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6 OVERSIGHT HEARING ON THE DEPARTMENT OF THE INTERIOR'S FAILURE

7 TO COOPERATE WITH CONGRESSIONAL OVERSIGHT REQUESTS

8 Thursday, September 26, 2019

9 House of Representatives,

10 Committee on Natural Resources,

11 Washington, D.C.

12

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14

15 The Committee met, pursuant to notice, at 2:04 p.m., in
16 Room 1324, Longworth House Office Building, Hon. Raúl M.
17 Grijalva [Chair of the Committee] presiding.

18 Present: Representatives Grijalva, Sablan, Huffman,
19 Lowenthal, Gallego, Cox, Haaland, Van Drew, Cunningham,
20 Velázquez, Soto, Cartwright, Tonko; Bishop, Gohmert,
21 McClintock, Westerman, Hice, Radewagen, Webster, González-
22 Colón, and Fulcher.

23

24 *The Chair. The Committee on Natural Resources will
25 come to order.

26 The Committee is meeting today to hear testimony on the
27 "Department of the Interior's Failure to Cooperate with
28 Congressional Oversight Requests."

29 Under Committee rules 4(f), any oral opening statements
30 are limited to the Chair and the Ranking Minority Member.
31 Therefore, I ask unanimous consent that all other members'
32 opening statements be made part of the record, hearing
33 record, if they are submitted to the Clerk by 5:00 p.m.
34 today.

35 Hearing no objection, so ordered.

36 For an opening statement let me recognize myself.

37

38 STATEMENT OF THE HON. RAÚL M. GRIJALVA, A REPRESENTATIVE IN
39 CONGRESS FROM THE STATE OF ARIZONA

40

41 *The Chair. Congressional oversight of the executive
42 branch is the -- is an integral part of our democracy's
43 system of checks and balances. As representatives of the
44 American people, Congress must help ensure that the current
45 administration is acting in the best interests of the people,
46 and concurs -- in concurrence with existing laws, and in a
47 way that is free from corruption, fraud, or waste.

48 I want to quote -- and let me quote. "In regards to
49 oversight, it is not only Congress's right, but our
50 responsibility to hold the executive branch accountable for
51 its actions and decisions. In turn, we expect the
52 Administration to be honest and transparent.'" That quote
53 comes from the former full Committee Chairman, September
54 10th, 2014, Chairman Doc Hastings. I bring that up because,
55 as his picture also adorns the wall here, that has been a --
56 that is a consistent demand on whoever -- regardless of who
57 the majority is -- the oversight function and its importance.
58 And I think Chairman Hastings said it much better than I
59 could.

60 But that -- but, unfortunately, that has not stopped the
61 Trump Administration from delaying, obstructing, and
62 sometimes just ignoring our efforts to conduct oversight.

63 The Trump Administration has declared open war on Congress's
64 constitutional authority to conduct oversight. And the
65 Department of the Interior is no exception.

66 To date this Committee has made over 25 formal requests
67 for information or documents from Interior. To date we have
68 only received complete or nearly complete responses to three
69 of them. Fourteen of those requests - well over half - have
70 received no substantive response at all.

71 Interior likes to talk about the numbers of documents
72 and pages they have sent us. But they are padding the
73 numbers. In one case they gave us a 12,000-page printout of
74 a single Excel table.

75 [Slide]

76 *The Chairman. And there is the visual up there.
77 Printouts of large spreadsheets usually -- large spreadsheets
78 usually are -- 12,000 pages of that. And it was sitting on
79 Interior's website. Rather than taking two months to print
80 and scan 12,000 pages, they could have just emailed us the
81 link.

82 In response to our request about the former Secretary's
83 review of our national monuments, they sent us 100 pages of
84 unintelligible symbols.

85 [Slide]

86 *The Chair. We have gotten documents with redactions
87 from Interior, while at -- they send -- they sent the same

88 documents to the public through FOIA without those
89 redactions. When we asked them about them -- about it, staff
90 told us that the redacted information wasn't related to our
91 request. Not only was that not true, but Interior does not
92 go through each individual document to redact content that
93 isn't responsive. The 100 pages of symbols make that pretty
94 clear.

95 Before Secretary Bernhardt came to testify before the
96 Committee in May, we tried to make things easy, and asked him
97 to prioritize four very narrow document requests. One of
98 those requests asked for a single document by file number.
99 We couldn't even get that one.

100 Their efforts seem to particularly target toward me.
101 Emails obtained by the Committee this past spring showed that
102 the Interior employees were instructed to withhold any
103 communications directed to me for about two weeks. Another
104 email said that any documents I requested were to be reviewed
105 by two high-ranking political appointments. That was
106 directed just at me. No other Member of the House, or on
107 this Committee, was singled out the same way.

108 Despite asking about these instructions multiple times,
109 still no answer.

110 And it is just not Congress. Interior has resisted
111 oversight by both the Inspector General and the Government
112 Accountability Office since the beginning of this

113 Administration. In fact, GAO has called Interior the least
114 responsive Department in the entire Federal Government.

115 When he testified before this Committee, Secretary
116 Bernhardt proposed that we meet to discuss a reasonable
117 timetable for producing documents we requested. At that
118 meeting DOI staff declared they would not be committing to
119 any timetables out of concern that we might hold them to that
120 agreement. They refused to tell us who their witnesses would
121 be for this hearing until yesterday. One to two weeks has
122 usually been the norm.

123 These actions paint a picture of a department acting in
124 bad faith. Interior's refusal to cooperate means the
125 Committee cannot do the oversight envisioned in our
126 Constitution. We need information from the Administration to
127 assist us with legislation, oversight, and to keep the
128 Department accountable to the American people.

129 The American people deserve a government that works
130 together. And we need something better than this situation
131 now. I hope today's hearing helps us move past this logjam
132 to find a path forward.

133 [The prepared statement of The Chairman follows:]

134

135 Congressional oversight of the executive branch is an
136 integral part of our democracy's system of checks and
137 balances. As representatives of the American people, Congress

138 must help ensure that the current administration is acting in
139 the best interests of the people, in concurrence with
140 existing laws, and in a way that is free from corruption,
141 fraud, and waste.

142 But that has not stopped the Trump administration from
143 delaying, obstructing, and sometimes just ignoring our
144 efforts to conduct oversight.

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146 Congress' constitutional authority to conduct oversight. And
147 the Department of the Interior is no exception.

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149 information or documents from Interior. And to date, we have
150 only received complete or nearly complete responses to three
151 of them. Fourteen of those requests—well over half—have
152 received no substantive response at all.

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154 and pages they have sent us. But they're padding the numbers.
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156 Excel table. It was unusable, as printouts of large
157 spreadsheets usually are. And it was sitting on Interior's
158 website. Rather than taking two months to print and scan
159 12,000 pages, they could have just emailed us the link.

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161 review of our national monuments, they sent us 100 pages of
162 unintelligible symbols.

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164 while they sent the same documents to the public through FOIA
165 without those redactions. When we asked them about it, staff
166 told us that the redacted information wasn't related to our
167 request. Not only was that not true, but Interior does not go
168 through each individual document to redact content that isn't
169 responsive. The 100 pages of symbols make that pretty clear.

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171 Committee in May, we tried to make things easy and asked him
172 to prioritize four very narrow document requests. One of
173 those requests asked for a single document by file name. We
174 couldn't even get that.

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176 me. Emails obtained by the Committee this past Spring showed
177 that Interior employees were instructed to withhold any
178 communications directed to me for about two weeks. Another
179 email said that after the two weeks, any documents I
180 requested were to be reviewed by two high ranking political
181 appointees. Just me. No other member of the House was singled
182 out. Despite asking about these instructions multiple times,
183 I still have not gotten answers.

184 It's not just Congress. Interior has resisted oversight
185 by both the Inspector General and the Government
186 Accountability Office, or GAO, since the beginning of this
187 administration. In fact, the GAO has called Interior the

188 least responsive department in the entire federal government.

189 When he testified before this committee, Secretary
190 Bernhardt proposed that we meet to discuss a reasonable
191 timetable for producing the documents we requested. At the
192 meeting, DOI staff declared they would not be committing
193 to any timetables out of concern that we might hold them to
194 their agreement.

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196 this hearing until yesterday. 1-2 weeks is the norm.

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198 bad faith.

199 Interior's refusal to cooperate means this Committee
200 cannot do the oversight envisioned in our Constitution. We
201 need information from the administration to assist us with
202 legislation, oversight, and to keep the Department
203 accountable to the American people.

204 The American people deserve a government that works
205 together better than this. I hope today's hearing helps us
206 move past this logjam to find a path forward.

207 *The Chair. With that I yield to the Ranking Member,
208 Mr. Bishop, for his opening comments.
209

210 STATEMENT OF THE HON. ROB BISHOP, A REPRESENTATIVE IN
211 CONGRESS FROM THE STATE OF UTAH

212

213 *Mr. Bishop. Thank you, Mr. Grijalva. And I think, in
214 some respects, I can understand the feelings that you are
215 going through now. I think when I was Chairman we had the
216 same concepts many times.

217 But I do want to start off by congratulating Solicitor
218 Jorjani for your confirmation that has just happened.
219 Secretary Bernhardt came to this Committee just 35 days after
220 he was confirmed. You are here less than 48 hours after you
221 were confirmed. If that is not some kind of prompt and
222 responsive service, I actually don't know what is.

223 In the -- when Secretary Bernhardt took over as Acting
224 Secretary, the Department produced for this Committee over
225 100,000 papers -- pages of information from 22 different
226 oversight requests. That was a grand total of 12,000
227 documents, which is amazing, when you consider the last time
228 there was such a hearing like this about the Obama Interior
229 Department's Administration, many on the other side were
230 saying the 5,000 documents that they had produced, which was
231 60,000 pages, was unique and amazing. So you have performed
232 extremely well, producing a whole lot more information in a
233 shorter period of time than what was good back in those good
234 old days.

235 Look, oversight is the responsibility of Congress, and
236 it is good. And when it is bipartisan it can yield good
237 results. Let me give you an example.

238 There were credible allegations about groups like the
239 World Wildlife Fund, which was using taxpayer-funded grants
240 from the Department to support cases of human rights
241 violations, things like torture and rape and extrajudicial
242 killings under the cover of species conservation, with
243 absolutely no -- little to no accountability towards it. We
244 pushed for answers, and I do appreciate Mr. Grijalva, as
245 Chairman of this Committee, also pushing for responses to it.
246 And I actually thank the Department for responding to this
247 Committee's inquiry, also by taking your very proactive steps
248 to flag and halt some of the riskiest grants that were being
249 done in the past. That is very positive.

250 I think positive changes are coming from that oversight
251 request, and I look forward to working with Chairman
252 Grijalva, as we continue to work with the Department to
253 address the lapses of accountability in these types of funds.

254 But not all congressional oversights are of equal value.
255 So, when we -- the investigation of the Secretary's
256 calendars, it produced thousands of pages of documents, and
257 multiple employees, including the Department's chief of
258 staff, had to be available for 22 hours of transcript
259 interviews. And at the end of that month -- all those months

260 of this particular exercise, what we learned were employees
261 managed the Secretary's schedule, and lawyers conduct
262 reviews, and records were properly maintained by the law, and
263 actually that Bernhardt was employing a stricter review
264 process than had been done before.

265 There is always some attempts by some to recurringly
266 demonize -- obsessively demonize -- certain segments of the
267 stakeholders, certain select industries and people who have
268 experience and expertise in the natural resources realm.
269 Knowledgeable industry experience and expertise should be
270 viewed -- should not be viewed with skepticism, but has a
271 value to it, especially when there is some balance to it.

272 And I think we are very fortunate to have a Secretary
273 who knows this Department, its agencies, as well as impacted
274 industries better than anyone, and is using this knowledge to
275 reform a Department that has a long history of mismanagement
276 to one that provides taxpayers with the best services, and is
277 responsive to their particular needs.

278 So, if we are going to do another witch hunt at some
279 time, I think we should all park our pitchforks at the door
280 before we go into it. For, indeed, as one person said five
281 years ago in a hearing, this is indeed about optics and
282 fighting about things, rather than getting to the bottom of
283 them. And after they reviewed many of the documents in
284 response to the Committee's inquiry, further said, "The

285 scandal is, in fact, the search for a scandal.''

286 I think, Mr. Huffman, you were correct five years ago
287 and you are correct about this hearing, as well. The same
288 thing applies.

289

290 *Mr. Bishop. I yield back.

291 *The Chair. Thank you. And I want to thank our witness
292 today, the Solicitor of the Department of the Interior, Mr.
293 Daniel Jorjani.

294 And congratulations, as well, on your confirmation. And
295 thank you very much for taking the time to be here.

296 Under Committee rules our oral statements are limited to
297 five minutes. But your entire statement will appear in the
298 hearing record.

