spend about 73 million a year
1935 within the Department of the Interior. And this has gone on
1936 for decades, and I think it has done some really good things
1937 for the sage-grouse. And it is an amazing commitment by the
1938 State governors on trying to be responsible for a particular
1939 species.

1940 So they have done a lot of work and then, you know, the
1941 bottle gets shook up. But that is just the nature of our
1942 world today.

1943 *Mr. Fulcher. Just to that end, I want to make a pitch
1944 for a piece of legislation that Mr. Westerman has had in the
1945 past, I am a sponsor of, as well, the Resilient Forests. It
1946 has a pilot provision in there for an arbitration process.
1947 And if someone does have a problem, then, okay, bring a
1948 solution to the table. And that is -- we just -- it is a
1949 fair request, I think. So I am making a pitch for that.

1950 *Secretary Bernhardt. That is an interesting idea. I
1951 will look at the bill.

1952 *Mr. Fulcher. Making a pitch for that.

1953 So just to close things up, from my standpoint, thank
1954 you for a new director, John Roose, we are excited about
1955 that. And I appreciate anything else you can do to offer a

1956 little bit more flexibility within our State, and more
1957 collaborative efforts like that. That is much appreciated.

1958 I understand you are an outdoorsman, and we would love
1959 to invite you to our State and show you some of the best
1960 hunting and fishing in the world.

1961 *Secretary Bernhardt. Well, I would like to take you up
1962 on that.

1963 *Mr. Fulcher. All right. Well, with that, I yield back
1964 my time.

1965 *The Chairman. Ms. Haaland?

1966 *Ms. Haaland. Thank you, Chairman. And thank you, Mr.
1967 Secretary, for spending time with us this morning.

1968 During the five months I have been in office I have met
1969 with over 300 Indian Tribes and tribal organizations, and 90
1970 percent of the time the issue they raise the most is the lack
1971 of tribal consultation of the Department of the Interior's --
1972 tribal consultation prior to the Department of the Interior's
1973 reorganization, which caught many Tribes by surprise. In the
1974 time since you have been sworn in, I have continued to hear
1975 about the lack of information provided to Tribes on the
1976 reorganization's opt out option.

1977 Secretary Bernhardt, you led the federal agency with --
1978 you lead the federal agency with the most responsibility to
1979 Indian country. What happened during the reorganization was
1980 a clear breach of the Interior's policy to consult with

1981 Tribes.

1982 I am a member of the Pueblo of Laguna, and I have worked
1983 with Tribes my entire career. And I am going to read you a
1984 definition of tribal consultation, and that is "to ensure
1985 Tribes have a strong voice in shaping federal policies that
1986 directly impact their ability to govern themselves."

1987 Do you agree with this definition?

1988 *Secretary Bernhardt. I agree that that is potentially
1989 a definition.

1990 *Ms. Haaland. Well, I hope you agree with it, because
1991 that is your Department's definition.

1992 So we are both -- so it seems like -- that we are both
1993 in agreement that if the Interior makes a unilateral decision
1994 on a policy that impacts Tribes in this country, then there
1995 has not been adequate tribal consultation.

1996 *Secretary Bernhardt. Well, I think in reorganization
1997 in particular, Tribes had an incredibly strong voice. They
1998 had such a strong voice that we decided that we would not
1999 include either the Bureau of Indian Affairs or the Bureau of
2000 Indian Education in the reorganization. So that was exactly
2001 what they asked for.

2002 *Ms. Haaland. That is interesting.

2003 *Secretary Bernhardt. And that is exactly what they --

2004 *Ms. Haaland. That is very interesting. So perhaps the
2005 other 467 Tribes that I haven't actually spoken to are the

2006 ones who agreed. Because the 300 that I have talked to
2007 absolutely did not.

2008 This reorganization redraws the boundaries of
2009 departmental regions across the country. So I think it is
2010 reasonable to conclude that it impacts their governance, and
2011 it doesn't sound like they have a strong voice to shape this
2012 policy, at least not from my vantage point.

2013 I can confidently tell you that no tribal leader that I
2014 have talked to understands what the agency is doing. So
2015 perhaps it is a matter of communication that needs to be
2016 addressed.

2017 Due to this lack of clarity surrounding the details of
2018 the reorganization, and because you lead the federal agency
2019 with the most responsibility to Indian country, I would like
2020 to meet with you and your staff to discuss this issue to find
2021 some clarity for Tribes. And I hope that you will --

2022 *Secretary Bernhardt. That would be great.

2023 *Ms. Haaland. Thank you very much. Thank you.

2024 In your role as Secretary you were charged to uphold the
2025 Department's trust responsibility to foster a government-to-
2026 government relationship with Tribes for this Administration.
2027 As lead of the federal agency with the most responsibility to
2028 Indian country, what is your responsibility to carry out this
2029 duty when the head of the executive branch of government says
2030 -- and I quote -- and it seems like a day for tweets, so this

2031 is a tweet sent out by the President: "If Elizabeth Warren,
2032 often referred to by me as Pocahontas, did this commercial
2033 from Bighorn or Wounded Knee, instead of her kitchen with her
2034 husband, dressed in full Indian garb, it would have been a
2035 smash''?

2036 And so I just -- essentially, I am curious as to what
2037 your duty is when the head of your Department seeks to not
2038 only alienate Tribes, but essentially discount our history,
2039 make mockery of mass graves in our country. Because we know
2040 that Indian -- this country is founded on genocide of
2041 Indians.

2042 So what is your duty with respect to all of that?

2043 *Secretary Bernhardt. I have a great regard for the
2044 culture and history of Native Americans and Alaskans
2045 throughout our country. I applaud their service in our
2046 services. And I have spent many years working on issues with
2047 Indian country in various capacities. And even during my
2048 Senate confirmation people -- Tribes submitted letters of
2049 support. I will carry out my duties faithfully.

2050 *Ms. Haaland. Thank you. It looks as though I am out
2051 of time and I yield back, Chairman.

2052 *The Chairman. Mr. Gosar?

2053 *Dr. Gosar. Yes, thank you, Mr. Chairman. And first of
2054 all I would like to commend Mr. Secretary for doing a
2055 wonderful job.

2056 During your tenure at DOI you have worked diligently to
2057 increase hunting and fishing access to ensure clean water for
2058 future generations, and to empower local decision-makers.
2059 That is a remarkable accomplishment so far.

2060 Now, I have often told people I wish other agencies were
2061 running as smoothly as yours. Now, just imagine what we
2062 could have gotten done if the -- my colleagues on the other
2063 side would have cooperated, instead of degrading?

2064 I would also like to apologize for what you are being
2065 put under, instead of looking at the budget. So -- with
2066 that.

2067 Now, once again, the Democrats on the Committee, as well
2068 as my other Committee, aren't being transparent about their
2069 real agenda today. Once again, the Democrats on the
2070 Committee failed to produce a public hearing notice memo, in
2071 violation of their own Committee rules, so the media and the
2072 American people know what is supposed to be on -- and -- to
2073 be -- occur today.

2074 Once again, Democrats want to talk about anything other
2075 than the point of the hearing, which is supposed to be about
2076 the excellent budget that you have proposed. I have always
2077 said -- and I have been very consistent about this, whether
2078 it has been this Administration or -- my side of the aisle,
2079 their side of the aisle, good process builds good policy,
2080 builds good politics. It is that simple.

2081 This hearing should really be called the "See How We Can
2082 Tear Down a Good Man.'" So with that, I start my questions.

2083 Myself and numerous members of the Committee support the
2084 Administration's proposed reorganization in moving some
2085 operations out West. I have an appropriations submission
2086 letter here, signed by 16 members, my colleagues, that
2087 supports the DOI's reorganization.

2088 Mr. Chairman, I ask permission for this to be submitted
2089 to the record.

2090 *The Chairman. With no objection.

2091 [The letter submitted for the record by Dr. Gosar
2092 follows:]

2093

2094 *****COMMITTEE INSERT*****

2095

2096 *Dr. Gosar. The only thing I would actually say is
2097 that, with the reorganization of Arizona with California,
2098 let's make the center Arizona. Make California come to
2099 Arizona. That would be a nice -- maybe even Prescott.

2100 Mr. Secretary, government closest to the people works
2101 best. So can you quickly elaborate and why the Department's
2102 organization is so important?

2103 *Secretary Bernhardt. So I think the restructuring of
2104 the regional boundaries was a very significant thing because
2105 it will facilitate the Department's senior executive service
2106 level regional managers, collaborating and working together
2107 in a much more coordinated fashion.

2108 I think the fact that we had 49 different regional
2109 parameters for folks made things -- made the senior
2110 executives working together a little less jointed. And I am
2111 very -- I really fundamentally believe that, with -- we have
2112 great senior managers. And with them working together with
2113 kind of a collective understanding of priorities, we will
2114 really minimize cross-jurisdictional conflict. And, you
2115 know, the folks that deal with Interior, when they come in,
2116 they -- the last thing they need is one agency wanting to go
2117 one way and one agency wanting to go the other, and no one
2118 really understanding where things are going to go. And so I
2119 think the reorganization will really help with that, from a
2120 boundary adjustment.

2121 I do believe, fundamentally, that moving some more of
2122 our folks West has a very big benefit.

2123 First off, I think it is great for them, for the -- how
2124 far a dollar goes in the West, versus how far a dollar goes
2125 here.

2126 Second, I think it will save us substantial time and
2127 money, in terms of travel costs. It will also save us
2128 substantial time and money in terms of real estate costs.

2129 And, more importantly, in my opinion, having them near
2130 the lands that they manage has a meaningful benefit. If you
2131 are able to see what is going on, and have a sense of it, I
2132 think that that, overall -- that is a good perspective.

2133 And this isn't a new thought. In 1936, in the hearing
2134 where the Secretary was begging for the creation of a deputy
2135 secretary, the Committee said, "Well, we will think about
2136 giving you an undersecretary," which is what they called the
2137 deputy at that time, "but we want to know whether you guys
2138 are going to spend over half of your time in the West."

2139 And so there needs to be a core component here in D.C.,
2140 but there is no reason why folks can't be moved West.

2141 So I am excited about both of those things occurring. I
2142 am excited about us implementing the regional boundaries that
2143 have been delineated in a way that creates kind of a one
2144 decision at Interior. And I am interested in the transfer of
2145 authority to the West.

2146 *Dr. Gosar. I thank the gentleman. And for a letter in
2147 support of the -- that forestry package, I ask for
2148 submission.

2149 *The Chairman. Without objection, so ordered.

2150 [The letter submitted for the record by Dr. Gosar
2151 follows:]

2152

2153 *****COMMITTEE INSERT*****

2154

2155 *Dr. Gosar. By the way, a real quick question. More
2156 holdings are in the East or in the West for the Department?

2157 *Secretary Bernhardt. Oh, far, far more in the West.

2158 *Dr. Gosar. It makes more sense. Thank you.

2159 *The Chairman. Thank you.

2160 Mrs. Napolitano?

2161 *Mrs. Napolitano. Thank you, Mr. Chair. Mr. --

2162 Secretary, thank you for meeting with me a couple weeks ago,
2163 where we discussed several of the issues. And of -- most
2164 important to me was the proposed budget, the overall
2165 WaterSMART project cut by 30 percentile, 16 by 95 percent
2166 (sic).

2167 As you are well aware, the West is facing a lot of
2168 drought, still not over in California. But while these cuts
2169 impact farms and cities in vulnerable communities, there is
2170 464 million authorized projects and 513 backlog for when
2171 eligible recycling projects (sic). How can the
2172 Administration justify?

2173 I am asking for 500 million to be able to help the West
2174 prepare for drought.

2175 Then the title 16 program limits federal funding of a
2176 project to 20 percent. The program is then aligned with the
2177 2018 Trump infrastructure plan, as it incentivizes
2178 overwhelming State and local participation. But why is the
2179 Administration infrastructure plan advocating for expanding

2180 federal incentive program, while drastically cutting
2181 incentive programs of title 16?

2182 *Secretary Bernhardt. I don't have a -- I couldn't hear
2183 the question, and I apologize for that.

2184 *Mrs. Napolitano. Well, why is the Administration
2185 cutting 95 percent of my budget on title 16, when we know we
2186 have a problem?

2187 *Secretary Bernhardt. So we have to make tough choices
2188 with the budget. And we certainly --

2189 *Mrs. Napolitano. But this is --

2190 *Secretary Bernhardt. -- recognize there is a value to
2191 title 16 funding.

2192 I think there are -- the Reclamation was primarily
2193 focused on its operational side of the house, and so they did
2194 make some tough choices.

2195 *Mrs. Napolitano. Well, it is surprising that they
2196 don't understand this is also economic choices. And I would
2197 like to be sure that we voice a very strong opposition to the
2198 budget cuts.

2199 I yield the further of my time to --

2200 *Secretary Bernhardt. I think they are doing energy and
2201 water today, so --

2202 *Mr. Huffman. I thank the gentlelady for yielding.

