

**Committee on Natural Resources  
Oversight Hearing  
1324 Longworth House Office Building  
September 26, 2019  
2:00 p.m.**

**Oversight Hearing on**  
*The Department of the Interior's Failure to Cooperate with Congressional Requests*

**Questions from Rep. Raúl M. Grijalva** for Mr. Daniel Jorjani, Principal Deputy Solicitor for the U.S. Department of the Interior

1. You testified to the Senate Energy and Natural Resources Committee that documents released under the Freedom of Information Act, or FOIA, were not subject to a "heightened awareness" review process. In fact, you testified that process did not exist -- that the Department does not have a heightened awareness process, which you reiterated in Questions for the Record. But we found substantial evidence to the contrary. Interior staff, including FOIA officers, called it a Heightened Awareness, Supplemental Awareness Review, or even Augmented Awareness. They describe a process of review reserved for the highest-ranking political appointees that get extra scrutiny before being released. Why did you tell the Senate ENR Committee that the "heightened awareness process" did not exist?
2. Is there a process, formal or informal, by which FOIA productions that somehow implicate some high-ranking political appointees at DOI get an additional layer of review beyond the awareness review process that applies to all political appointees?
  - a. If so, what is that process called?
3. You also testified under oath to the Senate that "as a policy matter, I typically did not review records prior to their release under the FOIA." But, again, numerous emails show FOIA officers were ordered to include you on FOIA responses as a matter of policy, and that you had numerous recurring meetings with FOIA staff and Interior attorneys about FOIA requests and responses. You even had phone calls scheduled

on weekends for FOIA updates. Why did you testify that you did not routinely review FOIA responses, when there is overwhelming evidence that you did?

4. You prefaced your answer with the phrase, "as a policy matter." What does that mean?
5. Did you ever review records prior to their release under the FOIA as a non-policy matter?
6. According to the Interior Department's most recent FOIA Annual Report (2018), the median number of days it takes the Department to respond to FOIA Appeals is 516 days, and on average it takes 643 days to process a single appeal. At the end of Fiscal year 2018, the Department had 379 FOIA Appeals outstanding. It is our understanding that the Department has a single employee who processes appeals for the entire agency. The Department's own report makes clear that this process is broken and that impedes public oversight of the Department. Why is only one person responsible for this important function?
7. During your testimony you said that the Department takes Congressional Oversight seriously and seeks to balance the legitimate legislative branch interests in oversight against confidentiality and executive branch privileges. *From whom or what Office do you seek guidance on how to balance these interests? Have you ever consulted the White House about document releases related to FOIA requests or oversight requests?*