299 The lights in front of you will turn yellow when there
300 is one minute left, and red when time has expired.

301 After testimony is complete, members will be given the
302 opportunity to ask questions.

303 With that, Mr. Jorjani, the Chair recognizes you for
304 your testimony. And thank you again.

305

306 STATEMENT OF DANIEL JORJANI, SOLICITOR, U.S. DEPARTMENT OF
307 THE INTERIOR

308

309 *Mr. Jorjani. Thank you, and good morning, Chairman
310 Grijalva, Ranking Member Bishop, and members of the
311 Committee. My name is Daniel Jorjani, and I am the Principal
312 Deputy Solicitor for the United States Department of the
313 Interior, an agency charged with protecting America's
314 landscapes and heritage, fulfilling unique responsibilities
315 to the insular areas, and trust responsibilities to the
316 American Indian Tribes and their members, and also overseeing
317 the responsible development and use of our country's natural
318 resources.

319 At the outset I would like to thank you, Chairman, for
320 the opportunity to address the Committee's oversight
321 interests and the Department's robust accommodation of the
322 many congressional requests throughout this session.

323 As the Department has consistently stated, we recognize
324 and respect the Committee's oversight role with respect to
325 the varied activities of the Department. I believe that
326 ongoing communication between the Department and the
327 Committee allows for a better mutual understanding of the
328 respective interests of each separate branch of government.

329 Importantly, this conversation can allow the Department
330 to meet the legitimate oversight needs of the Committee,

331 while minimizing its impact on the Department's ability to
332 carry out its missions and day-to-day work.

333 The judicially-recognized process of responding to
334 congressional requests, known as the accommodation process,
335 has its roots in the United States Constitution, extensive
336 case law, and longstanding practice. This process is non-
337 partisan. Administrations of both parties have relied upon
338 it for decades, and it has been supported by top Department
339 officials, both Democrats and Republicans alike.

340 Within the Department the Solicitor's Office,
341 Congressional Affairs, and the Executive Secretariat work
342 together with the Department's bureaus and offices to comply
343 with congressional oversight requests. To manage these
344 requests, the Department, according with longstanding roles,
345 responsibilities, and processes relies on dedicated career
346 civil servants to collect, review, and timely produce
347 responsive materials. The shared responsibility by bureaus
348 and offices ensures that the Department cooperates with
349 congressional oversight requests to the fullest extent
350 consistent with our constitutional and statutory
351 responsibilities.

352 The Solicitor's Office plays a critical role in the
353 Department's oversight process. My office assures that
354 congressional oversight productions protect the legitimate
355 legal interests of the Department.

356 At times congressional committees request information
357 that can implicate executive-branch confidentiality
358 interests. In these instances, the Department, under the
359 leadership of Secretary Bernhardt, has remained dedicated to
360 accommodating legitimate oversight requests, and working to
361 provide Congress with the information it seeks.

362 The Department has received a significant number of
363 congressional requests for information and documents in the
364 116th Congress. Since the government reopened in late
365 January, the Department estimates that it has received at
366 least 27 separate oversight requests, and has worked
367 diligently to respond to each as it is able.

368 According to Congressional Affairs, the Department and
369 its bureaus have transmitted nearly three dozen substantive
370 letters to assist oversight investigations and provide a
371 deeper understanding of the issues, resulting in the
372 resolution of at least six separate matters.

373 We have initiated productions in 17 different matters,
374 several of which are now closed, while seeking to accommodate
375 many other Committee requests through staff briefings and
376 prioritization of requested records.

377 The production of responsive information is similarly
378 robust, totaling over 13,500 documents, comprising more than
379 100,000 pages. Many of these productions have been
380 accompanied by offers of briefings by subject matter experts

381 and senior departmental officials to better inform the
382 Committee's legitimate interest in information.

383 The Department's pace and quality of reply to oversight
384 requests is also consistent with the previous
385 Administration's efforts. Our commitment to accommodating
386 Congress's legitimate oversight functions, while at the same
387 time protecting important executive branch functions, is
388 robust. And we have dedicated significant taxpayer resources
389 to complying with those requests.

390 Finally, the Department has requested to brief the
391 Chairman on multiple occasions on the many ongoing requests
392 of the Department. Although none of these offers have been
393 accepted, departmental staff have been able to meet with
394 Committee staff to review requests on a few occasions, and we
395 genuinely look forward to more such opportunities in the
396 future.

397 I believe a nonpartisan review of the Department's
398 accommodation of the Committee's oversight requests reflects
399 Secretary Bernhardt's respect for Congress's authority as a
400 co-equal branch of government.

401 The Department will continue to diligently review and
402 respond to unresolved and future oversight requests.

403 I look forward to answering any questions the Committee
404 has, and I genuinely thank you again for the opportunity to
405 testify today. Thank you, sir.

406 [The prepared statement of Mr. Jorjani follows:]

407

408 Good morning Chairman Grijalva, Ranking Member Bishop,
409 and members of the Committee.

410 My name is Dan Jorjani, and I am the Principal Deputy
411 Solicitor for the United States Department of the Interior,
412 an agency charged with protecting America's landscapes and
413 heritage, fulfilling unique responsibilities to the Insular
414 areas and our trust responsibilities to the American Indian
415 tribes and their members, and overseeing the responsible
416 development and use of our country's natural resources.

417 At the outset, I would like to thank you, Mr. Chairman,
418 for the opportunity to address the
419 Committee's oversight interests and the Department's robust
420 accommodation of the many congressional requests throughout
421 this session. As the Department has consistently stated, we
422 recognize and respect the Committee's oversight role with
423 respect to the varied activities of the Department.

424 I believe that ongoing communication between the
425 Department and the Committee allows for a better mutual
426 understanding of the respective interests of each separate
427 branch of government. Importantly, this conversation can
428 allow the Department to meet the legitimate oversight needs
429 of the Committee while minimizing the impact on the
430 Department's ability to carry out its missions and day-to-day

431 work.

432 The judicially-recognized process of responding to
433 Congressional requests, known as the accommodation process,
434 has its roots in the United States Constitution, extensive
435 case law, and long-standing practice. This process has been
436 described by one Attorney General as: "The accommodation
437 required is not simply an exchange of concessions or a test
438 of political strength. It is an obligation of each branch to
439 make a principled effort to acknowledge, and if possible to
440 meet, the legitimate needs of the other branch" (Assertion of
441 Executive Privilege in Response to a Congressional Subpoena,
442 5 Op. O.L.C. 27, 31 (1981)). This process is
443 nonpartisanadministrations of both parties have relied upon
444 it for decades, and it has been supported by top Department
445 officials, both Democrats and Republicans alike.

446 Within the Department, the Office of the Solicitor, the
447 Office of Congressional and Legislative Affairs, and the
448 Office of the Executive Secretariat and Regulatory Affairs,
449 work together with the Department's bureaus and offices to
450 comply with congressional oversight requests. To manage these
451 requests, the Department, in accordance with longstanding
452 roles, responsibilities and processes, relies on dedicated
453 career civil servants to collect, review, and timely produce
454 responsive materials. The shared responsibility by bureaus
455 and offices ensures that the Department cooperates with

456 congressional oversight requests to the fullest extent,
457 consistent with our constitutional and statutory
458 responsibilities.

459 The Solicitor's Office plays a critical role in the
460 Department's oversight process. My Office ensures that
461 congressional oversight productions protect the legal
462 interests of the Department, including our litigation and on-
463 going rulemaking interests. We work closely with the Office
464 of Congressional and Legislative Affairs and the Office of
465 the Executive Secretariat and Regulatory Affairs to
466 collectively fulfill the Department's oversight obligations.

467 At times, congressional committees request information
468 that can implicate Executive Branch confidentiality
469 interests. In these instances, the Department, under the
470 leadership of Secretary Bernhardt, has remained dedicated to
471 accommodating legitimate oversight requests and working
472 to provide Congress with the information it seeks.

473 The Department has received a significant number of
474 congressional requests from several different committees for
475 information and documents in the 116th Congress. Since the
476 government reopened in late January 2019, the Department has
477 received at least 27 separate oversight requests and has
478 worked diligently to respond to each as it is able. According
479 to the Office of Congressional and Legislative Affairs, the
480 Department and its bureaus have transmitted nearly three

481 dozen substantive letters to assist oversight investigations
482 and provide a deeper understanding of requested issues,
483 resulting in the resolution of at least 6 separate matters.
484 We have initiated productions in 17 different matters,
485 several of which are now closed, while seeking to accommodate
486 many other Committee requests through staff briefings and
487 prioritization of requested records.

488 The production of responsive information is similarly
489 robust, totaling over 13,500 documents consisting of more
490 than 100,000 pages. Many of these productions have been
491 accompanied by offers of briefings by subject matter experts
492 and senior Department officials to better inform the
493 Committee's interest in information.

494 The Department's pace of reply to oversight requests is
495 also consistent with the previous Administration's efforts.
496 For instance, data acquired from the Department's Office of
497 Executive Secretariat and Regulatory Affairs, which tracks
498 historical correspondence for the Department, shows that
499 during the first 9 months of 2011, after the Republican
500 majority took control of the House of Representatives and
501 conducted significant oversight of the Obama Administration,
502 the Department received 21 congressional oversight requests
503 and provided 38 letters and productions of documents and
504 information. Correspondingly, as noted earlier, the
505 Department has received 27 requests and provided more than 42

506 separate letters and document productions.

507 The Department's commitment to accommodating Congress's
508 legitimate oversight functions and, at the same time,
509 protecting important Executive Branch functions, is robust,
510 and we have dedicated significant taxpayer resources to
511 complying with these requests.

512 Additionally, the Department has requested to brief the
513 Chairman on multiple occasions on the many ongoing requests
514 of the Department. Although none of these offers have been
515 accepted, Departmental staff have been able to meet with
516 Committee staff to review requests on a few occasions and
517 look forward to more such opportunities in the future.

518 I believe a non-partisan review of the Department's
519 accommodation of the Committees' oversight requests reflects
520 the Secretary's respect for Congress's authority as a co-
521 equal branch of government. The Department will continue to
522 diligently review and respond to unresolved and future
523 oversight requests. I look forward to answering any questions
524 the Committee has and I thank you again for the opportunity
525 to testify today. *The Chair. Thank you very much. And to
526 get a better understanding and set the template for the
527 discussion today having to do with document requests, I want
528 to better understand about where our document requests are
529 being held up, or getting held up. To that I need to
530 understand the process for handling them.

531 Let me -- to my best understanding of it, when we send a
532 request to a bureau and office, as I understand it, one of
533 the first steps is meeting -- a meeting among a mix of career
534 and political employees who decide how the document request
535 is to be treated, who will collect the document, and -- is
536 that basically correct?

537 *Mr. Jorjani. Yes, Chairman, that is basically correct.

538 *The Chair. Based on that meeting, then, instructions
539 for collecting responsive documents are put together. And
540 then it goes out for document collection to the people who
541 have direct access to the documents.

542 After that a bureau contact reviews the documents that
543 have been collected to make sure that they are responsive to
544 the request.

545 Am I correct so far?

546 *Mr. Jorjani. Yes, sir, Mr. Chairman.

547 *The Chair. Thank you. Once the documents are
548 collected, they are also sent to the -- to your office,
549 presumably to determine whether there are any documents that
550 will be withheld for reasons that might include potential
551 assertion of a privilege.

552 Does that -- still on track?

553 *Mr. Jorjani. Yes, sir. Still on track. The
554 Solicitor's Office does work with the Office of the Executive
555 Secretary, the bureaus, and, above all, the congressional

556 office --

557 *The Chair. Before sending the document to us, to the
558 Committee, it also goes through review of the Office of
559 Congressional, as you said, Legislative Affairs. Correct?

560 *Mr. Jorjani. Yes, sir.

561 *The Chair. And the purpose of this review -- what is
562 the purpose of that, of the review at that point?

563 *Mr. Jorjani. The Office of Congressional and
564 Legislative Affairs manages all the Department's interactions
565 with Congress, and certainly with our authorizing oversight
566 committees.

567 *The Chair. So let me ask a question, then. So is --
568 are political appointees, as the liaison office is, primarily
569 responsible for this review? Or is the career staff
570 principally responsible for the review?

571 *Mr. Jorjani. As you noted in your comments, this is a
572 long and extensive process that involves career officials at
573 every level of the process. And it is collaborative,
574 primarily between the Office of the Executive Secretary, the
575 Office of Congressional and Legislative Affairs, and the
576 Office of the --

577 *The Chair. And --

578 *Mr. Jorjani. -- that are career officials.

579 *The Chair. And --

580 *Mr. Jorjani. And then the responsive bureaus.

581 *The Chair. Anybody else involved in the reviews that
582 are being -- of the material requested to be sent to us? The
583 Secretary, Chief of Staff, Deputy?

584 *Mr. Jorjani. Generally, we have a process in place
585 that relies heavily on career officials. Beyond that, I
586 think there is interest in always maintaining positive and
587 responsive reactions to legitimate congressional oversight
588 requests, which sometimes does involve other elements of the
589 Department, to the best of my understanding, sir.

590 *The Chair. There are probably some variations here and
591 there, but this is basically the way the process works for
592 responding to document requests, correct?

593 *Mr. Jorjani. Yes, pursuant to a memorandum, the
594 memorandum in a previous administration, Office of
595 Congressional and Legislative Affairs oversees our
596 interactions with Congress. The Solicitor and Executive
597 Secretary play key roles in the process, as well.
598 Essentially, managed, as you said --

599 *The Chair. So, you know, every request is tracked
600 along the way. So if you wanted to know where a request from
601 this Committee was being held up, or where it was in the
602 process, you could just look at the tracking system and
603 figure that out.