2203 Mr. Secretary, have you directed the re-initiation of
2204 consultation for CVP operations to include old and middle

2205 river storm flexibility provisions, like those in the WIN
2206 Act?

2207 *Secretary Bernhardt. I am not sure that is part of the
2208 long-term operations or not. I honestly --

2209 *Mr. Huffman. Have you given any direction --

2210 *Secretary Bernhardt. I would have to go back and look.

2211 *Mr. Huffman. All right.

2212 *Secretary Bernhardt. Honestly, I am happy to answer
2213 it, I just don't --

2214 *Mr. Huffman. Well, please do provide us with whatever
2215 you have on any direction you have given in that regard. And
2216 I am hearing you commit to do that, is that correct?

2217 *Secretary Bernhardt. I certainly will get back to you
2218 with an answer --

2219 *Mr. Huffman. Thank you, thank you. Mr. Secretary,
2220 there was some unusual accounting that the IG criticized,
2221 where the Federal Government picked up the tab for studies
2222 that benefitted the Westlands Water District, cost federal
2223 taxpayers improperly, and the GAO is now investigating this
2224 accounting scheme. I am sure you are familiar with it.

2225 Chairman Grijalva and I wrote with -- wrote to you a
2226 couple of months ago, because we were told you were not
2227 providing information that GAO requested. Can you commit to
2228 directing Interior staff to cooperate with the GAO on this
2229 matter that would appear to redound to the benefit of your

2230 former client?

2231 *Secretary Bernhardt. Well --

2232 *Mr. Huffman. That is a yes or no. Will you commit
2233 to --

2234 *Secretary Bernhardt. Actually, Congressman, it is not
2235 a yes or no. I will check with ethics, and I will decide if
2236 I can make that direction, give that direction or not.

2237 *Mr. Huffman. All right, very good.

2238 *Secretary Bernhardt. I honestly don't know that --

2239 *Mr. Huffman. Mr. Secretary, I wish I had more time to
2240 go into your calendars. We know your public calendars are
2241 either missing information about meetings, or they refer
2242 generically to internal meetings or briefings where, when we
2243 piece the details together from emails we receive, we see
2244 they actually involved parties and subjects that directly
2245 implicate former clients of yours, some --

2246 *Secretary Bernhardt. I don't think that is accurate at
2247 all.

2248 *Mr. Huffman. It is absolutely accurate. But here is
2249 the point. I want to give you a chance in the remaining time
2250 we have to assure the American people that you are not just
2251 doing the bidding of your former clients.

2252 So give us some examples where one of your former
2253 clients from the oil and gas industry, or Westlands, or
2254 another former client has asked for something specific and

2255 you have had to say no, because it just wasn't in the public
2256 interest. This is your chance to show the public that you
2257 are not just doing the bidding of your public -- of your
2258 former clients. You have the balance of my time.

2259 *Secretary Bernhardt. So let me be very, very clear.
2260 We -- I don't -- my clients don't -- my former clients aren't
2261 meeting with me. I haven't met with my former clients,
2262 except potentially in a very large group --

2263 *Mr. Huffman. Can you give us any examples where you
2264 have said no --

2265 *Secretary Bernhardt. We have said no significantly to
2266 requests from energy entities, we have said no to --

2267 *Mr. Huffman. Specific examples?

2268 *Secretary Bernhardt. -- requests for water
2269 allocations. We have said no to numerous, numerous --

2270 *Mr. Huffman. Water allocations are formula-driven. I
2271 would like to know a specific policy request of a former
2272 client where you said no because it wasn't in the public
2273 interest. And I am not hearing any examples.

2274 *Secretary Bernhardt. That is completely inflammatory
2275 and wrong.

2276 *Mr. Huffman. It is a pretty important subject.

2277 *Secretary Bernhardt. There is a -- significant
2278 requests were made in the well control rule. There are
2279 numerous places where we didn't agree with the industry's

2280 recommendation.

2281 *Mr. Huffman. Thank you, Mr. Chairman.

2282 [Pause.]

2283 *Mr. Huffman. [Presiding] In the absence of the Chairman
2284 I am told that I should recognize Mr. Gohmert for the next
2285 round of questioning. So --

2286 *Mr. Gohmert. Well, thank you, Mr. Acting Chairman.

2287 [Laughter.]

2288 *Mr. Gohmert. Secretary, you reacted with respect to
2289 the characterization of your calendar. Is there something
2290 else you would like to say about your calendar?

2291 *Secretary Bernhardt. Yes. The reality is, if you go
2292 on to our DOI website, you can see every single pocket card I
2293 have ever had, you can see my calendar, you can see my
2294 private calendar. It is all available.

2295 And on top of that, since I have been -- at least for
2296 the last several months I have published every single meeting
2297 I have had with an external third party. So those are
2298 published on a regular basis, separately. So you can see my
2299 calendar, you can see my pocket cards, you can request my
2300 briefing book, you can request my -- the meeting requests
2301 that people send.

2302 There is -- you have 26,000 pages of material related to
2303 my calendar in this Committee.

2304 *Mr. Gohmert. Thank you. And I know you didn't start

2305 out two years ago in the position you are currently acting,
2306 but experiences I have had here in Washington, different
2307 groups that got permits for the mall and other areas, let me
2308 just tell you. If it is a Christian group, they have met
2309 with a great deal of hostility, last-minute changes, charges
2310 anywhere from 10,000 to \$50,000 at the last moment.

2311 And on one occasion it was a huge crowd, probably
2312 200,000 or so, the last minute -- well, they made them put
2313 fencing around that area of the mall. They, at the last
2314 minute, restricted them to one entrance, which meant people
2315 were going to stand in a line in the summer for hours. So
2316 the Park Service officials -- and I spent a great deal of
2317 time talking to them, and in the command module -- the people
2318 I was dealing with had not made the decisions, but it was
2319 clear that -- to me, that there was a great deal of
2320 harassment in setting up events for -- actions by the
2321 officials of the National Park Service which caused
2322 frustration that didn't need to be, forced them to line up in
2323 areas where there were no -- was no shade.

2324 So anyway, I just alert you to that, and ask you to keep
2325 a watch on it. I know you have already had discussions about
2326 -- and we do appreciate that you didn't spend government
2327 money to shut down open-air, private -- or public sidewalks,
2328 like World War II. I was brokenhearted for the people at
2329 Martin Luther King Memorial. I mean that is a really moving

2330 memorial, the way his statue is there, coming out of the
2331 rock. And yet people were around the barricades wondering --
2332 this is our trip, and the Park Service decided to make it
2333 difficult.

2334 On one good note, though, after I cut the tape and moved
2335 the barricade at the World War II Memorial -- got the help of
2336 Steve Palazzo -- and we got the veterans in there -- because
2337 they weren't supposed to spend money to close a facility that
2338 didn't cost anything to keep open -- three of us decided to
2339 go check the Iwo Jima Memorial. That is under the Park
2340 Service, isn't it?

2341 *Secretary Bernhardt. Yes.

2342 *Mr. Gohmert. And when we got up there, sure enough
2343 there had been a barricade put up there, but there was, like,
2344 three buses up at the memorial. One of them had a bus of
2345 mainly people that fought at Iwo Jima. And when I went up
2346 there and I said, "I was impressed, you guys just ran over
2347 the barricade," and these elderly gentlemen said, "We told
2348 the bus driver we didn't let the enemy keep us from the top
2349 of Suribachi, and we wasn't going to let some little wooden
2350 stick keep us from getting up here to our memorial."

2351 So there are people out there that appreciate that you
2352 keep those things accessible.

2353 But one of my big concerns -- we have -- there are
2354 stories here, 4,000 percent up for illegal immigration

2355 arrests on federal property. And I know Brian Terry was
2356 killed on Organ Pipe Park. Are you able to do anything? I
2357 know your budget is limited, but at least you have a budget,
2358 unlike Congress. So what are you able to do with what you
2359 got?

2360 *Secretary Bernhardt. So this week is Police Week, and
2361 one of the things that we do during Police Week is we have a
2362 memorial service for fallen officers of the Department of the
2363 Interior. And yesterday one of the parents that I met with
2364 -- son was killed on -- down on the boundary. He was a park
2365 ranger. He was killed in 2002. And their request to me was
2366 to make sure that we do not for a minute let up on our
2367 investment in training, survival training, and preparing the
2368 folks that we put down there.

2369 And I think that that is -- we certainly will not let
2370 up, but that is a real thing, that when we put people down
2371 there, we have got to make sure they are well trained.

2372 *Mr. Gohmert. Thank you, Secretary. And it was Chris
2373 Eagle, was --

2374 *Secretary Bernhardt. Yes, that was Chris Eagle. That
2375 is right.

2376 *Mr. Gohmert. Okay, thank you, Mr. --

2377 *Mr. Huffman. I thank the gentleman. And the Chair now
2378 recognizes Mr. Brown for five minutes.

2379 *Mr. Brown. Thank you, Mr. Chairman. And Mr.

2380 Secretary, thank you for being here today, and your
2381 testimony.

2382 The National Park Service owns and maintains a number of
2383 parkways that are part of the National Register of Historic
2384 Places, four of them in the National Capital Region. You are
2385 probably familiar with Rock Creek and Potomac Parkway, George
2386 Washington Memorial Parkway. There are two in my district.
2387 One is Suitland Parkway and the other is the Baltimore-
2388 Washington Parkway. Many of them -- and certainly the B-W
2389 Parkway -- serves as a very important regional artery,
2390 120,000 commuters a day -- many from my district, others from
2391 around the region -- rely on it to commute back and forth to
2392 work, school, et cetera.

2393 Unfortunately, years of the Department's neglect has
2394 made the B-W Parkway one of the most dangerous and congested
2395 parkways in the region. In fact, according to the Volpe
2396 Center at the U.S. Department of Transportation, no capacity
2397 improvements have been made to the B-W Parkway since its
2398 construction in 1954.

2399 At the beginning of March of this year, in lieu of a
2400 meaningful maintenance work and rehabilitation, the National
2401 Park Service simply lowered the speed limit by 15 miles per
2402 hour, which doesn't address the maintenance issues, but
2403 certainly raises the aggravation level for commuters. And
2404 only after sustained pressure from the Maryland congressional

2405 delegation did some patchwork maintenance get done, about 60
2406 tons of asphalt.

2407 So my question, Mr. Secretary, does the Park Service
2408 have sufficient funds to maintain the B-W Parkway and the
2409 other parkways on this National Register of Historic Places?

2410 *Secretary Bernhardt. Well, I think if you look at our
2411 maintenance backlog budget, almost half of it is road
2412 maintenance. And you know, we have challenges on B-W
2413 Parkway, and we have challenges on Suitland.

2414 I mean, to be very honest, those areas have been -- you
2415 know, that maintenance has been deferred a very long time,
2416 and it creates --

2417 *Mr. Brown. Do you know whether it is in the
2418 President's budget to increase funding for those parkways?

2419 *Secretary Bernhardt. Well, I think we are trying to
2420 work on that through the infrastructure -- we have an
2421 infrastructure improvement plan as part of our budget to deal
2422 with that. So that was the way we tried to deal with that.

2423 *Mr. Brown. And let me just suggest this. I don't
2424 think it is a question of ownership. I know there has been
2425 conversations with the Governor of Maryland whether to convey
2426 that to the State of Maryland. I don't think it is a
2427 question of ownership. I think it is a question of whoever
2428 does own it should fulfill the responsibility to maintain it,
2429 particularly in a safe condition.

2430 And I would suggest that if ownership transfer is
2431 contemplated, then certainly address issues like, you know,
2432 the impact on the environment, whether tolling that road
2433 makes sense for commuters on that roadway. And I would hope
2434 that the National Park Service retain that property.

2435 *Secretary Bernhardt. I would think that it would
2436 largely have to come back to your Committee here.

2437 *Mr. Brown. Yes.

2438 *Secretary Bernhardt. So you would get to weigh in on
2439 all those things.

2440 *Mr. Brown. Well, let me ask you, though, what is your
2441 -- what are your thoughts, though, about transferring these
2442 difficult and expensive parkways?

2443 *Secretary Bernhardt. You know, we generally take the
2444 position, as in restoration, that we are not terribly
2445 interested in transferring public lands out of the public
2446 estate. Those -- so that would be a big discussion for us.

2447 *Mr. Brown. And as you probably also know, Oxon Cove,
2448 400-plus-acre land in the shadows of the national -- the
2449 Nation's Capital in Maryland, in my district, your
2450 predecessor had signed an MOU with Governor Hogan to transfer
2451 that.

2452 *Secretary Bernhardt. So I think they are looking at
2453 exploring -- I think it is more of, like, a letter of intent,
2454 looking at exploring different ideas.

2455 *Mr. Brown. And now that you are the Secretary, and
2456 given what you just said, would that be your intent, to --

2457 *Secretary Bernhardt. I would have to look at it and
2458 make a decision. I would have to get back to you on that.

2459 *Mr. Brown. Has your office had recently -- since your
2460 predecessor left, has your office had conversations with
2461 Governor Hogan's team?