604 What single person is responsible -- if a single person
605 is responsible -- for ensuring that a document request gets

606 through the entire process?

607 *Mr. Jorjani. At the end of the day the Office of
608 Congressional and Legislative Affairs manages all our
609 interactions with this Committee, with the Hill. And the
610 Director of the Office of Congressional and Legislative
611 Affairs, working with his senior career staff, senior career
612 staff of the Office of the Executive Secretary, and the
613 Solicitor's Office.

614 *The Chair. Okay, so at what stage in the process that
615 we just outlined are most of our document requests being held
616 up?

617 In other words, the Office of Congressional Affairs, is
618 that where -- exactly where the bottleneck is?

619 *Mr. Jorjani. I think our responses in tracking them --
620 and I would be careful of overstating how robust our internal
621 tracking system is, but I would hesitate to say that the
622 bottleneck is in the Office of Congressional and Legislative
623 Affairs. Certainly they prioritize robust response to
624 Congress's legitimate interaction.

625 Generally, I find, if there are any document slowdowns,
626 it is usually in the Office of the Solicitor, is what I have
627 found in the past --

628 *The Chair. So if the documents have been mostly
629 collected, then they are simply waiting to be reviewed by
630 Congressional Affairs, your office before they are forwarded

631 to us?

632 *Mr. Jorjani. It is an iterative process. It really
633 depends on each individual request. If there are specific
634 things that are held up in the process, I am happy to track
635 them and get them back to you, working via the Office of
636 Congressional and Legislative Affairs, on an expedited basis.
637 We respect your oversight responsibilities.

638 *The Chair. I don't have any further questions. Mr.
639 Bishop?

640 *Mr. Bishop. Thank you again. Mr. Grijalva, can I
641 first make a comment that has nothing to do with the witness
642 here?

643 I have in the past been critical about attendance at
644 both markups and hearings. I have to admit -- give credit
645 when credit is due. The number of members who are here is
646 heartening. When you have 10 members on your side and 8 on
647 our side for an afternoon Committee hearing, that is good.
648 That is, I think, a positive statement. So it must be your
649 star power of drawing people out here.

650 *The Chair. And your recommendation is under advisement
651 to have all our meetings at 4:00 in the afternoon. I don't
652 know how -- I am going to poll the rest of the members, see
653 how they feel about it, but we will go from there.

654 *Mr. Bishop. I know how hard you will work for that
655 proposal, too, so thank you.

656 [Laughter.]

657 *Mr. Bishop. Mr. Jorjani, can I ask you a question?
658 You know, at a hearing that was previously held there were
659 Democrats on this Committee who considered the Obama
660 Administration's production of 5,000 documents and about
661 60,000 pages as a heroic effort.

662 However, our Department -- under the Trump
663 Administration has produced 12,000 documents that are over
664 100,000 pages, and you have done it in less than 10 months.
665 We now have a hearing here where the complaint is that you
666 all are being unresponsive and uncooperative. So, after
667 producing almost twice as many documents in less time, do you
668 think -- what do you think is the reason for this apparent
669 shift in what qualifies as responsiveness from the
670 Department?

671 *Mr. Jorjani. Thank you for the question. I am not
672 sure what the rationale for the different approach is. I
673 will emphasize Secretary Bernhardt takes very seriously the
674 legitimate oversight functions of this Committee, and wants
675 us to be as responsive as reasonably possible, while at the
676 same time protecting important executive branch
677 confidentiality interests.

678 *Mr. Bishop. After hearing your answers to the
679 Chairman's questions, I am making the assumption that you are
680 familiar with the process the Department follows when it

681 receives an oversight request from Congress. Can you tell
682 the Committee when this particular process was implemented?

683 *Mr. Jorjani. Oh, this is the same process we inherited
684 from the previous Administration. We are aware that there
685 were some challenges in the previous Administration. Thus,
686 we have tried to be doubly responsive to all requests from
687 this Committee and other committees, as well, sir.

688 *Mr. Bishop. So let me try and emphasize this, just to
689 be clear. Secretary Bernhardt did not alter the way the
690 Department processes oversight requests.

691 *Mr. Jorjani. That is correct, sir. The memo that we
692 use, our approach to this, tracks previous administrations.

693 *Mr. Bishop. So can you --

694 *Mr. Jorjani. Other than we try to be even more
695 responsive.

696 *Mr. Bishop. Can you then walk us through the process
697 the Department follows?

698 *Mr. Jorjani. Well, yes. Generally, as we work through
699 the accommodation process, we carefully consider the
700 Department's limited resources, but also the incredible
701 importance of respecting legitimate legislative branch
702 oversight functions, and -- as well as our myriad statutory
703 obligations and court deadlines.

704 We attempt to handle all oversight requests using the
705 same process used by the previous Administration to respond

706 to congressional requests. Offices and bureaus within the
707 Department work, as the Chairman noted, to facilitate the
708 review, collection, and timely production of responsive
709 material to Congress. DoI leadership, including the Office
710 of the Solicitor, relies on dedicated career civil servants
711 to perform the review, collection, and production of
712 responsive materials.

713 *Mr. Bishop. Would you consider multiple-document
714 productions in response to a congressional inquiry as
715 unresponsive or uncooperative?

716 *Mr. Jorjani. No, I would consider multiple responses
717 to be highly cooperative.

718 *Mr. Bishop. So how would you describe the actions of
719 the Department, when documents are produced on this rolling
720 basis?

721 *Mr. Jorjani. I think the rolling basis highlights our
722 desire to respond in an expedited basis out of absolute
723 respect for Congress's legitimate oversight functions.

724 *Mr. Bishop. Let me, for the sake of the Committee, and
725 allowing people to have more questions, let me yield back.

726 *The Chair. The gentleman yields. Mr. Huffman?

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

728 Welcome, Mr. Jorjani. We were expecting to be
729 questioning the Secretary of the Interior today, David
730 Bernhardt. Obviously, you are not David Bernhardt. Where is

731 Mr. Bernhardt right now, that he could not join us for this
732 testimony?

733 *Mr. Jorjani. I think he is in a meeting in the White
734 House right now, sir. That is the only thing that would
735 trump his desire to be here testifying personally himself.

736 *Mr. Huffman. All right. Well, maybe some of those
737 famously-detailed calendar entries that we have grappled with
738 can help us, the ones that allude to things like meeting,
739 with no other detail. We will look forward to finding out
740 more.

741 Now, there is also -- if he was unavailable, the org
742 chart would indicate that there is a Deputy Secretary at
743 Interior that might have joined us. But there is no Deputy
744 Secretary of the Interior right now, and there has been no
745 one nominated. That position, like so many others in the
746 Administration, is kind of hanging in limbo right now.

747 But Solicitor is not bad. We are glad to have you here.
748 It is, very obviously, an important position. You are the
749 legal safety net for the Department of the Interior. That is
750 a big deal. You are the person who exists to make sure that
751 the law is followed, and so it puts you in a unique position
752 to talk about some of the legal work that you perform for
753 Interior. And you have done that since 2017.

754 So I want to ask you, for example, have you been
755 involved in the review of ethics recusals for Interior

756 officials, including reviewing the advice from career ethics
757 officials that they get?

758 *Mr. Jorjani. The Designated Agency Ethics Official,
759 Scott de la Vega is the one --

760 *Mr. Huffman. I am asking if you have been involved.

761 *Mr. Jorjani. It depends on your definition of
762 involved. The DAEO reports to the Office of the Solicitor.

763 *Mr. Huffman. Do you review, have you reviewed either
764 the recusal or ethics advice given to folks like, for
765 example, David Bernhardt, including during his time as Deputy
766 Secretary? Did you review either the recusal or the advice
767 given to Mr. Bernhardt?

768 *Mr. Jorjani. The Designated Agency Ethics Official and
769 the Alternate Designated Agency Ethics --

770 *Mr. Huffman. That is a real clear yes-or-no question.
771 Did you review either of those things, the recusal or the
772 advice given?

773 *Mr. Jorjani. The DAEO and the ADAEO meet with the
774 Secretary on a weekly basis --

775 *Mr. Huffman. You are not going to give me a yes-or-no
776 answer.

777 *Mr. Jorjani. Oh, yes. Well, I am going to answer. As
778 a -- in those weekly meetings --

779 *Mr. Huffman. Mr. Jorjani, I need -- I got a bunch of
780 questions here. Let's just do the yes or no, and then let's

781 keep it moving on. So is the answer yes? I mean -- I
782 presume you are the Solicitor, you are going to see these
783 documents, aren't you?

784 I mean I have got Mr. Pendley's ethics recusal. You are
785 copied right on it. Can we just stipulate that you review
786 the recusal and also the ethics advice that these officials
787 get?

788 *Mr. Jorjani. I want to be careful how I phrase that.
789 The DAEO and the Alternate DAEO are the ones that perform the
790 advice of ethics counsel. On a weekly basis -- when you are
791 asking about Secretary Bernhardt, at least on a weekly basis
792 the Secretary --

793 *Mr. Huffman. All right, this is a little bit evasive,
794 sir, I am sorry to say.

795 But let me ask you a very specific question. I have
796 here the ethics recusal for Deputy Director Pendley. It
797 lists a number of recusals that apply only for one year,
798 including Garfield County and Kane County, Utah.

799 Why does Mr. Pendley only get a one-year recusal,
800 instead of the standard two-year recusal, under the Trump's
801 ethics pledge for those clients?

802 *Mr. Jorjani. The one-year recusal process is what is
803 set forth in the regulations. The broader, two-year recusal
804 process --

805 *Mr. Huffman. Right.

806 *Mr. Jorjani. -- in paragraph 6 --

807 *Mr. Huffman. That is the Trump pledge.

808 *Mr. Jorjani. -- Trump's ethics pledge. Regarding the
809 specific parameters of Mr. Pendley's recusal and his ethics
810 agreement, I would direct those questions to the deputy
811 agency ethics officials.

812 *Mr. Huffman. Well, you are the Solicitor of the
813 Department of the Interior. There is no one better to answer
814 a very specific legal question on something like this than
815 you, and we have got you today.

816 So here it is. I have a Trump ethics pledge, and I have
817 got it right here. It clearly defines when a two-year ethics
818 pledge ought to apply, and it applies to any former clients,
819 period.

820 Then there is a separate one-year situation that you
821 default down to if you were an employee of a government
822 agency.

823 Now, was Mr. Pendley an employee of those counties? You
824 know the answer.

825 *Mr. Jorjani. [No response.]

826 *Mr. Huffman. Do I need to answer for you? He was not.
827 They were clients.

828 *Mr. Jorjani. I believe he worked --

829 *Mr. Huffman. They were clients.

830 *Mr. Jorjani. -- the Mountain State Legal Foundation.

831 *Mr. Huffman. Yes, and so that makes them clients.
832 That should have been a two-year ethics recusal.

833 Mr. Jorjani, you are an astute and scholarly lawyer. I
834 know you appreciate that words matter. And if you have been
835 misreading or misapplying the Trump ethics pledge as it
836 pertains to Mr. Pendley, I have to wonder if you have not
837 either been misreading or misapplying it as it pertains to
838 Mr. Bernhardt, because he also has some clients that you have
839 given a one-year recusal to, former clients, instead of the
840 two-year that ought to apply. Isn't that true?

841 *Mr. Jorjani. This is why the Secretary's obsessive
842 focus on ethics reform has been so incredibly significant,
843 starting --

844 *Mr. Huffman. Oh, it has been obsessive, all right.

845 *Mr. Jorjani. Starting with the hiring of a -- oh.

846 *The Chair. Thank you.

847 *Mr. Huffman. I will yield back.

848 *The Chair. Let me turn to Mr. McClintock.

849 *Mr. McClintock. I thank you, Mr. Chairman.

850 Mr. Jorjani, I think we all agree that oversight is not
851 only legitimate, but it is a central role of the Congress.
852 And the production of materials pursuant to that oversight
853 responsibility is -- has been a continuing problem spanning
854 several administrations.

855 I understand executive privilege assertions. I

856 understand when there are, you know, partisan fishing
857 expeditions that are demanded of you. But, you know, where
858 there are -- certainly, where there are bipartisan requests
859 made, it seems to me that needs to be a top priority of the
860 Department.

861 And my request of you would -- please don't use the
862 previous Administration as a model of what to do. I would
863 strongly urge you to use the previous Administration as a
864 model of what not to do. It was infuriating for Republicans
865 under the Obama Administration, it is obviously equally
866 infuriating for the Democrats today.

867 And there are many of us on the other side of the aisle
868 that may not share the Democrats' policy positions, but do
869 recognize the role of oversight, and are, you know,
870 frustrated when legitimate requests, particularly bipartisan
871 requests, are made and not answered in full and
872 expeditiously. So, as you are re-crafting these policies, I
873 would strongly urge you to keep it in mind.

874 And with that, I would like to know exactly how are you
875 planning to restructure your review process.

876 *Mr. Jorjani. Thank you for the question. I agree, the
877 accommodation process should be a non-partisan process, where
878 the executive branch and the legislative branch treat each
879 other respectfully, as we try to get to an outcome that
880 respects the interests of both legislative and the executive

881 branch.

882 I don't see us necessarily retooling the process. I
883 think we have demonstrated a robust effort to be responsive
884 to the legitimate interests of the legislative branch.
885 However, now that I have been confirmed as Solicitor, if
886 there are any specific requests that you feel are not
887 receiving suitable attention, I commit to personally paying
888 attention to them, and making sure we drive these things
889 forward in a manner that respects your legitimate oversight
890 needs.

891 *Mr. McClintock. I appreciate that. And while we are
892 talking about oversight, what can we do to strengthen the
893 oversight of the multitude of grants that we routinely pass
894 out to NGOs around here in the resources field?

895 We had a Water Subcommittee meeting yesterday in which I
896 raised the same issue that the Ranking Member just raised.
897 It is the U.S. taxpayer funds going to NGOs like the WWF that
898 have been charged with channeling these funds to support
899 thugs and gangs that have raped, murdered, and pillaged in
900 other countries. We all tsk-tsk'd about it for a moment, and
901 yet I think we are poised to send them even more money.
902 There seems to be no review of these grants, how these grants
903 are used by the NGOs.

904 What can we do to strength that, both within the
905 Administration and within the Congress?

906 *Mr. Jorjani. Thank you for the question. I would like
907 to say thank you to the legislative branch, particularly the
908 minority and majority of this Committee, for highlighting the
909 abuse of that grant-making process.

910 Under the leadership of Assistant Secretary Susan Combs,
911 new protocols are being put in place to ensure that these --
912 this is a perfect example of oversight creating value,
913 highlighting these potential misuse of DoI dollars.

914 And, as you have noted, this is an example of where DoI
915 can and should do better, and we need to put even further
916 protocols into place. But thank you to the Committee for
917 highlighting this problem.

918 *Mr. McClintock. Well, we all have to do better. And
919 as I watch these massive grants going out with very little
920 direction and virtually no oversight, it concerns me greatly.
921 Not only, you know, are we wasting money, but I think that we
922 are funding some very bad things around the world, as well,
923 simply because nobody is paying any attention.

924 *Mr. Jorjani. Again, thank you for raising that. I
925 commit, as soon as I get back to the office, I am getting
926 additional material on this so we can figure out not just on
927 these specific grants, but other methods to put into place
928 protocols to make sure this doesn't happen again in the
929 future.

930 *Mr. McClintock. And it may be something that is simply

931 endemic to grants, and maybe we ought to be just doing a lot
932 of -- a lot less of that. If the government needs something
933 done, and we can't do it ourselves, we send out for bids, get
934 the lowest possible bid, hire somebody to go do it, but stop
935 just throwing money around because it feels good.

936 *Mr. Jorjani. Again, thank you for your thoughts on
937 this. The Department welcomes further direction from the
938 Committee on this important matter.

939 *The Chair. Mr. Lowenthal?

940 *Dr. Lowenthal. Thank you. Thank you, Mr. Chair and
941 Mr. Jorjani. I appreciate your taking the time to be here
942 today. I am especially pleased because I have had a question
943 that I have wanted to ask you now for almost two years. And
944 today I have this great opportunity to do that.

945 I want to ask you about the renewal of the mining leases
946 right next to the Boundary Waters Wilderness in Minnesota.
947 These are two leases that the Obama Administration had
948 canceled in 2016.

949 In December of 2017, when you were the Principal Deputy
950 Solicitor, you wrote an opinion that overturned the Obama --
951 President Obama's 2016 legal memo. Your opinion concluded
952 that the Obama Administration had no right to cancel the
953 Boundary Water leases. In your opinion you state, "The
954 historical record of the 1966 lease implementations show that
955 production was not made a condition of renewal.'" I repeat,

956 you wrote that it -- production was not made a condition of
957 renewal.

958 These leases are over 50 years old, but they have never
959 entered production. And you said that doesn't matter.

960 Do we have a slide coming up?

961 [Slide]

962 *Dr. Lowenthal. I am going to show you the press
963 release. It is hard to see, but I will read it to you. This
964 is the press release issued by the Department of the Interior
965 from the day that these -- that they were released. The
966 original is in 1966, when the Interior said that the
967 government grants leases for nickel and copper mining.

968 As you can see by the yellow line that is there, it says
969 they grant mining rights to the company for 20 years,
970 renewable for 30 years at 10-year intervals, if the property
971 is brought into production within the initial 20-year term.
972 So it really states -- and this comes from the Department of
973 the Interior, it is their press release signed on July -- on
974 June 14th, 1966.

975 So I have to do -- I have to ask you. Wouldn't you
976 agree that this press release contradicts your argument that
977 production was not made a condition of renewal?

978 *Mr. Jorjani. No, I would not agree with that. When
979 you examine contracts you look at the terms of the contract.
980 And our interpretation of that opinion was --

981 *Dr. Lowenthal. Of this line right here? It says from
982 the Department of the Interior itself. We did not put it
983 out. If it was this Committee that put it out, that would be
984 one thing. But the Department has said -- that put it out
985 said production has to -- it has to be brought into
986 production within 20 years. Doesn't -- you don't see that
987 contradiction?

988 *Mr. Jorjani. First, I would like to thank the
989 representative for the question. If in the future you have
990 questions for the Office of the Solicitor, please don't wait
991 two-and-a-half years via the Office of Congressional and
992 Legislative Affairs. I am happy to meet with you --

993 *Dr. Lowenthal. I spoke about this two-and-a-half years
994 ago in this Committee.

995 *Mr. Jorjani. Well, I am happy to have the opportunity
996 to walk you through the M Opinion.

997 Fortunately, the legal opinions of the U.S. Department
998 of the Interior are not driven by press releases issued on
999 June 14th, 1966 --

1000 *Dr. Lowenthal. Right. So you are saying that your
1001 opinion in 2017 more accurately reflects the intent of the
1002 leases than the press release issued on the same day as the
1003 leases were developed?

1004 *Mr. Jorjani. Thank you for the question. It is an
1005 interesting matter of contractual interpretation. That would

1006 not typically rise to the level of an M Opinion, which are
1007 legally binding, significant documents upon the entire United
1008 States Department of the Interior.

1009 Working closely with career lawyers in the U.S.
1010 Department of the Interior Office of the Solicitor,
1011 particularly in the Division of Energy and Mineral Resources,
1012 they agreed this should never have been an M Opinion --

1013 *Dr. Lowenthal. Let me just -- I understand that. I
1014 have little time left.

1015 *Mr. Jorjani. And I think there is a lot of -- oh,
1016 sorry.

1017 *Dr. Lowenthal. But I would like to say -- this is my
1018 time -- that a simpler interpretation may be that the
1019 Administration wanted the leases renewed, regardless of the
1020 history, the law, and common sense.

1021 And the last question I will ask you is to what extent
1022 was the White House involved in the BLM's decision to
1023 reinstate these leases?

1024 *Mr. Jorjani. To the best of my knowledge and
1025 recollection, very limited. Most of this was driven by --
1026 well, actually, the original review of going back to M
1027 Opinions, regulations, policies of the previous
1028 Administration, it was driven by a memo issued by the then-
1029 Chief of Staff.

1030 But as a general review, when we arrived at the U.S.

1031 Department of the Interior, we looked --

1032 *Dr. Lowenthal. So --

1033 *Mr. Jorjani. -- at a number of the M Opinions that
1034 were issued in the last days of the previous --

1035 *Dr. Lowenthal. And so it was a review process that
1036 made this? It had nothing to do with the meetings that the
1037 Chilean owner of the Twin Metals mine in the months leading
1038 up to the December -- your Solicitor opinion was to -- the
1039 fact that the same owner was Jared Kushner and Ivanka Trump's
1040 landlord in D.C.

1041 With that I yield back.

1042 *The Chair. The gentleman yields. Mr. Westerman?

1043 *Mr. Westerman. Thank you, Mr. Chairman. Thank you,
1044 Mr. Jorjani, for your presence here today and for your
1045 testimony.

1046 And I just want to go back. I think this has been
1047 clarified, but you did say that the process by which requests
1048 from Congress are met is dictated by a memorandum at the
1049 Department that was from the last Administration?

1050 *Mr. Jorjani. And we have a new -- that is correct, and
1051 we have a new iteration of the memo from December 2018 that
1052 essentially tracks the memorandum from Mr. Beaudreau, the
1053 previous Chief of Staff. I am happy to make that available
1054 to any member of the Committee.

1055 *Mr. Westerman. And you also said that the majority of

1056 the activities are performed by career employees at the
1057 Department?

1058 *Mr. Jorjani. That is correct, sir.

1059 *Mr. Westerman. So not necessarily political employees,
1060 but career employees that have worked for both Republican and
1061 Democratic Administrations.

1062 *Mr. Jorjani. We are incredibly fortunate to have
1063 superior career employees in the Office of the Executive
1064 Secretary, at the Office of Congressional and Legislative
1065 Affairs, and the Office of the Solicitor that manage this,
1066 for the most part, at the career level. Yes, sir.

1067 *Mr. Westerman. So I -- Chairman Grijalva made his
1068 opening statement. He showed the -- all the blank pages that
1069 were sent over.

1070 I can say to my friends across the aisle I felt your
1071 pain, because we saw similar things happen under the previous
1072 Administration. And, as much as, you know, paper comes from
1073 trees, and we need to manage our forests more, and I
1074 appreciate that the Department uses a lot of paper, I mean,
1075 not as a Republican or a Democrat, but as a Member of
1076 Congress we should really find that unacceptable, regardless
1077 of who the Administration is, that we ask for data and we
1078 don't get the information that we request.

1079 And we won't solve the issue by making political pot
1080 shots in the Committee hearing here. At some point we will

1081 have to decide whether we want to be Members of Congress, of
1082 the legislative branch, and do what this Committee is set up
1083 to do, and it is to have oversight.

1084 I mean we should -- if you could use the term, there
1085 should be bipartisan butt hurt here. We should all be
1086 offended that, when we ask the Administration, regardless
1087 which Administration it is, for information, that we don't
1088 get that in a timely manner and get it in a format that we
1089 can use.

1090 So you have -- and I know you are new to this job, and
1091 you offered to take recommendations from Congress on how we
1092 could make that process better, so I hope we can really work
1093 constructively to come up with a better process, so that some
1094 day when we are asking for information, that we will get that
1095 information on a timely level, too, because I think we
1096 deserve that, as members of this oversight Committee, and as
1097 Members of Congress.

1098 And I yield back.

1099 *The Chair. I couldn't agree more with you, Mr.
1100 Westerman. I think your point is well taken.

1101 Mr. Sablan?

1102 *Mr. Sablan. Thank you very much, Mr. Chairman. I
1103 yield my time to Mr. Huffman from California.

1104 *Mr. Huffman. I thank the gentleman. I did want to
1105 continue this thread, Mr. Jorjani, about the Trump ethics

1106 pledge, which could not be more clear in a very important
1107 area of distinction. That is the distinction between former
1108 clients, which are defined -- you know, lawyers, consultants,
1109 contractors, the usual, you know how that works, you are a
1110 lawyer -- and former employers.

1111 And you know that the employer-employee relationship is
1112 very specific. It is actually laid out in quite -- detailed
1113 and defined in the Trump ethics pledge. And it is true that
1114 if a former employer was a State or local government, this
1115 extended two-year pledge under the Trump Administration would
1116 not apply, and that official would default back to the
1117 default one-year recusal. But if it was a former client, it
1118 is -- any first-year law student can see, just by reading
1119 this document, it is a two-year recusal.

1120 And Mr. Jorjani, I need to ask you why, on a recusal for
1121 Mr. Pendley that you are copied on -- presumably, as the
1122 Solicitor, a top -- the legal apparatus at the Department of
1123 the Interior you are responsible for at some level -- there
1124 is only a one-year recusal for these counties that I
1125 mentioned to you that were clients, not employers of this
1126 man.

1127 How do you explain that?

1128 *Mr. Jorjani. Thank you for the question. I did
1129 momentarily freeze when you referred to the first year of law
1130 school. It brought back a host of bad memories.

1131 *Mr. Huffman. I really don't have a lot of time, Mr.
1132 Jorjani.

1133 *Mr. Jorjani. Oh, sorry --

1134 *Mr. Huffman. I understand.

1135 *Mr. Jorjani. The short version is on the
1136 interpretation of the Trump ethics pledge, interpretation of
1137 502, the relevant regs and statutes, I defer entirely to the
1138 Designated Agency Ethics Official and the Alternate
1139 Designated Agency Official, both who are non-partisan, career
1140 civil servants --

1141 *Mr. Huffman. All right.

1142 *Mr. Jorjani. -- who give --

1143 *Mr. Huffman. So you are not responsible if they mis-
1144 applied -- clearly misapplied -- that provision, resulting in
1145 a one-year shortening of a recusal pledge that was supposed
1146 to give us an assurance that ethics were serious for this
1147 Administration? You are not responsible on any level?

1148 *Mr. Jorjani. I would welcome the opportunity to follow
1149 up on this very specific issue, if you think we have
1150 misinterpreted --

1151 *Mr. Huffman. It won't take long to follow up. You
1152 have just got to read the recusal. I got it right here. You
1153 are copied on it, so you have seen it before. And then you
1154 have got to read two quick provisions in the ethics pledge.
1155 This is really clear-cut stuff.