2462 *Secretary Bernhardt. Not to my knowledge, but --

2463 *Mr. Brown. Okay. And again, there I would suggest
2464 there is very few acres -- I have -- I envy my colleagues in
2465 this Committee that talks about -- that talk about tens of
2466 thousands of acres of undeveloped land that is used for the
2467 public use and enjoyment. We don't have a whole lot in
2468 Maryland, but we do have about 400, 500 at Oxon Cove. It is
2469 the home to bald eagles, there is a lot of environmentally
2470 sensitive areas.

2471 So I would hope that your comment here today, that you
2472 are not a fan -- and I am paraphrasing -- of transferring
2473 public lands for private-sector development -- I just added
2474 that piece -- I hope that holds true for Oxon Cove, as well.

2475 I yield back, Mr. Chairman.

2476 *The Chairman. [Presiding] Thank you very much.

2477 [Pause.]

2478 *The Chairman. A stop-certain time of 1:30, if I am not
2479 mistaken, Mr. Secretary?

2480 *Secretary Bernhardt. Whatever we agreed to.

2481 *The Chairman. Okay. And votes are going to be called
2482 at 1:15. So my urgentness for -- to get to the questions,
2483 and we will go from there and try to make sure that everybody
2484 that is present has an opportunity to ask.

2485 Mr. San Nicolas?

2486 *Mr. San Nicolas. Thank you, Mr. Chairman.

2487 Good afternoon, Mr. Secretary. Thank you so much for
2488 being here with us. And thank you also for making time to
2489 visit me in my office and have a dialogue about some of the
2490 concerns we are facing on Guam. I thought it was very
2491 constructive, and I think that we shared some good ideas.
2492 And I wanted to speak specifically about a budgetary concern
2493 that I think is something that relates to the conversation
2494 that we had when you met with me in my office, and this is in
2495 respect to the compacts of free association, and more
2496 specifically the compact-impact funding that is provided as a
2497 result of the compact of free association.

2498 Recently the Department of the Interior published the
2499 recent counts of compact migrants, and I am going to
2500 reference those numbers with respect to Guam's count and with
2501 respect to Hawaii's counts. And I am going to reference the
2502 amount provided relative to those counts, and have a
2503 discussion about how those figures correlate. But more
2504 specifically, how there are certain elements that I think are

2505 not being properly accounted for.

2506 On Guam the most recent count of compact migrants was
2507 about 18,874, based on the report. The funding levels that
2508 were provided as a result of the compact impact was
2509 \$16,835,958, for an average per-migrant amount of \$892 per
2510 migrant.

2511 For Hawaii the compact migrant count was 16,680. The
2512 dollar figure provided was \$14,880,034, and that was also for
2513 an average migrant amount of \$892.

2514 And so Guam and Hawaii are both receiving the same
2515 amount of compact impact in order to assist the local
2516 governments in handling the costs associated with hosting
2517 compact migrants as a result of the treaty -- the Compact of
2518 Free Association.

2519 However, there is one very distinct difference between
2520 Hawaii and Guam with respect to compact migrant costs, and
2521 that is the earned income tax credit. The earned income tax
2522 credit in Hawaii is actually funded by the U.S. treasury.
2523 And so any compact migrant who qualifies for the earned
2524 income tax credit in their income tax filing, that is
2525 actually money that comes into Hawaii from the U.S. treasury.

2526 On Guam, Guam has been absorbing their earned income tax
2527 credit liability since 2008. And so any migrant worker as a
2528 result of the treaty that is receiving the earned income tax
2529 credit is actually drawing those funds down from the Guam

2530 coffers.

2531 And so, the \$892 that is provided per migrant for Guam
2532 and for Hawaii, I am assuming, is formulaically based, as
2533 determined by the Department. But if that formula is also
2534 factoring in the economic contribution of the migrant worker,
2535 then the earned income tax credit liability of those migrant
2536 workers also needs to be factored in. And I don't think that
2537 that is something that this government has really paid
2538 attention to.

2539 When I brought this issue to the attention of your
2540 colleague, Mr. Mnuchin during some questions I was asking him
2541 in my role in the Financial Services Committee, he was also
2542 taken by surprise with respect to that.

2543 And so the question that I have for you, Mr. Secretary,
2544 is are you aware of whether or not the earned income tax
2545 credit liabilities are being factored into the formula for
2546 the determination of compact impact?

2547 *Secretary Bernhardt. So you raised this issue with me
2548 last week, or the week before. And I don't have a good
2549 answer for you. But I am more than willing to either figure
2550 out if it should appropriately be factored in, or if we need
2551 to work with Treasury on it.

2552 So I don't want to get into a question about the
2553 allocation of funds between two representatives, but it seems
2554 like an anomaly that maybe has just not been thought of.

2555 *Mr. San Nicolas. Right.

2556 *Secretary Bernhardt. But we will look into it and get
2557 to the bottom of that.

2558 *Mr. San Nicolas. Thank you, Mr. Secretary. Formula
2559 notwithstanding, I think that my colleague from Hawaii will
2560 also agree with me that those formulas need to be
2561 reconsidered. Even just the cost of educating an individual,
2562 at least in my district, is \$6,500 per pupil, and the \$892
2563 per migrant is just very grossly insufficient.

2564 As a matter of fact, based on a per capita basis, 18,874
2565 migrants represents over 10 percent of the population of
2566 Guam, and yet the compact impact that is provided is less
2567 than 2 percent. And so there is a gross disparity with
2568 respect to that, and I think those formulas need to be
2569 revisited.

2570 But formulas notwithstanding, I would like to
2571 specifically request for your assistance in setting up
2572 meetings with Secretary Mnuchin, so that we can get to the
2573 bottom of this EITC question, because it is a serious
2574 liability for the people of Guam, and we really need to
2575 resolve that.

2576 *Secretary Bernhardt. Well, I will promise that we will
2577 work with you and work with Treasury. And I can't promise
2578 that we will get the Secretary of the Treasury, but we will
2579 get somebody.

2580 *Mr. San Nicolas. All right.

2581 *Secretary Bernhardt. That is a commitment I will make
2582 you.

2583 *Mr. San Nicolas. Thank you, Mr. Secretary.
2584 I yield back.

2585 *The Chairman. Mr. Graves.

2586 *Mr. Graves. Thank you, Mr. Chairman, for acknowledging
2587 my existence.

2588 Mr. Bernhardt, you may -- thank you for being here, and
2589 I appreciate your testimony. I apologize, I was in another
2590 hearing and I missed some of the opening here. But you may
2591 be surprised I am actually going to heap on to what Mr.
2592 Huffman has largely been doing for this whole hearing. I am
2593 also very frustrated by the lack of responsiveness from the
2594 Department of the Interior.

2595 I have contacted the Secretary. I asked directly for
2596 our office to be provided the analysis from the Government
2597 Performance Results Modernization Act in regard to offshore
2598 energy revenue sharing so we can restore our coasts and our
2599 wetlands in Louisiana. Because in the budget justification
2600 documents it explicitly said that that was why those funds
2601 were cut or rescinded. I asked for that, got nothing back.
2602 I asked for a phone call, I got nothing back. I asked for a
2603 meeting with the Director of BSEE. The entire Louisiana
2604 delegation asked for a meeting with the Director of BSEE, and

2605 we got nothing back. Nothing. And it is really frustrating,
2606 because it is very difficult for us to do our job when that
2607 happens.

2608 Oh, but wait, let me make note that all happened during
2609 the Obama Administration. During the Obama Administration.
2610 Those requests were made nearly four years ago, or four years
2611 ago for the Government Performance Results Modernization Act.
2612 We still got nothing back.

2613 Mr. Secretary and everybody here, we -- everybody knows
2614 what this is. This is the silliness that goes on with the
2615 parties, where people make unreasonable requests and then
2616 they bang desks and gavels and other things to -- when they
2617 don't get answers back.

2618 Except for in our case, I actually think we asked for
2619 pretty reasonable stuff. They specifically cited in budget
2620 justification documents why they were cutting a program that
2621 they had rated -- they supposedly had rated it -- rated, r-a-
2622 t-e-d -- rated it, and it -- and found that it had poor
2623 outcomes. The only problem is that the program hadn't
2624 actually started yet, so I am not real sure what they were
2625 rating. And I think that is why we never got anything back.

2626 In regard to Director Salerno, we asked for a meeting to
2627 talk about the well control rule. He refused to have a
2628 meeting, he refused to meet with the entire delegation. It
2629 was ridiculous, the lack of accessibility.

2630 Let me ask you a question about well control rule.
2631 Being from the State that represents more offshore energy
2632 production than any other State -- in fact, more than all of
2633 the other States combined -- and in my old job of helping to
2634 restore our coasts and sustain our wetlands, I care very much
2635 about that. Let me ask you a question.

2636 In regard to the revisions for a well control rule, is
2637 there a single change in there that is now out of compliance
2638 with the recommendations that were made by the various
2639 independent boards that informed the changes?

2640 *Secretary Bernhardt. Not a single one.

2641 *Mr. Graves. Thank you. Mr. Secretary, let me ask you
2642 another questions. Variances or alternative compliance is an
2643 issue that has come up here, meaning a company requesting
2644 alternative compliance with the regulations. Has this
2645 Administration or has the previous Administration granted
2646 more variances or alternative compliance? Are you aware of
2647 those numbers?

2648 *Secretary Bernhardt. So it is my understanding that
2649 the numbers would be -- that the prior Administration was
2650 actually higher.

2651 *Mr. Graves. I believe that is my understanding, as
2652 well. Thank you.

2653 In regard to the number of -- the seismic testing in the
2654 offshore, do you know if it is this Administration or the

2655 Obama Administration that granted more permits or approvals
2656 to do the 3D seismic?

2657 *Secretary Bernhardt. I suspect it is the prior
2658 Administration.

2659 *Mr. Graves. And I believe that, based on my
2660 evaluation, it was, as well.

2661 Mr. Secretary, I am not sure if you are aware, there was
2662 an inspector general report from the Department of the
2663 Interior that found that an Interior official had effectively
2664 awarded about \$325,000 to a wildlife program that a family
2665 member was the independent contractor on that program.
2666 Really, really looks awful, and that type of behavior cannot
2667 be tolerated.

2668 Are you aware of anyone on the other side of the aisle
2669 that has expressed concern to you about that?

2670 *Secretary Bernhardt. Not with that specific issue, no.

2671 *Mr. Graves. And that happened during your -- this
2672 Administration or the previous one?

2673 *Secretary Bernhardt. Both. We have things happening
2674 every day. We had a --

2675 *Mr. Graves. So this one specifically in the inspector
2676 general report was --

2677 *Secretary Bernhardt. The prior Administration.

2678 *Mr. Graves. -- was an Obama Administration official,
2679 yes.

2680 And so, Mr. Secretary, I am just making note of the
2681 silliness of what happens in this Committee sometimes.

2682 The last thing is, sitting behind you -- I am sure no
2683 one has noticed yet, but there is actually someone wearing a
2684 mask. Actually, a couple of you all. Hey, look at that.
2685 Welcome.

2686 You know, it is ironic, because they are saying fund
2687 LWCF, Land and Water Conservation Fund, when the reality is
2688 you are swamp creatures and Land and Water Conservation Fund
2689 can't be used for swamps. We have actually been working to
2690 restore our swamps in Louisiana, because that is where the
2691 money comes from. Every penny of it comes from the coast of
2692 Louisiana and the other producing States, but we are
2693 prohibited from using it for that purpose. So there is some
2694 irony in the friends back there behind you. But thank you
2695 all very much for being here.

2696 Mr. Secretary, thank you for your testimony.

2697 *The Chairman. Just for the record, I think --

2698 *Mr. Graves. They are not swamps?

2699 *The Chairman. I think the -- you guys are speaking
2700 about two entirely different swamps. And --

2701 [Laughter.]

2702 *The Chairman. And with -- Ms. Velazquez?

2703 *Ms. Velazquez. Thank you, Mr. Chairman.

2704 Secretary Bernhardt, I would like to discuss some recent

2705 decisions the Interior made regarding dangerous pesticides,
2706 including Chlorpyrifos. The Fish and Wildlife Service has
2707 been working on a risk assessment of Chlorpyrifos, along with
2708 other toxic pesticides and their adverse impacts on
2709 endangered species for several years.

2710 Before your appointment, this biological opinion was
2711 nearly completed, and would have been released for public
2712 comment in 2017. According to Interior Department documents,
2713 however, you personally convened a series of meetings that
2714 changed the opinion. The New York Times reported that, as a
2715 result of your intervention, the opinion will be delayed for
2716 two years, and will use a new standard that benefits the
2717 chemical industry.

2718 So I have three questions, sir. Were you aware of
2719 industry opposition to the release of the biological opinion
2720 when you made your decision?

2721 *Secretary Bernhardt. The industry views did not factor
2722 in at all to the decision I made. The decision I made is I
2723 read the document and I said who --

2724 *Ms. Velazquez. No, just tell me --

2725 *Secretary Bernhardt. Who started --

2726 *Ms. Velazquez. You answer my question. Did you or
2727 your staff discuss your decision with anyone in the White
2728 House?