1156 Now, if you have -- I guess the question is, if this was
1157 misapplied, and folks started making decisions, participating
1158 on matters that they should have been recused from -- and we
1159 know they did, at least in the case of Mr. Bernhardt, who
1160 similarly gave himself a one-year recusal for his former
1161 client, the Westlands Water District, who was never his
1162 employer -- it was former client, it should have been one --
1163 it should have been two years, he gave himself one year in
1164 the recusal, and immediately started participating on matters
1165 pertaining to the Westlands Water District when that one-year
1166 period was up. But he shouldn't have.

1167 And so the question, as Solicitor of the Department of
1168 the Interior, is what are you going to do about that? Are
1169 you willing to pledge to this Committee that you will go back
1170 and review all decisions, especially critical decisions that
1171 Mr. Bernhardt and potentially other officials have
1172 participated in, where they should have been recused?

1173 *Mr. Jorjani. Thank you for the question. I take very
1174 seriously the ethics program in the U.S. Department of the
1175 Interior, and I have allocated significant resources to it.

1176 I think one of the best hires the Department --

1177 *Mr. Huffman. No, no, no. No narratives, sir. I asked
1178 for a specific pledge. If this was misapplied, if
1179 participation occurred when there should have been recusal --
1180 you are the Solicitor of the Department of the Interior --

1181 are you going to do something about it?

1182 *Mr. Jorjani. Thank you for the question. I prize and
1183 pride myself on working collaboratively with the Designated
1184 Agency Ethics Official.

1185 In your role in producing -- providing legitimate
1186 oversight of our executive branch agency, you have raised a
1187 legitimate issue. You have asked me to commit to go back to
1188 the DAEO and --

1189 *Mr. Huffman. I know what I have asked you. The whole
1190 world --

1191 *Mr. Jorjani. Mr. --

1192 *Mr. Huffman. -- knows what I just asked you. You
1193 don't need to repeat it. You are burning my time.

1194 *Mr. Jorjani. Oh, sorry. Yes, I commit to going back
1195 and sitting down with Scott de la Vega and Heather Gottry to
1196 go through Mr. Pendley's and Secretary Bernhardt's recusal
1197 agreement.

1198 *Mr. Huffman. And any participation Mr. Bernhardt had
1199 on a specific matter, or anything else involving Westlands
1200 between the one-year and two-year mark, when he should have
1201 been recused, you are willing to report back to this
1202 Committee on whether you think decisions are valid, whether
1203 there should be some remedial action, whether those actions
1204 can even stand, given that he should have been recused? Will
1205 you report back to this Committee on that?

1206 *Mr. Jorjani. Out of an abundance of caution, you say
1207 "specific matter.'" Are you referring to particular
1208 matters --

1209 *Mr. Huffman. I am referring to anything that you find
1210 should have been recused, but he didn't because it was a one-
1211 year when it should have been a two-year. You know what I am
1212 saying.

1213 *Mr. Jorjani. I think you have asked a legitimate
1214 question.

1215 *Mr. Huffman. Thank you, sir. I yield back.

1216 *The Chair. Mr. Hice?

1217 *Dr. Hice. Thank you, Mr. --

1218 *The Chair. You are recognized, sir.

1219 *Dr. Hice. Thank you, Mr. Chairman. And may I ask you
1220 a question, Mr. Chairman?

1221 *The Chair. Yes, sir.

1222 *Dr. Hice. The 12,000 pages that -- were any of those
1223 helpful, or was the entire 12,000 pages blank like what we
1224 saw?

1225 *The Chair. They were totally useless.

1226 *Dr. Hice. So the entire 12,000 pages? Thank you, Mr.
1227 Chairman.

1228 Mr. Jorjani, I, like my friends on the other side of the
1229 aisle, am highly offended that you would send 12,000 pages of
1230 nothing, and then try to appear as though your Department is

1231 being cooperative.

1232 As has already been mentioned, we have dealt with this.
1233 I know on the Oversight Committee we dealt with this, the
1234 previous Administration, receiving thousands and thousands of
1235 pages redacted to the point of absolute worthlessness. And
1236 it is offensive that you would do that. I would ask that
1237 when there is a request, if you are going to send
1238 information, make it useful.

1239 That being said, you mentioned in your opening statement
1240 that the Department did offer to provide briefings to the
1241 Committee to help explain the status of the productions.
1242 Will you commit, and do you commit to continue working with
1243 Congress, even when, as you said, the Chairman did not meet
1244 with you, but that you will continue to do what you can to
1245 meet with this Committee and to provide necessary
1246 information?

1247 *Mr. Jorjani. Yes, sir. I absolutely and fully commit
1248 to doing so.

1249 *Dr. Hice. Okay. Well, while we are on this, do you
1250 have a comment on the 12,000 wasted pages? Why would you do
1251 something like that?

1252 *Mr. Jorjani. Two points. I think we produced 13,500
1253 documents, which is over 100,000 pages, of which it sounds
1254 like a certain number of them have been either blank or in
1255 some form of Wingdings. My understanding is, out of a desire

1256 to be as responsive as possible, and to get you complete
1257 documents, due to Excel spreadsheet formatting, sometimes you
1258 get excess pages at the end of a document.

1259 *Dr. Hice. Did no one look at them?

1260 *Mr. Jorjani. I am sorry. What is that, sir?

1261 *Dr. Hice. Did you not look at them, or anyone -- I
1262 mean 12,000 pages is a lot of pages of nothing.

1263 *Mr. Jorjani. I think there was a dialogue that it
1264 might appear that we were being less than fully cooperative
1265 if we are pulling back documents that appear to be part of a
1266 larger request.

1267 I commit to doing better. And whether it is the saving
1268 of trees or wasted time of the Committee, I agree that is
1269 probably not the best practice, and I commit to reducing it
1270 in the future.

1271 *Dr. Hice. I would say it is probably not, as well.

1272 Now, coming back to the attempts you had to have
1273 meetings and briefings with Committee and Chairman, or
1274 whomever you could have a meeting with, explain the benefits
1275 that would be -- the outcome of those kind of briefings.

1276 *Mr. Jorjani. It would really depend on the preferences
1277 of the Member of Congress. But we would --

1278 *Dr. Hice. Well, and doing oversight is what we are
1279 trying to do.

1280 *Mr. Jorjani. Oh, a classic example is the great work

1281 by this Committee highlighting issues with our grants,
1282 raising a problem to our attention, allowing us to figure out
1283 what was going on, and to be responsive to the Committee. In
1284 this case, whether it is briefings on whatever topic you so
1285 desire, we would provide access, not just to the Office of
1286 Congressional and Legislative Affairs, but also to subject
1287 matter experts in the relevant bureaus.

1288 *Dr. Hice. Okay. Well, Mr. Chairman, with that I will
1289 yield back my time. Thank you.

1290 *The Chair. Thank you. I recognize Mr. Gallego for his
1291 --

1292 *Mr. Gallego. Thank you, Mr. Chairman. On July 16th
1293 the Department of the Interior notified Congress of intent to
1294 move the Bureau of Land Management staff out of Washington,
1295 D.C., where all other federal land management agencies
1296 reside. Despite concerns from numerous lawmakers, including
1297 many on this Committee, the Department moved forward with
1298 finding a new space in Grand Junction, Colorado, a space that
1299 is shared with various oil and gas corporations and lobbies.

1300 Not only did the Department forge ahead, despite
1301 Congress's concerns, but, according to testimony we heard
1302 from Chairman Small of the Ute Indian Tribe, you also failed
1303 to carry out legal obligations to consult with Indian Tribes
1304 before doing so.

1305 Yes or no, can you commit to producing the documents

1306 before any -- producing documents before any staff begins to
1307 move their offices out of Washington, D.C.? Specifically,
1308 the cost benefit analysis and other types of analysis.

1309 *Mr. Jorjani. If the Committee requests the documents,
1310 then we have a process in place that would allow us to be
1311 responsive to legitimate oversight requests from this
1312 Committee, while at the same time protecting important
1313 executive branch confidentiality and interests.

1314 *Mr. Gallego. From what I understand, we did request
1315 those documents and we have not received anything in return.
1316 This Committee has actually been pushing for this for quite a
1317 while.

1318 To your knowledge, has there been a position-by-position
1319 cost benefit analysis?

1320 *Mr. Jorjani. My apologies, sir. Could you repeat the
1321 question, please?

1322 *Mr. Gallego. To your knowledge, has there been a
1323 position-by-position cost benefit analysis?

1324 *Mr. Jorjani. In my capacity as the Principal Deputy
1325 Solicitor within the Office of the Solicitor, I don't track
1326 CBAs done within respective bureaus.

1327 *Mr. Gallego. To your knowledge has there been any
1328 effort to systematically assess the impact on the workforce,
1329 should they move to Grand Junction, Colorado?

1330 *Mr. Jorjani. Again, I apologize, because I want to be

1331 responsive, but I am not --

1332 *Mr. Gallego. Is there documentation of Interior's
1333 consultation with sovereign tribal nations?

1334 *Mr. Jorjani. The importance of consultation with
1335 sovereign -- the sovereign Tribes is incredibly important.

1336 *Mr. Gallego. Yes, I know that. But is there
1337 documentation of Interior's consultation with sovereign
1338 tribal nations?

1339 *Mr. Jorjani. I just want to emphasize, because it is
1340 our sovereign responsibility to consult with the Tribes in
1341 certain situations.

1342 Regarding what BLM has done for the process, I will have
1343 to work with the Bureau of Land Management and get back to
1344 you, sir.

1345 *Mr. Gallego. Has an impact analysis been done to
1346 determine effects on the diversity of Interior's workforce if
1347 they move to Grand Junction, Colorado?

1348 *Mr. Jorjani. I am sorry, sir, could you repeat that
1349 question?

1350 *Mr. Gallego. Has an impact analysis been done to
1351 determine the effects on diversity of the Interior's
1352 workforce, should they move to Grand Junction, Colorado?

1353 *Mr. Jorjani. I want to be careful with your time, so I
1354 will simply say, consistent with my previous response, I will
1355 work with BLM to get that answer to you.

1356 *Mr. Gallego. Okay. This Committee asked for a witness
1357 who could answer these questions. Clearly, that is not
1358 happening right here. Since Interior sent someone who
1359 couldn't answer questions, it seems like Interior is trying
1360 to keep this reorganization under wraps. We don't have
1361 documentation, we can't even have simple questions asked
1362 [sic].

1363 If you can't commit to producing all of these documents
1364 we have asked for -- I am sorry, let me back up.

1365 Do you commit to actually producing these documents that
1366 we have asked for, and this data that we have asked for?

1367 *Mr. Jorjani. Absolutely. I commit to working with the
1368 Office of Congressional and Legislative Affairs to get you
1369 the documents you have requested in a manner that protects
1370 the executive branch confidentiality interests, while at the
1371 same time respecting your legitimate non-partisan oversight
1372 request.

1373 *Mr. Gallego. So do you believe, if I am asking for a
1374 position to -- position-by-position cost benefit analysis, do
1375 you believe, in your opinion, that is going to somehow be --
1376 will we have access to that, or is that going to be somehow
1377 impaired by the executive because of some executive privilege
1378 that they are going to provoke -- evoke?

1379 *Mr. Jorjani. I want to be careful and emphasize we
1380 adhere to the process that we have across all

1381 administrations. But you are asking important questions. I
1382 will speak to Deputy Director Pendley and the Office of
1383 Congressional and Legislative Affairs promptly.

1384 *Mr. Gallego. So what is the timeline that you think
1385 this is going to be occurring in?

1386 *Mr. Jorjani. Do you have the date when the request was
1387 sent in, sir?

1388 *Mr. Gallego. I could have my staff work on it.
1389 Yesterday. So we could have my staff work on that with you,
1390 too.

1391 *Mr. Jorjani. Yes, sir, and we will --

1392 *Mr. Gallego. The other concern I still have is also
1393 the requests about the lack of -- potential lack of
1394 consultation when it comes to tribal nations. This is an
1395 ongoing concern, has been an ongoing concern with our tribal
1396 nations, not just, obviously, this reorganization, but other
1397 actions with the Department of the Interior. So please make
1398 sure you also provide documentation that there -- if it
1399 occurred, documentation if there has been consultation with
1400 tribal nations.

1401 At this point, speaking to at least some of the Tribes
1402 that are involved in this move, or will be affected by this
1403 move, they have not been consulted with, so that is why we
1404 are asking if there is some other level of consultation that
1405 we have not heard of.

1406 So in addition, while you are looking for those
1407 documents, please also provide us with information where
1408 there was some tribal consultation.

1409 Thank you, and I yield back my time.

1410 *The Chair. Thank you, Mr. Gallego.

1411 The gentlelady, Mrs. Radewagen?

1412 *Mrs. Radewagen. Thank you, Mr. Chairman.

1413 Mr. Jorjani, I know you are dealing with a litany of
1414 oversight requests, and I wanted to give you the chance to
1415 provide a status update and any relevant information tied to
1416 the nine particular oversight requests that the majority
1417 indicated they wanted to discuss today. Do you have a list
1418 of these requests in front of you?

1419 *Mr. Jorjani. I have an over-arching list, except for
1420 the one that was just delivered yesterday, of all the
1421 requests that have been submitted to this Committee so far,
1422 and I am happy to provide the written document to the
1423 Committee, to make sure the Committee is fully informed on
1424 the status of those requests.

1425 *Mrs. Radewagen. Can you briefly go through each of
1426 these in the next few minutes to provide a status update,
1427 details about the proposed construction of the Villages at
1428 Vigneto development, the relocation of the Bureau of Land
1429 Management, drafts of three Endangered Species Act rules,
1430 information about biological opinions related to the impact

1431 of pesticides, information about a mountain-top removal
1432 mining study, a request into the Boundary Waters Twin Metals
1433 leasing decisions, decisions related to monument
1434 designations, inquiries about the Arctic National Wildlife
1435 Refuge oil and gas lease sale program, and requests for
1436 information about California biological opinions for water
1437 deliveries?

1438 *Mr. Jorjani. To go through each of those, I think,
1439 would take a significant amount of time. You have
1440 highlighted a number of very important policy issues, from
1441 California water, to biops, to the villages. I commit to
1442 working with the representative and with the full Committee
1443 in a robust manner to get you the information that you
1444 require to fulfill your legitimate oversight needs in a
1445 manner that protects important executive branch
1446 confidentiality interests.

1447 *Mrs. Radewagen. So it appears that the Department has
1448 been sort of working toward full responses, responses to
1449 these items, and many of them -- some of them have already
1450 received responses. Is that correct?

1451 *Mr. Jorjani. That is my understanding, yes.

1452 *Mrs. Radewagen. In any of these instances, does the
1453 Department have intentions to illegally hide information from
1454 this Committee?

1455 *Mr. Jorjani. Thank you for the question. No,

1456 absolutely not. There is no desire to do anything that would
1457 be non-compliant, illegal, or inconsistent, even, with
1458 previous practice or previous administrations.

1459 *Mrs. Radewagen. Thank you, Mr. Chairman. I yield back
1460 the balance of my time.

1461 *The Chair. The gentlelady yields. Ms. Haaland, the
1462 time is yours.

1463 *Ms. Haaland. Thank you, Chairman. Thank you, Mr.
1464 Jorjani, for being with us this afternoon.

1465 On March 6th the Committee requested Bureau of Safety
1466 and Environmental Enforcement Director Scott Angelle's --
1467 pardon me if I didn't pronounce it correctly -- cell phone
1468 records. When we got those about six weeks later, we noticed
1469 a difference between the version we got and a version that
1470 was released under the Freedom of Information Act. I would
1471 like to put those two on the screen.

1472 [Slide]

1473 *Ms. Haaland. I don't know if you can tell the
1474 difference, but the one that we received is on the left.
1475 That was the congressional piece that we got. And the one on
1476 the right is what was released under FOIA.

1477 Why did the Department redact these documents when
1478 sending them to Congress, when clearly there was no valid
1479 reason to redact them under FOIA?

1480 *Mr. Jorjani. Looking at these documents, it looks like

1481 the Department made a mistake, and that the team of lawyers
1482 or officials who were doing FOIA response are different from
1483 the ones doing congressional response. And in this
1484 circumstance I would like to think that we got back to you
1485 quickly with the complete set of materials.

1486 But again, that is an oversight on our part, for which I
1487 apologize.

1488 *Ms. Haaland. We didn't get the official cell phone
1489 bills for the entire time period we asked for. However --

1490 *Mr. Jorjani. I will work to make sure that happens.

1491 *Ms. Haaland. Starting with November 2018 we just got a
1492 list of numbers. Here is what we received for all the calls
1493 in December 2018, those right there.

1494 And here is what we later found out was released through
1495 FOIA to the group, American Oversight -- entire December
1496 list, start -- well, starting with November and into
1497 December.

1498 This is over 60 calls from December 1st through December
1499 17th, far more than the 12 calls that we received over that
1500 period.

1501 So, as you can see, the Department provided a response
1502 to Congress that was blatantly incomplete, and has not
1503 corrected it. Is this simply incompetence, do you think, on
1504 the part of the Department, or do you think they are
1505 purposefully withholding information from us?

1506 *Mr. Jorjani. I wouldn't like to use the word
1507 "incompetent" on the part of the team doing the
1508 congressional responses. Clearly, though, Congress has an
1509 important oversight responsibility.

1510 I am pleased to see that the other response was more
1511 complete, and we need to do a better job of helping Congress
1512 fulfill its legitimate oversight responsibilities.

1513 *Ms. Haaland. Are you thinking of how that might be
1514 done?

1515 *Mr. Jorjani. Not at this specific moment, but I commit
1516 to getting back to you.

1517 *Ms. Haaland. Thank you. I will take that commitment
1518 as a true desire to right these wrongs.

1519 So my next question -- I still have a little bit of time
1520 left -- DoI has frequently held up the number of documents
1521 you have sent this Committee to demonstrate your
1522 responsiveness to congressional oversight, not including a
1523 document production that arrived last night; 29,414 of those
1524 pages and 3,437 of those documents were in response to our
1525 requests for further information on President Trump's illegal
1526 reduction of our national monuments.

1527 But it is worth taking a closer look. As we have noted,
1528 emails from your staff suggest these documents went through
1529 extensive political reviews, yet we received 17,864 pages of
1530 emails that did not meet any of the requested criteria.

1531 We have done our best to be here to work with you, and
1532 we appreciate there have been continued productions for this
1533 request. But there are still many questions about this
1534 process that we need to dig into further to understand what
1535 was behind these monument reductions. And I have a very
1536 strong interest in this because it affects the well-being of
1537 Indian Tribes across the country.

1538 I know we asked for a lot in that document request, but
1539 the documents have been very slow in coming. In addition to
1540 having a high proportion of empty padding, this Committee has
1541 tried without success to get the DoI to commit to timetables
1542 for productions. Are you prepared to give us a production
1543 deadline for the monuments request today?

1544 *Mr. Jorjani. I am not prepared to give you a deadline
1545 today.

1546 You have highlighted an important point. We do have
1547 FOIA, congressional oversight, and robust ongoing litigation
1548 on this specific matter. But if -- working in the
1549 accommodation process, I commit to getting you everything I
1550 can, while respecting executive branch confidentiality
1551 interests.

1552 *Ms. Haaland. I appreciate that. There is one more
1553 thing that kind of troubles me, and Mr. Westerman kind of
1554 alluded to it, and that is how this process works.

1555 When you submit these documents, do you -- are they --

1556 is it just all electronic that you are putting onto a disk,
1557 or do you print them out first and then scan them? Like, all
1558 the documents with the blank Excel spreadsheets and the
1559 Wingdings and all of those things, are those printed out
1560 first before they are actually scanned and then put onto a
1561 disk?

1562 *Mr. Jorjani. I think it varies, depending on each
1563 individual production. The notion of sending you 12,000
1564 blank pages, even with the best of intentions to make sure it
1565 was a complete response, is unacceptable. And I will be
1566 making sure I pay personal attention that it does not happen
1567 again.

1568 *Ms. Haaland. Because I am -- it is troubling to me --
1569 thank you, I am sorry, Mr. Chairman, I yield.

1570 *The Chair. Thank you.

1571 The floor is yours -- oh, I am sorry. The gentleman --
1572 the floor is yours.

1573 *Mr. Webster. Thank you, Mr. Chair. I have a question.
1574 You just brought up litigation. Are there constraints
1575 because of ongoing litigation on the amount of data you can
1576 release?

1577 *Mr. Jorjani. Moderating and monitoring the litigation
1578 risk for the executive branch certainly plays a role, as we
1579 balance the interest of what to release and what not to
1580 release.

1581 However, we are aware and seek to be even more
1582 responsive to the oversight request of this Committee.

1583 *Mr. Webster. Are there any other restraints that would
1584 keep you from giving out data that would be not self-imposed,
1585 but just imposed upon you? Imposed?

1586 *Mr. Jorjani. Well, generally, sir, as part of the
1587 accommodation process, as set forth with the balance of
1588 powers between the executive branch and the legislative
1589 branch, through the accommodation process we seek to work
1590 closely with the legislative branch to make sure we are
1591 fulfilling your legitimate legislative oversight needs.

1592 *Mr. Webster. Well, what are the goals of the
1593 Department in responding to this Committee's request?

1594 *Mr. Jorjani. The goals are to absolutely respect the
1595 priorities and prerogatives of this Committee, to help you
1596 fulfill your legitimate oversight requests, while at the same
1597 time balancing legitimate executive branch confidentiality
1598 interests, pursuant to past practice and accommodation over
1599 centuries between the legislative and executive branches,
1600 sir.

1601 *Mr. Webster. Do you know if you or anyone else is
1602 purposefully restraining documents that normally could come
1603 here, normally flow here, or slowing them down?

1604 *Mr. Jorjani. We have a process in place that relies on
1605 seasoned career experts to ensure that we are squaring every

1606 corner, and that we are --

1607 *Mr. Webster. Okay, and so, in using that process, can
1608 it be purposely used to slow down the delivery of documents,
1609 or is it following normal course?

1610 *Mr. Jorjani. I think -- and with awareness of the
1611 blank pages that were turned over, the tens of thousands of
1612 documents and the hundreds of thousands of pages that we have
1613 already submitted demonstrates a good-faith effort on the
1614 part of the Office of Congressional and Legislative Affairs
1615 to respect the legitimate interests of this -- of the
1616 legislative branch.

1617 *Mr. Webster. Could you speak to the Secretary and your
1618 commitment to transparency and responsiveness to
1619 congressional requests?

1620 *Mr. Jorjani. The Secretary and the Office of
1621 Congressional and Legislative Affairs have absolutely
1622 prioritized working in good faith with members of this
1623 Committee across both aisles.

1624 *Mr. Webster. Thank you very much. I yield back.

1625 *Mr. Jorjani. Thank you, sir.

1626 *The Chair. Mr. Van Drew?

1627 *Mr. Van Drew. Thank you, Chairman. And Solicitor
1628 Jorjani, thank you for being here.

1629 I guess, you know, a little bit I feel bad for you.
1630 There are so many questions, and so many are questions that

1631 you can't answer. And that is a terrible spot to be in. And
1632 I certainly hope the next time we have one of these hearings
1633 that the Secretary is here, or that you even bring a team
1634 here, because these are complex questions that really require
1635 complex and thorough answers.

1636 And attempts at working with the staff -- evidently,
1637 from people that I talk to -- have been stalled. Phone calls
1638 are not timely returned, emails not timely responded to. A
1639 need very often of going back and conferring with someone
1640 else to make a decision, and that is obviously frustrating
1641 for everybody, and not the goal here of open information.

1642 What do you think is a reasonable timetable frame to
1643 produce these types of documents, in your opinion? This is
1644 your opinion, so you can answer this one.

1645 *Mr. Jorjani. Rather than giving a specific timetable,
1646 I would prefer that the Department adhere to the process,
1647 which is similar to the process of previous administrations
1648 to respect the legitimate and incredibly important oversight
1649 responsibilities of this Committee and the legislative
1650 branch, more broadly.

1651 *Mr. Van Drew. But --

1652 *Mr. Jorjani. While at the same time protecting
1653 executive branch confidentiality --

1654 *Mr. Van Drew. Thoughtfully, though, you must have a
1655 sense of -- I mean, for example, 10 years would not be a

1656 reasonable timetable. You must have a sense in your head of
1657 what you would like, if you were on the other side of this.

1658 *Mr. Jorjani. I think we should be prompt and
1659 respectful to the legislative branch. And if there are
1660 instances when anyone in the Office of the Solicitor is not
1661 being responsive to requests from this Committee, please let
1662 me know directly, and I will make sure, working via OCL --

1663 *Mr. Van Drew. Well, what is prompt and respectful,
1664 just so that we know when to contact you?

1665 *Mr. Jorjani. I would defer to your judgement on that,
1666 sir.

1667 *Mr. Van Drew. I will yield the remainder of my time to
1668 the Chairman.

1669 *The Chair. Thank you very much. I appreciate it, Mr.
1670 Van Drew.

1671 Solicitor, I -- one general question, and it is more of
1672 a personal request. The two-week delay, if I, as a member of
1673 this Committee, were to ask for -- and I do at the behest of
1674 subcommittee chairs and individual members make document
1675 requests, informational requests to the Department, is that
1676 two-week delay still in effect? And, if so, would it make a
1677 difference if Mr. Lowenthal signed it?

1678 *Mr. Jorjani. I am sorry, sir. What was the question
1679 regarding the --

1680 *The Chair. The email we have indicated internally that

1681 if I made a request, that there would be a two-week delay
1682 while they assessed that request. And then, after that, an
1683 additional two weeks' delay, where the congressional affairs
1684 office and the other political appointments made some
1685 assessment as to what they wanted to do with it.

1686 And that two-week delay, my question is, is that still
1687 in effect? Is it internal policy? Yes, that is the
1688 question.