2729 *Secretary Bernhardt. I don't recall doing that.

2730 *Ms. Velazquez. You don't recall.

2731 Will you release the draft biological opinions that the
2732 Committee has requested?

2733 *Secretary Bernhardt. We will work with the Committee
2734 to see what kind of reasonable accommodation we can find.

2735 *Ms. Velazquez. So you are open to release?

2736 *Secretary Bernhardt. Well, we -- deliberative
2737 documents, there is a long history between these Committees
2738 and deliberative documents.

2739 *Ms. Velazquez. So, sir, do you understand how cynical
2740 people are about decisions made under your leadership, given
2741 your previous lobbying work with -- for Dow, the maker of
2742 these pesticides, and who opposed the ban that Interior
2743 reversed?

2744 *Secretary Bernhardt. I never represented Dow in any
2745 way, shape, or form. That is --

2746 *Ms. Velazquez. You did not? So I guess the New York
2747 Times and other people are wrong.

2748 But also there is this cynicism because President Trump
2749 received a \$1 million contribution from the Dow Agriscience,
2750 a company that opposed this pesticide -- that is who -- that
2751 was against the ban.

2752 *Secretary Bernhardt. Well, I can assure you that I
2753 read the documents and no one else did.

2754 *Ms. Velazquez. So there is a lot of skepticism and

2755 cynicism regarding decisions that are made because of your
2756 lobbying work. And so I encourage you to release the
2757 documents so the Committee can fulfill our constitutional
2758 responsibility of determining whether or not it was a
2759 rational decision that was made without any type of
2760 motivation.

2761 Mr. Bernhardt, in August of 2018 the Trump
2762 Administration reversed a 2014 ban on the use of
2763 neonicotinoids on national wildlife refuges. This decision
2764 contradicts scientific research that has linked this class of
2765 pesticides to harmful effects on migratory birds, bees, and
2766 other pollinators. Over the duration of your tenure at the
2767 Interior, your agency has consistently made decision after
2768 decision that benefits your former clients, while showing
2769 little to no transparency.

2770 Is it realistic for the American people to believe the
2771 decisions you make in the dark with no oversight -- because
2772 you are not providing the information and the documents that
2773 we are requesting -- that benefits corporations you
2774 previously worked for is coincidental?

2775 *Secretary Bernhardt. I think we have provided 66,000
2776 pages.

2777 *Ms. Velazquez. Well, we saw the kind of documents that
2778 you provided. Some were duplicates, and other papers were --
2779 didn't have any type of information.

2780 I just would like to share with you that I introduced
2781 legislation to ban Chlorpyrifos, and it has -- is H.R. 230,
2782 it has 105 cosponsors, and more than 10 committee chairmen
2783 are supporting my legislation and -- over 130 organizations
2784 nationwide are in support of such legislation.

2785 And by the way, next week I will be introducing
2786 legislation to reinstate this ban on neonicotinoid pesticides
2787 on national wildlife refuges. And I am pleased that Chairman
2788 Grijalva and Subcommittee Chairman Huffman are cosponsors of
2789 my bill. And it is a bipartisan -- it will be a bipartisan
2790 bill, because Republican member Radewagen is in support of
2791 such legislation. We have seen actions in New York, Hawaii,
2792 and California State legislatures to reinstate the ban in
2793 those States. I guess that they have something -- they know
2794 something that you don't, in terms of how harmful it is.

2795 *The Chairman. Thank you.

2796 Mr. Van Drew?

2797 *Mr. Van Drew. Thank you, Mr. Chairman. And welcome to
2798 our hearing. Sorry we couldn't -- I know we kept trying to
2799 get together, and you had a meeting and then I had a meeting,
2800 and then we were -- you know, but I would still look forward
2801 to doing that, and having a --

2802 *Secretary Bernhardt. That would be great.

2803 *Mr. Van Drew. -- a good conversation with you. And I
2804 appreciate you being here today.

2805 And let me just say I represent southern New Jersey, and
2806 specifically the 2nd congressional district. It encompasses
2807 more than --

2808 *Secretary Bernhardt. Do you have Cape May?

2809 *Mr. Van Drew. Yes, I do.

2810 *Secretary Bernhardt. I love Cape May.

2811 *Mr. Van Drew. Cape May is a beautiful place. I spend
2812 a good amount of my time here trying to convince people to go
2813 there. People have a preconceived notion of New Jersey, and
2814 I don't think they have any idea what it really is about. It
2815 is a beautiful, beautiful area. And I am glad you have been
2816 there. It encompasses my district, because it is rural, and
2817 shore. Forty percent of the State, more than sixty percent,
2818 actually, of the coastline. And I am going to keep my
2819 questions focused on one topic, which is the Coastal Barrier
2820 Resource Act, also known as COBRA.

2821 And before I begin I just want to ask unanimous consent
2822 to enter a letter that I wrote to the Fish and Wildlife
2823 Service Acting Director into the record, if that is --

2824 *The Chairman. So ordered.

2825 [The letter submitted for the record by Mr. Van Drew
2826 follows:]

2827

2828 *****COMMITTEE INSERT*****

2829

2830 *Mr. Van Drew. Okay. Thank you, Chairman.

2831 I also want to note -- and maybe you could just check up
2832 on that -- that I haven't received a response yet, and that
2833 was about two months ago. So maybe it got lost. If you
2834 could, look. And it was purely based on a factual issue that
2835 we are really having in Stone Harbor, North Wildwood, in that
2836 area.

2837 *Secretary Bernhardt. We will find out.

2838 *Mr. Van Drew. Thank you very much.

2839 As you know, COBRA was enacted in the early 1980s to
2840 prohibit federal financial assistance for development on
2841 coastal barriers. The goals of COBRA are to minimize the
2842 loss of life and property, reduce wasteful expenditures, and
2843 protect our natural resources. And I think we all agree that
2844 these are worthy goals.

2845 In my district we have a flood and coastal storm damage
2846 reduction project that was authorized by the Water Resources
2847 Development Act of 1999, called Townsend's Inlet to Cape May
2848 Inlet Shore Protection Project, which includes beach
2849 nourishment and the boroughs Avalon and Stone Harbor in Cape
2850 May County. And the project was known as the Stone Harbor
2851 Project, has used sand from a Hereford Inlet borrow area
2852 south of Stone Harbor that falls inside coastal barrier
2853 resources system unit number New Jersey nine. And if you
2854 want any of this information again, we --

2855 *Secretary Bernhardt. I think I had better --

2856 *Mr. Van Drew. We will certainly -- I know, it is very
2857 technical.

2858 On three separate occasions, because of an exception, it
2859 was granted from Fish and Wildlife, so we were able to borrow
2860 from that area, use that sand for beach replenishment.

2861 In 2016, however, the Service, under the previous
2862 Administration -- this, again, was the previous
2863 Administration, actually -- inexplicably reversed this
2864 exception and concluded that sand from Hereford Inlet could
2865 no longer be used for beach nourishment at Stone Harbor.

2866 The Service's objection to the use of the Hereford Inlet
2867 borrow site resulted in the sediment being taken from a more
2868 remote inlet called Townsend's Inlet, and transported at an
2869 additional price tag of \$6.5 million, which the
2870 municipalities had to bear.

2871 Sediment surveys have all shown that there is simply not
2872 enough sand from Townsend's Inlet to nourish both the Avalon
2873 and the Stone Harbor portions of the project. In a perverse
2874 way, COBRA has the potential to have the opposite effect of
2875 its goal in this case.

2876 Secretary, do you agree that Fish and Wildlife granted
2877 an exception for the Stone Harbor project to use the Hereford
2878 Inlet borrow area with unit New Jersey number nine for beach
2879 nourishment outside of the unit?

2880 The answer is yes. You know --

2881 *Secretary Bernhardt. I honestly don't know.

2882 *Mr. Van Drew. Okay. I know. This -- it is technical.
2883 But they have. And it is a very big, important issue down by
2884 us. COBRA prohibits all federal expenditures on units of the
2885 coastal barrier resource system, except for a few clearly
2886 defined exceptions, which are found in section 6 of the
2887 statute.

2888 I have a letter dated December 24th, 1996, from the Fish
2889 and Wildlife Service Regional Director, named Ronald
2890 Lambertson, to Lieutenant Colonel Robert Kaiser of the U.S.
2891 Army Corps, which states that it is the Service's conclusion
2892 that this proposed action does constitute an exception under
2893 section 6 of COBRA, provided that the following conditions
2894 are incorporated into the project design.

2895 During the planning phase of this project, the U.S. Army
2896 Corps coordinated with the Service and received additional
2897 approval. The project met those conditions. And without
2898 this project, Stone Harbor Point may not have existed today
2899 because it was experiencing severe erosion and habitat loss,
2900 due to the lack of littoral drift, which essentially recycles
2901 sand back to the unit.

2902 The Army Corps never placed sand directly on Stone
2903 Harbor Point. That habitat grew through natural processes of
2904 sand renourishing Stone Harbor's beach down south through the

2905 area.

2906 So I have another letter that I ask unanimous consent to
2907 put into the record. And that was that last record, Mr.
2908 Chairman.

2909 And I will ask you the previous question. Do you agree
2910 that Fish and Wildlife Service granted an exception? And
2911 when you do research you will find that they did.

2912 And so I guess the whole point of this is that they had
2913 granted research and -- I mean an exception in the past to do
2914 this. We are doing no environmental harm. In fact, it is
2915 environmental good. But we seem to be hitting a stone
2916 because Fish and Wildlife Service -- and we really need your
2917 help, and would like our office directly to interact with
2918 yours, because we are causing more harm by what we are doing
2919 now.

2920 *Secretary Bernhardt. So we will work with you on that.
2921 We will absolutely work with you on it.

2922 *Mr. Van Drew. Thank you very much.

2923 *The Chairman. Mr. Cunningham?

2924 *Mr. Cunningham. Thank you, Mr. Chairman. And thank
2925 you, Mr. Secretary, for being here today and for meeting with
2926 our office a few weeks ago. Thanks for putting some time
2927 aside.

2928 *Secretary Bernhardt. I think we got you some follow-up
2929 information on that.

2930 *Mr. Cunningham. We got that yesterday. We still have
2931 a few more questions, though.

2932 *Secretary Bernhardt. Sure.

2933 *Mr. Cunningham. And before I begin I would like to
2934 submit a letter for the record, I ask for unanimous consent.
2935 This is a letter from Governor Henry McMaster essentially
2936 stating his opposition to seismic airgun blasting and
2937 offshore drilling off the coast of South Carolina. And I
2938 submit that for the record.

2939 *The Chairman. Without objection, so ordered.

2940 [The letter submitted by Mr. Cunningham for the record
2941 follows:]

2942

2943 *****COMMITTEE INSERT*****

2944

2945 *Mr. Cunningham. I assume, Mr. Secretary, that your
2946 office would take that into consideration when producing the
2947 next leasing plan, correct?

2948 *Secretary Bernhardt. The letter?

2949 *Mr. Cunningham. The governor's support of banning
2950 offshore drilling --

2951 *Secretary Bernhardt. Absolutely. It is a factor.

2952 *Mr. Cunningham. All right. And you all would take
2953 into consideration local mayors, as well?

2954 *Secretary Bernhardt. We have talked about that,
2955 absolutely.

2956 *Mr. Cunningham. Okay, that is good to know, then.

2957 And in late March a district court found that President
2958 Trump's attempt to undo offshore drilling protections in the
2959 Arctic and portions of the Atlantic was illegal.

2960 And then recently you said -- you put the new 2019 to
2961 2024 leasing plan, the one that included the entire Atlantic
2962 Coast, on hold.

2963 Last week I believe you said you were weighing your
2964 options, that you could proceed as if the case was decided
2965 incorrectly, or as if it didn't exist.

2966 So I just want to be clear here today. There is no
2967 legal impediment to stop your office from developing the
2968 leasing plan. Correct?

2969 *Secretary Bernhardt. Well, I think there is no legal

2970 impediment to developing a leasing plan. There is a question
2971 about what the scope of that particular plan could be, and
2972 what it could contain when you got to the point of
2973 finalization. So that is really the answer.

2974 *Mr. Cunningham. So there is no legal impediment to
2975 developing that plan. Is there a political one?

2976 *Secretary Bernhardt. Well, there is not a political
2977 one from a politics point of view. The -- where we are with
2978 this plan is -- the draft proposed program was developed. It
2979 went out for public comment, as you know. It got a lot of
2980 comment. BOEM had been working on it. We have this
2981 decision. And my looking at the decision is asking the
2982 following things: one, does it make sense to move forward
2983 now, or wait and see how --

2984 *Mr. Cunningham. Okay, I don't mean to -- Mr.
2985 Secretary, I apologize, I don't mean to interrupt you. I
2986 don't have a lot of time.

2987 So, my understanding, there is not a legal impediment to
2988 moving forward right now is what you --

2989 *Secretary Bernhardt. Well, there is a legal --

2990 *Mr. Cunningham. -- you testified to.

2991 *Secretary Bernhardt. -- impediment to moving forward
2992 in a particular way that leads to a particular outcome.
2993 There is. I mean the district court has laid out a paradigm
2994 that I fully suspect the Department of Justice will want to

2995 challenge. And I will be trying to develop a plan while that
2996 is going on. And then the court will ultimately rule, and
2997 then I would have to deal with that. And if I guessed wrong
2998 -- so I am not sure what I am going to do --

2999 *Mr. Cunningham. So you don't want to have to go back
3000 and re-correct the leasing plan if the court finds it --

3001 *Secretary Bernhardt. So --

3002 *Mr. Cunningham. -- in violation. Is that correct?

3003 *Secretary Bernhardt. So I think that that might be not
3004 a wise use of resources.

3005 *Mr. Cunningham. Right, okay. All right. And you were
3006 solicitor of the Department of the Interior at the end of the
3007 Bush Administration, correct?

3008 *Secretary Bernhardt. Correct.

3009 *Mr. Cunningham. And just before leaving office the
3010 Department put out a proposed 2010 to 2015 plan that includes
3011 sales in the eastern Gulf of Mexico, even though that area
3012 was blocked off by statute. Correct?

3013 *Secretary Bernhardt. That was a proposed plan, a draft
3014 proposed program.

3015 *Mr. Cunningham. Okay, so that was a proposed plan in
3016 violation of that statute. But in this case it is different,
3017 correct?

3018 *Secretary Bernhardt. What is different is I have until
3019 2022 to get a new plan in place. I have some time. And so I

3020 am going to figure out what I am going to do, and then I will
3021 do it.

3022 *Mr. Cunningham. And you have had direct communications
3023 with the President and the White House about this, whether or
3024 not to move forward with the leasing plan or wait?

3025 *Secretary Bernhardt. Well, I certainly have informed
3026 the White House that I am in pause. And I am consulting with
3027 the Department of Justice.

3028 *Mr. Cunningham. And what has been the President's
3029 response to that?

3030 *Secretary Bernhardt. Well, I have not been told that I
3031 had to go in a different direction.

3032 *Mr. Cunningham. Okay. And moving to seismic, you
3033 mentioned when we spoke that there is no connection legally
3034 between the leasing plan and the seismic airgun blasting.

3035 *Secretary Bernhardt. I think that is right, as a
3036 matter of law.

3037 *Mr. Cunningham. Okay. And your office is still
3038 processing seismic permits for the Atlantic Ocean right now,
3039 correct?

3040 *Secretary Bernhardt. Well, actually, I think BOEM is
3041 processing --

3042 *Mr. Cunningham. Right.

3043 *Secretary Bernhardt. And so I think we gave you some
3044 documentation that shows that I think we have up to nine

3045 permits in various stages of processing.

3046 *Mr. Cunningham. And while you are saying they are
3047 independent of each other, I believe your Assistant
3048 Secretary, Joe Balash, said to an industry gathering, "I will
3049 tell you we wouldn't work really hard to get the seismic
3050 permits out if it was an area that wasn't going to be
3051 available.'" So it sounds to me like they are directly
3052 involved. And --

3053 *Secretary Bernhardt. Let me be very clear about that.
3054 I have a lot of respect for Joe Balash, but this is my
3055 decision.

3056 *Mr. Cunningham. All right. So you disagree with him
3057 there. That is good to know.

3058 And here is what I am worried about. You know, you have
3059 the next step of the plan, which has South Carolina and
3060 Florida directly in its crosshairs. And I think that this
3061 Administration and your office recognizes it is electoral
3062 poison to put those on the map before the 2020 election.

3063 And this -- the court case in the Arctic is a convenient
3064 excuse to wait until that election passes, but the people of
3065 South Carolina aren't going to be fooled by this. It is
3066 clear you have your marching orders. I have mine from the
3067 constituents in South Carolina, and that is why we have
3068 introduced H.R. 1941 to ban offshore drilling off the
3069 Atlantic and off the Pacific Coasts, to make sure there are

3070 never any oil spills off our coastline. And that is what --
3071 our intention to do.

3072 I would yield back.

3073 *The Chairman. Mr. Cartwright?

3074 *Mr. Cartwright. Thank you, Mr. Chairman. And welcome,
3075 Secretary Bernhardt.

3076 I wanted to ask you off the bat about working with my
3077 office to maximize the potential for increasing permits for
3078 renewables on public lands, and seeing how we can facilitate
3079 more renewable energy projects. Will you work with my office
3080 on that?

3081 *Secretary Bernhardt. Sure. I think for BLM the last 2
3082 years we had 15 applications for renewable projects.

3083 *Mr. Cartwright. I can't hear you.

3084 *Secretary Bernhardt. Yes, sir. I am happy to work
3085 with you.

3086 *Mr. Cartwright. All right, good. So I was reading the
3087 newspaper this week and it hit the headlines that two days
3088 ago -- that carbon dioxide levels hit 415 parts per million,
3089 which is the highest in human history, the highest in 800,000
3090 years. Did you happen to see that, Secretary?

3091 *Secretary Bernhardt. I didn't see that particular
3092 factor --

3093 *Mr. Cartwright. That was on the front page of USA
3094 Today. And I will ask unanimous consent that the article

3095 titled, "Carbon Dioxide Levels Hit Landmark at 415 Parts Per
3096 Million, Highest in Human History," be made part of the
3097 record.

3098 *The Chairman. So ordered.

3099 [The USA Today article submitted by Mr. Cartwright for
3100 the record follows:]

3101

3102 *****COMMITTEE INSERT*****

3103

3104 *Mr. Cartwright. So -- and that was, of course, when
3105 there were no humans the last time it hit that kind of level.
3106 And so my question for you is, on a scale -- and this is a
3107 number question. I am looking for a number, Secretary.

3108 On a scale of 1 to 10, how concerned are you about that?

3109 *Secretary Bernhardt. Well, what I will say is I
3110 believe that the United States has the number-one --

3111 *Mr. Cartwright. Ten being the most concerned and one
3112 being the least concerned --

3113 *Secretary Bernhardt. I believe that --

3114 *Mr. Cartwright. -- what is your number, Secretary?

3115 *Secretary Bernhardt. I believe the United States is
3116 number one, in terms of decreasing CO2 --

3117 *Mr. Cartwright. Did you hear me all right, Secretary?
3118 I am asking you. What is your number of your level of
3119 concern about that, on a scale of 1 to 10, 10 being the most
3120 concerned? What is your number for how concerned you are
3121 about us hitting 415 parts per million of carbon dioxide?

3122 *Secretary Bernhardt. I haven't lost any sleep over it.

3123 *Mr. Cartwright. Okay, so you are a zero or a one, is
3124 that it?

3125 Well, let me ask you this. One of your clients --

3126 *Secretary Bernhardt. We are number one in terms of
3127 reductions amongst developing countries in CO2 emissions.

3128 *Mr. Cartwright. Well, one of your clients used to be

3129 the Independent Petroleum Association of America. Am I
3130 correct in that?

3131 *Secretary Bernhardt. They were a client at one time.

3132 *Mr. Cartwright. Okay, and one of your clients used to
3133 be Halliburton Company, which is a very significant player in
3134 oil and gas, correct?

3135 *Secretary Bernhardt. I have represented Halliburton.

3136 *Mr. Cartwright. Do you know what their level of
3137 concern, on a scale of 1 to 10, would be about the carbon
3138 dioxide levels hitting the highest in human history?

3139 *Secretary Bernhardt. I have no idea.

3140 *Mr. Cartwright. No idea? Okay. Well, I want to talk
3141 about coal for a second.

3142 Secretary Bernhardt, the Administration claims to
3143 support an all-of-the-above energy strategy, but there really
3144 seems to be a preference for coal over renewables.

3145 In Southern Nevada the BLM terminated its resource
3146 management plan revision, which was supposed to be a way to
3147 designate more solar leasing areas.

3148 In Utah the BLM has yet to hold an auction in a
3149 designated solar leasing area that was originally planned for
3150 September.

3151 At the national level the agency dissolved the Renewable
3152 Energy Coordination Office. As a result, progress on wind
3153 and solar on public lands has nearly come to a halt. The

3154 proposed budget for renewable energy at the BLM is
3155 essentially flat. But despite decreasing demand for coal-
3156 fired power generation, you are requesting a 66 percent
3157 increase in funding for the coal program.

3158 Why is the Administration proposing to spend more of our
3159 scarce taxpayer resources on an energy source for which
3160 demand is declining?

3161 *Secretary Bernhardt. Well, I think that when I look at
3162 our budget and renewable numbers, here is what I see. Right
3163 now BLM has about 127 renewable projects ongoing. Over the
3164 last two years we have gotten 15 applicants, applications.
3165 Two of those, two solar projects, have been approved. We are
3166 using about 122 staff on those various projects and
3167 applications.

3168 And in our oil and gas operations we get about 4,000
3169 APDs a year. We have 96,000 wells. We have about 850 --

3170 *Mr. Cartwright. I don't mean to interrupt you, but on
3171 that train of thought, we learned in an April 30 hearing held
3172 by this Committee that investors are reluctant to apply for
3173 new renewable projects on public lands, due to the lengthy
3174 and complicated permitting processes.

3175 So the question there is what are you doing to address
3176 the barriers to siting new renewable projects on public
3177 lands? For example, what are you doing to facilitate
3178 programmatic reviews of renewable projects, instead of time-

3179 consuming, one-by-one permitting currently used?

3180 *Secretary Bernhardt. So we have actually reduced our
3181 review time in D.C. from, on average, 199 days for BLM
3182 projects to 29.

3183 *Mr. Cartwright. I yield back.

3184 *The Chairman. Mr. Costa?

3185 *Mr. Costa. Thank you very much, Mr. Chairman and
3186 Ranking Member, for this important hearing.

3187 Mr. Secretary, I want to talk about three areas. I
3188 would like to get to wildfires. I probably won't have time
3189 to.

3190 But the topic dealing with Central Valley Project water
3191 allocations, methods of predicting water availability, and
3192 reasons for the challenges of meeting contractual
3193 obligations, to the importance of water infrastructure and
3194 using all the water tools in our water toolbox, to include
3195 storage, conveyance, conservation, and innovation, and our
3196 national parks and the deferred maintenance, which is a real
3197 problem, I think, and all of this in light of climate change
3198 and sea level rising and a very complex water system in the
3199 West, especially in California, as you know, between the
3200 partnership of the State and federal water projects.

3201 Let's begin on the water allocations here. We have 176
3202 percent snowpack this year. I mean it is either feast or
3203 famine. We have been blessed with a good snowpack and

3204 rainfall. As a matter of fact, they are even talking about
3205 snow this weekend in the high country. Yet, while large
3206 portions of the federal contractors have 100 percent
3207 allocation, the San Luis water unit is still stuck at 65
3208 percent.

3209 In a year like this, if we can't increase -- you know, I
3210 mean, I -- we understand on average or below and all the
3211 constraints on the system, but with the existing biological
3212 opinions do you have any thoughts on this?

3213 *Secretary Bernhardt. I know that Ernest, Brenda, and
3214 Tim are working hard on those issues.

3215 *Mr. Costa. So tomorrow you think I should focus my
3216 question -- that question to her?

3217 *Secretary Bernhardt. Well, actually, it would be a
3218 better question focused to her. She is the one directly
3219 involved.

3220 *Mr. Costa. Okay.

3221 *Secretary Bernhardt. I am not.

3222 *Mr. Costa. Well, let me ask a broader question as it
3223 relates to storage and infrastructure. You and I have been
3224 involved in trying to solve water problems in the West and in
3225 California, particularly, for more years than I care to
3226 count. But for me, it is 39 years. What do you think is
3227 achievable in the next two years?

3228 I think -- I had a good conversation with folks in

3229 Sacramento last week. You talked about your meeting with the
3230 governor. Where -- what do you think is possible?

3231 *Secretary Bernhardt. So, to be candid, I think we have
3232 had very, very good conversations with the governor and his
3233 team. And, you know, we -- at some point we all have to make
3234 measurable progress here. And some folks --

3235 *Mr. Costa. And get past the politics of water, and the
3236 finger-pointing and the blame game, which just frustrates the
3237 hell out of me.

3238 *Secretary Bernhardt. I know --

3239 *Mr. Costa. To be frank --

3240 *Secretary Bernhardt. I know it does. And, you know,
3241 look, we are prepared to engage with the State. We are
3242 prepared to engage with you all and move the ball forward.

3243 And you know, it is not always the case that you have
3244 interests line up across administrations, and I would like to
3245 see if we can get something done here.

3246 *Mr. Costa. Well, I want to urge you to continue to
3247 work with the folks in California, because I think there are
3248 efforts that Senator Feinstein and I and others have been
3249 engaged in. I think there are bipartisan opportunities here,
3250 if we get past the politics and the finger-pointing, and
3251 trying to paint people as villains.

3252 Whether it be the San Joaquin Valley and agriculture, or
3253 whether it be environmentalists, the fact of the matter is

3254 the climate is changing, sea levels are rising, and we have
3255 got to determine how much agricultural land we want to keep
3256 in production in California, and how much we can deal with
3257 species that are being threatened from numerous sources. And
3258 that is the reality.