1689 *Mr. Jorjani. Thanks for the question, Chairman
1690 Grijalva. This is the first time I am seeing this email.
1691 Any notion of mandatory two-week delay for the Chairman of
1692 our oversight committee is incorrect, and I would be shocked
1693 if it were still in place, though that does appear to be
1694 dated March 14th, 2019. So I commit to going back and
1695 speaking to the head of OCLA regarding this alleged two-week
1696 delay.

1697 *The Chair. I appreciate that, because -- real-time
1698 question in terms of the process. I -- the -- we made a
1699 request in July relative to the points that Steve Spangle
1700 made regarding the Villages of Vigneto, a development of
1701 28,000 homes in Southern Arizona. And -- quote -- in his
1702 discussion with the press he said I got rolled by political
1703 pressure at Interior to reverse an official agency decision
1704 he had made about it [sic].

1705 August 18 -- and we then documented and sent you

1706 information. The circumstances really raises serious
1707 concerns about the potentially improper influence of Mr.
1708 Spangle by the attorneys within the Department and others.
1709 And so it has been nearly three months.

1710 And I just want to know -- let's walk through it -- have
1711 the documents been sent out for collection?

1712 Have the documents been collected? Has the bureau
1713 reviewed them?

1714 Has your office reviewed them?

1715 Has the Office of Congressional and Legislative Affairs
1716 reviewed them?

1717 And how long have they been there, in this process, at
1718 this point in the process?

1719 And how long is it going to take to eventually get that
1720 documentation?

1721 *Mr. Jorjani. Thank you for the question, Chairman. My
1722 records show that we received a letter on July 3rd. We
1723 responded on July 19th, but that we owe this Committee
1724 additional documents. I believe it is part of the ongoing
1725 process.

1726 *The Chair. We have received no documents at this
1727 point. And is Secretary Bernhardt personally involved in the
1728 review for -- on this request?

1729 Or is Peg Romanik involved, the counsel that supposedly
1730 talked to Mr. Spangle? Has she -- is she involved in this?

1731 And I would like those answered, as well, because that
1732 would cause some serious concerns about their involvement,
1733 given that the questions are directed, in the document
1734 request, at both of them.

1735 With that, let me yield to the Acting Ranking Member,
1736 Mr. Gohmert.

1737 *Mr. Gohmert. Thank you, Mr. Chairman.

1738 Well, and congratulations on your confirmation, recorded
1739 vote and all.

1740 Have you been given priorities? I mean I know you
1741 furnished over 100,000 documents in the last -- in just -- in
1742 recent months to requests made from this Committee. But have
1743 you been given any priorities? Obviously, you can't do
1744 everything at the same time.

1745 *Mr. Jorjani. It has been, at times, a challenge to get
1746 -- as part of the ongoing dialogue with the Committee, among
1747 this multitude of requests, but we are seeking, through
1748 informal conversation --

1749 *Mr. Gohmert. But have you gotten priorities from the
1750 majority as to which they want first?

1751 *Mr. Jorjani. I want to be careful, because I have been
1752 in the role of Solicitor for two days now. It is possible
1753 they have conveyed to staff what priorities are, but to the
1754 best of my knowledge there hasn't been a formal
1755 prioritization put in place.

1756 *Mr. Gohmert. Okay.

1757 *Mr. Jorjani. But I could be mistaken on that, sir.

1758 *Mr. Gohmert. No, I understand. But I know when you
1759 get hit with as many requests as you have gotten, you just
1760 can't fill them all at the same time. I got that.

1761 With regard to -- you know, there was a lot of noise
1762 about a Democratic House staffer being removed from a
1763 congressional trip hosted by the BLM. That was back in
1764 August. The Appropriations Committee accused BLM of
1765 thwarting congressional oversight, and that it was a -- the
1766 Trump Administration's continuing pattern of interfering with
1767 Congress's oversight work. Do you know why the staffer was
1768 removed?

1769 *Mr. Jorjani. I did not directly witness the incident.
1770 My understanding, though, is that the staffer and the federal
1771 -- the executive branch employee and the legislative branch
1772 employee -- well, the short answer is I didn't personally
1773 witness it. I understand it was a somewhat abusive dialogue.
1774 But I don't have direct knowledge, sir.

1775 *Mr. Gohmert. I -- the paper reported that it was -- he
1776 had the Acting Chief of Staff thrown out of the meeting, and
1777 bullied and harassed the Acting Chief of Staff. And so --

1778 *Mr. Jorjani. That is my understanding, sir.

1779 *Mr. Gohmert. That was yours, as well? Yes. So since
1780 they had low-level staff, it seemed like it should be okay

1781 for the Acting Chief of Staff to remain there to help.

1782 But with regard -- you know, you were grilled about the
1783 Trump Administration's ethics pledge. Did you author that?
1784 Was that your work?

1785 *Mr. Jorjani. No, sir. I did not author the Trump
1786 Administration ethics pledge.

1787 *Mr. Gohmert. Yes. So how does the Office of
1788 Government Ethics interpret the ethics pledge?

1789 *Mr. Jorjani. The Office of Government Ethics, working
1790 closely with ethics officials across the executive branch
1791 provides guideline and regular informal guidance to the
1792 designated agency ethics official. We work closely with OGE,
1793 as does our DAEO, to ensure that we are consistent with and
1794 complying with the ethics pledge and any guidance, informal
1795 or otherwise, that OGE provides.

1796 *Mr. Gohmert. Well, and I know that you had addressed
1797 in your written testimony that you believe that the
1798 compliance by Interior, furnishing of documents being
1799 requested, was on par with the previous Administration.
1800 Correct?

1801 *Mr. Jorjani. Our policies are consistent with previous
1802 administrations. I think we have been even more robust in
1803 turning over both documents --

1804 *Mr. Gohmert. Well, see, that is what I was thinking,
1805 because, you know, I have only been here for three

1806 presidents, but I have never seen the kind of stonewalling we
1807 got from the Obama Administration. Not here, not in the
1808 Judiciary Committee. And there were serious crimes that had
1809 been committed, and all of that was covered up, and we
1810 weren't given the documentation.

1811 So I was just going to encourage you that you -- you
1812 know, you point out that you are being more robust than the
1813 last Administration. I would encourage you not to use the
1814 last Administration for the sample of how Interior should
1815 comply with requests, because that was the lowest bar I have
1816 ever heard of. You want to do a whole lot better than the
1817 Obama Administration, not just robustly better, but a whole
1818 lot better, because they -- that was an abysmal record they
1819 set.

1820 So, with that encouragement to you, I yield back my
1821 time. Thank you.

1822 *Mr. Jorjani. Thank you, sir.

1823 *The Chair. Mr. Soto, you are recognized, sir.

1824 *Mr. Soto. Thank you, Mr. Chairman.

1825 Mr. Jorjani, have you submitted a privilege log for all
1826 the document requests that have been non-responsive?

1827 *Mr. Jorjani. I am sorry, sir, could you repeat the
1828 question?

1829 *Mr. Soto. Have you submitted a privilege log for all
1830 the document requests that have been non-responsive? Because

1831 your --

1832 *Mr. Jorjani. You have a specific non-response request
1833 in mind?

1834 *Mr. Soto. Sure, we could go down the list. So I
1835 assume you haven't done a privilege log, then. Is that --

1836 *Mr. Jorjani. I am asking because, in my two days as
1837 Solicitor, I am not aware of privilege logs being submitted,
1838 but --

1839 *Mr. Soto. Okay.

1840 *Mr. Jorjani. -- I want to be careful in how I am
1841 phrasing my responses --

1842 *Mr. Soto. I understand. So you are not aware of one,
1843 which is fine. I know you are just on the job.

1844 So do you know what privilege is being voiced in not
1845 responding to documents about the Alaska meetings during the
1846 government shutdown?

1847 *Mr. Jorjani. In the context of privilege I want to be
1848 careful to make clear under no circumstances am I asserting,
1849 nor would it be appropriate for me to assert privilege,
1850 whether ACP, attorney-client, DPP, executive privilege. I am
1851 simply asking that, consistent with previous Administration,
1852 that we are responsive to legitimate legislative branch --

1853 *Mr. Soto. Well, we should know what privileges are
1854 being asserted. Otherwise, you could --

1855 *Mr. Jorjani. Oh, I am not asserting any privilege --

1856 *Mr. Soto. -- just be making it up.

1857 *Mr. Jorjani. Out of an abundance of caution I want to
1858 make clear I am not asserting privileges at this time --

1859 *Mr. Soto. So on the proposed ESA regulations, there
1860 was at least a claim of privilege for a deliberative. You
1861 know, security, communications deliberative. You know the
1862 main ones, being an attorney.

1863 But those regulations are now published. So how is it
1864 still deliberative, if they are now published? I mean they
1865 have deliberated already.

1866 *Mr. Jorjani. Oh, that is a very good question. After
1867 a regulation is published, or a document goes final, it is a
1868 different weighting process, weighting the different
1869 interests of relevant parties, because it is so important
1870 whether, in a Republican or Democratic administration, that
1871 there be ongoing dialogue and robust conversation with
1872 policy-makers.

1873 And so, if you are asking about how you weight different
1874 kinds of privileges after a document has gone final --

1875 *Mr. Soto. So for the mountain-top removal mining
1876 study, small to -- few documents. What is the privilege
1877 being asserted there? What is the specific grounds?

1878 *Mr. Jorjani. I commit to getting back to you on that
1879 specific request. I am aware of no privilege being asserted
1880 by the Department, or at least not by me at this time.

1881 *Mr. Soto. Okay. Well, that is responsive. What about
1882 incidents of non-compliance by BLM? What is the specific
1883 executive privilege or privileges -- grounds for them being
1884 asserted there?

1885 *Mr. Jorjani. Which -- what was the date of that
1886 request, sir?

1887 *Mr. Soto. It was 3/11/2019.

1888 *Mr. Jorjani. 3/11/2019? My records show a substantive
1889 response on August 15th, 2019. If it didn't meet your
1890 standards, I will work with you to get you additional
1891 materials. I am not aware of the invocation of any privilege
1892 in response to that particular --

1893 *Mr. Soto. Okay, so there is no privilege response
1894 there, okay.

1895 Arctic National Wildlife Refuge leasing, no documents
1896 provided. What is the specific executive privilege -- what
1897 is the nature of the executive privilege being claimed there?

1898 *Mr. Jorjani. What was the date of that request, sir?

1899 *Mr. Soto. That was July 29th, 2019. No documents were
1900 provided.

1901 *Mr. Jorjani. We sent an acknowledgment letter on
1902 7/30/2019. My understanding is the review is underway, per
1903 standard processes, and that no privilege has been -- nor
1904 would it be -- implemented at this time.

1905 *Mr. Soto. So there is no privilege that you are aware

1906 of in that one?

1907 What about the DoI reorganization plan? No documents
1908 have been provided yet. What specific executive privilege is
1909 being raised there?

1910 *Mr. Jorjani. What are being raised is adhering to the
1911 ongoing process, and making sure that we respect legitimate
1912 legislative oversight, while at the same time -- I want to be
1913 careful how I am phrasing this -- executive branch
1914 confidentiality interests. Not the invocation of executive
1915 privilege, which is beyond my authority.

1916 *Mr. Soto. What are the nature of the confidentiality
1917 interests?

1918 *Mr. Jorjani. Oh, that would vary from matter to
1919 matter. We are happy to arrange, via --

1920 *Mr. Soto. In this specific one, obviously, not
1921 generally.

1922 *Mr. Jorjani. I will have to get back to you with a
1923 specific answer on that. I want to make sure I am being
1924 responsive --

1925 *Mr. Soto. I understand. And the BSEE offshore leasing
1926 -- lease decommissioning, what was the specific executive
1927 privilege, the nature of it, there? Not responding --

1928 *Mr. Jorjani. I am sorry, what was the date for the
1929 BSEE request?

1930 *Mr. Soto. It was July 30th, 2019.

1931 *Mr. Jorjani. My documents only go up to June 11th,
1932 2019. But I am happy to track down that specific request.

1933 I can say with near certainty executive privilege is not
1934 being asserted by the Department. That is a privilege that
1935 resides with the White House, and specifically the President.

1936 *Mr. Soto. And what about the biological opinion on
1937 three major pesticides? Is there executive privilege being
1938 made there? And what would be the nature of it, if so?

1939 *Mr. Jorjani. Out of an abundance of caution, what was
1940 the date of that request?

1941 *Mr. Soto. It was March 26th, 2019.

1942 *Mr. Jorjani. My documents show that it is in process,
1943 and that, obviously, we need to make sure we are being
1944 responsive to you. But again, no invocation of executive
1945 privilege or any other privileges, merely adherence to making
1946 sure we are responsive to legislative oversight, while
1947 protecting important executive branch confidentiality
1948 interests.

1949 *Mr. Soto. Are you willing to commit to a privilege log
1950 for these and the remainder of the non-responsive requests,
1951 so that we can understand the nature of the privileges being
1952 asserted under executive privilege, such as security,
1953 communications, deliberative privilege, or others?

1954 *Mr. Jorjani. Whether deliberative process privilege,
1955 attorney-client privilege, attorney-work product, executive

1956 privilege, I am not aware at this time, and I want to be
1957 careful -- I am not aware, in my two days as the Solicitor,
1958 that executive privilege has been asserted, merely a rigorous
1959 adherence to the protection of executive branch
1960 confidentiality interest, while respecting legitimate
1961 oversight of the legislative branch.