3259 Let's shift over -- my time is quickly going. National
3260 -- yes, I can see the clock.

3261 National parks, deferred maintenance. How,
3262 realistically, are we going to provide -- not just Yosemite
3263 and Kings Canyon, but throughout the country?

3264 *Secretary Bernhardt. Well, you know, our view, really,
3265 is to work with you all, collectively, to get behind some
3266 sort of maintenance backlog infrastructure fund. And we have
3267 proposed a proposal. We would like to work with you on that,
3268 or something like that.

3269 *Mr. Costa. What do you think the primary source of
3270 funding mechanism should be?

3271 *Secretary Bernhardt. Well, you know, we had -- our
3272 proposal is based on energy revenue. Not only oil and gas
3273 revenue, but alternative energy revenue and its prospective
3274 growth.

3275 There is probably a variety of ways to do it, but the
3276 reality is if we don't get something done -- the maintenance
3277 backlog today is much worse than it was when we thought it
3278 was out of control when I left Interior the first time.

3279 *Mr. Costa. Mr. Chairman, I know my time has expired.
3280 But I would like you to provide a list for the
3281 Committee's purposes of what Interior is doing to prioritize
3282 on how you tackle that deferred maintenance --

3283 *Secretary Bernhardt. Oh, I -- we can do that,
3284 Congressman.

3285 *Mr. Costa. Thank you.

3286 *Mr. Bishop. He did say it was a dam good bill, right?

3287 *Secretary Bernhardt. A dam good bill, d-a-m.

3288 *Mr. Costa. There you go.

3289 *The Chairman. Mr. Case?

3290 *Mr. Case. Good afternoon, Mr. Secretary. I join my
3291 colleagues on the Committee in thanking you for appearing
3292 here personally. I thank you for the time you spent in my
3293 office.

3294 We discussed a number of issues in my office to include
3295 tour helicopters overflying our national parks and destroying
3296 their ambience, and full implementation of the national parks
3297 air tour management plan.

3298 We talked about the USS Arizona, a sacred site in Pearl
3299 Harbor, which has been closed for repairs, and we talked
3300 about accelerating those repairs.

3301 We talked about the Japanese-American confinement site
3302 program in general, and Honouliuli confinement site, national
3303 memorial now -- monument, I should say, in Hawaii that needs

3304 advancing.

3305 We talked about endangered species funding and
3306 disproportionate funding that does not fully recognize
3307 Hawaii's status as the endangered species capital of the
3308 world.

3309 So we appreciate all of those.

3310 I do want to follow up on one issue we discussed, and
3311 which my colleague from Guam, Mr. San Nicolas, talked about,
3312 which is the compact of free association and compact impact
3313 aid.

3314 The first thing I would say is I completely agree and
3315 sympathize with his plight, in terms of the earned income tax
3316 credit and the insufficiency of compact impact aid to
3317 compensate Guam fully for the actual economic consequence of
3318 the compact country residents.

3319 I certainly have a similar concern, where, essentially,
3320 the health care funding goes out of the -- goes through the
3321 roof because many, many of the compact country folks come to
3322 Hawaii. They are -- their health care needs are taken care
3323 of through our State Medicare program. These include folks
3324 from Guam, because Hawaii is really the health care capital
3325 of the Pacific.

3326 And you know, just as he views the compact aid as
3327 completely insufficient, so do I. We have calculated our
3328 health care costs alone at somewhere in the range of 100

3329 million. And then, if I follow his formula in terms of the
3330 cost of education, if you take the distribution per capita
3331 that he had mentioned and apply it to our own cost of
3332 education per pupil, which is roughly double that of Guam,
3333 you come up with another 200 million.

3334 So pretty soon you are talking about some real money
3335 that is paid for by Hawaii, 300 million plus, for which we
3336 get somewhere in the range of \$14 million of compact impact
3337 aid.

3338 Now, we welcome the folks from the compact countries
3339 coming to Hawaii. They have been an incredible contribution
3340 to our community, to our ohana, as we say, to our economy.
3341 And we look forward to that continuing. But we cannot absorb
3342 that level of economic consequence and continue to support
3343 the compact, overall.

3344 The compact is a very, very strong initiative by our
3345 country, fulfilling, you know, historical trust obligations
3346 from the trust territories. And increasingly, as you and I
3347 discussed, it is a critical part of our overall national
3348 defense strategy, because certainly many other countries
3349 would like to basically get more involved with those
3350 countries, primarily China.

3351 Let me ask you this. It seems to me that fitting the
3352 compact issues into the Department of the Interior -- to
3353 include compact impact aid -- and to treat it as a continuing

3354 obligation, from a trust perspective, is trying to fit the
3355 shoes into the wrong box. And it seems to me that, as we
3356 take a look at the big picture -- and we are starting the
3357 renegotiations on the compact right now with two of those
3358 three countries -- we should be looking increasingly to our
3359 defense obligations, as opposed to the Department of the
3360 Interior.

3361 And I just wanted to ask for your thoughts on that. Do
3362 you think that is a productive approach for us to start to
3363 take? I just see no way that Interior can be responsible, or
3364 that the Interior budget, for that matter, can support a
3365 consequence on compact impact aid which has, you know, really
3366 been good for our country, but not so good for Guam and
3367 Hawaii.

3368 *Secretary Bernhardt. I appreciate that question a lot.
3369 I don't have the authority to say whether -- where it should
3370 be in the budget, but I will tell you this, that those areas
3371 mean a lot to our country in a variety of ways, including our
3372 national security interests.

3373 And I do think that we are paying more and more
3374 attention than maybe was paid to those issues historically,
3375 because of that. I mean certainly we paid a lot of attention
3376 after World War II. But I think there may have been, you
3377 know, some variation of the intensity. And I think we have a
3378 better perspective.

3379 So I think it merits thinking about this outside of the
3380 box, compared to a small office within the Department of the
3381 Interior.

3382 *Mr. Case. Thank you very much, Mr. Secretary. I just
3383 think that, as we go into this next round of negotiations and
3384 the related discussions on compact impact aid, Guam and
3385 Hawaii simply cannot afford to continue down the status quo.

3386 *Secretary Bernhardt. I appreciate that.

3387 *The Chairman. Mr. Soto?

3388 *Mr. Soto. Thank you, Mr. Chairman, and thank you, Mr.
3389 Secretary, for being here. It was great to see a GW Colonial
3390 like myself. And thanks for visiting me at my office. We
3391 talked a little bit about the national offshore drilling
3392 plan. And, as you know, there is unanimous bipartisan
3393 opposition to that happening in Florida.

3394 Can we expect to see offshore drilling off of Florida
3395 any time soon?

3396 *Secretary Bernhardt. Well, I think it is a while
3397 before we figure out our plan. And even in the most active
3398 scenario, the soonest for a development plan would be, you
3399 know, years from now.

3400 *Mr. Soto. And would -- is the Administration going to
3401 consider the fact that we have united bipartisan opposition
3402 in determining whether we would be in the plan?

3403 *Secretary Bernhardt. I have been very clear with every

3404 Member I have met with that it is my view that the States'
3405 input is a very important component of any final plan.

3406 *Mr. Soto. Now, as you know, the Department of the
3407 Interior has primary oversight over Everglades restoration.
3408 We had the Herbert Hoover dike around Lake Okeechobee where
3409 we were restoring the southern reservoir. Again, these are
3410 major bipartisan-supported issues.

3411 Last year we got 139 million into the budget. In the
3412 2020 budget we saw an initial 31 percent cut, but now we are
3413 seeing there may be support for the 200 million we are
3414 requesting.

3415 *Secretary Bernhardt. So I think the President actually
3416 submitted a budget amendment the night before last on that.
3417 And obviously, the Appropriations Committee is meeting today.

3418 *Mr. Soto. So you could expect we have a much better
3419 shot at that now?

3420 *Secretary Bernhardt. Well, I know that they made the
3421 request, so --

3422 *Mr. Soto. Okay. And then --

3423 *Secretary Bernhardt. It is in the Corps' budget, I
3424 believe.

3425 *Mr. Soto. Sure. So a lot of this is really important,
3426 as you know, because red tide could be exacerbated by --

3427 *Secretary Bernhardt. Absolutely.

3428 *Mr. Soto. -- coming out of Lake Okeechobee through St.

3429 Lucie and the Caloosahatchee River. So I just -- it is
3430 important for me that we have a commitment that, you know,
3431 the Department of the Interior understands that that load
3432 could exacerbate red tide, and that we need to continue to
3433 work --

3434 *Secretary Bernhardt. Well, I can assure you that that
3435 fishery in the south is phenomenal, and we have done a lot
3436 collectively, as a society, on the Everglades. And you know,
3437 there shouldn't be backsliding in any way, shape, or form.

3438 We do have significant issues with invasives, as you
3439 know. And so we have to be aggressive with --

3440 *Mr. Soto. And we are going to get into that in a
3441 moment.

3442 *Secretary Bernhardt. Okay.

3443 *Mr. Soto. A bill that I am working on in the past --
3444 in a bipartisan manner last year was to make the Kissimee
3445 River a wild and scenic river. Restoring the rest of that
3446 river is already in the new budget that President Trump put
3447 forward. Can we expect support from the Department of the
3448 Interior on -- to do a good faith study, should the bill
3449 pass, and potentially make it a wild and scenic river, since
3450 we spent a billion dollars restoring it?

3451 *Secretary Bernhardt. So, you know, you gave me a draft
3452 of that language, and we will work with you on that.

3453 *Mr. Soto. The other issue we are working on developing

3454 is with -- in a bipartisan way with Senator Rubio on re-
3455 instituting a Reef Protection Act. The Florida Reef has been
3456 devastated over the years. We have a lot of pollution and
3457 population, and this would go at that and re-propagation.

3458 If we could get a bipartisan bill together, would this
3459 be something that the Department of the Interior would work
3460 with us on?

3461 *Secretary Bernhardt. Yes, I think that is something
3462 that -- we would be very interested in working with you on
3463 that.

3464 *Mr. Soto. With regard to species, obviously -- first,
3465 the ones that are endangered, we saw a downlisting of the
3466 manatee, which is iconic in Florida, from endangered to
3467 threatened. With 804 deaths last year, this -- that was a
3468 record. The population wildly shifts. We won't see any
3469 reduction from threatened any time soon, would we, with
3470 regard to the manatee's status?

3471 *Secretary Bernhardt. I have no knowledge of a petition
3472 or something floating around. I would think that is
3473 incredibly unlikely.

3474 *Mr. Soto. Okay. And then, with the Florida panther,
3475 that is an endangered species that -- we have seen people try
3476 to say it is not entitled to protection because it is not a
3477 subspecies, even though there has been overwhelming studies
3478 on it. There is no attempts right now to downgrade the

3479 Florida panther, would there be?

3480 *Secretary Bernhardt. I am not aware of any.

3481 *Mr. Soto. Okay.

3482 *Secretary Bernhardt. I think we just did a recovery
3483 program.

3484 *Mr. Soto. Yes. And lastly, what are some of the
3485 things that you all are working on to address the invasive
3486 species in Florida?

3487 *Secretary Bernhardt. Well, I think we have been very
3488 aggressive on pythons, and I think there is some interest in
3489 being more aggressive on that. We are working very closely
3490 with the State wildlife agency, and I think the governor is
3491 interested in that, as well. So I know that those -- and we
3492 have had some novel techniques that have made news, in terms
3493 of attracting larger female pythons to particular areas. So
3494 that is certainly a big issue for us.

3495 *Mr. Soto. Thanks, I yield back.

3496 *The Chairman. Mr. Horsford?

3497 *Mr. Horsford. Thank you, Mr. Chairman, for organizing
3498 today's hearing on the Department of the Interior and its
3499 policy priorities for fiscal year 2020.

3500 I also want to thank Secretary Bernhardt for taking the
3501 time to testify. It is good to see you again.

3502 Today's oversight hearing is the -- is of the utmost
3503 importance. Prior to voting on the Interior environment

3504 appropriations bill, Members of Congress must have assurance
3505 that federal funding will be spent in the best possible way,
3506 according to the intentions of Congress.

3507 Currently, the Department of the Interior is
3508 reorganizing its structure in an effort to streamline the
3509 efficiency and effectiveness of its respective agencies.
3510 While the Trump Administration has often claimed it wants to
3511 streamline efficiency and increase effectiveness, these
3512 statements have, in several cases, translated to decreases in
3513 consultation, elimination of important programs, streamlining
3514 of environmental reviews, and federal employee hiring
3515 freezes.

3516 I hope, however, that under the Department of the
3517 Interior's new leadership we can work with you, Secretary
3518 Bernhardt, and ensure that the DOI keeps its promise to the
3519 American people, and works to improve its services. As I
3520 shared with you when we met, my home State of Nevada, where
3521 we have more than 85 percent of land that is managed by the
3522 Federal Government, our dependence is really on our federal
3523 partnership.

3524 Mr. Bernhardt, as the threats from climate change
3525 increase in number and severity, Nevadans need assurance from
3526 the Department that our State will continue to get the
3527 resource it needs, something the prior Secretary failed to
3528 provide.

3529 As park visitation increases in our State, the
3530 Administration has continued to propose full-time employee
3531 staff reductions.

3532 Deferred maintenance backlogs for the National Park
3533 Service now exceed \$250 million in Nevada, and more than \$11
3534 billion, nationwide.

3535 The Tule Springs National Monument, while I helped
3536 designate in Congress more than five years ago, with the
3537 support of the Ranking Member, still lacks a visitor center.

3538 I hope we can work collaboratively to find solutions to
3539 these shortcomings, and that the DOI will make a promise to
3540 the American people that it will manage our lands according
3541 to the best interests of all Americans.

3542 So, Secretary, can you assure Nevadans and all Americans
3543 that you will respond to the needs of our constituents and
3544 promote scientifically-backed management efforts?

3545 *Secretary Bernhardt. Yes. I don't believe there is a
3546 hiring freeze at all. I will have to go back and look at
3547 that.

3548 In addition to that, I am signing an order today that
3549 will allow superintendents to use FLREA dollars for permanent
3550 staff under certain conditions. So if we have a real hiring
3551 problem out there, we will get to the bottom of that. I am
3552 just not aware of it.

3553 *Mr. Horsford. Thank you for looking into that. The

3554 national park visitation increased by 14 percent, while
3555 staffing, according to our --

3556 *Secretary Bernhardt. And, you know, that is a very
3557 legitimate point, and that is -- it is my perspective that
3558 the Park Service spent a lot of time planning for a
3559 centennial, which was great, and they got folks to really
3560 show up, which was great. But they didn't spend a lot of
3561 time thinking operationally about that, and so we have seen
3562 -- we certainly have seen some challenges about that.

3563 I have a new Director of Operations, David Vela, who is
3564 working on that, but I think it is a legitimate point.

3565 *Mr. Horsford. So the recreation economy on Nevada's
3566 land alone supports \$4 billion in wages and salaries, and
3567 87,000 direct jobs.

3568 In the 2019 Conservation In the West poll, 81 percent of
3569 Nevadans surveyed believe that the recreation economy is
3570 important for the future of Nevada, and half of all
3571 respondents said that the ability to live and recreate on
3572 public lands is significant reason we live in the West.

3573 So again, Secretary, what can you say to our
3574 constituents in Nevada's 4th to give us the confidence that
3575 you and the Department, under your leadership, recognize
3576 climate impacts on public lands, and have a plan to account
3577 for these changes to protect our recreational economy.

3578 *Secretary Bernhardt. Well, we certainly feel strongly

3579 about the recreational opportunities on public land. I have
3580 issued an order that says that no land can be transferred,
3581 exchanged, or acquired without thinking through its benefits
3582 or loss of recreational access.

3583 We are committed to managing to ensure that
3584 recreationists have plentiful access to public land.

3585 *Mr. Horsford. Thank you. And finally, what steps are
3586 you taking to help create additional clean, green jobs, and
3587 reduce carbon pollution by expanding renewable energy
3588 development?

3589 *Secretary Bernhardt. So, despite the comments today,
3590 my view is that we are processing renewable applications when
3591 they come in, and I think that my data would support that
3592 understanding.

3593 There is no interest at all of prioritizing one --
3594 prioritizing traditional energy over renewable. That is
3595 simply not something I am proposing.

3596 *The Chairman. Thank you.

3597 *Mr. Horsford. Thank you, Mr. Secretary, I yield back.

3598 *The Chairman. Ms. DeGette?

3599 *Ms. DeGette. Thank you so much, Mr. Chairman.

3600 Welcome, Mr. Secretary. I am sorry I have been in and
3601 out, but we, as you know --

3602 *Secretary Bernhardt. I know you are busy.

3603 *Ms. DeGette. -- have multiple hearings going on at

3604 once.

3605 Now, your Department makes land management decisions
3606 every day on -- over the land that you supervise. Is that
3607 correct?

3608 *Secretary Bernhardt. Certainly.

3609 *Ms. DeGette. Yes. And, in fact, you have the
3610 discretion to issue oil and gas leases on federal lands. Is
3611 that correct? When people apply for oil and gas leases, you
3612 can decide whether to grant them or not.

3613 *Secretary Bernhardt. They go through a process --

3614 *Ms. DeGette. Right, and you get to decide whether --
3615 what -- and you also decide the appropriate circumstances
3616 under which those leases should be granted, and you have the
3617 ability to decide how the drilling is going to proceed. Is
3618 that right?

3619 *Secretary Bernhardt. Within the parameters of the law.

3620 *Ms. DeGette. Right. So that answer is yes?

3621 *Secretary Bernhardt. Well, the answer is --

3622 *Ms. DeGette. Yes, you don't have -- it is a pretty
3623 easy question. I am not tricking you with that one.

3624 *Secretary Bernhardt. Okay.

3625 *Ms. DeGette. Okay. So, as Mr. Levin took -- discussed
3626 with you -- many hours ago, it seems now -- the laws --

3627 *Secretary Bernhardt. It certainly feels --

3628 *Ms. DeGette. There are certain laws that require the

3629 Department to take climate change into account when it is
3630 managing its land. Correct?

3631 *Secretary Bernhardt. Certainly. NEPA would be one of
3632 those laws.

3633 *Ms. DeGette. Right, NEPA would be one of them. And
3634 so, Interior would have the ability to make choices that
3635 would be consistent with those goals. Is that correct?

3636 *Secretary Bernhardt. Well, not to the exclusion of
3637 other --

3638 *Ms. DeGette. Well, no. But when you are deciding land
3639 management, that is one of the criteria you take into
3640 account. Is that right?

3641 *Secretary Bernhardt. Of course.

3642 *Ms. DeGette. So I was a little bit perplexed when you
3643 said that to make land management decisions with that -- with
3644 climate change taken into account, that you needed direction
3645 from Congress. What direction, exactly, is this you think
3646 you need from Congress?

3647 *Secretary Bernhardt. So what I -- the direction, I
3648 think, is if you all have a view on climate change that says
3649 don't develop energy on federal lands, that is fine. You
3650 have to go through a process of codifying --

3651 *Ms. DeGette. Well, I -- you know, I --

3652 *Secretary Bernhardt. -- and providing that direction.
3653 And if you provide it, we will certainly faithfully execute

3654 it.

3655 *Ms. DeGette. I understand that. But when you --

3656 *Secretary Bernhardt. And in the --

3657 *Ms. DeGette. But when you are --

3658 *Secretary Bernhardt. And the consequence of that --

3659 *Ms. DeGette. Are you saying you don't have the
3660 authority --

3661 *Secretary Bernhardt. To just say --

3662 *Ms. DeGette. -- to take that into account?

3663 *Secretary Bernhardt. Just to say -- today? From today
3664 forward, David Bernhardt says no development on federal
3665 lands? I absolutely do not have that authority.

3666 *Ms. DeGette. Mr. Secretary --

3667 *Secretary Bernhardt. You have that authority.

3668 *Ms. DeGette. Mr. Secretary, nobody is asking you to do
3669 that. We are asking you --

3670 *Secretary Bernhardt. Well, that is exactly what we are
3671 talking about.

3672 *Ms. DeGette. No, it is not. What we are asking you to
3673 do is to take climate change into effect (sic) when deciding
3674 these leases.

3675 Let me just give you a specific --

3676 *Secretary Bernhardt. We already do.

3677 *Ms. DeGette. Excuse me. Let me just give you a
3678 specific example, and that is methane gas. Now, you have the

3679 ability to determine what kind of methane gas should be
3680 allowed from these oil and gas developments on federal lands.
3681 Is that correct?

3682 *Secretary Bernhardt. Within certain boundaries --

3683 *Ms. DeGette. Okay.

3684 *Secretary Bernhardt. -- that is correct.

3685 *Ms. DeGette. And would you agree that when methane gas
3686 is released into the atmosphere it is a powerful global
3687 warming pollutant, which is 80 times more potent than carbon
3688 dioxide in the short run?

3689 *Secretary Bernhardt. I have heard that statistic.

3690 *Ms. DeGette. Okay. And are you aware this is
3691 scientifically settled, that statistic?

3692 *Secretary Bernhardt. I don't know, but I am not
3693 disputing the fact.

3694 *Ms. DeGette. Oh, okay, you are not disputing it. And
3695 so the -- one of the reasons why your Department repealed the
3696 BLM methane waste prevention rule was you said that States
3697 are doing enough to reduce methane waste. Is that right?

3698 *Secretary Bernhardt. Well, certainly in your State.
3699 Your State is a leader in --

3700 *Ms. DeGette. Our State?

3701 *Secretary Bernhardt. -- methane. My State. Colorado
3702 has been a leader, and --

3703 *Ms. DeGette. But are the other States --

3704 *Secretary Bernhardt. I am familiar with that, and --
3705 *Ms. DeGette. -- doing that, too?
3706 *Secretary Bernhardt. Well --
3707 *Ms. DeGette. Sir, are the other States doing that,
3708 too?
3709 *Secretary Bernhardt. Certainly the top 10 energy-
3710 producing States are.
3711 *Ms. DeGette. Okay.
3712 *Secretary Bernhardt. I would say that --
3713 *Ms. DeGette. Now, are the State methane waste
3714 regulations as strong or stronger than the requirements of
3715 the 2016 BLM rule?
3716 *Secretary Bernhardt. I don't know that for sure.
3717 *Ms. DeGette. You don't know. And, in fact, not all
3718 States, where oil and gas development occurs on public land,
3719 are as protective. It might be news to you most States have
3720 much weaker rules that allow companies to vent and flare a
3721 higher percentage of gas, and require less frequent leak
3722 detections and repairs.
3723 So do you think a billion cubic feet per day is a large
3724 amount of natural gas?
3725 *Secretary Bernhardt. I honestly don't know.
3726 *Ms. DeGette. You don't know. Well, a billion cubic
3727 feet --
3728 *Secretary Bernhardt. A billion cubic feet a day of

3729 natural gas?

3730 *Ms. DeGette. Mm-hmm.

3731 *Secretary Bernhardt. It is significant, yes.

3732 *Ms. DeGette. Yes, okay. Because it is enough to power
3733 over 24,000 homes. So that seems like a lot.

3734 Now, if we would regulate that, if we would tax that, we
3735 could get a lot of money back into our coffers, wouldn't you
3736 agree?

3737 *Secretary Bernhardt. It certainly would have a
3738 financial component.

3739 *Ms. DeGette. Thank you. I yield back, Mr. Chairman.

3740 *The Chairman. If any member wishes to ask additional
3741 questions -- Mr. Huffman?

3742 *Mr. Huffman. Thank you, Mr. Chair.

3743 Mr. Secretary, a moment ago I believe I heard you
3744 testify that there was no effort to give preference to
3745 traditional or fossil fuel energy development over
3746 renewables. Did I hear you correctly?

3747 *Secretary Bernhardt. That is certainly my view, that
3748 the effort should be to do both.

3749 *Mr. Huffman. I was confused by that, because during
3750 the government shutdown we are told that work on renewable
3751 projects ground to a halt. We have the evidence of at least
3752 one specific project, where BOEM basically shut it down,
3753 canceled public meetings, announced that it would not

3754 reschedule them until the shutdown ended. But we know that,
3755 for fossil fuel projects, you designated essential personnel
3756 and mandated that that work continue without interruption.
3757 Do you not regard that as a double standard?

3758 *Secretary Bernhardt. Well, I can tell you specifically
3759 that we also directed folks to report for renewable projects.
3760 Certainly for one particular solar project I am aware of, we
3761 put people back to work right away.

3762 My view with the --

3763 *Mr. Huffman. It certainly didn't appear to be with
3764 that wind project. There didn't appear to be essential
3765 personnel.

3766 *Secretary Bernhardt. So I think the issue is -- I
3767 asked BOEM about that, because when -- it came up in some of
3768 my interviews. And I was surprised by that. And their view
3769 was the dollar amount associated there, in terms of putting
3770 people back to work, was low. My view at the time --

3771 *Mr. Huffman. I also -- if I could reclaim my time, Mr.
3772 Secretary --

3773 *Secretary Bernhardt. With all due respect, I would
3774 like to finish.

3775 *Mr. Huffman. I would love more information on that,
3776 but I have two more questions and very little time.

3777 I also note that BLM's budget request for renewable
3778 energy for 2020 is essentially flat, while the budget

3779 proposal for the BLM coal program is an increase of 60
3780 percent. That does not exactly look like even-handed
3781 preference for these different energy sources.

3782 But back to a conversation we were having, where I asked
3783 you for some examples where some of your former clients in
3784 the oil and gas industry had made specific policy requests,
3785 and you had to tell them no because it wasn't in the public
3786 interest. And you brought up the well control rule as an
3787 example.

3788 I am confused by that, because that wasn't telling
3789 industry no by any stretch. The --

3790 *Secretary Bernhardt. Actually, that is not accurate.