1962 But if there is a privilege log, I commit to working
1963 with the Office of Congressional Legislative Affairs --

1964 *Mr. Soto. I am asking that you generate one for us, so
1965 that we understand the nature of why certain documents are
1966 given or not.

1967 *Mr. Jorjani. I commit to getting back to you ASAP
1968 regarding if we have those privilege logs. Because, as -- I
1969 am not aware that executive branch privilege has been invoked
1970 or asserted at any point for these. But again, I want to be
1971 careful. It is executive branch privilege that we are not
1972 invoking.

1973 *Mr. Soto. Thank you.

1974 *The Chair. Thank you very much.

1975 Mr. Tonko?

1976 *Mr. Tonko. Thank you, Mr. Chair. Thank you, Mr.
1977 Jorjani, for appearing before the Committee today.

1978 In July I shared with this Committee some of my concerns
1979 regarding the Trump Administration's decision to renew two
1980 mining leases right next to the Boundary Waters Canoe Area

1981 Wilderness in Minnesota, ignoring good science to prioritize
1982 the interests of industry over all Americans.

1983 On March 1st the Committee sent its first request
1984 regarding this issue well over a half-a-year ago. In this
1985 case we actually received some documents in response to our
1986 request. The files we received contained some 10,945 pages
1987 of documents, most of them entirely irrelevant. In fact,
1988 3,131 pages -- nearly one-third -- were duplicates.

1989 The other two-thirds that were actually original were
1990 comprised of documents with almost entirely redacted pages,
1991 others that are publicly available, several pages of computer
1992 code, irrelevant papers on the long-term storage of nuclear
1993 waste and, perhaps most peculiarly, the 934-page House
1994 Appropriations Committee report that -- and I shouldn't need
1995 to point this out -- is a February report from this House of
1996 Representatives.

1997 So in our request we asked for documents since the
1998 beginning of the Trump Administration, which began, as we
1999 know, on January 20th of 2017. You described sending us a
2000 50-page legal complaint from July of 2016 as being
2001 responsive. And can you explain why we were also sent five
2002 additional copies of that Obama-era document along with the
2003 original?

2004 [Slide]

2005 *Mr. Tonko. And I believe on this slide, slide one, we

2006 have a copy of six -- six copies of the document.

2007 Does that in any way look responsive? And what about
2008 our second slide here?

2009 [Slide]

2010 *Mr. Tonko. What about this? Do you consider this
2011 responsive?

2012 [Slide]

2013 *Mr. Tonko. And a third slide. This one, I think, is
2014 most telling. This one gave us a lot of information, a
2015 fully-redacted page.

2016 So just so we know what we are not looking at here, can
2017 you tell me which briefing memo this is or isn't?

2018 *Mr. Jorjani. Regarding that specific document, I am
2019 not sure. I want to make sure, though, we adhere to our
2020 process. And if there are -- you mentioned documents that
2021 were released via FOIA that were un-redacted that were
2022 redacted when they came to you, fulfilling your legitimate
2023 oversight response. If that was the case, that is
2024 unacceptable.

2025 And regarding this incredibly important issue, I am
2026 happy to provide staff briefings to you or to your staff, and
2027 to --

2028 *Mr. Tonko. And --

2029 *Mr. Jorjani. -- get you the information you need.

2030 *Mr. Tonko. And when would you do those?

2031 *Mr. Jorjani. Working via the Office of Congressional
2032 and Legislative Affairs, the Office of the Solicitor can work
2033 at your convenience, sir.

2034 *Mr. Tonko. Well, I just find it is grossly
2035 unprofessional, and -- it is just so short in responding to
2036 what are concerns about a very natural bit of treasure.

2037 These and other documents were labeled with a FOIA
2038 exemption, saying they are pre-decisional. As you
2039 undoubtedly know, however, Congress is not subject to the
2040 exemptions under FOIA.

2041 So, Mr. Jorjani, I do not agree with your ability to
2042 withhold these documents based on deliberative process. It
2043 is within the purview of this Committee to ask for these
2044 documents because it serves legitimate legislative purpose.
2045 And we would, again, want this information exchanged so that
2046 we can defend what we believe is a rightful concern for some
2047 very treasured natural resources.

2048 I expect you to provide us with the actual documents.
2049 And would that be done through this Office of Congressional
2050 Affairs?

2051 *Mr. Jorjani. I do want to be careful. You have
2052 mentioned deliberative process privilege, and I want to be
2053 careful to ensure that I am making clear I am not invoking
2054 deliberative process privilege.

2055 Regarding this specific matter, I commit to going back

2056 and working with the Office of the Solicitor, Office of
2057 Congressional and Legislative Affairs, and the Office of the
2058 Executive Secretary to get you a more responsive set of
2059 materials.

2060 *Mr. Tonko. Well, this certainly isn't a courtroom.
2061 And I have told you this Committee has a legitimate
2062 legislative purpose in seeking these documents. It is not up
2063 to the executive branch to define that purpose.

2064 And if you would, please, just provide the documents.
2065 And if it takes the Office of Congressional Affairs, I would
2066 hope there would be some more organized effort, orderly
2067 effort by which the information can be exchanged.

2068 Our staff notified Interior ahead of time that this
2069 request would be a topic of conversation today. We asked for
2070 a witness with knowledge of the status of the requests and
2071 the authority to commit to providing the documents. There is
2072 no excuse for us not, as a Committee, to be able to realize a
2073 definite commitment with a timetable.

2074 And so, if you could get back to the Committee ASAP, and
2075 let us know exactly when the Office of Congressional Affairs
2076 can provide this information, it would be most appreciated.

2077 *Mr. Jorjani. I commit to getting back to you, as you
2078 stated, ASAP, and I look forward to following up with you.
2079 Thank you, sir.

2080 *The Chair. Thank you.

2081 Mr. Lowenthal?

2082 *Dr. Lowenthal. Thank you again, Mr. Chair.

2083 And Mr. Jorjani, again, thank you for coming and
2084 testifying. I would like to focus on one of the letters
2085 which we did receive a response -- well, let me rephrase
2086 that. We received files. I am not sure I would consider
2087 that a response, but we did get files.

2088 For example, in February we sent a letter to Secretary
2089 Bernhardt about the DoI's abrupt decision to cancel the
2090 National Academy of Science Engineering and Medicine study on
2091 the potential human health effects of surface coal mining
2092 operations in Central Appalachia. And our understanding,
2093 that study was halfway through, but it was abruptly canceled.

2094 So in May we asked for -- in February we sent the
2095 letter. In May we got a response of 47 pages on why this
2096 abrupt decision to cancel this study. Many of them had major
2097 redactions. I want to show you this on slide number one,
2098 major redactions on that.

2099 [Slide]

2100 *Dr. Lowenthal. So on June 4th, which was almost 4
2101 months ago, we asked for the un-redacted pages from this. We
2102 haven't received a response yet for that letter. As I
2103 pointed -- just said, it has been almost four months.

2104 I want to know. You now have -- you see these. Can you
2105 respond by next week with the un-redacted documents, or

2106 provide a specific explanation why it was redacted? We are
2107 talking about a study that was halfway completed, got
2108 canceled abruptly. We asked for just a response, and we got
2109 redactation.

2110 *Mr. Jorjani. Thank you for the question, sir. I
2111 commit to following up with you. The records before me show
2112 that it is a rolling production, because we are trying to
2113 have a sense of urgency in responding to your legitimate
2114 oversight request. But so far we have produced 349
2115 documents, totaling over 3,000 pages --

2116 *Dr. Lowenthal. Well, let's just talk about that.
2117 Those 349 documents you say you have responded -- and we
2118 received that disk on Friday of these -- what you are saying
2119 are the 349 different documents -- we had 348, you say 349,
2120 we will accept your number -- on the mountain-top removal
2121 study. And that consisted of 3,004 pages of this that you
2122 responded to us.

2123 We went through -- my staff went through all of those,
2124 and roughly 2,700 pages were completely unrelated to what we
2125 asked. We got -- asked for this, we got 30 -- a little over
2126 3,000 -- 2,700, which is about 90 percent -- were unrelated.
2127 We got plenty of emails about the environmental achievement
2128 awards, technical training programs, a bunch of Office of
2129 Surface Mining handbooks, and dozens of irrelevant weekly
2130 progress reports.

2131 [Slide]

2132 *Dr. Lowenthal. A lot of the pages that we got looked
2133 like this -- look at slide two. That doesn't make any sense.
2134 Can you tell us what this says? This was in those pages that
2135 you said you sent.

2136 [Slide]

2137 *Dr. Lowenthal. Or how about these? Those were very
2138 informative. We had a great discussion about what this
2139 meant. This was the entire file. There were no pages before
2140 or after it. This is what we received.

2141 Can you tell me what this document is that you mentioned
2142 that you then sent to us?

2143 *Mr. Jorjani. Is that the entire production of the
2144 document --

2145 *Dr. Lowenthal. Of that page, of that document, of
2146 the --

2147 *Mr. Jorjani. Of that page --

2148 *Dr. Lowenthal. -- of one of the 348. There was
2149 nothing before it and nothing after it. We -- that is it,
2150 one of the 348.

2151 *Mr. Jorjani. If that is the entire production --

2152 *Dr. Lowenthal. That is it.

2153 *Mr. Jorjani. -- I would find that unacceptable, and
2154 I --

2155 *Dr. Lowenthal. Thank you. So did we.

2156 *Mr. Jorjani. -- legislative oversight response. And I
2157 commit to sitting down with the Office of Congressional and
2158 Legislative Affairs, the Executive Secretary, and the Office
2159 of the Solicitor to see what executive branch confidentiality
2160 interest --

2161 *Dr. Lowenthal. Well, we --

2162 *Mr. Jorjani. -- they thought they were protecting.

2163 *Dr. Lowenthal. We appreciate that, because, obviously,
2164 we don't know what this is. We don't know what we are
2165 getting when this is what we are getting.

2166 You know, you are telling us you want to be responsive,
2167 but that is meaningless when we get things like this, when
2168 you give us pages that may be responsive or not -- this may
2169 have been the most important thing or not, but we don't have
2170 a clue what this is all about.

2171 So we would like to see the un-redacted pages, or an
2172 explanation of why they are being redacted, not one of the
2173 documents, one of the 348 -- this is it. It doesn't help us
2174 at all. It doesn't develop that way of -- that oversight
2175 that can be developed on trust.

2176 And so I just want to say we would like to have it by
2177 next week. We are asking just what this means, what the --
2178 what is going on.

2179 And I am not asking for a lot, you know? You just tell
2180 us why you can't tell -- even by next week, why you can't

2181 give us responses like this. This is -- you know, what you
2182 said, you sent us on -- the 348, this is an example of one of
2183 those stand-alone documents.

2184 We need some explanation, and I hope that we can have
2185 that.

2186 *Mr. Jorjani. Getting that kind of response within that
2187 timeline, at least explaining what executive branch
2188 confidentiality interest -- what the reason was for that type
2189 of redaction, it is the least we can do to be respectful to
2190 you and to the --

2191 *Dr. Lowenthal. Thank you, thank you. I appreciate
2192 that. This is very well written.

2193 With that I yield back.

2194 *The Chair. Thank you, Mr. Lowenthal.

2195 And thank you, sir. I want to thank you for your
2196 testimony. The hearing has helped us understand the nature
2197 and extent of what is going on from the Department of the
2198 Interior that is, quite frankly, hindering our legislative
2199 function on this Committee. I say that because, with both
2200 Secretaries, my office and oversight staff indicated that
2201 what -- that the relationship didn't need to be cozy, but it
2202 did need to be professional and up-front.

2203 And we have been professional. We have been, in the
2204 estimates of some, patient to a fault. But, as we go through
2205 the current drama and trauma about the equal status of

2206 Congress to the executive branch, I think we are to the point
2207 now that, moving forward, we -- as Mr. Lowenthal -- and we
2208 would like weekly updates on the production and the process
2209 of document requests. And that would not just be to me, but
2210 to all members on this Committee, to the Ranking Member, as
2211 well.

2212 They are in your process -- what are the target dates?
2213 The name of the person in charge of making sure individual
2214 document requests are fulfilled, when it is being sent to
2215 your office, when it is being sent to Legislative Affairs,
2216 the search terms, and the scope, and the date of those
2217 searches.

2218 I feel that we are to the point that -- at least the
2219 majority is fully to the point that, if we continue to go
2220 through the process that we went through today, which is
2221 really an airing of our grievances to you, and those continue
2222 to be brick walls, we will be left with one choice, and that
2223 would -- but to compel the release of those documents.

2224 So I look forward to your cooperation. I appreciate
2225 your attendance, and the meeting is adjourned. Thank you.

2226 *Mr. Jorjani. And can I just say thank you, Chairman?
2227 Thank you for the hearing.

2228 *The Chair. Oh, sorry.

2229 *Mr. Jorjani. I look forward to -- I actually have a
2230 list of our status I am happy to share with the majority

2231 staff or minority staff, at their discretion. Thank you.

2232 *The Chair. Thank you.

2233 [Whereupon, at 3:47 p.m., the Committee was adjourned.]