3791 *Mr. Huffman. The petroleum industry, if you will
3792 pardon the pun, was gushing with praise for your
3793 administration when you released this rule.

3794 *Secretary Bernhardt. That is not --

3795 *Mr. Huffman. It is going to save big oil, \$980 million
3796 over 10 years.

3797 *Secretary Bernhardt. They wanted -- I believe --

3798 *Mr. Huffman. It references private copyrighted
3799 standards of the oil industry that, for the public to even
3800 see the standards referenced in your rule, they have to sign
3801 up with the API website and pay a fee of \$70.

3802 Really? Is that an example of you pushing back on big
3803 oil?

3804 *Secretary Bernhardt. I want to be clear here. I think
3805 they -- I think, if you look at the comments fairly, I think
3806 you will see that they wanted more than what that rule gave.
3807 We rejected a number of --

3808 *Mr. Huffman. You didn't give them everything they
3809 wanted, but you saved them \$980 million over 10 years, and
3810 they were lavishing you with praise in their characterization
3811 of the rule.

3812 I want to give you the rest of my time, though. Let's
3813 find a real example where one of your former clients --

3814 *Secretary Bernhardt. That is the real example.

3815 *Mr. Huffman. -- asked a specific policy request, and
3816 you had to say no.

3817 *Secretary Bernhardt. That is a real example. I --

3818 *Mr. Huffman. Because the other one you mentioned, the
3819 water allocations, we know that is formula-driven. And
3820 earlier in your testimony you said Brenda Burman makes that
3821 call anyway. So I am still waiting.

3822 And I will give you the balance of my time to reassure
3823 the American people that you are capable of even-handed
3824 policy --

3825 *Secretary Bernhardt. I have no problem telling people
3826 no.

3827 *Mr. Huffman. -- making, and pushing back on your
3828 former clients.

3829 *Secretary Bernhardt. Congressman, I have absolutely no
3830 problem telling people no.

3831 *Mr. Huffman. Let's hear some examples.

3832 *Secretary Bernhardt. And I have done it. I just
3833 provided them to you -- one to you.

3834 *Mr. Huffman. The \$980 million windfall to your
3835 former --

3836 *Secretary Bernhardt. That is not a --

3837 *Mr. Huffman. Really?

3838 *Secretary Bernhardt. That is an unfair
3839 characterization. They asked for more; they got less.

3840 *Mr. Huffman. Clearly, we are not going to get any
3841 examples.

3842 So you testified when you were asked about your level of
3843 concern that this planet has hit 415 parts per million on
3844 carbon dioxide concentrations, the highest level since humans
3845 evolved. And you said you are not losing any sleep over
3846 that. Well, an overwhelming consensus of the world's climate
3847 scientists are losing sleep. It is a hair-on-fire crisis for
3848 them --

3849 *Secretary Bernhardt. Let me be very clear. We have
3850 the number-one --

3851 *Mr. Huffman. And I want to give you a chance to revise
3852 your statement --

3853 *Secretary Bernhardt. We have --

3854 *Mr. Huffman. -- because a lot of people are watching,
3855 and I think it is one of those clips of testimony that will
3856 reverberate. People will look back on what you said.

3857 *Secretary Bernhardt. I --

3858 *Mr. Huffman. So I want to just give you this chance to
3859 assure people that you actually get it on climate change.

3860 *Secretary Bernhardt. So I appreciate that gracious
3861 gesture. The reality is that the American -- America has the
3862 number-one reduction in CO2 amongst developing countries. We
3863 are number one --

3864 *Mr. Huffman. You keep bringing it back to our
3865 reduction.

3866 *Secretary Bernhardt. Number two --

3867 *Mr. Huffman. The question was about do you care about
3868 the concentration --

3869 *Secretary Bernhardt. I absolutely care. I absolutely
3870 care that our climate is changing --

3871 *Mr. Huffman. You are just not losing any sleep.

3872 *Secretary Bernhardt. -- and that we need to factor
3873 that into our thinking. I absolutely believe that, and I
3874 have said that over and over and over. That is the reality.

3875 *Mr. Huffman. Thank you, I yield back.

3876 *The Chairman. Thank you.

3877 Mr. Bishop?

3878 *Mr. Bishop. Yes, thank you. We are calling for votes

3879 now, so this may be the last chance we have to abuse you for
3880 this morning. But I am certain we will have other
3881 opportunities in the near future, as well.

3882 This is supposed to be about Interior budget policy
3883 priorities. Can you just briefly go through some of the
3884 lines that you have increased in your budget lines that you
3885 have put priorities on for an increase?

3886 *Secretary Bernhardt. So our biggest priority right
3887 now, sir, is trying to address the maintenance backlog. We
3888 would love help in doing that.

3889 *Mr. Bishop. I appreciate that one. Let's go into
3890 that. I mean you have talked -- we have talked about LWCF.
3891 Now, for someone like me, who is concerned about increasing
3892 our maintenance responsibilities by adding to it, how would
3893 you respond to me as to what we can do to look at that
3894 maintenance backlog best?

3895 *Secretary Bernhardt. Well, my thinking is that, you
3896 know, we really need to start with our facilities and trying
3897 to get them up to snuff.

3898 *Mr. Bishop. How is LWCF funded?

3899 *Secretary Bernhardt. It is funded, in theory, by
3900 Congress appropriating money to it. And that funding comes
3901 from offshore oil and gas revenue, actually.

3902 *Mr. Bishop. And if we were doing a maintenance
3903 backlog, it would be -- as we have proposed it so far in both

3904 the House and the Senate -- it would be all forms of energy
3905 development --

3906 *Secretary Bernhardt. All forms of energy. And there
3907 is a great growth, we think -- for example, we had an
3908 offshore lease sale of \$400 million.

3909 *Mr. Bishop. So what amount of revenue does solar and
3910 wind proposals generate in relationship to oil and gas for
3911 both funding LWCF and potential for maintenance?

3912 *Secretary Bernhardt. Oh, it could be very significant.

3913 *Mr. Bishop. Okay. If -- what are you doing to
3914 implement S.B. 47? That is one of the last things we
3915 actually did in a bipartisan, bicameral way.

3916 *Secretary Bernhardt. So I feel great about that. We
3917 have put a team together. We gave the Assistant Secretary 60
3918 days to come to us with an implementation plan. And I think
3919 that, by the end of this month, we will be implementing
3920 pretty much all the major provisions of that Act in a very
3921 aggressive way.

3922 And one of those events was the one we went to last
3923 week.

3924 *Mr. Bishop. And once again, I appreciate that. And
3925 your presence was there, as well.

3926 Let me -- last thing, and we will get through this very
3927 quickly, so people can get to vote. Fees are something I
3928 care about. FLREA I care about. Everyone else's eyes glaze

3929 over, but I care about it.

3930 You were very creative and legal in how you used fees
3931 during the shutdown, or how the Department used fees during
3932 the shutdown. What kind of standards do you have in looking
3933 at how fees can be implemented, how we handle, how we deal
3934 with the maintenance, how we deal with the backlog, as well.

3935 *Secretary Bernhardt. So I think we have, really, areas
3936 where we can think through and improve the utilization of
3937 fees.

3938 For me, the reality is that using those fees to enhance
3939 the visitor's experience, ensuring that we have safe areas
3940 and amenities is really important, because that is where I
3941 think the future of funding for enhanced services comes from,
3942 and that is -- I think the reality is Congress is only going
3943 to give us so much money, and so we really need to think
3944 about appropriate partnerships, we need to think about
3945 appropriate fee structures. And that is the future of the
3946 Park Service, and maybe even BLM.

3947 *Mr. Bishop. Are you still looking to Interior's
3948 commitment, though, to have the fees going back to the areas
3949 in which the fee --

3950 *Secretary Bernhardt. Absolutely. One -- that is
3951 right, that the majority -- the vast majority of that money
3952 stays in the park, where that fee was collected.

3953 We have some superparks, but it -- if it doesn't stay

3954 there, it completely undermines the purpose.

3955 *Mr. Bishop. And I will still lobby you for a 90/10
3956 split, rather than --

3957 *Secretary Bernhardt. Fair enough.

3958 *Mr. Bishop. -- 8/2, if we can do that.

3959 *The Chairman. Mr. Lowenthal?

3960 *Dr. Lowenthal. Thank you. And I want to thank you,
3961 Mr. Secretary, for spending all this time. I will try to
3962 really be brief.

3963 I just got your news release that said that the
3964 Department of the Interior has renewed the two Twin Metals
3965 projects in Minnesota.

3966 *Secretary Bernhardt. I don't think it is my news
3967 release, but it is a BLM release, probably.

3968 *Dr. Lowenthal. Yes, under the Department of the
3969 Interior, though, BLM, so it is -- I assume that you are --
3970 you okayed this.

3971 In it, it says, "To prevent public lands from being
3972 indefinitely encumbered by these leases with no benefit to
3973 the public, the terms placed upon the renewed leases include
3974 new diligent development requirements whereby the lessee is
3975 obligated to submit a complete proposed mine plan of
3976 operation, obtain all necessary permits, and meet certain
3977 project milestones for mine construction within a 10-year --
3978 the 10-year period, or these leases will be terminated.''

3979 Pretty clear that you are -- they got 10 years, and that
3980 is your -- and that is really where you are.

3981 The reason we got into this was that the solicitor
3982 general, in 2017, the -- Mr. Jorjani, said the Obama
3983 Administration had no right to cancel the Boundary Water
3984 leases. He said the historical record of the 1966 lease
3985 implications shows that production was not made a condition
3986 of renewal. That was real. They are 50 years old, those
3987 leases, but never entered into production.

3988 You know, this thing -- the thing that is so strange is
3989 -- and I would like to enter into the record the last news
3990 release that I have from Interior from 1966, which says that
3991 if this property is not brought into production within the
3992 initial 20-year term, it is terminated.

3993 So I feel like this is a bait and switch. This is a con
3994 job. You are saying, hey, we are not going to follow what
3995 happened before. Those leases should have been terminated.
3996 But we are going to put the same conditions in the new
3997 leases. This is very confusing. I do not understand this.
3998 Maybe you can kind of clarify how the leases weren't
3999 terminated after waiting 50 years, and yet now you put into
4000 it if they are not done in 10 years they will be terminated,
4001 when they are both conditions of the lease.

4002 *Secretary Bernhardt. So I think this is the --
4003 obviously, the third version of this lease. And I think that

4004 what you will see -- and I am happy to make sure they are
4005 appropriately provided -- what you will see is that they have
4006 real diligence provisions.

4007 We are not in the business of saying you can just sit on
4008 it and do nothing. And so we came up with some appropriate
4009 terms, I believe, that will ensure that they --

4010 *Dr. Lowenthal. So I understand that, I am just -- I
4011 just have no time left. So you stand by Jorjani's -- the
4012 solicitor's opinion that production was never part of the
4013 earlier lease?

4014 *Secretary Bernhardt. Well, I certainly stand by the
4015 legality of the solicitor's opinion. And I think I will -- I
4016 think you will find that this lease is legal, as well.

4017 *Dr. Lowenthal. Well, I think the decisions were made,
4018 you just wanted to do it there. You put this into it, that
4019 it is going to be done in 10 years, by ignoring what had
4020 happened before. I think -- and so I am just going to end.

4021 Was -- now that you have begun this process of turning
4022 out a news release and putting forth -- was the White House
4023 -- and putting forth that the leases will be renewed, was the
4024 White House part of this decision-making?

4025 *Secretary Bernhardt. You mean in terms of the decision
4026 itself?

4027 *Dr. Lowenthal. Yes. Now you have just started this.
4028 You are renewing leases.

4029 *Secretary Bernhardt. This is a department in the
4030 Interior --

4031 *Dr. Lowenthal. So the White House was not involved.

4032 *Secretary Bernhardt. No.

4033 *Dr. Lowenthal. Thank you, and I yield back.

4034 *The Chairman. Thank you very much.

4035 And Mr. Secretary, thank you for your indulgence, thank
4036 you for being here, and part of the meeting.

4037 There are consequential issues that this Committee has
4038 in its jurisdiction, consequential. And as I said earlier in
4039 my comments, the differences that we have have to do with
4040 direction and policy that you are carrying out within that
4041 Department. I think that was obvious in some particular
4042 areas.

4043 We have a responsibility to do our due diligence to try
4044 to convince you or the American public that we should be
4045 going in a different direction. And there are areas that are
4046 special in this country that should be left alone and not
4047 extracted from. And that is just one example.

4048 And as we go forward, I hope that the candor and the
4049 frankness that we had at our meeting and that you shared with
4050 this Committee today continues, because difficult choices
4051 also -- differences in direction require this Committee and
4052 the majority to seek as assertively as we can the motivation
4053 behind policy changes and direction and, more importantly,

4054 for the oversight function and, our constitutional
4055 responsibility, the rationale.

4056 So, going forward, thank you again. The meeting is
4057 adjourned.

4058 [Whereupon, at 1:24 p.m., the Committee was adjourned.]